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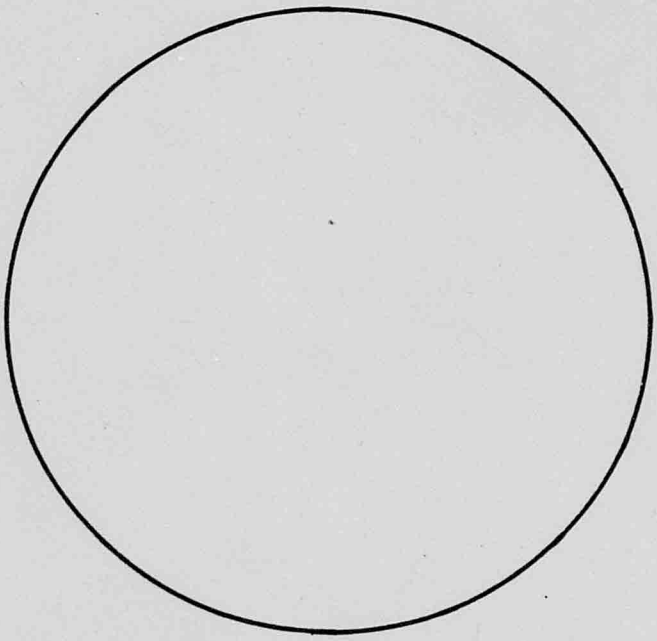

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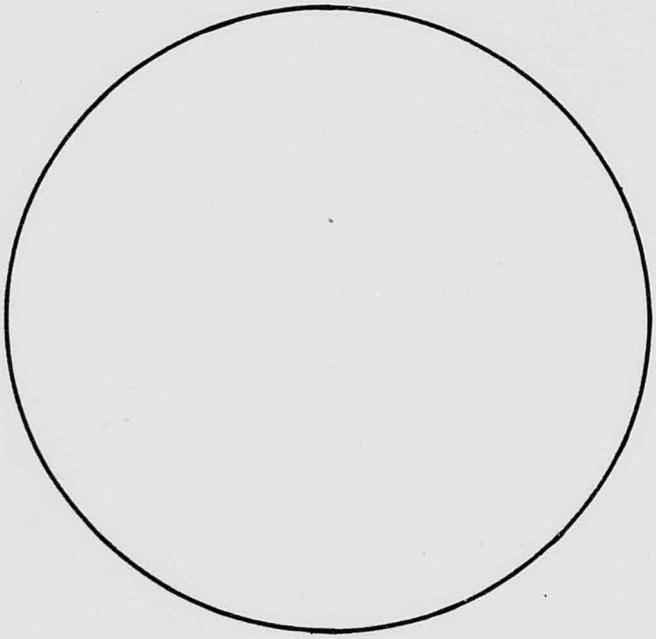

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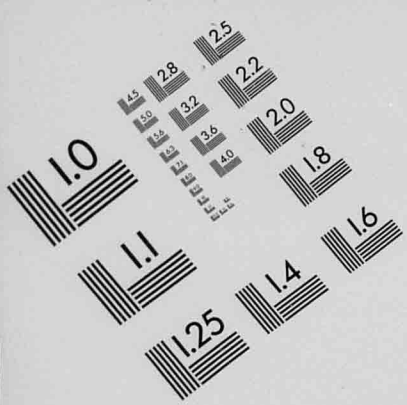

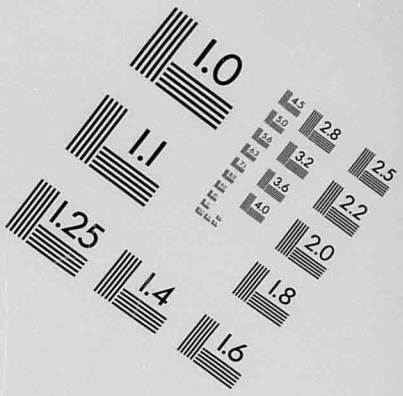

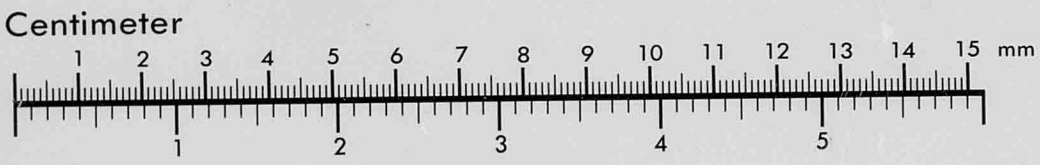

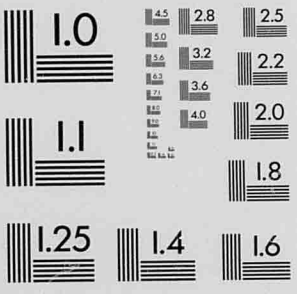

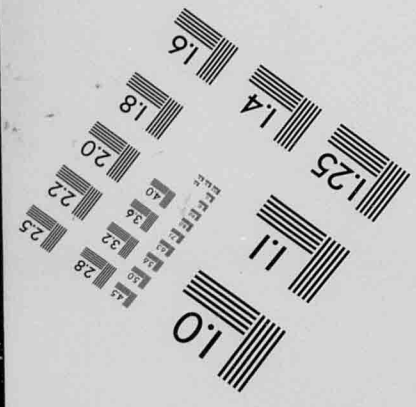

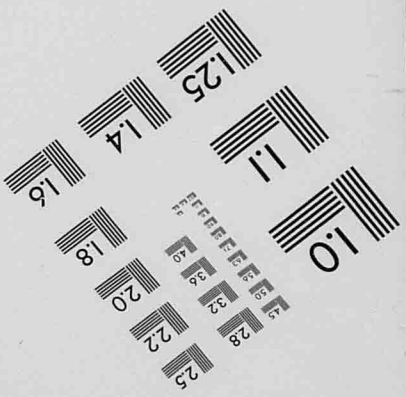

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STATE OF HAWAII

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AND

GENERAL SERVICES

RECORDS OF THE LEGISLATURE

OF THE TERRITORY OF HAWAII

SERIES 228

RECORDS OF THE CLERKS

1901 - 1959

REDUCTION: 24 - 1

MICROFILMED CHRONOLOGICALLY BY SESSION

SERIES 228

RECORDS OF THE CLERKS

LEGISLATURE OF THE TERRITORY OF HAWAII

RECORDS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII

SERIES 228 - RECORDS OF THE CLERKS, 1901-1959

710 linear feet before microfilming. Oversize and bound material separated.

Arranged chronologically (by session), thereunder by chamber (Senate, followed by the House of Representatives) thereunder by type of record, in the following order: journals, bills, joint resolutions, concurrent resolutions, resolutions, holdover committee reports, joint committee reports, conference committee reports, special committee reports, committee of the whole reports, standing committee reports, petitions, Governor's messages, executive communications, communications from the other chamber, departmental communications, miscellaneous communications, orders, questions, answers, notices, miscellaneous, and bills, joint resolutions and concurrent resolutions received from the other chamber but not acted upon, and thereunder in numerical order if applicable.

This series contains the various records administered by the clerks of the Senate and House of Representatives in the course of supporting the daily deliberative and law-making activities of the Territorial legislature. As such, it documents the routine proceeding of the legislature. For the most part, this series contains primary material from which the official journals (the legal record of the proceedings of the legislature) were compiled. Predictably, most of the records in this series follow a standard form. Exceptions are materials received from the private sector, among which materials in Hawaiian are common in the first few years; the quantity diminishes rapidly thereafter. Much of the material in this series is included in its entirety in the official journals; however, one of the strengths of this series is the original signatures on individual reports, etc., which are lacking in the journals. Another strength of this series is the bills, which are not repeated verbatim in the journals. In addition, the series documents issues of concern to the government, the legislature and, via petitions from citizens, to the community in general. Issues include Hawaiian statehood from a very early date, as well as specific public works projects, public instruction concerns, business regulation, post-war planning and not a few investigations of alleged malfeasance and incompetence. There are no restrictions on access.

This series amplifies Series 227, Official Journals, and complements Series 229, Records of Standing and Special Committees; Series 230, Records of Holdover Committees; and Series 233, Financial Records; of the Legislature of the Territory of Hawaii. Intellectually, it is part of a sub-group of Hawaiian legislative records which also includes Series 222, General Records of the Legislature of the Hawaiian Kingdom and Series 226, General Records of the Legislature of the Republic of Hawaii.

JOHN WAIHEE
GOVERNOR

ROBERT P. TAKUSHI
COMPTROLLER

LLOYD I. UNEBASAMI
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES

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Dick L. Ching
Vice President

525 Kokea Street, Building B-1 Honolulu, Hi. 96817

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SERIES 228 ARRANGEMENT

1. CHRONOLOGICALLY BY SESSION

2. THEREUNDER SENATE RECORDS ARE FIRST, FOLLOWED BY HOUSE

3. THEREUNDER BY TYPE OF RECORD AS FOLLOWS
   - JOURNALS
   - BILLS
   - JOINT RESOLUTIONS
   - CONCURRENT RESOLUTIONS
   - RESOLUTIONS
   - CONFERENCE COMMITTEE REPORTS
   - JOINT COMMITTEE REPORTS
   - SELECT COMMITTEE REPORTS
   - SPECIAL COMMITTEE REPORTS
   - COMMITTEE OF THE WHOLE REPORTS
   - STANDING COMMITTEE REPORTS
   - REPORTS
   - PETITIONS
   - GOVERNOR'S MESSAGES
   - SENATE COMMUNICATIONS
   - DEPARTMENTAL COMMUNICATIONS
   - MISCELLANEOUS COMMUNICATIONS
   - COMMUNICATICNS
   - QUESTIONS
   - ANSWERS
   - NOTICES
   - MISCELLANEOUS
   - MATERIALS FROM THE OTHER CHAMBER IN THE SAME ORDER AS ABOVE

4. THEREUNDER IN NUMERICAL ORDER IF APPLICABLE

5. OTHERWISE IN CHRONOLOGICAL ORDER

1901

REGULAR SESSION

1901

REGULAR SESSION

SENATE

1901

REGULAR SESSION

SENATE

JOURNALS

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= First = Day

Wednesday Feb. 20th 1901 =

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= First = Day

Wednesday Feb. 20th 1901 =

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= First = Day

Wednesday Feb. 20th 1901 =

First Legislative Assembly
of the
Territory of Hawaii

Senate Journal

First Day

Wednesday February 20th 1901

SENATE CHAMBER, EXECUTIVE BUILDING,

Honolulu, February 20, 1901.

First Day

Members present of the Senate, of the first Legislature of the Territory of Hawaii, were:

From the Island of Hawaii -- Senators John T. Brown, J. B. Kaohi and Nicholas Russell;

From the Islands of Maui, etc. -- Senators S. E. Kaiue and William White;

From the Island of Oahu -- Senators Cecil Brown, W. C. Achi, George R. Carter, Clarence R. Crabbe, David Kalauokalani and David Kanuha;

From the Islands of Kauai, etc. -- Senators L. Nakapaahu and I. H. Kahilina.

---oOo---

At about 10 o'clock A. M., Senator Wm. White arose and stated that it was time for the Senate to convene in accordance with the official call of the Governor of the Territory. He at the same time nominated Senator Nicholas Russell for temporary Chairman, which motion was seconded, and when put to vote by the mover, the same was carried.

Senator Nicholas Russell then took the Chair and called the Senate to order.

Senator W. C. Achi nominated F. J. Testa for temporary Secretary, ~~and~~ seconded by Senator Cecil Brown.

Senator W. C. Achi further moved that nominations close, which was again seconded by Senator Cecil Brown. Nominations were declared closed by the Chairman.

The original motion was then put and ~~was~~ unanimously carried. Mr. F. J. Testa was declared duly elected as temporary Secretary.

Senator Wm. White moved that a Committee of Three on Credentials be appointed, which was seconded and carried.

The Chairman selected the following as members of the Committee on Credentials: Senator Wm. White, Chairman, with Senators J. T. Brown and David Kanuha.

Senator W. C. Achi moved that the Senate take a recess of

fifteen (15) minutes, in order to give the Committee time to examine the credentials of members. Seconded by Senator Cecil Brown. Carried.

After recess, the Committee on Credentials reported that they had examined the credentials of each member elected to the Senate and present, according to the election returns of Senators for the Territory of Hawaii.

Senator Cecil Brown moved to adopt the report of the Committee on Credentials, which was seconded by Senator W. C. Achi and adopted.

Senator Cecil Brown moved to adjourn till 10 o'clock A.M. to-morrow, to await the expected arrival of certain absent members; seconded by Senator David Kanuha, and carried.

The meeting then adjourned as above.

F. J. Testa

Temporary Secretary.

Approved by the Senate

H. N. Russel

Temporary Chairman.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Second = Day

Thursday Feby 21st 1901

Senate Chamber, Executive Building,
Honolulu, Feby. 21, 1904.

— Second Day. —

The meeting was called to order by the temporary Chairman at 10:05 o'clock A.M.

The roll call was ordered called and the following members answered: Senators J. T. Brown, J. D. Kaohi, Nicholas Russell, J. E. Kaiue, Wm. White, Cecil Brown, W. C. Achi, Geo. R. Carter, Clarence L. Crabbe, D. Kalauokalani, D. Kamuha, J. H. Kahilina and L. Nakapaahu.

The minutes of the previous day were ordered read, which was so done, and there being no correction, were ordered approved.

Senator White moved that a temporary Interpreter be appointed by the Chairman; seconded by Senator Crabbe, and carried.

The Chairman then appointed Mr. J. E.

Bush to act as such temporary Interpreter. Mr. Bush not being on hand, Senator Kanuha moved that Mr. Testa act as such temporary Interpreter, and was seconded by Senator Achi. (Mr. Bush then arrived.)

The Chairman stated that the report of the Committee on Credentials was in order. Senator Cecil Brown then stated that the absent members had arrived this morning and were on the way.

Senator Carter asked for information regarding the Committee of Credntials, if he understood it rightly that they were still on, and not yet discharged. The Chairman stated that they were still on, and had not yet been discharged.

Senator Carter then moved that the same Committee continue to act; seconded by Senator Cecil Brown, and carried.

Senator Cecil Brown moved to take a recess of ten (10) minutes to give the Committee on Credentials time to examine the credntials of Senators H. P. Baldwin and J. D. Paris, who had just then arrived; seconded by Senator Achi, and carried.

After recess time was up, Senator White

moved that the Committee on Credentials be allowed to make a verbal report; seconded by Senator Cecil Brown, and carried.

Senator White, Chairman of the Committee on Credentials, orally reported that they had examined the credentials of Senators Baldwin and Paris and found them correct and in due form.

Senator Cecil Brown moved to adopt the report of the Committee on Credentials, seconded by Senator Carter, and carried.

The Chairman ordered the Secretary to read certain correspondence that had been received, viz.: (1) From Jno. H. Soper, Lieutenant-Colonel and Adjutant-General, inviting the members of the Senate to a review and parade of the National Guard of Hawaii on Friday, the 22d instant, at 3 o'clock P. M.; and (2) from P. Maurice McMahon, applying to be appointed Stenographer of the Senate.

Senator Achi stated that the reading of these letters were out of order until the Senate had been organized. He then moved that the Senate proceed to the election of the permanent officers; seconded by Senator Cecil Brown.

Senator Kauhi moved that before electing

the permanent officers, a committee be appointed to wait on the Chief Justice to come and swear in the members; seconded by Senator Cecil Brown.

Senator Achi withdrew his prior motion.

Senator Kalanokalani moved to lay the letters previously read on the table to be taken up in due course; did not receive a second, and finally withdrew.

Senator Baldwin moved to amend the motion of Senator Kamuka that the Chairman appoint three members of the committee to wait upon the Chief Justice or any Justice of the Supreme Court. The amendment was accepted by the mover. The motion as amended was then put and carried. Senators Kamuka, Carter and Cecil Brown were appointed by the Chairman as the committee to wait upon the Supreme Court.

Senator Kahilina moved to take a recess of ten (10) minutes; seconded by Senator Achi, and carried.

Chief Justice W. F. Frear arrived and swore in the members present, fifteen in all.

The Chairman announced that the election of permanent officers was now in order.

Senator Cecil Brown moved, that in the absence of any rule, the first election be that of President

and by ballot; seconded by Senator Achi, and carried.

Senator Cecil Brown nominated Senator Kaine, seconded by Senator Achi. Senator Kaine nominated Senator Nicholas Russell, seconded by Senator J. T. Brown.

Senator Achi moved to close nominations; seconded by Senator Kamuda, and carried.

Senator Carter moved that the Chairman appoint two tellers; seconded by Senator Achi, and carried. The Chairman appointed Senators Carter and Jno. T. Brown to act as tellers.

Fourteen ballots were cast, Senator Russell receiving eight votes and Senator Kaine six. Senator Russell was declared duly elected as President.

Senator Carter moved to make the vote unanimous; seconded by Senator Crabbe, and carried.

Senator Cecil Brown moved to proceed to the election of a Vice-President, and nominated Senator Kaine.

Senator Carter moved that nominations close, suspend the rules, and the Secretary be instructed to cast the vote for the sole nominee; seconded by Senator Crabbe, and lost.

Senator Kaine nominated Senator Kanuka, who withdrawn, the latter nominating Senator Cecil Brown, who declined.

Senator Carter renewed his former motion, being seconded as at the former time, and carried.

The Secretary was then instructed by the Chairman to cast the vote for Senator Kaine as Vice-President of the Senate, which was so done.

Senator Baldwin moved to proceed to the election of a Secretary; seconded by Senator Crabbe, and carried.

Senator Kanuka nominated Edgar Cayplefs, and Senator Achi nominated Enock Johnson.

Senator Cecil Brown moved to close nominations; seconded by Senator Carter, and carried.

Senator Cecil Brown moved that the same tellers be appointed, which was so done by the Chairman.

Fourteen ballots were cast, Mr. Cayplefs receiving seven votes, Enock Johnson six, and one not counted, being a ballot for some one not nominated and for a different position.

Senator Cecil Brown moved that a

re-ballot be taken; seconded by Senator Baldwin, and carried.

Fourteen ballots were again cast, Messrs. Cappleman and Johnson receiving seven votes each, the President casting the deciding vote for Mr. Cappleman. The permanent Secretary elect being present, he took the desk and was sworn in by the President, the temporary Secretary retiring.

(Second day)

Senator White moved that the Senate proceed to the election of Assistant Secretary, and nominated W.H. Coney for that position.

Senator Baldwin moved that the nominations be closed and that the Secretary be instructed to cast a ballot. After discussion by Senators Baldwin, Carter, (C) Brown, and Achi, a motion for the previous question, made by Senator ~~Gardner~~ Carter, was carried.

Senator (C) Brown moved to lay the nomination for Assistant Secretary on the table; which motion was lost.

On motion of Senator (C) Brown, the Senate took a recess until I.30 p.m.

- - - - - - - - - - -

Afternoon session

The Senate met, pursuant to adjournment, at I.30.

The President declared the motion of Senator White,--that the Senate proceed to the election of Assistant Secretary,---to be before the Senate.

Senator Achi moved that the motion be laid on the table until after the adoption of the rules by the Senate. The motion was seconded by Senators (C) Brown and Carter, and, upon vote, declared lost.

Senator White moved that nominations be closed. Senator (C) Brown stated that he did not approve of the election of an Assistant Secretary, but that in order to expedite a determination of the matter, he moved that the Secretary be instructed to cast a ballot for the person nominated.

Senator Carter moved, as a substitute, that the vote be taked by the raising of hands. The motion was carried. Upon motion of Senator Carter, the Senate proceeded to the election of Sergeant-at-Arms.

and W.H. Coney, upon vote duly taken, was declared elected.

Senator White nominated David Kahaulelilo, and Senator

Achi nominated Asa Kaulia, when, upon motion of Senator Carter, nominations were declared closed. Senators Carter and (J)Brown were appointed tellers, and a vote, by ballot, taken. Six ballots being cast for Asa Kaulia, and eight ballots for David Kahaulelilo, the latter was declared elected.

The Senate, upon motion of Senator (C)Brown, proceeded to the election of Messenger. Senator Carter nominated S.K.Moloi; Senator Nakapaahu nominated S.H.Meekapu, and Senator (J)Brown nominated George Maxwell. The President requested that Senators Carter and (J)Brown act as tellers; a ballot was taken, and the result declared; For S.K.Moloi, 6; for S.H.Meekapu 6; for George Maxwell, 2.

Upon motion of Senator Carter, a second ballot was taken upon the two names having received an equal number of votes, and the following result announced: For S.K.Moloi 6, for S.H.Meekapu 8; S.H.Meekapu was declared elected.

Upon motion of Senator Carter, the Senate proceeded to the election of a Chaplin. Senator Kalauokalani nominated Rev.J.Kekipi. Upon motion of Senator Carter nominations were declared closed and J.Kekipi elected by acclamation.

Senator White moved that the Senate proceed to the election of an Interpreter.

Senators (C)Brown, Carter, Baldwin, Paris and Achi opposed the adoption of the motion, and Senators White and Kanuha advocated and seconded it.

The President announced a message from the lower house, which was read by the Secretary, as follows;

House of Representatives

Honolulu February 21, 1901

To the Honorable President
and members of the Senate;

The following resolution for a

joint committee to wait upon the Governor

"Be it resolved by the House of Representatives of the Territory of Hawaii, the Senate concurring;

That a joint committee be appointed to wait upon the Governor of this Territory and notify him that the Legislature is ready for business and awaits his message."

In accordance with the above, the following Representatives were appointed as such committee: F.W.Beckley, J Kunialae, and J.K.Prendergast.

Respectfully submitted,

S.Heheula,
Clerk House of Reps.

Senator Achi moved that the communication be laid on the table until this body shall receive official notice from the House of Representatives, of its organization. The motion was carried.

Senator White renewed his motion to proceed to the election of an Interpreter, which, upon being submitted to the Senate, was carried.

Senator Kaiue nominated F.J.Testa, and Senator White nominated J.E.Bush, when, upon motion of Senator Carter, nominations were closed. Senators Carter and (J)Brown, at request of the President acted as tellers, and a ballot was taken with the following result: For F.J.Testa 7, and for J.E.Bush, 7. The President declared a tie vote, and, upon the motion of Senator Baldwin a second ballot was taken, which resulted in Seven votes for F.J.Testa, and eight votes for J.E.Bush. Mr Bush was declared elected.

Upon motion of Senator (J)Brown the senate proceeded to the election of a Janitor. Kahiolani was placed in nomination by Senator White, and Kauimakaole by Senator (J)Brown. Senators Carter and (J) Brown acted as tellers,

and the following result was announced; For Kahiolani 9; and for Kauimakaole 6. Kahiolani was declared elected. Upon motion of Senator White the Senate proceeded to the election of a stenographer, and nominated P.M.Mc Mahon.

Upon motion of Senator Carter vote was had by acclamation, and P.M.Mc Mahon declared elected.

Senator (C)Brown offered the following resolution which was read:

(Resolution No 1)

Senator Achi offered the following, which was read, as an amendment to the resolution of Senator Brown:

Senator Brown accepted the amendment, and the resolution was adopted as amended.

Senator (C)Brown offered (2) which

the following resolution was read and adopted.

Upon motion of Senator (C)Brown, that a committee of three Senators be appointed to prepare rules, the President appointed the following: Senators (C)Brown, White, and Kaiue.

Senator White offered the following resolution, (3) which was read, and, upon motion of Senator Achi, laid on the table.

The President announced a communication from the Chief Justice of the Supreme Court of the Territory, which was read by the Clerk, as follows:

Upon motion of Senator Carter the communication was received and placed on file. (Accompanying the communication were printed copies of the Report of the Chief Justice of the Supreme Court, for the years 1898, 1899, and 1900, which were delivered to the Senators, respectively.)

A communication from Jno. H. Soper, Lieut Col and Adjutant General, as follows, was read by the Clerk:

A motion, by Senator (C)Brown that the invitation be accepted by the Senate, and that the Secretary be instructed to acknowledge the receipt thereof, and its acceptance with thanks of the Senate by the Senate, was adopted.

Upon motion of (C)Brown, the following elected officers of the Senate were sworn in by the President:

Assistant Clerk	W.H.Coney
Sergeant at Arms	David Kahaulelilo
Chaplin,	J.Kekipi
Interpreter,	J.E.Bush
Stenographer,	P.M.Mc Mahon,
Messenger	S.H.Meekapu
Janitor,	Kahiolani

Senator (C)Brown moved that, because of the 22nd day of February being a national holiday, the Senate adjourn until saturday morning at IO o'clock. Which motion was carried, and the Senate declared adjourned until that hour.

Edgar Cayples
Clerk of the Senate

Approved by the Senate;

Nicholas Rabel
President ~~of the Senate~~

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Third = Day

= Saturday Feby 23rd 1901 =

First Legislative Assembly

Territory of Hawaii.

JOURNAL OF THE SENATE.

In the Senate.

THIRD DAY.

Saturday February 23rd 1901

The Senate met, at 10 a.m., pursuant to adjournment. All the Senators were present. Prayer was offered by the Chaplin. The Senate journal of the previous day was read.

Senator (C) Brown suggested that the journal did not show that W.H. Coney had been declared elected Assistant Secretary; and the correction was made by adding the words "and W.H. Coney, upon vote duly taken, was declared elected".

Senator Carter suggested that the journal was erroneous in that it recited that the motion to lay the resolution offered by Senator White (with reference to directing the Secretary of the Territory to provide suitable chamber for the Senate) on the table was made by Senator Achi, when as a matter of fact it had been made by Senator (C) Brown. Senators (C) Brown and Achi sustained the journal, and Senator Carter withdrew his suggestion.

Senator Carter suggested that the portion of the minutes of the session of the second day did not show an adjournment of ten minutes for the examination of the credentials of Senators Baldwin and Paris. That portion of the journal was reread, found correct, and the suggestion of error withdrawn by Senator Carter.

Senator Baldwin suggested that the journal be read in the Hawaiian language. Senator Carter requested that the prayer, by the Chaplin, be also translated.

The President declared the motion of Senator Carter to be out of order, the matter of the approval of the jour-

nal being before the house, and directed that it be read in Hawaiian; which was done accordingly.

Senator Kaiue moved to expunge from the journal the proceedings of the temporary organization, which motion, the President declared, could not be entertained.

Senator Kaiue suggested that hereafter, in considering the journal, the communications, resolutions, and similar matters should be omitted from the reading.

The President stated that, unless objection were made, such course would be pursued.

The President announced a communication from the lower house, which was read by the Clerk, as follows;

On motion of Senator (C) Brown the communication from the House of Representatives, of February 21st, relating to a committee to wait upon the Governor, be taken from the table; the motion was seconded by Senator Crabbe and carried.

A motion by Senator Carter, seconded by Senator ~~(W)~~ White, that a committee of three be appointed to confer, and act in conjunction, with the committee ~~the committee~~ of the lower house, was adopted, and Senators (C) Brown, Carter, and (J) Brown were appointed such committee.

Upon motion of Senator (C) Brown the Clerk was directed to notify the House of Representatives of the appointment of the Senate committee.

At 11.15 a.m., the Senate took a recess until one o'clock.

- - - - - - -

Afternoon session.

The Senate was called to order at 1 p.m. All the Senators present, except Senator Achi.

Senator (C) Brown reported, verbally, on behalf of the committee appointed by the Senate to wait upon the Governor, in conjunction with the committee of the House of Representatives, that the joint committee had waited upon the Governor and ~~been~~ were advised by him that he would transmit his message soon after one o'clock. Senator Brown moved that his verbal report be accepted. The motion was seconded by Senator White, and carried.

Senator White moved that the Declaration of Independence be read, and was speaking to his motion when the President announced a message from the Governor, which was then

Read by the Clerk, as follows;

Upon suggestion of Senator White the message was interpreted

Senator Baldwin moved that the Clerk be instructed to have the Governor's message translated and printed, both in the English and Hawaiian languages. The motion was carried

Senator (C) Brown moved, that in order to afford time for the committee on rules to complete its labors, that the Senate adjourn. Senator White claimed to have the floor. The President decided that as Senator White had the floor at the time the Governor's message was received, and had given way to it, he was now entitled to the floor.

Senator White renewed his motion, as follows;

> August 12th, 1898, the flag of the United States of America was hoisted over these Islands and the Constitution of the United States, the greatest charter of liberty the world has ever known, extended thus far across the Pacific.
>
> "Since that memorable day, the people of these Islands have assumed toward the United States, a position of filial obedience and respectful neutrality in regard to American political parties. In launching the newly erected Territory of Hawaii upon the sea of time, the Legislature is called upon to give body to the soul and spirit of American institutions by making such modifications in all laws as to render this Territory in fact as well as in theory an integral part of the great Union.
>
> "Such being the case, I think it timely and useful to solemnly remind those present and the people throughout the Territory of the great principles lying at the foundation of the Constitution of the United States, the supreme law of the land, and which must ever be our guiding star in our legislative labors.
>
> "There is a tendency in these days, in certain circles, to believe that individual and class interests should guide advancing humanity and that the powers of the state should be invoked to further purely mercenary motives.
>
> "As a protest against such ideas, unearthed from the time of the decline of the Roman Empire and as the most appropriate manner to honor the greatest American whose anniversary of birth we celebrated yesterday to show that the principles for which he so gallantly fought still lives, I move that the secretary be instructed to read the Declaration of American Independence aloud in both the English and Hawaiian languages and spread it upon the journal of this house.

The motion was seconded by Senator Nakapaahu and adopted.

Senator Carter requested to be excused; and the request was granted by the President, and the Senator retired.

Senator (C) Brown made, and Senator Paris seconded a

Motion to dispense with the reading of the Declaration of ~~American~~ Independence, and that it be spread upon the journal. The motion was lost.

Senator (C) Brown moved that it be spread upon the journal in the English language only, and the motion was carried.

Senator Baldwin requested to be excused. The request was granted by the President, and the Senator retired

The Declaration of American Independence was read by the Clerk in English, and by the interpreter in the Hawaiian language, as follows;

Declaration of Independence.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of Nature and Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a desire to reduce them under absolute despotism, it is their

right,it is their duty,to throw off such government,and to provide new guards for their future security.Such has been the patient sufferance of these colonies,and such is now the necessity which constrains them to alter their former systems of government.The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States.To prove this,let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance,unless suspended in their operation till his assent should be obtained;and when so suspended he has utterly neglected to attend to them.He has refused to pass other laws for the accomodation of large districts of people,unless those people would relinquish the right of representation in the legislature-a right inestimable to them,and formidable to tyrants only.

He has called together legislative bodies at places unusual,uncomfortable,and distant from the repository of the public records,for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing,with manly firmness,his invasion on the rights of the people.

He has refused for a long time after such dissolution to cause others to be elected;whereby the legislative

powers, incapable of annihilation, have returned to the people at large for their exercise, the State remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States, for that purpose obstructing the laws of naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of land.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent upon his will alone for the tenure of their offices and the amount of payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance,

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them by mock trial from punishment

for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world: For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our government:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us:

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous

ages,and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens,taken captive on the high seas,to bear arms against their country,to become the executioners of their friends and brethren,or to fall themselves by their hands.

He has excited domestic insurrections among us,and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages,whose known rule of warfare is an undistinguished destruction of all ages,sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms;our repeated petitions have been answered only by repeated injury.A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our british brethren.We have warned them,from time to time,of attempts by their legislature to extend an unwarranted jurisdiction over us.We have reminded them of the circumstances of our emigration and settlement here.We have appealed to their native justice and magnanimity,and we have conjured them by the ties of our common kindred to disavow these usurpations,which would inevitably interrupt our connections and correspondence.They,too,have been deaf to the voice of justice and consanguinity.We must,therefore,acquiesce in the necessity which denounces our separation,and hold them,as we hold the rest of mankind,enemies in war,in peace friends.

We therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and by right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

* (Put in list of names on next page)

On motion of Senator (C) Brown, the Senate adjourned, at 3.20 p.m., until monday February 25th at IO a.m.

Edgar Cayless
Clerk of the Senate

Approved by the Senate.

Nicholas Rutledge
President of the Senate.

*

John Hancock.

1. New Hampshire.

Josiah Bartlett,
William Whipple
Matthew Thornton,

2. Massachusetts.

Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry,

3. Delaware.

Caesar Rodney,
George Read,
Thomas M'Kean,

4. Maryland.

Samuel Chase,
William Paca,
Thomas Stone,
Charles Carroll of Carrollton,

5. Rhode Island

Stephen Hopkins,
William Ellery.

6. Connecticut.

Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Olcott.

7. New York.

William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

8. New Jersey.

Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

9. Pennsylvania.

Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,
James Smith,
George Taylor,
James Wilson,
George Ross.

10. Virginia.

George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, Jr.,

Francis Lightfoot Lee
Carter Braxton.

11. North Carolina.

William Hooper,
Joseph Hewes,
John Penn.

12. South Carolina.

Edward Rutledge,
Thomas Heyward, Jr.,
Thomas Lynch, Jr.,
Arthur Middleton.

13 Georgia.

Button Gwinnett,
Lyman Hall,
George Walton.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Fourth = Day

= Monday Feby 25th 1901 =

Territory of Hawaii

In The Senate.

FOURTH DAY,

Monday February 25th 1901

The Senate met, pursuant to adjournment, at 10 a.m. The roll was called and Senators (C) Brown, (J) Brown, Carter, Crabbe, Kahilina, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris, Russell and White were present; Absent Senators Achi and Baldwin.

After prayer by the Chaplin, the journal of the third day was read and approved.

Senator Kanuha moved that the Clerk be directed to acknowledge receipt of the Governor's message, and advise him of the action of the Senate thereon. The motiom was seconded by Senator White and carried.

Senator (C) Brown submitted the following report (1) of the special committee appointed to prepare and submit rules for the Senate:

(1)

Senator Kalauokalani moved to lay the report of the committee on the table until the afternoon session, which motion was seconded by Senator (J) Brown and carried.

On motion of Senator (C) Brown, seconded by Senator White, the Senate took a recess, at 11.40 to 1.30 p.m.

Afternoon Session.

The Senate met at 1.30 p.m. and the rules embodied in the report of the special committee on rules were read.

Senator (C) Brown moved that rules from number one to twenty-one be adopted.

Senator Kanuha moved that the rules be first read in Hawaiian. Senator (C) Brown stated that if it was the purpose of Senator Kanuha's motion that the Hawaiian Senators hear the rules read before acting upon the report, he would withdraw his motion.

Senator Baldwin stated that he did not think that such a motion was necessary; that as the Senate had elected an interpreter, he presumed that it was for that purpose, and necessarily implied a translation.

The President directed that, if there be no objection, ~~that~~ the interpreter translate the rules. There being no objection offered, the report of the committee, with the accompanying rules ~~were~~ was read.

At 3.30 O'clock, upon motion of Senator White, seconded by Senator Kalauokalani, the Senate adjourned.

Edgar Caples
Clerk of the Senate

Approved by the Senate

Nicholas Russel
President.

(4)

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Fifth = Day

= Tuesday Feby 26th 1901 =

Territory of Hawaii

In The Senate.

FIFTH DAY.

Tuesday February 26th 1901.

The Senate met, pursuant to adjournment, at 10 a.m.

After prayer by the Chaplin, the roll was called and Senators Baldwin, (C) Brown and Carter absent; all others present.

The journal of the Fourth day was read and translated. Senator Carter suggested that the President make a ruling, for the purposes of journal record, that would cover the matter of translation of reports, motions, resolutions etcetra and the President ruled that;-

"it is not necessary to have a motion each time, ordering everything translated but that it is the duty of the translator to do so upon the request of any member"

On motion of Senator Kanuha, the journal was approved as read.

Senator Achi asked permission to introduce a bill relating to fire claims, which, upon vote, was denied.

A motion to adjourn, made by Senator C. Brown and seconded by Senator Achi, was lost.

Senator Achi asked permission to introduce a joint resolution relating to Section 44 of the Organic Act regarding the requirement that the proceedings shall be in English. Discussion followed. Senator Kaiue arose a third time to debate the question, when Senator Achi arose to a point of order that the Senator had already spoken twice to the motion.

The President ruled that inasmuch as the Seante was not proceeding under any specified rules, the point of order was not well taken.

Further discussion followed, and Senator (C) Brown raised the point of order that the request of Senator Achi was the only thing in order.

The President conferred with the Secretary as to the wording of Senator Achi's request, when Senator Achi arose and said, ~~Substantially;~~

I object to the clerk interfering. He has no right to talk with the President for any purpose. He is a servant of this house. If he does that sort of thing, he ought to be kicked out of the house.

ted him to be seated, stating that such language was improper in the Senate.

The request of Senator Achi was then put to a vote and lost.

Senator (C) Brown moved that the rules of the

On motion of Senator Kanuha, the journal was approved as read.

Senator Achi asked permission to introduce a bill relating to fire claims, which, upon vote, was denied.

A motion to adjourn, made by Senator C. Brown and seconded by Senator Achi, was lost.

Senator Achi asked permission to introduce a joint resolution relating to Section 44 of the Organic Act regarding the requirement that the proceedings shall be in English. Discussion followed. Senator Kaiue arose a third time to debate the question, when Senator Achi arose to a point of order that the Senator had already spoken twice to the motion.

The President ruled that inasmuch as the Seante was not proceeding under any specified rules, the point of order was not well taken.

Further discussion followed, and Senator (C) Brown raised the point of order that the request of Senator Achi was the only thing in order.

The President conferred with the Secretary as to the wording of Senator Achi's request, when Senator Achi arose and said, ~~Substantially;~~

I object to the Clerk interfering.

The President called the Senator to order, and directed him to be seated, stating that such language was improper in the Senate.

The request of Senator Achi was then put to a vote and lost.

Senator (C) Brown moved that the rules of the

Senate be made a special order of the day. Carried.

Senator C. Brown moved that Sections I to 2I, inclusive, be adopted as submitted.

Senator Kalauokalani moved, as an amendment that they be taken up and considered section by section, which motion was seconded by Senators White and Baldwin, and carried.

Section I, paragraph I, was read. Senator Crabbe made, and Senator Baldwin seconded a motion to adopt paragraph I. Senator White moved, as an amednment, that the words "motion or" be inserted after the word "by" and before the word "resolution". The amendment was adopted.

A motion by Senator Achi to strike out the words "recesses and of adjournments" in paragraph 2, was lost

Upon motion of Senator White, seconded by Senator (C(Brown, the words "Motion or" were inserted after the word "By" and before the word "resolution", in paragraph 2.

Section II. Adjournments, was adopted as read.

A motion by Senator (C) Brown, seconded by Senator Baldwin, was adopted, that if there be no objection or amendment offered to the sections or paragraphs when read, the President should declare them adopted.

Section III. Quorum, was adopted as read.

Section IV. Punishment of Members. Was adopted as read.

Section V. Vacancies. Was adopted as read.

Section VI. Organization. Senator White offered the followin substitute;

4

~~Substitute for Section VI~~

VI. Organization

When a session of the Senate is duly convened, the Senator from the First District, who was elected by the largest vote, shall, or, in event of his absence any duly elected member may, call the Senate to order and appoint a committee of three whose duty it shall be to immediately examine the credentials of the members elect of the Senate. If upon said committees report it shall appear that a majority of the credentials are in order the Senate shall proceed to organize and shall appoint a committee of three ~~#~~ to wait upon a Justice of the Supreme Court, or a Circuit Judge, and request him to administer the oath of office required by the Organic Act. Such proceedings need not be as of course upon the day of convening the Senate.

[illegible]

~~5th day 2/26~~

~~Passed as [illegible]~~

Senator Carter moved to amend by striking out the words,"duly elected member",and inserting in lieu thereof the words"any other Senator elect". The amendment was adopted,and the section adopted as amended.

Section VII. Officers,was adopted as read.

Section VIII. Pay Of Officers. Was adopted as read.

Section IX.Duties of officers.Paragraphs I to 7 inclusive, were adopted by motion of Senator White,seconded by Senator (C) Brown.

Paragraph 8 was amended,by motion of Senator White, seconded by Senator Senator (C) Brown,by striking out the word"if",before the final word 'necessary',and inserting in its place the word"When", and adopted as amended

Paragraph 9 was adopted as read.

Paragraph IO. was amended,upon motion of Senator (C)Brown by striking out the concluding word"Occasions",and inserting the words"orders of the Senate", and adopted as amended

At I2 O'Clock M.,the Senate ,upon motion of Senator (C) Brown,took a recess until I.30 p.m.

Afternoon session.

The Senate convened at I.30. Senator Kalauokalani moved to proceed to a consideration of the rules,which motion was seconded by Senator Paris and adopted.

Senator Kanuha moved to amend paragraph II,of rule 9 by substituting the words,;"To decide all questions wherein a vote has been taken,and he may vote on all questions the same as other members." The motion was seconded by Senator Kalauokalani.

Senator Carter moved,seconded by Senator Achi,to amend so as to read, "he may vote upon the final passage of bills". The President ruled the motion

out of order, there being a motion pending.

Senator Kanahu accepted the amendment, but Senator Kalauokalani, seconding the motion, would not consent.

Senator (C) Brown, seconded by Senator Carter, moved to amend the motion of Senator Kanuha by adding at the end of paragraph II the words, "Or upon the final passage of a bill". Senator Kanuha accpted the amendment, and the paragraph was adopted as amended.

Paragraph I2 was adopted as read.

Paragraph I3 was adopted as read

Senator White, seconded by Senator Kalauokalani, moved to add Paragraph I4, to read as follows;

"The rooms, desks, passages, stairways, corridors, balconies, in and about the building set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have control and direction of all the public property of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters. Adopted. The Vice President,

Section X. was adopted as read.

Section XI. The Clerk.

Senator White, seconded by Senator Kanuha, moved that paragraphs I/ and 2 be adopted as read. The motion was carried.

Senator White, seconded by Senator (C) Brown, moved to strike out Paragraph 3, and substitute paragraph 4 therefor.

Senator (C) Brown, seconded by Senator Carter, moved the adoption of paragraph 3.

Senator White raised the point of order that the motion could not be entertained, as his motion was before the Senate.

Senator Carter raised the point of order that the

motion of Senator White could not be entertained, as it had not been seconded. The President asked if the motion of Senator White had been seconded. Senator (J) Brown stated that he had seconded it. Senator Carter contended that it had not been seconded until after the motion of Senator (C) Brown had been made and seconded, and requested the Stenographer to refer to his notes. The Stenographer stated that he had heard no second. Senator (J) Brown stated that he had seconded the motion by raising his hand. The chair ruled that such was not a second, and declared the motion of Senator (C) Brown before the house.

Senator Carter, seconded by Senator Achi, moved to recommit the rules to the committee, which motion was lost. Senator Carter moved to take a recess until 7.30 p.m., and vote upon the motion resulted in a tie. The President declared the motion lost.

Senator (C) Brown moved to adjourn; the motion was seconded by Senator Crabbe and carried. At 3.30 p.m. the President declared the Senate adjourned until February 27th at 10 a.m.

Edgar Cuppless
Clerk of the Senate.

Approved by the Senate.

Nicholas Russel
President.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Sixth = Day

= Wednesday Feby 27th 1901 =

SIXTH DAY.

Wednesday February 27th 1901

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the Chaplin, the roll was called and Senators Baldwin and (C) Brown absent; all other Senators were present.

The journal of the Fifth day was read and approved as read. Senator Carter, seconded by Senator Achi, moved that reports of committees be made the order of the day. Motion lost.

Senator White offered the following resolution, which was seconded by Senator Kalauokalani:

Resolved: That this body visit the Leper Settlement at Kalaupapa, Island of Molokai, leaving Honolulu on Friday evening next.

That each newspaper published in Honolulu be permitted to send a representative along with the Legislature;

That no kodaks or other means of taking photographs be allowed aboard the vessel or to be taken ashore at the settlement; and

That a committee of three be appointed to make arrangements for transportation.

Senator Kaiue moved to amend by inserting after the first word (that) the words "such members of" and after the word "body" to insert the words "as desire to go". The amendment was accepted.

Senator C. Brown, seconded by Senator Achi moved to amend by adding;

and that the committee appointed or elected confer with the committee already appointed by the House of Representatives.

The amendment was accepted. Senator Carter, seconded by Senator C. Brown, moved that the trip to Molokai be deferred until the Senate adopt its rules.

The motion was ~~lost~~ Carried.

Senator (C) Brown, seconded by Senator Carter, moved to proceed to a consideration of the rules.

Senator White moved a recess until I.30. Motion lost. The motion of Senator (C) Brown was carried, and the Senate proceeded to a consideration of the rules.

Paragraphs 3, 4, 5, 6, and 7 of Section XI were adopted as read Upon motion of Senator White, seconded by Senator Kalauokalani, paragraph 8 was amended to read "He shall appoint, supervise," ~~electors~~ and adopted as amended

Paragraphs 9 and IO were adopted as read. On motion of Senator White, seconded by Senator Baldwin the word "all", in the second line of Section XII, was stricken out, and the section adopted as amended.

Sections XIII, XIV, XV, and XVI, were adopted as read. On motion of Senator C. Brown, ~~paragraph~~ Section XVII was amended by inserting the words "by the President", after the words "if Required" commencing the second paragraph; and the Section was adopted as ~~read~~ amended.

Sections XVIII, XIX, and XX were adopted as read. Section XXI was amended, on motion of Senator White, seconded by Senator Kahilina, by striking out the word "three", in the last line, and inserting the word "four", and the section adopted as amended.

Paragraphs I, ~~2~~ and 2 of section XXII were adopted as read. On motion of Senator White, seconded by Senator J. Brown, the Senate ~~adjourned~~, at I2 o'clock, took a recess until I.30 p.m.

Afternoon session

The senate convened at I.30 p.m.

Paragraph 3 of Section XXII was adopted as read. Senator (C) Brown moved to amend paragraph 4 by adding the words"Agriculture,Forestry and Manufactures",and by striking out the word "Internal". Seconded by Senator Carter, and lost.

Senator Carter moved to add the word "Forestry". Senator White,seconded by Senator (J) Brown,moved that the paragraph be adopted as read. Motion carried.

Senator C Brown, seconded by Senator Carter,moved to amend paragraph 5 by adding the word "Forestry" after the word Agriculture; accepted by Senator White and the paragraph adopted as amended.

Paragraph 6 was amended,on motion of Senator (C) Brown seconded by Senator Carter,by adding the words"and Education," and the section adopted as amended.

Paragraph 7 was stricken out.

Paragraph 8 was renumbered 7 and adopted as read.

Paragraph 9 was renumbered 8 and adopted as read.

Paragra ph I0 was renumbered 9 and adopted as read.

Paragraph II was renumbered I0 and adopted as read

Paragraph I2 was renumbered II and adopted as read

Paragraph I3 was renumbered I2 and adopted as read.

Paragraph I4 was renumbered I3,amended upon motion of Senator White,by substituting the word "Intoxicants" for the word "Liquor,"and adopted as amended.

Senator Achi,seconded by Senator Carter,moved to strike out paragraph I3. Motion lost.

Senator (C) Brown,seconded by Senator Carter,moved to add the words "and Opium". Motion lost.

Senator White,seconded by Senators Kahilina and (J) Brown,moved to add "Paragraph"I4 Elections"; ~~the duties~~ motion adopted.

~~of the committee to be as follows;~~ ~~"It shall be the duty of the committee on Elections to examine and report upon the certificates of election of the members; and to take into consideration all such petitions and other matters touching elections and returns as shall be presented or come in question, and be referred to them by the Senate, and to report thereon." The motion was adopted.~~

Senator White moved to add paragraph " I5.Municipal and County Laws". Seconded by Senator Crabbe and adopted.

Senator (C) Brown moved to add paragraph "I6"Milk and other food stuffs". Senator Carter moved to amend by substituting "Food Adulteration." The amendment was accppted by Senator (C) Brown, seconded by Senator Achi, and adopted.

Senator White moved to reconsider the vote. Senator Carter raised the point of order that the Senator had voted in the negative and could not make the motion, which point the President sustained.

Section XXIII was adopted as read.

Senator White, seconded by Senators C.Brown and J.Brown, moved to strike out all after the word"expedient"in section XXIV.

Senator Carter, seconded by Senator Achi, moved that the report of the committee be accepted, the committee discharged, and a new committee be appointed to consist of Senators White, J.Brown and Kanuha.

Senator Achi moved to add "that such committee have the rules printed and return with their report".

The President ruled that the motion involved three propositions and could not be entertained.

The motion of Senator Carter was put and lost.

The motion of Senator White was then put and carried.

Section XXV and XXVI were adopted as read.

On motion of Senator White, seconded by Senator Crabbe

the word "forestry" was inserted after the word "agriculture" wherever it occurs in section XXVII, and the section adopted as ~~read~~ amended.

Section XXVIII was amended, on motion of Senator C. Brown, by adding the words "and Education" after the words "Public Health", and the section adopted as amended.

Section XXIX was amended on motion of Senator C. Brown, by inserting the words "on Public Health and" after the word "committee", and by striking out the section number "XXIX", and attaching the rest of the section to section XXVIII. The section, as amended, was adopted as a part of Section XXVIII.

Section ~~XXX~~ was renumbered XXIX, and adopted as read. Section ~~XXXI~~ was renumbered XXX, and adopted as read.

Section XXXII was renumbered XXXI and adopted as read. Section XXXIII was renumbered XXXII and adopted as read. Section XXXIV was renumbered XXXIII, and amended, on motion of Senator C. Brown by striking out the word ~~"referred"~~ "presented" and substituting the word "referred" ~~for the word "presented~~ and adopted as amended.

Section ~~XXXV~~ was renumbered XXXIV and adopted as read Section XXXVI was renumbered XXXV, and amended by substituting the word "intoxicants" for the word "liquor", after the words "Committee on", and by adding the words "and opium" after the words "spirituous liquors"; and the section was adopted as amended.

Section XXXVI was added, on motion of Senator White, as follows;

"XXXVI. Committee on Elections."

"It shall be the duty of the committee on elections to examine and report upon the certificates of election of the members, and to take into consideration all such petitions and other matters touching elections and returns, as shall

Be re

be presented or come in question and be referred to them by the Senate, and to report thereon."

On motion of Senator White "Section XXXVII. Municipal and County Laws" and "Section XXXVIII. "Food Adulteration" were added and passed for future consideration.

Section XXXVII was renumbered XXXIX and adopted as read. Section XXXVIII was renumbered XL and adopted as read.

Section XXXIX was renumbered XLI and adopted as read. Section XL was renumbered XLII and adopted as read. Section XLI was renumbered XLIII and adopted as read. Section XLII was renumbered XLIV and adopted as read Section XLIII was renumbered XLV and, upon motion of Senator C. Brown, seconded by Senator Kaiue, amended by striking out the words "one-third", and inserting in lieu thereof the words "one-fifth" and after the word "members", the word "present", and the section adopted as amended.

Section XLIV was renumbered XLVI and adopted as read. Section XLV was renumbered XLVII and adopted as read. Section XLVI was renumbered XLVIII and adopted as read. Section XLVII was renumbered XLIX and adopted as read. Section XLVIII was renumbered L. and adopted as read. Section XLIX was renumbered LI and adopted as read. Section L was renumbered LII and adopted as read.

At 5.45 p.m. the Senate, on motion of Senator Kalauokalani, adjourned until thursday February 28th at 10 o'clock a.m.

Edgar Caypless
Clerk of the Senate

Approved by the Senate.

Nicholas Russel
President.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Seventh = Day

Thursday Feby. 28 1901

Territory of Hawaii.

In the Senate.

Journal of the Senate.

Seventh ~~Sixth~~ Day.

Thurdday, February 28th, 1901.

The Senate met pursuant to adjournment, at 10 o'clock a.m. The roll call showed the following members absent: Senators Achi, Baldwin, Brown and Paris. After prayer by the chaplain, the journal of the ~~Sixth~~ Seventh day was read, corrected to show adjournment made at the motion of Senator Kalauokalani, and approved as amended.

The President announced a communication from the House of Representatives which was read, as follows, and ordered placed on file:

House of Representatives.

Honolulu, T.H., Feb. 27, 1901.

To the Honorable the President and Members of
The Senate of the Legislature of the
Territory of Hawaii.

Gentlemen,-

I have the honor to inform you that this House has appointed the following named gentlemen to constitute the membership from the House of Representatives of the Joint Committee on Rules:

Messrs R H Makekau, A G M Robertson, S H Haaheo, S K Mahoe and J K Prendergast,

I have the honor to be,

Respectfully,

(Signed) Solomon Mehcula,

Clerk.

Senator (J) Brown moved suspension of the rules, and that the resolution of Senator White, with reference to visiting Molokai, be taken up.

Senator Carter moved, as a substitute, that his (Senator Carter's) motion of yesterday, to defer the visit, be now reconsidered: the motion seconded by Senator Crabbe and adopted.

The resolution of Senator White was then taken up.

Senator Baldwin moved that the Senate go as a committee of the whole, to act jointly with the House; and that the committee confer with the Board of Health with reference to inviting persons other than members of the Legislature. The amendment was accepted, and the resolution adopted as amended.

The President appointed as the committee, provided for by the resolution, Senators Baldwin, Kaohi and Nakapaahu.

The Senate then proceeded to the consideration of the rules.

Senator (C) Brown offered the following as duties of the Committee on Municipal and County laws, which was adopted:

Rule ~~XXX~~. XXXVII

It shall be the duty of the Committee on Municipal and County laws, to take into consideration all such laws, petitions, resolutions and other matters pertaining to laws relating to the establishment of municipal laws and the organization of counties in the Territory and make report thereon with such propositions relative thereto as may seem to them expedient.

Senator Carter offered the following as

Rule XXXVIII.

Duties of Committee on Food Adulteration.

It shall be the duty of the Committee on Food Adulteration to examine the reports of the Food Commissioner, receive all complaints and petitions regarding improper foods, examine the laws regarding adulterated foods in this Territory and compare the same with similar laws in other communities; and in conference with the Food Commissioner recommend such legislation as they believe desirable and beneficial for the protection of the people of this Territory.

Section LII was renumbered LIV. Senator White offered as an amendment, that the words "and not more than ten minutes each time" be

inserted after the word "twice" Seconded by Senator (J) Brown.

Senator (C) Brown moved to amend Senator White's amendment by substituting the words "thirty minutes" for the words "ten minutes"

Senator Carter moved to further amend by adding at the end of the section the words: "And no suspension of this rule shall be allowed except by unanimous consent" This amendment was accepted by Senator Brown.

Upon motion of Senator (C) Brown, the ayes and noes were called on the amendment of Senator Carter.

Those voting in the affirmative were: Senators Achi, Baldwin, C Brown, Carter, Crabbe and Paris.

Those voting in the negative were: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Russell and White.

The motion was declared lost by a vote of 9 to 6.

The motion of Senator White was then put and a call of the ayes and noes ordered. Those voting in the affirmative were: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Russell and White.

Those voting in the negative were: Senators C Brown, Achi, Baldwin, Carter, Crabbe and Paris.

The motion was declared carried by a vote of 9 to 6.

On motion of Senator Nakapaahu, seconded by Senator Kalauokalani, the Senate took a recess until 1:30 p.m.

Afternoon session

The senate reconvened at I.30 p.m.,and resumed consideration of the rules.

Section LIII was renumbered LV and,on motion of Senator Kaiue seconded by Senator White, the figures "XLIX" were stricken out and "LI" substituted in lieu,and the section adopted as amended.

Section LIV was renumbered LVI and ~~the section~~ adopted as read. Section LV was renumbered LVII and adopted as read. Section LVI was renumbered LVIII. and adopted as Rad.

Senator Baldwin suggested that where a number occured in the body of a section,the clerk be directed to properly renumber it. The President directed,if there be no objection,that such course be pursued.

Section LVII was renumbered LIX. Senator C.Brown seconded by Senator Carter,moved that the words "if leave is given" be srticken out. Motion carried and the section adopted as amended.

Section LVIII was renunbered LX,and adopted as read.Section LIX was renumbered LXI.Senator C. Brown,seconded by Senator Carter moved to strike out the word "Once",and inesert "twice". Motion lost. Senator White moved that the section be adopted as read. Seconded by Senator Kahilina and carried. Senator White moved to have the numerals "XXX" stricken out,and XXIX" substituted therefor. Ruled out of order,the section having been adopted. Senator Achi moved to reconsider the motion to adopt the section. Seconded by senator Carter and carried.

Senator White moved to strike out the numerals"XXX" and substitute "XXIX" therefor.The motion was seconded by Senator Kalauokalani and carried,and the section was adopted as ~~read~~. amended.

Section LX was renunbered LXII and adopted as read.

Section LXI was renumbered LXIII and adopted as read.

Section LXII was renumbered LXIV and adopted as read. Section LXIII was renumbered LXV. Senator White, seconded by senator J.Brown, moved to insert ~~___~~, after the word "Writing" the words "unless otherwise ordered by the Senate".

The motion was carried and the section adopted as read. Section LXIV was renumbered LXVI. Senator Brown, seconded by Senator Achi, moved to strike out section LXIV. The motion was lost, and the section adopted as read. Section LXV was renumbered LXVII and adopted as read. Section LXVI was renumbered LXVIII and adopted as read. SectionLXVII was renumbered LXIX and adopted as read. Section LXVIII was renumbered LXX and adopted as read. Section LXIX was renumbered LXXI and adopted as read Section LXX was renumbered BXXII and adopted as read. Section LXXI was renumbered LXXIII and adopted as read. Section LXXII was renumbered LXXIV and adopted as read. Section LXXIII was renumbered LXXV and adopted as read. Section LXXIV was renumbered LXXVI and adopted as read. Section LXXV was renumbered LXXVII and adopted as read. Section LXXVI was renumbered LXXVIII. Senator White, seconded by Senator Achi, moved to insert the words "Excepting the President". The motion was declared lost. A rising vote was called, and the motion carried.

Senator White moved to reconsider the motion. ~~Carried~~ The motion was ~~lost~~ lost. A rising vote was called, and the motion declared lost. On motion of Senator White, seconded by Senator Kanuha the section was adopted as read.

Section LXXVII was renumbered LXXIX. Senator Kaiue, seconded by Senators Achi and White, moved to insert the words "by a two-thirds vote" in Section LXXVII, The motion was carried and the section adopted as read.

Section LXXVIII was renumbered LXXX and adopted as read.

Section LXXIX. was renumbered LXXXI and adopted as read.

Section LXXX was renumbered LXXXII. Senator White, seconded by Senator Kalauokalani, moved to strike out the word "twenty" and insert "thirty". The motion was carried and the section adopted as read.

Section LXXXI was renumbered LXXXIII and adopted as read.

Section LXXXII was renumbered LXXXIV. On motion of Senator Achi, seconded by senator White, the numerals "LXXVIII" in the body of the section were changed to "LXXX", and the section adopted as read.

Section LXXXIII was renumbered LXXXV and adopted as read.

Section LXXXIV was renumbered LXXXVI and adopted as read.

Section LXXXV was renumbered LXXXVII and adopted as read.

On motion of Senator White, seconded by Senator Kalauokalani, the senate adjourned, at 3.35 p.m., until March 1st

Edgar Cayless
Clerk of the Senate

Approved by the Senate.

Nicholas Russel
President.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Eighth = Day

= Friday March 1st 1901 =

EIGHTH DAY.

Friday, March 1, 1901.

The Senate met, pursuant to adjournment, at 10 a.m.

After prayer by the Chaplain, the roll was called and Senators Brown, Achi and Carter were found to be absent; all the other senators were present.

The journal of the seventh day was read and approved, without correction.

Before proceeding to the work of the Senate, the President announced that the Secretary wished to know how many copies of the Governor's message, and the estimates submitted by him, were required by the Senate.

Senator Achi moved that a hundred copies of English and Hawaiian be ordered. Seconded by Senator White and carried.

Senator Baldwin made a verbal report for the committee of three appointed to confer with the House committee with regard to arrangements for the trip to the leper settlement on Molokai, stating that the committee had met, on the previous day, with the House committee, and that a proposition from John Ena, president of the Inter-Island Co., had been received. This proposition was to the effect that the "Hall" could be had for $250 per day; the "Niihau" for $200 and the Waialeale for $175. He stated further that the Hall was being inspected by the Federal inspectors, and that it might not be possible to get her. However, she was the best boat to have for the trip, as it would undoubtedly be necessary for the passengers to Molokai to remain a night on board, the Hall on account of the lack of accommodations at the port of call. As the House had reconsidered its action of having the whole body go in the nature of a committee of the whole, he thought that the Senate should do as the House had, and appoint a committee, say of five members, to go to the settlement and report to the Senate. Any others of the members wishing to go along could do so.

Senator Kalauokalani moved that a sub-committee of five be appointed as a joint committee to act with the House committee of nine,

the same to be a committee to go to Molokai to investigate matters there and to report to the Senate. Seconded by Senator Kaiue and carried.

Senator Baldwin was given leave to present a petition and set of resolutions received from a committee of the lepers at the Kalaupapa settlement on Molokai. The clerk read the same.

On motion of Senator C Brown, seconded by Senator Crabbe that the petition from Molokai, presented by Senator Baldwin, was referred to the Senate Committee of five appointed to investigate the affairs of the leper settlement.

Senator J Brown moved that the resolution relating to the change of quarters of the Senate be taken from the table. Seconded by Senator White and carried.

The clerk read the resolution.

Senator Brown moved that the resolution be referred to a committee of three to confer with the proper Territorial officers to see what arrangements could be made for providing other accommodations for the Senate. Seconded by Senator Achi.

Senator Baldwin moved to amend so that the introducer of the resolution be chairman of the committee. Amendment accepted by Senator Brown and the motion adopted as amended.

The chair appointed as such committee, Senators White, Baldwin and Kalaukalani.

The chair announced that the Senate would proceed to the consideration of the rules.

The Chair appointed the following committee as such: Senators Kalaukalani, Kaiue, Kaohi, Baldwin and Kanuha.

On the suggestion of Senator Baldwin, the chair directed the Clerk to inform the House of the ~~action taken by the Senate in the matter of the~~ appointment of the Senate committee to go to Molokai for the purpose of investigating matters at the leper settlement.

Senator Kanuha asked to be excused from serving on the committee, and the chair appointed Senator Carter in his ~~place.~~ stead.

On motion of ~~Moved by~~ Senator C Brown, and seconded by Senator Crabbe ~~that~~ the petition from Molokai, presented by Senator Baldwin, ~~be~~ was referred to the Senate Committee of five appointed to investigate the affairs of the leper settlement. ~~Carried.~~

Senator J Brown moved that the resolution relating to the change of quarters of the Senate be taken from the table. Seconded by Senator White and carried.

~~The chair instructed~~ The Clerk ~~to~~ read the resolution.

Senator ~~Cecil~~ Brown moved that the resolution be referred to a committee of three to confer with the proper Territorial officers to see what arrangements could be made for providing other accommodations for the Senate. Seconded by Senator Achi.

Senator Baldwin moved to amend ~~to the effect~~ that the introducer of the resolution be ~~the~~ chairman of the committee. Amendment accepted by Senator ~~Cecil~~ Brown and the motion ~~carried~~ adopted as amended.

The chair appointed ~~the following~~ committee as such, ~~to confer with the proper Territorial officers in the matter of securing other quarters~~ Senators White, Baldwin and Kalaukalani.

The chair announced that the Senate would proceed to the consideration of the rules.

Senator ~~Cecil~~ b. Brown moved the order of the day. Seconded by Senator Crabbe and carried.

Senator ~~Brown~~ moved to strike out Section ~~88~~ LXXXVIII, referring to the appointment of an interpreter. Seconded by ~~Carter~~ Senator Carter.

Senator Carter moved the ayes and noes be called. Seconded by Senator Achi and carried.

Those ~~who voted~~ voting in the affirmative were: Senators Achi, ~~Cecil~~ Baldwin Brown, Carter, Crabbe, ~~Baldwin~~ and Paris.

Those ~~who voted~~ voting in the negative were: Senators J. Brown, Kanuha, Kaiue, Kaohi, KalauoKalani, Kahilina, Nakapaahu, Russell and White.

The motion was declared lost by a vote of 9 to 6.

Senator White moved the section ~~pass~~ be adopted as read. Seconded by Senator ~~J~~ Brown and carried.

On motion of Senator Achi, seconded by Senator Carter, the Senate took a recess until 1:30 o'clock.

AFTERNOON SESSION.

The Senate convened at 1:35 ~~o'clock~~ p.m.

The chair announced the consideration of the rules of the Senate, in order.

~~Rule XXXVII was renumbered XXXVIII and the section was adopted~~

Section LXXXVII was renumbered LXXXIX and ~~the section~~ was adopted as read. Senator ~~Cecil~~ b. Brown registered his objection, stating that he did ~~this~~ So to be ~~in conformity~~ Consistent with his action on the section immediately preceding.

Section LXXXVIII was renumbered XC ~~and the section was~~ and adopted as read.

Section LXXXIX was renumbered XCI and ~~the section was~~ adopted as read.

Section XC was renumbered XCII and ~~the section was~~ adopted as read.

Section XCI was renumbered XCIII. Senator ~~Cecil~~ b. Brown moved that the section be stricken out. Seconded by Senator Carter and lost.

Senator White moved that the section be adopted as read. Seconded by Senator J Brown and carried.

Section XCII was renumbered XCIV and ~~the section was~~ adopted as read.

Section XCIII was renumbered XCV. Senator White moved that the words "or other matters" be inserted after the word "nominations." It was found that these words had already been inserted. The section was adopted as read.

Section XCIV was renumbered XCVI ~~and the section was~~ and adopted as read.

Section XCV was renumbered XCVII. Senator White moved to amend by putting in, as a heading to the section, the words "Clearing the Senate". Seconded by Senator Kahilina and carried, and the section was adopted as amended.

Section XCVI was renumbered XCVIII. Senator Brown moved to amend by inserting the words "and remarks, votes and proceedings thereon" after the word "Senate". Seconded by Senator Crabbe and carried. Senator White moved to further amend by putting in, as a heading, the words "Business Confidential." Seconded by Senator J Brown and carried. The section was then adopted as amended.

Section XCVII was renumbered XCIX. Senator White moved to amend by putting in ~~them~~, as a heading, the words "Violating Confidence." Seconded by Senator J Brown and carried. The figures XCVI in the body of the rule were changed to XCVIII, and the section ~~was~~ adopted as amended.

Section XCVIII was renumbered C. Senator White moved the adoption of subdivisions 1 and 2. Seconded by Senator Kalauokalani and carried. Senator White ~~then~~ moved to strike out subdivision 3. Seconded by Senator Kahilina and carried and the section was adopted as amended.

Section XCIX was renumbered CI. Senator White moved to amend by striking out all the words after the word "without" and putting in place thereof, the words "a vote of the majority." Seconded by Senator Achi. Senator Kaiue moved that the section be adopted as read. Seconded

by Senator Kalaukalani. At this point, Senator White withdrew his amendment and the section was adopted as read.

~~Section C was taken up for consideration.~~ Senator ~~Carter Cecil~~ C. Brown moved to strike out ~~the~~ section, seconded by Senator Carter and carried.

~~the section was~~ Section CI was renumbered CII and adopted as read.

~~the section was~~ Section CII was renumbered CIII and adopted as read.

~~the section was~~ Section CIII was renumbered CIV and adopted as read.

Section CIV was renumbered CV. Senator White moved to strike out the word "President" and insert in place thereof, the word "clerk." Seconded by Senator Kahilina and carried and the section was adopted as ~~reads~~ amended.

Senator Achi moved that the rules be adopted as a whole, as amended. Seconded by Senator Carter and carried.

Senator White made a verbal report for the committee appointed to consult with the proper Territorial officials with reference to securing other quarters for the Senate. He stated that the committee had waited on Governor Dole ~~and that this official~~ who had given his consent to the use of the upper floor of the bungalow on the Capitol grounds, one room excepted; but that, before giving the committee final answer, he wished to consult with Col. Jones. After ~~this~~ which, he would send ~~in~~ a written reply to the committee.

Senator C~~ecil~~ Brown moved that the report of the committee be accepted and that, upon the receipt of the written communication from the Governor, it make arrangements for the Senate to move into the new quarters. Seconded by Senator Carter and carried.

Senator White moved that the secretary be instructed to have the rules of the Senate translated into Hawaiian and order a hundred printed copies ~~of the rules~~ in both the English and Hawaiian languages. Seconded by Senator Kaiue and carried.

Senator Baldwin made a verbal report for the Senate committee appointed to confer with the House committee in the matter of arrangements for the trip of the joint committee of the Senate and House to the leper settlement at Molokai. He stated for the information of the members that the Steamer W. G. Hall had been secured and ~~that she~~ would leave

at IO o'clock in the night.

At this point, Senator Achi moved that the Senate adjourn until IO o'clock on Monday. Seconded by Senator Kanuha. Senator Achi withdrew his motion, learning that Senator Baldwin had not finished making his report.

Senator Baldwin continued his report, saying that only the members of the Senate and House, the officers of those bodies and a few guests invited by the Board of Health, would be allowed to go on the trip to Molokai.

Senator Achi renewed his motion to adjourn until Monday at IO a.m. Carried. The Senate adjourned at 3:I5 p.m.

Edgar Cappleson
Clerk

Approved by the Senate

Nicholas Russel
President

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Ninth = Day

= Monday March 4. 1901 =

IN THE SENATE.

Ninth Day.

~~Morning Session.~~

Monday, March 4th., 1901.

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the Chaplain, the roll was called and the following Senators found to be absent: ~~Senators~~ Achi, Baldwin, Carter and White. All the other senators were present.

The journal of the eighth day was read, and approved as read. ~~without correction.~~

The following communication from the House was read:

House of Representatives.

Honolulu, T.H., Feb. 28, 1901.

The Honorable President of the Senate:

Sir:

I have the honor to inform your honorable body that H.C.R. I, being a resolution for the appointment of a Joint Committee to investigate the Tax Laws of this Territory and report thereon, and granting such Committee power to retain counsel, send for persons and papers and administer oaths, etc., this day passed the House by a unanimous vote.

H.C.R. is herewith transmitted for the consideration and action of your Honorable body.

Very respectfully,

Solomon Meheula,

Clerk.

House Concurrent Resolution (1).

Be It Resolved by the House of Representatives, the Senate concurring.

First-That a committee be appointed, three members to be appointed by the Speaker to join with such committee as may be appointed by the Senate, to investigate the Tax Laws of this Territory and ascertain the manner ~~to~~ in which the same have been actually applied, and the results thereunder.

Second-That said committee report such defects as they may

~~the~~

find in said laws,or in the method of administering the same,together with such recommendations for immediate legislation as will secure for this Territory a just and wise system of assessment and taxation.

Third-That said committee be and is hereby authorized and empowered to retain counsel and to send for persons and papers,and to administer the usual oath to persons testifying before it;and they are hereby directed and required to report the result of their investigation within 30 days after their appointment.

Proposed by J.Emmeluth,

Rep. 5th. District.

Senator C Brown moved that the resolution be made the special order of the day for Wednesday.Seconded by Senators Paris and Kaiue.

Senator Baldwin moved to amend ~~Sr. Senator C Brown's motion~~ to the effect that the secretary be instructed to have copies in both the English and Hawaiian languages, made for the members of the Senate. Seconded by Senator Kalauokalani and carried and the motion as amended, adopted ~~carried.~~ ~~Senator White introduced the following resolution~~:

(5)

Senator White introduced the following resolution:

Resolved,That the clerk of the Senate be directed to cause 500 copies of the Journal of the Senate to be printed daily in the English and Hawaiian languages until such time as the proper committee shall otherwise provide.

Senator Achi arose to a point of order, ~~stating~~ that the Senate had not yet come to resolutions.The point of order was sustained and the resolution was withdrawn.

Under the head of reports of select committees,Senator Kalauokalani stated that the special committee of the Senate appointed to examine into the conditions existing at the Molokai leper settlement, was not yet ready to report and would like further time.There being no objection,the committee was granted further time.

Senator White reported verbally for the committee ~~of three~~ appointed to find new quarters for the Senate, ~~He stated~~ that he had

seen Governor Dole previous to the calling to order of the Senate and that he had learned that ample room on the upper floor of the bungalow had been set aside for the Senate and that this place was being put into order as quickly as possible.The floor was rather shaky and he would like the members to go over in a body after adjournment to see if it would hold them all without danger.

On suggestion of Senator B Brown,the chair instructed Senator White to call on the Superintendent of Public Works and see what arrangements could be made to render the place more safe.

Senator White again introduced his resolution regarding the printing of the journal of the Senate.

Senator Carter moved to amend to the effect that 250 copies be printed in English and the same number in Hawaiian and that each senator be allowed ten copies each of the English and Hawaiian.This amendment was accepted by Senator White and the resolution was adopted as amended.

Senator C.Brown gave notice of his intention to introduce the following bills:

1.An Act to apportion the term of office of Seven Senators elected at the first general election.

2.An Act to regulate the employment of labor on the Public Works of the Territory of Hawaii.

3.An Act to amend Section 2070 of the Civil Laws of the Territory of Hawaii.

4.An Act relating to Exemption of certain property from attachment and execution,and repealing Section 1483 of the Civil Laws.

5.An Act to define the Biennial Fiscal Period of the Territory of Hawaii.

6.An Act to repeal Sections 1617,1618 and 1619 of the Penal Laws,relating to Forest Roads.

Senator C Brown further gave notice of his intention ~~to intention~~ to introduce the following bills:

I.An Act to amend Section 85 of the Penal Laws relating to the concealment of the death of a newly born child.

2.An Act to amend Section 3 of the Penal Laws relating to crimes and misdemeanors.

3.An Act to amend Section I32 of the Penal Laws relating to the punishment of Larceny.

4.An Act to amend Section 63 of the Penal Laws relating to the punishment of the offense of deforming the feet of girls under the age of eighteen years.

5.An Act to amend Section 61 of the Penal Laws relating to the punishment of assault or assault and battery on an officer.

6.An Act to amend Section 200 of the Penal Laws relating to malicious injury.

7.An Act to amend Section I82 of the Penal Laws relating to Gross Cheat.

8.An Act to amend Section I74 of the Penal Laws relating to the offense of receiving stolen goods.

9.An Act to amend Section 424 of the Penal Laws relating to the illegal manufacture for sale of spirituous liquors and substances.

I0.An Act to amend Section 425 of the Penal Laws relating to the distillation of spirituous liquors.

II.An Act to amend Section 986 of the Penal Laws relating to the protection of the places of sepulture.

I2.An Act to amend Section 584 of the Penal Laws relating to the jurisdiction of District Magistrates.

I3.An Act to repeal Section 463 of the Penal Laws relating to the importation of spirituous liquors.

I4.An Act to amend Section 255 of the Penal Laws relating to bribery.

I5.An Act to amend Section 246 of the Penal Laws relating to the criminal conduct of an officer in regard to prisoners in his custody or committed thereto.

I6.An Act to amend Section 238 of the Penal Laws relating to trusts and monopolies.

I7.An Act to amend Section 215 of the Penal Laws relating to the illegal marking of live stock

Senator C Brown further gave notice of his intention ~~to intention~~ to introduce the following bills:

I.An Act to amend Section 85 of the Penal Laws relating to the concealment of the death of a newly born child.

2.An Act to amend Section 3 of the Penal Laws relating to crimes and misdemeanors.

3.An Act to amend Section 132 of the Penal Laws relating to the punishment of Larceny.

4.An Act to amend Section 68 of the Penal Laws relating to the punishment of the offense of deforming the feet of girls under the age of eighteen years.

5.An Act to amend Section 61 of the Penal Laws relating to the punishment of assault or assault and battery on an officer.

6.An Act to amend Section 200 of the Penal Laws relating to malicious injury.

7.An Act to amend Section 182 of the Penal Laws relating to Gross Cheat.

8.An Act to amend Section 174 of the Penal Laws relating to

Senator Achi gave notice of his intention to introduce the following bills:

I.An Act to repeal Section 306 of the Civil Code relating to Poll Tax.

2. 2.An Act relating to the estate of adopted children.

Senator Achi further gave notice (4) of his intention to introduce the following bill:

An Act to repeal Laws of 1896,Act 51,Sec. 17; Civil Laws, Sec.820.

Senator Achi further gave notice (5) of his intention to introduce the following bill:

An Act to provide for a Commission to take evidence concerning injuries to property caused by the action of the Board of Health in connection with the suppression of bubonic plague in Honolulu,and elsewhere in this Territory and by the conflagration in Honolulu on January 20th.,1900,and to report thereon.

Senator Achi read a resolution which he intended to introduce. Senator Kaiue arose to a point of order, stating that the time for such business had gone by and that,therefore,the resolution was out of order.The chair sustained Senator Kaiue and the resolution was withdrawn.

Under the head of unfinished business,Senator ~~Cecil~~ Brown moved that the estimates submitted by the Governor be made ~~the~~ a special order of the day for Tuesday.Seconded by Senators Carter and Kaiue and carried.

Senator C Brown moved to take a recess until I:30 p.m.Seconded by Senator Crabbe and carried.Senate took a recess at II:35 a.m.

Afternoon Session.

The Senate was called to order at I:30 p.m. ~~when~~ The President announced the following standing committees under the rules of the Senate:

~~Standing Committees of the Senate.~~

I. Committee on Ways and Means-Senators D. Kanuha,Geo. R. Carter and S.E.Kaiue.

2.Committee on Judiciary-Senators Wm. White,C Brown and S.E. Kaiue.

3.Committee on Public Expenditures-Senators D.Kalauokalani, H.P.Baldwin and D.Kanuha.

4.Committee on Public Lands,Public Works and Internal Improvements-Senators J T Brown,John D.Paris and L.Nakapaahu.

5.Committee on Agriculture,Forestry and Manufactures-Senators J.B.Kaohi,H.P.Baldwin and L.Nakapaahu.

6.Committee on Public Health and Education-Senators D.Kanuha, H.P.Baldwin and D.Kalauokalani.

7.Committee on Enrollment,Revision and Printing-Senators D. Kalauokalani,W.C.Achi and J.B.Kaohi.

8.Committee on Accounts-Senators D.Kanuha,John D.Paris and John T. Brown.

9.Committee on Rules and Joint Rules-Senators C,Brown,Wm. White and S.E.Kaiue.

10.Committee on Miscellaneous Petitions-Senators W.C.Achi,L. Nakapaahu and J.B.Kaohi.

11.Committee on Claims-Senators Wm.White,C.L.Crabbe and S.E. Kaiue.

12. Committee on Military-Senators George R.Carter,I.K.Kahilina and D.Kanuha.

13.Committee on Intoxicants-Senators S.E.Kaiue,C.L.Crabbe and Wm.White.

14.Committee on Elections-Senators Wm. White,C.L.Crabbe and John T.Brown.

15.Committee on Municipal and County Laws-Senators D.Kalauokalani,C.L.Crabbe and I.K.Kahilina.

16-Committee on Food Adulteration-Senators George R.Carter, J.B.Kaohi and L.Nakapaahu.

Senator White moved that, it being the day of the inauguration of the President of the United States, the Senate adjourn out of respect for the day. Seconded by Senator C. Brown and carried. The Senate adjourned at 1:45 p.m.

Edgar Cowperthwaite
Clerk of the Senate

Approved by the Senate

Nicholas Rowe
President

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Tenth Day

Tuesday

March 5 1901

In The Senate.

Territory of Hawaii.

Tenth Day.

~~Regular Session.~~

Tuesday March 5, 1901.

The Senate met, pursuant to adjournment, at 10:05 o'clock. After prayer by the Chaplain, the roll was called, showing Senator Carter absent. All the other senators were present.

The journal of the ninth day was read and approved ~~without correction~~. as read.

The clerk read the following communication; ~~from the House~~:

~~First Legislature of the~~

~~Territory of Hawaii~~

House of Representatives, March 5, '01

To the Honorable President of the Senate,

Sir:

I have the honor to inform your honorable body that the following bill yesterday passed the House of Representatives:

House Bill No. I, by Mossman, a bill for an Act to appropriate money for the purpose of defraying the expenses of the Session of the Legislature of the Territory of Hawaii of the year 1901 from the Public Treasury."

Ayes-Ahulii, Aylett, Beckley, Dickey, Emmeluth, Gilfillan, Haaheo, Hihio, Hoogs, Kaauwai, Kauimakaole, Kawaihoa, Keiki, Kekaula, Keliikoa, Mahoe, Makainai, Makekau, Monsarrat, Mossman, Nailima, Paele, Prendergast, Puuki, Robertson and Wilcox-26.

Noes-Ewaliko, Kaniho and Kumalae-3.

Said House Bill No. I is transmitted herewith endorsed, for your consideration.

Very respectfully,

Solomon Meheula,

Clerk.

Senator Achi moved that the bill submitted with the communication from the House, be taken up as the first order of the day. This motion was not seconded.

Senator White moved that the bill be read at once. Seconded by Senator J. Brown and carried.

Senator C. Brown moved that the clerk be instructed to return the bill to the House with the recommendation that the parties concerned, comply with Section 47 of the Organic Act, in ~~read the rules~~ on the matter of certifying bills, the same ~~not having~~ been certified ~~by either the Speaker, the introducer, or the clerk~~. Seconded by Senator White and carried.

Senator Achi read the following resolution:

Joint Resolution of the Legislature

of the Territory of Hawaii.

BE IT RESOLVED by the Senate and the House of Representatives of the Territory of Hawaii, That the Congress of the United States be and is hereby respectfully requested to pass, at an early date, an Act enabling the people of this Territory, who are citizens thereof and duly qualified to vote, to meet in convention and frame and adopt a State Constitution, whereby and whereunder this Territory may be admitted as a State into the Union.

RESOLVED: That the Governor of this Territory be and is hereby requested to transmit a duly certified copy of this Joint Resolution to the President of the United States, and the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States, with the request that this Joint Resolution be laid before the Congress of the United States.

W. C. Achi,

Senator 3rd. District.

March 5th., 1901.

The resolution was seconded by Senator Crabbe.

Senator White moved that the joint resolution be rejected. Seconded by Senator Kahilina.

Senator Kaiue moved that the Senate proceed to the consideration of its unfinished business. Seconded by Senator Baldwin.

Senator White moved that the ayes and noes be called. Seconded by Senator J. Brown. On learning that other members wished to speak on the question, Senator White withdrew his motion.

Senator Kanuha moved that the joint resolution be referred to a committee for future consideration. Seconded by Senators Baldwin and Achi.

Senator Kalauokalani moved that the joint resolution be rejected. Seconded by Senator White.

On motion of Senator White, seconded by Senator J. Brown, the Senate, at II:55 o'clock, took a recess until I:30 p.m.

Afternoon Session.

The Senate was called to order at I:35 o'clock.

The chair announced the vote on Senator White's motion to reject the joint resolution introduced by Senator Achi, in order.

Senator C. Brown moved that the ayes and noes be taken. Seconded by Senator Carter and carried.

The clerk announced the vote as being ~~8 to 7 in favor of the motion to reject~~ ayes 8, noes 7; which result was declared by the President.

During debate on the question of the right of the chair to vote, on the ayes and noes being called, the chair ordered the Sergeant-at-Arms to remove Senator C. Brown from the Senate chamber.

Senator Kalauokalani moved to adjourn. Seconded by Senator J. Brown and carried; whereupon the Senate ~~adj~~ was declared adjourned

Approved: Nicholas Russel

.....
President.

Edgar Campbell
.....
Clerk of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Eleventh = Day

= Wednesday Mch. 6th 1901 =

In The Senate.

Territory of Hawaii.

Eleventh Day.

Wednesday, March 6th., 1901.

The Senate met, pursuant to adjournment at 10 o'clock. After prayer by the Chaplain, the roll was called, showing the following absent: Senators Baldwin and Carter. all other Senators were present

The journal of the tenth day ~~was~~ was read and approved ~~without correction.~~ as read

Senator C. Brown arose on a question of privilege and made ~~the following statement~~: a statement relating to the proceedings of yesterday afternoon.

Mr Cecil Brown: " I rise to a question of privilege. On yesterday afternoon when the House adjourned the President ordered the Sergeant at Arms to remove me from the floor of the Senate.

I now wish to make a statement of the grounds as I construe them, so that the matter may appear on the records of this Assembly.

The first question that arose, & upon which any discussion or difference of opinion took place was upon the voting of the President in the taking of ayes & noes on the question of re-jecting or not the resolution introduced by Senator Achi of Oahu. I claimed, Mr. President, at the time that the voting of the President was contrary to the rules, & should not have been cast when the ayes & noes were being called, but only at such a time when there would have been a tie. And to support my contention there I now cite Subdivision eleven of Rule nine of our Rules on the duties of Officers, under the heading " It shall be the duty of the President"; which is as follows:

"To decide all questions wherein the vote taken shall result in a tie, but otherwise he

shall not vote except where the decision is reached by ballot, or upon the final passage of a bill."

Rule 45, under the head of Voting, Subdivision two, after the clerk — the clerk shall count them as before. He shall state the result to the President, who shall then announce it to the Senate. If there is a tie vote the President shall decide, then he shall declare the result of the vote.

The President first voted no. I did not hear him state that he changed his vote. I do not know whether the statement was made that he changed it before the decision was announced; but if he changed it before the decision was announced, well & good; he had a perfect right to change his vote.

After that, during the debate, I understood the President to state that the reason he claimed the right to vote was when it was on the final passage of a bill; that he conceded the resolution to be the final passage of a bill. I think the President has become confused with the rules of the Lower House. It is a rule when the ayes & noes are called the Chairman can vote. We have no such rules. The only time the President can vote under our rules is when it is a tie, or when

the vote is by ballot.

Understanding the ruling of the President to be that he claimed that right as it is on the final passage of a bill, that he claimed it to be the final passage of a bill, I appealed from the ruling of the Chair.

Under Rule 87, which is as follows: Question of Order — a question of order may be raised at any stage of the proceedings, except during the call of the role, when the ayes & noes are called. The ayes & noes in this case had been called, passed & decided. I objected to the ruling of the Chair after the ayes & noes were called. "Unless submitted to the Senate such question shall be decided without debate by the Presiding Officer, subject to an appeal to the Senate.

At that time the Senator from Lahaina, W. White, rose on his feet & commenced to debate this question, & I arose again, making my point of order; and it was at that time that the President ordered me to sit down, & I refused to do it on the ground that I was in order under our rules & had appealed from the Chair, & that the member from Lahaina was out of order; and it was at that point that the House adjourned.

I want to make this statement so that it

will appear on the Journal of the Senate as a reason, & the reason for the stand I ~~take~~ took yesterday. If it was wrong I am ready to take the consequences, to apologize to the House, or anyone else; but I do not think I am wrong, & do not want to apologize. If I am there is noone more willing to apologize than I am. If the rules are not according to the wishes of the members, they may be changed as provided.

I want to make that statement as the minutes of the clerk do not show the reason why the President called on the Sergeant at Arms to remove me. With that explanation I hope the matter will drop.

I will say further: I admit I lost my temper, & if I hadn't lost my temper in all probability it would not have happened."

The President. If there is no objection the explanation of Senator Cecil Brown will be spread on the ~~minutes~~ Journal.

No objection offered.

Not to be
Translated
or
Printed

House Bill No. I, which was referred back to the House on the previous day, was read together with the communication submitting the same. On motion of Senator Cecil Brown, seconded by Senator Crabbe, the bill was again returned to the House for proper certification.

Senator Kalauokalani presented the following report of the Committee on Printing:

Report of the Committee on the Printing of Senate Bills.

Your Committee on Printing, after having called on the various printing houses of the city with the view of securing the lowest bids for the printing of Senate bills, begs leave to report as follows on the bids received :

Republican	$I.50 per page.
Bulletin	$I.50. per page.
Hawaiian Gazette	$I.50 per page.
Kuokoa (F.S.Gesto)	$I.50. per page.

Your committee therefore recommends that the printing of the Senate be distributed equally to the printing houses that have submitted bids, this with the consent of the Senate,

D.Kalauokalani,

~~L.H. Komike Pai~~.
Chairman Printing Committee.

Honolulu, March 6, I90I.

Senator C Brwon moved that the report of the Printing Committee be adopted. Seconded by Senator Crabbe and carried.

Senator C. Brown was granted leave to read bills of which he had already given notice.

Senator C. Brown moved that the bills be read first time by title. Seconded by Senator Achi and carried. Senator C Brown then read by title the following bills:

(1) An Act to apportion the term of office of Seven Senators elected at the first general election.

(2) An Act to regulate the employment of labor on the Public Works of the Territory of Hawaii.

(3) An Act to amend Section 2070 of the Civil Laws of the Territory of Hawaii.

(4) An Act relating to Exemption of certain property from attachment and execution, and repealing Section 1483 of the Civil Laws.

(5) An Act to define the Biennial Fiscal Period of the Territory of Hawaii.

(6) An Act to repeal Sections 1617, 1618 and 1619 of the Penal Laws, relating to Forest Roads.

(7) An Act to amend Section 85 of the Penal Laws relating to the concealment of the death of a newly born child.

(8) An Act to amend Section 3 of the Penal Laws relating to crimes and misdemeanors.

(9) An Act to amend Section 132 of the Penal Laws relating to the punishment of Larceny.

(10) An Act to amend Section 68 of the Penal Laws relating to the punishment of the offense of deforming the feet of girls under the age of eighteen years.

(11) An Act to amend Section 61 of the Penal Laws relating to the punishment of assault or assault and battery on an officer.

(12) An Act to amend Section 200 of the Penal Laws relating to Malicious injury.

(13) An Act to amend Section 182 of the Penal Laws relating to Gross Cheat.

(14) An Act to amend Section 174 of the Penal Laws relating to the offense of receiving stolen goods.

(15) An Act to amend Section 424 of the Penal Laws relating to the illegal manufacture for sale of spirituous liquors and substances.

An Act to amend Section 425 of the Penal Laws relating to the distillation of spirituous liquors.

An Act to amend Section 986 of the Penal Laws relating to the protection of the places of sepulture.

An Act to amend Section 584 of the Penal Laws relating to the jurisdiction of the District Magistrates.

Senator Kalauokalani gave notice of his intention to introduce the following bill:

A bill providing for the exemption of certain personal property from attachment, execution, distress and forced sale of every kind and description and to repeal all laws in conflict with said bill.

Senator Achi moved that all the bills read by title go to the Printing Committee and that this committee be instructed to have the same translated before having them printed. Seconded by Senator C. Brown and carried.

Senator Achi asked that he be given permission to read certain bills first time by title. There being no objection, Senator Achi read the following bills by their titles:

An Act to repeal Section 806 of the Civil Code relating to Poll Tax.

An Act to provide for a Commission to take evidence concerning injuries to property caused by the action of the Board of Health in connection with the suppression of bubonic plague in Honolulu, and elsewhere in this Territory and by the conflagration in Honolulu on January 20th., 1900, and to report thereon.

Senator Carter gave notice of his intention to introduce the following bill:

A bill providing an amendment to the Penal Laws, Sections 764 and 765 relating to Merchandise Licenses.

Under the head of unfinished business, the appeal of Senator C Brown from the ruling of the chair relative to the right of the

President of the Senate to vote when the ayes and noes are called on a joint resolution, was ~~brought~~ taken up for consideration. Upon being put to vote, the decision of the chair was sustained by the following vote:

Those voting in the affirmative were, Senators J. Brown, Kahilina, Kaiue, Kalauokalani, Kaohi, Nakapaahu, and White. 7.

Those voting in the negative were, Senators Achi, Baldwin, C. Brown, Carter, Crabbe and Paris. 6.

Senator C. Brown moved that the rules be suspended and that the estimates as submitted by the Governor in connection with his message, be referred to a committee to be put in the form of a bill. Seconded by Senator Achi.

Senator Achi moved to amend to the effect that the estimates be referred to the Judiciary Committee. Amendment accepted by Senator C. Brown.

The motion to suspend the rules was put and carried.

The chair then put the motion to refer to a committee with the accepted amendment, to refer to the Judiciary Committee. Carried.

Senator C. Brown moved the adoption of the concurrent resolution of the House relative to the Tax Laws and the appointment of committees by the House and Senate. Seconded by Senator Baldwin.

Senator Achi moved that the resolution be referred to the Finance Committee.

At 11:55 a.m., Senator Kalauokalani moved that the Senate take a recess until 1:30 p.m. Seconded by Senator J. Brown and carried.

Afternoon Session

The Senate convened at 1:30 o'clock.

Senator C. Brown moved that the concurrent resolution of the House, relating to the Tax Laws, go to a special committee to be made up of the Committee on Ways and Means and Senator Baldwin, this by way of amendment to the motion made in the forenoon by Senator Achi to refer to the Finance Committee.

Senator Kaiue moved to amend to the effect that Senator Baldwin be a member of the committee without the right to vote.

So

Senator White moved to amend ~~to the effect~~ that the name of Senator Paris instead of Senator Baldwin, be placed on the special committee.

Senator Kaiue withdrew his amendment.

There being no objection to the motion as amended, the chair announced that the special committee would consist of the following: Senators Kanuha, Carter, Kaiue and Paris.

Senator C. Brown moved that the Clerk of the Senate be authorized to have the journal of the Senate typewritten instead of writing in a book, for purposes of filing, Seconded by Senator Carter and carried.

Under suspension of rules, Senator White introduced the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to supply each member of the Senate who so desires, with one copy each of the Penal Laws, the Civil Laws as compiled by Mr. S M Ballou, and also a copy of the Session Laws of 1898, all these to be in the English and Hawaiian languages.

Seconded by Senator Kaiue and adopted.

At 2:15 o'clock, Senator C Brown moved that the Senate adjourn Seconded by Senator Crabbe and carried.

Edgar Cayplass

Clerk of the Senate.

Approved: by the Senate

Nicholas Russel

President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Twelfth Day

Thursday Mch 7th 1901

In the Senate

Territory of Hawaii.

Twelfth Day.

~~Morning Session.~~

March 7th.,1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the ~~journal of the Eleventh Day~~ roll was called, showing all the senators present.

The clerk read the journal of the Eleventh Day.

Senator Brown asked that the clerk state to the Senate his reckoning of the days. According to the minutes, it was the tewlfth day of the session but it should be the fourteenth.

Senator Carter suggested that, in addition to the days of sitting, the clerk insert in his journals, the actual days of the session.

The chair stated that, if there were no objections, the clerk would follow the suggestion of Senator Carter.

Senator White moved that the clerk record in his minutes only the actual days of sitting of the Senate. Seconded by Senator Kahilina.

Senator Kaiue moved that the statement of Senator C. Brown, relating to his action of appealing from the decision of the chair, be expunged from the journal of the Senate.

The chair ruling that there was a motion before the house, Senator Kaiue withdrew his motion.

The motion of Senator White relating to recording of actual days of sitting, was put and carried.

Senator Kaiue renewed his motion of expunging the statement of Senator C Brown from the ~~minutes~~ journal of the Senate. Seconded by Senator White.

Senator Achi arose to a point of order, stating that the motion of Senator Kaiue was out of order. The point of order was not sustained by the chair.

Senator Achi appealed from the ruling of the chair.

Senator Achi moved that the ayes and noes on the appeal from the ruling of the chair be taken. Seconded by Senator C. Brown.

On being put to a vote, the ruling of the chair was sustained by a vote of 8 to 6.

Those who voted in the affirmative were as follows: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kamuha, Kaohi Nakapaahu and White. 8

Those who voted in the negative were as follows: Senators Achi, Baldwin, C. Brown, Carter, Crabbe and Paris. 6.

At 12 m. Senator White moved to take a recess. Seconded by Senator Kahilina and carried.

Afternoon Session.

The Senate reconvened at 1:30 o'clock.

Senator Kalauokalani seconded the motion of Senator Kaiue to expunge the statement of Senator Brown from the journal of the Senate.

Senator Kalauokalani moved that the ayes and noes be called. Seconded by Senator Kaiue.

Senator White moved the previous question. Seconded by Senator Nakapaahu.

Other members of the Senate wishing to speak on the question, Senator White withdrew his motion.

During the course of remarks made by Senator Cecil Brown, the speaker said: "If the majority chooses to do this thing, they are not as honorable as I thought they were."

The chair called Senator C Brown to order on the ground that ~~he had cast a reflection upon the Senate of which he was a member. Senator White moved the previous question.~~ he had cast a reflection.

Senator White moved the previous question. Seconded by Senator C. Brown.

Senator Kaiue, being asked by the chair to again state his motion said: "I move to expunge from the journal of the Senate, the statement made by Senator C. Brown on the convening of the Senate yesterday, and read from the journal this morning."

The motion was carried by a vote of 8 to 5.

Those ~~who voted~~ voting in the affirmative were ~~as follows~~: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kamuha, Kaohi, Nakapaahu and White.

Those voting in the negative were ~~as follows~~: Senators Achi, Baldwin, Carter, Crabbe and Paris.

Senator C Brown declined the privilege of voting, saying that he was an interested party.

Under suspension of rules, Senator Carter moved that the clerk be instructed to insert proper heads in the various sections of the Senate rules where needed. Seconded by Senator Kaiue and carried.

Senator C Brown moved that the clerk be instructed to write across the page containing his statement: "Expunged by order of the Senate on March 7, 1901." Seconded by Senator Crabbe.

Senator C Brown withdrew his motion.

Senator White moved that the journal of the eleventh day be approved without any additional notes from any source whatever. Seconded by Senator Kaiue and carried.

House Bill No. I was read ~~first time~~ together with the communication of the House submitted with it.

The chair stated that, if there were no objection, the bill would be read the second time on the next day.

Senator White moved that the bill be tabled and that it be made the special order for Friday. Seconded by Senator Kahilina and carried.

The clerk read the following communication from the House:

House of Representatives.

Honolulu, T.H., March 5, 1901.

Honorable President of the Senate:

Sir:- I have the honor to inform your honorable body that the following House Joint Resolution this day passed the House of Representatives by a majority vote.

S. Meheula,

Clerk.

Senator C Brown moved that the ~~same~~ bill accompanying the communication be returned to the House on account of an irregularity. Seconded by Senator Achi and carried.

Senator Kalauokalani read a petition entitled:

A PETITION from 174 taxpayers of the Territory of Hawaii for the appointment of a committee to determine the approximate amount due claimants for damages resulting from the suppression of Bubonic Plague.

Senator Kahilina moved that the petition be referred to the Committee on Claims. Seconded by Senator White.

Senator Achi moved to amend to the effect that the petition go to the Committee on Ways and Means. Seconded by Senator Crabbe. Amendment lost.

Motion of Senator Kahilina to refer the petition to the Committee on Claims, put and carried.

Senator C Brown presented the following minority report of the Judiciary Committee:

Honolulu, March 7th, 1901.

To Hon. N. Russell,
President of the Senate;

Sir:-

The minority of the Judiciary Committee herewith presents a report on the Estimates submitted by the Governor to the Legislature of the Territory of Hawaii for the succeeding biennial period, and referred to such Committee for the purpose of preparing and including the same in an Act or Acts in order to bring such matters properly before the Senate for action and consideration.

The minority has prepared and herewith submits an Act making special appropriations for the Departmental use as well as the payment of the necessary current expenses of carrying on the government for such biennial period.

This Act embraces the necessary appropriations as submitted by the Governor, and the money therefor is expected to be provided out of and from the current revenue from all sources, and not from any loan fund.

There is also submitted by the minority upon the plan suggested by the Governor in his message, a general or public loan Act based upon that passed by the Legislature of the Republic of Hawaii in 1896, and which Act if passed, will not necessitate the passing of a new loan Act at each session of the Legislature.

There is also in preparation a loan Act, the money realized under the same to be used for the internal improvements recommended in the estimates before mentioned, or in such other manner as the Legislature may decide.

Respectfully submitted,

Cecil Brown.

The acts submitted with the minority report were as follows:

I.AN ACT to provide for public loans.

2.AN ACT making appropriations for the Departmental use of the government of the Territory of Hawaii,and providing for the payment of the necessary current expenses of carrying on the government for the succeeding biennial period.

Senator White moved that the report be tabled pending the report of the majority of the committee.Seconded by Senator Achi and carried.

Senator White introduced the following resolution:

In the Senate of the Territory of Hawaii.

RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii that the Honorable Governor of the Territory of Hawaii be and is hereby respectfully requested to nominate and appoint persons to fill offices wherein he is authorized to make appointments by and with the advice of the Senate,at the earliest possible day:

And

BE IT' FURTHER RESOLVED that the secretary of the Senate be and he is hereby instructed to forthwith transmit a certified copy of this resolution to the Honorable Governor.

Wm.White.

March 7th.,1901.

The resolution was seconded by Senator Nakapaahu and adopted.

Senator White moved to adjourn but withdrew his motion.

Senator Crabbe gave notice of his intention to introduce the following bills:

AN ACT defining the design of a Great Seal for the Territory of Hawaii.

AN ACT to prohibit the unlawful wearing of the badge of the Grand Army of the Republic.

Senator Kalauokalani moved that the rules be suspended in order to allow him to read first time by title a bill of which he had given previous notice.Seconded by Senator White and carried.

~~Under this suspension of rules~~,the secretary read the bill

by title as follows:

An Act to provide for the exemption of certain personal property from attachment,execution,distress and forced sale of every nature and description,and repealing an act entitled "An Act to facilitate the recovery of rents passed on the tenth day of January,1865, and all other laws and parts of laws in conflict with this act.

Senator White moved that the bill be referred to the Printing Committee.Seconded by Senator Kalauokalani and carried.

Senator Carter moved that the rules be suspended in order to allow him to read first time by title a bill of which he had given previous notice.Seconded by Senator Achi and carried.

Under this suspension of rules,Senator Carter read the bill by title as follows:

An Act to amend Sections 764 and 765 of the Penal Laws relating to merchandise licenses.

Senator Achi moved that the bill pass its first reading and that it be referred to the Printing Committee.Seconded by Senator Carter and carried.

At 3:30 p.m.Senator Carter moved to adjourn.Seconded by Senator White and carried.

Edgar Caplass
.....
Clerk of the Senate.

Approved by the Senate:

Nicholas Russell
.....
President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Thirteenth = Day

= Friday Mch. 8th = 1901 =

In the senate.

Territory of Hawaii.

Thirteenth Day.

~~Morning~~ Session.

Friday, March 8th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators Carter, Baldwin and White absent.

The journal of the twelfth day was read, and, on motion of Senator Carter, seconded by Senator J. Brown, it was ~~adopted without correction.~~ approved as read.

The clerk read the joint resolution from the House sent back to that body on the previous day to be put in proper form.

Senator Baldwin moved that it be again returned on account of another irregularity. Seconded by Senator J. Brown and carried.

Senator Kalauokalani moved that the rules be suspended in order to allow him to make a verbal report for the committee appointed to look into matters at the leper settlement on Molokai. Seconded by Senator Carter and carried.

Under this suspension of rules, Senator Kalauokalani asked that the committee be given further time in which to prepare its report.

There being no objection, the chair granted the committee further time.

Senator White moved that the rules be suspended in order to allow him to make a verbal report for the committee appointed to make arrangements for other quarters for the Senate. seconded by Senator Baldwin and carried.

Under the suspension of rules, Senator White made the following verbal report:

"I went over to the bungalow this morning and found that there was only a little more to be done to the place before it would be finished. If the Senate will adjourn tomorrow at the noon hour, the

desks

desks and other paraphernalia of the Senate could be taken over to the new place so that the members will be able to go into the new quarters on Monday morning, without any further trouble.

Senator Carter moved that the verbal report of the committee be accepted. Seconded by Senator Kalauokalani and carried.

Senator Achi gave notice of his intention to introduce the following bill:

An Act regulating the mortgaging or leasing of real estate by guardians.

House Bill No. I was read the first time on the order of the day.

Senator Baldwin moved that the bill pass its first reading. Seconded by Senator Kanuha.

Senator White made the same motion. Seconded by Senator Kalauokalani.

Senator Achi announced that there was no need of a motion on first reading of a bill.

The chair announced that, if there were no objection, the bill would pass its first reading.

Senator Carter arose to suggest ~~that to the chair~~ that the chair do not recognize any seconds to motions unless the makers should arise to their feet and address the chair in the proper manner.

The chair sustained the point of order and stated that, in the future, he would not recognize any seconds unless the makers should rise to their feet and address the chair in the proper manner.

Senator Achi moved that House Bill No. I be read the second time on Saturday. Seconded by Senator Carter and carried.

Senator White moved to adjourn until Monday morning at I0 o'clock.

Senator White withdrew his motion.

At 10:50 a.m.,

Senator Carter moved ~~that~~ to adjourn. Seconded by Senator White and carried.

Edgar Caylesse

Clerk of the Senate.

Approved by the Senate:

Nicholas Russel

President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Fourteenth Day

Saturday Mch. 9th 1901

In the Senate.

Territory of Hawaii.

Fourteenth Day.

Morning Session.

Saturday, March 9th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called showing Senators Baldwin, Carter and Paris absent.

The journal of the thirteenth day was read and ~~adopted without correction~~ approved as read, on motion of Senator Carter, seconded by Senator C. Brown.

Senator C. Brown made the following report for the minority of the Judiciary Committee:

The minority of the Judiciary Committee herewith submits for the consideration of this Honorable body an act authorizing the issuing of bonds of the Territory, and defining the purposes to which the money obtained therefrom shall be expended. This act finishes, so far as the minority is concerned, the duty imposed upon it when the estimates submitted by the Governor were referred to the Judiciary Committee to submit with the necessary bills.

Cecil Brown.

The title of the act submitted with the report is as follows:

"An Act authorizing the Treasurer during the ensuing biennial period, with the consent of the Governor, to issue bonds of the Territory of Hawaii, with interest coupons attached, to an amount not to exceed $1,946,600, and to define the purpose for which the money obtained therefrom shall be expended.

Senator C. Brown moved that the report be laid on the table until such time as the majority shall see fit to bring in its report. Seconded by Senator Crabbe and carried.

Senator Kalauokalani asked that the rules be suspended in order to allow him to make a report for the Printing Committee. There being no objection, the rules were suspended and Senator Kalauokalani reported that Senate Bills 1, 2, 24 and 25 had been printed and were ready for distribution.

Senator Kaohi gave notice of his intention to introduce a bill repealing the appropriation for the Hawaiian band.

Senator Achi explained that, as this matter would come up in

the appropriation bill,there was no necessity for the introduction of a special bill.

On this showing,Senator Kaohi withdrew his notice of intention to introduce the bill.

Senator Kamuha gave notice of his intention to introduce the following bills:

I.An Act for a Territorail Boarding School for the Territory of Hawaii which shall be known by the name of Lahainaluna Seminary at the same place,and to appoint a board of trustees for the government of Lahainaluna Seminary,and to determine the powers and duties of such board of trustees.

2.An Act relating to licensed physicians.

3.An Act to provide for a High School and a conservatory of music under the Department of Public Instruction,in Hilo,Island of Hawaii.

Senator Achi moved that the rules be suspended in order to allow Senator Crabbe to read first time an act of which he had given previous notice.Seconded by Senator Paris and carried.

Senator Crabbe read first time the following act:

An Act to prohibit the unlawful wearing of the badge of the Grand Army of the Republic.

Senator Crabbe moved that the bill be referred to the Printing Committee.Seconded by Senator Achi and carried.

The clerk read the following communication from the Governor:

Honolulu,March 8th.,1901.

The Honorable
Nicholas Russell,
President of the Senate,
Territory of Hawaii.

Sir:-

A certified copy of a resolution of the Senate,dated March 7th.,has been received requesting me to nominate and appoint persons to fill offices which I am authorized to appoint by and with the consent of the Senate,at the earliest possible date.

No appointments have been made to such offices during the

a session of the Senate but several of such appointments were made previous to the date when the Organic Act went into effect. The majority of such offices were filled after the Organic Act went into effect and when the Senate was not in session, which appointments will be submitted in due time to the Senate for its consideration.

Very respectfully,

Sanford B. Dole.

Senator Achi moved that the communication be accepted and placed on file. Seconded by Senator Crabbe and carried.

On the order of the day, House Bill No. I came up for its second reading.

Senator Achi moved that the bill be referred to the Committee on Public Expenditures. Seconded by Senator Crabbe, and carried.

Senator White moved that the bill pass its second reading. Seconded by Senator Kahilina.

Senator C. Brown moved that the bill be referred to a committee. Seconded by Senator Kamuha.

Senator Achi's motion to refer to the Committee on Public Expenditures, was lost.

Senator White's motion that the bill pass its second reading, carried.

At 11:20, Senator C. Brown moved to adjourn. Seconded by Senator Nakapaahu and carried.

Edgar Cypher

Clerk of the Senate.

Approved by the Senate:

Nicholas Russell

President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Fifteenth Day

"Monday Mch 11th 1901"

In the Senate.

Territory of Hawaii.

Fifteenth Day.

Morning Session.

Monday, March 11th., 1901.

The Senate met, pursuant to adjournment at 10 a.m. After prayer by the Chaplain, the clerk called the roll, showing Senators Achi, Baldwin and White absent.

The journal of the fourteenth day was read, and, upon motion of Senator Kalauokalani, seconded by Senator White, adopted without correction.

A communication from the House, submitting House Resolution 3. On motion of Senator C. Brown, seconded by Senator Achi, was upon motion returned to the House on account of an irregularity.

Another communication from the House, submitting a joint resolution submitted by Representative Makekau, was, On motion of Senator C. Brown, seconded by Senator Carter, returned to the House on account of an irregularity.

Senator Kalauokalani reported for the Printing Committee that Senate Bills 3, 26 and 27 had been printed and were ready for distribution.

The clerk read a petition from the following committee of the Japanese residents on the subject of the fire claims of the Japanese: S. Ozaki, S. Kojima, T. Ishikawa, Y. Soga, H. Kihara, K. Ono and R. Susumago.

Senator Baldwin moved that the rules be suspended that the petition might be brought before the Senate. Seconded by Senator Achi and carried.

Senator C. Brown moved that the petition be laid on the table to be taken up when the bill which it purposes to criticize shall be taken up for consideration.

This motion was not seconded. Senator Achi moved to amend to the effect that the petition be translated and referred to the Committee on Claims

Committee on Claims. Seconded by Senator White.

Senator ~~J.~~ C. Brown withdrew his motion and the President put Senator Achi's motion as a full ~~&~~ motion.

Senator White ~~stated~~ stated that it was not necessary to make a motion for the purpose of having the matter translated. It was clearly the duty of the interpreter.

On this showing, the President stated that he would not put the motion. The interpreter then ~~read~~ translated the petition ~~in~~ into Hawaiian.

Senator J. Brown moved that the petition be referred to the Committee on Claims. Seconded by Senator Kalauokalani.

The chair ruled that, ~~according to~~ under the rules, he had the right to refer the petition to ~~whatever~~ the proper committee, ~~he might see fit~~ and he referred the same to the Committee on Claims.

Senator White, reporting for the ~~no~~ majority of the Judiciary Committee, asked that they be granted two more days during ~~&~~ which to prepare their report.

On motion of Senator Carter, seconded by Senator Kalauokalani, the committee was granted the time asked for.

Senator White, reporting for the special committee to whom had been referred the matter of securing other quarters for the Senate, asked that the committee be discharged with thanks. Seconded by Senator J. Brown and carried.

~~The chair announced that the committee was discharged with thanks.~~

Senator Carter introduced the following resolution:

RESOLUTION.

BE IT HEREBY RESOLVED,

That, until otherwise voted, the hour of meeting for the Senate shall be 9:30 a.m.

~~C.R. Carter,~~

~~Senator from 3rd. District.~~

~~March 11th., 1901.~~

Resolution seconded by Senator Kalauokalani.

Senator Crabbe moved to amend to the effect that the hour be 9 o'clock instead of 9:30. Seconded by Senator Kanuha and lost.

Senator Carter's original resolution was then put to vote.

Carried.

Senator Paris introduced the following resolution:

RESOLUTION.

BE IT RESOLVED, That the following items be inserted in the Appropriation Bill:

$7000 for court house and jail at Kailua, North Kona.

$3000 for court house and jail at Hookena, South Kona, Hawaii, to be built on upper road.

$15 000 to widen the main government road from Huehue, North Kona, to the boundary of South Kona, from 16 to 20 feet.

$12 000 to widen the upper road in South Kona, from the boundary of North Kona to Hookena.

$500 for a wharf shed at Hookena, South Kona.

$800 for widening the wharf and building a wharf shed at Keauhou, North Kona.

$12 000 to build or extend the Kailua wharf so ships can discharge their cargoes.

$1 000 to widen the channel at Hookena, South Kona.

J.D.Paris,

Senator First District.

March 11, 1901.

Senator White moved that the resolution be laid on the table to be taken up with the Appropriation Bill. Seconded by Senator J.Brown and carried.

Senator Paris gave notice of his intention to introduce the following bills:

An Act to amend Chapter 96 of the Civil Laws as compiled by Ballou, in regard to witness fees in Civil cases.

An Act to ~~amend~~ amend Chapter 96 of the Civil Laws in regard to jurors' fees.

An Act to amend internal tax laws, Section 837, on exemption.

Senator C. Brown gave notice of his intention to introduce the following bills:

An Act to provide legible and uniform recording of instruments and documents required by law to be recorded.

An Act to secure accurate registry of the values of transfers of property.

Senator Achi gave notice of his intention to introduce amendments on Rules LXII and XLI.

~~[illegible]~~

Senator J. Brown moved that House Bill No. I be taken up ~~in~~ for third reading immediately. Seconded by Senator Kalauokalani.

Senator Achi moved that the rules ~~r~~ be suspended to allow the immediate bringing up of House Bill No. I on third reading. Seconded by Senator Kalauokalani.

Senator Carter moved that the Senate take a recess until I:30 o'clock. No second.

The chair ruled that Senator J. Brown's motion to bring up ~~the~~ House Bill No. I immediately on third reading, was in order. Motion carried.

At II:45 a.m., Senator White moved to take a recess until I:30 o'clock. Seconded by Senator Carter and carried.

Afternoon Session.

The Senate convened at 1:30 p.m.

Senator White moved to suspend the rules in order to introduce an amendment to the rules of the Senate. Seconded by Senator J. Brown and carried.

Senator White moved to amend Rule ~~52~~ 62 by inserting before the word "engrossed", the words "typewritten or". Seconded by Senator C. Brown.

Senator Achi moved to amend Rule ~~52~~ 62 by striking out the word "engrossed" and substituting therefor, the word "typewritten".

Senator White accepted the amendment.

The chair announced that this acceptance of Senator White practically reduced the matter to one motion. The amendment of Senator Achi was therefore put as a motion and carried.

Senator Carter moved to strike out Rule CV. Seconded by Senator Achi and lost.

Senator C. Brown moved to strike out all that portion of the Rule after the word "determine". Seconded by Senator ~~Carter~~ Carter and carried.

Senator C. Brown moved to strike out in the first line of Rule CV, the words "engrossing clerks" and further, to strike out the words "engrossing clerks" ~~that follow a little afterwards and~~ in the fifth line and insert the word "typewriters." Carried.

Senator Kalauokalani moved to take up House Bill No. I for consideration.

Senator White moved that the amendments to the rules of the Senate be referred to the clerk to have corrected in the printed copies before they should be issued by the printing office doing the work on the rules. Seconded by Senator Kalauokalani and carried.

The chair announced the third reading of House Bill No. I.

~~Senator Crabbe moved that the sum of $45 000 be amended to read $35 000. Seconded by Senator Carter and lost.~~

Senator J. Brown moved that the bill pass its third reading as read. Seconded by Senator Kalauokalani. The ayes and noes were called, the motion carrying by a vote of 9 to 6.

Those voting in the affirmative were: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kamuha, Kaohi, Nakapaahu, Russell and White. — 9.

Those voting in the negative were: Senators Achi, Baldwin, C Brown

Achi,Baldwin,C Brown,Carter,Crabbe and Paris.-6.

Senate Bill No. 1,-An Act to apportion the term of office of seven senators elected at the first general election-was brought up on the order of the day.

Senator Achi moved that the rules be suspended so that the bill could be read the second time by title and referred to a committee, Seconded by Senators C Brown and Carter.

Senator White moved that the bill be read through. Seconded by Senator J Brown.

The chair put Senator Achi's motion to suspend the rules. Lost.

The chair announced that Senator Achi's motion was out of order.The bill,according to rules,must be read.

After the reading of the bill,Senator J Brown moved that it be referred to the Judiciary Committee.Seconded by Senator Kalauokalani.

Senator Achi moved that the bill be referred to a special committee of six members.Seconded by Senator Carter.

The chair put the motion of Senator J Brown to refer to the Judiciary Committee.

Senator Carter moved to amend Senator J Brown's motion to the effect that the bill be referred to the Committee on Public Works, Public Lands and Internal Improvements.Seconded by Senator Achi and lost.

Senator J Brown's motion to refer to the Judiciary Committee was put and carried.

Senate Bill No. 2 An Act to regulate the employment of labor on the Public Works of the Territory of Hawaii-was read the second time.

On motion of Senator Kalauokalani,seconded by Senator J Brown,the bill was referred to the Judiciary Committee.

An Act to repeal Section 806 of the Civil Code,relating to poll tax-Senate Bill No. 24 was read the second time.

Senator C Brown moved that it be referred to the Committee on Ways and means. Seconded by Senator Paris and carried.

Senate Bill No. 25 An Act to provide for a commission to take evidence concerning injuries to property caused by the action

of the Board of Health in connection with the suppression of bubonic plague in Honolulu and elsewhere in ~~the~~ this Territory and by the conflagration in Honolulu, January 20, 1900, and to report thereon-was ~~be~~ read the second time.

Senator J Brown moved that the bill be referred to the Committee on Claims. Seconded by Senator Kalauokalani and carried.

Senator C Brown moved that Senate Bills Nos. 3, 26 and 27 be ~~if~~ taken ~~off~~ from the table and ~~disposed of in~~ have their second reading. Seconded by Senator Carter and carried.

Senator Carter moved that the rules be suspended and that ~~xxxxxx~~ the bills be read by title. Seconded by Senator Achi and carried.

Senate Bill No. 3 ~~xxxxxxxx~~ An Act to amend Section 2070 of the Civil Laws of the Territory of Hawaii, as set forth in a compilation made by Sidney M. Ballou, -was read.

Senator C. Brown moved that the bill be referred to the Judiciary Committee. Seconded by Senator Achi and carried.

Senator C Brown moved that the rules be suspended in order to allow the reading of Senate Bill 26 by title. Seconded by Senator Achi and carried.

The bill-An Act to provide for the exemption of certain personal property from attachment, execution, distress and forced sale of every nature and description; and repealing an act entitled "An Act to facilitate the recovery of rents," ~~xx~~ passed on the tenth day of January, 1865, and all other laws and parts of laws in conflict with this act-was read by the clerk.

Senator Baldwin moved that the bill be referred to the Judiciary Committee. Seconded by Senator Achi and carried.

Senator Baldwin moved that the rules be suspended and ~~xxxxx~~ that Senate Bill 27 be read by title. Seconded by Senator Achi and carried.

The clerk read Senate Bill 27-An Act to amend Sections 764 and 765 of the Penal Laws, relating to merchandise licenses.

Senator Crabbe moved that the bill be referred to the Committee on Ways and Means. Seconded by Senator C Brown and carried.

Senator Crabbe ~~xxxxxx~~ moved that the rules be suspended in order to allow him to read a bill of which he had already given ~~xx~~-

notice. Seconded by Senator Achi and carried.

Senator Crabbe then read the following ~~act~~ bill:

An Act defining the Territorial seal.

Senator ~~Carter~~ Crabbe moved that the bill be referred to the ~~Pr~~ Printing Committee. Seconded by Senator Carter and carried.

At 3:50 p.m., Senator Carter moved to adjourn. Seconded by Senator Kalauokalani and carried.

Nicholas Russell
President ~~clerk~~ of the Senate.

Approved: ~~by the Senate:~~
Edgar Caybless
Clerk ~~President~~ of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Sixteenth Day

Tuesday Mch 12th 1901

In the Senate.

Territory of Hawaii.

Sixteenth Day.

~~Morning Session~~.

Tuesday, March 12th., 1901.

The Senate met, pursuant to adjournment, at 9:30 a.m. After prayer by the chaplain, the clerk called the roll, showing Senators Baldwin, C Brown and Paris absent.

~~The clerk read the~~ journal of the previous day ~~There being no~~ interpreter ~~present, the journal could not be translated into the Hawaiian language.~~ The interpreter being absent. Was read.

Senator Achi moved that Mr. R.N. Boyd ~~who was present in the room,~~ be ~~asked~~ requested to translate the journal. Seconded by Senator Kanuha and lost.

Senator White moved that the Sergeant-at-Arms be sent ~~out~~ after the interpreter to bring him before the Senate. Seconded by Senator Kalauokalani and carried.

Senator White moved to take a recess for a half hour. Seconded by Senator Crabbe.

Senator Carter moved to amend ~~to the effect~~ that the ~~Senate take a~~ recess be until 1:30 p.m. Seconded by Senator Achi and lost.

~~The chair put~~ Senator White's motion to take a recess for a half hour was then Carried.

~~The chair announced that the Senate would take a recess until 10:20 o'clock.~~ declared

RECESS.

The ~~Senate convened~~ reconvened at 10:20 o'clock.

After the translation of the journal of the previous day by the interpreter, Senator Achi moved that ~~the journal~~ be adopted as read. Seconded by Senator J. Brown and carried.

The ~~clerk read the~~ following communication from the House: was read

House of Representatives.

Honolulu,T.H.,March II,I90I.

To the President and

Members of the Senate:

I have the honor to inform your Honorable body that House Bills Nos. 3,5,6 and I0 have this day passed the House of Representatives on the third reading of each by votes as per certificate attached.

~~The clerk read the~~ A first reading of the bills by title was as follows:

House Bill No. 3-An Act relating to jurisdiction of ~~Courts~~ Circuit Judges at Chambers in matters concerning the relation of guardian and ward;and amending Section I367 of the Civil Code and Sections 38 of Chapter 57 of the Session Laws of I892 as amended by Act 56 of the Session Laws of I898.

Vote in the House:

Ayes 24.

Noes-----

Excused 2

Absent 3.

House Bill No.5-An Act to authorize the removal of persons under guardianship and the personal property of such persons out of this Territory.

Vote in the House:

Ayes 24.

Noes-----

Excused 3.

Absent 2.

House Bill No. 6-An Act to repeal Sections I378,I386,I387, I388 and I389 of the Civil Code, relating to the sale of real estate in this Territory by foreign guardians.

Vote in the House:

Ayes I9

Noes --

Excused ---

Absent I0.

House Bill No. 10-An Act to amend Section 30 of Chapter LVII of the Session Laws of 1892.

Vote in the House:

Ayes 16.

Noes 6.

Excused --

Absent ---

On motion of Senator Baldwin, seconded by Senator Carter, moved that the bills be placed on the calendar. Seconded by Senator Corton and carried.

Senator Kanuha reported as follows for the Committee on Ways and Means:

REPORT OF THE COMMITTEE ON WAYS AND MEANS.

Recommend that Bill No.24 be rejected,unless some other mode of revenue can be substituted.The Poll Tax yields at present some $67 000 per annum which cannot at this time be dispensed with.

D.Kanuha,

March 12th.,1901. Chairman of the Committee.

On motion of Senator Baldwin, seconded by Senator Achi, moved the report be laid on the table to be taken up with the bill. Seconded by Senator Achi & Carried.

Senator Kahuha reported further as follows for the Committee on Ways and Means:

REPORT OF THE COMMITTEE ON WAYS AND MEANS.

Recommend an amendment to Bill No.27 as follows:In Sec. I, line 6,for the word "twenty" substitute and insert (15) "Fifteen";In Sec I,line 7,for the word "twenty" substitute (15) "Fifteen." In all other respects,we approve the bill.

D.Kanuha,

March 12th.,1901 Chairman of the Committee.

Senator White moved that the report be laid on the table to be taken up with the bill.Seconded by Senator Kalauokalani .

Senator Achi moved as an amendment that to amend to the effect that the report be adopted.Seconded by Senator Carter, and lost.

Senator White's motion to lay the report on the table to be taken up with the bill, was put and carried.

Senator Kalauokalani reported for the Printing Committee that Senate Bills 5,6,7,8,19,21,22 and 23 had been printed and were

ready for distribution.

Senator Kalauokalani suggested that the members of the House be supplied with copies of the Senate bills as already decided on by the Senate.

The chair stated that he would see that the suggestion of Senator Kalauokalani was carried out.

Senator Kanuha suggested that the Sergeant-at-Arms be instructed to distribute the bills to the members of the Senate in their proper order.

The chair stated that he would see that the suggestion of Senator Kanuha was carried out.

Senator Kalauokalani made a verbal report for the Senate Molokai Committee to the effect that a meeting had been held on the previous day. A meeting of the joint Committee of the House and Senate would be held before the handing in of the regular report. The stenographer's report of the proceedings during the investigations at Molokai was very voluminous and the Committee had ordered it translated and printed so that every member of the Senate could have a copy.

Senator Achi noted an objection to the effect that the Committee had no right to proceed to the printing of the report without the consent of the Senate.

Senator Baldwin moved that the special Molokai Committee be authorized to have printed the stenographer's report of the investigations of the committee at Molokai. Seconded by Senator Achi, and Carried

Senator White arose to a point of order, which was not sustained by the chair.

Senator Baldwin's motion to give authority to the special Committee to have the report printed, was put and carried.

Senator White gave notice of his intention to introduce the following bills:

I. An Act to create a Court of Claims to hear and determine all claims which may be prosecuted under the provisions of this Act for injury to or the loss of property, real, personal or mixed, caused by the Board of Health or any officer or officers or employe or employes of the Republic of Hawaii, whether with or without authority of law, either directly or indirectly, intentionally or accidentally, in connection with the suppression of the alleged Bubonic Plague in Honolulu and

elsewhere in the Territory of Hawaii, and to provide for appointment of the officers of said court and the payment of the claims so heard and determined, the salaries of the officers of said court and the expenses thereof.

2. An Act relating to the appointment of bailiffs for certain courts in the Territory of Hawaii and defining the duties and powers of such and fixing the amount of their compensation, and providing for the payment of such compensation.

Senator Kanuha gave notice of his intention to introduce the following bill:

An Act to prevent laborers from extortion.

Senator Achi moved that the rules be suspended and that Senator Kanuha be allowed to read his bill first time by title. Seconded by Senator Kalauokalani and carried.

The clerk read the bill first time by title and, on motion of Senator Baldwin, seconded by Senator J. Brown, it was referred to the Printing Committee.

Senator Achi asked leave to read his amendment to Rule 41 of the rules of the Senate, notice of which he had given on the previous day. There being no objection, Senator Achi was allowed to read his amendment, as follows:

COMMITTEE REPORTS.

I. The paragraph I of Rule XLI is hereby amended and said paragraph to be read as follows:

I. The Standing Committees shall report upon all matters referred to them within three days from the time any matter is referred, unless further time is given by vote of the Senate.

W. C. Achi,

March 12, 1901. Senator 3rd. District.

Senator Carter seconded the amendment.

Senator White moved that the rules be left as they were. Seconded by Senator Kalauokalani.

Senator Achi's amendment to the rules of the Senate was put to vote, and lost.

Senator White's motion to allow the rules to remain as they were, was ~~then put and~~ carried.

At 12 m., Senator Baldwin moved that the Senate take a recess until I:30 p.m. Seconded by Senator Kaohi and carried.

Afternoon Session.

Senator White moved that the rules be suspended and to reconsider its final passage in order to take up House Bill No.1 ~~in reconsideration~~, on third reading. Seconded by Senator Kalauokalani and carried. The third reading of the bill was declared again in order, and the bill read

Senator White moved that the letter "u" in ~~fourty~~ "fourty," be eliminated. Seconded by Senator Kalauokalani and carried.

Senator White moved that the bill now pass its third reading. Seconded by Senator Kalauokalani.

Bill passed its third reading by the following vote:

Those voting in the affirmative were: Senators J.Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Russell and White.-9

Those voting in the negative were: Senators Achi, Crabbe and Paris----------3

Senator J.Brown gave notice of his intention to introduce the following bill:

An Act to abolish Capital Punishment and to substitute imprisonment for life in lieu thereof.

Senator Kanuha, ~~gave notice of his intention to introduce~~ read the following bills; notice of which he had given on Monday, March 11;

I. An Act relating to licensed physicians.

2. An Act for a Territorial Boarding School for the Territory of Hawaii which shall be known by the name of Lahainaluna Seminary at the same place, and to appoint a Board of Trustees for the government of Lahainaluna Seminary and determine the powers of such Board of Trustees.

3. An Act to provide for a High School and a conservatory of music under the Department of Public Instruction, in Hilo, Island of Hawaii.

The bill relating to licensed physicians was read by the clerk and, upon motion of Senator Baldwin, seconded by Senator Kalauokalani, it was referred to the Printing Committee.

The clerk read the bill relating to a Territorial Boarding School for the Territory of Hawaii ~~xxxxxx~~ and, upon motion of Senator Baldwin, seconded by Senator Achi, it was referred to the Printing Committee.

Senate Bill No 31

~~The clerk read the~~ bill, relating to a High School and a conservatory of music, was read, and, upon motion of Senator Baldwin, seconded by Senator Kalauokalani, it was referred to the Printing Committee.

Senator Paris introduced the following resolution:

RESOLUTION.

Be It Resolved That the officers of the Senate be paid as follows:

Clerk	$10 a day.
Assistant Clerk	8 a day.
Stenographer	10 a day.
Sergeant-at-Arms	5 a day.
Interpreter	10 a day.
Messenger	3 a day
Janitor	1.50 a day.

J.D.Paris,
Senator First District.

Senator White moved that the resolution be laid on the table to be taken up on the regular order of business on Wednesday. Seconded by Senator Kalauokalani and carried.

Senator Baldwin moved that the House Bills reported during the ~~for~~ morning session be taken up for consideration. Seconded by Senator Achi and carried.

House Bill No. 3 was read and, upon motion of Senator Baldwin, seconded by Senator Kalauokalani, ~~it was~~ referred to the Printing Committee, with ~~the~~ suggestion that the committee secure from the House, if possible, clean copies of the bill.

House Bill No. 5, and 6 were read and, upon motion of Senator Baldwin, seconded by Senator Kaohi, ~~it was~~ referred to the Printing Committee. with the same suggestion.

~~House Bill No. 6 was read and, upon motion of Senator Baldwin, seconded by Senator Kaohi, it was referred to the Printing Committee with the same suggestion.~~

House Bill No. IO was read.

Senator Baldwin moved that it be referred to the Printing Committee. Seconded by Senator Carter.

Senator White moved to indefinitely postpone the bill. Seconded by Senator Kalauokalani.

Senator Achi arose to a point of order, stating that Senator White's motion was out of order.

Senator White withdrew his motion to indefinitely postpone and substituted in place thereof, a motion to reject the bill. Seconded by Senator J. Brown.

On the request of Senator Baldwin, the clerk again read House Bill No. IO.

Senator White moved the previous question. Seconded by Senator Kalauokalani.

Senator Carter arose to speak and asked Senator White if he did not intend to allow him a chance to speak on the matter. He was just about to say something when the Senator from Lahaina interrupted him with the motion for the previous question.

Senator White said he had no objection to allowing the Senator to speak, provided his second would consent.

Senator Kalauokalani, who seconded the motion of Senator White, refused to withdraw his second.

The motion of Senator White for the previous question was then put and carried.

Senator White again stated his motion to reject.

The chair ruled Senator White's motion out of order, on the ground that the section which the act proposed to amend, had not been read.

Senator Carter stated that the chair had nothing to do but to put the previous question as had been voted by the Senate.

The chair stated that, if the house insisted on the putting of the previous question, he would do so.

Senator Achi moved that the ayes and noes be called. Seconded by Senator Carter and carried.

Senator White's motion to reject House Bill No. IO was adopted by the following vote

Those who voted in the affirmative were:Senators J.Brown, Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu and White.------8

Those who voted in the negative were: Senators Achi,Baldwin,Carter,Crabbe,Paris and Russell----------6.

Senator Baldwin moved that the Senate bills reported in the morning as having been printed,be read by title and referred.

Senator Kalauokalani moved that the bills be read through and referred to the proper committees.Seconded by Senator Kahilina.

Senator Baldwin withdrew his motion.

Senate Bill No. 5-An Act to define the biennial fiscal period of the Territory of Hawaii-was read through and,upon motion of Senator Baldwin,seconded by Senator Kalauokalani,it was referred to the Committee on Ways and Means.

Senate Bill No 6-An Act to repeal Sections 1617,1618 and 1619 of the Penal Laws relating to forest roads-was read through and, upon motion of Senator Kalauokalani,seconded by Senator White, referred to the Committee on Forestry,Agriculture and Manufactures.

Senate Bill No. 7-An Act to amend Section 85 of the Penal Laws relating to the concealment of the death of a newly born child-was read through and,on motion of Senator Crabbe,seconded by Senator Achi, referred to the Judiciary Committee.

Senate Bill No. 8-An Act to amend Section 3 of the Penal Laws relating to crimes and misdemeanors-was read through and,on motion of Senator Baldwin,seconded by Senator Kalauokalani, referred to the Judiciary Committee.

Senate Bill No. 19-An Act to repeal Section 463 of the Penal Laws relating to the importation of spirituous liquors-was read through and,on motion of Senator Baldwin,seconded by Senator Kalauokalani, referred to the Committee on Intoxicants.

Senate Bill No. 21-An Act to amend Section 246 of the Penal Laws relating to criminal conduct of an officer in regard to prisoners in his custoday or committed thereto,was read through and, on motion of Senator Kaohi,seconded by Senator Baldwin, referred to the Judiciary Committee.

Senate Bill No. 22-An Act to amend Section 238 of the Penal Laws relating to trusts and monopolies, was read through.

Senator White moved that the bill go to the Committee on Ways and Means. Seconded by Senator Baldwin.

Senator Paris moved to amend to the effect that the bill be referred to the Committee on Miscellaneous Petitions. Seconded by Senator Carter.

Senator Baldwin moved to amend Senator White's motion to the effect that the choice of the committee to which to refer the bill, be left to the chair. Seconded by Senator Achi and carried.

The chair referred the bill to the Judiciary Committee.

Senate Bill No. 23-An Act to amend Section 215 of the Penal Laws relating to the illegal marking of live stock, was read through and, upon motion of Senator Baldwin, seconded by Senator Carter, referred to the Judiciary Committee.

At 3:30 o'clock, Senator White moved to adjourn. He then withdrew his motion and Senator Baldwin moved to adjoun. Seconded by Senator White and carried.

Edgar Cayetano
.....
Clerk of the Senate.

Approved by the Senate:

Nicholas Runes
.....
President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Seventeenth Day

Wednesday Mch 13th 1901

3

In The Senate.

Territory of Hawaii.

Seventeenth Day.

~~Morning Session.~~

~~Wednesday, March 13th., 1901.~~

The Senate met, pursuant to adjournment, at 9:30 a.m. After prayer by the chaplain, the roll was called, showing Senators C Brown, ~~Achi~~ Achi, Carter, Baldwin, Paris and Kanuha. absent.

The journal of the previous day was read and, on motion of Senator Kaohi, Seconded by Senator J. Brown, ~~it was adopted without correction.~~ approved as read

Senator Kanuha reported as follows for the Commitee on Ways and Means:

Honolulu, March 13th., 1901.

COMMITTEE REPORT.

The Committee approve the Bill No. 5, "An Act to define the biennial fiscal period of the Territory of Hawaii."

David Kanuha,

Chairman of the Committee on

Ways and Means.

Senator C. Brown moved that the report of the committee be adopted and that the bill pass to its third reading. Seconded by Senator Achi and carried.

Senator C. Brown moved that the bill be typewritten and read for the third time on Thursday. Seconded by Senator Carter and carried.

Senator White read the following majority report of the Judiciary Committee on Senate Bill No. I:

~~REPORT OF THE SENATE JUDICIARY COMMITTEE ON SENATE BILL NO. I~~

~~ENTITLED~~

~~"An Act to apportion the term of office of seven members elected at the first general election."~~

To the Honorable N. Russell,

President of the Senate.

The majority of your Judiciary Committee to whom the above bill was referred, respectfully beg to report that they have carefully examined and considered the same and recommend that said bill do not pass. The said bill presents many vicious and inequitable features, chief among which is that five of the majority party in the Senate would be appointed to terms of only two years, while only two of the minority party would be appointed to such terms if said bill should pass. The Organic Act expressly provides that the details of apportionment shall be provided by the Legislature, and the majority of the committee deems it wise that in so doing, we follow as nearly as possible the practice which prevails in the Legislature of the several States in regard to the election of United States Senators.

We therefore recommend a Concurrent Resolution providing for a Joint Session of the two Houses of thie Legislature and the election by the members thereof in such Joint Session of eight senators who shall hold their offices for the ~~time~~ term of four years. The majority of the committee are advised that such a Concurrent Resolution embodying this idea will be introduced at an early day.

Respectfully submitted,

Wm. White,

S.E.Kaiue,

Majority of the Senate Judiciary Committee.

Senator Baldwin moved that the report be laid on the table to be considered with the report of the minority of the committee. Seconded by Senator Carter.

Senator Kanuha moved that the report of the majority of the committee be adopted. Seconded by Senator Kalauokalani.

Senator Kanuha moved the previous question. Seconded by Senator Kalauokalani and lost.

The chair put Senator Baldwin's motion to lay on the table. Lost.

Senator Kanuha's motion to adopt, ~~carried~~ was adopted by a vote of 8 to 6.

At II:40 o'clock, Senator White moved to take a recess until I:30 p.m. Seconded by Senator Baldwin and carried.

Afternoon Session.

The Senate convened at I:30 o'clock.

Senator Kalauokalani reported for the Printing Committee that Senate Bills Nos. 4,17,18,16 and 32 had been printed and were ready for distribution.

Senator White presented the following report of the majority of the Judiciary Committee on Senate Bill No. 3:

Honolulu, March 13th., 1901.

To the Honorable N. Russell,

President of the Senate.

The majority of your Judiciary Committee to whom Bill No. 3 was referred, respectfully beg to report that they have carefully examined and considered the same and recommend that it be indefinitely postponed.

Wm. White,

S.E. Kaiue,

Majority of the Senate Judiciary Committee.

Senator White moved that the report be laid on the table to be taken up with the report of the minority of the committee. Seconded by Senator Kalauokalani.

Senator C. Brown asked the chair that, as a special favor, he relieve him from all further duty on the Judiciary Committee. He would put this as a resignation.

Senator Carter moved that the rules be suspended for the purpose of accepting the resignation of Senator Brown. No second.

Senator White's motion to lay on the table was carried.

The chair accepted the resignation of Senator C. Brown from the Judiciary Committee and appointed Senator Achi in his place.

Senator White presented the following report of the majority of the Judiciary Committee on Senate Bill No. 26:

Honolulu, March 13th., 1901.

To the Honorable N. Russell,

President of the Senate.

The majority of your Judiciary Committee to whom Bill No. 26 was referred, report the same back and recommend its passage.

Wm. White,

S.E. Kaiue,

Majority of the Judiciary Committee.

Senator Carter moved that the report be laid on the table to be considered with the minority report. Seconded by Senator Kalauokalani.

Senator Carter withdrew his motion. Senator Kalauokalani, refused to withdraw his second.

Senator Carter's motion to lay on the table was carried.

Senator C. Brown read the following bill, notice of which he had already given:

An Act to secure accurate registry of the values of transfers of property

Senator White asked leave to present the following bill, notice of which he had already given:

An Act to create a Court of Claims to hear and determine all claims which may be prosecuted under the provisions of this Act for injury to or the loss of property, real, personal, or mixed, caused by the Board of Health or any officer or officers or employe or employes of the ~~Republic~~ Territory of Hawaii, whether with or without authority of law, either directly or indirectly, intentionally or accidentally, in connection with the suppression of the alleged Bubonic Plague in Honolulu and elsewhere in the Territory of Hawaii: and to provide for appointment of the officers of said court and the payment of the claims so heard and determined, the salaries of the officers of said court and the expenses thereof.

Senator White moved that the bill be read by title and referred to the Printing Committee. Seconded by Senators Kalauokalani and J. Brown and carried.

Senator White asked leave to present the following bill, notice of which he had already given:

An Act relating to the appointment of bailiffs for certain courts in the Territory of Hawaii and defining the duties and powers of such and fixing the amount of their compensation, and providing for the payment of such compensation.

Senator White moved that the bill be read by title and referred to the Printing Committee. Seconded by Senator Carter and carried

Senator Paris asked leave to present the following bill, notice of which he had already given:

An Act to regulate the fees of witnesses and jurors.

Senator Paris moved that the bill be read by title and referred to the Printing Committee. Seconded by Senator Achi and carried.

Senator C. Brown asked leave to present the following bill, notice of which he had already given:

An Act authorizing the use of typewriter in the Registry Office.

Senator C. Brown moved that the bill pass its first reading. No second.

Senator Kalauokalani moved that the bill be referred to the Printing Committee. Seconded by Senator Kaohi and carried.

Senator C Brown gave notice of his intention to introduce An Act to regulate the observance of Sunday.

Senator J. Brown asked leave to present the following bill, notice of which he had already given:

An Act to abolish capital punishment within the Territory of Hawaii and substituting in lieu thereof, imprisonment for life.

Senator Kaohi introduced the following resolution:

RESOLUTION.

Resolved:

1.That the sum of Six Thousand Dollars ($6 000) be appropriated for the building of the government road from Kawaihae to Keahuolono,South Kohala,Hawaii.

2.That the sum of Six Thousand Dollars ($6 000) be appropriated for the building of the government road from Kawaihae-kai to Puuhue, North Kohala,Hawaii.

3.That the sum of Five Thousand Dollars ($5 000) be appropriated for the government road and the wharf that was injured by water in North Kohala.

Senator Baldwin moved that the resolution be laid on the table to be brought up with the Appropriation Bill.No second.

Senator Achi moved that the resolution be referred to the Committee on Public Lands,Public Works and Internal Improvements.Seconded by Senator Kalauokalani and carried,Senator Baldwin withdrawing his motion to lay on the table.

Senator Kaohi gave notice of his intention to introduce the following bill:

An Act to amend Section 1462 of the Penal Laws of 1897 as compiled by S.M.Ballou,relating to the use of explosive substances in the taking of fish by striking out the words "reefs or waters" in line 3.

Senator Achi moved that the rules be suspended in order to present ~~the following report~~ a report of the Judiciary Committee on Senate Bill No. 26.Seconded by Senator Carter and declared carried. A standing vote was then called for and the motion was declared lost.

Senate Bill No. 24 was taken up in ~~third~~ second reading on the order of the day.

Senator Carter moved to amend the report of the committee submitted with the bill to the effect that it be laid on the table

pending the consideration of the tax laws. Seconded by Senator Kanuha and carried.

SSnate bill No. 27 was taken up for consideration in ~~third~~ second reading on the order of the day.

President ~~xxxxx~~ Russell called Senator Baldwin to the chair and then moved that the bill be laid on the table, pending the consideration of the tax laws. Seconded by Senator C. Brown and carried.

The resolution of Senator Paris relating to the pay of the officers of the Senate was taken up for consideration.

Senator Baldwin moved ~~to amend to the effect~~ as an amendment that the pay of the clerk be $12 a day and that of the janitor, $2. Seconded by Senator C. Brown.

Senator Paris accepted the amendment.

Senator Kalauokalani moved that the resolution be taken up item by item. Seconded by Senator Kaohi and carried.

The amendment of Senator Baldwin ~~was~~ relating to salary of clerk, carried.

Salary of assistant clerk.

Senator Kalauokalani moved ~~that the sum be~~ to amend to $10 a day instead of ~~$x~~ $3 as in the resolution. Seconded by Senator Kahilina and White and carried.

~~Salary of Stenographer~~

Senator Kanuha moved to reconsider the salary of the ~~x~~ assistant clerk. Seconded by Senator Carter. The chair declared the motion out of order ~~as~~ both Senators Kanuha and Carter having voted against the amendment made by Senator Kalauokalani.

Salary of Stenographer.

~~Senator Baldwin moved that the matter of the salary of the~~

Senator C. Brown moved that the pay of the stenographer be referred to a special committee, with power to report upon the question of what is to be done with the proceedings when transcribed, and with power to introduce a resolution directing that such proceddings be published instead of the publication of the journal. Seconded by Senator Baldwin and carried.

The chair appointed the following select committee: Senators C. Brown, Kanuha and Crabbe.

Salary of the Sergeant-at-Arms.

Senator C.Brown moved ~~to amend to that it pass at~~ that the item pass at $5 as in the resolution.Seconded by Senator Kanuha.

Senator Kalauokalani moved to amend to $6.Seconded by Senator White and carried.

Salary of Interpreter.

Senator Crabbe moved to amend to $12 instead of $10 as in the resolution.Seconded by Senator J.Brown and carried.

Salary of Messenger.

Senator Kaehi moved to amend to $4 instead of $3 as in the resolution.Seconded by Senator J.Brown and carried.

Salary of Janitor.

Senator Kalauokalani moved to amend to $4 instead of $1.50 as in the resolution.Seconded by Senator White and lost.

Senator White moved to amend to $3.Seconded by Senator Kalauokalani and lost.

Senator J.Brown moved to amend to $2.50.Seconded by Senator White and carried,Senator Baldwin accepting the amendment.

Senator Baldwin moved that Senate Bills Nos. 4,16,17,18 and 32,reported by the Printing Committee in the morning,be brought up one by one and referred to the proper committees.Seconded by Senator C. Brown and carried.

Senator C.Brown moved that Bill No. 4 be read by title, ~~and~~ Seconded by Senator Achi and carried.

Senator C.Brown moved that the Bill go to the Judiciary Committee.Seconded by Senator Paris and carried.

Senator Baldwin moved that Senate Bill No 16 be read by title and referred.Seconded by Senator C.Brown and carried.

Senator Achi moved that the bill be referred to the Committee on Intoxicants.Seconded by Senator Paris and carried.

Senator Baldwin moved that Senate Bill No. 17 be read by title and referred to the Judiciary Committee. Seconded by Senator Crabbe and carried.

Senator Paris moved that Senate Bill No 18 be read by title and referred to the Judiciary Committee. Seconded by Senator C. Brown and carried.

Senator Carter moved that Senate Bill No. 32 be read by title and referred to the Committee on Claims. No second.

Senator Crabbe moved that it go to the Committee on Public Lands, Public Works and Internal Improvements. Seconded by Senator C. Brown and carried.

Senator Achi reported for the Printing Committee that Senate Bill No. 33 had been printed.

Senator C. Brown moved that the bill be read by title and ~~that it be~~ referred to the Committee on Miscellaneous Petitions. Seconded by Senator Crabbe.

Senator Paris moved that the bill go to the Judiciary committee. Seconded by Senator Kanuha and carried.

~~[illegible]~~.

The clerk read the following communication:

General Headquarters,
Territory of Hawaii.
Adjutant General's Office,
Honolulu, March 13, 1901.

Sir:-

I am directed by the Commander-in-Chief to extend an invitation to the President and Members of the Senate to attend a competitive drill on Saturday, March 16, 1901, at 7 p.m., on the parade ground at the drill shed.

I have the honor to be, Sir

Your obedient Servant

John H. Soper,

, Lieut.-Col. and Adj. Gen.

To the President of the Senate.

Senator Baldwin moved that the invitation be accepted with thanks. Seconded by Senator Crabbe and carried.

The clerk read a communication from the House submitting a bill which had passed its third reading.

Senator C. Brown moved that the communication be made the special order of business for Thursday. Seconded by Senator Baldwin.

Senator C. Brown withdrew his motion.

Senator Baldwin moved that the bill be returned to the secretary of the House on account of an irregularity. Seconded by Senator Kalauokalani and carried.

The clerk read another communication from the House submitting two bills which had passed third reading.

Senator Achi moved that the two bills be returned to the House on account of an irregularity. Seconded by Senator Kalauokalani and carried.

At 4 p.m., Senator C. Brown moved ~~[illegible]~~ to adjourn. Seconded by Senator Crabbe and carried.

Edgar Caples

Clerk of the Senate.

Approved by the Senate:

Nicholas Russel

President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Eighteenth = Day

= Thursday March 14 1901 =

In the Senate.

Territory of Hawaii.

~~Eighteenth~~ 14th Day.

Morning Session.

Thursday March 14th.,1901.

~~The Senate met, pursuant to adjournment, at 10 a.m. After prayer~~ by the chaplain, the roll was called, ~~showing Senators Baldwin and Kanuha~~ absent. The chair stated that Senator Kanuha had been excused.

The journal of the preceding day was read and, on motion of Senator J. Brown, seconded by Senator White, ~~it was adopted~~ approved as read.

Senator Kalauokalani presented a petition from ninety (90) taxpayers of the Territory of Hawaii, asking for the extension of Fort street above School street in Honolulu as provided for by an act of the Legislature of the Session of 1896 and again provided for in the Session of 1898.

On motion of Senator Kalauokalani, ~~J. Brown~~, seconded by Senator J. Brown, the petition was referred to the Committee on Public Lands, Public Works and Internal Improvements.

Senator Kalauokalani presented a petition from fifty-seven (57) taxpayers of the Territory of Hawaii praying for an appropriation of $1 800 for grading and macadamizing the road situated just above the Queen Emma property and leading from Nuuanu street to property near the stream.

~~On motion of Senator White, seconded by Senator Kalauokalani, the petition was laid on the table to be taken up with the Appropriation Bill.~~

Senator White submitted the following report of the majority of the Judiciary Committee:

The majority of the Judiciary Committee to whom the estimates submitted by the Honorable Governor to the Legislature of the Territory of Hawaii for the succeeding biennial period was referred, respectfully begs to report that they have carefully examined and considered said estimates and while the ~~xxxxxxx~~ majority of the committee are of the opinion that many of the estimates are extravagant and even prodigal, being wholly in a number of instances out of all proportion to the necessities and requirements of the public needs, we deem it unnecessary at this time, if not a waste of time and labor to analyze said

estimates in detail.The bills to provide for municipal and county government,if passed,will materially reduce the services to be performed by the present Territorial officers will also limit to a much smaller compass than that which they now enjoy,the jurisdiction,power,authority and duty of such officers and the number of assistants and clerks employed by them until such bills are either passed or defeated any attempt to estimate the ~~necessarily~~ necessary appropriations would only be speculative,imaginary and altogether without profit.The majority beg to say that they assume that bills providing for county and municipal government will pass as all of the political parties represented in the present Legislature are pledged to such measure.For the reasons given and in view of the contingencies that may arise in due course of legislation the majority respectfully beg leave to request that they be given further time in which to report on the matter embraced in this report.

Wm. White

S.E.Kaiue,

Majority of the Judiciary Committee.

Senator White moved that the report of the committee be adopted.Seconded by Senator Kalauokalani.

Senator Achi raised a point of order to the effect that the matter just presented by the majority of the Judiciary Committee was not a report but a request for further time.Point of order sustained by the chair.

Senator Achi moved that all that portion of the report not relating to the matter of the extension of time,be stricken out.Seconded by Senator C.Brown and lost.

Senator C. Brown moved that the committee be granted an extension of time.No second.

Senator Achi moved that the committee be given one week's time.This amendment was accepted by Senator C. Brown.No second.

Senator White appealed from the ruling of the chair to the effect that the matter presented by the majority of the Judiciary committee was not a report.Seconded by Senator Kalauokalani.The ruling of the chair was not sustained.

Senator Kalauokalani moved the adoption of the report. Seconded by Senator Kaohi.

Senator Achi raised a point of order to the effect that the report of the committee was out of order because it was against Rule 43 which provided that the reports of committees should be in accordance with instructions from the Senate.

The chair stated that, as the journal containing the motion which referred the estimates to the Judiciary Committee was not at hand, he could not make a ruling. He did not know just what the motion was.

Senator Carter moved that the whole matter be laid on the table until such time as the journal could be read before the Senate. Seconded by Senator Achi and lost.

Senator Achi insisting on a ruling on his point of order and the chair finding out from Senator C. Brown and the clerk, the gist of the motion submitting the estimates to the Judiciary Committee, the chair ruled that the report was out of order in that it did not follow the specific instructions given by the Senate as provided for in Rule 43.

Senator Achi asked leave to present the report of the minority of the Judiciary Committee on Bill 26. The chair ruled Senator out of order.

Senator White appealed from the ruling of the chair. Seconded by Senator Kalauokalani. The chair was not sustained.

Senator Kalauokalani's motion to adopt the report, was put and carried.

At 11:20 o'clock, Senator White, seconded by Senator Carter, moved to take a recess until 1:30 o'clock. Carried.

Afternoon Session.

The Senate convened at 1:30 o'clock.

Senator White reported as follows for the majority of the Judiciary Committee:

The majority of the Judiciary Committee to whom was referred Senate Bill No. 33 have had the same under consideration, report it back and recommend its passage.

WM. WHITE,
S. E. KAIVE,

Senator White moved that the report be laid on the table. Seconded by Senator Kalauokalani.

Senator J.Brown moved that the report be adopted.Seconded by Senator Kalauokalani.

Senator Paris moved that the report be laid on the table to be taken up for consideration with the minority report.Seconded by Senator Carter and lost.

Senator J.Brown's motion to adopt the report of the committee carried.

Senator Achi resigned from the Judiciary Committee.

The chair stated that the failure on the chairman of the Judiciary Committee to notify him of a meeting of that body was sufficient cause for Senator Achi to resign and he would therefore accept the resignation of Senator Achi.The chair then appointed Senator Carter in the place of Senator Achi.

Senator Carter asked to be excused from serving on the Judiciary Committee.The chair stated that he had made the appointment and that it would have to abide.

Senator White moved that Bill No. 33, having passed second reading by the adoption of the report of the majority of the committee, it be read the third time on Friday.Seconded by Senator Kamuha.

The chair declared the motion out of order.

Senator White moved that the bill be typewriteen and taken up for third reading.Seconded by Senator Kalauokalani and carried.

Senator Paris presented the following report from the Committee on Public Lands,Public Works and Internal Improvements:

Your committee on Public Lands and Internal Improvements to whom was referred Bill 32,being an "Act to define the Territorial Seal" beg leave to report as follows:

We find the seal provided for in this bill the same used by the Hawaiian government before annexation.Since that time,it has been used as the Territorial Seal,without legal right.

We consider the design unique and perpetuating the Hawaiian motto from the time of Kamehameha.

We recommend the bill pass.

John L. Brown,

J D Paris,

L. Nakapaahu.

Senator Achi moved the adoption of the ~~report~~ report. Seconded by Senator Carter.

Senator White moved that the bill be referred back to the Committee on Forestry. No second.

Senator Achi's motion to adopt the report of the committee carried.

Senator Achi moved that the bill be typewritten and that it be read the third time on Friday. Seconded by Senator Carter and carried.

Senator Kalauokalani reported for the Printing Committee that Senate Bills 9, 10, 11, 12, 13, 14, 15 and 29 had been printed and were ready for distribution.

Senator White moved to reconsider Bill 33. Seconded by Senator Kanuha and carried.

Senator White moved the clerk read the bill again. Seconded by Senator Baldwin and carried.

Senator White moved that the bil pass ½ second reading and that it be read the third time on Friday. Seconded by Senator Kaohi and carried.

Senator Kanuha presented a concurrent resolution. Senator Baldwin ~~moved it~~ seconded it.

Senator White moved that the resolution be referred back to the introducer to make more clear its intention. Seconded by Senator Achi and carried.

Senator Kanuha presented another resolution. Senator Baldwin ~~seconded~~ moved the adoption of the resolution.

At 3 o'clock, Senator Baldwin moved the ½ to adjourn. Seconded by Senator Achi and carried.

Edgar Caypless
.....
Clerk of the Senate.

Approved by the Senate:
Nicholas Russel
.....
President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Nineteenth Day

Friday March 15th 1901

In the Senate

Territory of Hawaii.

nineteenth [redacted] Day.

~~Morning Session.~~

Friday, March 15th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called showing Senators Achi and Baldwin absent.

The journal of the previous day was read and, on motion of Senator J Brown, seconded by Senator Kaohi, ~~it was adopted~~ approved without correction.

The following communications from the House were read and, upon suggestion, they took the usual course:

Honolulu, T.H., March 14, 1901.

To ~~the Honorable President and Members of the Senate~~:

To the Honorable President
and Members of the Senate:

Sir:

By direction of the House of Representatives, I have the honor to notify you that a committee from the Senate on passed bills to confer with a like committee of the House of Representatives is urgently needed, and to further request ~~their~~ you that your committee on Joint Rules be instructed to confer with the House Joint Committee at its ~~earl~~ earliest conveniende.

Very respectfully,
Solomon Meheula,
Clerk of the House.

Honolulu, T.H., March 14, 1901.

To the Honorable President
and Members of the Senate:

Sir:

I have the honor to inform your honorable body, that the House of Representatives this day concurred in the amendment made by the Senate to House Bill No. 1, entitled "An Act to appropriate money for the purpose of defraying the expenses of the Session of the Legislature of the Territory of Hawaii of the year 1901 from the Public Treasury", eliminating the letter "u" from the misspelled word "fourty."

Yours respectfully,

Solomon Meheula,

Clerk of the House.

Senator Kalauokalani reported for the Printing Committee that Senate Bills 6,20,28,30 and 31 had been printed and ~~were~~ were ready for distribution.

Senator Paris presented the following report for the Committee on Public Lands:

Honorable N.Russell,

President of the Senate.

Sir:

Your Committee on Public Lands and Internal Improvements to whom was referred the resolution of Senator Kaohi for certain appropriations for roads in North and South Kohala would report as follows:

First-The road from Kawaihae,South Kohala,to Kaahuolono or boundary of North Kona being the lower government road over which the weekly mails are carried to Kona and Kau is in bad condition,and the road has not sufficient to repair it.Your committee would recommend an item of $6 000 be inserted in the Appropriation Bill but should read $4 000 for repair of lower government road from Kawaihae to boundary of North Kona and $2 000 for repairs to lower government road from Kiholo to boundary of South Kohala.

For the road from Kawaihae,South Kohala,to Puuhue,we would recommend the item of $4500 be inserted in the Appropriation Bill.

We therefore recommend that the resolution be laid on the table to be considered with the Appropriation Bill.

Senate Chamber,

March 15th.,1901.

John T Brown,

John D Paris

L Nakapaahu.

On motion of Senator J.Brown,seconded by Senator White,the report of the committee was laid on the table for consideration with the Appropriation Bill.

Senator Carter reported as follows for the minority of the Judiciary Committee:

Hon. Dr. N.Russell,

President of the Senate.

Sir:

The ~~majority~~ minority of the Judiciary Committee begs to report on ~~Senator~~ Senate Bill 26 which has already been reported upon by the majority-that the bill be laid on the table that the introducer of the bill may have an opportunity to ~~arr~~ rearrange the subject matter. The proposed bill embraces different subjects which is contrary to the provisions of Section 45 of the Organic Act.

G R Carter,

Member Judiciary Committee.

There being no objection the report was laid on the table to be brought up with the majority report.

Senator C. Brown reported as follows for the ~~Select~~ Special Committee to whom had been referred the matter of the pay of the stenographer of the Senate:

The special committee to whom was referred the item of pay of stenographer,and to define his duties,etc., beg leave to report as follows:

They find that so far no duties other than to take stenographic notes have been performed,nor have any other duties been assigned him by the proper officer of the Senate,in fact there are no duties to be performed by him other than the taking down and making a full record of all proceedings that take place on the floor of this body.It is the opinion of the committee that all notes and the record taken by the stenographer each day should be transcribed,and form what may be called the Senatorial Record to be printed each day and distributed amongst the senators for distribution by them amongst their constituents.This to take the place of the printing of the journal as heretofore ordered,such printing and publishing to be under the supervision and direction of the clerk.This committee recommend that the pay of the stenographer for the session for taking stenographic notes and transcribing and furnishing a copy for publication on the lines above laid out be One Thousand Dollars.In the event of the session be further

extended,the pay to be at the same rate above recommended and according to number of days actually employed.

The committee herewith submit a resolution which they recommend the Senate to adopt.

C Brown,

C L Crabbe,

---------- D Kanuha.

RESOLUTION.

BE IT RESOLVED,That the stenographer be paid for the services to be rendered and already rendered by him during the term of the present session,the sum of One Thousand Dollars.That he furnish one copy of each day's proceedings duly transcribed from his stenographic notes,such proceedings shall contain as nearly as can be,a full record of all speeches made and proceedings had,during each day's session of the Senate,to the clerk of the Senate.That said clerk shall cause five hundred copies of each day's proceedings so furnished to be printed each day in the English and Hawaiian languages and distributed among or furnished the Senators for distribution in such manner as they see fit.

AND BE IT FURTHER RESOLVED,That the resolution heretofore passed commanding the clerk to print five hundred copies each day of the journal of the Senate,be and the same is hereby rescinded.

Senator Kalauokalani supported the resolution.

Senator Carter moved to amend to the effect that the resolution read 250 copies in English and 250 copies in Hawaiian instead of five hundred copies in English and Hawaiian.Seconded by Senator White and carried.

Senator Kalauokalani moved that the resolution be adopted as read.Seconded by Senator White and carried.

Senator Kalauokalani asked for more time for the Molokai investigation committee to render its report.There being no objection, further time was granted.

Senator C. Brown read his bill relating to the regulation of the observance of Sunday,notice of which he had already given.

Senator C. Brown moved that the bill take the regular course. Seconded by Senator Crabbe and carried.

Senator Kaohi moved that the bill be read in Hawaiian.Seconded by Senator Baldwin and carried.

Senator Baldwin moved that the bill be referred to the Printing Committee.Seconded by Senator Kaohi and carried.

Senator Kaohi moved that his bill relating to fisheries be read by title.Seconded by Senator Carter and carried.

Senator Baldwin moved that the bill take its regular course. Seconded by Senator Kalauokalani and carried.

Senator Kaohi gave notice of his intention to introduce the following bill:

An Act to repeal Section 922 and the latter paragraphs of Sections 924 and 925 of the Penal Laws,relating to vaccination.

Senator Kanuha gave notice of his intention to introduce the following bill:

An Act to control and regulate the manufacture,transportation and sale of liquors,opium,awa and other intoxicants within the Territory of Hawaii.

Senator Kanuha moved to suspend the rules in order that the bill might be read by title.Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani moved that the bill take the regular course.Seconded by.Senator Kanuha and carried.

Senator Kanuha read the following concurrent resolution:

CONCURRENT RESOLUTION.

BE IT RESOLVED by the Senate,the House of Representaives concurring:

That the standing committees of the Senate and of the House of Representaives having in charge Public Expenditures,the examination of the several public departments,and the ascertaining of whether public monies have been disbursed conformably with the law-shall meet together for the following purposes:

First:In order to more systematically perform their duties and plan their work to the best advantage.

Second:To arrange for the joint employment of expert accountants,clerks and such other assistance as may be deemed necessary,in order to obtain results with speed,accuracy and a economy.

DAVID KANUHA,
Chairman Com. on Public Works.

Senator C.Brown moved that the resolution be adopted.Seconded by Senator Baldwin.

Senator White moved that the resolution be rejected.Seconded by Senator J.Brown.

Senator Carter raised the point of order to the effect that when there is a motion before the house,the chair cannot recognize another motion until it has been disposed of.The chair sustained the point of order.

Senator White appealed from the ruling of the chair.Seconded by Senator Kalauokalani.The vote stood 7 to 7,the ruling of the chair being sustained.

Senator Kanuha moved the previous question.Seconded by Senator Carter and carried.

Senator White moved that the resolution be laid on the table.Seconded by Senator Kalauokalani.The vote stood 7 to 7 and the chair,voting in the affirmative,the resolution was laid on the table.

At II:30 o'clock,Senator Kalauokalani moved to take a recess until 1:30 o'clock. ~~adjourn~~.Seconded by Senator White and carried.

Afternoon Session.

The Senate convened at I:30 o'clock.

Senator J. Brown gave notice of his intention to introduce the following bills:

I.An Act to repeal Act I9 of the Session Laws of I898.

2.An Act relating to the limitation of time within which action may be brought to recover possession of land.

3.An Act to repeal Section I553 of the Civil Laws as set forth in a compilation made by S.M. Ballou under authority of the Legislature and published and entitled Civil Laws.

4.An Act to fix compensation or damages to be paid for condemnation of any private property taken for public use.

5.An Act to repeal Section 336,337,338,339,340,34I,342,343 of Chapter 22,and to amend Section 344 of said Chapter of the Civil Laws as set forth in a compilation made by S M Ballou under authority of the Legislature and published entitled Civil Laws.

6.An Act to repeal Part II of Chapter III of the Civil Laws

as set forth in a compilation made by S.M.Ballou under authority of the Legislature and publised wntitled Civil Laws.

J.T.Brown,

Under unfinished business,the following ~~reper~~ resolution of ~~S~~ Senator Kanuha was read:

~~Wh~~Whereas,there is a large amount of committee work accumulated and fast accumulating,and no committee rooms having been provided for the use of the Senate,and,

Whereas it is the usual custom at the Nation's Capital and at the Capital of every other State and Territory in the Union to provide the most important committees with a room for regular place of meeting,for which place,notice may be given of committee meetings and where, not only the members of the committee and ~~e~~ its necessary assistants shall meet ~~with~~ but,where citizens of the Territory may meet with the committee,at stated times,upon notice given,to express their ~~their~~ views and arguments for or against proposed legislation,by which many good ideas are obtained and incorporated into the public laws,therefore

Be It Resolved that the President appoint a committee of three members to wait upon the Secretary of the Ter ritory and make known the desire of the Senate for at least three such rooms,and

Be It Further Resolved that when a meeting of a standing committee is determined and ordered by the members thereof,that the chairman of such committee shall send to the President's desk a written call,stating the name of the committee to meet and the time and place of meeting and the President shall make the announcements of committee meetings,each day before adjournment.

David Kanuha,

Senator from the Third District.

March I5th.,I90I.

Senator Carter seconded the resolution and it was adopted.

The chair stated that he had seen Col. Jones and that he had pointed out a room which the Senate could have in the bungalow as a place for the holding of committee meetings.

Senator Kalauokalani moved that the rules be suspended and that the consideration of Senate Bill 26 with the majority and minority reports, be left until Monday.Seconded by Senator ~~Kalauokalani~~ Kahilina and carried.

Third reading of Senate Bill 5.

Senator C.Brown moved that it pass third reading.Seconded by Senator Paris.

Senator Brown moved that the bill be taken up for consideration on Monday.Seconded by Senator Kalauokalani.

Senator Carter moved that the rules be suspended and that the consideration of the bill be postponed until Monday.Seconded by Senator Kalauokalani and carried.

Third reading of Senate Bill 32,relating to the Great Seal of the Territory of Hawaii.

Senator White moved that the bill be amended to the effect that the Arabic instead of the Roman numerals be used on the seal.Seconded by Senator J.Brown.

Senator White moved to amend his motion to the effect that the bill be laid on the table until Monday.Seconded by Senator Kahilina and carried.

Third reading of Senate Bill 33.

Senator J.Brown moved the bill pass third reading.Seconded by Senator Kalauokalani.

Senator White moved the previous question.Seconded by Senator C. Brown and carried.

The ayes and noes were called resulting in a vote of II to 4 in the affirmative.

Those voting in the affirmative were:Senators Baldwin,J Brown, Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russell and White..... ..... II.

Those voting in the negative were:Senators Achi,C Brown,Carter and Crabbe ..... 4.

Second reading of Senate Bill 9.

Senator C Brown moved that it be referred to the Judiciary Committee.Seconded by Senator Kalauokalani and carried.

Second reading of Senate Bill IO.

Senator Baldwin moved that the bill be referred to the Judiciary Committee.Seconded by Senator Kalauokalani.

Senator White moved to amend to the effect that the bill pass ~~from~~ xx second reading to its third.Seconded by Senator C.Brown.

Senator Achi moved that the bill be typewritten and read the third time on Monday.Seconded by Senator J Brown and carried.

Senator Baldwin moved to reconsider the vote on Senate Bill 9 which referred it to the Judiciary Committee.Seconded by Senator Carter and carried.

Senator C.Brown moved that the bill pass its second reading. Seconded by Senator Kalauokalani and carried.

Senator C.Brown moved that the bill be typewritten and read the third time on Monday.Seconded by Senator Baldwin and carried.

Second reading of Senate Bill II.

Senator Paris moved that the bill pass its second reading and that it be read the third time on Monday.Seconded by Senator L Kalauokalani and passed. carried.

Senator Paris moved that the bill be typewritten and read the third time on Monday.Seconded by Senator Carter and carried.

Second Reading of Senate Bill I2.

Senator C.Brown moved that the bill pass second reading. Seconded by Senator Baldwin.

Senator Kalauokalani moved the bill be referred to the Judiciary Committee.Seconded by Senator White and carried.

Second reading of Senate Bill I3.

Senator Kalauokalani moved that the bill be referred to the Judiciary Committee.Seconded by Senator Kahilina.

Senator White moved to amend to the effect that the bill pass second reading. as read.Seconded by Senator Paris and carried.

Senator Paris moved that the bill be typewritten and made the order of the day for Monday.Seconded by Senator Carter and carried.

Second reading of SenateBill I4.

Senator Kaohi moved that bill pass second reading.Seconded by Senator J.Brown and carried.

Senator Kahilina moved that the bill be typewritten typewritten and read the third time on Monday.Seconded by Senator Achi and carried.

Senate Bill I5

Second reading of Senate Bill I5.

Senator Kaohi moved that the bill be referred to the Committee on Intoxicants.Seconded by Senator C.Brown and carried.

Senator White moved to adjourn. Seconded by Senator Nakapaahu.

Senator White withdrew his motion.

Senator White renewed his motion to adjourn and at 3:30 o'clock the Senate adjourned.

Edgar Caypless
.....
Clerk of the Senate.

Approved by the Senate:

Nicholas Russel
.....
President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Twentieth Day

Saturday March 16th 1901

In the Senate.

Territory of Hawaii.

Twentieth Day

~~Morning Session.~~

Saturday, March 16th., 1901.

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the chaplain, the roll was called showing Senators' Baldwin, C Brown, Carter and White absent.

The journal of the previous day was read and, upon motion of Senator Kaohi, seconded by Senator J. Brown, approved as read ~~adopted without correction~~.

The clerk stated that the ~~Secretary~~ clerk of the House of Representatives had refused to receive Senate Bill 33. Senator Kalauokalani explained that he had seen the clerk of the House about the matter and that this officer had told him that the messenger of the Senate had handed him the bill when the House was not in regular session but had adjourned for the purpose of holding committee meetings.

The clerk read the following communication from the House:

Honolulu, T.H., March 16th., 1901.

To the Honorable President and
Members of the Senate:
Gentlemen:

I have the honor to inform your honorable body that House Bill 34, entitled "An Act to provide for the Great Seal of the Territory of Hawaii" passed its third reading in the House of Representatives on the 15th. day of March, 1901; Ayes 25; Noes 1.

Respectfully,

Solomon Meheula,

Clerk of the House of Representativ

Senator Kalauokalani moved that the bill be taken up for consideration on Monday with the Senate bill bearing on the same matter. Seconded by Senator White.

Senator Achi moved that the bill pass its first reading. Seconded by Senator Baldwin, and carried.

Senator C. Brown moved that the bill be laid on the table to be taken up on Monday with the Senate bill bearing on the same subject. Seconded by Senator Kalauokalani and carried.

The chair asked the messenger to make a statement in regard to the bill which the ~~Secretary~~ clerk of the House had refused to accept. The

messenger stated that he had gone to the ~~Secretary~~ Clerk and that this officer had refused to accept Senate Bill 33 because it had not been first handed to the sergeant-at-arms. The secretary stated that this had become a rule of the House and, the sergeant-at-arms being in the back part of the room, the messenger said he thought it best to return the bill to the Senate.

Senator Kalauokalani moved that the messeger of the Senate be instructed to take Senate Bill 33 to the sergeant-at-arms of the House and get the receipt of this officer for the same. Seconded by Senator White. The motion was not put but the chair ordered the messenger to take the bill to the House according to the suggestion of Senator Kalauokalani.

Senator White moved to reconsider the report of the special committee on the matter of the pay of the stenographer of the Senate. Seconded by Senator White, ~~xxxxxxxxxx~~.

Senator White moved that the rules be suspended. ~~and~~ Seconded by Senator Kaohi and carried.

Senator White moved that the report and resolution of the special committee on the matter of the pay of the stenographer of the Senate be reconsidered. Seconded by Senator Kalauokalani and carried.

Senator White moved that the report and the resolution accompanying it be laid on the table. Seconded by Senator Kalauokalani and carried.

Senator C. Brown moved that the services of the stenographer be dispensed with. Seconded by Senator Carter.

Senator Carter moved the previous question. No second.

Senator Paris gave notice of his intention to amend Rule 7 of the rules of the Senate by striking out that portion relating to the office of stenographer.

Senator White gave notice of his intention to amend the rules but he did not state in what particular.

Senator White moved the previous question. Seconded by Senator Kalauokalani and carried.

The chair ruled the motion of C. Brown to the effect that the services of the stenographer be dispensed with, out of order and stated that, the notices of Senators Paris and White not being motions, there was nothing before the house.

Senator Kalauokalani reported for the Printing Committee that Senate bills 36 and 37 had been printed and were ready for distribution.

Senator Kaohi introduced a resolution relating to the civil rights of males who had been imprisoned in jail up to the year I900.

Senator Achi moved that the resolution be returned to the introducer on the ground that it was contrary to the provisions of the Organic Act.Seconded by Senator Kahilina.

Senator Kaohi asked leave and was given it,to withdraw his resolution.

Senator J Brown read by title, bills which he had given notice of on the previous day,as follows:

I.An Act to repeal Act I9 of the Session Laws of I898.

Senator Baldwin moved the usual course.Seconded by Senator White and carried.

2.An Act relating to the limitation of time within which action may be brought to recover possession of land.

Senator J Brown moved the usual course.Seconded by Senator Kalauokalani and carried.

3.An Act to repeal Section I553 of the Civil Laws as set forth in a compilation made by S M Ballou under authority of the Legislature and published and entitled Civil Laws.

Senator Kalauokalani moved the usual course.Seconded by Senator White and carried.

4.An Act to fix compensation or damages to be paid for compensation of any private property taken for public use.

Senator J Brown moved the usual course.Seconded by Senator Kalauokalani and carried.

5.An Act to repeal Sections 336,337,338,339,340,34I,342,343 of Chapter 22,and to amedn Section 344 of said Chapter of the Civil Laws, as set forth in a compilation made by S M Ballou under authority of the Legislature and published entitled Civil Laws.

Senator J Brown moved the usual course.Seconded by Senator Kalauokalani and carried.

6.An Act to repeal Part II of Chapter III of the Civil Laws as set forth in a compilation made by S M Ballou under authority of the Legislature and published entitled Civil Laws.

Senator Kalauokalani moved the usual course.Seconded by Senator J Brown and carried.

Senate Bill 6 was taken up in second reading on the order of the day.

Senator White moved that the bill be referred to the Forestry Committee.Seconded by Senator Kalauokalani and carried.

Second reading of Senate Bill 20.

Senator C Brown moved it pass.No second.

Senator Achi moved that the last word of the bill-"publication"- be stricken out and the the word "passage" be inserted in its place.Seconded by Senator Carter.

Senator White moved to amend to the effect that the bill be referred to the Judiciary Committee.Seconded by Senator Kahilina.

President Russell called Senator Baldwin to the chair and then madd the motion that the term of imprisonment in the bill be made four years instead of one.No Second.

The chair then put Senator White's motion to refer to the Judiciary Committee.Carried.

Second reading of Senate Bill 28.

Senator White moved that the bill be referred to the Committee on Military.Seconded by Senator Kalauokalani and carried.

Second reading of Senate Bill 29.

Senator Paris moved that the bill be referred to the Committee on Public Health and Education.Seconded by Senator Kanuha and carried.

Senator Achi moved that the remainder of the bills on the order of the day be read by title alone.Seconded by Senator Carter and carried.

Second reading of Senate Bill 30.

Senator Achi moved that the bill be referred to the Committee on Public Health and Education.Seconded by Senator Kamuha and carried.

Seconde reading of Senate Bill 31.

Senator Kalauokalani moved that the bill be referred to the Committee on Public Health and Education.Seconded by Senator Carter and carried.

Second reading of Senate Bill 36.

Senator Kalauokalani moved that the bill be referred to the Judiciary Committee. Seconded by Senator Achi and carried.

Second reading of Senate Bill 37.

Senator Achi moved that the bill be referred r to the Judiciary Committee. Seconded by Senator Kalauokalani and carried.

At II:30 o'clock, Senator Wgite moved to adjourn. Seconded by Senator Nakapaahu and carried.

Edgar Caybloch

Clerk of the Senate.

Approved by the Senate:

Nicholas Russel

President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Twenty First Day =

= Monday Mch 18th = 1901 =

In the Senate.

Territory of Hawaii.

Twenty-first Day

Morning Session.

Monday March 18th., 1901.

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the chaplain, the roll was called showing Senators Achi, C Brown, Carter and Paris absent.

The journal of the previous day was read and, upon motion of Senator J Brown, seconded by Senator Kaohi, ~~adopted without correction~~ approved as read.

Senator Baldwin presented a petition from W O Aiken, chairman of the Makawao Road Board, with estimates of needs of roads of Makawao ~~Distirct for the next biennial period~~.

Senator Baldwin moved that the petition be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Kalauokalani.

Senator White moved to So amend ~~to the effect~~ that the petition be referred to the Committee on Public Lands. Seconded by Senator Baldwin and carried.

Senator Baldwin read the following report for the Forestry Committee:

~~Your Committee on Agriculture and Forestry~~ to whom was referred Bill No 6, entitled "An Act to repeal Sections 1617, 1618 and 1619 of the Penal Laws relating to Forest Roads" beg leave to report that we have had the same under careful consideration.

As indicated in the title, the bill proposes to repeal Sections 1617, 1618 and 1619 of the Penal Laws.

The Supreme Court, at the December term of 1900, in the case of the Puna Sugar Co. vs. the Government of the Territory of Hawaii, rendered the following decision:

Sections 1617, 1618 and 1619, Penal Laws, making it a misdemeanor for anyone to cut, mutilate or destroy any forest tree or growing shrubbery or underbrush within two hundred and fifty feet of any road which may have been or hereafter may be constructed by the government through and natural forest, without providing for any method for compensating the owner thereof, constitutes a taking of private property for public use within the inhibition of Amendment 5 to the United States Constitution and for that reason are void."

The above sections having been declared unconstitutional we recommend the passage of the law.

J. B. KAOHI,
H. P. BALDWIN,
L. NAKAPAAHU.

Senator Achi moved the adoption of the report. Seconded by Senator Kalauokalani and carried.

Senator Achi moved that Senate Bill 6 be typewritten and read the third time on Tuesday. Seconded by Senator Carter and carried.

Senator Carter presented the following report of the Military Committee

No special work having been assigned to this committee by the Senate, they thought it advisable to make a thorough examination of the military headquarters and equipment, and accordingly, on March 15th, under the guidance and instructions of Col. Jones, the committee visited the armory, company rooms, officers headquarters, and examined all the property under the control of the military and organization composed of one regiment, consisting of nine companies.

The committee found that the military property of the late Republic of Hawaii was all taken over at the time of annexation to the United States, by the Federal authorities, and by them placed in the hands of the military authorities of the Territory of Hawaii for their use, holding the latter personally responsible for the safe keeping of this property, which is subject to the demand of the Federal authorities.

The committee investigated ordnance, arms, uniforms, harness, saddles, tents, camping utensils, etc., aggregating in value, probably $35,000.

The committee found that the Officers' Club is maintained at the private expense of its members, excepting only that it is allowed quarters, without rent.

Respectfully submitted,
G. R. CARTER,
chairman.
DAVID KANUHA,
I. H. KAHILINA.

Senator Carter moved that the report be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Achi and carried.

Senator Carter reported further for the Military Committee as follows:

The Military Committee begs to submit the following report on Bill No. 28, referred to them on March 16th.

The committee finds nothing objectionable in the bill and that it is in accordance with similar statutes passed by the various States of the Union for the protection of the badge of the Grand Army of the Republic.

They recommend the passage of the bill with the following amendment:

In section 3, the word "publication" be stricken out, and in its place the word "approval" be substituted, so that the section will read as follows:

Section 3. This Act is to take effect from and after its approval.

G. R. CARTER,
Chairman Military Committee.
DAVID KANUHA,
I. H. KAHILINA.

Senator Baldwin moved that the report of the committee be ~~laid~~ laid on the table to be considered with the bill.

Senator Baldwin withdrew his motion.

Senator Achi moved the adoption of the report of the committee. Seconded by Senator Crabbe.

Senator White moved that the report be laid on the table to be taken up with the bill. Seconded by Senator Kalauokalani and carried.

Senator White reported as follows for ~~majority of~~ the Judiciary Committee on Senate Bill No 2, entitled "An Act to ~~to~~ regulate the employment of labor on the public works of the Territory of Hawaii:"

The bill is admirable as far as it goes, but unfortunately it does not go far enough to amount to anything whatever.

The bill purports to prohibit certain acts which manifestly ought to be prohibited, but as no penalty is declared for the violation of the law or any part thereof it would if passed serve no useful purpose.

A law is a rule of action and is to be distinguished from mere advice. This bill makes no such distinction. Any public officer in charge of public works would be at liberty to treat such a law as a merely legislative recommendation or advice which he could follow or disregard at pleasure. As the wasp without its sting is as harmless as a house fly so a law without a penalty is as useless as a cancelled postage stamp.

A bill substantially covering the main features of Senate bill No. 2, and providing a wholesome penalty for its violation will be introduced.

We recommend that the bill be ~~laid~~ indefinitely postponed.

WM. WHITE.
S. E. KAIUE.
Majority of the Committee.

~~I do not concur.~~
~~C. R. CARTER.~~

Senator Carter stated that he had not noticed the last recommendation of the committee and he therefore asked that he be allowed to write above his name the words "I do not concur." The chairman of the committee having signified his consent, Mr. Carter did as he suggested.

Senator Baldwin moved to amend the ~~upon~~ report to read "lay ont the table" instead of indefinitely postpone. Seconded by Senator Kalaudkalani and carried.

Senator White moved the adoption of the report with the amendment by Senator Baldwin. Seconded by Senator Kalauokalani and carried.

Senator Baldwin reported as follows for the Committee on Public EXpenditures:

On the 16th inst., the committee met in conference with the House Committee on Public Expenditures to discuss matters in connection with the work of these committees and now recommends, with the consent of this house, the following:

1. The appointment of one clerk at $10 a day.
2. The appointment of an assistant clerk at $6 a day and two other assistant clerks at $5 a day, these officers to look over the books of the government and ascertain the expenditures for the last biennial period.

D. KALAUOKALANI,
H. P. BALDWIN,
DAVID KANUHA.

Senator Kaohi moved the adoption of the report. Seconded by Senator White and carried.

Senator White read the following report of the Judiciary Committee on Senate Bill 12:

Your committee begs to say that in their opinion and belief it is not possible to find in any civilized country a law such as is embodied in section 200 of the Penal Laws of 1897, either in respect to the definition of malicious injury, or malicious mischief (as it is sometimes called) or in respect to the punishment inflicted therefor. Said section 200 not only punishes malicious injury to any real or personal property without regard to the character of the injury or the value of the property alleged to be injured by imprisonment at hard labor not more than two years, or by fine not exceeding one thousand dollars, but punishes to the same extent an Act negligently done or omitted to be done which "injures any real or personal property of another." The boy who kills the fowl of a neighbor may be punished as severely as the man who kills the blooded horse of another, while an act flowing from mere negligence without the slightest criminal intent is put on the same plane of criminality and punishment as an act committed with a vicious and evil mind.

This law was commented on and severely cricitized by the First Judge of the Circuit Court in his "Charge to the Grand Jury" on February 4th. 1901. We deem section 200 of the Penal Laws of 1897, so barbarous that we are opposed to any amendment of it whatsoever and advocate its repeal in toto, and the passage of a bill which while punishing malicious mischief, will yet be more consistent with the Chrstian and merciful spirit of the age. Such a bill will be introduced.

WM. WHITE,
S. E. KAIUE.
Majority of the Committee.

I do not concur.

Senator Kahilina moved the adoption of the report. Seconded by Senator Kalauokalani.

Senator White moved the previous question. Seconded by Senator Kalauokalani and lost.

Senator Kahilina's motion to adopt was carried.

further time be granted the committee.There being no objection,further time was granted.

Senator White gave notice of his intention to introduce the following bill:

An Act to regulate and provide for the inspection, testing, storage and sale of petroleum and its products, and to repeal all parts of an Act regulating

and providing for the inspection, testing, storeage and sale of kerosene oil, approved on the 14th day of November, A. D. 1890, known as Chapter LXVIII, Session Laws of 1890, and to repeal all parts of an Act to permit the importation of kerosene oil for fuel and mechanical purposes, approved the 22d day of April, A. D. 1896, and known as Act 14. Session Laws of 1896, inconsistent with the provisions of this Act.

Senator Achi gave notice of his intention to introduce an Act to amend Section 45,Chapter 57 Laws of I892,Civil Laws Section II59.

Senator Achi read by title an Act relating to taxes,notice of which he had already given.

Senator Achi moved that the bill be referred to the Printing Committee.Seconded by Senator Carter and carried.

Senator White moved that the rules be suspended in ordert to allow him to read by title the bill which he had just given notice of.Seconded by Senator Kaohi and carried.

Senator Kalauokalani moved that the bill be referred to the Printing Committee.Seconded by Senator White and carried.

Third reading of Senate Bill 32 relating to the Ter ritorial Seal.

Senator Crabbe moved that the bill pass its third reading. Seconded by Senator Carter.

Senator White moved that the bill be again referred to another committee.Seconded by Senator Nakapaahu.

Senator Kahilina moved that the bill be referred to the Judiciary Committee.Seconded by Senator White.

At II:45,Senator Kahilina moved that the Senate take a recess until I:30 o'clock.Seconded by Senator White and carried.

Afternoon Session.

The Senate met at 1:30 o'clock.

Senator White withdrew his motion to refer Bill 32 to the Judiciary Committee.

Senator White moved that the bill be referred to a select committee of three members with Senator Crabbe as chairman. Seconded by Senator J Brown and carried.

Senator Baldwin moved that House Bill 34, relating to the same matter, be read by title and referred, to the same select committee. Seconded by Senator White and carried.

Senator Baldwin moved that the bill be referred to the same select committee. Seconded by Senator C Brown and carried.

The chair appointed the following select committee: Senators Crabbe (chairman), White and John Brown.

Senator White moved that the rules be suspended in order to allow him to read a resolution relating to the stenographer of the Senate. Seconded by Senator Kaohi and carried.

Senator White read the following resolution:

Resolved; That there shall be employed a stenographer for the Senate who shall keep a stenographic, or short hand, report of all speeche and debates on the floor of the Senate. Upon the adjournment of the Senate each day the stenographer shall deposit his notes with the clerk of the Senate who shall be the custodian of the same and who shall be responsible for their safe keeping. The stenographer shall transcribe into long hand such speeches or debates, or parts thereof as the Senate or the clerk may direct. He shall when the Senate is not in session, perform such duties for the respective committees of the Senate as the majority of the Senate or clerk may direct. For such services thus rendered and performed, the said stenographer shall receive as full compensation therefor, the sum of ten dollars per day for each day of his services, and in addition thereto he shall receive the sum of fifteen cents for each folio of one hundred words that he shall transcribe, under the regulations hereinbefore provided.

Senator C Brown moved to amend the resolution by striking out the word "clerk". Senator Carter moved to amend to the effect that the word "President" be substituted for "clerk."

Senator White moved the adoption of the report. Seconded by Senator Kalauokalani and carried.

Senator C Brown gave the clerk notice that, under the provisions, embodied in the resolution, he wished printed all the proceedings as taken down by the stenographer from the very first day of the session.

Third reading of Senate Bill 5 relating to the biennial fiscal period of the Territory of Hawaii.

Senator C Brown moved the bill pass its third reading.

Senator J Brown moved the bill be indefinitely postponed. Seconded by Senator White and carried, the calling of the ayes and noes on the passage of the bill resulting as follows:

Ayes: Senators Achi, Baldwin, C Brown, Carter, Crabbe, Kaiue and Kanuha. 7.

Noes: Senators J Brown, Kahilina, Kalauokalani, Kaohi, Nakapaahu and White. 6.

Third reading of Senate Bill 26, relating to the exemption of personal property.

Senator Kalauokalani moved to refer the bill to the Judiciary Committee. Seconded by Senator C Brown.

Senator Baldwin moved to amend to the effect that the bill be referred to the Judiciary Committee with Senators Cecil Brown and Kalauokalani, the two introducers of Senate bills bearing on the same subject, as members .

Senator C Brown refused to consent to this arrangement.

Senator Kalauokalani's motion to refer to the Judiciary Comiittee was put and carried.

Third reading of Senate Bill 9, relating to the punishment of larceny.

Senator C Brown moved the bill pass. Seconded by Senator Achi.

Senator White moved that the bill be referred to the Judiciary Committee. Seconded by Senator Kalauokalani and carried.

Third reading of Senate Bill 10 relating to the practice of footbinding.

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Baldwin and carried upon the following showing of

ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Cart e r,Crabbe, Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Russell and White.I4.

Noes:.....0.

Third reading of Senate Bill II, relating to the punishment of assault or assault and battery on an officer.

Senator J.Brown moved the bill pass its third reading.Seconded by Senator C.Brown.

Senator Kalauokalani moved that the bill be referred to the Judiciary Committee.Seconded by Senator Kahilina and carried.

Third reading of Senate Bill I3 relating to gross cheat.

Senator J Brown moved the bill pass its third reading.Seconded by Senator Achi and carried on the following showing of ayes and noes

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe,Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Russell and White.....I4.

Noes:.....0.

Third reading of Senate Bill I4 relating to the receiving of stolen goods.

Senator J Brown moved the bill pass its third reading.Seconded by Senator Achi and carried on the following ~~showing of~~ vote by ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe, Kahilina,Kaiue,Kaohi,Nakappahu,Russell and White.....I3.

Noes:Senator Kalauokalani.....I.

Edgar Caylless
.....
Clerk of the Senate.

Approved by the Senate:

Nicholas Russell
.....
President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

= Twenty Second Day =

= Tuesday March 19 1901 =

In the Senate.

Territory of Hawaii.

Twenty-Second Day.

Morning Session.

~~Mon~~ Tuesday, March 19th.,1901.

The Senate met,pursuant to adjournment,at 10 a.m.After prayer by the chaplain,the roll was called,showing Senators Achi,Baldwin,C Brown and Kalauokalani absent.

The journal of the previous day was read.

Senator Carter called the attention of the clerk to the word "approved" in the fourth paragraph of the report of the Military Committee on Senate Bill 28.The word should be "approval.", and correction was made accordingly. ~~The clerk was instructed to correct the journal according to the suggestion of Senator Carter.~~

Senator Kaohi moved the adoption of the journal.Seconded by Senator J Brown and carried.

The clerk read the following communication from the secretary of the Board of Health:

Board of Health.

Honolulu,March 18th.,1901.

E.Caypless,Esq.,

Secretary of the Senate,

Dear Sir:

I beg to hand you herewith copies of the Board of Health report for the biennial period ending December 31st.,1899.

Yours truly,

Chas Wilcox,

Secretary Board of Health.

The chair stated that he had ascertained that House Bill 1 was in the hands of the clerk of the House of Representatives where it would probably remain until the Senate should take some action in regard to the appointment of a committee to confer with a like committee from the House toward the end of submitting the bill to the Governor.

Senator Kaohi moved that the Senate get the bill and then give it to the secretary of the Senate to transmit to the Governor.

The chair declared the motion of Senator Kaohi out of order.

Senator Kalauokalani moved that the secretary of the Senate and the secretary of the House of Representatives be the officers delegated to carry the bill to the Governor. Seconded by Senators Kaohi and White.

Senator Baldwin moved that the Committee on Joint Rules of the Senate meet with a like committee of the House for the purpose of framing joint rules. Seconded by Senator Carter.

Senator Crabbe moved the previous question. Seconded by Senator Carter and carried.

Senator Kalauokalani's motion carried.

Senator Achi raised a point of order to the effect that, by the provisions of the motion, the secretaries and assistant secretaries of the Senate and House of Representatives virtually became members of the Senate and House, as they would have the same privileges as the members of the Senate and House.

The chair ruled the point, raised by Senator Achi, to be out of order.

Senator Achi appealed from the ruling of the chair and, upon a vote being taken, the ruling of the chair was sustained.

Senator Carter moved to take a recess until 1:30 o'clock. Seconded by Senator Achi and lost.

The chair requested Senator Kalauokalani to put his motion, already passed, in writing, which was done and the motion read as follows:

"I move that the clerk or any of his assistants to go and meet the clerk of the House of Representatives or their duly appointed committee to present Bill No. 1, which passed both houses of the Legislature, to the Governor for his approval."

Another vote was taken on the motion of Senator Kalauokalani as seconded by Senator White and it carried.

Senator Baldwin introduced the following resolution:

Resolution.

Resolved, That the Committee on Rules and Joint Rules be instructed to confer with the same committee of the House of Representatives in order that joint rules for the regulation of business between this body and the said House of Representatives be adopted.

At 11:15 a.m., Senator White moved to take a recess until 1:30 p.m. Seconded by Senator Kaohi and carried.

Afternoon Session.

Resolution introduced by Senator Baldwin previous to taking a recess, read.

Senator White moved that the motion regarding the appointment of the clerk of the Senate as the person to act with the secretary of the House or designated committee to submit House Bill I to the Governor, be reconsidered. Seconded by Senator Baldwin and carried.

Senator Kalauokalani withdrew his motion, the seconder, Senator J. Brown, consenting.

Senator White then moved that the chairmen of the Committees on Enrollment, Revision and Printing of the Senate and House, constitute the joint committee to submit to the Governor bills that have passed third reading in the Senate and House. Seconded by Senator J. Brown.

Senator Baldwin moved to amend to the effect that the motion read "with such committee as the House may designate."

Senator Baldwin withdrew his amendment.

Senator White's motion carried.

The resolution introduced by Senator Baldwin just previous to taking a recess was brought up again for consideration and, Senator White seconding it, the resolution was adopted.

Senator Kalauokalani reported for the Printing Committee that Senate Bills 34, 38 and 39 had been printed and were ready for distribution.

Senator Crabbe gave notice of his intention to introduce a bill creating the City and County of Honolulu with a draft of the proposed charter governing the said City and County of Honolulu.

Senator White read by title a bill relating to the prohibiton of the employment of other than qualified voters, on the public works of the Territory, notice of which he had already given.

Senator Kalauokalani moved that the bill be referred to the Printing Committee. Seconded by Senator J Brown and carried.

Senator Kaohi gave notice of his int ention to introduce a bill to amend Section 837 of the Compiled Civil Laws, relating to exemption from taxation.

Senator Crabbe moved to reconsider Senate Bill 5, relating to the biennial fiscal period of the Territory of Hawaii. Seconded by Senator Carter and carried.

Senator C Brown moved that the bill pass its third reading. Seconded by Senator Crabbe.

Senator J Brown moved that the bill be indefinitely postponed. Seconded by Senator Nakapaahu.

The chair declared the motion of Senator J Brown out of order.

Senator White moved that the bill be laid on the table. Seconded by Senator Kaohi.

The chair declared the motion of Senator White out of order.

The ayes and noes were called on the passage of the bill in third reading, the result being as follows:

Ayes: Senators Achi, Baldwin, C Brown, Carter, Crabbe, Kaiue, Kanuha, Paris.....8.

Noes: Senators J Brown, Kahilina, Kalauokalani, Kaohi, Nakapaahu and White.....6.

The chair declared that the bill had passed its third reading.

Third reading of Senate Bill 6, relating to forest lands.

Senator Achi moved that consideration of the bill be postponed until Wednesday. Seconded by Senator C Brown and carried.

First reading of House Bill 8 with accompanying communication from the House, relating to the appropriation of an emergency fund to be used in repairing the damage caused by the late storm.

Senator Achi moved that the bill be referred to the Printing committee. Seconded by Senator Kalauokalani and carried.

First reading of House Bill 9 with accompanying communication from the House, relating to vaccination.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator White and carried.

Senator Achi moved that the bill be read the second time on Wednesday. Seconded by Senator Kalauokalani and carried.

First reading of House Bill 13 with accompanying communication from the House, relating to the repealing of certain obsolete laws.

Senator Kalauokalani moved that the bill pass ~~second~~ first reading-Seconded by Senator J Brown and carried.

First reading of House Bill 16 with accompanying communication from the House, relating to the criminal jurisdiction of District Magistrates and Amending Section I of Act 40 of the Penal Laws of 1896 and Section II of Chapter LVII of the Laws of 1892.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator J Brown and carried.

First reading of House Bill 18 with accompanying communication from the House, relating to the defining of felonies and misdemeanors.

Senator C Brown moved that the bill pass its first reading-Seconded by Senator J Brown and carried.

Senator C Brown moved that Senate Bills 34,38 and 39 be taken up and read second time by title. Seconded by Senator Achi and carried.

Second reading, by title, of Senate Bill 34, relating to the seduring of accuracy in the matter of the registry of the values of transfers of property.

Senator C Brown moved that the bill be referred to the Committee on Public Lands. Seconded by Senator Achi and carried.

Second reading, by title, of Senate Bill 38, relating to the providing of legible and uniform recording of instruments and documents required by law to be recorded.

Senator C Brown moved that the bill be referred to the Committee on Public Lands. Seconded by Senator Achi and carried.

Second reading by title of Senate Bill 39 relating to the abolition of capital punishment within the Territory of Hawaii and substituting in lieu thereof, imprisonment for life.

Senator Achi moved that the bill be referred to the Judiciary Committee. Seconded by Senator Crabbe and carried.

At 2:55 p.m., Senator Achi moved to adjourn. Seconded by Senator White and carried.

Edgar A Cayetano
.....
Clerk of the Senate.

Approved by the Senate:
Nicholas Russel
.....
President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Twenty Third Day

Wednesday March 20th 1901

In the Senate.

Territory of Hawaii.

Twenty-third Day

~~Morning Session.~~

Wednesday, March 20th., 1901.

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the chaplain, the roll was called, showing ~~the following absent:~~ Senators ~~absent:~~ Baldwin and Carter absent.

The journal of the previous day was read and, ~~there being no objection, it was adopted~~ approved as read.

Senator Paris presented a petition from 158 citizens of North Kona to the Legislature of the Territory of Hawaii, dated March 1, 1901, as follows:

1. $8500 for road from Kailua to join the Keauhou road.
2. Widen the upper road in North Kona, $18,000.
3. $24,000 to complete upper government road North Kona to South Kohala.
4. $6000 repair bridges and roads in North Kona.

~~This Report was laid on the table to be considered with the appropriation bill.~~

Senator Paris moved that the petition be referred to the Committee on Public Lands. Seconded by Senator Achi.

Senator White moved that the petition be laid on the table to be taken up with the Appropriation Bill. Seconded by Senator Kalauokalani and carried.

Senator White made a verbal report for the Committee on Joint Rules to the effect that there would probably be a meeting of the joint committee of the Senate and House in the afternoon.

Senator C Brown reported verbally for the Committee on Joint Rules to the effect that a meeting of the joint committee of the Senate and House had been arranged for the afternoon.

Mr. Kanuha read a communication from the Board of Health submitting bills for services and supplies incurred on account of the bubonic plague and remaining unpaid at this date, amounting to $6258.78 and to ask the committee having such matters in hand for an appropriation to pay the bills.

A postscript of the communication was as follows: "These bills are correct to the best of our knowledge, but there are other bills which may be correct."

Senator Kanuha moved that the communication be referred to the Committee on Claims.No second.

Senator C Brown moved that the communication be referred to the Committee on Public Exp enditures.Seconded by Senator Achi.

Senator Kanuha withdrew his motion, making the ~~motion~~ amendment of Senator Cecil Brown an original motion.

Senator C Brown's motion was carried.

Senator Paris read first time, by title, ~~his~~ an act relating to injunction;previous notice of which he had already given.

Senator Achi moved that the bill be referred to the Printing Committee.Seconded by Senator Paris and car ried.

Senator Kahilina introduced the following resolution:

1. That an appropriation of six thousand dollars ($6000) be set aside for the road from Kalihi ~~wai, District of~~ Hanalei, Island of Kauai, to Kealakaiole, the boundary of Kawaihau District.
2. That an appropriation of three thousand dollars ($3000) be set aside for the road in Moloaa, District of Kawaihau, Island of Kauai.

The resolution was seconded by Senator Nakapaahu.

Senator C Brown moved that the resolution be laid on the table to be taken up with the Appropriation Bill.Seconded by Senator J Brown and carried.

Senator Kaohi read first time by title ~~his~~ a bill relating to ~~the~~ exemption from taxation,notice of which he had already given.

Senator C Brown moved that the bill be referred to the Printing Committee.Seconded by Senator Baldwin and car ried.

Third reading of Senate Bill 6,relating to forest roads.

Senator Kalauokalani moved that the bill be taken up and considered section by section.Seconded by Senator Kahilina and car ried.

Senator Baldwin moved that the bill be taken up for consideration on Thursday.Seconded by Senator Kalauokalani and carried.

Second reading of House Bill 9,relating to vaccination.

Senator Achi moved that the bill be referred to the Committee on Public Health with the addition of the President of the Senate.Seconded by Senator C Brown and carried.

Second reading of House Bill 13 relating to the repealing of certain obsolete laws.

Senator C Brown moved that a special committee be appointed to examine into the bill and report to the Senate.Seconded by Senator Kanuha.

Senator Kalauokalani moved that the bill be referred to the Judiciary Committee.Seconded by Senator Nakapaahu.

The vote stood 6 for and 6 against.The chair voted to refer to the Judiciary Committee.

Senator White moved that the rules be suspended in order to present a report of the Judiciary Committee on Senate Bill 37.Seconded by Senator J Brown and carried.

Senator White then read ~~his~~ the report on the bill,recommending its passage.

Senator Kalauokalani moved the adoption of the report of the committee.Seconded by Senator J Brown.

Senator Achi moved that the report be laid on the table to be considered with the bill.Seconded by Senator Baldwin and carried.

Second reading of House Bill 16,relating to District Magistrates.

Senator Achi moved that the bill be referred to the Judiciary Committee.Seconded by Senator Crabbe and carried.

Second reading of House Bill 18 relating to felonies and misdemeanors.

Senator Crabbe moved that the bill be referred to the Judiciary Committee.Seconded by Senator Achi and carried.

Senator Crabbe moved that Senate Bill 28 be typewritten and read the third time on Thursday.

Senator Achi moved that the bill be taken from the table with the report.Seconded by Senator White and carried.

Senator White moved the adoption of the report of the committee.Seconded by Senator Kanuha and carried.

Senator Crabbe moved that the bill be typewritten and read the third time on Thursday.Seconded by Senator Achi and carried.

The clerk read the following communication from the House:

We do hereby certify that, upon a reconsideration of the vote by which the House of Representatives concurred in the Senate amendment to House bill No. 1, entitled "An Act to appropriate money for the purpose of defraying the expenses of the session of the Legislature of the Territory of Hawaii of the year 1901 from the Public Treasury," to wit: to strike out the letter "u" in the word "fourty" in the second line of section 1 thereof; that a further amendment was made by this House, to wit: to substitute the word "approval" for the word "publication" in the second line of the second section of the draft of said bill as amended and transmitted to this house by the Senate, and which draft is hereto attached; and thereupon this House reconcurred in the amendment made by the Senate as herein aforesaid.

JOSEPH A. AKINA,
Speaker House of Representatives.
S .MEHEULA,
Clerk House of Representatives.

Senator C Brown moved that the communication be considered with the bill. Seconded by Senator Achi and carried.

Senator White moved that the Senate concur in the amendment of the lower house and refer the bill to the Committee on Enrollment, Revision and Printing. Seconded by Senator Kanuha.

At 11:45 o'clock, Senator Kalauokalani moved to adjourn. Seconded by Senator Baldwin and carried.

Edgar Cayless
Clerk of the Senate.

Approved by the Senate:
Nicholas Russel
President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Twenty Fourth Day

Thursday March 21st 1901

In the Senate.

Territory of Hawaii.

Twenty - Fourth Day.

~~Morning Session.~~

Thursday, March 21st., 1901.

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the Chaplain, the roll was called, showing Senators Baldwin, C. Brown, Carter and White, absent.

The journal of the previous day was read and, on motion of Senator J Brown, seconded by Senator Kaohi, ~~adopted~~ approved as read.

Senator Paris reported as follows for the Committee on Public Lands on Senate Bill 34:

We find that bill 34 requires that every instrument in order to be recorded must have an affidavit attached, sworn to by the party or parties executing the same.

1. That the consideration in the body of the document is the only amount to be paid for the same.

2d. Where the consideration is nominal, an affidavit must be attached stating the full value.

Your committee fail to see any good that will be accomplished by this law. Where considerations are nominal we find the Registrar often requires the parties to take oath as to the true value before the instrument is recorded.

If for taxation, the value can easily be got by the adjoining properties.

We consider that it will only make documents more complicated by attaching an affidavit to each one and therefore recommend the bill be laid on the table.

J. T. BROWN,
J. D. PARIS,
L. NAKAPAAHU.

Senator Kahilina moved the ~~xxxx~~ adoption of the report of the committee. Seconded by Senator Kalauokalani.

Senator Baldwin moved that the report be laid on the table to be considered with the bill.

Senator Kahilina's motion to adopt the report of the committee carried.

Senator Paris reported further for the Committee on Public Lands on Senate Bill 38 as follows:

We have carefully considered bill 38 which provides for typewriting machines in the Registry office.

While it would expedite the work of the office in some ways and perhaps reduce the number of clerks, still the records would have to be taken on seperate folios until ready to be bound into a book and we doubt if the records would be as safe as where these are immediately copied into the records, according to the present system. We therefore recommend that the bill be laid on the table.

J. T. BROWN,
J. D. PARIS,
L. NAKAPAAHU.

Senator Kahilina moved the adoption of the report of the committee.Seconded by Senator Kalauokalani.

Senator Baldwin moved that the report be laid on the table to be considered with the bill.Seconded by Senator Crabbe.

Senator Baldwin withdrew his motion.

Senator Kahilina's motion to adopt the report of the committee carried.

Senator Kalauokalani reported for the Printing Committee that Senate Bills 42,43,44, and 45 had been printed and were ready for distribution.

Senator White moved that the rules be suspended in order to allow him to present a verbal report of the Judiciary Committee on House Bill I6.Seconded by Senator Achi and carried.

Senator White reported to the effect that the Judiciary Committee had carefully examined House Bill I6, relating to the criminal jurisdiction of District Magistrates, and recommended its passage.

Senator White moved that report be adopted and the bill passed in second reading.Seconded by Senator Kaohi and carried.

Senator Achi moved that the bill be typewritten and read the third time on Friday. Seconded by Senator Crabbe.

Senator White moved to amend to the effect that the bill be read the third time on Monday.Senator Achi accepted the amendment and the motion carried as amended.

Senator Kalauokalani moved that the rules be suspended in order to allow him to present a report for the Printing Committee.There being no objection,Senator Kalauokalani was allowed to make the report which was to the effect that Senate Bills 35,46 and 49 had been printed and were ready for distribution.

Senator White moved that the rules be suspended in order to allow him to make a verbal report for the Judiciary Committee. Seconded by Senator Achi and carried.

Senator White reported favorably for the Judiciary Committee on Senate Bill 39 relating to the prohibition of capital punishment, recommending its passage.

Senator White moved that the report be adopted and that the bill pass its second reading.Seconded by Senator Kalauokalani and carried.

Senator White moved that the bill be typewritten and read the

third time on Monday.Seconded by Senator J Brown and carried.

Third reading of Senate Bill 6, relating to forest roads.

Senator White moved that the bill be referred to a special committee.Seconded by Senator Kahilina.

Senator J Brown moved that the bill be read the third time on Monday.Seconded by Senator White and carried.

Second reading of Senate Bill 37, relating to the regulation of the fees of witnesses and jurors.

Senator Kanuha moved that the bill be considered with the county and city bill.

Senator Kalauokalani moved that the bill be laid on the table to be considered on Tuesday.Seconded by Senator J Brown.

Senator White moved that the bill pass its second reading.Seconded by Senator Kahilina and carried.

Senator White moved that the bill be typewritten and read the third time on Tuesday.Seconded by Senator J Brown and carried.

Third reading of Senate Bill 28, relating to the wearing of the badge of the Grand Army of the Republic.

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Kanuha and,upon the calling of the ayes and noes as follows,the bill passed its third reading:

Ayes:Senators Achi,Baldwin, C Brown,J Brown,Crabbe,Kahilina, Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russell and White...,14.

Noes:.....0.

At II:30 o'clock,Senator White moved to take a recess until I:30 p.m.Seconded by Senator Nakapaahu and carried.

Afternoon Session.

The Senate met at I:30 p.m.

Senator White moved that the rules be suspended in order to allow him to introduce a resolution.Seconded by Senator Kalauokalani and carried.

Senator White introduced the following resolution:

JOINT RESOLUTION.

To appropriate money to defray the expenses of the session of the Legislature of the Territory of Hawaii, for the session commencing February 20, 1901.

Be it resolved by the Legislature of the Territory of Hawaii,

That there is hereby appropriated, out of any funds in the Territorial Treasury not otherwise appropriated, the sum of forty-five thousand dollars ($45,000) for the purpose of defraying the expenses of the session of the Legislature of the Territory of Hawaii, commencing Februry 20, 1901. Said sum of $45,000 shall be immediately available, upon the passage and approval of the resolution.

WM. WHITE.

Honolulu, T. H., March 21, 1901.

Senator White moved the adoption of the resolution. Seconded by Senator Kaohi.

Senator White moved the previous question. Seconded by Senator J Brown and carried.

The ayes and noes were called on the passage of the joint resolution with the following result:

Ayes: Senators J Brown, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris, Russell and White.....II.

Noes: Senator C Brown. - 1.

Senator Achi was excused from voting.

Senators Baldwin and Carter were absent.

The chair instructed the Sergeant-at-Arms to transmit the joint resolution to the House.

House Bill I, relating to the appropriation of $45 000 for the expenses of the session of the Legislature, was brought up for consideration and, on motion of Senator White, seconded by Senator Kahilina, it was laid on the table.

Senator Achi moved that the bills reported on by the Printing Committee during the morning session of the Senate, be taken up and read by their titles. Seconded by Senator Paris. There being no objection, the clerk was so ordered.

Second reading of Senate Bill 35, relating to a court of claims.

Senator White moved that the bill be read through, section by section. Seconded by Senator Kalauokalani. There being no objection, the clerk was so ordered.

Senator C Brown moved that the bill be referred to the Committee on Claims. Seconded by Senator Kalauokalani and carried.

Second reading of Senate Bill 42, relating to the regulation of the sale of spirituous liquor.

Senator C Brown moved that the bill be ~~referred to the~~ read by title and referred. Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani moved that the bill be referred to the Committee on Intoxicants. Seconded by Senator Kaohi and carried.

Second reading of Senate Bill 43, relating to vaccination.

Senator Achi moved that the bill be referred to the Committee on Public Health and the President of the Senate. Seconded by Senator Crabbe and carried.

Second reading of Senate Bill 44, relating to the repealing of Act 19 of the Session Laws of 1898.

Senator J Brown moved that the bill be referred to the Judiciary Committee. Seconded by Senator Achi and carried.

Second reading of Senate Bill 45, relating to the limitation of time within which action may be brought to recover possession of land.

Senator C Brown moved that the bill be referred to the Judiciary Committee. Seconded by Senator Paris and carried.

Second reading of Senate Bill 46, relating to the repealing of Section 1552 of the Civil Laws.

Senator Crabbe moved that the bill be referred to the Judiciary Committee. Seconded by Senator Achi and carried.

Second reading of Senate Bill 49, relating to the repealing of Part II of Chapter III of the Civil Laws.

Senator J Brown moved that the bill be referred to the Judiciary Committee. Seconded by Senator Kalauokalani and carried.

Senator Achi moved that the rules be suspended in order to allow the presentation of a report on the part of the ~~Judiciary~~ Printing Committee. Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani reported that Senate Bills 47 and 48 had been printed and were ready for distribution.

Senator Kalauokalani stated that the original copies had been taken back again to the printing office because it was not thought that the bills had arrived at the Senate.

The chair ruled that there was nothing before the house.

Senator White moved that the rules be suspended in order to allow him to report verbally for the Judiciary Committee on Senate Bill 36. Seconded by Senator Kahilina and carried.

Senator White reported for the Judiciary Committee, to the effect a recommendation that Senate Bill 36 be passed.

Second reading of Senate Bill 36, relating to the appointment of bailiffs in certain courts.

Senator White moved that the verbal report of the committee be adopted and the bill pass its second reading. Seconded by Senator Kahilina.

Senator White moved the previous question. No second.

Senator Achi arose to speak and Senator Nakapaahu then seconded the motion just made by Senator White. The chair recognized Senator Achi.

Senator White moved the previous question. Seconded by Senator J Brown.

Senator Achi moved that the ayes and noes be taken on the question of previous question. Seconded by Senator C Brown and carried.

The ayes and noes on the previous question were as follows:

Ayes: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi Nakapaahu, Russell and White.....9.

Noes: Senators Achi, Baldwin, C Brown, Crabbe and Paris.....5.

The chair put the original motion of Senator Kahilina to adopt the report of the committee on Senate Bill 36. Carried.

Senator White moved that the bill be typewritten and read the third time on Monday. Seconded by Senator Kaohi and carried.

Senator White moved to adjourn. Seconded by Senator Nakapaahu.

Senator White withdrew his motion to adjourn, the chair stating that an important matter was yet to be considered.

The following communication from the House was read:

To the

Honorable President

and Members of the Senate,

Territory of Hawaii.

I have the honor to transmit herewith Senate Joint Resolution No. 2, providing for an appropriation of monies to defray the expenses of the Legislative session commencing February 20th., 1901,

which passed the House of Representatives this 21st. day of March, A.D., 1901.

Solomon Meheula,

Clerk House of Representatives.

Senator White moved that the Joint Resolution be referred to the chairman of the Committee on Enrollment, Revision and Printing to join with the chairman of the same committee of the House to take the resolution to the Governor and to obtain from him a receipt therefor. Seconded by Senator Kaohi and carried.

~~Senator~~ At 3 o'clock, Senator White moved to adjourn. Seconded by Senator Nakapaahu and carried.

Edgar Cayplass

Clerk of the Senate.

Approved by the Senate:

Nicholas Russel

President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Twenty-fifth Day

Friday March 22nd 1901

In the Senate.

Territory of Hawaii.

Twenty-Fifth Day.

~~Morning Session.~~

Friday, March 22nd., 1901.

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the chaplain, the roll was called showing Senators Achi, C Brown, Carter Kalauokalani, Paris and White absent.

The journal of the previous day was read and, on motion of Senator J. Brown, seconded by Senator Nakapaahu, adopted as read.

Senator Kanuha ~~reported as follows for the Committee on Public~~ Health and Education:

Your Committee on Education and Public Health, to whom was referred Bill No. 30, entitled "An Act for a Territorial school for the Territory of Hawaii which shall be known by the name of Lahainaluna Seminary at the same place, and to appoint a Board of Trustees for the government of Lahainaluna Seminary and to determine the powers of such Board of Trustees," beg leave to report that we have had the same under careful consideration.

The object of the bill is—

First—In view of the probability that the Territory of Hawaii will be divided into counties, to make the Lahainaluna Seminary a Territorial school.

Second—To raise the standard and efficiency of the school and make it more of a school for manual training.

To carry out this object, the bill proposes that the affairs of the school shall be under the control and management of a Board of Trustees to be appointed as provided in the bill.

Your committee find that Lahainaluna Seminary owns about 590 acres of land, from 90 to 100 acres of which is good cane land, now leased to the Pioneer Mill Co. for $282.50 per year; that the Seminary owns a valuable water right, which is now leased to the same company for $1000 a year.

Your committee believe that the Seminary might use the land and water right in such a way as to nearly support the institution.

Lahainaluna Seminary is the only High school in the Territory where the poor boys of the land, who cannot afford to go to Kamehameha school, can get an education, and your committee strongly recommend raising the standard and efficiency of the institution, and to accomplish this, we believe it would be a good plan to place the management of the school in a Board of Trustees, as provided in the bill.

Your committee have made so many changes in the wording of the bill that we think it best to introduce a substitute bill, the passage of which we recommend.

DAVID KANUHA,
Chairman Committee on Public Health and Education.
H. P. BALDWIN,
D. KALAUOKALANI.

Senator Kaohi moved the adoption of the report.Seconded by Senator Kahilina.

Senator Achi mo ved that the report be laid on the table to be taken up with the substitute bill.Seconded by Senator J.Brown and carried.

Senator White moved to adjourn out of respect for the memory of the late ex-President Harrison.Seconded by Senator Kaiue.

~~At the request of Senator Baldwin,Senator White withdrew his motion to adjourn.~~

Senator Baldwin moved that the rules be suspended.Seconded by Senator J Brown and carried.

Senator Baldwin moved that the substitute bill recommended by the committee in its report just rendered,be read by title.Seconded by Senator Crabbe and carried.

The substitute bill was then read by title as follows:

"An Act to provide for a temporary boarding school for the Territory of Hawaii which shall be known by the name of Lahainaluna Seminary at Lahainaluna, Maui, and to provide the appointment of a Board of Trustees for the government of Lahainaluna Seminary and to define the powers and duties of such board."

~~Senator Baldwin moved that the bill be referred to the Printing Committee.Seconded by Senator Kamuha and carried.~~

At 10.10 a.m, Senator White renewed his motion to adjourn.Seconded by Senator Baldwin and carried.~~Time 10:10 a.m.~~

Edgar Caypless

Clerk of the Senate.

Approved by the Senate:

Nicholas Russel

President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Twenty Sixth Day

Saturday March 23rd 1901

In the Senate.

Territory of Hawaii.

Twenty-Sixth Day,

~~Morning Session~~.

March 23d.,1901.

The Senate met,pursuant to adjournment,at 10 a.m.After prayer by the chaplain,the roll was called,showing Senators Achi,Baldwin,C. Brown,Carter and White absent. The journal of the previous day was read and, ~~there being no objection~~, adopted as read.

Senator Kalauokalani moved that the rules be suspended.Seconded by Senator Kahilina and carried.

Senator Kalauokalani moved that House Bill No. 1 be reconsidered.Seconded by Senator J.Brown,and carried.

House Bill No. 1 was then read.

Senator Kalauokalani reported as follows on the matter of the Joint Resolution providing for the appropriation of $45 000 for the expenses of the Legislature:

Report of the Chairman ~~or Printing~~ of the Enrollment Committee on the Joint Resolution adopted on the 21st. day of this month.

Hon. Nicholas Russel,

President of the Senate.

Your committee met with the Governor and discussed the resolution and,as a result of this discussion,your committee decided,with the consent of this house,to return the resolution to the Senate with the report that nothing has been done.

Senator White moved that the matter which was submitted yesterday to the Enrollment Committee to take to the Governor be laid on the Table. Seconded by Senator J. Brown

Senator White moved that the Senate approve the bill as it was with all its amendments and that it pass third reading.Seconded by Senator Kalauokalani.

Senator White moved the previous question.Seconded by Senator Nakapaahu and carried.

Senator White's motion to the effect that the bill pass its third reading,carried.

Senator Achi arose to, ~~the following~~ a point of order which he stated,as follows,with the request that it be spread on the journal of the Senate:

I arise to a point of order,Mr. President.The point is that

our proceedings are irregular because this bill came from the House below and when it came to us,that is all right to amend the bill and when we amend the bill and send it to the House below and they make amendments again we have no right under our laws to concur with the amendments of the House below when the bill originated in the House.

The chair stated that he would not accept the point of order of Senator Achi.

Senator White moved that the chairman of the Engrossing Committee of the Senate meet with the chairman of the House of Representatives Committee on Enrollment and present the matter to the Governor.Seconded by Senator Nakapaahu.

Senator White moved the previous question.Seconded by Senator Kahilina and carried. Previous question carried.

Senator Crabbe moved to adjourn.Seconded by Senator C Achi and lost.

Senator White moved the reconsideration of the vote on the pasage of House Bill I and that the ayes and noes be taken.Seconded by Senator J Brown.

Senator White then withdrew all his motions relating to House Bill No. I.

Senator White moved that the amendments of the House to House Bill I be concurred in by the Senate and that the bill pass as amended.Seconded by Senator Kalauokalani. and carried.

Senator Achi moved that the clerk be instructed to notify the House that,in the opinion of the Senate,all the proceedings of the House after it concurred the Senate amendment, are illegal.Seconded by Senator Carter and lost.

Following were the ayes and noes:

Ayes:Senators J Brown,Kahilina,Kaiue,Kalauokalani,Kahuha, Kaohi,Nakapaahu,Russell and White.....9.

Noes:Senators Achi,C Brown,Carter,Crabbe and Paris.....5.

Senator White moved that the chairman of the Committee on Enrollment of the Senate,meet with the chairman of the House of Representatives to see that House Bill No. I is duly presented to the

Governor.Seconded by Senator Kahilina and carried.

Senator Carter moved to adjourn.No second.

Senator White moved that the Senate take a recess for a half hour.Seconded by Senator Kahilina and carried.

Upon reconvening,the clerk read a communication from the House on House Joint Resolution No. 3,relating to the burnt district and the granting of further building permits therein,which passed the House on the 12th. inst.

At this point in the proceedings,Senator Crabbe called the attention of the chair to the fact that the secretary of the Governor was waiting at the door with a message from the Governor.The sergeant-at-arms was sent to the secretary and a message from the Governor was announced. The clerk read the message, as follows:

TO THE LEGISLATURE OF THE TERRITORY OF HAWAII:

Upon the approval of "An Act to provide a government for the Territory of Hawaii," I requested Judge Walter F. Frear, of the Supreme Court, to prepare a revision of the Hawaiian laws as affected by such Act.

My reasons for doing so were as follows:

Judge Frear had been a member of the commission to recommend to Congress legislation concerning the Hawaiian Islands.

He had also prepared the text for publication printed by the Federal Government, entitled the Laws of Hawaii, which comprised the Civil Laws, Penal Laws and the Session Laws of 1898, modified in conformity with the recommendation of the Hawaiian Commission.

The Organic Act as finally adopted, departed in many instances from the original draft as reported by the commission, and the publication referred to became thereby a defective statement of Hawaiian Laws.

The familiarity with the subject which Judge Frear thus acquired gave him special qualifications for the work of putting the Hawaiian laws in a revised form for permanent use. Much time might be saved by such early revision.

The item of $8000 in the Estimates for compiling and publishing revised laws, was intended to cover $2,000 for the work of compiling and revising, about $500 for translating into Hawaiian, $5,000 for publishing in both languages, and $500 for incidentals including reading and preparation of an index and table of contents.

The cost of publishing the Civil and Penal Laws was, I understand, $10,-500. The English version of this work is now practically exhausted.

I recommend that the Legislature take measures to acquire Judge Frear's revision, which is now substantially complete, and enact the same at the present session as a Hawaiian Code, and provide for the publication thereof.

SANFORD B. DOLE.

Executive Chamber, March 21, 1901.

Senator Crabbe suggested that signature to the message did not bear the official title of Governor.

Senator Achi moved that the message be received and referred to the Judiciary Committee. Seconded by Senator Carter.

Senator White moved that the message be sent back to the Governor with the request that he write beneath his name the words: "Governor of the Territory of Hawaii". No second.

Senator Achi renewed his motion to refer the message to the Judiciary Committee. Carried.

Senator Kalauokalani reported as follows, as chairman of the Committee on Enrollment:

We beg to report to this Honorable body on Act I; that the secretary of this house is instructed to forward to the House of Representatives Bill No. I; and also inform that Honorable body that it has been duly approved by the Senate.

D. Kalauokalani.

Senator White moved that the report be adopted.

Senator Achi moved that the secretary be instructed to inform the House that the Senate concurs in their amendments and not that the bill had passed. Seconded by Senator Carter and carried.

The matter of the Joint Resolution submitted by the House was again brought up.

Senator Achi moved that the resolution be referred to the Judiciary Committee.

Senator White moved that the resolution be indefinitely postponed. Seconded by Senator K alauokalani and carried.

Senator Achi moved that the secretary at once notify the House of the action of the Senate. Sedonded by Senator Carter and carried.

Senator Paris reported for the Committee on Public Lands to the effect that the committee recommended the appropriations asked for in a petition from the residents of ~~Kaupiwai~~ Makawao, Maui.

Senator White moved that the report be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Achi and carried.

Senator Kalauokalani moved that the rules be ~~suspended~~ suspended in order to allow him to report for the Printing Committee. Seconded by Senator Achi and carried.

Senator Kal auokalani reported for the Printing Committee that Senate Bills ~~xxxxxx~~ 40,41,53,52 and 54 had been printed and were ready for distribution.

Senate Bill 47, was read the second time on the order of the day and on motion of Senator Achi, seconded by Senator Crabbe, referred to the Judiciary Committee.

Senate Bill 48 was read the second time and on motion of Senator J. Brown, seconded by Senator Achi, referred to the Judiciary Committee.

Senate Bill 40 was read second time by title and, on motion of Senator Achi, seconded by Senator Nakapaahu, referred to the Committee on Public ~~Mala~~ Health and Education.

Senate Bill 41 was read the second time by title and, on motion of Senator Crabbe, seconded by Senator Achi, referred to the Committee on Public Lands.

Senate Bill 52 was read the second time by title and, on motion of Senator Achi, seconded by Senator Crabbe, set for second reading on Monday.

Senate Bill 53 was read the second time by title and, on motion of Senator Achi, seconded by Senator Kalauokalani, this bill was referred with Senate Bill 54 to the Judiciary Committee.

House Bill No. 2 was read the first time and, on motion of Senator Carter, seconded by Senator Crabbe, ~~made the order of the day for Monday.~~ it took its usual course.

At II:45, Senator White moved to adjourn. Seconded by Senator Nakapaahu and carried.

Edgar Cayless
.....
Clerk of the Senate.

Approved by the Senate:

.....

President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Twenty Seventh Day

Monday Mch 25 1901

In the Senate,

Territory of Hawaii.

~~Twenty-Seventh Day.~~

~~Morning Session.~~

Monday, March 25th.,1901.

~~The Senate met,pursuant to adjournment,at 10 a.m.After prayer by the chaplain,the roll was called showing Senators Baldwin,C Brown, J Brown and Carter absent.~~

The journal of the previous day was read and,on motion of Senator Achi,seconded by Senator Kaohi,~~adopted~~ approved as read.

Senator Paris introduced a petition calling for certain appropriations.

Senator Paris moved that the petition be referred to the Committee on Claims.Seconded by Senator Crabbe and carried.

~~Senator White reported as follows for the majority of the Judiciary Committee on Senate Bill No. 4:~~

Report of the majority of the Judiciary Committee on Senate Bill No. 4.

To the President of the Senate:

The majority of the Judiciary Committee to whom Senate Bill No 4,was referred,entitled "An Act relating to the exemption of certain property from attachment and execution and repealing Section 1483 of the Civil Laws" beg leave to report that they have carefully examined ~~and considered said bill.The object of the bill is praiseworthy in the~~ extreme:

The policy of all American States and Territories is to provide liberal exemptions so far as to give one the opportunity to mend his broken fortunes and to protect the wife and children against the improvidence and recklessness of the husband and father; also to secure to the laborers and the professional man the tools and appliances and the books and instruments with which they respectfully earn a livelihood. While commending to the fullest extent the very laudable purpose of this bill, we yet deem it illiberal and congested and recommend that the same do not pass.

Senate bill 26 with the same object in view and yet more comprehensive and more in the interests of struggling humanity is in the opinion of the majority free from any objections.

WM. WHITE.
S. E. KAIUE.

I do not concur.
G. R. CARTER.

At this point in the proceedings,the chair called the attention of Senator Paris to the fact that the petition which he had just introduced was in the Hawaiian language,All official documents must be in the English language.

On this showing,Senator Paris asked leave to withdraw his petition.Granted.

~~Senator White then moved that the report of the majority of the Judiciary Committee on Senate Bill 4,be adopted.Seconded by Senator Nakapaahu.~~

Senator Achi moved to amend ~~to the effect~~ that the report be laid on the table to be taken up with Senate Bills 4 and 26.Seconded by Senator Baldwin and lost.

The original motion of Senator White was then put and carried.

Senator White reported further for the majority of the Judiciary Committee ~~on Senate Bill 26,as follows:~~

Report of the majority of the Judiciary Committee on Senate Bill No. 26.

To the President of the Senate:

The majority of the Judiciary Committee to whom was referred Senate Bill 26,entitled a "An Act to provide for the exemption of certain personal property from attachment,execution,distress and forced sale of every nature and description,and repealing an Act entitled "An Act to facilitate the recovery of rents"passed on the 10th. day of ~~January,1865,and all other laws in conflict with this act,beg leave to say that they have carefully examined and considered said bill.The~~ majority of your committee are of the opinion and belief that said bill is free from every objection of any sort.The only wonder is that such a law was not put on our statute books a quarter of a century ago. The committee strongly urge the passage of the bill.

Wm. White.

S E Kaiue.

I do not concur.

G.R.Carter.

~~Senator J Brown moved that adoption of the report of the majority of the committee.Seconded by Senator Kanuha and carried.~~

Senator Kalauokalani moved that the bill be typewritten and

read the third time on the order of the day Tuesday.Seconded by Senator Carter and carried.

Senator P a ris presented the following resolution which he had drafted from the petition presented by him during the first p a rt of the session and then withdrawn:

RESOLUTION.

Resolved that the sum of "352,585 be insert e d in the Loan Bill or Appropriation Bill for roads and bridges,etc in the District of South Hilo,Island of Hawaii,as more fully appears in ~~xxx~~ items hereto attached and made a part of this resolution.

J.D.Paris,
Senator First District.

Senator J Brown moved that the resolution with the accompanying estimates be referred to the Printing Committee.

Senator Kalauokalani moved to amend to the effect that the resolution be referred to the Committee on Public Lands.Seconded by Senator Paris and carried.

Senator Kaohi introduced the following resolution:

RESOLUTION.

BE IT RESOLVED by the Legislature of the Territory of Hawaii, That an appropriation be set aside for the roads from North Kona,South Kohala and North Kohala,as follows:

1For the government road from Huehue to Keahualona,N.Kona	10 000.
2For the road from Kawaihae-kai to Waimea,South Kohala	3,000.
3For the road from Mahukona to Kapaau,South Kohala	4,000.
4For the government road from Kapaau to Honokaa,N.Kohala	4,000.
5For the government road from North Kohala to Waimea	4,000.
Total	$25 000.

J B Kaohi,
Senator from First Dist.

On motion of Senator J Brown,seconded by Senator Kalauokalani, the resolution was referred to the Committee on Public Lands.

Senator Achi introduced the following resolution:

RESOLUTION.

Resolved that the sum of $25 000 be insert e d in the Appropriation Bill for the expenses of grading,filling and macadamizing the road on the east side of Kalihi Valley,extending from King street.

W C Achi,
Senator from Third District.

On motion of Senator J Brown,seconded by Senator Achi,the resolution was referred to the Committee on Public Lands.

Senator White gave notice of his intention to bring in an amendment to Rule 77 of the Senate rules.

Third reading of Senate Bill I6 relating to the distillation of spirituous liquors.

Senator J Brown moved that further consideration of the bill be deferred to Wednesday. Seconded by Senator White.

Senator C Brown moved that the bill pass its third reading. Seconded by Senator Carter.

Senator J Brown's motion to defer consideration carried.

Third reading of Senate Bill 39 relating to the abolition of capital punishment.

Senator White moved that the bill pass its third reading. Seconded by Senator J Brown and carried.

The ayes and nays were as follows:

Ayes: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Russell and White.....9.

Noes: Senators Achi, Baldwin, C Brown, Carter, Crabbe and Paris..6.

Third reading of Senate Bill 6 relating to forest roads.

Senator Achi moved that the bill pass its third reading. Seconded by Senator Crabbe and carried.

The ayes and noes were as follows:

Ayes: Senators Achi, Baldwin, C. Brown, J. Brown, Brown, Carter, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris, White and Russell.....I5.

Third reading of Senate Bill 37 relating to the regulation of the fees of witnesses and jurors.

Senator J Brown moved that consideration of the bill be deferred until Tuesday. Seconded by Senator Achi.

Senator White moved the previous question. No second.

Senator Brown's motion to defer action on the bill carried.

Third reading of Senate Bill 36 relating to the employment of bailiffs for certain courts.

Senator White moved that the bill pass third reading. Seconded by Senator Kalauokalani.

Senator White moved the previous question.Seconded by Senator Kalauokalani.

Senator Kanuha moved to adjourn.Seconded by Senator Baldwin. Senator Kanuha then changed his motion to the effect that the Sena te take a recess until I:30 o'clock.Carried.

Afternoon Session.

The Senate convened at I:40 o'clock.

Senator White moved the previous question which had been called previous to the Senate taking a recess.The chair put the question which carried.

The ayes and noes on Senate Bill 36 were then taken,showing the following:

Ayes:Senators J Brown,Kahilina,Kaiue,Kalauokalani,Kanuha, Kaohi,Nakapaahu,Russell and White.....8.

Noes.....0.

Second reading of Senate Bill 52 relating to the prohibition of the employment of any person not a qualified voter of the Ter ritory of Hawaii on the public works of the Territory.

Senator J Brown moved that the bill pass its second reading. Seconded by Senator Kalauokalani and carried.

Senator White moved that the bill be typewritten and read the third time on Wednesday.Seconded by Senator Kahilina and carried.

Senator White asked for a suspension of the rules in order to introduce a resolution but again withdrew his request.

Senator Kanuha moved that the rules be suspended in order to allow him to read second time by title,Senate Bill 30,relating to La-hainaluna school.Seconded by Senator Kalauokalani and carried.

The clerk read the bill by title.

Senator Kalauokalani moved that the bill pass its second reading.Seconded by Senator Kanuha and carried.

Senator Kanuha moved that the bill be typewritten and read the third time on Wednesday.Seconded by Senator J Brown and carried.

Senator White moved that the rules be suspended in order to allow him to read a joint concurrent resolution.Secon ded by Senator Nakapaahu and carried.

The clerk then read the following resoltuion introduced by Senator White:

Concurrent Resolution providing for a Joint Session of the Senate and the House of Representatives for the purpose of electing and apportioning eight senators from among the members of the Senate for the term and period of four years.

~~BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII, the House of Representatives concurring,~~ that on the 30th. day of March, A.D., 1901, the members of the Senate and the members of the House of Representatives do convene in joint session in the chamber of the House of Representatives at the hour of eleven of the clock in the forenoon of said day, with the President of the Senate presiding over such joint session, and the clerk of the House of Representatives and the secretary of the Senate acting as clerks of said joint session, and that the Senate and the House of Representatives in joint session ~~aforesaid, shall directly upon being called to order by the Presiding Officer aforesaid of said joint session,~~ proceed to nominate and elect two members of the Senate from the First Senatorial District who shall hold their respective offices as senators for the period and term of four years; two members of the Senate from the Second Senatorial District who shall hold their respective offices as senators for the term and period of four years; three members of the Senate from the Third Senatorial District who shall hold their respective offices as senators for the period and term of four years; ~~one member of the Senate from the Fourth Senatorial District who shall hold his office as senator for the term and period of four years.~~ The nominations of all such senators shall be viva voce, and the vote thereon shall be viva voce by aye and nay on the roll call of the Senate by the secretary thereof and House of Representatives by the clerk thereof ~~respectively~~ respectively. The said joint session may adjourn from time to time and for such length of time as may be necessary until the election of the several senators aforesaid is completed. The senators who receive a majority of all the votes of the joint session, a majority of all the members elected to both houses ~~being present, shall be duly elected; provided that the vote shall be taken so as to elect only one senator at a time.~~

AND

BE IT FURTHER RESOLVED by the Senate aforesaid, the House of Representatives concurring, that the senators so elected as provided in the preceding resolution, be respectively declared, assigned and apportioned to the senatorial term of four years in conformity with Section Thirty of An Act of the Fifty-Sixth Congress of the United States, approved on the 30th. day of April, 1900, and entitled "An Act to provide a government for the Territory of Hawaii". And that the eight senators elected, as above provided, shall severally be furnished with a certificate of apportionment signed by the presiding officer and the clerks of said joint session aforesaid, which certificate shall entitle said senators to hold their respective offices for the term of four years.

AND

BE IT FURTHER RESOLVED by the Senate aforesaid, the House of Representatives concurring, that a copy of these resolutions and the proceedings of the Senate aforesaid and the House of Representatives aforesaid in joint session as provided in the foregoing resolutions, be entered at large upon the journal of the Senate and the journal of the House of Representatives, respectively.

Wm. White.

Senator Baldwin moved that the consideration of the resolution be placed on the order of the day for Tuesday. No second.

Senator White moved the adoption of the resolution. Seconded by Senator Kahilina and carried.

Senator White moved a reconsideration of the vote on the resolution. Seconded by Senator Kahilina and ~~carried.~~ lost.

At 2:35 o'clock Senator White moved to adjourn. Seconded by Senator Kahilina and carried.

Edgar Campbell
.....
Clerk of the Senate.

Nicholas Russel

Approved by the Senate:

.....

President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Twenty Eighth Day

Tuesday March 26 1901

In the Senate.

Territory of Hawaii.

Twenty-Eighth Day.

~~Morning Session~~.

~~Tuesday, March 26th., 1901.~~

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the chaplain, the roll was called, showing Senators Achi, Baldwin and C Brown absent.

~~The minutes of the previous day were read.~~

Senator Kaohi asked that the word "Honokaa" in his resolution of the previous day, be changed to "Honokane"; ~~The clerk was instructed to make this change.~~ which was done accordingly.

Senator Kaohi moved that the journal of the previous day be adopted as corrected. Seconded by Senator J Brown and carried.

The following communication from the House was read:

Honolulu, T.H., March 25th., 1901.

~~To the Honorable President and~~

Members of the Senate:

I have the honor to herewith transmit House Bill No. 17, entitled "An Act relating to practice in criminal cases and amending Sections 1.2.3 and 4 of Chapter XL of the Session Laws of 1876" which passed its third reading in the House of Representatives, Territory of Hawaii, this 25th. day of March, A.D., 1901.

Very respectfully,

S. Meheula,

~~Clerk House of Representatives'~~

Senator Achi moved that the bill pass its ~~se~~ first reading and that it be read the second time on Wednesday. Seconded by Senator Carter and carried.

Senator White asked for more time to report on behalf of the Committee on Claims. There being no objection, the chair granted the committee further time.

Senator J Brown introduced a resolution to the effect that a sum of money be set aside for roads, streets and bridges in Hilo, submitting with the same a list of the estimates for the purpo ses named.

~~Senator J Brown moved that the resolution be referred to the Committee on Public Lands. Seconded by Senator Nakapaahu and carried.~~

Senator J Brown gave notice of his intention to introduce the following bills:

1. An Act to provide for the filing, foreclosing limitation and priority of chattel mortgages.
2. An Act providing for the printing and circulation of biennial reports of Territorial offices.
3. An Act to amend sections 31 and 33 of an Act entitled "An Act to reorganize the Judiciary Department," approved the 25th day of November, 1892, being chapter LVII of the Session Laws of 1892.
4. An Act to amend sections 54 and 55 of "An Act to reorganize the Judiciary Department, approved the 25th day of November, 1892, being chapter LVII of the Session Laws of 1892."

Senator J Brown moved that the rules be suspended and the bills of which he had just given notice be read the first ~~xkis~~ time by title.Seconded by Senator Kaohi and carried.

Senator J Brown moved that the bills be referred to the Printing Committee.Seconded by Senator Carter and carried.

Senator Carter introduced the following resolution:

RESOLUTION.

Whereas, it has been stated and upon information and belief it is alleged, that N. Russell, who has been elected President of the Senate of the Territory of Hawaii and was elected as a Senator from the First Senatorial District of this Territory is not now nor was he at the time of such election as a Senator, a citizen of the United States of America.

Now, therefore, be it resolved., That the Committee on Elections be and it is hereby instructed to make inquiries as to the truth of such information and to report back to this Senate, with all reasonable speed, all matters and evidence pertaining to such information.

G. R. CARTER,
Senator Third District.

Senator C Brown seconded the resolution.

Senator White moved that the resolution be referred to the Committee on ~~Claims~~ Elections.Seconded by Senator Kalauokalani.

Senator White withdrew his motion to refer to the Committee on Elections and moved instead that the resolution be tabled.Seconded by Senator J Brown and carried.

Senator Kanuha gave notice of his intention to introduce "An Act to provide and regulate the sending of American youths to the United States to be educated."

Senator White moved to amend Rule 77 of the Senate Rules by striking out the words "by a two-thirds vote" in lines 7 and 8 so as to ~~read as follows:~~

read as follows:

> "If any member shall conduct himself in a disorderly manner during any sessions of the Senate the President shall order such member to keep his seat and preserve the peace, and if he shall then persist in his disorderly conduct, the President shall have the power to order the sergeant-at-arms to remove him from the Senate, and he shall not be permitted to take his seat during the remainder of the day's session except upon satisfactory pledge given by him to the Senate of future good behavior."

Seconded by Senators C Brown and Crabbe.

Senator White moved the previous question. Seconded by Senator Kalauokalani and lost.

Senator Achi arose to the point of order ~~to the effect~~ that the amendment was against Section 27 of the Organic Act.

The chair refused to sustain the point of order, ~~of Senator Achi.~~

Senator Kanuha moved to table the resolution. Seconded by Senator Achi.

The chair declared the motion of Senator Kanuha out of order on the ground that he had said "resolution" instead of "amendment".

The chair put the original motion to adopt the amendment to the rules. Carried.

At II:40 o'clock, Senator White moved to take a recess until I:30 o'clock. Seconded by Senator Nakapaahu and carried.

Afternoon Session.

The Senate convened at I:35 o'clock.

Third reading of Senate Bill 26 relating to the exemption of certain personal property from attachment, execution, distress and forced sale of every nature and description.

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Kalauokalani.

Senator Achi moved an amendment to the bill. Seconded by Senator Carter. ~~and lost~~.

Senator White moved the previous question. Seconded by Senator Kalauokalani and carried.

Senator Achi's amendment was put and lost.

The original motion ~~to the effect~~ that bill pass its third reading was put and carried on the following showing of ayes and noes:

Ayes:Senators J Brown,Kahilina,Kaiue,Kalauokal ani,Kanuha, Kaohi,Nakapaahu,Paris,Russell and White.....10.

~~Noes:Senators Achi,Carter and Crabbe~~.....3.

Senator Kalauokalani moved that the bill take its usual course Seconded by Senator ~~xxxx~~ Kaohi and carried.

Third reading of Senate Bill 37 relating to the regulation of the fees of witnesses and jurors.

Senator Achi moved the following amendment:

That the words "who is duly sworn in the case" be ~~put in place~~ substituted for ~~of~~ the words "whether sworn in the case or not".

Seconded by Senator Kanuha, and amendment adopted.

Senator Carter ~~introduced~~ offered an amendment which failed of a second.

Senator Achi ~~introduced~~ offered another amendment.Seconded by Senator Kanuha and lost.

Senator Kalauokalani moved that the bill pass its third reading as amended.Seconded by Sen a tor White and carried on the following showing of ayes and noes:

Ayes:Senators Achi,J Brown,Crabbe,Kahilina,Kaiue,Kalauokalani, Kanuha,Kaohi,Nakapaahu,Paris,Russell and White.....12.

~~Noes: Senator Carter~~.....I.

Senator White moved to adjourn.Seconded by Senator Nakapaahu and Carter.

The chair announced a communication from the House, and Senator White withdrew his motion to adjourn.

The clerk then read the following communication from the House:

Honolulu,March 26th.,I90I.

~~To the Honorable Presidentand~~

~~Members of the Senate.~~

I have the honor to inform your honorable body that the Senate Concurrent resolution No. 2 was concurred in by the House of Representatives,Territory of Hawaii,on the 25th. day of March,A.D.,I90I.

Very respectfully,

S.Meheula,

Clerk House of Representatives.

Senator Achi moved that the notice from the House and the concurrent resolution of the Senate belaid on the table because ~~of~~ the resolution ~~is~~ are in conflict with the provisions of Section I2 of the Organic Act. Seconded by Senator Carter.

The motion was not put.

Senator White, at 2:25, o'clock, renewed his motion to adjourn.

Senator Carter moved to amend to the effect that the Senate adjourn until I0 o'clock Wednesday morning. Seconded by Senator Achi and carried.

Nicholas Russell
President ~~Clerk~~ of the Senate.

Approved by the Senate:

Edgar Campbell
Clerk ~~President~~ of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Twenty Ninth Day

Wednesday March 27 1901

In the Senate,

Territory of Hawaii.

Twenty-Ninth Day,

Morning Session.

Wednesday, March 27th., 1901.

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the chaplain, the roll was called, showing Senators Carter and White absent.

The journal of the previous day was read and, on motion of Senator J Brown, seconded by Senator Nakapaahu, ~~adopted~~ approved as read.

~~Senator Kalauokalani reported for the Printing Committee that Senate Bill No. 50 had been printed and was ready for distribution.~~

There being no objection, the bill took its usual course.

Senator White made a verbal report for the Committee on Claims to the effect that that body had had a meeting on the previous day and had decided to ask the Senate for further time in which to prepare its regular report. It was the intention to advertise in the papers of the city certain stated meetings of the Committee at which time all those having claims arising out of the damage by fire during the existence of bubonic plague in the city would have a chance to present their grievances. In this manner, the committee would be able to make an estimate of the extent of the damages.

There being no objection, the committee was given further time during which to report.

President Russell then read the following letter of resignation to the Senate from the chair:

Senate Chamber, March 27, 1901.

To the Senate:—Having repeatedly called the attention of this body to the fact that the short time accorded to the Legislature is wasted in debate on trivial matters which are of no interest to the people of this Territory while the passage of measures which were promised by all the political parties are delayed; that little or no work is being done by the several committees as evidenced by failure to promptly report; that, as a whole, the Senate, is practically, an inefficient body and that the short time remaining in which to perform the responsible duties, with which we are entrusted will prove utterly fruitless if present methods are continued.

In the name of all the people and of all the parties who have entrusted us with the high mission of state affairs, which involves life, justice and property and, in general, the good order of society and property of this young Territory, upon which, the people of the whole Union are looking with profound interest, I protest against such an order of things, and I appeal to the best elements of all parties and of all the people, to unite for the purpose of doing our plain duty to the people during the remaining half of the session. There is no time to waste.

Being convinced that I can more fully perform my duty upon the floor of the Senate, I therefore beg to tender my resignation as President.

(Signed.) N. RUSSELL.

unable to assume the heavy share of responsibility connected with my office under circumstance and

Senator J Brown moved to lay the resignation on the table. Seconded by Senator Kalauokalani.

At IO:45 o'clock, Senator White moved to take a recess until I:30 o'clock. Seconded by Senator Baldwin and carried.

Afternoon Session.

The Senate met at I:35 p.m.

Senator White moved to adjourn. No second.

Vice-President Kaiue declared the motion of Senator ~~Kalauoka~~ J Brown to lay the resignation of the President on the table, in order.

The vote stood 6 to 6, the chair voting to table the resignation.

Senator C. Brown moved that the resignation of Senator Russell as President of the Senate, be accepted. Seconded by Senator Carter.

Senator Paris moved to amend to the effect that everything in the letter of resignation derogatory to the Senate, be stricken out. No second.

Senator White moved to adjourn. Seconded by Senator Kalauokalani and carried.

Edgar Cypless
.....
Clerk of the Senate.

Approved by the Senate:

Nicholas Russel
~~Vice~~ President of the Senate.

First Legislative Assembly

of the

Territory of Hawaii.

JOURNAL OF THE SENATE

Thirtieth Day

Thursday Mch 28 1901

In the Senate.

Territory of Hawaii.

Thirtieth Day.

~~Morning Session.~~

Thursday, March 28th., 1901.

The Senate met, pursuant to adjournmrnt, at 9: 30 a.m. After prayer by the chaplain, the roll was called, showing all the senators present.

The journal of the previous day was read and, on motion of Senator White, seconded by Senator Kaohi, ~~adopted~~ approved as read.

The following communication from the Secretary of the Territory was read by the clerk:

Honolulu, T.H., March 27, 1901.

Hon. N. Russell,
President of the Senate.

Dear Sir:—

I have the honor to inform you that the Governor signed, this day, Act I, entitled "An Act to appropriate money for the purpose of defraying the expenses of the session of the Legislature of the Territory of Hawaii of the year 1901 from the public treasury."

I am,
Sir,
Very respectfully yours,
Henry E. Cooper,
Secretary of the Territory.

Senator Kanuha gave notice of his intention to introduce "An Act to provide for and to regulate the sending of American youths to the United States to be educated."

Senator Baldwin moved that the rules be suspended and that Senator Kanuha be allowed to read his bill first time by title. Seconded by Senator Achi and carried.

Senator Achi moved that the bill be referred to the Printing Committee. Seconded by Senator J. Brown and carried.

Under suspension of rules Senator Paris reported as follows for the Committee on Public Lands on Senate Bill ~~No.~~ 41:

We find said bill amends section 1442 of the Penal Laws so as to allow the use of explosives in fishing on reefs and waters of the Territory; but fails to repeal or amend sections 1463 and 1464 which would conflict with the section as amended in the bill.

Your committee consider that the present law in regard to the use of explosives in fishing should not be changed.

Whenever explosives are used in fishing large numbers of young fish are unnecessarily killed of which no use can be made.

These feeding grounds destroyed and the fish leave. We feel that if the general use of explosives were allowed, many choice species of Hawaiian fish would disappear, and our fisheries on which so many Hawaiians depend for a living would be of little value.

For the protection of our fisheries we would recommend the bill be laid on the table.

JOHN T. BROWN,
J. D. PARIS,
L. NAKAPAAHU.

Senator C Brown moved the adoption of the report. Seconded by Senator Achi and carried.

Senator Kalauokalani gave notice of his intention to introduce "An Act entitled 'An Act to incorporate the City of Honolulu.'"

Senator Kalauokalani moved that the rules be suspended in order to allow him to read his bill by title. Seconded by Senator Achi and carried.

Senator Achi moved that the bill be referred to the Printing Committee. Seconded by Senator Kalauokalani and carried.

Senator Crabbe read first time by title his "Act to incorporate the City and County of Honolulu", notice of which he had already given.

Senator C Brown moved that the bill be referred to the Printing Committee. Seconded by Senator Baldwin and carried.

Senator J. Brown gave notice of his intention to introduce "An Act to create, establish and locate an agricultural college and model farm, providing for the management thereof and appropriating money for its maintenance and development", and

Senator J Brown moved that the rules be suspended in order to allow him to read his bill first time by title. Seconded by Senator Kalauokalani and carried.

Senator J Brown moved that the bill be referred to the Printing Committee. Seconded by Senator Kalauokalani and carried.

Under the same suspension of rules, Senator Paris reported as

follows for the Committee on Public Lands on the resolution providing that $25 000 be appropriated for the road from King street, up Kalihi valley:

Your committee have gone over the ground and find the road in a bad condition. We also find that the Legislature of 1898 appropriated $22,000 for this road but that nothing has been done to repair it until within the last few weeks, although there is quite a large population in this valley and the road is almost impassable in wet weather.

Your committee recommend the amount in the old appropriation bill of $22,000 be reappropriated for said road.

JOHN T. BROWN,
J. D. PARIS,
L. NAKAPAAHU.

Senator White moved that the report be laid on the table to be considered with the appropriation bill. Seconded by Senator Achi and carried.

Senator Kaiue gave notice of his intention to introduce "An Act to exempt from execution, attachment and every species of forced sale the homestead of a householder having a family; to the value of $3 500."

Senator Kaiue moved that the rules be suspended in order to allow him to read his bill first time by title. Seconded by Senator Baldwin and carried.

Senator White moved that the bill be referred to the Printin Committee. Seconded by Senator J Brown and carried.

Senator Kaiue introduced the following resolution:

RESOLUTION.

Resolved, That the sum of $19,500 be inserted in the Loan bill or Appropriation bill for roads and bridges in the District of Wailuku, Island of Maui, as more fully appears in items hereto attached and made a part of this resolution.

Senator White moved that the resolution be laid on the table to be considered with the loan or appropriation bill. Seconded by Senator Kaiue and carried.

Senator Achi gave notice of his intention to introduce "An Act to exempt the personal taxes of parents who have at least five children."

Senator White gave notice of his intention to introduce "An Act to provide for the revision of the Statutes of the Territory of Hawaii."

The matter of the resignation of President Russell was brought

up ~~[illegible]~~ under unfinished business.

Senator White moved that the consideration of the matter be deferred until Monday. Seconded by Senator Kalauokalani.

Senator Achi moved to amend to the effect that the resignation be considered forthwith. Seconded by Senator C. Brown.

Senator J Brown requested the President to withdraw his resignation, ~~but changed this~~ and then seconded the motion of Senator White to defer consideration, which, being put, was carried,

~~Senator White's motion to defer consideration carried.~~

~~Third reading of~~ House Bill ~~No~~ 16, ~~on the order of the day.~~ Bill relating to the criminal jurisdiction of district magistrates, was put upon its third reading

Senator C. Brown moved that the bill pass its third reading. Seconded by Senator Paris and carried on the following showing of ayes and noes:

Ayes: Senators Achi, Baldwin, C Brown, J Brown, Carter, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris and Russell... 14.

Noes: Senator White..... 1.

Third reading of Senate Bill 52.

Senator C Brown moved an amendment to the bill. Seconded by Senator Baldwin and lost.

Senator White moved the previous question. Seconded by Senator Kahilina and carried.

Senator Carter offered an amendment to the bill. Seconded by Senator C Brown and lost.

~~Senator Achi moved that the bill be referred to a special committee consisting of five members, 2 from Hawaii, 1 from Oahu, 1 from Maui and 1 from Kauai, to fix the bill so as to be more effective, and work no hardship on the country. Seconded by Senator Carter.~~

Senator Achi moved that the bill be referred to a special committee consisting of five members, 2 from Hawaii, 1 from Oahu, 1 from Maui and 1 from Kauai, to so formulate the bill so as to make it more effective, and to work no hardship on the country. Seconded by Senator Carter.

Senator Kanuha moved that the consideration of the bill be left until Friday. ~~[illegible]~~ No second.

Senator Achi's motion to refer to a special committee carried.

The chair appointed ~~the following~~ as such special committee:

Senators Kalauokalani (chairman), J Brown, Baldwin, Paris and Nakapaahu.

Senator Crabbe moved to take a recess until I:30 o'clock.Seconded by Senator Baldwin.

Senator Crabbe withdrew his motion to take a recess.

Third reading of Senate Bill 30, relating to Lahainaluna ~~school~~ Seminary

Senator C Brown moved that the bill pass its third reading. Seconded by Senator Baldwin and carried ~~on the~~ by an unanimous vote ~~of the fifteen senators~~.

Senator Achi moved that the Senate take a recess until I:30 o'clock.Seconded by Senator Paris.

Senator Kalauokalani moved to adjourn to the usual hour on Friday.Seconded by Senator Nakapaahu.

Senator Carter moved to amend to the effect that the Senate adjourn until IO o'clock on Friday.Senator Kalauokalani accepted this amendment and,at II:35 o'clock,the Senate adjourned.

Edgar C Caybosa

Clerk of the Senate.

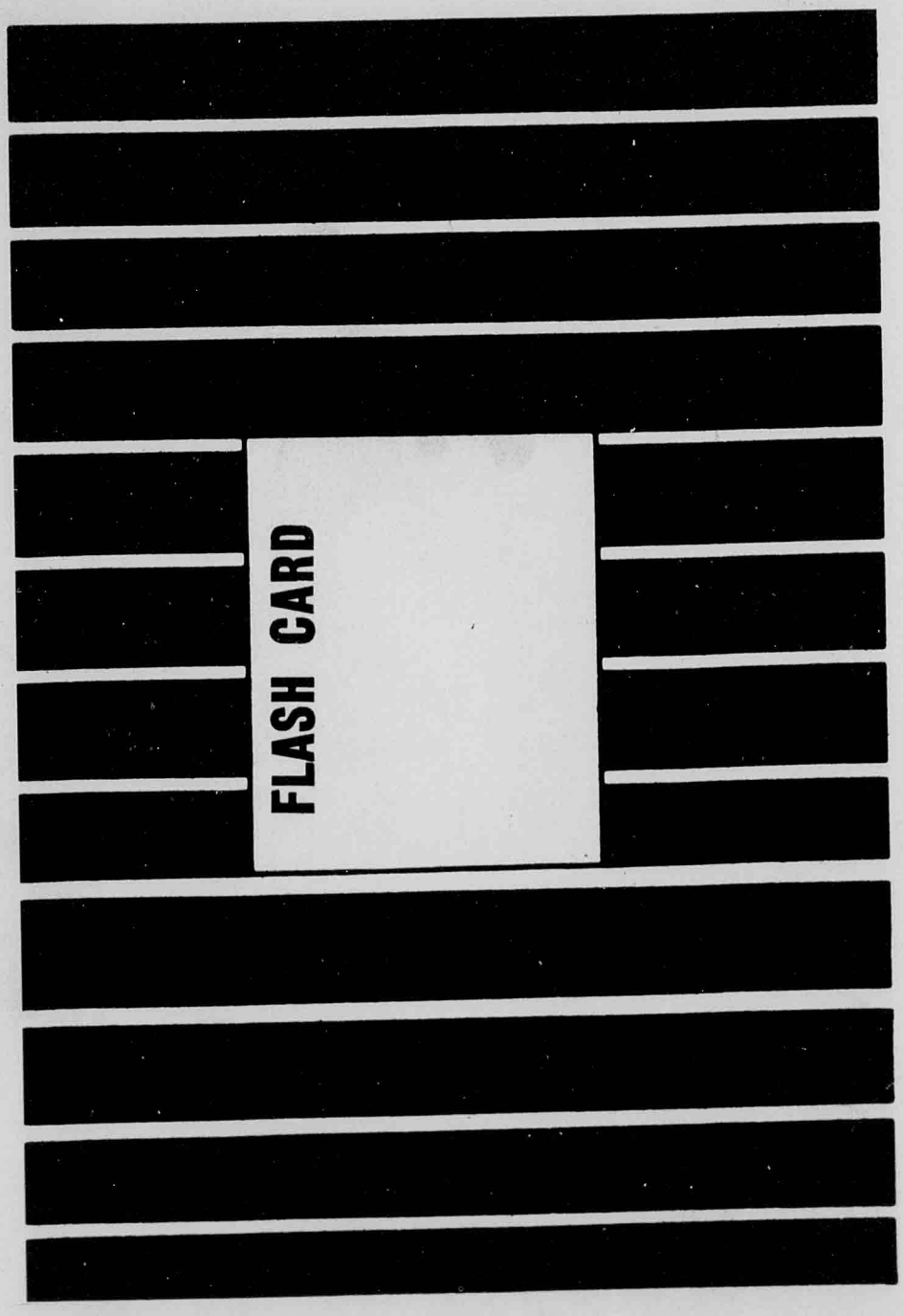
Approved by the Senate:

Nicholas Russel

President of the Senate.



FLASH CARD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FLASH NO. 1

JOURNAL OF THE SEENATE.

Thirty-First Day,

Friday, March 29th., 1901.

In the Senate.

Territory of Hawaii.

Thirty-First Day.

~~Morning Session.~~

Friday, March 29th., 1901.

The Senate met, pursuant to adjournment, at 10 a.m. After prayer by the chaplain, the roll was called, showing Senators Baldwin and Carter absent.

The journal of the previous day was read.

President Russel announced from the chair that, on the previous day he had, at the request of the majority, consented to take the chair for a day. Now that that time had passed, he would ask the vice-President to take the chair. Thereupon, he left the chair and his place was taken by Senator Kaiue, the vice-President.

Senator White then moved that the journal of the previous day be approved as read. Seconded by Senator Kalauokalani and carried.

The following communication was received from the Secretary of the Territory and read ~~by the clerk~~:

Honolulu, H. I., Mar. 26, 1901.

Sir:—Section 69 of an Act to provide a government for the Territory of Hawaii, approved the 30th day of April, A. D. 1900, provides, among other duties of the Secretary of the Territory, that "he shall within thirty days after the end of each session of the Legislature transmit to the President, the President of the Senate and the Speaker of the House of Representatives of the United States one copy each of the laws and journals of such session."

In order that I may comply with this section of the law, I respectfully request that the journal of the Senate from the beginning of the present session to the present date, duly certified by the President and the secretary, be transmitted to me as soon as possible and that thereafter the journal of each day's session, duly certified, be filed in my office as soon as the official copy can be prepared; and also that sufficient money be placed at my disposal for making the necessary copies of the same..

(Signed.) HENRY E. COOPER,
Secretary of the Territory.

To Hon. Nicholas Russel,
President of the Senate.

Senator Kalauokalaani moved that the communication be received and placed on file to be considered on Monday. Seconded by Senator Nakapaahu.

Senator Russel moved the previous question. Seconded by Senator Kanuha and carried.

The motion of Senator Kalauokalani to postpone consideration of the ~~mess~~ communication until Monday, carried.

A communication from the House announced the passage on third reading on March 27th., of House Bill No. 15, relating to the amendment of Section 814, Chapter 59 of the Civil Laws.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator Nakapaahu and carried.

~~Another~~ A communication from the House announced the passage on third reading, on March 27th, of House Bill No. 40 relating to the prevention of the employment of minors where liquor is sold.

Senator Achi moved that the bill pass its first reading. Seconded by Senator Crabbe and carried.

~~Another~~ A communication from the House announced the passage on third reading on March 28th. of Senate Bill 28, relating to the unlawful wearing of the Badge of the G.A.R., ~~buttons~~, with the following amendments:

Strike out all the words after the word "offense" in line 2 of Section 2, to and including the word "fund" in line 3 of the same section

Also the word "publication" in Section 3 and insert the word "approval" in lieu thereof.

~~Very respectfully~~,

Senator Achi moved that the bill and communication from the House be referred to the Military Committee with Senator Crabbe added, Seconded by Senator Kalauokalani and carried.

Senator C Brown moved that House Bill 40 be placed on the order of the day for Monday; also House Bill 15.

At this point, Senator White read the following report of the majority of the Judiciary Committee on the message of the Governor in regard to the revision of the laws of the Territory of Hawaii.

The majority of the Judiciary Committee to whom was referred the Governor's message in regard to the revision of the laws of the Territory of Hawaii by Judge Walter F. Frear beg leave to report that said message has had their attentive consideration.

The majority of the committee beg further to report that the "request" made by the Governor to Judge Frear that he prepare a revision of the Hawaiian laws as "affected" by the Organic Act, was an unwarranted assumption of authority on the part of the Governor in the opinion of the majority which should not be in any wise ratified or confirmed by the Legislature; the majority also deem it not improper to say that they have been surprised to learn from the Governor's message that Judge Frear should have prepared the revision of the laws in question upon the mere request of the Governor without legislative sanction or authority. It is customary in all of the United States as well as in the Territories for the revision or compilation of laws to be effected by a special act of the Legislature authorizing such revision or compilation to be made by a commission appointed for that purpose by either the Legislature or the Governor. This is the first instance in which an individual has been enterprising enough to undertake a revision of the laws without prior legislative authority so to do. The majority beg to call attention to the fact that the Governor states in the message under consideration that "upon the approval" of the Organic Act he requested Judge Frear to prepare a revision of the law, etc., and it is singular indeed that the Governor should have failed to direct the attention of the Legislature to so important a matter in his first and general message, and it is equally singular that the Chief Justice (Judge Frear) should have preserved entire silence upon the matter in his report to the Legislature.

The appointment of Judge Frear to act with others as a commission to codify, revise or compile the laws as the case might be, is not without precedent, but the majority seriously question the propriety of assigning judges to such duties. The majority are of the opinion that the Chief Justice and the other judges can best serve the community by attending strictly to their judicial duties. The majority strenuously recommend that the Senate do not concur in the Governor recommendations.

WM. WHITE.
S. E. KAIUE,
Majority Judiciary Committee.

Senator Carter then reported as follows for the minority of the Judiciary Committee on the same matter:

The minority of the Judiciary Committee to whom was referred the Governor's message in regard to revision of the laws of the Territory of Hawaii, begs to report, that

Whereas, there is a great public necessity for immediate revision of the laws of the Territory of Hawaii, owing to the very many changes caused by the superseding Organic Act and that as it would be a physical impossibility to prepare such a revision within the sixty days' session of the Legislature; therefore the voluntary extra work of Chief Justice Frear, done without certainty of compensation is a public service, prompted by patriotism and loyalty.

The minority of your committee see no usurpation of legislative authority by the Governor for you are at liberty to purchase the work done and submit it to a commission for revision and report during the session or leave the work to an entirely new commission for report at the next session, thus defraying the final publication.

Therefore, the minority recommends that the committee should inquire what the cost of the revision now nearly complete and if less than it can be done for by others that the work of Judge Frear be purchased and revised under supervision of your committee, translated and printed, as no work of more importance or of greater benefit to the public can be done.

G. R. CARTER,
Minority of Judiciary Committee.

Senator Achi moved that both ~~of the~~ reports be laid on the table to be considered with the message of the Governor. No second.

Senator J Brown moved the adoption of the majority report. Seconded by Senator Nakapaahu.

Senator C Brown moved to amend to the effect that the report of the minority be adopted. Seconded by Senator Baldwin.

Senator White moved the previous question. Just as Senator Carter arose to speak on the subject, the motion was seconded by Senator Kalauokalani. The chair thereupon ruled that Senator Carter was in order.

Senator Kalauokalani ~~again~~ moved the previous question. Seconded by Senator White and lost.

The members being in doubt as to the vote, the chair ~~announced~~ Called for a standing vote. On the showing made, the decision of the chair ~~that~~ that the motion had been lost was reversed.

The chair then announced the question as being the adoption of the minority report. The vote stood 6 to 6, the chair voting against adopting the report.

Senator C. Brown moved that the majority report be laid on the table. Seconded by Senator Carter and carried.

At 12 m., Senator Achi moved to take a recess until 1:30 o'clock. Seconded by Senator Nakapaahu and carried.

Afternoon Session.

The Senate met at 1:35 p.m.

Senator Carter made a verbal report, for the Committee on Adulterated Foods, that a bill would shortly be forthcoming. No Action.

Senator Baldwin reported as follows for the special commmittee to whom had been referred Senate Bill 52 relating to the employment of only citizens of the Territory on the public works of the Territory:

Hon. Nicholas Russel,

President of the Senate:

Your committee to whom was referred Senate Bill 52 have had the same under careful consideration and beg leave to submit the following report, recommending the passage of the bill, except the amendment herein suggested in line 2, of Section 1, to insert after the word "Hawaii" the words "except children of the subjects of the United States of America of the ages ranging from 15 to 21 years."

Respectfully submitted,

D. Kalauokalani,

John T Brown

L Nakapaahu.

We concur in the above report except the clause providing for imprisoning. We consider the fine sufficient punishment.

J D Paris

H P Baldwin.

Senator C Brown moved that ~~the~~ further consideration of the rpport be postponed.Seconded by Senator Baldwin.

Senator Kalauokalani moved the previous question (which was presumably a motion ~~to the effect~~ that the report of the committee be adopted,although neither the journal clerk ~~and~~ or the stenographer have ~~no~~ record of such motion,) Seconded by Sen ator Carter and carried.

Senator J Brown moved that the bill pas~~s~~ as amended by the majority of the committee.Seconded by Senator Kalauok a lani.

Senator Russel introduced the following resolution:

SENATE RESOLUTION.

Whereas, ~~the~~ a large number of Senate bills have been introduced and refer r ed to committees,and

Whereas such committees have had ample time to report on said bills,either favorably or unfavorably and that such delay materially retards the work of the Senate;therefore be it

Resolved That the clerk prepare a list of all Senate bills not reported from committee showing number and title of each bill,date of reference and to what committee refrr red,an d that ~~said list n~~ said list be posted in a conspicuous place in the Senate Chamber for the information of membersa and the public,and

Be It Further Resolved,That all committees report to the Senate,in writing and without delay,as to ~~whether~~whether or not clerical assistance or places for meeting,or either,is necessary to expedite their labors,or any other reason why such bills have not been reported.

Nicholas Russel.

Dated this 29th. day of March,1901.

The resolution was seconded by Sen ators C Brown and Crabbe.

Senator White moved to lay the resolution on the table. No second.

Senator Achi moved the previous question.Seconded by Senator Russel and carried.

Senator White moved that the ayes and noes on the question be called.Seconded by Senator Kalauokalani and carried.

The result of the calling of the ayes and noes was as follows:

Ayes:Senators Achi,Baldwin,C Brown,J Brown, Carter,Crabbe, Kahilina,Kaiue,Kanuha,Paris and Russel.....II.

Noes:Senators Kalauoka lani,Kaohi,Nakapaahu and White .....4.

Senator Russel introduced the following resolution:

SENATE RESOLUTION.

Whereas Senate Bill 42"An Act to regulate the manufacture,transportation and sale of liquors,opium,awa and other intoxicants within the Territory of Hawaii" was introduced in the Senate on March I5th., and in a short t ime thereafter,referred to the standing Committee on Intoxicants,and

Whereas,said committee has failed to report thereon:therefore be it

Resolved,That the Committee on Intoxicants Be,and it is hereby directed and required to return said Senate Bill No. 42 to the Senate without delay,either with or without report,that further action may be taken thereon.

Nicholas Russel.

Dated this 29 th. day of March,I90I.

The resolution was seconded by Senator Baldwin.

At this point the following message from the Governor was announced:

TO THE

SENATE. OF THE TERRITORY OF HAWAII.

I herewith submit for your action the following appointments:-

EDWARD EDMUND PEARSON DOLE,ATTORNEY GENERAL,June I4th.,I900.

THEO.F.LANSING,TREASURER,June 25th.,I900.

JOHN A McCANDLESS,SUPERINTENDENT OF PUBLIC WORKS,JUne I4th, I900.

ALATAU T ATKINSON,SUPERINTENDEN T OF PUBLIC INSTRUCTION,June I4th.,I900.

JACOB FOSTER BROWN,COMMISSIONER OF PUBLIC LANDS,June I4th., I900.

WRAY TAYLOR,COMMISSIONER OF AGRICULTURE AND FORESTRY,

July 2,1900.

HERBERT CLARK AUSTIN,AUDITOR,June I4th.,I900.

ARTHUR M BROWN,HIGH SHERIFF,June I4th.,I900.

WALTER EUGENE WALL,SURVEYOR,February Ist.,I90I.

I have the honor to be,

Very respectfully,

Sanford B.Dole.

Executive Chamber,

March 27th.,I90I.

Senator C Brown moved that the ~~xxxxxxxx~~ message ~~message~~ be made the order of the day for Tuesday.Seconded by Senator J Brown and carried.

Senator Russel's resolution was voted on and adopted.

Senator Achi moved that the rules be suspended in order to allow him to read first time by title his bill ~~xx~~ providing for the exemption from taxation of parents having five or more children living. Seconded by Senator Paris and carried.

There being no objection,the bill took its usual course.

Second reading of House Bill I7 relating to the practice and procedure in criminal cases.

Senator C Brown moved that the bill be read by title and ~~xxxx~~ referred to the Judiciary Committee.Seconded by Senator Crabbe,and carried.

Senator Carter moved that the rules be suspended in order to allow him to introduce a resolution.Seconded by Senator Achi.There being no objection,the rules were suspended.

Senator Carter then introduced the following resolution:

RESOLUTION.

Resolved,That,whereas the estimates for the coming biennial period were duly submitted as required by the Organic Act and

Whereas ,the estimates were given to the Judiciary Committee in order that they should prepare a biill

Now therefore,Be It Resolved that the Judiciary Committee be ~~and he eby is instructed to return d sain es~~

and hereby is instructed to return said estimates to the Senate forth with for its further action.

Seconde reading of Senate Bill 50 G R Carter, relating to the basis of ~~reSetingrtThind Dasisof~~. value for taxation.

Senator Achi moved that the bill be read by title. Seconded by Senator Carter and carried.

Senatpr Baldwin moved that the bill be referred to the Committee on Ways and Means. Seconded by Senator Achi and carried.

Second reading of Senate Bill 5I relating to petroleum.

Senator C Brown moved that the bill be referred to the Committee on Agriculture, Forestry and Manufactures. Seconded by Senator Paris and carried.

Senator Russel moved that the rules be suspended in order to allow him to ~~introduceaxnumberxsfx gife~~ give notice of certain bills. Seconded by Senator Achi and carried.

Senator Russel then gave notice of his intention to introduce ~~introduced~~ the following bills:

I. The public health act.

2. An Adt providing further creation of the office of Transportation Commissioner.

3. An Act providing a system of taxation for the Hawaiian Territory.

The original copy of Senate Bill 52 having arrived in the Senate, it was brought up for consideration.

Senator Achi moved that the bill be read the third time on Monday. Seconded by Senator Carter and carried.

Senator White moved to adjourn until II o'clock on Saturday.

Senator C Brown moved to amend to the effect that the Senate meet at IO o'clock. Seconded by Senator Nakapaahu and carried, ~~Time~~ and the Senate adjourned at 3:20 o'clock.

Edgar Cupless
.....
Clerk of the Senate.

Approved by the Senate:

S. E. Kaine
.....
Vice-President of the Senate.

JOURNAL OF THE SENATE.

Thirty-Second Day.

March 30th., 1901.

In the Senate.

Territory of HaWaii.

~~Thirty-Second Day.~~

~~Morning Session.~~

Saturday, March 30th., 1901.

~~The~~ Senate met, pursuant to adjournment, at 10 a.m. After prayer ~~by the chaplain, the roll was called showing Senators Carter and White~~ absent.

The journal of the previous day was read and, on motion of Senator J Brown, seconded by Senator Kalauokalani, ~~adopted~~ approved as read.

Senator Russel moved that, the bill of the Senate numbered ~~42~~ 42, being in the hands of the Senate, its consideration be set for Wednesday. Seconded by Senator Crabbe.

Senator White moved to ~~amend to the effect~~ so amend that the report ~~of the committee be first handed in before the consideration of the bill~~ Seconded by Senator C Brown.

The chair ruled that both the foregoing motions were out of order because the rules had not yet been suspended.

Senator Russel moved that the rules be suspended. Seconded by Senator Carter and carried.

Senator Russel then moved that the bill be made the special order of the day for Wednesday. No second.

Senator Achi moved that the committee to whom Bill 42 was ~~referred, be instructed to report on the bill on Tuesday.~~ Seconded by Senator Carter.

Senator Kanuha moved that Bill 42 be referred to a special committee of five members. Seconded by Senator Russel.

Senator C Brown moved to adjourn. Seconded by Senator Carter.

Senator C Brown then withdrew his motion to adjourn and moved instead, to take a recess until 9:30 o'clock on Monday. Seconded by Senator Achi and carried. Time 10:55 o'clock.

Edgar Caspless

.....

Clerk of the Senate.

Approved by the Senate:

J. E. Kaiue

.....

Vice-President of the Senate.

JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES ON THE SENATE CONCURRENT RESOLUTION RELATING TO THE FOUR YEAR TERM OF CERTAIN SENATORS.

-Assembly Room of the House-

-of Representatives-

March 30th., 1901.

Pursuant to

JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, ~~ON~~ THE SENATE CONCURRENT RESOLUTION ~~RELATING TO THE~~ For the Purpose of ELECTING AND APPORTIONING OF EIGHT SENATORS FROM AMONG THE MEMBERS OF THE SENATE FOR THE TERM AND PERIOD OF FOUR YEARS, ~~PURSUANT TO PROVISIONS OF A CONCURRENT RESOLUTION~~ ADOPTED BY THE SENATE MARCH 25TH., AND CONCURRED IN BY THE HOUSE OF REPRESENTATIVES ON THE SAME DAY, A.D., 1901.

Assembly Room of the House of Representatives.

Saturday, March 30th., 1901.

President Russel and Speaker Akina presiding over the joint session. Present Edgar Cayless, Secretary of the Senate and Solomon Nuhaula Clerk of the House of Representatives.

Senator White moved that the roll of the Senate be called by the clerk of that body. Seconded by Representative Mossman and carried. The clerk of the Senate called the roll, showing all the senators present.

Senator White moved that the roll of the House of Representatives be called by the clerk of that body. Seconded by Representative Mossman and carried. The clerk of the House called the roll, showing all the representatives present.

Representative Mossman moved to adjourn until 10 o'clock Monday morning. Seconded by Senator Nakapaahu.

Senator C Brown moved that the ayes and noes be called. Seconded by Senator Kauhuha.

Senator J Brown moved that the votes of the members of the House of Representatives be taken first. No second.

The chair ruled that the roll of the Senate would be called first.

The motion was declared lost upon ~~on~~ the following ~~showing of~~ Vote by ayes and noes:

Ayes: Senators Kahilina, Kaiue, Kalauokalani, Kaohi, Nakapaahu and White and Representatives Ahulii, Akina, Haaheo, Hihio, Kaauwai, Kaniho, Kawaihoa, Mahoe, Makainai, Mossman, Prendergast and Puuki and Paele.....19

Noes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe,Kamuha,Paris and Russel and Representatives Aylett,Dickey,Emmeluth,Gilfillan,Hoogs,Keiki,Kekaula,Koliikoa,Kumalae,Makekau,Monsarrat,Nailima, Robertson and Wilcox.....23.

In doubt:Representatives Beckley,Ewaliko and Kauimakaole...3.

Senator C Brown moved that the concurrent resolution be read. Seconded by Senator Carter.

Senator White asked why the names of those who had voted "in doubt"on the question of adjournment had not been called.

The chair ruled that the announcement of the vote had already been made and that,therefore,any calling of the names of those "in doubt" was out of order.

Senator White moved that the resolution be read on Monday.Seconded by Representative Mossman.

Senator Achi arose to a point of order to the effect that one motion had already been entertained by the chair and that,according to rule,another motion could not be entertained.

The chair sustained the point of order of Senator Achi.

Representative Beckley inquired as to what rules were being taken as governing the joint session.

The chair answered that that was a matter for the house to decide on.

Representative Beckley then moved that,since there were no regularly adopted rules for joint sessions,the chair entertain two motions.

The chair ruled that one motion at a time would be entertained.

Representative Prendergast moved that the ayes and noes on the question be called.Seconded by Representative Mossman and carried.

Representative Beckley moved to amend the motion of Senator C Brown to the effect that the resolution be read on Monday.Seconded by Senator Kalauokalani.

Representative Mossman moved that the house take a recess.Seconded by Senators White and Kalauokalani.

Senator C Brown moved that the joint session adjourn sine die.Seconded by Representatives Monsarrat,Makekau and Hoogs.

The motion was declared lost on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe and Paris and Representatives Aylett,Dickey,Gilfillan,Hoogs,Kauimakaole, Keiki,Kumalae,Makekau,Monsarrat,Robertson and Wilcox..... 19.

Noes:Senators Kahilina,Kaiue,Kalauokalani,Kaohi,Nakapaahu, and White and Representatives Ahulii,Akina,Beckley,Emmeluth,Ewaliko,Hihio,Kaauwai,Kaniho,Kawaihoa,Mahoe,Makainai,Mossman,Nailima,Paele,Prendergast,Kekaula and Puuki.....23.

In doubt:Senator Kanuha and Representatives Haaheo and Keliikoa.President Russel did not vote.

Representative Beckley moved to take a recess until Monday at IO a.m.Seconded by Representative Mossman and Senator Kalauokalani.

Representative Makekau moved that the joint session proceed to business.Seconded by Representative Kumalae.

The chair stated that the motion of Representative Beckley to take a recess until Monday at IO a.m. was the question before the joint session.

Representative Monsarrat called for a standing vote.

Senator White moved that the ayes and noes be called.

The ayes and noes were called.

Senator Achi arose to a point of order to the effect that the joint session had no business to meet.The chair ruled Senator Achi out of order.

Representative Dickey arose to a point of order to the effect that the chair had not announced the vote on the question to take a recess until IO o'clock on Monday.The chair thereupon announced that the motion had been carried by the following showing of ayes and noes:

Ayes:Senators J Brown,Kahilina,Kaiue,Kalauokalani,Kaohi,Nakapaahu and White and Representatives Ahulii,Akina,Beckley,Emmeluth,Ewaliko,Haaheo,Hihio,Kaauwai,Kauimakaole,Kaniho,Kawaihoa,Mahoe,Makainai, Mossman,Nailima,Paele,Prendergast and Puuki.....25.

Noes:Senators Achi,Baldwin,Carter,C Brown,Crabbe and Paris and Representatives Aylett,Dickey,Gilfillan,Hoogs,Keiki,Kekaula,Keliikoa,Kumalae,Makekau,Monsarrat,Robertson and Wilcox.....18.

In doubt: Senator Kanuha. President Russel did not vote.

Logan Carpenter

~~Clerk of the Senate~~.

~~Approved by the Senate~~:

.....

~~President of the Senate.~~

JOINT SESSION.

Hall of the House of Representatives.
Honolulu, Hawaii, March 30th, 1901.

At 11-02 o'clock A.M. the Senate and House of Representatives of the Territory of Hawaii convened in joint session in the Hall of the House for the purpose of electing and apportioning eight Senators from among the Members of the Senate for the term and period of four years, pursuant to the provision of the following concurrent Resolution adopted by the Senate March 25th, and concurred in by the House the same day A.D. 1901:

S. C. R. No. 2, by Mr. White.

Concurrent Resolution providing for a joint session of the Senate and the House of Representatives for thepurpose of electing and apportioning eight Senators from and among the Members of the Senate for the term and period of four years.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII, THE HOUSE OF REPRESENTATIVES CONCURRING:

That on the 30th day of March A.D. 1901, the Members of the Senate and the Members of the House of Representatives do convene in Joint Session in the Chamber of the House of Representatives at the hour of eleven of the clock in the forenoon of said day, with the President of the Senate presiding over such Joint Session and the Clerk of the House of Representatives and the Secretary of the Senate acting as Clerks of said Joint Session; and

That the Senate and the Houseof Representatives in Joint Session aforesaid shall directly upon being called to order

by the presiding Officer aforesaid of said Joint Session, proceed to nominate and elect two members of the Senate from the first Senatorial District who shall hold their respective offices as Senators for the period and term of four years; two Members of the Senate from the second Senatorial District who shall hold their respective offices as Senators for the term and period of four years; three Members of the Senate from the third Senatorial District who shall hold their respective offices as Senators for the period and term of four years; and one Member of the Senate from the fourth Senatorial District who shall hold his office as Senator for the term and period of four years.

That the nomination of all such Senators shall be viva voce and the vote thereon shall be viva voce by aye and nay on the Roll Call of the Senate by the Secretary thereof and of the House of Representatives by the Clerk thereof, respectively. The said Joint Session may adjourn from time to time and for such length of time as may be necessary until the election of the several Senators aforesaid is completed. The Senators who receive a majority of all of the votes of the Joint Session, a majority of all the members elected to both Houses being present, shall be duly elected; provided, that the vote shall be taken so as to elect only one Senator at a time. And

BE IT FURTHER RESOLVED BY THE SENATE AFORESAID, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the Senators so elected, as provided in the preceding Resolution, be respectively declared, assigned and apportioned to the Senatorial term of four years in conformity with Section Thirty of An Act of the Fifty-sixth Congress of the

United States, approved on the 30th day of April 1900 and entitled "An Act to provide a government for the Territory of Hawaii". And that the eight Senators elected as above provided shall severally be furnished with a certificate of ~~appointment~~ apportionment signed by the Presiding Officer and the Clerks of said Joint Session aforesaid, which certificate shall entitle said Senators to hold their respective offices for the term of four years. And

BE IT FURTHER RESOLVED BY THE SENATE AFORESAID, THE HOUSE OF REPRESENTATIVES CONCURRING:

That a copy of these Resolutions and the Proceedings of the Senate aforesaid and the House of Representatives aforesaid in Joint Session as provided in the foregoing Resolutions be entered at large upon the Journal of the Senate and the Journal of the House of Representatives respectively.

Hon. Nicholas Russel, President of the Senate presiding.

Roll Call of the Senate:

PRESENT:— Messrs. Achi, Baldwin, Brown, C., Brown, J., Carter, Crabbe, Kahilina, Kaiue, Kalauokalani, Kamuha, Kaohi, Nakapaahu, Paris, White and Mr. President---15.

Absent and Excused:— None.

Roll Call of the House:

PRESENT:— Messrs. Ahulii, Aylett, Beckley, Dickey, Emmeluth, Ewaliko, Gilfillan, Haaheo, Hihio, Hoogs, Kaauwai, Kaumakaole, Kaniho, Kawaihoa, Keiki, Kekaula, Kelilikoa, Kumalae, Mahoe, Makainai, Monsarrat, Mossman, Nailima, Paele, Prendergast, Puuki, Robertson, Wilcox and Mr. Speaker---30.

Absent and Excused:— None.

Moved by Mr. White that the Joint Session of the Senate and House of Representatives stand adjourned until Monday next at 10 o'clock A.M. Upon the motion being seconded, Mr.

C. Brown moved that the ayes and noes be called upon the motion to adjourn. Seconded by Mr. Kumalae. The ayes and noes were thereupon ordered with the following result:

Ayes: Senators Kahilina, Kaiue, Kalauokalani, Kaohi, Nakapaahu, and White---6

Noes: Senators Achi, Baldwin, Brown, C., Brown, J., Carter, Crabbe, Kanuha, Paris and Mr. President---9

Ayes: Representatives Ahulii, Haaheo, Hihio, Kaauwai, Kaniho, Kawaihoa, Mahoe, Makainai, Mossman, Paele, Prendergast, Puuki, and Mr. Speaker---13.

Noes: Representatives Aylett, Dickey, Emmeluth, Gilfillan, Hoogs, Keliki, Kekaula, Kelithoa, Kumalae, Makekau, Monsarrat, Nailima, Robertson, and Wilcox---14.

Present and not voting: Representatives Beckley, Ewaliko, Kaulmakaole---3.

Total: Ayes---13. Noes---23.

Whereupon the President declared the motion to adjourn lost.

Mr. C. Brown moved that the concurrent Resolution by which authority this Joint Session is now convened be read. Mr. Carter seconded the motion. Mr. White moved that the reading of the Resolution be postponed until Monday. Upon the motion being seconded and the point of order being raised, the President declared the motion out of order. Mr. Prendergast moved that the ayes and noes be taken on the motion to read the concurrent Resolution. Seconded by Mr. Mossman. The ayes and noes were thereupon ordered.

The Senators and Representatives not being supplied with the ayes and noes blanks for both Houses the Sergeants-at-Arms were instructed to supply the deficiency. While this was being done, Mr. C. Brown moved that this Joint Session

do now adjourn sine die. Seconded by Mr. Kumalae. Mr. White moved that the ayes and noes be called on the motion to adjourn sine die. The ayes and noes were thereupon ordered with the following result:

Ayes: Senators Achi, Baldwin, Brown, C., Brown, J., Carter, Crabbe, Paris---7.

Noes: Senators Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, and White---6.

Present and not voting: Kanuha and Mr. President---2.

Ayes: Representatives Aylett, Dickey, Gilfillan, Hoogs, Kauimakaole, Keiki, Kelilkoa, Kumalae, Makekau, Monsarrat, Robertson, and Wilcox---12.

Noes: Representatives Ahulii, Beckley, Emmeluth, Ewaliko, Hihio, Kaauwai, Kaniho, Kawaihoa, Kekaula, Mahoe, Makainai, Mossman, Nailima, Paele, Prendergast, Puuki and Mr. Speaker---17.

Present and not voting: Representaive Haaheo---1

Total: Ayes---19. Noes---23.

Whereupon the President announced the motion to adjourn sine die was lost.

Mr. Beckley moved to take a recess until 10 o'clock next Monday morning. Motion seconded by Mr. Mossman. Upon the motion to take a recess the ayes and noes were ordered with the following result:

Ayes: Senators Brown, J., Kahilina, Kaiue, Kalauokalani, Kaohi, Nakapaahu, and White---7.

Noes: Senators Achi, Baldwin, Brown, C., Carter, Crabbe, Paris---6.

Present and not voting: Kanuha and Mr. President---2.

Ayes: Representatives Ahulii, Beckley, Emmeluth, Ewaliko, Haaheo, Hihio, Kaauwai, Kauimakaloe, Kaniho, Kawaihoa, Mahoe, Makainai, Mossman, Nailima, Paele, Prendergast, Puuki, and Mr. Speaker---18.

Noes: Representatives Aylett, Dickey, Gilfillan, Hoogs, Keiki, Kekaula, Kelilkoa, Kumalae, Makekau, Monsarrat, Robertson, and Wilcox---12.

Total: Ayes---25. Noes---18.

Whereupon the President announced that the Joint Session of the Senate and House of Representatives of the First Legislature of the Territory of Hawaii stood in recess until April 1st, at 10 o'clock A.M.

Recess.

Edgar Caytless
Clerk of the Senate

approved

Nicholas Russel
President of the Senate

JOURNAL OF THE SENATE.

THIRTY-THIRD DAY.

MONDAY, ~~MARC~~ APRIL 1ST., 1901.

In the Senate.

Territory of Hawaii.

Thirty-Third Day.

~~Morning Session.~~

Monday, ~~March~~ April 1st., 1901.

The Senate met, pursuant to adjournment, at 9:30 a.m. After prayer by the chaplain, the roll was called, showing Senators Achi, Baldwin Carter, Paris and Russel absent.

The journal of the previous day was read and, on motion of Senator J Brown, seconded by Senator Kalauokalani, approved as ~~xxx~~ read.

Senator Kanuha read the following report of the Committee on Public Health and Education to whom was referred Senate Bill No. 40, entitled "An Act to regulate the observance of Sunday:"

The bill changes the present law somewhat, making it in some particulars stricter, and in other particulars more liberal.

As the bill stands, it would require, in the opinion of your committee, several changes and amendments, and as the Legislature has before it more work than it can faithfully accomplish before the termination of the session, we recommend that the bill be laid on the table.

DAVID KANUHA,
D. KALAUOKALANI,
H. P. BALDWIN.

Senator Baldwin moved the adoption of the report. Seconded by Senator White and carried.

Senator Baldwin reported as follows for the Committee on Public Health and Education to whom was referred Senate Bill No. 28, entitled "An Act relating to licensed physicians:"

The object of the bill is to make it easy for the Board of Health to secure medical assistance in cases of unusually serious epidemics or unusual public disaster.

Your committee would recommend that the words "free of cost to the Territory of Hawaii," on lines 4 and 5, of section 1, be stricken out, and that a new section be inserted as follows:

"Section 2—The Board of Health is hereby authorized to remunerate physicians they may call upon to assist in suppressing any unusual epidemic, or in case of any unusual public disaster, by paying them an amount not exceeding one hundred dollars a month; provided, however, that this provision does not apply to physicians in the employ of the Board of Health who are drawing regular salaries."

The insertion of this section will change the numbering of the remaining sections of the bill.

DAVID KANUHA,
D. KALAUOKALANI.

I concur in the above report, excepting that I recommend the physicians be allowed to the extent of two hundred dollars, in the section it is proposed to insert in the bill.

H. P. BALDWIN.

Senator Bald C Brown moved that the report be received and that it be laid on the table to be considered with the bill. Seconded by Senator White and carried.

Senator Baldwin presented the following minority report of the Committee on Public Health and Education on House Bill No. 9 and Senate Bill No. 43, both relating to vaccination and repealing the laws making vaccination compulsory:

The minority of your committee does not recommend the passage of either of the above bills, for the following reasons:

Since the discovery of vaccination by Jenner, small pox has not been the terrible scourge to humanity that it was before this discovery.

Scientific and medical men agree as to the efficiency of vaccination as a means of preventing the spread of the disease. In former centuries, before the discovery of vaccination, no disease was more dreaded, or destroyed more victims.

It has been caluculated that in the last century from 7 to 12 per cent of deaths from all diseases were due to small pox.

At the present day, in countries where vaccination is regularly practiced, the proportion has been reduced to 7-10 of 1 per cent; and, in countries where vaccination has been compulsory, small pox has been almost entirely suppressed. Formerly human vaccine virus was often used, and methods of vaccinating were imperfect, and there is danger of transmitting other diseases from one person to another. Now, however, nothing but the best of bovine virus is used, taken from a healthy calf, and all danger of transmitting disease is done away with.

We must not forget what a terrible scourge small pox was in Hawaii in the year 1853, before the people were vaccinated, when several thousands of people were carried off by this terrible disease. Small pox has been brought to these shores at least twice since then, but largely owing to vaccination, did not spread.

All important lines of steamers in the Pacific touch at Honolulu, and travel and commerce in the Pacific is rapidly increasing. There is always more or less small pox in the Oriental countries bordering the Pacific, and just now there are cases of small pox scattered throughout the United States.

It behooves us, therefore, to be more vigilant than ever in our efforts to prevent this dread disease from spreading in Hawaii, and we should not, in the interest of the Hawaiians and of public health, entertain for a moment the proposition of repealing the laws relating to vaccination.

H. P. BALDWIN.

Senator CBrown moved that the minority report be laid on the table to be considered with the report of the majority.Seconded by Senator J.Brown and carried.

At 9:55 o'clock,Senator C Brown moved to take a recess until I:30 o'clock.Seconded by Senator Crabbe and carried.

Afternoon Session.

The Senate convened at I:35 o'clock.

Senator Kanuha moved that the rules be suspended in order to allow him to make a report for the majority of the Committee on Public Health and Education to whom had been referred House Bill No. 9 and Senate Bill No. 43,relating to vaccination.Seconded by Senator Kalauokalani.

The chair ruled that it was not necessary for the rules to be suspended as the Senate was considering such matters.

Senator Kanuha then made a verbal report ~~to the effect~~ that the majority of the committee recommended the passage of House Bill No. 9 and the indefinite postponement of Senate Bill 43.

The chair ruled that the committee must report on one bill at a time.

Senator Kanuha then took up House Bill No. 9 and stated that the people who had elected him and his associates were for the adoption of the bill and therefore,the majority of the committee recommended its passage.

Senator Kanuha then reported on Senate Bill No. 43,stating that the majority of the committee believed it to be antagonistic to the welfare of the people.The majority of the committee recommended its indefinite postponement.

Senator C Brown moved that the report of the majority of the committee as to Senate Bill 43 be adopted.Seconded by Senator J Brown and carried.

Senator White moved that the report of the majority of the committee as to House Bill No. 9 be adopted.Seconded by Senator J Brown.

Senator Baldwin moved that the minority report on the two bills be read.Seconded by Senator Paris and carried.

Senator White moved the previous question. Seconded by Senator Kalauokalani and carried.

The chair announced that the motion to adopt the report of the majority of the committee was in order. The majority report was adopted.

Senator J Brown moved that House Bill No. 9 be typewritten and read the third time on Tuesday. Seconded by Senator Kaohi and carried.

Senator Carter reported as follows for the Ways and Means Committee to whom had been referred Senate Bill No. 50 on March 29th.:

The bill alters Section 820 of the Civil Code by striking out that portion which provides that the assessment value of rented real estate shall be eight years rental, unless manifestly unfair and unjust, but in all other respects the law remains the same.

The Chief Justice in his report (page 21) states that this rule was adopted on the assumption that the actual rental was approximately a fair estimate of the maket value rental but values have changed and most real estate is valued at a higher figure than eight times its rental, with the result that either the eight year rule must be ignored, or else if land leased at its fair rental is assessed on the eight year rule, and other land, not leased, or leased years ago at less than its present fair rental, is assessed at its full value, there is unjust discrimination and he recommends that the rule be repealed.

The committee believes that there is considerable land in the Territory leased many years ago which at present is assessed at nowhere near its market value.

We therefore recommend the adoption of the bill.

David Kanuha

S E Kaiue

G R Carter.

Senator Achi moved the adoption of the report. Seconded by Senator Baldwin.

Senator C Brown moved to lay the report of the committee on the table. Seconded by Senator White and carried.

Senator Carter reported as follows for the Military Committee on Senate Bill No. 28 which was passed by the Senate on March 29th., and was then referred to the committee:

Your committee finds that the House has amended the bill by striking out that part which provides that one-half of the fine should be paid into the common school fund;and that the Act should take effect on its approval-not after its publication.

The introducer of the bill accepts both these amendments and the committee believes that as ~~xixexx~~ there is no common school fund,it is proper that any money received from the fines should go into the Public Treasury.

The committee,therefore,reports unanimously its approval of the amendments made,and recommends that the Senate notify the House that it concurs in the amendments.

Clarence L Crabbe

David Kanuha

I H Kahilina

G R Carter.

Senator C Brown moved the adoption of the report.Seconded by Senator Crabbe and carried.

Senator Carter moved that the secretary of the Senate inform the House of the Senate's concurrence in the amendments of the House. to Mausex Bill 38.No action.

Senator White moved to adjourn.No second.

Senator J Brown moved that the Loan Act be taken off the table for consideration.Senator C Brown seconded this motion with the understanding that both the bills relating to the loan be taken from the table.The amendment was accepted by Senator J Brown and seconded by Senator Baldwin.Carried.

Senator C Brown moved that the bills be referred to the Printing Committee.Seconded by Senator J Brown and ,there being no objection, the bills were referred to the committee named.

Senator White moved to adjourn.Seconded by Senators Kaohi and Nakapaahu.

Senator White withdrew his motion to adjourn in order to allow some small matters of business to be attended to.

Senator C Brown moved that the two loan bills be read by title. Seconded by Senator Kalauokalani.

Senator Crabbe moved to suspend the rules in order to allow him to present a report.Seconded by Senator White and,there being no objection,the senator was allowed to read his report which was as follows:

Your special committee to whom Senate Bill 32 wasxreferredx and House Bill 34 were referred, relating to the Territorial seal, beg leave to report that they have had both bills under consideration and recommend that they be laid on the table,and herewith submit a new bill in place of said bills which they recommend the Senate to pass.

C L Crabbe

J T Brown

Wm. White

Senator Crabbe moved that the substitute bill take its usual course.Seconded by Senator Carter.

Senator C Brown moved the adoption of the report.Seconded by Senator J Brown and carried.

Senator C Brown moved that the substitute bill be read by title.Seconded by Senator J Brown and carried.

Senator C Brown movdd that the bill take its usual course. Seconded by Senator J Brown and carried.

Special loan bill read by title.

Senator C Brown moved that the bill pass its first reading and take its usual course.Seconded by Senator Crabbe and carried.

General loan bill read by title.

Senator C Brown moved that the bill pass its first reading and take the usual course.Seconded by Senator Baldwin and carried.

Senator Baldwin introduced the following resolution:

RESOLUTION.

Resolved that the sum of $5 000 may be inserted in the appropriation or loan bill for the extension or improvement of the Wailuku and Kahului water works.

H P Baldwin.

Senator White moved that the resolution be laid on the table to be considered with the appropriation bill.

Senator Achi moved to amend to the effect that the resolution be referred to the Committee on Public Lands.Seconded by Senator Baldwin and carried.

At 3:50 o'clock,Senator White moved to adjourn.Seconded by Senator Kaohi and carried.

Edgar Caybless

Clerk of the Senate.

Approved by the Senate:

J. E. Kaiue

Vice- President of the Senate.

Joint Session of the Senate and

House of Representatives,

Monday, April 1st., 1901.

JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES ON SENATE CONCURRENT RESOLUTION NO. 2, RELATING TO THE ASSIGNMENT AND APPORTIONMENT OF EIGHT SENATORS FOR THE TERM OF FOUR YEARS.

March April 1st., 1901.

The joint session of the Senate and House of Representatives was called to order in the assembly room of the House at 10:05 o'clock with Vice-President Kaiue of the Senate presiding and Speaker Akina of the House sitting together with him.

The clerk of the Senate called the roll of the Senate showing all the senators but President Russel, present.

The clerk of the House of Representatives called the roll of the House, showing all the representatives present.

Senator C Brown introduced the following resolution:

Whereas, by Section 12 of the Organic Act, the Legislature of the Territory of Hawaii is to consist of two houses, which shall organize, and sit separately except as otherwise provided in and by said Act. And

Whereas, the said Organic Act does not in any portion or part thereof provide that the Legislature of the Territory of Hawaii shall at any time sit in joint convention, and

Whereas, the action of the Legislature in passing the concurrent resolution authorizing this sitting in joint convention of the Legislature is contrary to law and the true intent and meaning of said Organic Act, and is not warranted upon any pretext whatsoever; now therefore,

Be it resolved, That the records of the proceedings now held of this joint convention, as well as the records of all proceedings heretofore had in both Senate and House of Representatives by concurrent resolution ordered the present joint convention to apportion the terms of eight Senators elected at the last general election, be, and the same are hereby ordered expunged from the record of the Senate and of the House of Representatives. And said expunging to be, by the total erasure and obliterating of all that part of each record of the respective House of the Legislature that contains reference to or is the record of such joint resolution, and such joint resolution itself.

CECIL BROWN.

Representative Beckley moved that the concurrent resolution calling the Senate and House of Representatives together in joint session, be read. Seconded by Senator White.

Representative Makekau here seconded the resolution of Senator C Brown.

The chair ordered the clerk to read the resolution.

Senator Kalauokalani moved that the joint session adjourn to meet again on the fiftieth day of the session. Seconded by Senator Kanuha.

Representative Prendergast moved to amend to the effect that the joint session adjourn to II o'clock on the fiftieth day of the session.

This amendment was accepted by Senator Kalauokalani.

Senator C Brown moved to adjourn sine die. Seconded by Senator Carter.

The motion was declared lost on the following showing of ayes and noes:

Ayes: Senators Achi, Baldwin, C Brown, Carter, Crabbe and Paris and Representatives Aylett, Dickey, Gilfillan, Hoogs, Keiki, Kumalae, Robertson and Wilcox.....14.

Noes: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu and White and Representatives Ahulii, Akina, Beckley, Emmeluth, Ewaliko, Haaheo, Hihio, Kaauwai, Kauimakaole, Kaniho, Kawaihoa, Kekaula, Keliikoa, Mahoe, Makainai, Makekau, Monsarrat, Mossman, Nailima, Paele, Prendergast and Puuki.....30.

The motion to adjourn until the fiftieth day of the session was voted on and declared carried by the following showing of ayes and noes:

Ayes: Senators Achi Baldwin, C Brown, J Brown, Carter, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris and White. and Representatives: Ahulii, Akina, Aylett, Beckley, Dickey, Emmeluth, Ewaliko, Gilfillan, Haaheo, Hihio, Hoogs, Kaauwai, Kauimakaole, Kaniho, ~~Kawaihoa~~, Keiki Kekaula, Keliikoa, Kumalae, Mahoe, Makainai, Makekau, Monsarrat, Mossman, Nailima, Paele, Prendergast, puuki, Robertson and Wilcox.....43.

Noes: Representative Kawaihoa.....1.

Edgar Caplesss
.....
Clerk of the Senate.

Approved by the Senate:

J E Kaine
.....
Vice-President of the Senate.

JOURNAL OF THE SENATE.

Thirty-Fourth Day.

Tuesday, April 2nd., 1901.

In the Senate,

Territory of Hawaii.

Thirty-Fourth Day

~~Morning Session~~.

Tuesday, April 2nd., 1901.

The Senate met, pursuant to adjournment, at 9:30 a.m. After prayer by the chaplain, the roll was called showing Senators Achi, Baldwin and Carter absent.

The journal of the previous day was read and, on motion of Senator J Brown, seconded by Senator Nakapaahu, approved as read.

A communication from the House transmitting House Joint Resolution No. 3, was read. The resolution was then read, as follows:

A JOINT RESOLUTION.

Inviting the President of the United States to visit the Territory of Hawaii.

BE IT RESOLVED by the Senate and House of Representatives of the Legislature of the Territory of Hawaii.

Section 1-That the President be and he is hereby most cordially invited to extend his contemplated trip to the Pacific Coast, to the Territory of Hawaii.

Section 2-That we most earnestly assure him that the people of these Islands, without distinction of party or race, will unite in extending a soulful "Aloha" to the Chief Magistrate of our Great Republic.

Section 3-That the President of the Senate and Speaker of the House of Representatives immediately transmit these resolutions to the President.

John Emmeluth.

Senator Achi moved that the resolution be referred to a special committee.

Senator White moved to amend to the effect that the resolution be referred to the Committee on Ways and Means. Senator Achi accepted the amendment and it was then seconded by Senator Kalauokalani and carried.

A communication from the House, transmitting House Bill No. 38, "An Act to amend Section 2 of Act 23 of the Laws of the Republic of Hawaii, session of 1896", was read.

Senator Achi moved that the bill be read by title and the second reading set for Wednesday. Seconded by Senator J Brown and carried.

Another communication from the House, transmitting House Bill No. 44, "An Act to establish and maintain school libraries", was read.

Senator Russel moved that the bill be read the first time by title and the second reading set for Wednesday. Seconded by Senator Achi and carried.

Senator White moved that the rules be suspended in order to allow him to give notice of a bill which he intended to introduce. Seconded by Senator Kalauokalani and carried.

Senator White then moved that the rules be further suspended in order to allow him to read by title his bill which was as follows: "An Act to fix the compensation of pilots for the port of Honolulu." Seconded by Senator J Brown and carried.

Senator C Brown moved that the bill pass its first reading and be referred to the Printing Committee. Seconded by Senator J Brown and carried.

Senator Russel presented the following petition:

PETITION.

To the Legislature of the Territory of Hawaii:

To the Honorable Senate and House of Representatives in Legislature convened.

Your petitioners, taxpayers and purchasers of government ~~lands~~ lots in the "Olaa New Tract" respectfully ask:

That the road known as "the ~~mid~~ Peck Road", beginning at eighteen miles, Volcano road, at present constructed in the direction of the new lots for a distance of one and one-eighth (I I/8) miles, be extended to the new road in "Olaa New Tract", a distance ~~from~~ of one and five-eighths (I 5/8) miles from the present terminus of said Peck road.

The completion of this road will greatly facilitate the transportation of freight to and from the new homesteads and also furnish easy access to the railroad station to be built at junction of Peck road and Hilo R.R.

We believe the road can be completed at a cost not to exceed $5 000 and we pray that this amount be appropriatied for the purpose.

(Ninety-two signatures)

Senator Kalauokalani moved that the petition be referred to the Committee on Public Lands, Seconded by Senator White and carried.

Senator Russel presented the following petition:

PETITION.

To the President and members of the first Legislature of the Territory of Hawaii:

When the Volcano road was first built the people constructing it dug great holes almost the entire length of the road alongside of it for road building material. These holes still exist, a menace to life and property of all those traveling over the road and we earnestly petition your Honorable body to appropriate the sum of ten thousand dollars ($10 000) to fill these dangerous holes.

(Ninety-five signatures)

Senator Kalauokalani moved that the petition be referred to the Committee on Public Lands and Expenditures. Seconded by Senator J. Brown and carried.

Senator Kaohi presented the following petition:

PETITION.

To the Senate of the Territory of Hawaii:

We the undersigned voters of the District of North Kohala, Island of Hawaii, humbly petition your Honorable body as follows:

1-That a school be established in North Kohala for the children from Kaipuhaa, Puuhue, Kehena, Kahuwa and Keanahalulu.

2-That a school be established in North Kohala for the children from Honoipu and Haena.

Senator White moved that the petition be referred to the Committee on Public Health and Education. Seconded by Senator Kalauokalani and carried.

Senator Kaohi presented the following petition:

PETITION.

To the Senate of the Territory of Hawaii.

The undersigned voters of North Kohala, Island of Hawaii, humbly petition your Honorable body as follows:

1-That the old government road lying from Helelua to the

~~junca~~

junction of the governm e nt road mauka of Kahuwa,which is the road leading to Waimea,be again opened up for the public use.

2-That an appropriation of $I0 000 be set aside for the road expenses in connection with the above.

3-That an appropriation of $5000 be set aside for repairs to the government road from the pali of Pololu to Awini,North Kohala.

Senator White moved that the petition be laid on the table to be considered with the appropriati on bill.

Senator Achi moved to amend to the effect that the petition be referred to the Committee on Public Lands.Seconded by,Senator Kaohi and carried.

Senator J Brown presented the following petition:

PETITION.

To the Honorable members of the Senate and House of Representatives of the Territory of Hawaii.

Gentlemen:

We,the undersigned citizens of South Hilo,Island of Hawaii,on behalf of more than two hundred citizens residents along the proposed improvement ,most earnestly petition your Honorable body for an appropriation of ten thousand dollars ($I0 000) for the construction of a roadway insaid district.Commencing at a point on the Cocoanut Island road and running along and parallel with the sea coast,so near as practicably to the northeast corner of Lake Lokowaka.

(Eighty-seven signatures)

Senator J Brown moved that the petition be referred to the Committee on Public Lands.Seconded by Senator White and carried.

Senator Kalauokal a ni reported for the Printing Committee to the effect that Senate Bills 55,56 and 57 had been printed and were ready for distribution.

There being no objection,the report of the Printing Committee was accepted.

Senator Kal a uokalani asked that more time be granted the special Molokai committee during which to report.

There being no objection,the committee was granted further time.

Senator Russel introduced his "Public Health Act", notice of which he had already given.

Senator White moved that the bill be read first time by title and referred to the Printing Committee.Seconded by Senator Kalauokalani and carried.

Senator Russel introduced his "Act creating the office of transportation commissioner".

Senator White moved that the bill be read by title and referred to the Printing Committee.Seconded by Senator Russel and carried.

The matter of the resignation of Senator Russel as President of the Senate was brought up on the order of the day.

Senator C Brown moved that the resignation of Senator Russel be accepted.Seconded by Senators Baldwin and Achi.

Senator White moved that the consideration of the resignation of Senator Russel be deferred until Saturday.No second.

Senator Kaohi moved that Senator Russel be requested to retain his seat as President of the Senate.Seconded by Senator Kahilina.

The original motion of Senator C Brown to accept the resignation of Senator Russel was then put and carried.

Senator C Brown moved that the Senate proceed to the election of a President of the Senate.Seconded by Senator Baldwin and carried.

Senator Russel nominated Senator White for the position.

Senator White nominated Senator Kaiue,the vice-President,for the position of President.Seconded by Senator Kalauokalani.

Senator Achi moved that the nominations close.Seconded by Senator C Brown and carried.

Senator White stated that he would not,under any circumstances, take the chair.On this showing,Senator Russel withdrew his nomination.

Senator Carter moved that the rules be suspended and that the secretary be instructed to cast a unanimous ballot for Senator Kaiue as President of the Senate.Seconded by Senator C Brown.

Senator C Brown moved that the secretary put the motion to this effect.Seconded by Senator Baldwin and carried,Senator Carter putting the motion.

The secretary then put the vote to the Senate, on the motion for the casting of a unanimous ballot for Senator Kaiue as President of the Senate, which was carried unanimously.

Senator Carter moved that President Kaiue be relieved from all further committee work and that Senator Russel be named in his place. Seconded by Senator Kanuha.

The chair ruled this motion out of order, stating that the time had arrived for the election of a vice-President. With this, President Kaiue made a verbal resignation as vice-President of the Senate.

Senator Baldwin moved that the resignation be accepted. Seconded by Senator C Brown and carried.

Senator Achi moved that the Senate proceed to the election of a vice-President. Seconded by Senator C Brown and carried.

Senator Russel nominated Senator Kalauokalani. Senator Carter seconded this motion with the understanding that the nominations be closed and that the secretary be instructed to cast a unanimous ballot for Senator Kalauokalani as vice-President of the Senate. Carried.

The clerk then cast a unanimous ballot for Senator Kalauokalani.

Senator Carter renewed his motion ~~in relation~~ relating to the appointment of Senator Russel to all committees upon which President Kaiue had previously served.

The chair stated that he intended to exercise his prerogative, and thereupon appointed Senator Russel to all ~~those~~ committees upon which he (Senator Kaiue) had previously served.

The communication from the Secretary of the Territory asking for the journal of the Senate in order that he might be enabled to prepare his report for Washington as was provided by the Organic Act, was brought up on the order of the day.

In connection with this communication, Senator C Brown introduced the following resolution:

RESOLUTION.

Resolved, That the clerk of the Senate furnish the secretary of this Territory with a certified copy of the proceedings of the Senate from the first day of its session to and until the end thereof, as requested by his communication of the 26th. day of March, 1901

Senator Achi moved to amend to the effect that five printed copies, duly certified, be sent to the Secretary of the Territory.

Senator C Brown accepted the amendment.

Senator J Brown moved to amend to the effect that the clerk keep on hand at all times until the end of the session, five printed copies of each day's journal, duly certified, and that these be turned over to the Secretary at the end of the session.

Senator C Brown accepted the amendment.

At 11:50 o'clock, Senator White moved to take a recess until 2 o'clock. Seconded by Senator Kalauokalani and carried.

Afternoon Session.

The Senate convened at 2 p.m.

The chair announced the resolution of Senator C Brown as the business before the Senate.

Senator J Brown made the following amendment in writing:

That five certified copies of the proceedings will be provided and furnished by the clerk at the end of the session or at any ~~time~~ reasonable time after the session.

Senator J Brown moved that the resolution, as amended, be adopted. Seconded by Senator Nakapaahu.

Senator Kalauokalani moved the previous question. Seconded by Senator Nakapaahu.

The resolution as amended was read at the request of Senator C Brown.

The motion to adopt was then put and carried.

Senator White moved to adjourn. Seconded by Senator Nakapaahu.

Senator Carter asked Senator White to withdraw his motion in order to allow him to make a report for the Ways and Means Committee on the matter of the joint resolution, inviting the President of the United States to the Islands.

Senator White refused to withdraw his motion.

At 2:10 o'clock, the motion to adjourn was put and carried.

Edgar Caples

Clerk of the Senate.

Approved by the Senate:

A. E. Laine

President of the Senate.

"INVINCIBLE" LINEN BOND

THE LEGISLATURE OF THE

TERRITORY OF HAWAII.

HOUSE OF REPRESENTATIVES.

Honolulu, April 1, 1901.

To the Honorable President and

Members of the Senate:

I have the honor to herewith transmit House Joint Resolution No. 3, which passed the House of Representatives Mar. 30, 1901.

Very Respectfully,

S. Mehenula

Clerk House of

Representatives.

JOURNAL OF THE SENATE

THIRTY-FIFTH DAY

~~TUESDAY~~, ~~MARCH~~ ~~APRIL~~

WEDNESDAY, APRIL 3RD., 1901.

In the Senate

Territory of Hawaii.

Thirty-Fifth Day,

Morning Session.

Wednesday, April 3rd., 1901.

The Senate met, pursuant to adjournment, at 9:30 o'clock. After prayer by the chaplain, the roll was called showing Senators Achi, Baldwin C Brown, Carter, Kalauokalani, Russel and White absent.

The journal of the previous day was read and, on motion of Senator J Brown, seconded by Senator Nakapaahu, approved as read.

Senator Kamuha asked that the rules be suspended in order to allow him to present a petition.

There being no objection, the request was granted.

Senator Kamuha then read the following petition signed by 372 people:

To the Legislature of the Territory of Hawaii.

Gentlemen:

We, the undersigned in the interests of the people of this Territory, do hereby petition your Honorable body to support and carry through the Dispensary Law introduced by the Hon. Senator Kamuha relating to the sale of intoxicants in this Territory.

And we will ever pray that your Honorable body may be guided by the Most High in your deliberations.

D. Kamuha,

Senator Third District.

Senator C Brown moved that the petition be referred to the Committee on Intoxicants. Seconded by Senator Carter and carried.

Senator Carter moved that the rules be further suspended in order to allow him to introduce a couple of ~~petitions.~~ resolutions.

There being no objection, the request was granted.

Senator Carter introduced the following ~~resolution~~:

RESOLUTION.

Whereas, all the probate proceedings and records from the year 1850, involving title to a very large amount of property, are now kept in an open room in light wooden cupboards subject, among other things, to that of fire.

Now, therefore, be it resolved, that the Committee on Public Expenditure be instructed to investigate and report an estimate of the cost of a proper fire proof vault with burglar proof apartment sufficient for use of the Judiciary Department.

The resolution was seconded by Senator C Brown.

Senator Achi moved that the resolution be amended to the effect that the committee to whom the resolution should be referred, be instructed to go to the Superintendent of Public Works and inquire of him why the work had not already been done. Seconded by Senator C Brown.

Senator White moved that no further action on the matter be taken until such time as the Senate should consider the appointments of the Governor as submitted in a recent message. No second.

The chair then put the motion to adopt the amendment which carried, and the resolution was declared referred to the Committee on ~~The chair then~~ Expenditures.

Senator Carter then introduced the following resolution:

Whereas, the lavatories used by the occupants of the Judiciary building, situated between said building and the stables, are in a foul and insanitary condition, and have been in such condition for a long period of time;

And whereas, it is the duty of the officers of the Territory to set good and proper example to the citizens of this Territory;

And whereas, it is a well-known fact that the health authorities have condemned lavatories owned by individuals which were not in so bad a condition as these under the control of the Government;

Now, therefore, be it resolved: That the Senate Committee on Public Health be and is hereby instructed to inquire why the Board of Health has not condemned the above-mentioned lavatories, and why the Superintendent of Public Works has not long ago put these lavatories in proper sanitary condition.

The resolution was seconded by Senator C Brown and Senator Achi.

Senator Kalauokalani moved the adoption of the resolution. Seconded by Senator Kahilina.

Senator White moved that a special committee of three be appointed to aall at once on the Board of Health and give them twenty-four hours during which to abate the nuisance. Seconded by Senator Nakapaahu.

Senator White withdrew his motion.

The motion was then put to adopt the resolution. Carried unanimously.

Under suspension of rules, President Kaiue presented the following communication;

Paia,Maui,March 30th.,1901.

Hon. S E KaIUe,

Dear Sir:

I am instructed to notify you that,at a meeting of electors held last night at Paia to consider the "Dispensary Bill",the meeting declared unanimously in favor of it.The thought was expressed that,while there were several features in it that did not altogether meet with the approval of the voters,stil l,on the whole,the bill was a step in the right direction and worthy of support.

I hope that you will see your way to favor the bill and do all you can to secure its passage.

Yours truly,

D C Lindsay.

Senator Crabbe moved that the communication be referred to the Committee on Intoxicants.Seconded by Senator White.

There being no objection,the communication took the course suggested.

Senator White presented the following communication.

Wailuku,March 30th.,1901.

Hon. S E Kaiue,

Dear Sir:

At a meeting held at Wailuku Court House on March 29th., 1901,of citizens and taxpayers of the District of Wailuku,Maui,assembled to express their views on the Dispensary Act,now pending before the Legislature of the Territory of Hawaii,the following resolutions were unanimously adopted:

That,whereas we have been requested by our legislative representatives to give expression of our views on the pending "Dispensary Act",and having carefully considered the Act in question,and having fully discussed the same,and fully recognizing the laudable motives of the framers of the said Act

BE IT RESOLVED That,while we heartily approve of those parts of the bill in question which aim to prevent the consumption of any but pure liquors within our Territory,we are of the opinion that the many encroachments upon personal and individual rights and liberties in the said Act contained,would be unendurable to a free people,

THEREFORE BE IT RESOLVED That we are unhesitatingly opposed to the said act in its present shape.

And BE IT FURTHER RESOLVED That we do request our legislative representatives to oppose the said proposed measure.

BE IT FURTHER RESOLVED That a copy of these resolutions be forwarded to Senator H P Baldwin and Senator E E Kaiue.

Geo. Hons,

Chairman.

W H Field,

Secretary.

Senator C Brown moved that the communication be referred to the Committee on Intoxicants. Seconded by Senator J Brown.

There being no objection, it was so ordered.

Senator Russel asked as to his standing on the Committee on Intoxicants. As he had understood it, he had been appointed to all the positions on committees previously held by President Kaiue and therefore he was the chairman of the Committee on Intoxicants.

The chair explained that the majority of the committee in question had chosen Senator White in his place as the chairman of the Committee on Intoxicants previous to his resignation as vice-President of the Senate and that, therefore, according to the rules, Senator White was the chairman of the committee.

Senator Paris reported as follows for the Committee on Public Lands to whom was referred Resolutions 17 and 20, being estimates for roads, bridges, streets and road damages in South Hilo:

Although some of the amounts asked for seem large, we feel that Hilo is a growing town and needs many improvements. It possesses a large back country which needs roads to develop it, and open it up for settlement and it will be but a few years that the cost will be returned by increased values in taxes.

That many of the streets need extending and widening. This should be done now as land values are increasing and before brick and stone buildings are erected.

Your committee find a large portion of these amounts are included in the estimates of the Superintendent of Public Works. We therefore recommend that the items asked for be granted, if there are sufficient funds available without depriving other districts of their just portion of necessary improvements.

J. T. BROWN,
J. D. PARIS,
L. NAKAPAAHU.

Senator Kalauokalani moved that the report be la id on the table to be considered with the Appropriation Bill. Seconded by Senator White and carried.

Senator Paris reported as follows for the Committee on Public Lands to whom was referred Resolution 18, asking for certain amounts for roads in North and South Kohala and North Kona, Hawaii.

Your committee have considered the same and would recommend as follows:

That $8 000 instead of ten be granted for the road from Huehue to Kona and to Keahualona, South Kohala.

The other amounts we would recommend be inserted in the Appropriation Bill as in the resolution.

J T Brown

J D Paris

L Nakapaahu.

Senator White moved that the report be laid on the table to be considered with the Appropriation Bill. Seconded by Senator C Brown and carried.

(5½)

Senator White reported as follows for the Committee on Intoxicants to whom had been referred Senate Bill 42, commonly known as the Dispensary Bill:

Report of the Committee on Intoxicants on Senate bill No. 42.
To Honorable Nicholas Russel,
President of the Senate.

Your Committee on Intoxicants after careful consideration of Act No. 42, entitled "An Act to regulate the manufacture, transportation and sale of liquors, opium, awa and other intoxicants within the Territory of Hawaii," after careful consideration, we submit that the main questions to be considered before recommending so radical a measure are:

1. Are any similar laws in operation in other parts of the world?
2. If so, are the social conditions obtaining in communities where they are in operation similar to those existing here?
3. What have been the results, socially and economically of their introduction?
4. If the law were introduced in this Territory, would it be acceptable to a majority of the electors?
5. Would it conflict with any provision of the United States Constitution?
6. Is it calculated to promote temperance in the use of intoxicants?

7.. Are there any special or peculiar conditions existing in this community to which the law would be inapplicable?

8. Would the sum of $200,000, proposed for carrying out the provision of this Act be adequate for the purpose?

First—We find that government monopolies of the liquor trade have been attempted in State of South Carolina, U. S. A., under the title of the "dispensary system;" in Sweden under what is known as the "Gothenberg system;" and in certain provinces of Russia.

Second—The social conditions in South Carolina are to some extent similar to those existing in this Territory, and in other respects they differ materially. The community is for the most part an agricultural one, devoted to the production of sugar, cotton, etc.; and it is composed of mixed social elements. But the characteristics of the negro race, which forms a majority of the population are essentially different from those of any of the races constituting an important element of the population of this Territory. It is understood that the actuating motive for the framing of the dispensary law by the Legislature of that State was the imperative demand of the white population for some restriction upon certain proclivities of the negros which had become notorious, and which were fomented by the abuse of liquor. No such motive exists in this Territory. Liquor cases and crimes of violence resulting from the abuse of liquor are rare in our midst, whilst crimes of the particular kind which aroused the indignation of law-abiding citizens in South Carolna are practically unknown here. The social conditions obtaining in Sweden and in Russia are wholly different from those with which we have to deal. The traditions of the great mass of the inhabitants of those countries are such that they will readily submit to what may be termed "paternal legislation;" never having been educated up to self-government and an appreciation of personal liberty, as these are understood in the United States, they would not be likely to resent the imposition of such a law as an infringement of individual rights.

Third—Upon the results of the operation of the law in other communities we do not propose to speak exhaustively, because full and reliable information thereon is not at the present time in our possession. We, however, consider it imperative that such knowledge be placed before you in order to determine intelligently whether this law is a desirable innovation. The danger of introducing so radical a measure without due deliberation was strikingly exemplified in South Carolina, where the law was rushed through the Legislature at its session of 1892 with little or no discussion and in the absence of the very information as to previous experience which we deem so essential. It was amended at the two succeeding sessions and its attempted enforcement has in the meantime given rise to endless litigation, serious rioting and even loss of life. The existing police force of the State was found utterly ineffective in carrying out its provisions, and a special constabulary was appointed for that purpose by the Governor. So

bitter and strenuous was the opposition in some quarters that the members of this special force were armed with rifles to enable them to enforce the law and the militia were requisitioned to supplement their efforts—A striking commentary on American liberty; proving conclusively that the law was in conflict with public sentiment. At all times a strong force of constabulary, which may be augmented by the Governor, is everywhere at work ferreting out violations of the law, watching railroad stations, steamboat landings, express offices and other avenues of commerce. Barrels and boxes, apparently containing flour, groceries and other merchandise, are frequently searched for liquor, much to the annoyance of the owners.

Fourth—Having learned from extensively signed petitions that a large number of the electors are opposed to this law, we deem it expedient that opportunity be afforded for full and free discussion and to gauge public opinion hereon, more particularly by reason of the fact that at thet ime of the last Territorial election, the liquor question was not mooted in any party platform.

Fifth—To enact under these circumstances a law so radical and far reaching in its effects without first giving the electors an opportunity to express themselves thereon would be unduly arbitrary.

FIFTH—

Sixth—the Supreme Court of the State of South Carolina has rendered a majority decision that the dispensary law, as existing in that State, is unconstitutional. This was afterwards reversed by a change in the personnel of the bench. The United States Supreme Court has declared that these provisions of the South Carolina dispensary law which forbid citizens of the State to import liquors for their own use are in contravention of the Interstate commerce clause of the United States Constitution, and therefore invalid. But the question as a whole has yet to be passed upon by that last named tribunal. Therefore, while the matter is sub-judica, we think it inadvisable to add a similar law to the statutes of this Territory.

SIXTH—

Seventh—The unrestricted manufacture of wine and beer would, it is thought, be liable to abuse, as it would be impracticable to watch the disposal of the entire product, which would emanate from no definite source. The limiting of the percentage of profit would reduce prices below their present standard, and might therefore be expected to increase the consumption. This view is confirmed by the experience of South Carolina, where statistics show an enormous increase in the consumption under the dispensary law, the sales having increased from about $500,000 in 1894 to $2,421,840 last year. The condemnation of liquor by the Board of Health would preclude its purchase by the government, and would have the effect of throwing it upon the hands of the producer, whose only legal alternative would be the export of it. Finding no remunerative foreign market available, which we think probable, a premium would thereby be offered to illicit selling.

While the maintenance of any club house or like place for the distribution of intoxicants for profit is expressily prohibited we believe it would be found impossible in many cases to detect this offense, which might be expected to be largely carried on in private dwellings.

SEVENTH— —The tourist traffic in these Islands is an increasingly prominent feature of local commerce, and the effect upon it of a dispensary system such as that proposed must not be lost sight of. We are convinced that this traffic would be seriously hampered thereby, as the typical tourist out for pleasure and recreation will not submit to be deprived of his customary stimulant served in the way he has bene familiar with; and the result will be that a very large proportion of the tourist travel will be diverted into other channels. In this way trade conditions so largely dependent thereon will be disturbed, involving financial constrictions.

EIGHTH— —It is our opinion that the sum of $200,000 which it is proposed to appropriate in order to give effect to the provisions of this law would not be adquate for that purpose, or even nearly so. It might possibly be sufficient to cover the purchase of stock, the employment of officials, and incidental expenses, but it would not defray the expenses of addtions to the police force if these were found necessary upon anything approaching the scale that they have been in South Carolina. But above all, when counting the cost, the question of compensation must not be lost sight of. Such eminent jurists as Bradley, Field, Cooley, Brewer and other Judges of the United States Supreme Court have declared in language the meaning of which cannot be mistaken that vested interest cannot be ignored; that the vested right of property cannot be interfered with unless compensation be given and that when such rights stand in the way of the public good they can only be removed by awarding compensation to the owner.

"We recommend therefore that the bill be postponed pending the collation of exact statstical information of experience elsewhere, and to enable the electors to give an expression of opinion on so important a question.

S. E. KAIUE,
Chairman.
CLARENCE L. CRABBE,
WM. WHITE.

Honolulu, T. H., April 1, 1901.

Senator C Brown moved that the report be received, laid on the table, translated and printed and that the other member of the committee, recently appointed in the place of the chair, be allowed to make a report within three days and that when this report is made, it also be printed. Seconded by Senators C Brown and Russel and carried.

Senator Carter reported as follows for the Ways and Means Committee:

Your Ways and Means Committee to whom was referred the Joint Resolution, inviting the President of the United States to visit the

Territory of Hawaii beg to report favorably on said Joint Resolution and recommend its adoption.

David Kanuha

G R Carter

Nichplas Russel.

Senator C Brown moved that the report be adopted.Seconded by Senators Kalauokalani and Carter and carried.

SENATOR BALDWIN REPORTED AS FOLLOWS FOR THE COMMITTEE ON AGRICULTURE:

Hon. S E Kaiue,

President of the Senate.

Sir:

Your Committee on Agriculture,Forestry and Manufactures to whom was referred Senate Bill No. 5I,entitled "An Act to regulate and provide for the inspection,testing,storage and sale of petroleum beg leave to report:It is required by law that kerosene oil should be stored in government warehouses.This bill provides for the storage of crude petroleum as fuel by individuals and companies.

Crude petroleum as a fuel is much cheaper than coal,and can be used in pumping plants in the Islands and,in fact,in all works where coal is used.

We therefore favor the bill and recommend the passage of the same.

J B Kaohi

H P Baldwin

L Nakapaahu.

Senator Kal auokalani moved the adoption of the report.Seconded by Senator J Brown.

At the request of Senator C Brown,the bill was read section by section.

Senator Achi moved to amend the motion of Senator Kal auokalani to the effect that the bill be laid on the table to be considered with the bill.Seconded by Senator C Brown and carried.

Senator Paris reported as follows for the Public Lands Committee to whom was referred the petition from South Hilo for a road from Cocoanut Island to Lake Lokowaka,asking $IO 000.

Your committee have considered the same and find this road very necessary for the people residing there.

We recommend the sum of $8 000 (eight thousand dollars) be inserted in the Appropriation Bill for the road.

J T Brown

J D Paris

L Nakapaahu.

Senator Kalauokalani moved that the report be laid on the table to be considered with the Appropriation Bill. Seconded by Senator J Brown and carried.

Senator Achi gave notice of his intention to introduce an amendment to Rule 8 of the rules of the Senate.

Senator Achi introduced the following resolution:

RESOLUTION.

RESOLVED, That the clerk is hereby authorized to pay or retain the expense of keeping the records in the way he has already prepared at an expense not more than seven dollars ($7) per day.

W C Achi,

Senator Third District.

Senator Carter moved that the resolution be referred to the Committee on Accounts with instructions to report as soon as possible. Seconded by Senator Achi and carried.

Senator Achi introduced the following resolution:

RESOLUTION.

Whereas, Senate Bill No. 25 was referred to the Committee on Claims on March IIth., 1901, and there is no report made to this house, and

Whereas, the said committee had ample time to make a report on the same,

Be It Resolved, That the said Committee on Claims is hereby requested to make its report at once or return the bill to the Senate.

W C Achi,

Senator Third District.

Senator C Brown moved the adoption of the resolution. Seconded by Senator Carter.

Senator Achi moved the previous question. Seconded by Senator Russel and carried.

Senator White moved that the resolution be tabled for consideration on Saturday. Seconded by Senator Kaohi.

The chair ruled the motion of Senator White out of order.

The motion on the adoption of the resolution was put and lost.

Senator Carter moved that the committee referred to in the resolution be instructed to report on Saturday. Seconded by Senator C Brown and carried.

At II:50 o'clock, Senator C Brown moved to take a recess until I:30 o'clock. Seconded by Senator J Brown and carried.

Afternoon Session.

The Senate met at I:30 o'clock.

Senator Kalauokalani moved that, since there was not a quorum present, the Senate take a recess until 2 O'clock. Seconded by Senator J Brown and carried. ----------

The Senate met at 2 O'clock.

Senator Kalauokalani moved that the rules be suspended.

There being no objection, the rules were suspended.

Senator Kalauokalani then reported that House Bill No. 2, which had been missing for a long time, had been printed.

Senator Russel moved that the rules be suspended.

There being no objection, the rules were suspended.

Senator Russel then gave notice of his intention to introduce the following bills:

I-An Act for the protection of birds, their nests and eggs.

2-An Act to amend Sections 3I and 33 of An Act entitled "An Act to reorganize the Judiciary Department."

Under the same suspendion of rules, Senator Russel read these bills by title.

Senator Kalauokalani moved that "An Act to amend Sections 3I and 33 of An Act entitled "An Act to reorganize the Judiciary Department" be referred to the Printing Committee. Seconded by Senator Achi and carried.

Senator Russel moved that "An Act for the protection of birds, their nests and eggs" be referred to the Printing Committee. Seconded by Senator Achi and carried.

The appointemants of the Governor as submitted in a recent message were brought up under the head of unfinished business.

Senator Kalauokalani moved that further consideration of the matter be deferred until Monday next.Seconded by Senator J Brown and carried.

Second reading of Senate Bill No. 29,relating to licensed physicians.

Senator Kanuha moved the previous question.Seconded by Senator J Brown.

Senator Kanuha withdrew his motion in order to allow Senator Achi to introduce the following amendment:

Add at the end of Section 3:

And if he shall practice or attempt to practice as a physician after such neglecting and refusing to help in suppressing any unusual epidemic shall upon conviction of so practicing or attempting to practice,before any District Magistrate shall be fined in a sum not less than fifty dollars for the first offense and not less than one hundred dollars for other offenses.

Senator Achi moved that the report with the amendment be accepted.Seconded by Senator J Brown and carried.

Senator Kalauokalani moved that the bill pass its second reading.Seconded by Senator Kanuha and carried.

Senator J Brown moved that the bill be typewritten and read the third time on Friday.Seconded by Senator Kalauokalani and carried.

Second reading on House Bill No. I5 relating to the dog tax.

Senator J Brown moved that the bill pass its second reading. Seconded by Senator Kalauokalani and carried.

Senator J Brown moved that the bill be typewritten and read the third time on Friday.Seconded by Senator Nakapaahu.

There being no objection,it was so ordered.

Second reading of House Bill No. 40 relating to the employment of minors in places where liquors are sold.

Senator J Brown moved that the bill pass its second reading. Seconded by Senator Kaohi.

Senator White moved that the bill be referred to the Committee on

Committee on Intoxicants.Seconded by Senator Nakapaahu and carried.

Third reading of Senate Bill No. 52,relating to labor on the Public Works of the Territory.

Senator Kalauokalani moved that the bill pass its third reading.Seconded by Senator White and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Kahilina,Kaiue, Kalauokalani,Kanuha,Kaohi,Nakapaahu,Russel and White.....13.

Noes:Senators Carter,Crabbe and Paris.....3.

Third reading of House Bill No. 9 relating to vaccination.

Senator Kalauokalani moved that the bill pass third reading, Seconded by Senator J Brown.

Senator Russel moved an amendment to the bill.Seconded by Senator Carter.

Senator White moved the previous question.Seconded by Senator C Brown and carried.

Senator Russel's amendment to the bill lost.

The motion to pass the bill in third reading was then put and carried on the following showing of ayes and noes:

Ayes:Senators J Brown,Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu and White.....8.

Noes:Senators Achi,Baldwin,C Brown,Carter,Crabbe,Paris and Russel.....7.

Second reading of Substitute Bill No. 32 of the Senate,relating to the Territorial seal.

Senator Achi moved that the bill pass its second reading.Seconded by Senator J Brown and carried.

Senator Achi moved that the bill be typewritten and read the third time on Friday.Seconded by Senator J Brown and carried.

Senator Achi moved that the rules be suspended and that House Bill No. 2 relating to an emergency fund be taken up for consideration.Seconded by Senator Kalauokalani.

There being no objection,it was so ordered.

Senator C Brown moved that the bill pass its second reading. Seconded by Senator Nakapaahu.

Senator Carter moved that the bill be referred to the Committe on Public Lands.Seconded by Senator Achi.

Senator Achi moved to amend to the effect that the bill be referred to the Committee on Public Lands with instructions to report on Thursday. Senator C Brown withdrew his motion to the effect that the bill pass its third reading and seconded the motion of Senator Achi. Carried.

At 4:20 o'clock, Senator White moved to adjourn. Seconded by Senator Kanuha and carried.

Edgar Caetano

Clerk of the Senate.

Approved by the Senate:

S. E. Kamu

President of the Senate.

JOURNAL OF THE SENATE.

THIRTY-SIXTH DAY,

THURSDAY, APRIL 4TH., 1901.

In the Senate.

Territory of Hawaii.

Thirty-Sixth Day.

Morning Session.

Thursday, April 4th., 1901.

The Senate met, pursuant to adjournment, at 9:30 o'clock. After prayer by the chaplain, the roll was called, showing Senators Baldwin, C Brown, Carter, Russel and White absent.

The journal of the previous day was read and, on motion of Senator Achi, seconded by Senator J Brown, approved as read.

Senator Achi reported for the Printing Committee ~~to the effect~~ that Senate Bills Nos. 65 and 66 had been printed and were ready for distribution.

Senator Kaohi moved that the verbal report of the Printing Committee be approved. Seconded by Senator J Brown and carried.

Senator Achi presented the following amendment to Rule 8 of the Senate Rules, notice of which he had given on the previous day:

AMENDMENT TO RULE VIII.

Rule VIII is hereby amended so as said rule shall read as follows:

The President and Vice-President shall receive no pay. The Chaplain shall be paid two hundred dollars for each session. The other officers shall receive such compensation as the Senate shall fix by resolution.

When once fixed, the pay of the officers shall not be increased except by unanimous consent.

W C Achi,

Senator 3rd. District.

April 4th., 1901.

The resolution was seconded by Senator J Brown and adopted unanimously.

Senator White gave notice of his intention to introduce the following bill:

An Act to regulate the sale of goods, wares and merchandise in the Territory of Hawaii, and to repeal Sections 75, 76 and 79 of Act 64 of the Session Laws of 1896, being Sections 764, 765 and 768 of the Penal

Laws,and to amend Sections 77 and 78 of said act,and being Sections 766 and 767 of the Penal Laws.

Senator White asked that the rules be suspended ~~in order~~ to allow him to read ~~his~~ the bill first time by title.Seconded by Senator J Brown and carried.

Senator Achi moved that the bill take its usual course.Seconded by Senator C Brown and carried.

Senator Achi introduced the following resolution:

RESOLUTION.

Resolved That the sum of Five Thousand Dollars may be inserted in the Appropriation Bill for laying water pipes at Palama,from King street to the sea,starting opposite Kalihi road on the east side.

W C Achi,
Senator 3rd. District.

April 4th.,1901.

Senator Nakapaahu seconded the resolution.

Senator Achi moved that the resolution be referred to the Committee on Public Lands.Seconded by Senators Nakapaahu and Kaohi.

Senator White moved that the resolution be laid on the table to be considered with the Appropriation Bill.No second.

The motion of Senator Achi to refer to the Committee on Public Lands was put and carried.

Senator Nakapaahu gave notice of his intention to introduce the following bill:

An Act repealing Sections 806,808 and 809 of Chapter 59 of the Civil Laws as compiled by Sidney M.Ballou and entitled Civil Laws,relating to Poll Tax,Disposition of School Tax and Road Tax.

Senator Nakapaahu moved that the rules be suspended ~~in order~~ to allow him to read ~~his~~ the bill first time by title.

There being no objection,the request was granted.

Senator Achi moved that the bill take its usual course.

There being no objection,it was so ordered.

Senator J Brown gave notice of his intention to introduce the following bills:

I-An Act to repeal Sections 806 and 808 of Chapter 59 of the Civil Laws as set forth in a compilation made by Sidney M. Ballou under authority of the Legislature and published and entitled Civil Laws,relating to Poll Tax and Disposition of School Tax.

2-An Act to amend Section 710 of Chapter 55 of the Civil Laws, set forth in a compilation made by Sidney M. Ballou,under authority of the Legislature and published and entitled Civil Laws,relating to awa.

Senator J Brown asked that the rules be suspended ~~in order~~ to allow him to read ~~his~~ the bills first time by title.

There being no objection,the request was granted.

Senator J Brown moved that the bills be referred to the Printing Committee.Seconded by Senator Kanuha and carried.

Senator Kanuha gave notice of his intention to introduce the following bill:

An Act making a temporary appropriation for the use of the Board of Health.

Senator Baldwin moved that the bill be read by title and then referred to the Printing Committee.Seconded by Senator Kahilina and carried.

Senator Carter gave notice of his intention to introduce the following bill:

An Act to amend Act XXXIV of the Session Laws of 1898,entitled "An Act to provide against the adulteration of food and drugs"

Senator Carter moved that the rules be suspended and the bill be read the first time by title and referred to the Printing Committee. Seconded by Senator C Brown and carried.

Senator Kanuha introduced the following resolution:

RESOLUTION.

Whereas Bill No. 59 that has been referred to the Printing Committee on March 28th has never been heard of till now,

Be It Resolved That the Printing Committee is ordered to report on same forthwith.

David Kanuha,

Senator 3rd. District.

Senator C Brwon moved that the resolution be referred to the Printing Committee with instructions to act. Seconded by Senator White and carried.

Senator Nakapaahu introduced the following resolution:

RESOLUTION.

Be It Resolved by the Senate of the Territory of Hawaii:

1. That an appropriation of $4,500 be set aside for a steel bridge at Wahiawa, Island of Kauai.
2. That an appropriation of $5,500 be set aside for the roads of Koloa, from Eleele to ~~Kahoaea~~ Kahoaea
3. That an appropriation of $1,500 be set aside for the mauka road from ~~Kahoaea~~ Kahoaea to Lawai.

April 4, 1901. L. NAKAPAAHU.
Senator Fourth Distrist.

Senator Baldwin moved that the resolution be referred to the Committee on Public Lands. Seconded by Senator Nakapaahu and carried.

Senator Paris asked that the rules be suspended in order to allow him to report for the Committee on Public Lands.

There being no objection, the request was granted and Senator Paris reported as follows on House Bill No. 8, being a bill to appropriate $25 000 to repair damages done by the late storm on the different islands:

Your committee find that for some districts the amounts are specified for others it is left in lump sum at the discretion of the Superintendent of Public Works.

We also find from letters brought before the committee from the Wailuku Road Board that district has suffered severely from the storm and nearly as much as Makawao.

Your committee would recommend as follows:

1. That section 2 of the bill be changed to read as follows:

Section 2.—That all appropriations made under this Act shall be under the control and expended by the Road Boards of the several districts, for which said appropriations are made.

That the appropriations be divided as follows:

HAWAII.

Hilo	$2500 00
Hamakua	2500 00
North Kohala	1000 00
South Kohala	500 00
North Kona	500 00
South Kona	500 00
Kau	500 00
	$8000 00

MAUI.

Makawao	$4500 00
Wailuku	3000 00
Hana	2000 00
Lahaina	1500 00
	$11,000 00
Molokai	$1000 00

OAHU.	
Waialua	$ 400 00
Koolaupoko	300 00
Koolauloa	300 00
	$1,000 00
KAUAI.	
Waimea	$1000 00
Hanalei	1000 00
Kawaihau.	650 00
Lihue	650 00
Koloa	700 00
	$4,000 00

We also recommend that paragraph 1 before Section 3 to be stricken out With these changes we recommend the bill pass.

JOHN T. BROWN,
J. D. PARIS,
L. NAKAPAAHU.

3

Senator Baldwin moved to amend the report to the effect that $6,000 instead of $4,500 be inserted for Makawao,Maui.Seconded by Senator Achi and Baldwin and carried.

~~The chair then put the motion to adopt~~ The report of the committee was then adopted as amended. ~~Carried.~~

Senator Achi moved that the bill be typewritten and read the third time on Friday.

There being no objection,it was so ordered.

Senator Kanuha asked that the rules be suspended ~~in order~~ to allow him to present a report of the Committee on Education.

There being no objection,the request was granted and Senator Kanuha reported as follows:

Hon. S E Kaiue,

Dear Sir:

Your Committee on Education recommend the Bill No. 31 To provide for a High School and a conservatory of music under the Department on Public Instruction in Hilo,Island of Hawaii,be laid on the table and considered with the County Bill.

D. Kanuha,
Chairman of the Committee on Public Health and Education.

Senator Russel moved that the report be tabled and that the bill be brought up for consideration on Friday.Seconded by Senator Achi and carried.

Senator Kalauokalani moved that the rules be suspended ~~in order~~ to allow him to present a report for the Committee on Enrollment.

There being no objection, the request was granted and Senator Kalauokalani reported as follows:

Mr. President:

Your Committee on Enrollment presented to Governor Dole, duly enrolled House Bill No. 16, entitled

"An Act relating to the Criminal Jurisdiction of District Magistrates, and amending Section I of Act 40 of the Laws of 1896, and Section II of Chapter LVII of the Laws of 1892," at the hour of 10 a.m., this 4th. day of April, A.D., 1901.

D. Kalauokalani,

Chairman Enrollment Com.

Honolulu, April 4th., 1901.

Second reading of Senate Bill 51, relating to the inspection, testing, storage, and sale of petroleum and its products.

Senator Baldwin moved that the bill be read section by section. Seconded by Senator C Brown and carried.

Section 1.

Senator C Brown moved to amend ~~so to the effect that~~ by inserting the word "degree" ~~be inserted~~ between the words "115" and "Farenheit" in the fifth and seventh lines. Seconded by Senator J Brown and carried.

The section was then ~~passed~~ adopted as amended.

Section 2.

Senator Achi moved to amend to the effect that the words "Superintendent of Public Works" be inserted in the place of the word "Governor" in the first line. Seconded by Senator Carter and carried.

Senator C Brown moved that the section ~~pass~~ be adopted as amended. Seconded by Senator Achi and carried.

Section 3.

Senator Achi moved the following amendments:

First-In line 8, insert between the words "products" and "must" the words "outside of Honolulu for hire."

Second-In line 9 substitute "$100.00" for "$10.00."

Amendments seconded by Senator Kalauokalani.

At 12 m. Senator Achi moved to take a recess until 1:30 o'clock. Seconded by Senator J Brown and carried.

Afternoon Session.

The Senate met at I:30 o'clock.

The chair announced that Section 3 of Senate Bill No. 5I was before the Senate.

Senator Baldwin moved to amend Senator Achi's first amendment to the effect that the words "for hire" be inserted between the words "products" and "must" in line 2. Seconded by Senator C Brown and carried.

Senator Baldwin moved that the amendment to substitute $I00 in place of $I0 in line 9 be adopted. Seconded by Senator C Brown and carried.

Senator C Brown moved that the section ~~pass~~ be adopted as amended.

There being no objection, the section ~~passed.~~ was declared adopted

Section 4.

Senator C Brown moved that the section pass as in the bill. Seconded by Senator J Brown and carried.

Section 5.

Senator Carter moved to amend ~~to the effect that all that portion of the section~~ by striking out all after the word "contestant" in the 4th. and 5th. lines, ~~be stricken out~~. Seconded by Senators C Brown and Achi and carried.

Senator C Brown moved that the section ~~pass~~ be adopted as amended. Seconded by Senator Carter and carried.

Section 6.

Senator Carter moved that the section ~~pass~~ be adopted as in the bill. Seconded by Senator C Brown and carried.

Section 7.

Senator Nakapaahu moved that the section ~~pass~~ be adopted as in the bill. Seconded by Senator Kalauokalani and carried.

Section 8.

Senator Kalauokalani moved that the section ~~pass~~ be adopted as in the bill. Seconded by Senator Nakapaahu and carried.

Section 9.

Senator C Brown moved that the section ~~pass~~ be adopted as in the bill. Seconded by Senator Carter and carried.

Section I0.

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FOLLOWING

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Senator Kahilina moved that the section ~~pass~~ be adopted as in the bill. Seconded by Senator Achi and carried.

Section II.

Senator Carter moved to amend ~~to the effect that all that portion of the section~~ by striking out all after the words "existing laws" in line 2, ~~be stricken out~~.

Senator Russel moved to amend the amendment of Senator Carter ~~to the effect that~~ by inserting the words "or has" ~~xxxx be inserted~~ between the words "has" and "not" in line 2.

Senator Carter withdrew his amendment and seconded the amendment made by Senator ~~Carter~~ Russel, which carried.

There being no objection, the section ~~passed~~ was adopted as amended.

Section I2.

There being no objection, the section ~~passed~~ was adopted as in the bill.

Section I3.

Senator Kalauokalani moved that the section ~~pass~~ be adopted as in the bill. Seconded by Senator Kanuha and carried.

The title and enacting clause were read and, on motion of Senator C Brown, seconded by Senator J Brown, ~~passed~~ adopted as in the bill.

Senator C Brown moved that the bill pass to second reading as a whole, as amended. Seconded by Senator J Brown and carried.

Senator C Brown moved that the bill be typewritten and read the third time on Monday next. Seconded by Senator Kalauokalani.

There being no objection, it was so ordered.

Second reading of House Bill No. 38, "An Act to amend Section 2 of Act 23 of the Laws of the Republic of Hawaii, session of I896."

Senator C Brown moved that the bill be referred to the Committee on Public Lands. Seconded by Senator Kalauokalani.

Senator Achi moved that the bill be referred to the Judiciary Committee.

Senator Achi withdrew his motion to refer to the Judiciary Committee and supported the motion of Senator C Brown to refer to the Committee on Public Lands. Carried.

Second reading of House Bill No. 44 relating to school libraries.

Senator Achi moved [illegible]

on Education.Seconded by Senator Carter and carried.

Second reading of Senate Bill No. 55,relating to the reorganization of the Judiciary ~~Committee~~ Department.

Senator Baldwin moved that the bill be referred to the Judiciary Committee.Seconded by Senator Nakapaahu.

There being no objection,it was so ordered.

Second reading of Senate Bill No. 56 relating to the reorganization of the Judiciary Department.

Senator Achi moved that the bill be referred to the Judiciary Committee.Seconded by Senator Baldwin.

Senator Carter moved to amend ~~to the effect~~ that both this bill and Bill 55 be referred to the Miscellaneous Committee.No second.

The motion of Senator Achi to refer to the Judiciary Committee carried.

Second reading of Senate Bill No. 57,relating to the circulation of the biennial reports of the Territorial officers.

Senator C Brown moved that the bill be referred to the Committee on Municipal and County Laws with instructions to keep it until the county bill shall have been considered.Seconded by Senator Kalauokalani and carried.

Senator Achi moved to take up the consideration of Senate Bills Nos. 65 and 66.

There being no objection,it was so ordered.

Second reading,by title,of Senate Bill 65,An Act to provide for public loans.

Senator C Brown moved that the bill be referred to the Committee on Ways and Means.Seconded by Senator Kalauokalani and carried.

Second reading,by title,of Senate Bill 66 relating to the authority of the treasurer to issue bonds of the Territory of Hawaii.

Senator Crabbe moved that the bill be referred to the Committee on Ways and Means.Seconded by Senator C Brown.

Senator Achi moved that the bill be referred to the Committee on Public Lands.No second.

The motion of Senator Crabbe to refer to the Committee on Ways and Means was carried.

Senator Carter moved to adjourn until IO:30 o'clock Friday. Seconded by Senator White.

Senator Carter withdrew his motion on the statement by Senator J Brown that there was more work to be attended to.

At 2:35 o'clock, Senator Carter renewed his motion to adjourn, which was Seconded by Senator White and carried.

Edgar Campbell
Clerk of the Senate.

Approved by the Senate:

T E Kaine
President of the Senate.

JOURNAL OF THE SENATE.

Thirty-Seventh Day.

Friday, April 5th., 1901.

In the Senate.

Territory of Hawaii.

Thirty-Seventh Day.

Morning Session.

Friday, April 5th., 1901.

The Senate met, pursuant to adjournment, at 10:30 o'clock. After prayer by the chaplain, the roll was called, showing Senators Carter and Russel absent.

The journal of the previous day was read and, on motion of Senator Nakapaahu, seconded by Senator J Brown, approved as read.

Senator Baldwin reported as follows for the Committee on Public Health and Education, to whom was referred a resolution introduced April Ist., 1901, by G R Carter:

We have investigated said lavatories and find them, as stated in the resolution, in an insanitary condition.

Your committee interviewed the Board of Health in regard to the matter, and find that, on July 11th., 1900, and again on April Ist., 1901, the Board served a notice on the Superintendent of Public Works calling his attention to the insanitary condition of the lavatories and ordering him to remove the nuisance and put the premises in a sanitary condition.

Your committee interviewed the Superintendent of Public Works who stated that the matter had not been attended to sooner owing to a disagreement between the Assistant Superintendent of Public Works and some of the officials in the Judiciary Building as to the location of the proposed new lavatories but that the matter had been finally settled and new lavatory rooms would be immediately constructed on the back veranda of the Judiciary Building to connect with the sewer system, and the nuisance in the yard removed.

D. Kalauokalani.

H P Baldwin.

D. Kanuha.

Senator C Brown moved that the report be accepted and placed on file. Seconded by Senator Carter and carried.

Senator Baldwin reported as follows for the Committee on Public Expenditures to whom was referred a resolution introduced April 4th.,1901,by G R Carter,instructing said committee "to investigate and report an estimate of the cost of a fire-proof vault for containing the Probate proceedings and Records of the Judiciary Department;"

We have fully investigated the matter and find that the construction of a vault for the Judiciary Department was recommended by a Committee of the Legislature of 1892,and an appropriation probably made at that time for the same.

That an appropriation was made for this vault in the Loan Bill passed in 1898by the Council of State,but that the money borrowed under said Loan Bill has been about exhausted for the sewerage system and other items in the bill.

It is estimated by the Superintendent of Public Works that the proposed vault will cost $2 000 and an item calling for this amount for the vault has been put in the Loan Bill now before the Senate.

D.Kalauokalani.

David Kanuha.

H P Baldwin.

Senator Kahilina moved that the report be adopted.Seconded by Senator Kachi and carried.

Senator Kanuha reported as follows for the Committee on Education:

Your committee on Public Health and Education adopted the House Bill No. 44 "An Act relating to school libraries."

David Kanuha.

H P Baldwin.

D Kalauokalani.

Senator Kachi moved that the report be adopted.Seconded by Senator Kahilina and carried.

Senator White reported as follows for the majority of the Committee on Intoxicants:

Your Committee on Intoxicants to whom was referred Senate Bill No. 15,entitled "An Act to amend Section 424 of the Penal Laws relating to the illegal manufacture for sale of spirituous liquors and substance

have had the same under consideration,report it back and recommend its passage.

Also Senate Bill No. I6,entitled "An Act to amend Section 425 of the Penal Laws,relating to the distillation of spirituous liquors" have had the same under consideration,report it back and recommend its passage.

Also Senate Bill No. I9,entitled "An Act to amend Section 463 of the Penal Laws relating to importation of spirituous liquors,have had the same under consideration and report it back and recommend it do not pass.

Wm. White.

C L Crabbe.

Senator White moved the adoption of the majority report.Seconded by Senator Carter and carried.

Senator Achi moved that Senate Bills Nos. I5 and I6 be ~~printed~~ typewritten and read the third time on Monday.Seconded by Sen ator C Brown and carried.

Senator Paris reported as follows for the Public Lands Committee on Resolution 35:

Your committee have interviewed the Superintendent of Public Works and find that all the items asked for in the resolution are included in the Appropriation Bill.

We therefore recommend that the resolution be laid on the tabel to be considered with the Appropriation Bill.

John T Brown.

J D Paris.

L Nakapaahu.

Senator J Brown moved that the report be adopted.Seconded by Senator Nakapaahu and carried.

Senator Paris reported further for the Public Lands Committee as follows on Resolution 33,asking for an appropriation of $5 000 to lay water on land below King street at Kalihi extending to the sea, ~~would report as follows:~~

Your committee have interviewed the Superintendent of Public Works,who said the estimate for water works was $I20 000 in a lump sum it was probably included.We then interviewed Mr. Pratt of the Water

Works, he said nothing had been put in the estimate for this district.

As there is quite a population and a large tract being opened up for settlement, and as the water rates are a source of large profit to the government, your committee would recommend the amount asked for be granted.

John T Brown.

J D Paris.

L Nakappahu.

Senator Achi moved that the report be adopted. Seconded by Senator J Brown and carried.

Senator Kalauokalani reported as follows for the Printing Committee:

Your Committee on Printing begs leave to report that Senate Bill 59, by Senator D Kanuha, is still in the hands of the printer, the work thereon not having been completed.

Senator Baldwin moved that the report be received and placed on file. Seconded by Senator Kalauokalani.

There being no objection, it was so ordered.

Senator Kalauokalani reported verbally for the Printing Committee to the effect that Senate Bill No. 57 had been printed and was ready for distribution.

Senator White read by title the following bill, notice of which he had already given:

An Act to provide for the revision of the Statutes of the Territory of Hawaii.

Senator White moved that the bill be referred to the Printing Committee. Seconded by Senator Baldwin and carried.

Senator White introduced the following resolution:

RESOLUTION.

Resolved, That an item of Twenty Thousand Dollars ($20 000) be inserted in the Appropriation Bill under the appropriations for the Fire Department of Honolulu, for the installing of a fire alarm telegraph system in Honolulu.

Senator J Brown moved that the resolution be referred to a special committee. Seconded by Senator Nakapaahu.

Senator Achi moved that the resolution be referred to the Public Lands Committee. Seconded by Senator Kalauokalani and carried.

~~Senator Achi moved that the rules be suspended.~~

On motion of Senator Achi, to which there was ~~There being~~ no objection, the rules were suspended.

Senator Achi then moved that the appropriation bill be taken up for consideration and read by title ~~referred to the Printing Committee~~. Seconded by Senator J Brown and carried.

Senator White moved to adjourn. Seconded by Senator Nakapaahu.

Senator White withdrew his motion.

Senator C Brown moved that the appropriation bill be referred to the Printing Committee. Seconded by Senator White and carried.

Senator Paris moved that Resolution no 8 be taken from ~~off~~ the table and referred to a committee. Seconded by Senator J Brown and carried.

Senator Carter moved that the resolution be referred to the Public Lands Committee. Seconded by Senator Achi and carried.

At 11:55 o'clock, Senator White renewed his motion to adjourn to 10 o'clock Saturday. Seconded by Senator Nakapaahu.

Senator Baldwin moved to amend ~~to the effect~~ that the Senate adjourn until 9 o'clock on Saturday. Seconded by Senator Kalauokalani and carried.

Edgar Cayless
.....
Clerk of the Senate.

Approved by the Senate:

S E Kaine
.....
President of the Senate.

JOURNAL OF THE SEENATE.

Thirty-Eighth Day.

Saturday, April 6th., 1901.

In the Senate.

Territory of Hawaii.

Thirty-Eighth Day.

~~Morning Session.~~

Saturday, April 6th., 1901.

The Senate met, pursuant to adjournment, at 9 a.m.

Senator White moved, that, owing to a misunderstanding on the part of some of the senators as to the hour of meeting, the Senate take a recess until 9:30 o'clock, ~~in order to give them a chance to get to their seats.~~ Seconded by ~~Senator Kaehi and carried.~~

The Senate met again at 9:30 o'clock. After prayer by the chaplain, the roll was called, showing Senators Achi, Nakapaahu and Russel absent.

The journal of the previous day was read and, on motion of Senator White, seconded by Senator J Brown, approved as read.

Senator Kalauokalani reported for the Printing Committee ~~to the effect~~ that Senate Bills Nos. 63, 71, 59 and 70 had been printed and were ready for distribution.

Senator Paris reported as follows for the Committee on Public, Lands, Public Works and Internal Improvements to whom was referred House Bill 38:

Your committee find that, according to the Session Laws of 1896, the lines for widening Beretania, Union, Richard, Miller, School, King, Bethel, Judd and Nuuanu streets, are duly defined; whereby all p ersons have due notice of future street lines and can build accordingly.

The bill provides that unless the government completes the widening of these streets May 1st., 1901, then any person or corporation may build regardless of these lines; and if the government shall widen any of these streets, it shall pay the full damage for said buildings.

Your committee consider that these streets should be widened as soon as practicable; but it would be impossible for the government to do it in the short time given in this bill.

We consider with our limited revenue it would be a short-sighted policy to cripple the government by forcing this matter at the present time when there is so much money required for necessary public

improvements.

We consider that the present law should not be changed and recommend the bill be laid on the table.

John T Brown.

J D Paris.

L Nakapaahu.

Senator Kalauokalani moved the adoption of the report.Seconded by Senator Paris and carried.

Senator Kanuha repoeted as follows for the Committee on Accounts to whom was referred Resolution 30,allowing the clerk of the Senate to employ extra help in keeping the records:

Your committee find that it has been customary to allow the clerk 60 days pay after the session to finish up his work.This cannot now be done and furnish the Secretary of the Territory within the time required by the Organic Act.

Your committee recommend that the clerk be allowed the amount provided in the resolution and he be required to have all the work finished within ten days after the session closes.

David Kanuha.

J D Paris.

John T Brown.

Senator C Brown moved the adoption of the report.Seconded by Senator Carter.

Senator White moved to amend to the effect that the clerk be given twelve days after the session during which to complete his work. Seconded by Senator Kahilina and lost.

The motion of Senator C Brown to adopt the report of the committee carried.

Senator Paris introduced the following resolution:

RESOLUTION.

Resolved,That whereas the government does not control sufficient land at Napoopoo landing,South Kona,Hawaii,necessary for the use of the public for drays,wagons,and other vehicles,and the delivery of freight,

Be It Resolved,That the sum of $1 000 be inserted in the Appro

Appropriation Bill to buy or condemn land for public use at said landing.

John D Paris,

Senator Ist. District.

Senator Paris moved that the resolution be referred to the Committee on Public Lands. Seconded by Senator C Brown and carried.

Senator C Brown gave notice of his intention to introduce an amendment to Rule I2 of the Senate.

Third reading of Senate Bill No. 29, relating to licensed physicians.

Senator Kalauokalani moved that the bill pass third reading. Seconded by Senator Nakapaahu and carried on the following ~~showing of~~ vote by ayes and noes:

Ayes: Senators Achi, J Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu and White.....9.

Noes: Senators Baldwin, Carter, Crabbe and Paris.....4.

In doubt: Senator C Brown.....I.
Absent: Senator Russel.....I.

Third reading of House Bill No. I5, relating to dog tax.

Senator White moved that the bill pass third reading. Seconded by Senator Kalauokalani and carried on the following showing of ayes and noes:

Ayes: Senators C Brown, J Brown, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu and White .....I0.

Noes: Senators Achi, Baldwin and Paris.....3.

In doubt: Senator Carter.....I.

Absent: Senator Russel.....I.

Third reading of House Bill No. 2, relating to emergency fund.

Senator Kalauokalani moved that the bill pass third reading. Seconded by Senator White and carried on the following showing of ayes and noes:

Ayes: Senators Achi, Baldwin, J Brown, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu and Paris.....II.

Noes: Senators C Brown, Carter and White.....3.

Absent: Senator Russel.....I.

Second reading of Senate Bill No. 3I relating to the establishment of a high school and a conservatory of music under the Department of Public Instruction in Hilo.

Senator Achi moved that consideration of the bill be deferred until Tuesday. Seconded by Senator Carter and carried.

Senator White moved that the rules be suspended in order to allow him to present a report. Seconded by Senator Kalauokalani.

Senator White withdrew his motion, on the showing that there was more work on the regular calendar of the day.

Third reading of Substitute Bill No. 32, relating to the Territorial seal.

Senator Kalauokalani moved that the bill pass third reading. Seconded by Senator Kaohi and carried on the following vote by ~~showing of~~ ayes and noes:

Ayes: Senators Achi, Baldwin, C Brown J Brown, Carter, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris and White.....14.

Noes.....0.

Absent: Senator Russel.....1.

Second reading of Senate Bill 57.

Senator C Brown moved that the bill be referred to the Committee on Municipal and County Laws. Seconded by Senator White and carried.

Senator C Brown moved that the Committee on Claims be granted more time during which to report. Seconded by Senator Nakapaahu and carried.

Senator Achi moved that Senate Bills Nos 59, 63, 70 and 71 be read by title in order that they might be referred to the Printing Committee. ~~Seconded by~~

There being no objection, it was so ordered.

Senate Bill 59.

Senator C Brown moved that the bill be referred to the Committee on Education. Seconded by Senator White.

There being no objection, it was so ordered.

Senate Bill No. 63.

Senator Carter moved that the bill be referred to the Committee on Miscellaneous Petitions. Seconded by Senator C Brown.

Senator Kalauokalani moved that the bill pass its second reading. Seconded by Senator White.

The motion of Senator Carter to refer to the Committee on ~~Mis-~~

Miscellaneous Petitions carried.

Senator White said that he was in doubt and called for a standing vote.

The chair ruled that the motion had been put and duly carried.

Senator White insisted on another vote.

The chair again ruled that ~~xxxre~~ the vote had been announced and that the Senate would proceed to other business.

~~Senator White appealed from the ruling of the chair.No second.~~

Senate Bill No. 70.

Senator Carter moved that the bill be referred to the Judiciary Committee.Seconded by Senator C Brown.

There being no objection,it was so ordered.

Senate Bill No. 71.

Senator Crabbe moved that the bill be referred to the Committee on Miscellaneous Petitions.Seconded by Senator Kalauokalani.

There being no objection,it was so ordered.

At 11 o'clock,Senator Carter moved to adjourn until 10 o'clock Monday morning.Seconded by Senator White and carried.

Clerk of the Senate.

Approved by the Senate:

President of the Senate.

JOURNAL OF THE SENATE.

Thirty-Ninth Day.

Monday, April 8th., 1901.

In the Senate.

Territory of Hawaii.

Thirty-Ninth Day.

~~Morning Session.~~

Monday, April 8th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators Baldwin, C Brown and Carter absent.

The journal of the previous day was read.

Senator White asked that the minute journal be changed and that the words "Senator White appealed from the ruling of the chair. No second" be stricken out. He stated that he had not meant to appeal from the ruling of the chair but that his remarks had been simply by way of explanation.

The clerk was instructed to change the minutes according to the suggestion of Senator White.

Senator White moved that the journal be approved as corrected. Seconded by Senator J Brown and carried.

~~The clerk read~~ A communication was received from the House, transmitting House Bill No. 41, "An Act providing for names of streets, roads and lanes in the District of Honolulu, Island of Oahu" which passed third reading in the House April 6th.

Senator J Brown moved that the bill pass its first reading. Seconded by Senator Russel and carried.

Senator Achi moved that the bill be read the second time on Tuesday. Seconded by Senator J Brown and carried.

~~The clerk read~~ A communication was received from the House, transmitting "An Act providing for the numbering of buildings and lots in the District of Honolulu, Island of Oahu" which passed third reading in the House April 6.

Senator Kalauokalani moved that the bill pass its first reading and that it be read the second time on Tuesday. Seconded by Senator J Brown and carried.

~~The clerk read~~ A communication was received from the House transmitting House Bill No. 61, "An Act to amend the title of Chapter LXII of the Penal Laws and compiled in A.D., 1897, and Sections 987, 989 and 990

of said Penal Laws"which passed third reading in the House April 6.

Senator J Brown moved that the bill pass its first reading and that it be read the second time on Tuesday.Seconded by Senator Kalauokalani and carried.

~~The clerk read~~ was received A communication from the House, transmitting Senate Bill No. 6,"An Act to repeal Sections 1617,1618 and 1619 of the Penal Laws relating to forest roads",with the information that the same had been indefinitely postponed in the House in third reading on April 6.

Senator Baldwin presented the following petition:

To the Legislature of the Territory of Hawaii in Congress assembled.

Gentlemen:

We,the undersigned citizens and taxpayers of the Island of Maui,Territory of Hawaii,most respectfully petition your Honorable bodies,That:

1.The continuation of the First Regiment,National Guard of Hawaii,is immediately necessary for the preservation of our interests and the protection of our homes.

2.The country is now flooded with plantation laborers of such questionable characters and altho they may be invaluable for the promotion of our chief industries,yet their presence in such large numbers in our midst make us feel that our homes,our families,are almost entirely helpless without the presence of adequate military forces stationed in convenient quarters throughout the Islands.

We therefore earnestly pray that your Honorable Bodies do pass sufficient appropriations at the present session of the Territorial Legislature for the proper maintenance of the First Regiment, National Guard of Hawaii.

(76 signatures).

Senator Kalauokalani moved that the petition be referred to the Military Committee.Seconded by Senator Baldwin. ~~carried~~.

There being ~~no~~ no objection,it was so ordered.

Senator Russel presented the following petition:

To the Honorable the Senate and House of Representatives of convened.

Your petitioners,property owners on the 15 mile trail,Olaa,

and residents of Olaa,respectfully represent:

That a wagon road be constructed I5 miles on Volcano road for a distance of I I/2 miles in a northwesterly direction to Lot No. 40, Olaa.

At present,the only access to Lots 40,4I,42,43,5I,52,53 and 54 all of which are occupied and under cultivation is by a narrow mud trail which not only makes the access very difficult but also the cultivation thereof very expensive and sometimes impossible.

The building of this road will enable the homesteaders to receive their supplies and get their produce to market.

We believe that the said road can be constructed for a sum not to exceed $5 000 and we pray that this amount be appropriated for the purpose.

Olaa,March 29th.,I90I.

(73 signatures).

Senator Kalauokalani moved that the pettiton be referred to the Public Lands Committee.Seconded by Senator Kaohi and carried.

Senator Russel presented the following petition:

Pahoa,Puna,Hawaii,March 29th.,

To the Honorable,

The Senate and House of Representatives,Honolulu,

Gentlemen:

We,the undersigned,residents and settlers of Pahoa and the Keohe Homestead,of Puna,Hawaii,do hereby petition your Honorable Body to grant an appropriation for a road to our homesteads and places of business,from the Hilo Railroad about three (3) miles south of Pahoa to the Keohe Homesteads as at present we have no possible way of reaching our places or the railroad except by a very rough trail over the pahoehoe.This road is of the greatest importance to the District and will benefit a great many besides those directly interested who have signed the petition.

Hoping that you will investigate our claims and that this will meet with your approval.

(39 signatures)

I consider the road a needed one.

F B McStocker,Chairman Puna Road Board.

Senator Kalauokalani moved that the petition be refer red to the Committee on Public Lands. Seconded by Senator White and carried.

Senator White presented the follow ig petition signed by 1280 people:

> We, the undersigned citizens urge that in the interests of decency and morality that the members of the House or Senate of the Territory of Hawaii do vote against the bill known as the "Dispensary Bill," believing that it will curtail and infringe upon the rights of private citizens and that it will increase drunkenness and crime and will lead to the opening of numerous illegal drinking places and houses of immoral character, and corruption among those entrusted by the government with its control.

Senator Paris moved that the petition be referred to the Committee on Miscellaneous Petitions.

Senator White moved that the petition be laid on the table to be considered with the Dispensary Act. Seconded by Senator C Brown.

Senator Kalauokal-ani moved that the petition be referred to the Committee on Intoxicants together with the senators from the Island of Oahu.

The motion to lay the petition on the table to be considered with the Appropriation Bill was declared by the chair to be carried.

Senator Carter called for a standing vote.

The chair declared that the vote had been announced.

Senator Carter appealed from the ruling of the chair. Seconded by Senator Kanuha.

The chair then called for a standing vote with the result that the decision to the effect that the motion had carried was reversed and the chair declared the motion lost.

Senator Baldwin moved that the petition be referred to the Committee on Intoxicants.

Senator Carter moved that the petion be referred to the Committee on Miscellaneous Petitions with instructions to report on Tuesday. Seconded by Senator Russel.

Senator Baldwin withdrew his motion to refer to the Committee on Intoxicants.

Senator Carter's motion to refer to the Committee on Miscellaneous Petitions, carried.

Senator White presented the following petition signed by 303 people:

We, the undersigned citizens, in the interests of order and morality, urge that the Senate of the Territory of Hawaii do vote against the bill known as the Dispensary Bill, believing that it will curtail and infringe upon the rights of private citizens, and that it will increase drunkenness and crime and lead to the opening of numerous illegal drinking places and houses of immoral character, and that as a temperance measure it will fall short of what is claimed by those who are advocating temperance reform.

Senator White moved that the petition be laid on the table to be considered with the Dispensary Bill.

Senator Baldwin moved that the petition be referred to the Committee on Miscellaneous Petitions. Seconded by Senator Kalauokalani.

On the request of Senator Crabbe, the clerk read the list of 303 names appended to the petition.

The motion of Senator Baldwin to refer to the Committee on Miscellaneous Petitions was then put and carried.

Senator White reported as follows for the ~~majority of~~ Judiciarr Committee:

Ho. S E Kaiue,

President of the Senate.

The committee on Judiciary, to whom was referred Senate Bill No. 7, "An Act to amend Section 85 of the Penal Laws relating to the concealment of the death of a newly born child," having had the same under consideration, report the bill without amendments and recommend its passage.

Also Senate Bill No. 17 "An Act to amend Section 986 of the Penal Laws relating to the protection of the places of sepulture," report the same back and recommend its passage.

Also Senate Bill No. 21 "An Act to amend Sections 246 of the Penal Laws relating to criminal conduct of an officer in regard to prisoners in his custody or committed thereto," report it back and recommedn its passage.

Also Senate Bill No. 23 "An Act to amend Section 215 of the Penal Laws relating to the illegal marking of live stock," report it back and recommend its passage.

Also House Bill No. 40 "An Act relating to the prevention of minors being employed in places where liquor is sold having had the same under consideration report the same back and recommend its passage.

Wm. White
J. R. Carter
Nicholas Russel.

Senator C Brown moved that that' part of the report relating to Senate Bills Nos. 7,17,21 and 23,be adopted.Seconded by Senator Kalauokalani.

Senator Carter moved that that portion of the report relating to House Bill No. 40 be stricken out.Seconded by Senator C Brown and carried.

Senator C Brown moved that the report be adopted as amended. Seconded by Senator Kalauokalani and carried.

Senator C Brown moved that Senate Bills Nos. 7,17,21 and 23 be typewritten and read the third time on Wednesday.Seconded by Senator Crabbe and carried.

Senator Russel then presented the following minority report of the Committee on Intoxicants:

Honolulu,April 8th.,1901.

Honorable S E Kaiue,

President of the Senate.

Sir:

The minority of your Committee on Intoxicants,to which was referred Senate Bill No. 43,entitled,"An Act to control and regulate the manufacture,transportation and sale of liquors,opium,awa and other intoxicants within the Territory of Hawaii", begs leave to submit the following report:

That the liquor question in its various aspects,under variuos systems,conditions and in various countries has been the object of my life-long studies,and Senate Bill No. 43,now before the Senate,was drafted by myself and is the result of those studies.

Since the bill was printed and published,a number of objections to its passage have appeared,both in the report of the majority of your committee and in the press.

While the largest part of the objections of the majority constitute but haphazard assertions devoid of any foundation and may be passed over without notice, there are some, due to ignorance of the subject or misunderstanding that are worth refuting.

I begin with the objections coming from the business quarters, and especially from the capitalists, who have invested their capital in the liquor trade, and challenge the majority of your committee to show where and how the provisions of the bill, in any way or manner, trespass upon vested rights. There is not a trace of such infringement, since:

1st. All licenses issued until the passage of the bill are allowed to run their natural term.

2nd. All stocks of liquors, that are not injurious to the public health, and which remain on hand after the expiration of the license, are taken over by the Territory at cost price. As for those liquors, that on account of injurious and poisonous ingredients, will have to be exported, the Territory can not admit their sale here under any conditions, if the Board of Health is doing its duty. Were not certain brands of beer condemned and the right to sell refused by the Board of Health not long ago on account of the adulteration with salycilic acid? Not only in law, but in equity, there is no infraction whatever, just the reverse. While shutting off relatively small private investment in the liquor trade, Bill No. 42, opens a wide field for the production of liquors. Vini-culture, brewing, distilling and a large number of new industries depending upon cheap alcohol such as manufacture of varnishes, extracts, perfumery and fruit preserving which would furnish employment to the people.

At present, Germany controls the alcohol market and nine-tenths of the alcohol manufactured is used in the above named new industries and exported in the shape of new goods. Why could not we follow their example?

If alcohol is manufactured in the country, that does not mean, by far, that it is consumed as a beverage.

In every branch of business there are three forms of profit:

1st. Profit of production.

2nd. Profit of wholesale trade.

3rd. Profit of retail trade.

Under present conditions, foreign capital has been the only beneficiary of the first two profits. The profits of production and those of wholesale trade have been a complete annual loss to the country, depelting our wealth annually by no small amount.

Under this Act No 42 all these profits will remain in the country. As to retail profits, heretofore they went into the pockets of a half dozen individuals who made as much as 523 per cent on their investment. (x) Under this Act the profits will not exceed 80 per cent, and on pure alcohol for manufacturing purposes, it will not exceed ten per cent. All the profits will be directed into the public Treasury.

For whatever useful purposes the government may see fit to apply these new resources it will relieve, by so much, the burden of taxation.

The question, for what purpose the new income will be used, is left open by the bill, because it is premature to provide for the disposition of money before its is on hand, and because the matter requires careful consideration. It is only intimated by the bill that it may be used for school purposes; But it lies entirely with the people of the

(x) See the Annex.

individual counties to direct it against the evil itself,viz:toward the establishment of tea and coffee shops,readin g and lecturing rooms,libraries and other institutions of healthy recreation and awakening of ~~mental~~mental and spiritual interests in the people.Men drink to excess because they feel miserable and they feel miserable principally because of the lack of higher mental and spiritual interests.

> It lies with the people to make the bill a temperance measure if they see fit to do so. The bill is advanced only as a public health and public morality measure, and as such it will certainly be very effective.

From a public health point of view,the mere fact that it insures pure and unadulterated goods is suffieient argument.But there are other more important aspects of the subject tending toward the same end,into the full consideration of which I cannot enter here.For instance,the transformation of irregular drinking into a regular consumption against which there are no objections so far as public health is concerned.

> It is a different thing, whether a man consumes his pint of beer or wine every day at dinner or whether he fills himself on Saturday evening with the whole weekly ration at once. It produces different results although it might not materially alter the annual consumption.
>
> The statement of the majority of your committee, that the amount of consumption of liquor in South Carolina since the introduction of the Dispensary System has increased is not correct, as it does not take into consideration the increase of population and other circumstances. But even if it were correct, it would only prove that the irregular consumption has given place to the regular and inoffensive one.
>
> It is said, that reform in the liquor traffic was not mentioned in the party platforms. I contend that it was a part of the principle of self-government. All the parties pledged themselves to provide local self-government. This bill, by putting the whole question of the sale of liquors in the hands of the voters of each precinct gives the people the right of self-government in one of the important domains of their economic and moral life, which is even more important than the political one, and goes as far as to confer the right to vote to their wives and daughters. By this provision it fills the most essential part of the program of self-government, which is exactly the reverse of "Paternal Legislation."
>
> In regard to this "Paternal Legislation" of which many old-time residents of Hawaii have so recently become alarmed, and which has prompted so much patriotic resistance on the part of my honorable colleagues on the committee. However, I desire to remind them that the state control of the manufacture and sale of liquors has been for years adopted by such ultra-democratic countries as Norway and Switzerland.

The latter country under the present social conditions is the ideal republic,where republicanism and democracy are carried so far as direct legislation by the masses of the people to initiative and referendum.The state control of the sale of liquor was adopted there about ten years ~~as~~ ago after the question was submitted to the direct vote of the people.

There is a tendency,on the part of some senators to"consult ~~th~~

the voters". In Switzerland, where every citizen is an educated man, such a plan is sensible and even desirable. Not so in the Territory of Hawaii, where the education of the masses does not go beyond the knowledge of reading and writing and where, therefore, the most intelligent are elected as legislators not for the purpose of serving merely as intermediate machines between the people and the executive, but for the purpose of using their own brains on the mere trust that they will do "what is good for the people".

From the point of view of public morality, a view entirely distinct from that of temperance, I will state, that the very existence of such a trade which brings 520 per cent profits, is dangerous for the community, especially when it concerns liquors. Such enormous profits necessarily result in public corruption. The saloon people assert themselves as "State within the State," dictating the state policy. Since there cannot be two managers in the same concern, the question of state control of liquors is merely a question of an alternative, whether it is the State that will own the saloon, or, whether the saloon will own the State?

Any further procrastination to assert the rights of the state is dangerous, because the power of the saloon will soon outgrow the power of the State and no Legislature will be able to pass any measure contrary to the interests of the liquor traffic.

Under the head of "studies" the majority report directs you upon this dangrous path of procrastination. There has been enough study already.

The Legislature of 1896 appointed a special commission to investigate the liquor question and recommend the best system. This commission collected a good deal of information which was incorporated into a good sized report favorable enough to the Gothenberg system. Did the majority of the committee read this report? If they did, how many more commissions and years of studies do they require in order to compiete their knowledge?

Shall we wait until the last grannie will know all about the differential calculus? It is stated that liquor will be cheaper and this will increase drunkenness. Yes the liquor will be cheaper, it must be cheaper. For a regular temperate consumer it is a staple like other staples of food, an indispensable article upon his dinner table There is no more sense in levying a tax on him for liquor than for his bread and buttter. As for dipsomaiacs or drunkards, they are sick men and it is absurd to crush them with taxation for their sickness, as much absurd as to tax any other sick person for being sick. It is absurd to compel them to sell their over-coats and the petticoats of their wives to procure liquor, which procure they must and will, no matter what is the price.

It will be more to the purpose to build and maintain a special hospital for inebriates where they might be cared for. Such hospital could be built and maintained from the profits of liquor sales.

Every restaurant and hotel, according to the provisions of the bill, may, and undoubtedly will keep liquors for the accommodation of tourists, and guests and the tourist travel will not in any way be affected.

The dispensary system was not only "attempted" as the majority report states, in South Carolina, but it has been in good running order there for over eight years, becoming so popular that it has been extended to the neighboring state of North Carolina. Massachusetts people fight hard against liquor interests to introduce the same. Norway, Sweden, Switzerland, and the whole of Russia (not certain provinces as the majority report states) have for long years adopted the dispensary system, and the reports from all those countries are more than favorable.

As an illustration,I quote some extracts from private letters received recently from South Carolina.Here is what the first commissioner and organizer of South Carolina dispensary,Mr. Trexler,the best authority on dispensary system,writes:

"I must say in the offset that I feel delighted to note the favorable progress of the dispensary liquor system in your Territory,and I trust the advocates of the proposed bill will not meet with any obstacles that will prevent an early fruition of their laudable hope.The condition of affairs with us at the beginning seems to me to be about the same as you are contending with at this time. We had a division in our own faction or ranks-Dispensary and Anti-Dispensary.You seem to have,so far as I gather from your letters,Home Rulers and Republicans.As the Democrats and Home Rulers seem to be together,I am convinced that you have an easier fight than we have.We had here,a fight to a finish.Arrayed against us was the bar-room element and its money,The aristocracy of the state and another large element that was opposed to reform for much the same reason that the Irishman was "agin' the government" or "agin' anything decent".One would have to have been on the spot to realize fully what we had to contend with.While we still have a few soreheads,you may be assured that the open bar-room in South Carolina is a thing of the past and many thousands who opposed the dispensary at its inception would not now change for anything.Our last Legislature has just adjourned and the law as administered was commended on every hand and no suggestion was ever made of a change to any particle of the Act.This is very remarkable for you know that any law that touches the people at every point as does this,is liable to violent assault at any moment.I only mention these few matters as I pass along to convince you that the masses are satisfied and that you, gentlemen, who are fighting for the law in your Territory are attempting the noblest work within your power for your fellow man.We all admit that whiskey is an evil,but that it will be sold as long as the world stands;All we can do is to try and restrict it to legal methods.If there is such a thing as placing honor, reputation and Christian character in the liquor business in any of its aspects,it is certainly in the dispensary plan.

I wish you and those interested with you in the idea-God speed;I believe that a fair trial of the system in Hawaii will bring down laurels upon the heads of those who father and stand by the law to the end.

Now,as to myself in the matter:it would suit me very well to go to Honolulu between May and September and assist your people in establishing the system.I would suggest that you elect your own commissioner from your own best men and let me train him;for I feel that were you to elect a stranger,or a person from outside your Territory,it would give the opposition something to talk about and something to fight you on in the next campaign.You will find that discreet action in this regard is the best.I want to say that to put this law into effect will be a long and dangerous undertaking,and you must make up your minds that the whiskey element will not die easy.You may have some outbreaks in which the extreme hand of the law will have to be upheld.You need not fear failure,however,if your men have backbone and are working for the best interests of the people.I am willing to go to Honolulu in May and remain until September or October,training one of your local men in the business so that he may take full charge of it,at the end of that time.I will then return home.In December or January,if I like Honolulu,which I think I undoubtedly will,I will return for a year or so and will give such advice to the dispensary department as may lie within my power.Convey to Dr. Russel,Mr. Emmeluth,Mr. Kalauokalani and the other advocates of the Dispensary Law,whom you mentioned,my earnest wishes for their success.

I have the honor to remain,dear Sir,

Sincerely yours,

D H Traxler.

The following extract is from the letter of the present commissioner,H H Crum:

Office of H H Crum, T W Collins,Bookkeeper.

State Dispensary Commissioner,

South Carolina Dispensary.

Columbia,South Carolina,March 18th.,1901.

I am sorry that I am unable to give you statistics,as to the decrease of drunkenness,crime,etc. All of our pamphlets have been exhausted some time ago.My recollection is that the arrests for drunken-

ness,disorderly conduct,etc. has been reduced about 90 per cent and possibly 95 now.We have had quite a number of convictions and the law is well enforced with possibly the exception of Charleston,a sea-port town within our state,which makes it very hard to enforce there.

Your question as to how the original package coming into your state is handled,will say that the United States Government allows a man to order for his own use as much as 4 7/8 gallons.We watch the express companies,and if he orders more than he can consume ~~xxxx~~ personally,we seize his package.

In reference to the Germanic Brewing Co.,will state that we have a brewing company in Charleston,S.C., and the state uses as much of this beer from this company as it can.All the surplus that this company makes we give them shipping certificates and allow them to ship beyond the limits of the state,but they can sell none of their stuff within the state except through the dispensary.

We pay the United States Government a license for both state and county.For the state,a wholesale license,and for the county a retail license.This we think is an unjust tax and we are asking the United States Government to relieve us of it,which I think will finally win.We had some trouble ~~xx~~ with the illicit sale of liquor but it is growing rapidly less each year.

With best wishes,I am

Yours very truly,

H H Crum,

Commissioner.

In regard to the sum of $200,000 required by the bill, it may not be sufficient, and I propose to amend it so as to read "$250,000." Considering that in the course of one year, the most of the old licenses will continue to sell liquor, and the fact that the sale in government Dispensaries will be for cash only, so that the capital invested may return several times a year to be reinvested. I think the last named amount will be sufficient for the first biennial period.

The important feature of the bill is that it does away with the private profits in liquor sales. In doing so it puts a stop upon every sort of pressure exercised by the dealer in order to make one drink. No more soliciting, drumming, forcing, no credit, no dice, and gambling, no mutual treating, no room for making the drinking an entertainment, no free lunches, etc. And at the same time no infringement upon the liberties of any one, since everybody can easily procure every kind of pure liquor in any quantity.

In regard to the whole report of the majority of your committee, as formerly constituted, I will state that it is a familiar voice of the Canadian and United States liquor dealers Convention, held in New York in 1895. This convention appointed a commission to visit the State of South Carolina and report upon the Dispensary Law. The majority report of your committee is a rank piece of plagiarism from the report of that commission, and I am astonished to know that your committee could permit the said Commission's report to be foisted upon them.

For all these reasons the minority of your committee appeals to the highest patriotic and humane feelings of this representative body and heartily recommends the passage of the bill as it is, with but a few small amendments. Whatever further amendments may be necessary will be shown by experience and such amendments may be safely left to the next legislature.

Dated this 8th day of April, 1901.

NICHOLAS RUSSEL,
Member of the Committee on Intoxicants.

Territory of Hawaii.

Board of Health.

Offices in Kapuiwa Building

Honolulu,H.T.,March 20th.,I90I.

Hon. N Russel,

President of the Senate,

Sir:-

By instruction of the Board of Health I have the honor to hand to you herewith a copy of the report and resolution adopted by the Board of Health with reference to the sale of methylated spirits.

The Board of Health investigated the matter and adopted the attached resolution by reason of a number of deaths in the city found upon examination to have been caused by the victim's drinking methylated spirits in their reckless desire to get inebriated.

I append herewith a list of those who died in this city from drinking methylated spirits.

Mar. I3,I900 Kamanuwai- Male -Hawaiian- Age 49.

June 7, I900. Kapamanu - Male--Hawaiian- Age 28.

June 9, I900 Robt.Halale-Male-Hawaiian--Age 29.

July 2, I900. Ku Kahue -- Male-Hawaiian--Age 4I.

July 23,I900. Kekumu ---Male-Hawaiian--Age 46.

JUly 30,I90I. Harry Walcking-Male-American-Age 38.

Nov. 6, I900. Novemaba ---Male-Hawaiian--Age 55.

Nov. I3,I900. H.Makalea---Male-Hawaiian--Age 72.

Nov. I4,	I900.	Joe Silva	Male	Portuguese	Age 48.
Nov. I4,	I900.	A Medeiros	Male	Portuguese	Age 48
Nov. I4,	I900.	Jose Cabral	Male	Portuguese	Age 38.
Dec. II,	I900.	Thos. N.Mitchell	Male	Hawaiian	Age 28.
Mar. 9,	I90I.	Kapihi	Male	Hawaiian	Age 30.

I have the honor to be,

Your obedient servant,

Chas. Wilcox,

Secretary Board of Health.

Senator Dr. Nicholas Russel,

Dear Sir:

Pursuant to your request I present herewith the results of a carefully calculated estimate of the comparative cost of intoxicants to people who drink in the Territory of Hawaii,under the present system of high license,and what it is likely to be under the dispensary system.As the legal consumption of intoxicants is represented by the quantity imported I have taken as a basis the Custom House reports for the five months prior to the organization of the Ter ritory under the Organic Act,which,Collector Stackable as sures me,furnishes a good average of present conditions,except in the case of importations from the Orient which were interfered with at the time by the plague quarantine regulations.Importations from China and Japan have been estimated upon a # basis of previous importations.I have taken the commercial quart battle as the unit of measure,Totals of importations from all countries under the four divisions,malt liquors,spirits,wine,and sake are as follows:

SHowing Importations From All Countries.

	No. Of Bottles	Invoice Cost.
Malt liquors-All descriptions	3,2II,9I0	# 2I6 550
Spirits-Including China wine and excluding alcohol	435,345	II7 389
Wine-Excepting Champagne	I,0I9,550.	I45 I80
Sake-Estimated	I,000 000	I40 000
Total Importation	5,666,805.	# 6I9 II9

Under the dispensary system the first cost of will certainly

be more than shown here as there will be a great improvement in spirits and malt liquors,the average cost now being about 27 cents a quart for apirits of all grades and about 6 I/2 cents a quart for malt liquors. Wine and sake cost about I5 cents a quart and is probably of a quality equal to the price .To effect this improvement it is fair to presume that the cost of all liquors will be advanced to,say $750 000;therefore:

Total cost of consumption	$750 000.
80 per cent profit to government	600 000.
Total cost to drinking people	$I,350 000.

To arrive at the probable cost at present we must take the retail rates by the glass and bottle. Malt liquors average 25 cents a quart and by the glass about 50 cents a quart.Estimate sale half and half;Spirits,25 cents a drink at 25 drinks to the bottle and by bottle an average of $I.50 say,half and half.Wine and sake are rated at 50 cents a bottle average for all grades and no account id here taken of sales by the glass.The statement would be as follows:

Showing Retail Sale of Liquor and Comparison.

Malt- By the glass	I 605,955.	802 978.
Malt- By the bottle	I 605 955.	40I 489.
Spirits- By the glass	2I7 673.	I303 038.
Spirits- By the bottle	2I7,673.	324 5I0.
Wine and sake at 50 c.	2 0I9 550	I 009 775.
Total cost to the public under the saloon system.	5 666 805	$3 83I 77I.
Total first cost all liquors	annually	6I9 II9.
Total profit to liquor dealers	annually	3 2I2 652
Cost to people (Dispensary)	$I 350 000	
Saving to people		2 47I 77I.
Revenue to government		600 000.
Total Saving to the Territory		$3 07I 77I.

Thus it will be seen that under the dispensary system $2 47I-$ 774 will be distributed among people who are in the main poor and needy which is now distributed among a few individual liquor dealers,while

the government retains about the same revenue if received from duties and licenses previous to annexation.

Also,pursuant to your request,I herewith make the statement in writing which I have already made to you verbally,namely,that to the best of my recollection,information and belief the report of the Committee on Intoxicants is drafted almost entirely and with but little change from the report of the Commission sent to South Carolina a few years ago by a convention composed of delegates from the State Liquor Dealers' Associations of the United States and Canada which met at New York for the object of creating public sentiment in the United States and Canada against the dispensary system fast being conceded the only successful method of dealing with the liquor problem.

I was in the United States at the time handling news,and being interested in a study of the Gottenberg system my attention was especially called to the report of this commission which was so manifestly intended to mislead the public by false statements.My memory is very faithful and I can hardly be mistaken in the statement that the committe. report,with the exception of such clauses referring to local conditions, is drafted almost verbatim from the report of the Liquor Dealers' Commission.The clause relating to the operation of the system in "a few provinces in Russia" I am sure has not been changed.This was true at the time and the committee has failed to correct the wording to conform with correct history;which is,that Russia,in I898,finding the operation of the system so beneficial in these provinces it was promulgated throughout the empire.Another clause I am sure has not been changed,namely,that referring to the necessity for a large special constabulary to enforce the law.I remember noting at the time that this was a false statement, for,as a matter of fact,it was a special constabulary that caused all the trouble in South Carolina.It has since been abolished and the law has gained in popularity and is better enforced.The committee also failed to correct this point in conformity with current history.Other parts of the committee report are equally familiar to me.

Before closing I will call your attention to the last clause of the committee report to the effect that the constitunionality of the dispensary law is still in doubt. If you will refer to the U S

Supreme Court decisions in the matter,especially in the case where a South Carolina sheriff stopped a U S mail train,you will find the law laid down,that any state or territory has the right to declare the liquor traffic an evil and deal with that evil as it sees fit.

I am credibly informed that Peacock & Co. have a copy of the report of the Liquor Dealers' Commission,referred to,and it is the only copy that I know of in the city.I fear the Committee on Intoxicants has been imposed upon doubtless believing its information came from impartial sources.

I am,dear sir,your most obedient servant,

Franklin H Austin.

Senator C Brown moved that the report be translated and printed.Seconded by Senator Kalauokalani and carried.

At I2:05 o'clock,Senator C Brown moved to take a recess until 2 o'clock.Seconded by Senator Kalauokalani and carried.

Afternoon Session.

Senator Kalauokalani reported for the Printing Committee to the effect that Senate Bills 58,72,75 and 76 and the report of the majority of the Committee on Intoxicants had been printed and were ready for distribution.

Senator Carter made a verbal report for the Ways and Means Committee to the effect that the printing of Senate Bill 66 was not correct.

Senator Carter moved that the bill be referred back to the Printing Committee.Seconded by Senator Achi and carried.

Senator Achi reported as follows for the ~~Ways and Means~~ Committee on Miscellaneous Petitions:

Hon. S E Kaiue,

President of the Senate.

Sir:

Your Committee on Miscellaneous Petitions to whom was referred the Bill 63 respectfully report as follows:

Ist. The word "person" may be inserted in the place of "citizen" in the first line first section,as we believe the Legislature has ~~the~~ to make laws for all and not for citizens only:and your committee further believe that the law may be declared unconstitutional if it is passed in its present form.

2nd.In place of the words "Three Thousand Five Hundred" in the following lines that is line 4th. of Section I.

Lines 5th.,6th.,7th. and 8th.Section 2 and Line 1st.Section I also in the Title of the Act the words "Three Thousand" may be inserted.

We believe ~~exx~~the idea in the Law is a very good one;the Law now exempts for a family a house,lot and buildings providing the value thereof shall not exceed Two Hundred and Fifty Dollars.

The old Law was drafted and passed several years ago,when the price of land was low;but now we believe a person in order to get a confortable home for a family must spend at least Three Hundred Dollars.

With the above amendments we recommend the bill pass.

W C Achi.

L Nakapaahu.

J B Kaohi.

Senator Kalauokalani moved to adopt the report of the committee.Seconded by Senator Kahilina.

Senator C Brown moved that the report be laid on the table to be considered with the bill.Seconded by Senator Achi and carried.

Senator White reported as follows for the Committee on Intoxicants:

Hon. S E Kaiue,

President of the Senate.

Your Committee on Intoxicants to whom was referred House Bill No. 40 "An Act relating to the prevention of minors being employed in places where liquor is sold "having had the same under consideration report the same back and recommend its passage.

Wm. White.

Clarence L Crabbe.

Senator White moved the adoption of the report.Seconded by Senator Baldwin and carried.

Senator Kalauokalani moved that the bill be typewritten and read the third time on Wednesday.Seconded by Senator Baldwin.

There being no objection,it was so ordered.

~~Senato~~

Senator Kanuha reported as follows for the Committee on Education:

Hon. S E Kaiue,

Sir:

Your Committee on Education decided in favor of the Senate Bill No. 59 "An Act to provide for and to regulate the sending of the American youths to the United States to be educated."

David Kanuha.

H P Baldwin.

D Kalauokalani.

Senator J Brown moved that the report be adopted. Seconded by Senator Kalauokalani and carried.

Senator Kanuha moved that the bill be typewritten and read the third time on the order of the day on Wednesday. Seconded by Senator Kalauokalani and carried.

Senator Paris reported as follows for the Committee on Public Lands to whom was referred Resolution 26 asking for $5 000 to extend the Wailuku and Kahului water works:

Your committee find that there are many persons residing on the Waihee and Kahului road who are without water.

Your committee find it would require to extend the present pipes to reach the different places a distance of about three miles and would recommend the item be inserted in the Appropriation Bill.

John T Brown.

J D Paris.

L Nakapaahu.

Senator Baldwin moved that the report be laid on the table to be considered with the Loan Bill.

Senator Achi moved to amend to the effect that the report be laid on the table to be considered with the Loan or Appropriation Bill. Seconded by Senator Paris and carried.

Senator Kanuha introduced the following resolution:

Senate Resolution.

Whereas, it has come to my knowledge upon good authority, that a written memorial is being circulated,

a written memorial is being circulated about Honolulu,to be presented to the Legislature advising against the passage of Senate Bill No. 42 (more familiarly known as "The Dispensary Bill").

That among other arguments used to procure signatures to said memorial the following arguments,in substance and effect, are used and promulgated:"That since I have had time to study the bill I have become convinced that it is not a wise measure;that I have said it should not be enacted into law;that I have entirely repudiated the bill; that I will not vote for it,and many other statements of like false and fraudulent character are being used.All of which statements are false and untrue.Wherefore,be it

Resolved that the President of the Senate appoint a special committee of three members to hear and reduce to writing,the testimony of witnesses concerning the names of persons circulating said memorial and using such false and fraudulent statements and arguments and that such special committee be instructed to promptly report the same to the Senate, that proper steps may be taken to punish such guilty persons according to law.

David Kanuha,

Senator of the Third District.

Senator C Brown moved that the resolution be laid on the table. Seconded by Senator J. Brown and carried.

Senator Achi gave notice of his intention to introduce the following bill:

An Act to repaal Chapter or Act 55 Session Laws,I898.

Senator Achi moved that the rules be suspended in order to allow him to read the bill by title.Seconded by Senator J Brown.

There being no objection,the request was granted.

Senator Achi moved that the bill take the usual course.Seconded by Senator J Brown.

There being no objection,it was so ordered.

Senator Crabbe gave notice of his intention to introduce the following bills:

I-An Act to amend Act 25 of the Session Laws of I898.

2-An Act to prohibit the driving of any vehicle faster than a walk over certain street crossings.

3-An Act to regulate the use of lights on vehicles after dark.

4-An Act providing for the placing of wires for the transmission of electricity underground.

Senator Crabbe introduced the following resolution:

RESOLUTION.

Resolved That the sum of Five Thousand Dollars ($5 000) be inserted in the Appropriation Bill for the grading of Queen street, commencing at the Sanitary Steam Laundry and running in an easterly direction.

C L Crabbe,
Senator Third District,
Island of Oahu.

Senator Achi seconded the resolution.

Senator Baldwin moved that the resolution be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Russel and carried.

Senator Paris gave notice of his intention to introduce the following bill:

An Act to amend Section 6 of Chapter LXXIX of Penal Code relating to the census.

Senator Paris moved that the rules be suspended in order to allow him to read ~~his~~ the bill first time by title. Seconded by Senator Crabbe.

There being no objection, the request was granted.

Senator Baldwin moved that the bill take its usual course.

There being no objection, it was so ordered.

Message of the Governor submitting appointments was announced on the order of the day.

Senator C Brown moved that consideration of this matter be deferred until Wednesday, April 17th. Seconded by Senator J Brown and carried.

Third reading of Senate Bill No. 5I relating to petroleum and its products.

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Nakapaahu.

Senator C Brown moved to amend as follows:

Strike out in Section 3 the words "said warehouses" and insert in their place "every warehouse for storage of petroleum and its products for illuminating purposes".

Senator J Brown moved that the bill pass its third reading as amended. Seconded by Senator C Brown and carried on the following showing of ayes and noes:

Ayes: Senators Achi, Baldwin, C Brown, J Brown, Carter, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris, Russel ~~wax~~ and White.....15.

Noes.....0.

Third reading of Senate Bill No. 15 relating to the illegal manufacture for sale of spirituous liquors and substances.

Senator J Brown moved that the bill pass its third reading. Seconded by Senator J Brown and carried on the following showing of ayes and noes:

Ayes: Senators Achi, Baldwin, C Brown, J Brown, Carter, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris, Russel and White.....15.

Noes: .....0.

Third reading of Senate Bill No. 16 "An Act to amend Section 425 of the Penal Laws, relating to the distillation of spirituous liquors."

Senator C Brown moved that the bill pass its third reading. Seconded by Senator Achi and carried on the following showing of ayes and noes:

Ayes: Senators Achi, Baldwin, C Brown, J Brown, Carter, Crabbe, Kahilina, Kaiue, Kaohi, Nakapaahu, Paris and White.....12.

Noes: Senators Kalauokalani, Kanuha and Russel.....3.

Third reading of House Bill No. 44 "An Act to establish and maintain school libraries."

Senator Kalauokalani moved that the bill pass its third reading. Seconded by Senator Kaohi.

Senator Achi moved to defer consideration of the bill until action shall have been taken on the county ~~wa~~ bill. Seconded by Senator Carter.

Senator Baldwin moved to strike out Section 9 in the bill. Seconded by Senator Carter.

Senator White moved the previous question. Seconded by Senator Achi and carried.

The chair put the motion to strike out Section 9. Carried

The chair then put the motion to defer consideration. Carried.

Senator C Brown moved that Senate Bills Nos. 72,75 and 76 be read the first time by title and referred.

There being no objection, the request was granted.

Second reading, by title, of Senate Bill No. 72.

Senator C Brown moved that the bill be referred to the Committee on Ways and Means. Seconded by Senator White.

There being no objection, it was so ordered.

Second reading, by title, of Senate Bill No. 75.

Senator C Brown moved that the bill be referred to the Committee on Ways and Means. Seconded by Senator J Brown.

There being no objection, it was so ordered.

Second reading, by title, of Senate Bill No. 76.

Senator C Brown moved that the bill pass its second reading. Seconded by Senator J Brown.

Senator Achi moved to amend as follows:

Cross out the words "not to exceed" and in place the words "to be" in lines 3 and 4.

Senator J Brown moved that the amendment pass. Seconded by Senator Kanuha and carried.

Senator C Brown moved that the bill pass its second reading as amended. Seconded by Senator Baldwin and carried.

Senator C Brown moved that the bill be typewritten and read the third time on Wednesday. Seconded by Senator Baldwin and carried.

Second reading of Senate Bill No. 58.

Senator C Brown moved that the bill be referred to the Judiciary Committee. Seconded by Senator Kalauokalani.

There being no objection, it was so ordered.

Senator Achi moved that the consideration of Senate Bill No. 42 be deferred until such time as the minority report of the Committee on Int[illegible] shall

on Intoxicants shall have been printed. Seconded by Senator Carter and carried.

At 4:I5 o'clock, Senator Baldwin moved to adjourn. ~~Senatorx~~ Seconded by Senator White.

Senator Carter moved to amend to the effect that the Senate adjourn until IO o'clock Tuesday morning. Seconded by Senator White and carried.

Edgar Coyplest
.....
Clerk of the Senate.

Approved by the Senate:
T E Kaine
.....
President of the Senate.

JOURNAL OF THE SENATE.

Fortieth Day.

Tuesday, April 9th., 1901.

In the Senate, Territory

Of Hawaii.

Fortieth Day.

Morning Session.

Tuesday, April 9th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock, After prayer by the chaplain, the roll was called, showing Senators Baldwin, C Brown, Carter, Russel and White absent.

The journal of the previous day was read and, on motion of Senator Kaohi, seconded by Senator Kahilina, approved as read.

The clerk read a communication from the House to the effect that the Senate amendments to House Bill 2 had been concurred in by the House on the 8th. inst.

The clerk read a ~~second~~ communication from the House to the effect that Senate Bill No. 3/3 had passed third reading in the House April 8. The bill relates to the prevention of laborers and employes from extortion.

The clerk read a ~~third~~ communication from the House to the effect that House Bill No. 57 had passed third reading in the House April 8th. The bill was submitted with the communication.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator Kalauokalani and carried.

Senator Adhi moved that the bill be read the third time on Wednesday. Seconded by Senator Kalauokalani. ~~and carr~~

There being no objection, it was so ordered.

The clerk read a ~~fourth~~ communication from the House transmitting House Bill No. 70, which passed third reading ~~xxx~~ April 8th.

Senator C Brown moved that the bill pass first reading. Seconded by Senator J Brown and carried.

Senator Kalauokalani moved that the bill be read the third time on Wednesday. Seconded by Senator J Brown.

There being no objection, it was so ordered.

Senator Paris reported as follows for the Public Lands Committee to whom was referred the petition from a large number of responsible citizens of Honolulu for the extension of Fort street above School street:

Your committee have gone over the ground and have interviewed most of the land owners and find that quite a number of them are willing to give their land free; others for fair compensation. Your committee feel that large land holders whose property would be more than doubled in value, should give their land and thus assist the government.

Your committee also find that the approximate cost including bridge for building said street to be about $18 000.

We consider with the increased values it would soon pay back good interest in taxes, and with the improvements of the Pacific Heights and the adjoining properties that for the benefit of the public, this street should be extended.

We would recommend an item of $20,000 be inserted in the Loan bill for this street.

John T Brown

J D Paris.

L Nakapaahu.

Senator Kalauokalani moved that the report be laid on the table to be considered with the Appropriation Bill. Seconded by Senator J. Brown and carried.

Senator Achi reported for the Printing Committee to the effect that Senate Bills Nos. 64, 73 and 74 had been p r inted and were ready for distribution.

Senator Paris reported as follows for the Public Lands Committee on Petition No. 8 from Olaa asking $5 000 for the extension of the Peck Road:

Your committee have carefully considered the same and recommend that the amount asked for be granted.

Your committee have also considered Petition for $10 000 from Olaa to fill the holes on the Volcano road.

Your committee feel that the dangerous holes should be fenced, or filled, but that it is a matter to be left to the discretion of the Road Board.

We therefore recommend that the petition be laid on the table.

J T Brown.

J D Paris.

L Nakapaahu.

Senator J Brown moved the adoption of the report.Seconded by Senator Nakapaahu and carried.

Senator Kaohi moved ~~xxxxxxxxx~~ that the rules be suspended in order to allow him to present a number of petitions from Kohala. Seconded by Senator Baldwin.

There being no objection,the request was granted.

Senator Kaohi presented the following petition:

To the Senate of the Territory of Hawaii:

We the undersigned voters of the Second Voting District of North Kohala,Hawaii,Territory of Hawaii,humbly petition your Honorable body as follows:

I-That the laws regulating the work of the Department of Public Instruction and relating to ~~xhe~~ teaching the school children the English language be amended to the effect that the school children be taught English and Hawaiian in every way so that they may be proficient in the use of both.

2-That all those school teachers who are proficient only in the use of the English and not the Hawaiian language,be dismissed.

3-That Hawaiian be made the principal language of the Ter ritory. (71 signatures)

Senator Kalauokalani moved that the petition be referred to the Committee on Education.Seconded by Senator Russel.

There being no objection,it was so ordered.

Senator Kaohi presented the following petition:

To the Senate of the Territory of Hawaii:

We the undersigned voters of the Second Voting District of North Kohala,Hawaii,Territory of Hawaii,humbly petition your Honorable body as follows:

I-That the matter of the water rights of the people living in that part of the island between Makanikahio and Halawa be looked into and brought to a settled state,said water rights having been established for a long ~~xime~~ period back.

2-These water rights have been taken away from the people and are in the hands of the plantations.

3-The people of the land have been deprived of their rights and have been put to all manner of trouble with respect to their taro

patches,the life of the people.

4-That the government establish a reservoir and lay pipes for the welfare of the people from Makanikahio to Makapala or Halawa.

(72 signatures)

Senator Achi moved that the petition be referred to the Committee on Public Lands.Seconded by Senator Kaohi.

There being no objection,it was so ordered.

Senator Kaohi presented the following petition:

To the Senate of the Territory of Hawaii:

We the undersigned voters of the Second Voting District of North Kohala,Hawaii,Territory of Hawaii,humbly petition your Honorable body as follows:

IThat the law pertaining to the Commissioners of the Road Board be amended in such a manner as to strike out the words" "Commissioners of the Road Board" and insert in place thereof the words "Superintendent of the Road Board."

2-That the Legislature set aside a salary for this officer for the present biennial period.

(73 signatures)

Senator Achi moved that the petition be referred to the Public Lands Committee.Seconded by Senator Kaohi.

There being no objection,it was so ordered.

Senator Russel presented the following petition:

To the Senate of the Territory of Hawaii.

Greeting:

The Ministerial Union of Honolulu hereby petition your Honorable body for the passage of the Dispensary Bill.We appreciate the difficulties in inaugurating a new act and waive any technical objections we have to the bill.

There are many features of the bill we commend;among them the following:

The limitations placed around the traffic in intoxicating liquors by taking away any personal or selfish interests from the salesmen;the prohibition of all attractions and inducements to the purchaser; the feature of local option;the provisions against the resale of

distilled liquors;the safeguards thrown around the trading custom and many other commendable features.

We implore you to pass the bill as we believe it will be an improvement upon the present system,provided the following amendments are made to Section 85.In that section after the word "restaurant" insert the following:"In precincts only where dispensaries are established;"and changing the remainder of ~~xxx~~ line 15 after the word "violating" so as to read "or in any way evading the provisions or intent of this section or act,he shall refuse to," etc.

If your Honorable body shall see ~~fxx~~ fit to so amend this section and pass this bill,we assure you our hearty approval of its passage and cooperation on the enforcement of its provisions.

On behalf of the
Honolulu Ministerial Union,
We remain,
Respectfully yours,

Committee---
- W D Westervelt.
- Wm. M Kincaid.
- G L Pearson.
- Abram E.Cory.
- Theodore Richards.

Senator White moved that the petition be referred to the Committee on Miscellaneous Petitions.Seconded by Senator Russel and carried.

Senator Baldwin presented the following petition:

To the Legislature of the Territory of Hawaii:

Gentlemen-We the residents and taxpayers of the District of Wailuku,Island of Maui,do respectfully petition your Honorable body.

1-That the Pali road of Iao valley,a public highway,and one of great benefit to the people living in the valley and to the public in general,is very much in need of repair or rebuilding.

2-The road above Mrs. Keapo Manukeokeo's to the top of Kaalaholo is overrun and covered with trees and shrubbery,and on each side of the road may be seen cool running rivulets and streams of beautiful waterfalls,making a very attractive place for the tourist or pleasure parties.

3-For years this valley has been the resort where every public holiday has been commemorated,and the public in general have held picnics,giving pleasure to those visiting the spot and benefiting the people of the valley.

4-Through inattention,the road has become unsafe,and it is almost impossible for a vehicle of any kind to travel on it.For this and many other reasons your petitioners pray that an appropriation may be made for the sum of $10 000 for the purpose of carrying out the following improvements:

(a)To change a portion of the old road,near the government reservoir,and rebuild it to a grade,for 1200 feet,to 8 percent incline.

(b)To build three bridges at three different crossings on the way to Kaalaholo.

(c)To widen and improve the road for a distance of about 2 1/2 miles from the government reservoir to Kaalaholo,for which the sum of $10'000 is asked.

And your petitioners will ever pray.

(67 signatures)

Senator Baldwin moved that the petition be referred to the Public Lands Committee.Seconded by Senator Achi and carried.

Senator Achi reported as follows for the Committee on Miscellaneous Petitions on Petitions 17 and 18:

After careful examination of the names in those petitions,we found the most if not all of the names contained in said petitions are voters in this island;a few names appear twice in the list but we believe it was only a mistake and not a fraud;and ,in general, we believe the petitions were procured by people who are interested in the Bill No. 42 and we also believe that most of the voters in this island are opposed to the passage of the said Bill No. 42.

We therefore recommend that the petitions may be laid on the table to be considered with the bill.

W C Achi.

L Nakapaahu.

J B Kaohi.

Senator J Brown moved the adoption of the bill.Seconded by Senator C Brown and carried.

Senator Achi reported further for the same committee on the Senate bill relating to the protection of birds,their nests and eggs, as follows:

Upon careful examination we found that the first section in the bill is imperfect,and it does not carry the meaning of the law;in order to perfect the law we propose that the words "which are caught or killed in the Territory,except as hereinafter provided" may be inserted at the end of the section.

We also found in comparing this law with Section 1475 of the Penal Laws and of enquiring of those people who are familiar with the use of the old law,we found that the seasons stated in Section 1475 are more suitable for the use in this Territory than only one season as stated in this law.

We therefore propose the follwoing Section inserted instead of Section 3.

Sedtion 3-It shall be unlawful to take,kill or destroy ~~any native wild duck~~ migratory wild duck,plover,snipe,turnstone,curlew, stilt or mud-hen,sand-pipers,tattles,rails,coots and gallinules between the first day of May and the fifteenth day of September.

To take,kill or destroy any native wild duck,Hawaiian goose, swans and brant between the first day of February and the fifteenth day of September.

To take,kill ~~any~~ or destroy any quail,or pheasant,wild turkey,~~grouse~~ grouse and prairie chickens,between the first day of March and the fifteenth day of September.

To take,kill or destroy any wild dove,or wild pigeons between the first day of February and the first day of July.

With the above amendments we recommend that the law may be passed.

W C Achi.

L Nakapaahu.

J B Kaohi.

Senator Baldwin moved that the report be laid on the table to be considered with the bill.Seconded by Senator J Brown and carried.

Senator Nakapaahu moved that the rules be suspended. Seconded by Senator Achi.

There being no objection, the request was granted.

Senator Nakapaahu presented the following petition from fifty residents and taxpayers of Koloa, Kauai:

1-To abolish the $2 school tax.

2-To abolish the $2 road tax.

3-To abolish the tax on female dogs of $3.

4-The government to assist the Catholic schools.

5-To abolish the restriction on opium.

6-To make the Koloa landing government property.

7-To allow the Hawaiian language legal status.

8-To make 8 hours a day a legal day's work, to begin at 7 in the morning.

9-To free the practice of administering Hawaiian medicines from all restrictions.

10-To repeal all emigration laws.

11-To stop artesian well boring.

Senator Paris moved that the petiton be referred to the Committee on Miscellaneous Petitions. Seconded by Senator White and carried.

Senator White reported as follows for the Judiciary Committee:

Your Judiciary Committee to whom was referred Senate Bill No. 56 "An Act to reorganize the Judiciary Department, approved the 25th. day of November, 1892, having had the same under consideration, report the same back and recommend its passage.

Wm. White.

G R Carter.

N Russel.

Senator Carter moved the adoption of the report. Seconded by Senator C Brown and carried.

Senator Achi moved that the bill be typewritten and read the third time on Wednesday. Seconded by Senator Kalauokalani.

There being no objection, it was so ordered.

Senator Nakapaahu gave notice of his intention to introduce

the following bill:

"An Act providing for the licensing of tailoring and dress-making establishments in the Territory of Hawaii."

Under suspension of rules, the bill was read the first time by title and referred to the Printing Committee.

Senator Achi reported for the Printing Committee to the effect that Senate Bill No. 78 had been printed and was ready for distribution.

Senator Kaohi gave notice of his intention to introduce the following bill:

"An Act to amend Sections 987 and 989 and repealing Sections 990 and 997 of the Compiled Laws."

Under suspension of rules, Senator Kaohi read ~~his~~ the bill first time by title.

Senator Kalauokalani moved that the bill pass its first reading and ~~that it~~ be referred to the Printing Committee. Seconded by Senator Russel and carried.

Senator Kahilina introduced the following resolution:

RESOLUTION.

Resolved that the pay of the Sergeant-at-Arms, messenger and janitor shall be $7, $5 and $4 respectively.

I H Kahilina,

Senator From Fourth District.

Senator C Brown called the attention of the house to Rule 8 of the Senate rules providing that the pay of no officer shall be raised without a unanimous vote of the Senate. He stated further that he would object to the adoption of the resolution.

On this showing, the chair announced that there was no use in considering the resolution further as there had been one dissenting voice.

Senator Carter introduced the following Concurrent Resolution:

CONCURRENT RESOLUTION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. That the Chairman of the Finance Committee of the House of Representatives and the Chairman of the Ways and Means Committee of the Senate are hereby appointed a Special Joint Committee for the purpose of examining into the special deposits in the Treasury for the redemption of gold and silver certificates issued by the Hawaiian Government.

2. That the Committee hereby appointed shall count said certificates, and also count the coin remaining in special deposit for the redemption of outstanding certificates, and finding same to correspond with the accounts of the Treasurer, the Committee shall give to the Treasurer a voucher setting forth the amounts of both the gold and silver certificates delivered to them, and said Committee shall then, in the presence of the Treasurer, cause said Certificates to be destroyed by burning.

3. The Treasurer, upon receiving such voucher from said Committee, shall cause proper entry to be made in the books of his Department, charging each special deposit with the amounts to correspond with the amounts expressed in said voucher, and the balances brought down shall be the exact amount of coin remaining in each deposit for the redemption of outstanding certificates.

4. All new and unused certificates shall be delivered by the Treasurer to said Committee, who, after giving a voucher for the same to the Treasurer, shall cause same to be destroyed in the presence of the Treasurer by burning.

5. All remaining gold and silver certificates shall be redeemed before December 31, A. D. 1901, and the Treasurer shall cause public notice to be given to that effect. The Treasurer shall, upon redemption of said certificates, cancel same by

perforation and charge the amount of such redeemed certificates to their respective special deposit accounts.

6. The same Committee hereby appointed shall at the same time examine into the accounts of the bonds issued as security to depositors in the Hawaiian Postal Savings Bank, authorized by an Act of the Legislature of the Hawaiian Kingdom, approved August 15, 1888, and as the payment of the amounts due said Postal Savings Bank depositors has been provided for by the Congress of the United States, the Committee shall cause said bonds to be cancelled and destroyed in same manner as provided for in Section 2 of this Resolution, after furnishing the Treasurer with a voucher setting forth the number and the amounts of each bond so cancelled.

7. That said Committee shall, upon completion of the destruction of the gold and silver Treasurer's certificates and the cancelled bonds heretofore issued as security to the depositors of the Hawaiian Postal Savings Bank, report to the Senate and the House of Representatives, respectively.

Senator Russel moved the adoption of the resolution.Seconded by Senator White and carried.

At II:55 o'clock,Senator C Brown moved to take a recess until I:30 o'clock.Seconded by Senator Baldwin and carried.

Afternoon Session.

The Senate met at I:30 o'clock.

Senator Kalauokalani moved that the Senate take a recess until 2 o'clock. Seconded by Senator Kaohi and carried.

The Senate met again at 2 o'clock.

Senator J Brown moved that the rules be suspended in order to allow him to ~~introduce~~ give notice of his intention to introduce a bill. Seconded by Senator Nakapaahu.

There being no objection, the request was granted.

Senator J Brown then gave notice of his intention to introduce the following bill:

"An Act granting a franchise to construct, maintain and operate an electric railway in the District of Hilo, Island of Hawaii, Territory of Hawaii."

Under further suspension of rules, the bill was read the first time by title.

Senator J Brown moved that the bill be not translated until it had been printed. Seconded by Senator Achi and carried.

Senator Carter reported as follows for the Judiciary Committee:

TO THE PRESIDENT OF THE SENATE.

The Judiciary Committee begs to report on Senate Bills No. 47 and No. 48, referred to it on March 23rd, as follows:-

Your Committee finds that Bill No. 47 fixes the compensation to be paid in condemnation pro-ceedings for private property taken for public use, and provides that the returns made for taxation purposes of the two years proceeding shall be the basis of valuation, and that the compensation shall not exceed its assessed value, computed by the number of square feet and 75¢ additional per square foot, with the improvements at 20¢ per square foot.

Your Committee believes that private property required for public use should be obtained at its fair market value, and that the provisions of the above Bill limiting all classes of property to 75¢ additional per square foot and all kinds of improvements to 20¢ additional per square foot, would work great injustice.

They therefore recommend that the Bill be rejected.

Your Committee finds that Senate Bill No. 48 provides for the repeal of the present method of condemning property, which the Committee is not ready to recommend until a better and more suitable Act is prepared, and they therefore recommend that the Bill be tabled.

Wm. White,
N Russel.
G R Carter.

Senator White moved the adoption of the report.Seconded by Senator Kachi and carried.

Senator Carter reported further for the same committee as follows:

TO THE PRESIDENT OF THE SENATE.

The Judiciary Committee, to whom was referred House Bill No. 13 on March 20th, begs to report as follows:

The Committee finds this Bill simply repeals certain obsolete laws which now encumber the Statutes and are without force and effect, such as: "An Act to Promote Inter-Island Steamer Communication;" of the Session Laws of 1876; "An Act to Provide for the Lighting of the City of Honolulu with Gas or other Artificial Means," contained in the Session Laws of 1878;" "An Act Granting Franchise to Hamakua Water Works;" in the Session Laws of 1878; etc., etc.

The Committee recommends the passage of the Bill, with the following amendment:

Add to Section 1, line 30, the following: "And Sections 1617, 1618 and 1619 of the Penal Laws relating to forest roads."

Wm.White.
G R Carter.
N Russel.

Senator C Brown moved the adoption of the report.Seconded by Senator White and carried.

Senator C Brown moved that the bill be typewritten and read the third time on Thursday.Seconded by Senator Carter and carried.

Senator Carter reported further for the same committee as follows:

TO THE PRESIDENT OF THE SENATE.

The Ways and Means Committee begs to submit the following report on Senate Bill No. 75, referred to them on April 9th.

Your Committee finds that Section 808, Chapter 59, of the Civil Laws has already been repealed by Act 14 of the Laws of 1898.

Section 806, Chapter 59, provides for a poll tax of $1.00 upon every male inhabitant of the Territory, the collection of which could formerly be enforced by imprisonment. Under the Organic Act this is now prevented, and as a large portion of the floating population of this Territory would evade the tax, the Committee is in favor of repealing the same.

However, your Committee recomends that the Bill be rejected, and the introducer requested to bring in a new Bill relating to the poll tax alone.

Wm. White.
G.R. Carter.
N. Russel.

Senator C Brown moved the adoption of the report of the committee. Seconded by Senator Carter and carried.

Senator Achi moved to suspend the rules. Seconded by Senator Kalauokalani and carried.

Senator Achi then gave notice of his intention to introduce the following bill:

"An Act to provide for a steam railway in Kona and Kau, Island of Hawaii."

Senator Achi asked to be allowed to read the bill by title.

There being no objection, the request was granted.

Senator Achi moved that the bill take its usual course. Seconded by Senator J Brown.

There being no objection, it was so ordered.

Senator Kalauokalani reported as follows for the Printing Committee:

Your Committee on Enrollment presented to Governor Dole, duly enrolled, House Bill No. 9, entitled

"An Act to repeal Sections 922, 925 and the second paragraph

of Section 924,Part V,Chapter 59 of the Penal Laws as compiled in 1897, relating to vaccination,"and also

House Bill No. 5,entitled

"An Act to amend Section 914,Chapter 59 of the Penal Laws,"

"at the hour of 2 o'clock p.m.,this 9th. day of April,A.D.,1901.

D.Kalauokalani.

Senator Achi moved that the report be accepted.Seconded by Senator J Brown and carried.

Senator Achi moved to suspend the rules in order to introduce a resolution.Seconded by Senator Baldwin.

There being no objection,the request was granted.

Senator Achi then introduced the following resolution:

RESOLUTION .

Resolved that Bill 24 be taken off the table.

Senator Achi moved the adoption of the ~~bill~~ resolution. Seconded by Senator J Brown and carried.

Senator Achi moved that the bill be read the second time on Wednesday on the order of the day.

There being no objection, it was so ordered.

Senator Kamoha arose on a question of privilege and read the following ~~complaint~~: communication.

Hon. S E Kaiue,

President of the Senate.

I beg to complain to this Honorable body,that I have good reasons to believe that my name has been fraudulently used by one L B Hao in circulating a petition "now before this Honorable body" against the Dispensary Act,and presented by Senator White yesterday ~~xxxx~~ in this House.Two individuals,R H Holbron and Mose Mae, who signed their names to the said petition,are willing to swear that they were fraudulently represented in signing said petition by the statements made by said L B Hao that the Dispensary Act was directly against the consuming of liquor by any person or individual;and that I presented the petition to L B Hao for signatures,and that I recommended them to sign the petition.Therefore I humbly ask this Honorable body for an investigation of this serious matter,especially agaainst my honor,reputation,and the

interest of the people.

David Kamuha.

Senator From Third District.

Senator J Brown moved that the petition be laid on the table. Seconded by Senator White.

Senator Russel moved to amend to the effect that the complaint be referred to the Committee on Miscellaneous Petitions. Seconded by Senator Kamuha.

The chair put the motion to lay on the table which carried.

Senator J Brown moved to suspend the rules.

There being no objection, the request was granted.

Senator J Brown then introduced the following resolution:

RESOLUTION.

Resolved that the bill 27 be taken off the table.

Senator C Brown seconded the resolution. ~~Lost.~~ The chair declared the motion lost.

Senator Carter called for a standing vote.

The chair stated that the resolution had been adopted.

Senator Carter moved that the consideration of Senate Bill No. 27 be deferred to be taken up ~~for~~ at the same time as Senate Bill No. 72. Seconded by Senator C Brown and carried.

Second reading of Senate Bill No. 31 relating to the establishment of a high school and conservatory of music under the Department of Public Instruction at Hilo.

Senator Baldwin moved the following amendments:

Amend the title by inserting before the words "High School" the word "Territorial".

Amend Section I after the words "Hawaii a" and before "High School" insert the word "Territorial."

The amendments were sedonded by Senators Russel and J Brown. Carried.

Senator J Brown moved that the bill pass second reading as amended, Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani moved that the bill be typewritten and read the third time on Thursday. Seconded by Senator Baldwin and carried.

Second reading, by title, of ~~Senate~~ House Bill No. 41.

~~Senator~~

Senator C Brown moved that the bill be referred to the Public Lands Committee.Seconded by Senator Kalauokalani and carried.

Second reading,by title,of House Bill No. 42.

Senator Baldwin moved that the bill be referred to the Public Lands Committee.Seconded by Senator C Brown and carried.

Second reading,by title,of House Bill No. 6I.

Senator C Brown moved that the bill be referred to the Committee on Public Health and Education.Seconded by Senator White and carried.

Second reading,section by section,of Senate Bill No. 63.

Senator C Brown moved that the bill be amended according to the report of the committee to whom it was referred by substituting the word "person" for "citizen" in the first line of Section I.Seconded by Senator Achi and carried.

Senator C Brown moved to amend further by inserting in Section I after the words "owned and" the word "actually".Seconded by Senator Baldwin and lost.

Senator White moved that the bill pass its second reading as read with the exception of the amendment recommended in the report. Seconded by Senator Kalauokalani.

Senator C Brown moved to amend further by striking out the words in SectionI I "and every species of forced sale" and inserting after the word "from" and between "execution" the word "levy" and after the word "execution" the word "and".

At 4 o'clock,Senator Carter moved to adjourn until I0 o'clock Wednesday morning.Seconded by Senator Baldwin and carried.

Edgar Caylless

Clerk of the Senate.

Approved by the Senate:

.....

President of the Senate.

JOURNAL OF THE SENATE.

Forty-First Day.

Wednesday, April 10th., 1901.

In the Senate.

Territory of Hawaii.

Forty-First Day.

~~Morning Session~~.

Wednesday, April 10th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called showing Senators C Brown, Carter, Crabbe, Kanuha, Paris and White absent.

The journal of the previous day was read and, on motion of Senator Kaohi, seconded by Senator Nakapaahu, approved as read.

The clerk read a communication from the House transmitting House Bill No. 69 which passed third reading in the House on the 9th. inst.

Senator Kalauokalani moved that the bill pass its first reading. Seconded by Senator ~~Carter~~ J Brown and carried.

Senator Russel moved that the rules be suspended in order to allow him to read a petition. Seconded by Senator Carter.

Senator White moved to amend ~~to the effect~~ that all the petitions be read under the same suspension of rules. Senator Russel accepted the amendment and the motion carried.

Senator Russel presented the following petition:

The Protective League of Honolulu in Session April 9, 1901, authorized the undersigned officers of the League to petition your Honorable body concerning the passage of the Dispensary Bill now under consideration:

We recognize the very many excellent features of this bill and shall rejoice if it shall become an Act, with certain changes, which you may have decided upon already, but which we would like to emphasize,

1. That the manufacture of vinous and malt liquors as mentioned in section 1 be placed under restrictions similar to those applying to distilled liquors.

2. That section 25 be guarded against increasing the number of restaurants or so-called hotels and also that the Board of Control or manager be authorized to refuse to sell to restaurants and hotels of unfit character, and also that manifest evasions of the provisions or intent of the Act be punished.

3. That section 43 be so changed as to permit all women who are citizens of the United States and residents of the precinct to vote. Two days' registration before the day set for balloting might be advantageous.

4. That in section 43 such changes be made as shall obviate the difficulty of securing a majority vote when four propositions are considered at one time. Perhaps the word "plurality" would answer or the vote might be taken on each proposition separately.

5. A vital point in section 43 is found in lines 41 and 44, where the words are used "majority of persons entitled to vote" or "people entitled to vote." There is the difficulty that a portion of the voters may not present themselves and the majority or plurality of the votes cast would not be a majority of the people entitled to vote "in the district." The words "entitled to vote" might be stricken out and the word "voting" be inserted in each line (41 and 44).

6. The manager of intoxicants should be a man of large ability and should be worth a larger salary than $3500 for the first two years and $2500 thereafter. We would suggest $2000 increase on each proposition.

7. The Board of Control will have a large amount of work we would suggest that a salary of $1000 should be granted to each of its members.

That a bill of so great importance should need some changes is self-evident. But that this can be done without sacrificing a single essential point in th ebill as it stands is also evident. We therefore ask any doubting members of your body to give this bill favorable consideration and aid in so perfecting its provisions that it may accomplish its good work for this Territory. We would ask that the consideration of this bill be not put into the hands of a commission as was done in 1895, but that the measure be made a law and tested by its results.

In behalf of the Protective League of Honolulu,

We remain your petitioners,

W. A. BOWEN,
President of the Protective League of Honolulu.

DAN H. CASE,
Secretary of the Protective League of Honolulu.

Senator White moved that the petition be referred to the Committee on Miscellaneous Petitions. Seconded by Senator Russel and carried.

Senator White xxxxxxx presented the following petition from taxpayers of the District of Kula, Maui:

To the Legislature of the Territory of Hawaii:

We the undersigned citizens living in the District of Kula, and taxpayers of the Island of Maui, respectfully petition that an appropriation of Seven Thousand Five Hundred Dollars ($7 500) be set aside for the payment of expenses of and laying of xxxxx pipes and the bringing of water from a water hole on the government land of Kamaole, called

Polipoli,to the government road at Kula,Maui,and that the said water be conveyed for the use of the public.

In the session of the Legislature of A.D.,1892,an appropriation of $4 000 was set apart,and said amount not being enough,was not carried out,and for that reason we now ask for a larger appropriation,and we shall ever pray that our petitions may be granted, because in the sunny months we,were greatly pilikia for water for drinking and so forth.

We are humbly yours:

(50 signatures)

Senator White moved that the petition be referred to the Public Lands Committee.Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani reported for the Printing Committee to the effect that Senate Bill No 62 had been printed and was ready for distribution.

Senator Kanuha reported as follows for the Committee on Ways and Means on Senate Bill No. 72:

The bill provides for three classes of merchandise licenses:

1-For jobbers or wholesalers;

2-Retail licenses and

3-A peddler's license;

each class paying a flat rate per annum as follows:The first class $150;the second $75,and the third $37.50.

Your committee believes that the distinction of three classes might perhaps be wise,but that the small flat rate provided works injustice upon the small merchant,and greatly in favor of the large and prosperous houses.

It,therefore,recommends that the bill be rejected,and again recommends the passage of the Senate bill No. 27,reported and amended, but tabled on March 13th.

David Kanuha.

G R Carter.

I concur with the majority report in regard to the bill No. 72 but I do not concur in regard to Bill 27 and recommend the rejection of both.

Nicholas Russel.

Senator C Brown moved that the report be received,placed on the table and taken up with Senate Bills Nos. 72 and 27.Seconded by Senator J Brown and carried.

Senator Achi reported as follows for the Committee on Miscellaneous Petitions to whom was referred Petition No. 22:

The petition was signed by five gentlemen of good standing in this city;the argument in this petition we submit is merged in the report introduced by Senator Russel in regard to Bill No. 42.

We therefore recommend that the petition may be laid on the table to be considerdd with the bill.

W C Achi.

L Nakapaahu.

J B Kaohi.

Senator J Brown moved the adoption of the report of the committee.Seconded by Senator C Brown and carried.

Senator Achi reported further for the same committee on Petition No. 24:

HON. SAM E. KAIUE,

President.

SIR:-

Your Committee on Miscellaneous Petitions to whom was referred Petition No. 24 respectfully report as follows:

1st: The first Three Petitions relating to Poll, School and Road Tax are already decided by this Senate on April 9, by adoption the Report of the Committee of Ways and Means in regard to Bill No. 75.

2nd: The Petition 4th to wit: "The Government to assist the Catholic Schools".

This request we submit is contrary to the Provisions of Section 55 of the Organic Act.

3rd: "To abolish the restriction on opium", We submit according to the Decision of the First Judge of the First Circuit, there is no more restriction on opium except the provisions in the Laws of the Federal Government.

4th: The Petitions 6, 7, 8 and 9 require that Laws may be passed in order that the requests in said Petitions may be done; We therefore recommend that the Introducer of the Petition may be asked to introduce necessary Laws.

5th: "To repeal all immigration Laws." We submit the Legislature of the Territory has no right to repeal the Immigration Laws of the Federal Government.

6th: "To stop all artesian well boring";

We believe the signers of this Petition do not understand the benefit this country have through boring artesian wells and we submit if this request is granted by the Legislature it will be against the progress of the country.

We therefore recommend that this Petition may be laid

on the table.

Respectfully submitted,

W C Achi.

L Nakapaahu.

J B Kaohi.

Senator C Brown moved the adoption of the report of the committee.Seconded by Senator Achi and carried.

Senator White gave notice of his intention to introduce "An Act to amend Section 9I of Act 64 of the Session Laws of I896,entitled "An Act to amend,add to and consolidate the Laws"relating to certain licenses and to repeal the following laws,"viz.," approved the I2th. day of June,A.D.,I896.

Senator White asked leave to read ~~his~~ the bill the first time by title.

There being no objection,the request was granted.

Senator White moved that the bill pass its first reading and that it be referred to the Printing Committee.Seconded by Senator Kahilina and carried.

Senator Achi gave notice of his intention to introduce"An Act to encourage the cultivation of taro."

Senator Kaohi moved to reconsider the resolution relative to the raising of the pay of the sergeant-at-arms,the messenger and janitor of the Senate.Seconded by Senator White.

The chair ruled that the resolution was not in proper form to be brought forth for the consideration of the Senate and that it would be postponed until such time as it should be introduced in due form.

Senator Nakapaahu presented the following resolution:

Be It Resolved by the Legislature of the Territory of Hawaii:

I-That the sum of $4500 be set aside for the grading and macadamizing of the road from Waimea,Kauai,to the pali road at Kaneohia, Hanapepe.

2-That the sum of $2 000 be set aside for the road from Waimea to Polihale,in Mana,District of Waimea,Kauai.

3-That the sum of $500 be set aside for the roads in Niihau, District of Waimea.

4-That the sum of $15 000 be set aside for the building of a breakwater at Waimea.

L Nakapaahu.

Senator Baldwin moved that the resolution be referred to the Public Lands Committee.Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani reported as follows for the Committee on Enrollment:

Your Committee on Enrollment presented to Governor Dole duly enrolled House Bill No. 8,entitled

"An Act to appropriate an Emergency Fund to be used in repairing the damage caused by the late storm",at the hour of II o'clock a.m. this 10th. day of April,A.D.,1901.

D.Kalauokalani.

Senator Kalauokalani reported further for the same committee as follows:

Your Committee on Enrollment presented to Governor Dole duly enrolled Senate Bill No. 28,entitled

"An Act to prohibit the unlawful wearing of the badge of the Grand Army of the Republic" and also

Senate Bill No. 33,entitled

"An Act to protect laborers and employes from extortion"

at the hour of II o'clock a.m. this 10th. day of April,A.D., 1901.

D Kalauokalani.

Senator Achi moved the suspension of the rules in order to allow him to read first time by title ~~his~~ the bill to encourage the cultivation of taro.Seconded by Senator J Brown.

There being no objection,the request was granted.

Senator Achi moved that the bill pass its first reading and be referred to the Printing Committee.Seconded by Senator Baldwin and carried.

Second reading of Senate Bill No. 63.

Senator C Brown moved that the bill be referred to a special

committee of three members with the President as ex-officio chairman of the committee.Seconded by Senator Achi and carried.

The chair appointed the following committee according to the terms of this motion:Senators C Brown,Wm White and Achi.

Third reading of Senate Bill No. 7,relating to the concealment of the death of a newly born child.

Senator White moved that the bill pass its third reading.Seconded by Senator C Brown and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Kahilina, Kaiue,Kalauokalani,Kaohi,Nakapaahu,Paris,Russel and White.....I3.

Noes:.....0.

In doubt:Senator Kanuha.....I.

Absent:Senator Crabbe.....I.

Third reading of Senate Bill No. I7 relating to the ~~exempt~~ protection of places of sepulture.

Senator White moved that the bill pass its third reading. Seconded by Senator Kalauokalani and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Kahilina, Kaiue,Kalauokalani,Kanuha Kaohi,Nakapaahu,Paris,Russel and White.....I4.

Noes.....0.

Absent:Senator Crabbe.....I.

Third reading of Senate Bill No. 2I relating to the criminal conduct of an officer with a prisoner in charge.

Senator White moved that the bill pass its third reading. Seconded by Senator Kalauokalani and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown, Carter,Kahilina, Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White...I4.

Noes.....0.

Absent:Senator Crabbe.....I.

Third reading of Senate Bill No. 23 relating to the illegal ~~re~~ marking of live stock.

Senator Kalauokalani moved that the bill pass its third ~~read-~~ ~~ing~~.

reading.Seconded by Sena tor White and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Kahilina, Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White.....I4.

Noes.....0.

Absent:Senator Crabbe.....I.

At II:50 Senator Kalauokalani moved to take a recess until 2 o'clock.Seconded by Senator Nakapaahu and carried.

Afternoon Session.

The Senate met at 2 o'clock.

Third reading of House Bill No. 40 relating to the employment of minors in places where intoxicating liquors are sold.

Senator Kalauokalani moved that the bill pass its third reading.Seconded by Sehator Kahilina and carried ~~on~~ by the following ~~showing~~ vote ~~of~~ by ayes and noes.

Ayes:Senators J Brown,Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White.....IO.

Noes.....0.

Absent:Senators Achi,Baldwin,C Brown,Carter and Crabbe.....5.

Third reading of Senate Bill No. 76 relating to the making of a temporary appropriation for the Board of Health.

Senator Kalauokalani moved that the bill pass its third reading.Seconded by Senator Kalauokalani and carried ~~on~~ by the following ~~showing~~ vote ~~of~~ by ayes and noes:

Ayes:Senators C Brown,J Brown,Kahilina,Kaiue,Kalauokalani, Kanuha,Kaohi,Nakapaahu,Paris,Russel and White.....II.

Noes.....0.

Absent:Senators Achi,Baldwin,Carter and Crabbe.....4.

Third reading of Senate Bill No. 59 relating to sending of American youths to the United States to be educated.

Senator Kaohi moved that the bill pass its third reading.Seconded by Senator Nakapaahu and carried ~~on~~ by the following ~~showing of~~ vote by ayes and noes:

~~Ayes:~~

Ayes:Senators Baldwin,J Brown,Kahilina,Kaiue,Kalauokalani, Kanuha,Kaohi,Nakapaahu,Paris,Russel and White.....II.

Noes:Senator Carter.....I.

In doubt:Senator C Brown .....I.

Absent:Senators Achi and Crabbe.....2.

Second reading of House Bill No. 57 relating to cases of absence,disqualification and vacancy in the offuces of Circuit Judges.

Senator C Brown moved that the bill be referred to the Judiciary Committee.Seconded by Senator Baldwin and carried.

Second reading of House Bill No. 70 relating to the use of the English and Hawaiian languages in the practice of the Circuit Courts of the Territory of Hawaii.

Senator C Brown moved that the bill be referred to the Judiciary Committee.Seconded by Senator Baldwin and carried.

Third reading of Senate Bill No.56 relating to the reorganization of the Judiciary ~~Committee~~ Department.

Senator Kalauokalani moved that the bill pass its third reading.Seconded by Senator Kaohi and carried ~~on~~ by the following ~~showing~~ vote ~~of~~ by ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Kahilina, Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahi,Paris and Russel.....,13.

Noes:.....0.

Absent:Senators Crabbe and White.....2.

Second reading of Senate Bill No. 24 relating to poll tax.

Senator J Brown moved that the bill pass second reading.Seconded by Senator Nakapaahu

Senator C Brown moved that consideration of the bill be deferred until such time as the committee having the matter of the tax laws of the country in its hands shall have reported.Seconded by Senator Baldwin.

Senator Russel moved the previous question.Seconded by Senator Kalauokalani and carried.

The motion to defer consideration was put and lost.

The motion of Senator J Brown to the effect that the bill pass its second reading was put and carried.

Senator Achi moved that the bill be typewritten and read the third time on Saturday.Seconded by Senator White.

There being no objection,it was so ordered.

The following communication from the Secre tary of the Territory was read:

Hon. S E Kauue,

President of the Senate.

Sir:'

I have the honor to inform you that the Governor has this day signed Act 2 entitled "An Act relating to the criminal jurisdiction of District Magistrates and amending Section I of Act 40 of the Laws of I896 and Section II of Chapter LVII of the Laws of I892."

I sm,

Sir,

Very respectfully yours,

Henry E Cooper,

Secretary of the Territory.

Second reading,by title,of Senate Bill No. 62.

Senator Carter moved that the bill be referred to the Committee on Education.Seconded by Senator Achi and carried..

Second reading,by title,of Senate Bill No. 7I.

Senator Achi moved that consideration of the bil I be deferred until Thursday.Seconded by Senator Carter and carried.

Second reading,by title,of Senate Bill No. 78.

Senator C Brown moved that the bill be refer red to the Judiciary Committee.Seconded by Senator Baldwin and carried.

Second reading,by title,of Senate Bill No. 64.

Senator Baldwin moved that the bill be referred to the Committee on Military.Seconded by Senator Kalauokalani and carried.

Second reading,by title,of Senate Bill No. 73.

Senator Achi moved that the bill be referred to the Committee on Ways and Means.Seconded by Senator Kalauokalani and carried.

Second reading,by title,of Senate Bill No. 74.

Senator Achi moved that the bill be referred to the Committee on Public Health.Seconded by Senator Kalauokalani.

Senator Carter moved that the bill be referred to the Committee on Ways and Means. Seconded by Senator Baldwin and carried.

At 3:50 o'clock, Senator White moved to adjourn. Seconded by Senator Achi and carried.

Edgar Coppless
.....
Clerk of the Senate.

Approved by the Senate:
S E Laine
.....
President of the Senate.

JOURNAL OF THE SENATE.

Forty-Second Day.

Thursday, April 11th., 1901.

In the Senate,

Territory of Hawaii.

Forty-Second Day.

~~Morning Session.~~

Thursday, April IIth., I90I.

The Senate met, pursuant to adjournment, at IO o'clock. After prayer by the chaplain, the roll was called, showing Senators Achi, C Brown Baldwin, Carter and White absent.

The journal of the previous day was read and, on motion of Senator Kalauokalani, seconded by Senator J Brown, approved as read.

Senator Kalauokalani reported, for the Printing Committee, ~~to the effect~~ that Senate Bills 60, 67 and 68 had been printed and were ready for distribution.

Senator C Brown presented a petition from the Chamber of Commerce of Honolulu against the Dispensary Bill.

Senator C Brown moved that ~~the clerk read~~ the petition, the read and ~~that the same be~~ referred to a committee. Seconded by Senator White.

There being no objection, the clerk ~~was instructed to~~ read the petition, ~~which,~~ with the accompanying communication, ~~was~~ as follows:

Hon. S E Kaiue, President of
the Senate,
Territory of Hawaii.

Dear Sir:

I have the honor to enclose herewith a copy of resolutions passed at the regular monthly meeting of the Honolulu Chamber of Commerce, this day.

Very respectfully,
Your obedient servant,
James Gordon Spencer,
Secretary Honolulu Chamber
of Commerce.

Honolulu, H.T., April IOth., I90I.

Whereas; A bill is now under consideration in the Senate, known as the Dispensary Bill, having for its object the creation of a government monopoly of the sale of liquors and other intoxicants within the Terri-

Territory of Hawaii, and the abolition of the present high license ~~system~~ system;

Whereas; Such legislation would be radical in character; to a great extent experimental, and not anticipated by the electors;

Resolved ~~that~~ in the opinion of this Chamber, it is desirable before placing such a law upon the Statutes of this Territory to obtain all available literature bearing upon the subject; that the whole question be carefully considered in the light of facts so obtained, and that, therefore, it is expedient to defer action upon the measure until such time as the question can be brought more directly before the electorate.

Resolved That, ~~the~~ in the event of the passage of the bill, a clause be inserted providing that it shall not go into effect, until it has been approved at a general election of the people.

Resolved That copies of this resolution be forwarded to both Houses of the Legislature now in session.

The foregoing is a correct copy
of Resolutions, passed at the
regular meeting of the Honolulu
Chamber of Commerce, this day.
Honolulu, April 10th., 1901.

James Gordon Spencer.
Secretary.

Senator Kalauokalani moved that the petition be referred to the Committee on Miscellaneous Petitions.Seconded by Senator Kahilina.

Senator ~~Carter~~ Brown accepted the amendment.

There being no objection,the chair announced that the petition would be referred to the committee named by Senator Kalauokalani.

Senator Kalauokalani reported for the Printing Committee ~~to the effect~~ that Senate Bill 64 had been printed and was ready for distribution.

Senator Paris reported as follows for the Public Lands Committee on Senate Bill 41:

Your committee find the bill provides that the Superintendent of Public Works shall name all streets,roads and lanes in the District of Honolulu,and that the names desired by the residents of any street shall have the preference.

Your committee would recommend in Section 1,line 6,before the word " residence",insert the words "majority of the",so it would read"majority of the residents".

Section 2 provides that names of streets may be changed by petition of the residents.

Your committee feel that when once the names of any street have been established and known to the public it should not be changed, as it creates confusion.

We therefore recommend that this section be stricken out,and the sections in the bill be numbered to conform to these changes.

With these changes,we recommend the bill pass.

John T Brown.

J D Paris.

L Nakapaahu.

Senator Baldwin moved that the report be laid on the table to be taken up with the bill.Seconded by Senator Carter and carried.

Senator Carter reported as follows for the Military Committee to whom was referred Senate Bill 64 relating to taxes:

This bill exempts from poll, road and school tax all who have five or more living children and will therefore be of assistance to the poor.. It will, to a certain limited extent, encourage large families and there can be no objection to the bill. Your committee therefore recommends the passage of the bill.

D.Kanuha.

G R Carter.

I H Kahilina.

Senator Baldwin moved the adoption of the report.Seconded by Senator Achi.

Senator Kalauokalani moved to lay the report on the table to be considered with the two other measures bearing on the same subject. Seconded by Senator Baldwin and carried.

Senator Carter reported as follows, for the minority of the Judiciary Committee, on Senate Bill 58, which regulates the method of foreclosing chattel mortgages with their priority and limitations:

The minority of your committee believes that all questions of credit and security are delicate matters and should be treated with great care.

In this bill, section 1 makes the owner of a chattel mortgage prove by extraneous evidence that it is legal, notwithstanding its execution and delivery. The general presumption of law is, that a document executed under seal is legal, and the onus to prove otherwise is on the person alleging fraud or illegality.

Section 2 presumes that the County Law is in existence, or will be passed, which, if it should fail through any cause, will render this section useless.

Section 3 makes a chattel mortgage good for two years, and yet it may be extended for another year by its provision of a thirty days' notice. Should this time inadvertently expire, would not the mortgage be valueless and the money lost?

The balance of the Act provides the procedure on foreclosure, and your committee believes that the Act, if passed, will destroy the little value that is already generally felt to exist on such kinds of security, and thus work a hardship upon the poorer classes, who usually possess only chattels to offer as security for the small sums that are sometimes absolutely necessary for them to borrow.

The minority of your committee recommends that the bill be tabled. G. R. CARTER.

Senator C Brown moved that the report be laid on the table to be considered with the report of the majority of the committee:Seconded by Senator White.

There being no objection, it was so ordered.

Senator Carter reported for the Judiciary Committee on Senate Bill 55 and Senate Bill 70:

Senate Bill No. 55 reorganizes the Judiciary Department only in respect to the terms of the Circuit Courts and where they shall be held. The dates are changed to suit the convenience of the department as follows:

In the First Circuit, in Honolulu, the present law provides for a term in February, May, August and November. This bill provides for a term in January, May and Sptember.

In the Second Circuit the present law provides for a term at Wailuku in June and at Lahaina in December. This bill provides for two terms in April and November both to be held at Wailuku.

The present law provides for a term in the Third Circuit at Kailua, North Kona in April, and at North Kohala in October. This bill provides for one term at Kailua in July and one in North Kohala in December.

The present law provided for a term in the Fourth Circuit at Hilo in January and Honokaa in July. This bill provided for the increased business of this circuit and makes three terms, in February, June and October at Hilo only.

The present law provides for two terms in the Fifth Circuit in March and September, at Lihue, Kauai. This bill provides for the same number of terms at Lihue but in April and November.

This bill also provided that the term in the First Circuit, Honolulu, and the Fourth Circuit, Hilo, may be continued in the discretion of the court to the day fixed for the commencement of the succeeding term or may be adjourned during the term without day, provided notice of adjournment is announced in open court three days before the time fixed for such adjournment.

The bill meets with the approval of all the judges of the Judiciary Department, and will greatly facilitate the work of the Circuit Courts which has so materially increased within the last two years.

Your committee recommends the following amendment:

In Section 1, line 9, strike out the following words: "In the District of North Kohala."

This amendment is offered in the belief that Kailua, N. Kona, is more centrally located, and is in accordance with the other new locations provided by the bill.

Your committee recommends the passage of the bill with the amendment.

Your committee finds that Senate bill 70 is identical with Senate bill 55. and, therefore, unnecessary and should be indefinitely postponed.

G R Carter.

Nicholas Russel.

Senator C Brown moved that the report be laid on the table to be considered with the bill.Seconded by Senator Carter.

Senator Kalauokalani moved that the report be laid on the table until such time as the minority of the committee should present its report.Seconded by Senator White,

Senator Russel moved the previous question.Seconded by Senator Carter.

The chair put the motion of Senator Kalauokalani to lay the report on the table pending the report of the minority of the committee which carried.

Senator Paris reported as follows for the Public Lands Committee to whom was referred Senate Bill 42:

Your committee find that the bill provides for numbering the houses and lots in the District of Honolulu.

Your committee find in Section I the word "Superintendent" is used which should be "Superintendent of Public Works".We therefore recommend the words "of Public Works" be inserted in line one of Section I after "Superintendent",

We also consider the time is too short and in Section 3 line 3 that the word "sixty" be inserted instead of "thirty".With these changes we recommend that the bill pass.

J T Brown

J D Paris.

L Nakapaahu.

Senator C Brown moved the adop tion of the report.Seconded by Senator Paris and carried.

Senator C Brown reported as follows for the special committee to whom was referred an"Act to exempt from execution,attachment and every species of forced sale the homestead of a householder having

a family".

It is the opinion of this Committee that the Bill in its present form will have directly an opposite effect than that which the introducer wanted and believed he would obtain by the passage of the Bill.

For the purpose of making this law so that it will be a benefit, your Committee recommend the following amendment:

1st. They recommend that the title be as follows: "An Act to exempt from attachment, levy and execution the homestead of a householder having a family and actually occupied, to the value of Three Thousand Dollars."

2nd. Section 1 they recommend be amended so that it will read as follows:

"Every person of this Territory being a householder and having a family shall be entitled to hold exempt from attachment, levy and execution the land and buildings owned and actually occupied as a residence by him or her, but the value thereof inclusive of improvements shall not exceed the sum of Three Thousand Dollars, provided however, that this exemption shall not operate against the claims of

mechanics, material men and others for labor performed or material furnished in the erection, improvement, or repair of any building constituting a part of said homestead, nor for any money loaned on said homestead which may have been secured by mortgage.

3rd. They recommend that Section 2 of said Act be amended by striking out the words"Three Thousand Five Hundred Dollars" wherever they occur in said Section, and inserting in their place the word "Three Thousand Dollars."

4th. They recommend that Section 3 be amended so that it shall read as follows:

"Section 3. The sum of Three Thousand Dollars realized from the sale of exempt property as provided in the preceding Section shall be exempt from garnishment, attachment and levy and execution for the period of six months computed from the day upon which the same shall have been paid to the person thereto entitled, or to his heirs, personal representatives or assigns."

With these amendments your Committee recommend the passage of the Bill.

Honolulu, April 11th., 1901.

Respectfully Submitted

Cecil Brown.
W. C. Achi.

And the undersigned minority of said committee now comes and says that he advises that said bill do pass without amendment.

Jno. White.

Senator J Brown moved to adopt the report of the minority. Seconded by Senator Kahilina.

Senator Achi moved to lay the report on the table to be considered with the bill.

Senator C Brown moved to amend the motion of Senator J Brown to the effect that the report of the majority of the committee be adopted. Seconded by Senator Achi.

Senator White moved the previous question. Seconded by Senator Carter.

There being no objection, it was so ordered.

The chair put the motion to adopt the majority report which was lost.

The chair then put the motion to adopt the minority report which carried.

Afternoon Session.

The Senate met at 2 o'clock.

The chair announced that consideration of Senate Bill 63 was still before the Senate ~~house for disposition~~.

Senator J Brown moved that the bill be typewritten and read the third time on Saturday. Seconded by Senator Kahilina and carried.

The Sergeant-at-Arms announced ~~a~~ messages from the Governor and the Secretary of the Governor then presented the meesages to the President.

The clerk read ~~the first~~ as follows:

MESSAGE FROM THE GOVERNOR-

To the Legislature of the Territory of Hawaii:

In my message at the beginning of the present session of the Legislature, I called attention to the probability that the government would be out of funds several months before ~~rex~~ the relief suggested in regard to the return of advances from current to loan funds should be afforded by the Legislature,

Even if the course suggested should be followed, it is not ~~the~~ likely that arrangements could be made in time for the relief suggested. I therefore recommend legislation that shall provide for the payment of property taxes in two instalments whereby the difficulty referred to would be at least partially removed.

I have recommended in the additional estimates submitted herewith, the appropriation of Six Thousand Dollars for the purchase of a piece of land in Nuuanu vallay, 22.93 acres in extent which takes in about two-thirds of the site of the large reservoir. This land is held by the government under a lease which contains an agreement that the government may purchase the land at any time before the expiration of the term of the lease for the consideration of $6000.

~~$6000~~. In view of the recent case of bubonic plague in Honolulu, the recommendation for an appropriation of $10,000 for additional health inspectors and possible emergency needs in sanitary matters, assumes special importance.

"I refer a petition and accompanying accounts, forwarded to me from the Quarantine Wharf Committee of the Honolulu Chamber of Commerce, to the Legislature for its consideration and action.

"SANFORD B. DOLE.

"Executive Chamber, April 9, 1901."

The clerk then read the following message from the Governor:

To the Legislature of the Territory of Hawaii.

I herewith submit to your Honorable ~~xxxix~~ body the following estimates for appropriations for the succeeding biennial period.

Sanford B Dole.

Executive Chamber,

April 9th.,1901.

Current Expenses.	
Printing & Advertising, Governor's office .....$	500.00
Printing reports, R. Grieve Pub. Co., Ltd., (bill).....	130.16
Printing reports, Haw. Gaz. Co., (bill)	31.75
Clerical assistance to Adjt-Gen'l	1,200.00
Printing, Advertising and Incidentals, Adjt-Gen'l	300.00
Repairs of school buildings, (left out of estimate by oversight)	5,000.00
Purchase of 22.93 acres of land in Nuuanu Valley, Reservoir site	6,000.00
Aditional Inspectors & Emergency requirements, Board of Health	10,000.00
Total ....$	22,661.91

Senator C Brown moved that the extra expenditures submitted with the message be referred to the Committee on Ways and Means. Seconded by Senator J Brown and carried.

The clerk then read the following petition ~~which~~ which was submitted with the messages of the Governor:

PETITION AND STATEMENT FROM THE QUARANTINE WHARF COMMITTEE OF THE HONOLULU CHAMBER OF COMMERCE.

Honolulu,H.I.,Feb. 18th.,1901.

To the Governor of the Territory of Hawaii.

Dear Sir:

Enclosed find the financial statement of the

Quarantine Wharf Committee of the Honolulu Chamber of Commerce, showing receipts and expenses of the same until the wharf was turned over to the Hawaiian Government in February, 1901. shows the receipts are short of the expenses by the amount of $7,953.08, which is due Castle & Cooke, Ltd., who advanced the amount for the Chamber of Commerce.

receipts are You will observe that the

The undertaking of the quarantine wharf by the Chamber of Commerce during the plague epidemic was in the interests of the whole islands and it was fully expected that the receipts from the wharf would more than meet expenses,and would have done so but for the partial relieving of the strict quarantine by the Board of Health on the traffic between the island,and soon after by the entire removal of the restrictions which stopped all income.

Under the circumstances it seems to the committee of the Chamber that the people of the Islands should stand this extra expense incurred,in fact,for their benefit,and we would pray that said amount of $7953.08 be included in your appropriation bill to the Legislature soon to be convened in this city.

Trusting that this will meet with your full approval,we remain,

Very respectfully yours,

Castle & Cooke,Ltd,by J B Atherton,President.

Theo. H Davies & Co.,Ltd,by Thomas Rain Walker.

F A Schaefer & Co.

Alexander & Baldwin,by J P Cooke.

H Hackfeld & Co.,Ltd,by H A Isenberg.

W G Irwin & Co.

(Here follows a long account of the quarantine wharf owners)

Senator C Brown moved that the petition submitted with the message be referred to the Public Lands Committee.Seconded by Senator Kalaukalani and carried.

The clerk then read the following message from the Governor, submitting a list of appointments:

A Message
To The Senate of the Territory of Hawaii
I herewith submit for your action the following appointments:

Board of Health.

J. H. Raymond, M. D., President, December 11th, 1900.
Nathaniel B. Emerson, M. D., June 14th, 1900.
Geo. W. Smith, June 14th, 1900.
Frederick J. Lowrey, Jne 14th, 1900.
Charles B. Cooper, M. D., June 14th, 1900.
E. C. Winston, June 14th, 1900.

Commissioners of Public Instruction.

William Dewitt Alexander, June 24th, 1899.
Ernest A. Mott-Smith, June 22nd, 1900.
Heinrich Martens von Holt, June 24th, 1900.
Mrs. Alice Clark Jordan, June 24th, 1900.
Charles Louis Hopkins, June 24th, 1898.
Mrs. Eliza Vancleve Hall, September 2nd, 1899.

Prison Inspectors.

Frederick J. Lowrey, July 1st, 1900.
John S. Walker, July 1st, 1900.
George E. Smithies, July 1st, 1900.

Board of Registration.

Kau, Kona and Kohala, Hawaii.
Geo. P. Tulloch, Chairman, July 10th, 1900.
J. K. Nahale, July 10th, 1900.
Samuel Kauhana, July 10th, 1900.
Hilo, Puna and Hamakua, Hawaii.
E. E. Richards, Chairman, July 10th, 1900.
H. J. Lyman, July 10th, 1900.
M. V. Holmes, July 10th, 1900.
Maui, Molokai and Lanai.
F. W. Hardy, Chairman, July 10th, 1900.
R. C. Searle, July 10th, 1900.
Jas. N. K. Keola, August 24th, 1900.
Oahu.
Lorrin Andrews, Chairman, July 12th, 1900.
M. A. Gonsalves, July 12th, 1900.
Kauai and Niihau.
W. G. Smith, Chairman, July 10th, 1900.
Chas. A. Rice, July 10th, 1900.
J. B. Hanaike, July 10th, 1900.

Inspectors of Election.

First District, Island of Hawaii.
First Precinct.
W. H. Campbell, October 1st, 1900.
J. M. Kauwila, September 24th, 1900.
J. N. Kamoku, September 24th, 1900.
Second Precinct.
G. K. Wilder, September 24th, 1900.
Keo. Kaihenui, October 1st, 1900.
Wm. Vannatta, September 24th, 1900.
Third Precinct.
W. A. Ray, September 24th, 1900.
J. T. Moir, October 8th, 1900.
J. M. Kauhi, September 24th, 1900.
Fourth Precinct.
J. K. Dillon, September 24th, 1900.
J. K. Unea, September 24th, 1900.
J. B. Oliviera, September 24th, 1900.
Fifth Precinct.
E. W. Barnard, September 24th, 1900.
E. H. Swain, October 8th, 1900.
A. C. Palfrey, September 24th, 1900.
Sixth Precinct.
Albert Horner, September 24th, 1900.
S. Maikone, September 24th, 1900.
Wm. Green, September 24th, 1900.
Seventh Precinct.
E. W. Estep, September 24th, 1900.
John Ai, September 24th, 1900.
J. Moanauli, September 24th, 1900.
Eighth Precinct.
W. Y. Horner, September 24th, 1900.
James Kuuwelu, September 24th, 1900.
J. G. Jones, September 24th, 1900.
Second District, Island of Hawaii.
First Precinct.
W. P. Dougall, September 24th, 1900.
Joseph Hussey, September 24th, 1900.
J. F. Woods, September 24th, 1900.
Second Precinct.
J. Crowley, September 24th, 1900.
H. Akona, September 24th, 1900.
J. K. Maialoha, September 24th, 1900.
Third Precinct.
L. S. Aungst, September 24th, 1900.
W. K. Waiamau, October 3rd, 1900.
J. K. Laioha, Sept. 24th, 1900.
Fourth Precinct.
Henry Greenwell, September 24th, 1900.
J. Keaweahawaii, September 24th, 1900.
R. Wassman, October 3rd, 1900.
Fifth Precinct.
J. K. White, September 24th, 1900.
J. Nahinu, September 24th, 1900.
Geo. McDougall, October 3rd, 1900.
Sixth Precinct.
Robert L. Wilhelm, October 3rd, 1900.
David K. Wailehua, October 3rd, 1900.
O. K. Apiki, September 24th, 1900.
Seventh Precinct.
W. P. Fennell, September 24th, 1900.
E. Ikaaka, September 24th, 1900.
J. K. Hoopii, September 24th, 1900.
Third District, Islands of Maui, Molokai and Lanai.
First Precinct.
Wm. Notley, September 24th, 1900.
W. K. Makakoa, September 24th, 1900.
J. K. Waiamau, September 24th, 1900.
Second Precinct.
J. H. Mahoe, September 24th, 1900.
D. McCorriston, October 15th, 1900.
Geo. Kekipi, September 24th, 1900.
Third Precinct.
Henry Dickenson, September 24th, 1900.
C. M. Dudoit, September 24th, 1900.
A. Makekau, September 24th, 1900.

Fourth Precinct.

S. Kahoohalahala, September 24th, 1900.
Kealaka, September 24th, 1900.
Keoni Nakihei, September 24th, 1900.

Fifth Precinct.

Geo. Kauhi, September 24th, 1900.
D. Kapaku, September 24th, 1900.
L. K. Kalama, September 24th, 1900.

Sixth Precinct.

W. T. Robinson, September 24th, 1900.
Dr. R. W. Boote, September 24th, 1900.
Moses Kauhimahu, October 15th, 1900.

Seventh Precinct.

D. Quill, September 24th, 1900.
Walter Lowrie, September 24th, 1900.
A. C. Kaueholo, October 1st, 1900.

Eighth Precinct.

L. R. Crook, September 24th, 1900.
J. D. Uwekoolani, September 24th, 1900.
G. K. Kunuku, September 24th, 1900.

Ninth Precinct.

Geo. Forsyth, September 24th, 1900.
E. H. Kekapa, September 24th, 1900.
Noah Kamakau, October 15th, 1900.

Tenth Precinct.

W. F. Mossman, September 24th, 1900.
J. C. Kekipi, September 24th, 1900.
E. K. Pa, September 24th, 1900.

Eleventh Precinct.

J. K. Piimanu, September 24th, 1900.
P. M. Kaluna, September 24th, 1900.
H. W. Kahele, September 24th, 1900.

Twelfth Precinct.

F. Wittrock, September 24th, 1900.
G. W. Kauhane, September 24th, 1900.
B. K. Kawaiaea, September 24th, 1900.

Thirteenth Precinct.

Chas. Haui, October 6th, 1900.
G. W. Kawahamae, September 24th, 1900.
D. W. Napihaa, September 24th, 1900.

Fourth District, Island of Oahu.

First Precinct.

John Effinger, September 24th, 1900.
Joseph Aea, October 31st, 1900.
H. McCullum, September 24th, 1900.

Second Precinct.

C. M. White, September 24th, 1900.
S. P. Kaai, Oct. 16th, 1900.
W. C. Wilder, Jr., September 24th, 1900.

Third Precinct.

F. McIntyre, October 1st, 1900.
M. J. Borba, September 24th, 1900.
J. P. Kahahawai, September 24th, 1900.

Fourth Precinct.

W. C. King, September 24th, 1900.
T. C. Polikapa, October 22nd, 1900.
F. S. Peachy, September 24th, 1900.

Fifth Precinct.

Jno. Short, September 24th, 1900.
W. Kapela, September 24th, 19000.
John K. Wilder, October 1st, 1900.

Sixth Precinct.

J. T. O'Connor, October 23rd, 1900.
T. E. Wall, September 24th, 1900.
John Mahuka, September 24th, 1900.

Seventh Precinct.

G. C. Chalmers, September 24th, 1900.
John Kakuku, October 1st, 1900.
A. Irvine, September 24th, 1900.

Fifth District, Island of Oahu.

First Precinct.

H. Cobb-Adams, September 24th, 1900.
Jas. Olds, September 24th, 1900.
E. P. Aikue, September 24th, 1900.

Second Precinct.

W. A. Baldwin, September 24th, 1900.
J. H. Keanu, September 24th, 1900.
C. Andrews, September 24th, 1900.

Third Precinct.

W. S. Wond, September 24th, 1900.
C. P. Lane, September 24th, 1900.
Chas. David, September 24th, 1900.

Fourth Precinct.

Oliver Stillman, October 17th, 1900.
J. Hui, September 24th, 1900.
G. W. Nawaakoa, September 24th, 1900.

Fifth Precinct.

Geo. E. Lake, October 22nd, 1900.
C. S. Richardson, October 20th, 1900.
J. P. Kuoha, September 24th, 1900.

Sixth Precinct.

H. D. Johnson, September 24th, 1900.
J. M. Ezera, October 29th, 1900.
Kauka Williams, October 17th, 1900.

Seventh Precinct.

Julius Asche, September 24th, 1900.
S. K. Kaloa, September 24th, 1900.
K. R. G. Wallace, September 24th, 1900.

Eighth Precinct.

C. R. Dement, September 24th, 1900.
Asa Kaulia, September 24th, 1900.
W. W. Bristol, September 24th, 1900.

Ninth Precinct.

A. W. Neely, October 1st, 1900.
S. H. Meekapu, September 24th,
F. W. Weed, September 24th, 1900.

Tenth Precinct.

M. K. Keohokalole, September 24th, 1900.
Abraham Bolster, September 24th, 1900.
W. K. Kaleihuia, September 24th, 1900.

Sixth District, Islands of Kauai and Niihau.

First Precinct.

J. B. Kaomea, September 24th, 1900.
J. W. Kaala, September 24th, 1900.
Nohokula, September 24th, 1900.

Second Precinct.

J. H. Arendt, October 3rd, 1900.
P. Kaaiawaawa, September 24th, 1900.
L. Kilauano, October 3rd, 1900.

Third Precinct.

C. B. Hofgaard, September 24th, 1900.
J. W. K. Nawai, September 24th, 1900.
E. L. Kauai, September 24th, 1900.

Fourth Precinct.

J. A. Palmer, September 24th, 1900.
J. K. Palama, September 24th, 1900.
H. H. Brodie, September 24th, 1900.

Fifth Precinct.

David Kapahee, October 8th, 1900.
Chas. Neumann, October 8th, 1900.
L. Blake, September 24th, 1900.

Sixth Precinct.

W. T. Lucas, September 24th, 1900.
H. A. Wishard, October 8th, 1900.
Kanikanikia, September 24th, 1900.

Seventh Precinct.

J. W. Neal, September 24th, 1900.
K. Kaumualii, September 24th, 1900.
S. W. Meheula, September 24th, 1900.

Eighth Precinct.

John Bush, September 24th, 1900.
P. Migela, September 24th, 1900.
W. Kinney, October 1st, 1900.

Ninth Precinct.

C. H. Willis, September 24th, 1900.
D. H. Kanehe, October 1st, 1900.
C. H. Makee, September 24th, 1900.

SANFORD B. DOLE.

Senator C Brown moved that the appointments be made the order of the day for the 17th. inst. Seconded by Senator J. Brown and Carried.

Senator Achi introduced the following resolution;

RESOLUTION.

Resolved,That the sum of $50 000 may be inserted in the Loan Bill to construct a boulevard not less than 80 feet wide from the city through Kewalo,Pawaa and Waikiki tracks to Kapiolani Park.

W C Achi-

Senator Achi moved that the resolution be referred to the Public Lands Committee.Seconded by Senator Kalauokalani and carried.

Senator Russel introduced the following resolution:

RESOLUTION.

Resolved that the sum of $50 000 be appropriated from any money not otherwise appropriated for condemning of all property between Waiakea and Wailuku river,along the beach and below Front street in the town of Hilo,for the Hilo Boulevard.

Nicholas Russel.

Senator J Brown moved that the resolution be referred to the Public Lands Committee.Seconded by Senator Kalauokalani and carried.

Senator Baldwin moved a suspension of the rules.Seconded by Senator Achi.

There being no objection,the request was granted.

Senator Baldwin then ~~printed~~ presented the following ~~petitio~~ petition:

To the members of the Senate of the Legislature of the Hawaiian Islands:

We the undersigned,respectfully petition your Honorable body for an appropriation ~~for~~ per annum of $1800 for the Free Kindergarten and Children's Aid Association of the Hawaiian Islands.

For the Association,

Clara H McDonald.

Alice H Thompson.

Margaret L Hopper.

Senator Baldwin moved that the petition be referred to the Committee on Education.Seconded by Senator Kalauokalani and carried.

Senator Crabbe introduced the following resolution:

~~RESOLUTION~~

RESOLUTION.

Resolved, That the following amount be inserted in the appropriation bill for the regrading and macadamizing Kinau street from Alapai street to 500 feet more or less beyond Makiki street, $12,320.

Senator Crabbe moved that the resolution be laid on the table to be considered with the Appropriation Bill. Seconded by Senator C Brown and carried.

Senator Crabbe introduced the following ~~Concurrent~~ JOINT resolution:

~~CONCURRENT~~ JOINT RESOLUTION.

Be it Resolved, by the Senate and the House of Representatives, That the Governor is hereby authorized and empowered to declare May Day a school holiday throughout this Territory.

Senator Kalauokalani moved that the resolution be referred to the Committee on Education. Seconded by Senator Kahilina.

There being no objection, it was so ordered.

Third reading of Senate Bill I3 "An Act to repeal certain obsolete laws".

Senator C Brown moved that the bill pass third reading. Seconded by Senator Baldwin and carried ~~on~~ upon the following ~~showing of~~ roll by ayes and noes:

Ayes: Senators Achi, Baldwin, C Brown, J Brown, Crabbe, Carter, Kahilina, Kaiue, Kalauokalani, Kaohi, Nakapaahu, Paris and Russel.....I4.

Noes:.....0.

Absent: Senator White.....I.

Third reading of Senate Bill 3I relating to a high school and conservatory of music in Hilo.

Senator J Brown moved that the bill pass third reading. Seconded by Senator Kalauokalani.

Senator Achi moved the following amendment:

Amendment-the word "law" be inserted in place of " said department".

Senator Kalauokalani seconded the amendment. Carried.

The chair then put the motion to pass the bill upon ~~in~~ third reading which carried ~~on~~ upon the following vote by ~~showing of~~ ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe,Kahilina,Kalauokalani,Kaiue,Kanuha,Kaohi,Nakapaahu,Paris and Russel.....I4.

Noes.....0.

Absent:Senator White.. .....I.

Second reading of Senate Bill 7I relating to the protection of birds,their nests and eggs.

Senator Kalauokalani moved the adoption of the committee report to adopt the bill.Seconded by Senator Russel.

Senator Carter moved to amend as follows:

Amend the bill.Section 3-Strike out after the words "mud-hen, between the first day of" the word "may" and insert the word "January". Strike out the word "September" and insert the word "may".So it will read "or mud-hen between the 1st. day of January and the I5th. day of May."

The amendment was seconded by Senator Russel and carried.

Senator C Brown moved the adoption of the report as amended. Seconded by Senator Achi and carried.

Senator J Brown moved that the bill pass second reading as amended.Seconded by Senator Nakapaahu and carried.

Senator C Brwon moved that the bill be typewritteen and read the third time on Saturday.Seconded by Senator Kalauokalani and carried.

Senator Carter moved the suspension of the rules in order to allow him to introduce a bill without the formality of first giving notice of it.Seconded by Senator Achi.

There being no objection,the request was granted.

Senator Carter then read by title the following bill:

An Act appropriating $3,500 for the use of the Board of Education in making a display at the Buffalo Exhibition.

Senator Achi moved that the bill pass first reading.Seconded by Senator Nakapaahu and carried.

Senator Kalauokalani moved that the bill be read the second time on Friday.Seconded by Senator Kahilina and carried.

Second reading of ~~Senate~~ House Bill 69 "An Act to provide for a right of action for damages for wrongful death".

Senator C Brown moved that the bill be referred to the Committee on Miscellaneous Petitions. Seconded by Senator Kalauokalani and carried.

Second reading of Senate Bill 72 and, in connection therewith, Senate Bill 87.

Senator C Brown moved that these two bills be made the order of the day for Tuesday, April I6th. Seconded by Senator Carter and carried.

Senator Kalauokalani moved to take up Senate Bill 60, ~~"An Act the municipal bill"~~ "An Act to Incorporate the City of Honolulu."

There being no objection, it was so ordered.

Senator C Brown moved that the bill be read by title, ~~Seconded by Senator Kalauokalani and carried~~ and referred to the Committee on County and Municipal Laws. Seconded by Senator Kalauokalani and carried.

Second reading, by title, of Senate Bill 67, "An Act to fix the compensation of pilots for the Port of Honolulu."

Senator Achi moved that the bill be referred to the Committee on Ways and Means. Seconded by Senator Kalauokalani and carried.

Second reading, by title, of Senate Bill 68, "An Act repealing Act 60 of I896, also Chapter LXXII of the Session Laws of I892, and all laws and regulations inconsistent herewith."

Senator C Brown moved that the bill be referred to the Committee on Public Health. Seconded by Senator Achi and carried.

Senator Kalauokalani moved that the rules be suspended.

There being no objection, the request was granted.

Senator Kalauokalani then reported for the Printing Committee to the effect that Senate Bill 79 had been printed and was ready for distribution.

Senator C Brown moved that the bill be made the order of the day for Friday. Seconded by Senator Kalauokalani.

There being no objection, it was so ordered.

Senator Kalauokalani reported further for the Printing Committee to the effect that Senate Bill 82 had been printed and was ready for distribution.

The bill was read by title and Senator Carter moved that it be referred to the Public Health Committee. Seconded by Senator C Brown and carried.

Senator Russel moved that Senate Bill 42, the "Dispensary Bill", be made the order of the day for Tuesday next. Seconded by Senator Achi and carried.

Senator Kaohi moved that the Senate adjourn until 9:30 o'clock Friday. Seconded by Senator Nakapaahu and, at 3:50 o'clock, the Senate adjourned.

Edgar C Caypless
.....
Clerk of the Senate.

Approved by the Senate:

S. E. Kaine
.....
President of the Senate.

JOURNAL OF THE SENATE.

Forty-Third Day.

Friday, April 12th., 1901.

43 finished

In the Senate.

Territory of Hawaii.

Forty-Third Day.

~~Morning Session.~~

Friday, April 12th., 1901.

The Senate met, pursuant to adjournment, at 9:30 o'clock. The chaplain not being present, the chair called on Senator Kalauokalani to offer prayer. The roll was called, showing Senators C Brown, Carter, Crabbe and White absent.

The journal of the previous day was read and, on motion of Senator Nakapaahu, seconded by Senator Kahilina, approved as read.

Senator Russel introduced the following resolution:

RESOLUTION.

Resolved, That from the 12th. inst., the Senate will hold two daily sessions viz., at 9:30 a.m. and 7 p.m., leaving the intervals of the day for the Committees' work.

Nicholas Russel.

Senator Kanuha seconded the resolution.

Senator Achi moved that the resolution be amendnd to the effect that the Senate start in on night sessions beginning with the 17th. Inst. No second.

Senator Kanuha moved the previous question. Seconded by Senator Russel and carried.

The chair put the motion to adopt the resolution which was lost.

Senator Russel moved that House Bill No. 44 be set for consideration on Monday. Seconded by Senator Russel and, there being no objection, it was so ordered.

Senator White moved that the Senate take up Senate Bill No. 70 for consideration and make the same the order of the day for Monday. Seconddd by Senator Achi and carried.

Senator C Brown moved that the Senate take up the consideration of Senate Bill No. 55 at the same time with Senate Bill No. 70, Seconded by Senator C Brown and carried.

Senator White moved that the rules be suspended in order to allow him to present a report for the Judiciary Committee on Senate

Bill No. 74.

There being no objection, the request was granted.

It was found that the bill referred to had not been placed in the hands of the Judiciary Committee.

Second reading of House Bill No. 41 "An Act providing for names of streets, roads and lanes in the District of Honolulu, Island of Oahu."

Senator Baldwin moved the adoption of the report of the committee on the bill, which recommended certain amendments and the passage of the bill. Seconded by Senator C Brown and carried.

Senator Baldwin moved that the bill be typewritten and read the third time on Monday. Seconded by Senator Nakapaahu and carried.

Third reading of House Bill No. 42 "An Act providing for the numbering of buildings and lots in the District of Honolulu, Island of Oahu."

Senator Kalauokalani moved that the bill pass its third reading. Seconded by Senator Baldwin.

Senator Achi moved to amend to the effect that the words "and lots" in the title of the bill and in line 2 of Section 1 be stricken out; also the words "or lots" in line 3 of Section 2. Seconded by Senator Kalauokalani and the amendment adopted.

The motion to pass the bill in third reading as amended, was then put and carried by the following vote by ayes and noes:

Ayes: Senators Achi, Baldwin, C Brown, J Brown, Crabbe, Kahilina, Kaiue, Kalauokalani, Kamuha, Kaohi, Nakapaahu, Paris, Russel and White....14.

Noes:.....0.

Absent: Senator Carter--.....1.

Senator Crabbe moved that the rules be suspended in order to allow him to introduce two bills.

There being no objection, the request was granted.

Senator Crabbe then gave notice of his intention to introduce the following bill:

An Act to protect hotels and boarding and lodging houses.

There being no objection, the bill was read first time by title.

Senator Baldwin moved that the bill take its usual course.

There being no objection, it was so ordered.

Senator Crabbe ~~then~~ further gave notice of his intention to introduce the following bill:

An Act to prevent the defrauding of owners of licensed vehicles carrying passengers for hire in the Territory of Hawaii.

There being no objection, the bill was read by title.

Senator Baldwin moved that the bill take its usual course.

There being no objection, it was so ordered.

Second reading of Senate Bill No. 88, relating to the appropriation of $3500 for the expense of sending a school exhibit to the Buffalo Exhibition.

Senator C Brown moved that the bill pass its second reading. Seconded by Senator J Brown and carried.

Senator C Brown moved that the bill be typewritten and read the third time on Saturday. Seconded by Senator Baldwin.

There being no objection, it was so ordered.

Second reading of Senate Bill No. 79, the appropriation bill.

~~Senator Kalauokalani moved that consideration of the bill be deferred until Wednesday next. Seconded by Senator Kanuha.~~

Senator Kanuha moved that the whole bill be referred to a committee for investigation.

Senator Kalauokalani moved that consideration of the bill be deferred until Wednesday next. Seconded by Senator Kanuha who withdrew his motion to refer the bill to a committee.

Senator Baldwin moved ~~to amend to the effect~~ as an amendment that Section I of the bill be referred to the Committee on Ways and Means. Seconded by Senator C Brown.

Senator White moved the previous question. Seconded by Senator Kanuha and carried.

The chair put Senator Kalauokalani's motion to defer consideration, which carried.

Senator White moved that the rules be suspended in order to allow him to present a report on behalf of the Judiciary Committee. Seconded by Senator Kalauokalani.

~~There being no objection,it was so ordered~~.Senator Carter objected and the chair called for a vote which resulted in the motion carrying.

Senator White then reported as follows for the majority of the Judiciary Committee, to whom was referred Senate Bill No. 44 entitled "An Act to repeal Act 19 of the Session Laws of ~~xxx~~1898"

That this committee having recommended amendments to Senate Bill No. 45,which if adopted will cover all subject matter contained in this bill.Upon the adoption of the amendments so recommended in Senate Bill No. 45.Your committee recommends that Senate Bill No. 44, herewith be indefinitely postponed.

Wm White.

Nicholas Russel.

Judiciary Committee.

Senator Carter moved that the report be laid on the table to be considered with the minority report.Seconded by Senator Baldwin and carried.

Senator White reported further for the majority of the Judiciary Committee on Senate Bill No. 45 entitled "An Act relating to the limitation of the time within which action may be brought to recover possession of land"

Your committee recommends that the time,within which action shall be commenced for the recovery of possession of lands be fixed at twenty-five years instead of twenty years as provided in the bill,and therefore,recommend that in Section one line two,of the printed bill,the word ~~xx"fixe~~ "five" be inserted after the word "twenty",

That in Section three,line two,the word "one" be inserted after the word "twenty".

That in Section three,line two,the word "one" be inserted after the word "twenty",so that portion of said line two shall read "within the age of twenty-one years",instead of "within the age of twenty years", as appears in the printed bill.

That in line four of said Section three,the word "five" be inserted after the word "twenty".

That in Section four,line five,the word"five" be inserted after the word "twenty."

That all of Section five,consisting of the following words: "This Act shall take effect and become law from the date of its publication" be stricken out and the following inserted:"That Section one of Chapter twenty-two of the Session Laws of I870 and Act I9 of the Session Laws of I898,be and the same are hereby repealed"

That a new section numbered six be added,reading as follows:

"Section 6-This Act shall take effect and be in force from and after its approval."

Your committee further recommends that the title of said bill be amended by adding thereto,the words "and repealing Section I of Chapter 22 of the Session Laws of I870 and Act I9 of the Session Laws of I898."

When ~~this~~ thus amended your committee recommends the passage of the bill.All of which is respectfully submitted.

Wm. White.

Nicholas Russel.

Judiciary Committee.

Senator Carter moved that the report be laid on the table to be considered with the report of the minority.Seconded by Senator Kalauokalani and carried.

Senators Baldwin,White and Carter asked leave of absence for Saturday.

There being no objection,the requests were granted.

At II:40 o'clock,Senator J Brown moved that the Senate adjourn until I0 o'clock Monday morning.Seconded by Senator Kalauokalani and carried.

Edgar Campbell

Clerk of the Senate.

Approved by the Senate:

J. E. Kaue

President of the Senate.

JOURNAL OF THE SENATE.

Forty-Fourth Day.

Monday, April 15th., 1901.

In the Senate.

Territory of Hawaii.

Forty-Fourth Day.

~~Morning Session.~~

Monday, April 15th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called showing Senators Achi, Baldwin, Carter and White absent.

The journal of the ~~previous~~ forty third day was read and, on motion of Senator J. Brown, seconded by Senator Nakapaahu, approved as read.

The chair announced the following message from the Governor:

To the Legislature of the Territory of Hawaii;

I am unable to approve of a bill entitled "An Act to amend section 814, chapter 59 of the Civil Laws" relating to dog taxes, received by me from the joint committee of the Legislature April 9th, and herewith return the same without my signature.

My objections to this bill are as follows:

The provisions for increasing the tax on female dogs to $3, was enacted by the Legislature of 1896 for the purpose of improving the quality of dogs in the Hawaiian Islands, and incidentally of decreasing the number of inferior dogs. The higher tax on female dogs tends directly to this result.

In former years, the number of worthless and in many instances, of diseased curs was so great, particularly in the city of Honolulu, as to be a public nuisance and a menace to the public health.

Under the provisions of the law sought to be amended by the bill before me, the improvement in the quality of dogs and the diminution in the number of worthless curs has been conspicuously noticeable.

The second paragraph of section 814 of the Civil Laws, which will be struck out if the bill becomes a law, is as follows:

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

This provision is essential to the effective execution of the law taxing dogs.

I deem the several amendments proposed to be inconsistent with the public interests.

"The title of the bill should not be "An Act to amend section 814, chapter 59 of the Civil Laws," but "An Act to amend section 11 of Act 51 of the Laws of 1896;" inasmuch as the Civil Laws are not a legislative enactment but merely a compilation.

SANFORD B. DOLE.

Executive Chamber, April 13, 1901.

Senator C Brown moved that the message from the Governor be made the order of the day for Thursday. Seconded by Senator Baldwin and carried.

Senator Russel presented the following petition:

To the Legislature of the Territory of Hawaii:

The undersigned, your petitioners, respectfully pepresent; that they are residents and taxpayers, settlers and property owners on ~~the~~ and near the 22 mile trail leading from the Volcano Road, Olaa, Hawaii.

That the said ~~tract~~ trail was built of ferns and mostly at our own private expense. It was built ~~as~~ in anticipation of the building of a road by the government which was promised more than five years ago when the land was opened to market and settled upon.

That several Legislatures have appropriated money for the ~~said~~ building of such road which has never materialized.

That the trail is in such a bad condition that our children in going to school have to wade knee-deep in water and mud and that ~~they~~ every piece of lumber and goods of every kind can only reach us by being packed a great distance on a man's back, as a pack horse cannot travel ~~trail~~ over the trail, rendering the communication with the outside world well nigh impossible.

That we have to, either abandon our settlement or request the Legislature for an appropriation of $26 400 for the building of five miles of road to connect the old Volcano Road with the main road running through the New Olaa tract.

(21 signatures)

Senator Russel moved that the petition be referred to the Committee on Public Lands. Seconded by Senator Nakapaahu and carried.

Senator Nakapaahu presented the following petition:

We the undersigned citizens and voters of the District of Waimea, Island of Kauai, Territory of Hawaii, humbly petition your honorable body as follows:

I. That an appropriation of $10'000 be set aside for the widening of the Waimea road, the purchase of kuleanas along the line of the proposed widening, the grading and macadamizing of said road with sand

from the beach,from the Court House to Kikiaola,a distance of one and one-half miles,more or less.

2.That an appropriation of $8 000 be set aside for a new wharf mauka of Kikiaola.

3.That an appropriation of $500 be set aside for the opening up again of the road makai of Limaloa.

4.That an appropriation of $20 000 be set aside for a water pipe in Waimea,Kauai.

5.That an appropriation of $600 be set aside for the putting in good order of the water head at Peekauai.

Total of $39 000.

(50 signatures)

Senator Kaohi moved that the petition be referred to the Committee on Public Lands.Seconded by Senator Nakapaahu and carried.

Senator Kaiue presented the following petition:

Whereas,Huelo,District of Makawao,Island of Maui,is at present without proper landing or wharf,which necessitate all supplies for this part of the district having to be hauled from Paia,a distance of 18 miles,more or less,over bad roads,at a considerable expense and sufferance to the community of this place as well as the surrounding country; We the undersigned residents and taxpayers ~~hereby~~ of Huelo hereby beg and petition your honorable body to devise means for an appropriation in the sum of $7 500 for a landing and wharf at Huelo.

Huelo,Maui,H.T.,

April 9th.,1901.

Senator J Brown moved that the petition be referred to the Committee on Public Lands.Seconded by Senator Kalauokalani and carried.

Senator Baldwin presented a petition from 25 residents and taxpayers of Keanae,Maui,against the Dispensary Bill,Senate Bill No.42.

Senator Baldwin moved that the petition be laid on the table to be considered with the bill.Seconded by Senator White and carried.

Senator Achi reported for the Printing Committee ~~to the effect~~ that Senate Bill No. 69 had been printed and was ready for distribution.

Senator Achi reported as follows for the Committee on Miscellaneous Petitions to whom Communication No. I4 of the Senate had been referred:

HONORABLE SAM E. KAIUE,
President.

SIR:-

Your Committee on Miscellaneous Petitions to whom Communication No. 14 was referred respectfully report as follows:

The Communication was sent over to the Senate by the Chamber of Commerce; the resolutions contained in said Communication were passed by said Chamber of Commerce at a regular monthly meeting held on April 10th, 1901.

Your Committee was informed and believe that the said Chamber of Commerce represents about 90 per cent. if not more of the business interests in this Territory.

The allegations stated in said Communication are true to the knowledge of your Committee.

The said Chamber of Commerce decided:

1st: "It is expedient to defer action upon the measure (that is the Dispensary Bill) until such time as the question can be brought more directly before the electorate".

2nd: "That in the event of the passage of the Bill, a clause be inserted providing that it shall not go into effect, until it has been approved at a general election of the people"

Your Committee believe that in regard to any or all radical measures which may be brought in the Legislature, the ideas or views of the electors or the public must be first obtained before the Legislature shall pass said measure or measures; and any or all radical measures ought to be inserted in Platforms during the Campaign in order that the electors should know what the Candidates intend to do when they are elected.

Your Committee further believe that the resolutions con-

tained in said Communications are proper and well considered.

Your Committee therefore recommend that the Communication may be laid on Table and taken up to be considered when the Bill shall be acted by the Senate.

Respectfully submitted

Sgn C C Achi
Chairman

" J B. Kaohi

" L. Nakapaahu

Senator Achi moved that the report be laid on the table to be considered with the bill. Seconded by Senator J Brown and carried.

Senator Achi reported further for the same committee; as follows:

Your committee on Miscellaneous Petitions to whom was referred Petition No. 26 respectfully report as follows:

Ist. The petition came from the Protective League of Honolulu.

2nd. That there are seven different requests in said petition and each of them apply to different sections of the Bill No. 42.

3rd. The Protective League of Honolulu contains about 64 active members of whom 60 were electors at the last election.

4th. The petitioners admit in their petition that the measure bill is an important measure.

5th. The petitioners request that the measure or the bill No. 42 be made a law during this season of the Legislature.

6th. One very important request in the petiton is that all women who are citizens of the United States may be permitted to vote in regard to this measure; if this request should be allowed, a new election law ought to be passed this season; but your committee doubt that the Legislature has time to prepare said law in proper conditions.

Upon careful examination and consideration the above petition we recommend that the same may be laid on the table to be considered

with the bill.

W C Achi.

J B Kaohi.

L Nakapaahu.

Senator J Brown moved that the report be laid on the table to be considered with the bill. Seconded by Senator Achi and carried.

Senator Paris reported as follows for the Public Lands Committee to whom was referred Petition 21:

The petition wishes to change the laws in regard to road commissioners so as to make one paid superintendent. This would require an amendment to the present laws. No such amendment has been introduced. Your committee would recommend the petition be laid on the table.

John T Brown.

J D Paris.

L Nakapaahu.

Senator C Brown moved the adoption of the report. Seconded by Senator White and carried.

Senator Paris reported further for the same committee to whom was referred Resolution 8; as follows:

Your committee find the resolution provides for different amounts for roads and other improvements in North and South Kona, Hawaii.

We have interviewed the ~~Different~~ Superintendent of Public Works and find that some of the amounts asked for have been included in his estimates.

We would therefore recommend the following items be inserted in the Appropriation Bill:

Court House and jail Kailua	$7 000.
Court House and Jail and site on the upper road Hookena	3 000.
Widening upper government road from Huehue, N Kona, to boundary of South Kona ~~Widenx~~	10 000.
Widening upper road S Kona from boundary of N Kona to Hookena	10 000.
Wharf shed and extending wharf Hookena	2 000.
Wharf and shed Keauhou	800.

~~To build ship~~'s

To build ship's wharf at Kailua or Kaawaloa as the Superintendent of Public Works considers the ~~place~~ best place in the Loan Bill...

..... $I2 000.

Your committee also find Resolution 37,asking for $I000 to condemn land at Napoopoo,Kauai.

The Superintendent of Public Works informs the committee that some land at said landing which has been used by private parties is government property.We therefore recommend that the resolution be laid on the table.

John T Brown.

J D Paris.

L Nakapaahu.

Senator Achi moved that the report be laid on the table to be taken up with the Appropriation Bill.Seconded by Senator J Brown and carried.

Senator Paris reported still further for the same committee to whom had been referred Petition 23,praying that $I0 000 be appropriated to build and repair road up Iao valley; as follows;

Your committee find that the road up this valley has been rendered almost impassable by the recent storms.

We also find that while there are not many persons living in this valley;it is a place of resort for the residents of the district and tourists.

Your committee would recommend that the sum of $3 000 be inserted in the Appropriation Bill for this road.

John T Brown.

J D Paris.

L Nakapaahu.

Senator Baldwin moved that the report be laid on the table to be considered with the appropriation Bill. Seconded by Senator Kalauokalani and carried.

Senator Achi reproted for the Printing Committee ~~to the effect~~ that Senate Bills 77,80,8I,83,85 and 87 had been printed and were ready for distribution.

Senator Carter reported as follows for the minority of the Judiciary Committee on Senate Bills Nos. 44 and 45:

To the President of the Senate:

The minority of the Judiciary Committee begs to submit a report on Senate Bills No. 44 and 45 as follows:

Bill No. 44 simply repeals the existing law,and should properly be incorporated into Bill No. 45 ,as provided by the majority report.

Bill No. 45 increases the limitation of time within which action may be brought to recover possession of land to 20 years,and the majority of the committee reports in favor of 25 years.The present law provides a limit of 10 years.It was approved on the 22nd. day of April,1898,and went into effect on the 1st. day of January,1899.It has therefore been in operation two years and four months,during which time the people in possession of property whose title was clouded had felt that under the law the title ~~maderx~~ had been made good and they have proceeded to improve and make use of the property,making leases and other contracts in regard to it.If the Legislature should now extend the time to 20 years,although the Act cannot be made retrogressive, yet it leaves in doubt the possession of everyone who has heretofore felt secure under the Act of 1898.Acting under the present law,property has been leased for a long period of years,it has been sold in good faith to innocent purchasers,and in other cases improvements of substantial buildings have been erected.

It is evident that the proposed law seeks to reinstate the former condition of title,but to the minority of the committee the passage of Bill No. 45 simply means a chaotic condition and serious litigation affecting many who had a right to sup pose they were protected. The most important point in reference to the whole subject is this:Many of the land titles in this Territory are insecure.By reducing the Statute of Limitations to 10 years many titles are made good and the condition ,as a whole,is bettered.By extending the limitation to 25 years,serious questions will be at once raised and land titles,as a whole,will be in chaotic condition,unstable for a much longer period, which is an unsatisfactory condition for any ~~country~~ community.

The minority therefore recommends that the bill be tabled.

G R Carter.

Senator Carter moved that the ~~minority~~ report be laid on the table to be brought up with the majority report upon the bill being ~~when the bill was~~ taken up for consideration. Seconded by Senator Achi and carried.

Senator Kanuha reported as follows for the Committee on Education to whom was referred Senate Joint Resolution No. 2, authorizing the Governor to declare May 1st. a school holiday throughout the Territory of Hawaii:

Your committee begs to report in favor of such resolution. Preparations have been made for celebrating the day and the children throughout the Territory are looking forward to the day with great expectations and your committee therefore recommends the passage of the resolution.

David Kanuha.
H P Baldwin,
D Kalauokalani.

Senator C Brown moved the adoption of the report. Seconded by Senator White and carried.

Senator Kalauokalani reported as follows for the Enrollment Committee on a bill presented to the Governor for his signature:

Your committee on Enrollment presented to Governor Dole duly enrolled House Bill No. 40, entitled

"An Act to prevent the employment of minors in places where intoxicating liquors are sold, and to prevent minors from visiting such places", at the hour of 10:30 o'clock a.m. this 15th. day of April, A.D., 1901.

D Kalauokalani.
Chairman Enrollment Committee.

Senator Baldwin gave notice of his intention to introduce the following bill:

"An Act to amend Act 51 of the Laws of 1896."

Senator Baldwin moved that the rules be suspended in order to allow him to read the bill the first time by title. Seconded by Senator Kalauokalani.

There being no objection, the request was granted.

Senator J Brown moved that the bill pass its first reading

and be referred to the Printing Committee.Seconded by Senator C Brown and carried.

Senator Paris gave notice of his intention to introduce the following bill:

"An Act providing for the incorporation of the Kona and Kau Railway Co."

Senator Paris moved that the rules be suspended and that he be allowed to read ~~his~~ the bill the first time by title.Seconded by Senator J Brown.

There being no objection,it was so ordered.

Senator J Brown moved that the bill pass its first reading and that it be referred to the Printing Committee.Seconded by Senator Paris and carried.

Senator Carter gave notice of his intention to introduce the following bill:

"An Act to regulate Fiduciary Companies."

Senator Carter moved that the rules be suspended and that he be allowed to read ~~his~~ the ~~xxx~~ bill the first time by title. Seconded by Senator C Brown.

There being no objection,the request was granted.

Senator J Brown moved that the bill pass ~~its~~ 'ts first reading and be referred to the Printing Committee.Seconded by Senator White, and carried.

Senator Carter moved that the rules be suspended in ~~xxxdxxxxxxx~~ order to allow him to present a report for the Ways and Means Committee.

There being no objection,the request was granted.

Senator Carter then presented the following report for the Ways and Means Committee on Senate Bill No. 74:

The bill is probably meant to amend Section 710 of the Penal Laws-not the Civil Laws,as the section mentioned in its title refers to the authority of the Auditor-General to examine witnesses upon oath.

The committee therefore recommends that,the bill be amended by striking out ~~xxxx~~ in the title wherever it occurs, the word "Civil" and inserting the word "Penal."

The present law provides annual ~~xx~~ awa licenses to be sold

at auction at an upset price as follows:

Honolulu	$1000
Hilo and Wailuku	500 each.
Lahaina	250
All other districts,	100

The bill reduces the licenses for the Districts of Hilo, Wailuku and Lahaina to $200 each, without altering them in the other districts.

It cannot be denied that the consumption of awa has very greatly diminished, and for a number of years no one has been found to bid more than the upset price, while in former times competition was keen.

However, as the sale of awa is incorporated in the Dispensary Act, your committee recommends the bill be tabled until final action on Senate Bill No. 42.

...D. Kanuha.....
...G. R. Carter.....
....~~S.E. Kaue~~. N. Russel..

Senator Carter moved the adoption of the committee report. Seconded by Senator White and carried.

Senator Carter reported further for the same committee on ~~xxSBxxx~~ Senate Bill No. 73:

The bill is evidently intended to repeal Sections 806, 807 and 809 of the Civil Laws, relating to poll tax, school tax, and road tax, for as has already been pointed out, Section 808, relating to the disposition of school tax, has already been repealed by Act 14 of the Session Laws of 1898.

We therefore recommend the following amendments:

To title, so that it will read: "Sections 806, 807 and 809 of Chapter 59 of the Civil Laws as compiled by Sidney M Ballou, are hereby repealed."

With these amendments and the addition of Section 3, which provided that the Act shall take effect from the date of its approval, the bill will be in proper form.

Your committee calls attention to Senate Bill No. 84 and

Senate Bill No. 75,both of which refer to the same subject and have been tabled until the report of the general committee on Taxation.We therefore recommend that Senate Bill No. 73 be treated in a similar manner.

.....D.Kanuha.....
.....G.R.Carter.....
.....~~S.E.Kaiue~~..N.Russel.

Senator C Brown moved the adoption of the report.Seconded by Senator White and carried.

Senator Carter reported further for the same committee on Senate Bill No. 67 "An Act to fix the compensation of pilots for the Port of Honolulu":

At present the pilots of Honolulu are paid a salary of $200 per month,and charges for pilotage made on a basis of 5 ¢ a ton for merchant vessels,with a higher charge of so much a foot of draught for men-of-war.Out of ~~this~~ this, the government is at ~~present~~ present obtaining a revenue of some $3 000 a month.This bill would rob the government of this revenue,which it can ill afford,and would put all the fees for the large tonnage that this port now has and the immense tonnage that is expected with the increased traffic on the Pacific Ocean,entirely in the hands of the pilots and beyond the reach and control of the government,except by legislative enactment.

Your committee believes that the present charges are fair and just and tend to promote the commerce of this port,and do not approve of any alteration.They therefore decline to ~~recommend~~ recommend the passage of the bill.

...D.Kanuha.....
...G.R.Carter.....
...~~S.E.Kaiue~~..N.Russel

Senator Carter moved that the report be accepted and laid on the table to be considered with the bill.Seconded by Senator Kalauokalani and carried.

Third reading of Senate Bill No 88 relating to an appropriation of $3 500 for the purpose of sending a school exhibit to the Buffalo Exhibition.

Senator J Brown moved that the bill pass its third reading.

Seconded by Senator Kalauokalani and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J ~~Brown~~ Brown,Carter,Crabbe, Kahilina,Kaiue,Kalauokalani,Kamuha,Kaohi,Nakapaahu,Paris,Russel and White.....I5.

Noes:.....0.

Third reading of Senate Bill No. 7I "An Act for the protection of birds,their nests and eggs;defining game birds,and providing the manner and seasons in which the same may be caught or killed."

Senator White moved to amend as follows:

In Section 6,line I8,strike out the word "and."

In Section 6,line I4,add after the word "kukula-aeo" the words "and also the Papapaniinuwaipua o Kanawao."

The amendment was seconded by Senator Russel, and carried.

Senator White moved that the bill pass ~~its~~ its third reading, as amended.Seconded by Senator J Brown and carried on the following showing of ayes and noes:

Ayes:Senators Baldwin, C.Brown,J Brown,Carter,Crabbe,Kahilina,Kaiue, Kalauokalani,Kamuha,Kaohi,Napapaahu,Paris,Russel and White .....I4.

Noes:.....0.

In doubt:Senator Achi.....I.

At I2 m. Senator White moved to take a recess until 2 p.m. Seconded by Senator Nakapaahu and carried.

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Afternoon Session.

The Senate met at 2 o'clock.

Senator J Brown moved that the rules be suspended in order to allow him to present a report of the Public Lands Committee.Seconded by Senator Kalauokalani.There being no objection,the request was granted and Senator J Brown presented the following report:

Your Committee to whom was referred Resolution 36 relative to the installing of a fire alarm telegraph system in Honolulu,beg leave to report as follows:

We find that nearly all municipalities in the United States

~~of~~

from 2 500 inhabitants and upward,are provided with this service.

Experience has shown that with the electric fire alarm,when properly installed,the greatest efficiency is assured in the fire extinguishing facilities that any municipality may possess.

If the fire department of Honolulu can receive instantaneous and accurate notification of fires while said fires are in their incipiency,it will be enabled to arrive at the scene of said fires in the shortest possible time,and to extinguish same before much damage has been done,a condition that does not and cannpt exist under the present system.We have a good fire department in Honolulu,but very poor facilities for receiving notification of the existence of a fire,and nearly always much damage is done before the fire department can get to work owing to delay and errors in transmitting alarms.

In California,Oregon and Washington,our nearest neighbors,even the small towns of 2 500 inhabitants and upward have been equipped with a modern fire alarm telegraph system similar to the one now on exhibition at the fire department central station,namely:Los Gatos,2 500; Willows,2 500;Chico,3 00;Santa Rosa,5 000;Tulare,2 500;Visalia,2 500; Napa,2 500;Fresno, 5 000;Harford, 2 500;Petaluma,3 000;Pasadena,6 000; Riverside,5 000;Woodland,3 000;Vallejo,8 000;Nevada City,3 000;Eureka, 5 000;Santa Monica,2 500;Santa Barbara,3 000;Astoria,4 000;Olympia, 4 000;Port Townsend,4 000 and besides all the larger cities,and in every instance the said systems have proven to be invaluable and have paid for themselves over and over again in the saving in fire losses and sometimes human life.

A suitable system for Honolulu will cost $20 000 which is a small amount taking into consideration the increased security against loss by fire that will be assured to all the people.

In consideration of these facts,we believe the establishing of this ervice as soon as possible,an imperative duty we owe the people at large,and therefore recommend that an item of $20 000 be inserted in the Appropriation bill for this purpose.

John T Brown.
J D Paris.
L Nakapaahu.

Senator Paris moved that the report be laid on the table to be taken up with the Appropriation Bill.Seconded by Senator C Brown and

carried.

Third reading of Senate Bill No. 63 "An Act to exempt from execution,attachment and every species of forced sale of the homestead of a householder having a family,to the value of $3 506."

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Kaohi and carried on the following showing of ayes and noes:

Ayes:Senators J Brown,Kahilina,Kaiue,Kalauokalani,Kaohi, Nakapaahu,Kanuha,Russel and White..... 9.

Noes:Senators Achi,C Brown,Carter,Crabbe,Baldwin and Paris.6.

Third reading of Senate Bill No. 24 "An Act to repeal Section 806 of the Civil Code,relating to Poll Tax."

Senator C Brown moved that further consideration of the bill be deferred until the report of the joint committee on taxes shall have been presented.Seconded by Senator Baldwin.

Senator Kalauokal ani moved the previous question.Seconded By Senator Kahilina and carried.

The chair then put the motion of Senator C Brown to defer action which was declared carried.

Senator Achi called for a standing vote and again the chair announced that the motion to ~~lie~~ defer had carried.

Senator White moved that the rules be suspended in order to allow him to present a report for the Judiciary Committee.

There being no objection,the request was granted.

Senator White then reported as follows for the Judiciary Committee on Senate Bills Nos. 46 and 49 which repeal the present laws in relation to compensation for property condemned for public use and for public highways:

Senate Bill No. 46 repeals Section 1553 of the Civil Laws, which provides a method for fixing the compensation for property condemned for public use.

While Senate Bill No. 49 repeals all of Part 2 of Chapter III of the Civil Laws,which provides a lien upon property for public highway improvements.

As neither of theses bills provide any substitute,and it must

be evident to all that in many districts of the Territory ~~sex~~ new roads are needed, as well as in the towns and cities and that on other occasions it becomes absolutely necessary that the government should have a right to condemn property for public use, neither of which can be accomplished unless provided for by law.

Therefore, your committee recommends that both bills be tabled until a better method can be offered as a substitute.

Wm. White.

G R Carter.

N Russel.

Senator Paris moved the adoption of the report. Seconded by Senator C Brown and carried.

Senator White reported further for the majority of the same committee on House Bill No. 57:

This bill provides the method of procedure in case of disqualification or inability of any Circuit Judge of some other Circuit, who shall be authorized to fill such vacancy by written request of the Chief Justice. The bill is an amendment of Section 45 of Chapter 57 of the Civil Laws of 1892, which is Section 1159 of the Civil Laws.

The committee deems the amendment necessary in the interest of litigants and practitioners before the courts, and gives the power to prevent the recurrence of the present congested and overworked condition of the courts-particularly in the First Circuit.

Your committee recommends the passage of the bill.

Wm White.

G R Carter.

Senator Russel moved that the report be laid on the table to await the report of the minority of the committee.

Senator Carter moved to amend to the effect that the minority of the committee report on Tuesday.

Senator Russel moved to amend this motion to the effect that the minority be given until Thirsday during which to report. Seconded by Senator Kalauokalani and carried!

Senator Kalauokalani reported for the Printing Committee ~~to the effect~~ that the report of the minority of the Committee on Intoxicants on Senate Bill No. 42 had been printed and was ready for distribution.

Third reading of House Bill No. 4I,"An Act to provide for names of streets,roads and lanes in the ~~Territory of Hawaii~~ District of Honolulu,Island of Oahu."

Senator C Brown moved that the bill pass ~~xxx~~ its third reading.Seconded by Senator Kalauokalani and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe,Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu, Paris,Russel and White.....I5.

Noes:.....0.

Third reading of House Bill 44 "An Act to establish and maintain ~~a~~ school libraries."

Senator Baldwin moved that the bill pass its third reading.Seconded by Senator Kahilina and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,~~Car~~ C Brown,J Brown,Crabbe,Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White..

.....I4.

Noes:Senator Carter.....I.

Senator Carter moved that the ~~minority~~ chairman of the Judiciary Committee be ordered to present forthwith to the Senate, Bills Nos, 55 and 70 of the Senate.

Senator Baldwin moved to amend ~~to the effect~~ that the chairman be given two days' time, Seconded by Senator White and carried.

The clerk read a communication from the House to the effect that the ~~Senate~~ House of Representatives declined to concur in the Senate amendments to House Bill No. I3 and further that the bill and the amendments had been referred to the Judiciary Committee with instructions to confer with a like committee from the Senate.

Senator C Brown moved that the Judiciary Committee be apponited a conference committee to meet with the like committee of the House to confer on the bill and the amendments of the Senate.Seconded by Senator Kalauokalani and carried.

The clerk read a second communication from the House transmitting House Bill No. 59 which passed third reading in the House on ~~this~~ ~~day~~.

on the I5th. inst.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator White and carried.

Senator Kalauokalani moved that the bill be read the second time on Tuesday.Seconded by Senator C Brown.

There being no objection,it was so ordered.

First reading of House Bill No. I9.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator J Brown.

There being no objection,the bill passed first reading.

The clerk read a third communication from the House transmitting Senate Bill No. 26 which passed third reading in the House on the I5th. inst.

Senator C Brown moved that the Enrollment Committee of the Senate confer with the same committee of the House for the purpose of presenting the bill to the Governor.Seconded by Senator Kahilina and carried.

Senator J Brown moved that Senate Bill No. 45 be taken up for consideration and ~~referred for consideration on~~ set for Tuesday.Seconded by Senator Kamuha and carried.

Second reading, by title, of Senate Bill No. 69.

Senator Carter moved that the bill be referred to the Committee on Claims.

Senator Russel moved to amend ~~to the effect~~ that the bill be referred to the Committee on Public Lands.Seconded by Senator Nakapahu and carried.

Second reading,by title,of Senate Bill No. 77.

Senator Carter moved that the bill be read section by section.Seconded by Senator C Brown and carried.

Senator Baldwin moved that further consideration of the bill be deferred until Tuesday.Seconded by Senator White and carried.

Second reading,by title,of Senate Bill No. 80.

Senator Achi moved that the bill be referred to the Public Lands Committee.Seconded by Senator Kalauokalani and carried.

Second reading,by title,of Senate Bill No. 8I.

Senator Paris moved that the bill be referred to the Committee on Education.Seconded by Senator Kalauokalani and carried.

Second reading,by title,of Senate Bill No. 83.

Senator Russel moved that the bill be referred to the Committee on Ways and Means.Seconded by Senator Kalaukalani and carried.

Second reading,by title,of Senate Bill No. 85.

Senator Baldwin moved that the bill be referred to the Public Lands Committee.Seconded by Senator Kalauokalani.

Senator Achi moved that the bill be referred to a special committee of five members,one member to be chosen from each island.seconded by Senator White and carried.

The chair appointed Senator Achi as chairman of the committee.

Senator Achi asked to be substituted by some one else on the committee as he was an interested party.

The chair granted this request and appointed the following committee:Senators Baldwin (chairman),Paris,White,J Brown and Kamuha.

Second reading,by title,of Senate Bill No. 87.

Senator Achi moved that the bill be referred to the Committee on Agriculture,Forestry and Manufactures.Seconded by Senator Kalauokalani and carried.

Senator Carter moved that the rules be suspended in order to present a number of reports of the minority of the Judiciary Committee.

There being no objection,the request was granted.

Senator Carter then reported as follows for the minority of the Judiciary Committee on House Bill No. 70:

The minority of your committee has had this bill under consideration.The object is,no doubt,that where the interested parties are Hawaiians,especially in probate cases,the notice of the proceedings may be published in the Hawaiian language.Since the Organic Act went into force,certain judges have made rules for their court,which in itself prevents the publication in the Hawaiian language,and confines all court proceedings or notices required by law to be published in the

English language.

If such was the intention of the introducer,the minority of your committee does not believe that the bill is drawn in such a way as to correct this matter,and it xx therefore suggests the following amendment at the end of Section I:

"the choice thereof to be determined by the party instituting such proceedings."

With this amendment the minority recommends the passage of the bill

G R Carter.

Senator C Brown moved that the report be received and placed on the table to ~~lay~~ await the report of the majority.Seconded by Senator Baldwin and carried.

Senator Carter reported further for the minority of the Judiaicry Committee on House Bill No. I7,as follows:

The minority of your committee has had this bill under consideration,and finds that the amendments proposed by this act are xx to Chapter 40 of the Session Laws of I876,which are contained in Sections 6I5 to 6I8,both inclusive,of the Penal Laws,and these amendments are necessary,now that offenses indictable and tryable in the first instance by a court of record have to be passed upon and the indictment presented by a grand jury,instead of a commital by a magistrate and presentment of an indictment by the prosecuting officer to the trial judge,who certifies the indictment true.

The minority of your committee therefore recommends the passage of the bill.

G R Carter.

Senator Kalauokalani moved that the report be received and placed on the table to await the report of the majority.Seconded by Senator Carter and carried.

Senator Carter reported further for the xxxxxxxxxxxxxxxxxxx minority of the Judiciary Committee on Senate Bills Nos. 9,II,20 and 22,as follows:

All four of these bills simply provide for amendments reducing the penalties of the crimes mentioned so that they may be no longer

classed as infamous,thus requiring an indictment by a grand jury,and placing them,as provided in Senate Bill No. 18,under the jurisdiction of District Magistrates,so that persons guilty of these crimes can be dealt with immediately and punished accordingly.

The minority of the committee therefore recommends the passage of these bills,as otherwise those who have committee these crimes may be required to wait in prison,or may be at large under bail,for a considerable length of time-an injustice in either case.

G R Carter.

Senator Baldwin moved that the report be received and placed on the table to await the report of the majority.Seconded by Senator J Brown and carried.

Senator Carter reported further for the minority of the Judiciary Committee on Senate Bill No. 8 and House Bill No. 18,as follows:

The minority of your committee has had both bills under consideration.It finds that the amendment proposed is necessary,and is to define what shall be tried by a magistrate,and what other felonies and crimes it shall be necessary for a grand jury to find an indictment,the distinguishing point being on the term of imprisonment,and this is one of the changes caused by our actual status.

The minority of your committee recommends that Senate Bill No 8 pass,and that House Bill No. 18 be laid on the table.

G R Carter.

Senator Carter moved that the report be laid on the table to be taken up with the report of the majority of the committee.Seconded by Senator White and carried.

// Senator Carter reported further for the minority of the Judiciary Committee on Senate Bill No. 53 and Senate Bill No. 54,as follows:

Both of these bills seek to amend Section 837 of the Civil Code,which provides an exemption from taxation of all classes of personal or real property up to a value of $300.

Senate Bill No. 53 increases the exemption to a value of $1 000,and Bill No. 54 increases the value to $600.

The minority of your committee recommends that as the Senate has already rejected Senate Bill No. 4,and passed on March 26th. Senate

bill No. 26,exempting a large amount of personal property,and already has under consideration Senate Bill No. 63,exempting real estate to the value of $3 000,Senate Bills Nos. 53 and 54 be tabled.

G R Carter.

Senator Carter moved that the report be received and placed on the table to await the report of the majority.Seconded by Senator Kanuha and carried.

Senator Carter reported further for the minority of the Judiciary Committee on Senate Bill No. 18,as follows:

The minority of your Jugiciary Committee finds that this is another bill which is necessitated by our present status.It provides that the jurisdiction of District Magistrates shall extend to all matter not already provided for in Senate Bill No. 8,relating to crimes and misdemenaors.So if Senate Bill No. 8 passes,Senate Bill No. 18 should accompany it;and as the minority of your committee recommended the passage of the former bill,it now recommends the passage of Senate Bill No. 18.

G.R.Carter.

senator Carter moved that the report be received and placed on the talole to await the report of the majority. Seconded by senator Kalawokalani and carried.

Senator White gave notice of his intention to introduce "An Act providing for the appointment of a ~~Public Health~~ Superintendent of Public Health and defining his powers and duties."

Senator White moved that the rules be suspended and that he be allowed to read the bill by title.

There being no objection,the request was granted.

Senator Achi moved that the bill pass its first reading and be referred to the Printing Committee.Seconded by Senator Kalauokalani and carried.

Senator Kahilina gave notice of his intention to introduce "An Act providing for the licensing of shoemakers doing business in the Territory of Hawaii"

At 3:55 o'clock.Senator Baldwin moved to adjourn ~~until 10 o'clock~~ to 10 o'clock Tuesday.Seconded by Senator Kalauokalani and carried.

Clerk of the Senate.

Approved by the Senate:

President of the Senate.

JOURNAL OF THE SENATE

FORTY-FIFTH DAY

TUESDAY, APRIL 16TH., 1901.

In the Senate.

Territory of Hawaii.

Forty-Fifth Day.

~~Morning Session.~~

Tuesday, April 16th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators C Brown, Carter and White absent.

The journal of the previous day was read and, on motion of Senator Kaohi, seconded by Senator Nakapaahu, approved as read.

The clerk read a communication from the House transmitting House Bill No. 82 which passed third reading in the House on the 15th. inst.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator J Brown and carried.

Senator Kalauokalani moved that the bill be made the order of the day for Thursday. Seconded by Senator J Brown.

There being no objection, it was so ordered.

Senator Kalauokalani reported for the Printing Committee ~~to the effect~~ that Senate Bill No. 84 had been printed and was ready for distribution; also Senate Bill No. 61, "An Act to incorporate the city and county of Honolulu."

Senator Kaohi moved that the rules be suspended in order to allow him to present a petition. Seconded by Senator Kalauokalani.

There being no objection, the request was granted.

Senator Kaohi then presented the following petition:

PETITION.

To the Senate of the Territory of Hawaii:

We the undersigned parents of children living at Honoipu, Puakea and Kakoiki, in North Kohala, Second Voting District of the Island of Hawaii, Territory of Hawaii, humbly petition your Honorable body as follows:

1. That Mrs. Poipe K Lewis be duly appointed and stationed at Honoipu as teacher of the English language.

2. We know well this lady's fitness for the position.

3. This is the second year that the children of these places have been deprived of schooling.

4.We have repeatedly petitioned the school agent of this District but nothing has been done up to the present time.

We ask that we be granted a school teacher in order that we may have no further trouble along this line.

And your petitioners will ever pray.

(30 signatures)

Senator Kachi moved that the petition be referred to the Committee on Education. Seconded by Senator Napapaahu and carried.

Second reading,by title,of House Bill No. 59.

Senator Kalauokalani moved that the bill be referred to the Committee on Public Lands.Seconded by Senator Russel and carried.

Second reading,by title,of House Bill No. 19.

Senator Kalauokalani moved that the bill be referred to the Committee on Intoxicants.Seconded by Senator Russel and carried.

Second reading,by title,of Senate Bill No. 67.

Senator C Brown moved that further consideration of the bill be deferred until the bringing up of the Appropriation Bill.Seconded by Senator White and carried.

Second reading,by title,of Senate Bill No. 77.

Senator Baldwin moved that the bill be referred to the Committee on Adulterated Foods.Seconded by Senator Kalauokalani.

Senator J Brown moved that the bill pass its second reading. Seconded by Senator Kachi.

Senator Baldwin moved that the bill be read section by section.Seconded by Senator Kalauokalani and carried.

Section I.

Senator C Brown moved that the section I with the preamble, pass.

Senator Achi moved that the bill be referred to a special committee of three with Senator C Brown as chairman, on account of a number of irregularities.Seconded by Senator Kalauokalani and carried.

The chair then appointed the following special committee according to the provisions of the motion of Senator Achi:Senators C Brown (chairman),Achi and Kalauokalani.

Second reading of Senate Bill No. 44 and,in connection therewith,Senate Bill No. 45.

Senator Kalauokalani moved that the majority report ~~dealing with~~ on Senate Bill No. 45 be adopted.Seconded by Senator Nakapaahu.

Senator C Brown moved to amend ~~to the effect~~ that the report of the minority be adopted.Seconded by Senator Carter.

Senator Russel moved the previous question.Seconded by Senator Nakapaahu and carried.

The chair then put the motion of Senator C Brown to adopt the report of the minority.Lost.

The chair next put the motion of Senator Kalauokalani,to adopt the report of the majority,Which was carried.

Senator J Brown moved that Senate Bill No. 45 pass its second reading.Seconded by Senator Nakapaahu.

This motion was not put.

Senator Kalauokalani moved that the bill be typewritten and read the third time on Thursday.Seconded by Senator Nakapaahu and carried.

At II:50 o'clock,Senator Baldwin moved to take a recess until 2 o'clock.Seconded by Senator Nakapaahu and carried.

Afternoon Session.

The Senate met at 2 o'clock.

The clerk read a message from the House ~~to the effect~~ stating that that body had concurred in Senate amendments to House Bill No. 42, on the 16th. inst.

The clerk read a ~~second~~ communication from the House to the effect that that body had declined to concur in Senate Joint Resolution No. 8 relating to the celebration of May Day,on the 16th. inst.

Senator C Brown moved that the rules be suspended in order to allow him to give notice of his intention to introducea a bill.Seconded by Senator J Brown.

There being no objection,the request was granted.

Senator C Brown then gave notice of his intention to introduce the following bill:

An Act to provide for the appointment of Commissioners of Deeds in States and Territories of the United States and foreign countries.

Senator Kanuha moved that the rules be suspended in order to allow him to give notice of his intention to introduce a bill.Seconded by,Senator C Brown.

There being no objection,the request was granted.

Senator Kanuha then gave notice of his intention to introduce the following bill:

An Act to license persons buying,selling and exchanging live animals.

Under the same suspension of rules,the bill was read the first time by title.

Senator Kanuha moved that the bill pass its first reading and that it be referred to the Printing Committee.Seconded by Senator Kalauokalani and carried.

Under the same suspension of rules,Senator White gave notice of his intention to introduce the following bill:

An Act to amend Act 25 of the Laws of 1898 relating to ~~the~~ and concerning vehicles,tires and wheels by adding a new section to be called Section 5a.

Senator White moved that the bill be read by title.Seconded by Senator J Brown and carried.

Senator J Brown moved that the bill pass its first reading and that it be referred to the Printing Committee.Seconded by Senator Kaohi and carried.

Under the same suspension of rules,Senator White gave notice of his intention to introduce the following bill:

An Act to quarantine live animals.

Senator White moved that the bill be read by title.Seconded by Senator J Brown and carried.

Senator J Brown moved that the bill pass its first reading and that it be referred to the Printing Committee.Seconded by Senator Achi and carried.

Under the same suspension of rules,Senator White introduced

the following bill:

An Act to incorporate the Honolulu Telephone Co.,Ltd.

Senator White moved that the bill be read by title.Seconded by Senator J Brown and carried.

Senator Kalauokalani moved that the bill pass its first reading and that it be referred to the Printing Committee.Seconded by Senator White and carried.

Senate Bill No. 72 and in connection therewith,Senate Bill No. 27

Senator Kanuha moved the previous question.Seconded by Senator Kalauokalani and carried.

Senator White moved the passage of Senate Bill No. 72 on second reading.Seconded by Senator J Brown and lost.

Senator Baldwin moved the passage of Senate Bill No. 27 in second reading.Seconded by Senator Kalauokalani and carried.

Senator Achi moved that the bill be typewritten and read the third time on Thursday.Seconded by Senator Kalauokalani and carried.

Second reading of Senate Bill No. 42,the Dispensary Bill.

Senator C Brown moved that the bill be read by title.Seconded by Senator White.

Senator Russel moved to amend to the effect that the bill be read through.Seconded by Senator Kalauokalani.

The chair put the motion of Senator C Brown to read the bill by title.Carried.

Senator C Brown offered the following ~~motion:~~ resolution

W h e r e a s, Senate Bill Number 42, otherwise known as the Dispensary Act, has been made the order of the day for consideration at this day's session of the Senate; and

W h e r e a s, the proposed measure is radical in the extreme, and will, if passed, require a large amount of money to carry out among other things the measures proposed by said Act. And

W h e r e a s, at the last general election no mention was made in the platform of any of the political parties to the electors of this Territory on any measure regulating the traffic in liquor, nor upon any temperance measures, nor upon any measure of like nature. And

W h e r e a s, in matters of this importance, it is to the interest of all persons that the opinion of the electors of the whole Territory should be expressed, and their wishes and desires known through the ballot box. And

W h e r e a s, the questions raised by said Act and also such other questions incidental and pertinent to this measure having never been submitted nor passed upon by either political party of the Territory, and the opinion of a majority of all the voters of the Territory being an unknown quantity thereon,

N o w T h e r e f o r e, Be it Resolved, That Senate Bill Number 42, otherwise known as the Dispensary Act, be laid on the table, and that no further action be taken on the matter until such time as the electors of this Territory have had a chance of expressing their opinions thereon, at the next general election.

Honolulu, April 16th.,1901.

~~Motion~~ Seconded by Senator J Brown.

Senator Kanuha moved that the resolution be laid on the table for the next two years. Seconded by Senator Kalauokalani.

Senator White asked that the ayes and noes be taken on the motion to lay the bill on the table.

In the midst of the discussion on the Dispensary Bill, the chair announced the following communication from the Secretary of the Territory:

Hon. S E Kaiue,

President of the Senate.

Sir:

I have the honor to inform you that the Governor has this day signed the following acts:

Act 3 entitled "An Act to appropriate an emergency fund to be used in repairing the damage caused by the late storm," and

Act 4 entitled "An Act to prevent the employment of minors in places where intoxicating liquors are sold and to prevent minors from visiting such places."

Iam,

Sir,

Very respectfully yours,

Henry E Cooper,

Secretary of the Territory.

Honolulu, H.T.,

April 16th., 1901.

At 4:35 o'clock, Senator Kalauokalani moved to adjourn until 9:30 o'clock Wednesday. Seconded by Senator Baldwin and carried.

Evan Gayless

Clerk ~~Secretary~~ of the Senate

Approved by the Senate:

S. E. Kaiue

President of the Senate.

JOURNAL OF THE SENATE.

Forty-Sixth Day,

Wednesday, April 17th., 1901.

In the Senate.

Territory of Hawaii.

Forty-Sixth Day.

Morning Session.

Wednesday, April 17th., 1901.

The Senate met, pursuant to adjournment, at ~~xxxxxx~~ 9:30 O'clock. After prayer by the chaplain, the roll was called, showing Senators Achi, Baldwin, C Brown, Carter and Paris absent.

The journal of the previous day was read and, on motion of Senator White, seconded by Senator J Brown, approved as read.

The clerk read a communication from the House transmitting House Bill No. 86, which passed third reading in the House on the 16th. inst.

Senator Kanuha reported as follows for the Committee on Public Health and Education to whom was referred Senate Bill No. ~~81~~ 81;

Honolulu, H. I. , April 16th, 1901.

Hon. S. E. Kaiue,

President of the Senate,

Sir:-

Your Committee on "Education and Health", to whom was referred Senate Bill No. 81, entitled "An Act to Amend Section 6 of Chapter 79, of the Penal Code, Relative to the Census", beg leave to report as follows:

Under the provisions of Section 6, of Chapter 79, of the Penal Code, the Hawaiian Census will be taken in 1902 and every six years thereafter.

Bill No. 81 amends Section 6 of the present law so that the Census of the Territory shall be taken every tenth year, beginning with the year 1905. The Federal Government takes a census of the whole United States every ten years. The last was taken in 1900. The next will be in 1910, and so on; so if the Territory of Hawaii takes her Census every ten years, beginning with 1905, it will be readily seen that we will thus obtain a census of the Territory every five years. We therefore recommend the passage of the Bill.

Respectfully submitted,

David Kanaha
H. P. Baldwin
Kalauokalani.

Senator J Brown moved the adoption of the report. Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani reported for the Committee on Municipal and County Laws as follows:

Your Committee on Municipal and County Laws to whom was referred Senate Bill No. 60 and Senate Bill No. 61 relating to the providing of a municipal form of government for the City of Honolulu, beg leave to report having had the same under careful consideration. Your

committee would recommend that these two bills be laid on the table to be taken up for consideration with the County Bill.

D Kalauokalani.

C L Crabbe.

I H Kahilina.

Senator White reported as follows for the minority of the Judiciary Committee on Senate Bill No. 55:

Your committee to whom was referred Senate Bill 55, ~~relating to~~ "An Act to amend sections 31 and 33 of an Act entitled 'An Act to reorganize the Judiciary Department approved the 25th day of November, 1892, being Chapted LVII of the Session Laws of 1892,' introduced by the Honorable Senator J. T. Brown of the Island of Hawaii; and bill No. 70, relating to the same subject matter as introduced by the Honorable Senator Dr. Russel on April 3d."

begs leave to report as follows:

Your committee finds that both bills are identical in their constructions; and it can be safely remarked that Bill No. 70 is a facsimile copy of No. 59, or vice-versa, and consequently the two bills ~~ca~~ can be treated and reported on as one bill.

The first amendment in the bill as changing the Judiciary terms in the First Circuit from the first Mondays of February, May, August and November to the "first Mondays of ~~February of~~ January, May and September, making three terms of court instead of four as the law now directs, your committee think that the change is a good one and should be hailed with joy by the attorneys at law; although your committee has not as yet known of any petition from the Island of Oahu in support of this proposed amendment suggested by the Honorable senators from the Island of Hawaii and neither has your committee found anything relating to the amendment in the report of the Chief Justice of the Supreme Court for the years 1898, 1899 and 1900.

The second amendment in the bill is to make Wailuku on the Island of Maui the one Judicial seat of the Circuit Court, and the two ~~te~~ terms thereof are to be held there on the first Wednesdays of April and November and therefore deprives the town of Lahaina the benefit of entertaining the legal luminaries from the Capitol of the Territory of Hawaii.

Your committee finds on Page XII of the Chief Justice's report above referred to the following statement:

"But has not the time come when terms shall be held in these circuits only at Wailuku and Hilo respectively, as a saving of time and expense to parties, jurors and witnesses etc., etc."

The committee submits the following consideration to your honorable body in favor of Lahaina keeping the first seat of Justice on the Island of Maui.

It must be remembered that the town of Lahaina was the first in time to hold the seat of the second Judicial Circuit ever since the year 1859 (when the first Civil Code was codified) and Lahaina had the honor of holding it for a period of forty-two years.

Wailuku the next "seat of Justice" as far as the Circuit Court is concerned has been created only twenty-nine years ago.

It seems to your committee that the right to hold the first seat of Justice on the Island of Maui is vested in the town of Lahaina.

There in the District of Lahaina is the high school of Lahainaluna. Let the first seats of Justice and wisdom on the Island of Maui go hand in hand, keeping paces together now and onward. It was at the town of Lahaina in the year 1840 that the first trumpet of Liberty was sounded and heralded throughout the islands of Hawaii nei. When the first written constitution or declaration of rights were framed, marking a new era, in the progress of the Hawaiian nation. It was also there the highest branches of education in the Hawaiian language had been taught by the good old missionary fathers, whose memories are ever fresh fresh in the minds of some of the honorable members now in the Senate and House of Representatives. Lahaina can be justly called the birth place of American Liberty and Freedom and the home of the best and well educated Hawaiians throughout the whole group from Hawaii to Kauai.

It seems to your committee that on account of good roads from Wailuku to Lahaina and also from the eastern portion of Maui render the travel from Wailuku to West Maui or Lahaina less expensive now to parties interested in court matters than when ten years ago.

Your committee do not remember at all of seeing any petition from the people of East Maui to the Senate asking for the change as proposed in the bill. Your committee thinks that it is far better not to disturb the present "seats of justice" on the Island of Maui, and consequently does not recommend the passage of this amendment.

finished here

The third, fourth and fifth amendments of section 1 of the bill and also section 2 amending sections 33 of chapter LVII of the Session Laws of 1892, your committee recommends to pass, with the following amendment to paragraph 3 of section 1, to read as follows:

"In the second circuit at Wailuku on the Island of Maui, on the third Wednesday of April, and at Lahaina on the Island of Maui on the third of November.

Wm. White

The report was seconded by Senator C Brown.

Senator Russel moved that the minority report be laid on the table to await the report of the majority. Seconded by Senator Baldwin.

Senator White moved the adoption of the majority report. Seconded by Senator J Brown.

Senator White moved the previous question. Seconded by Senator Kalauokalani and carried.

The ~~xxxxx~~ motion to adopt the report of the minority of the committee was them put and carried.

Senator C Brown moved that the bill be typywritten and read the third time on Saturday. Seconded by Senator Kalauokalani .

There being no objection, it was so ordered.

Senator Paris reported as follows for the Public Lands Committee:

We find that the resolution 44 asks that $50 000 be appropraited for a boulevard in Honolulu from the city through Kawaiolo, Pawaa and Waikiki tracks to Kapiolani park. Resolution 45 asks the same amount for a boulevard in Hilo.

Your committee find that $600 000 has been inserted for streets in Honolulu in the estimates of the Superintendent of Public Works and $50 000 for Hilo; besides the number of new items recommended by this committee. Your committee consider these boulevards very desirable, but doubt the wisdom of borrowing money to build them, while there are so many more necessary improvements required for the development of the Territory.

If the county laws pass and Honolulu should have city government these matters could be decided by the citizens and taxes levied accordingly.

We would therefore recommend that both resolutions be laid on the table.

John T. Brown,
J. D. Paris,
L. Nakapaahu.

Senator Achi moved that the report be laid on the table to be considered with the Appropriation Bill. Seconded by Senator Kalauokalani and carried.

Senator C Brown asked permission to read by title a bill notice of which he had given on the previous day, and that the same take the usual course.

There being no objection, the request was granted.

Senator Nakapaahu gave notice of his intention to introduce "An Act to provide for a Third Circuit Judge for the First Judicial Circuit of this Territory."

Senator Nakapaahu asked that the rules be suspended and that he be allowed to read his bill the first time by title.

There being no objection, the request was granted.

Senator C Brown moved that the formality of printing the bill be dispensed with, the bill read through, passed first time and submitted to the usual course. Seconded by Senator Nakapaahu.

There being no objection, it was so ordered.

Senator Baldwin moved that the bill pass its first reading and that it be read the second time on Thursday. Seconded by Senator White and carried.

Senate Bill No. 48 was announced in second reading on the list of unfinished business.

Senator C Brown arose to the point of order that the motion of Senator Kanuha that the motion which he had made, be laid on the table for the next two years, was out of order.

The chair sustained the point of order of Senator C Brown and declared the motion of Senator Kanuha out of order.

Senator Kanuha appealed from the ruling of the chair. Seconded by Senator Russel.

Ruling of the chair sustained.

Senator Russel moved that the resolution of Senator C Brown be indefinitely postponed. Seconded by Senator Kanuha.

Senator Russel then changed his motion by moving that the motion of Senator C Brown be laid on the table.

The chair then put the motion to lay the resolution of Senator C Brown on the table which was lost by a vote of 9 to 6. ~~The xx who xxx~~ The result was as follows on the calling of ayes and noes:

Ayes:Senators Kahilina,Kalauokalani,Kanuha,Nakapaahu,Paris and Russel.....6.

Noes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe, Kaiue,Kaohi and White.....9.

Senator Achi moved the previous question ~~to the effect~~ that the motion of Senator C Brown, to lay the bill on the table, be voted on. Seconded by Senator C Brown and carried.

The motion to lay the bill on the table was then put and carried by a vote of 8 to 7, as follows:

Ayes:Senators Achi,C Brown,J Brown,Carter,Crabbe,Kaiue, Baldwin and White.....8.

Noes:Senators Kahilina,Kalauokalani,Kaohi,Kanuha,Nakapaahu, Paris,Russel.....7.

At II:30 o'clock.Senator ~~Kalauok~~White moved to take a recess until 2 o'clock.Seconded by Senator Baldwin and carried.

Afternoon Session.

The Senate met at 2 o'clock.

Senator C Brown moved that the rules be suspended in order to allow him to report for the special committee to whom Bill No. 77 was referred. There being no objection,the request was granted and Senator C Brown reported as follows:

Honorable S. E. Kaiue,

President of the Senate;

Sir:-

Your Special Committee to whom was referred Senate Bill No. 77, being "An Act to amend Act 34 of the Session Laws of 1898 to provide against the adulteration of food and drugs." beg leave to report that they have had the same under consideration.

The Act was presented by the Committee on Food Adulterations, and was suggested to them by the Inspector appointed under the Act above named, and are on a line with his experience of the working of said Act and what he has found to be necessary for the perfect protection against adulterations.

Your Committee recommend that all that portion of the Act after the words "Be it enacted by the Legislature of the Territory of Hawaii" to Section 1 be eliminated.

Your Committee also recommend that a new Section be inserted to be known as Section 12, which shall read as follows:

"Section 12. Act 34 of the Session Laws of 1898 entitled, "an Act to provide against the adulteration of Food and Drugs" is hereby repealed."

Your Committee also recommend another Section to be numbered Section 13 to read as follows:

"Section 13. This Act shall take effect after its approval.

Your Committee also recommend that a new title to the Bill be given which will read as follows:

"An Act to provide against the adulteration of Food and Drugs in the Territory of Hawaii.

With these amendments they recommend that the bill pass.

Respectfully submitted,

Cecil Brown.
W. C. Achi.
D. Kalawokalani.

Pau hana

Senator Carter moved the adoption of the report. Seconded by Senator C Brown and carried.

Senator C Brown moved that the bill be read the second time on Friday. Seconded by Senator J Brown and carried.

~~Senator White~~ The clerk announced on the order of the day the appointments of the Governor as submitteed in two messages.

Senator White moved that anything pertaining to the appointments of the Governor be ~~put over~~ deferred until Friday. Seconded by Senator Kalauokalani and carried.

Second reading of Senate Bill No. 79, the Appropriation Bill.

Senator Kanuha moved that consideration of the bill be deferred until some future date. Seconded by Senator Nakapaahu.

Senator J Brown moved that the consideration of the Appropriation Bill be deferred until Monday and no longer. Seconded by Senator C Brown and carried.

The Chair announced the following message from the Governor:

To the Legislature of the Territory of Hawaii:

The bill entitled "An Act to repeal sections 922 and 925, and the second paragraph of section 924, part V of chapter 59 of the Penal Laws as compiled in 1897, relating to vaccination," has had my consideration, and I am unable to approve it, and herewith return the same without my signature.

My objections to the bill are as follows:

The repeal of the sections referred to leaves the law in regard to vaccination without the means of enforcement.

While there is a considerable number of medical men who doubt the efficacy of vaccination, there is no doubt that the great majority of the profession rely upon it as a scientific method of preventing the disease of smallpox; notwithstanding this there is a prejudice among some people against the operation which will prevent many from availing themselves of this precautionary measure were there no penalty attached to a failure to do so.

The importance of vaccination as a preventative against smallpox has been unanimously affirmed by the members of the Hawaiian Medical Society at a recent meeting held for the purpose of discussing the question raised by the passage of the bill now under discussion.

Placed as we are in the midst of the Pacific Ocean, a port of call from the Mainland and from ports of China, Japan and the Australian colonies, we are constantly exposed to the introduction of contagious and infectious diseases from these ports; for this reason it is necessary for us to exercise every care, and to take every precaution against the introduction or any of these diseases into these Islands. It is a matter of congratulation that at the present time we have the assurance that at least our children and young people have been subjected to vaccination, thereby reducing the danger which might arise should smallpox be introduced here.

We should, however, fear for the future, and prevent the possibility of a recurrence of those terrible disasters which have visited our country, more particularly in the years 1851 and 1881, when large numbers of our native born succumbed to this terrible disease.

I deem the several amendements to be inconsistent with the public interest.

SANFORD B. DOLE.

Executive Chamber, April 17, 1901.

Senator Kalauokalani moved that consideration of the message be set for Thursday. Seconded by Senator J. Brown and carried.

Pau kela.

. Senator C Brown moved that Senate Bill No. 84 be read by Btitle and referred to the special committee composed of Senators Baldwin,Paris,J Brown,White and Kanuha.Seconded by Senator Kanuha Kalauokalani and carried.

Senator Achi moved that the rules be suspended in order to introduce a resolution.Seconded by Senator Kalauokalani.

There being no objection,the request was granted.

Senator Achi then introduced the following resolution:

RESOLVED That it is the sense of the Senate that this is the 48th. day of the session.

W C Achi.

April I7th.,I90I.

At 2:30 o'clock,Senator Kalauokalani moved to adjourn until Io o'clock on Thursday.Seconded by Senator Kaohi and carried.

Edgar Campbell

Clerk of the Senate.

Approved by the Senate:

J. O. Kaiue

President of the Senate.

JOURNAL OF THE SENATE.

~~Forty-Seventh~~ Day,

Thursday, April 18th., 1901.

In the Senate,

Territory of Hawaii.

Forty-Seventh Day,

~~Morning Session.~~

Thursday, April 18th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators Achi and Carter absent.

The journal of the previous day was read and, on motion of Senator J Brown, seconded by Senator Nakapaahu, approved as read.

A communication from the House of Representatives announced that that body on the 17th. inst had declined to concur in the Senate amendments to House Bill No. 44 and that the bill had been referred to the Committee on Public Health and Education to meet with a like committee from the Senate.

Senator C Brown moved that the Committee on Public Health and Education of the Senate be instructed to act as a conference committee with a like committee from the House to consider the bill. Seconded by Senator Baldwin and carried.

~~Another~~ a communication from the House announced that on the 17th. inst. that body had failed to secure the necessary two-thirds vote over the Governor's veto on House Bill No. 15, relating to dog tax.

~~Still another~~ a communication from the House of Representatives announced the passage on third reading of House Bill No. 72, on the 17th. inst.

Senator Kalauokalani moved that the bill be read first time by title. Seconded by Senator Kahilina and carried.

Senator Kalauokalani moved that the bill pass its first reading and that it be read the second time on Monday. Seconded by Senator C Brown and carried.

~~Another~~ a communication from the House of Representatives announced the passage in third reading of House Bill No. 74, on the 17th. inst.

Senator Kalauokalani moved that the bill be read the first time by title. Seconded by Senator Kahilina and carried.

Senator C Brown moved that the bill pass its first reading and ~~that it~~ be read ~~the~~ a second time on Monday. Seconded by Senator Nakapaahu and carried.

~~Another~~ communication from the House announced the passage on third reading of House Bill No. 93 on the 17th. inst.

Senator Kalauokalani moved that the bill be read the first time by title. Seconded by Senator Kahilina and carried.

Senator Kalauokalani moved that the bill pass its first reading and that it be read the second time on Monday. Seconded by Senator J Brown and carried.

Senator Kalauokalani reported for the Printing Committee ~~to the effect~~ that Senate Bills Nos. 86,89,90 and 92 had been printed and were ready for distribution.

Senator Kalauokalani reported as follows for the Enrollment Committee on bills presented to the Governor:

Mr. President:

Your Committee on Enrollment presented to Governor Dole duly enrolled House Bill No. 41, entitled

> An Act providing for names of streets, roads and lanes in the District of Honolulu, Island of Oahu.

and also House Bill No. 42, entitled

> An Act providing for the numbering of buildings in the District of Honolulu, Island of Oahu.

at the hour of 11:30 o'clock, April 17th., A.D., 1901.

D Kalauokalani,

Chairman Enrollment Committee.

Senator Kalauokalani reported further for the same committee as follows:

Mr. President:

Your Committee on Enrollment presented to Governor Dole duly enrolled Senate Bill No. 26, entitled

> An Act to provide for the exemption of certain personal property from attachment, execution, distress and forced sale of every nature or description; and repealing an Act entitled "An Act to facilitate the recovery of rents" passed on the 10th day of January, 1865 and all other laws and parts of laws in conflict with this act.

and also Senate Bill No. 36, entitled

> An Act relating to the appointment of bailiffs for certain courts in the Territory of Hawaii and defining th eduties and powers of such bailiffs and fixing the amount of the compensation, and providing for the payment of such compensation.

at the hour of 2:30 p.m.,April 17th.,A.D.,1901.

D.Kalauokalani,

Chairman Enrollment Committee.

Senator Baldwin reported as follows for the Committee on Public Health and Education to whom was referred a petition from 61 citizens of the District of North Kohala,Hawaii:

The petition requests:

"1st. That a school be established in North Kohala for the children from Kaipuhaa, Puuhue, Kehena, Kahuwa and Keanahalulu.

"2nd. That a school be established in North Honoipu and Haena.

"Your committee interviewed the Superintendent of Public Instruction in regard to the matter, who wrote Dr. B. D. Bond, school agent, at Kohala, for his opinion. For reasons given in Dr. Bond's report on the subject, which we herewith append, we recommend that the petition be laid on the table."

David Kamuha.

H P Baldwin.

D Kalauokalani.

The following ~~is the~~ letter ~~from School Agent Bond which~~ accompanied the report of the Committee on Public Health and Education:

Kohala,Hawaii,

April 11th.,1901.

Dr. C T Rodgers,

Secretary Department of Public Instruction,

Honolulu.

Dear Sir:

"In reply to yours of April 9, asking information on an inclosed 'Petition' from 61 voters of North Kohala asking that two new schools be established; one for Kaipuhaa and neighboring lands, and one for Honoipu and Haena, I would say that the Department already has a school at Kaipuhaa. The two or three children at Haena are provided for at Mahukona, where they attend regularly. The population at Honoipu and vicinity is too small, and too uncertain to warrant the maintenance of a school at that point at present. For the accommodation of all the population named the Department has had under consideration a central school which would involve for Kaipuhaa children a two mile walk; for Mahukona ditto; for Honoipu, a 3 mile walk. This plan has been vigorously protested against by the Mahukona parents.

"In conclusion, I want to say that of the whole list of 61 names, not one signer lives in the regions petitioned for, or has any immediate interest in either of the schools asked for."

Very respectfully,

B D Bond.

Senator Baldwin moved that the report and petition ~~referred~~ thereon to ~~in the report~~ be laid on the table to be considered with the

Appropriation Bill. Seconded by Senator Achi and carried.

Senator White moved that the rules be suspended in order to allow him to present a petition.

There being no objection, the request was granted.

Senator White then read the following petition:

"To the Legislature of the Territory of Hawaii in congress assembled. Gentlemen: We, the undersigned citizens and taxpayers of the Island of Maui, Territory of Hawaii, most respectfully petition your Honorable bodies, that:

"1. The existence of the First Regiment, National Guard of Hawaii, is eminently necessary for the preservation of our homes and the protection of our interests.

"2. The country is now flooded with plantation laborers of very questionable characters, who may be invaluable for the promotion of our chief industries, yet their presence in such large numbers in our midst make us feel that our homes, our families, are almost entirely helpless without the presence of adequate military forces stationed in convenient quarters throughout the islands.

"We therefore do earnestly pray that your Honorable bodies pass sufficient appropriations at the present session of the Territorial Legislature for the proper maintenance of the First Regiment, National Guard of Hawaii, and your petitioners will ever pray."

(41 signatures)

Senator Kanuha moved that the petition be referred to the Committee on Military. Seconded by Senator J Brown and carried.

The clerk read the following communication from the ~~clerk of the~~ House of Representatives, dated April 18th.:

I have the honor to inform your Honorable body that the House of Representatives of the Territory of Hawaii has this day secured the necessary two-thirds vote over the Governor's veto as regards to House Bill No. 9, relating to vaccination.

Very Respy. S. Nakuina
Clerk House of Reps

Mr. Carter reported as follows for the majority of the Ways and Means Committee to whom was referred Senate Bill No. 83, "An Act to provide a license for tailors and dressmakers:"

This bill provides a license of $25 per annum for every that establishes, keeps or conducts a tailoring or dressmaking establishment and at a violation of which provides a penalty of not less than $5 nor more than $20.

The majority of your committee recommends the passage of the bill.

David Kanuha.

G R Carter.

I do not concur.

N. Russel.

Senator C Brown moved the adoption of the report.Seconded by Senator J Brown and carried.

Senator Nakapaahu moved that the bill be typewritten and read the third time on Friday.Seconded by Senator Baldwin and carried.

At II:30 o'clock,Senator Carter moved to take a recess until 2 p.m.Seconded by Senator Nakapaahu and carried.

AFTERNOON SESSION.

The Senate met at 2 o'clock.

Senator White presented the following report of the Committee of Claims on Senate Bills Nos. 35 and 35:

This bill provides merely for a Commission to take evidence and report to the Governor of the Territory upon the claims that may be presented,and it contains no assurance to any one of any beneficial results if he files his claim.

There is a limit of time within which claims may be filed but there is no limit within which they shall be heard and determined and there is no provision providing that all claims must be presented to the commission or that in case of failure to present a claim within the time limit it shall be forever barred.

The bill provides for no assurance to the claimants that anything will be done for their benefit after they have submitted their claims to trial and decision.There is no provision for payment nor any assurance that any further action will be taken by anyone in the matter for the report is to be made to the Governor and may be by him pigeonholed.

If any bebefit is to accrue to the claimants in the way of assisting them in repairing their losses,it is not provided for in this bill.A quick decision and early settlement following,even if the award be arbitrarily arrived at,is required in this matter but this bill practically defers any benefit for a period of two years or until the next Legislature.

A committee of investigation which is really the effect and perhaps object of this bill,is not what is required but a Court of Claims or arbitration with plenary powers ought to be constituted to even arbitrarily,if necessary,hear and determine the justice and

correctness of the claim and render a judgement decisive of the amount of loss and provide for its settlement within some definite period.

This bill is not in line with equity and justice and we recommend that the same be laid on the table and that Senate Bill No. 35 be substituted and passed.

Wm. White

Nicholas Russel.

Senator C Brown moved that the two bills referred to in the report and Senate Bill No. 93, bearing on the same subject, be made the order of the day for Monday, together with the report just presented (and reports on the other bills.

Seconded by Senator J Brown and carried.

The resolution of Senator Achi ~~to the effect~~ that Wednesday the 17th. inst. be decided on by the Senate as the 48th. day of the session, was brought up under unfinished business.

Senator Achi moved that the resolution be referred to the Judiciary Committee. Seconded by Senator C Brown.

Senator J Brown moved to amend to the effect that the resolution be laid on the table. Seconded by Senator Kalauokalani and carried.

Message from the Governor announcing his veto to the vaccination bill, announced on the order of the day.

Senator Baldwin moved that the veto of the Governor be sustained. Seconded by Senator Paris.

The ayes and noes were called on the measure with the following result:

Ayes: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Russel and White.....9.

Noes: Senators Achi, Baldwin, C Brown, Carter, Crabbe and Paris..6.

The chair announced that as the vote did not show the necessary two-thirds vote on the passage of the bill over the Governor's veto, the bill failed.

Message from the Governor announcing his veto ~~to~~ of the dog tax bill, announced on the order of the day.

Senator Baldwin moved that the veto of the Governor be

sustained. Seconded by Senator C Brown.

Vote by ~~the~~ ayes and noes ~~were called~~ was had on the ~~measure~~ passage of the bill over the veto of the Governor, with the following result:

Ayes: Senators Achi, J Brown, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Russel and White.....II.

Noes: Senators Baldwin, C Brown, Carter and Paris.....4.

The chair announced ~~that the Senate had succeeded in passing the dog tax~~ the passage of the bill over the veto of the Governor. ~~and therefore the act was law~~.

Senator C Brown moved that the rules be suspended and that he be allowed to give notice of his intention to introduce a bill. Seconded by Senator J Brown.

There being no objection, the request was granted.

Senator C Brown then gave notice of his intention to introduce the following bill:

An Act to amend Section I, Chapter 2 of the Session Laws of 1890 and as further amended by Act 3 of the laws of the Republic of Hawaii of 1896 entitled An Act to regulate the erection and repair of buildings in the city of Honolulu within certain fire limits.

The clerk read the following communication from the Chamber of Commerce:

Honolulu, H.T., April 18th., 01.

Hon. S E Kaiue,
President of the Senate,
Territory of Hawaii.
Dear Sir:

I have the honor to enclose herewith a copy of a resolution passed at a special meeting of the Honolulu Chamber of Commerce held on Wednesday the 17th. inst. petitioning the Legislature to extend the fire limits of the city.

The portion of the city suggested by the Board of Fire Underwriters and approved by this Chamber is bounded as follows:-By the water front, thence along River street to point 80 feet mauka of Beretania s street, thence easterly along a line 80 feet mauka and parallel with said Beretania street to a point 80 feet easterly of an extension of

the easterly line of Richards street thence southerly along a line 80 feet easterly and parallel with said Richards street to the water front including all the land now or hereafter to be reclaimed within said limit.

Very respectfully,

Your obedient servant,

James Gordon Spencer,

Secretary.

Following were the resolutions submitted with the communication:

"Whereas, it is understood by this Chamber that no action has been taken by the Legislature now in session to extend the fire limits of the city, and

"Whereas, it is very desirable and for the best interests of the whole community that the present fire limits be extended, and

"Whereas, the Board of Fire Underwriters addressed a communication dated the 13th inst. to this Chamber recommending an extension of the fire limits; therefore, be it

"Resolved, That this Chamber petition the Legislature to favor any bill that may be introduced before it for the extension of the present fire limits of the city, on the lines recommended by the Board of Fire Underwriters."

Senator C Brown moved that the communication and resolution from the Chamber of Commerce be received,placed on file and brought up ~~xik~~ when the bill affecting it shall be brought up.Seconded by Senator J Brown and carried.

Senator Paris moved that Senate Bill No. 92 be taken up for consideration in second reading by title.Seconded by Senator White and carried.

Senator Paris moved that the bill be referred to the same special committee having other bills of a like nature in its hands.Seconded by Senator C Brown and carried.

Under suspension of rules,Senator Achi gave notice of his intention to introduce "An Act to regulate the selling of spirituous liquors."

At 4 o'clock,Senator White moved to adjourn until 10 o'clock on Friday.Seconded by Senator C Brown and carried.

Edgar Caspers

Secretary of the Senate.

Approved by the Senate:

J. E. Kaue

PRESIDENT OF THE SENATE.

JOURNAL OF THE SENATE.

~~Forty-~~Eighth Day.

~~Friday~~, ~~April~~ ~~10th.~~, ~~1901~~.

In the Senate.

Territory of Hawaii,

Forty-Eighth Day.

~~Morning Session.~~

Friday, April 19th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators Baldwin, Crabbe, Kalauokalani and Kanuha absent.

The journal of the previous day was read.

Senator Carter moved that that portion of the journal referring to the announcement of the President after the vote on the passage of the dog tax bill over the Governor's veto, which read "and therefore the act was law", be stricken out.

The President ~~ordered~~ directed the clerk to change the minutes accordingly.

Senator Kaohi moved the adoption of the journal as corrected by Senator Carter. Seconded by Senator Kahilina and carried.

The clerk read a communication from the House to the effect that that body had passed House Bill No 7 in third reading on the 18th. inst.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator Crabbe and carried.

Senator Achi moved that the bill be placed on the order of the day for Saturday. Seconded by Senator J Brown and carried.

Senator White reported as follows for the Judiciary Committee on Senate Bill No. 58 "An Act to provide for the filing, foreclosing, Limitation and priority of chattel mortgages:"

Your committee believes that all questions of credit and security are delicate matters and should be stated with great care. With that belief, the bill under consideration has been treated. Your committee finds; that there is now law upon the Statute books of Hawaii covering the subject of this bill by which the honest creditor and the honest debtor are alike protected in pledging personal property as security for the payment of a debt, thereby allowing Shylock creditors to defraud and rob helpless debtors by taking the law (or rather the want of law) into their own hands.

This bill,if enacted,will allow the creditor to take what legally belongs to him,principal,interest and costs,but will a llow him to take no more.If the debtor is so unfortunate as to be in default of payment this law would protect him to the extent,that the property mortgaged should be sold at public auction after due notice and if such sale resulted in a greater sum than enough to pay the debt,he would be entitled to receive the surplus.This is true as to real estate mortgages.Why should it not be true as to personal property mortgages?

Section one provides,and the courts generally hold,that a chattel mortgage,although duly executed and delivered,admits of the presumption that it is fraudulent unless it is either followed by an actual and continued change of possession or,that it be filed and indexed upon the public records as notice to subsequent mortgages,purchasers and other creditors.Without this provision,a chattel mortgage can be made a cloak for fraud and conspiracy.With this provision it serves all honest purposes and prevents bogus mortgages being held to cover personal property in fraud of subsequent creditors in good faith.

Section two proceeds upon the presumption that county government will soon be an accomplished fact.If this Territory is really a part of the United States,no other presumption is admissable;but should county government fail to materialize at this session,it would only render this law imperative until such time as counties shall be duly organized when it would go into force and effect.

Section three properly makes the life of the martgage two years with the privilege of one year's extension upon cause shown by affidavit of the mortgage.The nature of personal property is such that a mortgage thereon for a long or unreasonable period is presumptive of fraud and collusion as against subsequent purchasers or creditors.

All the other sections have been carefully considered and throughout your committee finds that the bill has been carefully drawn to protect the honest creditor and honest debtor alike in all honest transactions,and that the doors have been as carefully closed against fraud and collusion.By thus protecting both debtor and creditor in lawful transactions it enhances the value of personal property as security (which is generally the only class of security the poor man has

to offer) without fear of extortion and confiscation,which now prevails.

The bill also protects the mortgagee from fraud upon the part of the mortgagor.Section eleven provides a punishment by fine or imprisonment or both in case the mortgagor seeks to defraud the mortgagee.

In view of the great necessity of such a law,your committee recommends the passage of the bill.

Wm. White.

N. Russel.

Senator Carter moved that the report be laid on the table to be considered with the monority report and the bill.Seconded by Senator C Brown and carried.

Senator Achi reported for the Printing Committee ~~to the effect~~ that Senate Bills Nos. 93 and 95 had been printed and were ready for distribution.

Senator Paris reported as follows for the Public Lands Committee on Petitions 15,16 and 28,being petitions for roads and repairs in Olaa and Puna,Hawaii:

Your committee find that Petition ~~&~~x 16 for road to Keohe homesteads has already been provided for in the estimates of the Superintendent of Public Works.

Petition 15 for $5000 to repair the cross road at 15 miles on the Volcano road.We would recommend that the sum of $2 000 be inserted in the Appropriation Bill for this road.Petition 28 asks for $26 000 to build a cross road on the 22 miles on the Volcano road to new Volcano road.

Your committee consider that this road should be built as it would help develope a fine section of government land,but with our many necessary improvements,we would recommend that $5000 be inserted in the Loan Bill for a horse trail.

John T Brown.

J D Paris.

L Nakapaahu.

Senator Paris moved that the report be laid on the table to be considered with the Appropriation Bill.Seconded by Senator C Brown and carried.

Senator White reported as follows for the Committee on Intoxicants:

Your Committee on Intoxicants to whom was referred House Bill No. 19 entitled "An Act relating to the sale of alcohol;amending Section 15,and repealing Sections 10,13 and 14 of Act 64 of the Session Laws of 1896,"having had the same under consideration,report the same back and recommend its passage.

Wm. White.

C L Crabbe.

Senator C Brown moved the adoption of the report.Seconded by Senator White and carried.

Senator Achi moved that the bill be typewritten and read the third time on Saturday.Seconded by Senator J Brown and carried.

Senator Achi introduced the following resolution:

RESOLUTION.

RESOLVED That the sum of $10 000 may be inserted in the Appropriation or Loan Bill for laying water pipes in that district situated mauka of King street and lying along or near Kalihi road.

W C Achi.

Senator J Brown moved that the resolution be referred to the Public Lands Committee.Seconded by Senator White and carried.

Senator Paris moved that the rules be suspended in order to allow him to introduce a number of petitions.Seconded by Senator J Brown and carried.

Senator Paris then offered the following petition :

Whereas a movement has been inaugurated by Jacob Coerper and associates for the construction of railroad from and through the Districts of Kau,and North and South Kona,and whereas,the construction and maintenance of such railroad will be of inestimable benefit to said districts,and will increase the prosperity thereof,

Now therefore,we the undersigned,citizens and residents of the said districts,most respectfully petition your Honorable body to grant said Jacob Coerper and his associates,a charter for the construction of a railroad through said districts,and humbly urge that all means in the power of your Honorable body to put forward in the aid and

management of the undertaking.

(63 signatures.)

Senator Paris moved that the petition be referred to the special committee having all franchise matters in its hands. Seconded by Senator J Brown and carried.

Senator Paris then presented two more petitions-one from South Kona with 27 signatures and one from North and South Kona with 59 signatures-asking identically the same thing.

Senator Paris moved that these two petitions be referred to the same committee as the first petition read. Seconded by Senator Kalau-okalani and carried.

Senator C Brown read by title the following bill, notice of which he had already given:

An Act to amend Section 1 Chapter 2 of the Session Laws of 1896, as amended by Chapter 25 of the Session Laws of 1890, and as further amended by Act 31 of the laws of the Republic of Hawaii of 1896 being An Act entitled "An Act to regulate the erection and repairing of buildings in the city of Honolulu within certain fire limits."

Senator C Brown moved that the bill pass its first reading and that it be referred to the Printing Committee. seconded by Senator J Brown and carried.

Senator Crabbe read by title the following bills, notice of which he had already given:

1-An Act amending Section 4 of Act 28 of the Session Laws of 1898.

2-An Act amending Section 222, Chapter 26 of the Session Laws Penal Laws of 1897 as compiled by Sidney M. Ballou.

3-An Act to prohibit the driving of any vehicle faster than a walk over certain street crossings within the District of Honolulu.

On motion of Senator Crown, seconded by Senator Crabbe, the first of these passed first reading and was referred to the Printing Committee.

On motion of Senator Crabbe, seconded by Senator J Brown, the second of these passed first reading and was referred to the Printing Committee.

Committee.

On motion of Senator Crabbe, seconded by Senator C Brown, the third of these passed first reading and was referred to the Printing Committee.

Senator Carter moved that Senate Bill No. 101 be read the second time. Seconded by Senator C Brown and carried.

Senator C Brown moved that the bill pass its second reading. Seconded by Senator Baldwin and carried.

Senator Nakapaahu moved that the bill be typewritten and read the third time on Saturday. Seconded by Senator C Brown and carried

The appointments of the Governor as submitted in ~~tow~~ two messages to the Senate announced on the order of the day.

Senator C Brown moved that the consideration of the appointments be deferred until Tuesday. Seconded by Senator White and carried.

Third reading of Senate Bill No. 77, "An Act to amend Act 34 of the Session Laws of 1898, entitled 'An Act to provide against the adulteration of Foods and Drugs?"

Senator C Brown moved that the bill pass its third reading. Seconded by Senator J Brown and carried on the following showing of ayes and noes:

Ayes: Senators Achi, Baldwin, C Brown, J Brown, Carter, Crabbe, Kahilina, Kaiue, Nakapaahu, Paris, Russel and White.....12.

Noes:.....0.

In doubt: Senators Kalauokalani, Kamaha and Kaohi.....3.

Senator Carter moved that Senate Bill No. 27, set on the order of the day, be deferred until Tuesday.

Senator Russel moved to amend to the effect that the bill be indefinitely postponed.

Senator White moved that the bill be deferred until Monday. Seconded by Senator Carter and carried.

Senator C Brown moved that the rules be suspended and that Senate Bill No. 74 be taken off the table. Seconded by Senator White and carried.

At 11:45 o'clock Senator Achi moved to take a recess until 2 p.m. Seconded by Senator White and carried.

Afternoon Session.

The Senate met at 2 o'clock.

Third reading of Senate Bill No. 45 "An Act relating to the limitation of time within which action may be brought to recover possession of land."

Senator Kalauokalani moved that the bill pass its third reading. Seconded by Senator Kahilina and carried on the following showing of ayes and noes:

Ayes: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kaohi, Nakapaahu, Russel and White .....8.

Noes: Senators Achi, Baldwin and C Brown.....3.

In doubt: Senator Crabbe.....I.

Absent: Senators Carter, Kanuha and Paris.....3.

Second reading of House Bill 82.

Senator C Brown moved that the bill pass its ~~fix~~ second reading. Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani moved that the bill be typewritten and read the third time on Saturday. Seconded by Senator C Brown and carried.

Second reading of House Bill No. 57, set to receive the report of the minority.

Senator C Brown moved that the bill pass its second reading. Seconded by Senator J Brown and carried.

Senator Achi moved that the bill be typewritten and read the third time on Saturday. Seconded by Senator J Brown and carried.

Third reading of Senate Bill 83 "An Act providing for the licensing of tailoring and dressmaking establishments in the Territory of Hawaii."

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Kalauokalani and carried on the following showing of ayes and noes:

Ayes: Senators Baldwin, J Brown, Carter, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu and White.....II.

Noes: Senators C Brown and Russel.....2.

In doubt: Senator Achi.....I.

Absent: Senator Paris.....I.

Second reading,by title,of Senate Bill No. 90 "An Act to prevent the defrauding of owners of licensed vehicles carrying passengers for hire,"

Senator Carter moved that the bill be referred to the Judiciary Committee.Seconded by Senator C Brown and carried.

Second reading by title,of Senate Bill No. 89,"An Act to protect hotels and boarding and lodging houses."

Senator C Brown moved that the bill be referred to the Judiciary Committee.Seconded by Senator Kalauokalani and carried.

Second reading,by title,of Senate Bill No. 86,"An Act to amend Section 8I of Act 64 of the Session Laws of I896,entitled "An Act toa amend,add to and consolidate the laws relating to certain licenses,and to repeal the following laws viz.:"approved the I2th. day of June,A.D.,I896."

Senator Carter moved that the bill be referred to the Committee on Ways and Means.Seconded by Senator Kalauokalani and carried.

Second reading of Senate Bill No. 74 "An Act to amend Section 7I0 of Chapter 55 of the Civil Laws set forth in a compilation made by Sidney M Ballou,under authority of the Legislature,and published and entitled Civil Laws,relating to awa."

Senator Kanuha moved to amend the bill ~~to the effect~~ that Hilo be charged an upset ~~price~~ license of $400.Seconded by Senator Baldwin.

Senator Carter moved to amend as follows:

Section I,line 2,so that it will read "For District of Honolulu,$500,for Districts of Hilo,Wailuku and Lahaina,$200 each and all other districts,$I00 each.

Amendment seconded by Senator J Brown abd carried.

Senator C Brown moved to amend further as follows:

That the words "one hundred dollars" before "each other district" be changed to $50.

Senator J Brown moved that the bill pass its second reading as amended.Seconded by Senator Achi and carried.

Senator J Brown moved that the bill be typewritten and read the third time on Saturday.Seconded by Senator C Brown and carried.

Second reading,by title,of Senate Bill No. 95 "An Act providing for the licensing of shoemakers doing business in the Territory of Hawaii."

Senator Baldwin moved that the bill be referred to the Committee on Ways and Means.Seconded by Senator Kahilina and carried.

Second reading,by title,of Senate Bill No. 93 "An Act to regulate fiduciary companies."

Senator Achi moved that the bill be referred to the Committee on Finance.Seconded by Senator J Brown and carried.

Under suspension of rules,Senator Kalauokalani reported for the Printing Committee ~~to the effect~~ that Senate Bills Nos. 96 and 97 had been printed and were ready for distribution.

Second reading,by title,of Senate Bill No. 97 "An Act to amend Act 25 of the laws of 1898,relating to and concerning vehicles,tires and ~~x~~ wheels;by adding a new section to be called Section 5A."

Senator Kalauokalani moved that the bill be referred to the Public Lands Committee.Seconded by Senator White and carried.

Second reading,by title,of Senate Bill No. 96,"An Act to license persons buying,selling,or exchanging live animals."

Senator C Brown moved that the bill be referred to the Committee on Ways and Means.Seconded by Senator Kalauokalani and carried.

Senator Baldwin moved to take up the consideration of Senate Bill No. 58.Seconded by Senator C Brown and carried.

Senator C Brown moved that the bill be read section by section.Seconded by Senator Kalauokalani and carried.

Senator C Brown moved to strike out Section I of the bill. Seconded by Senator Baldwin and lost.

Senator Carter moved that Senate Bill No.58 pass its second reading.Seconded by Senator J Brown and carried.

Senator Kalauokalani moved that the bill be typewritten and read the third time on Monday.Seconded by Senator J Brown and carried.

At 3:30 o.clock,Senator Carter moved to adjourn until 10 o'clock on Saturday.Seconded by Senator C Brown and carried.

.....

Clerk of the Senate.

Approved by the Senate:

.....

President of the Senate.

JOURNAL OF THE SENATE.

Forty-Ninth Day.

~~Saturday, April 20th., 1901.~~

In the Senate.

Territory of Hawaii.

Forty-Ninth Day.

~~Morning Session.~~

Saturday, April 20th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators C Brown, Nakapaahu and Paris absent.

The journal of the previous day was read and, on motion of Senator Kalauokalani, seconded by Senator Kaohi, approved as read.

The clerk read ~~several~~ the following communications from the House of Representatives; ~~as follows~~:

A-Communication notifying the Senate that, on the 18th. day of April, the House reconsidered the vote taken on House Bill No. 15, ~~relating~~ relating to dog tax and succeeded in securing the necessary two-thirds vote over the Governor's veto ~~on the aforesaid bill.~~ thereof

A-Communication notifying the Senate of the passage on third reading of House Bill No. 83 on the 19th. inst.

Senator C Brown moved that the bill be read by title. Seconded by Senator Kalauokalani and carried.

Senator Achi moved that the bill pass its first reading and that second reading be set for Monday. Seconded by Senator Kalauokalani and carried.

A-Communication notifying the Senate of the passage on third reading of House Bill No. 80 on the 19th. inst.

Senator Achi moved that the bill be read by title, pass first reading and that second reading be set for Monday. Seconded by Senator Kalauokalani and carried.

A-Communication notifying the Senate of the passage on third reading of House Bill No. 58 on the 19th. inst.

Senator Achi moved that the bill be read by title, pass first reading and that second reading be set for Monday. Seconded by Senator J Brown and carried.

A-Communication notifying the Senate of the adoption of House Concurrent Resolution No. 4 on the 19th. inst. and submitting the

resolution, as follows:

Whereas, S. B. Dole, the Governor of this Territory, has admitted to a committee of the House of Representatives that the trip of J. F. Brown, Commissioner of Public Lands, to Washington, D. C., was authorized and directed by him and that, among other things, the said J. F. Brown was instructed by the Governor to advocate the repeal or modification of that clause of section 55 of the Organic Act which reads as follows:

"That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of 1,000 acres and all real estate acquired and held by such corporation or association contrary hereto shall be forfeited and escheat to the United States, but existing vested rights in real estate shall not be impaired."

And, whereas, E. P. Dole, Attorney General of this Territory, has recently rendered an opinion that leases of public land by corporations in excess of 1,000 acres or in addition to the land held in fee by such corporation is not prohibited by the above mentioned laws; and,

Whereas, there is an evident desire on the part of public officials of this Territory to remove all obstacles and allow corporations to increase the already too large holdings and thereby monopolize all the agricultural lands to the great loss and detriment of the citizens of this Territory; and,

Whereas, the Governor has, without authority of law, held regular and secret conferences with the heads of the departments under him since the erection of this Territory, and has denied to the House of Representatives access to or copies of the records of the proceedings thereof; and,

Whereas, it is a matter of common report that such reports will show that the Governor in such council or conference has favorably considered propositions yielding valuable concessions and exchanging of lands and privileges in the Territory to monopolies, corporations and private landed interests to the manifest detriment of "the homestead settlement system" long recognized as fundamental to the stability of a State and which, if adapted to our local conditions of soil, etc., would create in the near future an increasing proportion of small land holders who would naturally become the mainspring of the progress and proper development of this Territory.

Therefore, Be It Resolved, That we, the representatives of the people in Legislature assembled, do solemnly protest against a repeal of said clause in the Organic Act, and most respectfully ask that the Attorney General of the United States be directed by the President to commence suits in the United States Courts for the recovery of all public lands in Hawaii ~~illegally~~ illegally and unlawfully disposed of, and if necessary, that said suits be appealed to the Supreme Court of the United States in the interest of the people ~~for~~ and for ~~him~~ protection against the inordinate greed of monopolies, corporations, and private landed interests in trying to control, practically, all the public lands in this Territory.

That Congress is hereby memeorialized to send a Commission to this Territory to inquire into the local conditions relative to the public domain and the disposition that has been made thereof.

That certified copies of these resolutions be forthwith

transmitted to the President,the Attorney General,the Secretary of the Interior,the President of the Senate,the Speaker of the House of Representatives of the United States and to our Delegate to Congress from Hawaii.

Senator C Brown moved that the resolution be referred to the Judiciary Committee.Seconded by Senator Nakapaahu and carried.

-Communication notifying the Senate of the adoption of House Concurrent Resolution No. 3 on the 19th. inst. and submitting the resolution,as follows:

Be It Resolved,by the House of Representatives,the Senate concurring:

That the set of rules hereto attached,entitled "Joint Rules of Procedure,"be and they are hereby adopted as the rules for this present session of the Legislature.

Senator Achi moved that the resolution be referred to the Senate Committee on Joint Rules.Seconded by Senator Kalauokalani.

Senator White moved that the resolution be laid on the table. Seconded by Senator C Brown and carried.

Following are the joint rules submitted with the resolution and read by the clerk:

JOINT RULES OF PROCEDURE.

~~PAPA KUHIKUHI O NA RULA HUI.~~

1.—Joint Committees.

Upon the opening of each session there shall be appointed by the President from the Senate and by the Speaker from the House of Representatives the following Joint Committees to consist of three members from each branch of the Legislature.

1. A Committee on Ways and Means.
2. A Committee on Judiciary.
3. A Committee on Public Expenditures.
4. A Committee on Public Lands and Internal Improvements.
5. A Committee on Agriculture, Forestry and Manufacture.
6. A Committee on Public Health. and Education.
7. A Committee on Accounts.
8. A Committee on Rules.
9. A Committee on Passed Bills.

2.—Select Joint Committees.

Besides the foregoing Standing Joint Committees, Select Committees for Conference may be from time to time appointed, whenever a motion therefor shall be made from either branch of the Legislature. Such committees shall be discharged and cease to have authoritative functions whenever they shall have presented the final report upon the several matters respectively referred to them.

~~1.—Na Komite Hui.~~

I ka wehe ana o keia a me keia kau e kohoia e ka Peresidena mai ka Aha Senate, a e ka Lunahooma.u o ka Hale mai ka Hale Lunamakaainana mai, keia mau komite i huiia, i hoolawaia e ekolu mau hoa mailoko mai o kela a me [illegible] o na lala elua o ka Ahaolelo.

1. Komite o na Loaa a me na Hoolilo.
2. Komite Ohana Hookolokolo.
3. Komite o na Hoolilo o ka Lehulehu.
4. Komite o na Aina Aupuni, na Hana Aupuni a me na Hana Hou Kuloko.
5. Komite Mahiai, Ululaau a me Hana Lima.
6. Komite Ola a me Hoonaauao.
7. Komite Buke Helu.
8. Komite o na Rula.
9. Komite o na Bila i Hoohololia.

2.—Na Komite Hui i Waeia.

Mawano ae o keia mau Komite Hui Kumu, ua hiki no ke kohoia no kahi wa a kahi wa hou aku i mau Komite Waeia no ke Kukakuka ana ke waihoia aku kekahi no, no ia mea mai kekahi mai o na lala elua o ka Ahaolelo. E hookuuia a e pau ka mana o na Komite o keia ano mahope o ko lakou waiho ana aku i na hoike hope loa a lakou e pili ana no na mea i ui ia aku ai ia lakou.

3.—Committee Officers.

The first person named on the committee from either branch shall be the Chairman of that portion of the Joint Committee. For consultation the committee may name a chairman. Each Joint Committee may elect a clerk, who shall receive such compensation as the Legislature may decide.

4.—Officers of Both Houses to Attend Joint Committees.

The officers of either House shall, on notice, attend the sessions and obey the orders of the several Joint Committees.

5.—Members Not to Act as Attorneys.

No member of the Legislature shall act as counsel or attorney for, nor appear before either House or any committee on behalf of any measure for which he shall receive compensation from any person.

6.—Report of Joint Committees.

The report of a Joint Committee shall be to that House which disagreed with a resolution, bill or other matter sent from the other House.

7.—Joint Committees May Report by Bills.

A Joint Committee may report by resolution or bill; but if such bill is substituted for a bill or bills referred to it for consideration, it shall relate only to the subject matter of such bill or bills.

~~3.—Na Luna Komite.~~

O ka inoa mua i hoopukaia mailoko mai o kekahi o na Hale a i elua no kekahi Komite, e lilo no ia i Lunahoomalu no ia apana o kela Komite Hui. Ua hiki no i ke Komite ke koho i Lunahoomalu no ko lakou manawa kuka. Ua hiki no i kela a me keia Komite Hui ke koho i kakauolelo no lakou a e ukuia ia e like me ka mea a ka Ahaolelo e hooholo ai.

4.—E Akoakoa Na Luna o Na Hale a i Elua i Na Komite Hui.

E ukali aku na Luna o na Hale a i elua, ke konoia mai, a e hoolohe i na kauoha, i ka manawa noho o na Komite Hui o kela ano keia ano.

5.—Aole e Hana Kekahi Hoa Ma Ke Ano Loio.

Aole e aeia kekahi hoa o ka Ahaolelo e lawelawe ma ke ano loio a kokua a ku hoi imua o kekahi o na Hale elua a imua paha o kekahi o na Komite no ka pono o kekahi mea a i uku aala ia paha ia e kekahi poe paha, e kokua a hooikaika.

6.—Na Hoike a Na Komite.

E waihoia aku ka hoike a ke Komite Hui imua o ka Hale i kue i kekahi olelo hooholo, Bila a mea e ae paha i waihoia aku imua o lakou mai kekahi Hale mai.

7.—Ua Hiki No i Na Komite Hui ke Waiho Mai i ka Hoike Ma ka Bila.

Ua hiki no i kekahi Komite Hui ke waiho mai i ka lakou hoike, ma ka olelo hooholo, bila paha; aka, ina nae e waihoia mai ana ia bila ma ke ano he pani no kekahi bila a mau bila paha i waihoia aku ia lakou no ka noonoo ana, alaila, e pili wale na no na manao oia bila a mau bila paha.

8.—Final Report of Joint Committees.

Joint Committees shall finally report all matters previously referred to them at least a week before the adjournment of the Legislature.

9.—Messages Between the Two Houses.

Messages from one House to the other shall be sent by the hand of the Clerk, Sergeant-at-Arms or such other person as the House shall deem fit and proper. The Sergeant-at-Arms of the House to which such message is sent shall respectfully announce at the door that a message has been received, and the messenger shall, on notice, advance to the Clerk's desk and announce his message to the presiding officer.

10.—Messages to Be Written.

Messages or notice of the action of either House sent to the other shall be in writing and signed by the Clerk of the House from which the message was sent.

11.—Transmission of Bills, Etc.

All bills, joint resolutions and other matter requiring the concurrent action of the whole Legislature shall, upon final adoption in the branch where the same originated, or in which amendments thereto shall have originated, be sent to the other House for its action. The fact of passage in the branch where such matter originated shall be first certified by the presiding officer and clerk of such House.

12.—Papers to Be Transmitted.

Each House, upon being requested, shall transmit to the other all papers and memoranda pertaining to, or on which any bill or joint resolution is founded.

~~8.—Hoike Hope Loa a Na Komite Hui.~~

E hoike hope loa mai na Komite Hui no na mea a pau i waiho mua ia aku ia lakou i hookahi pule mamua ae o ka hoopanee ana o ka Ahaolelo.

~~9.—Na Kukai Manao Mai Kahi Hale a Kahi Hale.~~

E hoounaia na manao mai kahi Hale a kekahi ma ka lima o ke Kakauolelo, Makai o ia Hale, a i ole, kekahi kanaka paha a ka Hale e manao ai ua kupono a lawa no ia mea. E hoike aku ka Makai o ia Hale imua o lakou ma ke ano hoomaikai ua loaa kekahi kukai manao mai kekahi Hale mai, alaila, i ka hoomaopopoia ana mai, e hele aku ka Elele i hoounaia mai a ke pakaukau o ke Kakauolelo a hoike aku ia i ka manao i ka Luna Nui.

~~10.—E Kakauia Na Kukai Manao.~~

Na manao hoouna a hoike paha no kekahi mea i hanaia e kekahi Hale, e kakauia ia, a kakauinoaia e ke Kakauolelo o ka Hale, nana i hoouna aku ka manao.

~~11.—Ka Hoouna Ana i Na Bila a Pela Aku.~~

O na Bila a pau me na Olelo Hooholo Hui a me na mea e ae e pono ana e hoohana pu ia e ka Ahaolelo holookoa, e hoounaia aku ia i ka lua o ka Hale no ka lakou mau hana, ke hooholo hope ia ia mea e ka Hale nana i hana mua, a i ole, na hooloii a me na pakui paha. E hoiaio mua mai nae ke Kakauolelo a Luna Nui paha o ia Hale na holoia mea ma ka Hale i hana mua ia ai.

~~12.—Na Palapala e Hoounaia Ana.~~

E hoouna aku no kela a me keia Hale i kekahi o lana i na pepa a pau a me na palapala hoomanao e pili ana a i hookahuaia i kekahi bila a olelo hoohoio hui paha.

13.—Amendments to Bills, Etc.

Whenever a bill or resolution which has passed one House shall be amended by the other, such amendment shall be attached to the bill or resolution amended, and endorsed "Adopted." If concurred in by the House where the bill or resolution originated it shall be endorsed "Concurred in," and shall be signed or attested by the Clerk of the Senate or of the House of Representatives, as the case may be.

14.—Non-Concurrence or Amendment.

Whenever either House shall not concur in any resolution, bill or other matter sent from the other House, or shall amend the same, such resolution, bill or other matter shall be referred to the appropriate Joint Committee for its consideration and report.

15.—Notice of Non-Concurrence.

Whenever a resolution, bill or other matter shall not be concurred in, the dissenting House shall promptly notify the other of its action.

16.—Receding from Disagreement.

Either House may recede from a subject of difference between the two at any time prior to the report of a Joint Committee on the subject; whereof notice shall at once be given to the Joint Committee having the subject matter of difference in charge, whereupon such matter shall be deemed to have been withdrawn from such committee, and shall again be considered as before the House which has so receded, and it may thereupon proceed to concur in the action of the other House.

17.—Amendments Not Concurred In.

If either House refuses to accede to

13.—Hoololi Ana i Na Bila a Pela Aku.

I ka wa e hoololiia ai e kekahi Hale, kekahi bila a olelo hooholo paha, i hooholoia e kekahi Hale, e hoopili pa ia aku no ia hoololi me ka bila a olelo hooholo paha i hooholoia, a e kakau kua ia "Aponoia." Ina e kokuaia e ka Hale kahi i noonoo muaia ai ka bila e kakau kuaia "Kokua Like ia," a e kakau inoa ia a e hooiaioia e ke Kakaholelo o ka Senate, a i ole, ko ka Hale Lunamakaainana paha, e like me kahi i hanaia ai.

14.—Kokua Ole ia a Hoololi Paha.

I ka wa o kela a me keia Hale e kokua like ole ai a e hoololi ai paha kekahi olelo hooholo, bila a mau hana e ae paha, alaila, e waihoia aku no ia bila a hana e ae paha i ke Komite Hui Kupono no ka noonoo ia ana a me ka hoike ana mai.

15.—Hoike Ana No ke Kokua Ole ia

I ka wa e kokua like ole ia ai kekahi olelo hooholo, bila a hana e ae paha, hoike koke aku ka Hale e hoole ana, kekahi Hale o lana no kana hoole ana.

16.—Ka Hoole Ana i ke Kue.

Ua hiki no i kela a i keia Hale ke hoole a hoopau i ka lakou kue ana ne kekahi ninau mawaena o na Hale ma mua o ka waiho ana mai o ka hoike ke Komite Hui e pili ana no ka mea kueia alaila, e manaoia ua hunuhii ia kumu hana mai ia Komite mai, a manaoia aia hou ia mea imua o ka Hale i hoopau i kona kue, a ua hik iaia ke hele mua aku no ke kokua an i ka hana a kekahi Hale.

17.—Na Hoololi i Kokua Ole ia.

Ina e hoole kekahi o na Hale aole

amendments made by the other to resolutions, bills or other matter sent to it for consideration, then such resolution, bill or other matter shall be dropped for the session, unless two-thirds at least of the House refusing such accession shall consent to the revival of such amendment for further consideration.

ae e kokua i ka hoololi i hanaia e kekahi Hale no kekahi mau olelo hooholo, mau bila, a hana e ae paha i hoounaia aku ilaila no ka noonooia ana, alaila, e kapae loa ia ia olelo hoohoio, bila, a hana e ae no ia kau, koe wale no ina e ae ka elua hapakolu o ka Hale nana ia mea, e hoala hou ia hoololi no ka noonoo hou ana.

18.—Bills, Etc., Dropped for Session.

If either House shall adhere to its disagreement, the resolution, bill or other subject of the disagreement shall be dropped for the session, unless two-thirds at least of the House which disagreed shall consent to its revival and further consideration.

~~18.—Na Bila, a Pela Aku, i Kapaeia No ke Kau.~~

Ina e kupaa mau kela a me keia Hale ma kona kue ana, alaila, e kapae loa ia no ke kau ia olelo hooholo bila a hana e ae paha, i hiki ole ke hooholo like ia, koe wale no aia a e ka elua hapakolu o ka Hale i kue no ka hoala hou ana a me ka noonoo hou ana.

19.—Bills Finally Passed.

When a bill shall have finally passed both Houses, it shall, as a matter of course, be referred to the Committee on Passed Bills, which shall examine the same and ascertain whether it agrees with the action of the two Houses. If it does, it shall be properly typewritten by the Enrollment Committee of the House where it originated, subject to the approval of said Committee on Passed Bills. If any errors appear in the versions of either House, the Committee shall correct the same to agree with the action finally taken.

~~19.—Na Bila i Hooholoia No ka Wa Hope Loa.~~

I ka wa o kekahi bila e hoohoioia ai no ka wa hope loa e na Hale a i elua, e like me ka mea mau, e waihoia aku no ia i ke Komite o na Bila i Hoohoioia, a na ia Komite e nana pono a e imi hoi ina ua kulike ia me na mea i hanaia e na Hale a elua. Ina ua kulike e kakau palapalaia ia me ka maikai e ke Komite Hooiaio Kanawai o ka Hale nana i hana mua ia mea, a e waihoia no ka hoapono ana mai o ke Komite o na Bila i Hoohoioia. Ina e ikeia kekahi mau hewa ma na kope o kela a me keia Hale e hoopololeiia ia e ke Komite a kulike me ka mea i hana hope loa ia.

20.—Bills Delivered to Governor.

When a bill has finally passed and has been properly typewritten, it shall be attested by the presiding officer and Clerk of the House last acting on it, whereupon without delay it shall be taken by at least two members of the Committee on Passed Bills to the

~~20.—Na Bila i Haawiia Aku i Ke Kiaaina.~~

I ka wa i hoohoio hope loa ia ai o kekahi bila a kakau palapalaia me ka maikai, e hooiaioia e ka Luna Nui a me ke Kakauolelo o ka Hale i hana hope loa ia ai, a ia wa koke no me ka hookaulua ole, e laweia aku no ia e

Governor for his signature or other action. The time of the delivery of each bill to the Governor shall be carefully noted by the Committee and reported to the Clerk of the House wherein the bill originated, who shall record the title of the bill and the date of such delivery in a book to be kept for that purpose.

21.—Action on Vetoed Bills.

If the Governor shall veto any bill, or part of a bill, each House shall enter the message accompanying such veto at large upon its Journal, and shall thereafter proceed to reconsider such bill, or part of a bill, and again vote upon the same by calling the Ayes and Noes, and entering upon said Journal. If such a bill shall receive at least two-thirds affirmative votes of all the elective members to which each House is entitled, it shall become law irrespective of such veto. Upon such reconsideration the question shall be thus stated: "Shall this bill become law irrespective of the veto of the Governor?"

22.—Joint Resolutions.

Joint resolutions are such as require the action of both Houses of the Legislature. They shall be treated in all respects as bills, excepting that they shall require but one reading in each House. Concurrent resolutions shall not require the signature of the Governor.

kekahi mau hoa (aole e emi malalo o elua) o ke Komite o na Bila i hooholoia a waiho aku imua o ke Kiaaina no kona kakauinoa ana a no kekahi hana e ae paha.

E hoomaopopoia a hoopaaia e ke Komite ka manawa i haawiia aku ai i ke Kiaaina o kela a me keia bila a e hoikeia aku i ke Kakauolelo o ka Hale i hana mua ia ai ia bila a hana e kope i ka inoa oia bila a me ka manawa i haawiia ai maloko o kekahi buke e malamaia ana no ia hana.

~~21.—Ka Hana no Na Bila i Hooleia e ke Kiaaina.~~

Ina e hoole ke Kiaaina i kekahi bila a mahele paha o ia bila, alaila, e hoopaa kela a me keia o na Hale a i elua i na manao i hoouna pu ia mai me ia hoole ana maloko o ko lakou Buke Moolelo, alaila, e hoomau aku lakou ma ka noonoo hou ana ia bila a mahele paha o kekahi bila, alaila, e koho hou lakou ma ke kahea ana i na "ae" me na "hoole," a e hoopaaia maloko o ka Buke Moolelo i oleloia. Ina e loaa ia bila ke kakoo ana ma ka ae a ka elua hapa-kolu o ka poe i kohoia e na Hale a elua, alaila, e lilo no ia i kanawai me ka nana ole i ka hoole a ke Kiaaina. I ka manawa e noonoo hou ia ai, e waihoia aku ka ninau penei: "E lilo anei keia bila i kanawai me ka nana ole i ka hoole a ke Kiaaina?"

~~22.—Na Olelo Hooholo Hui Like.~~

O ke ana o na Olelo Hooholo Hui Like oia no na mea aia a hana like ia e na Hale elua o ka Ahaolelo. E hoohanaia a no lakou ma na ano a pau me he mau bila la, aka, hookahi no nae helu heluia ana iloko o kahi Hale a me kahi Hale; aole nae e kakaia me kahi Hale; aole nae e kakauinoaia e ke Kiaaina ka olelo hooholo kailike.

23.—Printing Bills, Etc.

When bills and joint resolutions or other matter requiring the action of both Houses shall be printed, a sufficient number of copies shall be struck off for all of the members and officers of both houses, the several Departments of the Government, and such further number as may be ordered.

24.—Amendments to Joint Rules.

Amendments to the Joint Rules shall be made only by concurrent action of both Houses.

~~23.—Ke Pai Palapala Ana i Na Bila a Pela Aku.~~

Ina e pai palapalaia ana na bila, a olelo hooholo hui, a o kekahi mea e ae paha e hoohanaia e na Hale elua e pono ai, e paiia i mau kope e lawa ai na hoa a pau a me na luna a pau o na Hale a elua, kela a me keia o na Keena Aupuni a me kekahi mau heluna hou aku no e makemakeia ana.

~~24.—Hoololi i Na Rula o Na Aha Kuka Hui.~~

O na hoololi ana a pau i na Rula o na Aha Kuka Hui ala wale no ia mahope o ka apono ana o na Hale a i elua.

Senator Baldwin reported as follows for the Committee on Public Expenditures on a message from the Governor, dated April 9th., 1901:

Your committeee on Public Expenditures, to whom was referred the governor's message, dated April 9th, 1901, relative to "additional estimates" for the appropriation bill beg leave to report that we have investigated the same.

The items are for current expenses, and are as follows:

Printing and advertising governor's office $500.00.

This is to cover any printing or advertising that may be necessary in the governor's office.

Printing reports, R. Grieve Publishing Company, Ltd., bill $130.16. Printing reports, Hawaiian Gazette Company, Ltd., bill $31.75.

These items are for printing reports and estimates for the Legislature.

Repairs of several buildings left out of estimates by oversight, $5,000.00.

Purchase of 22.93 acres in Nuuanu valley, $6,000.00

All the above we recommend putting in the appropriation bill.

TOTAL # 11,661.91.

Clerical assistance to Adjutant General	$1,200 00
Printing, advertising and incidentals, Adjutant General	300 00
Additional inspectors and emergency requirements Board of Health	10,000 00
Total	$11,500 00

{ W. P. Baldwin, D. Kamuka, D. Kalanokalani }

Senator J Brown moved that the report be laid on the table to be taken up with the Appropriation Bill. Seconded by Senator Russel and carried.

The clerk read the following communication from the Secretary of the Territory:

Hon. S E Kaiue,

President of the Senate.

Sir:

I have the honor to inform you that the Governor has this day signed Act No. 5, entitled "An Act to prohibit the unlawful wearing of the badge of the Grand Army of the Republic."

I am, Sir,

Very respectfully,

Henry E Cooper,

Secretary of the Territory.

Senator Carter reported as follows for the Committee on Ways and Means on Senate Bill No. 95:

This bill provides a license of $25 on all persons conducting the business of shoemaking in this Territory and provides a penalty of one to twenty-five dollars.

The majority of your committee recommends the passage of the

bill.

David Kanuha.

G R Carter.

Senator Carter moved that the report be laid on the table to be taken up with the minority report on Tuesday. Seconded by Senator J Brown and carried.

Senator Carter reported further for the same committee on Senate Bill No. 96, as follows:

This bill provides a license on all persons buying or selling live animals with a fee of $50 for the District of Honolulu and $25 for all other districts.

It also provides a bond of $500 for faithful performance of conditions of such license such as record of sale, etc.

The majority of your committee recommends the passage of the bill.

David Kanuha.

G R Carter.

Senator Carter moved that the report be laid on the table to be taken up with the minority report on Tuesday. Seconded by Senator J Brown and carried.

Senator Carter reported further for the same committee on Senate Bill No. 93, as follows:

This bill provides that certain corporations, under restrictions, may act as administrators, trustees, etc.

Your committee has examined the bill carefully, and believe that public interests are wisely safeguarded and protected, that the bill has the best features of the Michigan and New York laws and they recommend the passage of the bill.

David Kanuha.

G R Carter.

N Russel.

Senator Achi moved the adoption of the report. Seconded by Senator Carter and carried.

Senator Achi moved that the bill be typewritten and read the third time on Monday.

Senator White moved to amend to the effect that the bill be read the third time on Wednesday. Seconded by Senator. Kalauokalani and carried.

Senator Paris reported as follows for the Public Lands Committee on Senate Bill No. 97:

Your committee find that the wide tire act of I898 will be in full force on the Ist. of July, I90I. This bill amends the law, so it is only in force where the roads are macadamized.

We find that in many districts on Maui and Hawaii the roads are not macadamized and the use of the present tires does not materially injure the roads and the law would work a hardship on the owners of vehicles.

We would therefore recommend that the bill pass.

J T Brown.

J D Paris.

L Nakapaahu.

Senator White moved the adoption of the report. Seconded by Senator C Brown and carried.

Senator C Brown moved that the bill be typewritten and read the third time on Tuesday. Seconded by Senator J Brown and carried.

Senator Baldwin reported as follows for the Special committee having franchise matters in its hands, on Senate Bill No. 84:

Your Special Committee to whom was referred Senate Bill No. 84 entitled "An Act granting a franchise to construct and operate an electric railroad in the District of Hilo, Island of Hawaii, Territory of Hawaii", beg leave to report that we have carefully considered the same and recommend its passage with certain amendments which we have made on a printed copy of the bill attached herewith as a part of this report.

H P Baldwin.

J D Paris.

Wm. White.

The amendments referred to in the report are as follows:

I-In line 2, Section 2, insert between the words "or" and "other" the word "such", and in the same line, same section, insert between the

words "power" and "a",the words "as shall have the approval of the Superintendent of Public Works"

2-In line 7,Section 3,strike out the words "and change the grade of the track"

3-In line 8,Section3,add after the word"located",the following:"Trolley wires shall be placed at a height of not less than I6 feet above the street.All guard wires above and both sides of the trolley wire shall be such as shall be approved by the Superintendent of Public Works,and the size and location of all wires shall have the approval of the said Superintendent."

4-After line 5,Section 8 and above the heading "INTERFERENCE WITH TRACKS FOR PUBLIC PURPOSES" add a new paragraph as follows:

"The rate of speed of the cars shall not exceed 8 miles an hour within the 2 I/2 mile limit herein elsewhere set forth."

5-In line 4,Section II add,after the word "Works",the words "for his approval."

6-In line J,Section I2,insert between the words "Section I2" and "The",the following:"The said railway shall be thoroughly and satisfactorily constructed and in such manner as to cause the least obstruction to the streets and places on which it may be laid."

7-In line I,Section I6,insert between the words "make" and "from",the words "with the approval of the Superintendent of Public Works,"

8-In line 2,Section I8,add after the word "highways",the following:"and in laying down the tracks,not more than one block on any one line shall be obstructed and the work shall be carried on continuously till completed"

Senator C Brown moved that the report be laid on the table and that it be made the special order of the day for Monday.Seconded by Senator Achi and carried.

Senator Baldwin reported further for the same committee on Senate Bill No. 92; as follows:

REPORT OF SENATE COMMITTEE ON SENATE BILL NO. 92.

To the President of the Senate:

The Senate Committee of five to which was referred Senate Bill Number 92, report as follows:

That they approve of Senate Bill Number 92, with the following amendments:

Section 2 to be amended by inserting in Line 4 after the word "steam" the words "or electricity or both steam and electricity."

Section 3 to be amended so as to read as follows:

"Section 3. The location, maps and charts and plans for "the construction and equipment of the railroad or railroads hereby "authorized shall be submitted to the Superintendent of Public Works of the Territory of Hawaii within two years from the date of the "approval of this Act for his approval and upon his approval of "the location the said corporation shall forthwith commence the "actual construction of such railroad."

Section 15 to be amended so as to read as follows:

"Section 15. For the purposes of this railroad a "right of way subject to the approval of the location by the "Superintendent of Public Works is hereby granted to such Company "through all Government lands and there is also granted to such "Company subject to the approval of the Superintendent of Public "Works such Government lands as may be necessary for their buildings, "warehouses, stations, depots and stores, and all other structures, "including wharves or other structures, and also the free use of "all water or waters belonging to the Territory of Hawaii, along the "line of said Railroad and which shall be necessary for the operation

"of the same.

"Provided, however, if any public lands or right of way over "public lands, or water belonging to the Territory of Hawaii which "has been so used by such Company, shall cease to be used for such "railroad purposes for a period of one year, such lands, rights "and water shall revert to the Govern ment.

H.P. Baldwin.
J.T. Brown.
Wm. White.

Dated Honolulu April 20th. 1901.

Senator Baldwin moved that the same disposition as in the case of the first report, be made of this one. Seconded by Senator C Brown and carried.

Senator Baldwin reported still further for the same committee on Senate Bill No. 85, as follows:

REPORT OF SENATE COMMITTEE ON SENATE BILL NUMBER 85.

To the President of the Senate:

The Senate Committee of five, to which was referred Senate Bill Number 85, reports as follows:

That they approve of Senate Bill No. 85, with the following amendments:

Paragraph 2 of Section 2 to be amended so as to read as follows:

"Provided, however, that if the said Association and others, "or such corporation, shall fail within two years from the date of "the approval of this Act to give satisfactory guarantees to the "Government of the Territory of Hawaii that they are able to "and "will construct and put into operation within three years from the "approval of this Act, a steam or electric railroad in the Districts "of South and North Kona, Islandof Hawaii, not less than ten miles "inlength, or in Kau and South Kohala, if the railroad shall be "extended into those districts, then all the rights and privileges "hereby conferred shall lapse and become void."

Section 3 to be amended by inserting in line 10 after the word "steam" the words "or electric."

Sections 12, 13, 14, 15, 16, 17, 18, and 19, be stricken out, and that there be inserted in place thereof the following:

"NOTICE OF TAKING LAND:

"Section 12. No land, easements or other property right "shall betaken by such company until it shall have given at least "thirty days' notice in writing to the occupant, and also to the "owner and lessee (if any) of such land (if such owner or lessee

"can be found), ofits intention to take such land, describing it, for the purposes of its road. For the purposes of receiving such "notice, the Superintendent of Public Works shall be deemed the "owner of all Government land. "

"PUBLICATION OF NOTICE.

" Section 13. In addition to such notice as aforesaid, such "company shall publish in at least four successive issues of two "weekly newspapers published in Honolulu, one of which newspapers "shall be printed in the Hawaiian, and one in the English language, "a notice of its intention to take such land or otherproperty right "for the purposes of its road. Such notice shall describe with "reasonable accuracy and detail the land or other property right "which is proposed to be acquired, and shall contain the names of all "parties beneficially interested in such land as owners, lessee, "occupant, or the like, where the names of such interested parties, "or any of them, are known to such company. "

"NOTICE TO REPRESENTATIVE OF OWNER.

" Section 14. Where the land orotherproperty right "sought to be acquired is in the possession or control of the agent, "attorney, trustee, guardian or other representative of the owner "thereof, such representative shall receive notice of the inten- "tion of such company to acquire the same, in manner as provided in "Section 11 hereof. "

"PAYMENT OF VALUE OF PROPERTY.

" Section 15. Such company shall pay to the owner of any "land or other property right so taken by it, or to his legal repre-

"sentative, the full value of the same, to be computed as of the "time when such notice of intention to take the same is served. "In case of a disagreement as to such value, such company shall "tender to such owner or his representative, if an owner or his "representative can be found, such amount as it shall deem such land "or other property right to be worth."

"APPRAISEMENT OF PROPERTY.

" Section 16. If such owner or his representative is "dissatisfied with the amount so tendered by such company, he may, within twenty days from the date of such tender, demand of such "company to have such land or other property right appraised by "three disinterested appraisers, one of whom shall be chosen by "each of the parties, and the third by the two so chosen. And such "company, before entering upon such land, orappropriating such other "property right shall tender to the owner thereof or his representa- "tive the amount appraised upon the same by a majority of such "appraisers, and shall pay the cost of appraisal if the amount so "found is greater than the amount first tendered, but otherwise may "deduct the costs of appraisal from the amount so found. If such "owner or representative shall refuse to receive the amount so found "and tendered, the same shallbe paid into the Circuit Court of the "Judicial Circuit within which said land or property right may be, "subject to the order of such owner or representative, before such "company shall take possession of such land or other property right."

"ENTRY UPON LAND - DAMAGES FOR TRESPASS.

" Section 17. If such owner or representative shall "fail to demand an appraisal as hereinbefore provided, or having "demanded, shall for ten days refuse to accept the amount found by "and upon such appraisal, such company may at once thereafter enter "upon and occupy such land or other property right, without liability "to pay as damages any amount exceeding the value thereof at the "time of the service of the notice first herein mentioned, unenhanced "by any value such road may confer thereon, but nothing herein contain "ed shall be construed to prevent the recovery from such company, "of damages for any act of trespass in excess of the just demand of "its enterprise, nor any damages resulting from its failure to fence "its line, (without any obligation upon contiguous owners to assist "in building or contribute to the building of such fences) within "six months of the date of its taking possession thereof, or its "failure to keep closed, or to construct effectual cattle guards "upon all gaps made by it in the fences of property through which "its line shall pass, from the time of its taking possession of "the same."

"ENTRY UPON LAND OF NON-RESIDENT OWNER.

" Section 18. If the owner of such land or other right of "property which such company shall wish to acquire for the purposes "of its road shall be non-resident in this Territory, and his "place of residence shall not be known, and he shall have no legal "representative, attorney, or agent in this Territory, or if such "owner is not known or cannot be found or is incompetent to make "a contract such company shall deposit in some National Bank within

"

"the Territory of Hawaii, to the credit of such owner, an amount "equal to a fair valuation of such land or property right, and may "thereupon at once take possession of the same. Such owner or "his representative may, at any time, within twenty years after "the taking of such possession, demand such appraisal or otherwise "enforce the collection of the true value of his property so taken "as herein provided. "

Section 20 to be amended as follows:

In line 1 strike out "20" and insert in lieu thereof "19".

In line 7 after the word "destroy" insert the words "or tend to depreciate".

Section 21 be amended as follows:

In line 1 strike out "21" and insert in lieu thereof "20".

Section 22 be amended as follows:

In line 1 strike out "22" and insert in lieu thereof "21".

Section 23 be amended as follows:

In line 1 strike out "23" and insert in lieu thereof "22".

H.P. Baldwin.
J.T. Brown.
Wm. White.

Senator Baldwin moved that the same disposition as in the case of the first two reports,be made of this one.Seconded by Senator C Brown and carried.

At 12:05 o'clock,Senator Baldwin moved to take a recess until 2 o'clock.Seconded by Senator J Brown and carried.

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Afternoon Session.

The Senate met at 2 o'clock.

Senator Kalauokalani moved that the Special Committee ~~in~~ on Kalaupapa affairs be given more time during which to report.Seconded by Senator J Brown.

There being no objection,more time was granted the committee.

Senator J Brown moved that the rules be suspended in order to allow him to introduce a resolution.Seconded by Senator Kalauokalani.

There being no objection,the request was granted:

Senator J Brown then introduced the following resolution:

RESOLUTION.

RESOLVED,That the sum of Two Thousand ($2 000) be inserted in the Appropriation Bill for the installation of electric lights in the streets of South Hilo,Island of Hawaii.

John T Brown.

Senator Baldwin moved that the resolution be laid on the table to be considered with the Appropriation Bill.Seconded by Senator J Brown and carried.

Under the same suspension of rules,Senator Baldwin gave notice of his intention to introduce and did introduce,the following bill:

"An Act to provide for the incorporation and powers of societies for the benefit of public morals and the welfare of the community."

Senator Baldwin moved that the bill take its usual course. Seconded by Senator J Brown and carried.

Senator Kalauokalani made a verbal report for the Printing Committee to the effect that this committee and the Committee on ~~As~~-

Accounts had come to a deadlock in regard to certain late bills for printing,proof reading,translating,typewriting and the like and that the Committee on Accounts had refused to "O K" bills already certified by the Printing Committee.The reason for all this was to be found in the variance between prices charged by some of the men employed to do the work and those of others.The Printing Committee wished to lay the matter before the house in order that something might be done to adjust matters.

Senator C Brown introduced the following resolution bearing on the matter:

RESOLUTION.

Be It Resolved,That the Committee on Accounts be and is hereby requested to submit to the Senate at as early a day as possible,an itemized account of all bills for printing,translating and proof reading of all bills or other matters that have been ordered to be printed and translated and have been done so in pursuance of the order of the Senate.

Cecil Brown.

Senator Baldwin then introduced the following resolution bearing on the same matter:

RESOLUTION.

Be It Resolved,That the Printing Committee be and is hereby authorized to have all bills now in their possession translated and printed,and the printing to be done upon the terms already agreed upon, and the translating and proof reading upon the best terms obtainable.

H P Baldwin.

Senator Baldwin moved the adoption of the resolution.Seconded by Senator Russel, and lost.

Senator C Brown then withdrew his resolution.

At 3:15 o.clock,Senator Baldwin moved to adjourn until 10 o'clock Monday. Seconded by Senator C Brown and carried.

Edgar Caples

.....

Clerk of the Senate.

Approved by the Senate:

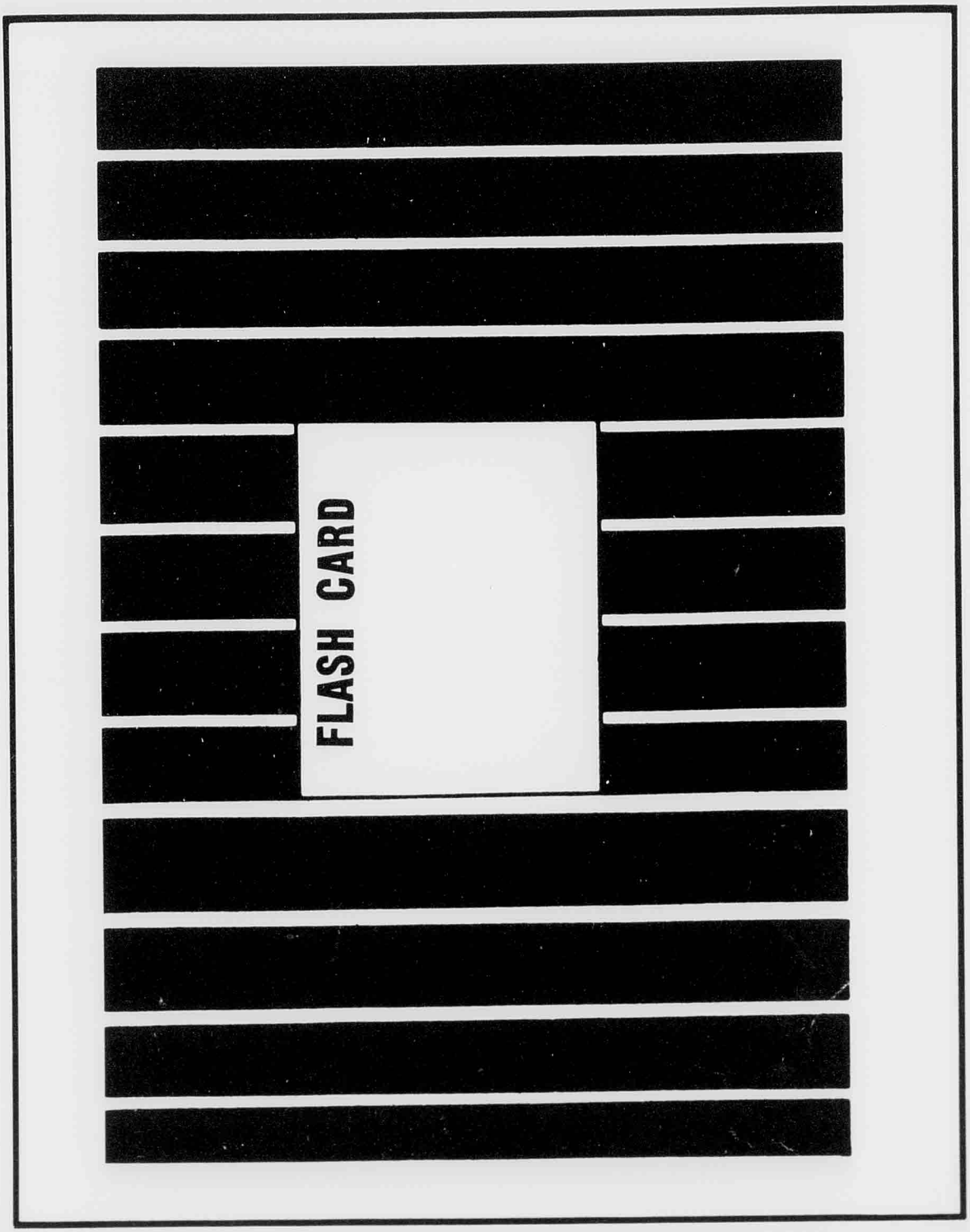
J E Kaine

.....

President of the Senate.



FLASH CARD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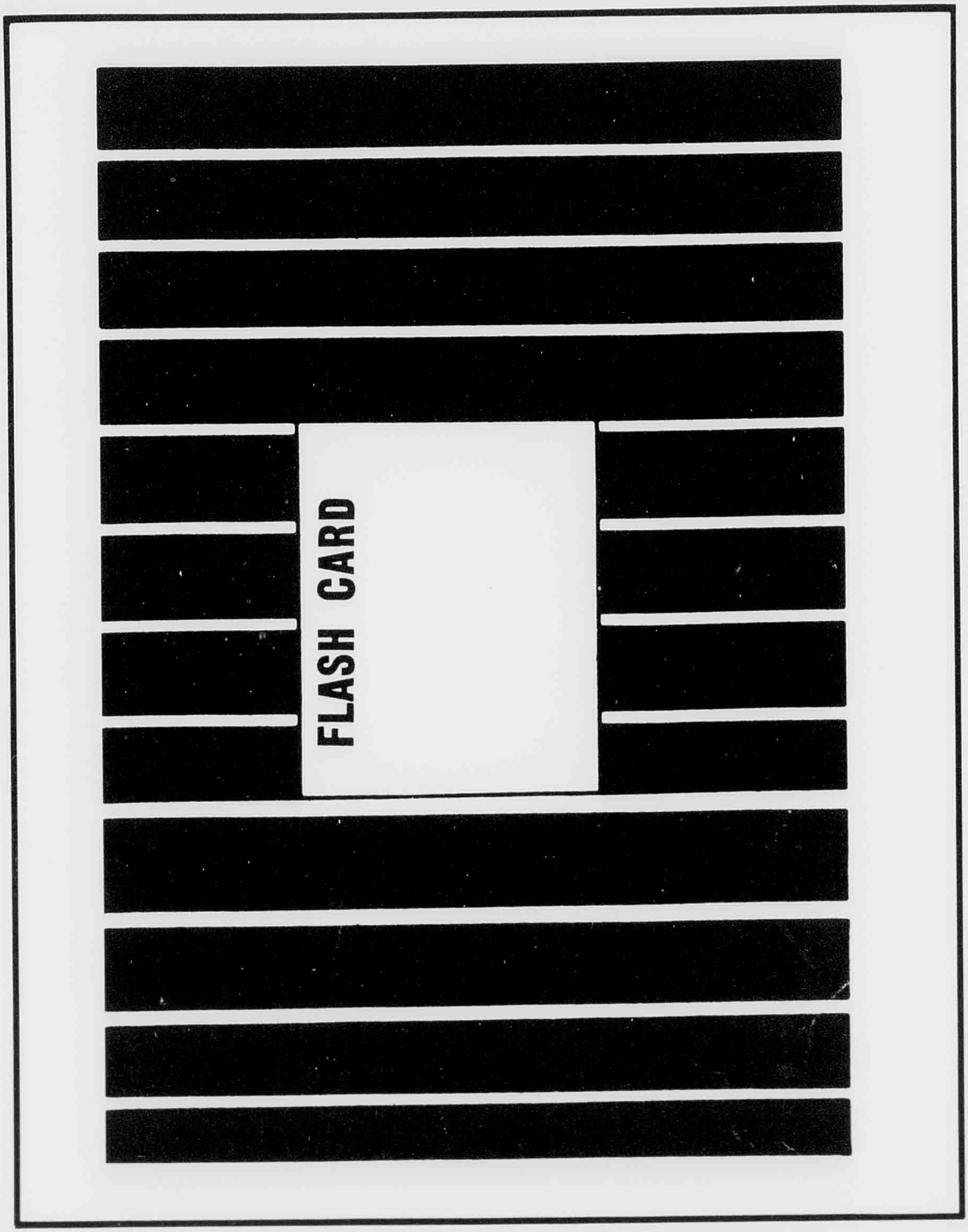
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FLASH NO. 2

JOURNAL OF THE SENATE

FIFTIETH DAY

MONDAY, APRIL 22ND., 1901.

In the Senate

Territory of Hawaii.

Fiftieth Day.

~~Morning Session.~~

Monday, April 22nd., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senator J Brown absent.

The journal of the previous day was read and, on motion of Senator Kaohi, seconded by Senator Kahilina, approved as read.

A communication received from the House of Representatives announced the passage on third reading on the 19th. inst. of House Bill No. 23.

Senator C Brown moved that the bill be read by title. Seconded by Senator Achi and carried.

~~Senator~~ C Brown moved that the bill be made the special order of the day for Wednesday. Seconded by Senator Achi and carried.

~~Senator~~ White moved a suspension of the rules. Seconded by Senator Kalauokalani and carried.

~~Senator~~ White then gave notice of his intention to introduce the following bill:

An Act to create the office and provide for the appointment ~~en~~ and compensation of official reporter of the various courts in and for the Territory of Hawaii.

Under the ~~same~~ suspension of the rules, Senator White read his bill the first time by title.

~~Senator~~ C Brown moved that the bill pass its first reading and that it be referred to the Printing Committee. Seconded by Senator White and carried.

Under the ~~same~~ suspension of rules, Senator Kaiue presented the following petition:

At a meeting held at the Wailuku court house on April 18, 1901, the following resolutions were unanimously adopted and ordered forwarded to the representatives of this district in both houses of the Legislature. A committee of two, consisting of Messrs. C. L. Kookoo and S. E. Kaleikau, were appointed to accompany the resolution.

Whereas, the "County Bill" is now pending before the Legislature of the Territory of Hawaii, and

Whereas, it is proposed to make the town of Lahaina the county seat of the county comprising the islands of Maui, Molokai, Lanai and Kahoolawe, and

Wherefore we, citizens and residents of the District of Wailuku, in meeting assembled, deem it an injustice to the residents of Wailuku, Makawao and Hana to make the town of Lahaina the county seat of said county, and

Whereas, we believe that the town of Wailuku, by reason of its central location, close proximity to a sea port and larger numbers of inhabitants, is by right entitled to be given preference as a county seat;

Now, therefore, be it resolved, That we are unanimously in favor of having the said bill amended by substituting the town of Wailuku as such proposed county seat, and

Be it further resolved, That we request our representatives in the Territorial Legislature to further these our views to the fullest extent.

Be it further resolved, That copies of these resolutions, signed by the chairman and secretary of this meeting, be forwarded to our representatives in both branches of the Legislature.

C. L. KOOKOO,
Chairman.

GEO. B. SCHRADER,
Secretary.

Senator Achi moved that the petition be referred to the Committee on County and Municipal Laws. seconded by Senator C Brown and carried.

Senator White presented the following report for the Judiciary Committee:

Your Judiciary Committee to whom were referred Senate Bills Nos. 8, 11 and 18 having had the same under consideration report the same back and recommend their passage.

Wm. White.

N Russel.

Senator C Brown moved the adoption of the report. seconded by Senator White and carried.

Senator White moved that the three bills be typewritten and read the third time on Wednesday. Seconded by Senator Achi and carried.

Senator Baldwin reported as follows for the Committee on Education:

Your Committee on Public Health and Education beg leave to report as follows on Senate Bill No. 82 and House Bill No. 61:

Both bills amend the present laws relating to the apprehending of lepers, and are very similar in their provisions.

Your committee recommend that Senate Bill No. 82 be laid on the table and that House Bill No. 61 be passed with the following amendments:

In the title between the word "and" on the second line and the figures "990" insert the words "repealing section".

In Section 3 line 6 insert the word "leprous" between the word "and" and "person" and strike out the words "proved to be a leper."

Strike out the whole of Section 4 except the first line and insert in the place thereof the word "repealed.",

D Kanuha.

H P Baldwin.

D Kalauokalani.

Senator Baldwin moved that the report be laid on the table to be taken up with the bill. Seconded by Senator Kahilina and carried.

Senator Kanuha reported as follows for the Committee on Public Health and Education on Senate Bill No. 62, "An Act to create, establish and locate an agricultural college and model farm, providing for the management thereof, and appropriating money for its maintenance and development."

Amend section 1, line 1, by inserting the word "College" after the word "Agriculture;"

Strike out Section 2, and insert in lieu thereof, the following:

Section 2. The Governor shall nominate and, by and with the advice and consent of the Senate of the Territory of Hawaii, appoint thre regents to serve two years and two regents to serve four years. Thereafter, such number of regents shall be nominated by the Governor and with the advice and consent of the Senate, be appointed as to keep the board complete. All members of the Board unless as otherwise provided or sooner removed, shall hold office for four years and until their successors are appointed and qualified. The Governor may, by and with the advice of the Senate, remove any of such regents for good cause, and, in the ~~eve~~

event of vacancies occurring by death or resignation,make appointments for unexpired terms when the Legislature is not in session,by granting commissions,which shall,unless confirmed by the Senate,expire at the end of the next session.No officer or employe of the college or farm,or any person who shall not be a citizen of the United States,shall be eligible as such regent."

This amendment we find necessary to comply with Section 80 of the Organic Act,which provides that "boards of a public character" shall be appointed by the Governor,and not by the Legislature as the bill in its original draft proposes.

Amend Section 3,by striking out in paragraph I,line 3,the word "a",inserting in lieu thereof the word "and",and inserting after the word "treasurer",the words "who may be the same person;"also by striking out the words beginning at the end of line 3,"a steward,a librarian."The purpose of this amendment is to reduce the number of officers,and thereby minimize the expense of salaries.

Also in line 6,insert the word "and" after the word "Act".

In paragraph 7,strike out lines 22 and 23,being the entire paragraph,since the removal of members of the Board of Regents is provided for in Section 2,as amended.

Change the number of paragraph 8,to paragraph numbered "7" and insert as paragraph 8,the following:

"To make from time to time drafts upon the Treasurer of the Territory,duly signed by the President,for such amounts of money appropriated by the Legislature or Congress and remaining in the Treasury to the credit of the college and farm,as may be necessary for the use of the institution."

This paragraph was inserted in the bill since there was no provision for making warrants upon the fund appropriated to the use of the college.

Amend Section 5.

By striking out in line I,the words "As compensation for their services" and beginning at the end of line I,the words "Five Dollars per day",and inserting in lieu thereof after the word "receive" the words "actual expenses".

~~In line 6, strike out the word~~

In line 6,strike out the word "compensation" and insert in lieu thereof the word "expenses."

In line 7,strike out the word "compensation,insert in lieu thereof the word "allowance."Also beginning at the end of line 7,strike out the words "the rate provided herein for members of the board",inserting in lieu thereof the words "five dollars per day".

In line II,strike out the word "compensate" and insert in lieu thereof the words "allowance for expenses."

In line I4,strike out the word "compensation" and insert in lieu thereof the words "an allowance for expenses."

The purpose of the amendments to the above section,is to give the members of the Board of Regents instead of "compensation" at five dollars per day,their actual expenses when in the discharge of official duty to an amount not to exceed five dollars per day and not for more than forty days in any one year.

Amend Section 6 by striking out in line I,the words "annual meeting" and inserting in lieu thereof the word "meetings" and at the end of line I,inserting the word "annually";also insert after the word "year" in line 2,the words "and at such other times as may be called by the Chairman" so as to make the section read:

Section 6.The meetings of the Board of Regents shall be held at the college annually on the second Wednesday of November in each year,and at such other times as may be called by the Chairman."

Amend Section 8,by inserting at the end of line 6,after the word "thereof",the following:

"as well as a complete record of all receipts and disbursements arising from all sources in the conduct of the business of the institution."

This amendment makes provision for annual report to the Governor of the finances of the college and farm,as required under the Hawaiian statutes.

Amend Section 9,by inserting in line II,after the word "by", the word "his";and in line I2,by striking out the words "of the board of audit",and inserting in lieu thereof the words "and upon approval of the president."

Amend Section IO,by striking out all of line I and in line 2,after the words "Board of Regents",insert the words "the president and secretary shall".

In line 5,strike out the word "audited",inserting in lieu thereof the word "approved."

In line 7,substituting "president and secretary" for "Board of Audit."

In line 8,substituting the word "they" for "said board of audit."

At the end of line 9,strike out the words "each meeting" and insert in lieu thereof the words "its annual meeting,and at such other times as the board may direct."

Strike out the whole of line IO and II.

Section II.Amend by striking out in line 3 the words "appropriations made", and inserting in lieu thereof the words "the monies appropriated".Insert after the word "elected"in line I5 the words "or appointed."

In line 5 after the word "secretary" insert the words "and approved by the president."

The reason for the amendments to Sections IO and II is to substitute for the "board of audit" the president and secretary whose order and approval shall be required before any disbursements can be made for expenses incurred by the college.

Amend Section I4 by striking out lines I to 8 inclusive in seting in lieu thereof the words:

"Section I4.The course of instruction ~~sha~~ shall be,without excluding other scientific and classical studies and including military tactics,to teach such branches of learning as are related to agriculture and the mechanic arts."

This amendment was inserted at the suggestion of the Board of Education as being better adapted to the conditions in the P Islands leaving the course of study to be mapped out by the board of regents instead of making certain branches of study compulsory as the original bill provided.

Amend Section I6 by inserting the word "Board" in line 6 ~~after~~ the words "~~members of the~~"

after the words "members of the."

Amend Section 17 by inserting in line 2, after the word "~~donor~~ "describe" the word "public"; by striking out in line 4 after the word " "less" the period and the word "such", inserting in lieu thereof a comma and the word "which" and in line 5 by striking out the words "approval of Congress" and inserting in lieu thereof the words "donation and approval of Congress." The intention of the amendment to this section is to show that the proposed site is located on "public lands" which is subject to the disposition of Congress as provided by the Constitution, and the power of such donation until otherwise provided by Congres remains in that body, so this committee holds.

Section 18 is amended by inserting after the word "appropriated "in line 2 the words "or from any loan as the Legislature may direct and" by substituting in line 4 the word "appointed" for "elected." Whereever the word "elected" occurs in the bill its should read "appointed".

Your committee find that the location of the proposed college and farm is upon public land undisposed of in the new Olaa tract, that the location is desirable and healthful, ~~lying~~ lying between the Volcano road and the road through the new Olaa tract, about three miles from the former and about one-half mile from the latter, which renders it acceptable so far as a wagon road is concerned; besides in the event of the extension of the Hilo railroad, the said railway will pass within a mile of the tract selected and possibly before the survey is definitely located, pass through a portion of the land which will render access quite easy by rail. The surface of the land is gently indulating, the soil good, abundantly supplied with spring water, available for feeding reservoirs which may be kept filled for ordinary use and for protection against fire. We find the location especially suitable for this purpose.

All amendments recommended refer to the bill as printed.

With the amendments herein mentioned your committee recommend the passage of ~~the~~ bill.

David Kanaha

D Kalauokalani.

Senator Baldwin moved that the report be laid on the table

to be considered with the bill on Wednesday.Seconded by Senator C Brown and carried.

At II:05 o'clock,Senator Kanuha moved to take a recess in order to meet with the House of Representatives in joint session.Seconded by Senator Achi and carried.

.....

Afternoon Session.

The Senate met at 2:55 o'clock.

Senator Kalauokalani reported for the Printing Committee to the effect that Senate Bills Nos. 94 and 99 had been printed and were ready for distribution.

Senator Kanuha reported for the Committee on Public Health and Education on Senate Bill No. 68 entitled "The public health Act.Repealing Act 60 of I896;also Chapter LXXII of the Session Laws of I892, Act I8 Provis. Gov't,I893.Act I876 Chapter XI and all laws and regulations inconsistent herewith,"as follows:

Your committee has carefully considered this bill,reorganizing the Board of Health,defining its powers and duties and recommend the following amendments,viz:

That the title be amended by adding after the words "the Session Laws of I892" the following words and figures:

"Act I8.Provisional Government I893;Act I876 Chapter XI."

Strike out the word "Will" and insert "shall".Strike out the word "counties" and insert the words "sanitary circuits" and after the word "each" strike out the word "county" and insert the word "circuit",in line 2 Section I of the printed bill so that said line 2 Section I shall read;"which board shall consist (a) of as many members as there are sanitary circuits;each circuit"

In line 6 of Section I of the printed bill,insert the letter "r" in the word "members"

In line 2 Section 2 of the printed bill strike out the word "county" and insert the words "sanitary circuits"

In line 9 Section 2 of the printed bill,strike out the word "shall" and insert the word "may".

In line 10 Section 2 of the printed bill strike out the word "Senate" and insert the word "Legislature."

In line 25 Section 4 strike out the words "maternity Home" and after the word "station" insert the following words:"and such other public and private hospitals which receive the Territorial subsidy and will submit to the control of the board."

In line I Section 7 strike out the word "counties" and insert the words "sanitary circuits."

In line 7 Section 7 insert after the word "designate" the words "the first service of"

Add to the end of Section 7 after the word "Governor" "until individual counties are created the Territory shall be divided in five sanitary circuits corresponding to the present judicial circuits."

In line 7 Section 8 after the words "sanitary officers" insert the following words:"except being doctor in Chemistry instead of medicine."

In line 8 Section 8 strike out the word "county".

In line 4 Section 9 after the words "Board of Health" insert the words "or the committee of the Legislature as in Section 40 of this act."

In line I Section I2 add the letter "s" to the word"physician" also strike out the words "the Maternity Home" and insert in lieu thereof the following words "other public hospitals and such private ones that are subsidized by the Territory."

In line 3 Section I2 strike out the word "he" and insert the word "they."

In line 4 Section I2 strike out the words "he shall also take charge of registered women service"

In line 5 Section I2 strike out the words "county and municipal" and insert "sanitary circuit".

In line 8 Section I2 strike out the words "and the Maternity Home "and insert in lieu thereof the words "and other hospitals maintained or subsidized by the Territory."

In line I Section I3 strike out the word "counties" and insert the words "sanitary circuits."

In line 3 Section I3 strike out the word "counties" and insert the word "circuit".

In line 9 Section I3 strike out the word "county" and insert the word "circuit" .

In line 2 Section I4 before the words "and analytical station" insert the word "Department of the Bateriological."

In line I Section 2I strike out the word "county" and insert the word "circuit".

In line 3 Section 2I strike out the word "county" and insert the word "circuit"

In line 4 Section 2I strike out the word"county" and insert the word "circuit."

In line 2 Section 22 strike out the words "city and county."

In line 2 Section 25 strike out the words"as follows" and insert the words "such as provided biennially by the Legislature in their appropriations" and strike out all the balance of said Section 25,being lines 3 to I4 inclusive.

In line 3 Section 27 after the words "rests entirely upon" insert the words "the people of "and after the word "individual" and before the word "counties" insert the words "sanitary circuits or,"

In lines 5 and 6 Section 27 strike out the words "county seat" and insert the words "sanitary circuit" and in line 6 of said section strike out the word "county" and insert the word "circuit" so as to read "circuit hospital"

In line I Section 28 strike out the words "county or municipal" and insert the word "circuit".

In line I Section 29 strike out the words "county or municipal" and insert the word "circuit".

In line I Section 30 strike out the words "county or municipality" and insert the words "sanitary circuit".

In line 6 Section 30 before the word "board" insert the words "local hospital" and strike out the words "of county commissioners" ending in the seventh line.

In line 7 Section 30 after the words "or other" strike out all the remainder of the line and insert the words "local authority

provided with such [illegible]

provided with such powers."

In line I Section 31 strike out the words "county or municipal and insert the word "circuit".

In line 5 ending in line 6 Section 31 strike out the words "county or municipality" and insert the word "hospital".

In line 2 Section 32 strike out the words "county or municipal authorities" and insert "local hospital boards or other local authorities having such power".

In line 2 Section 33 strike out the words "county or municipality" and insert the words "boards or authorities".

In line I Section 34 strike out the word "municipal" and insert the word "other"

In line I Section 35 after the words "chartered municipality" insert the words "should there be any".

In line 10 Section 35 at the end of the section after the word "Territory" insert the following words:"in absence of chartered municipalities such additional sanitary officers may be nominated by the Board of Health and appointed by the Governor."

In line 2 Section 36 between the words "but" and "make" insert the word "may".

In line 3 Section 36 between the words "municipality" and "such" insert the words "if any".

After the words "Section 39" strike out all the words in lines 1,2,3 and 4 and insert in lieu thereof the following words:"the funds necessary for carrying on the sanitary service of the Territory shall be provided biennially by the Legislature in their list of appropriations."

That all the words recommended to be stricken out by this report has reference to the printed bill.

With the several amendments as above set forth your committee recommends the passage of the bill.

David Kanuha.

D Kalauokalani.

Senator Baldwin then presented the following minority report on the same bill:

This bill is almost identical with Bill No. 66 introduced into and now pending before the House of Representatives. The main difference being that in the Senate bill the term "sanitary circuits" is inserted in place of "counties".

A few of the features of the bill may present improvements over the existing law relating to the Board of Health, and the regulation of sanitary matters, but there is much in it that appears objectionable and not in the public interest. It is very faultily drawn.

In the first place the Organic Act requires "that each law shall embrace one subject which shall be expressed in its title," and the subject of this bill as expressed in its title is solely to repeal certain laws but in its body it not only provides for the repeal of those laws but embraces a large number of other provisions of a radical nature.

Among the laws sought to be repealed are Chapter LXXII of the Laws of I892 to regulate the practice of dentistry, Act 60 of the Laws of I896 to regulate the practice ~~thexp~~ of medicine, and the existing laws providing for the establishing and defining the powers of the Board of Health.

The proposed law is complex, vague and contradictory in many of its provisions.

The bill apparently intends to provide that the Board of Health shall be composed solely of medical men possessing qualifications which would restrict the available persons to a very limited number and that one member of the Board shall reside in each judicial circuit of the Islands. But while Section 2 provides that the Board of Health shall consist of as many members as there are sanitary circuits, together with the Territorial bacteriologist, the Territorial analyst, the Territorial veterinary and the local U S Marine Hospital officers as honorary members. Section 35 provides that the sanitary officers and policemen appointed by municipalities shall be members of the Board of Health thus forming an incongruous and ~~unwieldy~~ unwieldy body.

Then again Section 4 provides that the Board of Health (page

4 lines 24 and 25)shall control and administer all public and private hospitals receiving public aid and in section 32 (page 16)it is provided that the appointment of all hospital physicians shall be made by local boards and such physicians"shall be responsible only to the authorities by whom they were appointed."

The provisions relating to the powers of the Board as a whole are expressed with much verbiage,and while worded in a different way from the provisions of the existing statutes upon examination many of them are found in reality to differ but little and it is difficult to perceive any gain by the changes made.

To repeal the laws regulating the practice of medicine and dentistry would certainly be unwise.

While respecting the object apparently sought to be attained by the introducer the bill is so framed that I find it very difficult to suggest amendment which would make it satisfactory and therefore recommend that it be laid upon the table.

Senator Kalauokalani moved that the two H.P. Baldwin petitions be laid on the table to be taken up with the bill on Wednesday.Seconded by Senator C Brown and carried.

Mr. Kanuha reported as follows for the Committee on Public Health and Education:

The Committee on Public Health and Education to whom was referred Petition No. 27, begs to report as follows:

This petition respectfully requests the appropriation of $I 800 per annum for the Free Kindergarten and Child's Aid Association of the Hawaiian Islands. Upon investiagtion we find that this institution is non-sectarian and does a splendid work among the children of this Territory and is in every way worthy of still larger assistance.

But your committee calls attention to Section 55 of the Organic Act, which provides as follows:

"Nor shall any public money be appropriated for the support or benefit of any sectarian, denominational or private school or any school not under the exclusive control of the government."

Thus the Senate will be obliged to decline further consideration of the petition.

David Kanuha.

H P Baldwin.

D Kalauokalani.

Senator Baldwin moved that the report be laid on the table to be taken up with the appropriation Bill. Seconded by Senator Kalauokalani and carried.

Senator Baldwin presented the following petition:

PETITION.

Honolulu, H T,

April 19th., 1901.

To the Senate of the Territory of Hawaii.

Gentlemen:-

Inasmuch as kindergartens are recognized as a desirable and necessary factor in education and inasmuch as their value has been proved in Honolulu, the Free Kindergarten and Children's Aid Association wishes to represent that it is for the best interests of Hawaii that the government incorporate the kindergarten in the public school system.

In order that an immediate start be made we petition your honorable body that at least one kindergarten be opened at the beginning of the next school year. We estimate that the cost of such kindergarten will be $I 500 for the first year exclusive of room and from

$I 800 to $2 000 each succeeding year.

Cordelia C Allen,
Acting President.

Eleanor W Wood,
Recording Secretary.

Harriet Castle Coleman,
Financial Secretary.

Juliet Swanzy,
Treasurer.

Sarah B Smith
Frances Lawrence
Mary Atherton Richards.
Alice H Thompson.
Committee.

Senator Baldwin moved that the petition be laid on the table to be taken up with the Appropriation Bill. Seconded by Senator Nakapaahu and carried.

Senator Kalauokalani reported as follows for the Enrollment Committee:

Your committee on ~~Ex~~ Enrollment presented to Governor Dole duly enrolled Senate Bill No. 88 entitled

"An Act apppropriating three thousand five hundred dollars for the use of the Board of Education in making a display at the Buffalo Exhibition" at the hour of I:30 p.m., this 22nd, day of April, I90I.

D Kalauokalani,
Chairman Enrollment Com.

Senator Kalauokalani then reported for the Printing Committee to the effect that Senate Bill No. 9I had been printed and was ready for distribution.

Third reading of Senate Bill No. I0I.

Senator Carter moved that the bill pass its third reading. Seconded by Senator White.

Senator White then moved to postpone further consideration until Thursday. Seconded by Senator Kalauokalani.

Senator Carter moved the previous question. Seconded by Senator Achi and carried.

Senator White's motion to postpone further consideration was then put and lost.

The chair next put the motion of Senator Carter to the effect ~~that the bill~~

that the bill pass its third reading.Carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,Carter,Crabbe,Kaiue,Nakapaahu,Paris,Russel and White.....I0.

Noes:Senators Kahilina,Kalauokalani and Kaohi.....3.

In doubt:Senator Kanuha.....I.

Absent:Senator J Brown-.....I.

Third reading of Senate Bill No. 58.

Senator Achi moved that further consideration of the bill be deferred until Thursday on account of the absence of Senator J Brown the introducer of the bill.Seconded by Senator Kalauokalani and carried.

Third reading of ~~Senate~~ House Bill No. 57.

Senator Baldwin moved that the bill pass its third reading. Seconded by Senator Achi and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,Carter,Crabbe,Kahilina, Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White.....I4.

~~Noes~~ Absent:Senator J Brown.....I.

Third reading of House Bill No. 82.

Senator Kalauokalani moved that the bill pass its third reading.Seconded by Senator Nakapaahu and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,Carter,Crabbe,Kahilina, Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White....I4.

~~Absent:~~Senator J Brown.....I.

Third reading of Senate Bill No. 74.

Senator Nakapaahu moved that further consideration of the bill be deferred on ~~ac acih~~ account of the absence of Senator J Brown,the introducer of the bill.Seconded by Senator Baldwin.

Senator Kalauokalani moved that the bill pass its third reading.Seconded by Senator Kaohi.

Senator Carter moved to ~~amend~~ amend ~~to the effect~~ that the words "Wailuku" and "Lahaina" be stricken out of the bill,so that ~~it~~ they would come under the head of "all other districts".seconded by Senator Achi and lost.

Senator Achi moved to amend to the effect that Lahaina be made $I00 instead of $200.Seconded by Senator Kanuha and carried.

Senator Achi moved that the bill pass its third reading as amended.Seconded by Senator Kalauokalani and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,Crabbe,Carter,Kahilina, Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White,...I4.

Absent:Senator J Brown.....XX I.

Third reading of House Bill No. I9.

Senator Achi moved the passage of the bill in third reading. Seconded by Senator White.

Senator Russel moved that the bill be laid on the table.No second.

Senator White moved the previous question.Seconded by Senator Nakapaahu and carried.

The motion of Senator Achi to the effect that the bill pass its third reading was then put and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C ~~Brown~~ Brown, Carter,Crabbe,Kaiue,Paris and White.....8.

Noes:Senators Kahilina,Kalauokalani,Kanuha,Kaohi,Nakapaahu and Russel.....6.

Absent:Senator J Brown.....I.

Senator White moved to suspend the rules in order to introduce a resolution.Seconded by Senator Achi and carried.

Senator White then introduced the following resolution,

RESOLUTION.

Resolved That the Committee on Accounts is hereby instructed by this honorable body to pay all bills ordered paid by the Printing Committee up to date and further that the clerk be instructed to issue warrants for the same.

Wm. White.

Senator White moved the adoption of the resolution.Seconded by Senator Kaohi and lost.

Senator C Brown moved a suppension of the rules.Seconded by Senator Baldwin.

There being no objection, the request was granted.

Senator C Brown then gave notice of his intention to introduce the following act:

An Act to apportion the representation of the people in the Legislature of the Territory in the several election districts in accordance with the census las t taken.

Senator Baldwin moved to adjourn. Seconded by Senator C Brown and lost.

Senator Kalauokalani moved that the County Bill as passed in the House on third reading, be taken up and read by title.

The chair announced that no notice of the receipt of the bill had been received by the Senate.

Senator Achi introduced the following resolution:

RESOLUTION.

Resolved that the Committee on Accounts is hereby authorized to pay bills as follows:

Translation at 50 cents per folio.

Typewriting at 15 cents per folio.

~~Proof Reading~~ ~~Proof~~ at 50 cents per folio.

W C Achi.

Senator Baldwin moved that the resolution be referred to the Committee on Ways and Means. seconded by Senator Achi and carried.

Senator C Brown moved to adjourn. Seconded by Senator Baldwin and lost.

Senator Kalauokalani moved that, ~~since the notice of~~ as the County bill had been received from the House, the Senate proceed to the consideration of the same. Seconded by Senator Kahilina.

Senator C Brown arose to a point of order to the effect that this could not be done without a suspension of the rules.

Senator Kalauokalani then moved a suspension of the rules. Seconded by Senator Kahilina and ~~carried~~ lost.

At 4:20 o'clock,
(Senator C Brown moved to adjourn. seconded by Senator Baldwin and carried.

Logan Couples
.....
Clerk of the Senate.

Approved by the Senate: J. E. Kaiue
.....
President of the Senate.

JOURNAL OF THE SENATE.

FIFTY-FIRST DAY.

TUESDAY, APRIL 24TH., 1901.

In the Senate.

Territory of Hawaii.

Fifty.First Day.

~~Morning Session.~~

Tuesday.April 23rd.,1901.

The Senate met,pursuant to adjournment,at 9:30 o'clock.After prayer by ~~the~~ Senator Kalauokalani,the roll was called,showing Senators Achi,Baldwin,C Brown,Carter and White absent.

The journal of the previous day was read and,on motion of Senator Kalauokalani,seconded by Senator Kaohi,approved as read.

The clerk read a communication from the House submitting several petitions in connection with House Bill No. 48.

The clerk then read ~~another~~ a communication from the House to the effect that House Bill No. 48 had passed third reading in the House on the 20th. inst.

Senator Russel moved that the bill pass its first reading. Seconded by Senator Kalauokalani and carried.

Senator J Brown moved that the bill be read the second time on Wednesday.Seconded by Senator Kalauokalani and carried.

The clerk read ~~another~~ a communication from the House to the effect that House Bill No. 65 passed third reading on the 19th. inst.

Senator Russel moved that the bill pass its first reading. Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani moved that the bill be read the second time on Wednesday.Seconded by Senator White and carried.

Senator Carter reported as follows for the Committee on Ways and Means to whom was referred Senate Bill No. 65,"An Act to provide for public loans:"

Your committee finds this bill to be a general act covering not only loans made by this Legislature but those of succeeding Legislatures,and providing the general terms and conditions under which loans can be issued.

Section I provides that the Treasurer,with the approval of the Governor,and under the limitations of and as directed by the Legislature,as provided in Sections 2 and 5,may issue and sell bonds as money may be needed,up to the limit of ~~xxx~~ $5 000 000.

~~Section 2 provides that no such~~

Section 2 provides that no such bonds shall be issued except pursuant to a special and separate act of the Legislature defining the purposes for which the loan is to be used, and which must necessarily have the approval of the Legislature of the United States in accordance with the Organic Act.

Section 3 limits the rate of interest to not more than 5 per cent and provides the bonds shall be redeemable in five years and payable in 15 years. The latter condition, although provided in the Organic Act, your committee believes to be unfortunate and will militate against the sale of bonds under the most favorable terms, as it is well known that investors are willing to accept a lower rate of interest where the bonds cannot be redeemed and their investment is secure for a longer term of years.

Section 4 provides the usual exemption from taxes which all state, territorial, county and municipal bonds enjoy.

Section 5 provides that the proceeds of the bonds shall be used as directed by the Legislature.

Section 6 allows the treasurer with the approval of the Governor to determine the denomination of such bonds, i.e., whether the whole issue shall be $1 000 each, or that some shall be of larger or lesser amounts. It also provides that the bonds shall be sold by public advertisement for not less than two per cent discount, and also contains the limitation of the Organic Act to one per cent of the assessed value of the taxable property of the Territory as shown in the last general assessment.

Section 7 provides that all bonds shall be signed by the Treasurer and the Registrar of the public accounts, and sealed with the seal of the Treasury Department, and allowing the interest coupons to be lithographed.

"As the Organic Act limits the total amount of indebtedness at any one time to 7 per cent of the value of the assessable property in the Territory, and that the indebtedness incurred in any one year cannot be over 1 per cent of the last general assessment, which limits us to $927,344.02 for each of the succeeding years of this biennial period, it can readily be seen that if this and succeeding Legislatures borrow up to their full limit, in a few years the total limit will have been reached and the credit of the Territory exhausted—a serious condition, which can only be avoided by foresight and the restriction of the loans issued to the lowest possible limit, and to arrange the finances of the government so that it shall pay as it goes.

"Thus only such improvements as shall be of greater benefit to posterity than the present generation should be included in the loan bill, and all other improvements should be provided for in the current appropriations."

Your committee therefore recommends the passage of the bill.

D Kanuha.

G R Carter.

I do not concur.

N Russel.

Senator Carter then presented the following report ~~fro~~ for the same committee to whom was ~~referred~~ Senate Bill No. 66:

"Under the authority given Senate bill 65, this act provides for the issue of $1,946,000 of bonds, and defines the purposes for which the money obtained shall be expended.

But as many of the items mentioned in the bill are found to be in the nature of temporary repairs, and others of a temporary nature, such items have been eliminated.

Your committee has carefully weighed and examined into the importance of each item. We are aware that it will be impossible to suit all; nor is it feasible to divide the amount of the loan among the four districts of the Islands in proportion to the taxes they yield, for it so happens that the Island of Hawaii, being so much larger, its needs for roads are much greater, and it is right and proper that it should therefore be given a larger amount than its proportion.

Your committee, in addition, has eliminated many items which in themselves are splendid improvements and much needed, yet cannot be provided for at this time, with our revenue so suddenly restricted and our needs so materially increased. The committee has therefore reduced to $1,500,000 the amount that it deems wise to borrow in the coming two years.

A change is therefore necessary in the title, and so many of the items are eliminated, that your committee herewith submits a substitute bill as the result of its work, and recommends its immediate consideration.

D Kanuha.

G R Carter.

I do not concur.

N. Russel.

Senator Carter moved that the two reports be received,placed on the table and referred to the Committee of the Whole.

Senator Kalauokalani moved that the two reports be referred to the Printing Committee and that the same be printed.Seconded by Senator Kahilina.

Senator C Brown moved that the report on Senate Bill No. 65 be adopted,and that the report on Senate Bill No. 66 be referred to the Committee of the Whole.

Senator White moved the previous question.Seconded by Senator J Brown and carried.

The motion of Senator Kalauokalani to refer the two reports to the Printing Committee was then ~~put and~~ carried.

Senator Carter presented the following minority report for the Committee on Ways and Means to whom was referred Resolution No. 55:

This resolution provides that the Senate should authorize the Committee on Accounts to pay 50 cents a folio for translations,I5 cents a folio for typewriting,and 50 cents a folio for proof reading-It being the common usage that I00 words constitute a folio.

The price charged so far for translating has been $I.00 a folio,for it is difficult to get this work done as there are only a few capable of doing it.This whole question of translation is one that has been forced into this Legislature,and it has cost the taxpayers in actual outlay some $5 000.But as the majority have decided upon it there id nothing further to be said,and the ~~majority~~ minority of your committee believes that it will be necessary to continue the payment of $I.00 a folio.

Typewriting from manuscript cannot probably be obtained for less than 20 cents a folio.

The minority of your committee believes that the charge of proof reading is unwarranted.Proof reading for printing has always been included in the cost of the printing at $I.50 per page,and as this figure is liberal,we see no reason why the Accounts Committee should allow anything extra for proof reading.

From the bills examined,we fail to see how the Printing Committee can properly approve items of expense incurred by the Judiciary

Committee,nor does it seem proper that the reports of committees,either minority or majority should be translated,without the approval or request of the Senate.

We believe that the bills before the Senate should be returned,and separate bills be furnished to each committee for its approval,and that where the Accounts Committee is in doubt,the opinion of the Senate as a whole should be taken upon the bill in question.

G R Carter.

April 23,1901.

Senator Russel then presented the following minority report on the same matter:

Your Committee on Ways and Means begs to report That they consider the fees for translation of fifty cents a folio correct,the fees for typewriting rather small,which fees might be raised to 20 or 25 cents a folio.As fo r reading proof we consider that the bids for printing already include the reading of proofs,unless some changes in the manuscript had been made after the type was set.

N Russel.

Senator Achi moved that the two reports be laid on the table to be taken up for consideration at 2 o'clock.Seconded by Senator Carter and carried.

Senator Kanuha introduced the following resolution:

SENATE RESOLUTION.

Resolved that the following sums for the following specified purposes be placed in the general appropriation bill:

1-That the sum of Fifteen Thousand dollars be appropriated to erect a home near the new Reformatory School for poor children of who are citizens of the Territory of Hawaii,and that the same be placed on the government land between Kahuku and Laie,Oahu.

2-That the sum of Ten Thousand dollars be appropriated to improve the Reformatory School at Kapalama for Girls;and establish a department for a indigent children from the age of four months to six years,who are citizens of the Territory of Hawaii.

3-That the sum of Twenty-five Thousand dollars be appropriated to improve Lahainaluna Seminary and also the sum of Twenty Thousand

dollars for teachers' salaries.

4-That the sum of Twenty Thousand dollars for the extension of Vineyard street to Kamehameha School for boys.

5-That the sum of One Thousand and Five Hundred dollars for Kalihi street begin from Kaiulani Tract to the end of said street near Kilohana.

6-That the sum of Fifty Thousand dollars be appropriated for the extension of School street to Kamehameha Fourth road.

7-That the sum of Ten Thousand dollars be appropriated to improve Pauoa road.

8-That the sum of Thirty Thousand dollars be appropriated to improve King street to Moanalua and Forty Thousand dollars on same street to Waialua,Kahuku,the Koolaus,to the end of Nuuanu road.

9-That the sum of Two Thousand dollars be appropriated for every street in Iwilei,Fifth District.

IO-That the sum of Five Thousand dollars be appropriated for all the streets at Kakaako.

II-That the sum of Five Thousand dollars be appropraited for the purpose of obtaining,clearing,platting and fencing a public cemetery to be located on public lands near the city of Honolulu for the poor people to be under the control of the Superintendent of Public Works.

David Kanuha.

April 23,I90I.

Senator C Brown moved that the resolution be laid on the table to be considered with the Appropriation bill.Seconded by Senator Kanuha and carried.

Senator C Brown introduced the following bill,notice of which he had given on the previous day:

An Act to reapportion the membership in the Senate and House of Representatives of the Territory of Hawaii.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani moved that the bill be referred to the Printing Committee.

There being no objection, it was so ordered.

Senator Achi introduced the following resolution:

RESOLUTION.

Resolved That the Printing ~~Committee~~ of the journal of this house as ordered heretofore,is hereby rescinded.

W C Achi.

Senator Kalauokalani moved that the resolution be laid on the table.Seconded by Senator Kahilina and carried.

At II:50 o'clock,Senator C Brown moved to take a recess until 2 O'clock.Seconded by Senator Kalauokalani and carried.

.....

Afternoon Session.

The Senate met at 2 o'clock.

Senator Nakapaahu introduced the following resolution:

RESOLUTION.

Resolved That the sum of $2500 be inserted in the Appropriation Bill for the water pipe of Koloa,Island of Kauai.

L Nakapaahu.

Senator J Brown moved that the resolution be laid on the table to be taken up with the Appropriation Bill.Seconded by Senator Nakapaahu and carried.

Senator Nakapaahu asked that the rules be suspended in order to allow him to present a petition.Seconded by Senator J Brown.

There being no objection,the request was granted.

Senator Nakapaahu then presented the following petition:

PETITION.

That the sum of $500 be inserted in the Appropriation Bill for a breakwater at Peeamoa,Makaweli,Kauai.

(Signed by 50 citizens and taxpayers of the District of Waimea,Island of Kauai.)

Senator J Brown moved that the petition be laid on the table to be considered with the Appropppiation Bill.Seconded by Senator Nakapaahu and carried.

Senator Kanuha gave notice of his intention to introduce the following bill:

An Act to amend Section I4,Act 57 of the Session Laws of I896 entitled "Internal Tax,etc." which is also Section 8I7 of the Civil Laws.

Senator Kanuha moved that the rules be suspended in order to allow him to read his bill first time by title.

There being no objection, the request was granted.

Senator Kanuha moved that the bill pass its first reading. Seconded by Senator Nakapaahu and carried.

Senator Kanuha moved that the bill be referred to the Printing Committee. Seconded by Senator J Brown and carried.

Senator Achi gave notice of his intention to introduce the following bill:

An Act to amend Section I, Act 61, Session Laws of 1898.

Resolution 55 and the report of the Ways and Means Committee thereon, was announced on the ~~order of the~~ list of unfinished business.

Senator Carter moved that translating be paid at the rate of $1.00 per folio, typewriting at the rate of 20 cents per folio and that the printing houses of the city be requested to include proof reading in their bid of $1.50 already handed in to the Senate.

Senator Achi moved to amend to the effect that proof reading be paid at the rate of 50 cents per folio. Seconded by Senator Kalauokalani and carried.

The chair announced the following communication from the Secretary of the Territory:

April 23rd., 1901.

Hon. S E Kaiue,
President of the Senate.
Sir:-

I have the honor to inform you that the Governor has this day signed Act 6, entitled "An Act appropriating Three Thousand Five Hundred Dollars for the use of the Board of Education in making a display at the Buffalo Exhibition."

I am,
Sir,
Very respectfully yours,
Henry E Cooper,
Secretary of the Territory.

Senator Nakapaahu moved that the rules be suspended and that the vote on the resolution of Senator White relating to bills already ordered paid

by the Printing Committee,be reconsidered.Seconded by Senator White and carried.

Senator Baldwin then moved that the resolution be, So amended ~~to the effect~~ that the settlements be made on terms as agreed upon by the Senate in its action on the motion of Senator Carter, as amended by Senator Achi.Seconded by Senator Achi and carried.

Senator C Brown moved the adoption of the resolution as ~~adopted~~ amended. ~~Seconded~~ Seconded by Senator Baldwin and carried.

~~Appointments of~~ The messages from the Governor ~~as submitted~~ Submitting appointments ~~in two messages~~ was announced ~~as~~ the order of the day.

Senator White moved that the matter of the appointments be deferred until Saturday April 27th. Seconded by Senator C Brown and carried.

At 3:20 o'clock,Senator Carter moved to adjourn.Seconded by Senator White and carried.

Edgar Campbell

Clerk of the Senate.

Approved by the Senate:

S. E. Kane

President of the Senate.

JOURNAL OF THE SENATE

FIFTY-SECOND DAY

WEDNESDAY, APRIL 24TH., 1901.

In the Senate.

Territory of Hawaii.

Fifty-Second Day.

~~Morning Session.~~

Wednesday, April 24th., 1901.

The Senate met, pursuant to adjournment, at 9:30 ~~AM~~ o'clock, After prayer by the chaplain, the roll was called, showing Senators Achi, C Brown, Carter, Crabbe and White absent.

The journal of the previous day was read and, on motion of Senator Nakapaahu, seconded by Senator J Brown, approved as read.

The clerk read a communication from the House ~~to the effect~~ stating that Senate Bill No. 13 had passed third reading on the 22nd. inst. with certain amendments.

Senator C Brown moved that the Senate concur in the amendments of the House to Senate Bill No. 13. Seconded by Senator J Brown and carried.

The clerk read ~~another~~ a communication from the House ~~to the effect~~ that Senate Bill No. 83 had been rejected.

Senator Kalauokalani reported for the Printing Committee to the effect that Senate Bill No. 98 had been printed and was ready for distribution.

Senator Paris reported as follows for the Public Lands Committee on Petition 29 and Resolution 43:

Petition 29 asks for different amounts to be appropriated for the District of Waimea, Kauai.

The first for $10 000 widen and repair the Waimea road at Kikiaola. Your committee consider with the estimates of the Superintendent of Public Works and the road tax of the district is sufficient without this appropriation.

Item 2 for bridge is already in the estimates.

The items of $20 000 for water works we find by consulting the Public Works Department that it will cost on an itemized estimate, $4 000.

We would recommend that this amount be placed in the Loan Bill in the discretion of the Superintendent of Public Works as this

is a large amount and unless there are a large number to take water, the outlay would not be warranted.

Resolution 43.

The two items we consider are covered by the estimates and Emergency Bill.

Item 3 we would recommend $300 instead of $500.

Item 4 we would recommend $7 000 be inserted instead of $15 000 in the Loan Bill.

John T Brown.

J D Paris.

L Nakapaahu.

Senator Paris moved that the report be laid on the table to be considered with the Appropriation or Loan Bill. Seconded by Senator J Brown and carried.

Senator Paris reported further for the same committee on Petitions 11 and 20, as follows:

Petition 11 prays that $10 000 be appropriated to open and repair the old government road from Kahuwa, North Kohala, and $5 000 to repair the road from the pali of Pololu to Awini.

Petition 20 asks that the government establish water works to supply the people from Makanikahio to Makapala and Halawa, N. Kohala.

Your Committee have written the chairman of the Road Board in regard to these petitions and find as follows:

We do not consider that the mauka Kahuwa road is necessary at present. Item for $5 000 to repair Pololu to Awini. That unless the grade is changed, this money would be wasted which would require a large appropriation to change the grade.

Petition for water.

Your committee find that the water is almost all on the lands owned bt the plantations and that many of the signers are living and working on these plantations and supplied with water by them and we do not consider that the receipts would not be enough to warrant the outlay.

We would therefore recommend that these petitions be laid on the table.

John T Brown.

J D Paris.

L Nakapaahu.

Senator C Brown moved the adoption of the report. Seconded by Senator J Brown and carried.

Senator White moved that the rules be suspended in order to introduce a petition. Seconded by Senator Kalauokalani.

There being no objection, the request was granted.

Senator White then presented the following petition:

Honolulu, H T, April 20th., '01.

To the Honorable Speaker and Members of the Legislature of the Territory of Hawaii, now in Session.

Gentlemen:-

We, the undersigned, ship owners, agents and ship masters, who pay the pilotage that supports the pilots of Honolulu, favor the change from the rate of five cents per ton, to a rate on the draught of a vessel as more equitable and just than the former rate.

We would suggest for your consideration, the following, viz:

~~lowing, viz~~: A rate of $1.50 per foot on draught of water of a vessel under 500 tons, and a rate o $2 per foot on draught of water of a vessel of 500 tons and over. We would also recommend that the pilots of Honolulu receive those fees, as is customary in every part of the United States of America, in lieu of a fixed salary.

Alexander & Baldwin.

C Brewer & Co.

H Hackfeld & Co.

Lewers & Cooke, Ltd.

Castle & Cooke.

F A Schaefer & Co.

Allen & Robinson.

Inter-Island S S Co., Ltd.

Wilder S S Co.

Wilder & Co., Ltd.

(In addition to these are the names of twenty-one sea captains now in port)

Senator Kalauokalani moved that the petition be laid on the table to be taken up with the bill bearing on the matter. Seconded by Senator Baldwin and carried.

Under the same suspension of rules, Senator Baldwin presented a petition from five people at Kalaupapa, Molokai, to increase the salaries of police officers.

Senator Achi moved that the petition be referred to the Committee on Public Health and Education. Seconded by Senator Baldwin and carried.

Senator J Brown introduced the following resolution:

RESOLUTION.

Whereas, there is a large amount of business of importance to the Territory yet undisposed of, and that cannot be finished during the remaining days of the session and

Whereas, it is necessary for the disposition of such remaining business of the present session of the Legislature that its session should be extended;

Now, therefore, be it resolved

That a committee of three members of the Senate be appointed to wait upon the Governor of the Territory and request that an extension of the present session of the Legislature be ordered.

Senator Nakapaahu seconded the resolution.

Senator Russel moved to amend to the effect that the words "of thirty days" be placed after the word "extension". Seconded by Senator Kanuha.

Senator Kalauokalani moved that the ayes and noes be called. Seconded by Senator J Brown.

Senator C Brown moved that further consideration of the resolution be deferred until Thursday. Seconded by Senator Baldwin.

Senator Kanuha moved the previous question. Seconded by Senator Russel and carried.

The motion to defer consideration until Thursday was put and lost.

The amendment of Senator Russel was then put and lost.

The motion to adopt the original resolution was ~~then~~ put and carried.

The chair appointed the following as the Committee of Three to wait on the Governor:Senators C Brown,Paris and Kalauokalani.

Senators C Brown and Paris objected to being named on the committee on account of having voted against the resolution and ~~de-~~ ~~clined to serxx~~ asked to be freed from serving.

The chair thereupon appointed the following committee according to the provisions of the resolution:Senators Kalauokalani, Russel and Kanuha.

Senator Kaohi introduced the following resolution:

RESOLUTION.

That the sum of $600 may be inserted in the Appropriation Bill for a school house at Honoipu,North Kohala,Hawaii.

Also the sum of $600 for a teacher there for two years.

Senator Achi moved that the resolution be laid on the table to be considered with the Appropriation Bill.Seconded by Senator Kalauokalani and carried.

Senator Carter moved that the rules be suspended in order to allow him to introduce a resolution.Seconded by Senator Achi.

There being no objection,the request was granted.

Senator Carter then presented the following resolution:

RESOLUTION.

Be It Resolved by the Senate

Be it resolved by the Senate, That the Committee on Accounts be and is hereby instructed to furnish the Senate with statement of the money already expended and a statement of the unpaid bills, so that the Senate can have some idea of the charges made and expenses to date of statement.

G R Carter.

Senator C Brown moved the adoption of the resolution.Seconded by Senator Carter.

Senator Achi moved to amend to the effect that the ~~xxxx~~ following words be added to the end of the resolution:

"also to find out how much is the balance of the $45 000 appropariated."Seconded by Senator Carter and carried.

Senator Carter moved the adoption of the resolution as amended. Seconded by Senator Achi and carried.

Senator Baldwin moved to reconsider the motion of the previous day by which the Senate decided to pay 50 cents per folio for proof reading. Seconded by Senator Kanuha.

Senator White moved the previous question. Seconded by Senator Kalauokalani and carried.

The chair then put the motion to reconsider the vote which was lost on the following showing of ayes and noes:

Ayes: Senators Baldwin, C Brown, Carter, Crabbe, Kanuha and Paris.....6.

Noes: Senators Achi, J Brown, Kahilina, Kaiue, Kalauokalani, Kaohi, Nakapaahu, Russel and White.....9.

Senators Kanuha, Paris and J Brown of the Accounts Committee resigned in the order named.

Senator Achi moved that the senators who had just resigned from the Accounts Committee be instructed to keep their places until the bills ordered paid by the Senate, should have been paid.

Senator Baldwin moved that the senators keep their places until the end of the session.

Senator Carter moved that the resignations be accepted forthwith.

The chair then made the following statement-"I will exercise my prerogative and accept the resignation of the members of the Committee on Accounts. After the recess I will appoint others to take their places."

Senate Bills Nos. 84, 85 and 92 announced on the list of unfinished business.

Second reading of Senate Bill No. 84.

Senator Achi moved the adoption of the report recommending the passage of the bill with certain amendments. Seconded by Senator J Brown and carried.

Senator J Brown moved that the bill be typewritten and read the third time on Friday. Seconded by Senator C Brown and carried.

Second reading of Senate Bill No. 85.

Senator J Brown moved the adoption of the report recommending the passage of the bill.Seconded by Senator Achi and carried.

Senator C Brown moved that the bill be typewritten and read the third time on Saturday.Seconded by Senator Achi and carried.

Senator Achi moved the adoption of the report recommending the passage of Senate Bill No. 92.Seconded by Senator Carter and carried.

Senator C Brown moved that the bill be typewritten and read the third time on Saturday.Seconded by Senator Achi and carried.

At II:50 o'clock,Senator C Brown moved to take a recess until I:30 o'clock.Seconded by Senator Carter and carried.

.....

Afternoon Session.

The Senate met at I:30 o'clock.

Second reading of House Bill No. 7.

Senator C Brown moved that the bill be referred to the Judiciary Committee.Seconded by Senator Carter and carried.

Third reading of Senate Bill No. 70 "An Act to amend Sections 31 and 33 of 'An Act to reorganize the Judiciary Department'.Approved the 25th. day of November,1892,being Chapter LVII of the Session Laws of 1892."

Senator C Brown moved that the bill pass its third reading. Seconded by Senator Kalauokalani and carried on the following showing of ayes and noes:

Ayes:Senators C Brown,J Brown,Carter,Crabbe,Kahilina,Kaiue, Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White.....13.

Noes:.....0.

Absent:Senators Achi and Baldwin.....2.

Second reading of House Bill No. 52.

Senator C Brown moved that the bill be referred to the Public Health Committee.Seconded by Senator J Brown and carried.

Second reading of House Bill No. 80.

Senator C Brown moved that the bill be referred to the Judiciary Committee.Seconded by Senator Achi and carried.

Second reading of House Bill No. 83.

Senator C Brown moved that the bill be referred to the Public Lands Committee.Seconded by Senator Russel and carried.

Senate Bills Nos 25 and 35 and,in connection therewith,House Bill No. 93,in third reading.

Senator Kalauokalani moved to take up House Bill No. 93.Seconded by Senator Kahilina and carried.

Senator C Brown moved that Senate Bills Nos. 25 and 35 be laid on the table.Seconded by Senator Carter and carried.

Senator C Brown moved that House Bill No. 93 be read section by section.Seconded by Senator Carter and carried.

Senator C Brown moved that section I pass, after the same had been read by the clerk.

Senator Russel moved to amend as follows:

After the figure "1900" Section I line 7 to add the words: "also political and other claims against the Territory."

No second.

Senator Kalauokalani moved that Section I as read by the clerk, pass.Seconded by Senator Kahilina and carried.

Senator C Brown moved to reconsider the vote on the motion to read the bill section by section.Seconded by Senator Carter and carried.

Senator Baldwin moved the following amendment at the end of Section IO:

"and said appropriation to be distributed over a period of three years at the rate of five hundred thousand dollars a year."

Amendment seconded by Senator Achi and carried.

Senator Achi moved to amend further by adding directly after Senator Baldwin's amendment,the following words:

"In payment of the awards or judgements the Treasurer is hereby ordered to pay all awards and judgements pro rata at all times."

Senator Achi moved that the bill pass its second reading, as amended.Seconded by Senator J Brown and carried.

Senator C Brown moved that the bill be typewritten and read the third time on Thursday.Seconded by Senator Baldwin and carried.

Third reading of Senate Bill No. 87 "An Act to amend Sections 764 and 765 of the Penal Laws relating to merchandise licenses."

Senator Carter moved that further consideration of the bill be deferred until such time as the tax bill shall be considered. Seconded by Senator C Brown and carried.

Second reading of House Bill No. 74.

Senator C Brown moved that the bill be referred to the Committee on Ways and Means.Seconded by Senator White and carried.

Second reading of House Bill No. 72.

Senator Carter moved that the bill be referred to the Judiciary Committee.Seconded by Senator C Brown and carried.

Second reading of Senate Bill No. 79.

Senator Achi moved that further consideration of the bill be deferred until Monday.Seconded by Senator White and carried.

Third reading of Senate Bill No. 97,"An Act to amend Act 35 of the Laws of 1898,relating to and concerning vehicles,tires and wheels;by adding a new section to be called Section 5A."

Senator Nakapaahu moved that the bill pass its third reading. Seconded by Senator White and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,~~Carter~~ C Brown,J Brown,Crabbe,Kahilina,Kaiue,Kanuha,Nakapaahu,Paris and White.....11.

Noes:Senators Carter,Kalauokalani,Kaohi and Russel.....4.

Second reading of Senate Bills Nos. 96 and 95.

Senator C Brwon moved that the bills pass second reading. Seconded by Senator Carter and carried.

Senator Carter moved that the bills be typewritten and read the third time on Saturday.Seconded by Senator C Brown and carried.

House Second reading of House Bill No.23.

Senator Achi moved that the rules be suspended and that the bill be read by title.Seconded by Senator Carter.

Senator Achi moved that the bill pass its second reading.

Seconded by Senator Crabbe and carried.

Senator Achi moved that the bill be typewritten and read the third time on Thursday.

There being no objection,it was so ordered.

The chair announced the following communication from the Secretary of the Territory:

Hon.S E Kaiue,

President of the Senate,

Sir:-

A bill entitled "An Act to protect laborers and employes from extortion",having been presented to the Governor on the IOth. day of April,has failed to receive his signature within the ten days prescribed by Section 5I of An Act to provide a government for the Territory of Hawaii,passed by the Fifty-Sixth Congress of the United States of America and approved the 30th. day of April A.D.,I900.

I herewith return to you the bill referred to for the necessary certificate.

I am,

Sir,

Very respectfully yours,

Henry E Cooper,

Secretary of the Territory.

The clerk then read the following communications from the Treasury Department in answer to questions asked by the clerk of the Senate:

Edgar Caypless,Esq.,

Clerk of the Senate,

Dear Sir:-

By direction of the Treasurer I have the honor to acknowledge the receipt of your communication of even date in re to balance of the appropriation of $45 000 for expenses of the SenateLegislature.

Appropriation		$45 000.
Amounts drawn by the House of Representatives to date	$35 783.56	
Amounts drawn by the Senate.....	$17 148.54	42 932.
Balance unexpended		2 067.90.

Respectfully yours,

Henry Hapai,

for Registrar of Public Accounts.

Later.....

Edgar Caypless,Esq.,

Clerk of Senate.

Dear Sir:-

The Treasurer directs me to notify you that drafts have been drawn by the clerk of the House of Representatives this P M amounting to $1 983.45,leaving a balance unexpended of the appropriation of $45 000 for the expenses of the Session of the Legislature of $84.45.

Respectfully yours,

Henry Hapai,

Clerk Treasurer's Office.

Second reading of House Bill No. 48.

Senator Kamuha moved that the bill pass its second reading. Seconded by Senator Kalauokalani.

Senator Baldwin moved the bill be read section by section. Seconded by Senator Kalauokalani.A tie vote resulted and the chair cast the deciding vote on the side voting for the reading of the bill,section by section.

Senator C Brown moved to adjourn.Seconded by Senator Carter and lost.

Senator Carter moved to adjourn until 8 o'clock in the evening. Seconded by Senator Crabbbe.

Senator White moved to amend to the effect that the Senate adjourn until 10 o'clock on Thursday morning. Seconded by Senator C Brown and, at 3:55 o'clock, the Senate adjourned.

Eugene Campbell

Clerk of the Senate.

Approved by the Senate:

A. E. Kaine

President of the Senate.

JOURNAL OF THE SENATE.

FIFTY-THIRD DAY

THURSDAY, APRIL 25TH., 1901.

In the Senate.

Territory of Hawaii.

Fifty-Third Day.

Morning Session.

Thursday, April 25th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators Baldwin, Carter, Kalauokalani, Kanuha, Russel and White absent.

The journal of the previous day was read and, on motion of Senator Kaohi, seconded by Senator J Brown, approved as read.

The clerk read an invitation from the Young Men's Research Club asking the Senate to be present at its meeting to be held on the evening of the 26th. inst.

The clerk then read the following communications from the House:

A Communication notifying the Senate of the passage of Senate Bill No. 32 on third reading, with amendments, on the 22nd. inst.

Senator Crabbe moved that the Senate concur in the amendments of the House. Seconded by Senator J Brown and carried;

A Communication notifying the Senate of the passage in third reading of ~~House~~ Senate Bill No. 29 on the 24th. inst.;

A Communication notifying the Senate of the indefinite postponement of Senate Bill No. 39 on the 23rd. inst.;

A Communication notifying the Senate of the indefinite postponement of Senate Bill No. 71 on the 21st. inst.;

A Communication notifying the Senate of the passage on third reading of House Bill No. 99 on the 23rd. inst.;

Senator C Brown moved that the bill pass its first reading. Seconded by Senator J Brown and carried.

A Communication notifying the Senate of the passage on third reading of House Bill No. 100 on the 23rd. inst.

Senator C Brown moved that the bill pass its first

reading.Seconded by Senator J Brown and carried;

A Communication notifying the Senate of the passage in third reading of House Bill No. 101.

Senator Kalauokalani moved that the bill pass its first reading.Seconded by Senator Nakapaahu and carried.

Senator Carter moved that the rules be suspended in order to allow him to change the footing in the loan bill (Senate Bill No.66), the same not agreeing with the actual totals.Seconded by Senator Achi and carried.

Senator Carter then announced the places in Senate Bill No. 66 which he intended to correct.

Senator Achi moved that the Printing Committee be ordered to allow the changes stated by Senator Carter.Seconded by Senator J Brown and carried.

The clerk then read the following petition in favor of the County Bill:

> Be it Resolved, By the citizens of the Territory of Hawaii at Haimoelpo Square (Drill Shed parade ground), on Wednesday evening, April 24, 1901, that by unanimous acclamation, we declare ourselves in favor of the immediate passage of the County bill now before the Senate, as expressing our will and as a remedy against centralized power.
>
> Be it further resolved, That a copy of this resolution is to be forwarded by the following committee of three:
>
> C. B. MAILE,
> S. K. PUA,
> R. N. BOYD.

We do hereby certify that the above resolution was passed.

D Kalauokalani.

C B Maile.

Samuel K. Pua.

R N Boyd.

Senator C Brown moved that the petition be laid on the table to be considered with the County Bill.Seconded by Senator J Brown and carried.

Senator Kalauokalani reported for the Printing Committee ~~to the effect~~ that Senate Bill No. 107 had been printed and was ready for distribution.

Senator Carter reported for the minority of the Taxation Committee of the Senate and House on the matters relating to taxation in the Territory as follows:

> The minority of the Committee on Taxation has used all the time of the session in examining into the affairs o the present system of taxation and in discussing the same, without coming to any definite conclusion. A portion of that committee, appreciating that the experses of the government must be met, the fire claims paid and public improvements carried out throughout the Territory during the biennial period, and that only a few days of the session remain in which to pass the necessary legislation, respectfully submit the following:
>
> We recommend that the tax on property be raised from one per cent to one and one-half per cent;
>
> That the inheritance tax be increased and graded.
>
> That the tax on large carts and wagons be increased.
>
> And that the poll tax be abolished. We present the accompanying bills to cover these points and recommend their prompt passage.
>
> C. H. DICKEY,
> G. R. CARTER,
> J. D. PARIS.

Senator Russel moved that the report be laid on the table to await the report of the majority.Seconded by Senator Kalauokalani.

Senator C Brown moved to amend to the effect that the report be received and placed on the table to await the report of the majority but that the bill submitted by the majority of the committee be read the first time.Seconded by Senator J Brown and carried.

Senate Bill No. 110 was then read.

Senator C Brown moved that the bill pass its first reading.Seconded by Senator Baldwin.

Senator Kanuha moved to amend the bill to the effect that drays be charged $10.Seconded by Senator Kalauokalani.

Senator Russel moved that the bill be rejected.Seconded by Senator Kalauokalani.

Senator J Brown moved the previous question.Seconded by Senator Achi and carried.

The motion to reject the bill was ~~put and~~ lost.

The motion of Senator C Brown to pass the bill on first reading was ~~put and~~ carried.

Senator C Brown moved that the second bill relating to the same matter, be taken up and passed ~~in~~ its first reading. Seconded by Senator J Brown and carried.

Senator Kalauokalani reported verbally for the Special Committee appointed to confer with the Governor and ask him for an extension of the present session, to the effect that the committee had seen the Governor and that he had promised to send in his answer in the afternoon.

Senator C Brown moved the adoption of the report. Seconded by Senator J Brown and carried.

Second reading of House Bill No. 48, the County Act.

Section 2.

Senator Carter moved to amend ~~to the effect~~ so that the County seat be at Lihue instead of at Waimea. Seconded by Senator C Brown.

Senator White moved that the bill be read through without making any amendments. Seconded by Senator Kalauokalani.

Senator C Brown moved ~~xxxx~~ that the vote by which the clerk was instructed to read the bill section by section, be reconsidered. Seconded by Senator Baldwin and carried.

The motion of Senator White to read the bill through then carried.

At 11:55 o'clock, Senator C Brown moved to take a recess until 1:30 o'clock. Seconded by Senator Baldwin and carried.

.....

Afternoon Session.

The Senate met at 1:30 o'clock.

The chair announced the following communication from the Governor:

To the Honorable S. E. Kaiue, President of the Senate.

Sir: The resolution of the Senate requesting an extension of the present regular session of the Legislature, has been presented to me by the special committee of the Senate.

The law provides for a special session of the legislature in case there is an adjournment of a regular session without the enactment of the necessary appropriations for the conduct of the Government during the succeeding biennial period, the Legislature therefore has the power to compel the calling of a special session for this purpose. The methods of the present session have been wasteful of both time and money, and there is little to show for a large expenditure of public funds.

Under the circumstances it seems to me that it is unreasonable for the Legislature to look for both a special session and an extension of the regular session as well, with their inevitable accompanying large expenses.

The delay in enacting the appropriations has continued to so late a period that all expectation of such legislation before the expiration of this session by limitation of time appears now to be hopeless, and the calling of a special session to be imperative. Such limitation of time will, I submit, take effect on Tuesday, the 30th day of April.

I cannot therefore accede to the request of the Senate, failing such appropriations.

Very respectfully,
SANFORD B. DOLE.

Sans Souci, April 25th, 1901.

Senator Russel moved to proceed with the consideration of the County Bill. Seconded by Senator Kalauokalani.

Senator Carter moved to amend to the effect that the County Bill be considered until such time as the loan bill should arrive. Seconded by Senator C Brown and carried.

At 4:20 motion by Senator Carter was amended by Senator Kalauokalani and carried.

The chair announced the following communication from the Secretary ~~Cat~~ of the Territory:

Honolulu, H.T., April 24th., 1901.

Hon. S E Kaiue,
President of the Senate.

Sir:-

I have the honor to inform you that the Governor has this day signed the following acts:

Act 7, entitled "An Act providing for names of streets, roads and lanes in the District of Honolulu, Island of Oahu.

Act 8, entitled "An Act providing for the numbering of buildings in the District of Honolulu, Island of Oahu."

Act 9,entitled "An Act to provide for the exemption of certain personal property from attachment,execution,distress and forced sale of every nature and description;and repealing An Act entitled "An Act to facilitate the recovery of rents" passed on the tenth day of January,1865,and all other laws and parts of laws in conflict with this Act."

I am,Sir,

Very respectfully,

Henry E Cooper,

Secretary of the Territory.

At 4:20 o'clock,Senator Carter moved to adjourn until 7:30 o'clock.Seconded by Senator Kalauokalani and carried.

.....

Evening Session.

The Senate met at 7:30 o'clock.

Under suspension of the rules,Senator Kalauokalani reported for the Printing Committee to the effect that Senate Bills Nos. 102,103,104,105,106,108 and 109 had been printed and were ready for distribution.

Under the same suspension of rules,Senator Achi asked that Senate Bill No. 109 be taken up for consideration.Seconded by Senator J Brown and carried.

Senator Achi moved to change 2 per cent to 1 1/2 per cent.Seconded by Senator J Brown and carried.

Senator J Brown moved that the bill pass its second reading as amended.Seconded by Senator Achi and carried.

Senator Kalauokalani moved that the bill be typewritten and read the third time on Friday.Seconded by Senator J Brown and carried.

Senator Achi moved to take up Senate Bill No. 64.Seconded by Senator J Brown and lost.

Senator Carter moved that the Senate resolve itself into a Committee of the Whole.

Senator Carter then moved that the loan bill be taken up later in the evening.Seconded by Senator Achi and carried.

Senator Baldwin moved that the interpreter of the Senate be excused on account of illness.Seconded by Senator Kalauokalani and carried.

The Senate then resumed the consideration of the County Bill.

Senator Russel moved that the bill pass its second reading as read.Seconded by Senator Kalauokalani and carried.

Senator Russel moved that the bill be made the special order of the day on Friday after the reading of the minutes. Seconded by Senator Kanuha and carried.

Senator Baldwin moved that Senate Bill No. 65 be taken up for consideration.Seconded by Senator Nakapaahu and carried.

Senator Baldwin moved that the bill pass its second reading.Seconded by Senator J Brown and carried.

Senator Achi moved that the bill be typewritten and read the third time on Friday.Seconded by Senator Baldwin and carried.

Senator Baldwin moved that Senate Bill No. 66 be taken up for consideration.Seconded by Senator Achi.

As there was no objection,the chair ordered the clerk to read the bill.

Senator Carter moved that the bill pass its second reading.Seconded by Senator Achi and carried.

Senator Achi moved that the bill be typewritten and read the third time Friday afternoon.Seconded by Senator Kanuha and carried.

Senator Achi moved that House Bill No.98,relating to the fire claims,be taken up for consideration in third reading.Seconded by Senator Baldwin and carried.

Senator Achi moved to amend after Section 10 by adding the following:

"Interest at the rate of five per cent per annum shall

be allowed upon every award or judgement rendered by said commission from the date thereof until paid."

Senator Baldwin asked that the amendment which he had introduced to the bill on the previous day be stricken out and that it be placed at the beginning of the section. Seconded by Senator Carter.

Senator Russel moved the previous question. Seconded by Senator Kanuha and carried.

Senator Achi's amendment was put and carried.

Senator Russel moved to amend as follows:

All appropriation items be stricken and left to be considered with the Appropriation Bill. No Second.

~~No Second~~. Senator Achi moved that the bill pass as amended. Seconded by Senator J Brown and carried ~~on~~ by the following ~~showing of~~ vote by ayes and noes:

Ayes: Senators Achi, Baldwin, J Brown, Carter, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris and Russel. .....12.

Noes: .....0.

Absent: Senators Crabbe, C Brown and White.....3.

Senator J Brown moved that the rules be suspended and that Senate Bill No. 27 be taken up for consideration. Seconded by Senator Nakapaahu.

There being no objection, it was so ordered.

Senator Carter moved to amend ~~xx~~ as follows:

Amend by ~~striking~~ inserting in line 3 after the word "merchandise" the words "in the Territory of Hawaii."

Amendment seconded by Senator Achi and carried.

Senator Achi moved that the bill pass its third reading. Seconded by Senator Kalauokalani and carried ~~on~~ by the following ~~showing of~~ vote by ayes and noes:

Senator Baldwin moved to amend to the effect that the tax in the bill be reduced from 3/8 to I/4. Seconded by Senator Kalauokalani and carried.

from 3/8

from 3/8

Senator Baldwin moved that the bill pass its third reading. Seconded by Senator Kalauokalani and carried by the following ~~showing of~~ vote by ayes and ~~xx~~ noes:

Ayes: Senators Achi, Baldwin, J Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu and Paris.....IO.

Noes: Senators Carter and Russel.....2.

Absent: Senators C ~~Brown~~ Brown, Crabbe and White.....3.

Senator Baldwin moved that Senate Bill No 8I be taken up for consideration and passed ~~in the~~ its second reading by the adoption of the report. Seconded by Senator Achi and carried.

Senator Paris moved that the bill be typewritten and read the third time on Friday. Seconded by Senator Achi and carried.

Senator Carter moved to take up Senate Bill No. 93 in third reading. Seconded by Senator Achi and carried.

Senator Carter moved that the bill pass its third reading. Seconded by Senator Achi and carried ~~on~~ by the following ~~showing of~~ vote by ayes and noes:

Ayes: Senators Achi, J Brown, Carter, Kahilina, Kaiue, Kalauokalani, Kanuha, Nakapaahu and Russel.....9.

Noes: ~~Senators~~.....0.

In doubt: Senators Baldwin, Kaohi and Paris.....3.

Absent: Senators C Brown, Crabbe and White..... .3.

At IO:35 o'clock, Senator Kanuha moved to adjourn. Seconded by Senator Paris and carried.

Edgar Cayless
.....
Clerk of the Senate.

Approved by the Senate:

S. E. Kaiue
.....
President of the Senate.

JOURNAL OF THE SENATE.

FIFTY-FOURTH DAY.

FRIDAY, APRIL 26TH., 1901.

In the Senate.

Territory of Hawaii.

Fifty-Fourth Day.

~~Morning Session.~~

Friday, April 26th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators Achi, Baldwin, Carter, Kalauokalani and White absent.

The journal of the previous day was read in English.

Senator Kaohi moved that the reading of the journal in Hawaiian be dispensed with and that the same be adopted as read. Seconded by Senator Nakapaahu and carried.

The chair announced the following senators as members of the Committee on Accounts which resigned as a whole on Wednesday: Senators Crabbe, J. T. Brown and Kalauokalani.

The clerk read a communication from the secretary of the Kilohana Art League asking the Senate to be present at the May Day festival of that organization.

Senator Russel moved to proceed to the consideration of House Bill No. 48. Seconded by Senator Kalauokalani.

Senator Carter offered the following amendment: Insert new Section to be marked 29A.

Section 1. That the sureties on the bond of any officer as required in this Act, must jointly own taxable property over and above all incumbrances and subject to execution of the value at least double the penal sum of the bond.

Amendment seconded by Senator C Brown.

Senator Russel ~~again repeated~~ renewed his motion that the rules be suspended, and that the House Bill No. 48 be passed on third reading.

The chair ruled that on Thursday evening the Senate passed the bill on second reading and set the third reading for Friday after the reading of the minutes. The bill would therefore have to take the usual course with all bills up for third reading and the motion of Senator Russel was out of order.

Senator Carter moved to take up the consideration of House

Bill No. 48.Seconded by Senator White.

Senator Achi moved that the rules be suspended.Seconded by Senator Carter.

The chair ruled the motion out of order.

Senator Russel moved to adjourn.Seconded by Senator ~~Russel~~ Kalauokalani.

Senator Carter appealed from the ruling of the chair.Seconded by Senator Achi.

Ruling of the chair not sustained.

Senator White moved t hat further consideration of the bill be deferred until Monday.Seconded by Senator C Brown.

Senator White withdrew his motion.

Senator C Brown ~~then~~ moved that further consideration of the bill be deferr e d until Monday.No second.

Senator Carter moved that the bill be read by title and passed.Seconded by Senator Kanuha.

Senator White moved that the bill be read through.Seconded by Senator Kalauokalani and carried.

Senator C Brown moved that the word "Waimea" in Section 2 of the bill be stricken out and that the word "Lihue" be substituted in its place.

Senator Russel arose to a point of order to the effect that Senator C Brown could not offer any amendments since it was passed that the bill should be read through.

The chair sustained Senator C Brown.

Senator C Brown's amendment was seconded by Senator Baldwin.

Senator Carter moved ~~to amend~~ as an amendment to the motion of Senator C Brown ~~to the effect~~ that the bill pass its third reading without amendment. Seconded by Senator Nakapaahu and carried by the following ~~showing of~~ vote by ayes and noes:

Ayes:Senators J Brown,Crabbe,Kahilina,Kalauokalani,Kanuha, Kaohi,Nakapaahu,Russel and White.....9.

Noes:Senators Baldwin,C Brown,Carter,Kaiue and Paris.....5.

In doubt:Senator Achi.....I.

Senator White moved that the rules be suspended in order to allow him to introduce a resolution. Seconded by Senator Kalauokalani and carried.

Senator White then introduced the following joint resolution:

Whereas, the President of the United States, William McKinley, is about to visit the city of San Francisco in the coming month of May, and

Whereas, it is fitting that we, as a Territory and a part of the great American people, should do our share towards welcoming him, and making his visit to the shores of the Pacific pleasant and agreeable, if not profitable, therefore

Be it resolved, by the Legislature of the Territory, That a commission, consisting of five members from the Senate and five members from the House of Representatives, including the presiding office of each house, be appointed to call upon the President and extend to him the warm hearted aloha of the people of this Territory, and

Resolved, further, that there be set apart in the Appropriation bill from any available funds in the treasury a sum of money sufficient for the expenses of the commission.

WM. WHITE.

Honolulu, April 26, 1901.

Resolution seconded by Senator Kalauokalani.

Senator C Brown moved to lay the resolution on the table. No second.

Senator Achi moved to amend by adding the words; "and their expenses to be paid by themselves." Seconded by Senator C Brown.

Senator C Brown moved that the resolution and the amendment be laid on the table. Seconded by Senator Baldwin.

The amendment of Senator Achi was then put and lost.

Senator Achi moved to amend to the effect that those going to meet the President have their expenses paid by the members of the Legislature, sharing equally. Seconded by Senator Carter and lost.

The original resolution was then ~~put and~~ adopted.

Senator Carter introduced the following joint resolution under the same suspension of rules:

Whereas, during 1899 and 1900, under the authority of the law the Auditor allowed certain transfers from current receipts to Loan Fund for the purpose of paying depositors of the Postal Savings Bank and in accordance with Act 63, Section 1 of Session Laws of 1898,

Now, therefore, be it resolved by the Senate and House of Representatives, That the Auditor General and Treasurer are hereby authorized to make such entries as are necessary to make permanent the expenditures on Loan account from current cash reepicts amounting to $799,000.

Resolution seconded by Senator Achi and carried.

Senator Achi moved to take up on third reading, Senate Bill No. 24, "An Act to repeal Section 806 of the Civil Code, relating to poll tax." Seconded by Senator Nakapaahu and carried.

Senator Achi moved that the bill pass its third reading. Seconded by Senator Kalauokalani and carried on the following ~~showing of~~ vote by ayes and noes:

Ayes: Senators Achi, Baldwin, J Brown, Crabbe, Carter, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris and Russel.....13.

Noes: Senators C Brown and White.....2.

Senator Paris reported as follows for the Public Lands Committee on House Bill No. 83:

Your committee find that this bill is to allow W W Dimond and others to supply hydro-carbon gas for use as fuel and illuminating in the city of Honolulu. We also find that this gas is used largely in many cities of the United States for fuel in stores, etc.

We consider that this bill is in the interest of the public in reducing the price of fuel.

We would recommend the following changes: In Section 3 line 5 after the word "public": and only one block at a time.

In Section 10 in line 2 ~~after~~ instead of the word "five" insert the words "two and a half". In the same section line 3 instead of "net receipts" insert "gross receipts".

With these changes we would recommend that the bill pass.

J T Brown.

J D Paris.

L Nakapaahu.

Senator Kalauokalani moved the adoption of the report. Seconded by Senator Achi and carried.

Senator Achi moved that the bill be typewritten and read the third time on Saturday. Seconded by Senator Kalauokalani and carried.

Senator Paris reported further for the same committee on House Bill No. 59 as follows:

Your Committee find that the Hawaiian Electric Company hold an exclusive franchise to May 23rd.,1903,which pay to the Territory 2 1/2 percent of its gross receipts.So this franchise could not go into effect before May 23rd., 1903.

Your committee would recommend in Section 1,last line,after "years" insert"from May 23rd.,1903."

After Section 5,add a new section called Section 6.And it is further provided that said Theodore Hoffman and John Markham doing business together as the Oahu Ice and Electric Company hereinafter called "The company,and their representatives,successors and assigns shall pay into the office of the Treasurer of the Terri tory of Hawaii on the first day of January of each year two and a half percent of the gross receipts derived from the sale of lights and power and upon failure to make said payments this franchise shall be void.

Section 6 in Bill be numbered 7.

With these changes we recommend that the bill pass.

J T Brown.

J D Paris.

L Nakapaahu.

Senator Achi moved the adoption of the report.Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani moved that the bill be typewritten and read the third time on Saturday.Seconded by Senator Achi and carried.

Senator Crabbe moved a reconsideration of the vote on House Bill No. 48.Seconded by Senator Baldwin.

Senator Achi moved the previous question.Seconded by Senator Kalauokalani and carried.

The motion to reconsider House Bill No. 48 was then put and lost.

Senator Kalauokalani reported as follows for the Committee on Municipal and County Laws:

Your Committee on County and Municipal Laws to whom was

referred Petition 37,presented by the President of the Senate and being a petition from 397 residents,taxpayers and citizens of the Territory of Hawaii,residing in the Districts of Wailuku and Makawao,Island of Maui,beg leave to report as follows:

We have had the petition under careful consideration and are in favor of granting the petition.We would recommend that the petition be laid on the table to be taken up for consideration with the County Bill,now before the Senate,on its third reading.

D Kalauokalani.

I H Kahilina.

C L Crabbe.

No disposition of the report was made.

At 11:55 o.clock,Senator Kalauokalani moved to take a recess until 2 o'clock.Seconded by Senator Nakapaahu and carried.

Afternoon Session.

The Senate met at 2 o'clock.

Senator Achi reported for the Printing Committee ~~to the effect~~ that Senate Bills Nos. 126 and 127 had been printed and were ready for distribution.

Second reading,by title,of House Bill No. 98.

Senator C Brown moved that the bill be referred to the Committee on Agriculture and Forestry.Seconded by Senator Kalauokalani and carried.

Third reading of House Bill No. 23.

Senator Russel moved to amend ~~to the effect~~ that 2 instead of 5 per cent be inserted in the bill.

Senator Achi moved to make the tax 1 instead of 5 per cent. Seconded by Senator Nakapaahu and lost.

Senator Kalauokalani moved that the bill pass third reading. Seconded by Senator Kahilina and carried by the following vote by ~~showing of~~ ayes and noes:

Ayes:Senators ~~Achi~~,Baldwin,C Brown,J Brown,Carter,Crabbe,

Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,~~Nakapaahu~~,~~Paris~~,Russel and White.....12.

Noes:.Senator Paris.....1.
In doubt: Senators Achi and Nakapaahu 2.

Senator Baldwin moved to reconsider House Bill No. 93.Seconded by Senator Russel and carried.

Senator Baldwin then moved the following amendment:

Line I,Section I,strike out the word "three" between the words "of" and "disinterested" and insert the word "five".

Amend Section I6,line 4 by changing the figure $5400 to $9000.

Amendment seconded by Senator C Brown and carried.

Senator Carter moved to strike out the sections allowing interest.Seconded by Senator Kanuha and carried.

Senator C Brown moved that the bill pass as amended.Seconded by Senator Kalauokalani and carried on the following showing of ayes and noes:

Ayes:Senators Baldwin,C Brown,J Brown,Carter,Kahilina,Crabbe Kaiue,Kalauokalani,Kaohi,Kanuha,Nakapaahu,Paris and White.....I3.

Noes:Senator Russel.....I.

Declined to vote:Senator Achi.....I.

Senator J Brown moved that the rules be suspended and that Senate Bill No. 84 be taken up for consideration.Seconded by Senator Nakapaahu and carried.

Senator Baldwin moved to insert in place of the word "five" in Section 7,the word "three".Seconded by Senator C Brown and carried.

Senator Russel moved to So amend ~~to the effect~~ that the width between the tracks be four instead of three feet as in the bill.Seconded by Senator Kanuha and lost.

Senator Russel moved to So amend ~~to the effect~~ that in line 2, Section I9,"twenty" instead of "thirty" be inserted.Seconded by Senator Kanuha and lost.

Senator Russel moved to So amend ~~to the effect~~ that in line 5, Section I9,all the words after the word "granted" be stricken out and that there be inserted in place thereof the following:"will revert to

the government."Seconded by Senator Kalauokalani and lost.

Senator Russel moved to so amend ~~to the effect~~ that in line 2 , Section 20,all the remainder of the section after the word "liable" be stricken out and that the following be ~~inserted in the place~~ inserted in lieu thereof: "to the loss of franchise."Seconded by Senator Kalauokalani and lost.

The motion to pass the bill on third reading was then put and carried ~~by~~ by the following ~~showing of~~ vote by ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe, Kahilina,Kaiue,Kaohi,Paris and White.....II.

Noes:Senators Kanuha and Russel.....2.

In doubt:Senators Kalauokalani and Nakapaahu.....2.

Senator C Brown moved to take up Senate Bill No. 65 on third reading.Seconded by Senator Kalauokalani and carried.

Senator C Brown moved that the bill pass its third reading. Seconded by Senator Kalauokalani and carried ~~on~~ by the following ~~showing~~ vote by ~~of~~ ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe, Kahilina,Kaiue,Kalauokalani,Kaohi,Nakapaahu,Paris,Russel and White...I4.

Noes:Senator Kanuha.....I.

Senator C Brown moved to take up Senate Bill No. 66 on third reading.Seconded by Senator Kalauokalani and carried.

Senator Carter moved to amend by submitting a substitute bill for Senate Bill No. 66.Seconded by Senator C Brown and carried.

Senator Paris moved to strike out the word "Kaawaloa" in the bill.Seconded by Senator C Brown and carried.

Senator C Brown moved that Senate Bill No. 66,as amended,pass its third reading.Seconded by Senator Achi and carried ~~on~~ by the following ~~showing of~~ vote by ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Kahilina, Kaiue,Kalauokalani,Kaohi,Nakapaahu,Paris and Russel.....I2.

Noes:Senators Kanuha and White.....2.

Absent:Senator Crabbe.....I.

At 8:55 o'clock,Senator Carter moved to adjourn until 7:30 o'clock.Seconded by Senator C Brown and carried.

Evening Session.

Third reading of Senate Bill No 81 announced on the order of the day.

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Achi and carried by the following vote by ~~showing of~~ ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Crabbe,Kahilina, Kaiue,Kalauokalani,Kaohi,Paris and Russel.....11.

Noes:..... .....0.

Absent:Senators Carter,Kanuha,NaKapaahu and White.....4.

Third reading of House Bill No.65.

Senator Russel moved that the bill pass its third reading. Seconded by Senator Kalauokalani.

Senator Achi moved that action be deferred until Saturday. No second.

The motion to pass the bill on third reading was then put and carried on the following showing of ayes and noes:

Ayes:Senators Achi,Kahilina,Kalauokalani,Kanuha,Kaohi,Nakapaahu Russel and White.....8.

Noes:Senators Baldwin,C Brown,Carter,Crabbe,Kaiue and Paris.6.

Indoubt:Senator J Brown.....I.

Third reading of Senate Bill No. 85.

Senator Baldwin moved that the bill pass its third reading. Seconded by Senator J Brown.

Senator White moved to amend to the effect that after the name of W C Achi in the bill,his own be inserted.Seconded by Senator Baldwin and lost.

The motion to pass the bill on third reading was then put and carried on the following showing of ayes and noes:

Ayes:Senators Baldwin,Carter,Crabbe,Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris and Russel.....13.

Noes:.....0.

Declined to vote:Senators Achi and White.....2.

Third reading of Senate Bill No 92.

Senator Crabbe moved that the bill pas s its third reading. Seconded by Senator Baldwin.

Several of the senators asking to take up various bills,the chair ruled that the Senate would proceed on the order of the day as it appeared on the calendar of the clerk.

Senator Crabbe moved that the rules be suspended in order to allow him to introduce a resolution.Seconded by Senator Kalauokalani and carried.

Senator Crabbe then introduced the following resolution:

Resolved That all bills now in the hands of the different committees be returned to the Senate forthwith.

Senator Russel moved that the resolution be laid on the table. Seconded by Senator Carter and carried.

Second reading of Senate Bill No. 91.

Senator Carter moved to postpone action.Seconded by Senator Kanuha and carried.

Second reading of Senate Bill No.62.

Senator Achi moved to postpone action.Seconded by Senator Carter and carried.

Second reading of Senate Bill No. 68.

Senator Achi moved to postpone action.Seconded by Senator C Brown.and carried.

Senator Russel moved that the bill pass its second reading. Seconded by Senator Kanuha and carried.

Senator Russel moved that the bill be read the third time on Saturday.Seconded by Senator Kanuha ~~and~~ and carried.

Second reading of Senate Bill No. 90.

Senator Crabbe moved that the bill pass its second reading. Seconded by Senator White.

Senator C Brown moved to postpone action.Seconded by Senator Carter and carried.

Second reading of Senate Bill No. 94.

Senator C Brown moved to postpone action.Seconded by Senator

Crabbe and carried.

Second reading of Senate Bill No. 82.

Senator Achi moved that action be deferred until Saturday. Seconded by Senator Carter and carried.

Second reading of House Bill No. 61.Son

Senator Kanuha moved that the bill be laid on the table until Saturday.Seconded by Senator Carter and carried.

Third reading of Senate Bills Nos. 8,II and I8.

Senate Bill No. 8.

Senator C Brwon moved that the bill pass its third reading. Seconded by Senator Carter and carried ~~of~~ by the following ~~showing of~~ vote by ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe, Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White.....I5.

Unanimous.

Senate Bill No. II.

Senator Russel moved that the bill pass its third reading. Seconded by Senator Achi and carried ~~of~~ by the following ~~showing of~~ vote by ayes and noes:

Ayes:Senators AchinBaldwin,C Brown,J Brown,Carter,Crabbe, Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu, Paris,Russel and White.....I5.

Senate Bill No. I8

Senator Achi moved that the bill pass its third reading.Seconded by Senator Crabbe and carried by the following ~~showing of the~~ vote by ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe, Kahilina,Kaiue,Kaohi,Kanuha,Nakapaahu,Paris,Russel and White.....I4.

Noes:Senator Kalauokalani.....I.

Third reading of Senate Bill No. 58.

Senator Russel moved that the bill pass its third reading. Seconded by Senator Nakapaahu.

Senator C Brown asked if the rules had been suspended so as to allow the members of the Senate to smoke and the chair answered in the affirmative.

Senator Russel moved the previous question. Seconded by Senator Carter and carried.

The motion to pass the bill on its third reading was then put and lost ~~on~~ by the following ~~showing of~~ Vote by ayes and noes:

Ayes: Senators J Brown, Kalauokalani, Kanuha and Paris.....4.

Noes: Senators Achi, Baldwin, C Brown, Carter, Crabbe, Kahilina, Kaiue, Kaohi, Nakapaahu, Paris and White.....II.

Third reading of Senate Bill No. I09.

Senator Carter moved to amend as follows:

Amend title so that it will read "An Act to amend Sections 8 and I4 of Act 5I, Session Laws I896" entitled "Internal Taxes."

Section I. That Section 8, Act 5I of the Session Laws of I896 be and the same is hereby amended so as to read as follows: "All drays, carts, wagons or other vehicles used for the conveyance of freight, merchandise, coral, dirt, rock or macadam, having a capacity of not more than two tons shall be subject to an annual tax of two and one half dollars each and if of over two tons capacity then one dollar extra for each additional ton capacity. All brakes, road carts or light two wheeled vehicles shall be subject to an annual tax of two and a half dollars each.

Section II Same as Sec. I in bill.

Section III Same as Sec. II in bill.

Section IV Same as Sec. III in bill.

Amendment seconded by Senator Kanuha and lost.

Senator Achi moved that the bill pass its third reading. Sedonded by Senator Baldwin, and carried ~~on~~ by the following ~~showing of~~ Vote by ayes and noes:

Ayes:Senators Achi,Baldwin,Carter,Crabbe,C Brown,J Brown,Kahilina,Kaiue,Kalaiokalani,Kanuha,Kaohi,Nakapaahu,Paris and White.....14.

Noes:Senator Russel.....I.

Second reading of House Bill No. 101.

Senator C Brown moved that the bill be referred to the Judiciary Committee.Sedonded by Senator Baldwin and carried.

Second reading,by title,of House Bill No. 100.

Senator C Brown moved that the bill be referred to the Judiciary Committee.Seconded by Senator Carter and carried.

Second reading,by title,of House Bill No. 99.

Senator C Brown moved that the bill be referred to the Judiciary Committee.Seconded by Senator Carter and carried.

Second reading,by title,of Senate Bill No. 107.

Senator C Brown moved that the bill be referred to the Judiciary Committee.Seconded by Senator Baldwin and carried.

Senator C Brown moved to adjourn.Seconded by Senator Carter and lost.

A communication from the Secretary of the Ter ritory announcing the following bill signed by the Governor,was read:

"An Act relating to the appointment of bailiffs for certain courts in the Territory of Hawaii and defining the duties and powers of such bailiffs and fixing the amount of their compensation, and providing for the payment of such compensation."

At 9:50 o'clock,Senator Baldwin moved to adjourn,Seconded by Senator C Brown and carried.

Clerk of the Senate.

Approved by the Senate:

President of the Senate.

JOUNAL OF THE SENATE.

Fifty-Fifth Day.

Saturday, April 27th., 1901.

In the Senate.

Territory of Hawaii.

Fifty-Fifth Day.

~~Morning Session~~.

Saturday, April 27th., 1901.

The Senate met, pursuant to adjournment, at 9:30 o'clock. After prayer by the chaplain, the roll was called, showing Senators Achi, Baldwin, Carter and Paris absent.

The journal of the fifty-fourth day was read.

Senator J Brown moved that the translation of the journal be dispensed with and that the same be approved. Seconded by Senator Kaohi and carried.

The clerk read several communications from the House as follows:

Communication notifying the Senate of the passage in third reading on the 26th. inst. of House Bill No. 121.

Senator J Brown moved that the bill pass its first reading. Seconded by Senator Nakapaahu and carried.

Senator Kalauokalani moved that the second reading be set for Monday. Seconded by Senator J Brown and carried.

Communication notifying the Senate of the passage in third reading on the 24th, inst. of House Bill No. 94.

Senator J Brown moved that the bill pass its ~~first~~ second reading. Seconded by Senator Kalauokalani and carried.

Senator J Brown moved that the bill be read the ~~third~~ second time on Monday. Seconded by Senator Kalauokalani and carried.

Communication notifying the Senate of the passage on third reading on the 26th. inst. of House Bill No. 66.

Senator J Brown moved that the bill pass its first reading. Seconded by Senator Nakapaahu and carried.

Senator Russel moved that the bill be referred to the Printing Committee. Seconded by Senator Carter.

Senator J Brown moved that second reading be set for Monday. Seconded by Senator Nakapaahu.

The motion of Senator Russel to refer to the Printing Committee was then put and carried.

Communication notifying the Senate of the passage in the House on the 23rd. inst. of the House resolution relating to the support of the military and submitting the resolution as well as the report thereon. The resolution is as follows:

Be it enacted by the Legislature of the Territory of Hawaii.

That from and after the date of the approval of this resolution the expenditures on account of support of military and military pay roll, shall consist of an allotment of $75 a month for expenses of the headquarters of the regiment - whenever the officers of any company shall certify to the Territorial Treasurer and Auditor that during the next preceding calendar month seventy five per cent of the men on the rolls of the company have attended the drills as prescribed by the regulations there shall be paid to such company officers an allotment of $25 and that these payments shall constitute the entire sums to be paid out of the Treasury of the Territory of Hawaii on account of the military establishment.

That a committee of three members of this house shall be appointed by the Speaker which committee shall provide itself with a clerk whose pay is hereby authorized, said committee to audit the accounts of the military and to take stock of the arms and accoutrements thereof.

That the Citizens Guard is hereby declared to be disbanded. And it is hereby directed that all arms and equipment the property of the Territory, now in the hands of the members thereof, shall be turned in to the above named committee. That the committee shall have power to administer oaths and sends for persons and papers, and that the receipt of its clerk shall constitute clearance and receipt for any arms turned in by members of said Citizens Guard. That such arms and equipment shall be turned over to the quarter master of the militia establishment as may to the committee seem desirable. Any arms, equipment or supplies in excess of the needs of the military shall be advertised by said committee and sold at public auction.

Senator C Brown moved that the resolution and report be laid on the table. Seconded by Senator J Brown and carried.

Senator Carter moved to suspend the rules in order to allow Senator Crabbe to speak on matters in connection with the Accounts Committee. Seconded by Senator Kanuha and carried.

There being no objection, the request was granted.

Senator Crabbe stated that he wished to resign from the Accounts Committee. There had been handed down to him from the old committee a large number of bills which that committee had failed to pay. If the old committee had found it impossible to settle these bills he

could not see how the new committee could be expected to do it.

Senator C Brown arose and asked Senator Crabbe to reconsider his determination to resign.The matter could be easily set tled by a resolution on Monday which would cover the matter of the bills.This was put in the form of a motion which was seconded by Senator Carter.

Senator Crabbe consenting to remain on the committee until Monday,to see what could be done,the chair did not put the motion.

The clerk then read another communication from the House to the effect that that body had concurred in the Senate amendments to House Bill No. 13 on the 25th. inst.

Senator White moved to suspend the rules in order to bring up for consideration,Senate Bill No. 67.

There being no objection,the request was granted.

Senator White moved that the Senate take action on the bill. Seconded by Senator J Brown and carried.

Senator C Brown moved that the bill pass its second reading. Seconded by Senator Achi and carried.

Senator J Brown moved that the bill be typewritten and read the third time on Monday.Seconded by Senator Kalauokalani and carried.

Senator Kalauokalani reported for the Enrollment Committee that the following bills had been presented to the Governor on the 26th. inst.:

An Act relating to the sale of alcohol;amending Section 15, and repealing Sections 10,13 and 14 of Act 64 of the Session Laws of 1896. (House Bill No. 19).

An Act to amend Section 45 of Chapter LVII of the Session Laws of 1892,relating to cases of absence,disqualification and vacancy in the offices of Circuit Judges. (House Bill No. 57).

An Act to provide for the promulgation of the laws. (House Bill No. 82).

An Act relating to licensed physicians. (Senate Bill No. 29).

An Act to amend Section 1 of Act 32 of the Laws of 1896, relating to gross cheat. (Senate Bill No. 13).

LEGISLATURE
SERIES 228
RECORDS OF THE CLERKS
1901 - 1959

FOLLOWING

ORIGINAL

ILLEGIBLE

JOURNAL OF THE SENATE
FIFTY-FIFTH DAY
SATURDAY, APRIL 27, 1901
(pgs. 4-5)

Senator Baldwin reported as follows for the special committee to the Molokai leper settlement:

Hon. S.E.Kaiue,

President of the Senate.

Dear Sir:-

Following is the REPORT OF YOUR COMMITTEE OF INVESTIGATION ON AFFAIRS AT THE LEPER SETTLEMENT IN KALAUPAPA AND KALAWAO, ISLAND OF MOLOKAI, which visited these places on the 2nd. and 3rd. days of March, 1901:

Your Committee of Investigation met in Beretania Hall on the 2nd. day of March.

Witnesses were brought forward and sworn as to the correctness of their petitions.

There was an inquiry also at the Baldwin Home in Kalawao on the same day.

Those who gave testimony relative to the petitions which were read before the committee were:

THOMAS K.NATHANIEL.

W.K.MAKAKOA.

ROBERT H KAAOAO.

AMBROSE HUTCHINSON.

JOHN WILLMINGTON.

CHARLES M BREWSTER.

J.D.KAHALAE.

JOHN T UNEA.

JOSEPH N KAHALELII

WILLIAM KALEIHEANA.

GEORGE KANIKAU.

PUNIHAKA.

GEORGE NAKOOKOO.

MRS. PEARY.

MRS. KAPIULA.

PA KELII BELLE:

JOHN KEKUEWA (leper)

JOHN KAHANA:

GEORGE KALPA(Leper)

PALIKAPU (Leper)

KELIIKAAPUNI.

and other witnesses, and after having heard what these people had to say and after thorough investigation and personal observation, your committee decided to make certain recommendations as follows:

I. That three commissioners be appointed to superintend the Settlement, one to be chosen by the Board of Health, one to be elected by ballot by the people of the Leper Settlement themselves, and the third to be chosen by these two; this commission to carry on the work heretofore carried on by the agent and the superintendent of the Settlement. This commission shall take charge of and superintend the finances and expenses of the settlement and report to the Board of Health, which body shall apportion the money set aside by the Legislature for the Settlement and use the same for no other purpose whatever. For such service, the commission shall be paid a salary of fifty dollars a month apiece.

2. That an item be inserted in the Appropriation Bill for increasing the water supply of the Leper Settlement.

Your committee has considered this matter very carefully and can state that there is a sufficient supply of drinking water for the Settlement as the system stands at the present time. However, when it comes to a question of cultivating taro patches at the settlement in Kalawao and Kalaupapa as a precaution against unfavorable seasons, resulting in a scarcity of taro and a consequent distress to the people of the settlement, your committee is of the opinion and recommends that there should be a sum of money set aside for increasing the present water supply. This has been thought advisable because there is in the neighborhood of two or three hundred acres of land suitable for the planting of taro.

3. That the government purchase a separate steamer for the Board of Health for the purpose of carrying to the lepers their freight their food and other things resulting in a benefit to the lepers.

Your committee is of the opinion and recommends to this house that it would be better to pay for a chartered vessel with the understanding that it does the work of the Board of Health and nothing else.

4.There are goods in the store at the settlement that are not fit for sale to the lepers.Some of the cloth is rotten.

We would recommend that such goods be sold at cost,or at a loss,if necessary,in order to dispose of them,and that the store be well supplied with goods and provisions such as are required by the people of the settlement,the same to be sold at reasonable rates.

The prices charged for some of the goods in the store are placed too high.

We would further recommend that all goods,merchandise,and provisions sent to the Settlement be thoroughly inspected by a proper person appointed for that purpose before they are shipped from Honolulu.

5.From statements made by some of the witnesses that were sworn in by your committee we learned that there are some people at the Settlement whose sickness has been arrested and who do not appear now to be afflicted with leprosy,and that Dr. Oliver,the resident physician at the settlement,has recommended that these be freed.

The same recommendation was made with reference to certain "kokuas" whose sickness is no longer apparent.

Your committee would recommend that all such should be discharged from the settlement,if,after a thorough bacteriological examination by the Board of Health,it should be decided that they are not lepers.

By discharging all such,the expenses of the Government in connection with the Settlement would be greatly reduced.

6.We would recommend that an effort be made to obtain better beef for the settlement.Complaint against the beef seemed to be universal at the set tlement.

We are fully aware that there is a shortage of beef cattle on the Islands,and that beef in consequence is expensive;but your committee believes that if those who contract to furnish beef to the settlement were held more strictly to the terms of their agreement to

furnish "good beef cattle" there would be less complaint about the beef at the Settlement.

7.We would also recommend that the large pasture range at the Settlement be divided into paddocks,which can be done at moderate expense,and that one of the paddocks be reserved for the beef cattle landed at the Settlement.The beef cattle are now kept corralled in a pen till they are butchered,and although they are fed to some extent, they fall away rapidly.In wet weather this pen is said to be knee deep with mud.

8.Your committee were pleased with the efforts that have been made to beautify the settlement with trees and shrubs,that are planted in nearly every yard and cared for by the people.We recommend that more be done in the way of planting fruit trees.We believe that the bread f fruit tree which would furnish food for the people,would do well there, and that oranges and other fruits might be raised in abundance,and the bay tree from California.

With regard to the requests contained in the petition from the Settlement which is made part of this report,your committee would report as follows:

REQUEST I.Your committee would recommend with the consent of this honorable body,that the Board of Health be allowed to take charge of all planting of taro and the like in Waikolu and other places, the commission to superintend matters in connection therewith.

REQUEST 2.Your Committee and the Board of Health favor the free carriage of freight for the lepers at the Settlement,such as personal belongings and food supplies,but not merchandise.

REQUEST.3.Your committee has met with the Board of Health and,after due deliberation,recommend that the Board of Health attend to the whitewashing of all houses at the settlement.

REQUEST 4.Your committee recommends that every child born of leprous parents after six years of age,if they are not lepers,be removed to a home to be provided for such children near Honolulu.If, however,they are lepers and remain at the Settlement,we recommend that they are to receive full rations at the age of ten years.

REQUEST 5.Your committee is of the opinion that this request should not be granted,or,perhaps,that it should be left for the commission to examine into and report thereon to the Board of Health.

REQUEST 6.Your committee is of the opinion and recommend that people of the Settlement should be allowed to erect stores,in accordance with the rules of the Board of Health,but that no one outside of the Settlement should be allowed to erect a store in the settlement and that the residents of the Settlement be allowed to own and carry on coffee shops and restaurants.

REQUEST 7.Your committee does not believe that it is within its province to consider this matter,because the Post Office Department is in the hands of the Federal Government.

REQUEST 8.Your committee has carefully considered this request and recommends that each leper be given each month not to exceed a quarter of a cord of wood,or its equivalent in some other fuel.

REQUEST 9.Your committee recommends that awa be allowed in the settlement,to those addicted to its use,but not for purposes of sale.

REQUEST 10.Your committee recommends that the Board of Health attend to the digging of the graves of the dead at the Settlement and the burial of the same.

REQUEST 11.Your committee recommends the erection in Kalihi of two buildings suitable as homes for both non-leprous boys and girls of leprous parents at Kalaupapa and Kalawao,and a suitable hospital at the same place.

REQUEST 12.Your committee has not considered this matter,because it will become a subject for the consideration of the commission.

REQUEST 13.Your committee recommends the installation of a District Magistrate and polic officers for Kalaupapa.

REQUEST 14.Your committee recommends Kalihi as the proper place for the treatment and examination of lepers.

REQUEST 15.Your committee is of the same opinion with regard to this request as in REQUEST 14.Kalihi is the proper place for the treatment of lepers in case experts on the disease are employed.

REQUEST I6.Your committee recommends that the number of pounds of poi given each leper per week be increased fron 2I to 25.

REQUEST I7.Your committee recommends that if a proper lattice fence be constructed at the wharf separating the residents at the settlement from the visitors that the friends of lepers be allowed to visit the Settlement but your committee recommend that this matter be left to the commission and the Board to be decided on.

REQUEST I8.Your committee believes that the matter of suitable appropriations is one for the consideration of the Lsgislature at the proper time.

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REQUEST I9.Your committee does not recommend the granting of this request.

REQUEST 20.Your committee recommends that the Settlement be supplied with No. I bread,No. I rice and No. I salmon and meat.

REQUEST 2I.Your committee recommends the granting of this request.

REQUEST 22.Your committee recommends the granting of this request,provided it is possible to obtain sheep.

REQUEST 23.Your committee recommends the granting of this request.

REQUEST 24.Your committee recommends the granting of this request,i.e., I lb. sugar and I/4 lb. tea each week.

REQUEST 25.Your committee does not recommend the granting of this request.

REQUEST 26.Your committee recommends that the matter be left to the Board of Health and the commission to consider.

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FUEL.

The committee believe that within a very short period the entire supply of wood will be exhausted and that steps should be taken by the Board of Health to furnish oil stoves and suitable fuel in place of the very soft and almost worthless kukui wood now used.

We have made the above report on the various petitions of the lepers after very careful thought and study of the conditions existing at the settlement and we have been guided by the statements of those at the settlement who were sworn in as witnesses and carefully

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questioned according to the purported facts brought out in the petition which is made a part of this report.

BISHOP AND BALDWIN HOMES.

These homes are neat and well kept institutions, far ahead of some homes of the same nature in other places. The care exercised by the Sisters of Charity and Brothers in charge of the homes is most excellent. In the opinion of your committee, a separate appropriation should be set aside for these homes. Counting the regular inmates of the Girls' Home (the girls), and other females staying there, the number in the institution is II8. There are IIO inmates at the Boys' Home.

Respectfully submitted,

D. Kalanokalani.....
J. B. Kaohi.....
H. P. Baldwin.....
L. Nakapaahu.....
S. E. Kaiue.....
F. W. Beckley.....
W. H. Hooge.....
John Emmeluth.....
Robert Puuki.....
S. H. Haaheo.
Solomon Kawaihoa.
John K. Prendergast.
S. W. Wilcox.
A. F. Gilfillan.

April .....,I90I.

REPORT OF THE SUB-COMMITTEE ON WATER SUPPLY TO THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE FIRST LEGISLATURE OF THE TERRITORY OF HAWAII ON THE LEPER SETTLEMENT AT KALAUPAPA AND KALAWAO, MOLOKAI.

Your Sub-Committee on Water Supply beg leave to submit the following report:

The members of your Committee who went to Waikolu Valley to examine the conditions at the head of the Water Supply found the same as follows:

The 8" main has been run up the valley connecting with the catch basin which is separated from the main reservoir by a wall. This basin evidently formerly was used for connecting the 4" pipe, which the 8" main has replaced.

We find the strainers have been jammed up with vegetable matter owing to their construction. Debris that should have been carried over the wall simply overflowed and entered the main pipe as readily as though no strainers were placed therein. The area of the opening between the catch basin and the main reservoir was evidently not increased at the time of replacing the 4" pipe by and 8" pipe; the result being that even though the strainers were clear, the area of opening in the wall would only pass water sufficient to about half fill the 8" pipe. The construction of the strainers at the same time and the overflow into the main reservoir has such a current that there is bound to be a periodical stoppage or lodgement of strainers. Your committee would recommend abolishing the overflow in the centre and near side of the reservoir and placing same close to the catch basin, and abolishing the vertical strainers inside the catch basin and placing the same on an incline inside. the main reservoir, so that the overflow from the main reservoir will tend to keep the meshes of the strainers free from debris, and will in effecting this also carry the debris outside the reservoir, thus avoiding the present difficulty which must in time create a chokage of the pipes at some point.

A quarter of a mile down the valley from the main reservoir we found two 4" branches carried up underneath the pali and connected into a basin, the latter being at a considerable less elevation than is

the main reservoir.While at the upper reservoir we were surprised at the amount of water seemingly consumed at the settlement below,but on reaching the basin at the head of the two 4" branch pipes we discovered the cause of this,which was simply that the water from the upper basin during the day when not otherwise consumed was backing up through the branches and emptying itself into and overflowing the lower basin.We suggest as a remedy for this difficulty placing one 4" flap valve on the end of each of the pipes branching into the basin and cover this with enclosed strainer similar to that suggested for the upper,main reservoir.

Your Committee finds that with funds in hand sufficient for the installation of an extra pipe line,ample water could be found in Waikolu valley and carried to the flat lands near Kalawao,and this area prepared for the purposes of planting taro.The proposition would yield an area far in excess of the planting area now available in Waikolu Valley to say nothing of the proximity to the homes of those cultivating such areas,and the large areas available for single patches.

Your Committee believes the present pipe line sufficient to yield a considerable supply of water for irrigation purposes if the reservoir connection on the brow of the hill between Kalawao and Kalaupapa could be so arranged as to hold an abundant supply for the homes of those residing at the settlement.Under such conditions the reservoir could be supplied during the hours of the night,and the full head of the 8" pipe would be available for irrigation purposes during the day.We believe that the recommendation for the adjustment of the present system for the purposes herein above mooted to be not only feasible but also comparatively inexpensive of application.We do not consider the present system of stowing water the most desirable that could be created inasmuch as the reservoir practically holds water for a considerable period of time without change,and under emergency requirements the water might be found unfit for use.The only remedy for this condition would be a second reservoir of a capacity equal to the present reservoir,and the water from these to be used alternately.With the chances of debris coming down the mains from the valley above eliminated we consider the water supply for the settlement among the best to be

found in the Islands.

The members of the Committee on this trip were struck with the necessity of a number (say two) of small storage sheds at points one well up the valley and one near the beach for the storage of the material required for repair work. Such sheds would be of but little cost, and would save considerable loss in the long run in the wear on ropes, tools and materials required for such work at those points.

The Committee have deemed it proper to call the attention of their guide, Mr. Waiamau, to the collection of debris at several points along the main line of pipe, which, if not cleared away, will be the cause in freshet time of the pipe itself being carried away by the rising accumulation and impact of the water. All depressions carrying water in freshet time should be periodically cleaned in the vicinity of the water main otherwise serious damage to the pipe line is sure to ensue.

Respectfully submitted,

John Emmeluth.

To the Select Committees of the House and Senate
on Molokai Leper Settlement.

Senator Achi moved the adoption of the report without translating and that the same be brought up at the time of the consideration of the Appropriation Bill. Seconded by Senator Nakapaahu and carried.

Senator Paris moved that the rules be suspended in order to allow him to present a verbal report for the Public Lands Committee. Seconded by Senator Crabbe and carried.

Senator Paris then reported on Senate Bill No. 69 and stated that, as the Senate had already disposed of the House Bill providing for the same matter, the committee on Public Lands be relieved from further report on Senate Bill No. 69. Seconded by Senator Crabbe and carried.

Senator Carter introduced the following resolution.

"Whereas, during this session many wagons have been at the doors of the Senate building from which quantities of liquid refreshments have been delivered; and

"Whereas, visitors to the Senate, some of its members and its officers, have found it necessary to retire to the club from time to time,

"Be it resolved by the Senate and House of Representatives:

"That such use of government property is not becoming to its dignity. That, therefore, the Governor and Superintendent of Public Works be instructed to have the military club removed."

S. R. Carter.

The reolution was seconded by Senator Kanuha.

Senator Achi moved to lay the resolution on the table.

Senator Baldwin moved that the resolution be referred to the Military Committee.

Senator Achi again made his motion to lay the report on the table. Seconded by Senator Nakapaahu and carried.

House Bill No. 59 announced in third reading on the order of the day.

Senator Crabbe moved that the bill pass its third reading. Seconded by Senator Nakapaahu and carried on the following showing of ayes and noes:

Ayes: Senators Achi, Baldwin, J Brown, Crabbe, Kahilina, Kaiue, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Paris, Russel.....12.

Noes: Senator C Brown.....1.

Absent: Senators Carter and White .....2.

Third reading of House Bill No. 83.

Senator Achi moved to amend to the effect that 5 per cent be placed in the bill. Seconded by Senator White and carried.

Senator Achi moved that the bill pass as amended. Seconded by Senator Kalauokalani and carried on the following ~~showing of~~ vote by ayes and noes:

Ayes: Senators Achi, J Brown, Kahilina, Kaiue, Kalauokalani, Kamuha, Kaohi, Nakapaahu, Russel and White.....10.

Noes: Senators Baldwin, C Brown, Carter, Crabbe and Paris.....5.

Appointments of the Governor as submitted in two nessages, announced on the special order of the day.

Senator C Brown moved that the Senate go into Executive Session. Seconded by Senator White and carried.

The chair ordered the sergeant-at-arms to clear the room of all but the members of the Senate and its officers.

Secretary of the Senate.

Approved By the Senate:

President of the Senate.

(15½)

SATURDAY, APRIL 27TH., 1901.
55TH. DAY.

EXECUTIVE SESSION.

Senator C Brown moved that the appointments of the Governor as regards inspectors of election be confirmed. Seconded by Senator Achi.

Senator White move that the Senate proceed to the consideration of the names of Theo. F. Lansing, Treasurer of the Ter ritory and J A McCandless, Superintendent of Public Works. Seconded by Senator Kalauokalani.

Senator C Brown withdrew his motion to confirm the appointment of the inspectors of election.

Senator Baldwin moved that the appointments be taken up in their regular order. Seconded by Senator J Brown and carried.

The clerk then read the name of

EDMUND PEARSON DOLE, Attorney General.

Senator J Brown moved to defer consideration of this name until Monday. Seconded by Senator White and carried.

THEODORE F. LANSING, Treasurer.

Senator White moved that the Senate do not confirm the appointment of Mr. Lansing. Seconded by Senator Nakapaahu.

Senator C Brown moved to amend to the effect that the Senate approve and confirm the appointment of Mr. Lansing. Seconded by Senator Carter.

The chair announced that all those favorable to the confirmation of Mr. Lansing. would vote "aye" and all those opposed, "no".

The vote stood 6 for and 7 against, confirmation.

Senator Carter called for the ayes and noes. Seconded by Senator Crabbe and carried.

J.A.MCCANDLESS,Superintendent of Public Works.

Senator J Brown moved that the Senate do not approve or confirm the appointment of Mr. McCandless.Seconded by Senator Nakapaahu. Appointment not confirmed,the ayes and noes being as follows:

Ayes:Senators Achi,Baldwin,C Brown,Carter,Crabbe and Paris..
.....6.

Noes:Senators J Brown,Kahilina,Kaiue,Kalauokalani,Kanuha, Kaohi,Nakapaahu,Russel and White.....9.

Senator White moved that all the other appointments be deferred until Monday.Seconded by Senator J Brown and carried.

At 11:50 o'clock,Senator Carter moved to adjourn until Monday morning at 10 o'clock.Seconded by Senator Nakapaahu and carried.

.....
Clerk of the Senate.

Approved by the Senate:
.....
President of the Senate.

JOURNAL OF THE SENATE.

FIFTY-SIXTH DAY.

MONDAY, APRIL 29TH., 1901.

In the Senate.

Territory of Hawaii.

Fifty-Sixth Day.

~~Morning Session.~~

Monday, April 29th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators Achi and Baldwin absent.

The journal of the previous day was read.

Senator J Brown moved that the translation of the journal be dispensed with and that the same be approved as read. Seconded by Senator Kaohi and carried.

The clerk read a communication from the Secretary of the Territory ~~to the effect~~ advising the Senate that the Governor had signed the following acts:

An Act relating to the sale of alcohol; amending Section 15 and repealing Sections 10, 12 and 14 of Act 64 of the Session Laws of 1896.

An Act to amend Section 45 of Chapter LVII of the Session Laws of 1892, relating to cases of absence, disqualification and vacancy in the offices of Circuit Judges.

An Act to provide for the promulgation of the laws.

Senator Kaohi moved that the rules be suspended and that House Bill No. 181 be brought up for consideration. Seconded by Senator J Brown.

There being no objection, the request was granted.

Senator Carter moved that the title be amended to the effect that the words "and demand" in the title be stricken out. Seconded by Senatoe C Brown and lost.

Senator Kalauokalani moved that the bill pass its second reading. Seconded by Senator Nakapaahu and carried.

Senator Kalauokalani moved that the bill be typewritten and read ~~the~~ a third time on Tuesday. Seconded by Senator Nakapaahu and carried.

Senator White presented the following petition from residents of Lahaina:

To the Legislature of the Territory of Hawaii in Congress assembled:

Gentlemen,We the undersigned residents of Lahaina,Island of Maui, Territory of Hawaii,most respectfully petition your honorable body that:

The Lahaina school,which has over two hundred pupils in attendance,has no wa t er on the premises fit to drink,and that being near the sea,the water in all the wells near by is too salty for human consumption.

We therefore do earnestly pray that your honorable body pass sufficient appropriation to have water conveyed to the school premises by pipe line sufficient for the requirements of the said school.

(307 signatures).

Senator Baldwin moved that the petition be laid on the table to be taken up with the Appropriation Bill.Seconded by Senator C Brown and carried.

Senator Kalauokalani moved a reconsideration of House Bill No. 83 for the purpose of offering an amendment.Seconded by Senator Kahilina and carried.

Senator Kalauokalani then offered the following amendment:

Strike out the word "five" in line 2,Section IO and insert the words "two and one half",between the word "year" and "per" and also strike out the word "net" in line 3 of said section,and insert the word "gross" between the word "the" and "receipts," so the section will read:

Section IO. And it is further provided:that the said W W Dimond shall pay into the office of the Treasurer of the Territory of Hawaii on the first day of July of each year two and one half per cent of the gross receipts from all gas furnished to consumers.

The amendment was seconded by Senator C Brown and carried.

Senator Achi moved to amend further by adding the following words after the word "public" in line 5 of Section 3:"and only one block at a time."Seconded by Senator Kalauokalani and carried.

Senator Achi moved that the bill pass its third reading.Seconded by Senator Kalauokalani and carried ~~by~~ on the following showing of ayes and noes:

Ayes:Senators Achi,Baldwin,C Brown,J Brown,Carter,Crabbe,Kahilina,Kaiue,Kalauokalani,Kanuha,Kaohi,Nakapaahu,Paris,Russel and White.

.....15.

Senator Carter moved to suspend the rules for the benefit of the Committee on Accounts:Seconded by Senator Crabbe and carried.

Senator Crabbe then introduced the following resolution for the Committee on Accounts:

Whereas, certain bills incurred in the carrying on of the business and affairs of the Senate amounting to Twenty-five Hundred and Twenty-seven and 25-100 Dollars have been delivered to the present Committee on Accounts by the Committee on Accounts whom they succeeded upon the resignation of said committee, and

Whereas, this committee does not care to take upon themselves the responsibility of paying them,

Now Therefore, Be it Resolved, That the following bills amounting to $2,527.25 be, and the same are hereby approved, and the Committee on Accounts is hereby authorized to settle the same out of and from any money that may be available for that purpose now or hereafter, and if no money is so available, that the same be inserted in the appropriation bill hereafter to be passed so that such bills may be duly paid and settled:

J. T. Ryan—Printing, $133.

Hawaiian Automobile Co.—
Hire of Automobile to Kalihi Leper Settlement and return, $4.

Hawaiian Automobile Co.—
Hire of Automobile to Waikiki and return, re "Resolution to the Governor S. B. Dole to extend the session," $9.50.

People's Ice and Refrigerating Co.—
260 lbs. ice at $2.60 for month of April, $2.60.

F. F. Fernandes—
Typewriting $1.50.
Typewriting, 50 cents.

D. H. Kahaulelio—
Reading Proofs in English and Hawaiian, $257.
Translating into Hawaiian, $321.50
Reading Proofs in English and Hawaiian and translating into Hawaiian, $36.50.

Enoch Johnson—
Proof reading, $326.

Owner Hack No. 255—
Hack Hire, $1.50.

J. M. Riggs—
27 days as Clerk, etc., $69.80.

H. Hackfeld & Co.—
Rent of Typewriter, $6.

Hawaiian Gazette Co., Ltd.—
Printing, $144.

John Kahiolani—
Washing and ironing, $1.90.

P. M. McMahon—
Transcript of proceedings of Senate, $225.45.

Bulletin Pub. Co.—
Printing, $10.50.

Wall, Nichols Co.—
Stationery, $17.50.
Hawaiian Star—
Printing, $72.50.
George Markham—
Translating, $34.
Hawaiian News Co.—
Stationery, $374.05.
Bulletin Pub. Co.—
Printing, $275.75.
Hawaiian Gazette Co.—
Printing, $69.
T. J. Ryan—
Investigating Auditor's Books, $10.
Typewriting, $7.55.
Typewriting, $64.75.
P. M. McMahon—
Transcribing proceedings of Senate, $50.90.
Total, $2,527.25.

The resolution was seconded by Senator Achi and adopted.

The clerk read several communications from the House as follows:

A Communication notifying the Senate of the passage in third reading of House Bill No. 84 on the 27th. inst.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator Kalauokalani and carried.

Senator J Brown moved that the bill be read a second time on Tuesday. Seconded by Senator Achi and carried.

A Communication notifying the Senate of the passage on third reading of House Bill No. 86 on the 27th. inst.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator J Brown and carried.

Senator J Brown moved that the bill take its usual course. Seconded by Senator Nakapaahu and carried.

A Communication notifying the Senate that the House had concurred in the Senate amendments to House Bill No. 93.

A Communication notifying the Senate of the passage on third reading of House Bill No. 36 on the 27th. inst.

Senator C Brown moved that the bill pass its first reading. Seconded by Senator J Brown and carried.

Senator J Brown moved that the Bill take its usual course. Seconded by Senator Kalauokalani and carried.

A Communication notifying the Senate that on the 26th. inst., the House rejected Senate Joint Resolution No. 3.

Senator Kalauokalani reported for the Printing Committee to the effect that Senate Bill No. 61 had been printed.

Senator C Brown introduced the following resolution:

JOINT RESOLUTION.

Whereas, Section 55 of the Organic Act provides that the Legislature at its first regular session after the census enumeration be ascertained, and from time to time thereafter, shall reapportion the membership in the Senate and House of Representatives among the Senatorial and Representative Districts on the basis of the population in each of said Districts, who are citizens of the Territory. And

Whereas, said census enumeration has been duly ascertained.

Now Therefore,

Be it Resolved by the Senate and House of Representatives of the Territory of Hawaii:

That for the purpose of reapportioning the membership in the Senate, the Territory of Hawaii is divided into the following Senatorial Districts, viz:

First District -- Island of Hawaii,

Second District-- Islands of Maui, Molokai, Lanai and Kahoolawe,

Third District-- Island of Oahu,

Fourth District-- Islands of Kauai and Niihau.

That the electors of said Districts shall be entitled to elect Senators as follows:

In the First District, four.

In the Second District, three.

In the Third District, seven.

In the Fourth District, one.

That for the purpose of reapportioning the membership in the House of Representatives, the Territory of Hawaii is divided into the following Representative Districts, viz:

First District--That portion of the Island of Hawaii known as Puna, Hilo and Hamakua.

Second District--That portion of the Island of Hawaii known as Kau, Kona, and Kohala.

Third District--The Islands of Maui, Molokai, Lanai, and Kahoolawe.

Fourth District--That portion of the Island of Oahu lying East and South of Nuuanu Street, and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point.

Fifth District--That portion of the Island of Oahu lying West and North of the Fourth District.

Sixth District--The Islands of Kauai and Niihau.

That the electors in said District shall be entitled to elect Representatives as follows:

In the First District, four,
In the Second District, four,
In the Third District, six,
In the Fourth District, seven,
In the Fifth District, seven,
In the Sixth District, two.

Senator C Brown moved that the resolution be referred to the Committee on Elections. Seconded by Senator Paris.

Senator Kalauokalani moved that the resolution be laid on the table. Seconded by Senator Nakapaahu and carried.

Senator C Brown then introduced the following joint resolution:

JOINT RESOLUTION.

Whereas, under Section 30 of the Organic Act, it is provided that Seven of the Senators elected at the first general election shall hold office for the term of two years only, the details of such apportionment to be provided for by the Legislature. And

Whereas, nothing has as yet been done by the Legislature to apportion such term of office.

Now Therefore,

Be It Resolved by the Senate and House of Representatives of the Territory of Hawaii, that:

The several Senators elected in the First, Second, Third and Fourth Senatorial Districts, at the first general election held in the Territory of Hawaii, who received the lowest number of votes, shall each hold office for the term of two years from the date of such election.

That for the First Senatorial District, J.D.Paris and N. Russell, having received the lowest number of ballots cast, shall each hold office as a Senator for such District, for the term of two years.

That for the Second Senatorial District, William White having received the lowest number ballots cast, shall hold office as a Senator for such District for the term of two years.

That for the Third Senatorial District, D.Kanuha, George R. Carter and D. Kalauokalani, having respectively received the lowest number of votes cast, shall each hold office as a Senator for such District for the term of two years.

That for the Fourth Senatorial District, I.H.Kahi-

lina having received the lowest number of ballots cast, shall hold office as a Senator for such District for the term of two years.

The resolution was seconded by Senator Carter.

Senator Kalauokalani moved that the resolution be laid on the table. Seconded by Senator Kahilina.

Senator Achi moved to amend to the effect that the whole matter of the election of senators be left to the House to settle and that when that body should finish with the work, the Senate either approve or disapprove of the same. No second.

Senator Russel moved the previous question. Seconded by Senator Kanuha.

The chair put the motion to lay on the table and ~~the chair~~ was about to announce the result of the vote when Senator C Brown arose to a point of order ~~to the effect~~ that the senators whose names appear in the resolution had no right to vote as they happened to be interested parties.

Before this point was decided and at 11:50 o'clock, Senator White moved to take a recess until 2 o'clock. Seconded by Senator Russel and carried.

.....

Afternoon Session.

The Senate met at 2 o'clock.

The chair, speaking on the point of order of Senator C Brown, made during the morning session, stated that he believed the rule which Senator C Brown had quoted from the rules of the Senate as substantiating his point, was contrary to the provisions of Section 30 of the Organic Act. He would therefore overrule the point of order and would declare the joint resolution of Senator C Brown laid on the table.

Senator Kanuha introduced the following ~~concurrent~~ resolution:

Resolved, That the assistant clerk of the Senate be paid $3.50 per day since the fifth day of the session for extra work done outside of the Senate hours in the preparation of the journal of the Senate which includes the copying on the typewriter of all resolutions, petitions, communications and the like, besides the regular minutes of the daily sessions.

Seconded by Senators Crabbe and Kanuha and carried.

Senator Kanuha then introduced the (2) following Concurrent Resolution:

Whereas, members of the Senate have, this day, come into possession of the following information from reliable sources:

That on the Island of Oahu, at this very moment, there are engaged a force of several hundred Asiatic laborers and others, in the work of destroying a valuable amount of timber and forest trees, for the construction, without warrant at law, on and through valuable forest land, the public domain of the United States, of canals and water ditches for the purpose of diverting the natural streams from the adjacent lands to which said waters naturally of inalienable right belong. This is all being done under the corrupt and fraudulent pretense of supplying water to the colony of "Wahiawa".

It is nevertheless a fact that the entire scheme is with the object of vesting in the Waialua Agricultural Company the perpetual and exclusive right to said water supply, to the perpetual ruin of the plateau of "Waianae-uka" and adjacent lands, and

Whereas the Legislature of the Territory of Hawaii is prohibited from passing any law relating to the public lands in the Territory by Article 4, Sec. III. Paragraph 3, of the Constitution of the United States; also by Section 73 of the Organic Act, and further, by decisions of the United States Supreme Court, as will appear in the case of Gibson vs Choteau, 13 Wall. Page 92., and

Whereas, immediate action is necessary to protect the public domain in this Territory in the interest of the people against spoliation and unlawful alienation as to public lands, forest and water rights; therefore, be it

Resolved, by the Senate, the House of Representatives concurring; that the United States Attorney, resident in Hawaii, is hereby appealed to in this important matter, to the end; That if possible, by action brought in the United States Court for the District of Hawaii he may be able to avert the unlawful alienation of the public domain of the United States in this Territory, at the same time protecting the public water rights and forests, at least until the 57th. Congress shall convene.

That certified copies of these resolutions be, forthwith, transmitted to the President, the Secretary of the Interior, the United States Attorney General, the Commissioner of the General Land Office, the President of the Senate, the Speaker of the House of Representatives of the United States; also to Hon. J C Baird, United States Attorney for the District of Hawaii and to the Delegate in Congress for the Territory of Hawaii.

Dated this 27th. day of April, A.D., 1901.

David Kanuha.

ACCOMPANYING LETTER.

Honolulu, April 25th., 1901.

To the Honorable

The Legislature of the

Territory of Hawaii.

Your immediate attention is respectfully called to the following facts:-

On the Island of Oahu at this very moment are engaged a force of 700 Asiatic laborers, and others, in the work of destroying a valuable amount of timber and forest trees, for the construction without warrant in law, on and through valuable government forest land of canals and water ditches for the purpose of diverting the natural stream from the adjacent lands to which said waters naturally of inalienable right belong. This is all being done under the pretense of supplying water to the Colony of "Wahiawa." It is nevertheless a fact that the entire scheme is with the object of vesting in the Waialua Agricultural Company the perpetual and exclusive right to said water supply, to the perpetual ruin of the plateau of "Waianae-uka." and adjacent lands.

Has the Executive such power? Will the Legislature of this Territory sit idly by and witness this act of devastation of valuable public lands without protest.

No injury can possibly be done to the Waialua Agricultural Company by stopping this illegal proceeding, as they possess all the artesian facilities with which nature has amply endowed the Island of Oahu

It is respectfully suggested that your honorable body immediately appoint a committee for the purpose to investigate, report and stop this act of vandalism.

This is only one of the many land matters which should claim the attention of your honorable body-but as it is now in such shape that if looking into at once, future damages to the public interests can be averted, I respectfully urge it upon your immediate attention.

I have the honor to be,

Your obedient servant,

A. Herbert.

The resolution was seconded by Senator Nakapaahu.

Senator C Brown moved that the resolution be referred to the Committee on Agriculture and Forestry. Seconded by Senator Crabbe and carried.

Remainder of the appointments of the Governor announced on the order of the day.

Senator C Brown moved that the consideration of the names of the Governor's appointments be done in open session. Seconded by Senator Crabbe and lost.

Senator White moved that the Senate go into secret session. Seconded by Senator Kalauokalani and carried.

× × × × ×

After conclusion of the Executive Session the following proceedings were had:

MONDAY, APRIL 29TH, 1901
56TH. DAY.

EXECUTIVE' SESSION.

The name of

ALATAU T ATKINSON, Superintendent of Public Instruction,

was the first read by the clerk.

Senator Carter moved to confirm the appointment of Mr. Atkinson. Seconded by Senator C Brown and carried.

EDMUND PEARSON DOLE, Attorney General.

Senator C Brown moved to confirm the appointment of Mr. Dole. Seconded by Senator Carter.

Senator J Brown moved that the appointment be not confirmed. Seconded by Senator Nakapaahu.

Senator Achi moved the previous question. Seconded by Senator Carter and carried.

The motion of Senator C Brown to confirm the nomination of Mr. Dole was then put and carried.

Senator White moved to reconsider the vote on the appointment of Mr. Dole. Seconded by Senator J Brown and carried.

Senator White then moved that action on this name be deferred until Tuesday.

Senator C Brown moved that the appointment be confirmed. Seconded by Senator Carter and carried.

JACOB FOSTER BROWN, Commissioner of Public Lands.

Senator C Brown moved that the appointment of Mr. Brown be confirmed. Seconded by Senator Carter.

The vote stood 7 to 7 and the chair cast the deciding vote aganist confirmation.

WRAY TAYLOR, Commissioner of Agriculture and Forestry.

Senator C Brown moved to confirm the appointment of Mr. Taylor. Seconded by Senator J Brown and carried.

HERBERT CLARK' AUSTIN, Auditor.

Senator J Brown moved that the appointment of Mr. Austin be confirmed. Seconded by Senator Carter and carried.

HENRY CLAY MEYERS,Deputy Auditor.

Senator Carter moved that the appointment of Mr. Meyers be confirmed.Seconded by Senator ~~Carter~~ C.Brown and carried.

WALTER EUGENE WALL,Surveyor.

Senator Crabbe moved that the appointment of Mr. Wall be confirmed.Seconded by Senator Achi and carried.

THE BOARD OF HEALTH.

Senator Russel moved that the Board of Health as a whole be confirmed.Seconded by Senator Crabbe.

The vote stood 7 to 7.The chair cast the deciding vote against confirmation.

COMMISSIONERS OF PUBLIC INSTRUCTION.

Senator Crabbe moved that the Commissioners of Public Instruction be confirmed as a whole.Seconded by Senator Carter and carried.

PRISON INSPECTORS.

Senator Carter moved that the Prison Inspectors as a whole be confirmed.Seconded by Senator Paris and carried.

BOARD OF REGISTRATION.

Senator Achi moved that the Board of Registration be confirmed as a whole.Seconded by Senator Crabbe and carried.

Senator C Brown moved that the secretary be instructed to notify the Governor forthwith that the Senate had not confirmed the appointments of J A Mc Candless,Superintendent of Public Works,Theodore F Lansing,Treasurer of the Territory,Jacob F Brown,Commissioner of Public Lands and the Board of Health;also that the Senate proceed to the remainder of the business of the day in open session and that the result of the secret session be made public.Seconded by Senator Carter and carried.

Senator Carter moved to adjourn,No second.

APPROVED BY THE SENATE:

A. E. Kane

PRESIDENT OF THE SENATE.

SECRETARY OF THE SENATE.

-Open Session Resumed-

A communiaation from the House announced the concurrence of the House to Senate amendments to House Bill No. 59th. on th 29th.inst.

~~Another~~ a further communication from the House announced the pas sage in third reading of House Bill No. 104 on the 29th. inst.

Senator J Brown moved that the bill pass its first reading. Seconded by Senator Nakapaahu and carried.

Third reading of Senate Bill No. 68.

Senator Russel moved that the bill pass its third reading. Seconded by Senator J Brown. The result of the vote on the calling of the ayes and noes was as follows:

Ayes:Senators J Brown,Kahilina,Kalauokalani,Kaohi,Kamuha, Nakapaahu and Russel.....7.

Noes:Senators Achi,Baldwin,Carter,C Brown,Crabbe,Kaiue and White.....7..

In doubt:Senator Paris.....I.

The chair announced a tie vote and then called for the vote of Senator Paris who now cast it on the side of the negative.

Senator Achi moved that the rules be suspended.Seconded by Senator Nakapaahu.

Senator Crabbe then introduced the following joint resolution:

Be it resolved by the Senate and the House of Representatives that the Governor is hereby authorized and empowered to declare the following days as legal holidays throughout this Territory:

January 1st.

February 22nd.

June 11th.

June 14th.

July 4th.

November 16th.

December 25th.

LAbor Day.

The resolution was seconded by Senator Carter and adopted.

Senator Carter introduced the following resolution:

Resolved that when the Senate adjourns on the 30th. day of April,I90I,such adjournment will be sine die,as the session of the Legislature of the Territory under the Organic Act expires by limitation on t hat day.

The resolution was seconded by Senator Achi and lost on the following ~~showing~~ vote by of ayes and noes:

Ayes:Senators Achi,Baldwin,CBrown,Carter,Crabbe and Paris...6.

Noes:Senators J Brown,Kahilina,Kaiue,Kalaukalani,Kaohi, Nakapaahu,Russel and White.....9.

Senator Kaohi introduced the following resolution:

Resolved,that the senators be allowed at the end of the presen session to take their ink wells,pens,papers and law books.

Seconded by Senator Nakapaahu and lost.

Senator White moved to take up Senate Bill No. 67 in third reading.Seconded by Senator J Brown and carried.

Senator Crabbe moved that the bill pass its third reading. Seconded by Senator White and carried on the following ~~showing~~ vote by of ayes and noes:

Ayes:Senators Baldwin,C Brown,J Brown,Crabbe,Kahilina,Kaiue, Kalauokalani,Kanuha,Kaohi and White.....IO.

Noes:Senators Carter,Paris and Russel.....~~xxx~~3.

In doubt:Senators Achi and Nakapaahu.....2.

Senator Achi introduced the following resolution:

Resolved that all bills in the hands of the several committees are hereby ordered to be returned to the Senate at once.

This resolution was not put to vote.

Senator White reported verbally for the Judiciary Committee on House Bill No. I8,recommending its passage.

Senator C Brown moved that the report of the committee be adopted.Seconded by Senator White and carried.

Senator C Brown moved that the bill be read the third time on Tuesday.Seconded by Senator White and carried.

Second reading of Senate Bill No. 62.

Senator Kanuha moved that the bill pass its second reading. Seconded by Senator Kalauokalani.

Senator Baldwin moved to amend to the effect that the whole of Section I7 be stricken out and that there be inserted in place thereof, the following: "The location of said agricultural college and model farm shall be made by the Governor of the Territory by and with the consent of the Board of Education. Seconded by Senator Achi and carried.

Senator Achi moved that the bill pass its second reading as amended. Seconded by Senator Carter and carried.

Senator Kalauokalani moved that the bill be typewritten and read the third time on Tuesday. Seconded by Senator Achi and carried.

Communication from the House announcing the passage in third reading of Senate Bill No. I0I on the 29th. inst.

Senator Baldwin moved to take up Senate Bill No. 6I. Seconded by Senator C. Brown and carried.

Senator Baldwin moved to adopt the report of the committee to the effect that the bill be passed. Seconded by Senator C Brown and carried.

Senator Nakapaahu moved that the bill be typewritten and read the third time on Tuesday. Seconded by Senator J Brown and carried.

Third reading of Senate Bill No. 96.

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Nakapaahu and carried on the following ~~showing of~~ vote by ayes and noes:

Ayes: Senators Baldwin, J Brown, Kahilina, Kaiue, Kalauokalani, Kanuha, Nakapaahu and White,.....8.

Noes:.....0.

In doubt: Senator Achi.....I.

Absent: Senators C Brown, Carter, Crabbe, Kaohi, Paris and Russel .....6.

Third reading of Senate Bill No. 95.

Senator Kalauokalani moved that the bill pass its third reading. Seconded by Senator Nakapaahu and lost on the following ~~showing of~~ vote by ayes and noes:

Ayes:Senators Kahilina,Kalauokalani,Kanuha and Nakapaahu...4.

Noes:Senators Achi,Baldwin,Crabbe,Kaiue,Paris,Russel and White.....7..

Absent:Senators C Brown,J Brown,Carter,anduKaohi..... 4.

At 4:20 o'clock,Senator Kalauokalani moved to adjourn until IO o'clock Tuesday Morning.Seconded by Senator Achi and carried.

Eagar Cappless
.....
Clerk of the Senate.

Approved by the Senate:

S.E.Kaiue
.....
President of the Senate.

JOURNAL OF THE SENATE.

FIFTY-SEVENTH DAY.

TUESDAY, APRIL 30TH., 1901.

In the Senate.

Territory of Hawaii.

Fifty-Seventh Day.

Morning Session.

Tuesday, April 30th., 1901.

The Senate met, pursuant to adjournment, at 10 o'clock. After prayer by the chaplain, the roll was called, showing Senators Achi, Baldwin, Crabbe, C Brown, Paris and White absent.

The journal of the fifty-sixth day was read.

Senator J Brown moved that the translation of the journal be dispensed with and that the same be approved as read. Seconded by Senator Nakapaahu and carried.

The clerk read a communication from ~~the~~ Secretary of the Territory Cooper to the effect that the Governor had signed the following bill:

An Act to amend Section 1 of Act 32 of the Laws of 1896, relating to gross cheat.

The clerk read a communication from the House to the effect that Senate Bill No. 63 had passed third reading in the House on the 29th. inst. and submitting certain amendments which the House had made to the bill.

Senator Achi moved that the Senate concur in the amendments of the House to Senate Bill No. 63 with the exception of the change in Section 2 of the word "person" to that of "citizen." Seconded by Senator J Brown.

Senator Kalauokalani moved that the Senate concur in all the amendments of the House. Seconded by Senator Kahilina.

The motion of Senator Achi to concur in all the amendments with the exception of one was put and carried.

Senator White moved that a special committee of three be appointed to confer with a like committee of the House with reference to the amendment of the House in which the Senate had refused to concur. Seconded by Senator Kalauokalani and carried.

The chair then appointed the following special committee in accordance with the motion of Senator White:Senators Achi,Kalauokalani and White.

Senator Kaohi moved that the rules be suspended in order to allow him to move the consideration of a certain bill.Seconded by Senator Kalauokalani.

There being no objection,the request was granted.

Senator Kaohi then moved to take up the consideration of House Bill No. 181 on third reading.Seconded by Senator J Brown.

There being no objection,the request was granted.

Senator Kaohi moved the passage of the bill on its third reading.Seconded by Senator Kalauokalani and carried on the following vote by ayes and noes:

Ayes:Senators J Brown,Kahilina,Kaiue,Kalauokalani,Kamuha, Kaohi,Nakapaahu,Russel and White.....9.

Noes:Senators Achi,C Brown,Baldwin,Carter,Crabbe and Paris.6.

Senator White moved that the rules be suspended in order to allow him to make a report for the Judiciary Committee.Seconded by Senator Kalauokalani.

There being no objection,the request was granted.

Senator White then reported on House Bill No. 80 to the effect that the committee had carefully examined the bill and reported the same back with the recommendation that it pass.

Senator C Brown moved that the report of the committee be adopted.Seconded by Senator J Brown and carried.

The clerk read a communication from the Secretary of the Territory addressed to the clerk ,to the effect that the result of the action of the Senate on the appointments of the Governor had been handed to the Governor.

The clerk read a communication from the House stating that Senate Bill No. 56 had passed third reading on the 29th. Inst.

The clerk read a communication from the House to the effect that Senate Bill No. 37 had been indefinitely postpone on the 29th. inst.

Senator White moved that House Bill No. 80 which had

just been reported on by the Judiciary Committee be read the third time on May 2.Seconded by Senator J Brown and carried.

At 11:45 o'clock,Senator White moved to take a recess until 2 o'clock.Seconded by Senator J Brown and carried.

Afternoon Session.

The Senate met at 2 o'clock.

Senator Kanuha,at the request of Senator Carter,reported for the Committee on Public Health and Education on Senate Bill No. 52, that the committee recommended the passage of the bill.

Senator Kanuha moved the adoption of the report.Seconded by Senator Kalauokalani and carried.

Senator Kanuha moved that the bill be read by title and that it ~~third reading~~ be set for third reading on Wednesday.Seconded by Senator Carter and carried.

Senator Baldwin reported as follows for the Committee on Agriculture and Forestry on the resolution relating to the destruction of the forests in the Waianae mountains:

Your Committee on Agriculture and Forestry,to whom was referred the concurrent resolution relative to the cutting of forest timber and ditching by the Waialua Agricultural Co.,in the Waianae mountains,beg leave to report that we have had the same under careful consideration.

Upon investigation,we find that the charges in said concurrent resolution against the Waialua Agricultural Company are not sustained,and that while it is true that said company are constructing a ditch and tunnel in the Waianae mountains and that the head of the ditch and tunnel is on the government land,your committee find that said company has obtained a written permit to construct a portion of said ditch on the government land,provided the company furnishes to the colony of homesteaders at Wahiawa sufficient water for their homestead purposes.

Your committee also find that the said Waialua Agricultural Co. have done but little damage in the way of cutting trees.

We would therefore recommend that the resolution be laid on

the table.

J B Kaohi.

L Nakapaahu.

H P Baldwin.

Senator Carter moved the adoption of the report.Seconded by Senator Nakapaahu and carried.

Senator Kalauokalani reported for the Enrollment Committee to the effect that the following bills had been presented to the Governor:

An Act to repeal certain obsolete laws.

An Act to provide a tax on incomes.

An Act to provide for the ascertainment and payment of all claims which may be made by persons whose property was destroyed by fire in the years 1899 and 1900,A.D.,under orders of the Board of Health.

An Act providing for and creating certain counties in the Territory of Hawaii,and providing a form of government for such counties.

Senator Kalauokalani reported further for the same committee to the effect that other bills would be presented to the Governor during the afternoon as soon as they could be put in proper shape.

Senator Carter moved the adoption of the reports of the Enrollment Committee.Seconded by Senator Paris and carried.

Senator Carter moved to suspend the rules.

There being no objection,the request was granted.

Senator Carter then introduced the following resolution;

Whereas,it has been ascertained that the Governor had on April 29th. only one bill under consideration and

Whereas the Senate and House of Representatives have passed a large number of bills which should have been prescribed in order that they might be examined by the Executive:

Be it resolved that the Engrossing Committee report forthwith as follows:

1st. The number of bill s that have passed both houses.

2nd.The number of bills that had been presented to the Governor on April 29th.

3rd. The number of bills that are still to be submitted to the Governor.

Senator Carter moved the adoption of the resolution.

Senator J Brown moved to lay the resolution on the table until later. Seconded by Senator Kalauokalani and carried.

Senator Baldwin reported for the Committee on Public Expenditures, the joint committee of the Senate and House, appointed to examine into the public expenditures during the term covered by the appropriations of the Legislature of 1898 and thereafter. The report was signed by Senators Kalauokalani and Kamuha and the following, attached to the bottom of the report, was signed by Senator Baldwin:

"This report was handed me only yesterday and as there are certain charges made against the Governor which I would like to investigate personally before I sign and as there is no time left this session for making investigation I prefer not to sign."

Senator Carter moved that the report be deferred until such time as the Appropriation Bill should be considered. Seconded by Senator Baldwin and carried.

Senator Kamuha then introduced the following resolution:

Whereas, This day is the fifty-seventh day of the session of the first Legislature of the Territory of Hawaii, and

Whereas, There is a difference of opinion as to the actual construction of the Organic Act relative to the session days, therefore be it,

Resolved, That it is the sense of the Senate that the day as noted in its journal is that day of the session, and that accordingly Friday, May 3rd., will be the last day of the session of the Legislature.

Senator Carter moved that the resolution be indefinitely postponed. Seconded by Senator Achi and lost.

Senator White moved the adoption of the resolution. Seconded by Senator Kalauokalani and carried.

The clerk read the following message from the Governor.

To the Senate of the Territory of Hawaii.

In accordance with a bill passed by the Legislature of the Territory of Hawaii, entitled "An Act to provide for the ascertainment

and payment of all claims which may be made by persons whose property was destroyed by fire in the yeards A.D.,1899 and 1900 under orders of the Board of Health," authorizing the Governor to appoint a Commission of five disinterested and competent citizens of the Territory of Hawaii,of whom at least one shall be an attorney of the Supreme Court, to hear and investigate all such claims,I herewith submit the following names for your consideration:

FRED W.MACFARLANE,Chairman.

A.N.KEPOIKAI.

ARTHUR C. LOVEKIN.

LORRIN ANDREWS.

JOSEPH G. PRATT.

Senator Carter moved that the appointments of the Governor be taken up for consideration at once.Seconded by Senator Achi.

Senator White moved that the appointments to the commission be postponed until ~~after~~ 7:30 o'clock in the evening.Seconded by Senato Kalauokalani and carried.

The clerk then read a communication from ~~the~~ Secretary of the Territory Cooper to the ef fect that the Governor had signed the following bill:

An Act to provide for the ascertainment and payment of all claims which may be made by persons whose property was destroyed by fire in the years A.D.,1899 and 1900 under orders of the Board of Health.

Senator Kamuha introduced the following Concurrent Resolution.

Be it resolved by the Senate of the ~~Territory~~ Legislature of the Territory of Hawaii,the House consurring therein:

Whereas,the Governor of the Territory of Hawaii did make the charge to a committee of senators,who called upon him on official business,on Friday,the 26th. day of April,A.D.,1901,that members of this Legislature had accepted sums of money in exchange for their votes,or promises of sums of money for votes to be cast,and

Whereas such statements constitute a gross slander upon the members of this Legislature,which should be proven at once,if true,and

Whereas,the several houses of this Legislature are the judges of the qualifications and disabilities of their members,therefore be it,

Resolved that a committee consisting of one member of the Senate, to be appointed by the President thereof, and two members of the House, to be appointed by the Speaker thereof, be chosen to at once wait upon the Governor and demand any proofs in his possession of the truth of his charges, and be it further,

Resolved that in the name of truth and decency, the Governor be requested to extend this session for a term sufficient to permit the Houses of this Legislature to investigate these charges which have now become a matter of common notoriety through the Governor's reiteration of the same to a committee of citizens and to reporters for the newspapers of the Territory.

The resolution was seconded by Senator Kaohi.

Senator Achi moved to lay the resolution on the table. Seconded by Senator Carter and lost.

The motion to adopt the resolution was then put and carried.

At 3:15 o'clock, Senator White moved to take a recess until 7:30 o'clock. Seconded by Senator Carter and carried.

Evening Session.

The Senate met at 7:30 o'clock.

The chair appointed Senator Kalauokalani as the member of the Joint Committee to present to Governor Dole, the concurrent resolution of Senator Kamuha relating to the charges of bribery alleged to have been made by the Governor.

Senator Kalauokalani declined on the ground that he was on another committee that had business with the Governor.

On this showing, the chair appointed Senator Kamuha in the place of Senator Kalauokalani.

Senator Kamuha introduced the following resolution:

"Hon. S. E. Kaiue, President of the Senate.

"Be it resolved by the Senate of the Territory of Hawaii, that this august body, concur in condemning, and asking Jonathan Shaw, tax assessor, to resign from his present official position as tax assessor of the Territory of Hawaii, for misconduct in office.

[redacted]
Senator of the 3rd District."

Senator Achi moved to lay the resolution on the table. Seconded by Senator Carter and carried.

~~the same be inserted in the Appropriation Bill hereafter to be passed, so that such bills may be duly paid and settled.~~

~~Senator Achi moved to lay the resolution on the table. Seconded by Senator Carter and carried.~~

Senator Achi moved that the rules be suspended in order to allow him to make a report for a special Committee.

There being no objection, the request was granted.

Senator Achi then reported, verbally, ~~to the effect~~ that the special committee appointed to confer with a like committee of the House on the matter of one of the House amendments to Senate Bill No. 63 had called at the House and found no committee with which to meet. As he considered it the last day of the session and did not intend to be present at the session which he understood the majority intended to hold on Wednesday, he wished to return the whole matter to the Senate.

Senator Achi thereupon moved that Senator Kalauokalani be appointed in his place. Seconded by Senator C Brown and carried.

Senator Carter moved that the Senate go into executive session to consider the appointments of the Governor on the Fire Claims Commission.

Senator Crabbe moved to amend to the effect that the session be an open one. ~~Seconded by Sex~~ Senator Carter accepted the amendment. Seconded by Senator Achi and carried.

Senator Carter moved that the Senate disapprove of all the five nominations. Seconded by Senators Achi and Kalauokalani.

Senator C Brown moved to amend to the effect that the ~~amendments be con~~ appointments be confirmed.

Senator White again moved that the Senate go into executive session. No second.

Senator White moved that the appointment of F W Macfarlane be confirmed. Seconded by Senator Achi and carried.

Senator White moved that the appointment of A N Kepoikai be confirmed. Seconded by Senator Carter and carried.

Senator White moved that the appointment of Joseph G Pratt be confirmed. Seconded by Senator Achi and carried.

Senator Carter moved that the appointment of A C Lovekin be confirmed. Seconded by Senator White and carried.

Senator White moved that the appointment of Lorrin Andrews be not confirmed. Seconded by Senator Kalauokalani and carried.

Senator Carter moved that the chair appoint a committee of three to call on the Governor and advise him of the action of the Senate. Seconded by Senator Kalauokalani and carried.

The chair then appointed the following committee to call on the Governor: Senators Baldwin, Kalauokalani and Carter.

At 9:30 o'clock, Senator Carter moved to take a recess for fifteen minutes. Seconded by Senator Kalauokalani and carried.

The Senate reconvened at 9:45 o'clock.

Senator Kaohi moved that the rules be suspended in order to allow him to present a petition. Seconded by Senator Kalauokalani.

There being no objection, the request was granted.

Senator Kaohi then introduced the following resolution:

"Be it resolved that all bills incurred by this Senate for services rendered remaining in the hands of the Printing and Accounts Committees and unaccounted for in the list of bills reported by the Committee on Accounts at yesterday's session be and they are hereby approved, and the Committee on Accounts is hereby authorized to settle the same out of and from any money that may be available for that purpose now or hereafter, and if no money is so available, that the same be inserted in the appropriation bill hereafter to be passed, so that such bills may be duly paid and settled."

This resolution was seconded by Senator White.

Senator Carter moved that the resolution be tabled. Seconded by Senator Achi.

At this point Senator Kaohi withdrew his resolution.

Senator Carter moved that rule 79 of the Senate rules be suspended in order to allow the members to smoke. Seconded by Senator Kalauokalani and carried.

The following message from the Governor was read:

"To the Senate of the Territory of Hawaii:

"I hereby nominate Mr. F. J. Testa as a member of the commission of five, authorized to be nominated by the Governor by an Act entitled "An Act to provide for the ascertainment and payment of all claims which may be made by persons whose property was destroyed by fire in the years A. D. 1899 and 1900 under orders of the Board of Health.

"SANFORD B. DOLE.

"Executive Chamber, April 30th, 1901."

Senator Carter moved that the Senate do not approve of the appointment of the Governor. Seconded by Senator White.

Senator Achi moved to confirm the appointment. Seconded by

Senator C Brown and carried.

A communication from the Secretary of the Territory announced that the Governor had signed the following bills:

Act 16, "An Act to define the Territorial Seal."
Act, "An Act to repeal certain obsolete laws."
Act 19, "An Act to amend Section 30 of Chapter LVII. of the Session Laws of 1892."
Act 20, "An Act to provide a tax on income."

Another communication from the Secretary of the Territory was as follows:

I have the honor to acknowledge your communication of this date wherein you advise me"that the Senate has this day confirmed the appointment of a Commission of five citizens as submitted by the Government this day with the exception of Lorrin Andrews Esq.,which last named appointment,as a member of said Commission was rejected."

I have the honor to inform you that the matter has been submitted to the Governor for his consideration.

Senator Carter moved that the Henry E Cooper clerk of the Senate be instructed to notify the Governor forthwith of the confirmation by the Senate of the appointment of Mr. Testa as a member of the Fire Claims Commission.Seconded by Senator Achi and carried.

Senator Kanuha introduced the following concurrent resolution:

Be it resolved,By the Senate and the House of Representatives of the Territory of Hawaii concurring,

Whereas the Senate Bill entitled "An Act to create the office of Transportation Commissioner" provides that until the first general election the Transportation Commissioner be elected by the Legislature.

That T J Ryan is hereby elected to fill the said office.

Senator Carter moved that the resolution be laid on the table. Seconded by Senator Achi and carried.

At IO:20 o'clock,Senator Baldwin moved that the Senate take a recess to the call of the chair.Seconded by Senator Carter and carried.

The Senate was called to order again by the chair at IO:30 o!clock.

Senator Kanuha introduced the following resolution:

Resloved That the sum of four hundred dollars be paid to Charles Wilcox for his extra time during the Bubonic Plague as stated in his latter,and that said amount be inserted in the Appropriation Bill.

Senator Carter moved that the resolution be laid on the table as the proper time for the consideration of the same was during the work on the Appropriation bill at the extra session. ~~Seconded~~ ~~On this showing~~, Senator Kamuha withdrew his resolution.

Senator White moved that the name of Dr. Cooper in connection with the appointments on the Board of Health,be reconsidered.Seconded by Senator Carter and carried.

Senator White moved that the name of Dr. Cooper be confirmed. Seconded by Senator Carter and carried.

Senator Baldwin moved that the clerk be instructed to notify the Governor at once of the confirmation of Dr. Cooper as a member of the Board of Health.Seconded by Senator Kalauokalani and carried.

~~Senator~~ At 10:35 o'clock,Senator Baldwin moved to take a recess to the call of the chair.Seconded by Senator Achi and carried.

At 10:38 o'clock,the chair called the Senate to order and the following message from the Governor was read:

To the Senate of the Territory of Hawaii:

"The Concurrent Resolution of the Legislature relating to a conversation between myself and a committee of the Senate on the subject of bribery in the Legislature and asking for an extension of this session of the Legislature for a term sufficient for an investigation of these charges by the Legislature, has been delivered to me by a joint committee.

"In answer I would say that I made no charge that members of the Legislature had accepted sums of money in exchange for their votes or promises of sums of money for votes to be cast.

"What I did say was that I had information of a character that I could not ignore, that bribery of members was going on in the Legislature, and I deem such information sufficient ground for refusing an extension of this session.

"Several charges of bribery of members of the Legislature have been freely made in the local newspapers from time to time from an early period of the session, and a charge of the existence of a corruption fund for the defeat of pending legislation was made some weeks ago on the floor of the Senate, yet the Legislature has shown no disposition to investigate such charges.

"I am therefore unable to feel any encouragement that an extension of the present session would result in a bona fide investigation of the matter.

"The government is investigating these reports and will endeavor to expose and punish the offenders if legal evidence can be obtained.

"SANFORD B. DOLE.

"Executive Chamber, April 30th, 1901."

Senator Kalauokalani reported ~~as follows~~ for the Enrollment Committee that the bills handed to the Governor:

An act to define the Territorial Seal.

An act to amend Section 30 of Chap-LVII of the Session Laws of 1892.

An act to define the Territorial Seal.

~~An act to amend Section 30 of Chapter LVII of the Session Laws of 1892.~~

An act to authorize W. W. Dimond, his associates, successors and assigns to manufacture and supply hydro-carbon gas and its by-products in Honolulu.

An act making an appropriation to satisfy the claim and demand of Her Majesty Liliuokalani against the Re-Public of Hawaii, in the Territory of Hawaii.

An act to amend Sections 54 and 55 of an act to reorganize the Judiciary Department, approved the 25th day of November, 1892, being Chapter LVII. of the Session Laws of 1892.

Senator Kalauokalani moved to take up the consideration of ~~Senate~~ House Bill No. 6I in third reading. Seconded by Senator J Brown and carried.

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Baldwin and carried on the following showing of ayes and noes:

Ayes:Senators Baldwin,J Brown,Kahilina,Kaiue,Kalauokalani, Kanuha,Kaohi,Nakapaahu,Russel and White.....I0.

Noes:.....0.

In doubt:Senators Achi,C Brown and Paris.....3.

Absent:Senators Carter,Crabbe.....2.

Senator White introduced the following resolution:

"Resolved, that Senator D. Kanuha is hereby appointed a committee of one to proceed immediately to inspect each and every road in the City of Honolulu with instruction to report as soon as possible to the Superintendent of Public Works of the Territory of Hawaii."

Senator Baldwin seconded the resolution.Carried.

Senator Kalauokalani moved that House Bill No. 84 be taken up for consideration.Seconded by Senator J Brown.

Senator Kalauokalani moved that the bill pass its second reading.Seconded by Senator Kahilina and carried.

At I0:50 o'clock,Senator Baldwin moved to take a recess to the call of the chair.Seconded by Senator Kalauokalani and carried.

Senator Achi introduced the following resolution:

Resolved That the President,vice-President,clerk,interpreter,sergeant-at-arms,messenger,chaplain and janitor of this Senate are hereby elected for the same places in case we should be called to meet in special session;also that the rules of this Senate now in force shall be the rules ~~of this Senate~~ to govern said special session.

Senator Nakapaahu moved to lay the resolution on the table. Seconded by Senator C Brown and carried.

Senator Carter then introduced the following resolution:

Whereas it is the opinion of the Republican Senators that this session of the Legislature expires by limitation this day and therefore they will consider the adjournment made this day as sine die,therefore be it resolved that the thanks of the entire Senate be and is hereby extended to Senator S E Kaiue for his justness,fairness and the able manner in which he has acted as President of the Senate and be it further resolved by the Republicand as well as all other members of the Senate that a certified copy of this resolution be given to Senator S E Kaiue by the clerk.

Senator White moved that the resolution be laid on the table. Seconded by Senator Russel.

Senator C Brown put the motion as to the adoption or not,of the resolution.The resolution was lost.

At II:30 o'clock,Senator C Brown moved that the Senate adjourn sine die.Seconded by Senator Carter and lost.

Senator Russel moved to adjourn until IO:30 o'clock on Wednesday.Seconded by Senator Kalauokalani and carried.

Edgar Cayless

Clerk of the Senate.

Approved by the Senate.

S E Kaiue

President of the Senate.

JOURNAL OF THE SENATE.

FIFTY-EIGHTH DAY.

WEDNESDAY, MAY 1ST, 1901.

In the Senate.

Territory of Hawaii.

Fifty-Eighth Day.

Morning Session.

Wednesday, May 1st., 1901.

The Senate met, pursuant to adjournment, at 10:30 o'clock. After prayer by the chaplain, the roll was called, showing Senators Achi, Baldwin, C Brown, Carter, Crabbe, Paris and White absent.

The ~~minutesxx~~ journal of the previous day was read.

Senator Kalauokalani moved that the translation of the journal be dispensed with and that the same be approved as read. Seconded by Senator Nakapaahu and carried.

The clerk read the following concurrent resolution from the House:

Resolved, That the President of the Senate and the Speaker of the House of Representatives be instructed to have engrossed, to sign and to forward the following address:

To the President of the United States.

Sir:—For and on behalf of the members of this, the first Legislature of the Territory of Hawaii, we extend to you, and through you to the people of the United States, most heartfelt and sincere greetings. Aloha nui oe.

The initial session of this Legislature closes this day by limitation. The Governor was requested and refused to extend the same through the thirty days additional permitted by the Organic Act, thereby preventing the completion of much needed legislation, to which his attention was called by a resolution embodying the request. A copy of this resolution and his answer thereto are attached to and made a part of this memorial.

We cannot allow to pass unchallenged the imputation of unfaithfulness to the high trust placed in us by our constituents, which is contained in the reply of the Governor. This is the first Legislature of these islands elected under manhood suffrage and educational qualifications for electors. Heretofore the voting privilege has been hedged about with property-qualifications. But by the liberality of the American people in the Organic Act our rights as men were recognized. We do not wish to build up here class privileges by preventing a majority of the sons of the soil from taking an active part in the affairs of State. Under the Provisional Government and the Republic this rule did not prevail. In proof of this we need only to recite the fact that at the last general election under the Republic of Hawaii, in 1898, the total number of votes cast was only ..... while at the first Territorial election the voters numbered ..... The very natural result of such an accession of votes was to bring to the Legislature a majority of members who, however otherwise qualified, had but little experience in the actual work of legislation, and such as did have the experience were handicapped with a line of thought and action based on the restricted conditions of the past

This made doubly difficult the task of formulating plans for the legislation necessary to readjust the local conditions to the political changes which had come to the islands. To these may be added that a majority of the legislators came to their duties prejudiced against the Governor on his record for the previous seven years. The Governor either utterly failed to comprehend the changes in government contemplated by the terms of the Organic Act or ignored them in his message to the Legislature, proposing in their stead dual conditions, not only thoroughly un-American in principle, but entirely misleading as well, resulting in confusion of mind to a large number of our membership. The Governor throughout the session now closing, has studiously maintained an attitude of hostility to the Legislature. Its proceedings have been marred and the temper of its members ruffled by a flat refusal on his part to yield to them information concerning the proceedings of his executive council, including its records, which contained the legislation of that body during the period following the raising of the American flag on August 12th, 1898, much of which legislation was enacted in secret session and gave special privileges, exchanges of public lands, etc., detrimental to the future of this community, agreements of a character that would repudiate and trample upon the progressive spirit of our time. The combination of these circumstances, we submit, will readily account for the absence of substantial results in the work of the earlier part of the session.

The imputation that our labors have not been for the good of this country —our native land, we deny. When in its wisdom the Congress of the United States, with your approval, granted to our country and people the protection of the Constitution and took Hawaii into the Union, some of us were at first unwilling to accept it, for our Fatherland was dear to us. As the full meaning of the change dawned on us, and we saw the consummation of that Justice and Equality for which we had striven through seven years of travial for that Fatherland, was to be finally given us through the suffrage prescribed by the Organic Act, we relented, became Americans and turned our eyes to the fulfillment of the promises held out in the Constitution of the United States and to the application of the customs of our country.

In the first Territorial campaign the three parties represented declared in their platforms for the full measure of Americanism, local self-rule— municipal and county government—and the modernization of our governmental methods, as under present conditions the people of this Territory do not elect a single official, not even a constable or a school trustee. It was the prospect of such a future that prompted the Hawaiians to make an active canvass for Home Rule. Despite the task involved in framing a measure to give our Territory local government this work was done. The county bill was introduced in the House, finally passed the Senate and now awaits the signature of the Governor.

One of the most engrossing tasks of the many set for the members of this Legislature by the changes into which we are moving forward, is that of taxation, which has received earnest consideration. In the older States and Territories this subject of taxation has claimed the best thought of the brightest men living there. We are compelled to face the elimination from our revenues of the customs and postal receipts, thus creating the necessity for increasing our tax returns by more than a million dollars. The question was an important one and our committees have worked unceasingly to formulate legislation which would yield a just distribution of taxes over all our industries so that the weight should not be felt unduly by anyone of them. That no measure satisfactory to all those engaged in framing such laws was drawn can be attributed only to the fact that varied interests necessitated much study of local conditions and a satisfactory basis for the division of the burden has not yet been reached by the Legislature. We feel that in this community the questions of taxation are deemed so important that a special commission should be provided by the Legislature to study the matter, that in a newly organized Territory where taxes must be doubled, sixty days is not long enough to give to the study of plans for the readjusting of any adequate system of taxation.

Much time was spent in the consideration of temperance legislation, which, feeling, has caused deep regret to the best elements of our people.

The Governor imputes to us lack of effort to lay broad foundations for the future. A glance at the measures which have taken more than their initial steps in either house, and to which we have called his attention will show how much work really has been done.

Will we be called less than human in that we spent our first hours of official life in trying to break down the class distinctions in which an oligarchy had entrenched itself, an oligarchy which ignores the conditions contemplated by the Organic Act. We have no aim but to reach the same freedom enjoyed by every man who looks to our starry flag as the token of his liberty.

The conditions confronting the Territory by reason of the reckless policy of filling up the country with a low, irresponsible, uneducated and impecunious class of assisted immigrants, who are designed to be and are imported for the purpose of serving as common laborers at a low wage for agricultural corporations, and who are practically deprived of their liberty and subject to severe discipline until they reach the plantations for which they are destined, a policy which is still running its mad course, merits the serious attention of yourself and Congress in whom alone the powers to regulate such matters are vested.

So much remains to be done that we appeal to you, Mr. President, as the chief executive of our common country, for relief which is denied us here, by the one who asperses our characters and impugns our motives. We refer to the chief executive of our Territory. We maintain he has shown and is showing that he is not in harmony with American ideas, first of local self-rule, second, of fair play. The history of every new Territory tells of struggles to reach a fair basis for the future and such a request as ours for more time for needed action is just and should have been granted. It is desired by some to perpetuate that centralization of power and government which existed in these islands prior to their annexation by the United States. We objected to this. We want a government of the people and by the people.

We pray therefore that you will first, direct that we be given such time as is allowed by the Organic Act for the purposes of general legislation. We know that it is a matter outside of your real sphere, yet a suggestion from you will be sufficient to accomplish the end; second, if this is not feasible, that you remove from his high office Sanford Ballard Dole, Governor of the Territory of Hawaii, on the grounds that his actions since taking that high trust from you have been such as to lose for him the confidence of a majority of the people of the Territory; that he has not their best interests at heart; that he has subverted the principles of American government to the service of a class instead of for the good of the whole people; and that he is trying to take from its rightful owners, to give to a few, the heritage of the people.

F. W. Beckley

Senator White moved the adoption of the resolution. Seconded by Senator Kalauokalani and carried.

Senator White moved to take a recess until 2 o'clock for the purpose of meeting the House in ~~joint~~ joint session. Seconded by Senator Kalauokalani and carried.

(Morning)

JOINT SESSION.

Hall of the House of Representatives,

Honolulu, T. H., May 1st, 1901.

The Joint Session of the Senate and House of Representatives of the Territory of Hawaii for the purpose of apportioning eight Senators to serve for the term of four years convened at 11:08 o'clock A. M., pursuant to adjournment.

~~Hon. Mr.~~ The President of the Senate presiding.

Prayer by Chaplain Kamoku of the House of Representatives.

Roll Call of the Senate.

PRESENT: Messrs. J. Brown, Kahilina, Kalauokalani, Kanuha, Kaohi, Nakapaahu, White and Mr. President---8.

ABSENT: Messrs. Achi, Baldwin, C. Brown, Carter, Crabbe, Paris and Russel---7.

EXCUSED: ---0.

Roll Call of the House.

PRESENT: Messrs. Ahulili, Aylett, Beckley, Ermeluth, Haaheo, Hihio, Kaauwai, Kauimakaole, Kaniho, Kawaihoa, Keiki, Kekaula, Mahoe, MaKainai, Mossman, Paele, Prendergast, Puuki and Mr. Speaker---19.

ABSENT: Messrs. Dickey, Ewaliko, Gilfillan, Hoogs, Kelilikoa, Kumalae, Makekau, Monsarrat, Nailima, Robertson and Wilcox---11.

EXCUSED: ---0.

The Minutes of the last Joint Session of the Senate and House of Representatives held April 22nd, 1901, as recorded in the Journal of the House of Representatives was read, and, on motion of Mr. Kalauokalani of the Senate,

were approved.

Mr. Kaniho of the House moved that the Concurrent Resolution, authorizing the Joint Session, be read. Seconded by Mr. Kanuha of the Senate. Mr. Mahoe of the House moved the previous question, which was seconded by Mr. Puuki of the House, and thereupon ordered. The motion to read the Resolution carried. Whereupon the Resolution was read.

On motion of Mr. Prendergast of the House the Joint Session thereupon proceeded to the apportioning of eight Senators to serve for the term of four years.

Mr. Kaniho of the House nominated the Hon. Mr. J. T. Brown as Senator from the First Senatorial District for the period and term of four years. The nomination was seconded by Mr. Mossman of the House, whereupon the ayes and noes were called with the following result:

AYES: Senators J. Brown, Kahilina, Kalauokalani, Kaohi, Nakapaahu, White and Mr. President---7.

NOES: Senator Kanuha---1.

ABSENT: Senators Achi, Baldwin, C. Brown, Carter, Crabbe, Paris and Russel---7.

EXCUSED: ---0.

AYES: Representatives Ahulii, Beckley, Emmeluth, Haaheo, Hihio, Kaauwai, Kaulmakaole, Kaniho, Kawaihoa, Mahoe, Makainai, Mossman, Paele, Prendergast, Puuki and Mr. Speaker ---16.

NOES: ----0.

ABSENT: Representatives Aylett, Dickey, Ewaliko, Gilfillan, Hoogs, Keiki, Kolilkoa, Kumalae, Makekau, Monsarrat, Nailima, Robertson and Wilcox---13.

PRESENT AND NOT VOTING: Representative Kekaula---1.

EXCUSES: ---0.

Total: Ayes, 23. Noes, 1. Absent, 20. Present and not voting, 1. Excused, 0.

Whereupon the ~~Honorable Mr.~~ President declared that the said Honorable J. T. Brown having received a majority of all of the votes of the Joint Session, a majority of all the members elected to both houses being present, had been duly elected to hold his office as a Senator from the First Senatorial District for the period and term of four years.

Mr. Haaheo of the House nominated the Honorable J. B. Kaohi as Senator from the First Senatorial District for the period and term of four years. Upon this nomination the ayes and noes were called with the following result:

AYES: Senators J. Brown, Kahilina, Kalaukalani, Kanuha, Kaohi, Nakapaahu, White and ~~Mr. President~~ Kaiue---8.

NOES: Senators ---0.

ABSENT: Senators Achi, Baldwin, C. Brown, Carter, Crabbe, Paris and Russel---7.

EXCUSED: ---0.

AYES: Representatives Ahulii, Beckley, Emmeluth, Haaheo, Hihio, Kaauwai, Kauimakaole, Kaniho, Kawaihoa, Mahoe, Makainai, Mossman, Paele, Prendergast, Puuki and ~~Mr. Speaker~~ Akina ---16.

NOES: ---0.

ABSENT: Representatives Aylett, Dickey, Ewaliko, Gilfillan, Hoogs, Keiki, Keliikoa, Kumalae, Makekau, Monsarrat, Naiiima, Robertson and Wilcox---13.

PRESENT AND NOT VOTING: Representative Kekaula---1.

EXCUSED: ---0.

Total: Ayes, 24. Noes, 0. Absent, 20. Excused, 0.

Whereupon the ~~Honorable Mr.~~ President declared that

~~Whereupon~~ Honorable J. B. Kaohi having received a majority of all of the votes of the Joint Session, a majority of all the members elected to both houses being present, had been duly elected to hold his office as a Senator from the First Senatorial District for the period and term of four years.

Mr. Prendergast of the House nominated the Honorable ~~J.~~ S. E. Kaiue as Senator from the Second Senatorial District for the period and term of four years.

Mr. Kaniho of the House moved that the Joint Session do now stand in recess until 2:00 o'clock P. M. Lost. Upon the nomination of the Honorable ~~J.~~ S. E. Kaiue, the ayes and noes were called with the following result:

AYES: Senators J. Brown, Kahilina, Kalauokalani, Kamuha, Kaohi, Makapaahu and White---7.

NOES: ---0.

ABSENT: Senators Achi, Baldwin, C. Brown, Carter, Crabbe, Paris and Russel---7.

PRESENT AND NOT VOTING: ~~Honorable~~ Mr. President---1.

EXCUSED: ---0.

~~XXXXXXXXXXXXXXXX~~

AYES: Representatives Ahulii, Beckley, Ermeluth, Haaheo, Hihio, Kaauwai, Kauimakaole, Kaniho, Kawaihoa, Mahoe, Makainai, Mossman, Paele, Prendergast, Puuki and ~~Mr. Speaker~~ Akina ---16.

NOES: Representatives---0.

ABSENT: Representatives Aylett, Dickey, Ewaliko, Gilfillan, Hoogs, Keiki, Keliikoa, Kumalae, Makekau, Monsarrat, Mailima, Robertson and Wilcox---13.

PRESENT AND NOT VOTING: Representative Kekaula---1.

EXCUSED: ---0.

Total: Ayes, 23. Noes, 0. Absent, 20. Present and not voting, 1. Excused, 0.

Whereupon the ~~Honorable~~ Mr. President declared that the ~~said Honorable~~ S. E. Kaiue having received a majority of all of the votes of the Joint Session, a majority of all the members elected to both houses being present, had been dult elected to hodd his office as a Senator from the Second Senatorial District for the period and term of four years.

Mr. Kamuha of the Senate nominated ~~the~~ Honorable ~~H.~~ H. P. Baldwin as Senator from the Second Senatorial District for the period and term of four years. Upon this nomination the ayes and noes were called with the following result:

AYES: Senator Kamuha---1.

NOES: Senators J. Brown, Kahilina, Kalauokalani, Kaohi, Nakapaahu, White and ~~Vice President~~ Kaiue---7.

ABSENT; Senators Achi, Baldwin, C. Brown, Carter, Crabbe, Paris and Russel---7.

EXCUSED: ---0.

AYES: Representatives Emeluth and Makainai---2.

NOES: Representatives Ahulii, Beckley, Haaheo, Hihio, Kaauwai, Kauimakaole, Kaniho, Kawaihoa, Mahoe, Mossman, Paele, Prendergast, Puuki and ~~Mr. Speaker~~ Akina---14.

ABSENT: Representatives Aylett, Dickey, Ewaliko, Gilfillan, Hoogs, Keiki, Keliikoa, Kunalae, Makekau, Monsarrat, Nailima, Robertson and Wilcox---13.

PRESENT AND NOT VOTING: Representative Kekaula---1.

EXCUSED: ---0.

Total: Ayes, 3. Noes, 21. Absent, 20. Present and not voting, 1. Excused, 0.

Whereupon the ~~Honorable~~. President announced that

~~The Honorable~~ Honorable H. P. Baldwin having failed to receive a majority of all the votes of the Joint Session, a majority of all the members elected to both houses being present, had failed to be elected to hold his office as a Senator from the Second Senatorial District for the period and term of four years.

Mr. Kauimakaole of the House nominated ~~the~~ Honorable ~~Mr.~~ William White as Senator from the Second Senatorial District for the term and period of four years. Upon this nomination the ayes and noes were called with the following result:

AYES: Senators J. Brown, Kahilina, Kalauokalani, Kaohi, Nakapaahu, White and ~~Mr. President~~ Kaina---7.

NOES: Senator Kamuha---1.

ABSENT: Senators Achi, Baldwin, C. Brown, Carter, Crabbe, Paris and Russel---7.

EXCUSED: ---0.

AYES: Representatives Ahulii, Beckley, Haaheo, Hihio, Kaauwai, Kauimakaole, Kaniho, Kawaihoa, Mahoe, Makainai, Mossman, Paele, Prendergast, Puuki and ~~Mr. Speaker~~ Akina---15.

NOES: ---0.

ABSENT: Representatives Aylett, Dickey, Emmeluth, Ewaliko, Gilfillan, Hoogs, Keiki, Kekaula, Keliikoa, Kumalae, Makekau, Monsarrat, Nailima, Robertson and Wilcox---15.

EXCUSED: ---0.

Total: Ayes, 22. Noes, 1. Absent, ~~15~~ 22. Excused, 0.

Whereupon the ~~Honorable Mr.~~ President declared that

Honorable William White, having received a majority of all of the votes of the Joint Session, but a majority of all the members elected to both houses not being present, had failed to be elected Senator from the Second Senatorial District for the term and period of four years. Mr. White appealed from the decision of the Chair. Upon being put to the vote, the decision of the Chair was not sustained.

Whereupon the [redacted]r. President declared the Honorable Mr. White to have been duly elected Senator from the Second Senatorial District for the term and period of four years.

Upon motion of Mr. Prendergast of the House, seconded by Mr. White of the Senate, the Joint Session thereupon stood in recess until 2:00 o'clock P. M.

Afternoon Session.

The hour of the joint session of the Senate and House of Representatives having been set for 2 o'clock, the Senate did not meet until 2:30 o'clock.

Senator J Brown moved that the Senate take a recess until 6 o'clock. Seconded by Senator Nakapaahu and carried.

Joint
AFTERNOON SESSION.

Hall of the House of Representatives,
Honolulu, T. H., May 1st, 1901.

The Joint Session of the Senate and House of Representatives of the Territory of Hawaii reconvened at 2:36 o'clock P. M.

The [redacted]. President of the Senate presiding.

On motion of Mr. Ermeluth of the House, seconded by Mr. Kalauokalani of the Senate, the Joint Session thereupon stood in recess until 7:30 o'clock P. M. tonight.

Evening Session.

The Senate met at 6:45 o'clock.

Third reading of House Bill No. 84 announced on the order of the day.

Senator Kalauokalani moved that the bill pass its ~~xxx~~ third reading. Seconded by Senator J Brown and carried on the following ~~showing of~~ vote by ayes and noes:

Ayes: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kamuha, Kaohi, Nakapaahu and Russel.....8.

Absent: Senators C Brown, Achi, Carter, Baldwin, Crabbe, Paris and White.....7.

Third reading of House Bill No. 18.

Senator J Brown moved that the bill pass its third reading. Seconded by Senator Kaohi and carried on the following ~~showing of~~ vote by ayes and noes:

Ayes: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kamuha, Kaohi, Nakapaahu and Russel.....8.

~~Noes~~ Absent: Senators Achi, Baldwin, C Brown, Carter, Crabbe, Paris and White.....7.

Third reading of Senate Bill No. 62.

Senator Russel moved to reconsider Section 17. Seconded by Senator Kamuha and carried.

Senator Russel moved that the section pass as in the original bill instead of as amended. Seconded by Senator Kamuha and carried.

Senator J Brown moved that the bill pass its third reading as amended. Seconded by Senator Kalauokalani and carried on the following ~~showing of~~ vote by ayes and noes:

Ayes: Senators J Brown, Kahilina, Kaiue, Kalauokalani, Kamuha, Kaohi, Nakapaahu and Russel.....8.

~~Noes~~ Absent: Senators Achi, C Brown, Baldwin, Carter, Crabbe, Paris and White.....7.

Second reading of House Bill No. 86.

Senator Kaohi moved that the bill pass its second reading and that it be read the third time on Thursday. Seconded by Senator Nakapaahu and carried. ✓

Second reading of House Bill No. 36.

Senator Kalauokalani moved that the bill pass its ~~xmx~~ second reading and that it be read the third time on Thursday.Seconded by Senator Kaohi and carried.

Second reading of House Bill No. 104.

Senator Kalauokalani moved that the bill ~~xxxreadxthxxxx~~ pass its second reading and that it be read the third time on Thursday. Seconded by Senator J Brown and carried.

Second reading of Senate Bill No. 100.

Senator Kalauokalani moved that the bill pass its second reading and that it be read the third time on Thursday.Seconded by Senator Nakapaahu and carried.

Second ~~readingxxxfxxxxxxxxx~~ of House Bill No. 94.

Senator Kanuha moved that the bill pass its second reading and that it be read the third time on Thursday.Seconded by Senator Nakapaahu and carried.

Third reading of House Bill No. 52.

Senator Kalauokalani moved that the bill pass its third reading.Seconded by Senator Nakapaahu and lost on the following ~~showing of~~ vote by ayes and noes:

Ayes:Senators J Brown,Kahilina,Kaiue,Kalauokalani,Kanuha, Kaohi and Nakapaahu.....7.

Noes:Senator Russel.....I.

Absent:Senators Achi,Baldwin,C Brown,Carter,Crabbe,Paris and White.....7.

The clerk read the following Concurrent resolution from the House:

Be it resolved by the House of Representatives,the Senate concurring.

That a commission of five members of this Legislature be and the same is hereby created,for the purpose of investigating the system of taxation and reporting upon plans looking toward a reorganization of the same.

That this commission shall consist of two senators to be appointed by the President of the Senate and three Representatives to be appointed by the Speaker of the House.

That it shall be the duty of such commission to report to a subsequent session of this Legislature or to the first session of the next Legislature a report upon its findings and a bill embodying such recommendations as the commission may determine.

That said commission shall have power to send for persons and papers to examine them to administer oaths and to hold sessions whenever or wherever a quorum, consisting of a majority of its members, shall be present.

That this commission shall be authorized to employ a clerk and to make such examinations other than in Honolulu that it may elect, either by the commission or a sub-committee of it.

That any printing or stationery that may be needed by this commission shall be furnished by the Secretary of the Territory and that the Superintendent of Public Works ~~and the~~ shall furnish office accommodations and supplies to said commission.

Senator Kahuha moved the adoption of the resolution. ~~report.~~ Seconded by Senator Nakapaahu and carried.

The chair named the following as members from the Senate on the Tax Commission: Senators Kalauokalani and Kahuha.

Several communications ~~were then read~~ from the House were then read, as follows:

Communication announcing that Senate Bill No. 31 had passed third reading on the 1st. inst.

Communication announcing that Senate Bill No. 45 had been indefinitely postponed on the 1st. inst.

Communication announcing that Senate Bill No. 30 had passed third reading on the 1st. inst.

Communication announcing that House Bill No. 77 had passed third reading on the 1st, inst.

Communication announcing that Senate Bill No. 14 had passed third reading with amendments on the 1st. inst.

Senator J Brown moved that the Senate concur in the amendments of the House. Seconded by Senator Kalauokalani and carried.

3. Communication announcing that Senate Concurrent Resolution had passed on the Ist. inst.

4. Communication announcing that Senate Bill No. 5I had passed third reading with certain amendments on the Ist. inst.

Senator Kalauokalani moved to postpone consideration of the bill until Thursday. Seconded by Senator J Brown and carried.

Under suspension of rules, the following joint resolution of the House was read:

Whereas, S. B. Dole, the Governor of this Territory, has admitted to a committee of the House of Representatives that the trip of J. F. Brown, Commissioner of Public Lands, to Washington, D. C., was authorized and directed by him and that, among other things, the said J. F. Brown was instructed by the Governor to advocate the repeal of modification of that clause of section 55 of the Organic Act which reads as follows:

"That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of one thousand acres and all real estate acquired and held by such corporation or association contrary hereto shall be forfeited and escheat to the United States, but existing vested rights in real estate shall not be impaired."

And, whereas, E. P. Dole, Attorney General of this Territory, has recently rendered an opinion that leases of public land by corporations in excess of one thousand acres or in addition to the land held in fee by such corporation is not prohibited by the above mentioned laws;

And, whereas, there is an evident desire on the part of public officials of this Territory to remove all obstacle and allow corporations to increase the already too large holdings and thereby monopolize all the agricultural lands to the great loss and detriment of the citizens of this Territory.

And, whereas, the Governor has, without authority of law, held regular and secret conferences with the heads of the departments under him since the erection of this Territory and has denied to the House of Representatives access to or copies of the records of the proceedings thereof;

And, whereas, it is a matter of common report that such reports will show that the Governor in such council or conference has favorably considered propositions yielding valuable concessions and exchanging of lands and privileges in the Territory to monopolies, corporations and private landed interests, to the manifest detriment of "the homestead settlement system" long recognized as fundamental to the stability of a state and which, if adapted to our local conditions of soil, etc., would create in the near future an increasing proportion of small land holders who would naturally become the mainspring of the progress and proper development of this Territory.

Senator Kalauokalani moved the adoption of the resolution. Seconded by Senator Kahilina and carried.

Senator Kalauokalani then arose and thanked Senator S E Kaiue for his justice to every member of the Senate and his impartiality in judgement of the various questions that ~~came~~ had come up for him to decide during the session. In closing, Senator Kalauokalani wished the President of the Senate health and good fortune on behalf of himself and his colleagues. Senator Kalauokalani also thanked the other officers of the Senate for their good work.

President Kaiue thanked Senator Kalauokalani for his kindly expressions. He stated that he had intended saying a great deal but that, as the hour for the meeting of the two houses was at hand, he would have to desist. He thanked the whole house for the assistance they had given him and expressed the hope that they would all be together again in the near future.

Senator Kalauokalani then introduced the following resolution:

> "Resolved, That the clerk of the Senate be and he hereby is authorized and directed to procure for each member of the Senate one printed and bound copy of the journal of the Senate in Hawaiian, and also one copy in English, with the name of each Senator printed thereon."

The resolution was seconded by Senator Kahilina and carried.

Senator Kanuha introduced the following resolution:

> "Be it resolved by the Senate and the House of Representatives concurring, that a committee of two consisting of one Senator to be appointed by the President of the Senate, and one Representative to be appointed by the Speaker of the House, to wait on the Governor and inform him that the Legislature has no further business to submit to him."

The resolution was seconded by Senator Kalauokalani and carried.

At 8:05 o'clock, Senator Kalauokalani moved that the Senate take a recess in order to meet the House in joint session. Seconded by Senator J Brown and carried.

JOINT SESSION (Evening)

Hall of the House of Representatives,
Honolulu, T. H., May 1st., 1901.

The Joint Session of the Senate and the House of Representatives of the Territory of Hawaii reconvened at 8:37 o'clock p.m. The ~~Honorable Mr.~~ President of the Senate presiding.

By unanimous consent the Joint Session thereupon stood in recess subject to the call of the ~~Honorable Mr.~~ President.

The Joint Session reconvened at 9:29 o'clock p.m. The ~~Honorable Mr.~~ President of the Senate presiding.

On motion of Mr. Prendergast of the House, seconded by Mr. Paele of the House, the roll call was ordered.

Roll Call of the Senate.

PRESENT: Messrs J. Brown, Kahilina, Kalauokalani, Kanuha, Kaohi, Nakapaahu, Russel and ~~Mr. President~~ Kaiue---8.

ABSENT: Messrs Achi, Baldwin, C. Brown, Carter, Crabbe, Paris and White---7.

EXCUSED ---0.

Roll Call of the House.

PRESENT: Messrs Ahulii, Beckley, Emmeluth, Haaheo, Hihio, Kaauwai, Kauimakaole, Kaniho, Kawaihoa, Mahoe, Makainai, Mossman, Paele, Prendergast, Puuki and ~~Mr. Speaker~~ Akina---16.

ABSENT: Messrs Aylett, Dickey, Ewaliko, Gilfillan, Hoogs, Keiki, Kekaula, Keliikoa, Kumalae, Makekau, Monsarrat, Nailima, Robertson and Wilcox---14.

EXCUSED ---0.

On motion of Mr. Prendergast of the House the vote by which the Hon. Mr. White had been elected Senator ~~for~~ from the Second

Senatorial District for the term and period of 4 years was reconsidered. A vote upon a call for the ayes and noes resulted as follows :-

AYES: Senators J.Brown, Kahilina, Kalauokalani, Kaohi, Nakapaahu and Kaine---6.

NOES: Senators Kanuha and Russel---2.

ABSENT: Senators Achi, C.Brown, Baldwin, Carter, Crabbe, Paris and White---7.

EXCUSED ---0.

AYES: Representatives Ahulii, Beckley, Emeluth, Haaheo, Hihio, Kaauwai, Kauimakaole, Kaniho, Kawaihoa, Mahoe, Makainai, Mossman, Paele, Prendergast, Puuki and Akina---16.

NOES: ---0.

EXCUSED: ---0.

ABSENT: Representatives Aylett, Dickey, Ewaliko, Gilfillan, Hoogs, Keiki, Kekaula, Keliikoa, Kumalae, Makekau, Monsarrat, Nailima, Robertson and Wilcox---14.

Total: Ayes22. Noes, 2. Absent, 21. Excused, 0.

A discussion arose as to whether Mr.White had been duly elected, he having failed to receive the affirmative votes of a majority of all the members elected to both Houses. During the discussion Messrs Kanuha and Russel of the Senate withdrew, whereupon the Sergeants-at-arms were instructed to bring them back to the Joint Session.

On motion of Mr.Prendergast, seconded by Mr.Kaniho, the Joint Session thereupon stood in recess subject to the call of the President, to await the report of the Sergeant-at-Arms.

The Joint Session of the Senate and House of Representatives of the Territory of Hawaii reconvened at 11:40 o'clock p.m. ~~Honorable Mr.~~ the President of the Senate presiding.

The Sergeant-at-Arms reported that he had prevailed upon Mr.Kanuha of the Senate to return, but that Mr.Russel of the Senate defied his authority and theatened to shoot him if he used force.

On motion of Mr.Emmeluth of the House, seconded by Mr. J.Brown of the Senate, the Joint Session of the Senate and House of Representatives of the Territory of Hawaii for the purpose of apportioning eight Senators to serve for the term of four years thereupon adjourned sine die.

The Senate reconvened at II:45 o'clock.

Senator J Brown moved that the ~~minutes of the~~ journal of the day be approved! Seconded by Senator Nakapaahu and carried.

Senator Kanuha introduced the following resolution:

Resolved That the clerks of the Senate be ~~authorized~~ directed to retain possession of the typewriters that have been purchased for ~~them~~ their work by the Senate and that these be ~~returned~~ handed over to the next Legislature .

The resolution was seconded by Senator J Brown and carried.

The chair announced the following appointments to the ~~committee to call on the~~ joint committee of the Senate and House to notify the Governor of the fact that the Legislature had finished its deliberations: Senators Kalauokalani and Kanuha.

At I2 midnight, Senator Kaohi moved to adjourn sine die. Seconded by Senator J Brown and carried, whereupon the Senate, with prayer by Senator Kalauokalani, Adjourned Sine Die

Edgar Cayplett

Clerk of the Senate.

Approved by the Senate:

S. E. Kaine

President of the Senate.

1901

REGULAR SESSION

SENATE

SENATE

BILLS

Notice mch 4 #1

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 1

An Act

To apportion the
term of office of
Seven Senators
elected at the first
General Election

Introduced WEDNESDAY MAR 6 1901

By Senator C. Brown

ENDORSED BY

First Reading in House .....
Second Reading in House .....
Referred to .....
Third Reading in House .....

First Reading in Senate Mch 6 - 1901
Second Reading in Senate Mch 11 - 1901
Referred to Judiciary Comm
Third Reading in Senate .....

The Legislature of the Territory of Hawaii

SENATE BILL No. 1

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

An Act to apportion the term of office of Seven Senators elected at the first general election.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. The several Senators elected in the First, Second, Third and Fourth Senatorial Districts, at the first general election held in the Territory of Hawaii, who received the lowest number of votes, shall each hold office for the term of two years from the date of such election.

Section 2. That for the First Senatorial District, J. D. Paris and M. Russell, having received the lowest number of ballots cast, shall each hold office as a Senator for such District, for the term of two years.

That for the Second Senatorial District, William White having received the lowest number of ballots cast, shall hold office as a Senator for such District for the term of two years.

That for the Third Senatorial District, D.Kanuha, George R. Carter and D. Kalauokalani, having respectively received the lowest number of votes cast, shall each hold office as a Senator for such District for the term of two years.

That for the Fourth Senatorial District, I.H.Kahilina having received the lowest number of ballots cast, shall hold office as a Senator for such District for the term of two years.

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

Notice Mch 4. #1.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 2

An Act

To regulate the employment of labor on the public works of the Territory of Hawaii.

Introduced WEDNESDAY MAR 6 01

By Senator C. Brown

ENDORSED BY

First Reading in House
Second Reading in House
Referred to
Third Reading in House

First Reading in Senate March 6. 1901
Second Reading in Senate March 11. 1901
Referred to
Third Reading in Senate

Table 3/18 – with Rept 18
To be taken when another similar bill is offered

The Legislature of the Territory of Hawaii

SENATE BILL No. 2

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6th 1901

Second Reading in Senate March 11th 1901

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

An Act to regulate the employment of labor on the public works of the Territory of Hawaii.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. From and after the passage of this Act, no person shall be employed as a laborer upon any of the public works carried on by the Territory of Hawaii, unless such person shall be a duly qualified voter of said Territory.

Section 2. No person employed upon the public works shall be compelled to work more than eight hours each day.

Section 3. The term "labor on the public works of the Territory of Hawaii" for the purposes of this Act shall be construed to mean, the performance of manual labor of any kind in any work carried on by the Government of the Territory.

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

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 3

An Act

To Amend Section 2070 of the Civil Laws of the Territory of Hawaii.

Introduced WEDNESDAY MAR 6 1901

By Senator C Brown

ENDORSED BY

First Reading in House .....
Second Reading in House .....
Referred to .....
Third Reading in House .....

First Reading in Senate March 6. 1901
Second Reading in Senate March 11. 1901
Referred to Judiciary Com.
Third Reading in Senate .....

On table until Minority Rpt of Judy Com.

The Legislature of the Territory of Hawaii

SENATE BILL No. 3

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate March 11. 1901

Referred to Judiciary Com.

Third Reading in Senate .....

AN ACT, ETC.

An Act to amend Section 2070 of the Civil Laws of the Territory of Hawaii, as setforth in a compilation made by Sidney M. Ballou-

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Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 2070 of the civil Laws of the Territory of Hawaii, be and the same is hereby amended by striking out the following words: "The corporation shall not undertake or be employed in any commercial, agricultural, manufacturing or common carrier business; and its right to hold and dispose of property acquired from securities or in payment of debts shall not be construed to authorize the Bank to undertake, engage in or carry on any such business as last above mentioned," and inserting in their place the following:- "The corporation may take and receive on deposit or in custody for safe keeping, plate, jewelry, stocks and other valuable property upon such terms and for such compensation as may be agreed upon by the said corporation and the depositors respectively of such property aforesaid; to receive and hold on deposit or in trust, estate both real and personal of individuals, Companies, or corporations, and to accept and execute trusts of every description as may be committed to it by any person, Executor, Administrator, Guardian, Assignee, Trustee, Receiver, or by any corporation, or by any State, or by the United States, or by any Court of this Territory, or any other State, or of the United States; to hold powers of attorneys for absentees and non-residents; to accept the appointment of, and to act as Executor of

any last will and testament, and as Administrator with or without the will annexed of the estates of deceased persons, and as Guardian of the estates of minors and incompetent persons, and as Assignee, Receiver, Depositary and Trustee in any and all matters, and in a legal manner to attend to the management and settlement of estates, guardianships, assignments, receiverships ~~and~~ or as Trustee, Agent or Attorney; to take charge of annuities and legacies; to attend to any and all manner of trusts; also to act as Agent for the purpose of registering or countersigning certificates of stock, bonds or other indebtedness of any corporation, association, municipality, State or public authority on such terms as may be agreed upon; to pay taxes and assessments, and make investments and disbursements, negotiate loans and securities, and buy, sell and lease property for others on commission; and in general to do and perform any and all acts and things pertaining to or that may be connected with the purposes and objects above specified, or that may be necessary, convenient or useful to the main purposes of the corporation.

Section 2. That Section 2070 as amended shall read as follows:

"Section 2070. Every corporation formed under the provisions of this Act shall in addition to the powers conferred upon bodies corporate by the provisions of Chapter 127 have the following powers, subject to all the restrictions and provisions herein contained to carry on the business of a bank of discount and deposit in this Territory and to make loans of money on cash credit accounts, promissory notes, bills of exchange or letters of credit and other

securities of the like nature. And it shall also be lawful for the corporation to deal in money, bullion, specie, precious metal and exchanges of and with all countries and in notes, bills or other securities for money and generally to transact all such other business as is or shall or may at any time hereafter be usual or lawful for establishments carrying on banking in all its branches, except as a bank of issue, to do or transact, also to take security by hypothecation of bills of lading for the payment of any bill or bills of exchange, drawn against any shipment of any description of produce, bullion or merchandise shipped for exportation to foreign ports or from foreign ports to any part of this Territory, or from one port to another in this Territory. Also to make any advances of money to the proprietors of any sugar mill or sugar or rice plantation on condition of receiving in payment as security only for such money the crops of sugar and other produce of such proprietor. And also to accept and take such real estate as shall be mortgaged to it in good faith by way of security, such as shall be conveyed to it in satisfaction of debts previously contracted, such as it shall purchase at sales under judgments, decrees or mortgages held by the corporation or shall purchase to secure debts due to it. But no such corporation shall hold the possession of any real estate under mortgage or the title and possession of any real estate purchased to secure any debts due to it for a longer period than five years. It may hold and dispose of every kind of personal property, chattels, wares and merchandise, franchises or incorporeal rights and easements which it may have taken in good faith as security in the ordinary course of its business as the interest of

the corporation may require. The corporation may take and receive on deposit or in custody for safe keeping, plate, jewelry, stocks and other valuable property upon such terms and for such compensation as may be agreed upon by the said corporation and the depositors respectively of such property aforesaid; to receive and hold on deposit or in trust, estate both real and personal of individuals, Companies, or corporations, and to accept and execute trusts of every description as may be committed to it by any person, Executor, Administrator, Guardian, Assignee, Trustee, Receiver, or by any corporation, or by any State, or by the United States, or by any Court of this Territory, or any other State, or of the United States; to hold powers of attorneys for absentees and non-residents; to accept the appointment of, and to act as Executor of any last will and testament, and as Administrator with or without the will annexed of the estates of deceased persons, and as Guardian of the estates of minors and incompetent persons, ~~and~~ as Assignee, Receiver, Depositary and Trustee in any and all matters, and in a legal manner to attend to the management and settlement of estates, guardianships, assignments, receiverships ~~and~~ or as Trustee, Agent or Attorney; totake charge of annuities and legacies; to attend to any and all manner of trusts; also to act as Agent for the purpose of registering or countersigning certificates of stock, bonds or other indebtedness of any corporation, association, municipality, State or public authority on such terms as may be agreed upon; to pay taxes and assessments, and make investments and disbursements, negotiate loans and securities, and buy, sell and lease property for others on commission; and in general to do

and perform any and all acts and things pertaining to or that may be connected with the purposes and objects above specified, or that may be necessary, convenient or useful to the main purposes of the corporation.

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

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 4

An Act

Relating to Exemptions of Certain property from Attachment & execution & repealing Section 1483 of the Civil Laws.

Introduced Mch 6. 1901

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate Mch 13. 1901

Referred to Judiciary Com

Third Reading in Senate

325

Table indef. by operation of Rept. # 29 Judy Com.

The Legislature of the Territory of Hawaii

SENATE BILL No. 4

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate March 13. 1901

Referred to Judiciary Com

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act Relating to Exemption of Certain Property from Attachment and Execution, and Repealing Section 1483 of the Civil Laws.

Be it enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following property is exempt from attachment and execution, except upon claims for the purchase price thereof and claims in favor of the Government of the Territory of Hawaii.

1st. All wearing apparel of the debtor and his family.

2nd. The household furniture, beds, bedding, stoves, cooking utensils, crockery, table ware, books, pictures, keepsakes, and all things incident to the comfort of the home actually occupied by a debtor with a family dependent upon him, including a sewing maching and musical instruments, to the value in the aggregate not exceeding $1000.00

3rd. The homestead actually occupied by a debtor with a family dependent upon him, to the value of $2000.00; provided, however, that this exemption shall not operate against the claims of mechanics, material, men and others for labor performed or materials furnished in the erection, improvement or repair of any building constituting a part of said homestead.

4th. The boats, fishing gear, vehicles, harness, animals, tools, instruments, books, and all other personal property of the debtor's occupation actually and habitually used by him in earning his livlihood, of an aggregate value not exceeding $500.00.

5th. Domestic animals not included in the foregoing paragraph, and the meat of the same when slaughtered, and pro-

visions and fuel, of an aggregate value not exceeding $200.

6th. Prizes and trophies won in trials of skill, military badges, and badges of membership, rank or honor in fraternities or other kindred organizations.

7th. A rifle and a shot gun and a reasonable amount of amunition for the same. Also the uniform, arms and equipment of any officer or private in any lawful military organization.

8th. A pew in a church or meeting house.

9th. A burial lot.

SECTION 2. Section 1483 of the Civil Laws of 1897 is hereby repealed.

SECTION 3. This Act shall take effect upon its publication.

Approved this day of A. D. 1901.

K A N A W A I

He Kanawai e pili ana i ka Hookuuia ana i kekahi mau Waiwai mai ka Hoomaluia ana a Ohiia ana, a e hoopau i ka Pauku I483 o ke Kanawai Kivila.

E Hooholoia e ka Ahaolelo o ke Teritori o Hawaii.

PAUKU I-E kuu ia keia mau waiwai mahope ae nei mai ka hoomalu ia ana a ohi ia ana hoi, koe nae na koi no na kumukuai no ia mau mea ame na koi ma ka aoao o ke Aupuni Teritori o Hawaii.

I.O na aahu komo apau o ka mea aie ame kona ohana.

2.Na lako hale, na moe, na bela, na oma, na lako kuke, na lako pa, na lako pakaukau, na buke, na kii, na makana hoomanao, ame na mea apau i pili i ka oluolu o ka home e noho maoli ana ka mea aie ame kona ohana i kaukai i ko lakou pono malu na ona, e komo pu ana ka mikini humuhumu ame na mea kani, i hiki ka huina waiwai io, aole oi aku mamua o $I000.00.

3.Ka apana aina home e noho maoli ana ka mea aie me Ka ohana e kaukai ana i ke ola maluna ona, nona ka waiwai io o $2000.00; aka nae, aole mana o keia hookaupale maluna o na koi a ka poe mekanika, poe hoolako kukulu hale ame kekahi poe e ae no ka ~~hanai~~ hanaia ana, a i ole, no na lako i hoolakoia aku no ke kukulu ana, hana hou ana, a i ole, hoomaemae ana i kekahi hale i lilo i hapa no ua home-noho la.

4.Na waapa, na lako lawaia, na kaa, na ili kaa, na holoholona, na mea paahana, na mea hana, na buke, ame na wawai lewa e ae apau o ka oihana a ka mea aie, i hoohana maoli ia a hana mau ia hoi e ia, i mea e loaa ai kona ola, i hiki ka huina waiwai

io, aole e oi mamua o ka $500.00.

5. Na holoholona laka, i komo ole maloko o ka pauku mamua ae nei, ame ka io oia mau holoholona ina ua pepehiaame na lako ai ame ka wahie, i hiki ka huina waiwai io, aole oi mamua o ka $200.

6. Na makana ame na mea hoomanao i loaa mamuli o na hookuku akamai ana, na pihi hoailona koa, ame na hoailona hoa aha hui, kulana, a i ole, hoa-hanohano paha iloko o na hui malu, a i ole, mau ahahui e ae oia ano hookahi.

7. Pu rafela ame pu ki-lu me na lakou poka me pauda no ia mea. Pela hoi ka aahu koa, na mea kaua ame na lako o kekahi aliikoa, a i ole, koa paha iloko o kekahi pualikoa ku i ke kanawai.

8. Noho ohana iloko o ka halepule a hale halawai paha.

9. Apana ilina kupapau.

PAUKU 2.0 ka Pauku I483 o na Kanawai K¹vila o I897, ma ke ia ua hoopauia.

PAUKU 3. E mana keia Kanawai ma kona wa e hoolahaia ai.

Aponoia i keia la o A.D. I90I.

SENATE BILL No. 5

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Define the Biennial Fiscal Period of the Territory of Hawaii

Introduced Mch 6 *1901,*

By Senator C. Brown

ENDORSED BY

First Reading in Senate March 6. 1901

Second Reading in Senate March 12. 1901

Referred to Comm. on Ways & Means

Third Reading in Senate Mch 18. 1901

Date On Passage ayes 7 noes 6 =

First Reading in House Mch. 22

Second Reading in House

Referred to

Third Reading in House

Passage Defeated Mch 18—

Reconsidered + Passed Mch 19

The Legislature of the Territory of Hawaii

SENATE BILL NO. 5

Introduced 6 day of March 1901, by Senator C. Brown

First Reading in Senate March 6th 1901

Second Reading in Senate March 12th 1901

Referred to

Third Reading in Senate

First Reading in House March 21, 1901

Second Reading in House

Referred to

Third Reading in House

AN ACT, ETC

ACT 5.

An Act to Define the Biennial Fiscal Period of the Territory of Hawaii.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. The next biennial fiscal period shall begin on the first day of July A.D.1901, and end on the 30th day of June A.D. 1903; and biennial fiscal periods shall thereafter begin on the first day of July and end on the last day of June.

SECTION 2. This act shall take effect upon its publication.

Approved this day of A.D.1901.

We hereby certify that the foregoing bill passed its third reading in the Senate of the Territory of Hawaii this 19th day of March A.D.1901

Edgar Campbell
Clerk of the Senate

Nicholas Russel
President of the Senate

We do hereby certify that the foregoing bill was, upon its first reading, rejected by the House of Representatives of the Territory of Hawaii this Twenty-first day of March, A.D. 1901.

Joseph A. Akina.
Speaker House of Representatives

S. Mehula
Clerk House of Representatives.

SENATE BILL No. 6

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To repeal Sections 1617 1618 and 1619 of the Penal Laws, relating to Forest Roads

Introduced March 6 1901,

By Senator C. Brown

ENDORSED BY

3/25 Passed Senate Ayes 15

First Reading in Senate March 6. 1901
Second Reading in Senate March 12. 1901
Referred to Com on Forestry
Third Reading in Senate March 21. 1901
Passed 3d Rdg March 25. 1901
First Reading in House Mar 26
Second Reading in House " 27
Referred to Com. on Agriculture & Min.
Third Reading in House Mar. 6

4/6 Indefinitely Postponed H of R

OF THE

The Legislature of the Territory of Hawaii

SENATE BILL NO. 6

Introduced 6 day of March 1901, by Senator C. Brown

First Reading in Senate March 6, 1901

Second Reading in Senate March 12, 1901

Referred to Com. Agriculture Forestry & Manufacture.

Third Reading in Senate March 21, 1901

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

ACT 6.

An Act to Repeal Sections I6I7, I6I8 and I6I9 of the Penal Laws Relating to Forest Roads.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Chapter 88 of the Session Laws of I892, entitled An Act for the Protection of Forests, and being Sections I6I7, I6I8 and I6I9 of the Penal Laws is hereby repealed.

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

Approved this day of A.D. I90I.

We do hereby certify that the foregoing bill passed its third reading in the Senate of the Territory of Hawaii this Twenty fifth day of March A.D 1901

Edgar Cayplese
Clerk of the Senate

Nicholas Russel
President of the Senate

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 7

An Act

To amend Section 85 of the Penal Laws relating to the concealment of the death of a newly born child

Introduced March 6 1901

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6, 1901

Second Reading in Senate Mch - 12 - 1901

Referred to Judiciary Com

Third Reading in Senate

Passed Apl 10 -
ayes 13 - noes 0

The Legislature of the Territory of Hawaii

SENATE BILL No. 7

Introduced 6 day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate Mch 12. 1901

Referred to Judiciary Com.

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 85 of the Penal Laws Relating to the Concealment of the Death of a Newly Born Child.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 85 of the Penal Laws is hereby amended by striking out the words "two years" at the end of the last line of said section, and substituting therefor the words, one year, so that said section as amended will read as follows:

" If any woman conceals the death of any issue of her body, whether born alive or not, which, if born alive, would have been a bastard, so that it may not be known whether such issue was born alive or not, or whether it was murdered, she shall be punished by fine not exceeding one hundred dollars, and imprisonment at hard labor not more than one year."

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

Approved this day of A. D. 1901.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 8

An Act

To amend Section 3, of the Penal Laws relating to crimes and misdemeanors

Introduced March 6 *1901*

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6 1901

Second Reading in Senate Mch 12-1901

Referred to Judiciary Com

Third Reading in Senate

4/26
Passed Ayes 15

The Legislature of the Territory of Hawaii

SENATE BILL No. 8

Introduced 6 day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate March 12. 1901

Referred to Judiciary Com

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 3 of the Penal Laws Relating to Crimes and Misdemeanors.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 3 of the Penal Laws is hereby amended by striking out the words "two years" in the fourth line of said section, and substituting therefor the words, one year; and by striking out the words "and also larceny" in the fifth line of said section, so that said section as amended will read as follows:

"The terms felony and crime are, within the meaning of the provisions of this code, synonymous, and mean such offenses as are punishable with death, or imprisonment for a longer period than one year, or by the forfeiture of any civil or political right. Any offense not appearing to be a felony or crime is a misdemeanor."

SECTION 2. This Act shall go into effect upon its publication.

Approved this day of A. D. 1901.

Kanawai

He Kanawai e hoololi i ka Pauku 3 o na Kanawai Karaima e pili ana i ka Karaima ame na Mikanuna.

E hoholoia e ka Ahaolelo o ke Teritori o Hawaii.

Pauku 1. O ka Pauku 3 o na Kanawai Karaima, ma keia, ua hoololia, ma ke kapae ana aku i na huaolelo "elua makahiki" ma ka lalani eiwa o ua Pauku la, a e hookomo na ia wahi i na huaolelo hookahi makahiki; a ma ke kapae ana aku i na huaolelo "ame ka aina hoi" ma ka lalani ehu o ua Pauku la, i heluhelua ai ua Pauku la i hoololia, penei:

"O na huaolelo pelon ame Karaima ma keia Kanawai, hookahi no ano, a ua pili pono i na hewa ku i ka moku, a i ka hoopaahao i hookahi makahiki, ame ka hoonele i ke kumuka i kekahi mau pono i hauoia e na

Kanawai. O na hewa e åe, aole i kupono i ka feloni ame ke karaima, ua kapaia ia hewa, he mikamina, he hana pono ole."

Pauku 2. E mana keia Kanawai ma kona hoolahaia ana,

Aponoa i keia la o A.D. 1901.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 9

An Act

To Amend Section 132 of the Penal Laws, Relating to the punishment of misdemeanors.

Introduced March 6 *1901*

By Senator C. Brown

ENDORSED BY

First Reading in House .....
Second Reading in House .....
Referred to .....
Third Reading in House .....

First Reading in Senate March 6, 1901
Second Reading in Senate March 15, 1901
Referred to .....
Third Reading in Senate .....

The Legislature of the Territory of Hawaii

SENATE BILL No. 9

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate March 15 1901

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 132 of the Penal Laws, Relating to the Punishment of Larceny.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. Section 132 of the Penal Laws is hereby amended by striking out the words "two years" at the end of the sixth line, and by substituting therefor the words, one year, so that said section as amended will read as follows:

"Larceny is of two degrees, first and second. Larceny of property of the value of more than one hundred dollars is in the first degree, and shall be punished by imprisonment at hard labor not more than ten years.

"All other larceny is in the second degree, and shall be punished by imprisonment at hard labor not more than one year, or by fine not exceeding one thousand dollars."

SECTION 2. This Act shall go into effect upon its publication.

Approved this day of A. D. 1901.

S. Brown
6
4

He Kanawai

E Hoololi ai i ka Pauku 132 o na Kanawai Kaiaima, e pili ana i ka Hoopai no ka Aihue.

E Hoohololia e ka Aha Aolelo o ke Teritore o Hawaii:

Pauku 1. Ua hoololiia ma keia ka Pauku 132 o na Kanawai Kaiaima ma ke kapae ana i ka huaolelo "~~hookahi~~ elua" ma ka hopena o ka lalani ehiku, a ma o ka paku ana no ia i ka huaolelo hookahi, i hiki ai hoi i na pauku la e like me ia i hoololiia ke helukelua penei iho:

"He elua degere o ka aihue, o ka ekahi a me ka elua. O ka aihue i ka waiwai i oi ae mamua o hookahi haneri dala ka waiwai he aihue ia ma ka degere ekahi, a e hoopaiia ma ka hoopaahaoia ana ma ka hana pololei, aole e oi aku mamua o umi makahiki.

"O na ainue e ae a pau aia ma ka degere elua, a e hoopaiia ma ka hoopahaaia ana ma ka hana oolea, aole e oi aku mamua o hookahi makahiki, a i ole ia, ma ka uku hoopai aole e oi aku mamua o hookahi tausani dala."

Pauku 27. E mana aku no keia Kanawai ma o kona hoolahaia ana.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 10

An Act

To Amend Section 68 of the Penal Laws, relating to the punishment of the offense of deforming the feet of girls under ~~the age of Eighteen years~~.

Introduced February 6 1901

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate March 15. 1901

~~Referred~~ to the Ayes and Noes

Third Reading in Senate

Passed 3-18 Ayes 14.

The Legislature of the Territory of Hawaii

SENATE BILL No. 10

Introduced 6 day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate March 15 1901

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 68 of the Penal Laws, Relating to the Punishment of the Offense of Deforming the Feet of Girls under the Age of Eighteen Years.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 68 of the Penal Laws is hereby amended by striking out the words "two years" at the end of the last line of said section, and substituting therefor the words, one year, so that said section as amended will read as follows:

"Every person who without authority or justification by law shall injure, distort or deform the feet of any female child under the age of eighteen years, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labor not exceeding one year."

SECTION 2. This Act shall go into effect upon its publication.

Approved this day of A. D. 1901.

Bill 6
C - Brown
march 6

HE KANAWAI

E Hooloili ai i ka Pauku 68 o na Kanawai Karaima, e pili ana i ka Hoopai no ka Hewa o ka Hookina ana i na Wawae o na Kaikamahine malalo o Umikumamawalu Makahiki.

E Hooholoia e ka Ahaolelo o ke Teritore o Hawaii:

Pauku 1. Eia ke hoololiia nei ma keia ka Pauku 68 o na Kanawai Karaima ma ke kapae ana i na huaolelo "elua makahiki" ma ka panina o ka lalani hope loa o ua pauku la, a e pakui ana hoi ma ia wahi i na huaolelo, hookahi makahiki, i heluheluia ai hoi ua pauku la e like me ia e hoololiia ai penei:

"O kela a me keia mea me ka mana ole, a i ole ia, me ke kumu kupono ole ma ke kanawai nana i hana ino, hoano e a hookina paha i na wawae o kekahi kaikamahine malalo iho o umikumamawalu makahiki e hoopaiia no oia ma kekahi uku hoopai aole e oi aku mamua o elima haneri dala, a i ole ia, ma ka hoopaahaoia ana ma ka hana oolea aole e oi aku mamua o hookahi makahiki."

Pauku 2. E mana aku no keia Kanawai ma kona hoolahaia ana.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 11

An Act

To amend Section 61 of the Penal Laws, relating to the punishment of assault, or assault and battery on an officer.

Introduced March 6 1901

By Senator C Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901.

Second Reading in Senate March 15 - 1901

Referred to

Third Reading in Senate 3-18-1901

Passed Ayes 15

The Legislature of the Territory of Hawaii

SENATE BILL No. 11

Introduced 6 day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate March 15, 1901

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 6I of the Penal Laws Relating to the Punishment of Assault or Assault and Battery on an Officer.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 6I of the Penal Laws is hereby amended by striking out the words " two years" at the end of the last line of said section, and substituting therefor the words, one year, so that said section as amended will read as follows:

"Whoever shall commit an assault or an assault and battery on any public officer, civil or judicial, with intent to resist, prevent, hinder or obstruct him in the discharge or execution of his duty as such, shall be punished by a fine not exceeding one thousand dollars or by imprisonment at hard labor not more than one year."

SECTION 2. This Act shall go into effect upon its publication.

Approved this day of A. D. 1901.

Bill #11
Hookomoia C. Brown
Heluhelu mua Maraki 6

HE KANAWAI

E Hooloili ai i ka Pauku 61 o na Kanawai Karaima, e pili ana i ka Hoopai no ka Hakaka a Pepehi paha i kekahi Luna Oihana.

E Hooholoia e ka Ahaolelo o ke Teritore o Hawaii:

PAUKU 1. Ke hooloiliia nei ma keia ka Pauku 61 o na Kanawai Karaima ma ke kapae ana i na huaolelo "elua makahiki" ma ka panina o ka lalani hope loa o ka pauku i oleloia, a e pakui aku hoi ma ia wahi i na huaolelo, hookahi makahiki, i heluheluia ai hoi ka pauku i oleloia e like me ia i hooloiliia ai penei:

"O ka mea hakaka me ka pepehi aku i kekahi luna Aupuni, ina he lunakanawai a he luna e ae paha o ke Aupuni, me ka manao e kue, pale aku, keakea a alai paha iaia ma ka hana, a i ole ia, ma ka hooko ana i kana hana ma ia ano, e hoopaiia oia ma kekahi uku aole e oi aku mamua o hookahi tausani dala, a i ole ia, ma ka hoopaahaoia ana ma ka hana oolea aole e oi aku mamua o hookahi makahiki."

PAUKU 2. E mana aku no keia Kanawai ma o kona hoolahaia ana.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 12

An Act

To amend Section 200 of the Penal Laws relating to Malicious injury.

Introduced March 6 1901

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate Mch 15 - 1901

Referred to Judiciary Com

Third Reading in Senate

Table 3-18

The Legislature of the Territory of Hawaii

SENATE BILL No. 12

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 200 of the Penal Laws Relating to Malicious Injury.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 200 of the Penal Laws is hereby amended by striking out the word "two" at the end of the fifth line of said section, and the word "years" at the beginning of the sixth line of said section, and substituting therefor the words, ONE YEAR, so that said section as amended will read as follows:

"Whoever negligently or maliciously destroys or injures any real or personal property of another, or injures or desturbs another in any of his rights or privileges of person or property shall be deemed guilty of malicious injury, and shall be punished by imprisonment at hard labor not more than one year, or by fine not exceeding one thousand dollars."

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

Approved this day of A. D. 1901.

Typewritten

SENATE BILL No. 13

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Amend Section 1. of Act 32 of the Laws of 1896 Relating to Grass Wheat.

Introduced March 6th 1901,

By Senator C. Brown.

ENDORSED BY

First Reading in Senate March 6, 1901

Second Reading in Senate March 15, 1901

Referred to

Third Reading in Senate March 18, 1901

First Reading in House March 19, 1901

Second Reading in House April 9, 1901

Referred to Judiciary Com.

Third Reading in House April 19, 1901

Passed 3rd Reading Apr. 22, 1901.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 13

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in Senate March 6th 1901

Second Reading in Senate March 15th 1901

Referred to

Third Reading in Senate

First Reading in House March 19, 1901

Second Reading in House April 9, 1901

Referred to Judiciary Com.

Third Reading in House April 19

AN ACT, ETC

A N A C T

~~AN ACT~~ TO AMEND SECTION 1 OF ACT 32 OF THE LAWS OF 1896, RELATING TO GROSS CHEAT.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 1 of Act 32 of the Laws of 1896 is hereby amended by striking out the words, "two years" at the end of the second line of said section, and substituting therefor the words, one year, so that said section as amended will read as follows:

"Whoever is convicted of a gross cheat shall be punished by imprisonment at hard labor not more than one year, or by fine not exceeding one thousand dollars."

Section 2. This Act shall take effect upon its publication.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22nd 1901.

We hereby certify that the within and foregoing bill passed its Third Reading in the House of Representatives of the Territory of Hawaii this 22nd day of April 1901.

Joseph A. Akina

Speaker.

S. Mehesula

Clerk House of Representatives.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 14.

An Act

To amend Section 174 of the Penal Laws relating to the offense of receiving stolen goods.

Introduced March 6 1901

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate March 15 - 1901

Referred to

Third Reading in Senate

Passed March 18

ayes 13 noes 1

The Legislature of the Territory of Hawaii

SENATE BILL No. 14

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6, 1901

Second Reading in Senate March 15, 1901

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 174 of the Penal Laws Relating to the Offense of Receiving Stolen Goods.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII.

SECTION 1. Section 174 of the Penal Laws is hereby amended by striking out the words "two years" in the sixth line of said section, and substituting therefor the words, ONE YEAR, so that said section as amended will read as follows:

"Whoever is guilty of receiving stolen goods to the amount of one hundred dollars or more, shall be punished by imprisonment at hard labor not more than five years, and by a fine not exceeding five hundred dollars; and if it be to an amount less than one hundred dollars, he shall be punished by imprisonment at hard labor not more than one year, and by a fine not exceeding one hundred dollars; provided however, if this is the first offense, and the convict shall make satisfaction to the party injured to the full value of the property, he shall not be subject to punishment by imprisonment for such offense."

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

Approved this day of A.D. 1901.

HE KANAWAI

E Hoololi ai i ka Pauku 174 o na Kanawai Karaima, e pili ana i ka Hewa no ka Lawe ana i ka Waiwai Aihue.

E Hooholoia e ka Aha olelo o ke Teritore o Hawaii:

PAUKU 1. Ke hoololiia nei ma keia ka Pauku 174 o na Kanawai Karaima ma ke kapae ana i ka huaolelo "na" ma ka hopena o ka lalani eono a me na huaolelo "makahiki elua" ma ka hoomaka ana o ka lalani ehiku o ka pauku i oleloia, a e pakui ana hoi ma ia mau wahi i na huaolelo "ka makahiki hookahi," i hiki ai hoi ua pauku la e like me ia i hoololiia ke heluheluia penei:

"O ka mea lawe i ka waiwai aihue e like me na dala he hookahi haneri a keu aku paha, e hoopaahaoia no oia ma ka hana oolea, a hala na makahiki aole e oi i ka lima, a me ka uku, aole e oi aku i na dala elima haneri; a ina hoi ua like me na dala malalo o ka haneri hookahi ka waiwai i laweia, e hoopaahaoia no oia me ka hana i ka hana oolea, aole nae e oi aku i ka makahiki hookahi a me ka uku i na dala, aole e oi aku i na dala he hookahi haneri. Aka hoi, ina o ka hewa , mua keia, a ua hoihoiia'e i ka mea nana ka waiwai, ka waiwai a pau loa e like me ka mea i laweia e ka mea nana i lawe pono ole, alaila, aole e hoopaahaoia ka mea lawe no keia hewa."

PAUKU 2. E mana keia Kanawai ma kona hoolahaia ana.

Bill 14
b. Brown
march 6

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 15

An Act

To amend Section 424 of the Penal Laws relating to the illegal manufacture for sale of Spirituous liquors and Substances

Introduced March 6 1901

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate March 15 - 1901

Referred to Com on Judiciary

Third Reading in Senate April 8 1901

Passed 4/8 - Ayes 15

The Legislature of the Territory of Hawaii

SENATE BILL No. 15

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 424 of the Penal Laws Relating to the Illegal Manufacture for Sale of Spirituous Liquors and Substances.

Be it enacted by the Legislature of the Territory of Hawaii:

SECTION I. Section 424 of the Penal Laws is hereby amended by adding the words, in violation of law, after the word "Republic" (Territory), and by striking out the words "and in default of payment of such fine shall be imprisoned at hard labor for a term not exceeding two years", and substituting therefor the words, or imprisonment at hard labor not more than one year, so that said section as amended will read as follows:

" Whoever shall manufacture for sale any intoxicating drink or substance in this Territory in violation of law, shall be liable to a fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding one year."

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

Approved this day of A. D. 1901.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 16

An Act

To amend Section 425 of the Penal Laws, relating to the distillation of spirituous liquors

Introduced March 6 1901

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate Mch 13. 1901

Referred to Retrenchments

Third Reading in Senate Apl 8. 1901

Passed 4/8
Ayes 12
Noes 3

The Legislature of the Territory of Hawaii

SENATE BILL No. 16

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate Mch 13. 1901

Referred to Intoxicants and .....

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 425 of the Penal Laws Relating to Distillation of Spirituous Liquors.

Be it enacted by the Legislature of the Territory of Hawaii.

SECTION I. Section 425 of the Penal Laws is hereby amended to read as follows:

"Whoever shall distill any spirituous liquor in this Territory (except under a license issued pursuant to an Act approved on the 13th day of July A. D. 1874, entitled ' An Act authorizing the Minister of the Interior to grant to owners of mills for the manufacture of sugar, licenses to distill spirituous liquors,' and further amended by Section 72 of An Act to Provide a Government for the Territory of Hawaii, passed by the 56th Congress of the United States,) shall be liable to a fine of not less than fifty dollars, nor more than one thousand dollars, or by imprisonment at hard labor for any term not exceeding one year. The possession of such distilled liquor shall be prima facie evidence of the distillation thereof, and it shall be incumbent on the party or parties having possession thereof, to prove their innocence of distilling the same."

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

Approved this day of A. D. 1901.

Bila 15
C. Brown
March 6

HE KANAWAI

E Hooloili ai i ka Pauku 424 o na Kanawai Karaima, e pili ana i ka Hana Hahai Kanawai ia no ke Kuai aku i na Wai Ikaika a Mea e ae e Ona ai.

E Hooholoia e ka Ahaolelo o ke Teritore o Hawaii:

Pauku 1. Ke hoololiia nei ka Pauku 424 o na Kanawai Karaima ma ka pakui ana aku i na huaolelo, me ke kue i ke kanawai, mahope iho o ka huaolelo "Repubalika" (Panalaau), a ma ke kapae ana i na huaolelo "a ina e kaa ole ia uku e hoopaahaoia oia ma ka hana oolea no kekahi manawa aole e oi aku i na makahiki elua," a e pakui ana hoi no ia wahi i na huaolelo, a i ole ia, e hoopaahaoia ma ka hana oolea aole e oi mamua o hookahi makahiki, i hiki ai hoi i ka pauku i oleloia e like la me ia i hoololiia ai ke heluheluia penei:

"O ka mea hana i kekahi wai ikaika a mea e ae e ona ai, i mea kuai aku iloko o keia Panalaau me ke kue i ke kanawai, ua hiki ke hoopaiia oia aole e oi mamua o na dala elima haneri, a i ole ia, e hoopaahaoia ma ka hana oolea aole e oi mamua o hookahi makahiki."

Pauku 2. E mana aku no keia Kanawai ma kona hoolahaia ana.

K A N A W A I .

He Kanawai e Hoololi ana i ka Pauku 425 o na Kanawai Karaima e pili ana i ke Puhi ana o na Wai Ona.

E HOOHOLOIA E KA AHAOLELO O KA TERITORI O HAWAII.

PAUKU 1. O ka Pauku 425 o na Kanawai Karaima ma keia ua hoololiia a e heluheluia penei:

"O ka mea a epuhi ana i kekahi waiona iloko o keia Teritori (koe malalo o kekahi laikini i hoopukaia i kulike me ke Kanawai i aponoia ma ka la 13 o Iulai M. H. 1874, i kapaia "He Kanawai e hoomana ana i ke Kuhina Kalaiaina e haawi i na ona o na wili no ka hana ana i ke ko, na laikini e puhi i na waiona" a i hoololi hou ia e ka Pauku 72 o ke Kanawai e Hoakaka ana i Aupuni no ka Teritori o Hawaii, i hooholoia e ke Kau 56 o ka Ahaolelo o Amerika Huipuia) e hoopaiia ma ka hoopai dala aole e emi malalo o kanalima dala, aole hoi e oi aku mamua o hookahi tausani dala, a i ole ma ka hana oolea no kekahi manawa aole e oi mamua o hookahi makahiki O ka loaa ma ka waihona oia waiona i puhiia he hoike ike maka ia o£ ke puhi ana, a e kaa maluna o ka mea a mau mea ia lakou ka waihona oia mea, ka hooia ana i ko lakou hewa ole ma ke puhi ana ia mea."

PAUKU 2. E lilo keia Kanawai i mea mana ma kona manawa e hoolahaia ai.

Aponoia i keia la o M. H. 1901.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 17

An Act

To amend Section 986 of the Penal Laws relating to the protection of the places of Sepultur

Introduced March 6 1901

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate Mch 13. 1901

Referred to ~~Territory~~ Judiciary Com

Third Reading in Senate

Passed Apl 10
Ayes 14

The Legislature of the Territory of Hawaii

SENATE BILL No. 17

Introduced 6 day of March 1901, by Senator C. Brown

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6, 1901

Second Reading in Senate March 13, 1901

Referred to Judiciary Com.

Third Reading in Senate

AN ACT, ETC.

ACT

An Act to Amend Section 986 of the Penal Laws Relating to the Protection of the Places of Sepulture.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 986 of the Penal Laws is hereby amended by striking out the words "two years" in the seventh line of said section, and substituting therefor the words, ONE YEAR, so that said section as amended will read as follows:

"If any person, not having any legal right to do so, shall willfully dig up, disinter, remove or convey away any human body from any burial place, or shall knowingly aid in such disinterment, removal or conveying away, every such offender and every person accessory thereto, either before or after the fact, shall be punished by imprisonment at hard labor for not more than one year, or by a fine not exceeding one thousand dollars."

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

Approved this day of A. D. 1901.

K A N A W A I .

He Kanawai e Hoololi ana i ka Pauku 986 o na Kanawai Karaima e pili ana i ka Malama ana i na Wahi Ilina Kupapau.

E HOOHOLOIA E KA AHAOLELO O KA TERITORI O HAWAII:

PAUKU 1. O ka Pauku 986 o na Kanawai Karaima ma keia ua hoololiia ma ke kapae ana i na huaolelo "elua makahiki" ma ka lalani ehiku o ua pauku 'la, a e hookomo iho malaila i na huaolelo, hookahi makahiki, alaila o ua pauku 'la e like meia i hoololiia e heluheluia penei:

"Ina o kekahi kanaka, i loaa ole ia ia ka mana ma ke Kanawai e hana pela, ke eli oia me kona manao iho, huai, hoonee a lawe ma kahi e i kekahi kino kanaka mai kekahi wahi kanu kupapau, a me ka hoomaopopo no, kokua ma ia huai ana, hoonee ana ame lawe ana ma kekahi wahi, o kela ame keia mea hana hewa, a o na kanaka e kokua ana ma ia mea, mamua a mahope paha o ka hana ana, e hoopaiia ma ka hoopaahao ma ka hana oolea aole e oi aku mamua o hookahi makahiki, a i ole, ma ka hoopai dala aole e oi aku mamua o hookahi tausani dala."

PAUKU 2. E lilo keia Kanawai i mea mana ma kona manawa e hoolahaia ai.

Apanaia i keia la o M. H. 1901.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 18

An Act

To amend Section 584 of the Penal Laws, relating to the jurisdiction of District Magistrates.

Introduced March 6 *1901*

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate March 13. 1901

Referred to Judiciary Com

Third Reading in Senate

3d Reg 4-24

The Legislature of the Territory of Hawaii

SENATE BILL No. 18

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate Mch 13 - 1901

Referred to Judiciary Com.

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 584 of the Penal Laws Relating to the Jurisdiction of District Magistrates.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 584 of the Penal Laws, relative to the jurisdiction of district magistrates, is hereby amended to read as follows:

District magistrates shall have jurisdiction for the prosecution, trial and sentence to punishment of any person charged with an offense punishable by imprisonment at hard labor, with or without fine, for a term not exceeding one year without loss of civil or political rights. If any person charged with a crime or offense punishable by imprisonment at hard labor, with or without fine, not exceeding two years, shall elect to plead guilty to said crime or offense before the district magistrate having jurisdiction to comit him to await indictment therefor, and if the Attorney General, his Deputy, the High Sheriff, the Deputy High Sheriff, or a sheriff or a deputy sheriff having charge of said prosecution before said district magistrate shall accept said plea of guilty, said district magistrate shall have power in the exercise of his discretion to sentence such person so pleading guilty as aforesaid to imprisonment at hard labor, with or without fine as the law may provide, for a term not exceeding one year without loss of civil or political rights.

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

Approved this day of A. D. 1901.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 19

An Act

To repeal Section 463 of the Penal Laws relating to importation of Spirituous liquors

Introduced March 6 *1901*

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate Mch. 12, 1901

Referred to Com on Intoxicants

Third Reading in Senate

4.5 Rept (53) of Com Recmndg Bill not pass adopted -

The Legislature of the Territory of Hawaii

SENATE BILL No. 194

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate March 12. 1901

Referred to Com on Intoxicants

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Repeal Section 463 of the Penal Laws Relating to Importation of Spirituous Liquors.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 463 of the Penal Laws relative to the importation of spirituous liquors is hereby repealed.

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

Approved This day of A. D. 1901.

H E K A N A W A I

He Kanawai e Hoopau ai i ka Pauku 463 o na Kanawai Karaima e pili ana i ka hoopae ia ana mai o na Waiona.

E HOOHOLOIA E KA AHAOLELO O KE TERITORI O HAWAII.

PAUKU I. O ka PAUKU 463 o na Kanawai Karaima, e pili ana i ka hoopae ia ana mai o na Waiona, ma keia, ua hoopau ia.

PAUKU 2. E mana keia Kanawai ma kona hoolahaia ana.

Aponoia i keia la o A.D. I90I.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 20

An Act

To amend Section 255 of the Penal Laws, relating to Bribery.

Introduced March 6 1901

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate March 16. 1901

Referred to Judiciary Com.

Third Reading in Senate

The Legislature of the Territory of Hawaii

SENATE BILL No. 20

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 255 of the Penal Laws Relating to Bribery.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 255 of the Penal Laws is hereby amended by striking out the words "two years" in the eighth line of said section, and by substituting therefor the words, ONE YEAR, so that said section as amended will read as follows:

"Whoever corruptly gives or promises to any executive, legislative or judicial officer, or to any master in chancery, juror, appraiser, referee, arbitrator or umpire, any gift, gratuity, service or benefit, with intent to influence his vote, judgment, opinion, decision or other acts as such in any case, question, proceeding or matter pending, or that may by law come or be brought before him in his capacity as aforesaid, shall be punished by imprisonment at hard labor not more than one year, or by fine not exceeding five hundred dollars."

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

Approved this day of A. D. 1901.

H E K A N A W A I

He Kanawai e Hooloili ana i ka Pauku 255 o na Kanawai Karaima E pili ana i ke Kipe.

E HOOHOLOIA E KA AHAOIELO O KE TERITORI O HAWAII:

PAUKU I.O ka Pauku 255 o na Kanawai Karaima,ma keia,ua hoololiia ma ke kapae ana i na huaolelo "~~elua~~ na makahiki" ma ka laina umi o ua Pauku la,a ma ka hookomo ana iho ma ~~kona~~ la wahi i na huaolelo "ka makahiki hookahi",i heluheluia ai ua Pauku la i hoololiia ai penei:

"O ka mea e haawi ino,a e olelo paha e haawi ino i kekahi Iuna hooko Kanawai,a Iuna kau Kanawai,a Iuna hookolokolo paha,a i kekahi Iuna hooko kaulike,a i kekahi mea jure,helu waiwai,Iuna paewaewa ole ku i ka wa,i kekahi makana,a haawina,a i kekahi mea e pono ai,me ka manao e hookapae ae i kona manao hooko,ame ka manao hooholo paha,a i kekahi Iuna e ae paha ma kekahi hookolokolo ana,a i ka mea hookolokolo e laweia mai paha imua ona ma kana oihana,alai la,e hoopaiia oia ma ka hoopaahaoia ame ka hana oolea,aole nae e oi aku i ka makahiki hookahi;a i ole ia, e hoopaiia no ma ka uku ,aole nae e oi aku mamua o na dala elima haneri."

PAUKU 2. E mana keia Kanawai ma kona hoolahaia ana aku.

Aponoia i keia la o A.D.I90I.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 21

An Act

To amend Section 246 of the Penal Laws, relating to criminal conduct of an officer in regard to prisoners in his custody or committed charge

Introduced March 6 *1901*

By Senator C. B[illegible]

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate Mch 12- 1901

Referred to Judiciary Com

Third Reading in Senate

Passed apl 10
ayes 14,

The Legislature of the Territory of Hawaii

SENATE BILL No. 21

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6, 1901

Second Reading in Senate March 12, 1901

Referred to Judiciary Com.

Third Reading in Senate

AN ACT, ETC.

ACT

An Act to Amend Section 246 of the Penal Laws Relating to Criminal Conduct of an Officer in Regard to Prisoners in his Custody or Committed thereto.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 246 of the Penal Laws is hereby amended by striking out the word "two" at the end of the fifth line of said section, and the word "years" at the beginning of the sixth line of said section, and by substituting therefor the words, ONE YEAR, so that said section as amended will read as follows:

"Any jailor or other officer who, through negligence, suffers any prisoner in his custody, upon conviction of or charged with any offense, to escape; or who willfully refuses to receive into his custody any prisoner lawfully committed thereto, shall be punished by imprisonment at hard labor not exceeding one year, or by fine not exceeding five hundred dollars."

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

Approved this day of A. D. 1901.

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1901

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: SENATE BILLS

ITEM NUMBER: 22

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 23

An Act

To amend Section 215 of the Penal Laws relating to the illegal marking of live-stock

Introduced March 6 *1901*

By Senator C. Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6 1901

Second Reading in Senate March 12, 1901

Referred to Judiciary

Third Reading in Senate

Passed Apl 10
ayes 14

The Legislature of the Territory of Hawaii

SENATE BILL No. 23

Introduced 6th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate March 12. 1901

Referred to Judiciary Com

Third Reading in Senate .....

AN ACT, ETC.

ACT

An Act to Amend Section 215 of the Penal Laws Relating to the Illegal Marking of Live Stock.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 215 of the Penal Laws is hereby amended by striking out the words, "and in addition to such fine, he shall restore the cattle or the value thereof to the lawful owner. In default of the payment of such fine and the restoration of the cattle or the value thereof, or either, the offender shall be punished by imprisonment at hard labor not more than two years," and by substituting for said words so stricken out, the following words: OR BY IMPRISONMENT AT HARD LABOR NOT MORE THAN ONE YEAR; AND IN ADDITION TO SUCH FINE OR IMPRISONMENT, HE SHALL RESTORE THE CATTLE OR THE VALUE THEREOF TO THE LAWFUL OWNER, so that said section as amended will read as follows:

"Whoever shall willfully and feloniously brand, or otherwise mark, any kine, horse, mule, sheep, goat or other cattle belonging to another, with his mark, or with the mark of another not the owner of the animal so branded or marked, with the intent to convert it to his own use, or to the use of another, shall be punished by a fine not exceeding one hundred dollars for each kine, horse mule, sheep, goat, or other cattle thus branded or marked, or by imprisonment at hard labor not more than one year; and in addition tossuch fine or imprisonment, he shall restore the cattle or the value thereof to the lawful owner."

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

Approved this day of A. D. 1901.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 24

An Act

To repeal Sections 806 of the Civil Code, relating to Poll Tax.

Introduced March 6 1901

By Senator Achi

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6 1901

Second Reading in Senate March 11, 1901

Referred to Com Ways & Means

Third Reading in Senate

Passed 4-26
Ayes 13-Noes 2

The Legislature of the Territory of Hawaii

SENATE BILL No. 24

Introduced 6th day of March 1901, by Senator Achi

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6. 1901

Second Reading in Senate March 11. 1901

Referred to Committee on Ways & Means

Third Reading in Senate .....

AN ACT, ETC.

AN ACT

to ~~Amend~~ Repeal Section 806 of the Civil Code.
relating to Poll Tax

Be it enacted by the Legislature of the Territory of Hawaii.

Section 1. That Section 806 of the Civil Code be and the same is hereby repealed.

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

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 25

An Act

To provide for a commission to take evidence concerning injuries to property caused by the action of the Board of Health in connection with the suppression of bubonic plague in Honolulu and elsewhere in this Territory and by the conflagration in Honolulu January 20th 1900 and to report thereon

Introduced March 6 1901

By Senator Achi

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 6. 1901

Second Reading in Senate March 11, 1901

Referred to Committee on Claims

Third Reading in Senate

4-24 Table

The Legislature of the Territory of Hawaii

SENATE BILL No. 25

Introduced 6th day of March 1901, by Senator Achi

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 6, 1901

Second Reading in Senate March 11, 1901

Referred to Committee on Claims

Third Reading in Senate .....

AN ACT, ETC.

AN ACT.

To provide for a Commission to take evidence concerning injuries to property caused by the action of the Board of Health in connection with the suppression of bubonic plague in Honolulu, and elsewhere in this Territory and by the conflagration in Honolulu on January 20th 1900, and to report thereon.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

Section 1. The Governor shall appoint a commission consisting of three competent and disinterested persons to take evidence concerning injuries to property caused by any action of the Board of Health in connection with the suppression of bubonic plague in Honolulu and elsewhere in this Territory and by the conflagration in Honolulu on January 20th 1900, and to report upon claims for damages growing thereout.

Section 2. The Governor shall designate one of such persons to be chairman of said Commission.

Section 3. As soon as practicable after its appointment the commission, through its chairman, shall give public notice that it is ready to receive claims and to hear evidence concerning the same.

Section 4. The Commission shall thereafter hold public sessions for the hearing and consideration of claims at some convenience place in Honolulu on not less than three days in each week until the consideration of all claims filed shall

have been completed.

Section 5. A majority of the commissioners shall constitute a quorum for the transaction of business.

Section 6. The Commission shall have the same power as that now possessed by the Circuit Courts to compel the attendance of witnesses, to compel the production of books, papers and accounts, to administer oaths, and to punish persons guilty of contempt. It shall also have the power to appoint a clerk, a stenographer , a bailiff and interpreters and to all such other acts and take all other steps necessary to the proper discharge of its duty in receiving, considering and reporting upon all such claims as may properly be brought before it in accordance with the provisions of this Act. And it shall have power to make rules for the conduct of its work, but not inconsistent with any provision of this Act. Each Commissioner and the Clerk of the Commission shall have power to administer oaths and affirmations.

Section 7. The Commission shall have jurisdiction and it shall be its duty to hear, examine into and determine as to the truth of all claims founded upon actual and direct injuries to property which are filed with the commission within six months from the date of the notice specified in Section 3. No claim for any speculative or consequential damage, or for the loss of rent or the use of property, or loss of profits through the interruption of business shall be considered. Nor shall the commission consider any claim not filed within said period of six months. Upon the completion of the work, the

commission shall report its findings to the Governor. Such report shall state in detail in each case the name of the claimant, amount of claim, nature of property alleged to have been damaged, the facts found by the Commission, its award, and also such comment as it may see fit to make.

Section 8. Claims shall be filed with the Clerk in duplicate by the person who was the owner of the property at the time it is alleged it was injured or by the person to whom the claim has been duly assigned in writing. The statement of claim must be verified by the oath of the claimant or by some one on his behalf that the claim is true of the affiant's own knowledge except as to matters stated upon information and belief and as to those that he believes them to be true. Each claim shall contain an itemized statement in the English or Hawaiian language of the loss sustained; the situation of the property at the time of the loss; and if the claim is for injury to a building, shall state the name of the owner of the land upon which it stood and when and upon what consideration the claimant or his assignor became interested therein; the amount of insurance, if any, on such property and the name of the insurer. In case the owner of the property has deceased or is a minor, the claim shall be presented by his legal representative.

Section 9. The Territory may appear before the Commission by attorney and present evidence and otherwise defend against such claims. The Clerk shall deliver one copy of each claim filed to the Attorney General and no other service upon the Territory shall be required. It shall not be necessary for

the territory to answer or otherwise join issue on any claim.

Section 10. Claims shall be heard in the order in which they are filed unless the Commission shall for special reasons otherwise direct. But no claim shall be heard within three days after the same is filed.

Section 11. Sworn copies of the minutes, resolutions and records of the Board of Health; sworn reports of agents to the Board of Health as to the sanitary and other conditions of premises condemned by the Board of Health; and sworn statements of Board of Health Appraisers are to be taken as prima facie proof of all acts, matters conditions and values therein stated, provided that such minutes, resolutions, records, reports and statements were made prior to the passage of this Act.

Section 12. There shall be paid by the claimant upon the filing of each claim a deposit to cover the cost of hearing and reporting upon the claim, as follows:

Where the amount claimed does not exceed five hundred dollars, three dollars,

Where the amount claimed is more than five hundred dollars and does not exceed one thousand dollars, five dollars

Where the amount claimed is more than one thousand dollars and does not exceed two thousand dollars, ten dollars.

Where the amount claimed is more than two thousand dollars, fifteen dollars.

All moneys so deposited shall be accounted for and paid by the Chairman into the Treasury of the Territory.

Section 13. Every witness shall be entitled to receive from the claimant in whose behalf he has been summoned, at the time of the service of the subpoena, the sum of One Dollar, and, if he does not resiue in the District of Honolulu, five cents per mile for travelling expenses in goining to and returning from the office of the Commission.

Every witness summoned to testify on behalf of the Territory shall be entitled to compensation at the same rates, to be paid out of the appropriation for the pay of government witnesses provided in section 15, after he shall have testified or have been excused from attendance.

Section 14. All vouchers for incidental expenses of the Commission and for the pay of the interpreters and witnesses shall be certified to by the Chairman of the Commission.

Section 15. The following sums amounting to $30,400.00 are hereby appropriated to be paid out of all moneys in the Treasury received from the current receipts of the general revenues of the Territory to defray the expenses of the Commission.

Pay of Three Commissioners, at $250. per month each	9000.00
Pay of Counsel for the Territory, at $250. per month	3000.00
Pay of Stenographer, at $125. per month	1500.00
Pay of Clerk, at $100. per month	1200.00
Pay of Interpreters	5000.00
Pay of Bailiff, at $60. per month	720.00

Pay of Government witnesses,	6000.00
Incidental expenses,	4000.00
	$30,420.00

Section 16. This Act shall take effect from the date of its publication.

To be typed written

SENATE BILL No. 26

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To provide for the exemption of certain personal property from attachment, execution distress, and forced sale of every nature and description, and to repeal An Act entitled "An Act to facilitate the recovery of rents" Passed on the 10th day of January 1865, and all other laws and parts of laws in conflict with this act

Introduced March 7 1901,

By Senator Kalauokalani

ENDORSED BY

First Reading in Senate March 7, 1901

Second Reading in Senate March 11, 1901

Referred to Judiciary Comm.

Third Reading in Senate March 26, 1901

Passed March 26, 1901

First Reading in House March 27

Second Reading in House " 29

Referred to

Third Reading in House April 15, 1901

Passed 3rd Reading apr. 15, 1901.

Passed 3/26.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 26

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....Mar. 27.....

Second Reading in House.....Mar. 28.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT

To Provide for the Exemption of Certain Personal Property from Attachment, Execution, Distress and Forced Sale of every nature and description; and Repealing An Act entitled "An Act to Facilitate the Recovery of rents" Passed on the Tenth day of January, 1865, And all other Laws and parts of Laws in conflict with this Act.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

Section 1. That the following described personal property shall be exempt from attachment, execution, distress and forced sale of every nature and description:

Section 2. All necessary household, table and kitchen furniture, including one sewing machine, crockery, tin and plated ware, calabashes and mats, family portraits and photographs and their necessary frames, all wearing apparel, bedding, household linen, and provisions provided for household use sufficient for three months.

Section 3. All farming implements and utensils not exceeding in value the sum of Five hundred dollars; also two oxen, two horses or mules, and their harness; food for such oxen, horses or mules for one month; one cart, brake or wagon; and one horse, one set of single harness and one vehicle belonging to any person who is maimed or crippled.

Section 4. The tools or implements of a mechanic or artisan necessary to enable him to carry on his trade; the instruments and chest of a surgeon, physician, surveyor and dentist, necessary to the exercise of their profession, together with their necessary office furniture and fixtures; the necessary office furniture, fixtures, blanks, stationery and office equipment of attorneys, judges, ministers of the gospel, and rabbis; the typewriter one desk and half a doxen chairs of a stenographer or typewriter; the musical instruments of every teacher of music used by them in giving instruction; one bicycle when the same is used by its owner for the purpose of

carrying on his regular business or when the same is used for the purpose of transporting the owner to and from his place of business; the fishing nets,dips and seines,and the boats,with their tackle and equipment,of every fisherman/.

Section 5. Two horses or two mules and their harness,one cart or wagon or stage,one dray or truck,one coupe or hack or carriage for one or two horses,by the use of which a cartman,draymen,truckster huckster,peddler,hackman,teamster,or other laborer actually earns his living; and one horse and harness and one vehicle used by a physician, surgeon,or minister of the gospel,in the practice or exercise of his business or profession.

Section 6. The nautical instruments and wearing apparel of every master,officer and seaman of any steamship or other vessel.

Section 7. All books,maps,pamphlets,magazines and manuscripts of every kind,nature and description,together with the book-cases, shelving,cabinets or other devices for holding the same; Provided however that this scetion shall not apply to such of the articles herein specified as are kept for sale by any dealer therein.

Section 8. The wages of every laborer or person working for wages, such person being the head of a family,to the amount of Two hundred Dollars,and every other person to the amount of Fifty dollars.

Section 9. The proceeds of insurance on,and the proceeds of the sale of,and of the property in this act mentioned,for the period of three months from the date such proceeds are received.

Section 10. No property mentioned in this Act shall be exempt from attachment for,nor from execution issued upon a judgment recovered for the purchase price thereof,or upon a judgment of foreclosure of a mortgage thereon,nor for taxes or fines or any debt due the Territory of Hawaii.

Section 11. Where an officer shall be about to levy an attachment,execution,or other process on personal property,some of which shall be claimed as exempt,he shall demand of the defendant in writing that he make selection of such property as is exempt to

him and in reference to which he has the right of selection;and the defendant shall then and there make his selection,or,failing so to do ,the officers shall make it for him,and any selection so made shall be conclusive on the defendant.

Section 12. If any officer shall levy or be about to levy an attachment,execution or other process on any property claimed as exempt under this act,and a doubt shall arise as to the liability of the property to be seized or sold,he may demand of the plaintiff a bond with sufficient sureties,payable to such officer, in a sufficient penalty,conditional to imdemnify and save harmless the officer against all damages,costs and expenses which he may sustain in consequence of the seizure or sale of the property,and if such bond be not given after twenty four hours notice,in writing,from the officer to the plaintiff,his agent or attorney,that it is required,the officer may refuse to levy,or,having levied,may dismiss the levy; but, if the required bond be given,the officer shall seize and sell or dispose of the property according to the command of the process in his hands.

Section 13. If any officer or other person shall seize or sell any property exempt from execution under this act he shall be liable to an action at the suit of the owner for all damages and costs sustained thereby,including an attorney's fee to be fixed by the court before whom the action is tried,and the fact that such officer or person has demanded and received the imdemnifying bond mentioned in the preceding section shall not exempt him from the liability in this section specified.

Section 14. Any defendant whose exempt property is seized may, if he desires,replevy the same from the officer or other person seizing it,by giving bond in such sum and with such sureties as may be approved by the officer or such other person,or by the judge of the court out of which the process issued,payable to the plaintiff in the attachment,execution or other process,and conditioned to have the property forthcoming to abide the event of the issue to be made up upon the return of the process; and in such case the officer shall deliver

officer shall deliver the property to the defendant,and return the bond,with the attachment,execution or other process,to the court whence it issued; and thereupon an issue shall be made under the direction of the court or judge and tried as an action at law. In such issue the plaintiff in attachment,exectuion or other process, shall be the plaintiff,and the defendant therein shall be the defendant in such issue. If the issue be found for the plaintiff he shall have judgment against the defendant and his sureties on the forthcoming bond for the value of the property and the cost of the suit,but,if the issue be found for the defendant he shall recover his damages and costs sustained thereby,including an attorney's fee to be fixed by the court before whom the issue is tried. Every fact found on the issue so made between the plaintiff and defendant shall be conslusive evidence thereof for either party in any action brought by the defendant against the officer or other person who may have seized his exempt property; but,the mere fact that such defendant has recovered judgment for his damages and costs against the plaintiff in the issue hereinbefore referred to shall not bar his right of recovery against such officer or other other person unless such judgment shall have been paid.

Section 15. An Act entitled "An Act to facilitate the recovery of rents",approved on the tenth day of January I865,and all and every other law and laws,and parts of laws,in conflict with this act are hereby repealed.

Section 16. This Act shall take effect and be in force from and after its passage.

Approved this day of A.D.I90I.

We do hereby certify that the foregoing bill passed its Third reading in the Senate of the Territory of Hawaii this twenty sixth day of march A.D. 1901

Edgar Caspless
Clerk of the Senate

Nicholas Russel
President of the Senate

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1901.

We hereby certify that the within and foregoing bill passed its Third Reading in the House of Representatives of the Territory of Hawaii this 15th day of April, 1901.

Joseph A. Akina
Speaker.

S. Mehula
Clerk House of Representatives.

SENATE BILL No. 27

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To amend Sections 764 and 765 of the Penal Laws, relating to merchandise licenses

Introduced Mch 7 *1901,*

By Senator Carter

ENDORSED BY

First Reading in Senate Mch 7. 1901

Second Reading in Senate Apl. 16. 1901

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Passed 4-25

The Legislature of the Territory of Hawaii

SENATE BILL NO. .....

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate .....

Referred to.....

Third Reading in Senate .....

First Reading in House.....

Second Reading in House .....

Referred to.....

Third Reading in House.....

AN ACT, ETC

ACT

An Act to Amend Sections 764 and 765 of the Penal Laws relating to Merchandise Licenses.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Sections 75 and 76 of Act 64 of the Session Laws of 1896, being Sections 764 and 765 of the Penal Laws, are hereby amended to read as follows:

SECTION 75. The annual fee for a license to sell goods, in the Territory of Hawaii wares and merchandise, to be known as a "Merchandise License" shall be as follows: If the annual gross sales for the previous twelve months, including tobacco, cigars and cigarettes, were, or are estimated to be for the succeeding twelve months, less than Fifteen Thousand Dollars, the fee shall be Fifty Dollars. If Fifteen Thousand Dollars or over, the fee shall be one fourth (¼) of one per cent of the annual gross sales.

SECTION 76. Any person desirous of obtaining a license to sell goods, wares or merchandise, shall apply in writing to the Treasurer of the Territory, setting forth under oath the following facts, viz.: 1. His name and nationality, if the application is in the name of a corporation or firm, or store name; such name as well as that of the applicant in person shall appear in the heading, and only an officer of a corporation and a member

or other person authorized or empowered by letter to sign a firm name, shall be allowed to sign or swear to an application. 2. The location where the licensed business is to be carried on. 3. The nature of the business and the kind of articles which he intends to sell. 4. Whether he has previously held a merchandise license, and if so, the number and date of the last such license held by him, the location of his place of business, and the amount of the gross sales made by or for him during the preceding twelve months. If he has not previously held a merchandise license, he shall state the amount of sales which he expects to make during the succeeding twelve months.

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

Approved this day of A. D.1901.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this day of A.D. 1901.

Clerk of the Senate. President of the Senate.

SENATE BILL No. 28

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Prohibit the Unlawful Wearing of the Badge of the Grand Army of the Republic.

Introduced Mar. 9 *1901,*

By Senator Crabbe

ENDORSED BY

First Reading in Senate Mar 9, 1901

Second Reading in Senate " 20. "

Referred to Military Com.

Third Reading in Senate Mar. 21

First Reading in House Mar. 21

Second Reading in House " 26

Referred to

Third Reading in House Mar. 27

The Legislature of the Territory of Hawaii

SENATE BILL NO. 28

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

An Act

To Prohibit The Unlawful Wearing of the Badge of the Grand Army of the Republic.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. Any person who shall unlawfully wear the badge adopted by the National Encampment of the Grand Army of the Republic as a mark of membership, or who shall wear the same to obtain aid or assistance thereby, unless he shall be entitled to wear the same under the Rules and Regulations of the said order, shall be guilty of a misdemeanor, and on conviction, shall be punished by imprisonment in jail for a term not to exceed twenty days, or by a fine not to exceed twenty dollars, or by both.

Section 2. All fines collected upon any complaint made under this act, may be paid the one-half to the person giving information of the offense, and the person receiving the one-half of such fine, as informer, shall be deemed to be a competent witness upon the trial of such offender.

Section 3. This Act shall take effect from and after its approval.

Approved this day of A.D. 1901.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28 *1901.*

We hereby certify that the within and foregoing bill passed its Third Reading in the House of Representatives of the Territory of Hawaii this 28th *day of* March *1901.*

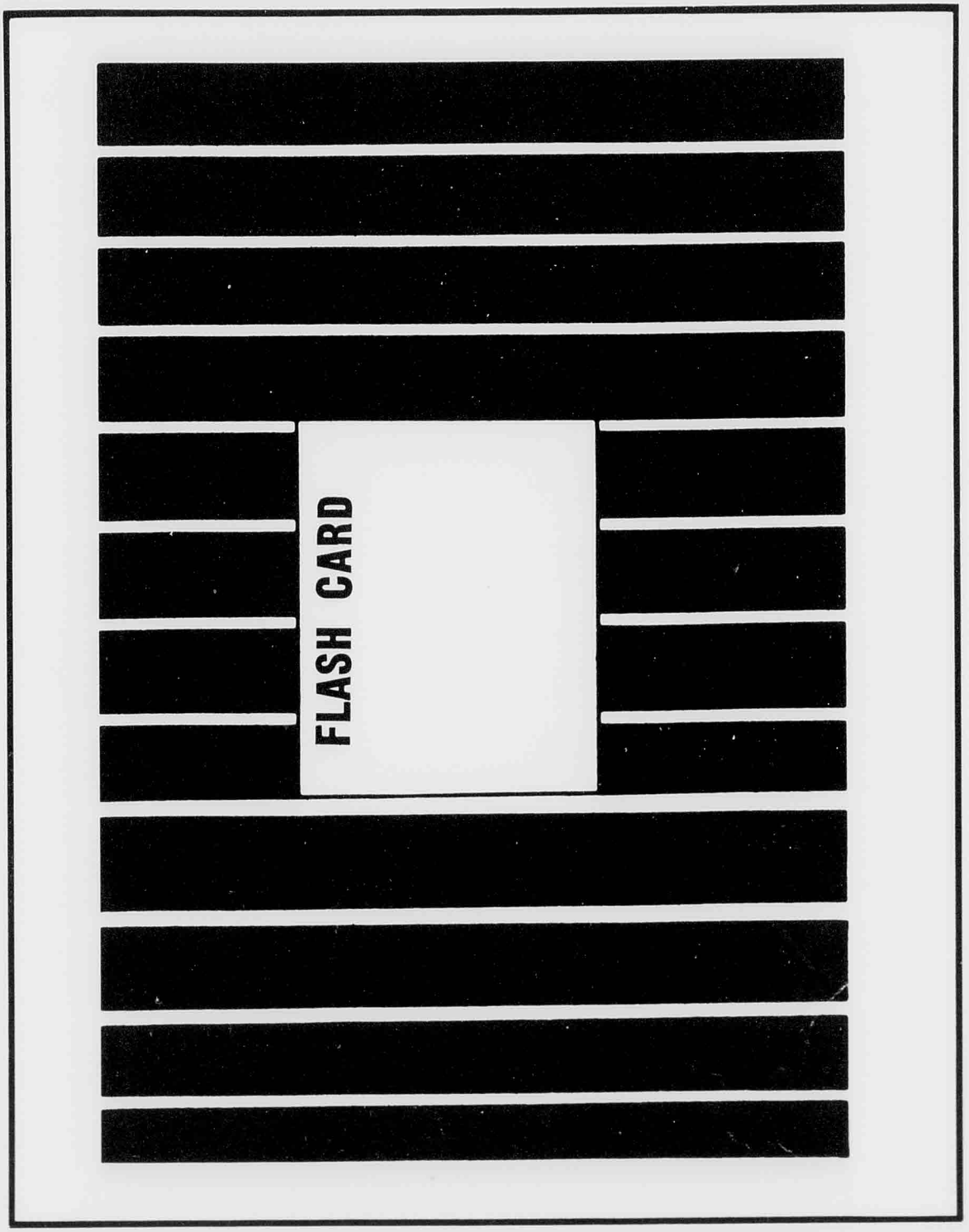
F. W. Beckley
Vice-Speaker.

Solomon Meheula
Clerk House of Representatives

We do hereby certify that the foregoing bill passed its third reading in the Senate of the Territory of Hawaii, on the 21st day of March, A.D. 1901; and that, on this First day of April A.D. 1901, the Senate duly concurred in the amendments of the House of Representatives thereto.

Edgar Campbell
Clerk of the Senate.

J. E. Kaiue
President of the Senate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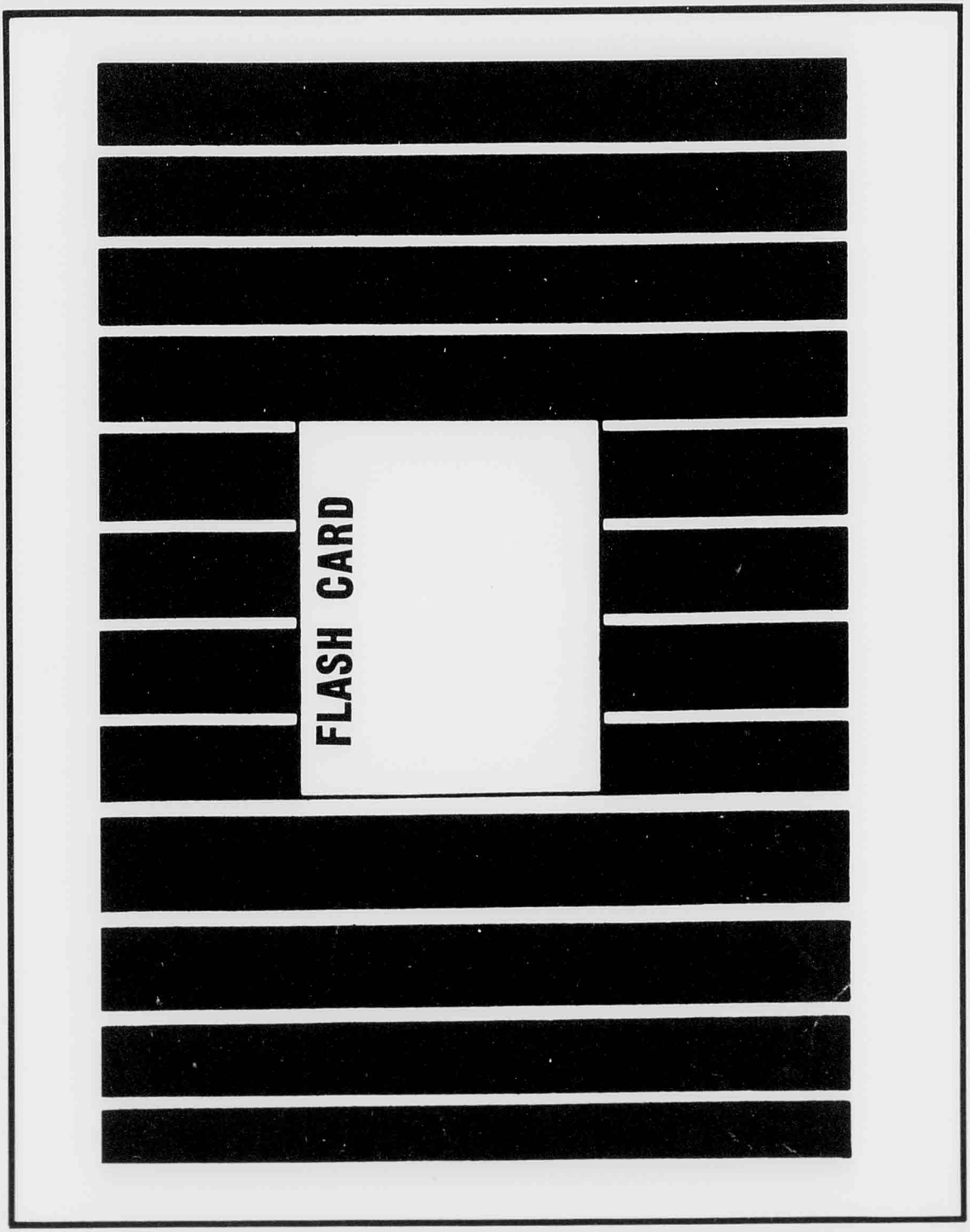
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SENATE BILL No. 29

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Relating to Licensed Physicians

Introduced March 11 *1901,*

By Senator Kamuha

ENDORSED BY

First Reading in Senate March 11. 1901

Second Reading in Senate April 3, 1901

Referred to Health + Education

Third Reading in Senate April 6. 1901

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Passed 3rd Reading Apr. 23, 1901

The Legislature of the Territory of Hawaii

SENATE BILL NO.....

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....April 23, Passed

AN ACT, ETC

An Act

Relating To Licensed Physicians.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. That all applications for license, applied for by any physician in this Territory shall contain the following agreement signed by the applicant, namely:

"I hereby agree to render my professional services as physician to the best of my ability, in the locality in which I reside at the time, if requested so to do by the Board of Health, in suppressing any unusual epidemic or in case of any unusual public disaster."

Section 2. The Board of Health is hereby authorized to remunerate physicians they may call upon to assist in suppressing any unusual epidemic, or in case of any unusual public disaster, by paying them an amount not exceeding one hundred dollars a month; provided, however, that this provision does not apply to physicians in the employ of the Board of Health who are drawing regular salaries.

Section 3. All licenses issued to physicians in this Territory shall contain a clause covering the terms of such agreement as set forth in section 1 of this Act.

Section 4. If any licensed physician shall fail or refuse to render professional service in the vicinity where he resides, in case of unusual epidemic or unusual disaster, when requested so to do by the Board of Health or its executive officers in writing, the license of such physician so neglecting and refusing shall be ipso facto void; and if he shall practice or attempt to practice as a physician after such neglecting and refusing to help in suppressing any unusual epidemic shall, upon conviction of so practicing or attempting to practice, before any District Magistrate, ~~shall~~ be fined in a sum not less than fifty dollars for the first offense, and not less than one hundred dollars for other offenses.

Section 5. All laws and parts of laws in conflict with this act are hereby repealed.

Section 6. This Act shall take effect and be in force after its approval and publication.

Approved this day of A.D.1901

We do hereby certify that the foregoing Act duly passed its third reading in the Senate of the Territory of Hawaii this Sixth day of April A.D.1901.

Edgar Caspless
Clerk of the Senate.

S. E. Kaine.
President of the Senate.

HOUSE OF REPRESENTATIVES

Honolulu, T. H., Apr. 23 1901.

We hereby certify that the within and foregoing bill passed its Third Reading in the House of Representatives of the Territory of Hawaii this 23rd day of April 1901.

Joseph A. Akina
Speaker.

S. Meheula
Clerk House of Representatives.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 30

An Act

For a Territorial Boarding School for the Territory of Hawaii which shall be known by the name of Lahainaluna Seminary at the same place, and to appoint a Board of Trustees for the government of Lahainaluna Seminary and to determine the Powers of said Board of Trustees

Introduced March 11 1901

By Senator Kanuha

ENDORSED BY

First Reading in House .....
Second Reading in House .....
Referred to .....
Third Reading in House .....

First Reading in Senate March 11, 1901
Second Reading in Senate March 16, 1901
Referred to Education
Third Reading in Senate .....

Substitute Bill Report
3-22 by Com. Rpt #25.

The Legislature of the Territory of Hawaii

SENATE BILL No. 30

Introduced 11th day of March 1901, by Senator Kaunuha

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate .....

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

(1) (1)

A N A C T

FOR A TERRITORIAL BOARDING SCHOOL FOR THE TERRITORY OF HAWAII WHICH SHALL BE KNOWN BY THE NAME OF LAHAINALUNA SEMINARY AT THE SAME PLACE, AND TO APPOINT A BOARD OF TRUSTEES FOR THE GOVERNMENT OF LAHAINALUNA SEMINARY, AND TO DETERMINE THE POWERS AND DUTIES OF SUCH BOARD OF TRUSTEES.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. That the governing body of Lahainaluna Seminary a school for the instruction of boys in studies more advanced than those pursued in the common public schools and for the training of boys in Manual Employments belonging to the Territory of Hawaii, and heretofore under the control of the Department of Public Instruction of said Territory, shall be and is a Board of Trustees consisting of five members whose term of office shall be Ten Years, and who shall serve without compensation.

SECTION 2. That the selection of said Board of Trustees

shall be by the Legislature of the Territory of Hawaii, and in this wise: The Chairman of both the Senate and the House of Representatives shall each appoint four members of their respective Houses, to wit: One from Kauai, one from Oahu, one from Maui, and one from Hawaii; and the eighth men so appointed shall in joint session assembled, select five men known to them to be willing to perform the duties of Trustees of said Seminary and shall report such selection to their respective Houses, whereupon the Chairman of the Senate shall cause the men so selected to be notified of their appointment as Trustees of said Seminary.

SECTION 3. That should vacancies occur by resignation, or otherwise during the recess of the Legislature, the Governor shall make appointments until the next meeting of the Legislature, which shall then fill such vacancies.

SECTION 4. That the powers and duties of the Board of Trustees shall be:

FIRST. They shall control and determine the use of and profit from all lands, properties, and other belongings of

Lahainaluna Seminary solely for the benefit of said Seminary.

SECOND. They shall determine the expenditure of all incomes of said Seminary, and of all moneys appropriated by the Legislature for said Seminary, solely for the benefit of said Seminary.

THIRD. They shall determine the requirements for admission of attendance in, and graduation from said Seminary; and shall determine the course of study and Manual Training to be pursued therein.

FOURTH. They shall select a Principal for said Seminary, who, by and with the consent of said Board of Trustees, shall select the teachers and other employees of said Seminary; and who shall be ex officio Secretary of said Board of Trustees.

FIFTH. They shall determine their own times and places of meeting, mode of organization and methods of procedure, except that at least one meeting each year shall be held at said Seminary.

SIXTH. They shall be entitled to draw from the general

funds of said Seminary, upon the occasion of meetings of said Board of Trustees in the interest of said Seminary, mileage at the same rate, which require by the Organic Act of the Territory of Hawaii, for the Senators and the Representatives.

SEVENTH. They shall choose a President who shall sign all warrants for money to be drawn from the funds of said Seminary; who shall preserve vouchers for all moneys so drawn; who shall immediately preceding each meeting of the Legislature prepare and transmit to the Governor of the Territory of Hawaii, a report of all money received and all money expended since the meeting of the Legislature last preceding such session, together with such other information concerning said Seminary as he may deem advisable; and who shall prepare an estimate of the money required for maintaining the school until the session of the Legislature next to follow the one at which such estimate will be received.

SECTION 5. That the commence of at least three members of said Board of Trustees shall be necessary to make any Act of said Board valid and of force.

SECTION 6. That this Law shall be in full force immediately upon the appointment of said Board of Trustees.

David Kanuha
Senator of 3, District.

March, 9, 1901

SENATE BILL No. 31

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To provide for a Territorial High School and a Conservatory of music under the Department of Public Instruction in Hilo Island of Hawaii

Introduced March 11 *1901,*
By Senator Kaunuha

ENDORSED BY

First Reading in Senate March 11, 1901
Second Reading in Senate March 16, 1901
Referred to Education
Third Reading in Senate April 11, 1901

First Reading in House
Second Reading in House
Referred to
Third Reading in House

Passed April 11
With amendts,

The Legislature of the Territory of Hawaii

SENATE BILL NO. 31

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT TO PROVIDE FOR A TERRITORIAL HIGH SCHOOL AND A CONSERVATORY OF MUSIC UNDER THE DEPARTMENT OF PUBLIC INSTRUCTION IN HILO, ISLAND OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII.

SECTION 1. It shall be the duty of the Department of Public Instruction to establish as soon as practicable, in Hilo, Hawaii, a Territorial High School. The requirements for entrance and graduation and the course of study in said school shall be substantially the same as are now required in the Honolulu High School.

SECTION 2. It shall be the duty of the Department of Public Instruction to establish and maintain in connection with said High School a special school of Music to be known as the Conservatory of Music. The course of study in said conservatory and the quality of the instruction given shall conform as nearly as practicable to the standard required in similar institutions on the Mainland.

SECTION 3. Students entering said Conservatory may take any one or more of the special vocal or instrumental courses provided therein.

SECTION 4. The advantages of said Conservatory shall not be confined to the pupils of the Hilo High School, but shall be open to all persons who may desire to avail themselves thereof,

and who may be able to conform to the requirements established for entering.

SECTION 5. Said Conservatory shall be under the management and control of a director to be appointed by the Department of Public Instruction. The director shall have under him such assistants as may be found to be necessary; such assistants to be appointed by the Department of Public Instruction. The salaries of the Director and the assistants shall be fixed by said Department.

SECTION 6. The rules and regulations for the conducting of said Conservatory shall be made by the Director, subject to the approval of the Department of Public Instruction.

SECTION 7. Said Conservatory shall be regarded as a part of the Public School System of the Territory and all instruction therein shall be free.

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

Approved this day of A. D. 1901.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this day of A. D. 1091.

Clerk of the Senate President of the Senate.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 32

An Act

To define the Territorial Seal

Introduced March 11 1901

By Senator Crabbe

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 11, 1901

Second Reading in Senate Mch 13, 1901

Referred to Com. Jud. Impls

Third Reading in Senate

3-18 Rept to Spl Comm -

The Legislature of the Territory of Hawaii

SENATE BILL No. 32

Introduced 11th day of March 1901, by Senator Crabbe

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 11, 1901

Second Reading in Senate Mch 13, 1901

Referred to Com. Jud'y Dep't

Third Reading in Senate .....

AN ACT, ETC.

AN ACT TO DEFINE THE TERRITORIAL SEAL.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. That the Great Seal of the Territory of Hawaii shall be circular in shape, three inches in diameter, and of the design hereinbelow attached; being more particularly described, with the tinctures added as a basis for the Coat of Arms, as follows:

ARMS. An heraldic shield which is quarterly; first and fourth, stripes of the national banner; second and third, on field arg. a ball of the first pierced on staff sa.; sur tout, an inescutcheon vert. on which a mullet or. in fesse.

SUPPORTERS. On the dexter side, Kamehameha I., statant, attitude as represented by bronze statue in front of Aliiolani Hale in Honolulu; cloak and helmet or.; figure proper. Sinister, Goddess of Liberty, wearing a Phrygian cap and laurel wreath, and holding in right hand the Territorial banner, partly unfurled.

CREST. A rising sun irradiated or., surmounted by the legend "Territory of Hawaii, 1900" the latter in Roman numerals.

MOTTO. "Ua mau ke ea o ka aina i ka pono" escroll, lettering or.;

FURTHER ACCESSORIES. Below the shield, the bird Phoenix overt; issuant from flames, body sa., wings half or., half murrey; also eight taro leaves, having on either side banana foliage and sprays of maiden-hair fern, ascendant.

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

SENATE BILL No. 33

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To Protect Laborers and Employees from Extortion

Introduced March 12th *1901,*
By Senator Kanuha

ENDORSED BY

First Reading in Senate March 12. 1901
Second Reading in Senate March 13. 1901
Referred to Committee on Judiciary
Third Reading in Senate March 15. 1901

First Reading in House Mar. 18, 1901
Second Reading in House Apr. 6,
Referred to
Third Reading in House

Passed 3/15

The Legislature of the Territory of Hawaii

SENATE BILL NO. 33

Introduced 12th day of March 1901, by Senator Kanuha

First Reading in Senate March 12th 1901

Second Reading in Senate March 13th 1901

Referred to Committee on Judiciary

Third Reading in Senate March 15 1901

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act

To protect laborers and employees from extortion.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

Section 1. That it shall be unlawful for any person, firm, partnership or corporation, within this Territory, to deduct and retain any part or portion of any wages due and payable to any laborer or employee, or to collect any store account, offset or counter claim without the written consent of such laborer or employee or by action in court as provided by law.

Section 2. That no fines, offsets or counter claims shall be collected, deducted, or retained out of any wages due and payable to any laborer or employee by any person, firm, partnership or corporation, in this Territory, unless by action in court and judgment therefor first obtained as provided by law.

Section 3. That any person, partnership, firm or corporation who shall violate any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars and not more than one hundred dollars.

Section 4. This act shall take effect and be in force from and after its passage and publication.

We hereby certify that the foregoing Bill passed its third reading in the Senate of the Territory of Hawaii this fifteenth day of March A.D. 1901.

Edgar Caypless
Clerk of the Senate

Nicholas Russel
President of the Senate

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8th 1901.

We hereby certify that the within and foregoing bill passed its Third Reading in the House of Representatives of the Territory of Hawaii this 8th day of April 1901.

Joseph A. Akina
Speaker.

S. Mehenla
Clerk House of Representatives.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 34

An Act

To Secure Accurate Registry of the Values of Transfers of Property

Introduced March 13th 1901

By Senator C. Brown

ENDORSED BY

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 13, 1901.

Second Reading in Senate " 19 1901

Referred to Pub Lands &c

Third Reading in Senate .....

3-21 Laid on table per Rept #23. Judd

The Legislature of the Territory of Hawaii

SENATE BILL No. 34

Introduced 13 day of March 1901, by Senator C. B. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 13. 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT...

AN ACT

To Secure Accurate Registry of the Values of Transfers of Property.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. To entitle any assignment, bill of sale, conveyance, deed, lease, mortgage, release or other instrument, conveying property, to be recorded, the true and full value of the consideration passing or agreed upon to pass in the transaction shall be fully set forth in the body of the instrument, and at its close an affidavit of the truth thereof, without expectation of any further consideration, shall be signed and sworn to by the party or parties executing the same before an officer authorized to administer oaths.

SECTION 2. No instrument purporting to be for a nominal consideration shall be received for record unless it contains a statement explaining why the full market value of the property does not pass hands in the transaction, and is sworn to in conformity with the foregoing section.

SECTION 3. Any party to an instrument submitted for record who shall wilfully subscribe and swear to an affidavit as required by this Act, which is false as to any material fact shall be guilty of perjury.

SECTION 4. This Act shall take effect upon its publication.

Approved this day of A. D. 1901.

No. 34
Ind. March 13 by Senator C. Brown
First Rdg.

H E K A N A W A I

H E K A N A W A I

E loaa ai ke kope pololei ia ana o na Kumuwaiwai o na Palapala Hoolilo Waiwai.

E HOOHOLOIA E KA AHAOLELO O KE TERITORI O HAWAII:

PAUKU I. I mea e kopeia ai kekahi palapala hoolilo kuleana, palapala kuai waiwai lewa, palapala hoolilo, palapala kuai, hoolimalima, moraki haalele kuleana a palapala e ae paha e hoolilo ana i kekahi waiwai, e hoakaka piha ia maloko o ke kino o ka palapala ke kumuwaiwai io a piha hoi o ke kumukuai i holo, a i aelikeia ai paha, no ka hookoia ana, a ma ka hope o ua palapala la, he afidevita no ka oiaio oia mea, me ka manao ole ana he kumu kuai hou aku kekahi, a e kakauinoaia a hoohikiia e ka mea a e ka poe paha na lakou e hooko ana ia mea imua o ke kahi luna aupuni i hoomanaia no ka haawi ana i na olelo hoohiki.

PAUKU 2. Aole aeia kekahi palapala e kopeia, ina no ke kumukuai olelo wale iho no, ke ole e paa he hoakaka e hoomaopopo ana i ke kumu i hoike ole ia ai ka nee maoli ana o ke kumukuai piha ma ua hana la, a ua hoohikiia hoi elike me na olelo o ka Pauku mua ae nei.

PAUKU 3. O ka mea i pili maloko o ka palapala i waihoia mai no ke kope ana, i kakauinoa a hoohiki hoi, me ka manao ino, i kekahi afidevita i koiia ma keia Kanawai, a he wahahee hoi ia ma ka mea e pili ana i kekahi mea ano nui, ua hewa ia no ka hoohiki wahahee.

PAUKU 4. E mana keia Kanawai ma kona hoolahaia ana.

Aponoia i keia la o A.D. I90I.

SENATE BILL No. 35

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Create a court of claims to hear and determine all claims which may be prosecuted under the provisions of this act for injury to or the loss of property, real, personal, or mixed, caused by the Board of Health or any officer or officers or employee or employees of the Republic of Hawaii whether with or without authority of law either directly or indirectly, intentionally or accidentally in connection with the suppression of the alleged Bubonic Plague in Honolulu or elsewhere in the Territory of Hawaii, and to provide for appointment of officers of said Court, &c

Introduced March 13 1901,

By Senator White

ENDORSED BY

First Reading in Senate .....

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House March 13. 1901

Second Reading in House March 21. 1901

Referred to .....

Third Reading in House .....

H-22

41

The Legislature of the Territory of Hawaii

SENATE BILL NO.

Introduced 13th day of March 1901, by Senator A. Lucas

First Reading in Senate

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House March 13 1901

Second Reading in House

Referred to

Third Reading in House

AN ACT, ETC

A N A C T .

To create a Court of Claims to hear and determine all claims which may be prosecuted under the provisions of this Act for injury to oR the loss of property, real, personal or mixed, caused by the Board of Health or any officer or officers or employe or employes of the Republic of Hawaii, whether with or without authority of law, either directly or indirectly, intentionally or accidentally, in connection with the suppression of the alleged Bubonic Plague in Honolulu and elsewhere in the Territory of Hawaii: and to provide for appointment of the officers of said Court and the payment of the claims so heard and determined, the salaries of the officers of said Court and the expenses thereof.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII.

Section 1. That there is hereby created a Court to consist of three competent persons to be appointed by the Governor by and with the advice and consent of the Senate which court shall be known as the "Court of Claims", Said Court shall have plenary power to hear and determine any, every and all claims for injury to, or the loss of property, real, personal or mixed caused by the Board of Health or any officer or officers or employe or employes of said Board or of the R epublic of Hawaii, whether with or without authority of law, either directly or indirectly, intentionally or accidentally, in connection with the suppression of the alleged Bubonic Plague in Honolulu and elsewhere in the Territory of Hawaii:- provided that one of the persons so appointed shall be a Republican and one of the persons so appointed shall be a Democrat and one of the persons so appointed shall

be a Home Ruler or Independent.

Section 2. If any person appointed to be a member of said Court, under the provisions of this Act, shall fail or refuse to perform the duties of his office or be incapable for any reason of performing the same for the period of fifteen days then and in such event said office shall become and be ipso facto vacant; or if he shall become a non resident of the Territory of Hawaii or die, or resign his office, then, and on the happening of any of the events in this section mentioned it shall be and is hereby declared to be the duty of the Governor within ten days thereafter to proceed to make an appointment to fill such vacancy, and so to do when and so often as the same may happen, as if no appointment had been made in the first instance for such office; provided that appointments may be made to fill such vacancy or vacancies without the advice and consent of the Senate.

Section 3. Within fifteen days after the appointment of the members thereof, or sooner if practicable, the said Court shall give proclamation of its readiness to hear and determine all claims which may by it be heard and determined under the provisions of this Act: such proclamation shall be published in the English and Hawaiian languages in at least four newspapers of general circulation in the Territory of Hawaii at least once a week for three successive weeks: and until the completion of of the publication of such proclamation the said Court shall not proceed to hear or determine any matter, issue or thing which it is authorized to hear and determine under the provisions of this Act, nor shall the members thereof compute their services until the completion of such publication.

Section 4. After the publication of the proclamation as provided in the preceding section, said Court shall hold public sessions, to hear and determine all claims which may be filed with it, at some convenient place in the city of Honolulu on not less than five days in each week and on not less than three hours of each of said days until all claims so filed shall have been heard and determined.

Section 5. Any two members of said Court shall have full power and authority to hear and determine any and all claims filed with it: provided that such power cannot be exercised for a period exceeding twenty days after a vacancy occurs in the membership of said Court, until such vacancy be filled as herein provided.

Section 6. The Court by this Act created shall have all and every power vested in or exercised by Courts of record at common law to compel the attendance of witnesses, the productions of books, papers and accounts, to issue subpoenas ordinary, and duces tecum, original, alias and pluries, and to issue any, all and every other process necessary to enable said Court to exercise the jurisdiction herein conferred upon it, to punish disobedience of its process and to punish persons guilty of contempt; and the mention of these powers shall not be deemed to exclude or prohibit said Court from exercising, under the limitations of this Act, all and every power which is or may be enjoyed or possessed by Courts of record at common law. Said Court shall also have the power to appoint one clerk, one stenographer, one bailiff and such interpreters as may be necessary.

Section 7. Not less than three days after any claim shall be filed with said Court it shall be the duty of said Court to

proceed to hear and determine the same in the order in which they are filed: provided that such hearing may be continued not more than once, nor for a period exceeding five days and then only upon affidavit of the party moving for such continuance, setting forth fully the reasons for such continuance and that the same is not intended for delay but that justice may be done: provided further that not more than one continuance shall be granted in any one case and that no continuance shall be granted because of the absence of the plaintiff or because of the absence (unless for sickness) or previous or other engagement of counsel for either the claimant or defendant. Said Court shall after hearing and determining any claim which may be filed with it under the provisions of this Act have full power to enter judgment thereon for or against the claimant or the defendant as the case may be, and all and every judgment so rendered by said Court shall be final and conclusive upon all parties thereto and no exceptions, appeal, error, certiorari or other process or proceeding shall be available to either party to reverse, modify, correct or annul such judgment.

Section 8. Every claim shall be filed with the clerk of said Court by the person who was the owner of the property for which claim is made, either for injury thereto or the loss thereof, or by the assignee of such person, who is hereby declared to have capacity to sue therefor, where such claim has been assigned in writing. Every claim must be verified by the oath of the claimant that the claim is just, true and correct of the claimant's own knowledge, except as to matters stated on information and belief and that as to such matters he believes the same to be true; to each claim there shall be attached an itemized statement in the English or Hawaiian language of the loss sustained, and

when the claim is filed by any assignee of a party who suffered injury or loss to any property real, personal or mixed, such assignee shall state when and upon what consideration he became interested therein. The Court shall have power to swear and examine any and every clai mant whether he offer himself as a witness or not. In case the owner of the property, real, personal or mixed alleged to have been injured or lost be deceased, or a minor, or an insane person, such claim may be prosecuted by the executor, administrator or guardian of the estate or person of such deceased person, insane person or minor, as the case may be.

Section 9. In every claim filed under the provisions of this Act the person filing such claim shall be styled "Claimant" and the Territory of Hawaii shall be styled "Defendant": and service of such claim may be made upon the Territory of Hawaii by delivering a true copy of the same to either the secretary, treasurer, or attorney general of the Territory of Hawaii. Such service may be made by any police officer in the Territory of Hawaii, who shall certify to the same upon the original claim; or by any disinterested and credible citizen of the United States and of the Territory of Hawaii, over the age of twenty one years, who shall make affidavit thereto and attach the same to said original claim. Every such claim shall be served upon one of the officers hereinbefore named not more than ten days before nor less than one day after the same shall have been filed.

Section 10. Said Court shall reject any, every and all claims for speculative, or consequential damages, or loss of profits through the interruption of business.

Section 11. Any, every and all claims not filed with said

Court within three months after the completion of the publication of the proclamation mentioned in Section three of this Act are hereby declared to be forever barred, and said Court shall not, under any pretext whatever, hear the same.

Section 12. Said Court, in receiving evidence, ruling upon motions and pleadings and in rendering final judgment, shall, in every case, disregard all purely technical questions, pleas, objections and matters of whatever kind, to the end that substantial justice between the parties may be done.

Section 13. The Territory of Hawaii may appear before said Court by its attorney, thereto authorized, and present evidence and do any and every act and thing necessary and proper to be done to enable it to defend against any and every claim: but it shall not be necessary for the Territory of Hawaii to answer or otherwise join issue upon any claim.

Section 14. Certified copies of the minutes, resolutions and other records of the Boards of Health, may be received as evidence of all matters and things therein stated, provided, that the originals of such certified minutes, resolutions and other records were made prior to the happening of the injury or loss for which the claim is filed,

Section 15. Every member of said Court and the clerk thereof, shall have power to administer oaths and affirmations and to take and certify affidavits, in regard to any pleading, matter or thing and which may be brought before or be ~~pleading~~ pending in said Court.

Section 16. Within five days after organization of said

Court under the provisions of this Act the members thereof shall proceed to elect from among their member a "President" thereof, whose duty it shall be to act as the presiding officer of said Court, to sign its minutes, orders and judgments and to certify to any of its records or proceedings: provided, that in the absence of said President either of the remaining members of said Court may, for the time being, do any and every act and thing which the President thereof might do if personally present.

Section 17. No person shall be appointed a member of the Court by this Act created, nor be appointed to fill any vacancy which may at any time happen therein, who is an officer or employe of the Territory of Hawaii, or who shall have been such officer or employe at any time within twenty days prior to the passage of this Act; nor shall any person be appointed a member of said Court who was during the alleged existence of the Bubonic Plague in Honolulu a member of the Board of Health or an employe thereof in any capacity whatever.

Section 18. The Governor may appoint an attorney to act as solicitor for the Territory in all cases before said Court, provided that no person shall while acting as solicitor aforesaid either in person or by deputy, draw or receive any salary or other compensation from the Territory of Hawaii for any service whatever, nor under any pretext whatever, except as in this Act specified.

Section 19. Every claimant shall upon the filing of each claim deposit with the clerk of said Court, costs at and after the rate of twenty cents for every one hundred dollars claimed by him as and for injury, loss and damage to his real, personal or mixed property: provided, that the costs so deposited shall

not in any one case exceed in the aggregate the sum of twenty five dollars; and in no event shall the costs so deposited or any part thereof be refunded to the claimant, except in the case of a voluntary non-suit or discontinuance of the claim. All costs deposited under the provisions of this Act and all moneys realized from fines for contempt of said Court shall by the President thereof be accounted for and paid into the Treasury of the Territory of Hawaii.

Section 20. Every witness shall be entitled to receive from the party in whose behalf he has been summoned, at the time of the service of the subpoena upon him, the sum of one dollar, and, if he does not reside in the District of Honolulu he shall receive one dollar for every day he is detained in attendance upon said Court and in addition thereto five cents per mile for each mile necessarily travelled in going to and returning from said Court.

Section 21. The following sums amounting to the sum of three hundred fourteen thousand and eight hundred dollars are hereby appropriated to be paid out of any and all moneys in the Treasury received from the current receipts of the general revenues of the Territory for the pay of any and all claims heard and determined by said Court under the provisions of this Act, and to defray the expenses of said Court, that is to say:-

Pay of three members of the Court at $300 per month each for six months	$ 5,400.00
Pay of solicitor for the Territory at $300 per month for six months	1,800.00
Pay of stenographer at $125 per month for six months	750.00
Pay of clerk at $150 per month for six months	900.00
Pay of interpreters	2,500.00
Pay of bailiff at $75 per month for six months	450.00

Pay of government witnesses	$ 2,000.00
Incidental expenses of the Court	1,000.00
Pay of claims heard and determined and for which judgments are rendered	300,000.00
Total	$ 314,000.00

And each, every and all sums herein and hereby appropriated are severally hereby declared to be special and preferred funds to take precedence over all and every other appropriation made by this Legislature, whether such appropriations be made prior or subsequent to the passage of this Act, except appropriations for the pay of the salaries of government officers.

Section 22. When the members of said Court shall sit for a period not exceeding fifteen days in any one month the salaries herein provided for them shall be proportionately reduced, provided, that they shall not receive any salary where they sit for less than ten days in any one month.

Section 23. Six months after the publication of the proclamation provided for in Section three of this Act it shall be the duty of the President of said Court to certify the judgments rendered upon all claims heard and determined by it to the Treasurer of the Territory of Hawaii, and the said Treasurer thereupon shall pay said judgments in full to the owners thereof; provided, that if the total amount of all of the judgments aforesaid shall exceed the sum hereby appropriated for the pay of claims heard and determined by the said Court, then and in such event it shall be the duty of the said Treasurer to pay said judgments pro rata out of the fund appropriated as aforesaid; provided that the owner of such judgment shall execute a satisfaction piece in full of the same, whether the amount received by him be in fact

sufficient to satisfy said judgment or not.

Section 24. The Court of Claims hereby created shall endure and exist for the period of six months computing from the completion of the publication of the proclamation provided for in Section three of this Act; but the President of said Court (or either of the other members thereof, if he be absent, as provided in Section 16 of this Act,) shall have the power and it is hereby declared to be his duty to certify the judgments mentioned in the preceding section in the same manner and with the same verity as if the said Court were still in endurance and existence, and such judgments so certified shall be paid by the Treasurer of the Territory of Hawaii in the same manner as the judgments mentioned in the preceding section are required to be paid.

Section 25. Upon the expiration of the period by this Act provided for the endurance and existence of the said Court, the clerk thereof shall, under the direction of the members of said Court, deliver all of its records, minutes, documents, books, papers, et ceterae to the Secretary of the Territory of Hawaii who shall preserve the same. And said records, minutes, documents, books and papers shall be open to inspection by any citizen of this Territory at all reasonable times.

Section 26. It shall be and is hereby declared to be the duty of the Governor to make appointments, as in this Act provided, of members of the Court hereby created, within five days after the passage of this Act; PROVIDED, that said appointments may be made in the first instance without the advice and consent of the Senate, should the present session of the Legislature expire by limitation of law within the five days above mentioned.

Section 27. This Act shall take effect and be in force from and after its passage.

To be left - written 4/16

SENATE BILL No. 36

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Relating to the appointment of bailiffs for certain courts in the Territory of Hawaii and defining the duties and powers of such bailiffs and fixing the amount of their compensation and providing for the payment of such compensation

Introduced March 13 *1901,*

By Senator White

ENDORSED BY

First Reading in Senate March 13, 1901.

Second Reading in Senate March 21, 1901.

Referred to Judiciary Comm.

Third Reading in Senate March 25, 1901

Passed 3d Reading March 25, 1901

First Reading in House Mar 26

Second Reading in House Apr. 6

Referred to Judiciary Com.

Third Reading in House Apr. 8, 1901.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 36

Introduced ..... day of ..... 1901, by Senator W. White

First Reading in Senate .....

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House ... March 26 .....

Second Reading in House ... April 6 Passed ....

Referred to .....

Third Reading in House ... April 8th .....

AN ACT, ETC

AN ACT

Relating to the appointment of bailiffs for certain courts in the Territory of Hawaii and defining the duties and powers of such bailiffs and fixing the amount of their compensation, and providing for the payment of such compensation.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. That the Chief Justice of the Supreme Court be and he is hereby authorized to appoint a bailiff for the Supreme Court, and upon extraordinary occasions to appoint such additional number of bailiffs as he may deem necessary for a period not exceeding ten days.

SECTION 2. That the several judges of the several Circuit Courts, be and they are hereby authorized to appoint a bailiff for their respective courts, provided, that each of the Judges of the Circuit Court of the First Circuit may appoint a bailiff; and, provided, that during any term of the Circuit Court, the presiding judge thereof may appoint such additional number of bailiffs as he may deem necessary.

SECTION 3. That it shall be the duty of the several bailiffs appointed under this Act to at all times preserve order in the courts of which they are appointed and under the order and direction of the Judges of such courts to execute their commands and make proclamation of their orders, judgments and decrees and to serve and to otherwise execute under the order and direction of the Judges aforesaid all and every process issued by said Judges or issued out of their respective courts: and while so serving or executing any of the orders, directions, commands and process aforesaid, said bailiffs shall have and they are hereby vested with all of the power and authority enjoyed and possessed by sheriffs.

SECTION 4. That every bailiff appointed under the provisions of thisAct shall hold his office during,and only during,the pleasure of the Chief Justice or Judge appointing him,as the case may be.

SECTION 5. That the bailiffs appointed under the provisions of this Act shall be paid for their services at and after the following rates,and it shall be the duty of the Auditor of the Territory of Hawaii,to draw a warrant for the same upon the Treasurer of the Territory of Hawaii upon an order so to do under the seal of the court,of any Judge of the Court by whom any such bailiff may have been appointed,that is to say:

The bailiff of the Supreme Court per month	$100.00
Additional bailiffs at the rate per day	5.00
The bailiffs of the First and Fourth Circuits per month	85.00
The bailiffs of the Second,Third and Fifth Circuits per month	50.00
Additional bailiffs for the several Circuit courts,per day,for each day of actual service,	3.00

SECTION 6. This Act shall take effect and be in force from and after the date of its passage.

Approved this day of A.D.1901

We do hereby certify that the foregoing bill passed its third reading in the Senate of the Territory of Hawaii this Twenty fifth day of March A.D.1901

Edgar Cayford
Clerk of the Senate

Nicholas Russel
President of the Senate

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 16, *1901.*

We hereby certify that the within and foregoing bill passed its Third Reading in the House of Representatives of the Territory of Hawaii this 16th *day of* April, *1901.*

Joseph A. Akina

Speaker.

S. Meheula

Clerk House of Representatives.

Sheet

SENATE BILL No. 37

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To regulate the Fees of Witnesses and Jurors.

Introduced Mch 13 1901,

By Senator Paris

ENDORSED BY

First Reading in Senate Mch 13 1901

Second Reading in Senate Mch 16 1901

Referred to Judiciary Com

Third Reading in Senate Mch 26 1901

Passed Mch 26 1901

First Reading in House Mar 27

Second Reading in House " 29

Referred to Jud. Comm.

Third Reading in House

Indefinitely postponed

The Legislature of the Territory of Hawaii

SENATE BILL NO. 37

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House...March 27.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

An Act

To Regulate the Fees of Witnesses and Jurors.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SEC. 1. Each witness subpoenaed in any court of the Territory who is duly sworn in the case shall be entitled to an attendance fee of one dollar for each day's attendance upon the court, and when he does not reside in the town where such court is held, five cents permile for his necessary travel in going to and returning from the court; provided that a witness subpoenaed to attend court outside of the taxation district in which he resides shall be paid two dollars for each day's attendace. The fees of witnesses shall be taxable items in the bill of costs to be paid by the losing party, provided that the presiding judge may, in his discretion, tax the fees of a witness who has been unnecessarily summoned or unnecessarily detained against the party so summoning or detaining him.

SEC. 2. Each juror summoned in any court of the Territory shall be entitled to an attendance fee of two dollars for each day's attendance in court, five cents for each mile of travel in going to and returning from court, and one dollar for every verdict returned; provided that a juror summoned to attend court outside of the taxation district in which he resides shall be paid four dollars for each day's attendance. The fees of jurors for the verdict returned in each case shall be taxable items in the bill of costs to be paid by the losing party.

SEC. 3. The following acts and portions of acts are hereby repealed:

That portion of Sec 1277 of the Civil Code (being Section 1484 of the Civil Laws of 1897) relating to witness' fees:

That portion of Sec 1278 of the Civil Code, (being Section 1485 of the Civil Laws of 1897) relating to witness' fees:

That portion of Sec.1279 of the Civil Code (being Section 1486 of the Compiled Laws of 1897) relating to witness' fees:

That portion of Sec 1280 of the Civil Code (being Sec 1492 of the

Civil Laws of 1897) relating to witness' and jurors' fees:

Chapter 24 of the session laws of 1882 and Chapter 30 of the session Laws of 1884.

SECTION 4. This Act shall take effect from and after the first day of May, 1901.

Approved this day of A.D. 1901.

We do hereby certify that the foregoing bill passed its third reading in the Senate of the Territory of Hawaii this Twenty Sixth day of March A.D. 1901.

Edgar Caypless
Clerk of the Senate.

Nicholas Russel
President of the Senate.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 38

An Act

To provide legible and uniform recording of instruments and documents required by law to be Recorded

Introduced Mch 13 1901

By Senator C. Brown

ENDORSED BY

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate Mch 13, 1901

Second Reading in Senate " 19 "

Referred to Pub Lands &c

Third Reading in Senate .....

3-21 Rep'd back * 24 = recommend'g bill be tabled - Rept adopted.

The Legislature of the Territory of Hawaii

SENATE BILL No. 38

Introduced 13th day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 13 ~ 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT....

An Act to Provide Legible and Uniform Recording of Instruments and Documents Required by Law to be Recorded.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. The Registrar of Conveyances and other officers having charge of the recording of instruments and documents now required or that may hereafter be required by law to be recorded, are hereby authorized to use typewriting machines for recording the same.

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

Approved this day of A. D. I90I.

No. 38
Ind. March '3 by Senator B. Brown.
First Rdg.

H E K A N A W A I

H E K A N A W A I

E hoomaopopo ana no ke kope ana me ka Maopopo a Moekahi like hoi o na Palapala i kauohaia ma ke Kanawai e kopeia.

E HOOHOLOIA E KA AHAOLELO O KE TERITORI O HAWAII:

PAUKU I. Ma keia ke hoomanaia aku nei ka Luna Kope Palapala ame na luna e ae apau ia lakou ka oihana o ke kope ana i na palapala i kauohaia i keia wa, a e kauohaia aku ana ma keia hope aku ma ke Kanawai e kopeia, e hoohana aku i na mikini kakau-lima no ke kope ana ia mau mea.

PAUKU 2. E mana keia Kanawai ma kona hoolahaia ana.

Aponoia i keia la o A.D. 1901.

Sleep

SENATE BILL No. 39

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Abolish Capital Punishment within the Territory of Hawaii and substitute in lieu thereof Imprisonment for life

Introduced March 13 1901,

By Senator J. Brown

ENDORSED BY

First Reading in Senate Mch 13, 1901

Second Reading in Senate Mch 19, 1901

Referred to Judiciary Com.

Third Reading in Senate Mch 25, 1901

Passed 3rd Rdg Mch 25, 1901

First Reading in House Mar. 26

Second Reading in House " 27

Referred to Judiciary Com.

Third Reading in House

Indefinitely post-
Apr. 23, 1901.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 39

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT

To Abolish Capital Punishment within the Territory of Hawaii and to Substitute in Lieu thereof, Imprisonment for Life.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. That capital punishment within the limits of the Territory of Hawaii is hereby abolished.

SECTION 2. That wherever capital punishment is provided in the Penal Laws or elsewhere in the Laws of the Territory of Hawaii, such provision is hereby repealed, and imprisonment for life with or without hard labor, at the discretion of the court, is hereby substituted instead of capital punishment.

SECTION 3. This Act shall take effect and be in force from and after its approval and publication.

Approved this day of A.D. 1901.

We do hereby certify that the foregoing bill passed its third reading in the Senate of the Territory of Hawaii this Twenty-fifth day of March A.D. 1901

Edgar Campbell
Clerk of the Senate

Nicholas Russel
President of the Senate

No. 39
Date: March 13 by Senator J. Brown.
First Read

H E K A N A W A I

E hoopau ana i ka Hoopai Lawe i ke Ola maloko nei o ke Teritori o Hawaii, a e pani ana ma kona wahi i ka Hoopaahao a pau ke ola.

E HOOHOLOIA E KA AHAOLELO O KE TERITORI O HAWAII:

PAUKU I. O ka hoopai e lawe ike ola maloko o na palena o ke Teritoro o Hawaii nei, ma keia, ua hoopauia.

PAUKU 2. Ma na wahi apau i hoakakaia ai ka hoopai lawe i ke ola maloko o na Kanawai Karaima, a i ole, ma kekahi wahi e ae maloko o na kanawai o ke Teritori o Hawaii, ma keia, ua hoopauia ua hoopai la, a o ka hoopaahao a pau ke ola me ka hana oolea, a hana oolea ole paha, elike me ka manao o ka Aha, ma keia, ua pani iho ia i kahi o ka hoopai lawe i ke ola.

PAUKU 3. E mana no keia Kanawai a e paa hoi mai a mahope aku o ko na aponoia ana a hoolaha ia ana.

THE LEGISLATURE
OF THE
TERRITORY OF HAWAII

SENATE BILL NO. 40

An Act

To Regulate the Observance of Sundays

Introduced March 15 1901

By Senator C Brown

ENDORSED BY

First Reading in House

Second Reading in House

Referred to

Third Reading in House

First Reading in Senate March 15. 1901

Second Reading in Senate March 23. 1901

Referred to Pub Health

Third Reading in Senate

Lake Indef

The Legislature of the Territory of Hawaii

SENATE BILL No. 40

Introduced 15 day of March 1901, by Senator C. Brown

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

First Reading in Senate March 15, 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

AN ACT, ETC.

ACT....

An Act to Regulate the Observance of Sunday.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. No person shall willfully disturb any assembly for religious worship.

SECTION 2. No person shall solicit or employ another to do any work or labor on Sunday which is not needful to be done on that day for the good order, health, comfort or safety of the community; or for the protection of property; or for furnishing means and opportunities of religious worship, or reading, study, social intercourse, or of decent and orderly recreation; or for the convenience of travel by land or water, provided that this section shall not justify the loading or discharge of sea vessels with and of regular freights.

SECTION 3. No person shall keep open any shop, store, building, or place of business, on Sunday, for the purposes of trade or the sale of goods, wares or merchandise; provided, however, that this Section shall apply to hotels, inns and restaurants only in so far as the sale of intoxicating liquors not served to bona fide guests with their meals is concerned; provided, also, that it shall not apply to telegraph, telephone and messenger offices; nor to places used exclusively for the sale of cigars, tobacco, fruit, soda and mineral waters, and other non-alcoholic and non-intoxicating refreshments; nor to drug stores, livery stables, or to undertaking rooms; nor to barber shops before I2 Noon; nor to the sale and delivery of fresh meat and fresh fish before ten in the forenoon; nor to the delivery of milk, ice and newspapers.

All labor which may lawfully be performed on Sunday shall be conducted as far as possible so as not to interfere with the right of the community, and of each individual thereof, to quiet and repose.

SECTION 4. The service or execution of any civil process on Sunday shall be void, unless circumstances make such service or execution on that day imperative for the preservation of rights or the redress of wrongs.

SECTION 5. Any person violating any provision of this Act shall, upon conviction, be fined not more than fifty dollars.

SECTION 6. Section I of Chapter 35 of the Penal Code, Chapter 4 of the Laws of I872 and Chapter 53 of the Laws of I886 are hereby repealed.

SECTION 7. This Act shall take effect upon its publication.

Approved this day of A. D. I90I.

Senate Bill 40
Introd March 15 by Senator C. Brown
Read 1st read in Senate March 15, 1901. - 2d Rdg March 23d - Referred

H E K A N A W A I

E HOOPONOPONO AI I KA MALAMA ANA I KE SABATI/ E HOOHOLOIA E KA HALE AHAOLELO O KA TERITORI O HAWAII.

PAUKU I. Aole hoi kekahi mea e hoohaunaele wale i kekahi anaina no na hoomana haipule.

PAUKU 2. Aole hoi kekahi mea e noi aku i kekahi a hoolimalima paha i kekahi mea e hana i kekahi hana a hana paha ma ka la Sabati i ike ia aole no he pilikia ke hana ole ia ma ia la no ka hoomalu maikai ana, ke ola maikai, ka oluolu a me ka palekana o ka lehulehu; a no ka hoomalu ana i ka waiwai; a no ka hoolako ana i na kokua a me na wa kupono e hoomana haipule ai, a e heluhelu ai/ aoana, launa hoaloha ana, a o kekahi mau hana hooluolu, maemae a maluhia hoi; a no ka pono o ke kaahele ana ma ka aina a ma ka wai paha, koeame, aole e ilo keia pauku he mea e apono ai i ka hooili a me ka hoopae ana i na ukana o na moku holo moana me kekahi o na ukana lawe mauia.

PAUKU 2.3 Aole hoi kekahi mea e malama hoohamama i kekahi hale hana, hale kuai, a wahi hana paha, ma ka la Sabati, no ke kalepa a no ke kuai o na waiwai, na lako a waiwai kalepa paha; aka, ua pili nae keia pauku i na hotele, na hale hookipa, a me na hale aina ma kahi wale no o ke kuai ana i na waiona i kuai ole ia i na malihini kipa oiaio maoli no ka aipu ana me ka lakou ai; a koe no hoi, aole e pili i na telegarapa, telepono, a me na xxxxxx oihana a na elele; aole no hoi i xxxxxxxxx pili i na wahi e kuai ana i ke ciga wale no, paka, na hua ai, wai soda, a me na wai minerala, a me na wai aole he alocohola, a me na mea ai wai alokohola ole; aole i na hale kuai laau lapaau, na hale setebala, a i na hale hoolako i na pono kupapau; aole i na hale kahi umiumi mamua o ka hora I2 awakea; a aole i ke kuai a haawi ana i na io holoholona, a me i=a hou mamua o ka hora umi o ke kakahiaka; a aole i ka haawi waiu ana, ka hau a me na nupepa.

Ua hiki no i na hana a pau i kupono ma ke kanawai ke hana ia ma ke Sabati ke hoohana ia, e like me ka hiki, e keakea ole ai hoi me ka pono o ka lehulehu, a o kela a me keia mea o ia noho ana kanaka, o ko lakou

maluhia a me ko lakou oluolu.

PAUKU 4. E lilo no he mea mana ole na hana a hooko ana o kekahi palapala ma na hana kivila ma ka la Sabati, koe hoi ua konoia ia hana a hooko ana ma ia la, he kupono maoli e hana ia no ka hoomalu ana o na kuleana a me ka hooponopono ana o na hewa.

PAUKU 5. O kekahi mea e kue ana i na olelo o keia kanawai, e hopai ia no oia, ke ahewaia, aole e oi aku mamua o kanalima dala.

PAUKU 6. Ua hoopauia ma keia ka Pauku I o ka Mokuna 35 o ke Kanawai Karaima, Mokuna 4 o na Kanawai o I872 a me Mokuna 53 o na Kanawai o I886.

PAUKU 7. E mana keia Kanawai mai kona hoolahaia ana.

Aponoia i keia la o A. D. I90I.

47

SENATE BILL No. 41

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Amend Sec. 1462 of the Penal Laws of ~~Hawaii~~ 1897 as Compiled by S. B. Ballou relating to the use of Explosive Substances in the Taking of fish, by striking out the words "Reefs and Waters" in line 3

Introduced March 15 1901,

By Senator C Brown

ENDORSED BY

First Reading in Senate Mch 15.

Second Reading in Senate " 23

Referred to Pub Lands

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

3-28 Pub Lands Rep

The Legislature of the Territory of Hawaii

SENATE BILL NO. 41

Introduced 15 day of March 1901, by Senator Kaoli

First Reading in Senate March 15 1901.

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act of 1897

To amend Section 1462 of the Penal Laws as compiled by S.M. Ballou, relating to the use of explosive substances in the taking of fish by striking out the words "reefs or waters" in line 3.

Be It Enacted by the Legislature of the Territory of Hawaii.

Section 1. The words "reefs and waters" in line 3 of Section 1462 of the Penal Laws of 1897 as compiled by S.M. Ballou, relating to the use of explosive substances in taking fish, is hereby repealed.

Section 2. This Act shall take effect upon its publication.

.....J. B. Kaaihi..

Senator from the....District

March 13th., 1901.

Kanawai

He Kanawai e hoopau ai i na hua olelo "Kohola a me na Kai" ma ka lalani Ekolu o ka Pauku 1462 o na Kanawai Karaima o ka M. H. 1897 i hoohuihuiia. E pili ana i ka "Lawaia ana me na Mea Pahupahu"

E hooholoia e ka Ahaolelo o ke Kelikoli o Hawaii.

~~Whales~~ Lnu

Pauku 1 O na hua olelo "Kohola a me na Kai" ma ka lalani Ekolu o ka Pauku 1462 o na Kanawai Karaima i hoohuihuiia i ka M. H. 1897. e pili ana i ka "Lawaia ana me na Mea Pahupahu." Ma keia ua hoopau loaia.

Pauku 2. E mana keia Kanawai mai a mahope o kona hoolahaia ana.

J. B. Kaohi
Ke kahi Senate o Hawaii
Mar. 12. 1901

Kanawai

He Kanawai e
pili ana i ka
"Lawaia ana me
na mea Pahupaha

Bill No 241
to 15 Mch by Senator Kaohi
1st read Sen. Mch 15

H E K A N A W A I

E HOOLOLI AI I KA PAUKU I462 O NA KANAWAI KARAIMA O I897 E LIKE ME IA I HOULUULUIA E S. M. BALLOU, E PILI ANA I KA HOOHANA ANA I NA MEA HOO+ PAHUPAHU MA KA LAWAIA ANA I NA I'A MA KE KAPAE ANA I NA HUAOLELO "NA KOHOLA A ME NA KAI" MA KA LALANI 3.

E HOOHOLOIA E KA HALE AHAOLELO O KA ~~XXXXXX~~ TERITORI O HAWAII:

Pauku I. O na huaolelo "kohola a me na wai" ma ka lalani 3 o ka Pauku I462 o na Kanawai Karaima o I897 e like me ia i houluuluia e S. M. Ballou, e pili ana i ka hoohana i na mea hoopahupahu ma ka lawaia ana i na ia , ma keia ua hoopauia.

Pauku 2. E mana keia Kanawai ma kona hoolahaia ana.

SENATE BILL No. 42

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To control and Regulate the Manufacture, Transportation and Sale of Liquors, Opium and other intoxicants within the Territory of Hawaii

Introduced March 15 *1901,*

By Senator Kaunhua

ENDORSED BY

First Reading in Senate March 15 1901

Second Reading in Senate March 21 1901

Referred to Comm on Intoxicants

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

The Legislature of the Territory of Hawaii

SENATE BILL NO. 42

Introduced 15th day of March 1901, by Senator Kanuha

First Reading in Senate Mch 15 - 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

A N A C T

TO CONTROL AND REGULATE THE MANUFACTURE, TRANSPORTATION AND SALE OF LIQUORS, OPIUM, AWA AND OTHER INTOXICANTS WITHIN THE TERRITORY OF HAWAII.

[redacted]

Nov 15, 1901

David Kawuhau
Senator of the 3 District

AN ACT

TO CONTROL AND REGULATE THE MANUFACTURE, TRANSPORTATION AND SALE OF LIQUORS, OPIUM, AWA AND OTHER INTOXICANTS WITHIN THE TERRITORY OF HAWAII.

[redacted]

Nov 15, 1901

David Kawahau
Senator of the 3 District

BE IT ENACTED BY THE LEGISTATURE OF THE TERRITORY OF HAWAII:

SECTION 1. Any Person or duly organised Corporation within the Territory of Hawaii may grow, without any licence or special permit, any raw primitive produce or material necessary for manufacturing Wine, Beer or other Liquors.

Any Person or duly organised Corporation within this Territory may manufacture or ferment Wine from Grapes grown within this said Territory and also brew Beer from domestic or imported materials without any special permit or licence.

Any Person or duly organised Corporation may distill Strong Liquors from any domestic or imported materials in quantities of not less than One Thousand Gallons a year; provided that such Person or Corporation shall furnish the Board of Control with all information in regard to place, time, amount and method of production, the kind and quality of the produce and any other imformation that the said Board may require; provided further that such Person or Corporation shall deposite with the Territorial Treasureur a Bond the amount of which shall be determined by the Board of Control, such Bond being intended to cover the obligation on the part of the Producer to abide by all the Provisions of this Act and by such special Rules and Regulations in regard to Distilleries as the said Board may issue in the future, and also all fines and liabilities which may arise from the infraction of this Act and of the said Rules and Regulations; provided further that such person or Corporation shall obtain from the Board of Control a special Permit, which upon the examination of all information, the Board may issue or refuse at its discretion. A Fee of One Dollar shall be charged for each Permit.

SECTION 2. It shall be unlawful for any Person or Corporation in any capacity whatsoever to sell, barter, exchange, part with,

give away or deliver directly or indirectly any spirituous, vinous, malt or other intoxicating liquors, or opium or awa, or awa-root within the limits of the Territory of Hawaii, or any county, or any municipal division thereof to anyone except the Manager of Intoxicants as provided in this Act. It shall be equally unlawful to allow such Liquors to leave the Premises of their Owner, or to transport them beyond such Premises without a special written Permit from a Dispenser or Manager. Such transportation on Public Roads without the said special Permit of the Manager or Dispenser will constitute a prima facie evidence sufficient for conviction, unless the article is contained in the sealed package of the Dispensary.

SECTION 3. The Amounts of Liquors manufactured within this Territory over and above the quantities intended for the home consumption of the Producer himself and his family, at the option of the Producer, may be either sold to the Manager of Intoxicants or exported beyond the limits of this Territory. If the Producer intends to sell such local Product to the Manager of Intoxicants he shall send to the said Manager a sealed sample or samples thereof, which samples shall be tested as to their quality and strength by the Board of Health and if approved the Produce may be bought by the Manager in accordance with the rules and regulations established by foreign and outside Bidders. All things being equal preference shall be given to Liquors manufactured within this Territory.

SECTION 4. Liquors and samples over and above those quantities for home consumption which will be found not to the standard by the Board of ~~Control~~ Health, shall be conveyed and stored in the Government Store-house under the Management of the Administration of Intoxicants, and kept there for export-

ation to the order of the Producer, paying reasonable Storage Fees. All Liquors and samples thereof addressed to the administration of Intoxicants shall be accompanied by a written special transportation Permit from the Manager.

SECTION 5. Any person who shall barter, sell, or exchange at a profit, or any person who shall aid, assist, or abet in bartering, selling or exchanging at a profit, above the dispensary price, any Liquor or other intoxicant obtained by him or by any other person at a dispensary; or who shall violate sections two, three or four of this Act, or any provision against sale of Intoxicants at a profit, or who shall aid, assist or abet in bartering, selling or ex-changing any Intoxicant under this Act at a profit; or who shall barter, sell or exchange any intoxicant not obtained at a Dispensary at any price or consideration what-spever shall be guilty of a felony and upon conviction thereof shall be imprisioned in the Territorial Prison not less than one month or more than one year.

SECTION 6. There shall be a Territorial Board of Control, consisting of three qualified electors of the Territory, who shall be appointed by the Governer, by and with the consent of the Senate, whose term of office shall be for two years and who shall each receive an annual salary of one dollar in full compensation for all services. The Governer shall fill all vacancies by appointment. The members of such Board of Control shall meet quarterly and at such other times as they may deem expedient and may adopt such rules and regulations, not in conflict with this Act, gove-rning all appointed officers under the provisions of thi this Act and shall cause the rules and regulations, or re revision thereof to be printed and circulated at the expe-nce of the Territory. Each Member of the Board of Control

shall be deemed qualified when he shall have been duly appointed and shall have taken and filed the oath of office hereinafter perscribed, and no bond will be required.

SECTION 7. There shall be a Manager, who shall be a Citizen of the United States, and who will be appointed by the Board of Control, removable by such Board, and whose term of office shall be for two years from the date of his appointment, unless sooner removed, and who shall receive an annual salary of Two Thousand Five Hundred Dollars, except the first two years, when he will receive three thousand five hundred payable monthly out of any funds in the Territorial Treasury, not otherwise appropriated and in addition to such annual salary he shall receive ten cents per mile for every mile actually traveled outside of the city limits of Honolulu, in the discharge of his official duties within the limits of the Territory of Hawaii, and he shall be deemed not to have any official duties elsewhere. He shall take the oath of office hereinafter perscribed and execute to the Territory of Hawaii good and sufficient bond to be approved by the Board of Control and the Attorney General in the sum of Ten Thousand Dollars conditioned for the faithful performance of his duties and the true accounting for all public monies received and collected by him and the payment of all such public money to the Treasurer of the Territory, and at the expiration of his term of office, the turning over to his successor all books, records, papers and property of every description belonging to his office together with all liquors, opium, awa and stock on hand and in transit, of every description, accompanied by a true invoice thereof and of all balances of public money remaining in his hands. Such bond shall cover all illegal or unlawful acts committed by any clerk or employee in the Manager's office or in the discharge of any official duties connected therewith; but the Manager

may require an indemnifying bond from any clerk or employee in his office or under his supervision, in such sum and with such sureties as he may deem necessary. The Manager shall not hold any other public office nor be engaged in any private business whatsoever during his term of office; but shall devote his whole time to the faithful carrying out of the provisions of this Act. He shall be the active purchasing agent of the Territory in every transaction connected with the purchase, sale and dispensation of all intoxicants to be legally sold, used and stored within or imported to the Territory of Hawaii. Upon his request he shall be entitled to and receive, without charge therefore, the opinion and advice of the Attorney General or of the County Attorney in any county, concerning the discharge of his official duties; but such opinion or advice shall not relieve the Manager of the responsibility of his official acts nor the liability under his bond if adjudged otherwise by any court of competent jurisdiction.

SECTION 8. The Manager shall appoint and remove all dispensers. Whenever a dispensary is established he shall place such dispensary in charge of a competent dispenser, either male or female, who shall be a Citizen of the United States of good moral character, taking a special regard to the recommendation of citizens at special elections, and who shall take and file the official oath as hereinafter prescribed and furnish an official bond to the Territory of Hawaii in a sum to be fixed by the Manager with good and sufficient sureties, and conditioned for the faithful performance of his duties as dispenser and the true accounting of all public monies received by him and payment thereof to the Territorial Treasurer and the turning over to his successor in office of all books, papers and

unsold stock of liquors, opium and awa accompanied by a true invoice thereof together with all other property and fixtures belonging to such dispensary and for the payment to his successor of all balances of money in his hands belonging to the Territory. Such bond shall be approved by the Manager and the Attorney General, and shall be filed with the Territorial Treasurer. Such Bond shall cover all illegal or unlawful acts of clerks or employees at said dispensary who shall be under the supervision of the dispenser. All such clerks shall be appointed by the dispenser with the approval of the manager and may be dis-missed in the same manner. The dispenser may require an indemnifying bond from he clerks and employees appointed by him and under his charge. The Manager shall keep the principal stocks of liquors under his charge, wherever located, properly insured against loss by fire, and all such policies of insurance shall be in favor of the Territory of Hawaii. The Manager and his deputies shall be ex-officio deputy sheriffs with jurisdiction throughout this Territory for all purposes under this act and may, at any place or time, swear in deputies to act under him, when necessary, in any proceeding connected with the control, sale and dispensation of intoxicants and the detection and conviction of persons violating the provisions of this Act. Upon the discharge of such special force the Manager shall give to each person so employed a statment in writing and officially signed by him showing the length of service and at the rate of twenty-five cents an hour, how much the person is entitled to, which shall be sufficient evidence for the Territorial Auditor to draw a warrent in favor of the person named for the amount shown in such statement. The Manager may also furnish his deputies and employees for the time of their service with

a badge " Liquor Police" which may be worn concealed and exhibited only in case of necessity. In each county there shall be a Government ware-house, located at the county seat of such county, in charge of a deputy manager who shall be appointed by the Manager and shall be subject to his orders. The salary of such deputies shall be fixed by the Board of Control, to be paid monthly. Each dispenser in the County shall file orders for stock with such deputy. The Manager shall keep a stock of intoxicants stored in such warehouse as will be necessary to supply all the dispensaries in the county, and store all manufactured liquors provided for under this act and also store such intoxicants as may be seized when found unlawfully within the county, and for the storage of furniture and fixtures connected with establishment or removal of dispensaries and for all other proper purposes under this act. The deputy in charge shall report as required by the Manager who shall be responsible for his official acts and may require a bond from such deputy as provided for clerks under their charge.

SECTION 9. All invoices, bills and other evidences of indebtedness against the Territory connected with the control, sale, and dispensation of intoxicants shall be filed with the manager who shall examine them. If found correct he shall endorse them "approved" and sign such approval, but if found incorrecthe shall endorse them "rejected" and brief-ly note the reasons for rejection and sign the same. In either case he shall then turn such evidence of indebtedness over to the Territorial Auditor for his consideration and all payments of money under this act shall be paid by warrant as in other cases of claims against the Territory; with the exception that they must first be pre-sented to the Manager.

SECTION 10. Wherever the word Manager appears in this Act it shall mean the "Manager of Intoxicants" which shall be the official title of that office and officer. The Manager shall draft forms of records and blanks for the entire service with a view to collecting reliable statistical information which may be readly and accurately compiled from such records when completed. He shall then submit such drafts to the Board of Control and when revised and approved by such Board, the Manager shall advertise for sealed tenders and proceed with letting the Contract as is provided by law for public printing. However, if all the bids submitted are exorbetant, the Manager may proceed to let the contract without further notice elsewhere if any considerable saving to the Territory can be made by so doing.

SECTION 11. The salaries and bonds of Dispensers, clerks and employees shall be fixed by the Manager with the advice and consent of the Board of Control, but in no case shall the salary of any dispenser be fixed in proportion to or be dependant upon the amount of sales made by him at the dispensary over which he has charge. All salaries shall be paid monthly, except to members of the Board of Control who shall be paid annually; and the Territorial Auditor may require vouchers returned as in other cases of money paid by warrant.

SECTION 12. The Territorial Treasurer shall keep a seperate account of all money received and disbursed under this Act and all warrants for payment for liquors, salaries and expenses connected with the control, sale and dispensation of intoxicants shall be drawn on such account. All money remaining in, or accumulating in the Territorial Treasury derived from the sale and dispensation of intoxicants is hereby approprited for the purpose of paying and redeeming

ing such warrants, and such funds shall be turned in to the special "School extention Fund".

SECTION 13. The sum of two hundred thousand ($200,000) Dollars for the biannual period is hereby appropriated out of any funds in the Treasury, not otherwise appropriated, for the purpose of purchasing a stock of intoxicants to be controlled, sold and dispensed under the provisions of this Act and for the establishment of such dispensaries within the Territory as may be decided upon by the Board of Control.

SECTION 14. The Manager shall purchase and at all times keep, under supervision of the Board of Control, a stock of spirituous, vinous and malt liquors, opium, awa-root and other intoxicants as the Board of Control may direct and the Board of Health permit.

SECTION 15. Before purchasing any stock of intoxicants the Manager shall submit a statement in writing to the Board of Control, in which he shall give estimates of the amount, and kind of intoxicants that in his judgement shall be needed to supply the dispensaries throughout the Territory for one year. After revision of such estimates by the Board of Control such written statement shall be submitted to the Board of Health or its Executive committee. It shall be the duty of the Board of Health, or its committee, to fix the standard as to quality and strength, and said Board may reject any intoxicant which may be peculiarly harmful to the Public health. Such decision of the Board shall be in writing, attached to the Managers statement of estimates, and shall be returned within ten days to the Board of Control.

SECTION 16. When the Managers statement of estimates shall have been revised by the Board of Control and approved by the Board of Health or its Executive Committee and returned to him, it shall then be the duty of the Manager to advertise for

sealed bids to furnish all or any part of the intoxicants according to such revised estimates and in such manner as the Board of Control shall direct; but such advertisment shall refer to the law and conditions under which such stock shall be purchased and shipped, and contain a clause to the effect that samples in sealed packages must be submitted with the sealed proposal showing the kind, strength and quality of liquors and intoxicants. When received by the Manager all such samples shall be, by him, turned over to the Board of Health, or its Executive Committee, whose duty it shall be to inspect and analyse such samples and keep a record of such analysis in a book for that purpose and all such samples found to be impure, adulterated, below standard or in any manner different from the requirements previously described as shown by the revised statement of estimates shall be sealed and returned to the Manager accompanied by a written statement showing such defects. Upon receipt of which the Manager shall return the sample to the owner marked "rejected" and a statement by mail showing why rejected. All samples which prove to be in conformity with the requirements previously reported to the Manager shall be retained by the Board of Health until the stock purchased from the successful bidder shall have been received by the Manager. Whereupon it shall be the duty of the Board of Health to test such stock and if it is up to the standard as to strength and purity as reported previously, then such purchase shall be approved by the Board of Health or its Executive Committee, and the Board of Control and thereafter such stock of intoxicants shall be deemed to be lawfully within the limits of the Territory and shall be distributed among warehouses and dispensaries for sale in such quantities as may be ordered by the several dispensaries or as the

Manager may deem best for the service. And the Territorial Auditor shall draw and deliver Warrants in payment therefore, but in case such stock so received and tested shall not compare with the sample or shall not fulfill t the requirements as to standard, purity, strength and quality, then it shall be the duty of the Board of Health to reject all such stock, or such part of which as fails to meet the requirements of the law, and so notify the Manager in writing, showing the cause of such rejection. It shall then be the duty of the Manager to notify the shipper of such rejection and the cause thereof and further notify the skipper that the stock will be held for a reasonable time and upon his order and payment of freight cartage and other expenses which may be estimated by the Manager and required to be paid in advance, the stock so rejected shall be shipped out of this Territory of Hawaii and in shipping shall remain under the control of the Manager until the limits of the Territory have been reached, when such control shall pass to the regular shipper. Any liquors or intoxicants shall be shipped at owners risk in all cases. If any spirituous, vinous, or malt liquors or other intoxicants shall be rejected or condemned by the Board of Health as impure and unwholesome, such liquors or intoxicants shall not be sold within the limits of this Territory and payment for the same shall be refused by the Manager to the Person, Firm or Corporation from whom such liquor was purchased.

SECTION 17. Whenever a Dispensary is established at any place within the Territory the Manager shall select a suitable location and building for the same. He may rent or lease a building if there is none provided by the Territory, county, city or town and shall prescribe the general arrangements and necessary furniture which be shall purchase on behalf

of the Territory and the stock shall be so placed and guarded by rail or iron screen so as not to admit of customers or others having access thereto, except the Dispenser or clerks of such dispensary. He shall prohibit any display of attractions such as expensive furniture, pictures, advertisments and unnecessary display of stock. He shall cause the counter at which customers present applications to be located in such a manner as to only accommodate one applicant at a time with a view to making the service similar to that in a Post Office with little or no room for loafers, and no seats or other accommodations shall be furnished for customers or others not employed in the dispensary. The Manager shall issue certifications to the dispenser, showing the person appointed dispenser and the date of appointment and a certificate showing the date that such dispensary shall be opened for the legal dispensation of intoxicants under this Act, and such statements as he may deem necessary and not in conflict with this Act? The dispenser shall keep such certificates posted in a conspicuous place in such dispensary, together with a printed copy of this act.

SECTION 18. Before selling or delivering any intoxicants to any person, an application must be presented to the dispenser, or his clerk, or his assistant in charge of the dispensary upon a printed form furnished for that purpose, and the applicant shall fill the blanks, written in ink, stating the kind, quality and price of the liquor or other intoxicant wanted, dated with the true date and with his or her name signed thereto,except as to physicians prescriptions herein provided, in which case such prescription shall be taken by the dispenser, clerk or assistant in lieu of such application, provided that the dispencer clerk or assistant knows such prescription to be genuine

and not issued for the purpose of avoiding the provisions of the act. The dispenser shall keep a book in which he shall register the name of all applicants including physicians prescriptions and shall number consecutively all applications and shall register the number in connection with the name of the applicant; that such book shall be opened only to the Manager or the members of the Board of Control, Attorney General, County Attorney or Grand Jury, and no part of such record shall be published. If any per-son shall make any false or fictitious signature or sign any name other than his own to any application or prescription, or make any false statement on any request or application or prescription, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined for each offense not exceeding fifty dollars or imprisoned in the county jail not exceeding thirty days. No intoxicating liquor shall be sold or delivered to any minor, intoxicated person or habitual drunkard, and dispenser may make rules and regulations not in conflict with the rules of the Board of Control or Manager and not inconsistant with this act, as may be proper for the management of the Dispensary.

SECTION 19. All intoxicants shall be sold or delivered by the dispenser, his clerk or assistant in sealed packages only and all sales shall be made for cash only.

SECTION 20. If the Manager, dispenser, clerk or assistant or any employee in the service connected with the control, sale and dispensation of intoxicants shall break seals, adulterate or cause to be adulterated any liquors, wines or other intoxicants which he or she or they may keep for sale under the act, by mixing with coloring, water or any drug or ingredient whatever or mix the same with other liquors of different kind or quality, he, she or they sh-

all be guilty of a misdemeanor and upon conviction there-
of shall be fined not less than one hundred or more than
five hundred dollars or imprisoned in the county jail not
less than three months or both such fine and imprisonment

SECTION 21. All liquors for medicinal and Sacramental purposes shall be purchased at a dispensary established under this Act and all intoxicants not purchased at such a dispensary or under the control of the Manager shall be deemed to be unlawfully within the Territory of Hawaii and shall be subject to seizure and upon order of the Circuit Court after due process of law shall be destroyed except as herein af after provided.

SECTION 22. The price and quantity of intoxicant to be sold, in sealed packages, shall be fixed by the manager subject to revision at any time by the Board of Control; provided that in the case of distilled liquors each package shall not contain not less than one half pint or more than five gallons, in case of other intoxicants sealed packages may contain such quantity as the Board of Control may from time to time direct, and it shal be the duty and exclusive privilige of the Manager only to seal all such packages. All intoxicants shall be sold at a profit not exceeding eighty per centum, except the first year when they may be sold at cost.

SECTION 23. Each dispensary shall be opened at seven o'clock a.m. and closed at seven o'clock p.m. also closing between the hours of twelve o'clock m. and one o'clock p.m. and on Sundays and on election days. Only one application by the same person on the same day shall be accepted at any dispensary, but such application may call for any number of sealed packages of different qualities and sizes. The label on each sealed package shall name, the quantity, quality, and kind and price of the liquor contained therein.

SECTION 24. No drinking of intoxicants shall be allowed in or about

the dispensary or the premises upom which it is situated nor shall any person, not an employee be allowed to loiter about such premises; and if any such person or persons fail or refuse to comply with the provisions of this section when ordered so to do by the dispenser or the clerk or the assistant in charge, such persons so neglecting or refusing shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding ten dollars or three days in the county jail.

SECTION 25. No spirituous, vinous or malt liquors or other intoxicants shall be sold at any dispensary to persons purchasing for the purpose of selling again, except as in this act provided, and the Board of Control and Manager are required to make and promulgate such rules and require dispensers to make such investigations as will prevent persons from so purchasing; and if the dispenser becomes satisfied that any person or persons have purchased or in the habit of purchasing for the purpose of selling again he or she may refuse to sell to such persons at all or may sell them in such quantities as will practicaly prevent a re-sale; provided that the keeper of any hotel or restaurant may purchase a sufficiant quantity of malt liquors and wine only to supply his guests for table use, and such wines and malt liquors shall be delivered to such guests by him in the original sealed packages only, for which such keeper of hotel or restaurant shall charge and collect the price indicated on the label of the package and actually paid by him at the dispensary and no more; but no distilled liquors shall be sold to any keeper of any hotel or restaurant by any dispenser under this section of this Act. If at any time the dispenser becomes satisfied that any keeper of hotel or restaurant is repeatedly violating the provisions of this section he shall refuse to sell to

him or any other person for the use of such hotel or restaurant any and all of the liquors in this section provided, and any keeper of any hotel or restaurant who shall violate any of the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punished for each offence as provided in section five of this Act.

SECTION 26. Any dispenser shall sell distilled, malt and fermented liquors upon the general prescription of a ~~practising~~ medical practitioner duly licensed by the Board of Health, ~~physician known to the dispenser to be of reputable standing in his profession,~~ which prescription shall be in writing in the English language, signed by such physician, specifying the name of the person to be supplied and the quantity, quality and kind of liquor to be supplied. Such prescriptions shall be received by the dispenser in lieu of the written application herein other wise provided, but no physician shall give a prescription to any person except for bona fide medical purposes. Every dispenser shall keep on file every prescription upon which any such sale has been made and shall number each prescription and shall keep in a book prepared for that purpose a record of all prescriptions, which book shall be at all times open to the inspections of the public, and shall contain the name of the physician giving the prescription and the number of such prescription. Any dispenser who shall knowingly sell such liquors on a bogus prescription and any physician or other person who shall give, procure or aid in procuring any false or fraudulent prescription for any spirituous or fermented liquors in violation of the provisions of this Act shall be guilty of a misdemeanor and on conviction thereof shall be fined or imprisoned at the discretion of the court.

SECTION 27. The Manager shall make a quarterly report to the Territ-

orial Treasurer which shall include the last day of March, June, September and December of each year and therewith turn over all public money that may be in his hands and on the thirty-first day of December of each year shall make an annual report to the Governor which shall comprise all available statistics compiled in compact form with all definite results shown and estimates made covering the entire service of the year. Such annual report shall be printed and circulated throughout the Territory.

SECTION 28. Each dispenser shall make a report to the Territorial Treasurer on and including the last day of each month, in which he shall show the amount and kind of liquors or other intoxicants on hand on the first day of the month, the amount and kind of liquors or other intoxicants received during the month and the amount of liquors and other intoxicants on the last day of the month. He shall also report the kind, quantity and price of all liquors and other intoxicants sold during the month and shall transmit such report together with a check or money order covering all public monies in his hands arising from the sales of intoxicants during the month.

He shall make a duplicate of such report and mail it to the Manager and if such dispensary be located in an organised county he shall prepare another copy and mail it to the County Treasurer of such county.

Every dispenser shall keep an account of all petty expenses incurred by him incidental to the service in a seperate book for that purpose, and quarterly on the last day of March, June, September and December shall report the same seperate to the Manager, when approved by the Manager this shall be submitted to the Territorial Auditor, and when audited a warrant shall be drawn in the name of the dispenser and mailed to him.

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SECTION 29. All members of the Board of Control, Manager, dispensers, whether male or female, clerks and imployees connected with the control, sale and dispensation of intoxicants shall be citizens of the United States and, except the members of the Board of Control, hold no other public office, nor shall they or any of them engage in any private business whatever during the term of their appointment.

SECTION 30. All appointments under this act shall be for two years from date of appointment unless sooner removed, and no minor shall be either appointed or employed in any capacity under this Act.

SECTION 31. All oaths of office and official bonds under this Act shall be filed with the Treasurer of the Territory.

SECTION 32. The following oath shall be required to be taken and filed with the Territorial Treasurer by every member of the Board of Control and every officer, clerk and employee appointed in the service connected with the control, sale and dispensation of intoxicants within the limits of the Territory of Hawaii.

"HAVING BEEN APPOINTED as .....
in the Service of Control, Sale and Dispensation of Intoxicants in the Territory of Hawaii; I do solemnly swear that I will, to the best of my knowledge and ability, discharge the duties of ..... for which I have been appointed. That I am not a minor and that I am not addicted to the use of intoxicants. That I will use my best efforts to carry out the provisions of this Act and all other Laws amendatory thereof and supplemental thereto. That I will refain from active participation in politics or political parties except to vote, during my appointment and strive to place the service under this Act above political influence or party success. That I will

use my best endeavor to make the service efficient and strive to obtain the aim of this Act intended to supress the abuse of intoxicants and the evils resulting therefrom, that without fear, favor, reward or hope of reward I will faithfully serve the Territory of Hawaii and expose any and all violations of the laws governing the control, sale and dispensation of intoxicants. So help me God.

SECTION 33. Every officer, clerk or employee, under this Act, who shall make any false entry upon any record or other book paper or written statement shall be guilty of perjury and every officer, clerk or employee who shall misappropriate any of the money arising from the sale of intoxicants under the provisions of this Act shall be guilty of embezzlement and shall be punished as provided by law for such offences.

SECTION 34. Any person, not a Territorial, County or Municipal officer who shall voluntarily initiate proceedings in any court and secure the conviction of the guilty party or parties under this Act, and who shall furnish the Territorial Auditor with a certificate signed by the Attorney General or County Attorney, showing the conviction in such case and the sentence of fine or imprisonment or both, and that the person named in the certificate appeared and testified as a witness in such case, shall be entitled to receive a warrant drawn upon the fund appropriated under this Act equal to one half of the fine and one dollar for each day of imprisonment of the convicted party; but in case of acquittal the Court may tax the costs against the complaining witness.

SECTION 35. Any person who shall directly or indirectly keep or maintain by himself or by associating or combining with others or who shall in any manner aid or assist in keeping or

maintaining any club-room or any like place under whatever name, where intoxicating liquors are sold, bartered, distributed, divided or in any way disposed of for profit shall be guilty of felony and upon conviction thereof shall be punished for each offence as provided in section five of this Act.

SECTION 36. No druggist, drug store or any proprietor, partner, stockholder or employee of any drug store or any other place of business in this Territory shall sell any spirituous, vinous or malt liquors or other intoxicants except as in this section provided: Druggists shall purchase all the liquors and alcohol necessary for compounding mixtures from a Government dispensary only, and no person or concern shall part with any such mixture or compound otherwise than on the prescription of a physician duly licensed by this Territory, which shall be prescribed, sold and used as medicene only, and shall not be drunk upon the premises where sold and delivered. Such druggists may also upon such prescription for medicinal purposes only purchase a reasonable amount of spirituous liquors and dispense such liquors in the original sealed packages obtained from the Government dispensary, provided, that such sale is made at the same price paid for such liquor at the dispensary and no more, and that such sealed packages shall not be broken by the purchaser or by any person for him or drunk by him upon the premises where sold and delivered.

All Patent medicines containing alcohol shall not be sold or kept for sale or otherwise by druggists unless such ~~such~~ medicines shall have been first submitted to the Board of Health for analysis and a certificate issued by such Board authorising the keeping and sale thereof. No fee or other charge shall be made or collected by the Bo-

ard of Health for such analysis or certificate; that nothing in this section shall be construed to authorize the sale of any preparation or compound, under any name, form or device whatever, which containing alcohol may be used as a beverage.

That whenever the Board of Control, Manager or dispenser or either of them may become satisfied that any druggist or drug-store, or any proprietor or employee therein, is directly or indirectly selling, bartering, exchanging or in any unlawfull manner disposing of liquors for profit, or for any other purpose than that authorized by this section, the dispenser may refuse to sell any more liquor to such druggist or to any other person connected with such drug-store or to any person for them or either of them.

The Manager of Intoxicants shall cause to be printed in clear large type, all of this section and mail a copy to each druggist and drug-store doing business in this Territory and it shall be the duty of each druggist or drug-store or person in charge thereof, to post and keep posted at all times in a conspicuous place in such drug-store or place of business such copy of this section.

Any druggist, drug-clerk, proprietor, partner, stockholder or employee of any drug-store who shall directly or indirectly violate any of the provisions of this section shall be guilty of felony, and upon conviction thereof shall be punished for each offense as provided in section five of this act, and upon such conviction of any person, in any capacity employed, in and about any drug-store doing business in this Territory, his license together with all other licenses, certificates, permits and other evidences of authority to do business, without further proceeding shall stand revoked and canceled and thereafter shall be null and void, and any drug-store the owners or

proprietors of which, through act, consent or negligence, having permitted the unlawfill sale or dispensation of intoxicants therein is hereby declared a nuisance and the Attorney General is hereby authorized, empowered and directed to close such drug-store.

SECTION 37. The sureties or any official bond of Manager of Intoxicants, or the official bond of any dispenser shall be liable jointly and severally, for all fines, penalties, damages and costs that may be adjudged by court against any such officer or employees under him and shall also be liable, jointly and severally, for all losses of monies or liquors and other intoxicants and other public property under his charge, which may be sustained by the Territory of Hawaii and for the faithfull and correct accounting and remittance of all public monies coming into his hands by virtue of his office. Said official bonds shall be for the use of the Territory of Hawaii and in case any of the conditions shall be violated, the principal and securities thereon shall be jointly and severally liable for all damages that may be obtained against the principal in any action under the provisions of this Act.

All monies collected for the breaches of such bond shall be paid to the Treasurer of the Territory and by him credited as other funds arising from the sale and dispensation of intoxicants under this Act.

SECTION 38. Any officer or clerk may be removed from office or discharged by the same Board or person appointing him, at any time, for cause of which he shall be notified, and cause of removal must be based upon the grounds of violating his oath of office or guilty of other misconduct in his office or of violating the provisions of this Act in any manner.

SECTION 39. Whenever counties shall be duly organised, each county

shall be entitled to one half of the net profits, resulting from the sale and dispensation of intoxicants and all fines collected within the linits of such county under the provisions of this Act.

All fines collected and other money arising under the provisions of this Act shall be forwarded to the Territorial Treasurer and annually on the first day of January such onehalf of the net profits shall be credited to each county subject to the order of the County Treasurer which may be paid by Territorial warrant and upon receipt by the County Treasurer shall be credited to the County General Fund.

SECTION 40. The manufacture of opium for smoking within the limits of this Territory is hereby probited and any person who shall violate the provision of this section shall be guilty of misdemeanor and shall be fined one hundred dollars for each offense.

SECTION 41. The sale, barter, exchange by and between private parties as well as transportation,not accompanied by a special permit from the Manager, of manufactured opium destined for smoking within this Territory unless served from a dispensary and in sealed packages shall be unlawfull and subject to the same rules and penalties as provided under this Act for liquors. Each dispensary shall be provided by the Manager with a sufficient amount of manufactured opium in sealed packages for the use of incurable regular consumers thereof. It will be sold for cash only, and at a profit not exceeding eighty per centum, upon written applications to such applicants who shall once a year procure a certificate from a duly licensed physican testifying that such applicant is incurably addicted to the use of opium and stating the weekly ration consumed by him.

A seperate register of such consumers shall be kept in

each dispensary and the names of all habitual, incurable consumers, their age, weekly rations, dates and amounts of dispensed opium, names of physicians who have issued certificate, dates of each certificate as well as such other details as the Board of Control may see fit to record, will be duly recorded by the dispenser.

Nothing in this section ~~will~~ shall be construed so as to affect the sale, dispensstion and transportation of medicinal opium for medicinal purposes by the Druggists.

SECTION 42. The sale, barter, exchange as well as transportation not accompanied by a special permit by the Manager by and between private parties, of the awa-root and its produce of every description unless derived from the Government dispensaries ~~will~~ shall be unlawfull within this Terrirory and subject to the same rules and penalties as those provided for liquors under this Act.

Each dispensary ~~will~~ shall be provided with sufficient stock of awa-root to cover the needs of regular incurable consumers thereof; it will be sold and dispensed only to such regular incurable consumers for cash and not exceeding eighty per centum of its original cost, and upon application accompanied by certificates of duly licensed physicians as provided for opium. A special record as that provided for opium will be held in each dispensary. All details in regard to the control of the sale of Awa-root not inconsistant with this section will be determined by the Board of Control.

Nothing in this section will be construed so as to affect the sale,dispensation, manufacture and transportation of awa-root and its produce by the druggists for medicinal purposes.

The Manager will keep in each dispensary sufficient stock of pure,ninety per cent strength alcohol for chemical and tec

technical and industrial purposes, which alcohol will be dispensed in sealed packages of not less than one half pint and not more than five gallons and at a price, either at cost or not exceeding ten per centum over and above its actual cost, as the Board of Control sees fit. It ~~will~~ shall be dispensed like other liquors upon written application signed by the applicant himself and stating the specific purposes for which such alcohol is required and will be used. Should any dispenser have any grounds to believe that an applicant for alcohol is not a bona fide one and that he uses such alcohol for diluting and drinking he may refuse to fill such orders of such applicant.

SECTION 43. Upon the receipt of a petition signed by at least one fourth of the qualified electors who voted at the last general election in any voting precinct, the Board of Control shall order a special election in such precinct to be held at the same place where the last general election was held, as nearly as may be, and shall name the date upon which such special election shall be held and appoint three qualified electors residing within such precinct as Judges of election. The wife and daughters, of age, of each elector shall be qualified to vote and to act as Judge or clerk at such election.

Upon receipt of such appointment the Judges of Election shall give at least thirty days notice of the date and place where such election will be held, by publication of notice in a weekly or daily newspaper published in such precinct and by posting notices of such election in six conspicuous places in the precinct. If there should be no newspaper published in the precinct, then such publication shall be made in a newspaper published nearest to the place of holding such election.

The Judges of election shall appoint two clerks, male or female, who shall record the names of the persons voting at such election. No registration prior to such election

shall be required except that all persons who registered for the last general election together with his wife and daughters, over twenty-one years of age only, shall be qualified to vote at such special election.

It shall be the duty of the Judges of election to provide a ballot box and such other appurtenances as may be necessary, provided that no polling appartments shall be required, that no sheriff or his deputies or policemen shall be allowed to interfere with any voter nor be conspicuous as to number in or about such polling place, unless called upon to keep order by the Judges of election.

The Manager shall furnish records and ballots which shall be prepared and revised by the Board of Control. The ballots shall be in the following form and an X mark made in the column to the right of the proposition shall be an affirmative vote on the proposition and any names recommended for dispenser shall be considered by the Manager in making an appointment, but he may appoint any other person

(Form of Ballot)

.....

1. No Dispensaries
2. Less Dispensaries
3. More Dispensaries
4. No Change

Name recommended for)
)
Dispenser.....)

....

The Judges and clerks in holding such special election shall be further governed by such rules and regulations as the Board of Control may prescribe as to the manner of conducting election and making the returns thereof.

The Board of ~~Health~~ Control is hereby authorized and empowered to make rules and regulations for the holding, conducting

and making returns of any special election, not otherwise provided in this Act and all returns shall be made to the Board of Control and kept on file in the Managers office. If a majority of people entitled to vote at such special election, shall vote "No Dispensaries", then no dispensaries shall be established in such precinct until expressed otherwise at a subsequent election. And should any dispensary already exist such dispensary shall be removed. If a majority of the persons entitled to vote shall vote "Less Dispensaties," the Board of Control and Manager shall proceed to remove one or more of the Dispensaries previously established in such precinct.

If the majority vote be for " More Dispensaries" then the Board of Control and Manager shall proceed to establish one or more dispensaries in such precinct. And if the majority should vote "No Change" the Board of Control and Manager shall make no change until otherwise recommended at a subsequent election.

SECTION 44. In the operation of the business management connected with the control, sale and dispensation of Intoxicants under the provisions of this Act where ambiguity appears in the state or where there is doubt as to the meaning and intent of the law, such questions shall be referred to the Board of Control and any rule of proceedure promuegated by the Board of Control shall govern on such doubtful points, until the meeting of the next legistature.

SECTION 45. No new liquor licenses of any kind whether wholesale or retail shall be issued from the date of the passage of this Act. Nothing in the Act shall be construed so as to affect in any way the rights of private dealers in liquors granted to them by licenses already issued, but none of such licenses shall be renewed upon the expiration of its term. On and from July first, nineteen hundred and one

the day when this Act shall take effect, the Board of Control and the Manager may if they see fit establish liquor dispensaries in any place whether the local private license term is expired or not.

The Manager may buy from licensed parties before the expiration of the term of license any stock that they may have on hand and willing to sell. Such sales will be subjected to the same provisions as enumerated in Section fifteen of this Act.

SECTION 46. The Attorney General shall at all times when requested, furnish legal opinions and advice to the Board of Control or Manager, or any dispenser concerning the control, management and dispensation of intoxicants under the provisions of this Act, without charge therefor, and shall prosecute all cases affecting the Territory. He may act with any County Attorney and may authorize any County Attorney to institute proceedings, either civil or criminal on behalf of the Territory, provided that the county in which such County Attorney resides is not a party in such proceedings.

SECTION 47. In all matters affecting the interests of any county, the county Attorney shall institute proceedings in court to protect the interests of such county and shall prosecute all violations of this Act on behalf of the Territory. He shall render legal opinions and give legal advice to any officer under this Act, upon application therefor, without charge, and the Attorney General and County Attorney may act together or separately in all cases effecting either Territory or County arising under the provisions of this Act.

SECTION 48. That all laws and parts or clauses of laws together with pains and penalties thereunder, in conflict with this Act are hereby repealed.

SECTION 49. That the sum of .....

dollars is hereby appropriated by the legislature for the biennial period from any money in the public treasury not otherwise appropriated for the pay roll of officers and other current expenses of the service under this act This amount shall be credited to a fund for the general purpose of carrying out the provisions of this act as to the sale, control and transportation of intoxicants under this Act. Such fund shall be subject to the orders of the Board of Control. That the further sum of .....

.....dollars is hereby appropriated out of any money in the public treasury, not otherwise appropriated to meet the expenses of organization and commencing the operation of the service under this act. This sum shall be a special fund of organization of the service relating to the sale, control and transportation of intoxicants, and shall be subject to the orders of the Board of Control for the purposes of this act.

SECTION 50. This Act shall take effect and be in force on and from July first, Nineteen Hundred and One.

[redacted]

David Kaneha
Senator of the 3 District

Mar. 14, 1901

-H E K A N A W A I-

E ~~NOHO-MANA~~ Hoomalu AI A E HOOPONOPONOAI I KA HANAIA ANA, KA LAWE ANA A ME KUAI ANA O NA WAIONA, OPIUMA, AWA, A ME NA MEA ONA E AE, MALOKO O KA TERITORI O HAWAII.-

E HOOHOLOIA E KA HALE AHAOLELO O KA TERITORI O HAWAII:

PAUKU 1. Ua hiki no i kekahi mea a Hui ihoohuiia paha maloko o ka Teritori o Hawaii ke kanu, me ka laikini ole a ae maoliia paha, i kekahi mea-kumu-mua a materiala kupono no ka hana ana i ka Waina, Bia a mau waiona e ae paha.

Ua hiki no i kekahi Mea a Hui ihoohuiia paha maloko o keia Teritori ke hana a ke hoawaawa paha i ka Waina mai na hua-waina i kanuia maloko o keia Teritori i oleloia, a e hana Bia hoi mai na materiala o ka aina a'e a mai na mea i hookomoia mai paha iloko o ka aina, me ka loaa ole o kekahi ae maoliia a laikini paha.

Ua hiki no i kekahi mea a Hui ihoohuiia paha ke hana a puhi i na Waiona Ikaika mai kekahi materiala kuloko a hookomoia mai paha o aole emi mai i ka Hookahi Tausani Galani i ka makahiki; ~~e~~ Koe ina e hoolako aku nae ua Mea la a Hui i hoohuiia paha i ka Papa-~~Hana~~ Honolulu ~~Maku~~ me na ike apau i pili i kahi, i ka manawa, ka nui a me ke ano o ka hoohana ana, ke ano a me ka maikai o ka mea i hanaia, a me na mea hou e aku a ua Papa la e makemake ai; me ka waiho pu aku nohoi o ua Mea la a Hui ihoohuiia paha me ka Puuku o ka Teritori i kekahi Bona nona ka huina nui e hooholoia e ka Papa-~~Mana~~ Honolulu, a o ua Bona la ua manaoia i mea e hoolawa ai i ka hoopaa ma ka aoao o ka Mea hana-kulu e hahai i na olelo a pau o keia kanawai, a e hahai no hoi i na rula a me na hooponopono ana i pili i na Hale-hana-kulu elike me ka ka Papa e hoopuka ai paha ma keia hope aku, a he hoopaa no hoi no na uku hoopai a no na mea e ae i ku i ke kanawai e hoea mai ana paha mamuli o ka hahakiia ana o keia kanawai a me ua mau rula a hooponopono ana la i oleloia;a ke loaa hoi i ua Mea la a Hui ihoohuiia paha mai ka Papa- ~~Mana~~ Honolulu mai he Palapala ae, no ia mea mamuli o na imi ana mana ano apau i ike ia, e hoopuka a e hoole ai paha ka Papa elike me kona manao he kupono. E kaki ia kekahi uku o hookahi dala no kela a me keia palapala ae.

PAUKU 2. Aole hoi he hana ku i ke kanawai no kekahi Mea a Hui i hoohuiia paha ma kekahi ano ike i e kuai, hoopukapuka, kukakukai, hookuu paha, a haawi a waiho pololei a pololei ole paha i kekahi waiona, wai-uwaina, waiboa a mea ona e aku paha, a opiuma a awa paha, a a-a awa paha, maloko o na palena o keia Teritori o Hawaii, a o kekahi o na mahele mana-kulanakauhale paha, i kekahi mea koe wale no ka Luna Nui o na Meaona, elike me ia i hoakakaia ma keia kanawai. Ua like no hoi ke kuole i ke kanawai ka ae ana ia mau ano waiona e lewa aku mai kahi o ka ona oia mea, a e lawe ia aku paha mawaho aku o ua wahi la ke ole me kekahi Palapala ae no ia mea i kakauia mai e kekahi Mea haawi a Luna Nui paha. Oia kailewahele ana ma kekahi Alanui Aupuni me kekahi Palapala ae ole maoli mai ka Luna-nui mai e lilo no ia he hoike ike maka kupono no ka ahewa ana, koe hoi i na ua mea la aia iloko o ka wahi i silaia o kahi Haawi-mea ona.

PAUKU 3. O ka nui o na waiona i hanaia maloko o keia Teritori i oi a maluna aku paha o ka huina i manaoia no ka inu ana ma ka home iho no ka mea ponoi nana i hana a me kona ohana ma ke kuleana i loaa i ka mea nana e hana, ua hiki hoi ke kuai ia i ka Luna-nui o na Meaona, a ke hoounaia hoi mawaho o na palena o keia Teritori. Ina ka Mea hana waiona i manao e kuai i ua mea la i hanaia maanei i ka Lunanui o na Meaona, e hoouna aku oia i ua Lunanui la i kekahi anahoolike a mau anahoolike paha oia mea, a oia mau anahoolike ke hoaoia e pili ana i ko lakou ano a me ikaika i ka Papa Ola, a ina aponoia ua hiki hoi ke kuai ka mea i hana ia e ka Lunanui o na Meaona elike hoi me na rula a me na olelo hooponopono i kukuluia e ka poe o na aina e a me ka poe koho kuwaho mai. Ke like na ano apau ma ka hoomaopopo ana iho, e haawiia ke kuleana mua ina waiona i hanaia maloko o keia Teritori.

PAUKU 4. O na waiona a me na ana-waiona i oi a maluna aku o ka huina kupono no ka home i ~~ikeia~~ loaa aku aole i ku i ke ana, e ka Papa Ola, e laweia a e hoomaluia ma ka Hale-papaa Aupuni malalo o ka hoohana ana a na Luna Hooponopono o na Meaona, a e malamaia hoi malaila no ka hoouna ana no waho ma ka palapala kauoha a ka mea nana i hana,

me ka uku i na uku kupono o ka malama ana hoi. O na waiona a me na anahoohalike waiona apau i hoounaia i ka poe hooponopono o na mea ona, e ukali puia no hoi me kekahi palapala ae, lawe maoli mai ka Lunanui mai.

PAUKU 5. O kekahi mea hoopukapuka, kuai, kukakukai paha no ka loaa, a o kekahi mea paha e kokua ana, ~~kokua~~ lawelawe pu, a kokua hewa paha ma na hoopukapuka ana, kuai ana, kukakukai ana paha no ka loaa maluna aku o ke kumukuai o ko ke Keena kuai waiona, i kekahi waiona a mea waiona e aku paha i loaa iaia a i kekahi mea e paha ma kahi kuai waiona, a hahaki ana paha i na pauku elua, ekolu a eha paha o keia kanawai, a i kekahi mau olelo paha i kue i ke kuai ana o na mea ona no ka loaa, a e kokua aku, lawelawe pu, a kokua hewa ma ka hoopukapuka ana, kuai ana a kukakukai ana no ka loaa malalo o keia kanawai, a hoopukapuka, kuai, kukakukai paha i kekahi mea ona i loaa ole ma kekahi Wahi Kuai waiona no kekahi kumukuai a kumulilo e ae paha, ua ku iaia ka hewa aihue, a ma kona ahewa, ia ana no ia mea e hoopaahaoia no oia ma ka Halepaahao o ka Teritori no aole emi i ka hookahi mahina aole hoi e oi aku mamua o hookahi makahiki.

PAUKU 6. He Papa-~~mana~~ Hoomalu hoi kekahi o ka Teritori, o ekolu mau hoa i kupono i ke koho balota o ke Teritori, e hookohuia e ke Kiaaina, mamuli a me ka ae ana o ka Aha Senate, no lakou hoi ka manawa e noho ai ma ka oihana o elua mau makahiki a e loaa aku ia lakou pakahi ka uku makahiki o hookahi dala piha he uku haawina hoi no ko lakou luhi ~~hoi~~. Na ke Kiaaina hoi e hoopiha i na wahi hakahaka ma ka hookohu ana. E hui hoi na hoa o ua Papa-~~Mana~~ Hoomalu la i kela a me keia hapaha makahiki a ma na manawa e aku hoi a lakou e manao ai he kupono, a e hooholo ai i na rula a me na ana hooponopono, i kue ole me keia kanawai, a e mana ana hoi maluna o na luna apau i hookohuia mamuli o na olelo o keia kanawai, a e kauoha hoi i na rula a me rula kanawai a me ko lakou mau hoololi ana paha e paiia a e hoolaha hele ia ma na lilo o ka Teritori. E manaoia hoi kela ame keia Hoa o ka Papa Hoomalu ua kupono oia i kona manawa i hookohu piha ia ai a i lawe hoi a waiho mai i kona hoohiki oihana elike me ia i hoakakaia mahope nei, a aole e manaoia i bona kekahi.

PAUKU 7. He Lunanui hoi kekahi, he kanaka kupa o America Huipuia, he mea hoi i hookohuia aku e ka Papa Hoomalu, i hiki ke hoopauia e ua Papa la, a nona hoi ka noho ana ma ka oihana no elua makahiki mai ka la o kona hookohuia ana, ke ole oia e hoopau e ia, a e loaa hoi iaia ka uku makahiki o elua tausani elima haneri dala, koe na makahiki mua elua, na makahiki e ukuia ai oia ekolu tausani elima haneri dala e ukuia ma ka mahina mailoko aku o kekahi puu dala ma ka Waihona o ka Teritori, i aole i hoolilo e ia ma kekahi ano aku, a e hui ana hoi me ua uku makahiki la e loaa iaia he umi keneta no kela a me keia mile i hele maoliia mawaho aku o na palena o ke kulanakauhale o Honolulu, ma ka hana ana i kana hana oihana maloko o na palena o ka Teritori o Hawaii, a e manaoia hoi aole ana hana oihana ma kekahi wahi e aku. E lawe hoi oia i ka hoohiki oihana i hoakakaia mahope nei a hana-hoopaa aku i ka Teritori o Hawaii i kekahi bona maikai a kupono e aponoia e ka Papa Hoomalu a me ka Loio Kuhina i ka huina o umi tausani dala maluna o na kumu no ka hooko pololei ana i kana hana a me hoike oiaio ana no na dala a pau a keaupuni i loaa a i ohiia e ia, a me ka hookaa ana o ua mau dala la apau o ke aupuni i ka puuku o ka Teritori, a i ka pau ana o kona manawa ma ka oihana ka haawi ana i kona hope i na buke apau, na buke moolelo, na palapala a me na waiwai o kela a me keia ano e pili ana i kana oihana, i huipu me na waiona, na opiuma, awa a me na waiwai e paa ana a me waiwai e hele ana, o kela a me keia ano, i ukali puia me kekahi hoike hoakaka noia mea a me na kena apau o na dala aupuni e waiho ana ma kona lima. E uhi hoi ua bona la i na hana pono a hana kanawai ole i hanaia paha e kekahi kakauolelo a paahana paha ma ke keena o ka Lunanui a ma ka hooko ana paha o kekahi hana oihana e pili ana me ia mea; aka ua hiki no i ka Lunanui ke koi e hanaia kekahi hana hoopaapoho mai kekahi kakauolelo a paahana paha malalo o kana oihana a malalo paha o kana hooponopono ana, ma kekahi heluna dala a ma kekahi ano hoopaa ana i manao ai ua kupono. Aole hoi ka Lunanui e paa i kekahi oihana aupuni eae a e komo hoi i kekahi hana kino iho o na ano apau iloko o kona manawa noho oihana; aka e hoolilo oia i kona manawa apau a hoomakaulii ana i ka hooko makaala i ka lawelawe ana aku i na olelo o keia kanawai. E

lilo no hoi oia ka agena kuai eleu o ka Teritori ma na hana apau e pili ana i ke kuai, hoolilo a me na hoohana ana aku o na mea ona apau e kuaiia aku elike me ke kanawai, i hoohanaia a i malamaia maloko nei a i hoopaeia mai paha i ka Teritori o Hawaii. Maluna o kana noi ua kupono hoi e loaa iaia a e haawiia, me kekahi uku ole no ia mea, i ka manao a me ka olelo a'o a ka Loio Kuhina a i ko ka Loio o ke Kalana ma kekahi mea e pili ana i ka hooko ana i kana mau oihana aupuni; aka aole hoi kekahi manao a oleloao e lilo he mea e hoopauia ai ke koikoi o ka Lunanui mai kana mau hana oihana aku a aole mai na koi poho mamuli o kana bona i na no e hooholo e ia ae paha e kekahi aha-hookolokolo e aku i lawa pono ka mana.

PAUKU 8. Na ka Lunanui e hookohu a e hoopau na mea haawi waiona apau. Ina manawa apau e kukuluia ai o kekahi wahi kuai waiona e hoonoho oia i kekahi kanaka makaukau i mea haawi waiona, nana e malama, kane a i ole wahine paha, a he kupa hoi oia no America Huipuia o ke ano hoopono, e lawe ana me ka makaala e pili ana ina olelo mai a na kupa ina manawa koho balota kuikawa, kekahi mea hoi e lawe ana a waiho i kana hoohiki oihana elike me ia i hoakakaia mahope nei a hoolako i kekahi bona oihana i ka Teritori o Hawaii ma kekahi huina dala e kauia e ka Lunanui me na hope maikai a kupono hoi, a i hookumuia no ka hooko pono ana i kana mau hana ma kona ano he mea haawi waiona, a me ka hookaa pololei ana o na dala aupuni apau i loaa iaia a me na hookaa ana oia dala i ka Puuku o ka Teritori a me ka hoihoi ana aku i kona hope ma ka oihana i na buke apau, na palapala, a i na koena waiona i kuai ole ia, na opiuma, a me na awa, i ukali pu ia me kekahi hoike hoakaka oiaio oia mea me na waiwai pu e aku apau a me na lakopaa e pili ana no ua wahi haawi waiona la a no ka hookaa ana aku i kona hope i na koena dala apau ma kona lima o ka Teritori. E aponoia hoi ua bona la e ka Lunanui a me ka Loio Kuhina, a e waihoia hoi me ka Puuku o ka Teritori. E uhi hoi ua bona la i na hana pono ole a hana kaawai ole a na kakauolelo a poe paahana paha ma ua wahi haawi waiona la e noho ana malalo o ka hoohana ana a ka mea haawi waiona. Na ka mea haawi waiona hoi e hookau aku i ua poe kakauolelo la me ka apono

ana o ka Lunanui a ua hiki no hoi me ia e hoopauia ai. Ua hiki no i ka mea haawi waiona ke koi i kekahi bona hoopaapoho mai na kakauolelo mai a me na paahana i hookohuia e ia a malalo hoi ona. Na ka Lunanui hoi e malama i ka waihona nui o na waiona malalo o kona hoomalu ana, ma na wahi apau i ahu ai, me ka inesua ponoia i na poino ahi, a oia mau palapala inesua no ka pono noia o ka Teritori o Hawaii. O ka Lunanui no a me kona mau hope na hope makainui mamuli o ka lakou oihana me na mana ma na wahi apau o ka Teritori no na hana apau malalo o keia kanawai, a ua hiki no ma kekahi wahi a manawa paha, e hookohu hiki i na hope e noho hana malalo ona, i ka manawa kupono, ma na hana i pili i ka hoomalu, kuai a me haawi ana o na mea ona, a me ke kiu ana a me ahewa ana o ka poe e hahaki ana i na olelo o keia kanawai. Ma ka wa e hookuuia ai oia poe makai kuikawa e haawi aku ka Lunanui i kela a me keia mea i lawelawe me ia i kekahi hoike ma ke kakau, a i kakau inoa oihanaia hoi e ia, e hoike ana i ka loihi o kona noho hana ana a ma ka uku o iwakalua-kumamalima keneta o ka hora, ka nui o kona uku kupono, a e lilo hoi ia hoike he kupono no ka mea Hooia io Moohelu Waiwai o ka Teritori e hoopiha ai i kekahi kikoo uku no ka pono o ka mea i oleloia no ka huina dala i hoikeia maia mea. Ua hiki no hoi i ka Lunanui ke hoolako aku i kona mau hope a me na paahana no ko lakou manawa e noho hana ai me kekahi pihi "Makai Waiona" i hiki hoi ke kau-peeia huina a e hoike wale ia no i ka wa kupono. E ku hoi kekahi hale-papaa aupuni, ma kela a me keia i kukuluia ma kahi oihana o ke kalana ma ia ka-lana, malalo o ka malama ana a kekahi hope-lunanui i hookohuia aku e ka Lunanui a i ku hoi i kana mau kauoha. Na ka Papa Hoomalu hoi e kau i ka uku oia poe hope, a e uku pa-mahinaia. E waiho aku hoi ka Kela a me Keia mea haawi waiona o ke Kalana i kana mau kauoha no ka waiona me ua hope la. Na ka Lunanui hoi e malama i kekahi huina waiona i hoahuia ma ua hale-papaa la elike me ka nui kupono e hoolawa ai i na wahi haawi waiona apau maloko o ke Kalana, a e hoahu hoi i na waiona apau i hanaia elike me ia i hoakakaia malalo o keia kanawai, a e waiho pu hoi i ua mea ona la elike me ka hopuia ana i ka manawa loaa ai me ke kanawai ole maloko o keia Kalana, a no ka hoahu ana i na lako hale a me na lako hana i pili i ka hookumu ana o ka hana

a hoonee ana aku paha o na wahi haawi waiona a no na hana kupono e ae apau malalo o keia kanawai. E hoike hoi ka hope elike me kona kauohaia ana e ka Lunanui ka mea hoi i ku no kana mau hana oihana a ua hiki ke koi i bona mai ia hope elike meia i hoakakaia no na kakauolelo malalo o kona mana.

PAUKU 9. O na hoike hoakaka, na bila a me na hoike aie e ae apau o ka Teritori i pili i ka hoomalu, kuai, a haawi ana o na mea ona e waihoia no me ka Lunanui a nana e nana ia lakou. Ina ua ikeia ua pololei e hooia iho oia me ka olelo "aponoia" a kakau hoi i kona inoa i ua apono la, aka ina aole i pololei e kau iho ia lakou "kapaeia" a e kakau pokole hoi i na kumu no ke kapae ana a kakau iho i kona inoa ia mea. Ma kekahi oia mau ano alaila e waiho aku oia i ka Luna Hooia Moohelu Waiwai o ka Teritori no kana hoomaopopo ana, a o na hookaa ana apau malalo o keia kanawai e ukuia no mamuli o kekahi kikoo dala elike me ko na koi e ae i ka Teritori; koe aku ma keia e hoike mua lakou i ka Lunanui.

PAUKU 10. Ma na wahi apau o ka huaolelo Lunanui i ikea ai ma keia kanawai e lilo no oia ka"Lunanui o na Meaona" a oia hoi ka inoa oihana oia oihana a oia luna. Na ka Lunanui no hoi e hoolala i ke ano o na buke moolelo kope a me ke ano o na pepa paihakahaka no na hana apau me ka manao e hooululu i na moohelu hilinaiia a hiki ke houluulu eleuia a me ka pololei mai ia mau buke moolelo mai ke piha pono. E waiho aku hoi oia ia manawa i ua mau hoolala la i ka Papa Hoomalu, a i ka manawa e nana ponoia a aponoia ai e ua Papa la, e hoolaha aku hoi ka Lunanui no na koho ana i silaia a hana aku ma ka haawi ana i ka palapala aelike elike me ia i hoakakaia ma ke kanawai no na hana pai a ke aupuni. Aka hoi, ina no koho ana apau i waihoia mai ua pii ino loa, ua hiki no i ka Lunanui ke hana aku i kekahi palapala aelike me ka hoolaha hou ole ana aku ma kahi wahi e aku ina he hooemi lilo mahuahua ana ke loaa i ka Teritori ma ia hana ana.

PAUKU 11. E kauia hoi na uku a me na bona o na haawi waiona, na kakauolelo a me na paahana e ka Lunanui, me ke ao a ae ana a ka

Papa Hoomalu, aka aole hoi ma kekahi ano ka uku o kekahi haawi waiona e kauia ma ka hoohalike aku a kaleleia maluna o na huina loaa o na hoolilo ana i hanaia eia ma kahi haawi waiona ana i noho malama ai. E ukuia hoi na uku ma ka mahina, koe na hoa o ka Papa Hoomalu i ukuia ma ka makahiki; a ua hiki hoi i ka Luna Hooiaio o ka Teritori ke koi i na hooia aie e hoihoiia elike me ia ma na ano e ae o na dala i hookaaia ma ke kikoo dala.

PAUKU 12. Na ka Puuku o ka Teritori e malama i kekahi moohelu dala kaawale o na dala apau i loaa mai a i hooliloia malalo o keia kanawai, a me na kikoo dala apau no na hookaa ana no na waiona, na uku a me na hoolilo i pili i ka hoomalu, kuai a me haawi ana o na mea ona, e kikooia no mai ia heluna dala. O na dala koena apau e waiho ana, a e ili mai ana paha iloko o ka Waihona o ka Teritori i loaa mai kekahi a me haawi ana o na mea-ona ke hookaawaleia nei no ka hana he hookaa ana a, uku maoli ana no ua mau kikoo la, a o ua puu dala la e hoihoiia no no ka "puu-dala hoonui o na kula" ponoi.

PAUKU 13. Ke hookaawaleia nei ka haawina o $200,000 no na makahiki elua mailoko ae o kekahi puu dala maloko o ka Waihona Dala, i ole hoi i hookaawaleia no kekahi mea e aku, no ka manao kuai aku i kekahi puu ~~waiho~~ hoahu o na mea-ona e hoomaluia, kuaiia a haawiia malalo o na olelo o keia kanawai a no ka hoomau ana o ua wahi haawi mea-ona la maloko o ka Teritori elike me ia e hooholoia ai e ka Papa Hoomalu.

PAUKU 14. E kuai hoi ka Lunanui a i na manawa apau e malama, malalo o ke ~~kiai~~ hooponopono ana o ka Papa Hoomalu, i kekahi ~~Waihu ana~~ ahu o na waiona, na wai-waina, a me na wai-bia, na opiuma, na a'a awa a me na mea-ona e ae elike me ka ka Papa Hoomalu e kuhikuhi ai a me ka ka Papa Ola e ae ai.

PAUKU 15. Mamua o ke kuai ana o ka Lunanui i kekahi ahuna o na mea-ona e waiho aku hoi oia i kekahi hoikena ma ke kakau i ka Papa Hoomalu, a maloko iho olaila i kana mau hooluulu ana i ka nui, a me ke ano o na mea-ona ana ma kona manao e makemake ia ana i hoolako no kahi haawi waiona ma na wahi apuni o ka Teritori no

hookahi makahiki. Mahope o ka nana houia ana o na hoohohonoho ana la e ka Papa Hoomalu a e waihoia hoi ua hoikena la i ka Papa Ola a i kona Komite Hooko paha. E lilo hoi he hana na ka Pala Ola a na kona komite paha, e kau i ke ana i pili i ka nui a me ka ikaika, a ua hiki i ua Papa la ke kapae i kekahi mea-ona e lilo ai paha he mea hoopoino anoe ai i ke ola o ka lehulehu. E kakauia ia olelo hooholo a ka Papa ma ke kakau ana, a hoohui ia aku me ka ka Lunanui mau olelo o na houluulu ana, a e hoihoi ia i loko o umi la i ka Papa Hoomalu.

PAUKU 16. I ka manawa o ka ka Lunanui hoikena o na hooululu i pau i ka nanaia e ka Papa Hoomalu a aponoia e ka Papa Ola a e kona Komite hooko paha a hoihoiia aku iaia, alaila e lilo hoi he hana na ka Lunanui e hoolaha aku no na koho i silaia e hoolako a pau i kekahi hapa paha o na mea-ona e kulike ana i ua hooululu la i nana hou ia a elike me ke ano a ka Papa Hoomalu e kuhikuhi ai; aka e kuhi hoi ua mau hoolaha la i ke kanawai a me na ano malalo o ua ahu-waiona la e kuai a e kepaia ai, me ke komo pu hoi kekahi mau olelo ma ke ano e lilo ai na hoohalike maloko o na ope i silaia e hoike ana i ke ano, ka ikaika a me ke ano o na waiona a mea-ona hoi. I ka manawa e loaa mai ai mai ka Lunanui o na hoohalikena apau e haawi ia aku e ia i ka Papa Ola, a e kona Komite Hooko paha, nana hoi ka hana e nana a e imi i ke ano o ua hoohalike la a malama i kekahi moolelo o ua imi ana la maloko o kekahi buke noia hana, a o ua hoohalike la i loaa aole hoi he maikai, ua paipaiia, malalo o ke ana a ma kekahi ano e mai na koi ana i hoakaka muaia elike me ia i hoikeia ma kekahi olelo hoike i hooponopono houia o na houluulu e silaia a e hoihoiia i ka Lunanui i ukali puia e kekahi olelo hoike kakau e hoike ana i ua mau pahemahema la. Mamuli o ka loaa ana mai o ka likiki oia mea a ka Lunanui hoi e hoihoi ai ua hoohalike la i ka ona i hoailonaia "kapaeia" a na kekahi olelo ma ka leta e hoike ana i ke kumu i kapaeia ai. O na hoohalike apau e hoike ana i ke kulike me ka makemake i hoike muaia i ka Lunanui e paaia iho no hoi e ka Papa Ola a hiki i ke kuaiia ana aku o ka huina mai ka mea i palekana ma

ke koho ana e loaa mai ana i ka Lunanui. Maluna hoi oia mea e lilo he hana na ka Papa Ola e hoao i ua ~~huina la~~ ahu la waiona, a ina ua ku i ke ana no ka ikaika a me ka maemae elike me ia i hoike mua ia, alaila hoi ua kuai ana la e aponoia e ka Papa Ola a e kona Komite Hooko paha, a i ka Papa Hoomalu a ma ia hope aku e manaoia aku ai ua ~~huina me-ana la~~ ahuna o ua mea ona la e manaia ua ku hoi ma ke kanawai aia maloko o na palena o ka Teritori a e haawiia hoi mawaena o na hale-papaa a me na hale haawi waiona no ke kuai ma ka nui elike me ia i kauoha ia e na wahi haawi mea-ona lehulehu a elike paha me ka ka Lunanui e manao ai he maikai no ka oi hana, a na ka Luna Hooia hoi o ka Teritori e unuhi mai a e haawi aku i na kikoo dala ~~ma na~~ no ka uku maoli ana no ia mea, aka ina hoi ua huina mea-ona la i loaa mai elike me ia i loaa mai a i hoaoia aole elike me ke anahoohalike a ua hiki ole ke hoopiha i na koi ana a ke ana, ka maemae, ka ikaika a me kamaikai, alaila e lilo hoi he hana na ka Papa Ola e kapae aku ia huina mea-ona la apau, a o kekahi hapa oia mea elike me ia e haule ana i na koi ana a ke kanawai, a pela hoi e hoike aku ai ka Lunanui ma ke kakau ana, e hoike ana i ke kumu o ua kapaeia ana la. E lilo hoi ia manawa he hana na ka Lunanui e hoike i ka mea nana i hoouna hoi i ua mea i kapaeia a me ke kumu o ia mea a e hoike hou aku i ka mea hoouna hoi e paa ia ana ~~ka huina~~ ke ahu mea-ona no kekahi manawa kupono a maluna o kana kauoha a me uku ana o na lilo uku lawe a me na lilo e ae i hiki hoi ke houluuluia e ka Lunanui a koiia e ukuia mamua, alaila e hooiliia aku mai ka Teritori aku o Hawaii na huina mea-ona me ia i kapaeia ai, a i ka hoouna ana e waiho no malalo o ka mana o kekahi Lunanui a hiki i ka loaa ana aku o ka palena o ka Teritori, ia manawa hoi i lilo aku ai mai ona aku a i ka mea nana maoli i kepa. O kekahi waiona a mea-ona paha e kepaia no ma na ~~ulia~~ pono o ka ona ma na ano apau. Ina kekahi waiona, a wai waina a wai bia a mea-ona e ae paha e kapaeia a hoahewaia paha e ka Papa Ola he mea maikai ole a ono ole hoi, o ua waiona a mea-ona la aole hoi e kuaiia maloko o ka palena o keia Teritori a hooleia hoi ka hookaa ana no ia mea e ka Lunanui i ka mea, hui, a hui ihoo-huiia mai a ia mai ua waiona la i kuaiia ai.

PAUKU 17. I na manawa apau o kekahi hale haawi mea-~~ona~~ ona i kukuluia ai ma ~~kekahi~~ loko wahi o ka Teritori na ka Lunanui hoi e wae i kekahi kahua kupono a hale no ia mea. Ua hiki iaia ke hoolimalima i kekahi hale ina aole kekahi wahi i hoomaopopoia e ka Teritori, a Kalana, kulanakauhale a taona paha a e kauoha i ka hooponopono ana a me na lako hale kupono ana e kuai ai ma ka aoao o ka Teritori, a e hoonohonohoia ka huina mea-ona a e kaupaleia e kekahi pale kaola peapea hao paha a mea e hiki ole ai ke komo ana o ka poe kuai a mea e ae i ke komo ilaila, koe aku ka mea haawi a me na kakauolelo o ua hale haawi la. E papa hoi oia i na mea hoohiluhilu elike hoi me na lako hale, na kii, na hoolaha a me na mea kupono ole e hoikeike ana i na mea-ona. E kauoha oia i ka papa kuai kahi a ka poe e waiho aku ai i ka lakou nonoi e kukuluia ma ke ano e hiki ai he hookahi wale no mea noi o ka wa hookahi me ka manao aku elike me ia ma kekahi hale leka me uuku o ka rumi a rumi ole no ka poe aea wale, a aole hoi kekahi noho a wahi hooluolu e a'e e hoolakoia no na poe kuai a poe e ae aole noho hana ma kahi haawi mea-ona. Na ka Lunanui hoi e hoopuka i na pepa hooia i ka mea haawi mea-ona, e hoike ana i ka mea i hookohuia ~~i ka~~ he mea haawi ~~mea-ona~~ a me ka la o kona hookohuia ana a me kekahi palapala hooia e hoike ana i ka la e weheia ai ua wahi haawi mea-ona la no ka haawi ku kanawai ana o na mea ona malalo o keia kanawai, a me kekahi mau olelo hoi elike me ia ana i manao ai he kupono a aole hoi i hookui me keia kanawai. Na ka mea haawi mea-ona hoi e malama i kekahi o ua mau hooia la i paiia ma kekahi wahi moakaka ma ua wahi haawi mea-ona la, i huipuia me kekahi kope paiia o keia kanawai.

PAUKU 18. Mamua o ke kuai ana a haawi ana o kekahi mea-ona i kekahi mea, e pono hoi e waiho ia kekahi noi i ka mea haawi mea-ona, a i kana kakauolelo, a i kona kokua ma ka malama o ka hale haawi mea-ona maluna o kekahi ano i paiia i hoolakoia no ia mea, a e hoopiha hoi ka mea noi i na pepa paihakahaka, i kakauia ma ka inika, e hoike ana i ke ano, ka maikai a me ke kumukuai o ka waiona a mea-ona e ae i makemakeia, i kauia me ka la pololei a me ko ke kane a wahine inoa paha i kakauia malaila, koe aku na palapala haawi laau a na kauka i hoakakaia maloko nei a ma ia mau ano

o ua palapala haawi laau la e lawe ia no e ka mea haawi mea-ona la, kakauolelo a kokua paha ma kahi o ua palapala noi la, koe ina ka mea haawi, kakauolelo a kokua i ike i ke ano o ua pepa haawi laau la he mea oiaio a aole i hoopukaia no na hana e alo ai i na olelo o ke kanawai. Na ka mea haawi waiona e malama i kekahi buke kahi ana e hoopaa ai i ka inoa o na mea noi apau i hui pu me ka na kauka mau palapala haawi laau, a e helu papa aku i na poe noi a e hoopaa hoi i ka helu e pili ana me ka inoa o ka mea noi; a oia buke e wehe waleia no e ka Lunanui a e na hoa paha o ka Papa Hoomalu, Loio Kuhina, Loio o ke Kalana a kiure nui paha, a aole kekahi hapa o ia moolelo e hoolahaia. Ina kekahi mea e hana apuka a kakau kolohe i kekahi inoa a kakau paha i ka inoa o kekahi mea e aku aole o kona inoa ponoi ma kekahi pepa noi a ma kekahi pepa haawi laau paha, a hana paha i kekahi olelo hoopunipuni ma kekahi noi, a pepa noi, a pepa haawi laau paha, ua ku ka hewa mikamina iaia a mamuli o ka ahewaia no ia mea e hoopaiia hoi no kela a me keia hewa aole e oi aku i ke kanalima dala a ma ka hoopaahaoia ma kahi hoopaa o ke Kalana no aole e oi aku i na la he kanakolu. Aole hoi kekahi waiona e ona ai e kuaiia a e haawiia i kekahi keiki oo ole, kekahi mea ona a mea ona mau paha; ua hiki no i kekahi mea haawi laau ke hana i kekahi mau rula a ana hooponopono aole i kue me na rula o ka Papa Hoomalu a Lunanui a aole i kulike ole me keia kanawai, elike me ka mea kupono no ka hooponopono ana o ka Hale Haawi Waiona.

PAUKU 19. O na mea-ona apau e kuaiia no a haawiia e ka mea haawi mea-ona, kana kakauolelo a kokua paha maloko o na wa-hi wale no i silaia a o na kuai ana apau no ke dala wale no.

PAUKU 20. Ina ka Lunanui, mea haawi mea-ona, kakauolelo a kokua paha a o kekahi paahana paha ma ka hana i pili i ka hoomalu, kuai a haawi ana i ka mea-ona, e wahi ina sila,paipai a kauoha paha e paipaiia kekahi waiona, waina, a mea-ona e ae paha a ke kane aiole ka wahine aiole a lakou paha e malama ai i mea kuai malalo o keia kanawai, ma ka hoohui ana me na wai hooluu, wai a wai laau paha a mea e o kela a me keia ano a hoohui paha ia mea me kekahi mea ona e aku o kela a me keia ano a maikai paha, ua ku ka hewa iaia, i ka wahine, a ia lakou paha o ka mikamina, a mamuli o ka hoahewaia

ana no ia mea e hoopaiia aole e emi i ka hookahi haneri a aole hoi e oi aku mamua o elima haneri dala aiole ma ka hoopaahaoia paha ma ka hale hoopaa o ke Kalana aole e emi i ka ekolu mahina, a o ka uku hoopai a me ka hoopaahao pu no paha.

PAUKU 21. O na waiona apau no na lapaau ana a no na hana hoomana e kuaiia no ma ka Hale Haawi Mea Ona i kukuluia malaio o keia kanawai, a o na mea-ona apau aole i kuaiia ma kahi haawi mea-ona a malalo o ka mana o ka Lunanui e manaoia no aia maloko o keia Teritori o Hawaii me ke kanawai ole a ua ku no hoi e hopuia a ma ke kauoha o ka Aha Kaapuni mahope o ka hookolokolo pono ma ke kanawai e lukuia koe hoi elike me ia i hoakakaia mahope.

PAUKU 22. Na ka Lunanui no e kau i ke kumukuai a me ka nui o na mea ona e kuaiia, ma na wai i silaia, me ke ku nae i ka hoonohonoho hou ana a ka Papa Hoomalu i kela a me keia manawa, koe hoi ina ma kahi o na waiona hookulukuluia aole e emi i ka hookahi hapa paina a oi i ka elima galani, a ina ma kahi o na mea-ona e ae ua hiki no ina wa-hi ke ~~hoopihaia~~ i silaia ia piha elike ka nui me ka ka Papa Hoomalu e kauoha ai i kela a i keia manawa, a he hana no a he kuleana kaokoa hoi no ka Lunanui e sila ina wa-hi apau. E kuaiia hoi na mea-ona apau no ke kumu kuai e puka ai aole nae e oi aku i ke kanawalu pa hapa-haneri keneta, koe aku ka makahiki mua ka manawa hoi e kuaiia ai ma ke kumu lilo mua.

PAUKU 23. E weheia hoi kela a me keia wahi haawi waiona ma ka hora ehiku kakahiaka a e paniia ma ka hora ehiku ahiahi, me ke pani pu ana hoi mawaena o na hora umi-kumamalua awakea a me hora hookahi auina ahiahi, a ma na Lapule a me na la koho balota hoi. Hookahi wale no noi a ka mea hookahi ma ia la hookahi e ae ia ma kekahi o na wahi haawi mea-ona, aka ua hiki hoi i ua mea noi la ke noi aku no na wa-hi i silaia elike me ka nui o kona manao o na ano a o na wa-hi nui like ole. E hoike hoi ka hoailona maluna o kela a me keia wa-hi i silaia i ka inoa ka nui, ka maikai, ke ano a me ke kumukuai o ka waiona maloko o laila.

PAUKU 24. Aole hoi na inu ana o na mea-ona e ae ia maloko a ma

kahi kokoke i kahi haawi mea-ona a ma ka pa-hale kahi i ku ai, a aole no hoi kekahi mea, a aole kekahi paahana, e ae ia e hoopipili ma ua wahi la; a ina kekahi mea a mau mea paha, ~~nela~~ hoonele paha a i hoole, i ka hoolohe ina olelo o keia pauku i ka manawa e kauohaia ai e hana aku me ia e ka mea haawi mea-ona a e ke kakauolelo a kokua paha e malama ana, ua ku hoi i ka hewa mikamina ia poe e hoohemahema a e hoole ana mamuli o ko lakou hoahewaia ana no ia mea e hoopaiia aole e oi aku i ka umi dala aiole e kolu la hoopaa ma ka hale hoopaa o ke Kalana.

PAUKU 25. Aole e kuaiia kekahi waiona, ~~wai~~ waiwaina a wai-bia paha a mea-ona e ae paha, ma ka kahi wahi haawi ~~mea~~ wai-ona i kekahi poe e kuai ana no ka manao hoolilo hou aku, koe elike me ka keia kanawai i hoakaka ai, a o ka Papa Hoomalu me ka Lunanui hoi kai kauohaia e hana a hoolaulaha ina rula a e kauoha i ka poe haawi mea-ona e hele e imi hoi i mea e hooki ai i kanaka mai ke kuai ana; a ina ka mea haawi mea-ona ua maopopo pono ua kuai kekahi mea a mau mea paha, a ua maa i ke kuai ana no ka makemake kuai hou aku, ua hiki no iaia a i ka wahine paha ke hoole loa e kuai aku ia poe a hiki hoi ke kuai aku ia lakou ma ka nui kupono e hiki ke like me ka hooki ana ina kuai hou ana aku; koe nae ua hiki no i ka mea malama o kekahi hotele a hale-aina paha ke kuai i ka nui kupono o na wai-bia a me waina wale no e hoolawa ai i kana mau malihini no ko ka papa ai ana; a o ia waina a me na wai~~ona~~bia e haawiia hoi ina hoa-ai e ia ma ka wa-hi mua i silaia wale no, a no ia mea e kaki a e ohi hoi ka mea malama hotele a malama hale-aina i ke kumukuai i hoikeia ma ka hoailona ma ka wa-hi a i uku maoliia e ia ma kahi haawi mea-ona a aole hoi e oi aku; aka aole nae kekahi waiona hookulu e kuaiia i kekahi malama hotele a malama hale-aina e kekahi mea haawi mea-ona malalo o keia pauku o keia kanawai. Ina ma kekahi manawa ua maopopo pono kekahi mea haawi mea-ona aia kekahi malama hotele a malama hale-aina paha e hahaki mau ana ina olelo o keia pauku e hoole hoi oia aole e kuai iaia a aole i kekahi mea e no ka pono o ka hotele a hale-aina paha i kekahi a i na waiona no apau ma keia pauku i hoakakaia iho nei, a o kekahi malama hotele a malama hale-aina paha e hahaki ana i kekahi o na olelo o keia pauku e ku no

ka hewa o ka feloni a mamuli o ka hoahewa ana no ia mea e hoopai ia no kela a me keia hewa elike me ia i hoakakaia ma ka pauku elima o keia kanawai.

PAUKU 26. E kuai no kekahi mea haawi mea-ona ina waiona hookulu, na wai-bia a me waiona i hoawaawaia, mamuli o ka pepa haawi laau nui a kekahi kauka i laikini kuponoia e ka Papa Ola, a ma ka olelo haole ua pepa la, i kakau inoa ia e ua kauka la, e hai ana hoi i ka inoa o ka mea e hoolakoia a me ka nui, ka maikai a me ke ano o ka waiona e haawiia. E laweia aku hoi ia mau ano pepa haawi laau e ka mea haawi mea-ona ma kahi o na noi kakaulima elike me ia i hoakakaia maanei, aka aole nae kekahi kauka lapaau e haawi i kekahi pepa haawi laau i kekahi mea, koe no na hana lapaau oiaio. E malama kela ame keia mea haawi mea-ona a hoohuihui i kela a me keia pepa haawi laau i kauia hoi maluna iho o kekahi oia mau kuai ana, a e helu hoi i kela a me keia pepa haawi laau pakahi a e malama hoi maloko o kekahi buke i hoomakaukauia noia mea i kekahi moolelo o na haawi laau apau, a oia buke ua hiki ke wehe a nanaia ina manawa apau e ka lehulehu, a malaila pu hoi ka inoa o ke kauka e haawi ana i ka pepa haawi laau a me ka inoa o ua laau la. O kekahi mea haawi mea-ona i kuai me ka ike no i ua waiona la mamuli o kekahi pepa haawi laau apuka, a o kekahi kauka a mea e ae e haawi, kii hoi a kokua i ke kii ana i kekahi pepa hoopunipuni a apuka paha no kekahi waiona a wai i hoawaawaia me ke kue ana ina olelo o keia kanawai ua ku no ka hewa mikamina iaia a mamuli o ka hoahewa ia ana no ia mea e hoopaiia a e hoopaahaoia elike me ka manao o ka Aha.

PAUKU 27. Na ka Lunanui hoi e hana i kekahi hoike hapaha i ka Puuku o ka Teritori ma ia hoike i huiia ka la hope o Malaki, Iune, Sepatemaba a me Dekemaba o kela ame keia makahiki, a ia manawa e lawe ina dala apau o ke aupuni e waiho ana paha ma kona lima, a ma ka la kanakolu-kumamakahi o Dekemaba o kela a me keia makahiki e hana i kekahi hoike makahiki i ke Kiaaina, e hui pu ana malaila ina houluulu helu apau e loaa ana ma ke ano paapono me na hoike hopena piha a houluulu-helu ana i hanaia e hui ana ina hana apau

o ka makahiki. E paiia hoi ia hoike makahiki a e haawiia ma na wahi apuni ka Teritori.

PAUKU 28. E hoike hoi kela ame keia mea haawi waiona i ka Puuku o ka Wailuku Teritori ma, a e hui pu ana, i ka la hope o kela a me keia mahina, a malaila oia e hoike ai i ka nui a me ke ano o na waiona a mea-ona e ae ma kona lima ma ka la mua o ka mahina, ka nui hoi a me ke ano o na waiona a meaona e ae paha i loaa iloko o ka mahina a me ka nui o na waiona a me na mea-ona e ae ma ka la hope o ka mahina. E hoike pu no hoi oia i ke ano, ka nui a me ke kumukuai o na waiona apau a me na mea-ona a ae i kuaiia iloko o ka mahina, a e hoouna i ua hoike la i hui pu me ke kikoo a kauoha dala e uhi ana ina dala apau o ka lehulehu ma kona lima e loaa ana mai na kuai ana o na mea-ona iloko o ka mahina. E hana palua hoi oia i ua hoike la e hoouna leta aku i ka Lunanui, a ina ua wahi haawi mea-ona la i kukuluia ma kekahi wahi i ku kekahi kalana e hoomakaukau hou aku oia i kekahi kope a hoouna leta aku i ka Puuku o ke Kalana oia Kalana. E malama hoi kela a me keia mea haawi mea-ona i kekahi buke helu o na hoolilo liilii apau o kela a me keia lilo i ka hana ma kekahi buke kaokoa noia mea, a ma ka hapaha makahiki o kela a me keia la hope o Malaki, Iune, Sepatemaba a me Dekemaba e hoike ia mea pakahi i ka Lunanui, i ka manawa e aponoia ai e ka Lunanui e waihoia aku hoi ia mea i ka Luna Hooiaio Nui o ka Teritori, a i ka manawa e hooiaia ai e kakauia hoi kekahi kikoo dala ma ka inoa o ka mea haawi waiona a e hoouna ia iaia ma ka leta.

PAUKU 29. O na hoa apau o ka Papa Hoomalu, Lunanui, haawi mea-ona, ina kane a wahine paha, na kakauolelo, a me na paahana i komohia pu ma ka hoomalu, kuai a haawi mea-ona ana he poe kupa lakou no America Huipuia, a, koe aku na hoa o ka Papa Hoomalu, aole e noho ma kekahi oihana e aku, a aole lakou a o kekahi o lakou e komo ma kekahi hana ponoi iho o na ano apau iloko o ka manawa o ko lakou hookohuia ana.

PAUKU 30. O na hookohu apau malalo o keia kanawai no elua makahiki no ia mai ka la o ka hookohuia ana ke ole e hoonee e ia mamua, a

 aole hoi kekahi mea oo ole e hookohu a hoohanaia paha ma kekahi ano

malalo o keia kanawai.

PAUKU 31. O na hoohiki oihana apau a me na bona oihana malalo o keia kanawai e ~~hoopiha~~ waiho ia ~~no hoi~~ ~~e~~ me ka Puuku o ka ~~Waihona~~ o ka Teritori.

PAUKU 32. E kauohaia hoi keia hoohiki mahope nei e laweia a e ~~hoopihaia~~ waiho ia hoi me ka Puuku Teritori e na hoa apau o ka Papa Hoomalu a me kela a me keia luna, kakauolelo a me paahana i hookohuia maloko o ka hana i pili me ka hoomalu, kuai a me haawi mea-ona ana maloko o na palena o ka Teritori o Hawaii.

"MAHOPE O KA HOOKOHUIA ANA he_____ ma ka Hana o ka Oihana Hoomalu, Kuai a me Haawi ana o na Mea Ona ma ka Teritori o Hawaii; Owau hoi ke hoohiki kuio nei, elike me ka hiki i ko'u ike a me ko'u makaukau, e hana a hooko i na hana o _____ kahi o'u i hookohuia ai. A aole hoi au he mea oo-ole a he mea i kuluma i ka inu i na mea ona. A e hana au me ko'u ikaika apau e hoohana ina olelo o keia kanawai a me na kanawai e ae apau e hoololi anaia mea a e pakui aku paha ia mea. A e hooki hoi au mai ke komo pu ana iloko o na kalaiaina a aoao kalaiaina paha koe no ke koho, iloko o ka manawa o ko'u hookohu, a e hooikaika e hapai i ka hana malalo o keia kanawai maluna o na mana kalaiaina a lanakila paha o ka aoao. A e hana au me ko'u ikaika apau ehoolilo i ka hana a eleu, a e hooikaika hoi e ko ka makemake o keia kanawai i manaoia e ~~hoopa~~ kinai i na hana~~ukaaini~~ uhaai o na mea-ona a me na ino i ilihia mailaila mai, a me ka hopo ole, pomaikai ole, makana ole a manaolana ole i kekahi makana e lawelawe hoopono hoi i ka Teritori o Hawaii a e hooahuwale i kekahi a me na hana hahaki kanawai i na kanawai e hooponopono ana i ka hoomalu, kuai a me haawi ana i ka mea-ona. Pela ke Akua e kokua ai ia'u.

PAUKU 33. O kela a me keia luna, kakauolelo a paahana paha malalo o keia kanawai, e hana kakau kalohe ana ma kekahi moolelo a buke e aku paha, pepa a olelo hoike kakau ua ku ka hewa o hoike wahahee, a o kela a me keia luna, kakauolelo a paahana paha e lawe kolohe ana i kekahi o na dala e loaa ana mai na kuai ana o na mea-ona malalo o na olelo o keia kanawai e ku no ka hewa iaia o ka lawe-aihue

ana a e hoopaiia elike me ia i hooakakaia e ke kanawai no ua ano hewa la.

PAUKU 34. O kekahi mea, aole he luna Teritori, Kalana a Kulana-kauhale paha e hookumu mamuli o kona manao ponoi iho ina hookolo-kolo ana ma kekahi aha hookolokolo a ka hoahewaia ana o ka mea hewa a mau mea hewa paha malalo o keia kanawai, a e haawi aku ana i ka Luna Hooiaio Buke Helu me kekahi palapala hooia i kakauia e ka Loio Kuhina a e ka Loio Kalana, e hoike ana i ka hoahewa ia ana ma kekahi o ia ano hihia a o na olelo hoopai a hoopaahao a o laua no a elua, a o ka mea i hoopukaia ka inoa ma ka palapala hooiaio kai hele ae a ku hoike ma ke ano he hoike ma ia ano hihia, ua kuleana hoi e loaa kekahi kikoo dala i kikooia i ka puu dala i haawiia malalo o keia kanawai i kulike hoi i ka hookahi hapa o ka hoopai a he hookahi dala no kela a me keia la o ka hoopaahao ana o ka mea i hoahewaia; aka ina ma kahi o ka hookuuia ua hiki hoi i ka aha e hookau aku ina lilo i ka hoike e hoopii ana.

PAUKU 35. O kekahi mea e malama a e hoomau ana mai aia aku a ma kekahi ae ma ona iho ma ka hui ana a hoohuihui ana me kekahi poe e aku a ma kekahi ano e kokua a lawelawe pu ma ka malama a hoomau ana i kekahi aha kalapu a kekahi wahi like malalo hoi o kekahi inoa, kahi o na waiona e kuaiia ana, kukakukai ia, haawiia a ma-kekahi ala e ae i hooliloia no ka puka ua ku no i ka hewa a mamuli o ka hoahewaia ana noia mea e hoopaiia no kela a me keia hewa e-like me ia i hoakakaia ma ka pauku elima o keia kanawai.

PAUKU 36. Aole kekahi paipai laau, hale kuai laau, a o kekahi ona paha, hoahui, paa helu kuleana a paahana o kekahi o na hale kuai laau a wahi hana e aku paha ma keia Teritori e kuai hoi i kekahi waiona, wai-waina a wai-bia paha a mea-ona e ae koe elike me ia i hoakakaia ma keia pauku. Ua hiki no i ka poe kuai laau lapaau, ke kuai i na waiona apau a me na wai alakoholo i kupono no ka hoohuihui ana mai kekahi wahi haawi mea-ona o ke aupuni wale no, a aole kekahi mea a wahhi paha e hookuu aku i kekahi mea paipaiia a hoohuihuiia koe wale no elike me ka hoakaka o ka pepa haawi laau a kekahi kauka i laikini kuponoia e keia Teritori, he

mea i haawiia, kuaiia, a i hoohanaia ma ke ano laau wale no, aole hoi e inuia maluna o ka aina kahi i kuaiia ai a me kahi i haawiia ai, a ua hiki no hoi i ua mea kuai laau la maluna o ua pepa haawi laau la no na hana lapaau wale no ke kuai i kekahi nui kupono o na waiona, a haawi ana i ua waiona la ma ka wa-hi mua hoi i silaia i loaa mai kahi haawi o na mea-ona o ke aupuni, koe hoi, ina ua kuai a na la i hanaia ma ia kumukuai hookahi i ukuia no na waiona oia ano ma kahi haawi mea-ona a aole hoi i oi aku, a oia ano ope i silaia aole e weheia e ka mea kuai a e kekahi mea e nona iho a e inuia e ia maluna o ka pa aina kahi i kuaiia ai a i haawiia ai.

O na laau i hoomaluia na pono ma kekahi palapala aupuni e komo pu ana ka wai alakoholo aole kuai a e malamaia no ke kuai a ma kekahi ano e ae e ka mea hale kuai laau ke ole ua laau la e waiho mua ia i ka Papa Ola no kona noelo ia ana a no ka hoopuka ana i kekahi palapala hooia e ua Papa la e haawi ana i ka malama ana a me kuai oia mea, aole kekahi uku a kaki e ae e auhauia a e ohiia e ka Papa Ola no ia noelo ana a hooia ana; aole hoi kekahi mea iloko o keia pauku e manaoia e kauoha ana i ke kuai ia o kekahi mea i hoomakaukauia a i paipaiia, malalo o kekahi inoa, o kekahi ano a kii o na ano apau, nona kekahi wai-alakoholo i hiki ke lilo he mea inuia.

A i ka manawa o ka Papa Hoomalu, Lunanui paha, a mea haawi waiona paha a o kekahi paha o lakou i hiki ke lawa kona manao na kekahi mea kuai laau a hale kuai laau paha, a na kekahi ona a paahana maloko olaila, pololei a ma o kekahi paha, e kuai ana, hoopukapuka ana, kukai ana, a ma kekahi ano hana e ae ku ole i ke kanawai e kuai ana i na waiona no ka puka, a no kekahi kumu e ae i ko ia i kauohaia e keia pauku ua hiki no i ka mea haawi mea-ona ke hoole i ke kuai hou ana aku i ka waiona i ua mea kuai laau la a i kekahi mea e ae paha i pili me ua hale kuai laau la a i kekahi mea no lakou a o ke kahi paha o lakou.

Na ka Lunanui o na mea-ona e kauoha e paiia ma na hua moakaka ina olelo apau o keia pauku a hoouna leta aku i kekahi kope i kela a me keia mea kuai laau a me hale kuai laau paha e lawelawe hana ana ma keia Teritori, a e lilo hoi he hana na kela a me keia

~~kela me keia~~ hale kuai laau paha
mea kuai laau, a mea paha iaia ka malama oia hale, e pai a e hoolaha ma na manawa apau ma kekahi wahi kehakeha ma ua hale kuai laau la a wahi hana paha i ua kope la o keia pauku.

O kekahi mea kuai laau, kakauolelo, hana laau, ona, hoohui, paa kuleana mahele hui, a paahana o kekahi hale kuai laau, ma ka pololei a ma ke kahi ano e, e kue ana i kekahi o na olelo o keia pauku ua ku no i ka hewa o ka feloni, a mamuli o ka hoahewa ana noia mea e hoopaiia no kela a me keia hewa elike me ia i hoakakaia ma pauku elima o keia kanawai, a mamuli hoi o ka ahewaia ana o kekahi mea, ma kekahi kulana paahana maloko a kokoke paha i kekahi hale kuai e lawelawe ana ma keia Teritori, e hooki a hoopauia hoi kona laikini, me kona mau laikini pu e ae kekahi apau, na hooiaio, na palapala ae a me na hoike e ae o kona mana e lawelawe hana, me ka hana hou ole ana aku a ma ia manawa aku e lilo i mea noa a mana ole, a o kekahi hale kuai nona ka ona a mau ona paha, ma kekahi hana, ae ana, a hoohemahema paha, mahope o ka ae ana ina ~~hana~~ kue kanawai ma keia ke kukalaia nei he mea ino wale a ma keia ka Loio Kuhina i kauohaia ai, hoomanaia a kuhikuhiia e hoopaa i ua hale kuai laau la.

PAUKU 37. O na hope a o kekahi bona aupuni o ka Lunanui o na mea-ona a o ka bona aupuni o kekahi mea haawi waiona pili hui ~~pau a pili~~ a pakahi ia lakou, no na hoopai, hoopaahao, na poho a me na lilo i hooholoia e ka aha i kekahi o ua luna a paahana paha malalo ona a e pili pu nohoi ia lakou i huiia a ia lakou pakahi, no na dala apau i lilo a no na waiona a me na mea-ona e ae a me na waiwai o ke aupuni malalo o kana malama ana, i hoopoinoia o ka Teritori o Hawaii, a no ka hoopono a hoopololei o ka malama ana a me ka hoi-hoi ana o na dala apau e komo ana ma kona lima mamuli o kana oiha-na. A oia mau bona aupuni no na hoohana no ia o ka Teritori o Hawaii, a ina hoi ma kekahi wa ua hahakiia kekahi o na olelo, alaila ua ku hoi ka mua a me na hope ma ia mea i huiia a ia lakou apau no na poho i hookoia i ka mua ma kekahi o na hoopii malalo o na olelo o keia kanawai. O na dala apau i ohiia no ka haki ana o ua bona la e uku ia i ka Puuku o ka Teritori a nana e hoopaa iho me

na dala e ae e loaa ana mai na kuai a me haawi ana o na mea-ona malalo o keia kanawai.

PAUKU 38. Ua hiki i kekahi luna a kakauolelo paha ke hooneeia mai kona oihana a hoopauia paha e ua Papa hookahi la no a e ka poe nana oia i hookohu, ma na manawa apau no na kumu hoi e hoike ia aku no iaia, a o na kumu o kona hooneeia e kukuluia no hoi maluna o ke kahua o ka hahaki ana i kana hoohiki oihana a hewa, ma kekahi hana pono ole paha ma kana oihana a ma ke kue ana paha i na olelo o keia kanawai ma kekahi ano.

PAUKU 39. Ina manawa apau o na kalana e kukulu ponoia ai, ua kuleana pakahi na kalana i kekahi hapa o na loaa piha, e loaa ana mai ~~ami~~ ke kuai a me haawina o na mea-ona a me na hoopai i ohiia maloko o na palena oia kalana malalo o na olelo o keia kanawai.

O na hoopai apau i ohiia a me na dala e ae i loaa mai maloko o na olelo o keia kanawai e hoounaia aku no i ka puuku o ka Teritori, a ma ka makahiki, i ka la mua o Ianuari, ua hookahi hapalua la o na loaa piha e hoopaaia ma ka aoao o kela a me keia Kalana me ke ku nae i na kauoha o ka Puuku o ke Kalana i hiki ke hookaaia ma ke kikoo dala o ka Teritori a mamuli o ka likiki mai ka Puuku o ke Kalana e hoopaa ia ma ka aoao o ka waihona dala o ke Kalana.

PAUKU 40. O ka hana ia ana o ka opiuma no ke puhi ana maloko o na palena o keia Teritori eia ma keia ua papaia, a o kekahi mea e kue ana i na olelo o keia pauku e ku no oia i ka hewa he mikamina, a e hoopaiia he hookahi haneri dala no kela a me keia hewa.

PAUKU 41. O ke kuai, hoopukapuka, kukai mai a mawaena o kekahi poe ponoi iho a elike hoi me na lawe ana, i ukali pu oleia hoi me kekahi pepa-ae ponoi noia mea mai ka Lunanui, o na opiuma i hanaia imanaoia no ke puhi maloko o keia Teritori, ke ole i haawiia mai kahi haawi mea-ona mai a maloko hoi o na wa-hi i silaia, ua ku ole hoi i ke kanawai a ua ku hoi i na rula a me na hoopai hookahi elike me ia i hoakakaia malalo o keia kanawai no na waiona, E hoolakoia hoi kela a me keia wahi haawi mea-ona e ka Lunanui me kekahi huina

kupono o na opiuma i hanaia maloko o na wa-hi i silaia no ka hoo-hana a ka poe mai ola ole e lawe mau ana ia mea. E kuaiia hoi no ke dala kuike wale no, a no ka puka aole i oi aku i ke kanawalu pa-hapa-haneri, i ka poe e noi ana ma na pepa noi i kakauia, ka poe e kii ana i pepa hooiaia he hookahi manawa o ka makahiki mai kekahi kauka i laikini kuponoia e hoike ana he mai ola ole ko ka mea e noi ana a ua hoomano i ka lawe ana i ka opiuma, a e hai ana i ka haawina o ka pule e pau ana iaia. E malama kaokoaia hoi kekahi papa helu o ua poe lawe opiuma la ma kela a me keia wahi haawi mea-ona a me na inoa o ka poe ona mau, poe ola ole, ko lakou mau makahiki, na haawina pule, na la a me ka nui o na opiuma i ha-awiia, na inoa o na kauka nana i hoopuka na palapala hooia, na la o kela a me keia hooia a me na olelo e aku hoi a ka Papa Hoomalu e ike ai he pono e hoopaaai, e hoopaaia no me ka maikai e ka mea haawi mea-ona. Aole kekahi mea maloko o keia pauku e unuhiia e lilo ai he mea e anoe ai o ke kuai, haawi ana a me lawe ana o na opiuma laau no na hana lapaau e ka mea kuai laau.

PAUKU 42. O ke kuai, hoopukapuka, kukai a me ka lawe ana hoi i ukali pu oleia me ka palapala ae ponoi mai ka Lunanui mai a mawaena o kekahi poe maoli iho, o na kumu awa a me kona mau pukana aku o kela a me keia ano oia mea ke ole i haawiia mai na wahi haawi mea ona ua ku ole hoi i ke kanawai maloko o keia Teritori a ua ku no hoi ia mau rula a me ia mau hoopai elike me ia i hoakakaia no na waiona malalo o keia kanawai. E hoolakoia hoi kela a me keia wahi haawi mea-ona me na awa kupono e lawa ai na pilikia o na mai ola ole ~~mai~~ mau hoi e lawe ana ia mea; ~~a~~ kuai a e haawi wale ia no ia mea i na mai mau ola ole e lawe ana no ke dala kuike a aole hoi e oi aku i ke kanawalu pa-hapa-haneri keneta o kona lilo mua, a mamuli o ke noi ana i ukaliia me na hooiaio a na kauka i laikini kuponoia elike me ia i hoakakaia mo ka opiuma. E malama ia hoi kekahi buke moolelo no ia mea wale no elike me ia no ka opiuma ma kela a me keia wahi haawi mea-ona. A na mea liilii apau i pili i ka hoomalu o ke kuai o ka awa i kue ole me keia pauku e hooholoia no e ka Papa Hoomalu.

Aole kekahi mea maloko o keia pauku e unuhiia e lilo ai he mea e anoe ai o ke kuai, haawi ana, hana ana a me lawe ana o ka awa a me na mea i puka ae mailaila e na mea hana laau no na lapaau ana.

E malama hoi ka Lunanui ma kela a me keia wahi haawi mea-ona i ka nui kupono o ka alakoholo maemae, o kanaiwa hapa-haneri ana-ikaika, no na hana ake akamai (chemical a me technical) a me na hana noeau, a oia alakoholo ke haawiia ma na wa-hi i silaia o aole i emi i ka hookahi hapa paina a aole oi aku i ka elima galani no ke kumukuai ma ke kumulilo hoi ai ole ma ke kumukuai i oi ole aku i ka umi pa-hapa-haneri keneta oi a maluna o kona kumulilo mua elike me ka ka Papa Hoomalu i ike ai he kupono. E haawiia no elike me na waiona e ae mamuli o na noi kakauia a i kau inoaia e ka mea noi ponoi a me na olelo e hai ana i ke kumu maoli oia ala-koholo i makemakeia ai a e hoohana ia ai. Ina hoi kekahi mea haawi mea-ona i ike he kumu kekahi e manao ai aole he mea maikai ka mea noi alekoholo a he hoolilo hoi oia i ua alekoholo la i mea paipai a mea inu ua hiki no iaia ke hoole i ka hooko ana ia kaucha a ua mea noi la.

PAUKU 43. Mamuli o ka loaa ana mai o kekahi palapala hoopii i kakau-inoaia e aole e emi mai i ka hookahi hapaha o ka poe kupono i ke koho balota i koho ma ke koho hope nui ana ma kekahi mahele apana koho, e kauoha hoi ka Papa Hoomalu i kekahi koho kuikawa ma ia mahele apana koho ma kahi hookahi i malamaia ai ke koho balota nui hope ana, elike ke kokoke me ka hiki a e hai hoi i ka la o ua koho ana balota kuikawa la e malamaia ai a e hookohu hoi i ekolu poe kupono i ke koho balota e noho ana maloko o ua mahele apana koho la. he poe luna nana o ua koho ana la. Ua kupono hoi na wahine a me na kaikamahine oo a kela a me keia mea koho ke koho a ke lawelawe ma ke ano Luna a Kakauolelo paha ma ua koho ana la.

Mamuli o ka loaa ana mai o ua hookohu ana la e haawi hoi na luna nana koho balota i aole emi mai he kanakolu la hoolaha o ka la a me kahi e malamaia ai ua koho ana la, ma ke pai ana i kekahi olelo hoolaha ma kekahi nupepa puka pule a puka la paha i

paiia ma ua mahele apana koho la a ma ka pai ia ana o ua hoolaha la ma kekahi mau wahi maka-kanaka maloko o ua mahele apana koho la. Ina hoi aole he nupepa kekahi i paiia ma ka mahele apana koho, alaila ua hoolaha la e hookomoia ma kekahi nupepa i hoopuka ia ma kahi kokoke aku i kahi e malama ia ai ke koho ana.

Na na Luna Nana Koho e hookohu i elua mau kakauolelo, kane a wahine paha, na mea nana e hoopaa i ka inoa o ka poe e koho ana ma ua koho ana la, Aole kekahi heluinoa mamua aku o ua koho ana la e kauohaia koe hoi ina aole na mea apau i hoopaa i ko lakou inoa no ke koho nui hope ana me kana wahine a me na kaikamahine pu kekahi i oi na makahiki i ka iwakalua-kumamakahi wale no, ke kupono e koho ma ia koho kuikawa ana. E lilo hoi he hana na na Luna Nana koho balota e hoomakaukau i pahu koho balota a me kekahi mau lako e ae i ikeia he kupono, koe nae ina aole kekahi rumi liilii koho e makemakeia, a aole hoi he makai nui a o kona hope paha a makai hoi e ae ia e keakea me kekahi mea koho a aole e lilo he mea hooioi ma ko lakou nui malaila a ma kahi kokoke paha ia wahi koho ke ole lakou e kaheaia e ka Luna Nana Koho balota e malama i ka maluhia.

Na ka Lunanui hoi e hoolako ina buke moolelo a i na balota i hoomakaukauia a e nana houia hoi e ka Papa Hoomalu. Me keia iho ke ano o na balota a penei ka hoailona X kaha e kauia ai ma ke kolamu ma ka aoao akau o ka mea i manaoia, he ae ia i ka manao i waihoia e koho, a o kekahi mau inoa i hapaiia mai no ka mea haawi mea-ona e noonooia no e ka Lunanui ma kana hookohu ana aka ua hiki no iaia ke koho i kekahi mea okoa ae.

(Ke Ano o Ka Balota)

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1. Ka nui o na wahi haawi mea-ona

2. Hoemi mai i na wahi haawi mea-ona

3. Hooi aku i ka nui o na wahi haawi mea-ona

4. Aole hoololi
   Ka inoa i waihoia mai no ka)
   mea haawi waiona.....)

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

E alakai hou ia aku hoi na Lunanui a me na kakauolelo ma ka lakou malama ana i ua koho balota kuikawa la e kekahi mau rula a me hooponopono hoi elike me ka ka Papa Hoomalu e kuhikuhi ai e pili ana i ke ano o ka hookele ana i ke koho ana a me ka hana ana i na hoike no ia mea.

Ma keia ua kauohaia ka Papa Hoomalu a ua hoomanaia e hana i na rula a me na ana hooponopono no ka malama ana, hookele ana a me hana ana i na hoike o kekahi koho kuikawa ana, i ole i hooakakaia ma keia kanawai, a o na hoike apau e hoounaia aku no ia i ka Papa Hoomalu a malamaia maloko o na wahi waiho oia mea ma ke keena o ka Lunanui. Ina ka hapa nui o na kanaka i kupono i ke koho balota ma ua ano koho kuikawa la, e koho ana no "aole wahi haawi mea-ona" alaila aole wahi e kukuluia oia ano ma ka mahele apana koho a hiki i ka manawa e hoikeia mai ai me ia ma kekahi koho ana mahope aku. A ina hoi he wahi haawi mea-ona kekahi e ku ana e hoonee ia aku noia. Ina ka hapanui o ka poe i kuleana e koho e koho ana "e hooemiia na wahi haawi mea-ona," e hoomaka aku hoi ka Papa Hoomalu a me na Lunanui e hookaawale i hookahi a oi aku o na wahi haawi mea-ona i kukulu mua ia aku elike me ia ma ka mahele apana koho.

Ina hoi ua koho ka hapanui no "hoonui hou aku i na wahi haawi mea-ona", alaila hoi ka Papa Hoomalu a me ka Lunanui e hoomaka aku e kukulu i hookahi a oi aku paha mau wahi haawi mea-ona maloko oia mahele apana koho. A ina hoi ka hapanui e koho "aole e hooloili", aole hoi ka Papa Hoomalu a me ka Lunanui e hana aku i na hooloili a hiki i ka manawa oia manao e hapaiia ai ma ke kahi koho hou mahope mai.

PAUKU 44. Ma ka hookele ana o ka hana hooponopono i pili i ka hoomalu, kuai a me ka haawi ana o na mea-ona malalo o na olelo o keia kanawai, ma kahi pohihihi o ke ano e ikea ana ma na kanawai a ma kahi paha o kekahi kanalua e pili ana i ka manao a me ka makemake o ke kanawai, e waiho ia aku no ia mau ano ninau i ka Papa Hoomalulilo oia ka mea mana ma na wahi pohihihi, a hiki i ka mana-

wa e halawai ai o ka Ahaolelo mua e hiki mai ana.

PAUKU 45. Aole kekahi mau laikini waiona e hoopukaia e kela a me keia ano, ina he ~~ka~~ kaa a kuai liilii paha, mai ka la e hooholoia ai o keia kanawai. Aole hoi kekahi mea maloko o keia kanawai e manaoia e hoopilikia ana ma kekahi ano i ke kuleana o na poe kalepa ponoi no lakou ma na waiona ma na laikini i haawi e ia ia lakou mamua, aka aole nae kekahi oia mau laikini e hoopuka houia mahope o ka pau ana o ko lakou manawa ma ka la a mai ka la ekahi aku o Iulai, 1901, ka la hoi o keia kanawai e mana ai, ua hiki i ka Papa Hoomalu a me ka Lunanui ke ike lakou he kupono e kukulu i na wahi haawi waiona ma kekahi wahi ina paha a aole ka manawa o ka laikini o ia wahi i pau a aole hoi

Ua hiki hoi i ka Lunanui ke kuai mai ka poe i laikiniia mamua o ka pau ana o ka manawa o ka laikini i kekahi huina waiona e waiho ana ma ko lakou lima a i ae hoi lakou e kuai. O ua kuai ana la e hoaoia no hoi ma na olelo hookahi elike me ia i heluia maloko o ka Pauku Umikumamalima o keia kanawai.

PAUKU 46. Na ka Loio Kuhina ma na manawa apau ona e noi ia mai ai e hoolako aku i na manao kanawai a me na ao ana i ka Papa Hoomalu a Lunanui, a o kekahi mea haawi waiona paha e pili ana i ka hoomalu, hooponopono ana a me ka haawi ana o na mea-ona malalo o na olelo o keia kanawai, me na uku ole noia mea, a e hoopii hoi i na hihia apau i pili i ka Teritori. Ua hiki hoi iaia ke hana pu me kekahi loio o ke Kalana a ua hiki hoi ke kauoha i kekahi Loio o ke Kalana e hookumu aku i ka hoopii, ma ke kivila a ma ke karaima paha ma ka aoao o ka Teritori, koe hoi ina ke Kalana kahi i noho ai o ua Loio la o ke Kalana i aole oia kekahi mea ma ia hoopii.

PAUKU 47. Ma na mea apau e pili ana i ka pono o kekahi Kalana, ~~aina~~, na ka Loio o ke Kalana e hookumu i na hoopii iloko o na aha hookolokolo malama i ka pono o ua kalana la a e hoopii i na hahaki ia ana o keia kanawai ma ka aoao o ka Teritori. Nana e haawi i na

manao kanawai apau a e haawi i na ao kanawai i kekahi luna aupuni malalo o keia kanawai, mamuli o ke noi ia ana mai no ia mea, me ka uku ole, a ua hiki no i ka Loio Kuhina a me ka Loio o ke Kalana ke hana pu a hana kaokoa ma na hihia apau e pili ana i ka Teritori a i ke Kalana paha e ulu ana malalo o na olelo o keia kanawai.

PAUKU 48 O na kanawai a me na hapa kanawai a oki-pauku o na kanawai i hui pu me na uku hoopai a me hoopai malalo oia mea, i kue me keia kanawai ma keia ua hoopauia.

PAUKU 49. O ka huina o na dala he _____ ma keia ke haawiia nei e ka Hale Ahaolelo no na makahiki elua mai loko mai o kekahi dala iloko o ka waihona aupuni i hoolilo oleia no ka papa uku o na luna aupuni a me na lilo hele mau o keia kanawai. A o keia huina dala e hoopaaia no kekahi puu helu dala no na hana nui o ka hoohana ana aku i na olelo o keia kanawai e pili ana i ke kuai, hoomalu a me ka lawe ana o na mea-ona malalo o keia kanawai. Ua ku hoi ia mau dala i na kauoha o ka Papa Hoomalu. A o ka huina dala hou aku o _____ ma keia ua haawi ia mailoko ae o kekahi dala ma ka Waihona o ke aupuni, i hoolilo oleia no ka hoolawa ana i na lilo o ke kukulu ana a me ka hookumu ana ina hana o keia oihana malalo o keia kanawai. O keia dala he dala no hoi no ke kukulu ana o ka hana e pili ana i ke kuai, hoomalu a me ka lawe ana o na mea-ona, a e ku no hoi i na kauoha o ka Papa Hoomalu no na hana o keia kanawai.

PAUKU 50. E lilo a e mana keia kanawai mai a ma ka la mua o Iulai, Makahiki hookahi tausani eiwa haneri me hookahi.

SENATE BILL No. 43

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To Repeal Section 922 and the latter paragraphs of Sections 924 and 925 of the Penal Laws, Relating to Vaccination

Introduced March 16 1901,
By Senator Kaohi

ENDORSED BY

First Reading in Senate March 16. 1901
Second Reading in Senate " 21 " 1901
Referred to Public Health,
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

Indef Postponed 41-1
by House Com Pub Health

The Legislature of the Territory of Hawaii

SENATE BILL NO. 43

Introduced 16 day of Mch 1901, by Senator Kaohi

First Reading in Senate Mch 16, 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

AN ACT.

To repeal Section 922 and the latter paragraphs of Sections 924 and 925 of the Penal Laws, relating to vaccination.

Be it enacted by the Legislature of the Territory of Hawaii.

Section I. That Section 922 and the latter paragraphs of Sections 924 and 925 of the Penal Laws, relating to vaccination, ~~is~~ are hereby repealed.

Section 2. This act shall take effect from the date of its publication.

Senate. J. K. Kaohi.

Senator from the First Dist

March 14th., 1901.

PRESIDENT OF THE SENATE,
HON. NICHOLAS RUSSEL

VICE-PRESIDENT,
S. E. KAIUE

SECRETARY OF SENATE,
EDGAR CAYPLESS

SERGEANT-AT-ARMS,
DAVID KAHAULELILO

SENATORS

ACHI, W. C., Oahu
BALDWIN, H. P., Maui
BROWN, C., Oahu
BROWN, J. T., Hawaii
CARTER, G. R., Oahu
CRABBE, C. L., Oahu
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KAIUE, S. E., Maui
KALAUOKALANI, D., Oahu
KANUHA, D., Oahu
KAOHI, J. B., Oahu
NAKAPAAHU, L., Kauai
PARIS, J. D., Hawaii
RUSSEL, N., Hawaii
WHITE, W., Maui

FIRST LEGISLATIVE ASSEMBLY
of the
TERRITORY OF HAWAII
SENATE CHAMBER
CAPITOL BUILDING

ASST. SECRETARY
W. H. CONEY

INTERPRETER,
J. E. BUSH

CHAPLAIN,
REV. J. KEKIPI

STENOGRAPHER,
P. M. McMAHON

MESSENGER,
S. H. MEEKAPU

HONOLULU, T. H. 190

Kanawai

E hoopau loa ai i ka Pauku 922, a me ka hapa hope o ka Pauku 924, 925 o na Kanawai Karaima, e pili ana i ka "O-lina"

E hooholaia i ka Ahaolelo o ke Teritori o Hawaii.

Pauku 1, Oka Pauku 922, a me ka hapa hope o ka Pauku 924, 925 o na Kanawai Karaima, e pili ana i ka "O-lina." Makeia na hoopau ia.

Pauku 2, E mana koe ia Kanawai mai a mahope o kona hoolaha ana.

Aponoia i keia la o A.D. 1901.

Senate J. B. Kaohi

Kanawai

Shoopau ana i na
Pauku 922, a me
ka hapa hope o ka
Pauku 924, 925
o na Kanawai
Hoopai Karaima
e pili ana i ka O-lina

Senate J. B. Kaohi

SENATE BILL No. 44

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To repeal Act 19 of the Session laws of 1898.

Introduced March 16 1901,

By Senator J. Brown

ENDORSED BY

First Reading in Senate March 16 1901

Second Reading in Senate March 21 1901

Referred to Judiciary Com

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

The Legislature of the Territory of Hawaii

SENATE BILL NO. 44

Introduced 16 day of March 1901, by Senator J. P. Brown

First Reading in Senate March 16 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act To Repeal Act 19 of The Session Laws of 1898.

Be it enacted by the Legislature of the Territory of Hawaii

Section 1. That Act 19 of the Session laws of 1898 be and the same is hereby repealed

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

He Kanawai e hoopau ana i Ka Mokuna 19. o Ke Kanawai Kivila o Ka Makahiki 1898.

E Hoohoiia e Ka Ahaolelo o Ka Territory o Hawaii

Pauku 1. O Ka Mokuna 19. o Ke Kanawai Kivila o Ka Makahiki 1898. ma Keia Ke hoopau loa ia nei

Pauku 2. E like no Keia i Kanawai mai a mahope o Ka la o Kona hookaka ia ana.

J. T. Brown

SENATE BILL No. 45

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Relating to the limitation of time within which action may be brought to recover possession of land

Introduced Mch 16 *1901,*

By Senator J Brown

ENDORSED BY

Passed Senate 4/19
Ayes 8 No 3

First Reading in Senate Mch 16. 1901

Second Reading in Senate Apl 16. 1901

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Indefinitely Postponed by Hot R. 4. 30

Indefinitely Postponed

The Legislature of the Territory of Hawaii

SENATE BILL NO.....

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT RELATING TO THE LIMITATION OF TIME WITHIN WHICH ACTION MAY BE BROUGHT TO RECOVER POSSESSION OF LAND, AND REPEALING SECTION I. OF CHAPTER 22 OF THE SESSION LAWS OF 1870, AND ACT 19 OF THE SESSION LAWS OF 1898.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. No person shall commence an action to recover possession of any lands, or make an entry thereon, unless within twenty-five years after the right to bring such action first accrued.

SECTION 2. If such right first accrued to any ancestor or predecessor of the person bringing such action, or making such entry, or to any persons, from, by or under whom he claims, the said twenty-five years shall be computed from the time when the right first accrued to such ancestor, predecessor or other persons.

SECTION 3. If, when such right of entry or action shall first accrue as aforesaid, the person entitled to such entry or action shall be within the age of twenty-one years, or insane, or imprisoned, such person, or any one claiming from, by or under him, may take the entry or bring the action at any time within five years after such disability shall be removed, notwithstanding the twenty-five years before limited in that behalf, shall have expired.

SECTION 4. If the person first entitled to make such entry or bring such action shall die during the continuance of any of the disabilities mentioned in the preceding Section and no determination or judgment shall have been had of or upon the title, right or action which accrued to him, the entry may be made, or the action brought by his heirs, or any other person claiming from, by or under him at any time within five years after his death, notwithstanding the said twenty-five years shall have expired.

SECTION 5. That Section 1. Chapter 22 of the Session Laws of 1870, and Act 19 of the Session Laws of 1898 be and the same are hereby repealed.

SECTION 6. This Act shall take effect and be in force from and after its approval.

Approved this Day of A. D. 1901.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this Nineteenth day of April A. D. 1901.

Edgar Campbell
Clerk of the Senate.

J. E. Kaiue.
President of the Senate.

SENATE BILL No. 46

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act.

To repeal Section 1553 of the Civil Laws as set forth in a Compilation made by Sidney M. Ballou under the authority of the Legislature and published and entitled Civil Laws

Introduced March 16 1901,
By Senator J. Brown

ENDORSED BY

First Reading in Senate March 16. 1901
Second Reading in Senate " 21 1901
Referred to Judy
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

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The Legislature of the Territory of Hawaii

SENATE BILL NO. 46

Introduced 16 day of March 1901, by Senator J. A. Brown

First Reading in Senate March 16 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act to Repeal Section 1553 of the Civil Laws as set forth in a compilation made by Sidney M. Ballou, under the authority of the Legislature and Published and entitled Civil Laws.

Be it enacted by the Legislature of the Territory of Hawaii

Section 1. That Section 1553 of the Civil Law be and the same is hereby repealed.

Section 2. This Act shall become a Law from and after the date of its publication.

He Kanawai e Hoopau ana i ka Pauku 1553 o Ke Kanawai Kivila, i hoike ia ma na Kanawai i hoohuihui ia e Sidney M. Ballou ma o ke Kauoha la a ka Ahaolelo a hoohalaia a i Kapaia Kanawai Kivila.

E Hoholo ia e ka Ahaolelo o Ka Territory o Hawaii

Pauku 1. O Ka Pauku 1553 o Ke Kanawai Kivila ma Keia Ke Hoopau loa ia nei.

Pauku 2. E like no Keia i Kanawai mai a mahope o Ka la o Kona hoolahaia ana.

J. J. Brown

(3)

SENATE BILL No. 47

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To fix compensation or damages to be paid for condemnation of any private property taken for public use.

Introduced March 16 *1901,*

By Senator J. Brown,

ENDORSED BY

First Reading in Senate March 16. 1901

Second Reading in Senate March 23. 1901

Referred to Judiciary

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

4-9 Rejected Per Rpt 70
Reiected

The Legislature of the Territory of Hawaii

SENATE BILL NO. 47

Introduced 16 day of March 1901, by Senator J. Brown

First Reading in Senate March 16 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act to Fix Compensation or damages to be paid for condemnation of any Private Property Taken for Public use

Be it enacted by the Legislature of the Territory of Hawaii.

Section 1. In fixing the Compensation or damage to be paid for the condemnation of any private property, The value of the property must first be ascertained from the assesed value of the land for the payment of Taxes, as returns made by the owner claiming thereof, for the two years preceding the commencement of the proceding for the condamnation of the land, The compensation or damage to be paid for the land sought to be condemned, shall not exceed its assesed value for the payment of Taxes computed per Square feet of the whole area of land and 75 cent additional per square feet thus condemned, and of improvements on said condemned portion 20 cent additional to the assesed value thereof.

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

He Kanawai e hoomaopopo ana i ka uku a i ole ia, na poho e ukuia no ka lawe ana i Ka wai wai pono i o Kekahi Kanaka no ka pono o ka Lehulehu.

E hoohololia e Ka Ahaolelo o Ka Territory o Hawaii

Mahele 1. Maka hoomaopopo ana i ka uku, a i ole ia, na poho e ukuia no ka lawe ana i kekahi wai wai pono i o Kekahi Kanaka, he mea pono e kohomua ia ka wai wai io maoli o ka aina e like me ka helu o Ka wai wai io o na aina nei i heluiaai e Ka mea nona pono ia aina e like hoi me Kona i hoike aku ai ma kona hoike helu wai wai i ka luna helu no Ka auhau ana no na makahiki elua mamua koke iho o ka hoomaka ana o ka lawe ana ia o na aina nei, Aka aole no e oi aku ka uku, a i ole ia, na poho mamua o Kona wai wai io i helu ia no na auhau ma Ka helu ana i Kona wai wai io ma na Kapuai Kuea o Ka aina holookoa me 75 Keneta hou iho no Ke Kapuai Kuea o Ka apana aina i lawe ia, a no na hana hou maluna o na apana nei i lawe ia 20 Keneta hou iho maluna o Ka helu wai wai i auhau ia na hana hou nei.

Mahele 2. E like no keia i Kanawai mai a mahope o Ka la o Kona hoohololia ana.

(4)

SENATE BILL No. 48

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To repeal Sections 336, 337, 338, 339, 340, 341, 342, 343, of Chapter 22, and to amend Section 344 of said Chapter 22 of the Civil laws as set forth in a compilation made by Sidney M. Ballou, under the authority of the Legislature and published entitled Civil Laws

Introduced March 16 *1901,*

By Senator J. Brown

ENDORSED BY

First Reading in Senate March 16, 1901

Second Reading in Senate " 23 "

Referred to Judiciary Com

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

4.9 Tabled - Judiciary
Per Report 40.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 48

Introduced 16 day of March 1901, by Senator J. Brown

First Reading in Senate March 16 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act to Repeal Sections 336. 337. 338. 339. 340 341. 342. 343. of Chapter 22. and to amend Section 344. of said Chapter 22 of the Civil Laws as set forth in a compilation made by Sidney M. Ballou under the authority of the legislature and published entitled Civil Laws".

Be it enacted by the Legislature of the Territory of Hawaii.

Section 1. That Sections 336. 337. 338, 339. 340. 341. 342. 343. of Chapter 22. of the Civil Laws be and the same is hereby repealed.

Section. 2. That Section 344. be and the same is hereby amended to read as follows

Section 344. Any person aggrieved by the decission of the Commissioners as to awards of damages may appeal there from to the Circuit-Court of the Judicial Circuit in which such act is located

Section 3 This Act shall take effect from the date of its publication

J. J. Bevan

He Kanawai e Hoopau ana ina pauku 336. 337. 338. 339. 340, 341. 342. 343. o Ka Mokuna 22 a e Hoololi ana i Ka Pauku 344. o ua Mokuna 22 o na Kanawai Kivila i hoike ia ma na Kanawai i hoohuiia e Sidney M. Ballou ma o Ke Kauoha la a Ka Ahaolelo a hooholoia a i Kapaia Kanawai Kivila.

E hooholoia e Ka Ahaolelo o Ka Territory o Hawaii

Pauku 1. O na Pauku 336. 337. 338. 339. 340. 341. 342. 343. o Ka Mokuna 22. o ke Kanawai Kivila ma Keia Ke hoopau loa ia nei

Pauku 2. O Ka Pauku 344. ma Keia Ke hoololi ia nei a e heluhelu ia penei

Pauku 344. O Ke Kahunea i hoohaehaia e Ka olelo hooholo a na Komisina no Ka hoike ana ma poho e hiki no iaia Ke hoopii hou ae ma ia mea i hooholoia a i mua o Ka Aha Kaapuni o Ka Apana HooKoloKolo Kaapuni i waiho ai o ua hoopii la

Pauku 3 E like no Keia i Kanawai mai a mahope o Ka la o Kona hooholoia ana.

(5)

SENATE BILL No. 49

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To repeal part II of Chapter III of the Civil Laws as set forth in a compilation made by Sidney M. Ballou, under authority of the Legislature and published and entitled Civil Laws

Introduced March 16 1901,
By Senator J. Brown

ENDORSED BY

First Reading in Senate March 16. 1901
Second Reading in Senate March 21 1901
Referred to Judiciary Com
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

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The Legislature of the Territory of Hawaii

SENATE BILL NO. 49

Introduced 16 day of March 1901, by Senator J. Brown

First Reading in Senate March 16 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act to Repeal Part II of Chapter III of the Civil Laws as set forth in a compilation made by Sidney M Ballou under authority of the Legislature and published and Entitled Civil Laws

Be it enacted by the Legislature of the Territory of Hawaii

Section 1. That Section 1747. 1748. 1749. 1750. 1751. 1752. 1753. 1754. of Chapter III part II of the Civil Laws be and the same is hereby repealed

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

J. T. Brown

He Kanawai e Hoopau ai i Ka Mahele II o Ka Mokuna III. o Ke Kanawai Kivila i hoikeia ma na Kanawai i hoohuiia e Sidney M. Ballou ma o Ke Kauoha la a Ka Ahaolelo a i hoolahaia a i kapaia Kanawai Kivila"

E Hoohoio ia e Ka Ahaolelo o Ka Territory o Hawaii

Pauku 1. O na Pauku. 1747. 1748. 1749. 1750. 1751. 1752. 1753. 1754. o Ka Mokuna III. Mahele II o Ke Kanawai Kivila ma Keia Ke hoopau loa ia nei.

Pauku 2. E like no Keia i Kanawai mai a mahope o Ka la o Kona hoolaha ia ana

(6)

SENATE BILL No. 50

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To Amend Section 820 of the Civil Code, Relating to basis of Valuation for Taxation

Introduced March 18 1901,
By Senator Achi

ENDORSED BY

First Reading in Senate March 18, 1901
Second Reading in Senate March 29, 1901
Referred to Ways & Means
Third Reading in Senate
First Reading in House
Second Reading in House
Referred to
Third Reading in House

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The Legislature of the Territory of Hawaii

SENATE BILL NO. 50

Introduced 18 day of March 1901, by Senator Achi

First Reading in Senate 18th March 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act to Amend Section 820 of the Civil Code relating to basis of Value for Taxation.

Be it enacted by the Legislature of the Territory of Hawaii.

Section 1. Section 820 of the Civil Code is hereby amended so as to read as follows:

Section 820. All real and personal property and the interest of any person in any real or personal property shall be assessed separately as to each item thereof for its full cash value.

Provided, however, that in all cases where real and personal property, or several classes or kinds or parcels of real or personal property respectively, are combined and made the basis of an enterprise for profit, the combined property forming such basis of such enterprise for profit, shall be assessed as a whole on its fair and reasonable aggregate value.

In estimating the aggregate value of each such enterprise for profit, there shall be taken into consideration the net profits made by the same, also the gross receipts and actual running expenses; and where it is a company being a corporation whose stock is quoted in the market, the market price thereof, as well as all other facts and considerations which reasonably and fairly bear upon such valuation.

In ascertaining the aggregate value of the property

constituting an enterprise for profit for the purpose indicated by this Section, there shall be excluded therefrom the value of shares, in other Hawaiian Corporations, held or owned by such enterprise, and all property on which specific taxes are levied.

Section 2. This Act shall go into effect upon its approval.

He Kanawai

E hoololi ai i ka Pauku 820 o ke Kanawai Kivila e pili ana i na "Mahele Auhau".

E hooholoia e ka Hale Ahaolelo o ka Teritore o Hawaii.

Pauku 1. Makeia ke hoololi ia nei ka Pauku 820 o ke Kanawai Kivila, ai penei e helu helu ia ai.

Pauku 820. O na waiwai paa me na waiwai lewa, a me ke kuleana o kekahi mea iloko o kekahi waiwai paa a lewa paha e helu kaawale ia no makela a me keia mahele o ia waiwai ma kona waiwai dala io.

Eia no nae, ma na manawa a pau i hoohuiia ai na waiwai paa me na waiwai lewa, a i ole ia, kekahi mau waiwai o na ano like ole o ka waiwai paa, a i ole ia, na waiwai lewa, na hooliloia o ia kekahua ke kahua o kekahi oihana imi loaa, e heluia ia mau waiwai i huiia pela no ia ano imi loaa ma kona ano holookoa ma kona waiwai io kupono i huiia.

Ma ka hoomaopopo ana i ka huina o ka waiwai io o kela a me keia o ia mau oihana imi

2/

loaa, e noonoo ia no na puka i
loaa mailaila mai, a pela no hoi me
ka huina nui o na loaa, a me na lilo
hoohana maoli, a ina lu hui i hoo-
hui ia i kuaiia kona mau mahele
waiwai, ma na wahi i kuaiia ia
ai ia mau mea, ke kumukuai o ia
mau mea, a me na mea e ae a pau
i kupono a i pili pono i ka hoomao-
popo ana i ka waiwai io.

Ma ka hoomaopopo ana i
ka huina o ka waiwai io i lilo i oihana
imi loaa no na hana i hoakaka ia
ma keia pauku, e hookaawale ia
mailoko ae o ia mea ka waiwai
io o na mahele waiwai (shares) iloko
o na Hui Hawaii e ae i hoohuiia i
paaia, a i ole ia, na na oihana la, a
me na waiwai a pau i kau ia i
na auhau maopopo e ae.

Pauku 7. Ee mana keia Kanawai
i kona manawa e apono ia ai.

SENATE BILL No. 51

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To provide for the Inspection, Testing, Storage, and Sale of Petroleum and its products and to Repeal all parts of an Act Regulating and Providing for the Inspection, Testing, & Storage, and Sale of Kerosene &c, Approved on the 14th day of November A. D. 1890, Known as Chapter LXVIII, Session Laws of 1890,

Introduced March 18 *1901,*

By Senator White

ENDORSED BY

First Reading in Senate March 18 1901

Second Reading in Senate March 29 1901

Referred to

Third Reading in Senate April 8, 1901

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Amended & Passed
April 8 - ayes 15

The Legislature of the Territory of Hawaii

SENATE BILL NO. 51

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

An Act

To Regulate and Provide for the Inspection,Testing,Storage,and Sale of Petroleum and its Products,and to Repeal all parts of An Act Regulating and Providing for the Inspection,Testing,Storage,and Sale of Kerosene Oil,Approved on the 14th day of November A.D.I890,known as Chapter LXVIII,Session Laws of I890,and to Repeal all parts of An Act to Permit the Importation of Kerosene Oil for Fuel and Mechanical purposes,approved the 22nd day of April,A.D.I896,and known as Act 14 Session Laws of I896,inconsistent with the provisions of this Act.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. It shall be unlawful,except as hereinafter provided,to sell, offer for sale,give,or in any way furnish,or dispose of,any kerosene oil for illuminating purposes for household use with wick in this Territory,which,after being inspected and tested in the most approved manner with Saybolt's Electric Tester,or other approved apparatus,shall ignite, or evaporate an inflammable vapor at any temperature below 115 degrees Farenheit,but it shall be lawful to sell,or dispose of any kerosene oil for such illuminating purposes which bears a test of 115 degrees Farenheit or more,subject to the license laws of the Territory.

Section 2. Immediately upon the taking effect of this act the Superintendent of Public Works shall appoint a skilled and suitable person, or persons,not interested in the importing,dealingin,selling,or furnishing of kerosene oil for illuminating purposes,as government Inspectors of kerosene oil,and shall provide a sufficient number of Saybolt's Electric Testers,or other approved apparatus,that may be necessary for testing kerosene oil,and the Inspectors shall keep a true and accurate record of all kerosene oils inspected by them, which shall contain the date of inspections,the quantity tested,the names of persons for whom inspected,and the names of vessels by which such oils were imported,and also the trade mark of such oil,and the degree at which the inflammable vapor ignited,and such records shall be open to the examination of any and all persons,and the inspectors shall annually make and deliver to the Superintendent of Public Works true and accurate

reports of the inspections during the preceding year.

Section 3. Any person,firm,or corporation desiring to build warehouses or storage tanks for the storage of petroleum and its products, for hire,must first get a permit as to location to build such licensed warehouses from the Superintendent of Public Works. Said Warehouses must be built of brick,stone,or concrete,with iron or tin roof,and all kerosene,Napthas,and Gasolines must be kept in iron of steel barrels, metal tanks,or tin cans,and parties offering for storage any kerosene, naptha,or gasoline to such licensed warehouses shall have such kerosene,naptha,or gasoline stored therein at a price not to exceed one and a half cents per case,per month,or fraction thereof. The fee for said license shall be one hundred dollars per year,payable to the Territorial Treasurer. Storage tanks of any capacity may be erected for the storage of petroleum and its products under such regulations as may be prescribed by the Superintendent of Public Works. Kerosene oil,napthas,and gasolines in quantities exceeding 100 gallons must be stored in a warehouse licensed for the storage of petroleum and its products; but in quantities of loo gallons,or less,shall be stored in such places,and under such regulations as may be prescribed by the Superintendent of Public Works.

Section 4. The Inspector at,or nearest to,any port of this Territory shall inspect,and test,all kerosene oil as soon as landed,by making not less than two,or more than ten,tests of any one importation of oil by one vessel,and of one mark. If,upon such inspection,the test of the oil meets the requirements herein specified,the Inspector shall so certify to the owner,his agent,or to the importer of the oil, but all oil which will not stand,or be equal to,the test herein provided,shall be rejected.

Section 5. Any test of any lot of oil disputed may be submitted to the decision of a Board of Arbitrators,to consist of the Inspector, some one chosen by the contestant,and a third to be chosen by the two so constituted. And the Board shall procure samples,and the majority may make an award. The costs of the arbitration to be borne by the contestant.

Section 6. The Inspector, or Deputy Inspector, is entitled to demand or receive from the owner, or party calling upon him, for whom he performs inspections, $2.50 for a single inspection, and shall also be entitled to receive not to exceed $ 10.00 for each brand or mark imported of which he makes inspection. All fees and expenses incurred in testing such oil so imported shall be paid by the importer, or consignee thereof.

Section 7. All kerosene oil, not equal to the test herein provided, shall be atonce exported by the owner, his agent, or importer, or sold by him for fuel, or mechanical purposes.

Section. 8. Whoever shall sell, cause to be sold, attempt to sell, give, furnish, deliver, or in any way dispose of any kerosene oil for household use with wick for illuminating purposes, which has not been tested, and inspected by the government inspector, and certified to by him as of a proper test, which is below one hundred and fifteen degrees Farenheit when tested as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or imprisonment at hard labor for not more than six months, or both at the discretion of the Court.

Section 9. Any violation of duty under this act, on the part of any Inspector, shall be a misdemeanor, punishable by a fine of not less than one hundred dollars, or more than one thousand dollars, or imprisonment at hard labor for not more than one year, or both, at the discretion of the Court, and he shall be removed from his position.

Section 10. Nothing in this act shall be construed to prevent the importation of petroluem, or any of its products, for fuel, mechanical, or other purposes. That particular product of petroleum, which is designated as kerosene oil, to be used as an illuminant with wick for household purposes is the only product of petroleum that need be inspected and tested. All packages containing napthas, and gasolines, however, shall be very plainly marked, the letters not being less than one inch high.

Section 11. The Territorial government reserves the right to store kerosene, under existing laws, at points where private enterprise has or has not provided storage according to provisions of this act.

Section 12. All parts of An Act Approved on the 13th day of May, A.D. I868, providing "for the protection of life and property against explosive substances other than gunpowder", re-enacted as Chapter LXXXIX of the Penal Code, declared to be the law of the land by Chapter 1. of the laws of I870, as amended by Chapter xxii of the laws of I878, and Chapter xxiv of the laws of I880; also all parts of an act approved on the 16th day of November, A.D. I890, regulating and providing for the inspection, testing, storage, and sale of kerosene oil, known as Chapter LXVIII, Session laws of I890; also all parts of An act approved on the 22nd day of April, A.D. I896, permitting the importation of kerosene oil for fuel and mechanical purposes, and known as Act XIV of Session laws of I896, inconsistent with the provisions of this act are hereby repealed.

Section 13. This act shall, take effect and become a law from the date of its publication.

Approved this day of A.D. I90I.

We do hereby certify that the foregoing bill passed its third reading in the Senate of the Territory of Hawaii this day of April, A.D. I90I.

Clerk of the Senate. President of the Senate

SENATE BILL No. 52

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To prohibit the employment of any person not a duly qualified voter of the Territory of Hawaii, as a laborer upon any public work of any kind, manner or description in the Territory of Hawaii by any public officer servant or agent of the Territory of Hawaii, or by any contractor under and with the Territory of Hawaii

Introduced Mch 19 1901,

By Senator White

ENDORSED BY

First Reading in Senate Mch 19. 1901

Second Reading in Senate " 23. 1901

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

~~[illegible]~~ 3.27

The Legislature of the Territory of Hawaii

SENATE BILL NO. 52

Introduced 19 day of March 1901, by Senator Achuli

First Reading in Senate March 6 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act to Prohibit the Employment of Any Person not a Duly Qualified voter of the Territory of Hawaii, as a laborer upon any public work of any kind, manner or description in the Territory of Hawaii, by any Public Officer, Servant or Agent of the Territory of Hawaii, or by any Contractor under and with the Territory of Hawaii; and to provide a penalty for the violation of such Act.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII.

SECTION 1. From and after the passage of this Act no person who is not a qualified voter of the Territory of Hawaii shall be employed as a laborer upon any public work of any kind, manner or description whatsoever which may be carried on by the Territory of Hawaii or by any of its officers, servants or agents, or by any contractor under and with the Territory of Hawaii: and it shall be a distinct and express condition of every contract whether oral or written entered into by any person with the Territory of Hawaii for the performance of any work whatever of a public nature or character that he will not violate any of the provisions of this Act.

SECTION 2. The term "labor" as used in Section 1 of this Act shall be construed to mean manual labor of any kind.

SECTION 3. Any public officer, servant or agent of the Territory of Hawaii who shall violate, upon any pretext whatever, any of the provisions of this Act shall upon conviction thereof, for the first offense, be fined in a sum not exceeding five hundred dollars nor less than one hundred dollars or be imprisoned at hard labor for a term not less than one nor more than four months and upon conviction for the second offense shall be fined

in a sum not less than two hundred and fifty dollars nor more than one thousand dollars, or by imprisonment at hard labor for a term not less than two months nor more than eight months, and, in addition to the foregoing penalty for the second offense, such public officer, servant or agent may be removed from his office by an order entered in the minutes of the court, if the prosecution of such second offense be in a court of record or before a judge of a court of record at chambers; if any contractor under and with the Territory of Hawaii shall violate any of the provisions of this Act he shall upon conviction thereof be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned at hard labor for any term not less than ten days nor more than two months, and his contract with the Territory of Hawaii shall be treated, held and construed as null and void: and no such person shall thereafter be permitted to enter into a contract for doing or carrying on or directing any public work of any sort, with the Territory of Hawaii.

SECTION 4. Any citizen of the Territory of Hawaii may file a complaint charging any public officer, servant or agent of the Territory of Hawaii or any other person with the violation of any part of this Act, in any court or before any judge having jurisdiction thereof as provided in the succeeding section, and every such citizen may appear and prosecute such complaint either in person or by attorney, and neither the Attorney General nor any other public officer shall have or exercise the right to dismiss or nolle prosequi any such complaint without the written consent of the person making the complaint.

SECTION 5. Every District Magistrate and every Circuit Judge at chambers shall have jurisdiction to hear and determine any complaint for a violation of this Act, provided that a District

Magistrate shall not have the power to remove any public officer, servant or agent from office.

SECTION 6. This Act shall take effect and be in force from and after its passage

SENATE BILL No. 53

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To Amend Section 837 of the Civil Code relating to Exemptions

Introduced March 20 1901,
By Senator Paris

ENDORSED BY

First Reading in Senate March 20, 1901
Second Reading in Senate " 23 1901
Referred to Judiciary
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

The Legislature of the Territory of Hawaii

SENATE BILL NO. 53

Introduced 20 day of March 1901, by Senator Paris

First Reading in Senate 20th March 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

An Act to amend Section 837 of the Civil Code relating to exemption.

Be it enacted by the Legislature of the Territory of Hawaii.

Section 1- That Section 837 of the Civil Code be and the same is hereby amended so as to be read as follows:

Section 837- Provided however, that the tax of one per cent. herein imposed upon property shall be collected only upon property in excess of the value of One Thousand Dollars, be the same real or personal.

Such exemption shall be allowed in but one taxation district of the ~~Republic~~ Territory, and that taxation district shall be the one in which the property owner resides.

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

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

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

SENATE BILL No. 54

THE LEGISLATURE

OF THE

Territory of Hawaii

An Act

To Amend Section 837 of the Compiled Civil Laws relating to Exemptions from Taxation

Introduced March 20 1901,

By Senator Kaohi

ENDORSED BY

First Reading in Senate March 20 1901

Second Reading in Senate March 23 1901

Referred to Judiciary

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

The Legislature of the Territory of Hawaii

SENATE BILL NO. 54

Introduced 20 day of March 1901, by Senator Kaohi

First Reading in Senate March 20 1901

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

54

An Act.

To amend Section 837 of the compiled Civil Laws, relating to exemption from taxation.

Be It Enacted by the Legislature of the Territory of Hawaii.

Section 1. Section 837 of the ~~Penal~~ Compiled Civil Laws of the Territory of Hawaii is hereby amended by striking out the word "Three" in the third line and substituting therefor, the word "Six".

Section 2. Section 837, as amended, shall read as follows:

"Section 837- Provided however, that the tax of one per-cent herein imposed upon property shall be collected only upon property in excess of the value of Six Hundred dollars, be the same real or personal."

Section 3. This Act shall take effect from the date of its publication.

Senate J. B. Kaohi

Senator From the First District.

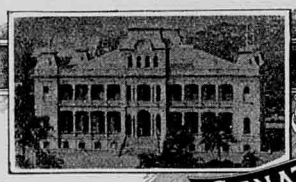
March 19th, 1901.

PRESIDENT OF THE SENATE,
HON. NICHOLAS RUSSEL
VICE-PRESIDENT,
S. E. KAIUE

SENATORS
ACHI, W. C., Oahu
BALDWIN, H. P., Maui
BROWN, C., Oahu
BROWN, J. T., Hawaii
CARTER, G. R., Oahu
CRABBE, C. L., Oahu
KAHILINA, I., Kauai
KAIUE, S. E., Maui
KALAUOKALANI, D., Oahu
KANUHA, D., Oahu
KAOHI, J. B., Oahu
NAKAPAAHU, L., Kauai
PARIS, J. D., Hawaii
RUSSEL, N., Hawaii
WHITE, W., Maui

SECRETARY OF SENATE,
EDGAR CAYPLESS

FIRST LEGISLATIVE ASSEMBLY
of the
TERRITORY OF HAWAII
SENATE CHAMBER
CAPITOL BUILDING



SERGEANT-AT-ARMS,
DAVID KAHAULELILO

ASST. SECRETARY
W. H. CONEY
INTERPRETER,
J. E. BUSH
CHAPLAIN,
REV. J. KEKIPI
STENOGRAPHER,
P. M. McMAHON
MESSENGER,
S. H. MEEKAPU

HONOLULU, T. H. 190

Kanawai

He Kanawai e hoololi ai i ka Pauku 837 o ke Kanawai Kivila i hoohuihuiia e Sidney M. Ballou.

E hooholoia e ka Aha olelo o Terilori o Hawaii.

Pauku 1. O ka Pauku 837 o na Kanawai Kivila o ke Terilori o Hawaii, makeja ke hoololi ia nei, make kapae ana i na hua olelo "Ekolu haneri" ma waena o ka lalani ekolu ona Pauku la, a e pakui ana maia wahi i na hua olelo "Eono haneri."

Pauku 2. O ka Pauku 837 e like meia i hoololi ia. E heluhelu ia penei.

" Pauku 837. Eia nae o ka Auhau o hookahi pakeneta i kauia maloko nei maluna o ka waiwai, e ohi wale

PRESIDENT OF THE SENATE,
HON. NICHOLAS RUSSEL
VICE-PRESIDENT,
S. E. KAIUE

SENATORS
ACHI, W. C., Oahu
BALDWIN, H. P., Maui
BROWN, C., Oahu
BROWN, J. T., Hawaii
CARTER, G. R., Oahu
CRABBE, C. L., Oahu
KAHILINA, I., Kauai
KAIUE, S. E., Maui
KALAUOKALANI, D., Oahu
KANUHA, D., Oahu
KAOHI, J. B., Oahu
NAKAPAAHU, L., Kauai
PARIS, J. D., Hawaii
RUSSEL, N., Hawaii
WHITE, W., Maui

SECRETARY OF SENATE,
EDGAR CAYPLESS

FIRST LEGISLATIVE ASSEMBLY
of the
TERRITORY OF HAWAII
SENATE CHAMBER
CAPITOL BUILDING

SERGEANT-AT-ARMS,
DAVID KAHAULELILO

ASST. SECRETARY
W. H. CONEY
INTERPRETER,
J. E. BUSH
CHAPLAIN,
REV. J. KEKIPI
STENOGRAPHER,
P. M. McMAHON
MESSENGER,
S. H. MEEKAPU

HONOLULU, T. H. 190

ia no maluna o ka waiwai i oi aku ke kumu waiwai io ma mua o "Eono hanerii" dala, i na he waiwai paa, a he waiwai lewa paha ia."

Pauku 3. Emana keia Kanawai mai a mahope aku o kona hoolaha ia ana.

Senate J. B. Kaohi

Kanawai
Ehoololi ai i ka
Pauku 837 o ke
Kanawai Kivila i
hookuihuiia e Sid-
ney M. Ballou, e
pili ana i ka Au-
hau i hookuiia

Senate J. B. Kaohi

SENATE BILL No. 55

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Amend Sections 31 and 33 of an Act Entitled "An Act to reorganize the Judiciary Department" approved the 25th day of November 1892, being Chapter LVII of the Session Laws of 1892

Introduced March 26 1901,

By Senator J. T. Brown

ENDORSED BY

First Reading in Senate March 26 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

3d Rdg Apl 4-20

The Legislature of the Territory of Hawaii

SENATE BILL NO. 55

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

55

A N A C T

To Amend Sections 31 and 33 of an Act entitled "An Act to Reorganize the Judiciary Department," approved the 25th day of November, 1892, being Chapter LVII of the Session Laws of 1892.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. That Section 31 of said Act be and the same is hereby amended so as to read as follows:

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

"In the First Circuit, at Honolulu, on the first Mondays of January, May and September.

"In the Second Circuit, at Wailuku, on the Island of Maui, on the third Wednesdays of April and November.

"In the Third Circuit, at Kailua, in the District of North Kona, on the first Wednesdays in the District of North Kohala, on the first Wednesday of July, and December.

"In the Fourth Circuit, at Hilo, on the second Wednesdays of February, June and October.

"In the Fifth Circuit, at Lihue, on the Island of Kauai, on the first ~~Tuesdays~~ Wednesdays of April and November."

Section 2. That Section 33 of said Act be and the same is hereby amended so as to read as follows:

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

terms of the Circuit Courts of the First and Fourth Circuits may be continued and held from the opening thereof, respectively, until the time fixed by law for the commencement of the next succeeding terms of such courts. The respective Judges of the Circuit Courts may adjourn the same from time to time, during the term, or without day, as the interests of the public may demand, provided that notice of such intended adjournment be announced in open court at least three days before the time fixed upon for such adjournment."

Section 3. This Act shall take effect and be in force on the 3d day of April, 1901.

HE KANAWAI

E Hooloili ai i na Pauku 31 a me 33 o kekahi Kanawai i kapaia "He Kanawai e Hooponopono ai i ka Oihana Hookolokolo," i aponoia ma ka la 25 o Novemaba, 1892, o ia no hoi ka Mokuna LVII. o na Kanawai o ke Kau Ahaolelo o 1892.

E Hooholoia e ka Ahaolelo o ke Teritore o Hawaii:

Pauku 1. E hoololiia, a ma keia ke hoololiia nei ka Pauku 31 o ke Kanawai i oleloia, i hiki ai hoi ke heluheluia peneia iho:

"Pauku 31. E malamaia no na kau o na Aha Hookolokolo Kaapuni pakahi penei:

"Ma ka Apana Kaapuni Ekahi, ma Honolulu, ma na Poakahi mua o Ianuari, Mei a me Sepatemaba.

"Ma ka Apana Kaapuni Elua, ma Wailuku, ma ka Mokupuni o Maui, ma na Poakolu ekolu o Aperila a me ~~Novemaba~~.

"Ma ka Apana Kaapuni Ekolu, ma Kailua, iloko o ka Apana o Kona Akau, ma ka Poakolu mua o Iulai; a iloko o ka Apana o Kohala Akau, ma ka Poakolu mua o Dekemaba.

"Ma ka Apana Kaapuni Eha, ma Hilo, ma na Poakolu elua o Feberuari, Iune a me Okatoba.

"Ma ka Apana Kaapuni Elima, ma Lihue, ma ka Mokupuni o Kauai, ma na Poakolu mua o Aperila a me Novemaba."

Pauku 2. E hoololiia, a ma keia ke hoololiia nei ka Pauku 33 o ke Kanawai i oleloia, i hiki ai hoi ke heluheluia peneia iho:

"Pauku 33. E hoomauia aku no hoi na kau o na Aha Hookolokolo Kaapuni o na Apana Kaapuni Elua, Ekolu a me Elima a e malamaia hoi mai ka wehe pakahi ia ana, a hiki aku a e hoohui pu ana i ka

iwakalua-kumamaha o na la mahope aku, koe na La Pule a me na la kula-ia ku i ke kanawai. E hoomauia aku no hoi na kau o na Aha Hookolokolo Kaapuni o na Apana Kaapuni Ekahi a me Eha a e malamaia hoi mai ka wehe pakahi ia ana a hiki aku i ka manawa i kauia ma ke kanawai no ka hoomaka ana o na kau e ukali mai ana o ia mau aha. E hoopanee no na Lunakanawai pakahi o na Aha Hookolokolo Kaapuni i ua mau aha la ~~mai~~ ma kela a me keia manawa, oiai ke kau, a i ole ia, me ka la ole, e like me ke kono ana mai o na pomaikai o ka lehulehu, aka nae, e kalaheaia ae ma ka aha akea ka hoolaha no ia hoopanee ana i manaoia he ekolu la ma ka haahaa loa mamua ae o ka manawa i hooholoia ai no ua hoopanee ana la."

Pauku 3. E mana no nei Kanawai a e kuleana aku hoi ma ka la 3 o Aperila, 1901.

SENATE BILL No. 56

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To amend Sections 54 and 55 of "An Act to reorganize the Judiciary Department" approved the 25th day of November 1892, being Chapter LVII of the Session Laws of 1892

Introduced March 26 1901,
By Senator J. I. Brown

ENDORSED BY

First Reading in Senate March 26 1901
Second Reading in Senate
Referred to
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

Passed 4/10 ayes 13

The Legislature of the Territory of Hawaii

SENATE BILL NO. 56

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

59.

A N A C T

To Amend Sections 54 and 55 of "An Act to Reorganize the Judiciary Department," approved the 25th day of November, 1892, being Chapter LVII of the Session Laws of 1892.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. That Section 54 of said Act be and the same is hereby amended so as to read as follows:

"Section 54. The Supreme Court shall hold one term annually, commencing on the first Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business; provided that it shall be deemed to be continuously in session, except on Sundays and legal holidays, for the issue and return of such writs and the hearing thereof, as are mentioned in Section ~~1186~~ 663; and such writs, should necessity require, may be issued on a Sunday or legal holiday."

Section 2. That Section 55 of said Act be and the same is hereby amended so as to read as follows:

"Section 55. The terms of the Supreme Court shall be held in Honolulu, Island of Oahu; provided that the Chief Justice may, in case of war, pestilence or other public calamity, or the danger thereof, appoint a different place for the sitting of the Court, pro tempore. The terms of the Supreme Court may be adjourned from time to time or without day as the interests of the public may demand, provided that notice of such intended adjournment be announced in open court at least two days before

the time fixed upon for such adjournment."

Section 3. This Act shall take effect and be in force on the first day of August, 1901.

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1901

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: SENATE BILL

ITEM NUMBER: 57

SENATE BILL No. 58

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To provide for the filing, foreclosing, limitation and priority of Chattel Mortgages

Introduced Mch 26 1901,

By Senator J. T. Brown

ENDORSED BY

First Reading in Senate Mch 26 1901

Second Reading in Senate Apl

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to Ayes 4 Noes 11

Third Reading in House .....

Passage Defeated 4/25

CORRECTION

THIS DOCUMENT

HAS BEEN REPHOTOGRAPHED

TO ASSURE LEGIBILITY

SENATE BILL No. 56

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To amend Sections 54 and 55 of "An Act to reorganize the Judiciary Department" approved the 25th day of November 1892, being Chapter LVII of the Session Laws of 1892.

Introduced March 26 1901,

By Senator J. I. Brown

ENDORSED BY

First Reading in Senate March 26 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Passed 4/10 ayes 13

The Legislature of the Territory of Hawaii

SENATE BILL NO. 56

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A N A C T

To Amend Sections 54 and 55 of "An Act to Reorganize the Judiciary Department," approved the 25th day of November, 1892, being Chapter LVII of the Session Laws of 1892.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. That Section 54 of said Act be and the same is hereby amended so as to read as follows:

"Section 54. The Supreme Court shall hold one term annually, commencing on the first Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business; provided that it shall be deemed to be continuously in session, except on Sundays and legal holidays, for the issue and return of such writs and the hearing thereof, as are mentioned in Section ~~1186~~ 653; and such writs, should necessity require, may be issued on a Sunday or legal holiday."

Section 2. That Section 55 of said Act be and the same is hereby amended so as to read as follows:

"Section 55. The terms of the Supreme Court shall be held in Honolulu, Island of Oahu; provided that the Chief Justice may, in case of war, pestilence or other public calamity, or the danger thereof, appoint a different place for the sitting of the Court, pro tempore. The terms of the Supreme Court may be adjourned from time to time or without day as the interests of the public may demand, provided that notice of such intended adjournment be announced in open court at least two days before

the time fixed upon for such adjournment."

Section 3. This Act shall take effect and be in force on the first day of August, 1901.

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1901

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: SENATE BILL

ITEM NUMBER: 57

SENATE BILL No. 58

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To provide for the filing, foreclosing, limitation and priority of Chattel Mortgages

Introduced March 26 1901,

By Senator J. T. Brown

ENDORSED BY

First Reading in Senate March 26 1901

Second Reading in Senate April

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to Ayes 4 Noes 11

Third Reading in House .....

Passage Defeated 4/26

The Legislature of the Territory of Hawaii

SENATE BILL NO. .....

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate .....

Referred to.....

Third Reading in Senate .....

First Reading in House.....

Second Reading in House .....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A N A C T

TO PROVIDE FOR THE FILING, FORECLOSING, LIMITATION AND PRIORITY OF CHATTEL MORTGAGES.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Every mortgage on personal property which is not accompanied by immediate delivery, and followed by an actual and continued change of possession, of the things and personal property mortgaged, shall be absolutely void as against subsequent purcahsers and mortgagees in good faith, unless it appears that such mortgage was excuted in good faith and for consideration and not for the purpose of defrauding any creditor, and unless such mortgage or a duly authenticated copy thereof is filed as herein after provided.

SECTION 2. Every such instrument shall be filed with the Register of Deeds in the county wherein the mortgaged property is kept or located, and the Register of deeds shall, when presented for filing, endorse thereon, the day, hour and minute when such instrument was filed, and shall number all such mortgages consecutively, endorsing the number thereon. He shall enter in a suitable book for that purpose known as "Chattel Mortgage Index" the names of the mortgagor or mortgagors, the name of the mortgagee and in separate columns, the number of the Instrument, date, amount secured thereby, when due and the date of filing. The

names of the mortgagor or mortgagors shall be in alphabetical order and such instrument or copy shall remain on file for the inspection of all persons interested.

SECTION 3. Every mortgage filed in pursuance of this Act shall be held to be full and sufficient notice to all parties interested of the existance and conditions thereof, but shall cease to be notice as against the creditors of the mortgagor, and subsequent purchasers or mortgagees in good faith, after the expiration of two years from the date of the filing thereof, provided, that no mortgage of goods or chattles shall be notice of any fact, as against the creditors or the mortgagor, or subsequent purchasers or mortgagees in good faith, unless the same is acknowledged before some officer authorized by law to take acknowledgements of deeds: and provided further, that whenever any mortgage of personal property in the Territory is given for the security of a debt or obligation which does not become due and payable within two years after the date of said mortgage, the holder of any such mortgage , his agent or attorney, may, within thirty days next preced-ing the expiration of the said term of two years, file a copy of such mortgage together with an affidavit of the holder of such mortgage, his agent or attorney, stating the amount then claimed to be unpaid upon and secured by such mortgage and the extent of the int rest or lien upon the mortgaged property claimed

by virtue thereof, in the office of the Register of deeds. The filing of such copy and affidavit shall extend the effect of the original filing of said mortgage for the further term of one year and there-after it shall be void.

SECTION 4. A copy of any such mortgage or renewal duly certified by the Register of Deeds to be a true and correct copy of the original on file in his office, shall be received in evidence in like manner and with like effect as the original mortgage or original copy filed.

SECTION 5. When the conditions of a mortgage of personal property are broken and foreclosure commenced, the mortgagor or any person claiming or holding, lawfully, under him, may redeem the same at any time before the property is sold, in pursuance of the contract between the parties and payment of costs legally accrued: otherwise the right of redemption is foreclosed as herein-after provided.

SECTION 6. Whenever any material condition of a mortgage on personal property shall have been broken, the mortgagee or his assigns, by his attorney or agent, may give the mortgagor notice of his intention to foreclose and notice to the same effect shall be given to the person in whose possession the mortgaged

property is found, which notice shall show the breach of conditions alleged, and the amount due and the mortgagee, his agent or attorney may then take the mortgaged property into his possession and sell the same at public auction by posting notices of such sale in four public and conspicuous places in the county describing the property to be sold, naming the place and time of sale, the terms of which shall be cash: provided, that the date of the sale shall not be less than thirty days from the date of serving notice of intention to foreclose unless a stipulation in writing is signed by both parties that the mortgaged property may be sooner sold and fixing the date and hour of sale. Any stipulation in the mortgage when first executed providing for sale in less than thirty days from service of notice of intention to foreclose shall be void.

SECTION 7. If the mortgagor is a non-resident of the county, notice of intention to foreclose shall be published for two successive weeks in the county in which the mortgage is filed and otherwise the sale shall be conducted as above provided. Service of all notices shall be verified by affidavit and filed with the Register of deeds, who shall attach such returns to the original mortgage or copy on file in his office.

SECTION 8. The officer conducting a sale under the pro-

visions of this act shall give a bill of sale to the purchaser describing the property purchased which shall cut off the right of redemption.

SECTION 9. Only so much of the mortgaged property, as may be necessary to satisfy the debt with interests and costs, shall be sold and the officer conducting the sale shall make a written statement of the amount received at the sale and the disbursements returning the balance and the unsold property to the mortgagor or the person from whom the property was taken.

SECTION 10. Whenever a personal property mortgage is paid and satisfied either by sale of the property or otherwise, it shall be the duty of the mortgagee to notify the Register of deeds in writing and such written satisfaction shall be attached to the original mortgage or copy on file and an entry shall be made in the index showing that said mortgage is satisfied, and if this condition is not complied with the mortgagor may recover one-half of the original debt, after sixty days, by an action in any court in the county, but if such satisfaction is filed within sixty days or any time before suit is commenced no judgment for such damages shall be allowed.

SECTION 11. If any person having conveyed any personal property by mortgage, shall, during the existance of the

lien, sell, transfer, conceal, take, drive or carry away, or in any manner dispose of said property or any part thereof, or to cause or suffer the same to be done, without the written consent of the mortgagee, of said property, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine equal to twice the value of the property so sold or disposed of, or confined in the county jail not exceeding six months, or both such fine and imprisonment at the discretion of the court.

SECTION 12. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 13. This Act shall take effect and be in force from and after its passage and publication.

Approved this day of A. D. 1901.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this day of A. D. 1901.

Clerk of the Senate. President of the Senate.

SENATE BILL No. 59

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To provide for and to regulate the sending of the American youths to United States to be educated

Introduced March 28 1901,

By Senator Kamuha

ENDORSED BY

First Reading in Senate March 28 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

4/10 Passed ayes 11 noes 1

The Legislature of the Territory of Hawaii

SENATE BILL NO. 59

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

An act.

To provide for and to Regulate the sending of the American Youths to United States to be educated.

Be it Enacted by the Legislature of the Territory of Hawaii.

Section 1. The Secretary of the Territory of Hawaii, with the concurrence of the Members of the Board of Education, shall select worthy poor Youths to send to the United States to be educated, from the Schools established in the Territory, and who have graduated from the same or have received proper recommendations from the teacher or teachers of the School or Schools where they have been educated, and such Youths shall be selected as follows: Three Youths from the Island of Hawaii; two from the Islands of Maui, Molokai and Lanai; four from the Island of Oahu and one from the Islands of Kauai and Niihau.

Section 2. Every Parent or Youth shall submit the name of such Youth to the Secretary of the Territory by application in writing stating his conduct, the

certificate of graduation or proper recommendations, his age, the number of years that he has attended School, and the percentage in his studies

Section 3. If there be several applications submitted to the Secretary of the Territory, and such applications shall exceed the number permitted by this Act, the Secretary of the Territory shall then call the applicants to Honolulu and cause, in presence of himself and the Board of Education, an examination to be held, and the highest standard shall be selected.

Section 4 The Secretary of the Territory with the Board of Education are hereby directed to send the Youths only to be taught in the following occupations:

First. The Legal Profession
Second The Medical Profession
Third Surveying and Civil Engineering.
Fourth. The Professin of Electrician
Fifth. The Art of Teaching.

and the Youths shall pursue such course of studies until they shall receive diplomas from the instructors

of the Schools in the United States, where they have been educated.

Section 5 When it shall become known to the Secretary of the Territory that a vacancy has occurred in some of the places of said Youths, by graduation, death, or other causes, he shall immediately publish such fact in some English and Hawaiian newspapers printed and published in Honolulu, in order that such vacancy may be filled. The Youths to fill such vacancy or vacancies shall be selected from the Island from which the Youth whose place is vacant came.

Section 6 A sufficient sum of money shall be set apart in the Appropriation Bill, at each biennial meeting of the Legislature for the purposes set forth in this Act and shall be paid out of the Territory Treasury on the order of the Secretary of the Territory.

Section 7 The Secretary of the Territory and the members of the Board of Education shall perform the duties required by this Act. without compensation.

Section 8 This Act shall become a law from the date of its approval.

March 27, 1901. } Senator David Kaauha
of the 3 District

SENATE BILL No. 60

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Incorporate the City of Honolulu

Introduced Mch 28 *1901,*

By Senator Kalanokauio

ENDORSED BY

First Reading in Senate Mch 28, 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

SUPREME COURT APR 10 1901 TERRITORY OF HAWAII

SUPREME COURT APR 10 1901 TERRITORY OF HAWAII

SUPREME COURT APR 10 1901 TERRITORY OF HAWAII

SUPREME COURT APR 10 1901 TERRITORY OF HAWAII

The Legislature of the Territory of Hawaii

SENATE BILL NO. 60

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A R T I C L E I.

GENERAL RIGHTS AND LIABILITIES.

MUNICIPALITY - GENERAL POWERS.- Section 1. That the inhabitants of the Territory hereinafter desiguated are hereby constituted a body politic and corporate in name and in fact, by the name of " The City of Honolulu," and by that name shall have perpetual succession, may sue and defend in all courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and alter the same at pleasure, and may purchase, hold and enjoy real and personal property within and without the corporate limits of the city of Honolulu, and may sell, convey, motgage and dispose of the same for the common benefit, and may receive bequests, devises, gifts and donationsof all kinds of property within ~~the city~~ and without the city for its own use and benefit, or in trust for charitable or other public purposes, and do all acts necessary to carry out the purposes of such gifts, bequests, devises and donations, with power to ~~manage~~ manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest, devise or trust.

PROPERTY VESTED IN CITY.- Section 2. The public buildings, lands and property, all rights of property and rights of action, all moneys, revenues and income belonging or appertaining to the City of Honolulu, are hereby declared to be vested in the said City of Honolulu.

CITY TO SUCCEED TO RIGHTS EXISTING AT ADOPTION OF CHARTER. Section 3. The City of Honolulu shall have, hold and enjoy all public buildings, lands, wharves, water, property, real and personal, streets, alleys and other public places, rights of property, rights of action, suits, actions, moneys, revenues, taxes,

licenses, income, books, documents, records, archives, claims, demands, and generally all things in possession and action of every nature and description.

SUITS MAY BE BROUGHT TO ENFORCE RIGHTS.- Section 4. Suits, actions and preeeedings may be brought in the name of the City of Honolulu for the recovery of any property, money or thing belonging thereto, in the law or in equity, or dedicated to public use therein.

ARTICLE II.

BOUNDARIES OF CITY AND WARDS.

CITY BOUNDARIES.-Section 1. The city of Honolulu shall include within its limits the following lands and territory, to wit: -Having the East Boundary of Moanalua on the West, the West boundary of Maunalua on the East, the ridge of mountains deviding the Kona and Koolau Districts on the North and along the reef line including all Islands on the South.

CITY DEVIDED INTO FIVE WARDS.-Section 2. The city of Honolulu is hereby devided into five wards, designated and bounded as follows : -

BOUNDARIES OF FIRST WARD.-The first ward shall include all that part of the city within the folowing boundaries, to wit: Commencing at a point in the center line of Nuuanu street on the wharf, prolong Northerly to the pali and running thence about east or south easterly along ridge deviding the Kona and Koolau Districts to the easterly boundary of Pauoa valley, thence southerly along the ridge on the east side of Pauoa valley to the junction of the Punch Bowl and Tantalus road, thence in a strait line to flag pole at old battery on Punch Bowl, thence in a strait line to a point on a line in the center and at the head of Alapai street, along said center line of Alapai street to King street, along center line of King street to Sheridan, along center line of ~~South~~ Sheridan to Queen, thence easterly along center of Queen to road leading to Victoria Hospital (Old Kerosene Ware House), thence along center of said road to the Sea.

BOUNDARIES OF SECOND WARD.-The second ward shall include all that part of the city within the following boundaries, to wit:- Bounded on the west by the easterly boundary of the First Ward and commencing at the north east boundary of ward 1 (Junction of the Pauoa ridge with the Koolau ridge), thence along the Koolau ridge until on line with the stations at Kakea and Ualakaa, thence running towards Kakea and Ualakaa on said line to Ualakaa, thence on a strait line to a point in the center of Punahou Street at its junction with the Manoa road, thence along center of Punahou Street to King Street, thence along center of King to Alapai Street, ~~thence following along center of Sheridan to the Sea.~~

BOUNDARIES OF THIRD WARD.-The Third Ward shall include all that portion of the city within the following boundaries, to wit:-Commencing at the sea at the foot of the road leading from the Kalihi Camp, following along the center of said road to King, along the center of King to the Haughtailing road, thence following along the center of Haughtailing road to its end, thence in a strait line to the end of Judd Street, thence following along ridge to the Koolau ridge, thence along Koolau ridge to the center of the Nuuanu road on the pali, thence following along the center of the Nuuanu road and street to the wharf, or otherwise known as the westerly boundary of ward 1.

BOUNDARIES OF FOURTH WARD.-The Fourth Ward shall include all that portion of the city within the following boundaries, to wit:-Having the eastern boundary of wards 1 and 2 on the west, the Koolau ridge on the north, the city's eastern boundary on the east and the city's southern boundary on the south.

5

BOUNDARIES OF FIFTH WARD.-The Fifth Ward shall include all that portion of the city within the following boundaries, to wit:-Having the western boundary of the 3rd Ward on the east, the Koolau ridge on the north, the city's western boundary on the west and the city's southern boundary on the south.

COUNCIL MAY REDISTRICT CITY INTO WARDS EVERY FOURTH YEAR AFTER 1901.-Sec. 3.

The city council shall have power in the year nineteen hundred and four, and in every fourth year thereafter, to re-district the city into wards, and also to create additional wards out of existing wards. There shall never be more than one ward to each seven thousand of population as shown by an official census last preceding, and not less than five wards at any time. The wards shall be made as nearly equal in population and as geographically compact as possible, nor shall any ordinance re-districting the city into wards or creating new wards out of old take effect within sixty days preceding any election held in the city for municipal, county, or district officers.

NEW TERRITORY TO BE ADDED TO TO THE ADJOINING WARD.-Sec. 4

Whenever any new territory is added to the city the same shall be attached to and be a part of the ward adjoining thereto; and if such territory shall adjoin more than one ward it shall be added to and be a part of the said ward adjoining thereto which shall have cast the smallest vote at the regular municipal election last preceding such annexation; Provided, That if the city council shall deem the population of such territory to be sufficiently large to constitute a seperate ward, it may, by ordinance, declare such territory a distinct ward ~~until the~~

and assign a number thereto; and the same shall remain a distinct ward until the city is re-districted, as provided in section 3 of this article. No new ward shall be thus created in excess of the number of wards allowed by the provisions of said section 3.

COUNCIL SHALL DIVIDE WARDS INTO ELECTION PRECINCTS-NO CHANGE TO BE MADE WITHIN SIXTY DAYS BEFORE ELECTION.-Sec. 5 The city council shall, by ordinance, as often as may be necessary, divide each ward into two or more election precincts, so that each precinct shall contain as nearly as may be 250 voters, and in such manner as will best subserve convenience in voting and will conform to the general laws of the territory; Provided, That no alteration of such precincts shall take effect within sixty days next preceding any election held in the city for municipal, county, or district officers after the year one thousand nine hundred and one.

CHANGE IN WARD BOUNDARIES NOT TO OPERATE TO ABOLISH ANY OFFICE.-Sec. 6.
No change in the boundary of any ward shall operate to abolish any office or exclude any councilman or other city officer from office before the expiration of the term for which the incumbent was elected or appointed.

ARTICLE III

DISTRIBUTION OF GOVERNMENT.

LIST OF DEPARTMENTS.- Sec.1.-The government of the city of Honolulu shall be divided into thirteen departments and no more, that is to say :

1. The Legislative Department.
2. The Executive Department.
3. The Clerical Department.
4. The Department of Police.
5. The Department of Public Works.
6. The Department of Finance.
7. The Department of Sanitation.
8. The Fire Department.
9. The Harbor Department.
10. The Department of Parks.
11. The Library Department.
12. The Law Department.
13. The Judicial Department.

HEADS OF DEPARTMENTS.-Sec. 2 The mayor shall be deemed the head of the Executive Department, the president of the city council shall be deemed the head of the legislative Department, the Librarian shall be deemed the head of the Library Department, and the members of the commissions or boards created by this charter, and the principal unsubordinated officers in departments wherein there is no commission or board constituted by this charter, shall be deemed heads of their respective departments, but no head of department shall have or exercise any power or authority not provided for elsewhere in this charter. Official communications between different departments, except as in this charter otherwise provided, shall be through the heads of departments.

LEGISLATIVE DEPARTMENT.

LEGISLATIVE POWER VESTED IN MAYOR AND CITY COUNCIL.- Sec. 3 All legislative power of the city of Honolulu shall be vested in a mayor and city council.

COUNCIL OF WHAT TO CONSIST. Sec. 4

The city council shallconsist of eleven members three members from Ward 1 and two from each of the remaining wards who shall be elected by the qualified electors of such wards. Of the members of the city council first elected under this charter, one member from each ward shall hold their office for one year, the remaining members from each Ward shall hold their office for two years. At each election thereafter members of the city council shall be elected to succeed those whose terms are about to expire.

Salary of Councilmen.- Subdivision 3. Each member of the City Council shall receive an annual salarly of Twelve Hundred dollars, payable monthly. A deduction of ten dollars for each absence shall be made from the salarly of each member who shall be absent from any regularmeeting of the city council.

Qualifications of Councilmen.- Sec. 4. Except as otherwise provided in Section of this article, no person shall be eligible for councilman unless he shall have been a citizen of the United States and a resident and elector of the city for at least ~~four~~ One years next prior to his election; and no person shall be eligible for election by the electors of any ward unless, in addition to the above requirements, he shall have been a resident of the ward from which he is elected, and a ~~freeholder~~ tax payer of the city for at least ~~two~~ six months years next prior to his election.

Quorum.- Sec. 6 A majority of all members elected shall constitute a quorum, but a less number may adjourn from day to day or till the time of the next regular meeting, and may compel the attendance of absent members in such mener and under such penalties as the council shall prescribe.

Council Shall Choose a President.- Sec. 7 The city council shall -

First - Annually, and also whenever a vacancy occurs, choose from its members its president, who shall perform the usual functions of a presiding officer, and may be removed by the affirmative vote of not less than two-thirds of all the members.

Council Shall Establish Rules.- Second- Establish rules for its proceedings.

Shall keep a Journal- Vote by Yeas and Nays.-Third-Keep a journal of its proceedings to be published, and take the yeas and nays on any question on demand of any two members and enter the same in the journal.

Shall Have Authority to Punish.- Fourth-Have authority to punish its members and others for disorderly or otherwise contemptuous behavior in its presence, and to expel for such behavior in its presence any member by the affirmative vote of not less than two-thirds of its members, specifying in the order of expulsion the cause thereof.

Council is restricted in the right of expelling members to the express power given by the legislature.-State, ex rel. Winsor, vs. Mayor et al., 10 Wash.4.

Committees.- Fifth-Have authority to create and use committees of its members, in order to facilitate the discharge of its legislative functions; Provided, That no committee of the Council and no part of any committee and no member shall ~~or~~ home executive exercise or administrative power, except as otherwise expressly provided in this charter.

Power to compel Attendance of Witnesses.-Sixth-Have power to compel attendance of witnesses, as well as production of papers and things pertinent to business, before it or any of its committees.

Finance Committee-Powers.-Sec. 8 The city council shall have power to and shall appoint from its members a committee, consisting of three or more, to be denominated "finance committee," and to fill all vacancies in said committee. Such committee shall have power to investigate the transactions and accounts of all officers having

the collection, custody and disbursement of public money, or having the power to approve, allow or audit demands on the treasury; it shall have free access to any records, books and papers in all public offices; and shall have power to administer oaths or affirmations, and to examine witnesses and compel attendance before it by subpoena. Said committee may visit any of the public offices, when and as often as it thinks proper, and make its examinations and investigations therein without hindrance. It shall be the duty of such committee as often as once in every six month to examine the official bonds of all city officers and depositories of the city funds, and inquire into and investigate the sufficiency and solvency of the sureties thereon and report the facts to the mayor. Such report shall specify each bond with the sureties and the amount for which each surety is bound, and state whether or not they are deemed sufficient and solvent. Upon such report the mayor shall act so as to protect the city, and may require new bonds when necessary, and he may suspend the officer until a sufficient bond is filed and approved. In the exercise of its functions, a concurrence of a majority of the members of said committee shall deemed sufficient. Said committee shall keep a record of its proceedings, with the names of the witnesses examined, and a substantial statement of the evidence taken. If from the examination made by said committee it shall appear that a misdemeanor in office or a defalcation has been committed by any officer, said committee shall immediately report to the mayor, who, if he approve such report, shall forthwith suspend such officer, and take the proper steps under this charter to remove him or to cause his removal. Any police officer shall execute the process and orders of said committee.

FINANCE COMMITTEE SHALL EXAMINE BOOKS.- Sec. 9 The finance committee shall immediately upon its appointment and semi-annually make a thorough examination of all the books of the city treasurer and city comptroller, and report the result of such investigations to the city council.

WHEN COUNCIL SHALL MEET.- Sec. 10 The council shall meet upon the first monday of each week, or if that day be a legal holiday, then upon the next day not a holiday thereafter, and it shall not adjourn to any other place than its regular place of meeting; but the mayor, or in his absence or disability the president of the council, or any three councilmen, may call a special meeting of the council. All session of the council, except for consideration of nomination and appointment shall be public.

EVERY LEGISLATIVE ACT TO BE BY ORDINANCE.- Sec. 11 Every legislative act of said city shall be by ordinance. Every ordinance shall be clearly entitled and shall contain but one object which shall be clearly expressed in its title. The enacting clause of every ordinance shall be : " Be it ordained by the City of Honolulu as follows : "

MAJORITY OF ALL MEMBERS NECESSARY TO PASSAGE OF BILL.- Sec. 12 No bill shall become an ordinance unless on its final passage at least a majority of all the members elected vote in its favor, and the vote taken by yeas and nays, and the names of those voting for and against the same be entered in the journal. No ordinance, other than an ordinance providing for appropriations for salaries or current expenses, shall be passed on its final reading at the meeting at which it is introduced.

A substitute ordinance may be passed on the day it is reported when it falls clearly within the limits of the subject matter of the original ordinance. ~~Vancouver vs. Wintler, 8 Wash. 570.~~

No Ordinance to Be Revised or Amended by Reference to Its Title.-Sec. 14. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at-length as revised or amended.

Motion to Reconsider When Bill Fails to Pass.- Sec. 15. When a bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted on before the next meeting of the council. No bill for the grant of any franchise shall be finally passed within thirty days after its introduction, nor until it has been published in the official news-paper of the city at the expense of the applicant for ten days daily.

Ordinances Take Effect Ten Days After Passage.-Sec. 16. No ordinance shall take effect until ten days after its passage, unless otherwise expressed in said ordinance.

Bill When Passed to Be Signed by President of Council.-Sec. 15. Every bill, after it has passed, shall be signed by the president of the council in open session, in authentication of its passage; in signing such bill, the president shall call the attention of the o council to the bill, and that he about to sign it, and, if any member so request, the bill shall be read at length for information

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as to its correctness as enrolled. If any member object that the bill is not the same as when considered and passed, such objection shall be passed upon, and if sustained the president shall withhold his signature and the bill shall be corrected and signed before the council proceeds to any other business.

Bill When Passed to Be Presented to Mayor.-Sec. 19. Every bill which shall have passed and been authenticated as provided in the last section, shall within five days thereafter be presented to the mayor. The mayor shall return such bill to the council within ten days after receiving it, and if he do not disapprove it, it shall become an ordinance; if he disapprove it, he shall, when he so returns it, specify his objections thereto in writing. The objections of the mayor shall be entered at large on the journal of the council and published in the city official newspaper. The council shall, not less than five days after such publication, and within thirty days after such bill shall have been so returned, reconsider and vote upon the same, and if the same shall, upon such reconsideration, be again passed by the affirmative vote of not less than two-thirds of all the members elected, the president of the council shall certify the fact on the bill, and when so certified the bill shall become an ordinance with like effect as if it had not been disapproved by the mayor; but if the bill so returned shall fail to receive upon the first vote thereon an affirmative vote of two-thirds of the members elected it shall be deemed finally lost. The vote on such reconsideration shall be taken by yeas and nays, and the names of members voting for or against the same shall be entered in the journal thereof.

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Ordinances and Resolutions Shall be Recorded.-Sec. 18 All ordinances and resolutions shall be deposited with the city clerk, who shall record the same at length in a suitable book kept for that purpose. All ordinances of a general, public or permanent nature, and those imposing a fine, penalty or forfeiture, shall be published at least once in the city official newspaper within three days after the same shall have become a law; Provided, That the publication of all ordinances granting any franchise or private privilege or approving or vacating any plat shall be at the expense of the applicant therefore.

Powers of Council.-Sec. 19 The city council shall have power by ordinance and not otherwise-

Provide for Elections.-First-To provide for general and special elections for questions to be voted upon, and to provide for the appointment and election of officers. Any person who, by the provisions of this charter or any amendment thereto, may be appointed or elected to any office or employment created in pursuance thereof, shall be deemed an officer within the meaning of this section.

Assessment, Levy and Collection of Taxes.-Second- To provide for the assessment, levying and collecting taxes on real and personal property for the corporate uses and purposes of the city, and to provide for the payments of the debts and expenses of the corporation, but no tax for general municipal purposes shall exceed ~~four tenths~~ five mills of one per centum per annum; no tax to provide fire engin and other fire apparatus and a supply of water to quench fire, or

for any of said purposes, shall exceed three-tenths of one per centum per annum; no tax to provide for purchase and condemnation of land for public uses and improvements and ornamentation thereof, and erection of structures thereon, or to provide for any of said objects, shall exceed two-tenths of one per centum per annum; no tax to provide for furnishing gas, electricity and lights, and for construction of works necessary or convenient therefore, or for any of said purposes, shall exceed two tenths of one per centum per annum no tax for street and alley improvement and repair, exclusive of assessments mentioned in sub-divisions seventh, eighth and tenth of this section, and con struction and repair of sewers, and conduits, other than water pipes, or for any of said purposes, shall exceed four-tenths of one per centum per annum; no tax for construction and repair of water works and appurtenances, or of any of the same, shall exceed one per centum per annum ~~tenances, or of any of the same;~~ annum; and no tax for the maintenance and operation of water works ~~or water~~, or for paying rent for water works or water for any of said purposes, shall exceed five-tenths of one per centum per annum; and all taxes, exclusive of assessments for ~~and~~ improvements mentioned in said sub-divisions seventh, eighth and tenth, shall not in any year exceed three per centum of the property assessed; and all taxes for special purposes other than water works and water supply, and exclusive of assessments for improvements mentioned in said sub-divisions seventh, eighth and tenth, shall not in any year exceed one and ~~one~~ two-tenth per centum of the property assessed; and to provide for the assessment and collection of a road poll tax not exceeding four dollars per poll on all male

inhabitants between the ages of twenty-one and fifty years inclusive.

TO CONTROL FINANCES OF CITY.-Third-To control the finances and property of the city; Provided, That the city council shall have no administrative as distinguished from the legislative power.

POWER OF EMINENT DOMAIN.-Fourth-To acquire by purchase, or by exercise of the right of eminent domain, or otherwise, and for the use and in the name of the city, such lands and other property as may be deemed necessary, proper or con-venient, for any of the corporate uses provided for by this charter; and to acquire for the use of the city any property by gift, bequest or devise, and to dispose of all such property, as it shall have, as the interests of of the city may from time to time require.

BORROW MONEY AND AUTHORIZE ISSUE OF BONDS-LIMIT OF INDEBTEDNESS.-Fifth-To borrow money for corporate purposes on the credit of the city, and to authorize the issue of negotiable bonds therefor on such condition or conditions and in such manner as may be prescribed in this charter ~~and the constitution and laws of~~ but the indebtedness of the city shall at no time exceed in the aggregate ~~twenty(20)~~ ten (10) per centum of the value of all taxable property in said city, such value to be ascertained and determined by the last assessment for the city purpose previous to the incurring of such indebtedness, and under the limitations above stated to authorize the issue of bonds in place of or to supply the means with which to meet maturing bonds or other indebtedness or for the consolidation or funding of the same; Provided, That no bond or set of bonds

shall be issued for a longer period than twenty years.

PURCHASE OR CONDEMN PROPERTY.-Sixth- To provide for the purchase or appropriation of property within or without the corporate limits of the city for its corporate uses, upon making just compensation to the owners thereof; and to provide for the institution and maintenance of such proceedings as may be authorized by the general laws of the City for the appropriation of private property for public use.

CONTROL OF STREETS, WHARVES, PARKS, ETC.)Seventh-To repair, clean, sprinkle, lay out, establish, open, close alter, widen, straighten, extend, grade, regrade, sidewalk, residewalk, pave, repave, establish grades and reestablish grades or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same and to authorize or prohibit the use of electricity at, in or upon any of said streets or for other purposes, and to prescribe the terms and conditions upon which the same may be so used and to regulate the use thereof.

CHANGE GRADES.-Eighth-To change the grade of any street, highway or alley within its corporate limits and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway or alley at any point opposite to the point where such change shall be made in such grade.

CONTROL BUILDING OF RAILROADS IN STREETS.-Ninth- To authorize or prohibit the locating and con structing of any railroad or street railroad in any street, alley or public place of the city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located, operated or constructed; to provide for the alteration change of grade or removal thereof; to regulate the speed and operation of railroad and street railroad trains, cars and locomotives within the corporate limits of the city; and to provide for, and it shall be the duty of the council

duty of the council by ordinance to provide for the protection of all persons and property against injury in the use of any such railroad or street railroad, or car thereof.

ASSESSMENTS ON BENEFITED PROPERTY FOR LOCAL IMPROVEMENTS.- Sec. 20 To provide for making local improvements and to levy and collect special assessments on property benefited thereby, and for paving for the same or any portion thereof.

ACQUIRE LANDS FOR PARKS.- Sec. 21 To acquire by purchase, or by exercise of the right of eminent domain, or otherwise, lands for public parks, within or without the limits of said city, and to improve the same.

CONSTRUCT AND REPAIR BRIDGES.-Sec. 22 To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

WHAT WORK PAID BY ASSESSMENT ON BENEFITED PROPERTY.-Sec. 23 To determine what work shall be done or improvements made at the expense in whole or in part of the owners of the adjoining, contiguous or proximate property, or others especially benefited thereby, and to provide for the manner of making and collecting assessments therefor.

PROVIDE WATER WORKS.- Sec. 24 Tprovide for erecting, purchasing or otherwise acquiring, as the sole and exclusive property of the city, water works within or without the corporate limits of the city, to supply said city and its inhabitants with water for any and allpurposes, and to fix, alter, regulate and controll the use and price of the water so supplied; Provided, however, That the city council shall not enter into any contract or agreement whatever with any person, company or corporation for its water supply or distribution, or for the joint or entire use of the whole or any part of the city water supply or distributing plant, including conduits, mains and reservoirs, without first submitting such proposed contract or agreement to a vote

of the qualified electors of the city at a general election, or special election call ed for that purpose, and unless a majority of said electors voting at said election shall vote therefor; Provided further, That herein contained shall be so construed as to prevent the city from selling to any consumer water for power or other uses, or the power manufactured from water, upon terms open to all consumers.

PROVIDE CITY LIGHTS.- Sec. 25 To provide for lighting streets and all public places of the city, and for furnishing inhabitants of the city with gas, electric or other light, and for the ownership, purchase or other acquisition, construction and maintenance of such works as may be necessary or convenient therefore, to charge and collect for the use of such light, and to regulate the use and price of such light whether supplied by the city or other person or corporation; provided, however, That no purchase of any such light plant shall be made without first submitting the question of such purchase to the electors of the city.

ESTABLISH MARKETS-PROVIDE FOR INSPECTION OF FOOD.- Sec. 26 To establish and regulate markets, and to provide, by proper penalties, for the weighing, measuring and inspection of all articles of food or drink offered for sale thereat or at any other place within the ~~city~~ limits of the city, and to enforce the keeping proper legal weights and measures by all venders in the city, and to provide for the inspection of such weights and measures.

ESTABLISH HOSPITALS.- Sec. 27 To erect and establish hospi tals pest houses and poor farm and to acquire control or regulate the same.

ESTABLISH JAILS, ETC.- Sec. 28 To erect and establish work houses and jails, and to control and regulate the same, and to provide for the working of prisoners confined therein; Provided,

That no prisoner shall be required to perform any labor until he shall have been duly convicted of offense punishable by imprisonment, and duly sentenced thereto.

PROVIDE REFORM SCHOOLS.-Sec. 29 To provide for establishing and maintaining reform or training schools for juvenile offenders.

ESTABLISH LIBRARIES.- Sec. 30 To provide for the establishment and maintenance of a public library or libraries, and to appropriate annually such per centum of all moneys collected for fines, penalties and licenses as shall be prescribed by this charter for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public.

REGULATE BURIAL OF DEAD AND ESTABLISH CEMETERIES.- Sec. 31 To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefore by purchase or condemnation or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit the establishment of any cemetery within two miles of the boundaries of the city.

CONTROL BUILDINGS IN WHICH OFFENSIVE OCCUPATIONS ARE CONDUCTED.-Sec. 32 To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to the public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection and maintenance of such buildings or structures, or the carrying on of such trades or occupations within the limits of the city or within the distance of two miles beyond the boundaries thereof.

ESTABLISH A FIRE DEPARTMENT.- Sec. 33 To make regulation for the prevention of accidents by fire, to organize and establish a fire department, to provide fire engines and other apparatus, and to provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping or storage of all combustible or explosive materials within the corporate limits of the city, and to restrain and regulate and prohibit the use of fire works.

ESTABLISH FIRE LIMITS.-Sec. 34 To establish fire limits and enlarge the same as circumstances may require, and make all regulations for the erection and maintenance of buildings or other structures within the corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition, and to prohibit the erection or construction within such fire limits of any building or structure or any addition to any building or structure unless such building, structure or addition be constructed of such material and in conformity to such rules, regulations and conditions as the city council shall have provided; and to provide for the removal of any building or structire or any addition to any building or structure erected contrary to such prohibition.

REGULATE BUILDING.-Sec. 35 To regulate the manner in which stone, brick and other buildings party walls and partition fences shall be constructed and maintained.

CONTROL WATER WAYS, WHARVES, ETC.- Sec. 36 To provide for the deepening, widening, docking, covering, walling, altering or changing the channels of water-ways and water-courses, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks and levees, and all such other work as may be required for the accommodation of commerce, and to control and regulate the use thereof; and firther, to provide for the condemnation of all property for such work by the city and for its use and benefit; and for the construction and maintenance and ownership of the same by the city.

CONTROL ANCHORAGE, ETC., OF WATER CRAFT.- Sec. 37 To control, regulate or prohibit the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Insert
Sec 76 & 77 & 74

FIX RATE OF WHARFAGE.-

To fix the rate of wharfage, storage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States.

REGULATE WHARF-BOATS AND TUGS-

To license, regulate, control or restrain wharf-boats, tugs and other boats used about the harbor or within the jurisdiction of the city.

GENERAL POWER TO ADOPT SANITARY MEASURES.-

To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances; for the cleaning and purification of water courses and canals; for the draining and filling up of ponds on private property within ~~the~~ its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control and provide for the prevention and punishment of the defilemant or pollution of all streams running into or through its corporate limits, and for the distance of five miles beond its corporate limits, and of any stream or lake from which the water supply of said city is or may be taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults and other places which may be so kept as to become offensive to the senses or dangerous to health; and to make all such quarantine and other regulations as may be necessary for the ~~prevention~~ preservation of the public health; and to remove all persons afflicted withany infectious or contagious disease to some suitable place to be provided for that purpose.

DECLARE WHAT IS A NUISANCE.-

To declare what shall be a nuisance and to provide for the abatement of the same, and for the punishment of any person or party who may create, continue or suffer a nuisance to exist.

GRANT AND REVOKE LICENSES.-

To authorize the granting of licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for the revoking of the same; Provided, That no license shall be granted to continue for a longer period than one year from the date thereof.

REGULATE OBNOXIOUS OCCUPATIONS.-

To regulate the carrying on within the corporate limits of the city of occupations which are of such nature as to affect the public health or of good order of the city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

PROVIDE FOR PUNISHMENT OF DISORDERLY PERSONS.-

To restrain and provide for the punishment of vagrants, mendicants, prostitutes and other disorderly persons.

MAKE REGULATIONS FOR PUBLIC MORALITY, HEALTH, ETC.-

To provide for the punishment of all disorderly conduct and of all practices dangerous to public safety or health, and to make all regulations necessary for the preservation of public morality, health, peace and good order within its limits, and to provide for the arrest, trial and punishment of all persons violating any ordinance of the city; but such punishment shall in no case exceed the punishment provided by the laws of the

Territory of Hawaii for misdemeanors.

ESTABLISH STREETS ON TIDES LANDS.- Sec. 38 To project or extend or establish streets over and across any tide lands or other lands, covered by water, within the corporate limits of the city, and along or across the harbor areas of the city in such manner as will best promote the interests of commerce.

RESTRAIN ANIMALS - LICENSE DOGS.- Sec. 39 To restrain or prevent domestic or other animals from running at large; and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sales of said domestic and other animals for the penalty incurred and costs of proceedings, and to authorize the destruction of dogs impounded for want of license.

~~misdemeanors.~~

REGULATE STEAM BOILERS AND ELECTRIC PLANTS.-
To regulate and prohibit the location and use of any steam boiler or boilers or electric plant or steam pipes or electric wires or any kind of power generator or power reservoir or plant, or conduits now known or hereafter to be invented.

ESTABLISH AND ABROGATE OFFICES.-
To ordain, establish, modify and abrogate from time to time, as the needs of the city shall require, all proper offices and bureaus, subordinate and auxiliary to the departments and heads thereof constituted by this charter, and to provide for the conduct and government of such offices and bureaus, and the appointment, removal, duties and compensation of officers to fill the same, except as in this charter otherwise provided.

AMEND AND REPEAL ORDINANCES.-
To alter, amend and repeal any ordinance or ordinances or parts thereof of the city.

~~carry into execution all the powers of city.~~
CARRY INTO EXECUTION ALL THE POWERS OF CITY.-
To make all rules and regulations necessary or proper to carry into execution all powers vested by this charter, or by law, in the city, or in any department or officer thereof, except as in this charter otherwise provided.

OTHER POWERS OF COUNCIL.-Sec. 40
The city council shall, in addition to the powers enumerated in the last foregoing section, have all other powers usually exercised by the legislative bodies of municipal corporations of like character and degree with the city of Honolulu, and all powers which now are or may hereafter be conferred upon incor-

porated towns and cities by the laws of this ~~state~~ Territory.

FRANCHISE MAY BE REPEALED OR MODIFIED, WHEN.-Sec. 41 Every grant of a franchise, right or privilege shall be subject to the right of the city council at any time thereafter to repeal, change or modify the said grant, if the franchise granted threby is not operated in accordance with the provisions thereof or at all, and every ordinance making such grant shall contain a reservation of the right of the city council to so repeal, amend or modify said ordinance. When any right, privilege or franchise has been granted, and has been accepted, the city council shall not extend the time for which such right, privilege or franchise is granted until within three years of the expiration of the time for which such right, privilege or franchise is granted.

MANNER OF GRANTING FRANCHISE FOR WHARF.-Sec. 42 The city council shall not grant any franchise for the construction of any wharf into any bay, lake or other body of water, except in the manner following, that is to say; In addition to requirements under the general laws, each and every ordinance granting such franchises must receive the vote of at least two thirds of all the members elected, and shall provide that work shall commence within three ~~six~~ months and be prosecuted continuously and shall be completed within one year thereafter. Said time shall not be extented for any cause, and unless so completed the franchise shall be forfeited.

NO EXCLUSIVE FRANCHISE TO BE GRANTED.-Sec. 43 No exclusive franchise or privilege shall be granted for the use of any street, alley or high way or other public place or any part thereof.

MANNER OF GRANTING STREET RAILROAD FRANCHISE.-Sec. 44 The city council shall not grant authority to construct a street railway or lay down street railroad tracks upon or over any of the streets of said city, except in manner and on the terms following, that is to say; Upon the application being made to the city council for authority to construct and operate a street railway along and upon any of said streets, the city council shall, by resolution, determine whether such franchise, or any part thereof, shall be granted, and after such determination shall cause notice of such application and resolution to be published for ten days in the city official newspaper, at the expense of the applicant, and shall in such notice specify the route over and along which it proposes to grant such franchise, and shall offer to grant the same to the person, company or corporation who will pay for the franchise the highest percentage annually of gross receipts, but not less than two per cent. per annum. Bidding for such franchise must be in accordance with the provisions of this charter in relation to bids made to the board of public works, so far as such provisions may be applicable, and the city council may reject any and all bids, and may refuse to grant a franchise for any part of the route for which the application was made. Each bid must be accompanied by a certified check, payable to the order of the city comptroller, for the sum of one thousand dollars, and the amount of the check shall be forfeited and paid to the city in case the successful bidder shall fail to accept the franchise, and upon acceptance the sum so paid shall be credited to the grantee on account of percentages. The same method of procedure shall obtain in case of the intention extension of such franchise or any existing franchises. It shall be the duty of the city council to incorporate in every such franchise or amended

franchise efficient provisions for the compulsory arbiration of all disputes arising between the grantee therein and his or its successors or assigns, and his, its or their employes as to any matter of employment or wages, unless upon submission to the electors of the city, a majority of the electors voting upon the question submitted shall assent to the granting of such franchise without such provision.

NO APPROPRIATION IN AID OF PRIVATE OBJECT.-Sec. 45 The city council shall make no appropriation in aid of any corporation, person or society, unless expressly authorized by this charter or the laws of the territory.

TEMPORARY LOANS.-Sec. 46 The city council, after ~~taxes~~ the taxes have been levied inany year, shall have power to make temporary loans in anticipation of the collection of such taxes, such loans to be applied to the purposes for which such taxes have been levied and to no other purpose, and such taxes shall be inviolably applied to pay such loans.

LOANS EXCEEDING ~~ONE~~ Two AND ~~ONE~~ HALF PER CENTUM OF ASSESSED VALUATION, HOW AUTHORIZED.-Sec. 47 When loans shall be created exceeding ~~one~~ Two and a half per centum of the taxable property in the city, and bonds therefor issued by the city under this charter, the city council in authorizing and providing for the same shall direct the times and manner of payment and rates of interest, but no such bonds shall be issued except as provided by law, nor unless the proposition for creating such indebtedness shall have been previously submitted to the electors of the city at a regular, general or special election, of which thirty days notice shall have been published in the city official newspaper, and such proposition

shall have then received the assent of three-fifths of the voters voting at such election. The mode and manner of submitting such proposition to the voters shall be prescribed by ordinance. And in case such three-fifths of the voters are in favor of such loan the city council may, after such election, by ordinance confirm the loan; but no bonds shall be issued therefor until after such confirmation, nor until the city council shall have made specific provision for payment annually of interest on such bonds and for a fund to pay the interest on such bonds and a sinking fund to be raised by annual tax at least five years before the bonds are due, sufficient to pay and discharge such bonds at maturity, and the faith of the city shall be and is hereby pledged for the final payment of any and all such loans. The city council may refund any funded indebtedness at such times and upon such terms as they may see fit; Provided, That the rate of interest upon such refunded bonds shall never exceed that of the bonds to pay which they were issed.

ALL DEBTS TO BE CREATED BY ORDINANCE.-Sec. 48
No debt or obligation of any kind against the city shall be created by the city council except by ordinance specifying the amount and object of such expenditure.

NO INVALID CLAIM TO BE ALLOWED.-Sec. 49
Neither the city council nor any officer, board, department or authority shall allow, make valid or in any manner recognize any demand against the city which was not at the time of its creation a valid claim against the same, nor shall they or any of them ever allow or authorize to be paid any demand which, without such action, would be invalid, or which shall then be barred by any statutes of limitation, or for which the city was never liable, and any such action shall be void.

CLAIMS FOR DAMAGES.-Sec. 50

All claims for damages against the city must be presented to the city council and filed with the clerk within six months after the time when such claim for damages accrued, and no ordinance shall be passed allowing any such claim or any part thereof, or appropriating money or other property to pay or satisfy the same or any part thereof until such claim has first been referred to the proper department, nor until such department has made its report to the city council thereon pursuant to such reference. Nor action shall be maintained against the city for any claim for damages until the same has been presented to the city council and sixty days have elapsed after such presentation.

COUNCIL SHALL IMPOSE PENALTIES.-Sec. 51

The city council shall in every ordinance prohibiting or requiring any act or omissions, impose a penalty for the violation thereof or non-compliance therewith.

CITY OFFICIAL NEWSPAPER.-Sec. 52

A daily newspaper of general circulation and published in the city, to be styled "City Official Newspaper", shall be designated in the following manner; The city clerk shall on the first monday in ~~November~~ July in each year cause to be published for ten consecutive days, excluding Sundays, in some papers of general circulation in the city a call to the owners and managers of newspapers for sealed proposals to do the city printing for the then next ensuing fiscal year, each of which proposals shall be accompanied by a bond with not less than two sureties, in the sum of five thousand dollars, approved by the comptroller and corporation counsel, conditioned that if the proposition

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sal be accepted the party proposing will, during the period mentioned in his proposal, well, seasonably and faithfully cause to be accurately printed and published, according to law, in a certain daily newspaper (naming it) of general circulation in the city and published therein, ~~or~~ all and singular the matters and things required by law to be published in the city official newspaper of the city of Honolulu, and shall with such bond be delivered to the city clerk sealed up in an envelope indorsed "Sealed proposals and bond for city printing", on or before the twentieth day next after the first publication of such call, and shall be indorsed by the city clerk at the time of such delivery, with the date of his reception thereof and shall be first opened by the city council as early as may be at its next ~~monthly~~ weekly session thereafter, and thereupon the council shall by resolution announce the names of all parties whose proposals have been offered, and the terms of their proposals respectively, and designate as city official newspaper that newspaper whose manager, or owner, has offered the lowest proposals, with duly approved bond, and such newspaper shall at the beginning of the then next ensuing fiscal year, and during said year, be such city official newspaper; Provided, That when ever from any cause a city official newspaper shall be lacking, the mayor shall designate and employ a like newspaper to serve as such until designation and qualification is made and had, as above directed, under like bond and for reasonable compensation to be audited by the auditing committees. Bonds accompanying unsuccessful proposals shall be returned to the proposers, and the bond accompanying the successful proposal shall be filed by the city clerk and securely kept by him. All ordinances, resolutions, notices, tax and assessment sales,

and all other proceedings, statements, matters and things of the mayor, city council or any department or board or other officers or functionary of the city, which by this charter are, or shall be required to be published, except the statement prescribed in section of this article shall be published in the city official newspaper, but not for more than three consecutive issues except as otherwise in this charter provided.

STATEMENT OF RECEIPTS AND EXPENDITURES TO BE PRINTED BIENNIALLY.-Sec. 53

The city council shall biennially and not less than twenty nor more than sixty days before the biennial election, cause to be printed in pamphlet form for distribution to citizens applying therefor a full and intelligible statement of all the receipts and expenditures of every description for the fiscal year ending on the thirty-~~first~~ day of June next preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of city revenue, the amount received from each, the several appropriations made by the city council, the objects for which the same were made and the sums expended for each and any money borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which it was obtained, the authority under which it was borrowed, and the purpose to which it was applied, and how much of the same or other city indebtedness has been paid and by what means. The statement shall also include a detailed account of city property, personal and real, its value, and, if rented, to whom and on what terms, and of existing debts of every description, and of the condition of the sinking funds, with all other information necessary for a full understanding

of the financial concerns of the city. No more than one thousand copies of any such pamphlet shall be printed.

ARTICLE IV

THE EXECUTIVE DEPARTMENT.

QUALIFICATIONS OF MAYOR.-Sec. 1

The chief executive officer of the city shall be a mayor. He shall be at least thirty years of age, a citizen of the United States and of the Territory of Hawaii, and a qualified elector of the city of Honolulu at the time of his election, and shall have been a citizen and tax payer of the city for at least four years before the day of his election.

DUTIES AND POWER OF MAYOR.-Sec. 2

The mayor shall se that all the laws and ordinances in force in the city are faithfully executed, and shall direct and control all subordinate officers of the city, except in so far as such direction and control is by the provisions of this charter reposed in some other officer or board, and shall maintain peace and good order in the city. He shall have power at all times, in any emergency, of which he shall be the judge, to assume command of the whole or any part of the police force of the city. In case of riot, tumult, or violent disturbance of the public order, the mayor shall have, as the exigency in his judgment may require, the right to assume control for the time being, of the police force, but before assuming such control he shall issue his proclamation to that effect, and it shall be the duty of the chief of police to execute orders promulgated by him for the suppression of such tumult and the restoration of order.

MAYOR MAY CALL ON MALE INHABITANTS TO AID IN ENFORCING THE LAW.-Sec. 3

The mayor is empowered to call on every male inhabitant of the city over the age of eighteen years to aid in enforcing the laws and ordinances in force in the city, in preventing and extinguishing fires, and in preserving the peace and safety of the city. The city council shall have power to enact an ordinance or ordinances providing for the punishment of any such person as the mayor has a right to call upon as aforesaid, for wilfully refusing or neglecting to obey any such order or call.

WHEN NOT OTHERWISE PROVIDED, MAYOR SHALL OFFICERS.-Sec. 4

In the absence of any express provision in this charter as to the manner of electing or appointing any officer, the mayor shall nominate, and with the consent of the city council, appoint such officer as is provided for herein and any ordinance enacted in pursuance thereof.

IF COUNCIL REFUSES TO CONFIRM, MAYOR TO NOMINATE ANOTHER PERSON.-Sec. 5

If the city council shall refuse to confirm any nomination of the mayor, then he shall within ten days thereafter nominate another person to fill the office, and he may continue to nominate until his nominee is confirmed. If the mayor fails to make another nomination within ten days from the rejection of a nomination for the same office, then the city council shall elect a suitable person to fill the office during the term.

REMOVAL OF APPOINTIVE OFFICER-VACANCY, HOW FILLED.-Sec. 6

Whenever the mayor shall remove an appointive officer, the vacancy for the unexpired term shall be filled by appointment in the same manner as if at the beginning of the term, except as otherwise provided in this charter.

MAYOR TO COMMUNICATE TO COUNCIL STATEMENT OF CONDITION OF CITY'S AFFAIRS.-Sec. 7

It shall be the duty of the mayor annually at the first meeting after the commencement of the fiscal year to communicate by message to the city council a statement of the condition and affairs of the city, and to recommend the adoption of such measures as he may deem expedient and proper; and he shall, further, have the right to make special communications to the city council from time to time as he may deem useful and proper.

MAYOR TO SEE THAT CONTRACT ARE OBSERVED.-Sec. 8

The mayor shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed, and to this end he shall cause any legal or equitable proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreements with the city. and it is the duty of every officer of the city, when it shall come to his knowledge that any contract with the city relating to the business of any office has been violated by the other contracting party forthwith to report the fact to the mayor.

TO APPROVE BONDS.-Sec. 9

The mayor shall, unless in this charter otherwise provided, take and approve all official undertakings or bonds which may be required of any officer, employe or agent of the city as security for the faithful performance of his duty; and he shall also, except as otherwise provided in this charter, take and approve any such bond or undertaking as may be required of any contractor for the faithful performance of his contract; and when he approves any bond or undertaking he must immediately file the same with the city clerk, except the bond of the city comptroller, which shall be kept by the mayor.

TO PERFORM OTHER DUTIES.-Sec. 10

The mayor shall perform such other duties and exercise such other authority as may be prescribed by any law of the United States or of the Territory of Hawaii, or by this charter or any ordinance of the city.

PRESIDENT OF COUNCIL, WHEN TO ACT AS MAYOR.-Sec. 11

In case of the absence of the mayor from the city, or if he from any cause be incapacitated from acting, the president, or in case of his disability or absence the acting president of the city council shall act as mayor, and for the time being enjoy all his powers.

REMOVAL OF MAYOR FROM OFFICE.-Sec. 12

The mayor may be removed from his office for any wilful violation of his duty during his term of office or for the commission of a crime or misdemeanor involving moral turpitude, but only upon notice thereof, together with a copy of the charges against him, giving to him at least five days before the hearing, and an opportunity to be present in person and with his counsel and offer evidence in his own behalf, and to be heard by himself and counsel, and then only upon the affirma-

tive vote of two-thirds of the members of the city council when assembled as a court of impeachment, and for that purpose the city council shall have the same power that it would have in trying any other officer.

ADVISORY BOARD.-Sec. 13

There is hereby constituted a body to consist of the mayor, president of the city council, corporation counsel, the chairman of the board of public works, city comptroller and city treasurer, to be called the advisory board. The mayor shall, once in each quarter, and as much oftener as the interests of the city appear to him to require, call a meeting of such advisory board. Such meetings shall be for the purpose of comparing views and consulting together with regard to the affairs of the city, and shall have the power to make recommendations and suggestions to the city council and to the various other departments of the city government. The mayor shall preside at all meetings of the advisory board, and the city comptroller or his deputy shall act as clerk thereof. All proceedings of the advisory board shall be kept on record in the office of the city comptroller.

ARTICLE V.

CLERICAL DEPARTMENT.

COMPTROLLER TO BE EX-OFFICIO CLERK.-Sec. 1

The city comptroller shall be ex-officio city clerk and his deputies as comptroller shall his deputies as city clerk.

DUTIES OF CITY CLERK.-Sec. 2

As city clerk, he, or a deputy, shall attend all meetings of

the city council and keep a full andccomplete record of the proceedings thereof; and he shall have the custody of the city seal, the public records, except such as are instrusted, by the provisions of this charter, to other officers, the original rolls of ordinances, the original contracts, deeds and certificates relativ to the title of any property of the city, all official, indemnity or security bonds, except his own bond, and such other records papers and documents of value as are not required to be deposited with any other officer, and he shall attest all public instruments and official acts of the mayor by his signature and city seal, and also certify under his hand and the seal of the city all copies of such original documents, records and papers in his office as may be required by any officer or person, and charge therefor such fees for the use of the city as are or may be provided by ordinance; and he shall perform such other duties as may be in this charter prescribed, and also such as the city council may direct consistent with this charter.

ARTICLE VI

DEPARTMENT OF POLICE.

HOW POLICE FORCE CONSTITUTED.-Sec. 1. There shall be a Police Department, which shall consist of a Chief of Police and as many subordinate officers, detective officers and regular and special policemen as the City Council shall from time to time by ordinance prescribe; PROVIDED, That the regular employed police force shall never exceed one officer to each Five Hundred (500) of population of the city; PROVIDED, That the mayor may, when the public safety requires it in cases of emergency to be by him determine, appoint any number of emergency policemen, who shall discharge their

duties and hold their positions at the pleasure of the mayor until the conclusion of the meeting of the city council held next after such appointment and notlonger, except by consent of the council.

CHIEF OF POLICE, (HOW APPOINTED).-Sec. 2 There shall be a chief of police, who shall be a qualified elector of the city, not less than twenty-five years of age, and who shall be appointed by the mayor by and with the consent of the city council, and his term of office shall be two years, and until his successor shall be appointed, confirmed and qualified. All subordinate police officers, detectives and regular policemen shall be appointed by the chief of police, except as otherwise in section of this article provided.

Sec. 3 There shall be a captain of police, selected among the police force by the mayor by and with the consent of the city council, and who, in the absence of the chief of police, shall have command and control of the police force, and who shall perform such other duties and have such other powers pertaining to the Police Department as shall be required of him by the chief of police, or from time to time be imposed or conferred on him by ordinance of the city council. The term of office of the captain of police shall be two years, and until his successor shall be appointed, confirmed, and qualified.

DEPARTMENT TO BE UNDER MANAGEMENT OF CHIEF.-Sec. 4
The police department shall be under the management of the chief of police, except as otherwise provided by law or this charter.

MAYOR TO PRESCRIBE RULES FOR POLICE DEPARTMENT.-Sec. 5
The mayor shall prescribe rules and regulations, not inconsistent with law and the ordinances of the city, for the government and control of the police department, and fix and enforce penalties for their violation.

CHIEF TO REPORT ANNUALLY.-Sec. 6
The chief of police shall annually, or oftener if required by the mayor or city council, make a report to the mayor and city council of any municipal legislation by him deemed necessary to improve the condition of the police force and the administration of the police department. His annual report shall show fully the business and condition of the police department, the number of a rests made during the year, the causes thereof, together with other general and special information as to the peace and good order of the city. He shall also submit and estimate of the amount of money that will be required to pay salaries and expenses for the police department for the ensuing fiscal year, specifying in detail for what each sum will be required.

DUTIES OF CHIEF OF POLICE.-Sec. 7
First-The chief of police shall be the chief peace officer of t the city, and all process issued by the police judge of the city, or by any justice of the peace in the city, under authority of this charter or any ordinance of the city, and to which the city is a paty, shall be directed to him for service, and may be served and returned by the chief of police or any police

officer or regular or special policeman. The chief of police shall exercise vigilant control over the police force, and maintain the peace and quiet of the city. He shall be the keeper of the city prison. He shall have in the discharge of his duties like powers and be subject to like responsibilities as the sheriff of Oahu County in similar cases, and shall perform such other duties and have such other powers as may be imposed on or granted to him by this charter or by ordinance of the city.

POWERS OF POLICEMEN IN MAKING ARRESTS.-

Second-The chief of police or any police officer or any regular or special policeman shall make arrests with warrant for any crime or violation of the laws of the Territory or any ordinance of the city, committed within the city, and shall make arrests without warrant in such cases as shall be prescribed by ordinance, but not otherwise; Provided, That until the city council prescribe such cases all arrests may be made without warrant. The chief of police shall keep a correct record of all arrests made by him or other members of the police force, showing the time and cause of complaint upon which each arrest was made, with a list and description of all property and money taken from each person, with a statement of the disposition made of the same, and make a full report thereof in writing each month to the mayor.

CHIEF TO BE RESPONSIBLE FOR PROPERTY TAKEN FROM ANY PERSON.-

Third-The chief of police shall be responsible for all property and money taken from any person, and shall be liable therefor on his official bond, and any person may recover for loss of any such property or money in an action brought for that purpose

DUTIES OF POLICEMEN TO BE PRESCRIBED.-

Fourth-The duties of the other police officers and regular and special policemen and detective officers shall be such as may be provided from time to time by ordinance or by rules established by the mayor, in addition to the duties hereinBefore prescribed.

NO POLICEMAN TO BE ENGAGED IN ANY OTHER BUSINESS OR BECOME BAIL.-

Fifth-No member of the police force shall engage in any other profession or calling, or become bail for any person charged with any offense whatever, or recommend to persons charged with crime the employment of any particular attorney. No member of the police force shall be allowed pay for any period during which he may have been absent from duty, except as otherwise provided in this charter.

SALARY TO BE FIXED BY ORDINANCE.-Sec. 8

Each member of the police force shall receive a salary to be fixed by ordinance, which shall not be increased or deminished within one year after his appointment. No member of the police force shall receive any fees or any compensation what ever, directly or indirectly, from the city, county or territory, for any services rendered or act done, while a member of such police force, other than the salary above provided for, except witness fees in the superior court.

CHIEF OF POLICE TO KEEP RECORD OF CONDUCT OF MEN.-

Sec. 9

The chief of police shall keep a record of the conduct of men in the department, keeping said record in accordance with the rules of and upon forms supplied by the city.

ARTICLE VII

DEPARTMENT OF PUBLIC WORKS.

DEPARTMENT OF PUBLIC WORKS.-Sec. 1

The city council shall, immediately after its organization, take possession and have the custody and control of all maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, documents, papers, archives, and property belonging to said city, heretofore kept by or in the offices of the surveyor general, supt., of public works, supt., of water works, road superviser or kept by or in the possession of any other officer, and pertaining to any public buildings or public works of the city.

Sec.- 2

The city council shall have charge and superintendence of all public works of every kind, not otherwise controlled by general law, to be done for the city and also of furnishing all material and supplies for public use, except as otherwise provided in this charter. It shall be the duty of the city council to vigilantly inspect all parts of the city and cause to be done, from time to time such work as it shall deem necessary or proper.

BOARD OF PUBLIC WORKS CREATED.-Sec. 3

There shall be, and is hereby created a board of public works, which shall consist of three members, to wit: (1) the city engineer, (2) the superintendent of streets, sewers, and parks, (3) superintend of water works lighting and markets, who may select one of themselves as chairman of the board. The members of the board, as such, shall receive no compensation.

CHAIRMAN TO ATTEND COUNCIL MEETINGS.-Sec. 4

It shall be the duty of the chairman of the board of public works to attend all regular meetings of the city council, and such other meetings as the city council may direct. He shall have the right to speak upon any measure pertaining to his department, but shall have no vote.

BOARD SHALL APPOINT CLERK.-Sec. 5

The board shall appoint a clerk, who shall be styled "Secretary of the board of public works". He shall keep his office at the place where the meetings of the board are held, which shall be kept open during business hours, and at such other hours as the board may direct. He shall keep a complete record of all the proceedings of the board in a book kept for such purpose, and shall file and preserve all papers committed to his charge, and shall perform such other duties as the board may direct.

MEETINGS OF BOARD.-Sec. 6

The board shall hold regular meetings once each week and special meetings at such time as it may appoint, or the chairman may call. All meetings shall be held at a place which is to be provided by the city council. Two members shall conttitute a quorum and an affirmative vote of two members shall be necessary to adopt any motion, order or resolution, or to make any appointment.

POWERS AND DUTIES OF BOARD.-Sec. 7

The board is hereby authorized and empowered, and it is hereby made its duty, subject to the provisions of the city charter, and saving to the city council such powers as are given to it in this charter;

TO MAKE RULES FOR ITS OWN GOVERNMENT.-

First-To make such rules and regulations as shall be deemed necessary for its government and the government and control of all persons in the employ of its several departments.

TO CERTIFY BILLS DUE CONTRACTORS.-

Second-To certify all bills and allowances and claims due to contractors of public works and officess and persons inthe employ of the board and of its several departments.

TO MANAGE WATER SYSTEM.-

Third-To take charge of, superintend, manage and control the water system, water works, mains; pumps, pipes, reservoirs, and all matters and things connected therewith, and to manage, direct and control the building, operating and repair thereof by the city, and to cause the rates charged consumers of water by the city to be paid into the treasury of the city.

TO MANAGE, BUILD AND REPAIR SEWERS.-

fOURTH)We have the management, control, building and repairing of the sewers of the city and all connections therewith. It shall cause to be madeand cause to be repaired such sewers connections as the board health shall certify to it to be necessary for proper sanitation.

TO CONTROL WHARVES, ETC., OWNED BY CITY.-

Fifth-To have the control, management, building, repairing and the direction of all wharves, docks, bridges, viaducts, landings, slips, boats and other structures which shall be building or o owned by the city.

TO MANAGE ALL BUILDINGS OWNED BY THE CITY.-

~~SIXTH) TO HAVE THE MANAGEMENT~~ Sixth-To have the management, control and construction of all public buildings or other struct-

ures owned or constructed by the city, except as otherwise provided by this charter.

TO SUPERINTEND AND MANAGE ALL PUBLIC GROUNDS.-
Seventh-To have the superintendance and management of all public grounds of the city, and the ornamentation and improvement of the same, except as otherwise provided in this charter.

TO HAVE CONTROL OF STREETS.-
Eighth-To have the management and control of all public streets and alleys in the city, including all streets and allleys dedicated to public use, and the superintendence of grading, paving, sprinkleing and cleaning the same, and of the building and reconstruction of sidewalks and gutters therein, and of the removal of garbage therefrom, and of making other improvements therein.

TO SUPERINTEND ALL PUBLIC PLACES NOT ENUMERATED.-
Ninth-To have the superintendence of all public places, structures amd works within the city not above enumerated, except as otherwise provided in this charter.

TO REGULATE ERECTION OF POLES FOR ELECTRIC WIRES.-
~~XXXXXXXXXXXXXXXX~~ Tenth-To command, regulate, control and direct the erection and removal of poles in streets for telegraph, telephone and electric wires for electric lights and motors; to fix the place of location and to control and direct the laying down of street railway tracks and turntables, and require all companies building and operating such roads to conform to the street grades in all streets wherein the same are operated; to fix and regulate the places and manner of laying down and taking up all motor, gas, steam, sewer and other pipes in the streets and other public places in the city.

TO HAVE MANAGEMENT OF CITY LIGHTING PLANT.-
Eleventh-To have the superintendence, control and management of such building or buildings, plants and other apparatus as may be owned, constructed or controled by the city for the purpose of furnishing light or power to the city and its inhabitants, or other consumers, and to locate and distribute the lights under any and all systems of lighting the city.

TO PERFORM OTHER DUTIES WHEN PRESCRIBED BY ORDINANCE.-
Twelfth-To perform such other and further duties and exercise such other and further powers not inconsistent with this charter, as may be prescribed by ordinance.

CITY ENGINEER, SUPERINTENDENT OF STREETS, SEWERS AND PARKS AND SUPERINTENDENT OF LIGHTING MARKETS AND WATER WORKS, HOW APPOINTED.-Sec. 8
There shall be a city engineer, a superintendent of streets, sewers and parks, a superintendent of lighting markets and water works, each of whom shall be appointed by the mayor, by and with the advice and consent of the city council, for the term, except as herein otherwise provided of four years.

QUALIFICATIONS AND DUTIES OF CITY ENGINEER.-Sec. 9
First-The city engineer must be a civil engineer and a qualified elector. It shall be his duty to make such surveys, maps, profiles, plans, specifications, estimates and reports as shall be required by the city; and under the direction of the board, to lay out, direct and supervise the construction of all public works within the city, or on property belonging to or controlled by the city, that may from time to time be ordered by the city council.

TO BE SUPERINTENDENT OF BUILDINGS, BRIDGES AND WHARVES

Second-The city engineer shall, under the direction of the board, superintend and have the management and control of the bridges, wharves and public buildings of the city and of the construction and repair thereof. He shall be inspector of buildings. It shall be his duty to see that the ordinances and the rules and regulations established by the board of public works, relating to his department, are enforced. He shall have control of the employment of all labor, skilled or other, in his department. He shall have such other and additional powers as the city council may by ordinance grant, and he shall perform such other duties as the city council or board of public works may from time to time prescribe or direct.

PLANS OF PUBLIC IMPROVEMENTS TO BE FILED IN ENGINEER'S OFFICE.-

Third-All plans, specifications, maps and estimates made by the city engineer for public improvements shall be filed in his office and be open to public inspection, but no plan, specification, map or estimate made by him or under his direction, for t the use of the city, shall be removed from his office, and any person found having any such document unlawfully in his possession, shall be deemed guilty of a misdemeanor, for which the city council shall by ordinance prescribe the proper penalties.

APPOINTMENT OF CITY ENGINEER.-

Fourth-At the first meeting of the city council created by this charter the mayor shall appoint a city engineer subject to the approval of the council, 1903. ///

** POWERS AND DUTIES OF SUPERINTENDENT OF STREETS, SEWERS AND PARKS.-Sec. 10

First-The superintendent of streets, sewers and parks shall,

under the direction of the city council have charge of the maintenance of all city parks and public grounds, and shall, under the direction of the board, superintend the repairing, cleaning sprinkling and reconstruction of the streets, gutters, sidewalks, sewers and drains in the city. He shall, have control of the employment of all laborers in his department. It shall be his duty to see that the ordinances of the city and the rules and regulations established by the board of public works, relating to his department, are enforced. He shall, under the direction of the board, have the control of all excavations and refilling of the same that are made in any public street for any purpose whatsoever. He shall have such further powers and duties as are provided in this charter, or as the city council may prescribe or direct.

APPOINTMENT OF SUPERINTENDENT OF STREETS, SEWERS AND PARKS.-

Second-At the first meeting of the city council reated by this c charter, the mayor shall appoint a superintendent of streets, sewers and parks subject to the approval of the council whose term of office shall expire December 31, 1904.

DUTIES OF SUPERINTENDENT OF LIGHTING MARKETS AND WATER WORKS.-Sec. //

First-It shall be the duty of the superintendent of lighting markets and waterworks to rigidly enforce the provisions of all lighting contracts; to recommend to the board changes, removals or installations of light, and, under the control of the board when the city shall have acquired or constructed any lighting or power plant, to take charge of and direct the operation and maintenance of the same. He shall, under the direction of the board have the management and control of the operation and maintenance of the water works and water system of the city. He

shall enforce all ordinances and the rules of the board relating to his department. He shall appoint, supervise and control all officers and employes in his depattment, and examine from time to time the accounts kept by the city treasurer with all water consumers and the collections thereon. The city treasurer shall keep correct accounts with all water consumers whose names shall be reported to him by the superintendent of water works and collect monthly all water rates and other moneys payable on account of the water system. He shall make a daily report to the city comptroller of the amounts so collected, and shall each month report to the superintendent of water works the names and property of all delinquent water consumers and the superintendent of water works shall forthwith cause the service of water to such delinquents to be discontinued. The city comptroller shall at least once a month, or oftener if required, present to the board of public works a complete report of the transactions of the water department, including receipts from all sources and expenditures, together with a statement showing the financial condition of the department. The city council shall provide by ordinance all necessary regulations for the proper guidance of the city treasurer or the superintendent of the water works, in relation to the collection and enforcement of water rates and other charges concerning the water system. The superintendent of lighting and water works shall have such further powers and duties as are provided in this charter or the city council or the board of public works may from time to time prescribe or direct.

MAYOR SHALL APPOINT SUPERINTENDENT OF LIGHTING MARKET AND WATER WORKS.-

Second-At the first meeting of the city council created by this charter

the mayor shall appoint a superintendent of lighting market and water works, subject to the approval of the council whose term of office shall expire December 31, 1905.

LOCAL IMPROVEMENTS TO BE MADE BY CONTRACT LET TO LOWEST BIDDER.- Sec. 12

All local improvements, the funds for the making of which are directly or indirectly to be derived, in whole or in part, from the assessments upon the property benefitted thereby, and such improvements as the City Council shall by ordinance prescribe, shall be made by contract, to be let to the lowest bidder therefor, under the management of the Board of Public Works. It shall be made a condition of every such contract that it shall not be sublet unless for the furnishing of material; PROVIDED, HOWEVER, That the City Council may, by a two-thirds vote, by ordinance provide otherwise as to any particular contract.

COUNCIL MAY ORDER IMPROVEMENTS TO BE PAID FOR BY PROPERTY BENEFITED.-Sec. 13

Whenever the public interest or convenience may require, the city council is hereby authorized and empowered to order the whole or any part of the streets, lanes, alleys, squares or places of the city to be graded or regarded to the official grade, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, and to order sidewalks, sewers, manholes and curbing to be constructed or repaired therein; and to order any and all work to be done which shall be necessary to complete the whole or any portion of the said streets, lanes, alleys, squares or places; and the city council may levy and collect an assessments upon all lots or parcels of land specially benefited by such improvements to defray the whole or any portion of the cost and expense thereof, which assessment shall become a first lien upon all property liable therefor, prior and superior

to all other liens and encumbrances.

COUNCIL SHALL PROVIDE BY GENERAL ORDINANCE MANNER OF MAKING LOCAL IMPROVEMENTS AT EXPENSE OF PROPERTY BENEFITED.-

The City Council shall, by general ordinance, provide the manner in which the aforesaid improvements may be made and prescribe all needful regulations for the exercise, by the city, of the power granted and contained in the foregoing subdivision of this section; PROVIDED, That in all cases in which the whole or any portion of the cost and expense of any such improvement is to be defrayed by the collection of a special assessment upon the property specially benefited thereby, the following proceedings shall be taken, viz: There must be presented to the board of public works a written petition setting forth the street or street lane or lanes, alley or alleys, squares or places, or parts thereof to be improved, the nature of the improvement, the mode of payment and the fact that the signers are the owners of the property to be benefited by such improvement to the aggregate amount of a majority of the special assessment to be levied therefor according to the transfer books in the office of the County auditor. If any such property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian, as the case may be, shall be equal to the signature of the owner of the property on such petition. If the board of public works finds the facts set forth in said petition to be true, they shall cause an estimate of the cost and expense of such improvement to ne made and transmit the same, together with all papers and information in their possession touching such improvement, with the estimated cost thereof, and their recommendation thereon, a description of the property which will be specially benefited thereby and a statement of the proportionate amount of the cost and expense of such improvement which shall be borne by such property, to the city

council; PROVIDED, That no grade shall be changed when any abutting owner or owners have built or made improvements on any street highway or alley, unless such petition shall be signed by the owners of a majority of the frontage on such street, highway or alley, within the district to be affected. The City Council shall have full authority to consider all matters in relation to such proposed improvement and may authorize the same by ordinance or refuse it in its discretion; PROVIDED, That the city council or board of public works shall not have authority to further proceed in the matter of such improvement whenever the estimated or actual cost of any work, or improvement contemplated, or ordered to be done by the city council and chargeable as a lien, under the provisions of this article, against the lot or lots, parcel or parcels of land comprising such assessment district shall exceed one-quarter of the total assessed valuation of the lots or parcels of land contained in such assessment district, as the same appears upon the last annual assessment roll made for the levying of taxes for municipal purposes, in which case such improvements shall not be granted unless the same be so modified that the cost thereof will not exceed such one-quarter of the aforesaid valuation.

DECISION OF COUNCIL IS FINAL.

The action and decision of the city council as to all matters passed upon by it in relation to the rejection or the granting of such petition shall be final and conclusive.

IMPROVEMENT MAY BE ORDERED WITHOUT PETITION.

The city council may order the whole or any part of the streets, lanes, alleys, squares or public places of the city to be graded, regarded, sidewalked, residewalked, planked, replanked, paved, repaved, macadamized, remacadamized, graveled, regraveled, piled, repiled, capped or recapped or may order any bulkhead, retaining wall, water main or sewer with manholes, catch basins and other proper connections, to be constructed or repaired

therein and may provide for defraying the whole or any portion of the cost and expense of any such improvement by the collection of a special assessment upon the property specially benefited thereby in the manner provided in this section without the presentation of any petition either to the board of public works or to the city council; PROVIDED, That unless a petition as hereinbefore prescribed be presented, such improvement shall not be ordered except by ordinance passed by the affirmative vote of two-thirds of all the members of the city council, at a regular meeting which is an adjournment of a regular meeting; PROVIDED, No street shall be ordered graded without petition, except by a unanimous vote of all members present; AND PROVIDED, That main or intercepting sewers may be ordered built along such street, lanes, alleys, places or highways, or cross such lands as may be in harmony with the general plan of sewerage adopted by the city, either upon presentation of a like petition therefor by property owners to be benefited thereby, as above provided for other cases, or when the improvement may be ordered by the affirmative vote of two-thirds of all the members of the city council at a regular meeting or adjournment thereof; PROVIDED, That in such cases there shall be levied against the property, within the assessment district to be created therefor, in like manner as above provided for other improvements, such proportion of the cost of said main or intercepting sewer as would be the reasonable cost of a sewer with its proper manholes, ventilators, catch-basins, flushing tanks, openings and wyes suitable to the necessities of the area or district to be assessed for the same, and the remaining of the cost and expense of such main or intercepting sewer shall be paid from the general fund. The amount to be borne by the district and the amount to be paid from the general fund shall be determined by ordinance in each case when the improvement is ordered and such determination shall be final and conclusive.

LOCAL IMPROVEMENT DISTRICT.-

Subdivision 3 (as amended March 1909). Every ordinance ordering any improvement mentioned in this section shall establish a local improvement district, to be called "Local Improvement District No.....," which district shall embrace all the property ~~specially~~ specially benefited by such improvement. Unless otherwise provided in such ordinance such district shall include all the property between the termini of said improvement, abutting upon, adjacent or proximate to the street, lane, alley, place or square proposed to be improved to a distance back from the marginal line thereof one hundred twenty (120) feet, and all property included within said limits of such local improvement district shall be considered and held to have a frontage upon such improvement, and shall be the property specially benefited by such local improvement, and shall be the property assessed to pay the cost and expense thereof or such proportion thereof as may be chargeable against the property specially benefited by such improvement, which cost and expense shall be assessed upon all of said property so benefited, in proportion to the frontage thereof upon such improvement, one foot of frontage or the equivalent thereof, viz: One hundred and twenty square feet of superficial area to be taken as the unit by which to determine the amount of frontage for which each of said lots, parcels or parts thereof benefited as aforesaid shall be assessed as aforesaid; PROVIDED, That in case of rectangular blocks abutting upon the street, alley, place or square proposed to be improved and having a depth back therefrom of less than two hundred and forty feet, and not less than two hundred feet, the line of the assessment district shall extend only to the center of said block or blocks; AND PROVIDED FURTHER, That in case of rectangular blocks abutting upon any such street, alley, place or square and having a depth back therefrom of less than two hundred feet, the line of the assessment district shall extend one

hundred feet from the margin of such street, alley, place or square. A rectangular block is hereby defined to be a block which has a front and rear line parallel with the margin of the street, alley, place or square proposed to be improved. The frontage of each lot or parcel of land in the assessment district shall be computed and charged but once, regardless of any angle or change of direction in the line of the improvement.

DIVISION OF ASSESSMENT DISTRICT.-

Said assessment district shall, for the purpose of said assessment, be divided into four subdivisions parallel to the marginal line of the street, alley, place or square proposed to be improved, each of which subdivisions shall have a width on each side of the improvement equal to one-fourth of the distance from the marginal line of such street, alley, place or square to the back line of the assessment district, to be numbered respectively the first, second, third and fourth subdivisions, beginning with the one nearest to the said marginal line of said street, alley, place or square. Each front foot or its equivalent area in the first subdivision nearest to the improvement shall be assessed forty per cent of the total amount to be assessed against each front foot or its equivalent; each front foot or its equivalent area in the second subdivision shall be assessed twenty-five per cent. of the total amount to be assessed against each front foot or its equivalent; each front foot or its equivalent area in the third subdivision shall be assessed twenty per cent. of the total amount to be assessed against each front foot or its equivalent and each front foot or its equivalent area in the fourth subdivision shall be assessed fifteen per cent. of the total amount to be assessed against each front foot or its equivalent.

CITY SHALL PAY CERTAIN ASSESSMENTS.

All assessments levied upon lands of the United States, State of Washington, State University, County of King, the City of Seattle, or any school district shall be paid by the City of Seattle out of its general fund.

Where law requires assessment to be according to benefits, assessment by frontage is not illegal, if benefits have been actually assessed in proportion to frontage.- New Whatcom vs. B. B. Imp. Co., 16 Wash. 131; vide Ryan vs. Sumner, 17 Wash. 228.

Railroad track and right of way are subject to assessment.- New Whatcom vs. B. B. Imp. Co., 16 Wash. 131.

TWO MODES OF PAYING FOR LOCAL IMPROVEMENTS.

Sec. 12. There shall be two modes of making payment for such portion of the cost and expense of the improvements mentioned in Section 11 of this article as shall be chargeable against the local improvement district created as hereinbefore provided, to-wit: "Immediate Payment" and "Payment by Bonds." The mode adopted shall be the mode petitioned for in case said improvement shall be made upon petition, otherwise the mode shall be such as the council shall direct in the ordinance ordering such improvement.

MODE OF IMMEDIATE PAYMENT.

The mode of "Immediate Payment" shall be as follows:

After the city council has by ordinance ordered or authorized the making of any such improvement, and not more than twenty days after the contract therefor has been let as hereinbefore provided, the board of public works shall report to the council an assessment roll, prepared by the city engineer, which shall contain the description of each lot or parcel of land or part thereof to be assessed, the amount to be charged, levied or assessed against each lot or parcel of land or part thereof in proportion to the special benefits to be received by each such lot or parcel or part thereof from such improvement, and the name of the owner of each lot or parcel of land or part thereof if known, but in no case shall a mistake in the name of the owner be fatal when the description of the property is correct. The Council, on receipt of such roll and assessment, shall cause a notice thereof to be published in the official newspaper of the city for ten consecutive issues notifying all persons interested that said roll has been filed and requiring them to appear at a time

fixed not less than fifteen days from the date of the last publication of such notice and make objections thereto. The Council shall, at the time fixed, consider all objections made and shall make such corrections of such rolls as it deems just, and shall then, by ordinance, approve such roll and levy and assess the amounts thereof against each parcel and lot or part thereof, and declare the same a first lien thereon, and shall cause the roll to be delivered to the city comptroller, who shall forthwith deliver to the city treasurer a certified copy thereof, upon receipt of which the city treasurer shall proceed to collect the same except as the duty of collection thereof is devolved by law upon some other officer; PROVIDED, That such treasurer shall give ten days' notice in the official newspaper (and shall mail a copy of such notice to the owner of the property assessed when the post-office address of such owner is known, but the failure to mail the same shall not be fatal when publication thereof is made), that such roll has been certified to him for collection, and that unless payment is made within thirty days from the date of suvh notice such assessment will become delinquent and shall bear interest at the rate of ten per cent. per annum until paid, and if not paid before such assessment shall have become delinquent a penalty of five per cent? shall be added, and the sums delinquent shall be entered on the annual tax roll for the current year against each lot and parcel so delinquent, and with the interest and penalty, collected as other taxes, separate account being kept thereof, and if not paid within the time fixed for the payment of the city taxes, shall be collected as such taxes are collected, together with such additional charges or penalties as are authorized to be charged and collected on other delinquent taxes, and each lot or parcel so delinquent shall be sold for the

ALL CONTRACTS LET TO LOWEST RESPONSIBLE BIDDER-

BOARD OF PUBLIC WORKS TO GIVE NOTICE.- Sec. 15

All public improvements to be made by contract shall be let to the lowest responsible bidder therefor. Before awarding any

such contract the board of public works shall cause to be published inthe official newspaper of the city a notice, for at least ten days before the leting of such contract inviting sealed proposals for such work, the plans and specifications whereof must, at the time of publication of such notice, be on file in the office of the secretary of the board, subject to public inspection. Such notice shall state generally the work to be done, and shall call for proposals for doing the same, sealed and filed with the secretary on or before the day and hour named therein. All bids shall be accompanied by a certified check payable to the order of the city comptroller for a sum not less than five per cent. ofv the amount of the bid, and no bid shall be considered unless accompanied by such check.

BIDS TO BE OPENED AND PROCEEDINGS THEREON.-Sec. 16 At the time and place named, such bids shall be publicly opened and read; no bid shall be rejected for informality; but shall be received if it can be understood what is meant thereby. The board shall proceed to determine the lowest bidder and may let such contract to such bidder, or if in their opinion all bids are too high, they may reject all of them and readvertise, and in such case all checks shall be return to the bidders, but if such contract be let, then and in such case all checks shall be returned to the bidders except that of the successful bidder, which shall be retain until a contract be entered into for making such improvement/ between the bidder and the city in accord dance with such bid. If tha/said bidder fails to enter into such con/tract in accordance with his bid within ten days from the date at which ~~it~~ he is notified that he is the successful bidder, the said check and the amount thereof shall forfeited to the city, and the secretary shall deliver said check to the city comptroller, who shall draw said amount and pay the same

into the city treasurer, to the credit of the city, and the board shall readvertise for proposals for such work. Neither the board nor the city council shall have power to remit such forfeiture.

CONTRACTS SHALL PROVIDE THAT 30 PER CENT. BE RETAINED TO SECURE LABORERS AND MATERIAL MEN.- Sec. 17

In letting all contracts for public improvements the board shall provide therein that at least thirty per cent. of the amount due the contractor on estimates shall retained to secure the payment of laborers who have performed work thereon, and material men who have furnished materials therefor, and such laborers and material men shall for thirty days after the work has been completed have a lien on such thirty per cent. so reserved for labor done and materials furnished, which lien shall be senior to all other liens whether by judgment, attachment or contract, and no improvement shall be deemed completed until the board shall have filed with the city clerk a statement signed by a majority of them declaring the same to have been completed. The city council shall by ordinance prescribed suitable means and remedies for the preservation and enforcement of the liens provided for in this section.

DISPOSITION OF SURPLUS FUNDS.- Sec. 18.

Any funds remaining in the treasury belonging to the fund of any local improvement district, after the payment of the whole cost and expense of such improvement in excess of the total sum required to defray all the expenditures by the city on account thereof, shall be refunded, on demand, to the amount of such overpayment; and if there shall be such an excess in the assessment of any person who shall not have paid his assessment a rebate shall, on demand, be allowed to such person to the amount of such over-assessment; PROVIDED, Such demandhereinabove provided for

reassessment is made, and when the same shall have been confirmed and approved by the council it shall be enforced and collected in the same manner that other assessments for local improvements are enforced and collected under the charter or laws governing the city, but all proceedings relative to making the expenses of local improvements chargeable upon property benefited thereby, required and provided by this charter or laws of the city prior to the making of original assessment roll, shall not be included or required within the purpose of this section.

~~reassessment may be made, though original assessment was~~

Duplicate

COUNCIL SHALL ORDER NEW ASSESSMENT.- Subdivision 2. The city council shall by ordinance order and make a new assessment or reassessment, as provided in this section, upon the lots, blocks or parcels of land, which have been or will be benefited by such improvement, to the extent of tgeir proportionate part of the cost, expense and value thereof.

BOARD OF PUBLIC WORKS SHALL MAKE ASSESSMENT ROLL.- Subdivision 3. Upon the passage of an ordinance, as hereinbefore provided, the board of public works shall make out an assessment roll according to the provisions of the said ordinance and shall certify the same to the council.

CITY CLERK SHALL GIVE NOTICE.-Subdivision 4. Upon receiving the said assessment roll the city clerk shall give notice by three (3) successive publications in the official newspaper of the city that such assessment roll is on file in his office, the date of filing the same, and said notice shall state at a time which the council will hear and consider objections to said assessment roll by parties aggrieved by such assessment. Theowner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may within ten (10) days from the last publication provided herein, file with the clerk his objections in writing to said assessment.

COUNCIL SHALL HEAR AND DETERMINE OBJECTIONS TO ROLL.- Subdivision 5. At the time appointed for hearing objections to such assessment, the Council shall hear and determine all objections which have been filed by any party interested, to the regularity of the proceedings in making such re-assessment, and to the correctness of the amount of such reassessment, or of the amount leveied on any particular lot or parcel of land; and the Council shall have the power to adjourn such hearing from time to

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time, and shall have the power, in its discretion, to revise, correct, confirm or set aside, and to order that such assessment be made at novo, and the council shall pass an order approving and confirming said proceedings and said reassessment as corrected by it, and its decision and order shall be a final determination ofthe regularity, validity and correctness of said reassessment, to the amount thereof levied on each lor or parcel of land.

LETTING OF CONTRACT OR COMPLETION OF WORK SHALL NOT PREVENT RE-ASSESSMENT.- Subdivision 6.

The fact that the contract has been let or that such improvement shall have been made and completed in whole or in part, shall not prevent such assessment from being made, nor shall the omission, failure or neglect of any officer or officers to comply with the provisions of the charter or laws governing the city, as to petition, notice, resolution to improve, estimate, survey, diagram, manner of letting contract or execution of work, or any other matter whatsoever connected with the improvement and the first assessment thereof, operate to invalidate or in any way affect the making of the new assessment or reassessment as provided for by this section, charging the property benefited with the expense thereof; PROVIDED, That such new assessment shall be for an amount which shall not exceed the actual cost and value of the improvement, together with any interest that shall have lawfully accrued thereon, and that such amount be equitably apportioned upon the property benefited thereby, according to the provisions of the charter or laws of the city. It being the true and intent and meaning of this section to make the cost and expense of all local improvements payable by the real estate benefited by such improvement by making a re-assessment therefor, notwithstanding that the proceedings of the city council or board

of public works or any of its officers may be found irregular or defectuve, whether jurisdictional or otherwise; then such re-assessment is completed all sums paid on the former attempted assessment shall be credited to the property on account of which the same was paid.

NEW WARRANT MAY ISSUE TO TREASURER, WHEN.- Subdivision 7. In all cases where the treasurer or proper collecting officer shall be unable to enforce the collection of any special assessment, by reason of irregularity or omission in any proceedings subsequent to the confirmation of such assessment, the council is authorized and empowered to cause a new warrant or order to issue to the treasurer or other proper officers for the collection of any assessment, which by reason of such irregularity or omission, remains unpaid and not collected. The treasurer, or other proper officer, shall proceed under such new warrant or order to enforce and collect the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this section for the enforcement and collection of such assessment, after the same shall have been confirmed as in this section provided; and as often as any failure shall occur by reason of such irregularity or omissions, a new warrant or order may issue and new proceedings be had in like manner, until such special assessment shall be fully collected, as to each and every lot or parcel of land charged therewith.

PERSONS HAVING FILED OBJECTIONS MAY APPEAL.- Subdivision 8. Any person who has filed objections to such new assessment or re-assessment, as hereinbefore provided, shall have the right to appeal to the superior court of King County.

APPEAL, HOW TAKEN - NOTICE OF APPEAL.- Subdivision 9. Such appeal shall be made by filing a written notice of appeal with the city clerk within ten (10) days after such new assessment

or re-assessment roll shall have been approved and confirmed by the council, and said notice shall describe the property and the objections of such appellant to such assessment, and such appellant shall also file with the clerk of the superior court aforesaid, within twenty (20) days from the approval and confirmation of such roll by the council, a copy of said notice, appeal, re-assessment roll and proceedings thereon, certified by the city clerk, together with a bond to the city, conditioned to pay all costs that may be awarded against the appellant in such sum not less than two hundred dollars ($200), and with such security as shall approved by a judge of said court, and the case shall be docketed by the clerk of such court in the name of the person taking such appeal against the city as "an appeal from assessments." The judgment of the court shall be either to confirm, modify or annul the assessment in so far as the same affects the property of the appellant, from which judgment an appeal shall lie to the Supreme Court as in other causes. In case the assessment is confirmed the fees of the city clerk for copies of the record shall be taxed against the appellant with other costs.

Appeal taken before confirmation of assessment roll is premature and of no effect.- B. B. imp. Co. vs. New Whatcom, 17 Wash. 496.

IF ORIGINAL ASSESSMENT TOO SMALL, RE-ASSESSMENT MAY BE MADE.- Subdivision 10.

Whenever, for any cause, mistake or inadvertence, the amount originally assessed shall not be sufficient to pay the cost of the improvement made and enjoyed by the owners of property in the local assessment district where the same is made, it shall be lawful, and the city council is hereby directed and authorized to

make re-assessments on all the property in said local assessment district sufficient to pay for such improvement, such re-assessment to be made and collected in accordance with the provisions of this section.

CONTRACTS FOR LIGHTING NOT TO EXCEED ONE YEAR.- Sec 20. No contracts for lights or lighting shall be let for a longer term than one year. The lights shall be of such kind as the city council may by ordinance prescribe.

WORK ON SUNDAYS, HOLIDAYS AND BETWEEN 7 O'CLOCK P. M. AND 6 OCCLOCK A. M. FORBIDDEN.- Sec. 21

No work shall be done by the city or any department, officer or employe thereof, on any legal holiday or sunday by way of construction or extension of any public work, nor shall any work be done on any such day, or between seven o'clock p. m. of any day and six o'clock a.m. of the following day, by any corporation or other person, by way of construction, extension or removal of any structure upon, over, under or along any street, alley or other public place within the city or under control of

the city, except in case of extraordinary emergency, and then only upon the written permit of the mayor, wherein the fact of such emergency, and the nature thereof shall be specified, and in case of violation of any provision of this section by any person or corporation owning, holding or claiming any franchise in, over, under or along such street, alley or public place, all his right or its right, title and interest in such franchise shall thereby be forfeited and instantly revert to the city. The mayor shall be free in his discretion to grant or withhold such permit. And in no case shall any corporation or person be permitted to commence the building or construction of any street or other railroad, telegraph, telephone or electric light line in the city without first obtaining a permit therefor from the board of public works.

BOARD OF PUBLIC WORKS TO MAKE RECOMMENDATIONS AS TO SEWERAGE SYSTEMS.-Sec. 22

The board of public works shall from time to time make such recommendations to the city council relating to the extension or improvement of the sewerage system as said board may deem proper.

BOARD TO PRESCRIBE LOCATION OF SEWERS, ETC.-Sec. 23

Said board, subject to such control as the city council shall by ordinance exercise, shall prescribe the location, form and materials to be used in the construction and repairs of all public sewers, manholes, sinks, cesspools and other appurtenances belonging to the sewerage system, and of every private sewer emptying into a public sewer, and determine the place and manner of location thereof, except as otherwise in this charter provided.

SEWERS MUST BE ORDERED BY COUNCIL AND PLANS MADE BY

ENGINEER.-Sec. 24
Before any public sewer shall be contracted for or built, its construction shall be ordered by the city council, and the city engineer or any other person the council may designate, shall cause to be prepaired the necessary estimates and plans for the work, and a profile showing the grades of the street and sewer, and the depth of such sewer below the surface of the street and the height above the level established and used as the city datum, and when such sewer is completed he shall cause a map to be prepaired, showing the size and location of the manholes, basins and branches.

CONNECTING ~~[illegible]~~ WITH SEWERS FORBIDDEN WITHOUT PERMIT.-Sec. 25
No person shall connect with or open or penetrate any public sewer or drain without first obtaining a permit in writing from said board, and complying with the rules and regulations of said board in reference thereto.

AIR, GAS, STEAM OR WATER ABOVE 140 DEGREES NOT TO BE DISCHARGED INTO PUBLIC SEWER.-Sec. 26
Air, gas, steam or water above one hundred and fourty degrees fahrenheit in temperature shall not be discharged into any public sewer or into any private sewer or drain connecting with such public sewer, and the city council shall by ordinance prohibit the same.

BOARD SHALL RECOMMEND RULES CONCERNING SEWERS.-Sec. 27
Said board shall recommend to the city council such other rules and regulations concerning the public and private sewers and drains in said city as said board shall deem best.

COUNCIL MAY AUTHORIZE PURCHASE OR CONDEMNATION OF PROPERTY.-Sec. 28

The city council may, upon the recommendation of said board, by ordinance passed by the affirmative vote of the majority of all the members elected, authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate, which may be necessary for the construction of any sewers or the making of any improvement provided for in this article. The title to all real estate purchased shall be taken in the name of the city.

BOARD MAY, WHEN AUTHORIZED, AGREE FOR USE OF LAND FOR SEWERS OR DRAINAGE.-Sec. 29

Said board may, with like authorization by the city council, agree with the owner of any real estate over or through which it is deemed desirable to construct any sewer or other improvement related to sewerage or drainage, upon the amount of damage to be paid to such owner for the perpetual use of such real estate for such purpose.

BOARD SHALL, WHEN AUTHORIZED, CONSTRUCT SYSTEM OF SEWERAGE.-Sec. 30

Said board shall, when authorized by ordinance of the city council, construct such sewers, reservoirs and pumping works, whether within or without the city, as may be necessary to carry out the general system of sewerage of the city.

COUNCIL SHALL PROVIDE FOR DRAINING, ETC., PRIVATE PROPERTY.-Sec. 31

The city council shall by ordinance provide that the owners and occupants of lands, buildings or premises within the city at their own expense, properly drain the same, or drain or clean

any vault, cesspool, ditch, pipe or drain therein used as a receptacle or conductor of filth or refuse matter, and thst all expenditures of the city in draining or cleaning private premises, be assessed against such premises. Every assessment shall be a lien upon the premises so drained or cleaned, and such assessment may be collected and the lien enforced by a suit in the name of the city.

CONTRACTORS SHALL GIVE BONDS.-Sec. 32 Before any contract for the doing of any work or labor, or furnishing any skill, labor or material to or for the city of Honolulu shall be valid or binding against the city, the contractor shall enter into a joint and several bond with the city of Honolulu for the use of the city and also for the use of all persons who may perform or cause to be performed any work or labor, or furnish or cause to be furnished any skill, labor or material in the execution of such contract, conditioned to perform the contract according to its terms, conditions and stipulations, and to pay as they become due all just claims for all work and labor so performed and all skill or labor and material so furnished in the execution of such contract, and to comply with all the requirements of the charter and ordinances of the city and the amendments thereto, which bond shall be in an amount fixed by the board of public works, but not less than fifty per cent, ~~more than~~ of the contract price agreed to be paid for the performance of such contract, and shall be duly signed by such contractor and two or more good and sufficient sureties, and after being approved as herein provided, shall be filed in the office of the city comptroller; Provided, That before approving any such bond the mayor and comptroller shall cause to be filed with and preserved by them, by the proposed sureties,

a list of the property owned by each such proposed sureties, such list describing with reasonable certainty the various property and showing whether the same is community property or seperate property and the encumbrances thereon. The bond shall also contain any other conditions or provisions required by any ~~state~~ Territorial law, and such bond shall be deemed to run also to the territory of Hawaii.

SURETIES SHALL JUSTIFY.-

Subdivision 2. The sufeties on such bond shall each justify as bail upon arrest.

MORE THAN TWO SURETIES MAY BE ACCEPTED.-

More than two sureties may be accepted on such bond, and they may justify in seperate and different sums less than the sum specified in such bond; Provided, That the aggregate of their justification shall be equal to two sureties justifying in double the amount of the bond in the manner herein provided.

CORPORATION COUNSEL SHALL APPROVE FORM OF BOND.-

Subdivision 3. It shall be the duty of the corporation counsel of said city to see that such bond is fully and properly executed and conforms in all respects to the provisions of this section; and thereupon shall indorse upon said bond his approval of the form thereof. Such bond, and the sureties thereon, shall be subject to approval by the mayor and comptroller, but they shall not approve any such bond unless the said corporation counsel's approval of the form thereof be indorsed thereon, nor unless the sureties on such bond appear personally before the mayor and comptroller if required, and are by them examined, touching their fitness and ability to become sureties on such bond; and it shall be the duty of such mayor and comp-

troller to reject any person, not withstanding his justification subscribed to the bond, if they shall deem such person of insufficient ability or otherwise unfit to become a surety on such bond.

NO CONTRACT TO ASSIGNED WITHOUT CONSENT OF BOARD OF PUBLIC WORKS AND SURETIES ON BOND.-

Subdivision 4. No contract with said city for the doing of any public work shall hereafter be assigned or transferred in any manner without first having indorsed thereon the consent of the board of public works, and of the sureties on the contractor's bond, and no transfer ~~without such consent and waiver indorsed thereon~~ or assignment thereof shall in any-wise affect such bond or the liability of the sureties thereon, and any assignment or transfer without such consent and waiver indorsed thereon except by operation of law of any such contract, shall make the same null and void, as to any further performance thereof by the contractor or his assigns without any act on the part of the city; and the board of public works shall at once proceed to re-let such contract, or said board may, in its discretion, proceed to complete the same as the agent, and at the expense of such contractor and his bondsmen. No assignment, transfer, abandonment or surrender, either voluntary or otherwise, of any contract with the city for the doing of any work or labor, skill or material, nor any change in any such contract, nor any extension of time in which to complete any such contract shall ever operate to release the sureties on the bond in this act provided for; and no such assignment, transfer, abandonment, surrender, change or extension of time shall ever be pleaded as a defense to any action upon such bond in any court in this Territory

BOARD OF PUBLIC WORKS MAY REQUIRE ADDITIONAL BOND.- Subdivision 5. The board of public works may, whenever in its judgement one or more of the sureties on such bonds have become insolvent, or for any other cause are no longer fit and sufficient sureties, require any such contractor to file a new or additional bond within ten days after notice to that effect; and thereupon all work on such contract shall cease until such additional bond shall be filed with the city comptroller, and if any such contractor shall fail for ten days after notice to that effect to file a new or additional bond as aforesaid, his contract shall by that fact alone become fully ended and void as to future performance thereof by such contractor. And thereupon the board shall proceed to re-let such contract, or may, in its discretion, proceed to complete the same as the agent and at the expense of such contractor and his bondsmen.

IF CONTRACT BE ENDED OR VOID BOARD OF PUBLIC WORKS TO COMPLETE SAME.-
Subdivision 6. If any such contract shall for any reason become ended or void, and the board of public works shall complete the same, as in this section provided, and the costs of so completing such contract shall exceed the amount unpaid by the city upon such contract, at the time the same shall become ended or void, in such case it shall be the duty of the corporation counsel to at once commence an action in the name of the city against such contractor and his bondsmen for the recovery of the difference in amount between the cost of so completing such contract and the amount unpaid by the city upon such contract at the time the same became ended or void. The board of public works is hereby prohibited from entering into any contract for the doing of any work or labor or the furnishing of any skill or material with any person, who, within two years prior thereto,

shall have made default in the payment of any just claim for any work or labor performed or for any skill or material furnished pursuant to any such contract with such party or with any person who within two years prior thereto shall have assigned, abandoned, surrendered, or failed to complete any such contract, except as herein authorized or who shall have failed to comply with any of the provisions of this section.

ARTICLE VIII

THE DEPARTMENT OF FINANCE.

DUTIES OF CITY COMPTROLLER.-Sec. The city comptroller shall exercise general supervision over the financial affairs of the city. He shall number and keep a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, on or before the fifth day of each month, or oftener if required, report to the mayor and to the city council the condition of each fund in the treasury. He shall make annual reports to the city council, and to the mayor on his request, of the financial condition and requirements of the city, with a careful statement and estimates of the receipts and expenditures. He shall keep a complete set of books by double entry system for the city, in which shall be set forth in plain and business-like manner every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report, showing the source from which the city's revnues were derived, and how

expended. He shall require all claims, teturns, settlements, and reports to be verified by affidavit. He shall issue all license in accordance with law on presentation to him of a receipt from the city treasurer showing that the license fee has been paid, and shall countersign all warrants upon the teasurer.

COMPTROLLER AND DEPUTIES MAY ADMINISTER OATHS?- Sec. 2 The city comptroller and his deputies shall have authority to take affidavits and administer the necessary oaths in the transaction of all city business; he shall have a seat in the city council, with the right to speak on any question pertaining to his department, but shall have no vote.

SHALL KEEP SALARY LIST POSTED IN HIS OFFICE.-Sec. 3 He shall keep publicly posted in his office a list of all persons receiving salaries from the city, with the amount of monthly salary received by each opposite his name, which list shall be revised and corrected by him monthly, and be at all times open public examination.

OTHER DUTIES.-Sec. 4 He shall perform such other duties as this charter or the city council may direct, and may appoint one chief deputy, and, such other deputies as the city council may authorize.

TREASURER SHALL BE TAX COLLECTOR.-Sec. 5 There shall be a city treasurer, who shall, except as otherwise provided by law, be ex-officio tax collector. He shall not hold office for two consecutive terms.

SHALL RECEIVE, KEEP AND PAY OUT CITY MONEYS.-Sec. 6 As tax collector, the city treasurer shall perform the duties provided in this charter and by the general laws of the territory. As treasurer, he shall receive, keep and pay out all

moneys belonging to the city, and shall keep an account of all receipts and expenditures under such rules and regulations as may be prescribed by ordinance, and shall do all things required of him by this charter or the ordinances of the city. He shall not pay out any moneys belonging to the city except upon legal demands allowed and audited in the manner prescribed by this charter or by law.

DUTIES OF TREASURER.-Sec. 7

It shall be the duty of the city treasurer to receipt for the moneys of the city, and pay out the same only on warrants drawn in pursuance of the order of the city council, signed by the mayor, countersigned and registered by the city comptroller. He shall each day, except sundays and legal holidays, render to the city comptroller a statement of the balance in each fund of the treasury of the city. He shall also once each week make a statement, under oath, to the city comptroller, showing where the city funds are then kept, and it shall be the duty of the city comptroller to forthwith verify each such statement. He shall require good and sufficient bonds for his own indemnification, to be given by all assistants and clerks in his office who shall receive or have care, custody or handling of any moneys or other valuable thing belonging to the city, which bonds shall be approved by the mayor, and may be security indemnity bonds. He shall issue a call for outstanding warrants on any fund upon which warrants have been previously presented and payment refused for want of funds, whenever their may be one thousand dolllars of that fund in the treasury, or whenever there are sufficient funds in the treasury to pay all outstanding warrants; interest to cease fifteen days after the publication of the first notice. Warants shall be paid in the order of their

number and date of issue, and shall be charged to the respective funds. Such call shall be made by publication in the city official newspaper for the period of one week, and shall be made within fifteen days after the required amount of money is in said fund. He shall account for and pay over all moneys on hand as such treasurer to his sucessor in office, and diliver all books, vouchers and effects of office to him, and such successor shall receipt therefore.

PERSONS HAVING CITY MONEY SHALL PAY IT TO TREASURER.- Sec. 8 Every officer or agent of the city, or other person who shall receive or have in his hands any money belonging to the city, shall immediately pay over the same to the city treasurer, and take his receipts therefore in duplicate, one of which receipts shall be delivered to the city comptroller by the party paying over the money. If any such officer, agent or other person shall fail to pay over to the city treasurer any money so received, or to deliver to the city comptroller such receipt of the city treasurer, for more than forty-eight hours after the money or receipt shall have been received by him, such officer, agent or other person shall forfeit to the city double the amount of money so received, or for which such receipt was given, to be recovered by civil action brought by the city against him in a court of competent jurisdiction.

TREASURER'S BOOKS TO BE OPEN TO INSPECTION.-Sec. 9 The treasurer's books shall, at all times in business hours, be open for public inspection, subject to such reasonable rules and regulations as the city council shall by ordinance prescribe.

COMPTROLLER TO TRANSMIT ANNUAL ESTIMATE TO COUNCIL.-

Sec. 10

On or before the first monday in ~~September~~ July in each year, the comptroller shall prepare and transmit to the city council, accompanied with estimates and reports of each department, which he shall require to be delivered to him from the heads of each department on or before the tenth of ~~August~~ June of each year, an estimate of the properable necessities of the city for the ensuing fiscal year, giving the amount required to meet the interest and sinking funds for any and all outstanding bonded depts, together with the amount needed for salaries and ~~properble~~ probable wants of all departments of the municipal government in detail, and showing the necessities of each of the several funds to be provided for in the treasury. The estimate shall also show as nearly as may be what amount of income and revenue is likely to accrue to the treasury, and be collected from fines, licenses and all other sources of revenue, exclusive of tax on property, and shall give an estimate of what amount will be required to be levied and raised by tax from all property in the city, in order to meet the necessities of such fiscal year, said estimates to be based upon, where practicable, the resources and expenditures of the current fiscal year; and at the same time the comptroller shall also report to the city council the balance on hand in each fund.

COUNCIL SHALL FIX TAX RATE.-Sec. 11

The city council shall on or before the first monday in ~~December~~ June in each year by ordinance fix the rate of taxes to be levied, and levy the taxes upon all taxable property, both real and personal, in the city needed to raise sufficient revenue to carry on the different departments of the municipal government for the ensuing fiscal year.

AUDITING COMMITTEE CREATED.-Sec. 12
There is hereby created an auditing committee, which shall consist of the mayor, president of the city council, the chairman of the finance committee thereof, and the comptroller. The mayor shall be the chairman of the committee, and the comptroller shall be secretary, but in the absence of either from any meeting of the committee a temporary chairman or secretary may be chosen by the committee to act for the time being.

COMMITTEE TO HOLD MONTHLY STATED MEETINGS.-
~~Said committee shall~~ Said committee shall hold stated meetings once in each month, and may adjourn from time to time. It shall be the duty of the committee to examine all claims and demands against the city of whatsoever nature and to recommend to the city council the allowance or disallowance of the same or any part thereof.

Three members of the committee shall constitute a quorum for the transaction of business, but a less number can meet and adjourn from time to time.

PROCEDURE FOR PAYMENT OF CLAIMS AGAINST CITY.-Sec. 13
All demands, bills and claims which may arise against the city, including the payment of all employes of the city, whether under regular monthly salary or not, shall be duly verified as herein after provided, and be filed with the secretary of the auditing committee, who shall file and number the same in the order of presentation, and refer the same to the auditing committee for action, whose duty it shall be to recommend the allowance or rejection of the same in the whole or in part, and if allowance be recommended, to designate the particular fund from which they are to be paid and indorse upon each claim or demand the date of the recommendation of its allowance or rejection, the amount to be allowed, and also the section of the

~~CHAPTER~~ charter, number of ordinance, number of contract, resolution or order under which the said claim or demand was authorized or contracted for. These indorsements shall be verified by the signature of the chairman and secretary of the auditing committee. All claims or demands after being audited by said committee shall be forthwith reported to the city council for final action.

CLAIMS SHALL BE VERIFIED AND ITEMIZED.-Sec. 14 All demands and claims against the city hereinbefore required to be verified shall be subscribed and sworn to before the city comptroller or one of his deputies, or some officer authorized to administer oaths. Each claim or demand must be accompanied by a detailed statement of the items, which shall be attached thereto and made a part thereof.

SECRETARY OF COMMITTEE SHALL KEEP RECORD.-Sec. 15 The secretary of the ~~ordinance~~ auditing committee shall attend all meetings of said committee and keep a correct record or journal of the proceedings of the committee.

FUNDS ESTABLISHED.-Sec. 16 The following funds are hereby established:

WATER FUND.-First-The water fund, into which shall be paid all revenues derived from the water department, and from which s shall be paid all expenses of operation and maintenance of the water system. Any surplus remaining in the fund at any time after the payment of such expenses may be disposed of as is or may be provided by ordinance.

NO ORDINANCE OR SCHEME INVALIDATED HEREBY.-Nothing containing in this subdivision of section16 shall repeal or in any wise invalidate any ordinance or plan or scheme proposed thereby

are heretofore approved by the electors of the city upon submission thereof to them, nor to prevent any modification or amendment of such ordinance, plan or scheme upon submission thereof to the electors of the city.

CITY PARK FUND.-Second-The City Park Fund, from which shall be paid all expenses incident to the acquisition, maintenance ornamentation and improvement of the parks, park drives, boulevards and public places of the city.

LIBRARY FUND.-Third-The Library Fund, from which shall be paid all expenditures incident to the Honolulu Public Library.

GENERAL FUND.-Fourth- The General Fund, into which shall be paid all revenues of the city, except as otherwise provided by law, and from which shall be paid all expenses and liabilities of the city which are not payable out of special funds. Such accounts shall be kept in the general fund with the several departments and with other city expenditures, as may prescribed by ordinance.

OTHER FUNDS MAY BE ESTABLISHED- ~~EXISTING FUNDS CONTINUED~~.-Sec. 17
The city council may from time to time establish such other funds as it may deem necessary, ~~and shall establish and continue in force all interest funds, bond funds,~~ bond redemtion funds and other funds ~~now or hereafter~~ established for the payment of interest upon and the payment of bonded indeptedness of the city; and the percentage of each annual tax levy shall be named for each fund, and the whole amount of taxes and revenue of the city appropriated to said several funds accordingly;

and no transfer shall be made from fund to another except as otherwise provided in this charter, unless by an affirmative vote of a majority of the members elected of the city council by ayes and noes, recorded in the journal of proceedings, and in no case shall any moneys be transferred from any fund provided for the payment of any interest or principal of any bonded indebtedness then existing, nor from the library fund to any other fund.

PROVISIONS OF PRIVIOUS CHARTER CONTINUED IN FORCE FOR CERTAIN PURPOSES.-Sec. 18 The provisions relating to the levy and collection of taxes contained in Article of, or elsewhere in the charter of Honolulu, ~~which is superseded by this charter~~, are hereby continued in force, to all intents and purposes, ~~as if expressly re-enacted herein~~, in so far as may be necessary or proper for the enforcement on the part of the city of any rights, demands, levies, claims, moneys, taxes, interest or penalties due or hereafter to become or be declared due to the city under such provisions or under any past or present law of the ~~state or city~~ Territory, and the same shall be enforced by the collector or other proper officer or officers herein or by law provided for, ~~and the title or inchoate title or rights of the city in or to all lots or lands heretofore sold or hereafter to be sold to the city under such provisions or any precedent law or charter may be perfected under such provisions, precedent, precedent law or charter as fully as if such provisions, precedent law or charter were herein~~ expressly re-enacted.

ARTICLE IX

THE DEPARTMENT OF SANITATION.

BOARD OF HEALTH - HOW APPOINTED AND OF WHOM IT SHALL CONSIST.-Sec. 1 There a Board of Health, which shall consist of three physicians, graduates from some accredited medical college, who must be physicians in active practice, to be appointed by the mayor and confirmed by the city council, and who shall have supervision of all matters appertaining to the sanitary condition of the city and its public institutions.

TERM OF OFFICE- NO COMPENSATION.-Sec. 2 The members of said board shall hold office for three years and serve without compensation. The term of office shall be so arranged that one of them shall go out of office in each year. The member having the shortest term to serve shall be president of the board, and the health officer shall act as secretary of the board.

COUNCIL SHALL PROVIDE OFFICE) MEETINGS ONCE A MONTH.-Sec. 3 The city council shall provide an office for the board of health, in which the meetings of the board shall be held. Such meetings shall be held at least once a month, and whenever requested by the president or two of its members.

BOARD SHALL APPOINT AND MAY REMOVE HEALTH OFFICER-CITY PHYSICIAN.-Sec. 4 Said board shall appoint and remove at pleasure a health officer, who shall be a physician, and such other subordinate officers as may from time to time be deemed necessary by the city

council. The health officer shall act as city physician. He shall be the executive officer of the board and see that all ordinances relating to the sanitary affairs of the city and the rules and regulations of the board are enforced.

FURTHER DUTIES OF HEALTH OFFICER.-Sec. 5

The health officer shall visit the public buildings and institutions of the city and the public and other schools within the city once in each month and as frequently as may be required by the board of health, and investigate the sanitary condition of the same, and to make monthly reports of such examination to the board of health. He shall also make to the board a monthly and annual report of the affairs of his office, including natal, mortuary and other sanitary statistics.

BOARD SHALL COMPEL VACATION OF UNSANITARY BUILDINGS.-Sec. 6

Whenever the health officer shall certify to the board of health that any building or any part thereof is for any sanitary cause unfit for human habitation, said board ~~may~~ shall issue an order, to be fixed conspicuously on the building, and where practicable, to be served on the owner, agent or occupant, requiring all persons to vacate such building or apartment at and until such time as the board may determine. The cause of vacation shall be stated in the order.

DUTIES OF HEALTH OFFICER IN CASE OF INFECTIOUS DISEASES.- Sec. 7

Whenever a case of smallpox, yellow fever, Asiatic cholera or other infectious disease is reported to the health officer, he shall immediately visit the premises where the person is, and if he shall find such reported disease or any infectious disease on such premises, he shall forthwith cause to be

displayed a quarantine flag in a conspicuous place on said premises, and post upon the doorway a placard setting forth the fact that infectous disease exists therein and the name of such disease.

HEALTH OFFICER SHALL REPORT NAMES AND RESIDENCE OF PERSONS SICK WITH INFECTIOUS DISEASES.-Sec. 8 The health officer shall immediately report to the chief of police, city school superintendent, the principals of private and other schools within the city and the librarian of the Honolulu public library, the names and residences of every person sick of the diseases in section of this article enumerated or any other contagious or infectious disease he may deem dangerous to the public health.

DUTY OF SCHOOL SUPERINTENDENT, PRINCIPALS OF SCHOOLS AND LIBRARIAN.- Sec. 9 It shall be the duty of the city school superintendent, the principals of private and other schools within the city, and the librarian of the Honolulu public library, when so notified, to refuse admittance to the public or private or other schools or library to any member of a household in which any of the aforesaid diseases are found until advised by the health officer that there is no longer any danger from contagion.

DUTY OF PHYSICIANS TO REPORT INFECTIOUS DISEASES.- Sec. 10 Every physician in the city shall immediately report to the health officer in writing every patient he shall have sick of typhus, typhoid, ship or yellow fever, Asiatic cholera, smallpox, diphtheria or scarlatina, or such other infectious disease as is or may be specified by ordinance, and shall report every

death occurring from any such any disease immediately; also, every householder in the city shall report forthwith to the health officer the name of every inmate of his or her house whom he or she shall have reason to believe to be sick of any such disease, and any death from any such disease occurring at his or her house.

HEALTH OFFICER SHALL KEEP RECORD.- Sec. 11
The health officer shall keep a record of all births, deaths, interments and cremations occurring in the city.

PHYSICIANS AND MIDWIVES SHALL REPORT BIRTHS AND DEATHS.- Sec. 12
All physicians and midwives in the city shalll report in writing to the health officer within twenty-four hours all births and deaths occurring in his or her practice.

~~Hospitals and pest houses may be established, etc.~~

HOSPITALS AND PEST-HOUSES MAY BE ESTABLISHED.- Sec. 13
The board of health, through and with the co-operation of the ~~the~~ board of public works, with the consent of the city council, ~~may~~ shall locate, estalish and maintain hospitals ~~and~~ pest-houses and poor farm and discontinue and remove the same whenever necessary for the preservation of the public health, and may appoint and remove at pleasure such physicians and nurses as may be necessary to maintain the efficiency of the same; and may cause to be removed thereto and kept therein any person affected with any contagious or infectious disease.

PERSON HAVING CONTAGIOUS OR INFECTIOUS DISEASE NOT TO BE REMOVED.- Sec. 14
No person shall remove a person affected with any contagious or infectious disease from any house or place within the city

limits to any other houses or place without the written permission of the health officer.

APPOINTMENT AND DUTIES OF SANITARY INSPECTOR.- Sec. 15

The board of health shall, with the city council, appoint a sanitary inspector, ~~who shall be~~ a market inspector, inspector of sewers and inspector of plumbing, of water, steam and gas of all buildings within the city. Such inspector shall have the powers of ~~a~~ policeman. ~~His~~ Their duties shall be such as are or may be prescribed by ordinance. The city council shall by ordinance regulate the plumbing of all buildings with due regard for the health of the city.

BOARD OF HEALTH MAY PROCLAIM QUARATINE.- Sec. 16

The board of health may proclaim such quarantines and establish and declare such quarantine districts and stations as may in its judgment be necessary for the preservation of public health, and may appoint and remove at pleasure a quarantine officer.

VESSELS FROM INFECTED PORTS SUBJECT TO QUARANTINE.- Sec. 17

All vessels arriving at the port of Honolulu from ports which have been legally declared infected ports, and all vessels arriving from any place where there is prevailing at the time of departure any contagious, infectious or pestilential disease, ~~are subject to quarantine, and must be by the master without de-~~ delay. Such a vessel must not cross a line drawn as prescribed by the board of health until the quarantine officer has boarded the same and given the order required by law.

RULES FOR DISPOSITION OF SICK ARRIVING ON VESSELS TO BE MADE BY BOARD OF HEALTH.- Sec. 18

The board of health shall make rules and regulations relating

are subject to quarantine and must be by the master owner piled or consignee reported to the quarantine officer without

to the disposition of the sick and deceased arriving on any ship or vessel, and the city council shall provide by ordinance for the recovery of all expenses and charges incurred in their treatment or burial.

BOARD OF HEALTH MAY REQUIRE BUBLIC CONVEYANCES TO STOP FOR QUARANTINE.- Sec. 19
The board of health may, when they deem it necessary, require all railroad cars or other public conveyances, before the same shall stop at any depot or station in the city, to stop at any locality selected and established for quarantine purposes, and to leave there all such persons, with their stores and baggage, as the health officer shall deem necessary so to be left for the health of the city.

MAKING AND ENFORSING OF QUARANTINE REGULATIONS.- Sec. 20
The board of health shall make such rules and regulations for the government of the quarantine or the health of the city as from time to time the public health may require, and the physicians or health officers in charge of any quarantine station or place shall have power to enforce such regulations as may be necessary for the proper management thereof, and it shall be the duty of all persons in quarantine, and all agents, officers, policemen or others employed by the city in or about said quarantine stations or places to carry out and obey the same.

INTERMENT, DISINTERMENT AND REMOVAL OF DEAD BODIES.-
Sec. 21
It shall be unlawful to disinter or exhume from a grave, vault, cemetary or other burial place within the city, or owned by the city, or to deposit therein, or to remove from the city, the body of any deceased person, without first causing to be filed at the health office a certificate signed by a legally quali-

fied physician or coroner, setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date, locality and cause of death of such decedent and obtain from the health officer a written permit therefore.

PERMITS FOR BURIAL.- Sec. 22

The health officer shall prepare a book pf blank permits in proper form containing stubs, on which, as well as in the permits, shall be entered by the health officer a record, giving the name, age, sex, nativity, cause of death and place of burial of each person to be buried, and when a permit is issued for disinterment, or removal of remains, the record shall also show the destination of the remains.

COUNCIL TO PROVIDE FOR ENFORCEMENT OF REGULATIONS.- Sec. 23

The city council shall by ordinance provide for the enforcement of such orders and regulations as the board of health may adopt and the council approve, providing also for all expenses incurred in carrying out the same. And in addition to the powers in this article enumerated, the health officer amd the members of the board of health may administer oaths on the matters connected with the department, and shall have such other powers and authority as may be prescribed by ordinance of the city council or by general law. The city council shall provide for the maintenance of all indigent families during the continuance of their enforced quarintine.

COUNCIL TO PROVIDE PENALTIES.- Sec. 24

The city council shall pass all such ordinances, and provide therein such penalties, as will carry out the intent and enforce the provisions of this article.

ARTICLE X

THE FIRE DEPARTMENT/*********

OF WHAT FIRE DEPARTMENT SHALL CONSIST.- Sec. 1
There shall be a fire department, which shall consist of a chief of the fire department, and as many subordinate officers and firemen as the city council shall from time to time by ordinance prescribed.

MAYOR SHALL APPOINT THE CHIEF OF THE ~~FIRE~~ DEPARTMENT. Sec. 2
The mayor shall appoint the chief of the fire department with the consent of the city council.

CHIEF TO MANAGE DEPARTMENT.- Sec. 3
The fire department shall be under the management of the chief of the fire department, except as otherwise provided by law or in this charter.

MAYOR SHALL PRESCRIBE RULES FOR FIRE DEPARTMENT.- Sec. 4
First - The mayor shall prescribe rules and regulations, not inconsistent with the law and the ordinances of the city, for the government and control of the fire department, and fix and enforce penalties for their violation.

CHIEF SHALL APPOINT ALL SUBORDINATES.- ~~Sec~~
Second - The chief of the fire department shall, appoint subordinate officers and firemen.

CHIEF SHALL FURNISH STATEMENT AND ESTIMATE OF EXPENDITURES MONTHLY, WITH RECOMMENDATIONS.-
Third - The chief shall make a monthly statement of expenditures of the department to the board of public works, and also

furnish to said board an estimate of the needs of his department for the ensuing month, with such recommendations as he may deem proper for the betterment of the service.

CHIEF SHALL REPORT ANNUALLY TO COUNCIL- CONTENTS OF REPORT. Fourth - The chief of the fire department shall make annually, or oftener if required by the council, or if he may deem best, a report to the city council of any municipal legislation by him deemed necessary to improve the condition and administration of the fire department, and shall report in like manner fully to the city council the business and condition of the fire department, showing the number of alarms responded to, the estimated loss by fire during the year, with the cause thereof, with such other information as he can furnish tending to throw light upon the advancement or improvement of the department and the necessities thereof; also an estimate of money required to pay salaries and expenses of the fire department for the ensuing fiscal year, specifying in detail the items for which the same will be required.

OTHER POWERS AND DUTIES OF CHIEF TO BE PRESCRIBED BY COUNCIL. -
Fifth - The chief shall have such further powers and be subject to such further duties as may be granted or imposed by the city council, except as otherwise in this Charter provided.

DUTIES OF CHIEF AS TO BUILDINGS IN COURSE OF ELECTION. - Sixth - It shall be the duty of the chief of the fire department to inspect and keep a record of all new buildings in course of erection in the city, and report to the city council any building in process of construction or completed without the fire protection and escapes prescribed by law.

ARTICLE XI

THE HARBOR DEPARTMENT.

COUNCIL TO HAVE CONTROL AND MANAGEMENT OF HARBOR AND WATER FRONT. - Sec. 1

The city council shall, unless otherwise prescribed by the laws of the Territory, exercise control and mangement of the harbor and water front of the city of Honolulu, and shall, by ordinance, establish such rules and regulations as shall prevent any encroachment upon the ~~xxxx~~ tidal area of the same.

BOARD OF PUBLIC WORKS TO PERFORM CONSTRUCTION OF ALL WHARVES AND OTHER WORK ON WATER FRONT. - Sec. 2

The construction of all wharves which may be built by the city and repairs on the same, or other work done od the water front by the city, shall be performed by the board of public works, after proceedings had in the manner and form prescribed for the construction, improvement and repair of public buildings.

COUNCIL SHALL REGULATE TOLLS FOR WHARFAGE, ETC. - Sec. 3

The city council shall, by ordinance, regulate the tolls for wharfage, dockage and other charges at all wharves, slips, docks and landing places within the city, and provide for the regulation of berths and landings of all steamers, sail vessels, barges or other water craft, and shall exercise in regard to all such wharves, slips, docks and and landing places such other control not herein specified as shall not be inconsistent with the laws of the United States and of the Territory of Hawaii. The council shall not have power to dispose of any wharf, but they may lease any wharf for a term not exceeding two years.

COUNCIL MAY ORDER CONSTRUCTION OF WHARVES, ETC. - Sec. 4

The city council may by ordinance order the construction of wharves, slips, docks or landind places upon any streets abutting upon or leading into any navigable waters within the city, wharves, slips, docks and landing places, when so constructed, shall remain under the exclusive control of the city.

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ARTICLE XII

DEPARTMENT OF PARKS.

PARK FUND SHALL CONSIST OF WHAT. - Sec. 1

The city park fund shall consist of -

TAX LEVY. - First - Such tax levy, not to exceed annually one mill on the dollar, as may be provided by the city council.

GIFTS, BEQUESTS, DEVISES. - Second - Such gifts, bequestsand devises as may be given, bequeathed or devised to the city of Honolulu for the purpose of a park or parks.

TEN PER CENT. OF FINES, ETC. - Third - Ten per cent. of the gross receipts fromm all fines, penalties, and licenses.

APPROPRIATIONS BY COUNCIL. - Fourth - Any appropriations that the city council may make for said ~~fund~~ fund from time to time and any and all moneys that may from any source accrue to said fund.

COUNCIL SHALL CONTROL PARK FUND. - The city council shall have the same control over the city park fund as over the other moneys of the city and shall alone have power to authorize expenditures therefrom.

MANAGEMENT AND CONTROL OF PARKS, ETC,- VESTED IN COUNCIL. - Sec. 7

The management and control of all public squares and parks of the city and of all park drives, parkways and boulevards of the city are hereby vested in the city council. It shall have power to designate lands and grounds to be used and appropriated for such purposes; to cause the same to be platted and surveyed and the plats thereof to be filed in the office of the board of public works, or in the office of the city engineer; to devise, adopt and lay out parks, squares, park drives, parkways and boulevards in and adjacent to the city, and from time to time extend the same and add thereto; to grade, improve, ornament and maintain the same; to erect and maintain buildings and structures therein; to provide for securing, growing and maintaining trees, plants, flowers, zoological collections and other attractions therein; to grant concessions and privileges therein under such restrictions and for such compensation as it shall prescribe, the revenue of which shall go into the city park fund; Provided, That no such concession or privilege shall ever be granted for the sale of any intoxicating liquors in any public park, ~~park drive, park way or boulevard~~ of the city. It may exclude from any or all the parks, squares, park drives, parkways and boulevards of the city any vehicles or classes of traffic, which in its judgment may be improper for or detrimental to the same, or injurious to the improvements therein; it may appoint or cause to be appointed policemen for the special enforcement therein of the park regulations of the city, to be known as park police, and to be paid out of the city park fund; it shall have power to select and designate by ordinance any street or highway of the city for a park drive, parkway or boulevard; Provided, That before taking possession thereof for

for such purpose, it shall take or cause to be taken proper proceedings as required by law for the ascertainment and payment to the proper parties of the damage, if any, which will result to the property to be affected thereby, and after the payment of such damage, or the lawful ascertainment that no damage will be caused thereby, such street or highway shall become and be for all purposes a park drive, parkway or boulevard as may have been determined by the city council, and there after the same be subject to all such rules and regulations as may from time to time be in force with reference thereto.

HOW CITY MAY ACQUIRE LANDS FOR PARK PURPOSES. - The city council shall have power and is hereby authorized to obtain title for and in the name of the city to any lands so designated by it for the purpose of this article by gift, devise, purchase, condemnation or lease. The city council may authorize the making of contracts in the name of the city for the purchase of any lands to be paid for at such time or times and in such manner as the city council may agree upon; and the city council may accept the lands and authorize the giving back of a mortgages in the name of the city to secure the unpaid purchase price; Provided, No personal or general liability on the part of the city shall be created by any such contract beyond the money then in the city park fund available therefore; And provided further, That there shall be no express or implied agreement in any such mortgage nor any separate instrument given for the payment of the sums secured thereby, but the remedy of the mortgage shall be confined to the property mortgage.

AFTER FULLY PAID FOR, BOARD OF PUBLIC WORKS SHALL HAVE SUPERINTENDENCE OF PARKS. -Sec. 4

After any land for park purposes has be come or is the unencumbered property of the city the board of public works shall have the same superintendence and management of said land and of the ornamentation and improvement of the same as of the other public grounds of the city, and the city council may authorize the board of public works to make such improvement and ornamentation of any such parks and to erect therein such buildings as the council may deem proper; Provided, That at no time shall any debt be made or incurred for park purposes until there is a sufficient sum of money of the city park fund in the city treasury which may be available to pay the same.

BOARD OF PUBLIC WORKS TO REPORT TO MAYOR. -Sec. 4 July

The board of public works shall annually, in the month of ~~Jan.~~ uary, transmit to the mayor a detailed report of all work and improvements made during the year last expired in the parks, drives and boulevards of the city.

PARK COMMITTEE ESTABLISHED. - Sec. 5

There is hereby established in the department of parks a park committee to consist of five members, who shall hold office except as herein otherwise provided for the term of five years and until their successors are appointed and qualified respectively.

APPOINTMENT AND TERM OF OFFICE OF COMMITTEE.-

They shall be appointed by the mayor, by and with the advice and consent of the city council for the terms of one, two, three, four and five years respectively from the first monday in July 1901, and thereafter annually, after 1901, and prior to

the first monday in July of each year, the mayor, with the advice and consent of the city council, shall appoint a committee-man, who shall succeed the committee-man whose term of office is about to expire.

COMMITTEE TO SERVE WITHOUT COMPENSATION - DUTIES OF COMMITTEE. -
The committee shall serve without compensation or expense to the city, and it shall be its duty to exercise inspection over and annually to report to and to advisethe city council in regard to the maintenance, extension, ornamentation and improvement of the city parks, drives, boulevards and public places.

ARTICLE XIII

THE LIBRARY DEPARTMENT.

LIBRARY FUND SHALL CONSIST OF - Sec. | There shall be a library fund, which shall consist of :

GIFTS, BEQUESTS AND DEVISES. - First-Such gifts, bequests and devises as may be given, bequeathed or devised to the city of Honolulu or any trustee for the uses or purposes of of the " Public Library."

TEN PER CENT. OF FINES, ETC. - Second-Ten per centum of the gross receipts of the city from all fines, penalties and licenses.

RENTS, ETC., OF PROPERTY HELD IN TRUST.- Third- The rents, issues and profits derived from any property which may be held or owned in trust for said library by the city or any other trustee.

APPROPRIATIONS BY COUNCIL.- Fourth- Any appropriation that the city council may make for said fund from time to time.

ANNUAL TAX LEVY.- Fifth- Such annual tax levy, not to exceed one mill on the dollar, as the city council may provide.

TITLE OF LIBRARY PROPERTY TO BE IN CITY.- Sec. 2 The title of all property belonging to the Honolulu Public Library shall be and remain of the city and shall be held inviolable in trust for the use and benefit of said library.

LIBRARY COMMISSIONERS - APPOINTMENT AND TERM OF OFFICE. - Sec. 3 There shall be five library commissioners appointed by the mayor, who shall hold office for five years, serve without compensation, and be subject to removal by the mayor. The five commissioners first appointed shall so classify themselves that one of them shall go out of office each year, beginning ~~December 31st~~ June 30 1911, ~~1908~~. The commissioner having the shortest term to serve shall be chairman of the commission, and the librarian shall be secretary thereof.

APPOINTMENT AND TERM OF OFFICE OF LIBRARIAN.- There shall be a librarian appointed by the mayor, approved by the Council for the term of two years.

POWERS AND DUTIES OF LIBRARIAN.- Sec. 4 Subject to the direction and control of the city council, the librarian shall have the custody, management and control of the library, and, have the appointment and removal of his subordinates.

DUTIES OF LIBRARY. - Sec. 5 Commissioners. It shall be the duty of the library commissioners to visit the

~~XXXXXX~~ library at least monthly, and to make proper recommendations to the mayor, city council and librarian concerning the management of the library and the purchase of books.

COUNCIL SHALL PROVIDE FOR EXPENSES OF LIBRARY.- Sec. 6 The city council shall provide for the expense of operating, maintaining and enlarging the library by monthly appropriation from the library fund, the same to be expended in the manner provided by ordinance or by this charter, but ~~it~~ shall not have power to create any debt or obligation against the fund except in so far as there shall be money therein ~~xxx~~ with which to pay the same.

LIBRARY TO BE OPEN FOR THE USE OF PUBLIC.- Sec. 7 The Honolulu Public LIbrary shall be open for the use of Public under such regulations as the city council shall by ordinance prescribe.

ARTICLE XIV

THE LAW DEPARTMENT.******

LAW DEPARTMENT, OF WHAT IT SHALL CONSIST.- Sec. 1 The law department of the city of Honolulu shall consist of a corporation counsel and a city attorney. The corporation counsel ~~shall appoint~~ and ~~city attorney~~, and remove them at his pleasure.

QUALIFICATIONS OF CORPORATION COUNCIL.- Sec. 2 The corporation counsel shall be an attorney of the Supreme Court of the Territory, and have been in the practice of his profession in the city of Honolulu for at least four years next prior to his election.

DUTIES OF CORPORATION COUNCIL.- Sec. 3
The corporation counsel shall have full supervisory control of all the litigation of the city, or in which the city or any of its departments are interested, and shall perform such other duties as are or shall be prescribed by ordinance.

DUTIES OF ASSISTANT AND CITY ATTORNEY.- Sec. 4
The assistant corporation counsel and the city attorney shall perform such duties as shall be required by the corporation counsel or by any ordinance of the city.

ARTICLE XV

SALARIES AND BONDS.*****

SALARIES AND BONDS.- Sec. 1
The mayor shall receive annually a salary of $3000.00 to be paid monthly. The annually salaries of the following officers of the city shalll be payable monthly, and shall be as follows : Treasurer, $3000.00 Corporation counsel, $2500.00 city comptroller and exofficio city clerk, $2500.00

OFFICER'S COMPENSATION SHALL NOT BE INCREASED DURING TERM.- Sec. 2
No officer of the city shall receive any compensation for his services as such officer except by salary, payable monthly, which, when not prescribed by this charter, shall be fixed by the city council by ordinance. No salary of any officer so fixed by the city council shalll be increased after his appointment or during the term for which he shall have been elected or appointed.

BOND FOR FAITHFUL DISCHARGE OF DUTY - SURETIES' QUALI FICATION - BY WHOM APPROVED.- Sec. 3

All salaried officers of the city other than policemen, detective officers and firemen shall, before they enter upon the discharge of their official duties, give approved bonds, conditioned on the faithful performance of such official duties, which sureties shall be freeholders within this territory and residents thereof, and worth double the sum for which they became liable on such bonds over and above all just debts and liabilities in unincumbered property situated within this territory, which is not exempt from execution and forced sale; That the suretyship of approved surety corporations may be accepted in lieu of individual sureties. All official bonds must be approved by a majority of the auditing committee in open session. The amounts of all such bonds, except as otherwise provided in this charter, shall be as fixed by the city council by ordinance.

CHIEF OF POLICE SHALL PAY ACTUAL DAMAGES FOR FALSE ARREST.- Sec. 4

It shall be one condition of the bond of the chief of police that he shall pay all such actual damages as may be sustained by any person arrested without a warrant by reason of any false or unlawful imprisonment by or under the direction of such chief of police.

ARTICLE XVI

ELECTIONS.

ELECTION OF CITY OFFICERS - SPECIAL ELECTIONS - NOTICE REQUIRED. -Sec. 1

There shall be held in this city on the Tuesday following the first monday in May 1901. and biennially thereafter, a general election, for the election for the election of a mayor, members of the city council and all other elective officers for the terms provided for in this charter, and special elections shall be held at such tine and for such purposes as the city council may by ordinance prescribe, except when otherwise provided in this charter; Provided, That at least thirty days' notice shall be given of the time place and purposes of a ny special election, by posting notices thereof for at least thirty days immediately preceding the day of election.

QUALIFICATIONS OF VOTERS.- Sec. 2

The qualifications of voters at all elections shall be as provided in artic/le of the Organic act for the Territory of Hawaii, and not otherwise.

CITY COUNCIL SHALL DESIGNATE PLACE OF VOTING; SHALL APPOINT JUDGES, ETC. -Sec. 3

At least twenty days prior to any election, the city council shall designate one place of voting in each precinct and shall appoint such judges and inspectors for each place of voting as may be required by the general laws of the Territory for the Territory and county elections.

VOTES SHALL BE BY BALLOT, TIME POLLS SHALL BE OPEN, MANNER OF CONDUCTING AND CLOSING: CANVASSING VOTES, DECLARING RESULT AND RETURN.- Sec. 4

At all the elections the vote shall be by ballot, and the polls shall be opened at ~~nine~~ eight o'clock A. M., and close at ~~seven~~ five o'clock P. M. The manner of conducting and voting at elections under this charter, opening and closing the polls, keeping the poll lists, canvassing the votes, declaring the result and certifying the returns, shall be the same as provided by the laws of this Territory for the Territory and County elections therein; except as otherwise provided in this charter.

NOTICE OF TIME AND PLACE OF HOLDING ELECTION; OFFICERS TO BE ELECTED, ETC. - Sec. 5

The city clerk, under the direction of the city council shall give thirty days' notice by posting at each voting place, in the city, a notice of the time and place of holding each election, and the officers to be elected, or measure to be submitted, and in all cases notices shall be published in the city official news paper for at least ten days next preceding such election, of the time, place and purpose of such election.

CITY CLERK SHALL DELIVER ALL NECESSARY BOOKS AND LISTS.- Sec. 6

It shall be the duty of the city clerk to cause to be made out and delivered at each voting place, by the time fixed by law for the opening of the polls, on the day of each election, all necessary books and lists required by the general laws of the Territory for holdings such elections.

JUDGES AND INSPECTORS SHALL IMMEDIATELY AFTER CLOSING POLLS CANVASS VOTES AND MAKE RETURNS.- Sec. 7

Immediately after the closing of the polls, the judges and inspectors of election shall then and there, without removing the ballot box from the place where the ballots were cast, proceed to canvass the votes, and as soon as such canvass is completed a return thereof shall be signed by the judges and inspectors securely enveloped and sealed, and delivered to the city clerk by one of their number, not more than twelve hours after the same are so sealed.

CITY COUNCIL SHALL CANVASS VOTES AND DECLARE RESULT-CERTIFICATE OF ELECTION.- Sec. 8

On the first Friday evening after the election the city council shall at seven o'clock P. M. meet and proceed to canvass the returns of such election, and shall thereupon declare the result, and what persons are elected and in case of a tie vote for any office, shall decide by lot which person having the highest and equal number of votes shall be elected to such office. A statement of such canvass shall be made out and signed by the chairman of the council and filed with the city clerk, who, within three days thereafter, shall make out and cause to be delivered to each person elected a certificate of election.

Sec. 9 A certificate of election shall be prima facia evidence of the facts therein stated, but the city council shall decide all questions as to the qualification and election of its own members and in all cases of contested election for any office the contest shall be decided by the city council according, as nearly as may be, to the laws of the Territory regulating proceedings in cases of contested elections for county officers.

METHOD OF SUBMITTING QUESTION TO VOTERS OF CITY.- Sec 10 Whenever any question is to be submitted to the electors of the city and the method of such submission is not specially provided by this charter or by general law, the same may be submitted at either a general or special election, and the method of submission shall be substantially as follows: The city clerk shall prepare a noticing containing the proposition in full, and shall cause the same to be posted as provided in section of this article and to be published in full in the city official newspaper for thirty days next preceding the day of election and the ballots at such election shall contain such statement of the proposition as shall be prescribed by ordinance.

ARTICLE XVII

OFFICERS, TERMS AND VACANCIES.

ELECTIVE OFFICERS.- Se c. 1 The elective officers of the city of Honolulu shall be : A - Mayor, aComptroller, who shall be exofficio City Clerk, a Corporation Counsel, a Treasurer, and the members of the city council.

APPOINTIVE OFFICERS.- Sec 2 The appointive officers of the City of Honolulu shall be : A City Engineer, a Superintendent of Streets, Sewers and Parks, a Superintendent of Lighting and Water Works, and markets an Assistant to t the Corporation Counsel, a City Attorney, a Commissioner of Labor, a Health Officer, a Sanitary inspector, three members of the Board of Health, a Boiler Inspector, Port Warden a Librarian, five Library Commissioners, a Chief of Police, a Chief of Fire department, a Secretary of the Board of Public Works, five Park

Committeemen, and such other officers as the electors of the city, at any general election upon submission of the Council, may authorize the Council to create.

QUALIFICATIONS OF OFFICERS. - Sec. 3

All elective and appointive officers of the city shall posess the following qualifications : They shall be citizens of the United States and the City of Honolulu and ele ctors therein, and have such other qualifications as are prescribed in this charter. Every such officer, unless otherwise provided in this charter, shall have been a resident of the city of Honolulu for at least ~~four~~ two years next previous to his election or appointment, and shall be able to read and write the English language ~~or read and write the Hawaiian language~~. No one shall be eligible to any office who shall be in arrears to the city taxes or indebted to the city in any way, or who shall be interested, directly or indirectly, in any contract with the city, either for work to be performed or material to be furnished. No person shall be eligible to or shall hold any office who shall have been or shall be convicted of malfeasance in office, bribery or other infamous crime by judgment of any court of competent jurisdiction.

WHEN TERMS OF APPOINTIVE OFFICERS EXPIRE.- Sec. 4

Unless otherwise expressly provided in this charter, the term of every appointive officer shall expire at the same time at which the terms of the elective officers for the current term shall expire.

TERM OF ELECTIVE OFFICERS OTHER THAN COUNCILMAN.- Sec 5

The term of every elective officer under this charter, except councilmen, shall be for two years. Every person elected shall qualify on or before the second Saturday after his election and his term of office shall commence at 12 o'clock, noon, on the

second Monday after the canvass of the election by the city ~~council~~ council.

OFFICERS OF THE CITY TO MAKE OATH AS TO QUALIFICATIONS

~~///~~/Sec. 6

/// Every councilman and every other officer of the city, and each of his assistants, before entering upon the duties of his office, shall take and subscribe an oath or affirmation before some person authorized to administer oaths, that he posses all the qualifications prescribed for his office by this charter that he will support the constitution of the United States, and of the Territory of Hawaii, and the charter amd ordinances of the city of Honolulu; That he will faithfully comply with and abide by all the requirements of Section of this article, and that he will faithfully demean himself in office. Every officer of the corporation when so required by law or ordinance shall, before entering upon the duties of his office, and within ten days after his election or appointment, give bond to the city, in such sum as shall be designated by ordinance or otherwise, conditioned for the faithful performance of his duties, and that he will pay over all moneys belonging to the city, as provided by law. And if any person elected or appointed to any office shall fail to take or subscribe such oath or affirmation or to give bond, as herein required, his office shall be deemed vacant.

ON FAILURE TO QUALIFY, OFFICE BECOMES VACANT.- Sec. 7 An office becomes vacant on failure to qualify within the time limited by the charter, upon the death or removal from office or resignation of the incumbent, or his removal from or absence from or absence from the city for sixty days without leave of the city council, or upon adjudication of insanity by a court of competent jurisdiction; by a conviction of drunkenness or by

any permanent disability, preventing the proper discharge of his duty.

VACANCIES HOW FILLED.- Sec. 8

If any appointive office become vacant, tha same shall, except as is otherwise provided in this charter, be filed in the same manner as if at the beginning of the term, and the person appointed to fill the vacancy shall hold for the unexpired term. If any elective office become vacant, the city council shall within twenty days thereafter, proceed to elect by ballot a person to fill such vacancy who shall possess the qualifications of the origi nal incumbent; Provided, That if any such office shall not be filled within the time above limited, the city council shall meet and ballot at least once each day until such vacancy shall have been filled. Persons elected to fill vacancies in elective offices shall hold the office until the next re regular city election, and at such election a person shall be elected to hold the office for the remainder of the term. Persons elected to fill vacancies shall qualify within the same time after their election and in the same manner as prescribed for persons elected for full terms.

MAYOR MAY SUSPEND ELECTIVE OFFICERS OTHER THAN MEMBER OF COUNCIL, ETC. - MEMBER OF COUNCIL MAY BE SUSPENDED. Sec. 9

Any elective officer other than a member of the council may be suspended by the mayor and removed for cause by the council, as herein after provided, and the mayor shall temporarily fill the vacancy, except as hereinafter provided. Any officer appointed by the mayor may be removed by him, except as otherwise provided in this charter, upon filing with the city council a statement of his reasons therefore. Any member of the council may be suspended or removed by the council as hereinafter provided.

MAYOR SHALL NOTIFY COUNCIL OF SUSPENSION - ACCUSED BE FURNISHED COPY OF CHARGES, ETC. - Sec. 10

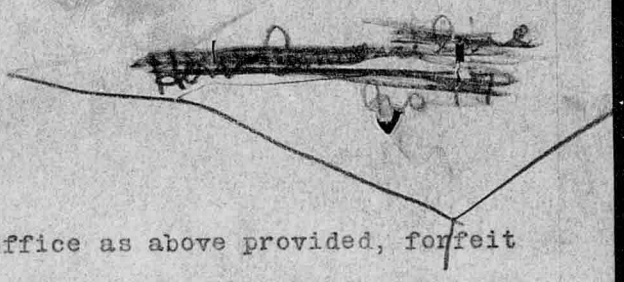
Whenever the mayor shall suspend any elective officer he shall immediately notify the city council of such suspension and the cause thereof, and shall forthwith call a meeting of the council, at which he shall present charges against such suspended officer. The accused shall be furnished with a copy of the charges, and shall have a right to appear with counsel and make defense The city council shall speedily try such officer on such charge, and for that purpose shall have power to adjourn from time to time until the trial shall be completed, to summon and compel the attendance of witnesses, to hear their testimony, to receive other evidence, and to hear the arguments of counsel. In case of the suspension of a member of the city council by that body, the member so suspended shall be tried in like manner as herein provided for the trial of officers suspended by the mayor, except that the charges may be preferred by any elector or member of the city council. In either case, the president of the city council shall preside at such trial, and in his absence or disability the acting president. If two-thirds of all the members of the city council shall by resolution find the accused guilty, then the suspended officer shall thereby be removed from office. The successor of any officer so removed, if elected by the council, shall be chosen from the same political party as the officer removed.

ELECTIVE OFFICER TO HOLD OFFICE TILL SUCCESSOR ELECTED AND QUALIFIED.- Sec. 11

Every elective officer shall hold office until his successor is elected and qualified, except as otherwise in this charter provided.

OFFICERS SHALL NOT HOLD ANY OTHER OFFICE.- Sec. 12

No head of department or other elective officer, councilman or member of any board, commission or bureau, created by or under this charter, except policemen or firemen, shall hold any other office, Federal, Territory, county or municipal, except in the National Guard or as a notary public, or be an employe of the city or any other department, commission, board, bureau, institution, or office of the city government; or be directly or indirectly interested in any contract with the city, or with or for any department, institution, board, bureau, agent or employe thereof, for the use of the city, or become surety for the performance of any such contract. Nor shalll any such officer accept fromany railroad or street railroad corporation operating in the whole or in part within the city, any pass or p free transportation or transportation upon any terms, save such as are open to the public generally. The violation of any of the provisions of this section shall work a forfeiture of the office of the officer violating the same, and warrant his removal from office by impeachment or other proper procedure. Any such officer guilty of accepting such pass, free trans portation or transportation upon terms not open to the public generally, shall, ~~further, That after the passage of the resolution~~ making each submission by the city council, every such amendment shall be published by the city clerk in the city official newspaper for a period of thirty days prior to such election, together with a notice by the mayor that the same is submitted to the qualified voters of the city for their ~~/////~~ rejection or ~~approval at the said coming election.~~



in addition to forfeiting his office as above provided, forfeit to the city all sums of money paid him by the city as salary during the term in which he shall be guilty of such misconduct up to the time of the recovery of judgment against him therefor, and a civil action forc the recovery thereof may at any time be commenced in the name of the city by the corporation counsel upon complaint verified by any citizen of the city.

NO OFFICER ELIGIBLE TO OTHER CITY OFFICE.-

No person elected or appointed to any such office in this city who has accepted the said office and entered upon the duties thereof shall, except when otherwise in this charter or by general law of the Territory specifically provided, be eligible to any other office in the city during the term for which he was so elected or appointed.

ARTICLE XVIII

AMENDMENTS.******

MANNER OF AMENDING CHARTER.- Sec. 1

Any amendment or amendments to this charter may be proposed in the city council, and if the same shall be agreed to bya a majority of all themembers elected, such proposed amendment or amendments shall be entered upon the journal with the yeas and nays of the members voting thereon. Upon the passage of any such amendment or amendments, the same shall be submitted to the electors of the city for their ratification, at the next general election, which shall be at least sixty days after the adoption of such proposed amendment in the council; and if at such election any such amendment shall be ratified by a majority of the qualified electors voting thereon, the same shall thereby become a part of this charter, and within five days after such

election shall be by the mayor by proclamation published in the city officialnewspaper proclaimed a part hereof; Provided, That if more than one amendment be submitted at the same general election, the same shall be submitted at such election in such manner that each proposed amendment may be voted on separately without prejudice to others; And provided further, That after the passage of such proposed amendments through the council, the same shall be published by the city clerk in the city official newspaper for at least thirty days prior to the day of such election.

TWENTY PER CENT. OF VOTERS MAY SUBMIT PROPOSED AMENDMENTS TO CHARTER - DUTY OF COUNCIL TO SUBMIT SAME.- Sec. 2 Whenever twenty per cent. of the qualified voters of the city registered in the registration list used at the last general municipal election shall present to the city council a proposition for an amendment to the city charter, it shall be the duty of the city council to submit the same to the qualified voters of the city for their ratification or rejection at the next general election, which shall be at least ninety days after the presentation of such petition to the city council; such submission shall be made by resolution of the city council, which shall be adopted at least sixty days prior to such election. Before any such proposition shall be circulated for signatures, it shall be presented to the city clerk, who shall procure the opinion of the corporation counsel as to its legality, and shall certify upon it the date of its presentation to him, and attach thereto a copy of such opinion. When such proposition shall be presented to the council, it shall be the duty of the city clerk to examine and verify all signatures thereto, so far as practicable, from a comparison with the registration lists in his office, and the report of the city clerk thereon shall

be made to the council before the final action. The council shall provide by ordinance a penalty for affixing to any such proposition any signature other than the signatures in person of electors duly registered in the registration list used in the last general municipal election. If at the general election at which the same is submitted, a majority of the lawful voters voting thereat shall by their votes ratify any amendment so submitted, the same thereby become a part of the charter, and within five days after such election shall be by the mayor by proclamation published in the city official newspaper proclaimed a part thereof; Provided, That if more than one amendment be petitioned for and submitted at the same general election, the same shall be petitioned for and submitted in such a manner that electors may vote for or against the amendments separately;; And provided further, That after the passage of the resolution making each submission by the city council, every such amendment shall be published by the city clerk in the city official newspaper for a period of thirty days prior to such election, together with a notice by the mayor that the same is submitted to the qualified voters of the city for their rejection or approval at the said coming election.

ARTICLE XIX

STREETS UPON TIDE LANDS AND SEA ~~AND LAKE SHORES.~~

STREETS HERETOFORE ESTABLISHED OVER TIDE LAND ~~OR INTO LAKES~~ CONTINUED.-Sec.

All streets, avenues and other public highways heretofore established upon, over or across any tide lands within the city of Honolulu, streams or bodies of water within the city of Honolulu, either under and by virtue of the constitution and

laws of the Territory of Hawaii or under and by virtue of any charter or ordinance of the city of Honolulu, or by dedication of any plat within the city, or by any other lawful authority established as public streets or highways, are hereby continued, established and declared to be public streets and highways of the city of Honolulu subject to the same power of the city to control, improve or vacate the same as is or shall be provided for other public streets and highways within the city.

COUNCIL MAY EXTEND STREETS OVER, ACROSS OR ALONG TIDE LANDS.- Sec. 2

The city council may by ordinance extend, establish or vacate any street over or across or along the harbor, shore or tide lands in the city.

ARTICLE XX

INSPECTION OF STEAM BOILERS AND LICENSING OF ENGINEERS.

MAYOR SHALL APPOINT STEAM BOILER INSPECTOR.) Sec. 1

The mayor shall appoint, after competitive examination by competent engineers, a steam-boiler inspector, who may, removed by the mayor, and whose duty it shall be to inspect at least once each year all steam boilers and steam connections thereof within the city limits, except the following : Locomotive boilers, ~~boiler for heating or lighting private dwellings~~, ~~boilers subject to inspection by United States inspectors~~, and such others as may be excepted by the city council. The boiler inspector shall perform such other duties as may be prescribed by ordinance laws The inspection of boilers shall be through and as near as may be in accordance with the provisions of the revised statutes of the United States relating to the inspection of steam boilers.

ENGINEERS SHALL BE LICENSED.- Sec. 2

All engineers employed and in charge of any steam boiler under

presure in the city shall be licensed annually after an examination as to fitness and capacity in the following manner : The city council shall appoint a board of examiners of three members, who shall without pay examine and certify all applicants for engineer's license under such rules as may be prescribed by the city council.

CITY COUNCIL SHALL FIX FEE AND COMPENSATION.- Sec. 3 No person shall operate any steam boiler within the city limits without first obtaining a license of the proper grade, nor shall any person employ any unlicensed person to operate any such boiler. The city council shall enact all ordinances necessary and proper for carrying into effect the provisions of this article, including therein suitable penalties for any violation of the requirements of such ordinances, and shall make all appropriations necessary therefore, and shall fix the compensation of the boiler inspector upon the basis of work actually performed; and shall also fix the license fee for engineers and the fees for the inspection of boilers; Provided, That in no case shall the expenses of the office of boiler inspector, including salary, exceed the receipts from the license fees and fees for examining boilers and other income of said office; And provided further, The fee for an inspection may not exceed five cents per horse power, nor the fee for a license the sum of two dollars.

ARTICLE XXI

HOURS OF LABOR.

EIGHT HOURS TO CONSTITUTE A DAY'S WORK.-

In all public works done by or for the city, either by day's

work or by contract, eight hours shall constitute a day's work and no employe of the city on city works, or of any contractor or sub-contractor of such work, shall be required to work longer than eight hours inany one calendar day; Provided, however, That this article shall not be so construed as to in any manner apply to, or effect any contract entered into by the city prior to the adoption of this charter. This article shall be enforced by the city council by ordinance.

ARTICLE XXII

MISELLANEOUS SUBJECTS.

~~NO PRIVILEGE GRANTED EXCEPT BY ORDINANCE.- Sec. 1~~
~~No privilege shall be granted that suspends or con flicts with any ordinance, except by an ordinance passed by the city council.~~

NO PRIVILEGE GRANTED EXCEPT BY ORDINANCE.- Sec. 1
No privilege shall be granted that suspends or con flicts with any ordinance, except by an ordinance passed by the city council.

BOOKS AND RECORDS TO BE OPEN TO INSPECTION.- Sec. 2
All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from said books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering, for the use of the city, twenty-five cents per folio of one hundred words for such copies or extracts.

PUBLIC OFFICES OPEN FROM 9 O'CLOCK A. M. TILL 5 - O'CLOCK P. M. - Sec. 3
Except when otherwise provided by law or this charter, all public offices shall be kept open for business every day, except sundays and legal holidays, from 9 o'clock in the forenoon until

noon until five o'clock im the afternoon.

NO OFFICE TO BE CREATED OR PERSON EMPLOYED EXCEPT AS PROVIDED BY LAW OF THE CHARTER.- Sec. 4

No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk or employe receive any salary or compensation for any service of any kind, unless the same is specially provided for or authorized by law or this charter.

OFFICER AUTHORIZED TO AUDIT CLAIMS MAY ADMINISTER OATHS.- Sec. 5

Every officer authorized by law or ordinance to allow, audit or certify demands upon the treasury, or to make any official investigation, shall have power to administer oaths and affirmations and take and hear testimony concerning any matter or thing relating thereto.

OFFICER WH O SHALL APPROVE ILLEGAL CLAIM LIABLE TO CITY.- Sec. 6

every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance or this charter, shall be liable to the city individually and on his official bond for the amount paid by the city upon such demand in the excess of the amount lawfully due from the city thereon.

EACH OFFICER OR BOARD TO APPOINT DEPUTIES AND CLERKS. Sec. 7

Unless otherwise provided by law or this charter, each officer, board or department authorized to appoint any deputy, clerk, assistant or employe, shall have the right to remove any person so appointed.

APPOINTMENTS TO BE IN WRITING AND FILED WITH COMPTROLLER.-Sec. 8

All appointments of officers, deputies and clerks to be made

under any provision of this charter must be made in writing and authenticated by the person or persons, board or officer making the same and filed with the comptroller.

APPOINTIVE OFFICERS TO CONTINUE TO HOLD OFFICE TILL SUCCESSORS APPOINTED.-Sec. Territory

All the appointive officers of the city of Honolulu in office when this charter takes effect shall continue to hold and exercise their respective offices under and in accordance with terms and provisions and obligations of this charter, until the appointment and qualification of their respective successors or the officers who shall succeed to their duties under this charter.

COUNCIL SHALL ACQUIRE LAND FOR CEMETARY.- Sec. 9

It shall be the duty of the city council to purchase or otherwise acquire in the manner and out of the fund herein provided for a tract of land without corporate limits of not less than one hundred acres, and establish thereon a public cemetary. In order to provide a fund for such purpose, the city council may cause to be issued and sold at not less than par warrants to the amount necessary for such purchase, or other acquisition, not to exceed, however, the sum of twenty thousand dollars, bearing a reasonable rate of interest, not to exceed eight per centum per annum, or may pay for said land with the warrants so issued. In order to provide for the redemption of said warrants and the payment of interest thereon, seventy-five per centum of the proceeds of all sales of burial lots in said cemetary shall be set apart and made a special fund applicable solely to that purpose. The warrants so issued shall not be or become a debt or obligation of the city, but shall be payable only out of the said special fund.

POWER OF COUNCIL AS TO OWNERSHIP OF RAILWAYS.

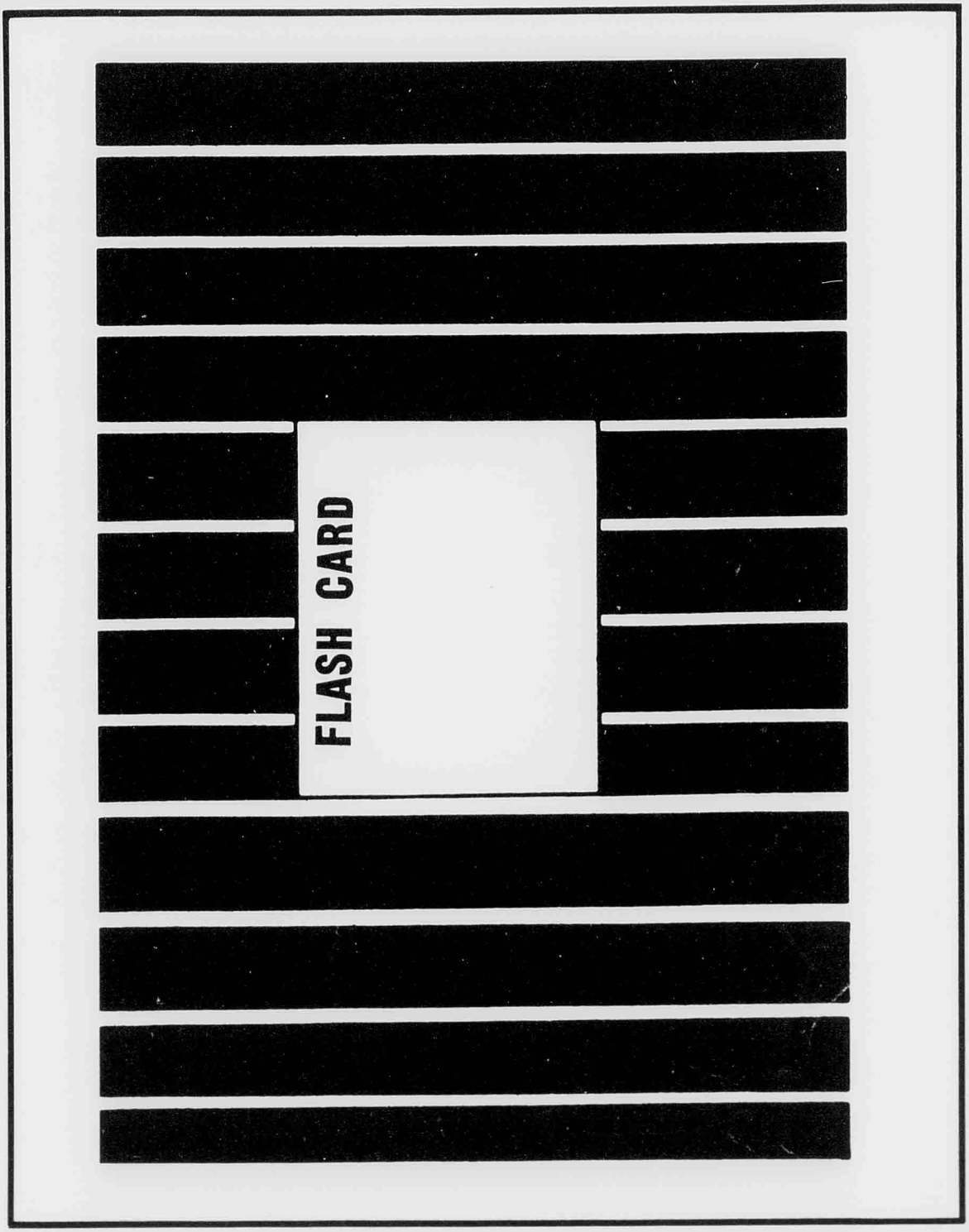
To provide for the construction, purchase or condemnation, ownership and operation by the city of cable, electric or other railways within the corporate limits of the city, and for the carriage of freight and passesgers thereon, and to fix, alter, regulate and control fares and rates on all such railways and on all other railways of like nature within the city owned or operated by others; PROVIDED HOWEVER, That the city council shall not enter into any contract or agreement whatever for the construction, condemnation, purchase, ownership or operation by the city of any such railway without first submitting such proposed contract or agreement to the qualified electors of the city.

CITIZENSHIP REQUIRED FOR EMPLOYEE.-

All male employees in the city departments in whatsoever capacity employed shall be citizens of the United States and qualified voters of this Territory.



FLASH CARD


FLASH CARD



FLASH CARD



FLASH CARD

FLASH NO. 4

SENATE BILL No. 61

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Incorporate
The City of
- Honolulu =

Introduced Mar 28 1901,

By Senator Crabbe

ENDORSED BY

First Reading in Senate

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Table till City Bill Crossed

Senate Bill No. 61
E. A. Cobb

An Act to incorporate.

~~DRAFT OF CHARTER~~

~~FOR THE~~
the

CITY AND COUNTY OF HONOLULU

~~SUBMITTED BY THE CHARTER COMMITTEE TO THE REPUBLICAN CHARTER COMMISSION.~~

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. That all of the territory of the district of Kona, Island of Oahu, Territory of Hawaii, bounded and described as follows, is hereby constituted a City and County by the name of the "City and County of Honolulu," to-wit:

All of that portion of the Island of Oahu from and including the land known as Maunalua on the east, to the land known as and including Moanalua on the west, and lying between the crest of the mountain range from Maunalua to Moanalua on the north and the sea on the south, including all harbors and inlets and territory inside of the reefs.

Wherever in this Act the word "City" or the words "City of Honolulu" shall occur it or they shall mean the "City and County of Honolulu."

§ 2. Said city and county is hereby divided into eight wards in the manner following, to-wit:

First Ward-- Comprising the first, second and third precincts.

Second Ward.---Comprising the fourth, fifth and sixth precincts.

Third Ward---Comprising the seventh, eighth and ninth precincts.

Fourth Ward---Comprising the tenth, eleventh and twelfth precincts.

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Comprising the thirteenth, fourteenth and fifteenth precincts.

Sixth Ward---Comprising the sixteenth, seventeenth and eighteenth precincts.

Seventh Ward---Comprising the nineteenth, twentieth and twenty-first precincts.

Eighth Ward---Comprising the twenty-second, twenty-third and twenty-fourth precincts.

First Precinct---All that portion of the City lying east of the Kapahulu Road and line drawn as follows: (a) on the south around the east and south side of Kapiolani Park to the Main Avenue of Kapiolani Park and thence southwest to the sea. (b) On the north, by a line drawn from the junction of said Kapahulu Road and Beretania street northeast to Palolo Ridge and along the eastern crest thereof to the summit of the mountain range.

Second Precinct---All that portion of the City lying west of the first precinct and east of Punahou street and lines drawn as follows: (a) West along King street to the Waikiki Road, thence south along the Waikiki Road to the John Ena Road, thence along the John Ena Road and a line drawn in extension thereof to the sea. (b) Northeast along a line drawn from the junction of Punahou street and the Manoa road to the Manoa ridge and along the eastern crest of said ridge to the summit of the mountain range.

Third Precinct---All that portion of the City lying west of the second precinct and north of Beretania street and east of Piikoi street and a lien drawn in extension thereof north along the western side of Lunalilo Home to the ridge mauka of said Home and along the crest of said ridge to the summit of the mountain range.

Fourth Precinct---All that portion of the City lying west of the third precinct and north of Beretania street and east of Alapai street and a line drawn in extension thereof north along the pole on the old battery on Punchbowl and thence to and along the crest of the ridge on the eastern side of Panoa valley to the summit of the mountain range.

Fifth Precinct---All that portion of the City lying west of the second precinct and south of Beretania street and east of a line drawn southwest from the junction of Beretania street and Victoria street, along the eastern boundary of Mrs. C. P. Ward's

premises to Waimanu street; thence south along Waimanu street to Kamakee street; thence southwest along Kamakee street to the extension of Queen street, and thence southeast along the extension of Queen street to the sea.

Sixth Precinct---All that portion of the City lying west of the fifth precinct and south of Beretania street and east of a line drawn from the junction of Beretania street and Alapai street, southwest along Alapai street to King street; thence west along King street to South street; thence southwest along South street and the extension thereof to the sea.

Seventh Precinct---All that portion of the City lying west of the sixth precinct and south of Queen street and east of Richard street.

Eighth Precinct---All that portion of the City lying west of the sixth precinct, north of the seventh precinct, east of Richard street and south of Beretania street.

Ninth Precinct---All that portion of the City lying west of the seventh and eighth precincts, south of Beretania street and east of Nuuanu street.

Tenth Precinct---All that portion of the City lying north of Beretania street, east of Nuuanu street, south of Vineyard street and west of Miller street.

Eleventh Precinct---All that portion of the City lying west of the fourth precinct, north of Beretania street, east of a line drawn from the junction of Beretania street and Miller street, northeast along Miller street to Punchbowl street and thence along Punchbowl street to School street, and south of a line drawn from the junction of School and Punchbowl streets to the flagpole on the old batery on Punchbowl.

Twelfth Precinct---All that portion of the City lying west of the eleventh precinct, north of the tenth precinct, east of Nuuanu street and south of School street.

Thirteenth Precinct---All that portion of the City lying west of the fourth precinct, north of the eleventh and twelfth precincts, east of Nuuanu street and south of a line drawn from the junction of Nuuanu street and the Pauoa road, along the Pauoa road to Punchbowl street and thence along Punchbowl street to the bridge, and thence east to the point of the ridge on the eastern side of Pauoa valley.

Fourteenth Precinct---All that portion of the City lying west of the fourth precinct, north to the thirteenth precinct and east of a line drawn from the junction of Pauoa road and the exten-

sion of Fort street along the western crest of the ridge on the eastern side of Nuuanu valley to the summit of the mountain range.

Fifteenth Precinct---All that portion of the City lying west of the fourteenth precinct, north of the thirteenth precinct and east of Nuuanu street.

Sixteenth Precinct---All that portion of the City lying west of the fifteenth precinct, north of Judd street and east of the ridge forming the western side of Nuuanu valley.

Seventeenth Precinct---All that portion of the City lying west of the thirteenth precinct, north of School street, east of Liliha street, and south of the sixteenth precinct.

Eighteenth Precinct---All that portion of the City lying west of the ninth, tenth and twelfth precincts south of the seventeenth precinct and east of the Nuuanu stream.

Nineteenth Precinct---All that portion of the city lying west of the eighteenth precinct, north of King street, east of Liliha street, and south of the seventeenth precinct.

Twentieth Precinct---All that portion of the city lying west of the seventeenth and nineteenth precincts, north of King street, south of fifteenth precinct, and east of a line drawn from the junction of King street and the Insane Asylum road, north-east along the Insane Asylum road, and thence along the eastern boundary of the Insane Asylum ground, to the boundary line dividing Kunawai and Kapalama, thence east along said boundary line to the south, to the crest of the ridge forming the western side of Nuuanu valley.

Twenty-first Precinct---All that portion of the city lying south of King street, west of the eighteenth precinct, and east of the Kapalama stream.

Twenty-second Precinct---All that portion of the city lying west of the sixteenth and twentieth precincts, north of King street, and east of the Kalihi road and its extension to the summit of the mountain range.

Twenty-third Precinct---All that portion of the city lying west of the twenty-first precinct, and south of King street.

Twenty-fourth Precinct---All that portion of the City lying west of the twenty-second precinct and north of King street.

§ 3. Said city and county shall be a corporation by the said name of the "City and County of Honolulu," and by that name sue, and be sued, plead and be impleaded, complain and defend in any court and shall have perpetual

succession and a common corporate seal with power to break, renew and alter the same at pleasure and shall be capable of acquiring and holding lands and tenements and personal and mixed property, whether within or without the boundaries of said city, and to sell, lease and convey or dispose of the same and of making and entering into such contracts and agreements as may be necessary for the exercise of its corporate functions and to do and execute every other matter or thing incidental to such corporation, subject to the provisions hereinafter mentioned, and the constitution and laws of the United States and the laws of the Territory of Hawaii.

§ 4. The government of the City and County of Honolulu is divided into the following departments, namely: Legislative, Administrative and Judicial.

Legislative Department.

§ 5. The Legislative Department of the City and County shall consist of a Mayor and a Board of Aldermen to be styled "The Board of Aldermen of the City and County of Honolulu."

§ 6. The Board of Aldermen shall be elected by a majority vote on the first Tuesday in November, 1901, and shall consist of two members elected from each ward as constituted by this Act, or as such wards may hereafter be changed by law, and four Aldermen at Large. The term of office of each Alderman so elected for the first term shall commence on the first Monday in January, 1902, and continue to the first day of August, 1903, and until his successor shall be elected and has qualified.

On the first Tuesday in June, 1903, an election shall be held for two members from each ward, one to hold office for one year, and one for two years, from the first day of August of said year and until their successors shall be elected and have qualified; and four Aldermen at Large, two to hold office for one year and two to hold office for two years from said first day of August, and until their successors are elected.

Every year after the year 1903, an election shall be held on the first Tuesday of June for one member from each ward and two Aldermen at Large who shall respectively hold office for two years from the first day of August of the year in which they are elected until their successors are elected and have qualified.

Any vacancy for a greater period than nine months which may occur in the Board of Aldermen shall be filled by special elec-

tion, and the person so elected to fill such vacancy shall serve for the unexpired portion of the term. Other vacancies shall be filled by the Board of Aldermen by a majority vote of all the Aldermen elected. The salary of a member of the Board of Aldermen shall be two hundred dollars a year.

§ 7. A majority of all the members elected to the Board of Aldermen shall constitute a quorum. Each head of any administrative department of the city and every ex-Mayor of the city shall be entitled to a seat in said Board and shall have the right to participate in its discussions but shall not have the right to vote. If an administrative department is composed of more than one member, the president, the presiding officer of such department shall be entitled to such seat.

§ 8. The Mayor when present shall preside at all meetings of said Board with the right to vote.

Board of Aldermen: Sergeant-at-Arms: Rules: Journal: Sittings: Expulsion of Members.

§ 9. The Board of Aldermen may elect a Sergeant-at-Arms and such assistants as are needful to the orderly conduct of their meetings, provided, however, that no expenditure for salaries of such Sergeant-at-Arms and such assistants shall exceed the amount appropriated therefor in the annual budget. It shall determine the rules of its own proceedings; shall be the judge of the election return and qualifications of its own members, subject, however, to review by certiorari of any court of competent jurisdiction; shall keep a journal of its proceedings; shall sit with open doors; shall have authority to compel the attendance of absent members and to punish its members for disorderly behavior; and to expel any member with the concurrence of two-thirds of all the members elected to such body. Every member so expelled shall thereby forfeit all his rights and powers, subject, however, to judicial review on certiorari.

City Clerk: Appointment, Term, Duties; Papers Certified By Him to Be Evidence.

§ 10. The Board of Aldermen shall appoint a Clerk, who shall perform such duties as may be prescribed for him. The Clerk so appointed shall also be the City Clerk and shall hold his office for two years and until his successor shall be appointed

and have qualified, unless sooner removed for cause. The City Clerk shall have charge of all the papers and documents of the city, except such as are by law committed to the keeping of the several departments or of other officers, and shall keep the record of the proceedings of the Board. He shall engross all the ordinances of the Board in a book to be provided for that purpose with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be attested by said Clerk. Copies of all papers duly filed in his office and transcript thereof and of the records of proceedings of the Board and copies of the laws and ordinances of said city, certified by him under the corporate seal shall be evidence in all courts and places of the matters therein contained. Said City Clerk may be removed on charges by a two-thirds vote of all the members of the Board, subject, however, to judicial review on certiorari.

Certain Ordinances and Resolutions, How Passed and Approved; Ayes and Noes Published.

§ 11. No ordinance or resolution providing for or contemplating the alienation or disposition of any property of the city, the granting of a franchise, terminating the lease of any property, or franchise belonging to the city or the making of any specific improvement or the appropriation or expenditure of public moneys, or authorizing the incurring of any expense, or the taxing or assessing of property in the city, shall pass the board of aldermen at the same session at which it was first offered; but the same shall be referred to the appropriate committee for investigation and report; and the same shall not be finally passed or adopted by the Board until at least five days after such abstract of its provision shall have been published six consecutive days in two newspapers published in the city. In all cases the ayes and noes upon the final passage of such resolution or ordinance shall be taken, recorded and published.

Records Open For Inspection; Other Duties of Clerk; Sickness.

§ 12. It shall be the duty of the city clerk to keep open for the inspection, during his office hours, the records and minutes of the Board of Aldermen and his signature shall be necessary to all leases, deeds, mortgages and all grants by the city of its property. In the absence of said clerk by sickness, or otherwise,

his first deputy shall be vested with and possessed of all the rights and powers and be charged with all the duties by law or ordinance imposed upon said clerk.

Salaries and Duties.

§ 13. The salary of the City Clerk shall be two thousand dollars a year and he may appoint such deputies or clerks as are necessary to the discharge of his duties, provided, that the aggregate salaries of such deputies and clerks, including the salary of the City Clerk, shall not exceed in any one year the sum appropriated therefor in the annual budget.

Board; Journal; Ayes and Noes.

§14. The Board shall keep a journal of its proceedings and the ayes and noes of the members on any questions shall, at the desire of any two members, be taken and entered therein. The ayes and noes shall be called and recorded on the final passage of any ordinance.

No Member Eligible to Any City Office.

§ 15. No member of the Board shall, during the term for which he is elected, be eligible or be appointed to any other office under the city nor shall any member of said Board, while such, be a contractor with or an employee of the city, or of either branch of the said Board in any capacity, whatever.

Meetings.

§ 16. The Board shall meet on the first Tuesday of each month and may hold adjourned meetings at will. The Mayor may at any time call a special meeting of the Board. The City Clerk shall call such meeting when a requisition for that purpose signed by three members of the Board has been presented to him. One day before any special meeting of the Board is held notice of the time of the intended meeting and of the business proposed to be transacted, signed by the Mayor or Clerk shall be published in two newspapers of the city and at the same time the City Clerk shall cause a copy of such notice to be left at or sent by post to the usual place of abode or business place of each

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member of the Board; but want of service of a notice upon any member shall not effect the validity of a meeting. No business shall be transacted at a special meeting other than that specified in the notice relating thereto.

Style of Ordinances.

§ 17 The style of ordinance shall be: "Be it ordained by the Board of Aldermen of the City and County of Honolulu."

Vote Required to Pass Ordinances and Resolutions.

§ 18 Every legislative act of the Board shall be by ordinance or resolution. No ordinance or resolution shall be passed except by a vote of a majority of all the members elected. In case any ordinance or resolution involves the expenditure of money, the creation of a debt, the laying of an assessment, or the grant of a franchise, the vote of two-thirds of all the members elected shall be necessary to its passage. No money shall be expended for any celebration, procession, funeral, ceremony, reception, or entertainment of any kind, or on any occasion, unless by the votes of three fourths of all the members elected. No additional allowance beyond the legal claim which shall exist under any contract with the corporation or with any department or officer thereof, or for any services on its account shall ever be passed by the Board, except by unanimous vote.

Mayor's Veto.

§ 19. Every ordinance or resolution shall, before it takes effect be presented, duly certified, to the Mayor for his approval. If he approve it, he shall sign it. If he disapprove it, he shall specify his objection thereto in writing and return it to the Board at the next regular meeting after its passage. If he do not return it with such disapproval within the time above specified, it shall take effect as if he approved it. In case of disapproval the objections of the Mayor shall be entered at large on the journal of the house and the Board shall proceed to reconsider the vote upon the same. If the same shall on reconsideration be again passed by the votes of at least two-thirds of all the members elected, it shall take effect; provided that in case the ordinance or resolution involves the expenditure of money, the creation of a debt,

the laying of an assessment, or the grant of a franchise it shall require a vote of three fourths of all the members to pass it over the Mayor's veto. If the ordinance or resolution shall fail to receive upon the first vote upon such reconsideration such number of affirmative votes it shall be finally lost. In all cases the vote shall be taken by ayes and noes and the names of the persons voting for or against its passage on such reconsideration shall be entered in the journal of the Board.

In case an ordinance or resolution shall embrace more than one distinct subject, the Mayor may approve the provisions relating to one or more subjects and disapprove the others. In such case, those he shall approve shall become effective and those which he shall not approve shall be reconsidered by the Board and shall only become effective if again passed as above provided.

Power to Acquire Water Works.

§ 20. The Board is authorized in accordance with the provisions of this Act to construct, establish and maintain, or to acquire by purchase or condemnation and maintain in all parts of the city, water works to supply the city or any part thereof and its inhabitants with water and to provide for the distribution and sale to the inhabitants of the city of such water and fix the terms thereof and acquire and hold property, real and personal, within and beyond the limits of the city for said purpose. The Board may pass appropriate ordinances not inconsistent with law, with this act, or with any vested rights of existing companies or corporations to enforce the provisions of this section and to carry out its purpose.

Power to Appoint Committees.

§ 21. The Board shall have the power and it shall be its duty to see to the faithful execution of the laws and ordinances of the city and the faithful administration of its affairs; and it shall appoint committees for the control and supervision of the several administrative departments of the city, whose duty it shall be to inquire whether the laws and ordinances of the city relating to any subject or to any department of the city government are being faithfully observed and the duties of the officers of such departments or of any officer of the city are being faithfully discharged; also

to examine and report generally in respect to any and all matters which will conduce to the orderly and economical administration of the affairs of the city government or any department thereof. Such committees shall have access to the books and records of the city and of the several departments or officers thereof.

Franchise For Street Railways.

§ 22. The Board is authorized to grant from time to time to any corporation thereunto duly authorized, the franchise or right to construct and operate railways upon, over and along streets, avenues, parkways or highways of the city, but no such grant shall be made except upon the limitation and condition of this Act elsewhere provided in respect of the grant by the board of franchise and rights in the streets, avenues, parkways and highways of the city.

Bonds For Specific Public Improvements.

§ 23. The Board shall have power to provide by ordinance for the acquisition and construction of parks, parkways, boulevards and drive ways and for the building of bridges; for the building of docks, wharves or piers and for acquiring land by purchase or condemnation for said purposes; for acquiring or constructing public buildings, including school houses and sites therefor for the use of the city; for the repaving of streets; and for any of the foregoing purposes, may create loans and authorize the issue of bonds, or other evidences of indebtedness, to pay for the same, payable at such time and in such manner and at such rates of interest as it may by ordinance prescribe; provided, the same is unanimously recommended by the department of estimate and apportionment, and not inconsistent with any general statute.

§ 24. The Board of Aldermen shall have the administration of the fiscal, prudential and municipal affairs of the said city and county and the whole legislative power and government thereof and the management and control of the finances, and all the property, real, personal and mixed belonging to the corporation,and shall likewise have power within their jurisdiction within the said city and county by ordinances, 1st, to define the duties of all officers appointed by the said board not herein defined; 2d,

to provide reasonable remuneration for all services performed by any such officer not receiving any salary under the terms of this act, or by any person whomsoever, not being a member of the said board, for which no other provision shall have been made by this act; 3d, to prevent the removal of any stone, gravel, sods, sand or earth from any street, road or highway within the said city and county or the digging or the making of any hole in any such street or highway without the license of the said Board of Aldermen or the Commissioner of Public Works of the said city and county; 4th, to prevent the encumbering of any street, sidewalk or highway or crossing within the said city and county, and to protect any such street, sidewalk, road or highway from encroachment and injury, and to provide for the confiscation, sale, removal or destruction of every such encumbrance thereon and to impose penalties in respect thereof; 5th, to provide for the making, paving, flagging, planking and repairing of streets, sidewalks, crossings, roads or highways and also for the building, repairing and keeping in good order of the bridges, wharves, docks and slips within the limits of the said city and county; 6th, to provide for the removal of all fences, houses, steps, erections, projections or obstructions whatsoever, which may now or shall at any time hereafter project into or over any public street, road, sidewalk or highway in the said city and county, or any part thereof which may so project, at the expense of the owners or lessees of the property in connection with such erection, projection or obstruction may be used or found; 7th, to provide for places of deposit for ashes, cleaning of yards and streets and other filth and ordure, and to compel the owners or occupiers of property within the said City or County to remove all such ashes, cleanings, filth, ordure to such places of deposit; 8th, to abate and cause to be removed all public nuisances, and all filth and encumbrances on the streets, sidewalks, roads and alleys within the said City and County, and places adjacent thereto, and to prevent the spreading of contagious or infectious disorders; 9th, to regulate the manner of selling meat, fish, vegetables, grain, hay, straw, fodder, and to grant licenses for the due weighing and admeasurement thereof; 10th, to restrain and regulate the purchase and manner of selling of vegetables, fruit, country produce, poultry, or of animals openly exposed for sale or in market; and all other articles and things by hucksters and runners living within the City or County; 11th, to regulate all vehi-

cles, vessels and other things in which anything may be exposed for sale or marketed in any street or public place, and to provide for seizing and destroying all tainted and unwholesome meat, poultry, fish or other articles of food, and to impose and recover such reasonable penalties as may be found proper, upon the person or persons exposing for sale such tainted or unwholesome articles within the said City and County; 12th, to regulate the size of bread and provide for the seizure of bread baked contrary thereto, and to impose penalties upon the person so baking or selling contrary to the provisions of any by-law to be made in that behalf; 13th, to regulate and provide for the erection, management and rent of wharves, piers, quays, buildings and docks in the said City and County, being the property of said corporation, and the toll to be paid for vessels and steamboats touching thereat or using the same; 14th, to regulate carters, hackmen, waggoners, and cabmen, the prices to be paid to them for hauling loads or transferring passengers in the said City and County, and the quantity or weight to comprise a load; 15th, to enforce the due observance of the Lord's Day, commonly called Sunday, and punish vice, immorality and indecency in the streets or other public places within the City and County; 16th, to preserve peace, health and good order in said City and County; 17th, to prevent the spreading of infectious or other diseases; 18th, to prevent the sale of any intoxicating drinks to children, apprentices or servants, without the consent of their lawful protectors, and to prevent the sale of intoxicating liquors in and from any booth, shed or carriage in or upon any street, or upon any sidewalk thereof, or in any field within the City and County; 19th, to license, regulate or prevent billiard tables, bowling alleys, or other places of amusement; 20th, to restrain or suppress gambling houses, or to enter into them and seize and destroy rouge-et-noir, roulette tables, and other devices for gambling; 21st, to restrain and punish vagrants, drunkards, mendicants and street beggars; 22d, to restrain or to regulate the licensing of all exhibitions of natural or artificial curiosities, and all theaters, circuses or other shows or exhibitions for hire or profit, and for preserving quiet and good order thereat; 23d, to establish and regulate one or more pounds, and the fees to be taken thereat; 24th, to restrain, regulate or prevent the running at large of horses, cattle, swine, goats, sheep, dogs and other animals, geese and poultry, and to impound the same; 25th, to impose a tax by way of license on the owners or

harborers of dogs, and to regulate and prevent dogs from running at large, and to provide for killing such as are found so running at large contrary to any law or by-law after public notice is given; 26th, to regulate the construction of privy vaults and sinks in private property, and to compel the cleansing thereof; 27th, to cause vacant lots in central situations, when they become nuisances, to be properly enclosed at the cost and expense of the owners, and to recover such expenses with costs in a summary manner; 28th, to regulate and prevent the erection or continuance of slaughter houses, distilleries and tanneries, and manufactories or trades which may be likely to become nuisances; 29th, to prevent the ringing of bells, blowing of horns, shouting, and other unusual noises in the streets and other public places; 30th, to prevent the throwing of stones, dirt, or other missiles in or into or along any public street, thoroughfare, alley, road or by road; 31st, to purchase, enclose, plant, lay out and adorn any public square, park or parade for the use of the City and County, and to make and ordain rules for the government and preservation thereof, and to impose penalties and punishment by fine, imprisonment, or both, for the violation or non-observance of such rules; 32d, to prevent the injuring or destroying of trees planted within any of the streets or public grounds of the said City and County; 33d, to prevent immoderate riding or driving within the City and County; 34th, to establish bathing houses, and to prevent or regulate bathing within or near the said City and County; 35th, to regulate and license owners of livery stables or other owners of horses or carriages, letting out the same for hire or profit, and also to license and regulate porters, butchers and hucksters; 36th, to appoint and regulate a police force in and for the said City and County; 37th, to provide for the proper keeping of the poor and management of any house of refuge, hospital, workhouse, bridewell or house of correction that may be established in the said City and County, and also to provide for the erection or establishment of any house of refuge, hospitals, workhouses, bridewells or houses of correction as they may deem necessary for the public welfare; 38th, to erect, preserve and regulate public cisterns, reservoirs and other conveniences for the supply of good and wholesome water, or for the extinguishing of fires, and to make reasonable charges for the use thereof; 39th, to establish, make and regulate public fountains, pumps, and wells, and to prevent the waste and fouling of

public water; 40th, to prevent or regulate the firing of guns or other firearms; 41st, to prevent or regulate the firing or setting off of squibs, fire-balls, crackers or other fireworks; 42d, to prevent or regulate the keeping and transporting of gunpowder, or other combustibles or dangerous substances; 43d, to prevent or regulate the use of fire, lights or candles in livery or other stables, and in cabinet-makers', carpenters' shops, and in other places where combustible substances are kept, and to prevent or punish the use of pipes and cigars in such places; 44th, to regulate the carrying on of manufactories or trades dangerous in causing or promoting fires, or to the public safety; 45th, to regulate and require the safe keeping of ashes in proper deposits; 46th, to provide for the security, safety and advantage of the inhabitants by such rules and regulations and restrictions as they may deem expedient, to be observed by all persons in the erection of buildings to be built within the populous parts of the said City and County; 47th, to regulate or alter the construction of any chimney, flue, fireplace, stove, oven, boiler or other apparatus or things in any house, manufactory or business, which may be dangerous in causing or promoting fires; 48th, to enforce the proper cleaning of chimneys; 49th, to make regulations for the suppressing of fires and pulling down or demolishing houses for that purpose, and remunerating the owners thereof in certain circumstances; 50th, to compel the owners or occupiers of houses to have ladders leading to and on the roofs of such houses; 51st, to provide for the purchase of such and so many fire engines as they may deem necessary; 52d, to provide for the payment of such premiums or rewards for early attendance of wagons and other vehicles with water at fires, as the Board of Aldermen of the said City and County may from time to time deem expedient; 53d, to regulate the management and provide for the security of the public property of any kind belonging to the said City and County, and to provide for the permanent improvement of the said City and County in all matters as well ornamental as useful; 54th, to provide for the erection, preservation and security of lamp-posts, sign-boards and other fixtures with the said City and County; 55th, to provide for defraying out of the funds of the City and County when it shall be deemed necessary the expense of lighting the same or any part thereof, with electricity, gas, oil or other substances, and for the performance of any other kind of work required for the purpose of supplying the said City and County

with electric light, gas, oil or other substances and for the compelling of proprietors or occupiers of real property to allow such work to be done, and to permit such fixtures as may be necessary to be placed in and about their premises such work and fixtures to be at the cost of said City and County, and to provide for the erection of all works connected with such lighting or that may be necessary to furnish a supply of electricity, gas, oil or other substances for the inhabitants of the said City and County, and to purchase, take over and hold any building, erections, plants that may be owned by the Government of the Territory of Hawaii.

To authorize the taking up and provide for the safe-keeping and education for such periods of time as may be deemed expedient of all children who are destitute of proper parental care or wandering about the streets committing mischief or growing up in mendicancy, ignorance, idleness and vice.

Foregoing Enumeration of Powers Not Restrictive General Power.

§ 25. The foregoing or other enumeration of powers in this Act shall not be held to limit the legislative power of the Board; but by proper ordinances, rules, regulations and by-laws, not inconsistent with the provisions of this Act or with the constitution or laws of the United States or of this Territory and subject to such limitations may from time to time ordain and pass all such ordinances, rules, regulations and by-laws as to the said Board may seem meet for the good rule and government of the city and to carry out the purposes and provisions of this Act or of other laws relating to the said city and may uprovide for the enforcement of the same by such fine, penalties, forfeitures and imprisonment as may by ordinance or by law be prescribed.

Designating Common Jails.

§ 26. The Board may by ordinance from time to time by a vote of two-thirds of the members and the approval of the Mayor designate any building or buildings within the city to be the common jails of said city for all the purposes for which common jails may by law be used and such building or buildings so designate shall be such common jails until changed by a like ordinance.

Assignment of Places for Holding Courts.

§ 27. The Board may by resolution or ordinance by a vote of not less than two-thirds of all the members elected assign such place or places in said city as may seem to it most conducive to the public convenience for the holding of the district and other courts. Notice of any change of the place of holding such courts shall, before the same takes effect, be published in two newspapers for a period of not less than two weeks. Said publication shall be made under the direction of the City Clerk.

Security to be Required from Certain Officers.

§ 28. It shall be the duty of the Board where no provision has been made by law in respect thereto to provide for the accountability of all officers and other persons, save as herein otherwise provided, to whom the receipt and expenditure of the funds of the city shall be entrusted by requiring from them sufficient security for the performance of their duties of trust which security shall be annually renewed; but the security first taken shall remain in force until new security shall be given.

Prescribe Salaries of Officers.

§ 29. The salaries of all officers and employes of the City shall, subject to the provisions of this Act, be prescribed by ordinance or resolution except that no change shall be made in the salary of any elected officer or head of department during the term for which he was elected or appointed.

Publication of Code of Ordinances.

§ 30. The ordinances of the Board shall, as far as practicable, be reduced to a code and published.

Trustees of Public Property.

§ 31. The Board and the several members thereof and all officers of the City are hereby declared trustees of the property, funds and effects of said city respectively so far as such property, funds and effects are or may be committed to their management or control and every person residing in said city when authorized

to pay taxes therein and who shall pay taxes therein is hereby declared to be a cestui que trust in respect to the said property, funds and effects respectively; and any co-trustees or any cestui que trust shall be entitled as against said trustees and in regard to said property, funds and effects, to all the rights and privileges provided by law for any co-trustee, or cestui que trust to prosecute and maintain any action to prevent waste and injury to any property, funds and estate held in trust. Such trustees are hereby subject to all the duties and responsibilities imposed by law on trustees and such duties and responsibilities may be enforced by the city or by any co-trustee or cestui que trust aforesaid.

Violation of Law by Members of Board.

§ 32. Any member of the Board who shall knowingly and wilfully disregard any provisions of law applicable to the members of said Board or who shall vote for any contract in violation of law or any appropriation unauthorized by law or in excess of the amount authorized by law or for any illegal or injurious disposition of corporate property, right or franchises, shall be guilty of a misdemeanor and liable to the punishment and penalties prescribed therefor; every member voting in favor thereof shall be individually liable to refund the amount to the city at the suit of any citizen or taxpayer.

Franchises to Be Granted by Ordinance.

§ 33. Every grant of or relating to a franchise of any character to any person or corporation must, unless otherwise provided in this Act, be by ordinance.

Limits and Conditions To Grant of Franchises.

§ 34. After the approval of this Act, no franchise or right to use the streets, avenues, parkways or highways of the city shall be granted by the Board to any person or corporation for a longer period than twenty-five years, but such grant may at the option of the city provide for giving to the grantee the right of a fair valuation or valuations to renewals not exceeding in the aggregate twenty-five years. Such grant and any contract in pursuance thereof may provide that upon the termination of the franchise or right granted by the Board the plant as well as the

property of the grantee in the streets, avenues, parkways and highways with its appurtenances shall thereupon be and become the property of the city without further or other compensation to the grantee; or such grant and contract may provide that upon such termination there shall be a fair valuation of the plant and property which shall be and become the property of the city on the termination of the grant on paying the grantee such valuation. If by virtue of the grant or contract the plant and property are to become the city's without money payment therefor, the city shall have the option either to take and operate the said property on its own account or to renew the said grant for not exceeding twenty-five years upon a fair valuation or to lease the same to others for a term not exceeding twenty-five years. If the original grant shall provide that the city shall make payment for the plant and property such payment shall be at a fair valuation of the same, as property, excluding any value derived from the franchise; and if the city shall make payment for such plant and property it may lease the said plant and property and the right to use the streets and public places in connection therewith for limited periods not exceeding ten years. Every grant shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates and the maintenance of the property in good condition throughout the full term of the grant. The grant or contract shall also specify the mode of determining the valuations and revaluations therein provided for.

Proceedings Prior to Grant of Franchise.

§ 35. Before any grant of the franchise or right to use any street, avenue, parkway or highway shall be made the proposed specific grant, embodied in the form of an ordinance with all of the terms and conditions including the provisions as to rates, fares and charges shall be published at least six consecutive days in two daily newspapers published in the city to be designated by resolution of the Board of Aldermen. Such ordinance shall on its introduction and first reading be referred to the committee on public works who shall make inquiry as to the money value of the franchise or privilege proposed to be granted and the adequacy of the compensation proposed to be paid therefor; and no grant

thereof by the Board shall be made except on terms approved by a majority of said committee; and every ordinance containing or making such grant shall require the concurrence of three fourths of all the members elected to the Board as shown by the ayes and noes there recorded and the approval of the Mayor and sixty days at least shall intervene between the introduction and final passage of any such ordinance. This Act shall apply to any renewal or extension of the grant or leasing of the property to the same grantee or to others; and the Board shall have the right at all times to exercise in the interest of the public full municipal superintendence, regulation and control in respect to all matters connected with such grant and not inconsistent with the terms thereof.

THE ADMINISTRATIVE DEPARTMENT.

Mayor; Executive Power in and Election of; Salary.

§ 36. The administrative power of the city of Honolulu shall be vested in the Mayor and the officers of the several departments hereinafter provided for. The Mayor shall be the chief executive officer of the city; he shall be elected on the first Tuesday in Nov., 1901, and every two years thereafter and shall hold his office for the term of two years, commencing at noon on the first Tuesday of August after his election. He shall be ineligible for a third consecutive term. The salary of the Mayor shall be five thousand dollars a year. No person shall be elected or appointed to the office of Mayor who is not a citizen of the United States, who shall not have resided in the city of Honolulu one year next before election and be duly qualified to vote under the laws of the Territory.

§ 37. There shall be the following administrative departments in said city or as many of said departments as the Mayor and Board of Aldermen may organize by appointing the heads thereof which said departments shall in the intervals of the meetings of the Board be under the immediate control and supervision of the respective committees of the Board subject to an appeal to the Board by the heads of said departments, namely: Department of Finance, Law Department, Police Department, Department of Public Works, Department of Parks, Department of Water ~~Supply~~, Fire Department, Department of Buildings, Department of Taxes and Assessments, Department of Public

Instruction, Department of Health, Department of Registration and Elections.

§ 38. The Mayor with the approval of the Board of Aldermen shall appoint and remove the heads of the said departments and fill all vacancies; the same person may serve as the head of more than one department.

§ 39. The head of each department, unless sooner removed, shall hold office for the term of two years and until his successor shall be appointed and has qualified.

Department of Finance; Treasurer; Auditor.

§ 40. The head of the Department of Finance shall be called the Treasurer. There shall also be an Auditor.

Law Department.

§41. The head of the Law Department shall be called the Corporation Counsel.

Police Department.

§ 42. The head of the Police Department shall be called the Chief of Police and, unless sooner removed hold his office for the term of two years and until his successor shall be appointed and has qualified.

Department of Public Works.

§ 43. The head of the Department of Public Works shall be called the Commissioner of Public Works.

Department of Parks.

§ 44. The head of the Department of Parks shall be called the Commissioner of Parks.

Department of Water ~~Supply.~~ Works.

§ 45. The head of the Department of Water ~~Supply~~ shall be called the Commissioner of Water ~~Supply.~~ Works

Fire Department.

§ 46. The head of the Fire Department shall be called the Fire Commissioner.

Department of Buildings.

§47. The head of the Department of Buildings shall be called the Commissioner of Buildings.

Department of Taxes and Assessments; Board of Taxes and Assessments.

§ 48. The head of the Department of Taxes and Assessments shall be called the Board of Taxes and Assessments and the Collector of Taxes. Said Board shall consist of three members, one of whom shall be a person learned in the law, one a person familiar with real estate values in the city and one a builder, who shall be called Commissioners of Taxes and Assessments. They shall elect one of their number as president.

Department of Public Instruction.

§ 49. The head of the Department of Public Instruction shall be called the Board of Public Instruction. Said Board shall consist of one member from each ward. The member of said Board shall hold office as hereinafter provided.

Department of Health.

§ 50. The head of the Department of Health shall be called the Commissioner of Health.

Department of Registration and Elections.

§ 51. The head of the Department of Registration and Elections shall be called the Board of Registration and Elections and it shall consist of three members.

§ 52. The Board of Aldermen may create other departments.

Mayor: Duties Of.

§ 53. It shall be the duty of the Mayor:

To communicate to the Board at least once in each year a general statement of the finances, government, improvements and general state of the city.

To recommend to the Board all such measures as he shall deem expedient.

To be vigilant and active in causing the ordinances of the city and laws of the Territory to be executed and enforced and for that purpose he may call together for consultation and co-operation any or all of the heads of departments, but such consultations shall be public.

And generally to perform all such duties as may be pre-

scribed for him by this Act, the city ordinances and the laws of the Territory.

May Appoint Clerk, Etc.

§ 54. The Mayor may appoint such clerks and subordinates as he may require to aid him in the discharge of his official duties and shall render to the Board every three months an account of the expenses and receipts of his office and therein shall state in detail the amounts paid and agreed to be paid by him for salaries to such clerks and subordinates respectively and the general nature of their duties. The aggregate expenses incurred by him for such purpose shall not exceed in any one year the sum appropriated therefor.

Proclamation As To Holding Courts in Case of Pestilence, Etc.

§ 55. The Mayor by proclamation may direct that the next ensuing term of any City Court shall be held in any building within the city, other than the building where the same is regularly to be held, if in his opinion, war, pestilence or other public calamity or danger thereof or the destruction or injury of the building, or the want of suitable accommodation, renders it necessary that some other place be selected.

The proclamation must be published six consecutive days in two or more daily newspapers published in the city.

Removal of Mayor.

§ 56. The Mayor may be removed from office for cause and a new election ordered to fill his place by three fourths vote of all the aldermen elected. Upon the filing of charges with the clerk, he may be suspended by a two thirds vote of all the aldermen elected, but such suspension shall not exceed thirty days, and the trial of the charges shall not exceed such time, unless continuances are requested by the Mayor; but no trial shall exceed three months. Upon the suspension of the Mayor, the ~~President of the Board of Aldermen~~ Commissioner of Public Works shall discharge his duties. All proceedings under this section shall be subject to review by the courts.

§ 57. In case of a vacancy in the office of Mayor or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the Commissioner of Public Works shall be the acting Mayor, and shall be vested with

all the powers and perform all the duties of Mayor until the Mayor shall resume his office or the vacancy be filled by a new election.

Department of Finance---The Treasurer; Duties Of.

§ 58. It shall be the duty of the Treasurer to have a general supervision over the financial affairs of the city and to faithfully and impartially execute the duties assigned by law to his department. He is charged with the enforcement of all revenue laws; the collection of taxes; the safe keeping and disbursement of the public moneys and with all such other matters as may by law be placed in his charge and all city revenues of every nature and kind whatsoever shall be payable to him.

§ 59. It shall be his duty to make an annual report to the Board of Aldermen in the month of July of the transactions and business of his department, showing the revenue and expenditures the preceding year ending June 30th.

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

§ 61. He shall from time to time instruct the officers and employees of his department in relation to their duties and business.

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

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

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

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

§ 66. The head of each administrative department shall be responsible for the correctness of all vouchers approved by him in pursuance of appropriations and for the proper disbursements of all appropriations for his department. The responsibility of the treasurer in such cases shall be limited to the payment of the aggregate amount of the appropriation made by the Board of Aldermen. All moneys received by any department of the city on public account shall be promptly paid into the treasury and there held subject to legal disbursement.

Auditor; Duties Of.

§ 67. The Auditor shall, before entering upon the duties or exercising the powers vested in him by this Act, make and subscribe before the City Clerk an oath of office or declaration in the form of schedule A, hereto annexed, and every such oath or declaration shall be kept among the records of the city.

§ 68. The Auditor shall not use, exercise or follow any other profession or employment whatsoever during his term of office and he shall be paid such annual salary as the board may appropriate.

§ 69. In case of the illness, absence or suspension of the Auditor, the Mayor with the approval of the Board shall appoint an auditor pro tem.

§ 70. The Auditor shall be in his office daily from nine o'clock A. M. to four o'clock P. M. on every day except Saturday, when his business hours shall be from nine o'clock A. M. to twelve o'clock M. and further excepting Sundays and all legal holidays.

§ 71. The Auditor shall give a bond for the faithful performance of his official duties of an amount and in a form as the Board may require and direct.

§ 72. The Auditor may be suspended or removed from office at any time by the Board for incompetence, misbehavior, abuse of authority, mal-administration of office, or failure to per-

from the duties of the office for more than thirty days. Any vacancy occurring through death, resignation, removal, or suspension, shall be filled by appointment of the Mayor with the approval of the Board.

Powers, Duties, Books and Reports.

§ 73. The Auditor shall be the general accountant of the city and it shall be his duty to audit and cause to be recorded every receipt and disbursement of money made to, by or through the public treasury; and he shall have complete supervision of all city accounts; and further, he shall have the power by withholding his approval when necessary to prevent the misappropriation of public funds as well as the disbursement of public moneys in excess of specific appropriations.

§ 74. The Auditor shall have power with the approval of the mayor and treasurer to establish throughout all departments and bureaus of the city a clear, methodical and uniform system of public accounting and to enforce the said system; and further, it shall be the duty of the auditor to make from time to time systematic and thorough inspection into the accounts of all public accountants and make record of such inspection for the purpose of establishing and continuing said uniform system of keeping said accounts and enforcing the same.

§ 75. For all moneys paid into the treasury there shall be made and signed two receipts for said money which shall be alike excepting that upon the face of one of them shall appear the word "original" and on the other the word "duplicate". Said receipts shall specify the amount, and from what person or officer received and into what fund or what account deposited. On the stub of such receipt shall be entered a memorandum of the contents thereof and the treasurer shall deliver both such receipts to the person or official paying said money into the treasury. Such officer or person shall fortwith present both receipts to the auditor who shall countersign the original receipt and file the duplicate after writing upon its face the day of its delivery to him and charging the treasurer with the amount specified therein and crediting the fund or account named thereon. No such receipt shall be considered valid or binding as against the city unless so countersigned as hereinbefore provided.

§ 76. Excepting moneys paid for the redemption of bonds

for the city debt and the interest coupons of the same, and for interest on overdue warrants and drafts against special deposits and for expenses of the Board, no money shall be drawn from or out of the treasury except upon warrants substantially in the form of schedule "B" hereto annexed, issued from the Auditor's office. Every such warrant shall be signed by the Auditor and shall be made payable upon such date as may be approved by the treasurer to the order of the person or persons to whom the city is directly indebted.

§ 77. All warrants for permanent settlements, stated and all other salaries, excepting that of the Auditor, shall be drawn by the Auditor, payable to each individual to whom the city is directly indebted, except as provided for in section 81 and the warrants shall be receipted therefor. No permanent settlements nor salary warrants shall be paid by the treasurer until the person in whose favor said warrant is drawn shall have endorsed his or her signature thereon.

The salary of the Auditor shall be paid by the Treasurer when due as hereinbefore provided, upon warrants approved by the Mayor.

§ 78. Warrants for payrolls of mechanics and laborers or others temporarily employed may be drawn in advance and before the wages as shown by the said payrolls shall have been receipted for by said mechanics, laborers and others, but in every such case such payrolls shall have endorsed thereon the approval of the head of the department in which the liability or expense has been incurred and also the appropriation to which it is chargeable and it shall also be specifically certified to by the officer directly incurring the expense, that the services charged for have been faithfully performed; and further, the Auditor shall take a receipt from the disbursing officer in whose favor such warrant for said payrolls has been drawn and shall retain said receipt until said payrolls shall have been properly receipted and returned to him and under no circumstances shall the Auditor hold more than one such receipt from the same disbursing officer for payrolls under the same item of appropriation.

§ 79. Warrants for bills of material, supplies and incidentals of every kind and character whatsoever shall be made payable to the order of each individual party to whom the city is indebted except as provided in section 81 and only after a detailed statement of all such bills shall have been presented to the Auditor

accompanied by all original vouchers. Said statement shall have endorsed thereon the approval of the head of the department in which the liability or expense has been incurred and the appropriation to which it is chargeable; and further, each original voucher shall be specially certified to by the subordinate officer of the city directly incurring such liability or expense and that all such materials, supplies and incidentals have been received in good order and condition.

§ 80. All warrants for bills on account of city contracts either as a whole or in part shall be made payable to the order of the party or parties to whom the city is directly indebted, except as provided in section 81, and only after such bills shall have endorsed thereon the approval of the head of the department in which such contracts shall have been made and also specially certified to by the subordinate officer of the city supervising the work performed or receiving the material and supplies as specified in said contracts, that the work has been faithfully performed and that the material and supplies were in a good and merchantable condition when received; and no such warrant shall be issued unless a copy of such contact or bid shall have been filed with the Auditor together with a statement of the head of the department or bureau that made such contract or accepted such bid naming the appropriation to which such contract or bid is to be chargeable.

§ 81. In case the individual party to whom the city is directly indebted shall indicate in writing over his signature on the back of his amount of said bill paid, it shall be lawful for the Auditor to draw the warrant for such amount payable to the order of the person so indicated.

§ 82. The Auditor shall keep a complete set of double-entry books in which he shall open or cause to be opened all city accounts and for the several amounts as shown by the appropriation bill or any other appropriation that may be at any time made by the Board and he shall record his daily business transaction in detail therein. He shall also keep a ledger in which he shall open, arrange and keep in a methodical and systematic manner the various department accounts so that the status and condition of any appropriation and the receipts and disbursements of the departments may at any time be ascertained and known; and further, he shall keep books to be known as the "warrant books" of different colored paper or designs for each separate department

and bureau and each containing warrants to be numbered from one up to the number required for the current annual period, and in the form as shown in schedule "B" hereto annexed and all such other auxiliary books as he may deem necessary for a correct and proper administration of his office. He shall also keep on file in a convenient form for easy reference all bills and vouchers for which warrants have been drawn by him and said bills and vouchers shall have endorsed thereon the number of the warrant by which they were paid, the date of the warrant, the appropriation to which they were indebted and the amount.

§ 83. The Auditor shall send or cause to be sent to the treasurer at or before the end of each day on which the audit office is open for business or oftener if deemed best a statement of all warrants drawn by him upon the treasurer during the day in the form of schedule "C" herto annexed.

§84. The Auditor upon receipt by him of the returns required to be furnished by public accountants receiving or collecting moneys as hereinafter provided shall examine and compare the same with the cash received and with the accompanying vouchers and documents, if any, and shall allow and discharge every public accountant for all sums shown to have been by him respectively received or collected and duly paid into the treasury and shall disallow and surcharge such public accountants for all sums wilfully or negligently omitted to be received or collected by him which under any law or regulation it was his duty to receive or collect and all sums not only duly paid in by him to the credit of the proper head of receipts in said office and all such unsatisfied surcharges shall be by him enforced against said public accountant.

§ 85. In the examination of all city accounts and statements and all other documents received as vouchers or as subordinate vouchers, the Auditor shall make such queries and observations addressed to public accountants, officers certifying accounts, or persons in any way concerned with the receipt or disbursement of the moneys or funds referred to in this Act and shall call for such further accounts, vouchers, statements and explanations as he may think necessary and after such queries and observations have been answered and after such further accounts and explanations have been rendered the Auditor shall disallow and surcharge all sums not duly credited to the proper fund and paid into the treasury and shall disallow and surcharge all sums dis-

bursed in excess or not duly vouched and authorized, against such public accountants, officers certifying accounts or other persons through whose default such surcharges have arisen and until such failure shall have been made good to the satisfaction of the Auditor, all salary or other moneys that may be due and payable to such public accountant or other person shall be withheld.

§ 86. In case of any question or difference of opinion arising between the Auditor and any head of department or other officer regarding the proper appropriation to which any item or amount of expense shall be charged or any other matter regarding the construction of this Act or the authority vested in either of them by said Act, and in all cases where a sum of money shall be disallowed by the Auditor in consequence of the absence of a written voucher or upon an imperfect voucher or an incorrect certificate or if any person or public accountant feel aggrieved by any decision of the Auditor in the rejection or surcharge of the returns or refusal to approve or allow any demand presented by such public accountant or person, any of the parties concerned may appeal from such decision to the Justices of the Supreme Court, who after such investigation as shall by them be considered equitable may make such order directing the relief of the appellant in whole or in part as shall appear to said Justices to be just and reasonable, and the decision of the said Justices shall be final and binding upon all parties and they shall govern themselves accordingly. If the demand of the heads of departments, bill, claim of any person, or the return of any public accountant be approved, in whole or in part by said Justices, they shall so endorse their findings on the same and it shall thereafter be presented to the Auditor who shall enter it in the proper book in like manner as other demands and endorsements must be made by the Auditor of its having been so entered before it can be paid.

§ 87. The Auditor shall not recognize any claim of whatso ever nature unless a written statement or voucher be presented for the same. No warrant shall be issued in payment for any claim except upon proper endorsement of such voucher, notwithstanding any allegation of papers having been lost or destroyed, or of the impossibility of obtaining the prescribed voucher, so that it could not reasonably be obtained, except upon application to one of the Justices of the Supreme Court at chambers, who, after summoning the Auditor and such other persons as he may

think fit, may, upon evidence satisfactory to him that the requisite papers have been lost or destroyed, or that it is impossible or impracticable to procure them, prescribe a form of voucher, which, bearing the approval of said Justice shall then be received by the Auditor and filed as hereinbefore provided; and all such substitute vouchers shall be considered binding on the city and all other parties.

§ 88. When a voucher produced for a sum of money disbursed shall be defective from the want of any certificate or other document which ought to have accompanied it, it shall be lawful for the Auditor, upon proof being made to his satisfaction that the public accountant did not wilfully neglect to procure such certificate or document, and that the sum so specified in the voucher has been actually and properly disbursed, to admit such voucher as sufficient discharge of the said public accountant and allow the amount of same to his credit.

§ 89. The Auditor shall publish in some newspaper or newspapers printed in the City monthly and annual comparative statements of the finances of the City of Honolulu.

§ 90. The Auditor shall in July make an annual report to the Mayor and Board. It shall be lawful for the Auditor in such yearly report or in any special report which he may at any time think fit to make or may be required to make to recommend any plans or suggestions that he may think fit or worthy of adoption for the better collection, custody and payment of the public moneys and the more economical auditing and examining the public accounts and any improvements in the mode of keeping such accounts that may at any time be brought to his notice and generally to report upon all matters relating to public accounts.

§ 91. The Auditor is hereby authorized and empowered by precept under his hand in the form contained in schedule "D" hereto annexed, to require all such persons as he may think fit to appear personally before him at any time and place to be named in such precept and to produce to him all such accounts, books and papers in the possession or control of such persons as shall appear to be necessary for the purpose of their examination. It shall also be lawful for the Auditor when he shall so occasion to cause search to be made and extracts to be taken from any book, paper or record in the custody of any public officer without paying any fee for the same; and it shall be the duty of every officer having the custody of any such book, paper or

record to make such search and furnish such extracts as thereto requested.

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§ 92. The Auditor is hereby authorized and required to examine upon oath (which oath he is hereby empowered to administer) all persons whom he shall think fit to examine touching the receipts and expenditures of money and touching all other things and matters necessary for the due execution of the powers vested in him by this Act.

§ 93. The Auditor shall keep in his office in a convenient form for easy reference a correct list of all city permanent settlements, specific salaries, payrolls, subsidies, rents, contracts and all bids for material and supplies and prices current, wholesale and retail of same; and in auditing all bills for service rendered or merchandise supplied, or other bills against the city, he shall compare all rates and prices charged with the list aforesaid and strike out or surcharge all amounts in excess of the current rates and prices as shown by said list or that in his judgment are excessive.

§ 94. The Auditor shall perform such other duties pertaining to his office as the Board may require or direct.

§ 95. The Treasurer shall keep in his office a cash book in which shall be entered up all sums received and paid out of the treasury on account of the several departments and bureaus of the City.

§ 96. Every lawful demand upon the treasury, duly audited as hereinbefore provided, shall in all cases be paid upon the date authorized by the Treasurer and enfaced thereon if there be sufficient funds at that time in the treasury applicable to the payment of such demand; and upon payment, all warrants shall be cancelled and proper entry be made thereof but if there be not sufficient moneys so applicable then such warrant shall be registered in a book kept for that purpose by the Treasurer.

Such register shall show the number of the warrant, by whom presented, the date, amount, name of original payee, and on what account allowed. Upon being so registered, it shall be returned to the party presenting it with the endorsement of the word "registered," dated and signed by the Treasurer and such registered warrant shall be entitled to and shall draw interest from the date of registration until paid at the rate of five per cent per annum; but the registration of any such demand shall not operate in any manner to recognize or make valid such demand if obtained in contravention to any law or through any error.

§ 97. Warrants shall be paid by the Treasurer as far as practicable in the order of their number and date of issue and whenever in his judgment there are sufficient funds in the treasury he shall issue a call for outstanding registered warrants in the order of their numbering and date of issue. Such call shall be made by publication for one week in two or more daily newspapers published in the city and the interest shall cease upon all such called warrants ten days after the publication of the first notice.

§ 98. Unless otherwise provided by law all sums of money which shall be appropriated to the public service for any annual period and which shall not be expended during such period shall lapse and shall not be issued or applied in any future annual period to the particular service for which the appropriation shall have been so made, unless a contract or engagement shall have been made and entered into before the expiration of such annual period by which a liability so to issue or apply the same shall have been incurred and a certified copy of which contract or engagements shall have been deposited with the Auditor.

Public Accountants and Accounting for the Collection and Payment of Public Moneys.

§ 99. All persons who by any law, regulation or appointment shall be charged with the duty of collecting or receiving revenue or other moneys on account of the city or with the duty of disbursing moneys on account of the public service shall become and be "public accountants" and shall perform all such duties and render such accounts as this Act prescribes and as the Treasurer and Auditor shall from time to time direct.

§ 100. Every such public accountant collecting or receiving revenue or other moneys aforesaid shall pay weekly or at such other times as may be otherwise specially appointed into the treasury all sums of money collected or received by him on account of the revenue or otherwise as aforesaid, accompanied by vouchers bearing his signature and which said sums shall have been collected or received and unless otherwise specially directed shall not later than the tenth day after the expiration of each month transmit to the Auditor a return in the form contained in schedule "E," hereto annexed, with such particulars in each case

as may be required by the Auditor of all moneys collected or received by him during the preceding month and shall make and subscribe to an oath in the form prescribed in this schedule.

§ 101. On the death, resignation or removal of any such public accountant the balance of such public moneys remaining in his hands shall upon the appointment of his successor, unless otherwise directed by law, vest in such successor and shall not in the event of death of any public accountant constitute assets of the deceased or be in any manner subject to the control of his legal representative.

Miscellaneous Provisions.

§102. The Auditor by and with the approval of the Board of Aldermen is hereby authorized to make and publish such regulations not inconsistent with this Act as may be found necessary to carry out the object and provision of this Act and for the more effectual record, check and audit of all receipts and disbursements of public moneys; and such regulations shall, after publication in one or more newspapers printed and published in the city have the force and effect of a statute law.

§ 103. Any public accountant or person who shall fail or neglect to conform to any of the regulations contained in this Act or to attend the said Auditor for the purpose of being examined or to produce any accounts, books, vouchers or other documents or to answer any other lawful question when required so to do by the said Auditor shall be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars on conviction before any district magistrate.

§ 104. If any person shall, in the course of his examination before the said Auditor wilfully and corruptly give false evidence, such person so offending shall incur the same penalties as are or may be provided against persons convicted of perjury.

—SCHEDULE "A."—

I, do solemnly swear that according to the best of my skill and ability, I will faithfuly, impartially and truly execute the office and perform the duties of Auditor.

Dated .....

Signature:

.....

---SCHEDULE "B"---

TREASURY WARRANT.

Office of the Auditor,
City and County of Honolulu,.....

On the ..... day of ....., 19---, please pay to the order of ..... the sum of..... dollars for and charge the same to.....

.....
Auditor.

To the Treasurer of the
City and County of Honolulu.

---SCHEDULE "C"---

Office of the Auditor.
City and County of Honolulu,.....

To the Treasurer of the City and County of Honolulu.

Dear Sir:---I beg to hand you herewith a statement of warrants drawn upon the Treasury since my last advices, as follows:

Date.....	Number....	Appropriation....	To whom payable....	Amount....

.....
Auditor.

---SCHEDULE "D"---

To .....

By virtue of the authority vested in me by the Charter of the City of Honolulu, you are hereby required to appear before me at ..... on ..... and to bring with you for the purpose of examination a certain book (or as the case may be) and to be examined by and before me touching and concerning matters required to be investigated by me pursuant to the provisions of said Charter.

WITNESS my hand this ..... day of .....

.....
Auditor.

—SCHEDULE "E."—

Account of all moneys collected by ..... as ..... from the ..... day of ..... to the ..... day of ..... 19.., both days inclusive:

Date of receipt....	From whom received....	On what account....	Amount..
		Total.....	

Settlement of the above collections with the Minister of Finance

Date of Deposit or Remittance	Head of Receipt on Account of Which Remittance was Made	Amount
	Total.....	

.....
Public Accountant.

I ..... do solemnly swear that the above is a true and faithful account of all moneys collected by me as above specified, and that I have paid over the whole amount to the Minister of Finance.

.....
Public Accountant.

Sworn this ..... day of ..... 19.. before me.

Law Department—Corporation Counsel; Duties Of.

§105. The corporation counsel shall appear for the city personally or by deputy in all the courts of the city and Territory, in all cases criminal or civil in which the city may be a party or be interested.

§ 106. He shall also be vigilant and active in detecting offenders against the ordinances of the city and shall prosecute the same with diligence. It shall also be his duty to enforce all bonds and other obligations in favor of the city that may be placed in his hands for that purpose by any person having the lawful custody of such papers; and he shall likewise be diligent in prose-

cuting all persons who may obstruct any street, channel, harbor, wharf or other highways, or any stream or public watercourse or commit any trespass or waste on any portion of the public domain or other public property within the city.

§ 107. The said corporation counsel shall, without charge, at all times when called upon give advice and counsel to the Board, the Mayor and other public officers in all matters connected with their public duties; and otherwise aid and assist them in every way requisite to enable them to perform their duties faithfully.

§ 108. It shall also be the duty of said corporation counsel to give counsel and aid to poor and oppressed citizens of the city and to assist them in obtaining their just rights without charge; provided, however, that he shall not be obliged to render such aid, counsel and assistance unless requested to do so by the Mayor or Board of Aldermen.

§ 109. Said corporation counsel shall not receive any fee or reward from or on behalf of any person or prosecutor for services rendered in any prosecution or business to which it shall be his official duty to attend nor be concerned as counsel or attorney for either party in any civil action depending upon the same state of facts.

§ 110. He shall account with the Treasurer every three months for all fees, bills of costs, fines, penalties, and other moneys received by him by virtue of his office.

§ 111. Said corporation counsel shall, when required, give his opinion upon questions of law submitted to him by the Mayor, the Board of Aldermen or any department.

§ 112. The corporation counsel may from time to time with the approval of the Mayor and Board of Aldermen appoint a deputy or deputies and retain special counsel whensoever the exigencies of the public service may require it and shall be responsible for all the acts of said deputy or deputies, but he shall at no time exceed the appropriations.

Police Department---Chief of Police; Duties Of.

§ 113. The Chief of Police shall have the care, supervision and control of the entire police of said City and County of Honolulu subject to the provisions of this Act.

§ 114. The Chief of Police before entering upon the duties of such office shall execute and deliver to the City clerk a bond in

a penal sum of not less than five thousand dollars with sufficient sureties to be approved by the Board of Aldermen conditioned for his faithful execution of all process directed to him by any of the courts of the City and County; for the faithful accounting for and due return of all fines, penalties and moneys collected by him; for safe keeping of all prisoners duly committed to his custody; and for the faithful performance of all other duties of his office; and that he will take only the lawful fees of his office.

§ 115. The Mayor, with the approval of the Board may, as occasion require exact additional bonds or increased security from the Chief of Police conditioned as above, provided that not more than twenty thousand dollars in all shall be thus exacted. The bond or bonds given as herein provided shall be filed and preserved in the office of the Clerk of the city.

§ 116. There shall be a Captain of Police for each ward of the city, who shall have the care, supervision and control of the police within their respective jurisdictions, subject, however, to the superior control of the Chief of Police.

§ 117. The respective captains shall be appointed by the Chief of Police by and with the approval of the Mayor to be endorsed on the commission of the captain so appointed.

They shall hold their offices subject to removal by the Chief of Police with the approval of the Mayor.

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

§ 119. The Chief of Police with the approval of the Mayor shall appoint and commission not more than two deputies chief of police. Each deputy so appointed shall be authorized to do or perform any act or thing required by law to be done or per-

formed by the Chief of Police. The chief shall exact from his deputies bonds of indemnity with sufficient sureties for the due and faithful discharge of their duties, which bonds may be in any amount not to exceed ten thousand dollars and shall be approved by the Board of Aldermen.

§ 120. It shall be the duty of the chief and deputies to preserve the public peace, to have charge of all jails and prisons, to safely keep all persons committed to their charge, to execute all lawful precepts and mandates issued to them by any judge, court or other person thereunto authorized; to arrest fugitives from justice as well as all criminals and violators of the laws; and generally to perform all such other duties as may be imposed upon them by law for any of which purposes they may command all necessary assistance, civil or military.

§ 121. The Chief of Police and the several captains for and within their respective jurisdictions subject to the approval of the chief may appoint such lieutenants and other police officers as occasion may require and may dismiss them in like manner and may in like manner apportion the duties and adjust the compensation of such officers, except as otherwise provided by law; provided, however, that the number of regular police officers or constables shall not exceed one hundred except by a two-thirds vote of the Board of Aldermen and further, provided, that nothing in this section contained shall be construed to prevent the appointment of any number of special constables to serve without pay except that for service during any emergency such special officers may be paid in the discretion of the officer by whom they were appointed to serve during the emergency if such payment be approved by the Mayor and Board of Aldermen.

§ 122. The Chief of Police and the several captains may exact from the lieutenants appointed by them respectively private bonds of indemnity and shall be severally responsible for the official acts of such lieutenants.

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§ 123. The Chief of Police, deputies and captains shall appropriate to themselves the legally prescribed fees received from the sale and conveyance of property under execution or other writ or order issued from any Court to an amount not exceeding fifty dollars for any one such sale and conveyance which shall belong to the chief or to the captain or to the persons making such sale and conveyance, the excess of such fees over said sum of fifty dollars, if any, to be returned to the treasury as a city realization.

§ 124. Any police officer or constable appointed to or holding office under this act may be removed by the Mayor at any time upon the written complaint of any Judge of a Court of Record or by the district magistrate of Honolulu for incompetency, corruption or misbehavior in office subject to the approval of the Board of Aldermen.

§125. In all cases in which the Chief of Police, deputy or any captain or other police officer shall be a party, plaintiff or defendant, to any suit or cause pending in any court of the Territory, the officer so interested shall not be competent to execute any process in such suit and the Court when necessary may appoint some disinterested person to act as a substitute for such officer to execute such process who shall in all respects be accountable to the court for his conduct.

§126. In case of the death, resignation or removal from office of the Chief of Police without having executed or having executed only in part any process in his hands, the execution of such process may be effected or completed by the deputy or such other police officer as shall be thereunto appointed by the Mayor; provided, that if a successor to such Chief of Police shall be appointed, such successor shall be responsible for the completion of the execution of such process from the point to which the same had progressed at the time of his assumption of such office. The power hereby conferred shall extend to the execution, acknowledgement and delivery by the successor of such Chief of Police as aforesaid of all deeds or other instruments of conveyances.

§ 127. The Chief of Police shall file all warrants, mittimusses, processes and other official papers or the attested copies of them by which any prisoner shall have been committed or liberated and they shall be safely kept in a suitable box or safe and upon the death, resignation or the removal from office of such Chief of Police shall be delivered, together with all other official records, papers and journal, to his sucecessors or to any other officer or person duly appointed, to receive them; and in default of such delivery, such Chief of Police, if living, may be held liable for embezzlement, as provided by section 158 of Chapter 18 of the Penal Laws and shall also be civilly liable in damages to any person or persons who shall be injured by such non-delivery. If such Chief of Police shall be dead, such civil liability shall attach to his personal representatives and the sure-

ties upon his official bond, jointly and severally. In addition to such civil liability as aforesaid, such Chief of Police or his personal representatives and sureties on their official bonds shall forfeit and pay for each such default in delivery the sum of two hundred dollars to be covered for the use of the public treasury.

§ 128. All processes of any city court shall be addressed to the Chief of Police except as may be otherwise provided by law and it shall be the duty of the Chief of Police to execute the same at his peril according to the tenor thereof; and he shall not be liable for any damages resulting from the execution of such process.

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

§ 130. The Chief of Police shall quarterly render to the Mayor a true and itemized account of the whole amount of money received by him in which statement the moneys received to his own use and benefit shall be stated separately from those received to the use or on account of the city or of private parties. He shall in like manner and at like intervals as well as at any other time when the Mayor shall so request report to the Mayor concerning other matters appertaining to the administration of the police department.

§ 131. The Chief of Police is authorized to administer oaths in all cases in which oaths are by law authorized or required to be taken or administered or in which the administering of an oath may be proper.

Prisons and Houses of Correction.

§ 132. The Chief of Police with the approval of the Board of Aldermen shall have the power to erect such suitable prisons, jails, station house and house of correction as may be necessary for the safe keeping, correcting, governing and employing of all persons duly committed thereto; and also with the approval of the Board of Aldermen to prescribe rules and regulations for their government and discipline.

§ 133. The Chief of Police is responsible for the safe keeping of all prisoners, and therefore he shall have the nomination and appointment with approval of the Mayor of all jailers and other prison officials, who shall hold office during the pleasure of said Chief. Such jailors and other officers shall be men of sobriety, honesty and industry.

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

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

§ 136. The Chief of Police shall cause to be kept an exact account of all the receipts and expenditures of each prison and make a monthly report of the same to the treasurer.

§ 137. Said Chief of Police shall cause each prison to be kept in a clean and healthy condition.

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

§ 139. All prisoners sentenced to be imprisoned at hard labor shall be constantly employed for the public benefit on the public works or otherwise as the Chief of Police with the approval of the board may think best.

§ 140. The Chief of Police is hereby empowered in his discretion to detail for labor on any public road upon application for that purpose from the Commission of Public Works as many prisoners as he may deem necessary for such work, said prisoners to be under the care of their usual overseers and subject to the said commissioner only as far as regards the mode of their employment.

Coroner and Coroner's Inquests.

§141. The Chief of Police and deputies shall ex-officio act as coroners without extra compensation.

§ 142. As soon as any coroner shall have notice of the death of any person within his jurisdiction supposed to have come to such death by poisoning, violence or in any suspicious manner, he shall forthwith issue his summons to six good and lawful men of the district where such death may have occurred or in which the dead body may have been found or is at the time lying, to appear before him at the time and place expressed in the warrant and there to inquire upon the view of the body of the deceased when, how and by what means he came to his death.

§ 143. In all cases of sudden death, the coroner shall inquire into the cause and in his discretion shall cause an inquest to be held even if he is not satisfied that there are suspicious circumstances attending the death.

§ 144. All persons summoned to serve on a coroner's jury shall be paid two dollars per day for each day's actual attendance; but if any person summoned to serve on such a jury shall fail to appear, without reasonable excuse therefor, he may be fined by the coroner not exceeding ten dollars; and the coroner may issue process to any police officer for the collection of any fine thus imposed.

§ 145. When the jury is complete, the coroner shall call over their names and then in view of the body he shall administer to them the following oath: You solemnly swear that you will diligently inquire and true presentment make when, how and by what means the person whose body lies here dead came to his death; and you shall return a true inquest thereof according to your knowledge and such evidence as shall be laid before you: So help you God.

§ 146. The coroner may issue subpoenas for witnesses returnable forthwith or at such time and place as he shall therein direct and may enforce the same by fine or imprisonment or both in the descretion of the coroner.

§ 147. An oath to the following effect shall be administered by the coroner to the witnesses:

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

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

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

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

An inquisition taken at ..... Island of Oahu on the .....day of.....in the year.....before ..... one of the coroners of said City, upon the body of ..... (or a person) there lying dead, by the oaths of the jurors whose names are hereunto subscribed, who being sworn to enquire therein when, how and by what means the said .....(or person) came to his death, upon their oaths do say, (then insert when, how and by what person, if known, means, weapon or instruments he was killed.) In testimony whereof the said coroner and the jurors of this inquest have hereunto set their hands the day and year aforesaid.

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

§152. If any person charged by the inquest with having committed such offence shall not be in custody, the coroner shall have the power to issue process for his apprehension and such process shall be made returnable before the District Court; he shall proceed therein in the same manner as if he had issued the process himself.

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

§ 154. No fees shall be paid to witnesses attending upon any coroner's inquest, but all the reasonable expense of the inquisition shall be paid to the coroner from the public treasury, the account of such expenses being first examined and allowed by the treasurer.

Department of Public Works.

§ 155. It shall be the duty of the Commissioner of Public Works to have supervision over the internal affairs of the city and to faithfully and impartially execute the duties assigned by law to this department.

§ 156. The Commissioner of Public Works shall keep in appropriate books a clear, distinct and full record of all the transactions of his department.

§ 157. The said Commissioner of Public Works shall have the care and supervision of all city and other property; of city improvements; and of such other matters as may be placed in his charge.

§ 158. The Commissioner of Public Works shall have the charge of the standards of weights and measures.

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

§ 160. The said Commissioner of Public Works under the direction and with the approval of the board of Aldermen shall have power to purchase lots upon which to erect buildings, and other lands for the use of harbors, highways, wharves, water-works and other internal improvements; also any other property necessary for the public service; and to pay for the same in such manner as the board shall direct.

§ 161. The said Commissioner of Public Works by and with the authority of the board shall have power to lease, sell or otherwise dispose of the public lands and other property in such manner as he may deem best for the protection of agriculture and the general welfare of the city, subject, however, to such restrictions as may from time to time be provided by law.

§ 162. The Commissioner of Public Works is hereby authorized to have all the city roads and streets surveyed and the distances fixed by suitable mile stones; and to publish the said distances in a newspaper to be designated by the board, which published table shall be recognized by the Courts of the City and Territory as the established mileage.

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

§ 164. It shall be the duty of the Commissioner of Public Works to cause such surveys, maps and plans of the city lands, harbors and internal improvements to be made as the public interests require; which surveys, maps and plans shall be kept in his office for public instruction and reference.

§ 165. All sales of city lands shall be made at public auction after the sale has been ordered by the Board of Aldermen as herein provided. All such sales shall be made at the door of the city hall after thirty days public notice and shall be cried by the commissioner of public works or by one of his clerks under his direction, who shall perform this service without extra compensation. Notice of any action as above required shall contain a full description of the property to be sold as to locality, area and quality with reference to the survey which shall in all cases be kept in the office of the Commissioner of Public Works. Such surveys shall be opened to the inspection of all those who may desire to examine the same without charge during the whole period of the advertisement of the said auction. In case application has been made for the purchase of city land and a price has been offered for the same, the price offered shall be published in the auction advertisement as the upset price for which the land shall be offered.

§ 166. The provisions of section 165 shall not extend or apply to cases where the city shall by quitclaim or otherwise dis-

pose of its rights in any land by way of compromise or equitable settlement of the rights of claimants, nor to cases of exchange, or sales of city lands in return for parcels of land acquired for roads, sites of city buildings or other city purposes.

Leases of City Lands.

§ 167. The Commissioner of Public Works may, with the approval of the board make leases of city lands under the control and management of the Commissioner of Public Works for any number of years not over thirty, at public auction, for the erection of stores, warehouses, factories, shops, business and professional offices and other buildings for business, manufacturing or professional purposes and the occupation thereof by the lessees.

§ 168. Every such lease shall contain a covenant on the part of the lessee that he shall during the first four years of the term of the lease cause to be erected on the leased premises a fireproof building of brick, stone or metal in a workmanlike manner satisfactory to the Commissioner of Public Works at not less than a stated cost; and shall keep the same suitably insured at not less than two thirds of its value for the benefit of the lessor and shall keep such building in good repair during the remainder of the term of the lease, reasonable use and wear thereof only excepted; and in case of damage or destruction of such building by fire, shall make good such loss or damage by the necessary repairs or reconstruction or else surrender the insurance to the lessor.

§ 169. Every such building with all fixtures and additions thereto shall at the expiration of the term of the lease of the premises upon which it is erected or other sooner determination thereof vest in the City.

§ 170. Every such lease shall also contain a covenant on the part of the lessor that upon the request in writing of the lessee or his representatives before the expiration of the term thereof, the premises with the improvements shall, if all of the conditions to be performed by the lessee have been satisfactorily performed, be put up at auction for a lease for a term of not over twenty years unless said premises shall be required for public use of which the lessee shall receive at least one year's notice. Said auction sale shall be held not more than six months nor less than one month before the expiration of said term.

§ 171. The covenants required in sections 168-170 shall be set forth in every lease and in the advertisement of every public

auction required by section 167 and at every such public auction read aloud to the audience by the auctioneer.

§ 172. In addition to the said covenants, said lease shall contain the usual stipulations and reservations.

The Acquisition of Lands for Public Purposes.

Initiation of Proceedings.

§ 173. The Commissioner of Public Works is hereby authorized and empowered of his own motion, the Board of Aldermen consenting thereto, or upon the petition of forty or more taxpayers of any ward, to institute and conduct to the end, all proceedings relative to the opening, improving or closing of any highway; provided, that upon such petition of taxpayers, the commissioner shall institute proceedings as provided in section 175.

§ 174. Every petition by tax payers for the opening, improving or closing of any highway shall be signed by the petitioners and substantially set forth:

The nature of the work proposed, the route thereof, over what lands, with the names of owners, tenants, occupants or agents thereof, if known, otherwise to be indicated as unknown; and, also the necessity and advantages of the proposed work or improvement and who of the owners or parties with interests consent thereto, and any other matter necessary to an understanding of the work proposed; and shall conclude with a prayer for the appointment of a jury to decide upon the propriety of the work proposed; a map or diagram shall accompany the petition showing the location of property of abuttors and of owners and the work proposed as nearly as possible.

Proceedings.

Jury—How Drawn—Penalty for Non-Attendance.

§ 175. Upon the petition of forty or more taxpayers of any ward to the commissioner that a highway be opened, improved or closed, or if it shall appear to the commissioner in any other way that such course is advisable, he shall first get the approval of the Board of Aldermen and shall thereupon request any Judge of a Court of Record to select a list or panel of twenty-four names from among the legal voters of the ward in which the improvement, opening or closing of the highway is contemplated.

Such Judge shall direct the Chief of Police or deputy to draw

a jury of six disinterested persons, none of whom, however, shall have signed any petition in the matter, from such list to visit and inspect the locality of such proposed improvement, opening or closing, and to decide upon the propriety of the work or measure proposed and to report thereon.

Provided, however, that the commissioner, with the approval of the Board of Aldermen, shall have power and authority to alter and change and improve any highway where the character of the place, the condition of the land and highway or the act of God or unavoidable circumstances require the same, if no private rights are involved, or if the parties interested shall consent thereto in writing and in such case no jury or proceedings shall be necessary or required.

§ 176. The Chief of Police or deputy shall forthwith subpoena the jurors drawn as aforesaid to attend at a time and place (which place shall be at or near the locality of the proposed improvement) by him fixed to discharge their duties in the matter and shall then inform the jurors of their duties.

§ 177. In case any juror shall not serve or shall fail to appear and serve or be incapacitated, a new juror shall be drawn from the said list or panel by the Chief of Police or deputy and subpoenaed. If any juror duly subpoenaed to attend shall without cause fail to attend at the time and place fixed, he shall be punished in the discretion of the Judge of the Court who selected the list or panel in the same manner as provided by the laws of the Territory for trial jurors.

Notice of Jury Hearing.

§ 178. The Chief of Police or deputy shall also give written or printed notice by publication or by posting in at least three conspicuous places in the locality of the proposed improvement and by posting at least one notice in a public conspicuous place in the ward, notifying all concerned of the time and place of the meeting of the jury and in substance the proposed work or improvement at which time and place all concerned may appear and be heard by the jury in relation to the proposed improvement.

Duties of Jury.

§ 177. Upon the day appointed by the Chief of Police or

deputy, he shall take charge of and accompany the jury to the locality of the proposed improvement and the jury shall thereupon inspect such locality and ascertain as far as possible by such inspection and by examining residents and others to be affected thereby, provided any such persons may desire to make statements, and by any other means in their power all such facts as may have a bearing on the matter. The jury shall within six days after their visit and inspection, report in writing thereon. Provided, however, that the Chief of Police or deputy may grant an extension of time for good cause. They, or a majority of them may recommend or disapprove the proposed improvement, or they may recommend such change or alteration therein as they shall deem proper. The report shall be signed by all of the jury, such as disagree with any finding so stating and the Chief of Police or deputy shall forthwith file such report with the Commissioner of Public Works.

Disapproval of Jury Does Not Bar Future Action.

§ 180. Any rejection or disapproval by the jury as provided in section 179 shall not be a bar for other petitions thereafter covering the same subject matter.

Acting Upon Decision of the Jury.

§ 181. The Commissioner of Public Works is hereby authorized and empowered to take action in accordance with such decision of the jury.

§ 182. The Commissioner shall take proceedings upon the report of the jury made as provided in section (179) within one year thereafter, failure so to do shall be deemed an abandonment of the proposed opening, improving or closing.

Notices to be Posted---Claims to be Filed.

§ 183. After such proposed work be determined upon, the commissioner shall cause notices to be posted in at least four conspicuous places along the line of said proposed improvement advertising in substance the fact and calling on all persons interested to file their claims for damages within a fixed time, with the District Judge who shall be named in such notice (Form "A").

Notices to File Claims to be Served on Owners.

§ 184. The Commissioner shall also give notice to the owners, occupants and abuttors of premises along the line of the proposed improvement, if known and resident within the Territory of Hawaii, and can be served, whose property may be taken for the proposed improvement.

It shall be deemed good and sufficient service on the parties in interest in any land or premises if a notice be served upon the owner or the agent of the owner, or tenant or occupant, or if they be unknown and can not be served by reason of non-residence or other cause, then a notice posted at a conspicuous place on the land or left at the owner's, occupant's, tenant's or agent's residence shall be sufficient.

The notice may be general in terms and addressed to all persons interested. (Form "B").

Judge to Send Claims to Commissioner.

§ 185. It shall be the duty of such Judge to forward all such claims to the commissioner immediately after the expiration of the time fixed by such notice for such claims to be filed. (Form "C").

Commissioner May Compromise With Claimant.

§ 186. On receipt of such claims, if he shall decide to prosecute such work, the commissioner shall first endeavor to agree with the claimants upon the amounts to be paid them or to compromise with them with the approval of the Mayor.

Appointment of Commissioners.

§ 187. In case of failure to agree with the claimants, such Judge shall at the request of the Commissioner appoint three disinterested persons to act as commissioners of appraisement and assessment to assess and award the value of the private proposed improvement and to assess benefits or betterments hereproperty or the damage likely to be sustained by the owner, tenant or occupant of any land or property to be taken for the inafter provided.

The Commissioners shall notify their acceptance of the appointment to such Judge.

§ 188. On the acceptance of the Commissioners, the Commissioner of Public Works shall deliver to the commissioners all claims not agreed upon or compromised, together with maps or diagrams of the proposed improvement and a description as far as possible sufficient to identify the proposed opening, closing or improvement and the property or land to be taken for the same and also the names of all owners, occupants, tenants or agents of the lands, if known, otherwise to be indicated as unknown and also such blanks as may assist them and all necessary information.

Commissioners to Give Notice to Claimants.

§ 189. The Commissioners shall send notice to all claimants to appear at a time and place fixed to be heard upon their claims and present evidence as to damages. Such notices may be signed bythe chairman only. Service of notice made by the commissioners or some one by them appointed in the same manner as service is provided in section 184 of this Act to be made by the Commissioner shall be deemed sufficient and good service.

Decision---How Arrived At---Nature Of.

§ 190. The Commissioners shall consider the evidence and the arguments that may be presented to them and view the premises and proposed work and shall by their decision determine the price to be paid by the City for such private property or for such damages as the case may be. The commissioners may in their discretion where there are buildings, fences or water pipes upon the land proposed to be taken, make their decision in the alternative concerning such property; stating first that the claimant may move such property for which he shall be paid a fixed sum to be stated in the decision; or, second, that the City may move such property to a place to be stated in the decision; or, third, that the claimant may abandon such property to the City, for which he shall be paid a fixed sum to be stated in the decision.

The claimant may elect within twenty days after the decision is rendered which alternative he will accept and shall notify the Commissioner of Public Works of such election. In case of failure on the part of the claimant to make such election within the

time aforesaid, the Commissioner of Public Works may make such election and proceed accordingly.

In case any property shall be deemed by the commissioners to be so far destroyed or injured by the improvement as to practically destroy the property for the claimant, they may also determine the value of the whole premises of the claimant, and the claimant shall have the option to surrender the whole premises to the City on payment of such valuation and the same shall thereon be City property absolutely and in fee simple. Such election shall be made in writing and filed with the Commissioner of Public Works within twenty days after the decision is rendered; otherwise the Commissioner of Public Works may make such election and proceed accordingly.

In considering and arriving at the amount of damages accruing to any claimant, the commissioners shall take into consideration the location and area of the lot taken and the portion remaining and the cost and feasibility of removing any building located upon the property taken to the remainder of the land of said claimant.

§ 191. The Commissioners shall first hear and decide all awards for damages to claimants and after such decision is filed as hereinafter directed they shall proceed to hear and decide upon the assessments of benefits or betterments as hereinafter provided. Their first decision as to damages shall be marked as decision "A" and the second as to benefits or betterments as decision "B".

§ 192. The decision "A" of the Commissioners shall be in writing or printing signed by the commissioners and include all awards to claimants, with a concise location of the premises and the names of the awardees. A majority of the commissioners may sit and hold hearings and may render such decision and it shall be sufficient.

The commissioners shall keep minutes of their proceedings and shall file the same with the Commissioner of Public Works and also serve a certified copy, signed by the chairman, of decision "A" on the Commissioner of Public Works and on each of the claimants.

Title Vested in the City Upon Delivery Of Decision and Tender of Award.

§ 193. Upon the delivery of the decision "A" to

the claimant the title of the land or property shall vest in the City absolutely and in fee simple without further conveyance. Provided, however, that the Commissioner of Public Works or the City, shall not take possession of the same until payment be made or tendered to the claimant of the price determined by the commissioners or by agreement or compromise, unless such claimant shall, in writing consent thereto, or the price determined be, in the case of disputed title, deposited in the Supreme Court of the Territory of Hawaii.

And provided, further, that in case any assessments for benefits or betterments be made, as hereinafter provided, the Commissioner of Public Works may deduct the amount of the same from the total amount of award of decision "A" to each individual and a tender of the balance shall be a good and sufficient tender.

Disputed Title.

§ 194. In case the title of any claimant be in dispute, the Commissioner of Public Works may deposit the price determined or awarded in the Supreme Court to be paid out by such Court to the party entitled thereto, as it shall determine.

The claimant or party claiming title may by petition to said Court claim said price deposited; and the Court shall have jurisdiction to order such notices and process to be issued and given, proceedings had and acts done as equity and justice may require and to it seem meet. Such proceedings shall be in the nature of proceedings in equity and as simple and concise as possible.

The deposit of such price in such Court shall release the City and Commissioner of Public Works from any responsibility to any claimant or claims of any one for the property taken or price awarded.

Commissioner of Public Works May Compromise Claim.

§ 195. The Commissioner of Public Works shall have the power to compound and compromise with any claimant, owner or party interested, either before or after any such decision of the commissioners in any way he may deem most advantageous to the City and for that purpose may substitute other land in lieu of that taken. He shall also have the power to pay

any awards or compromises out of any moneys appropriated by the Board of Aldermen for such purposes.

Time for Removal of Property.

§ 196. The Commissioners shall grant reasonable time for any person interested to remove timber, trees, buildings, fences, and other property (for which no payment for damages are awarded) and if the same shall not be removed within that time (unless the time be extended by the Commissioners, or the Commissioner of Public Works) they shall revert to the benefit of the City of Honolulu and the owners shall be deemed to have relinquished and released all their rights and claim thereto for the benefit of the City of Honolulu.

Benefits and Betterments.

§ 197. The real estate and rights and interests therein abutting on or near to either or both sides of the line or route of the proposed opening, closing or improvement of highway which may be benefited by such opening, closing or improvement shall be assessed, bear and pay such relative proportion of the estimated cost and expenses of the same as is directed by this Act to be assessed to estates benefited as to the commissioners may seem just.

Provided, however, that the Commissioner of Public Works may waive such assessment or such portion thereof by giving notice to the commissioners that no benefits or betterments are to be assessed in any particular proposed improvement.

Amount to be Assessed---How Ascertained.

§ 198. The estimated cost and expense which shall be assessed under the preceding section (197) shall mean and be:

The total money awards of the commissioners for damages and value of property taken and any value or awards for removal of property where option is given; also the amount finally agreed upon for any claims that may have been compromised by the Commissioner of Public Works, also the estimated cost of work, labor and material to be expended by the City to perfect such opening, closing or improvement.

All estimates shall be signed by the Commissioner of Public

Works or chief clerk of the Department of Public Works. Provided, however, that the failure to include or the omission of any item of cost or expense shall not invalidate any estimate or any assessments of benefits or betterments.

§ 199. Upon filing their decision "A" as to the damages the commissioners shall determine the total estimate of cost and expense from their decision and from estimates and claims compromised that may be furnished them by the Commissioner of Public Works.

Notice of Betterment Hearing.

§ 200. The Commissioners shall give notice of a time and place at which parties in interest, or whose estate may in their opinion be prima facie liable to assessment for benefits or betterments, may attend and be heard.

Such notice if served by the Commissioners or by any one by their direction in the same manner as service is provided in section 184 to be made, shall be deemed good and sufficient service.

Betterment Decision.

§ 201. After hearing all parties that may appear, the Commissioners shall determine and apporrtion one half of the estimated cost and expense of the proposed improvement among the estates and respective interests in estate benefited or bettered as hereinbefore set forth, in such proportion as in their judgment such estate ought to be assessed and ought to bear the same.

§ 202. The Commissioners shall render and file with the Commissioner of Public Works a decision of their award of assessment of benefits to be marked as decision "B", which decision shall set forth all benefits assessed with—

1. Location of estate.
2. Name of owner or party interested.
3. Amount assessed as benefit or betterment to estates or interests.
4. Total amount of cost or expenses to be borne by estates assessed.

The commissioners shall file with the Commissioner of Public Works all documents and papers and records.

The commissioners shall also serve a certified copy of their decision "B" as to benefits and betterments on the owner or the

party interested in each estate assessed and also on the Commissioner of Public Works.

Betterment Decision Raises a Lien.

§ 203. The Commissioner of Public Works shall cause to be recorded in the office of the Registrar of Conveyances in Honolulu a certified copy of decision "B" within sixty days after the same shall have been filed by the commissioner and a lien shall attach to each estate or interest therein in favor of the city for the amount of benefits or betterments assessed, which lien shall have precedence over all other liens whatsoever, but no personal liability shall attach to the owners of the estate.

Such lien may be enforced by suit in equity in the manner of suits for foreclosure of mortgages or in any manner that may be provided by law.

Provided, however, that no such lien shall be enforced after the expiration of five years after the same attaches.

Unpaid Betterment---Assessment to Bear Interest.

§ 204. All assessments remaining unpaid after sixty days from the filing of decision "B" with the Commissioner of Public Works shall bear and pay interest at the rate of six per cent per annum.

Appeals---Appellate Courts.

§ 205. Any person aggrieved by the decision of the commissioners as to the award of damages in decision "A" or the assessment of benefits or betterments by decision "B" or both may appeal therefrom to the Circuit Court.

Requisites of Appeal.

§ 206. All appeals must be taken within twenty days after the service on appellant of a certified copy of the decision of the commissioners appealed from by filing with the commissioners in writing a notice of such appeal, by paying the sum of five dollars as costs of appeal and filing a bond in the sum of fifty dollars conditioned to secure payment of future costs to be made to the Clerk of the Court appealed to. Provided, however, that cash may be deposited in lieu of such bond.

Upon receipt of any notice of appeal, costs and bond, the chairman of the commissioners, or if he be absent from the city, one of the other commissioners shall make out, sign and deliver to each appellant a certificate of appeal in the following form, to-wit:

Territory of Hawaii,

City and County of Honolulu.

This is to certify that in the matter of (state improvement) an award or assessment for (damages or benefits, as the case may be) was made by the commissioners to or against (name) ..... on ..... (date) ..... as follows: .....

That he (name) ..... hath given notice in writing of appeal therefrom to ..... (Court) and deposited costs $..... accrued and (bond or cash, as the case may be) to secure further costs.

Dated.....

.....

Commissioner.

And shall send a copy of such certificate to the Commissioner of Public Works.

The chairman of commissioners shall also forward forthwith copies of all certificates of appeal, together with costs and bonds deposited, to the Court appealed to.

It shall be the duty of any appellant to see that the appeal be entered in such Court and that the records of the Commissioners be produced before such Court.

Production of Records on Appeal.

§ 207. Upon notice by appellant, the Court may request the Commissioner of Public Works to produce and file with the clerk of such Court all papers, minutes, reports, decisions and records of the commissioners or certified copies thereof for use in any such appeals.

Upon the final decision or settlement of the appeals, the Court having jurisdiction of such records and documents shall immediately return the same to the Commissioner of Public Works to-

gether with any judicial alteration, amendment or decision and the same shall become a record in his department.

The Court of Appeal may determine and award what costs or proportion of costs shall be paid by each appellant.

Commissioner of Public Works May Appeal.

§ 208. The Commissioner of Public Works shall have the same right of appeal and shall give the same notice and receive a certificate of appeal. Provided, however, that he shall not be required to give or deposit any costs or bond.

Betterments Deducted from Damages.

§ 209. The Commissioner of Public Works may, in case any damages be awarded and betterments assessed on the same estate, deduct the assessment from the amount of damages.

Certificate of Service of Notice.

§ 210. Any service of notice under the provisions of this Act duly certified by the person making the same shall be prima facie evidence of such service.

Decision of Commissioners Conclusive.

§ 211. The decision of the commissioners shall be conclusive upon all parties who have had notice served as provided herein and upon all who have become parties to the proceedings subject to appeal.

Death or Disability Shall Not Abate Proceedings.

§ 212. In any proceedings under this Act there shall be no abatement by the death or disability of any person in interest; but the executor, administrator, heirs or devisee of the deceased person or the representative of the person under disability may appear and prosecute in the same manner as the deceased person or person under disability might have done.

Informality not to Invalidate Proceedings.

§ 213. No act or procedure herein shall be illegal or invali-

date the proceedings or decisions on account of mere informality nor because the same was not completed within the time required by law (except time as to removal of property by claimants), unless the private rights of the persons interested shall be injuriously affected thereby and the burden of proof thereof shall be on the party claimant and any such illegality shall be taken advantage of only by the said person and shall in no wise affect the general proceedings.

Title and Disposition of Roads.

§ 214. All lands and real property taken for improvements under this Act shall belong to the City of Honolulu absolutely and in fee simple and in case a highway or improvements shall at any time be vacated, closed or abandoned or discontinued, the land of such highway or improvements shall be used for the purposes of the city; provided that in case the same shall be in any way disposed of by the city, it shall be first offered to the abuttors in compromise for a reasonable length of time and at a reasonable price, and if they do not take the same then, it may be disposed of as provided by this Act.

Improvement a Charge on the City.

§ 215. The Commissioner of Public Works may, except in cases otherwise specially provided by law, charge upon the city the costs and expense of the proposed improvement with the approval of the Board of Aldermen.

Compensation of Commissioners.

§ 216. Each commissioner shall be entitled to five dollars for each day of active service and such further compensation as the Commissioner of Public Works may allow and also such clerk hire, stationery, etc., as may be allowed by the Commissioner of Public Works, with the approval of the Board of Aldermen.

Duty of Chief of Police.

§ 217. It shall be the duty of the Chief of Police to do and perform any act or thing of him required by the provisions of this Act and the deputies, captains and other police officers are hereby

authorized to perform such duty when so directed by the Chief of Police.

Form "A" For Street Improvement, Poster and Notice.

Street Improvement Notice.

To whom it may concern. Notice is hereby given that a jury duly drawn in accordance with law having recommended that ..... shall be ..... in accordance with the survey to such recommendation attached, as such improvement has been duly determined upon and all parties interested in or affected by such proposed work are hereby notified to file the claims with ..... of ..... on or before .....day, the ..... day of ..... 190---.

A map showing the proposed improvements can be seen at .....

Forms on which to make out claims can be obtained upon application to .....

.....

.....

..... 190---.

Form "B" Claim For Street Damages.

in re .....

Claim for Street Damages.

.....190---.

....., Justice.

Sir: In accordance with a posted notice from ....., (Street) ..... Commissioner of Public Works of the City of Honolulu, calling upon all parties interested in the matter of the ..... and who may claim damages by reason of such improvement to file such claims with ..... Justice, on or before the ..... day of ..... 190.., the undersigned respectfully represents:

That ..... the owner ..... of a lot situate on the line and within the boundaries of the said proposed improvement, being a portion of the land described in L. C. A. No. ..... R. P. No. .....

That the said lot contains an area of ..... square feet. That it is bounded by (insert adjoining property) .....

That it has a frontage along the proposed new line of road of ..... feet.

That the said proposed improvement will take ..... square feet from said lot.

That ..... value the said lot at $..... and claim as damages resulting from the taking of the said ..... square feet the sum of ..... per square foot, or a total of $.....

Respectfully submitted,

.....

Form "C" For Claim To Damage To Building.

In re .....

Claim For Damages To Buildings.

.....19---.

..... Justice,

.....

Sir: The undersigned having this day filed a claim as owner ..... of a lot situate ..... for road damages by reason of the ..... of said street or road, further respectfully represents that ..... the owner ..... of (describe the building or buildings)..... on said lot, which said building ..... are within the line of said proposed improvement and will be required to be .... and after a careful estimate of the cost..... claim ..... the sum of $..... for damages caused by the ..... of said building.... in adidtion to ..... claim for land taken.

Respectfully submitted,

.....

Defining and Establishing Certain Rights and Duties In Connection with Highways.

§ 218. All roads, alleys, streets, ways, lanes, courts, places, trails and bridge within the city, whether now or hereafter opened, laid out or built by the city or by private parties and dedicated or abandoned to the public as a highway, are hereby declared to be public highways. All public highways onceestablished shall continue until abandonment by due process of law.

Dedication of Highways by Private Persons.

§ 219. Any road, alley, street, way, lane, court, place, trail or bridge laid out, constructed, opened or maintained by individuals or corporations as a highway may become a public highway by dedication or abandonment or surrender thereof to general use by such individual or corporations; provided, that the same be accepted or adopted by the Board of Aldermen.

Dedication or Abandonment.

§ 220. Dedication or abandonment of any highway mentioned in section 218 may be by deed or by surrender or abandonment; such surrender or abandonment shall be taken to be when no act of ownership by the owner thereof has been exercised within five years.

Ownership of Public Highways in the City.

§ 221. The ownership of all public highways and the land, real estate or property of the same shall be in the City and County of Honolulu in fee simple.

Irrigation or Drainage Ditches Crossing Highways. to be Bridged by Owner.

§ 222. All persons or corporations excavating or making or maintaining irrigation or drainage ditches or ways across public highways are required to bridge such ditches at such crossing and maintain the same in good repair; and in case of neglect after notice to do so, the Commissioner of Public Works may construct the same or repair the same and recover the whole costs or expenses of the same of such person or corporation in an action of law. Such action may be brought in the name of the city and the Commissioner of Public Works is authorized to institute such action.

Railroads, Canals and Ditches Crossing Highways to be Kept in Order by the City.

§ 223. Whenever highways are laid out to cross railroads, canals or ditches, the Commissioner of Public Works must at public expense and without delay so prepare and guard such road, canal or ditch that the public may cross the same without danger.

Sidewalks.

§ 224. Upon highways of twenty-five feet or over, adjoining owners may construct a sidewalk; said sidewalk shall not exceed six feet in width on highways less than forty feet wide. They must not exceed ten feet in width on all other highways. In all cases the construction and maintenance or sidewalks shall be subject to such regulations regarding grades, width, height, material and method of construction as may from time to time be ordained by the Board of Aldermen and the Board may permit the construction of sidewalks upon highways of twenty-five feet or less in width.

Owner or Abuttor to Construct at His Expense.

§ 225. All sidewalks shall be constructed and maintained at the expense of the adjoining owner or abuttor, subject to the provisions of section 226.

Sidewalk Construction.

§ 226. After the establishment of the grades of the streets in the city as by law prescribed, the said Commissioner of Public Works with the approval of the Board of Aldermen may require the owners of the land adjoining any street, the grade of which has been established, to construct sidewalks in accordance with the grade of the street and to comply with the regulations regarding the material and construction of sidewalks.

Construction by Owner.

§ 227. If any such owner after receiving notice to construct a sidewalk as provided in Section (226) hereof shall neglect or refuse to comply with direction for sixty days after notice, the Commissioner of Public Works may proceed to construct such sidewalk at the expense of such owner. Such expense shall be a lien on the property in front of which such sidewalk is constructed and the Commissioner of Public Works may recover the amount of such lien and the expenses and costs of same by action at law in assumpsit or by any action allowed by law or suit in equity or that may be prescribed by statute.

Trespass of Sidewalks.

§ 228. Any person using a sidewalk constructed according to the provisions of this Act with mule, horse or team or who shall drive a wagon, bicycle or other wheeled vehicle on such sidewalk without the permission of the owner shall be liable to the owner or occupant in the sum of five dollars for each trespass and for all damages suffered thereby to be recovered by such owner or occupant in an action of trespass.

Tree Planting.

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

Injury to Trees.

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

Street Names.

§ 231. Upon the corners of all streets, the street names shall be placed in conspicuous positions at least 3 1-2 feet above the street grade.

Driving Animals.

§ 232. No cattle, horses or mules or asses, exceeding ten in number shall be driven over any bridge of wood or iron inthis city of ten feet span or more, under the penalty of a fine of not less than one dollar nor more than ten dollars recoverable against the driver or drivers of the same by prosecution before the District Court; provided always that in cases where no other passage is possible the District Court shall remit the fine.

§ 233. No cart, wagon, dray or carriage drawn by horses or mules and no rider of any horse or mule shall pass over any wooden or iron bridge in the city of ten feet span or more at a pace faster than a walk under a penalty of five dollars recoverable against the driver of such cart, wagon, dray or carriage or rider of such horse or mule before the District Court.

§ 234. In the event that any damage is done to any bridge within the city by reason of a violation of any of the provisions of this Act the owner or owners, driver or drivers, rider or riders of such horses, mules, asses, carts, wagons, drays or carriages shall be liable in damages by suits at the instance of the Commissioner of Public Works recoverable before the District Court.

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

§ 236. Every person violating either of the foregoing conditions of the law of the road shall be fined for each offense not less than one nor more than twenty-five dollars. And any person injured by any violation of the provisions aforesaid shall be entitled to recover damages in an action to be commenced within six months after such injury.

Department of Parks.

§ 237. The title to each and all the parks, parkways, squares and public places within the City and County of Honolulu and heretofore belonging to the Territory of Hawaii is hereby vested in the City and County of Honolulu as hereby constituted.

Gifts of Real and Personal Property.

§ 238. Real and personal property may be granted, devised, bequeathed or conveyed to the City of Honolulu as constituted by this Act for the purposes of the improvement or ornamentation of the parks, squares or public places in said city or for the establishment or maintenance within the limits of any such park, square or public places of museum, zoological, botanical or other gardens of natural history, observatories or works of art upon such trusts and conditions as may be prescribed by the grantors or donors there of and accepted by the depart-

ment; and all property so devised, granted, bequeathed or conveyed and the rents, issues, profits and income and increase thereof shall be subject to the management, direction and control of the commissioner of parks; the same shall be forever properly protected, preserved and arranged for public use and enjoyment subject to such rules and regulations as the Board of Aldermen may prescribe. The said commissioner shall hereafter make a statement of the condition of all the gifts, devises and bequeaths of the previous year and of the names of the persons making the same.

General Powers of the Board; Ordinances.

§ 239. The Commissioner of Parks with the approval of the Board shall establish general rules and regulations for the administration of the department. Said commissioner with the approval of the Board shall have power to appoint a clerk and within the limit of the appropriation for parks to appoint such subordinate officers as may be necessary for the proper conduct of the office of the department. The Board of Aldermen shall enact ordinances for the government and protection of all parks, parkways, squares and public places within the city and the same shall at all times be subject to all such ordinances as to the use and occupation thereof and in respect to any erection or encumbrances thereon. Any person violating any of such ordinances shall be guilty of a misdemeanor and shall on conviction before the District Court be punished by a fine not exceeding fifty dollars or in default of payment of such fine by imprisonment not exceeding thirty days.

Department of Water Works.

§ 240. The Commissioner of Water Works shall have the general charge of the pipes or conduits of water to supply the city and harbor of Honolulu and other places within the city.

§ 241. He may from time to time regulate the rates to be paid for water and whenever such rates shall be changed, notice thereof shall be duly advertised not less than once a week for at least four weeks in two or more newspapers published in the city.

§ 242. Applications for a permanent supply of water from any city system or source of supply shall be in writing signed by the applicant. Such application shall be upon a printed form to

be supplied by the Commissioner of Water Works and shall contain a statement of the terms and conditions upon which water may be used. If permission shall be granted the applicant shall be furnished with a duplicate of the form of application and shall be entitled to a water privilege as specified in such application. Water rates shall be payable half yearly in advance on the first day of January and the first day of July each year at the office of the water works.

§ 243. The Commissioner of Water Works shall, at least ten days before such water rates shall be payable notify all persons then holding water privileges as aforesaid by advertisement in one or more newspapers published in the city that such rates are payable on the first day of January or July, as the case may be, next following such notice.

§ 244. If such rates shall remain unpaid for fifteen days after it is due, ten per cent in addition to the regular rate shall be charged to and become due by the person holding such privilege and the Commissioner of Water Works may forthwith without notice shut off the water from such privilege, charging the expense for so doing to the person holding such privilege.

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

§ 246. The Commissioner of Water Works with the approval of the Board of Aldermen may from time to time make such further rules and regulations for the city water supply system and revise the same as shall be necessary not in any case to conflict with the provisions of this Act.

§ 247. The said Commissioner of Water Works shall keep the conduits or pipes for the conveyance of water in repair; collect all water rents from ships and persons in the city or its vicinity and perform such other duties in connection therewith as the Board of Aldermen may prescribe.

Fire Department.

§ 248. The Commissioner of the Fire Department shall have the care, control and custody of the property of the fire department and shall be responsible to the

Board of Aldermen for the same; and he shall also by and with the approval of the Board of Aldermen make all expenditures of money appropriated for the department; and he shall not contract any debts on behalf of the department or dispose of any property belonging to the same without the consent of the Board of Aldermen. In all cases of fire he shall have the sole and absolute control and command over all members of the entire department and it shall be his duty to cause the several engines and apparatus to be located in the most advantageous situations and duly worked for the effectual extinction of fires. He may, with the approval of the board, grant the custody and use of fire engines, fire buckets and other apparatus belonging to the city to such firemen as he may deem proper and assume the control of the same with the approval of the board. He shall as often as once a month examine into the condition of the fire engines, houses, fire buckets and other fire apparatus and shall every three months report and retur nto the board the expenses of the fire department for such period and number of fires which have occurred during the period with the names of owners and occupants of premises or property damaged or destroyed; the cause or origin of the fire, if known, and the amount of loss or damage and of the insurance on the property and condition of the fire engines, carriages, apparatus and property of the department and the standing and condition of the companies. When any of said fire engines shall require to be repaired, the commissioner shall cause the same to be well and sufficiently repaired.

§ 249. In case the commissioner shall be absent from a fire, the senior foreman shall assume his duties.

§ 250. The Commissioner shall divide the city into fire districts and report their boundaries to the Board of Aldermen and shall keep a record of the names of the occupants of the houses or other buildings where he shall observe any violation of the provisions of this Act.

§ 251. It shall be the duty of the commissioner once every three months and as much oftener as he may deem proper to examine the dwelling houses, stores and places of business and other buildings in the City for the purpose of ascertaining any violation of this law; and also to examine the fire places, hearths, chimneys, stoves and stove pipes in the city and upon finding any of them defective or dangerous, he shall direct the owner or occupants of said premises by written or printed notice to alter, remove or remedy the same. And in

case of neglecting to do so the party offending shall be guilty of a misdemeanor and punished on conviction as hereinafter provided. The commissioner shall once in every three months and as much oftener as may be necessary, make full report of all matters relating to his duties to the board and also shall report to the Mayor each week any violation of the laws relating to the fireproof buildings.

§ 252. It shall be the duty of all firemen whenever any fire shall break out in the city to repair immediately to said fire with their respective engines, hose carriages, hooks and ladders and other apparatus and there to work and manage such fire engines and other fire implements with all their skill and power as the commissioner may direct and they shall not remove therefrom without the permission of the commissioner.

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

§ 254. No person or persons shall break through or attempt to break through any blockade established by the department or run over with any vehicle the line of hose in use at the fire; and any person so doing shall be guilty of a misdemeanor and be subject to a fine of not more than two hundred and fifty dollars.

§ 255. No person shall, unless by permission of the commissioner kindle any fire nor in any way authorize any fire to be made in any street, road, lane, market place or other highway or on any pier or wharf in the city except for the purpose of boiling tar, which fire shall not be more than ten feet from the end of the pier or wharf; and no person shall kindle or light or cause to be lit any rubbish or any bon fire in any place whatsoever within a radius of one mile of the Central Fire Station without the permit in writing of the commissioner.

§ 256. The commissioner by and with the approval of the committee on fire department may direct any house or building to be pulled down, blown up or otherwise demolished when they deem the same to be necessary in order to prevent the spreading of a fire.

§ 257. The commissioner may, during the continuance of a fire require assistance from persons present for extinguishing the

same and for removing furniture, goods, merchandise, and property from the building on fire or in danger thereof and may appoint guards to secure the same. He may also require assistance for pulling down or demolishing a house or building when he judge it necessary and may suppress all tumults and disorders at such fire. All persons at a fire shall obey the orders of the commissioner.

§ 258. During the prevalence of a fire it shall be lawful for the commissioner, the foreman of companies, the Chief of Police, or his deputies to remove or cause to be removed and kept away from the vicinity of such fire by force if advisable all idle and suspicious persons and all persons in their judgment not fit to be employed or not actually and usefully employed in aiding the extinguishing of such fire or in the preservation of property in the vicinity thereof.

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

§ 260. It shall be the duty of all persons owning or occupying premises adjacent to a fire to allow free access to the same by the fire department upon the order of the commissioner or foremen of engines for the purpose of obtaining water or using the fire apparatus for the extinguishing of any fire; and in case such access is refused, the commissioner or the person acting in his place is hereby authorized forcibly to enter such premises for the purpose aforesaid; and no person shall refuse such free access or in any way obstruct the same.

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

§ 262. No person or persons having the control of any vehicle shall wilfully or carelessly permit the same to obstruct the progress of the apparatus of the fire department going to a fire.

§ 263. Whoever wilfully, wantonly or maliciously obstructs or retards the passage of any engine or any fire apparatus of the fire department while going to or at a fire shall be deemed guilty of a misdemeanor and conviction thereof shall be punished by a fine not exceeding two hundred and fifty dollars.

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

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

§ 266. No person shall wilfully give a false alarm of fire in the city.

§ 267. Whosoever purloins, embezzles, conveys away or conceals any furniture,goods,merchandise or effects, clothes, property of persons whose houses, buildings property or effects are on fire or endangered thereby and does not within twenty-four hours return the same or give notice of his possession thereof to the owner, if known, of if unknown to the commissioner or Chief of Police or his deputies shall be deemed guilty of larceny and upon conviction thereof shall be punished as provided by law.

§ 268. Any person violating any provisions of this Act shall be deemed guilty of a misdemeanor and on conviction shall, unless otherwise provided herein be punished by a fine in the sum of not more than two hundred and fifty dollars.

§ 269. The commissioner of fire department, the foreman of a company and the Chief of Police and his deputies are directed to make complaints for violations of the provisions of this Act.

§ 270. The District Court shall have jurisdiction to try and

determine all misdemeanors arising under this Act and all complaints for the violation of any of the provisions of this Act and to impose any of the penalties herein prescribed.

§ 271. The commissioner, the foreman of each company, and the paid members of the fire department in active regular employment shall be exempt from being empanelled or returned upon any juries or inquests, and the names of such persons shall be registered with the Clerk of the Supreme Court and with the Chief of Police by the commissioner.

Moneys and Accounting.

§ 272. All moneys belonging to or which shall be appropriated for or to the use of the fire department shall be subject to the control of the committee on fire department of the Board of Aldermen in manner as herein provided and no person or persons without the consent of said committee shall have authority to draw or expend any of the moneys aforesaid or incur any debt or obligation on account of or to order any material, apparatus or supplies for said department, provided, however, that the commissioner or other officer of said department upon the written order of said commissioner may make purchase of material, supplies or apparatus for said department to an amount not to exceed twenty dollars in any one instance.

§ 273. Said committee shall pass upon all proposals to purchase material, apparatus and supplies and upon all bills or accounts other than such as shall come within the above proviso, and if such proposals, bills or accounts are approved by said committee, such approval shall be certified by the chairman upon such proposals, bills or accounts respectively and such proposed purchase shall not be made nor such bills or account be paid without such approval. Neither shall such proposals to purchase materials, apparatus or supplies be submitted to such committee except in writing by the commissioner or foreman who shall be discharging the duties of commissioner in case of the absence or disability of the commissioner.

§ 274. For the purposes of this Act, such proposals to purchase materials, apparatus or supplies or such bills or accounts shall be submitted to said committee at a regular meeting thereof or at a special meeting thereof of which special meeting each member of said committee shall have been served with written or printed notice at least forty-eight hours before the

same shall be held. Such notice shall also specify such proposals to purchase and such bills and accounts as it is proposed to submit to said committee at such special meeting and no proposal to purchase, nor any bill or account shall be submitted or acted upon at a special meeting unless it shall have been so specified in the notice of such meeting as above provided. A majority of the members of said committee shall be necessary to approve any such proposal to purchase, bills or accounts as aforesaid. And further provided that in case of emergency and urgent need said commissioner may make such purchases as shall be necessary for immediate use.

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§ 275. Upon the approval of any such proposal to purchase material, apparatus or supplies or any bill or account and its certification to the treasurer as above provided, it shall be the duty of said treasurer (unless he shall believe and so certify upon such proposal, bill or account that the same does not legitimately pertain to the functions of said committee and the purposes of said fire department) to provide for carrying into effect such proposal to purchase or to pay such bill or account as the case may be, provided there are funds available in any appropriation for such purpose.

Inquests of Fire.

§ 276. The Chief of Police or his deputies or any captain in whose ward any fire has occurred whereby any house or other building or other property in such jurisdiction has been wholly or in part consumed shall inquire into the cause or origin of such fire and ASCERTAIN whether it was kindled by design or resulted from negligence or accident, provided that no such inquest shall be held in any case unless such officer shall have reasonable grounds to suspect that such fire was the result of culpable negligence or design or occurred under such circumstances that the interests of justice and the protection of property require investigation.

§ 277. For the purposes aforesaid any one of the officers hereinbefore mentioned may issue subpoenas for witnesses returnable forthwith or at such time or place as he shall therein direct.

§ 278. The said officers may summon and empanel a jury of not less than three nor more than six persons from among the

householders or freeholders residing in his district to hear the evidence which may be adduced touching or concerning such fire and to render a verdict under oath thereupon according to the facts.

§ 279. Minutes of the evidence and of all proceedings in writing shall be taken and a copy thereof certified by the officer before whom the inquiry is held and filed with the corporation counsel.

§ 280. Any person who shall appear after being duly summoned as a juror or witness and any such witness may refuse to give his testimony under oath when thereto required shall be punished upon conviction before the District Court by a fine of twenty dollars and in default of payment shall be imprisoned for twenty days.

Department of Buildings.

§ 281. No person or persons shall construct, alter or repair, raise or move any building or structure of any kind within the City without permission in writing from the Commissioner of Buildings. The provisions of this Act shall apply to all buildings or structures hereafter altered, erected, raised or moved within the City of Honolulu.

§ 282. Whenever any person or persons or corporation shall be desirous of erecting, changing or altering any building or structure within the City of Honolulu, he, she or they, shall make application at the office of the Commissioner for a permit for that purpose. All permits within the fire limits before becoming effective must be approved by the Commissioner of the Fire Department. The application for such permit shall state: the exact site to be occupied, the materials to be used, dimensions and estimated cost of proposed building, structure or alteration, and the probable time to be occupied in its construction, and the name of the owner, the architect and the contractor or builder. Blank forms for the detailed statement as herein required to be obtained at the Office of the Commissioner which the applicant shall fill out; and the owner or owners, his, her or their Agent, shall sign the agreement contained in said statement that he, she or they will in all respects construct the work in compliance with the provisions of this Act and it shall not be lawful to proceed to construct, alter or repair any building or structure within the City of Honolulu without such permit. Any alteration in or addition to

any building already erected or hereafter to be erected, except necessary repairs not affecting the construction of the external or party walls, roof, or stairways shall to the extent of such work be subject to the regulations of this Act.

No building erected or hereafter built shall be erected, raised or built upon in such a manner that were such buildings wholly built or constructed after the passage of this Act, it would be in violation of any provision thereof. It shall be unlawful to repair any frame building within the fire limits when such buildings shall have been damaged by fire, the elements or decay to the extent of fifty (50) per cent of its original value.

For the purposes of this Act the decision of the Commissioner shall be conclusive as to the amount of damage to any building, unless the owner or owners of such building objects to such decision and files with the Commissioner a petition asking for the appointment of arbitrators to determine the question of damages. Such arbitrators shall consist of three disinterested persons: one to be chosen by the Commissioner, one by the party filing the petition, and the third by the two thus chosen, who shall be duly sworn to make a thorough examination of the damaged premises. The decision of a majority of the arbitrators thus chosen shall be final and conclusive.

The party or parties asking for arbitration shall, on filing his, her or their petition, pay THIRTY DOLLARS ($30.00) to the Commissioner, which shall be paid to such arbitrators in full of all cost of arbitration and compensation of arbitrators.

§ 283. Whenever, in the opinion of the Commissioner, any wall or any part of a burned or damaged building is dangerous, or when any building shall be deemed unsafe for the purpose for which it is used, or shall be in danger of fire from any defect in its construction, the Board of Public Works shall notify the owner or owners or his, her, or their agents in writing, specifying wherein the danger consists, or wherein the building is unsafe or defective. If the owner or owners or his, her or their agents neglect or refuse, after the serving of such notice, to immediately put such building in a safe condition, or to forthwith pull down or secure such wall or dangerous parts of the damaged or burned building, he, she or they shall be subject to a fine of not less than FIVE DOLLARS ($5.00), nor more than FIFTY DOLLARS ($50.00) for each and every day such violation of this ordinance shall continue.

§ 284. Any person applying for a permit to erect, alter or repair a building or structure shall pay to the Commissioner before such permit is issued, the following fees for such permit:

If the estimated cost of such building, addition, alteration or repairs is ONE THOUSAND DOLLARS ($1000) or less, the sum of FIFTY CENTS (50c); if the estimated cost is more than ONE THOUSAND DOLLARS ($1000) the sum of FIFTY CENTS (50c) for each additional ONE THOUSAND DOLLARS ($1000) and FIVE CENTS (5c) for each additional ONE HUNDRED DOLLARS ($100) or fractional part thereof.

§ 285. The Commissioner shall not issue a permit for the erection of any building until he shall have personally, or by his assistants, carefully inspected the plans and specifications thereof; and for this purpose, a copy of the plans and specifications of every building shall be deposited in the Office of the Commissioner; provided,

After a permit has been granted for any building, the plans shall not be materially altered or changed without securing the written consent of the Commissioner. Any person wilfully misrepresenting the value of the building to be erected will be subject to a fine of not less than TWENTY-FIVE DOLLARS ($25.00) and not more than ONE HUNDRED DOLLARS ($100.).

§ 286. Every permit issued by the Commissioner shall be subject to suspension by the Commissioner pending investigation. Should the Commissioner become convinced that the work being done under said permit is not being done according to the terms of the application upon which the permit was issued, or is being prosecuted in violation of law or this Act, it shall be his duty to notify the owner or owners, his, her or their agents, or the contractor or his superintendent to appear before a commission consisting of the committee on department of buildings and the Commissioner at a stated time and show cause why said permit shall not be revoked. Should the parties notified fail to appear at the time so stated, or should the Commission as above, after hearing, determine such action to be necessary, they may revoke the said permit, and notice thereof shall immediately be served upon the owner, superintendent or contractor in charge of the work and posted on the property. Said notice shall be in writing, signed by the Commissioner and after such revocation of permit, any contractor or work-

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man performing any work in or about the said structure, building or premises shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than FIVE DOLLARS ($5.00,) nor more than FIVE HUNDRED DOLLARS ($500.)

§ 287. The Commissioner shall have full power to pass upon any question arising under the provisions of this ordinance relative to the manner of construction or materials to be used in the erection, alterations or repairs of any building.

§ 288. The Committee on Department of Buildings shall have discretionary power to suspend the operation and enforcement of the provisions of this ordinance, upon application therefor in writing, in all cases of alterations of old buildings, or when there are practical difficulties in the way of carrying out the strict letter of this Act, so that the spirit of the Act is complied with, the public safety secured, and substantial justice done; but no deviation shall be allowed except a record of the same be kept by said Committee and a special permit stating in full the deviation may be issued to the party applying for the same.

§ 289. The Commissioner or his authorized agent shall, as far as may be necessary for the execution of this Act, have the right to enter any building or premises in the City of Honolulu.

§ 290. For the purposes of this Act, the following terms shall have the meanings herein assigned to them:

"Alteration" shall mean any change or addition (except necessary repairs) in, to or upon any building, affecting any internal partition or party wall, floor or stair-way.

"Brick Buildings" shall mean buildings the walls of which are built of brick, stone, concrete or other substantial and incombustible mateials.

"Cellar" shall mean a basement or lower story of any building of which one-half or more of the height from lower floor to ceiling is below the mean level of the street adjoining.

"Party Wall" shall mean every wall used or built to be used as a separation of two or more buildings.

"External Wall" shall mean every wall or vertical enclosure of a building other than a party-wall.

"Foundation" shall mean that portion of a wall below the street curb, and where a wall is not on a street, that portion of the wall below the level of the highest ground next to the wall.

"Partition-wall" or "Division-wall" shall mean any interior wall of masonry in a building.

"Height" of a wall shall mean the height from the mean grade

of the side walk or adjoining ground to the highest point of the wall.

"Wooden Buildings" shall mean a wooden or frame building.

"Public Buildings" shall mean all buildings used as a church or other place of public worship, also all buildings used as a college, school, public hall, hospital, theater, public concert room, public ball-room, public lecture room or for any public assemblage.

"Buildings of the warehouse class" shall comprise buildings used for storage of merchandise, manufactories in which machinery is operated, breweries and distilleries.

"Buildings of the Dwelling-house class" shall comprise all buildings except public buildings and buildings of the warehouse class.

"Base" of the wall shall mean the course immediately above the foundation wall.

"Footing course" shall mean a projecting course or courses under the base of the foundation wall.

"The thickness of a wall" shall mean the minimum thickness of such wall.

"Pure Cement Mortar" shall be interpreted to mean a proper portion of cement and sand without the admixture of lime.

§ 291. If any owner or possessor of any lot or land digs or causes to be dug any cellar, pit, vault or excavation to a greater depth than ten feet below the top of the curb of the street on which such land or lot abuts, or, if there be no curb, below the surface of the adjoining lots, and by such excavation causes any damage to any wall, house or any other building upon the lots adjoining thereto, such owners or possessors shall be liable to a civil action, to the party injured, to the full amount of the damage aforesaid.

Such owner or possessor may dig or cause to be dug any such cellar, pit, vault or excavation to the full depth of any foundation wall of any building upon the adjoining lots, or to the full depth of ten feet below the established grade of the street whereon such lots abut and at the point to be affected without incurring the liability prescribed in this section.

Whenever any such excavation within the City is to be made for any building or other purpose and there shall be any wall or other structure wholly or partly on adjoining land or near the intended excavation, the owner or possessor of the land upon

which the intended excavation is to be made shall notify the owner or agents of said adjoining premises of such intended excavation and of the depth of which it is proposed to be made, and the owner of the said adjoining premises shall have the right to enter upon the premises of the party causing the excavation to be made, for the purpose of securing his building, and at such times as he may be notified to do so by the Board of Public Works, and upon receipt of such notice, he shall immediately proceed to make such wall or building secure.

§ 292. Proper foundations of masonry shall be prepared for the support of all permanent structures within the fire limits and no foundations shall be less than three feet below the exposed surface of the ground and all foundations must rest upon solid ground, concrete or leveled surface of solid rock, or other solid sub-structure, but in no case shall the foundation rest upon any filling or made ground that will not sustain a pressure of two (2) tons per superficial foot.

The breadths of the foundations of the several parts of the building shall be proportioned so that, as near as practicable, the pressure shall be equal on each square foot of the foundation. The masonry of all foundations supporting buildings more than two stories in height shall be built of pure cement mortar. Foundations not on leveled surface of solid rock shall have a footing course of brick, stone or concrete, the breadth of which shall not be less than twenty (20) inches wider than the wall to be placed upon it and of such extra width as in the judgment of the Board of Public Works the character of the work may require.

§ 293. The fire limits of the City shall be and include all that portion of the said City which is bounded and described as follows, to-wit: "On the makai side by the water front, on the north west side by the Nuuanu stream; on the mauka side by a line drawn 80 feet mauka of and parallel with the mauka line of Beretania street; on the south east side by Punchbowl street and its continuation to the water front."

§ 294. The walls of every building hereafter erected or enlarged within the fire limits of the City shall be built of brick, stone, concrete or iron or other incombustible material; provided that if of iron the frame work shall also be of iron, and that rafters and roof timbers if covered with approved fire-proof material may be of wood.

The interior of all buildings within the fire limits shall be

sheathed on the walls and ceiling with some fire-proof material or lathed and plastered. The ceilings may be of wood if there be a sheathing of asbestos, felt or metal under the wood work. The external walls of any building adjacent to or facing any street shall not be covered with corrugated iron-roofiing, sheet-iron or tin.

Provided, that temporary sheds not over ten feet high to facilitate the erection of authorized buildings may be built of wood and covered with some fire-proof material on roof and wall. Also water-closets with floor area of not more than one hundred square feet may be built of wood if covered on roof and walls with fire-proof material.

§ 295. The thickness of brick walls of all business, manufacturing, ware-house and public buildings shall not be less than the number of inches shown in the following tables:

Outside, Party and Division Walls.	Basement	Number of Story.									
		1	2	3	4	5	6	7	8	9	10
One story	13										
Two stories	17	13	13								
Three stories	17	17	13	13							
Four stories	21	17	17	13	13						
Five stories	25	21	17	17	13	13					
Six stories	25	21	21	17	17	13	13				
Seven stories	29	21	21	21	17	17	13	13			
Eight stories	33	29	25	21	17	17	17	13	13		
Nine stories	33	29	25	21	21	21	17	17	13	13	
Ten stories	33	29	25	25	21	21	21	17	17	13	13

Wherever rubble stone walls are used, they shall not be less than one quarter (1-4) thicker than the walls specified in the foregoing table; provided that no rubble wall of a less thickness than eighteen (18) inches shall be used.

Wherever concrete walls are used they shall have a bearing surface of sufficient area to sustain loads per superficial foot as follows:

Using crushed lava rock and quartzite or rock sand proportioned,

1 part Portland Cement, 2 parts sand, 4 parts rock, 20 tons.

1 part Portland Cement, 2 parts sand, 5 parts rock, 18 tons.

1 part Portland Cement, 2 parts sand, 5 parts rock, 18 tons.

Using black (volcanic cinders) or beach sand with crushed rock,

1 part Portland Cement, 2 parts sand, 4 parts rock, 16 tons.

1 part Portland Cement, 2 parts sand, 5 parts rock, 13 tons.

1 part Portland Cement, 3 parts sand, 6 parts rock, 10 tons.

For foundation walls or walls of superstructure no mixture with greater total parts than ten (10) will be allowed. All Portland Cement to be of standard brands.

Brick piers seventeen by twenty-one (17x21) inches or less shall have one or more binders built therein either of iron or stone and if of iron not less than one inch thick or of stone not less than six (6) inches thick, and these binders shall be full size of the pier. The distance between any two binders or between either of them and the cap stone and base of pier shall not exceed four (4) feet; cap stones shall be full size of the piers and if of stone to be not less than one (1) inch thick.

§ 296. All brick walls and buttresses shall be of well burned bricks well laid and bedded with full joints in lime or cement mortar and well flushed up at every course, and all brick shall be properly wet at the time it is laid.

All walls shall be carried up to the tops of the floor joist undiminished in thickness and any set-offs shall be made at this point.

§ 297. All walls of brick or stone, or other similar material shall be thoroughly and practically bonded and tied and solidly put together; shall be built to a line plumb and straight and all supports of same shall be of iron, stone, brick or concrete and of sufficient size and strength to support the superstructure.

§ 298. Every fifth course, at least, of a brick wall shall be a heading or binding course; except where walls are faced with brick, in which every fifth course shall be of Flemish bond, or by cutting the course of face brick and putting diagonal headers behind the same.

Every building within the fire limits (except isolated buildings standing not less than five feet from the adjoining property, shall be constructed with division, party and rear walls extending from the foundation to the top and through the roof of the building to

a height of not less than four (4) feet and shall be so constructed as to thoroughly separate all wood of such buildings from exery part of the interior and exterior of the adjoining buildings. Such (division, party and rear) walls shall extend above the roof-line at least four (4) feet and shall not be less than thirteen inches (13) thick.

Division and party walls shall extend through mansard or other steep roofs not less than twenty-four (24) inches and these, as well as all other walls, of like character, shall have coping of incombustible material.

§ 299. The height of stories for walls of any given thickness shall not exceed ten (10) feet in the clear for basement; eighteen (18) feet for the first story; fifteen (15) feet for the second story; thirteen (13) feet for the third story; twelve (12) feet for the fourth story, and above, except for the top story which shall not exceed fourteen (14) feet. If any story exceeds these heights respectively, the walls of such story and all stories below the same shall be increased by four (4) inches in thickness in addition to the thickness already specified.

§ 300. Recesses and chases may be made in the walls provided that party walls and external walls so used, the back of recesses and chases shall not be less than nine (9) inches thick, and in division walls not less than four and a half (4 1-2) inches in thickness. The chases shall be so spaced as not to unduly weaken the wall.

§ 301. No wooden lintels shall be used in the walls of brick or stone, unless there is a good brick or stone arch turned over said lintel of sufficient strength to carry the walls above.

§ 302. Party walls shall be understood to be solid brick, concrete or stone walls. Should openings be required in said walls, a permit shall be obtained from the Commissioner before such opening shall be made.

§ 303. No chimney shall be built of less than four (4) inch walls, and chimneys intended for bake ovens, laundries, furnaces, steam-heating apparatus or other purposes requiring great heat, shall have walls not less than eight (8) inches thick; no flue to be less than eight by eight (8x8) inches thick; no flue to be less than eight by eight (8x8) inches in clear, and all flues to be smoothly plastered on the inside, and all to extend at least two (2) feet above the fire wall.

Any chimney, on account of insufficient height, which shall

be deemed unsafe to the building in which it has been built or to the surrounding buildings, by the Commissioner of the Fire Department, shall be carried up at least four (4) feet above the extreme height of the said buildings. No chimney shall rest upon or be supported by any frame work of wood, but shall rest upon proper foundations in the ground if not forming a part of a brick, stone or concrete wall; provided, however, other chimneys, allowed by the Board of Underwriters, may be constructed in accordance with the requirements of the Board of Underwriters.

In all buildings erected on what is known as steel pier, or skeleton system, all exterior or wall columns shall be fully covered in, both externaly and internally with non-combustible material.

§ 304. All openings in brick or stone walls for doors, windows, etc., shall have good and sufficient arches of brick or stone, well built and keyed, or lintels of stone or iron.

All exterior carrying posts or columns, girders or lintels of store or ware-house buildings and all exterior window-sills and heads shall be of incombustible material.

§ 305. Wooden roof or floor timbers entering the same wall from opposite sides shall have at least four (4) inches solid brick work between the ends of the said timbers.

All walls of brick buildings on which the ends of joists rest, shall be anchored at each tier of joists at intervals of not more than eight (8) feet apart with good strong wrought iron anchors at least one-fourth (1-4) of an inch by one and one-half (1 1-2) inch well built into the wall and fastened at or near the top of the joists. Where such anchors do not go entirely through the wall, they shall extend to within four (4) inches of the outside face of the wall.

Where the joists are supported upon girders, the ends of the joists resting upon the girders shall be butted together end to end and strapped with wrought iron straps or tie irons at the same distance apart and on the same line of joists as the wall anchors.

All girders shall rest at each end not less than six (6) inches in wall and shall be well anchored to wall with iron anchors. If the girder is of more than one piece in length, the piece shall be thoroughly tied together with iron ties or straps.

All stair wells, elevator, ventilating or other shafts in any building shall be lathed with metal lathing.

§ 306. The floors of all buildings whether of iron, concrete or wood, within the limits of the City shall be constructed to bear

upon each superficial foot of floor space, with a factor of safety of five (5), the following weight: for school houses eighty (80) pounds; for places of public assembly, one hundred and twenty-five (125) pounds; for office buildings, one hundred (100) pounds; dwelling houses fifty (50) pounds; retail stores, two hundred (200) pounds; ware houses, four hundred (400) pounds; and flat roofs, thirty (30) pounds, these weights to be exclusive of the weights of the materials composing the floors or roofs.

All floor joists to have a support bearing of not less than four (4) inches at each end. The ends of all floors and roof joists of a brick building shall, if entering a wall, be cut on a splay of three (3) inches in twelve (12) inches width.

Every header more than six (6) feet long used in any building except a dwelling shall be hung in stirrup irons of suitable dimensions for the size of the timbers. All tail joists shall be properly hung by stirrups to headers.

All main partitions supporting in any manner floor beams or rafters of a brick building shall be placed over each other and shall rest directly on a wall or girder, and shall head and foot against each other as far as practicable. All floor joists shall be properly bridged with cross bridging; all joists shall be bridged in solid over girders and bearing partitions to prevent passage of smoke or flame.

§ 307. The roofs of all buildings within the fire limits shall have a weather covering of incombustible material.

§ 308. The appendages to any building within the fire limits, if not of incombustible material, shall be enveloped with metal; dormer windows, towers, balconies, bay-windows and cornices shall be considered appendages.

§ 309. No projections other than cornices or iron balconies shall project over the line of the street, nor shall the bottom finish of such balconies be less than thirteen (13) feet from the ground line. The materials for such exterior cornices shall be incombustible. The supports for all balconies shall be sufficient to sustain a load of fifty (50) pounds per superficial foot with a factor of safety of five (5).

§ 310. All wooden buildings constructed within the City shall be subject to the following requirements:

For a building of two stories in height, except factories or ware-houses, the studding of the outside walls and bearing partitions shall not be less than two by four (2x4) inches. For build-

ings three stories in height the studding shall not be less than two by six (2x6) inches to the bottom of the upper story joists, and two by four (2x4) inches for the remaining height, provided that where a lot is twenty-five feet or less frontage the studding may be three by four (3x4) inches; for buildings more than three stories the studding of the first and second stories shall be three by six (3x6) inches, and the studding of the third story two by six (2x6) inches, and for the fourth story two by four (2x4) inches. Studding on the outer walls of buildings shall not be placed more than twenty-four (24) inches from centers.

All buildings shall have a clear space between the first story beams and the ground beneath of twenty (20) inches, provided that in buildings having concrete, brick or stone floors the floor may be laid directly upon the ground.

§ 311. No person owning or occupying any building fronting on any street, lane, alley or place within the fire limits of Honolulu, shall constructe or cause to be constructed or maintained, any awning or shades, except in accordance with the following provisions: Such awning or shade shall be securely supported without posts, and shall not be less than ten (10) feet above the curb levels of the side-walks, and shall have a gutter formed to carry off the water to the line of the building, and from thence to the street gutter; provided, that no gutter will be required to be constructed on cloth or canvas awnings or shades; also provided that the height of all movable or folding cloth or canvas awnings or shades, hereafter constructed, shall not be less than seven and a half (7 1-2) feet above the line of the curb level of the side-walk. No awning or shade shall extend beyond the line of the curb. No awning or shade shall be enclosed to a greater height than three feet (3 6) inches provided that no awning or shade other than cloth shall be erected on any building facing any street, lane, alley or place which is thirty (30) feet or less in width, and no awning or shade other than from incombustible material shall be constructed on the sides or rear of any building, unless there is a clear space of not less than thirty (30) feet between such building and the adjacent buildings. No signs shall be placed on the front, rear or sides of any building higher than its blocking course or fire wall, and no sign made of wood, canvas or cloth shall extend three (3) feet in height. All signs must be securely bolted to the buildings upon which they are placed. No frame work shall be placed above the roof of any building and

covered with inflammable material for signs or any other purpose.

All skylights and awnings with glass roofs shall be glazed with wire glass.

Frames or signs above the roof constructed solely of metal will be permitted.

§ 312. All cornices, gutters, eaves and parapets of buildings within the fire limits shall be made of incombustible materials. All metal carnices shall be riveted together with rivets not more than two (2) inches apart, and they shall be supported upon iron brackets of Angle or T iron not less than one-fourth (1-4) of an inch by one and one-fourth (1 1-4) inches placed not more than four (4) feet apart and firmly secured to the wall. When a cornice projects above the roof, the walls shall be carried to the top of the cornice and covered with metal.

§ 313. In buildings where the space under the sidewalks is utilized, a sufficient stone, brick or concrete wall shall be built to retain the road way of the street, and the side or party walls of such buildings shall extend under the sidewalk of sufficient thickness to such wall. The roofs of all vaults shall be of incombustible material. Openings in the roofs of vaults for the admission of goods or light shall be covered with lens light in iron frame or cement with iron covers having rough surface and rabbited flush with side-walks. The side-walks over the areas shall be of iron or iron and glass combination, stone, concrete or other incombustible material, and of sufficient strength to carry or safely sustain a load of two thousand (2000) pounds per superficial foot. In no case shall smooth surface of glass or iron greater than three (3) inches in diameter be allowed in the side-walk.

§ 314. All roofs on buildings more than thirty (30) feet high shall be made accessible by means of metal covered scuttle or by iron steps fastened to the wall.

All buildings more than three (3) stories high shall have metallic ladders, or fire escapes with balconies and railings to extend in front of, and to communicate with, one window in each story, extending from first story to upper stories and above the roof of such buildings. These fire escapes shall be of such location and numbers and of such material as the Commissioner and the Commissioner of the Fire Department may determine.

§ 315. Every metal column in a brick building shall rest on an iron plate not less than one and one-half (1 1-2) inches in

thickness. Under the ends of iron girders resting in walls, a stone template not less than six (6) inches thick and eighteen (18) inches long shall be built into the wall, or a cast iron plate not less than six by twelve by one (6x12x1) inches thick; or a wrought iron plate not less than six by twelve by one-half (6x12x1-2) inches thick may be used in place of such stone templates.

§ 316. All iron girders, lintels, etc. shall be of sufficient strength to carry all superimposed loads with safety and all iron columns shall have ends turned to a true surface at right angles to their axes.

No cast iron columns shall be used with a less thickness of metal in shaft than three-quarters (3-4) of an inch and a hole three-eights (3-8) of an inch in diameter shall be drilled in the shaft by manufacurers or contractors to exhibit thickness of metal if requested by the Commissioner.

All buildings three stories or over whose walls are built of brick, stone or concrete shall have iron or steel bonding rods or plates placed so as to thoroughly tie the walls together. These bonding irons shall be not less than one-fourth inch by two and a half (1-4x2 1-2) inches.

§ 317. Whoever desires to occupy or use a portion of a street for the erection or repair of a building upon land abutting thereon, shall make application to the Commissioner who may grant permits for the use, for building purposes, of such portion of streets and for such periods of time and under such limitations and restrictions as may be required by ordinance or by public convenience, and such permit may be revoked by said Commissioner at any time when the holder thereof fails to comply with any rule or regulation under which it was granted, or when, in the opinion of the Commissioner, the public good requires such revocation. No part of a street, other than so alloted shall be used for deposition of materials for work to be done or for receiving rubbish arising from such work, and all such rubbish shall be carried away by the person or persons to whom the permit was granted, at such times as the said Commissioner may direct: and in case of neglect or refusal of such person or persons to remove such rubbish, it shall be removed at their expense by the Commissioner.

§318. When a permit is granted under the provisions of the preceding section, the portion of the street thereby alotted, shall be enclosed with a sufficient fence or barricade which will be

maintained for the whole time during which the occupation of the portion of the street continues, and proper and sufficient red lights shall be kept from the beginning and through the whole of every night during such occupation.

If brick, stone, sand or other materials are placed within the allotted space, they must be so placed as to allow free passage of water in the gutter underneath the same.

§ 319. Whoever, without the permission of the Commissioner, obstructs a street by placing a building therein, or moves a building through or upon a street and whoever aids or assists in so obstructing a street or moving a building, shall be liable to a penalty of not less then TEN ($10) DOLLARS and not more than FIFTY ($50) DOLLARS, and for a like penalty for every twelve (12) hours that such obstruction may continue, or that such building may remain in or upon such street.

§ 320. All applications for removing buildings through the streets of Honolulu shall be made to the Commissioner.

§ 321. Every such application shall state the location of the building proposed to be moved, its length, width, height and the principal material of its exterior sides and its roof; and shall definitely describe the route over which it is to be moved, and the length of time that will be required to move it.

§ 322. No shade trees shall be removed or branches thereof cut off or trimmed in order to facilitate the moving of a building, except by the written consent of the Commissioner; no fire alarm, telegraph or telephone wire shall be cut for said purpose except by the written consent of the Commissioner of Fire Department; and no street lamp or lamp post shall be removed for such purpose except by written consent of the Commissioner.

The owners of electric light, telephone, or telegraph wires shall upon due notice without delay, at their own expense, remove such wires as may obstruct the passage of any building being moved.

§ 323. Frame buildings shall not be removed from one location to another location within the fire limits, but may be moved from a lot located outside the fire limits, provided, however, that a permit shall have been obtained from the Commissioner, as required in section (319) of this Act.

§ 324. All wiring and apparatus for electric light, heat or power shall be in accordance with the rules and regulations of the American National Board of Underwriters.

§ 325. It shall be the duty of the superintendent of the city electric light system to inspect the wiring and apparatus of all electric installations within the city.

§ 326. No system of wiring or apparatus shall receive current and be put into use until the same has been examined as provided in section 325 of this Act and a certificate given by the said Superintendent of the City Electric Light Company that the entire system of wiring and apparatus is in conformity with the requirements of section 324 of this Act.

§ 327. Every person violating any provision of the foregoing sections numbered from 282 to 326 inclusive (relating to the Department of Buildings) shall, unless herein otherwise provided, be punished by a fine of not to exceed one hundred dollars or imprisonment at hard labor not to exceed thirty days.

Departments of Taxes and Assessments.

§ 328. The Commissioner of Taxes and Assessments shall, within fifteen days after his appointment and before entering upon the duties of his office, give to the Treasurer a good and sufficient bond conditioned for the faithful and impartial discharge of his duties according to law, in a sum not less than ten thousand dollars, with two or more sufficient sureties, who shall be residents within the city, and who shall each own within the city unencumbered real estate of the value of not less than ten thousand dollars; and each Commissioner shall take and subscribe an oath before any person authorized to administer oaths, that he will faithfully, honestly and impartially perform and discharge the duties of his office, which oath shall be filed with the City Clerk.

No Commissioner shall enter upon his duties until his bond and oath of office shall have been filed with the City Clerk.

Assessment and Other Dates.

§ 329. January. All property, except growing rice, shall be assessed as of the first day of January in each year.

January 1. All personal and dog taxes shall be assessed as of, and be due and collectable on and after the first day of January in each year.

January 1-31. All personal and dog taxes which shall remain unpaid on March thirty-first of each year shall thereby and

thereupon become delinquent and ten per cent. of the amount thereof shall be added thereto and become due as a part thereof.

May 1. Growing rice shall be assessed as of the first day of May in each year.

July 1-15. The assessment books shall be made up on or before July first, and shall be open to inspection from the first to the fifteenth of July of each year, notice of which shall be given.

July 1-20. In order to be entitled to appeal, any persons desirous and otherwise entitled to appeal from any a ssessment, shall file a notice of appeal at any time from the first to the twentieth of July of the year in which the assessment is made.

August 1-20. The Tax Appeal Court shall sit for the hearing of tax appeals between the first and twentieth of August of each year.

September 1. Tax lists shall be made up by Commissioners on September first, and all property taxes shall be payable on and after September first of each year, but may be received by the Commissioners at any earlier date after assessment.

September 1-November 15. From September 1 to November 15 of each yead Commissioners shall attend at an advertised place for collection of taxes, the advertisement to contain notice that taxes will be delinquent on November 15.

November 15. All property taxes which shall remain unpaid on November fifteenth each year, shall thereby and thereupon become delinquent, and ten per cent of the amount thereof shall be added thereto and become due as a part thereof.

December 1. On the first day of December of each year the Commissioners shall prepare and advertise in some newspaper or post in not less than three public places in each district, the names of all delinquent taxpayers owning property in such district, and the amount due by each.

December 1-30. During December of each year the Commissioner shall advertise for tax returns to be made during the following January.

Cart and Dray Tax.

§ 330. All carts, drays, wagons, brakes, or other vehicles used for the conveyance of freight or merchandise, shall be subject to an annual tax of two dollars each.

Carriage Tax.

§ 331. All carriages, wagons, wagonettes, hearses and omnibusses drawn by one or more horses or mules, and used for the conveyances of persons shall be subject to an annual tax of five dollars each, to be paid by the owner thereof.

Dog Tax.

§ 332. All male animals of the dog kind shall be subject to annual tax of one dollar each, and all female animals of the dog kind shall be subject to an annual tax of three dollars each, to be paid by the owner thereof.

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

§ 333. Upon the receipt of said tax the Commissioners shall number and register the same to the owner, and shall also furnish the owner with a metalic tag for each dog with number and year marked thereon, charging therefor the sum of ten cents, which tag the owner shall attach to the neck of the dog by a collar.

§ 334. It shall be unlawful for any dog that is liable to taxation under the provisions of this Act, to run at large without a collar and tag as herein provided, and the Chief of Police and his deputies, and every member of the police force of the City, are hereby directed to seize every dog not wearing a tag, and to confine it in a suitable enclosure for two days, during which time it shall be subject to redemption by its owner by payment of the tax due, if any, and a penalty fifty cents. All dogs not so redeemed within two days shall be sold by the Chief of Police, for the amount of the tax and penalty due, or as much more as can be obtained therefor, and if not so sold shall be immediately killed. Of the money so received the amount of the tax shall be paid into the Treasury as a city realization, and the penalty of fifty cents shall be retained by the Chief of Police, to defray the expenses of collection, keeping and feeding such dogs.

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

Real and Personal Property Tax.

§ 335. Except as herein provided, all real property and all personal property within the city shall be subject to an annual tax of one per cent. upon the full value of the same.

Definition of Real Property.

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

Definition of Personal Property.

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

Basis of Value for Taxation.

§ 338. All real and personal property and the interest of any person in any real or personal property shall be assessed separately as to each item thereof for its full cash value.

Provided, however, that in all cases where real and personal property, or several classes or kinds or parcels of real or personal property respectively, are combined and made the basis of an enterprise for profit, the combined property forming such basis of such enterprise for profit, shall be assessed as a whole on its fair and reasonable aggregate value.

In estimating the aggregate value of each such enterprise for profit, there shall be taken into consideration the net profits made by the same, also the gross receipts and actual running expenses; and where it is a company being a corporation whose stock is quoted in the market, the market price thereof, as well as all other facts and considerations which reasonably and fairly bear upon such valuation.

In ascertaining the aggregate value of the property constituting an enterprise for profit for the purpose indicated by this section, there shall be excluded therefrom the value of shares, in other Hawaiian corporations, held or owned by such enterprise, and all property on which specific taxes are levied.

And further provided, that when any real estate or house is leased or rented, the sum of eight years' rental thereof shall be the assessment value of such real estate or house, unless such valuation shall be manifestly unfair or unjust.

Interest of Each Person Assessed Separately.

§ 339. The interest of every person in any property shall be separately assessed (except as herein provided in respect to shareholders in or members of companies), and every person shall be liable to taxation in respect of the full value of his interest in such property.

The interest of any person as tenant, lessee or occupier of any real property that is exempt from taxation, or the owner of which is exempt from taxation, shall be assessed to such tenant, lessee or occupier in respect of the value of his interests therein.

Tax a Lien on Property Assessed.

§ 340. Every tax due upon property shall be a lien upon the property assessed; and every tax due upon improvements upon real property assessed to others than the owner of the real property, shall be a lien upon the improvement which several liens shall attach as of September first in each assessment year, and shall continue for two years.

Fire and Marine Insurance Tax.

§ 341. All foreign marine and fire insurance companies carrying on business in the city, shall pay for and in respect of every one hundred dollars received by such companies or their agents respectively, for gross premiums, during the year preceding the assessment of taxes, the sum of one dollar, and such companies shall not be caused to pay any other taxes or duties under this Act.

Insurance Agents' Return.

§ 342. Every agent of such insurance company shall, within

the time precribed by law for taxpayers to make return or statements, deliver to the Commissioners a return showing the amount of gross premiums received by him or his company in or from the city, or any business transacted therein during the year preceding the first day of January of the year of such assessment of taxes. Any agent of any such company failing to make a return as aforesaid shall be guilty of a misdemeanor.

Unknown Owner. Non-Resident.

§ 343. The taxable property of parties or persons unknown and of non-residents for whom no return is made, shall be assessed by the Commissioners to "Unknown Owner" or "Non-Resident," and may be levied upon for all unpaid taxes.

Duties and Lliabilities of Agents, Trustees, Etc.

§ 344. Every agent for any person temporarily or permanently absent from the city, and every trustee, treasurer, executor, administrator or guardian, shall make returns for taxation, and be assessed separately in respect of each property or trust which represents, and shall be chargeable with the tax payable in respect thereof in the same manner as if such property were his own.

Each such assessment shall be kept separate and apart from his individual assessment.

§ 345. Every such agent, and every trustee, treasurer, executor, administrator or guardian, shall be answerable for the performance of all such acts, matters or things as are required to be done by this Act, in respect to the assessment of the property he represent and the payment of taxes thereon, and shall be under and subject to the like penalty or liability for any neglect, refusal or default as though he owned such property. He may recover from any person in whose behalf he is compelled to pay any tax, the amount so paid by him, or may retain out of the money which shall come to him in his representative character, so much, from time to time, as shall be sufficient to pay such tax, and shall be and hereby is indemnified for all payments which he shall make in pursuance of this Act.

Definition of Company.

§ 346. The word "Company" when used in this Act shall mean any corporation incorporated under the laws of the city, or any copartnership consisting of two or more persons carrying on business together.

Company Returns. By Whom Made.

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

Corporation and Partnership Shares Not Taxable to Shareholders.

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

Taxes On Mortgaged Property.

§ 349. The mortgagor of any property shall, in respect of such property, be liable to taxation only on the difference between the whole value of the property mortgaged and the amount of money owing on the mortgage of the property.

Provided, always, that the mortgagor shall append to the statement of the property belonging to him and required by this Act a statement of the date of the mortgage and of the amount secured thereby, and the names of the respective mortgagees.

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

Ten Per Cent. Penalty for Delinquency.

§ 350. If any property taxes shall remain unpaid after the fifteenth day of November in any year, ten per cent. of the

amount of such taxes shall be added by the Commissioners at said date, and shall become and be collected as part of such taxes.

§ 351. If any personal taxes or dog tax shall remain unpaid after the 31st day of March, ten per cent. of such taxes shall be added to the amount of such taxes at said date by the Commissioners, and shall be collected as part of such taxes.

Persons Exempt from Taxes.

§ 352. The following persons shall be exempt from personal taxes. All clergymen of any Christian denomination regularly engaged in their vocation.

§ 353. The Commissioners may, in their discretion, exempt from the payment of personal taxes, or any part thereof, any infirm or indigent person to whom the payment of such taxes would appear to be a great hardship because of their infirmity and poverty.

Property Exempt From Taxes.

§ 354. The following property shall be exempt from taxation:

Real and personal property belonging to the City; to the Department of Public Instruction; to incorporated or private schools and in actual use of such schools; to the Queen's Hospital; to religious societies and in the actual use of such societies, the land of such societies exempt from taxation being limited to church sites and burying grounds, such site and burying grounds not to exceed five acres in extent, and the Kapiolani Maternity Home.

Three Hundred Dollars Exemption.

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

And further provided that no exemption shall be allowed from the property of corporations, companies or non-residents.

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

Treasurer to Furnish Blanks, Etc.

§ 356. The Treasurer shall furnish to the Commissioners all necessary books, blanks, receipts, stationery and dog tags.

Commissioner of Public Works to Furnish Maps and Tags.

§ 357. For the purpose of assisting the Commissioners in arriving at a correct valuation of the property within the City, the Commissioner of Public Works is hereby directed to cause to be forwarded to the Commissioners at the end of each quarter an abstract of the conveyances and leases of real estate situated in the City, which shall have been entered for record at the registry of conveyances during such quarter. He shall also from time to time, cause to be prepared for the use of the Commissioners detail maps, so far as the material is available, of the City, showing original titles and areas, and, so far as possible, all present titles. He shall also each year furnish the Commissioners with a certified copy of the annual corporation exhibits of all corporations owning property in the City which are each year filed in the office of the City Clerk.

The Commissioners' Maps and Records Open to the Public.

§ 358. It shall be the duty of the Commissioners to gather and tabulate under appropriate heads and in proper books, all information necessary or proper for the ascertaining of values of property in the City, such information and all maps and records made, obtained or received by the Commissioners shall be public record, and in case of their death, removal or resignation, shall immediately pass to the care and custody of their successors; such information and all maps and records connected with the assessment and collection of taxes shall, during business hours, be open to the inspection of the public.

The Commissioners' Notice of Time and Place of Assessment.

§ 359. It shall be the duty of the Commissioners to give public notice during the month of December of each year, by written or printed advertisement or posters, to the taxpayers of the City, fixing a time and place the month of January following of each year, at which such taxpayers shall render to

the Commissioners a statement, list or return of all property, real or personal, belonging to them or of which they had possession or control on the first day of January of that year, and of all animals subject to taxation in their possession on that day, and of all persons in their employ on that day.

Notice of Assessment on Unreturned Property.

§ 360. The Commissioners shall at any time add to their assessment or tax list, any personal property heretofore omitted, notice thereof shall be given to the owner, if known, within ten days after such addition; and any such notice addressed to him at the place in which he resides and sent by mail, postage prepaid, shall be a sufficient notice.

Notice of Increase of Assessment to Non-Residents.

§ 361. In case the Commissioners shall raise the valuation of anyproperty abovethe value stated in the assessment return herein provided for, made by any non-resident, or shall refuse to allow a claim for exemption made by such non-resident, the Commissioners shall, on or before the first day of July in each year, send a written notice by depositing the same in the Post Office, postage prepaid, addressed to the last known place of residence of such non-resident, describing the property, the valuation of which has been so raised, and stating the proposed assessment thereof; or stating the exemption refused, as the case may be.

Right of Examination for Purpose of Taxation.

§ 362. For the purpose of property assessing and listing property for taxation, the Commissioners shall each have the right and power:

To inspect and examine the records of all public offices without charge.

To enter, after making known their intention to the owner or occupant thereof, and examine, so far as necessary to ascertain their value, all buildings, premises or property whatsoever, except dwelling houses.

To examine under oath any person or persons who they may suppose to have a knowledge of property liable to taxation, or in whose hands money or property may be on deposit.

The Commissioners May Administer Oath.

§ 363. The Commissioners shall have power to administer all oaths or affirmations required to be taken or administered under this Act.

§ 364. The Commissioners shall make a full,true and complete assessment of all persons, companies and property in the City, liable to taxation in each district, and shall make an alphabetical list of all such persons and companies and the personal and property taxes assessed to each.

The personal property may be in gross and the real property in parcels and lots, with a description as far as practicable.

§ 365. In each year on or before the first day of September, the Commissioners shall, after making such changes as shall be ordered by any court having jurisdiction, so to do, make a copy of the assessment of the City, which shall be signed and sworn to by them and shall be filed with the Treasurer. Such list shall be the list in accordance with which taxes shall be collected. No changes in or additions to such assessment shall thereafter be made, except to add thereto property or taxes that may have been omitted therefrom.

Collection of Taxes.

§ 366. The Commissioners shall collect all taxes in the City, according to the assessment or tax list or books and supplemental lists or books herein provided for. They shall duly and accurately account to the Treasurer for an honest, impartial and proper assessment; for the collection and the amount of taxes according to the assessment and tax lists and supplemental lists, and shall be liable and responsible for the full amount of such taxes assessed, unless they shall under oath account for the non-collection of the same to the full satisfaction of the Treasurer. They shall, from time to time, pay over to the Treasurer all taxes collected, at such times as the Treasurer shall direct.

§ 367. The Commissioners shall, between the first of September and the fifteenth of November of each year, for the convenience o ftaxpayers, attend at their office from 9 a. m. to 4 p. m. daily, except on Saturday when they may close their office at 1 p. m. for the collection of taxes.

Public notice of the time or times, place or places of such attendance and the object thereof shall be giv-

en by advertisement in a weekly newspaper or newspapers, and by posting a notice of the same in at least three conspicuous places. Such notice shall also contain a statement that all taxes not paid by November fifteen will be delinquent and subject to a penalty of ten per cent. additional, and that the delinquent tax list will be published on or after December first following.

Each taxpayer shall pay all property taxes due by him, to the Commissioners, on or before the fifteenth day of November of the year in which they are assessed, and no other notification or demand than that herein provided for shall be required or necessary.

No notice need be published and no demand for payment shall be necessary concerning the payment of taxes, except as hereinafter set forth.

Publication of Delinquent Tax List.

§ 368. As soon after December first of each year as practicable the Commissioners shall publish in one weekly newspaper, once a week for four successive weeks, or by public poster, the names of the delinquent taxpayers and the amount assessed taxes and penalties remaining delinquent by each such taxpayer.

The amount of taxes and penalties unpaid by each delinquent need only be stated in the aggregate.

Such list shall be certified to and signed by the Commissioners. Such list may be published either in the body of such paper or as a supplement.

The Commissioners shall also cause a copy of such list to be posted in at least eight public and conspicuous places in the City.

The sum of fifty cents shall be added to each delinquent tax assessed and published, as costs, and shall be collected by the Commissioners as a part thereof.

Enforcement of Delinquent Taxes.

§ 369. If any tax be unpaid when due, the Commissioners may proceed to enforce the payment of the same, with all penalties as follows:

1. By distress upon so much of the goods and chattels of the delinquent taxpayer as they may deem sufficient to satisfy the pay-

ment of the taxes due and interest thereon from the date when the same became due and all penalties and costs and expenses of such distress.

2. By suit or action in assumpsit, in their own names on behalf of the City, for the amount of taxes, penalties and costs and interest, in the District Court, irrespective of the amount claimed. Execution may issue upon any judgment rendered in any such suit, which may be satisfied out of any real or personal property of the defendant in such suit, without other or further authority.

Procedure Upon Distress for Taxes.

§ 370. Distress of goods and chattels for taxes shall be effected by seizure and sale of personal property of the delinquent taxpayer. The Commissioners shall take possession of and keep such destrained property until the sale.

After taking possession, the Commissioners shall sell the property at public auction after giving five days' public notice of the time and place of such sale by advertisement in a newspaper.

Such sale shall take place within ten days after seizure, except that one continuance may be had not to exceed one week.

Sufficient property shall be sold to pay all taxes, penalties, costs and charges.

On payment of the price bid for any property sold, the delivery thereof, with a bill of sale from the Commissioners shall vest the title of such property in the purchaser. No charge shall be made for such bill of sale. All surplus money received upon any such sale after the payment of taxes, penalties, costs and expenses, shall be returned to the owner of the property sold, and until claimed shall be deposited in the Commissioners' office subject to the order of the owner.

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

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

Procedure Against Unknown or Non-Resident Delinquents.

§ 371. In all cases where taxes assessed to persons unknown,

or to non-residents of the division, are delinquent and unpaid when due, action may be brought for such taxes and penalties thereon, and the defendant may be named as unknown or by name if known and a non-resident as the case may be, in any such case it shall be a good and sufficient service of summons binding on all parties in interest, if, under the order of the District Court, the title and substance of the action and summons, including a return day, and calling on all parties in interest to appear and defend shall be published in some weekly newspaper of the Territory for three consecutive weeks, and the District Court is hereby given jurisdiction to order such service.

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

Police Must Assist Commissioners.

§ 372. The Commissioners when resisted or impeded in the exercise of their office may require any officer of police to aid them inthe discharge of their duties, and if any such officer shall refuse to render such aid he shall be deemed guilty of a misdemeanor.

Time of Assessment.

§ 373. Property shall be assessed each year, with reference to the quantity and value of the same on the first day of January of such year, except as by this Act otherwise provided.

Tax Return.

§ 374. Each person liable to pay taxes and every owner or possessor of any property, real or personal, whether entitled to exemption or not, shall in the month of January of each year give in to the Commissioners a written or printed taxation return signed and sworn to by him, enumerating the following facts:

1. The description, situation and value of the real and personal property subject to taxation belonging to such person, including moneys deposited with trustees, agents or other persons of every kind and from every source, or of which such person had the possession, custody or control on the first day of January then being or immediately preceding.

2. All leases, mortgages, incumbrances and charges secured thereon respectively, with the names and residences of the persons to whom such leases, mortgages, incumbrances or charges are made or owing.

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

4. The names and nationalities of all persons subject to taxation in the employ of each person on the first day of January.

§ 375. If any of the property by this Act directed to be returned shall consist of real and personal property or several classes or kinds or parcels of real or personal property, respectively, which are combined and made the basis of an enterprise for profit, the person making the return shall give a detailed description of such property and state the aggregate value thereof, taking into consideration the net profits made by the same, also the gross receipts and actual running expenses, and where it is a company, being a corporation whose stock is quoted in the market the market price thereof, as well as all other facts and considerations which reasonably and fairly bear upon such valuation.

He shall state what if any, the net profits as well as the gross proceeds and actual running expenses of such enterprise have been during the twelve months next preceding; and if known, what sale or sales of stock or other interest in such enterprise have taken place during the twelve months next preceding, giving the name of the person selling, the person buying, the number of shares or proportion of interest sold upon each sale; and, when known, the purchase price thereof.

POLL TAX.

Penalty for Failure to Make Return.

§ 376. If any person shall refuse or neglect to make said return, or shall decline to take oath to the accuracy thereof, the Commissioners may make such assessment according to the best information within their reach, and the same shall be binding and conclusive upon all parties, and shall not be subject to appeal.

Public Inspection of Assessments.

§ 377. It shall be the duty of the Commissioners to have the tax list at their office on all days except Sunday, between the first

day of July and fifteenth day of July of each year, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon which tax list shall during such times be open for the in spection of all persons liable to taxation in the City without fee or reward.

Written or printed notice of such places shall be given by advertisement in a weekly newspaper, and by posting a notice at at least eight conspicuous places in the city, of the time and places at which such tax lists shall be open for inspection.

§ 378. An annual tax of one dollar shall be paid by every male inhabitant of the said City and County of Honolulu between the ages of twenty-one and sixty years unless exempted by law.

§ 379. An annual tax of two dollars for the support of the public schools of the Territory, shall be paid by every male inhabitant of the said City and County of Honolulu between the ages of twenty-one and sixty years unless exempted by law.

§ 380. An annual tax of two dollars to be called and known as the Street and Improvement Tax shall be paid by every male inhabitant in the said City and County of Honolulu between the ages of twenty-one and sixty years unless exempted by law.

§ 381. All personal taxes and dog tax shall be due and payable on and after the first day of January in the year in which they are assessed. All other taxes shall be due and payable on and after the first day of September in each year.

INCOME TAX.

§ 382. From and after the first day of January, A. D. 1902, in adidtion to the taxes that may be levied and assessed, under the provisions of this Act there shall be levied, assessed, collected and paid annually upon the gains, profits and income derived by every person over the age of twenty-one (21) years residing within the said City and County of Honolulu from all property owned and every business, trade, profession, employment or vocation carried on in and every office held under the Government of the Territory of Hawaii when the holder shall reside in the said City and County of Honolulu a tax of onefourth per centum on so much of such gains, profits and income of such person as shall exceed the sum of five hundred ($500.00) Dollars.

When such gains, profits and income shall be derived from property owned, business, trade, profession, employment or vocation carried on, inthe City and County of Honolulu.

§ 383. A tax of 1-4 per centum shall also be levied, assessed, collected and paid annually upon the gains, profits and income derived by every corporation having its office and place of business in the City and County of Honolulu from all property owned and every enterprise, business, trade, or employment carried on in the City, wheresoever the said corporation may have been organized or created, provided, however, that nothing herein contained shall be construed to apply to corporations, companies or associations organized or conducted solely for charitable, religious, educational or scientific purposes, including fraternal, beneficiary societies, orders or associations operating upon the "Lodge System" and providing for the payment of life, sick, accident or other benefit to the members of such societies, orders or associations and dependence of such member, nor to insurance companies taxed on a per cent of premiums under authority of any other act nor to the income from stocks, shares, funds, securities or other property held by any fiduciary or trustee for any charitable, religious, educational, scientific or any other purpose.

§ 384. The tax herein imposed shall be assessed by the Commissioners and collected and paid annually upon the gains, profits and income for the year ending the 31st day of December next preceding the time for assessing the same.

§ 385. In estimating the gain, profits and income of any individual or corporation there shall be included all income derived from interest upon notes, bonds and other securities except such bond the principal and interest of which are by the law authorizing their issuance exempt from all taxation; profits realized within the year from sales of real estate including leaseholds for any term purchased within two years previous to the close of the year of which the income is estimated, dividends upon the stocks of any corporation whether or not the same is liable to taxation under this Act; interest received or accrued upon all notes, bonds, mortgages or other forms of indebtedness bearing interest whether paid or not if good and collectable; all premiums upon bonds, notes or coupons, profits accrued from partnership and other joint interest whether the same have been actually divided or not; the amount of sale of personal property less the amount

expended for the purchase or production of the same; profits derived from vessels owned in the City and County of Honolulu or elsewhere, fees and salaries, money and the value of all personal property acquired by gift or inheritance except gifts and inheritances otherwise taxed as such and all other gains, profits and income from whatsoever source derived.

§ 386. In computing incomes, the necessary expenses actually incurred in carrying on any enterprise, business, trade, profession, employment or vocation, or in managing any property, including interest due or paid within the year on existing indebtedness, and taxes and license fees paid to the Government and dividends received on stock from any corporation liable to taxation under this Act shall be deducted from the receipts from such enterprise, business, trade, profession, employment, vocation or property; also all losses actually sustained during the year incurred in trade or arising from fires, storms or shipwreck, and not compensated for by insurance or otherwise; losses on sales of real estate purchased two years; and debts ascertained, during the year, to be worthless; Provided that no deduction shall be made by any individual or corporation for any amount paid out of the annual receipts for new buildings, enlargement of plant, permanent improvements or constructions, or any other investment. Nor shall any deduction be made for amounts carried to the account of any reserve or sinking fund.. Nor shall any deduction be made by any corporation for amounts paid or payable to, distributed or distributable among shareholders by way of dividends or otherwise.

Provided also, that where allowable herein, only one exemption of fifteen hundred dollars shall be made in the aggregate income of all the members of any family, composed of one or both parents and one or more minor children, or husband and wife; and that guardians shall be allowed such exemption in favor of each and every ward, except in cases where two or more wards are comprised in one family and have joint property interests, the aggregate exemption in their favor shall not exceed one thousand dollars.

§ 387. It shall be the duty of every individual of lawful age having income of five hundred dollars or more for the taxable year from all sources, computed on the basis herein prescribed, and of every corporation liable to the tax herein imposed, to make and render a return of the amount of his or its gains, profits and

income as aforesaid; and every such corporation shall include in its return a statement of the following matters for the year ending the day last preceding the date of such return.

First: Amount of cash on hand at the beginning of the year.

Second: The gross receipts from sales made at home and abroad and from all business of whatever nature.

Third. The expenses of such corporation for the year.

Fourth. The net profits for the year.

Fifth. The amount of dividends paid during the year and to whom paid.

Sixth. Amount of cash on hand at the end of the year.

Seventh. The name and address of each employee receiving salary of more than five hundred dollars a year, and the amount paid to each. All guardians, trustees, executors, administrators, agents, receivers, and every individual and corporation acting in any other fiduciary capacity, shall make and render a return of the amount of the income of each person for whom they act where the same exceeds the sum of one thousand dollars for the taxable year.

§ 388. Every such return shall be rendered to the Commissioners when such individual or corporation resides in the City and County of Honolulu or carries on any enterprise, business, trade, profession, employment or vocation, between the first and fifteenth day of March in each year; it shall be in such form as may be approved by the Commissioners, and shall be verified by the oath or affirmation of the individual or officer or agent of the corporation, rendering the same.

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§ 389. When any individual or corporation whose duty it is to make and render a return as aforesaid shall neglect or refuse to render the same within the time and in the manner and form herein provided, the Commissioners shall make; accordingly; and the assessment so made shall then be the lawful assessment of such income, except as herein provided.

§ 390. When any such individual or corporation shall render any return which the Commissioners have reason to believe is false or fraudulent, or contains any understatement or is otherwise incorrect the Commissioners shall summon such individual or any officer or agent of such corporation, or any person having the possession, custody or control of any papers or books containing entries relating to the business of such individual or corporation, or any other person he may deem proper, wherever

residing or found, to appear before them at a time and place named in the summons, and to produce such books and papers and answer interrogatories under oath respecting the gains, profits and income of any such individual or corporation. And if upon investigation it shall appear that any return is in fact false, fraudulent or wilfully made incorrect or understated; or if such individual or any officer or agent of such corporation shall neglect or refuse to obey such summons or to answer such interrogatories; the Commissioners shall make, according to their own information and belief, an estimate of the income of the individual or corporation rendering such return, then add fifty per centum thereto as a penalty, and the assessment so made shall then be the lawful assessment of such income, except, as herein provided; but if it shall appear that the error in any return was made unintentionally the individual or corporation rendering it shall be allowed to correct it without incurring any penalty. Provided, however, that no individual or corporation failing to make a return shall be assessed, nor shall the amount of any return be increased, nor any penalty be assessed upon any individual or corporation except after notice, to be given by the the Commissioners not later than the fifteenth day of July of the time and place of hearing, so as to give such individual or corporation an opportunity to be heard. Such notice shall be in writing and shall be served on the individual or any officer or agent of the corporation charged. A notice addressed to the last known place of business or abode of the individual or corporation and deposited in the Post Office at least seven days prior to the date of hearing, postage prepaid, shall be sufficient service of notice for this purpose.

§ 391. Any individual or corporation feeling aggrieved by the action or ruling of the Commissioners in such cases may appeal to the Tax Appeal Board constituted under this Act by filing with the Commissioners on or before the 20th day of July of each year a notice in writing of his or its desire to appeal, and of the grounds of appeal, and depositing therewith the sum of five dollars for the costs of such appeal.

§ 392. The tax so imposed shall be due and payable on the 1st day of September in each year; and to any sum or sums unpaid on the fifteenth day of November there shall be levied in addition, as a penalty, the sum of ten per centum on the amount

so remaining unpaid, which penalty shall thereupon become part of the tax.

§ 393. Every tax upon the income of any individual or corporation shall be a lien upon all property belonging to such individual or corporation, and the same shall attach as of the first day of September in each year and shall continue for two years. Any such lien may be foreclosed at any time fithin said period by the Commissioners by suit in equity in the name of the City and County of Honolulu or as otherwise provided in this Act.

§ 394. The payment of any tax upon the income of any individual or corporation may all be enforced by the Commissioners at any time after the same has become due, with all penalties and costs, by action in the name of the City and County of Honolulu in any Court having jurisdiction, irrespective of the amount claimed; and execution may issue according to law upon the judgment rendered in any such action. Service of summons upon non-residents of the City may be made by publication of a copy thereof by order of any Court having jurisdiction together with notice to all parties in interest to appear and defend at the time and place therein named. Such publication shall be made in some newspapers, published in the City in the English language, at least once a week for three consecutive weeks; and the said Courts having jurisdiction are hereby given authority to order such service. All such actions shall be heard and determined and judgment may be rendered and execution issued in the same manner as though personal service had been obtained.

§ 395. In case the Commissioner shall raise the valuation of any property above the value stated in the assessment return herein provided for, or shall refuse to allow a claim for exemption, such Commissioner shall on or before the first day of July in each year, send a written or printed notice by depositing the same in the Post Office, postage prepaid, addressed to the last known place of residence of the person making the return or claiming the exemption, describing the property the valuation of which has been so raised, and stating the proposed assessment thereof, or stating the exemption refused, as the case may be.

Neglect to Make Return.

§ 396. If any person shall refuse or neglect to make any re-

turn required by this Act, or shall decline to take oath to the accuracy thereof, the Board of Assessors may make such assessment according to the best information within their reach, and the same shall be binding and conclusive upon all parties, and shall not be a subject to appeal.

Notice of Appeal.

§ 397. Any person whose name may appear on such tax list, fore provided, and, if entitled to exemption, shall have claimed such exemption, and who may deem himself aggrieved by any change made by the Commissioners in the valuation of the property as returned; or in the amount and character thereof, or whereby the amount payable by such persons is increased bepony the amount which would be payable by him according to such return; or whose claim for exemption shall not have been allowed, may appeal from such assessment on lodging with the Commissioners on or before the 20th day of July a notice thereof in writing, stating the grounds of his objection to the assessment or to any part thereof, and depositing therewith the costs of such appeal, and thereupon an appeal shall lie to the Tax Appeal Board hereinafter provided for.

Costs .

§ 398. When hte exemption or reduction claimed from the tax list shall amount to two dollars and under, the costs to be deposited shall be twenty-five cents; over two dollars and up to five dollars and fifty cents; and fifty cents for every additional five dollars or portion thereof, of exemption or reduction claimed.

Certificate of Appeal.

§ 399. On receiving the amount of costs and the statement of appeal the Commissioners shall grant to the person appealing a certificate in substance in the form following:

City and County of Honolulu.

This is to certify that ..... of this City is assessed for the year 19.. as follows:

Value real estate	$.....
Value personal property	.....
Dog tax	.....
Cart, dray and carriage tax	.....
Poll, school and road tax.....	.....
Income Tax.....	.....
Total	$.....

That he disputes the following items of such assessment, viz.:

Real property	.....
Personal property	.....
Dog tax	.....
Cart, dray and carriage tax	.....
Poll, school and road tax.....	.....
Income Tax.....	.....
Total amount dispute	$.....

And has duly appealed from such assessment.

That I have received on deposit the sum of $..... for the cost of this appeal.

Dated ....., 19...

.....

Commissioners.

Tax Appeal Board.

§ 400. Three suitable persons shall be appointed by the Mayor, by and with the consent of the Board of Aldermen, to hold office for one year, who shall constitute a Tax Appeal Board to hear and determine all appeals and objections duly taken under this Act in said City and County. Provided, however, that no member of the Board of Aldermen or officer of the City and County or the Commissioners shall be liable to such appointment.

To constitute a quorum of such Tax Appeal Board it shall be necessary that the chairman thereof and one other member shall be present. The decision of the Board or a majority of its members shall be final and conclusive, except as hereinafter

provided, and a copy of such decision shall be given to the Commissioners and to the appellant.

The Commissioners shall alter or amend the taxation list and copy thereof in conformity with the decision of the Tax Appeal Board.

Power of Tax Appeal Board.

§ 401. In respect to the summoning and examination of witnesses and the production of papers and documents, and the punishment for contempts and of carrying on the business of the Board, such Tax Appeal Board shall have all the powers and authority of a Judge of the Circuit Court at Chambers.

Said Board shall hold sittings in the City and County between the first day of August and the 20th day of August in each year, at such times and places as the presiding officer thereof shall appoint, and may adjourn from time to time as may be necessary.

§ 402. The members of the Tax Appeal Board shall each receive and be paid out of the Treasury of the City and County, compensation for their services at the rate of not exceeding $5.00 per day for each day's actual attendance, and their actual traveling expenses.

Taxation of Costs.

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

Appeal to Supreme Court.

§ 404. If the Tax Appeal Board shall reduce the valuation of any property below the valuation placed thereon by the Commissioners;

Or shall value the property at a greater valuation than that placed thereon in his tax return by the person making the return thereof;

The Commissioners or the tax-payer as the case may be, may at any time within twenty days appeal to the

Supreme Court of the Territory from such decision of such Tax Appeal Board, by filing a notice of appeal, and if the appellant is the taxpayer, depositing with the Chairman of the Tax Appeal Board the sum of $100.00, or file in lieu there of a bond with sufficient surety to the Clerk of said Supreme Court in said sum of $100.00, conditioned to pay all costs of such appeal in case the same is not sustained.

Certificate of Appeal to Supreme Court.

§ 405. Upon any appeal being perfected as aforesaid, the Chairman of the Tax Appeal Board from which such appeal is taken shall immediately certify up to the Supreme Court of the Territory the record of all proceedings had before such Tax Appeal Board, in and concerning such cause, in which certificate there shall be set forth:

(1). The valuation of property in dispute claimed, by the Commissioners;

(2). The valuation placed thereon by the Tax Appeal Board;

(3). The valuation placed thereon and claimed by the taxpayer.

Such certificate shall be accompanied by a copy of all the evidence taken before the Tax Appeal Board and the decision of such Board in such cause.

Evidence on Appeal to Supreme Court.

§ 406. Upon any appeal to the Supreme Court under the provisions of this Act, the evidence taken before the Tax Appeal Board in connection with such appealed cause, shall be considered by the Supreme Court, and it may also in its discretion allow further evidence to be introduced by either party.

Costs on Appeal to Supreme Court.

§ 407. Th ecosts of any such appeal to the Supreme Court to be paid by the taxpayer if the decision of such Court is against him, shall be the same as in other appeals to the Supreme Court.

No costs shall be assessed to or payable by the Assessor.

If the decision of such Court is in favor of the taxpayer, he shall not pay any of the costs of such appeal.

Set

Tax Records Are Prima Facie Evidence.

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

Assessment Not Invalidated by Informality.

§ 409. No asessment or act relating to the assessment or collection of taxes shall be illegal or invalidated by such assessment or collection, on account of mere informality, nor because the same was not completed within the time required by law.

Jurisdiction of District Court.

§ 410. The several District Courts shall have jurisdiction to try and determine misdemeanors arising under this Act, and all complaints for the violation of any of the provisions of this Act, and to impose any of the penalties therein described, and shall also have jurisdiction to hear and determine all civil actions, suits and proceedings for the collection and enforcement of collection and payment of all taxes assessed hereunder, notwithstanding the amoutn claimed.

Department of Public Instruction.

§ 411. The Mayor, by and with the approval of the Board of Aldermen shall appoint one competent person from each ward and one person from the City at large as hereinbefore provided to serve as commissioners of public instruction. They shall be divided into three classes of three commissioners in each class who shall be commissioned for the term of one, two and three years, respectively; and as such commissioners shall expire the vacancy shall be filled by appointments for terms of three years so that there shall be a continual succession of such classes, one class going out of office each year. In case of a vacancy among the commissioners from any cause other than the expiration of the tenure of office, such vacancy shall be filled by appointment as

aforesaid and the term of office of such commissioners shall be for the remainder of the term to which his predecessor was appointed.

§ 412. No person in holy orders or a minister of religion shall be eligible as a commissioner. Women shall be eligible to be appointed as commissioners; provided, however, that not more than three shall hold commissions at one time. All commissioners shall serve without pay.

§ 413. They shall be the board of public instruction and a majority shall be a quorum for the transaction of business. They shall annually elect their own officers and appoint their own committees.

§ 414. The president shall preside at all meetings at which he may be present and in his absence the commissioners may choose one of their number to act as president pro tem.

§ 415. The president shall sign all drafts for the payment of moneys, all commissions and appointments, all deeds, official acts or other documents of the department. He shall, not later than the last Wednesday in February of each year present to the Mayor a full report of the principal transactions within his department during the yearending December thirty-first last preceding, together with such recommendations as he may think proper.

§ 416. The department may adopt rules and regulations not contrary to existing laws for the government of all teachers and pupils and its officers, agents, and servants and for the carrying out of the general scheme of education and for the transaction of its business which when approved by the Mayor and published shall have the force and effect of law.

§ 417. The department shall maintain an office at the expense of the city which shall be open for the transaction of business every day except Sundays and holidays.

§ 418. The department shall adopt a seal, the impression of which shall be necessary to authenticate all of its appointments, commissions, final acts of the nature of record and all other documents issued by it.

~~Sec. — The departments shall cause all its proceedings, do-~~

§ 419. The departments shall cause all its proceedings, do-time be filed in the archives of the department. A certified copy of such record or any portion thereof when signed by the president and attested by the secretary under the seal of the department shall be competent evidence of all it contains in any court.

§ 420. The department may from time to time appoint and remove such officers, agents and servants as may be necessary for the carrying out the purposes of this Act and regulate their duties, powers and responsibilities when not otherwise provided by law.

§ 421. For the purpose of supervision and instruction the department shall appoint a superintendent of public instruction to hold office during its pleasure, provided, however, that no person in holy orders or a ministter of religion shall be eligible to fill such office.

§ 422. It shall be the special duty of the superintendent of public instruction to make frequent tours of the respective schools to examine into their condition, to inform school officers and teachers of their several duties and to foster generally an interest inthe cause of education. The superintendent may, with the approval of the department have the power of appointment and dismissal of school teachers; the arranging and re-arranging of studies to be pursued; and the prominence to be given to any particular branch of learning; to examine the books, vouchers and accounts of the various schools, agents and local school committees; to hold examinations for the purpose of determining the qualifications of persons desiring to serve as school teachers; to give certificates of approval to those found competent and to do and perform all other matters and things entrusted to his care by the department. He shall report in writing a distinct statement to the department of all acts and duties performed by him; all of which shall be subject to approval or disapproval by the department.

§ 423. The secretary of the department shall record the doings and transactions of the department; take minutes of all its meetings noting the same in a book of record; keeping the minutes of the meetings of the various committees if so requested; carry on the necessary correspondensce; and keep a true and accurate account of all the financial transactions of the department; and to do and perform all other acts and things as may be required of him by the department. He shall have the custody of and the responsibility for the safe keeping of all books, vouchers, and other documents and all other property of the department kept at its general offices.

§ 424. All schools shall be presided over by qualified teach-

ers. If there shall be more than one teacher in any public school, one of them shall be designated by the department as principal.

§ 425. The salary of the various teachers, servants and officers not especially provided by law, shall be such as may be from time to time allowed by the Department.

§ 426. All schools established and maintained by the department in accordance with law, are public schools. All other schools are private schools.

§ 427. The department shall take entire charge and control and be responsible for the conduct of all affairs appertaining to public instruction. The department is authorized to establish and maintain schools for secular instruction, at such places and for such terms as in its discretion it may deem advisable and the funds at its disposal may permit. The department shall regulate the course of study to be pursued in all grades of public schools, and classify the mby such methods as it shall deem proper. Such schools may include normal schools, high schools, kindergarten schols, schools for technical instruction, boarding schools, evening as well as day schools. The department may also maintain classes for normal, technical and other instruction in any school where there may not be pupils sufficient in number to justify the establishment of separate schools for such purposes.

§ 428. Any person desiring to establish a private school, shall make an application in writing to that effect to the school superintendent in which it is desired to establish such school, which application shall be accompanied by a memorial from the parents and guardians of the children intending to attend such school, stating that the applicant is the person of their choice for a teacher of their children. If the applicant possesses the necessary qualifications to become a teacher of the school proposed, the department shall issue a permit authorizing the establishment of such school.

§ 429. Every private school shall be subject to the supervision of the department. It shall be the duty of the department to require that teachers of private schools be persons of good moral character; and that the premises of such schools comply with the rules and regulations of the department, as from time to time promulgated with regard to sanitary conditions and hygiene.

§ 430. There shall be no charge for tuition in any public school; provided, however, that the department may in its dis-

cretion establish, maintain and discontinue select schools, taught in the English language, at a charge or such tuition fees for attendance as it may deem proper; provided, however, that such select schools shall be established only in places where free schools of the same grade for pupils within the compulsory age are readily accessible to the children of such district.

§ 431. The attendance of all children between six and fifteen years of age, both inclusive, at either a public or private school is obligatory. And it shall be incumbent upon all parents, guardians and others having the responsibility and care of children of such ages, to send them to such school. Provided that such attendance shall not be compulsory in the following cases, but in no others:

First. Where there is no school in the school district where such child resides, and the distance to the nearest school exceeds four miles.

Second. When such child shall be physicially or mentally unable to attend school, of which fact the certificate of a duly qualified physician shall be evidence.

Third. When a competent person is employed as tutor in the family wherein such child resides, and proper instruction is hereby imparted.

Fourth. Where any child of not less than the age of thirteen years shall have passed the required examinations of both Primary and Grammar school grades, as such requirements shall from time to time exist.

§ 432 No person within school age shall be considered as complying with the law as to attendance, who shall attend a private school which does not comply with the requirements of this Act.

§ 433. Authority is hereby granted to the department to transfer to the general government all its property, real, personal or mixed, reserving, however, the management and control of all church sites, school sites and school buildings, furniture and appliances.

§ 434. Whenever a site for a school house or land for other educational purposes as provided by law shall be required and the same can be located upon public land, the commissioner of public works, upon the recommendation of the department and approval of the Board of Aldermen may set apart sufficient land for such purpose without compensation; and thereupon the com-

missioner of public works shall be relieved from all further responsibility or liability in regard to the premises so set apart.

§ 435. The English language shall be the medium and basis basis of instruction in all public and private schools, provided that where it is desired that another language shall be taught in addition to the English language, such instruction may be authorized by the department, either by its rules, the curriculum of the school or by direct order in any particular instance. Any schools that shall not conform to the provisions of this section shall not be recognized by the department.

436. The department may establish and maintain one or more Teachers' Conventions or Institutes, or it may authorize and permit their establishment by and among its teachers, and may direct and authorize the attendance of teachers thereat, as a part of their duties, and may permit the closing of schools at specified limited times in order to permit their attendance at such conventions or institutes.

§ 437. The department shall furnish all necessary books and stationery required for the use of pupils in their respective grades, charging therefor their cost price. All pupils must be supplied by their parents or guardians, or other persons having the custody orcare of such pupils, with books and stationery requiste for their use. And in case pupils shall not be so supplied, the teacher of the school may furnish such books and stationery, and require the parents or guardians to make payment therefor. If such payments shall not be promptly made he shall notify the Commissioners of Taxes of the City, who shall enter the amount due as a portion of the tax to be collected of such parents or guardians, and the payment of such amount, together with interest and costs, shall be enforced as in the case of delinquent taxes. In cases of extreme poverty, the cost of all books and stationery may be remitted by the department, provided than in such cases the use only of such books shall be authorized, and when the pupils shall have finished the use of the same, the books shall be returned to the teacher.

§ 438. If any child of school age shall persist in absenting himself from school, any district magistrate shall, upon proper complaint being made by the school teacher, or any other officer or agent of the department, cause the father or the mother, guardian or other person having the charge of such child, to be summoned to appear before such magistrate, and upon its being

proved that the person responsible for the child had not used proper diligence to enforce the child's regular attendance at school, such responsible party shall be fined by the magistrate in a sum not exceeding five dollars, and in default of payment thereof, such person shall be imprisoned at hard labor for a term not to exceed ten days. In case the child shall prove the offending party, the magistrate shall send him to a reformatory or industrial school for a term not less than six months or more than two years, or otherwise sentence him to a fine not exceeding two dollars, or imprisonment for a term not exceeding five days. Provided, however, that the provisions of this section shall not apply to any child not liabl to compulsory attendance at schoo.l

§ 439. Any teacher shall have power to administer necessary and reasonable punishment upon any pupil while in attendance at school, and shall not in any way be held responsible therefor.

§ 440. The department may furnish books, stationery and other school supplies at a price sufficient to cover cost, including interest, to private schools or pupils therein, or to other persons for educational purposes.

§ 441. All monies received for the sale of books, stationery and supplies shall from time to time be paid over to the treasurer with a definite statement of what they represent.

§ 442. The superintendent shall from time to time draw drafts upon the department to pay salary of school teachers and other employees and for the payment of such expense for repairs and improvements of school property as shall be authorized. In the drawing of drafts, payment of school teachers and other employees of the department and in attending to other financial interests of the department, the superintendent shall observe and perform such rules and regulations as may be from time to time adopted by the department.

§ 443. The superintendent shall, under the direction of the department have charge and control of all property of the department; he shall attend to the preservation and care of all buildings in order that the same may be preserved from injury and decay; and when occasion requires shall call the attention of the department to such steps as seem necessary to that object.

§444.

~~Sec.~~ Whenever the parents or guardians of children attending any public school shall deem themselves aggrieved on account of the conduct of th eteacher, they shall have the right to present their petition in writing tothe superintendent, who shall

then appoint a time for the hearing of the case; and if, in his opinion, the case of the petitioner shall have been proved by good and sufficient testimony, such teacher may be suspended by him and another appointed, subject to the final approval of the department.

§ 445. For the better control and management of the public schools, the department is authorized to designate school districts; to establish their boundaries; and to alter the same from time to time as in its discretion it deems most advisable. These districts shall be so arranged that there shall be no unassigned locality.

§ 446. All persons of school age shall be required to attend the school of the district in which they reside, unless it shall appear to th edepartment to be desirable to allow the attendance of pupils at a school in some other district, in which case the department may grant such permission.

§ 447. The teachers of all schools, either public or private, shall keep a correct register of the names, sex, age and nationality, as far as ascertainable, date of entering the school, and the places of residence of the children attending their respective schools, and no teacher of any school shall grant a release to any child under fifteen years of age, who shall be registered as attending his school for the purpose of attending another school, unless the consent and approval of the parents or guardians of such child shall be given in writing to the teacher, or unless authorized to grant such release by the superintendent for good reasons shown to his satisfaction. In every such case a certificate in writing shall be granted to the teacher setting forth the facts in the case.

The register shall be carefully preserved, and as often as the department shall direct, the register or a true copy thereof shall be filed in the office of the department.

§ 449. No teacher of any schol, either puoblic or private shal receive into his school any child under fifteen of age, who shall have attended another school of the same class in the same district, unless such child shall produce to the teacher of the school to be entered, a certificate of release signed by the teacher of the school last atended by the child. If such child apply to attend a schol if higher grade, a certificate of proficiency shall be required or a lawful excuse for its absence.

Provided, that the child from one district desiring to enter a

school in another district, may be received or admitted upon producing a certificate of release from the school last attended in such other district.

The teacher of any such school who shall violate any of the provisions of this or of the foregoing section shall, upon conviction thereof, before any district magistrate, be subject to a fine not exceeding ten dollars for each offense.

The Department of Health.

§ 450. The Commissioner of Health shall have general charge oversight and care of the public health and shall make an annual report to the Board of Aldermen showing in detail the expenditures and transactions of the department and such other information regarding the public health as he shall deem of special interest.

§ 451. The Commissioner, with the approval of the Mayor, may appoint suitable agents in such wards as he may deem necessary to carry into effect all the regulations for the public health; and he shall hold such agents accountable for all moneys received and disbursed by them on account of the public health and also for the manner in which they may discharge their several duties.

§ 452. The Commissioner, fith the approval of the Board of Aldermen, may make such regulations respecting nuisances, sources of filth and causes of sickness within the respective wards of the city and on board of any vessels at or near the wharves of the city as he shall judge necessary for the public health and safety.

§ 453. Said Commissioner, with the approval of the Board of Aldermen shall also make such regulations as he may judge necessary for the public health and safety respecting any articles which are capable of containing or conveying any infection or contagion or of creating any sickness when such articles shall be brought into or conveyed from any part of the City or into or from any vessel at or near the wharves of the city.

§ 454. Said Commissioner with the approval of the Board of Aldermen shall also make all regulations which he may judge necessary for the interment of the dead and respecting cemeteries and burying grounds.

§ 455. Notice shall be given by the Commissioner of all regulations so made by publishing the same in two newspapers of the city and by causing them to be posted in three public places of

the city or section of the city where the particular regulation or regulations shall be most applicable; and such notice of said regulations shall be deemed legal notice to all persons.

§ 456. Any person who shall violate any regulation of the health department after the same shall have been published as provided in the last preceding section shall be fined not exceeding one hundred dollars.

Abatement of Nuisances.

§ 457. The Commissioner of Health and the agents of the department shall examine into all nuisances, sources of filth and causes of sickness on shore or in any vessel---at or near the wharves---and shall cause the same to be destroyed, removed or prevented as the case may require.

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

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

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

§ 461. The Supreme Court and the circuit court shall have jurisdiction concurrently with the city court and the district court of all cases of common nuisance.

§ 462. Whenever any person shall be convicted in the Supreme Court or any circuit court or the district court or the city court of maintaining a common nuisance, the court shall order that the said nuisance be abated. Such order shall not operate to suspend or vacate the sentence imposed, but shall be a wholly cumulative remedy.

In case the order shall not have been made at the time of imposing the sentence, it may be made at any regular term of the court in which conviction was had, holden within two years thereafter upon motion by the corporation counsel and reasonable notice to the defendant. Upon hearing of such motion, the judgment previously rendered shall be conclusive evidence of the maintenance of the nuisance.

§ 463. All orders for the abatement of a nuisance shall direct, under penalty, that the same be abated within a time to be limited in such order and that, if the same be not abated within such time, that the commissioner of health do forthwith abate the same at the cost of the defendant who shall also be liable to the full amount of the penalty specified in such order, for which, as well as for all costs and expenses, arising in such case, execution shall duly issue.

§ 464. Whenever the Commissioner of Health or the agents of the department shall think it necessary for the preservation of the lives or health of the inhabitants to enter any land, building or vessel--lying at or near the wharves of the City for the purpose of examining into and destroying, removing or preventing any nuisance, source of filth or cause of sickness and shall be refused entry, such commissioner or agent may make complaint to the district court, who may thereupon issue a warrant directed to the chief of police, deputy, captain or other police officer commanding him to take sufficient aid and, being accompanied by such commissioner of health or agent, between the hours of sunrise and sunset, to repair to the place where such nuisance, cource of filth or cause of sickness complained of may be, and the same destroy, remove, or prevent under the directions of such commissioner or agent.

§ 465. No slaughterhouse shall be maintained in any part of this City in any place where the Board of Aldermen shall now or hereafter forbid the maintenance of the same.

Quarantine.

§ 466. The Board of Aldermen may establish quarantine grounds as they may judge best.

§ 467. The Board of Aldermen may from time to time establish the quarantine to be performed by all vessels arriving in the City; and may make such quarantine regulations as it shall judge necessary for the health and safety of the inhabitants.

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

§ 469. Notice shall be given of such regulations, by publication in the manner provided in Section 455, and after such notice shall have been given, any person who shall violate any such quarantine regulations shall be fined a sum not less than five, nor more than five hundred dollars.

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

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

§ 472. If any master, seaman, or passenger, belonging to any vessel, on board of which any infection may then be, or may have lately been, or suspected to have been, or which may have been at, or which may have come from any port where any infectious distemper prevailed, that may endanger the public health, shall refuse to make answer on oath to such questions as may be asked him, relating to such infection or distemper bythe Commissioner of Health or the agents of the department, such master, seaman or passenger so refusing shall be punished by fine not exceeding five hundred dollars or imprisonment at hard labor not exceeding twelce months, or both, in th ediscretion of the court.

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

§ 474. The Mayor, upon being thereunto requested by the Board of Aldermen, shall order that the port of this City be closed and shall publish notice of such closing of said ports by publication in two newspapers published in the City.

§ 475. From the time of making said order, no vessel arriving from foreign ports shall be allowed to enter port, unless driven into port by stress of weather, nor shall any such vessel under any circumstances be allowed to land any mails, cargo, passengers, officers or crew during the time while such order is in force.

§ 476. The Mayor, when thereto advised by the Board of Aldermen, may revoke such order and give notice of such revocation by like publication.

§ 477. Any officer of any vessel arriving from foreign ports or any passenger thereon or any member of her crew who shall wilfully violate the prohibition established by the Mayor under sections 474 and 475 shall be guilty of a misdemeanor and upon conviction thereof in the district court shall be punished by imprisonment not less than six months nor more than two years and by fine of not less than one thousand nor morethan ten thousand dollars.

§ 478. It shall be unlawful for any merchant ship or other vessel from a foreign port or place to enter the port of the City, except in accordance with the provisions of this Act and with such rules and regulations of the Department of Health as may be madei n pursuance of or consistent with this Act; and any such vessel which shall enter or atempt to enter the port of the City in violation thereof shall forfeit to the City a sum to be awarded in the discretion of the court not exceeding five thousand dollars which shall be a lien upon said vessel to be recovered by proceedings in the City court or circuit court.

Causes of Sickness and Contagion.

§ 479. It shall be the duty of the chief of police and all officers of police and physicians to report to the commissioner of health the existence of any nuisance injurious to the public health of which either of them may be cognizant as soon as possible after it shall come to their knowledge.

§ 480. It shall be the duty of every physician having a patient infected with the small pox, or any other disease danger-

ous to the public health, to give immediate notice thereof to the commissioner of health in writing and in like manner to report to said commissioner of health every case of death which takes place in his practice from any such disease; and every physician who shall refuse or neglect to give such notice of make such report shall be fined for each offense a sum not less than ten nor more than one hundred dollars.

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

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

§ 483. If the infected person can not be removed without danger to his life, the commissioner may make provision for him as directed in the last preceding section in the house in which he may be and in such case he may cause the persons in the neighborhood to be removed and may take such other measures as he shall judge necessary for the public health and safety.

§ 484. The Mayor, with the approval of the Board of Aldermen may establish a hospital to be under the immediate supervision and control of the commissioner of health, who may make rules and regulations for the government of such hospitals; which rules and regulations shall be published for general information.

§ 485. For the purpose of removing nuisances and causes of sickness the Commissioner of Health may require the chief of police to cause the prisoners under his charge to aid in such work.

§ 486. In case any moneys are expended by the commissioner of health for any sick person brought in this City in any vessel from abroad, it shall be the duty of the commissioner to demand the same from the master of the vessel in which such sick person was brought; the master of such vessel shall be liable for the amount of the moneys thus expended to be recovered in the City

Court and the amount of money so expended shall be o lien against the vessel.

Precincts---How Located and Changed.

§ 487. Whenever the convenience of electors may so require, the Mayor, with the consent of the Board of Aldermen, shall set apart one or more precicts in each ward; and each precinct so established shall have its separate polling place; provided that no change shall hereafter be made as tothe boundaries of any precinct within sixty days of election.

Place of Registering and Voting.

§ 488. Every person qualified to register may do so in the precinct in which he resides; and no person shall register or vote in any other precinct than that in which he resides.

§ 489. If any person resides in more than one precinct, he may elect the precinct in which to register, but he shall register in one precinct only.

§ 490. At any special election, any person who has previously registered and since registering has moved his residence to another precinct without having had au opportunity to register therein, may vote in the precinct in which he was last registered.

§ 491. For the purpose of examining applicants for registration as voters, and determining their elligibility, the commissioners of election in the month of March shall appoint, with the consent of the board of aldermen, for each precinct three inspectors, representing as far as practicable three different parties to supervise the registration. They shall be called the board of registration and a majority shall decide all questions.

§ 492. They shall meet at their respective precincts for purposes of registration on the first Tuesday in April from 7 a. m. to 7 p. m. and thereafter as many times as may be necessary to enable them to register as many persons as may be entitled to register.

§ 493. They shall elect a chairman.

Register At Special Elections.

§ 494. At any intermediate special election the register of voters used at the last preceding general shall be used without change.

Registration Upon Personal Application Only.

§ 495. No name shall be placed upon the register of voters except upon the perosonal appearance of the applicant before the Board of Registration at an advertised public meeting of the board.

§ 496. Each applicant to be placed upon the register of voters shall, upon each application for registration be examined under oath by the Board of Registration as to each one of the required qualifications. Provided, however, that after an applicat shall once have passed an examination concerning his ability understandingly to speak, read and write the English or Hawaiian language, it shall be at the discretion of the board to examine him further or not concerning such qualification.

§ 497. The examination of the applicant and of all witnesses examined before any Board of Registration shall be under oath, administered by one of the members of such board, who are hereby authorized to administer oaths for such purpose.

§ 498. The examination, number of witnesses, and time or times of examination shall be under the reasonable control and discretion of the board.

Powers of Board.

§ 499. Each Board of Registration is hereby given all of the powers and authority for the summoning and examination of witnesses and the maintenance of order, including the power to punish for contempt, by law given to circuit courts.

§ 500. Any person who shall, under oath, knowingly make any false statement before any such board; or who, knowing that he is not entitled to register or to vote, shall so register or vote, shall be guilty of the offense of perjury.

Challenging.

§ 501. Any lawful voter may challenge the right to register of any person claiming to be eligible to register as a voter; cross-examine the applicant, and any witnesses produced by him, and may produce and examine witnesses against such eligibility.

Burden of Proof.

§ 502. No Board of Registration shall enter the name of any

person upon th eregister of voters until satisfied that such person possesses the requisite qualifications.

Appeal From Board.

§ 503. If any board shall refuse to register the name of any person applying to be registered, the person refused, and, in case any name has been registered, any legal voter may, at any time within ten days after the decision of such board, appeal to the Supreme Court in the manner provided by law for civil appeals to the Supreme Court from the circuit court, or in such manner as may hereafter be provided by law.

§ 504. Upon such appeal being perfected, the Supreme Court shall proceed to hear such cause, either in term or in vacation, as soon thereafter as reasonably may be; and the determination by such court of such question shall be final.

Notice to Board of Decision.

§ 505. Immediately upon rendering a decision upon any such appeal, the Supreme Court shall notfy the Board of Registration from which such appeal was taken; and if such decision shall reverse the decision of the board, such board shall immediately cause the register to be corrected to conform with such decision.

Status of Person Registered Pending Appeal.

§ 506. In case of an appeal from a decision of any board admitting the name of any person to registration, the name of such person shall remain upon the register pending the decision of the Supreme Court concerning the same.

§ 507. If the person so registered shall vote at any election before a decision of the court shall have been made and acted upon, such vote shall not invalidate such election, even though the decision of the court shall be adverse to the registration of such name.

Notice of Meeting.

§ 508. The time and place of all meetings of the several boards shall be advertised in the English and Hawaiian languages in newspapers and by notices posted in at least three frequented

places in the locality where such meetings are to be held. But this section shall not be construed to prohibit the adjournment of any such advertised meeting from day to day to a time certain annaunced at the time of adjournment.

Time of Registering.

§ 509. No name shall be registered or stricken from the register except in an open meeting of the board and upon public announcement, except for the following causes, viz.:

(1) In case the Supreme Court shall render a decision upon appeal reversing the decision of the board.

(2) In case the board has decided that a person is entitled to registration and his name has been accidentally omitted from the register, misspelled, or he has therein been misnamed.

Register of Voters.

§ 510. The register of voters shall consist of a list of names of the persons who have been registered as voters in any election district, arranged alphabetically by precincts.

Copies of Register to be Sent to Inspectors of Elections.

§ 511. The respective boards shall, as soon as reasonably may be after the register of voters for any voting precinct is completed, prepare four copies thereof and forward them to the Commissioner of Elections for use by inspectors of election for such precinct.

The commissioner shall retain one for use at the election, and immediately post the other copies in three public and frequented places within the precinct for the inspection of the public.

Inspectors Not to Change Registers.

No name shall be added to or stricken from the register of voters, or in any manner changed by the inspectors of election, except upon the writen order of the board of registration for such precinct.

Correction of Register.

§ 512. If it shall be manifest to any board, at any time, that

the name of a person admitted to registration has been accidentally omitted fro mthe register, or misspelled, or that he has been misnamed therein, such board shall immediately remedy such omission or mistake; and, if a copy of the register has been sent to th eelection precinct in which such person is entitled to vote, shall immediately, in writing, order the inspectors of election for such precinct to correct such copy of the register.

Such order shall set forth the reasons for the action directed to be taken, and shall be detained and filed by the inspectors of election as a part of the records of the election.

The power of revision and correction hereby conferred shall not be construed to allow the reopening of the question of the qualifications of any person registered by the board.

Records of Board.

§ 513. In adidtion to the register of voters herein provided to ebkept, the several boards shall each keep books of record in which full and detailed minutes shall be preserved of all their proceedings.

Such minutes shall be kept fro mday to day, and shall contain:

(1) The date and place of the meeting.

(2) The names of the members of the board present.

(3) The name of each person applying for registration; whether such name was registered or rejected and, if rejected, the reason therefor.

(4) The name of the person to whom an oath is administered, and, if an examination is held, the names of the witnesses and the substance of answers of the applicant and of the witnesses.

(5) The name of any person challenging the right of any applicant to register, the grounds of challenge, the name of the person challenged, and the decision rendered thereon.

(6) All other questions of detail which are likely to have a bearing upon any question concerning the action of the board or of any person appearing before it.

Records Open to Inspection.

§ 514. The register of voters and all records appertaining to the register of voters or to any election in the possession of the commissioner of elections, the chief of police or any officers of the

City shall, at all reasonable time be open to the inspection of any voter.

The Comissioner of Elections to Furnish Blanks.

§ 515. The commissioner of elections shall furnish suitable books and blanks for the records, registration, elections, certificates for returns herein provided for which shall be of uniform character.

Commissioner of Taxes to Furnish List of Taxes Paid.

§ 516. The Commissioner shall, not later than the first day of registration in eah and every year in which a general election is to be held, furnish to the Board, a correct alphabetical list, arranged by precincts, of all males of twenty-one years old and upwards residing within the respective precincts within their respective taxation divisions who have paid their poll tax of one dollar for the current year. And no person who shall have failed before the closing of the register of voters, to pay his taxes for the current year shall be eligible to vote.

Provided, however, that the Commissioners of Taxes shall not place upon such list the name of any person whom he knows to be unable to qualify for registering.

Such list shall be prima faacie evidence of who has and who has not paid his taxes as faoresaid in such precinct, but other evidence shall be admissible to disprove such presumption.

Of Candidates.—Nomination by Election.

§ 517. No person shall be permited to stand as a candidate for election unless he shall be nominated and so requested in writing signed by twenty-five duly qualified electors of the district in which an election is ordered and in which he is requested to be a candidate. Such nomination shall, except as hereinafter provided, be deposited with the City clerk not less than thirty days before the day of a general election or ten days prior to a special election.

§ 518. Each nomination shall be accompanied by a deposit of twenty-five dollars on account of the expenses attending the election, which amount shall be paid intothe treasury as a City realization.

§ 519. Upon receipt at the office of the City clerk of the

nomination of a candidate the day, hour and minute when it was received shall be endorsed thereon: provided, however, that in case of the withdrawal or death of a candidate a new nomination or nominations to replace the name of the person who has died or withdrawn may be made, irrespective of such limit of time, with the inspectors of election of the precinct in which such death or withdrawal has taken place, and the fee herein required deposited with them. In such case a voter while voting, may write the name of any such new candidate upon the ballot and vote for it as herein provided.

Withdrawal of Candidate---Erasure of Name From Ballot.

§ 520. Any candidate may withdraw before an election by giving notice to the City clerk in writing.

§ 521. If a candidate shall withdraw after the printing of th eballots, such candidate shall also notify in writing, the inspectors of election of the precincts in which he was a candidate; and the election of the precincts in which he was a candidate; and the inspectors shall post, before the opening of the polls on election day, a notice of such withdrawal, or of the death of any candidate, and also the name or names of any new candidates at the polling place.

Candidates' Assistants at the Polls.

§ 522. Every candidate shall, on the day preceding the election, furnish the inspectors at each precinct with a complete list of the names of all persons allowed by law to be employed and so employed by him to assist at such precinct in the election, and no person whose name is not on such list shall be permitted to attend at the polling place on behalf of such candidate.

Nothing herein contained shall be construed to forbid the gratuitous assistance of any candidate by any person.

Statement of Election Expenses.

§ 523. Within twenty days following any election, each candidate, and each agent and committee acting for or on behalf of any candidate, shall file with the City clerk an itemized statement of his or their expenses by, for, or on behalf of such candidate for election, showing each amount expended, the purpose or

object for which each expenditure was made, and itemized statemen of his or their expenses by, for, or on behalf of the person or persons to whom made; which statement shall be sworn to by each person making such expenditures, and shall be open to public inspection.

Statement When No Expenses Are Incurred.

§ 524. If a candidate or any agent or committee acting on his behalf has or have incurred no expenses on account of such election, he and they shall file within twenty days after the election with the City clerk, a sworn statement setting forth such fact.

Expenses Legally Incurrable.

§ 525. The followin expenses, and no other, may be legally incurred by or for a candidate:

1. His personal expenses as a candidate.
2. Expenses of printing and advertising.
3. Cost of stationery and postage.
4. Expenses of public meetings.
5. Rent and supplies of committee rooms not to exceed one for each polling place.
6. Salaries of not more than one clerk and two messengers for each polling place.
7. Salaries of not more than one watcher on election day only, at each polling place.

Special Elections.

§ 526. Whenever any vacancy shall occur, the Mayor shall cause a special electio nto be held to fill the same.

§ 527. Any special election shall conform in all respects, except as otherwise herein provided, to the regular biennial election held under the provisions hereof.

Special Elections by Reason of Tie Vote.

§ 528. In case of the failure of any election by reason of the equality of vote between two or more candidates, a return in accordance withthe facts shall be made by the commissioner of elections to the Mayor who shall immediately order a special election to fill such vacancy.

§ 529. In case of such special election the nominations of candidates already filed shall be sufficient.

§ 530. Nominations for new candidates may also be made in accordance with the provisions hereof.

GENERAL ELECTIONS.

Election Proclamations---Time of Issuing.

§ 531. At least thirty days before any election, the Mayor shall issue an election proclamation and transmit copies of the same tothe several boards of inspectors of election to be hereafter provided for.

Contents of Proclamations.

§ 532. Such proclamations shall contain a statement of the time and places where and the purpose for which the election is to be held. It may also contain any other relevant matter deemed proper bythe Mayor including an offer of reward for the detection and conviction of offenders against the election laws.

Publication of Proclamation.

§ 533. Such proclamation shall be published in the Hawaiian and English languages in one or more newspapers printed in the City and copies of so much of suc helection proclamation as relates to the respective wards shall be posted in not less than three public and frequented places in each precinct where such election is to be held.

OF INSPECTORS OF ELECTION.

Number---How Appointed and Vacancies Filled.

§ 534. There shall be three inspectors of election for each precinct.

§ 535. They shall be appointed by the Mayor as far as practicable from the opposing parties.

§ 536. In case of inability, or refusal of any person so appointed to act as such inspector, the Mayor shall so far as reasonably practicable appoint a person to fill such vacancy from the same party that such person so failing to act belonged to. Provided, however, that if it is impossible to communicate with

the Mayor in time for him to make such appointment before the election is held, the remaining inspector or inspectors shall appoint a person or persons to fill such vacancy.

537. They may appoint not more than two clerks.

Duties of Inspectors.

§ 538. It shall be the duty of the several boards of inspectors:

6. To ascertain and publicly announce the result of the the register of voters received from the Commissioner of Elections in at least three public and frequented places in their several precincts.

2. In similar manner to post all election proclamations at least seven days before any election, and at the opening of the polls to post the speciment ballots and cards of instruction as herein required.

3. To correct the copy of the register of voters when and in the manner ordered by the Board of Registration.

4. To prepare the polling places in manner herein required; pureside at each election and have full charge of the same and preserve order at the polls.

5. To record the name of each person polling a vote, and also to check off upon the register of voters furnished by the Board of Registration the name of each voter polling a vote.

6. To ascertain and puiblicly announce the result of the election.

7. To transmit the result to the chief of police..

8. To preserve and transmit to the City clerk all ballots polled, cancelled, or unused, together with all electoral lists and records concerning the election, and copies of the statements of the result of the election.

9. To keep a complete list of all transactions and proceedings of the Board of Inspectors.

10. In case of the withdrawal or death of any candidate whose name has been printed on the ballots, or nominations of new candidates, to post a notice of such facts at the polls.

11. To care for the ballot boxes and other property pertaining to elections, and generally to do and perform all other acts, matters and things by law required of them, or which are necessary or properly incidental to the execution of their duties.

Chairman of Inspectors.

§ 539. Unless otherwise directed by the Mayor, the inspector first named in the respective lists of Boards of Inspectors shall be the chairman, and shall preside at all meetings of inspctors.

A decision of the majority of the members of the Board of Inspectors shall be the decision of such board.

Absence of Chairman.

§ 540. In all cases under the provisions here of where duties are to be performed by the chairman of the inspectors such duties may be performed by some other one of the inspectors whenever the chairman is temporarily absent or is otherwise for the time being, unable to perfor msuch duties.

Correction of Voting List.

§ 541. No change shall be made in the copy of the register of voters furnished to the inspectors by the Board of Registration, except by the inspectors, upon and in accordance with the written order of the Board of Registration for the district.

The name, date, and reason for each change or correction made shall be entered in the inspector's record.

Ballot Boxes.

§ 542. The City clerk shall provide two suitable ballot boxes for each polling place. One of such boxes shall be marked in plain letters, "For Mayor," and the other "For Aldermen." They shall bear no other device or mark.

§ 543. Such boxes shall be made of wood, of a single thickness of boards, not over one inch nor less thanthree-quarters of an inch in thickness. They shall be smooth inside and out and shall have a hinged lid fastened securely by a good lock or locks. In the center of each lid there shall be an aperture of not more tha nthree inches in length, and not over one-quarter of an inch in width, which may be protected by a lid or raised edge.

OF POLLING PLACES.

Saloon Prohibited.

§ 544. No polling place shall be on any premises where the sale of intoxicating liquors, beer, or wine is licensed.

Polling Apartment.

§ 545. The inspectors shall prepare at each polling place a suitable compartment or space in which shall be placed, at a point convenient for voters, the two ballot boxes herein provided for.

Arrangement of Voting Compartments.

§ 546. The inspectors shall cause to be provided within the polling apartment not more tha nthree voting shelves or compartments at or in which voters may conveniently mark their ballots.

§ 547. Such shelves shall be so arranged that in marking ballots thereon the voters may be screened from the observation of others.

§ 548. A guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes and of such voting shelves or compartments.

§ 549. The arrangement shall be such that neither the ballot boxes nor the voting shelves or compartments shall be hidden from the view of those just outside the said guard rail.

§ 550. No person other than the election officers and voters, in the act of preparing their ballots or voting, shall be admitted within said rail, except by authority of the inspectors for the purpose of keeping order and enforcing the law.

§ 551. Each voting shelf or compartment shall be kept provided with conveniences for marking the ballots.

Persons Allowed Within the Polling Apartment.

§ 552. The inspectors shall, previously to opening the polls, set apart a sufficient space around the polling place to prevent interference withthe conduct of the election, and no person other than the inspectors, the candidates, ortheir respective agents, not more than two each, and such voters, not exceedinfi six at a time, as are for the time being actually engaged in voting, shall be

permitted within the space so set apart during the time appointed for voting.

Time of Opening and Closing the Polls.

§ 553. The polls shall be opened by the inspectors at seven of the clock upon the morning of the election day, and shall be kept open continuously until six of the clock in the afternoon of said day, unless all ofthe registered voters ofthe precinct shall have polled their votes previous to that time, after whcih the polls shall be closed and the votes counted as hereinafter provided.

Procedure Upon Opening Polls.

§ 554. At the opening of the polls for election the chairman ofthe inspectors shall, in presence of any bystanders, publicly open the ballot boxes and expose them to all persons present that it may be seen that they are empty. They shall then be closed and locked, and on no account opened till the poll is closed.

At the opening of the polls the seals ofthe packages of ballots shall be publicly broken and the packagesopened by the chairman.

A card of instruction detailing the method of marking ballots and of voting and a specimen of each ballot shall be immediately posted at or in each voting shelf of compartment herein provided for, and not less than three such cards and three specimens of each ballot shall be immediately posted in conspicuous places outside the polling room.

Uniforms and Organization at Polls.

§ 555. No soldier shall go to the polling place, for any purpose, in uniform; nor shall any military or other organization march or go to the polling place in a body.

Inspectors Empowered to Administer Ooaths.

§ 556. Each inspector of elections is hereby empowered to administer any oath herein provided to be administered by the inspectors of election.

Perjury.

§ 557. Any person taking an oath herein prescribed or authorized to be administered and wilfully making oath to any false statment of fact, or wilfully making a false answer to any ques-

tion put to him thereunder shall be guilty of "perjury" in the second degree.

Ballots.

§ 558. All elections shall be held by ballot only.

§ 559. A balot is a written or printed, or partly written and partly printed paper containing the names of persons to be voted for andthe office to be filled.

Contents of Ballot.

§ 560. A ballot shall contain the name or names of the person or persons to be voted for, the office or offices for, and the district in which the election is being held, andthe term or terms of the respective offices voted for.

§ 561. The name or names of the candidate or candidates shall be printed with the Hawaiian or English equavalent, if such there be, if the candidate shall so request the Secretary of the Territory in writing at the time his nomination is filed with the City clerk.

§ 562. A ballot shall bear no word, motto, device, sign, or symbol other than allowed herein, and shall be so printed that the type shall not show a trace on the back.

Color of Ballots.

§ 563. The ballots for Mayor shall be of blue paper, and the ballots for Aldermen of white paper.

Ballots for Mayor.

§ 564. The ballots used for the election of a Mayor shall be of uniform size, weight, shape, thickness, and of the same sizing color.

§ 565. Except as provided in section (517) hereof the ballots for Mayor shall contain the names of all candidates for Mayor who have been duly nominated in maner herein provided and shall contain no other names.

Ballots for Aldermen.

§ 566. The ballots used for the election of Aldermen shall

be of uniform size, weight, shape, thickness and ofthe same sizing color.

§ 567. Except as provided in section (517) hereof, the ballots for each Alderman shall contain the names of all candidates for Aldermen who have been duly nominated in manner herein provided and shall contain no other names.

Arrangement of Names of Candidates on Ballot.

§ 568. The names of the candidates shall be placed upon the ballot in alphabetical order.

§ 569. A horizontal line shall be ruled between each name and its equivalent, if any, and the next name.

§ 570. Immediately after all the names on the right hand side of the ballot a vertical line shall be ruled so that in conjunction with said horizontal lines a rectangular space shall be enclosed opposite each name and its equivalent, if any, of sufficient sibe to give ample room in which to designate the choice of the voter inthe manner herein prescribed.

§ 571. All of th enames upon a ballot shall be placed at a uniform distance from the left hand edge thereof and close thereto.

Envelopes Not Allowed.

§ 572. No ballot enclosed in envelopes or wrapper of any kind shall be received or counted.

Ballots To Be Printed by the City.

§ 573. The ballots shall be printed by the City clerk at the expense of the City.

§ 574. There shall be sent to each precinct not less than two ballots for each name upon the register of voters at the last preceding election.

§ 575. In case the boundaries of any precinct shall have been changed since the last preceding election, the number of ballots sent shall be estimated by the City clerk to be twice the number of voters in such precinct.

Arrangement of Ballots.

§ 576. When printed the ballots shall be fastened together in blocks of one hundred each, in such a manner that each ballot may be detached and removed separately.

§ 577. They shall be forwarded by the City clerk to the inspectors in sealled packages, which shall not be opened until the opening of the polls in manner herein provided.

§ 578. A record of the number of ballots sent to each Board of Inspectors shall be kept by the City clerk.

Time of Sending Ballots to Inspectors.

§ 579. The ballots, speciment ballots and cards of instruction herein provided for shall be sent by the City clerk to the several boards of inspectors so that they shall be received at least two days prior to the election.

Blank Ballots.

§ 580. As soon as practical after the appointment of the several Boards of Inspectors or immediately after a special election is ordered, the City clerk s hall supply the several boards of inspectors with blank ballots of the paper and character and line das required herein.

§ 581. The number of such blanks shall be at least twice as many as the number of voters in the several precincts wherein the election is to take place.

In case of any miscarriage or default whereby the printed ballots herein provided for shall not be available at any precinct for use on election day, whether by reason oftheir not being received by the inspectors or of their destruction or loss, the inspectors of such precinct shall ascertain, by examination upon oath or otherwise, who the duly nominated candidates for such ward are, and shall cause to be prepared upon such blanks, and as near as may be in accordance with the directions herein contained concerning the arrangement of names, sufficient ballots for the purpose of the election.

In no case other than that named in this section shall such blanks be used; and immediately after such election the inspectors shall return all unusued blanks to the Secretary of the Territory.

Method of Folding Ballot.

§ 582. Before delivering a ballot to a voter the inspectors shall fold it twice, first across the middle so as to form a rectangle,

and again in the same maner and in the same direction, and in such manner as to conceal the contents thereof.

Delivery of Ballot to the Voter.

§ 583. When any duly qualified voter shall offer to vote, the chairman of inspectors shall deliver to such voter a ballot or ballots for Mayor or Aldermen, as the case may be, properly folded as herein provided.

Explanation to Voter.

§ 584. The inspectors of election may, and upon request shall, explain to the voter receiving the same shall forthwith proceed into one of the compartments provided for the purpose, and shall, explain to the voter the mode of voting.

Method of Voting.

§ 585. Upon receiving the ballot folded as aforesaid the voter receiving the same shall forthwith proceed into one of the compartmentsc provided for the purpose, and shall then and therein mark his ballot inthe manner herein prescribed.

He shall then refold the ballot or ballots in the same folds as it or they were in when handed to him by the inspectors, and shall, without delay and without showing or in any way displaying the contents of the ballot to anyone, except as provided in section (591) hereof, leave the compartment and deliver such ballot or ballots so folded tothe Inspector of Election in charge of the ballot boxes, who shall not open or unfold the same, but shall examine the ends of the same sufficiently to be satisfied that there is but one ballot enfolded, whereupon the ballot or ballots shall be immediately dropped into the proper box or boxes by such inspectors.

Method of Marking Ballot.

§ 586. A voter shall designate his choice for Mayor and Aldermen by making a cross, thus, X, on the right-hand side of the ballot in the space or spaces provided for such purpose, opposite the name or names of the candidate or candidates for whom he desires to vote.

Secrecy of Ballot and Independence of Voter.

§ 587. No voter shall exhibit his ballot to any other person, nor shall any person look at or ask to see the contents of the ballot of any voter, except as provided in section (590) hereof; nor shall any person within the space set apart for a polling place attempt to influence a voter in regard to whom he shall vote for.

§ 588. When a voter is in the balloting compartment for the purpose of marking his ballot, no other person shall, except as provided in section 590 hereof, be allowed to enter the compartment or be in a position from which he can observe how the voter is marking his ballot.

Ballot Not to be Ttaken From Polling Place.

§ 589. No person shall take a ballot out of the polling place; and, if any person having received a ballot shall leave the polling place without first delivering the same to the Inspector of Election as provided herein, or shall wilfully exhibit his ballot except as provided in section (590), after same shall have been marked, he shall thereby forfeit his right to vote, and the chairman of inspectors shall cause a record to be made of such proceeding.

Inspectors May Assist Physically Disabled Voters.

§ 590. Any voter who, by reason of blindness or other physical disability is unable to mark his ballot, shall, if he so requests, receive the assistance of one of the inspectors in the marking thereof.

Before rendering such assistance the inspectors shall be satisfied that such physical disability exists.

Spoiled Ballots.

§ 591. If a voter spoils a ballot he may obtain one other, upon returning the spoiled one. The ballot thus returned shall be immediately cancelled, and the reasons for such cancellation indorsed thereon signed by the chairman of inspectors.

Counting Ballots.

§ 592. In so far as the limits of the room in which the voting takes place shall reasonably allow, no person shall be prevented

from attending the counting of the ballots on election day, unless it is necessary so to do to preserve the peace.

Method of Counting Ballots.

§ 593. Immediately after the close of the polls the chairman of inspectors shall open the ballot box and proceed to count the votes as follows:

§ 594. The whole number of ballots shall first be counted to see if their number corresponds with the number of ballots cast as recorded by the inspectors.

§ 595. If there are more ballots than such record calls for, the chairman of inspectors shall replace all the ballots in the ballot box, and close, lock, and shake the same, so as to thoroughly mix the ballots.

§ 596. The box shall then be opened and a cloth laid over it, and the chairman of inspectors, having first held up his open hand with the arm bared to his elbow, shall introduce his hand under the cloth covering the ballot box and draw therefrom, without looking, one ballot at a time until the number of ballots in the ballot box is reduced to correspond to the number of names of voters who have voted, as recorded on the inspector's list.

§ 597. The ballot so removed shall be marked immediately, before proceeding further with the count, in such manner that they can afterwards be identified and signed by the chairman of inspectors and shall then be preserved with the records.

§ 598. If the number of ballots correspond with the number of persons recorded by the inspectors as having voted, or shall be less than such number, or shall, by the means provided herein, have been made to correspond therewith, the inspectors shall then proceed to count the vote cast for each candidate.

Ballots to be Rejected.

§ 599. If more names are to be voted for on a ballot than there are offices to be filled; or,

If on a ballot for Aldermen a larger number of votes are marked than the law authorizes; or,

If a ballot contains any mark or symbol whereby it may be identified, or any mark or symbol contrary to the provisions hereof; or,

If two or more ballots are found in the ballot box so folded together as to make it clearly evident that more than one ballot was put in by one person; or,

If a ballot in any other way be contrary to the provisions hereof, then such ballot and all it contains must be rejected.

§ 600. But no ballot shall be rejected for containing a less number of name svoted for than the law authorizes.

§ 601. Each ballot which shall be held to be invalid as aforesaid, shall be indorsed on the back by the chairman of inspectors, with his name or initials, and the word "rejected."

Decisions to be Delivered Immediately.

§ 602. All questions as to the validity of any ballot shall be decided immediately, and the opinion of the majority of the inspectors shall be final and binding, subject to revision by the Supreme Court as herein provided.

Ballots to be Read Aloud.

§ 603. In counting the votes the names of the persons voted for shall be read in a loud, clear voice by one of the inspectors, and a record thereof shall be made at once by one of the inspectors.

Declaration of Result.

§ 604. When the inspectors have ascertained the number of votes given for each candidate, they shall make public declaration of the whole number of votes cast, the names of the persons voted for, and the number of votes for each person.

§ 605. The chairman of inspectors shall cause a full record to be made of the same in the inspector's record book. One copy of such result shall be sent to the chief of police as provided herein, and one copy forwarded to the City clerk.

Disposition of Election Records.

§ 606. At the completion of the count after the close of the polls and the public announcement of the same, the inspectors shall immediately, in the presence of the candidates or of their agents, and of any voters desiring to be present, make up into a packet all of the ballots sent to the inspectors bythe City clerk,

including all blank ballots, whether used or not, and all printed ballots used, cancelled or rejected, together with the register of voters received from the Board of Registration, and the list of voters and all other records appertaining to the election, except the copies of the result of the election herein directed to be sent to the chief of police and to the City clerk.

§ 607. Such packet shall be sealed by the inspectors with their own seal or seals and the seals of such candidates or agents as may desire to seal the same.

§ 608. The inspectors shall thereupon mark such packet on the outside with the name and title of the City clerk and a description of the contents thereof, substantially as follows, viz.:

"Records of election for ..... 19.., ward number ....., polling precinct, number ..... City and County of Honolulu," and immediately forward the same to the City clery. Such packet shall not be opened or examined except in the presence of a judge of the Supreme Court and after such examination, it shall be resealed in the presence of such judge.

§ 609.. After the next general election the ballots may be destroyed by the City clerk and the other election records opened and filed in his office.

Tabulation of Returns and Delivery of Certificate.

§ 610. Immediately upon receiving the returns of elections from the several boards of inspectors of any election precinct, the chief of police shall immediately tabulate such returns and ascertain the result of election in such precinct.

§ 611. The number of persons to be elected receiving the highest number of votes in any election precinct shall be declared to be elected and the chief of police shall immediately deliver to the persons elected certificats of election.

§ 612. A copy of such tabulated returns and of each such certificate of election shall immediately be forwarded by the chief of police to the City clerk. Such copy of a certificate sent to the City clerk shall be considered an original.

§ 613. The certificate of election prescribed in the last section shall be substantially in the following form, viz.:

Certificate of Election.

"I ..... chief of police of the City of Hono-

lulu do hereby certify that..... was on the ..... day of ..... 19.. duly elected (Mayor or Alderman, as the case may be) ..... for the ..... for a term expiring on the..... day of .....

"Witness my hand this ..... day of ..... 19...

.....

Chief of Police of the City of Honolulu.

Compensation of Election Officers and Expenses of Election.

§ 614. The treasurer shall pay out of such appropriations as may be made for election purposes to the members ofthe boards of registration five dollars a day for each day of actual service and to the inspectors of election the sum of five dollars each for each election held and shall also pay the necessary expenses of preparing the polls and holding the election, which expenses shall be regulated and limited by the board of estimate and apportionment and shall not include the cost of refreshments.

Registration Precincts.

§ 615. For the purpose of registering of electors the precincts of the City and County of Honolulu shall be as provided in Section 2.

Offenses Against Election Laws.

§ 616. Offenses against the election laws and against the rules and regulations concerning the administering of oaths and the holding of elections, are divided into two classes, viz.: "Election Frauds" and "Misdemeanors," as hereinafter defined.

Election Frauds.

§ 617. The following persons shall be deemed guilty of an election fraud:

1. Every person who shall directly or indirectly, personally or through another, give, procure or lend, or agree or offer to give, procure or lend, or who shall endeavor to procure, any money or office or place of employment of valuable consideration to or for any elector, or to or for any person for an elector, or to or for any person in order to induce any elector to vote or refrain from

voting, or to vote or refrain from voting for any particular person or party, or who shall do any such act on account of any person having voted or refrained from voting for any particular person at any election.

2. Every person who shall directly or indirectly, personally or through another, make any such gift, loan, offer, promise, procurement or agreement as aforesaid, to any person, except to such assistants as are permitted by law, or by the rules and regulations in order to induce such person to procure or endeavor to procure the election of any person, or to procure the vote of any elector at any election.

3. Every perso nwho shall advance or pay, or cause to be paid any money to, or to the use of, any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or for any purpose connected with or incidental to any election other than the objects and purposes for which money is by law or the said rules and regulations allowed to be expended, excepting only reasonable expenses for conveying voters to the polling places on election days; or who shall knowingly pay or cause to be paid any money to any person in the discharge or repayment of any money wholly or partly connected with or incidental to any election, other than the objects and purposes for which money is by law or the said rules and regulations allowed to be expended.

4. Every elector who shall, before, during or after any election, directly or indirectly, personally or through another, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining to vote or agreeing to refrain from voting, or for voting or refraining tc vote for any particular person or party.

5. Every person who shall at any election, personally or through another, or by any ways or means on his behalf, directly or indirectly, give or provide, or cause to be given or provided, or shall be accessory to the giving or providing, or shall pay wholly or in part any expenses incurred for any meat, drink, entertainment or provision to or for any person in order to be elected, or for being elected, or for procuring the election of any candidate, or for the purpose of influencing such person or any other person to vote or refrain from voting; or for voting or refraining from voting for any particular person or party, at such election,

or on account of such person having voted or refrained from voting, or voted or refrained from voting for any particular person or party.

6. Every person who shall directly or indirectly, personally or through another, make use of, or threaten to make use of, any force, violence or restraint; or inflict or threaten to inflict any injury, damage or loss in any manner, or in any way practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or to vote or refrain from voting for any particular person or party, at frained from voting or voted or refrained from voting for any particular personor party; or who shall by abduction, distress or any device or contrivance impede, prevent or otherwise interfere with the free exercise of the elective franchise.

7. Every person who, at any election, votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or who, having once voted, votes or attempts to vote again, or knowingly gives or attempts to give more than one ballot for the same office at one time of voting.

8. Every person who, before or during any election, knowingly publishes a false statement of the withdrawal of any candidate at such election.

9. Every person who induces or procures any person to withdraw from being a candidate at an election in consideration of any payment or gift, or valuable consideration; or of any threat; and every candidate who withdraws from being a candidate in pursuance of such inducement or procurement.

10. Every public officer by law or by said rules and regulations required to do or perform any act or thing with reference to any of the provisions in any law concerning elections or in said rules and regulations contained, who shall wilfully fail, neglect to do or refuse to perform the same, or who shall wilfully perform it in such a way as to hinder the objects thereof, or who shall be guilty of any wilful violation of any of the provisions thereof.

Punishment for Election Frauds.

§ 618. Every person found guilty of an election fraud shall be punished by a fine of not less than one hundred dollars or exceeding one thousand dollars, or by imprisonment at hard labor for any term not less than ten days or exceeding two years, or

by both fine and imprisonment at the discretion of the Court.

Besides such punishment, such person shall be disqualified from voting and from holding any office under the City and from being elected to the Board of Aldermen for six years from the date of such conviction.

If the person so convicted shall hold any office, either elctive or appointive, at the time of such conviction, such office shall at once and without mention in such sentence, or other proceeding be vacated by such conviction. The judge or magistrate before whom such conviction is had shall immediately transmit to the to the Mayor the name of such person, the offense of which he has been convicted and the sentence of the court.

Misdemeanors.

§ 619. The following persons shall be guilty of a misdemeanor:

1. Every person, except such assistants as are by law or by said rules and regulations specificaly authorized to be employed, who shall, for the purpose of promoting or preventing the election of any candidate at any election, be engaged or employed for payment or promise of payment, or for any valuable consideration, to act as agent, clerk or messenger, or in any other capacity.

2. Every person furnishing, hiring, or using any premises or portion thereof licensed to sell beer, wines or spirits, as a committee room for the purpose of promoting the election of any candidate at any election.

3. Every person who shall be disorderly or create a disturbance whereby any meeting of the Board of Registration of voters or of the inspectors of election during an election shall be disturbed or interfered with; or whereby any person who intends to be lawfully present at any such meeting or election is prevented from attending; or who shall cause any disturbance at any election; and every person assisting or aiding or abetting any such disturbance.

4. Any candidate who fails or neglects to furnish the list of agents prescribed in sair rules and regulations.

5. Every person who shall, either in person or through another, in any manner break up or prevent or endeavor to break up or prevent, the holding of any meeting of the Board of Registra-

tion of voters, or in any manner break up or prevent, or endeavor to break up or prevent, the holding of any election.

6. Every person who, being a candidate for election, or an agent of any such candidate, or a member of any committee acting for or on behalf of any such candidate, shall fail to file the statement of expenses or of lack of expenses, as required in said rules and regulations.

7. Every person who shall wilfully violate or fail to obey any of the provisions of law or of said rules and regulations, punishment for which is not otherwise herein specifically provided for.

8. Any person who shall wilfully tear down, or destroy, or deface any election proclamation or any poster, or notice, or list of votes, or card of instructions, or specimen ballot, issued or posted by authority of law.

Punishment for Misdemeanors.

§ 620. Any person convicted of a misdemeanor under the provisions hereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment at hard labor for not more than six months, or by both such fine and imprisonment, in the discretion of the court.

Jurisdiction.

§ 621. Jurisdiction is hereby conferred upon district magistrates and the City judge to issue warrants and hear and determine all offenses arising hereunder, subject to the usual right of appeal.

JUDICIAL DEPARTMENT.

§ 622. The judicial department of the City shall consist of a district court to be presided over by a district magistrate and a City court to be presided over by a City judge.

§ 623. The Mayor shall, with the approval of the Board of Aldermen, appoint one city judge and one or more district magistrates.

§ 624. They shall respectively hold their office for two years, unless sooner removed therefrom for cause by the Supreme Court.

§ 625. Each magistrate shall receive an annual salary of

$3,000 which shall not be diminshed within his term of office.

§ 626. The district magistrate shall have the same jurisdiction civil and criminal and the like powers as are now exercised by the District Magistrate of Honolulu. Appeals may be taken from the district court to the City court or to the circuit court of the First Circuit of the Territory as now provided by law for appeals from the district court of Honolulu to the circuit court. And appeals and exceptions may be taken to the Supreme Court in like manner as allowed by law from the district courts of the Territory.

§ 627. The City judge shall receive a salary of $4,000 which shall not be diminished during his term of office.

City Court.

§ 628. The City court shall have criminal jurisdiction:

1. To inquire by grand jury of all crimes committed in the City and County of Honolulu, except capital offenses;

2. To try and determine all indictments found therein or sent thereto by another court for a crime committed in the City;

3. To send any indictment pending therein undetermined to the circuit court to be determined according to law;

4. Appeals shall lie to the Supreme Court as now or hereafter provided by law in the matter of appeal from the circuit court.

§ 629. The City court shall have civil jurisdiction of the following cases:

1. An action against a natural person or against a foreign or domestic corporation wherein the complainant demands judgment for a sum of money only or to recover one or more chattels with or without damages for the taking or detention thereof;

2. An action to foreclose or enforce a lien upon real property in the City and County created as prescribed by statute in favor of a person who has performed labor upon or furnished material to be used in the construction, alteration or repair of a building, vault, wharf, fence, or other structure or who has graded, filled in, or otherwise improved a lot of land or the sidewalk or street in front or adjoining a lot of land;

3. An action to foreclose or enforce a lien from a sum not exceeding two thousand dollars, exclusive of interest, upon one or more chattels;

4. The taking and entering of a judgment upon the confession of one or more defendants where the sum for which judgment is confessed does not exceed two thousand dollars, exclusive of interest, from the time of making the statement upon which the judgment is entered.

§ 630. The judge of the court may from time to time establish rules of practice for the court, not inconsistent with this Act or with the general rules of practice established as prescribed by the Supreme Court or first circuit court of the Territory.

§ 631. The judge may within the City administer an oath or take a deposition or the acknowledgement or proof of the execution of a written instrument and certify the same in like manner and with like authority and effect as a justice of the Supreme Court.

§ 632. The court shall have a clerk who is appointed and may be removed at pleasure by the judge. He must by a written instrument under his hand, file in the office of the City clerk a bond in such penal sum and with such surety as the court shall fix. And he may in his discretion appoint and may at his pleasure remove as many deputy clerks as the Board of Aldermen shall allow. The clerk is responsible for the faithful discharge of his duty by each deputy clerk and each assistant. The clerk, each deputy clerk and each assistant is entitled to a salary to be fixed and to be paid as prescribed by the Board of Aldermen.

§ 633. The clerk, and also each deputy clerk before he enters upon the duties of his office must subscribe and file in the office of the clerk of the City the oath of office prescribed by this Act. Each deputy clerk has all the powers and may perform all the duties of the clerk, when the office of clerk is vacant or when the clerk is absent therefrom or at a term or sitting of the court which the deputy clerk attends.

§ 634. The clerk shall receive for the use of the City of Honolulu the fees allowed by law to be received by the clerk of the Judidical Department. He shall not perform any service for which a fee is allowed by law until the fee therefor is paid to him. He must, on the first day of each month or within three days thereafter render to the treasurer of the City an account under oath of all fees received directly or indirectly during the preceding month by him or by a deputy clerk or either of his assistants for any official service; and he must at the same time pay the same into the treasury of the City of Honolulu.

§ 635. The judge of the court shall appoint the stenographers of the court and may at pleasure remove either of them. Each stenographer is entitled to a salary fixed and to be paid as prescribed by the board..

§ 636. The judge shall from time to time appoint and may at pleasure remove such official interpreters of the court as are necessary, who are entitled to such compensation as may be prescribed by law. Be fore entering upon the official duties, he must subscribe and file in the office of the clerk of the City the oath herein prescribed. He must attend any trial where his services are required; and the judge of the court may by order regulate his attendance.

§ 637. If the official interpreter knowingly and wilfully or falsely interprets any evidence, mater or thing, between a witness and the court, or a justice thereof in the course of an action or special proceeding, he is guilty of perjury.

§ 638. The chief of police must detail from his force as many attendants upon the court as the judge reqiures. The judge may regulate their attendance.

§ 639. The clerk, the deputy clerk, an assistant to the clerk the official interpreter or an attendant, shall not receive any fee or compensation, except his salary for any official services performed by him.

§ 640. In any action brought in the court, an order of arrest, a warrant of attachment, an execution or a requisition to replevin a chattel, must be directed to and executed by the chief of police.

§ 641. The procedure inthe City court and the laws governing the trial of actions and criminal procedure therein from the commencement to the final determination shall be the same as is now or may hereafter be provided by law for the circuit courts of the first judicial circuit of the Territory.

§ 642. The district courts and the City court shall be open for business every legal day except Saturdays from 9:30 a. m. to 12 m. and from 2 p. m. to 5 p. m., provided, that the criminal part of the district court shall be open Sundays until 11 o'clock a. m.

General Oath of Office.

§ 643. All of the officers and employes, except laborers, of the City shall, before entering upon the discharge of their duties take and subscribe to the following oath or affirmation: "I

..... do solemnly swear ,or do solemnly affirm) that, to the best of my ability I will faithfully discharge my duties, so help me God."

§ 644. In so far as the same are consistent with this Act, all provisions of law now existing inthe statutes of the Territory or the Organic Act relating to district courts and magistrates and clerks, and other officers thereof, shall apply to and control the district court herein provided for; and all provisions of law now existing in the statutes of the Territory, or the Organic Act relating to circuit courts, judges, clerks and other officers thereof, shall apply to and control the City court herein provided for.

Board of Estimate and Apportionment.

§ 645. There shall be a Board of Estimate and Apportionment.

How Constituted; Duties; the Annual Budget.

§ 646. The Mayor, Treasurer, Auditor, corporation and counsel, shall constitute the board of estimate and apportionment. The first meeting of said board in every year shall be called by notice from the Mayor, said board in every year shall be called by notice from the Mayor, personally served upon the members of said board. Subsequent meetings shall be called as the said board shall direct. At such meetings the Mayor shall preside, and one of the number shall act as secretary. The said board shall anually, between the first day of May and the first day of June, meet and by the affirmative vote of all the members make a budget of the amount estimated to be required to pay the expenses of conducting the public business of the City, as constituted by this Act, for the then ensuing year. Such budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, bureau, office, board, or commission, as the said board of estimate and aapportionment shall deem advisable. In order to enable said board to make such budget, the heads of departments, shall, at least thirty days before the said budget is hereby required to be made, send to the board of estimate and apportionment an estimate in writing, herein called a departmental estimate, of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, including a statement of each of the

salaries of their officers, clerks, employes and subordinates. Duplicates of these departmental estimates and statements shall be sent at the same time to the Board of Aldermen. Before finally determining upon the budget, the board of estimate and apportionment shall fix such sufficient time or times as may be necessary to allow the taxpayers of said city to be heard in regard thereto, and the said board shall attend at the time or times so appointed for such hearing. After such budget is made by the board of estimate and apportionment it shall be signed by all the members thereof and submitted by said board within ten days to the board of Aldermen, whereupon the board shall consider and investigate carefully the said budget. The board by a majority vote by all the members elected thereto, may reduce the said several amounts fixed by the board of estimate and apportionment, except such amounts as are now or may hereaftter be fixed by law, but shall not increase the same nor insert new items. such action of the board on reducing any item oramount fixed by the board of estimate and apportionment shall be subject to the veto power of the mayor, as elsewhere provided in this Act, and unless such veto is over-ridden by a three-fourths vote of the board the item or amount as fixed by the board of estimate and apportionment shall stand as part of the budget. After a final estimate is made in accordance herewith, it shall be signed by the mayor and when so signed the said several sums shall be and become appropriated to the several purposes and departments therein named. The said estimate shall be filed in the office of the Treasurer and published in two newspapers in the City.

Add clause at end of Section 67

Offenses Against Sundry Departments of the Government.

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

§ 648. The books of record so kept shall every five years, and upon the resignation, death or removal from office of such judge or other officer, be deposited with the City clerq.

§ 649. The City clerk shall carefully preserve the books of

record deposited with him as provided herein, filing the same with the records of the City. Such records, both while in the custody of such acknowledging officers and after such filing, shall be open at all reasonable times to the inspection of any responsible person, without fee or reward.

§ 650. Any of the officers to take acknowledgements aforesaid, who shall fail to keep the record herein directed, or upon failure to deposit the same with said City clerk as directed shall be liable to pay a fine of not less than fifty dollars nor more than two hundred and fifty dollars, which may be recovered of such officer, his executors or administrators before the district magistrate.

It shall be the duty of every officer authorized to take acknowledgements to instruments, before taking any acknowledgement, to first carefully inspect any instrument proposed to be acknowledged before him, and ascertain whether there are any interlineations, erasures or changes in such instrument.

If there are any such interlineations, erasures or changes, he shall call the attention thereto of the person offering to acknowledge such instrument, and if they are approved by such person, the said acknowledging officer shall place his initials in the margin of said instrument opposite each such interlineation, erasure or change, and shall note at the foot of the instrument before the acknowledging clause what each interlineation, erasure or change consists of, and the number of the page and line on which it occurs.

Commissioner of Deeds.

§ 651. Every officer authorized to take acknowledgements to instruments who shall take the acknowledgement of any person to any instrument in which there are interlineations, erasures or changes, and who shall fail to observe or perform the requirements or any of them of the last preceding section, shall be liable upon conviction thereof before any district court to a fine not to exceed the su mof two hundred dollars.

§ 652. Any officer authorized to take acknowledgements to instruments who shall knowingly incorporate in the certificate of acknowledgement any false or misleading statement as to the facts therein contained, shall, on due proof before any district magistrate be punished by a fine not to exceed one hundred dollars, or by imprisonment at hard labor not to exceed two months,

or both.. Nothing herein contained shall be construed to do away with the liability for civil damages for such act.

Any person in any way violating any of the provisions hereof may also be prosecuted for the violation of any other then existing law, rule or regulation.

Contracts for Supplies and Work for the City.

§ 653 All supplies to be furnished of work to be done for the City whether they are to be paid for out of the City treasury or out of trust moneys under the control of or to be assessed or collected by the City shall be furnished or performed by contract except where otherwise provided by law.

§ 654. The several departments and officers empowered by law to make contracts on the part of the City shall issue proposals for estimates therefor and advertise the same as provided by law. There shall be kept by each of said departments an appropriation box to be designated "Estimate Box" with a proper opening in the top thereof to receive estimates for which proposals have been issued. Such box shall be kept locked except at such times as it may be necessary to open the same to examine anl decide upon estimates and the keys thereof shall be retained by the head ofthe department. It shall be the duty of the head of th department to deposit in said box all estimates duly presented to him for work to be done under the direction of the department and immediately on the receipt thereof by him.

§ 655. The proposals for estimates shall be in such form as may be prescribed by the department making the same and shall contain the following particulars:

1. They shall require that the person making the estimate shall furnish the same in a sealed envelope to the head of the appropriate department at his office on or before a day and hour therein named, not less than ten days from the first publication thereof.

2. They shall state the quantity and quality of supplies or the nature and extent, as near as possible, of the work required.

3. They shall state that the estimates received will be publicly opened by the head of the department issuing the proposals at his office at a day and hour therein mentioned.

4. They shall state the amount in which security is required for the performance of the contract.

5. They shall state, briefly, the several matters required by

the next four sections to be contained or to accompany the estimates.

§ 656. Each estimate shall contain:

1. The name and place of residence of the person making the same.

2. The names of all persons interested with him therein and if not other persons be so interested, it shall distinctly state that fact.

3. That it is made without any connection with any other person making an estimate for the same purpose and is in all respects fair and without collusion or fraud.

4. That no member of the board of aldermen, head of a department, chief of a bureau, deputy thereof or clerk therein or other officer of the corporation is directly or indirectly interested therein or in the supplies or in the work to which it relates or in any portion of the profits thereof.

§ 657. The estimate shall be verified by the oath in writing of the party making the estimate that the several matters stated therein are in all respects true.

§ 658. The estimate shall be accompanied by the consent in writing of two householders or two freeholders in the City of Honolulu to the effect that if the contract be awarded to the person making the etsimate they will, upon its being so awarded, become bound as his sureties for its faithful performance; and that if he shall omit or refuse to execute the same, they will pay to the City any difference between the sum to which he would be entitled upon its completion and which the City may be obliged to pay to the person to whom the contract shall be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested.

§ 659. The consent mentioned in the last section shall be accompanied by the oath or affirmation in writing of each of the persons signing the same that he is a householder or freeholder in the City and is worth the amount of the security required for the completion of the contract stated in the proposals over and above all his debts of every nature and above his liabilities as bail, surety or otherwise, and that hehas offered himself as a surety in good faith and with the intention to execute the bond required by law.

§ 660. The sealed envelope containing the estimate shall be

endorsed with the name or names of the person or persons presenting the same, the date of its presentation, and a succinct statement of the work to which each relates; and no estimate shall be taken from the "Estimate Box" or the sealed envelope thereof or opened by any except at the time and in the manner herein designated for deciding on such estimates. At the time and place appointed for that purpose, in the proposals, as prescribed by this chapter, the head of the department, or other officers empowered to make the contract, inthe presence of the treasurer and auditor and such of the parties making them as may desire to be present, shall then and there open the said estimate box; and the estimates to be examined at that time, as may appear from the endorsements thereon, shall be taken from said box. The said head of department shall then and there publicly open and read all estimates which he may have received forthe contract mentioned in such proposals and shall reject all estimates not furnished in conformity with the law and the ordinances relating thereto and the requirements therof. The award of the contract shall be made according to law.

§ 661. When proposals are issued for a contract to furnish any article of which a sample can conveniently be furnished, the head of the department issuing the same may require that such sample be delivered at his office or at the office of the head of the appropriate bureau in his department within such time before the opening of the estimates as he may prescribe; and if it be not so furnished or do not conform to the quality required by the proposals, the estimate delivered by the person furnishing or omitting to furnish the same, as the case may be, shall be rejected.

§ 662. In all contracts for work for the City where provision is made for the payment of the contract price by installments a provision shall be inserted that the contractor shall allow ten per cent. of the contract price of the work actually done to remain as security till the whole work shall be complete according to the contract.

§ 663. In all contracts for work done by or for the City, the head of the department having charge thereof shall cause to be inserted a provision that the payment of the last installment in pursuance thereof shall be retained until such head of department shall have satisfactory evidence that all persons who have done work or furnished materials under such contract and who may

have given written notice to such head of department at any time within ten days after the completion of said work that any balance for such work or materials is still due and unpaid, have been fully paid or secured such balance. And if any person so having done work or furnished material and given such notice as aforesaid, shall furnish satisfactory evidence to the department that money is due to him by the contractor under such contract, such head of department shall retain such last installment or such portion thereof as may be necessary until such liability shall be discharger or secured; and in all such contracts the time for the completion and finishing of such work shall be inserted.

5664.

Sec. In all contracts for work for the City upon any public building or in any public street or place, in the performance of which accidents or injuries may happen to the person or property of another, a provision shall be inserted that the contractor shall place proper guards for the prevention of accidents and shall put up and keep at nights suitable and sufficient lights during the performance of the work; and that he will indemnify the City for damages or costs to which they may be put by reason of injury to person or property of another resulting from the negligence or carelessness inthe performance of the work.

§ 665. Every contractor for supplies or work by the City shall be executed by the contractor or contractors to whom the same may be awarded and shall be accompanied by a bond in the penalty mentionel in the proposal therefor, executed by the persons consenting to become bound as sureties or by such other persons as shall be substituted therefor, with the consent of the head of the department making such contract, conditions for the faithful performance of the contract and every provision therein contained and which bond shall be accompanied by the oath in writing of the persons signing the same that each is a householder or freeholder in the City and is worth the amount of the security required for the completion of the contract and states in the proposal as hereinbefore prescribed. And the several departments of the City government and officers aforesaid by which every and each contract for work to be done for the City shall be made in pursuance of this Act or of ordinances of the City, shall have power and it shall be their duty to require and enforce the faithful execution of each and every contract so made by them; and in case the contractor or contractors shall fail in any respect to perform the work which he or they

have contracted to render or perform within the time limited for the performance of the same, then it shall be the duty of such department or officers aforesaid having charge of such work to do and complete the same inthe manner provided for the performance of the same in the contract and the cost of the same shall be charged against such delinquent contractor or contractors; provided, however, that the head of any department or officers aforesaid by whom any such contract shall be made may, with sufficient cause, extend for a reasonable time the period fixed for the completion thereof.

§ 666. The amount due contractors on all contracts and on work in progress under contracts on account of regulating and paving streets, building sewers and all other work ordered to be done by contract by virtue of the provisions of all ordinances of the Board of Aldermen shall be paid by the treasurer as provided by law; but no money shall be paid on account of said assessments or contracts until a copy of the original contracts has been filed with the auditor of the City by the head of department having such work in charge with a certificate in writing from the head of such department stating the amount of work that has been completed and the amount due the contractor for such work according to the terms of the original contract; upon the amount thus certified and ascertained to be due to the contractor, the auditor shall pay seventy per cent; the remaining thirty per cent to be reserved until the final completion ofthe contract.

§ 667. Whenever any payment shall become due upon any contract according to the provisions thereof or in accordance with any of the provisions of this Act or of ordinances of the City, it shall bethe duty of the head of department or officer aforesaid having such work in charge to furnish to the person or persons entitled to such payments a certificate in writing specifying the contract upon which such payment is due and the amount due upon such contract.

§ 668. It shall be the duty of the treasurer, on presentation of such certificate being made to the auditor and warrant issued therefor, to pay the amount thereof and indorse such payment upon the contract upon which said payment is made; but no payment shall be made upon any contract beyond the amount thereof and the final payment thereon shall not be made until the head of department or officer aforesaid having charge of such work shall furnish the auditor, who shall file the same in his

office, a certificate signed by the head of such department or officer aforesaid, that the work mentioned in such contract has been completed according to the terms of said contract and to the satisfaction of the head of department giving such certificate.

§ 669. The auditor shall keep an account of all bonds issued, specifying the particular work on account of which the same may be issued; and all moneys collected on account of any work for the payment of which said bonds were issued shall be faithfully applied as aforesaid.

§ 670. Each and every contractor shall be required to have a certificate from the proper head of department setting forth the amount of work done of every description that may be charged in each bill or assessment list of said contract; and also a certificate that the work is done according to the plans and specifications, said certificate to be attached to each assessment list before presented for confirmation.

§ 671. In all cases of delinquency in the payment of any assessment for work done under a contract made by any contractor with the City in respect to any street or road and in respect tothe building of wharves, piers, slips and sewers in this City and in all such like contracts on a final settlement with every such contractor, there shall be allowed and paid to such contractor interest at the rate of six per cent. per annum on the balance due him.

§ 672. In all contracts for work done at the expense of the City and by order of the said Board of Aldermen, provision shall be made for the payment of the amount of said contract on the completion of the work to the satisfaction of the department making such contract.

§ 673. No payments shall be made for work done or supplies furnished except upon proper vouchers rendered by the head of the appropriate department or other proper officer, board or commission for wohm suc h work was done or supplies furnished. Such vouchers shall be made out in duplicate and shall contain the certificates of such subordinate officers as the head of the department may require and of such form and purport as he shall prescribe and also a certificate of the head of the department. One of the duplicate vouchers shall be retained in the department or office by which the vouchers are rendered and the other shall be transmitted to the auditor. A reecipt for the amount paid shall be taken upon the voucher sent to the auditor.

Officers Not to be Privately Interested in Contracts.

§ 674. No member of the Board of Aldermen, head of department, chief of bureau, deputy thereof, or clerk therein, or other officer of the City, shall be or become, directly or indirectly, interested or in the performance of any contract, work, or business, or the sale of any article, the expense, price, or consideration of which is payable from the city treasury, or by any assessment levied by any act or ordinance of the Board of Aldermen; nor in the purchase or lease of any real estate or other property belonging to or taken by the City, or which shall be sold for taxes andassess ments, or by virtue of legal process at the suit of the said corporation. If any person in this section mentioned shall, during the time for which he was elected or appointed, knowingly acquire an interest in any contract or work with the city, or any department or officer thereof, unless the same shall be devolved upon him by law, he shall, on conviction therein, forfeit his office, and be punished for a misdemeanor. All such contracts in which any person is or becomes interested shall, at the option of the auditor, be forfeited and void. No person in this section named shall give, or promise to give, any portion of his compensation, or any money or valuable thing, to any officer of the City, or to any other person, in consideration of his having been or being nominated, appointed, elected, or employed as such officer, agent, clerk, or employee, under the penalty of forfeiting his office and being forever disqualified from being elected, appointed, or employed in the service of the City, and shall, on conviction, be punished for a misdemeanor.

May Be Summarily Examined.

§ 675. Any member of the Board of Aldermen, commissioner, head of department, chief of bureau, deputy thereof, or clerk therein, or other officer of the corporation or person, may, if a justice of the Supreme Court shall so order, be summarily examined upon an order to be made on application based on an affidavit of the Mayor or of the comptroller, or any five members of the Board of Aldermen, or any commissioner of accounts, or of any five citizens who are taxpayers, requiring such examination, and signed by any justice of the Supreme Court directing such examination to be publicly made at the chambers of said court, or at the office of said department, on a day and hour to be

named, not less, however, than forty-eight hours after personal service of said order. Such examination shall be confined to an inquiry into any alleged wrongful diversion or misapplication of any moneys or fund, or any violation ofthe provisions of law, of any want or mechanical qualification of any inspectorship of public work, or any neglect of duty in acting as such inspector, or any delinquency charged in said affidavit touching the office or the discharge or neglect of duty, of which it is alleged in the application for said order that such member of the Board of Aldermen, head of department or other aforementioned officer or person has knowledge or information. Such member of the Board of Aldermen commissioner, head of department, clerk or other aforesaid officer or person shall answer such pertinent questions relative thereto, and produce such books and papers in his custody or under his control as the justice shall direct and the examination may be continued from time to time, as such justice may order, but the answer of the party charged shall not be used against him in any criminal proceeding; provided, however, that for all false answers on material points he shall be subject to the pains and penalties of the crime of perjury. The proceedings may be continued before any other justice, and other witnesses, as well as the parties making such application, may, in the discretion of such justice, be compelled to attend and be examined touching such alleged delinquencies. Such justice may punish any refusal to attend such examination or to answer any questions pursuant to his order, as for a contempt of court, and shall have full power and authority to enforce obedience or to punish contempt in any case or matter whatever, and shall impose costs upon those promoting such an examination, not exceeding one hundred and fifty dollars, if he thinks there was no probable cause for making application hereinbefore provided for, the said costs to be paid to the officer or person examined, and for which the said officer or person may have judgement and an execution. The examination hereinbefore provided for shall be reduced to writing, and be filed in the office of the City clerk, the examination so reduced to writing and filed shall be at all reasonable times accessible to the public, and notice of the same shall be given to the department in which said officers is employed. (Provided, however, that the Board of Aldermen shall have the power to make appropriations for the necessary current expenses of the City government for the period commencing on the first day of January, 1902, and ending o nthe 30th day of

This clause belongs at the end of Section 646

June, 1902; provided, further, however, that such appropriations shall not exceed one half of the total amount of the estimated income of the City to be derived from taxes, licenses and other sources for the year 1902.

§ 676. All laws of the Territory of Hawaii relating to licenses shall remain in force and effect within the City and County of Honolulu until otherwise changed by the Board of Aldermen; and all licenses issued within said City for said City after this Act shall take effect shall be issued by the Mayor of said City and the fees therefor and therefrom shall be paid to the City Treasurer; and all licenses in force within said City when this Act takes effect shall continue in force until their expiration.

§ This Act may be known and cited by the short titile of "Honolulu Charter," and shall be amended in the following manner, to wit: The Board of Aldermen shall fix a date not less than ten days after the introduction of the proposed amendment for a public hearing thereupon, and the City clerk shall give at least five days notice of said hearing by publishing the date and a copy of the proposed amendment in two newspapers published in English in Honolulu; the proposed amendment shall thereafter be considered by the Board and if the same receives a three-fourths vote of all the aldermen elected, then it shall b submitted to the people at the next ensuing City election, and shall pass and become a law upon receiving a majority of all the votes cast at such election. And there shall be printed ballots containing each proposed amendment and they shall contain the words arranged as follows, to wit:

For the Amendment

Against the Amendment

If the voter is in favor of the amendment, he shall make a cross, X, at the right hand corner of his ballot within the space and opposite the words "For the Amendment," but if he is opposed to the amendment he shall make a cross, X, at the right hand corner of his ballot within the space and opposite the words "Against the Amendment."

§ 678. This Act shall not take effect unless accepted by a majority of all the inhabitants qualified to vote for representatives in the Legislature of the Territory residing in the District of Kona, at an election to be held for the acceptance or rejection of the same. The said election shall be held on the ..... day of ....., A. D. 1901, and the several provisions of the Civil Laws of the Territory as to the manner of holding elections for members of the Legislature shall appl yand be in full force in the holding of this election, except that there shall be printed ballots, and they shall contain the words:

For the Act:

Against the Act:

~~Against the Act~~:

If th evoter is in favor of the acceptance of the Act he shall make a cross "X" at the right hand corner of his ballot within the space and opposite the words "Against the Act."

If the voter is opposed to the acceptance of the Act he shall make a cross "X" at the right hand corner of his ballot within the space and opposite the words "For the Act."

§ 679. All acts and parts of acts inconsistent with this Act are hereby repealed.

§680. This Act shall take effect from and after the ---- day of ----- 190--

SENATE BILL No. 62

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To create establish and locate an Agricultural College, +c

Introduced Mch 28 *1901,*

By Senator J. I. Brown

ENDORSED BY

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

Passed May 1st Ayes 8

The Legislature of the Territory of Hawaii

SENATE BILL NO. 62

Introduced 28th day of March 1901, by Senator .....

First Reading in Senate .....

Second Reading in Senate .....

Referred to .....

Third Reading in Senate .....

First Reading in House .....

Second Reading in House .....

Referred to .....

Third Reading in House .....

AN ACT, ETC

-AN ACT-

To create, establish and locate an Agricultural College and Model Farm. Providing for the management thereof, and appropriating money for its maintainance and developement.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. There is hereby created and established an Agricultural College and Model Farm to be connected with the entire agricultural and mechanical interests of the Territory of Hawaii. The said college and farm to be under the control and management of a board of regents, consisting of five members, no more than two of whom shall be elected from the same county and who shall hold office for four years and until their successors are elected and qualified, as hereinafter provided.

SECTION 2. The Legislature, in regular session in the year I90I shall, by joint resolution, elect three regents to serve two years and two regents to serve four years. The Legislature at each regular session thereafter shall elect such a number of regents as to keep the board complete. The board of regents, for good cause, may expel and remove any member from the board by giving notice and a hearing together with a written statement of the charges preferred. Any vacancy in said board caused by death, resignation, failure to qualify, removal or any other cause may be filled by the board until the next meeting of the Legislature, provided that each member shall be given sixty days in which to qualify, and no officer or employee of the college and farm, nor any member of the Legislature or other person holding any office, or who shall not be a citizen of the United States, shall be eligible as such regent.

SECTION 3. The board of regents shall have power:

1. To elect a chairman from their own number, a president of the college and farm, a secretary, a treasurer, professors and other teachers, superintendents of departments, a steward, a librarian and such other officers as may be required for the transaction of business connected with the college and farm, also to fix all salaries of officers and prescribe their duties, not inconsistent with this act, to appoint substitutes who shall discharge the duties of such officers during their temporary absence.

2. To manage and control all the property of the college and farm, whether real or personal.

3. To make rules and regulations for the government of the college and farm.

4. To establish rules and regulations concerning the number of hours, which shall not be less than three, each day, except Sundays and legal holidays, which shall be devoted to manuel labor on the farm and to fix the compensation therefor, provided that no student shall be exempt from labor except in case of sickness or other infirmity, or where students from the advanced classes may be employed as teachers.

5. To arrange courses of study and practice, and to establish such professorships as they may deem best to carry into effect the provisions of this law. Also to prescribe conditions of admission to the college.

6. To grant diplomas, on the recommendation of the faculty, to any student who has completed either of the industrial courses prescribed by said board, or an equivalent thereof.

7. To remove any officer, or member of the board, by a majority vote of all the members to which the board is entitled

8. To direct the expenditure of all appropriations which the Legislature, or Congress shall make for the institution from time to time, and all other income from all other sources.

9. To keep full and complete records of their proceedings and to do such other acts as may be found necessary to carry out the meaning and intent of this act.

SECTION 4. A majority of the regents shall be a quorum for the transaction of business.

SECTION 5. As compensation for their services, the regents shall receive five dollars per day for each and every day actually employed in the discharge of their duties as members of such board and which shall appear upon the record as being under call of the president of the board, provided that such committee work and all such provisions for committee work shall be made at a regular or called meeting of the board and the allowance of compensation for committees shall appear upon the record and in no case shall such compensation exceed the rate provided herein for members of the board, nor shall the time in which any committee shall complete its labors be extended beyond ten days from the first day on which the committee begins its labors as such. Neither shall an amount in excess of five hundred dollars be expended for committee work in any year. In addition to the compensation, in this section provided, each member of the board of regents shall receive ten cents per mile for each and every mile actually traveled in the discharge of his duties, provided further, that no member of the board of regents shall receive compensation for more than forty days in each year, including committee work.

SECTION 6. The annual meeting of the board of regents shall be held at the college on the second Wednesday of November in each year.

SECTION 7. The college year shall begin on Thursday after the second Wednesday in November each year and end on the second Wednesday in November of the following year. The board of regents shall make annual and biennial reports to the Governor. The biennial report of the board of regents shall be filed with the Governor, not later than the fifteenth day of January preceeding the regular meeting of the Legislature, and the board of regents shall cause two thousand copies thereof to be printed and bound in paper to be distributed as follows: one thousand copies to the college for distribution by its officers, and students under supervision of the college secretary; twenty-five copies to the county clerk of each county for distribution and the remainder to the secretary of the Territory for use of the Legislature and distribution otherwise.

SECTION 8. The president of the college and farm shall control, manage and direct the affairs of the college and farm subject to such rules as may be prescribed by the board of regents and shall report to said board at its annual meeting and at such other times as may be directed by the board. The president's annual report shall be a showing of all his acts as president, the condition of the several departments of the college and farm together with his recommendations for the future management thereof.

SECTION 9. The secretary shall keep the documents and books of the college and record all the proceedings of the board of regents, attend to all correspondence and perform such other duties pertaining to his office as may be assigned by the president or board of regents. All acts of the board of regents as to the management of the college, use of the lands, funds or other property of the institution shall be entered in the

records of its proceedings, and such record shall show how each member voted on each proposition. The secretary shall prepare all reports after the subject matter shall have been approved by the president or board of regents. Upon the election of any person to an office by and under said board, the secretary shall give notice to the secretary of the Territory. He shall also keep an account with the treasurer, charging him with all money paid to him and crediting him with the amounts paid out upon orders issued by direction of the board of audit, which account shall be balanced monthly.

SECTION IO. The president and secretary shall constitute a board of audit, who shall, under the rules of the board of regents examine all bills presented for payment and no bill shall be paid without their joint approval endorsed thereon, provided that no bill shall be rejected which has been previously audited and allowed by the board of regents in session, and provided further that no bill or account shall be audited or allowed, of any class or nature, for the payment of which the board of regents has not made appropriation. The said board of audit shall examine the treasurers books monthly and at such other times and as often as said board of audit may deem advisable. All the proceedings as comtemplated in this section shall be reported to the board of regents at each meeting. The board of audit shall tabulate all expenses of the institution and the results of all experiments.

SECTION II. The treasurer shall receive and keep all notes, contracts and evidence of indebtedness and all monies arising as income of the institution, such as sale of products of the farm, tuition of students and so much of appropriations made by Congress or the Legislature as may be drawn from time to time by order of the board of regents for use of the institution, and shall

pay out money only upon orders drawn by the secreatry as above provided and he shall pay no order against accounts for which no appropriation shall have been made by the board of regents. The treasurer shall keep an accurate account of all the receipts and expenditures of said college and farm arising from all sources and in such manner that the receipts and disbursements of each and every department shall be apparent at all times and the gains and losses in each department shall be set forth in a report to the board of regents annually and at such other times as said board may direct. He shall also execute duplicate receipts of all money received by him, specifying the source from which received and the fund to which it belongs and is credited and such duplicate shall be filed with the secretary. No receipts for money paid to him shall be valid unless the duplicate is so filed. The treasurer shall be elected annually by the board of regents and shall give a bond with good and sufficient sureties in an amount fixed by the board of regents and to be approved by the chairman thereof and filed with the secretary of the Territory.

SECTION I2. The president, secretary and treasurer shall reside upon the college farm and shall take the official oath prescribed by law before entering upon the discharge of their duties, which oath shall be in writing and sworn to before any officer authorized to administer oathes and shall be filed with the secretary of the Territory.

SECTION I3. Tuition in the college hereby established, shall be forever free to pupils of this Territory over sixteen years of age, who are citizens of the United States and who shall have resided in this Territory one year previous to their admission. Foreign pupils or pupils from any other state or territory of the United States shall pay such tuition as the board of regents may prescribe, which shall be alike to all non-resident pupils.

SECTION I4. The course of instruction in said college shall include the following branches:
Natural philosophy, chemistry, botany, horticulture, forestry, floriculture, fruit growing, animal and vegetable anatomy, geology, mineralogy, meteorology, entomology, astronomy, zoology, veterinary surgery, plane mensuration, leveling, surveying, book-keeping and such mechanic arts as are directly connected with agriculture; also such other studies as the board of regents may from time to time pre scribe, not inconsistent with the purposes of this act. The United States Government may at any time, establish and operate an experimental station upon said farm and in connection with said college.

SECTION I5. No money shall be diverted from the fund to which it belongs or used for any other purpose than for the purpose for which it was appropriated or provided by law. Any regent, officer or employee of said institution, who may by vote, direction, or other act, violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment.

SECTION I6. The president shall provide for accommodations, as to board and lodging for the board of regents during the terms of meeting and other visits free of expense to them. And any person who may wish to visit the institution shall be provided with like accommodations, free of expense, upon the following conditions: Such intending visitor shall apply to any member of the board of regents in writing, stating the purpose of his or her intended visit and if such member of the board may deem it advisable he may issue a written permit for such visit, but in no case shall such permit or visit exceed ten days at one time.

SECTION I7. The location of said Agricultural College and Model farm shall be made by the Governor of the Territory by and with the approval of the Board of Education.

SECTION I8. That the sum of twenty thousand dollars is hereby appropriated out of any money in the Territorial Treasury, not otherwise appropriated, for the purposes of this act, which sum or any part thereof shall be subject to the order of the board of regents to be elected as in this act provided.

SECTION I9. This act shall take effect upon its passage and approval.

Approved this day of A.D.I90I.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this day of April A. D. I90I.

President of the Senate.

Clerk of the Senate.

SENATE BILL No. 63

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To exempt from execution attachment and any species of forced sale the homestead of a householder having a family, to the value of- $3,500.00

Introduced March 28 *1901,*

By Senator Kaine

ENDORSED BY

First Reading in Senate March 28 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Passed 4-15 ayes 9 noes 6

The Legislature of the Territory of Hawaii

SENATE BILL NO. 63

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT TO EXEMPT FROM EXECUTION, ATTACHMENT AND EVERY SPECIES OF FORCED SALE THE HOMESTEAD OF A HOUSEHOLDER HAVING A FAMILY, TO THE VALUE OF THREE THOUSAND FIVE HUNDRED DOLLARS.

Be it enacted by the Legislature of the Territory of Hawaii:

Sec. 1. Every citizen of this Territory being a householder, and having a family, shall be entitled to hold exempt from execution, attachment and every species of forced sale the land and buildings owned and occupied as a residence by him or her, but the value thereof inclusive of improvements shall not exceed the sum of Three thousand five hundred Dollars.

Sec. 2. Where an officer authorized to serve or execute any of the process mentioned in the foregoing section shall hold any of such process against any person claiming an exemption under this act and shall not find any other property out of which to satisfy such process, such officer may levy such process upon the property herein declared to be exempt, provided the same exceeds in value the sum of Three thousand five hundred Dollars, and proceed to sell the same, but no such sale shall be valid unless the property shall bring a sum exceeding the sum of Three thousand and five hundred Dollars and only the surplus over and above that sum shall be applied in satisfaction of such process, and said sum of Three thousand five hundred Dollars shall be paid in every case of sale as herein provided to the exemptor.

Sec. 3. The sum of Three thousand five hundred dollars realized from the sale of exempt property as provided in the preceding section shall be exempt from garnishment, attachment, execution and every species of legal process for the period of six months computing from the day upon which the said same shall have been paid to the person thereto entitled.

Sec. 4. This Act shall take effect and be in force from and after its passage.

AN ACT TO EXEMPT FROM EXECUTION
ATTACHMENT AND EVERY SPECIES
OF FORCED SALE THE HOMESTEAD OF
A HOUSEHOLDER HAVING A FAMILY,
TO THE VALUE OF THREE THOUSAND
FIVE HUNDRED DOLLARS.

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Sec. 4. This Act shall take effect and be in force from and after its passage.

HE KANAWAI E HOOKOE MAI KE KUAI IA ANA MALALO O NA PALAPALA HOOMALU, PALAPALA HOOPAA AME NA KUAI LIMAIKAIKA ANA O KELA AME KEIA ANO O NA HOME-NOHO O KEKAHI MEA HAIE NONA KEKAHI OHANA, I HIKI AKU KONA WAIWAI IO HE EKOLU TAUSANI AME ELIMA HANERI DALA.

E Hooholoia e ka Ahaolelo o ka Teritori o Hawaii:

Pauku 1. O kela ame keia makaainana o keia Teritori he hale kona a he ohana hoi, ua kuleana oia e paa a e hookoeia mai ke kuaiia ana malalo o na palapala hoomalu, palapala hoopaa, ame na kuai limaikaika ana o kela ame keia ano o ka aina ame na hale i onaia a i nohoia ma ke ano he home noho e ia (kane a wahine paha), aka, o ka waiwaiio oia mea ke huipuia me na hale o luna aole ia e oi aku mamua o Ekolu tausani elima haneri dala.

Pauku 2. Ina o kekaji makai i hoomanaia e hooko a i ole hoohana aku i kekahi kauoha i oleloia ma ka pauku mamua ae a e paa ana hoi i kekahi oia mau kauoha e kue ana i kekahi kanaka e koi ana i ke kuleana hookoe malalo o keia kanawai i loaa ole hoi iaia na waiwai e ae mai loko ae olaila e hoolawaia ai ia kauoha, e hiki no i ua makai'la e hooko i ua kauoha'la maluna o ka waiwai maloko nei i oleloia ua koe, ina nae ua oi aku ka waiwai o ia mea mamua o Ekolu tausani elima haneri dala, a e hoomaka aku e kuai ia mea, aka nae, aole kekahi kuai ana oia ano e lilo i mea mana aia wale no a loaa i ka waiwai kekahi puu dala e oi ana mamua o Ekolu tausani elima haneri dala a o ka oi wale aku no maluna aku o ia huina dala ke haawiia no ka hoolawa ana i ua kauoha'la, a oia huina o Ekolu tausani elima haneri dala e ukuia no ma na kuai ana apau e like me ia i hoakakaia maloko nei i ka mea i kuleana i ka hookoe.

Pauku 3. O ka huina o Ekolu tausani ame elima haneri dala i loaa mai ke kuai ia ana o ka waiwai i hookoeia e like me ia i hoakaka ia ma ka puku mamua ae, e koe ia mai ke kanisi, hoopaa, hoomalu a mai kela ame keia ano kauoha no ka manawa o eono mahina e helu ana mai ka la e ukuia ai ua mea'la ina hoi no ka uku ia i ka mea i kuleana ma ia mea.

Pauku 4. E ~~lilo~~ mana no keia kanawai ~~i mea mana~~ a e kuleana aku hoi mai, a mahope iho o kona hooholoia ana.

HE KANAWAI E HOOKOE MAI KE
KUAI IA ANA MALALO O NA PALA)
PALA HOOMALU,PALAPALA HOOPAA
AME NA KUAI LIMA-IKAIKA ANA O
KELA AME KEIA ANO O NA HOME-NOH
O KEKAHI MEA HALE NONA KEKAHI O
OHANA, I HIKI AKU KONA WAIWAIIO
HE EKOLU TAUSANI AME ELIMA
HANERI DALA.

SENATE BILL No. 64

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To exempt the personal Taxes of those having Five or more children living -

Introduced Mch 29 *1901,*

By Senator Achi

ENDORSED BY

First Reading in Senate Mch 29, 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Table to be consd with Sim[illegible]

The Legislature of the Territory of Hawaii

SENATE BILL NO. 64

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

64

AN ACT TO EXEMPT THE PERSONAL TAXES OF THOSE WHO HAVE FIVE OR MORE CHILDREN LIVING.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1: The Poll, School and Road Taxes of all those who have five or more children living are hereby remitted.

Section 2: All Laws and parts of Law in conflict with this Law are hereby repealed.

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

AN ACT TO EXEMPT THE PERSONAL TAXES OF THOSE WHO HAVE FIVE OR MORE CHILDREN LIVING.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1: The Poll, School and Road Taxes of all those who have five or more children living are hereby remitted.

Section 2: All Laws and parts of Law in conflict with this Law are hereby repealed.

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

S.B. 64

He Kanawai,

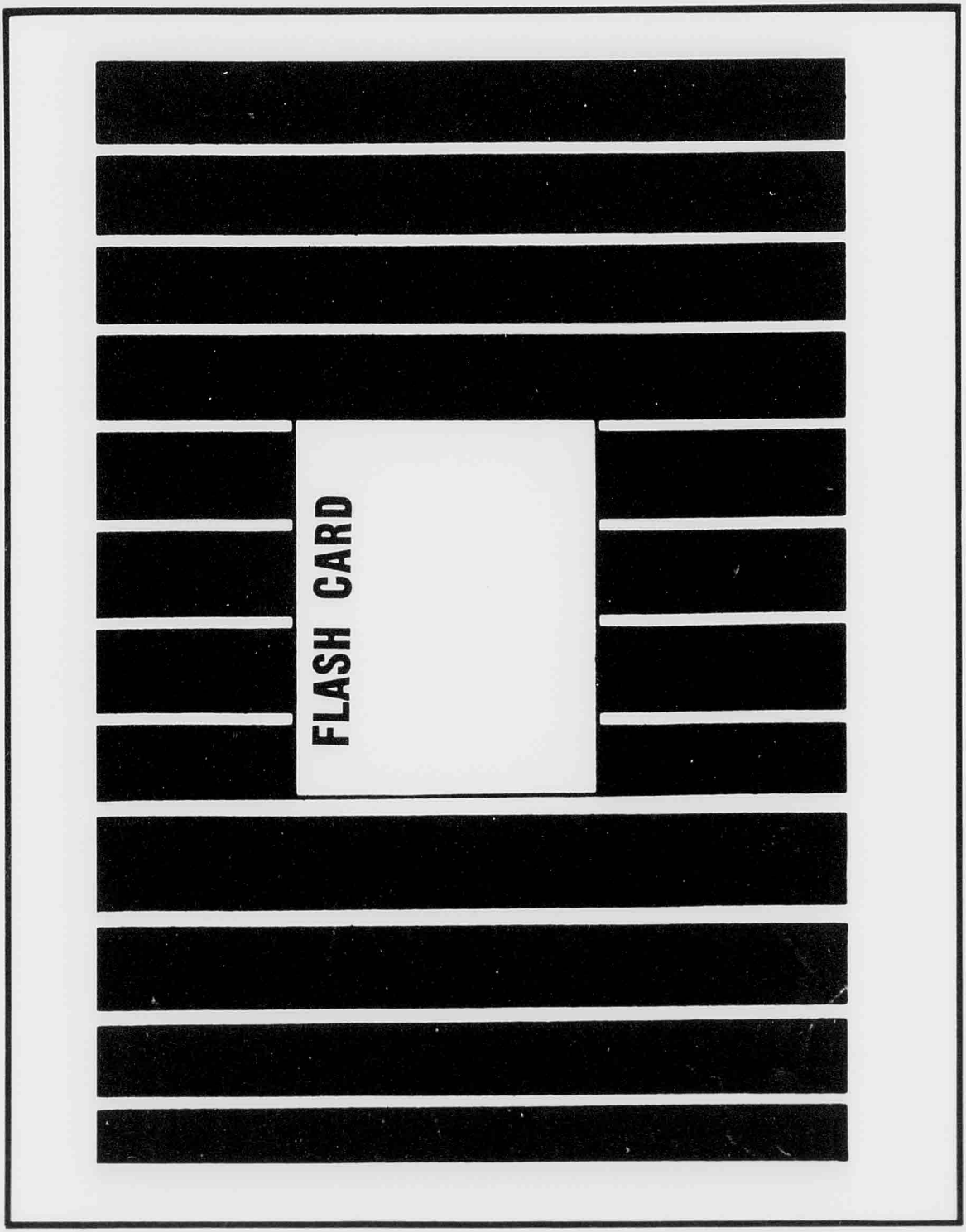
E hoopan ana i ka Auhau kino o na mea he elima keiki a oi aku.

E Hooholo ia e ka Ahaolelo o ke Panalaau o Hawaii,

Pauku 1. Na Auhau kula, alanui a me ka auhau kino o na mea apau he elima a oi aku o na keiki e ola ana, e hoopan ia,

Pauku 2, Na kanawai a me na mahele kanawai apau e kue ana i keia kanawai ma keia ke hoopan loa ia nei,

Pauku 3. E mana keia kanawai mai a mahope aku o kona la e hooholo ia ai.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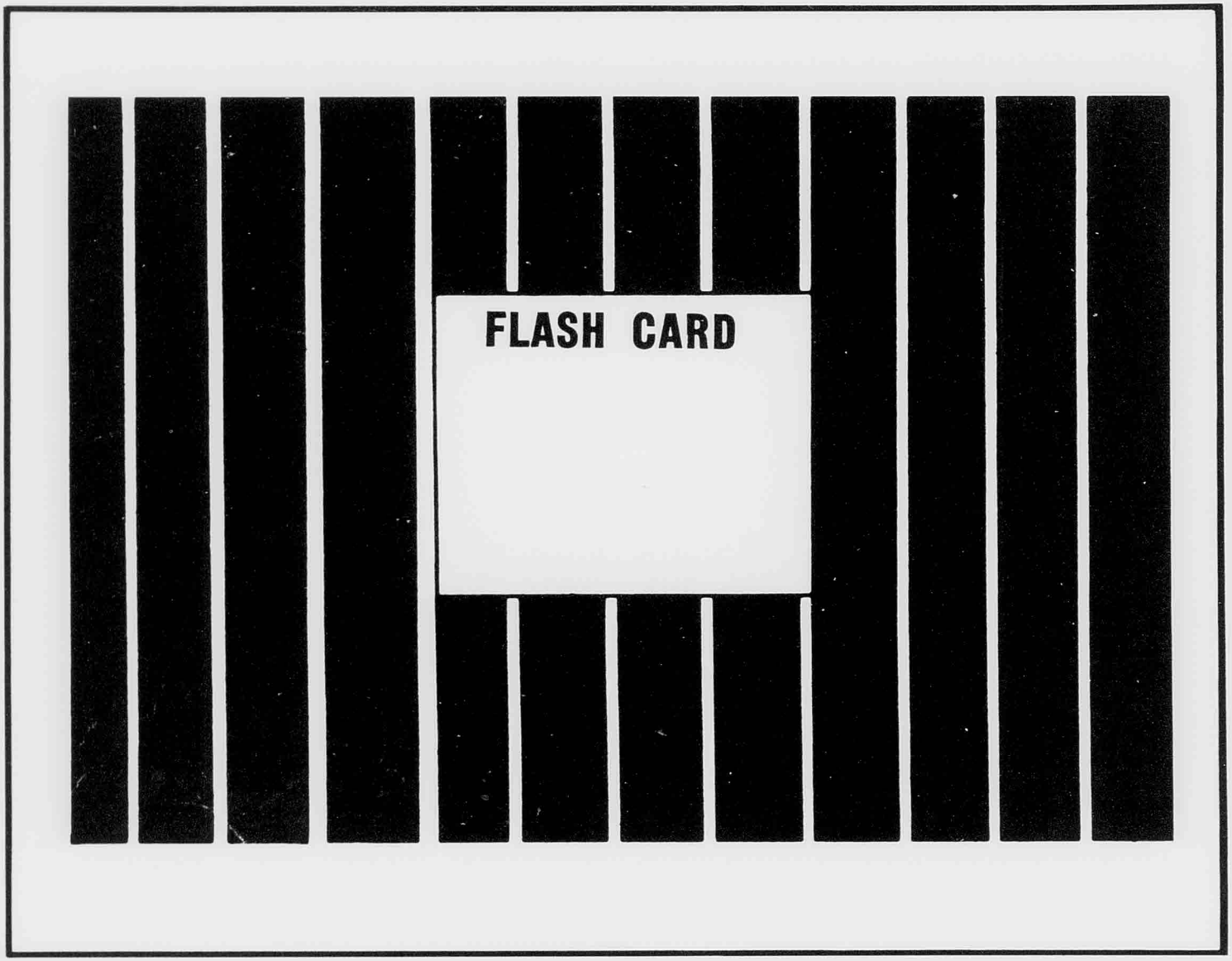
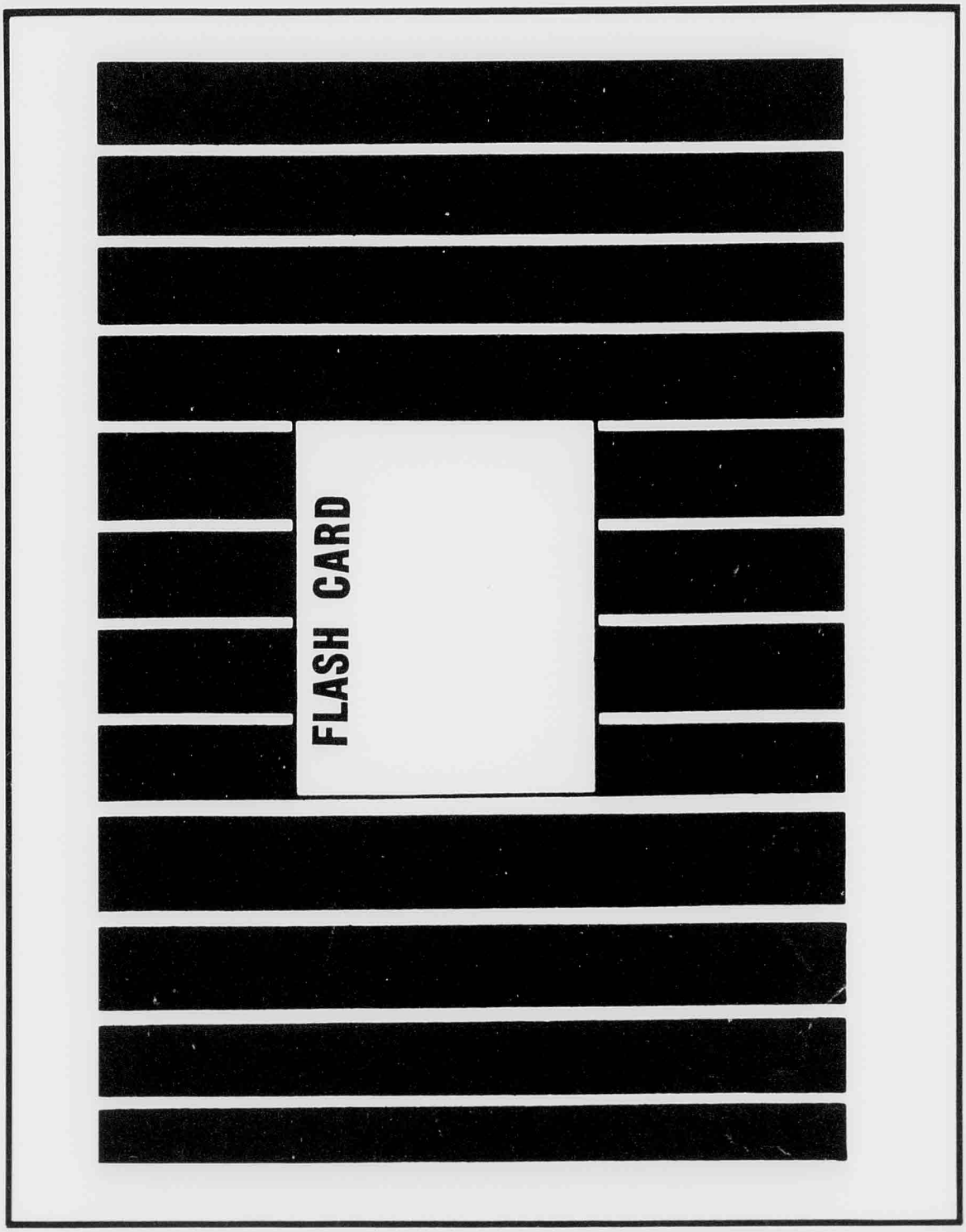


FLASH CARD



FLASH CARD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SENATE BILL No. 65

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To provide for
Public Loans

Introduced April 1 *1901,*

By Senator C Brown

ENDORSED BY

First Reading in Senate April 1, 1901.

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Passed 4-2-6 - Aug 14

The Legislature of the Territory of Hawaii

SENATE BILL NO. 65

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate .....

Referred to.....

Third Reading in Senate .....

First Reading in House.....

Second Reading in House .....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A C T.

AN ACT

To Provide For Public Loans.

Whereas, to meet the requirement of the Territory for the erection and improvement of public buildings and educational institutions, and for wharves, roads, harbor and other public improvements, it will be necessary to effect loans from time to time by means of the issue of bonds: and

Whereas, it is necessary that all loans to be effected hereafter, should be effected, and that the bonds to be issued therefor, should be issued in conformity with the Act of Congress providing a Government for the Territory of Hawaii, approved April 30th, A.D. 1900, and that the authority to effect such loans and issue bonds in respect thereof should be given in a uniform manner:

NOW THEREFORE, for the carrying out of the purpose above mentioned,

Be it enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Treasurer of the Territory, is hereby authorized and empowered with the approval of the Governor, to issue from time to time bonds of the Territory of Hawaii, with interest coupons attached thereto, to an amount not exceeding five million Dollars, the principal and interest to be paid in Gold coin of the United States of America, or its equivalent at its present standard of weight and fineness in the manner, upon the terms and for the purposes in this Act stated.

A C T.

AN ACT

To Provide For Public Loans.

Whereas, to meet the requirement of the Territory for the erection and improvement of public buildings and educational institutions, and for wharves, roads, harbor and other public improvements, it will be necessary to effect loans from time to time by means of the issue of bonds: and

Whereas, it is necessary that all loans to be effected hereafter, should be effected, and that the bonds to be issued therefor, should be issued in conformity with the Act of Congress providing a Government for the Territory of Hawaii, approved April 30th, A.D. 1900, and that the authority to effect such loans and issue bonds in respect thereof should be given in a uniform manner:

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SECTION 2. No such bonds shall be issued except in pursuance of an Act of the Legislature defining the purposes for which the same are to be issued, nor until approved by the President.

SECTION 3. All bonds issued under authority of this Act shall bear interest, payable semi-annually, at the rate of not more than five per cent per annum and be made redeemable in five years and payable in Fifteen years from the date of issue thereof.

SECTION 4. All such bonds shall be exempt from any and all taxes whatsoever and the payment of the principal and interest thereof shall constitute a charge upon the consolidated revenues of the Territory.

SECTION 5. The proceeds of the bonds so issued shall be exclusively devoted to the purposes for which the same are issued as expressed in Act of the Legislature under which the issue of the bonds is authorized.

SECTION 6. The Treasurer of the Territory may, with the approval of the Governor, determine the denominations of such bonds, to be issued under the authority of this Act and the place in which the principal and interest of such bonds or any of them, shall be payable and the method of their redemption.

He may make such arrangements as may be necessary or proper for the sale of the whole or any part of each authorized issue. Such arrangements shall provide for the sale of such bonds by the Government itself, by public advertisement for tenders, but no bonds shall be issued at less than 2% below their nominal

par value; and no indebtedness shall be incurred in any one year which shall exceed one per centum upon the assessed value of the taxable property of the Territory as shown by the last general assessment for taxation.

SECTION 7. All bonds issued under the provisions of this Act shall be lithographed or steel engraved, and shall be signed by the Treasurer of the Territory and by the Registrar of Public Accounts and be sealed with the seal of the office of the Treasurer.

Interest coupons shall bear a lithographed or engraved fac-simile of the signature of the Treasurer of the Territory.

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

Approved this day of A.D.1901.

SENATE BILL No. 66

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Authorizing the Treasurer to issue bonds not to exceed $1,946,000 to

Introduced April 1 1901,

By Senator C Brown

ENDORSED BY

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

Passed 4/26 ayes 12 noes

The Legislature of the Territory of Hawaii

SENATE BILL NO.....

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

An Act authorizing the Treasurer during the ensuing biennial period, with the consent of the Governor, to issue bonds of the Territory of Hawaii, with interest coupons attached, to an amount not to exceed $I,946,600., and to define the purposes for which the money obtained therefrom shall be expended.

Be it enacted by the Legislature of the Territory of Hawaii.

Section I. The Treasurer of the Territory of Hawaii, by and with the consent of the Governor, and upon approval of this Act by the president of the United States, is hereby authorized and empowered to issue from time to time during the ensuing biennial period, bonds of the Territory of Hawaii, with interest coupons attached and such denominations as he may deem fit, to an amount not to exceed in the whole the sum of $I,946,600.

Section 2. The following sums amounting to $I,946,600, the proceeds of such bonds, and authorized by an Act entitled an Act to provide for public loans approved the day of I90I, are hereby appropriated as follows:

Section 3.

Sewerage, Honolulu,	$I50 000.00
Sewerage, Hilo,	50 000.00
Garbage Crematory,	I5 000.00
Harbor Improvement, Honolulu,	305 000.00
Harbor Improvement, Hilo,	40 000.00
Palama Reservoir & Water Pipe,	50 000.00
Filtration System,	60 000.00
Addition to Pipe System Honolulu,	I20 000.00
Fire Hydrants, Honolulu,	6 000.00
Wailuku & Kahului Water Works,	3 000.00
Repayment of Advances from Current Funds,	799 000.00
Roads, Kau,	32 000.00

Roads, South Kona,	2 0 000.00
Roads, North Kona,	24 000.00
Roads, Waimea to N. Kona, Completion,	22 000.00
Roads, South Kohala,	I0 000.00
Roads, North Kohala,	I0 000.00
Roads, Hamakua,	55 000.00
Roads, North Hilo,	46 000.00

ROADS MAUI:

Roads, Hana,	47 000.00
Roads, Makawao,	26 000.00
Roads, Lahaina,	I4 000.00
Roads, Wailuku,	I0 000.00

ROADS MOLOKAI:

Roads, Molokai,	2 000.00

ROADS OAHU:

Roads, Koolaupoko,	4 000.00

ROADS KAUAI:

Roads, Hanalei,	I0 000.00
Roads, Kawaihau,	4 000.00
Roads, Lihue,	I2 000.00
Roads, Koloa,	7 000.00
Roads, Waimea,	3 000.00

SCHOOL HOUSES & TEACHERS COTTAGES:

Island of Hawaii:

Hilo, Estimated cost for District,	3 900.00
Hamakua, Estimated cost for District,	6 I00.00
Kohala, Estimated cost for District,	4 300.00
Kona, Estimated cost for District,	5 700.00
Puna, Estimated cost for District,	8 900.00

ISLANDS of MAUI and MOLOKAI:

Lahaina, Estimated cost for District,	I 300.00
Wailuku, Estimated cost for District,	8 I00.00
Makawao, Estimated cost for District,	7 400.00
Hana, Estimated cost for District,	5 200.00

Molokai,Estimated cost for District,	I 500.00
ISLAND of OAHU:	
Estimated cost for outer District,	I6 800.00
Honolulu,Estimated cost for District,	92 000.00
ISLAND of KAUAI:	
Waimea,Estimated cost for District,	2 700.00
Koloa, Estimated cost for District,	6 900.00
Lihue, Estimated cost for District,	5 800.00
Kawaihau, Estimated cost for District,	8 400.00
Hanalei,Estimated cost for District,	600.00
New Industrial School Buildings and Improvements at Waialee, Koolauloa,	30.000.00

Section 4. In the construction of all new roads or bridges and in the expenditure of all specific appropriations for repairing roads and bridges, it shall first be necessary that the Road Boards of the Several Districts in which such new work is contemplated shall approve the same and all such work shall be under the supervision of the Road Board of the District in which such new work is being carried on, and the fianl acceptance of all such work by the Superintendent of Public Works, shall be on the Certificate from such Road Board, that the same has been done in a good and workmanlike manner, and as provided by the contract and specifications.

Section 5. It shall be lawful for the Treasurer to continue to make payments in accordance with the appropriations authorized by this Act from any unexpended balance until the whole of the sums hereinbefore appropriated are expended as herein provided.

Section 6. Every contract for constructing public works or for furnishing material therefor amounting to Five Hundred Dollars, shall be awarded only upon public advertisement for tenders; and no public work or requirement for material

therefor shall be divided or parceled out for the purpose of evading the provisions of this Section.

Section 7. This Act shall take effect from and after the date of its publication.

Approved this day of A.D.I90I.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this day of April A.D.I90I.

President of the Senate.

Clerk of the senate.

SENATE BILL No. 67

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To fix compensation of Pilots for the Port of Honolulu

Introduced April 2 *1901,*

By Senator White

ENDORSED BY

First Reading in Senate April 2 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Passed 4/29 Ayes 10 No. 3

The Legislature of the Territory of Hawaii

SENATE BILL NO. 67

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

67

A N A C T

TO FIX THE COMPENSATION OF PILOTS

For

-: THE PORT OF HONOLULU :-

-BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

-Section I-

The compensation of the Pilots at the Port of Honolulu shall be as follows:

For all vessels under five hundred tons register, One and 50/100 Dollars ($1.50) per foot on draught of water into Port, and the same out.

For all vessels of five hundred tons register and over, Two dollars ($2.00), per foot on draught of water into Port, and the same out.

For anchoring vessels outside, Twenty dollars($20.-) If brought into the harbor by a Pilot, this charge shall be reduced to Ten dollars ($10.-)

For any detention on board for more than twenty-four hours, Seven dollars ($7.-) per day.

-Section II-

If any vessel engaged in foreign trade shall enter or depart from the Port of Honolulu without a Pilot, such vessel shall be liable for one half pilotage.

-Section III-

THIS ACT shall take effect and become a LAW on and after the day of its approval, and all laws or parts of laws opposed thereto, or inconsistent therewith, are hereby repealed.

SENATE BILL No. 68

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

The Public Health Act

Introduced Apl 2 *1901,*

By Senator Russell

ENDORSED BY

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

Passage Defeated Ayes 7 Noes 8

The Legislature of the Territory of Hawaii

SENATE BILL NO.....

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

BILL NO.___.

THE PUBLIC HEALTH ACT.

Repealing Act 60 of 1896,also Chapter LXX II,of the Session Laws of 1892,and all laws and regulations inconsistent herewith.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII.

Section 1. There shall be a Board of Health for the Territory of Hawaii,which Board will consist (a) of as many members as there are counties,each county being represented by a Sanitary officer in the employ of the Territory (b) of the Territorial Bacteriologist (c) of the Territorial Analyst (d) of the Territorial Veterinary Surgeon (e) of the U.S. Marine Hospital officers in charge of local quarantine stations as honorary members.

Section 2. The President of the Board of Health shall be the Sanitary officer of the county of Oahu,and shall reside in the city of Honolulu.He shall be a duly licensed

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THE PUBLIC HEALTH ACT.

Repealing Act 60 of 1896,also Chapter LXX II,of the Session Laws of 1892,and all laws and regulations inconsistent herewith.

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Section 2. The President of the Board of Health shall be the Sanitary officer of the county of Oahu,and shall reside in the city of Honolulu.He shall be a duly licensed

Doctor of Medicine,graduate of a recognized University or Medical college,having pursued not less than four years course of regular medical studies,after a full preliminary college education,possessing a degree of B.A.,B.S. or both.He shall also furnish satisfactory proofs that he is a thorough specialist in sanitary science,public health or state medicine.He shall be appointed by the Governor,by and with the advice and consent of the Senate,except in the first instance when, as provided in Section 40 of this Act,he shall be designated by the public Health committee of the Senate.All the duties enumerated as duties of the Board of Health shall,besides those generally borne by such officer,be deemed the duties of the President of said Board.

Section 3. Said Board shall elect a vice-president,and Secretary and may elect and appoint such other officers as it may deem necessary for carrying out the object and purposes of this Act.It may appoint a suitable person as Executive officer of said Board who,when so appointed,shall have and exercise all the powers and authority of a deputy Sheriff,in all matters pertaining to Public Health,and for the enforcement of all rules and regulations of said Board of Health.

Section 4. The activity of the said Board of Health shall be scientific,practical and executive.Its duties shall be ; (I) To cooperate with and assist the U.S. Marine Hospital service in charge of quarantine within the Territory,in preventing the importation of infectious and contagious diseases, both of human beings and animals,into the Territory,and should any germs of such disease be so imported,to take proper and necessary measures to immediately locate,limit and prevent the extension thereof; (2)To inaugurate asystematic and scientific study of the character,nature and cause of all

endemic prevalent diseases within the Territory,and to determine the most practical methods for the removal of such causes,and as far as it may be possible,to limit or destroy the disease. (3)To inaugurate and carry on a systematic collection and recording of sanitary and vital statistics of nativity,mortality and morbidity within the Territory. (4) To make and recommend to the Governor such rules and regulations as it may deem essential for the public health and safety respecting the practice of medicine within the Territory;the control of prostitution,the sale of drugs,the adulteration of foods and liquors,sanitary buildings,the reorganization of the leper settlement on principles of self government and all such other rules in various branches of public hygiene which the said Board may see fit to regulate and control in accordance with modern knowledge of public sanitation;which rules and regulations,when so made and recommended,during an interim between sessions of the Legislature,shall have the effect of law until the next legislative session. (5) To submit to the next session,and subsequent sessions of the Legislature,such measures of general assanixation of the Territory the fulfilment of which either exceeds the appropriation of the Board,or for any other reason requires legislation. (6) To control and administer the leper settlement,Kalihi station,Insane Asylum,Maternity Home, Bacteriological and Analytical station; (7) To exercise proper sanitary control over laborers' quarters,mills,manufacturing and industrial establishments,coasting steamers and vessels which may be beyond the control of the United States Marine Hospital Service,railroads,public and private buildings,public and private schools and hospitals,prisons, water supplies,and markets; (8) To regulate and control the

quality of alimentary products,liquors,drinks,drugs on sale, (9) To regulate and control cemeteries,slaughter-houses, stables and other places liable to affect public health.(10) To control and regulate the examination of lepers and vaccination.

Section 5. Said Board shall keep records of all its acts,proceedings and transactions,and shall present to the Governor,for publication,a detailed annual report covering all branches of the sanitary service of the country,and shall contribute to a sanitary and hygienic education of the mass of the people by the publication of popular tracts, pamphlets and articles in papers and magazines on such subjects as are closely connected with the most crying sanitary evils.

Section 6. To better enable the Board of Health to effectively carry out the duties of their service,they shall have power; (1) To enforce and execute sanitary laws and make sanitary rules and regulations within the limits of this Territory for which purpose the duly authorized executive officer of the Board of Health shall be invested,in Sanitary matters,with all the rights and prerogatives of a deputy Sheriff,including the right to swear in and delegate his power to his deputies.In case of need therefor,he shall be empowered to call to his aid the assistance of general police and administration authorities. (2)The Board of Health as a whole,and its individual members,officers and agents shall have the right to enter and inspect,between the hours of sunrise and sunset,any premises,public or private,and any opposition to such right shall constitute a misdemeanor and be punished by a fine not less than five or more than one hundred dollars;or by imprisonment not less than five or more

than one hundred days. (3) The right to disburse all the funds appropriated for general or specific sanitary purposes; provided that no moneys appropriated for a specific purpose shall be used for any other purpose.Members of the Board of Health and their executive officers shall be paid mileage in addition to other compensation herein provided ,at the rate of ten cents per mile,for each mile actually traveled in the dischage of his duties;provided however,that no charge for mileage shall be made or allowed to any member or officer within the city or town limits of the city or town in which such officer or member resides.

Section 7. The Sanitary officers for individual counties shall also be duly licensed Doctors of Medicine and possess all the other qualifications herein required of the President of the Board of Health,except that they shall not be required to be thorough specialists.The first complement of such officers shall be appointed by the Governor,by and with the advice and consent of the Senate;provided that if deemed necessary by the committee as in the Section 40 hereof,to be appointed by the Governor,with the advice and consent of the Senate,such committee may designate sanitary officers who shall serve as such until individual counties are created,or the legislature otherwise provides.All subsequent removals and appointments shall be made by the Board of Health with the approval of the Governor.

Section 8. The Territorial Bacteriologist in charge of the Bacteriological branch of the Bacteriological-Analytical Station besides possessing all the educational qualifications required for appointment as Sanitary officer,shall also furnish satisfactory evidence that he is a specialist in Bacteriology.He shall be appointed in the same manner as the President of the Board of Health.

The Territorial Analytical chemist shall possess educational qualifications required for Sanitary officers and must also furnish satisfactory evidence of having made theoretically and practically the analytical branch of chemistry a special line of studies.His appointment shall be in the same manner as that of county Sanitary officers.

Section 9. The Territoriall Veterinary surgeon shall be a person possessing full preliminary college education and have pursued regular course of studies in Veterinary surgery and have had at least three years actual practice.He shall be nominated by the Board of Health with the approval of the Governor.He will be entitled to the same mileage fees as in Sec. 6.The members of the Board of Health shall wear a concealed badge with the words "Sanitary Officer".The Executive agent and his deputies that of "Sanitary Police."

Section IO. The resident Physician in charge of the Insane Asylum shall possess all the educational qualifications required by this Act for Sanitary officers and furnish satisfactory evidence of his being an lienist or a specialist in mental diseases.He shall be nominated by the Board of Health,or the committee created by Section 40 of this Act and appointed by the Governor.

Section II. The resident physician in charge of the Leper Settlement shall have the same educational qualifications as are required of sanitary officers,and his nomination shall be made in the same manner.

The officers of the Board of Health shall be subject to removal only by the authority appointing them.

Section I2. The resident Physician in charge of the Maternity Home shall have the same educational qualifications as are required by this Act for Sanitary Officers.He shall be nominated by the Board of Health and appointed by the Governor.He shall also take charge of registered women service.

The duties of Sanitary officers in their respective counties shall be the same as those of the Board of Health in relation to the whole Territory.They shall have their residence in the respective counties for which they are appointed.They shall make detailed reports to the Board of Health quarterly,which shall comprise,both scientific,practical and executive aspects of their work.As such,sanitary officers shall be responsible to the Board of Health,and,as members of such Board,share the responsibility of said Board, for a proper carrying out of the objects and purposes thereof. In case of geographical remoteness,or unavoidable,temporary isolation of a county,the Sanitary officer thereof shall have authority equal to that of the Board.Each sanitary officer shall have at least one sanitary policeman who shall be sworn in and deputized by the Executive officer of the Board,and shall be subject to the orders and directions of the sanitary officer nominating him.

The general police and administrative authorities shall render the sanitary officers and policemen all assistance which may at any time be necessary,in enforcing the rules and regulations of said Board of Health,or otherwise in carrying out the law regarding sanitary matters.

Sanitary officers shall devote their time and attention to the duties of their office.They shall not be permitted to engage in the practice of medicine,but may,in cases of necessity,when no practicing physician or surgeon can be procured,give first medical assistance to individuals without pay.

Section 14. The Territorial Bacteriologist shall take charge of the Bacteriologist branch of the Bacteriological and Analytical Station;and carry on and conduct all bacteriological and allied work required by the Board and Sanitary

officers,and shall present a quarterly report to the Board of Health.

Section I5. The Territorial Analyst shall have charge of the Analytical department of the Territorial Bacteriological and Analytical Station,and shall do all the chemical, analytical work and perform other kindred duties connected with the service of the Board of Health,and the Territory.

Section I6. Any resident of this Territory,by delivering to the Territorial Analyst a sealed sample or samples of food,liquor,drink or drug,offered for sale in the Territory,which he has good reasons to believe,and does actually believe,to have been adulterated,or is of a quality inferior to the legal standard,shall be entitled,without charge,to an analysis,and a certificate signed by the analyst,giving his opinion as to its liability to affect health.

Section I7. Whenever it is deemed essential or advisable by the Board of Health,any petented drugs or nostrums,sold in public mart,may be analyzed by the Territorial Analyst and if found injurious,their qualitative and quantitative formulas and compositions may be published by said Board.

Section I8. The Analyst shall be responsible,at all times,to the Board of Health,and shall make quarterly reports to that body.

Section I9. The Territorial Veterinary surgeon shall give his whole time and attention to that branch of public sanitary work and shall not be permitted to carry on any private practice for pay,but may,under the conditions prescribed for such practice by sanitary officers,render free assistance in cases of extreme necessity.He shall have his residence in Honolulu,and shall be subject to the requirements of the Board of Health,and shall be specially charged with the preventation and suppression of diseases among animals,of the importation or spread thereof.It shall be his duty to study

scientifically the nature and character of endemic diseases, and ascertain the causes and the most practical measures for the extermination thereof; to collect vital statistics in his department, and to report quarterly to the Board of Health.

The Territorial Veterinary surgeon shall have at least one Sanitary policeman under his direction, and shall, as chief humane officer, cause all laws and regulations for the protection of animals, to be enforced, and for that purpose shall be vested with all necessary authority, and may delegate power to any private citizen or citizens to render such services as may at any time be necessarily required.

Regular meetings of the Board of Health shall be held quarterly in Honolulu, during the third week in each quarter, and such meetings shall last so long as may be reasonably necessary. Other, or special meetings may be called by the President whenever he deems it necessary.

Section 21. In event of the absence of any sanitary officer from his county, or other disability, his routine and urgent work may be carried on and conducted by the county Hospital Physician, so far as the same may be without predjudice to the Hospital service; in case of the absence or other disability of the county Hospital Physician, the Sanitary officer may take charge of the Hospital.

Section 22. Conditions unfavorably affecting, or liable to affect the public health, created artificially by individuals, corporations, city, county or territorial authorities, shall be removed at the expense of the party or parties causing the existence thereof. Conditions injurious to public health, due to natural causes independent of human activity, neglect, ignorance or bad will, may be removed within the means afforded by general or special appropriations of the Board of Health, at the expense of the Territory. Where both human

activity and natural causes are involved,the expense of removal shall be justly divided between the Territory and the respective individuals or corporations.

Section 23. All fines imposed by the courts,or other competent authority,upon complaint of the Board of Health or its officers or agents,upon individuals or corporations,shall be turned over to the Territorial Treasurer and applied by him to the fund of the Board of Health.

Section 24. At each session of the Legislature of the Territory,the Board of Health,through the Governor of the Territory,shall present an estimate of necessary appropriations for carrying out the objects of such Board and department during the two years next to succeed such session of the Legislature,as also an estimate of the requirements of such Board of Health,and department,for such needed improvements,if any,as it shall deem important.

Section 25. The salaries of the several members,officers, and agents of the Board of Health shall be as follows:

President of the Board of Health,	per annum	$4 000.00.
Bacteriologist,	per annum	3 500.00.
Analytical chemist,	per annum	3 500.00.
One Assistant Chemist,	per annum	2 500.00.
Veterinary Surgeon,	per annum	2 500.00.
Secretary,	per annum	2 500.00.
Executive Officer,	per annum	2 700.00.
Sanitary Officers,each,	per annum	3 500.00.
Sanitary Policemen,each,	per annum	900.00.
Physician in charge of Insane Asylum,	per annum	3 500.00.
Physician in charge of Leper Settlement,	per annum	3 500.00.
Physician in charge of Maternity Home,	per annum	3 500.00.

Section 26. The Executive Committee of the Board of Health shall be composed of all the members thereof having their permanent residences in Honolulu,ahd shall represent the Board and carry out all the duties,routine and administrative business thereof between the meetings of said Board; but all the transactions of such Executive Committee shall be subject to the approval of the Board at its next quarterly meeting.

The President of the Board of Health shall be ex officio chairman of such Executive Committee,and shall,in case of a division,have two votes.

The secretary of the Board of Health shall be a secretary of such Executive Committee,and perform all the duties incident thereto.

CHAPTER II.

COUNTY AND MUNICIPAL MEDICAL SERVICE.

Section 27. Whereas such public hygiene and sanitary control devolves upon the Territory as a whole,and is delegated to the Board of Health,the treatment of Individuals, both rich and poor,rests entirely upon induvudual counties and municipalities who are at liberty to organize such service as they may deem best;subject only to the general regulations of the Board of Health.There shall be in every county seat in the Territory,not less than one county hospital of such dimensions as shall correspond with the actual needs of the population for medical and surgical care and attention, and which shall be organized and constructed in accordance with the requirements of modern medicine and surgery,as the same shall be determined upon by the Board of Health of the Territory.

Section 28. Each county or municipal hospital shall have at least one hospital physician who shall be a duly licensed practitioner possessing all the qualifications herein required of sanitary officers.Such physician shall nave his permanent residence at such hospital during the time of his services thereat.

Section 29. Each county or municipal hospital shall have at least one professional nurse,one cook and one servant.

Section 30. No person,resident in the county or municipality,shall be refused admission to such hospital,because of his or her inability to pay therefor.A section,or portion of such hospital shall be devoted to such patients as are able to pay for care and treatment;and such patients shall be allowed to have the services of physicians other than the resident hospital physician,if they so desire,and the rates of charge for their care and treatment shall be fixed by the Board of County Commissioners,or other executive power of the county or municipality.

Section 31. The resident Hospital Physician of all the county or municipal hospitals shall be and attend at his office at such hospital,not less than two hours during each day for the care,attention and supplying of outdoor patients with advice and medicines;and any person applying for advice or medicines who are unable to pay therefor shall be furnished therewith at the cost of the county or municipality.

Section 32. The appointment of all hospital physicians shall be made by the respective county or municipal authorities,and their salaries fixed and paid, and all expenses of such hospitals borne by such county or municipality.Such hospital physicians shall be charged with the care and conduct of such Hospitals,and shall be responsible only to the authorities by whom they were appointed.

Section 33. The Hospital Physician shall not be allowed or required to attend or treat persons at private residences or places other than the hospital.He shall devote all his time and attention to the hospital,and the patients thereof of whom he has charge.He shall not be permitted to carry on a private practice,but may,in cases of extreme urgency respond to a call for consultation or assistance by a duly licensed practitioner of the immediate locality,unless urgently required,at the time,at the Hospital.

Section 34. No lying-in,private,county or municipal hospital,or sanitarium,or similar institution intended for the treatment of the sick or injured,whether charitable or for pay,shall be permitted by the Board of Health,unless such institution shall satisfy all the requirements of hospital hygiene as prescribed by such Board.

Section 35. If any chartered municipality shall at any time desire to increase the number of sanitary officers or sanitary policemen,within such municipality,the Board of Health may appoint such additional sanitary officers,or policemen,as it deems advisable and when duly appointed,they shall become members of the Territorial Board of Health;provided that the municipality for which additional sanitary officers are so requested shall first obtain the approval of the Governor of the Territory thereto,and shall,immediately upon such appointment,appropriate and pay to the Territorial Treasurer a sum equal to the salaries of such additional sanitary officers,as fixed by this Act,to be by such Treasurer placed to the credit of the fund of the Board of Health of the Territory.

Section 36. Such additional sanitary officers,when so appointed,shall be responsible to the Board of Health in like manner as other sanitary officers,but make and render to the municipality such reports as it may require.

CHAPTER III.

TERRITORIAL BACTERIOLOGICAL AND ANALYTICAL STATION.

Section 37. There shall be a Territorial Bacteriological and Analytical Station established in Honolulu,consisting of two departments,to wit: Bacteriological and Analytical.The Bacteriological department shall be in charge and under the control of a Territorial Bacteriologist.The Analytical in charge of the Territorial Analyst.Both the Territorial Bacteriologist and the Territorial Analyst shall be under the direction of,and responsible to the Board of Health,and shall make quarterly reports to such Board.

Section 38. The Board of Health shall properly organize, equip and put into operation such Bacteriological and Analytical station,and make and cause to be enforced such rules and regulations for the conduct thereof as such Board shall deem necessary.All instruments,materials,and other preperty of the Territory relating or pertaining to those branches of science,and now in possession or under the control of the Board of Health heretofore existing,or any member thereof,or any other person or persons,shall be delivered to the Board of Health,hereby established,for the use and benefit of such station.

Section 39. There is hereby appropriated from such monies of the Territory not otherwise appropriated,the sum of ..... dollars,for a special fund to be known as "The Board of Health Fund,"to be used for the purpose of carrying out the provisions of this Act.

Section 40. Immediately upon the passage and approval of this Act,there shall be appropriated by the Governor,with the advice and consent of the Senate,a committee,consisting of three members of the Legislature,who shall,for the purpose

of organizing and putting into operation the Health department and service according to the provisions of this Act,take temporary charge of the Health department and service,and receive from the heretofore existing Board of Health of the Territory all the Property,Paraphernalia,books,records,medicines,instruments and all other matters and things connected with the department of said Board of Health,or under its control.Such committee shall proceed to organize the department of the Board of Health designate the first President thereof and the sanitary officers and members of the Board or a commissioner pro temp,and shall exercise all the duties, and possess all the powers of such Board until the same shall be duly organized in the manner herein provided.They shall have power to abrogate and annul any or all of the rules of the Board of Health in force at the time of the passage of this Act,and with the approval of the Governor,to make,issue and enforce such other rules and regulations as they may deem necessary.

Section 41. Act 60 of 1896,also Chapter LXXLI of the Session Laws 1898 and all Acts or parts of Acts inconsistent with this Act are hereby repealed.

Section 42. This Act shall take effect from and after the date of its approval.

NICHOLAS RUSSEL.

SENATE BILL No. 69

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Creating the Office of Transportation Commissioner; Fixing his Salary and Defining his duties, and duties of Common Carriers and Providing penalties for violation thereof, and Repealing all laws in Conflict herewith

Introduced April 2 1901,

By Senator Russell

ENDORSED BY

First Reading in Senate Apl 2 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

The Legislature of the Territory of Hawaii

SENATE BILL NO. 69

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A N A C T

CREATING THE OFFICE OF TRANSPORTATION COMMISSIONER: FIXING HIS SALARY AND DEFINING HIS DUTIES, AND DUTIES OF COMMON CARRIERS AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND REPEALING ALL LAWS IN CONFLICT HEREWITH.

Be it enacted by the Legislature of the Territory of Hawaii.

SECTION 1. That there is hereby created the office of Transportation Commissioner of the Territory of Hawaii.

SECTION 2. The Transportation Commissioner shall be elected at each general election in the same manner as members of the legislature and shall hold his office for two years and until his successor is elected and qualified.

His term of office shall commence on the first day of January next after his election. The first Transportation Commissioner under this Act shall be elected by the Legislature and shall hold office until the thirty first day of December A. D. 1902 and until his successor is elected and qualified and he shall receive a salary of three thousand dollars per annum payable monthly out of the Territorial Treasury.

SECTION 3. Such Commissioner, before entering upon the discharge of the duties of his office, shall take and subscribe the following oath, which shall be filed in the office of the Secretary of the Territory, namely:

" I do solemnly swear (or affirm) that I will support the Constitution of the United States and the organic act of the Territory of Hawaii, and that I will faithfully and impartially discharge the duties of Transportation Commissioner as provided by law, to the best of my ability; that I am not in the employment of, and that I own no stock or bonds of, and am not otherwise pecuniarily interested directly or indirectly in any railroad, steam-ship, freight or transportation company, or any other common carrier concern.

He shall give a bond in the sum of Five Thousand Dollars conditional for the faithful and impartial discharge of his duties to be approved by the Governor and filed with the Secretary of the Treasury. The Commissioner shall

appoint two deputies, one of whom shall reside at Honolulu and shall preform the clerical work in the main office, and another who shall reside at Hilo and preform the clerical work in a branch office to be established there by the Commissioner, together with such other duties as the Commissioner may impose on either deputy.

Each of said deputies shall receive a salary of One Thousand Dollars per annum, payable monthly, out of the Territorial Treasury, and in addition thereto the Commissioner or his deputy shall receive ten cents per mile for each mile actually traveled, in excess of five miles at any time, in the discharge of his duties, which shall be paid out of the Territorial Treasury.

The deputies so appointed shall have the same power and authority as the Commissioner to act upon all matters connected with the duties of Commissioner as provided by law, in the absence of the Commissioner from either office Such Commissioner and deputies shall preform all the clerical labor of both offices and shall be entitled to no other clerical assistance.

The Commissioner may require a bond from his deputies and the Commissioner shall be responsible for the acts of his deputies.

SECTION 4. The Commissioner of Transportation shall have supervision over all persons, partnerships and corporations engaged as commom carrigrs of passengers and freight within the Territory of Hawaii and upon the waters thereof, and over all charges made by any person, partnership or corporation for the transportation of passengers, goods, merchandise and other property from one place to another in the Territory and shall enquire into any neglect or violation of the laws of this Territory on the part of any person partnership, firm, corporation or company engaged in tr-

ansporting passengers or freight for profit within this Territory or upon the waters thereof, or by the officers agents or employees of such persons, partnerships, firms corporations or companies. He shall inspect and examine the condition, equipment and manner of management of any and each common carrier doing business exclusively within this Territory with relation to public safty and convenience.

He shall examine and ascertain the pecuniary condition and financial management of all common carriers. Whenever he shall receive complaint in writing duly verified upon oath made by any person, firm, corporation or association, or any mercantile, agricultural, or manufacturing society or association, or any body politic or municipal organization, of any neglect or violation of law, specifying in particular and detailing the Acts complained of and naming the person or persons committing such violation of law applicable to common carriers, the Commissioner shall forthwith notify the person, persons, firm, corporation or company complained of in writing, specifying the charges set forth in such complaint and fixing in such notice a time and place at which he will investigate the same, and if, upon investigation, he shall find that the charges are well founded, he shall so decide and the decision of the Commissioner respecting such charges so investigated shall be final and conclusive unless appealed from within ten days from service of such decision to the Circuit Court in the County where such investigation was made; unless due satisfaction be rendered to the complainant so aggrieved as decided by him, the Commissioner shall within twenty days from the expiration of the time for such appeal report the facts of such investigation and his decision to the Attorney General of the ter-

ritory, who shall thereupon proceed at once to prosecute an action against such common carrier in the name of and for the benefit of the complainant, so aggrieved at the expense of the territory. Notice of appeal may be served upon the Commissioner or either of his deputies but after the Attorney General shall have commenced action all papers thereafter shall be served upon him.

SECTION 5. During the month of February of each year the Commissioner of Transportation shall make a report to the Territorial Treasurer as follows,

1st. The actual cost of each railroad with all equipments, of each steamship, boat or sailing vessel engaged exclusively in the transportation of freight and passengers or either from one place to another within the territory,

2nd. The actual gross receipts resulting from the operation of such railroads, steamship, boat or sailing vessel during the next preceeding year ending on the thirtyffirst day of December inclusive,

3rd. The total net earings resulting from the operation of any such railroad, steamship, boat or sailing vessel during the next preceeding year ending on the thirty-first day of December inclusive;

4th. The total interest bearing indebtedness of the person, partnership or corporation owning or operating such railroad, steamship, boat or sailing vessel, if more than one steamship, boat or sailing vessel should be owned and operated together under the same management, they may all be reported together, describing each and the amount of interest paid or dividends declared by such management during the next preceeding year ending on the thirty-first day of December, inclusive.

The president or managing officer of every railroad or company owning and operating steamships, boats or sailing

vessels and other persons, partnerships or firms as common carriers, operating exclusively within this Territory or upon the waters thereof including the channels and seas between the islands shall, annually, in the month of January of each year, make such report and returns to the Commissioner of Transportation, verified by the oath of such officer or person, or member of firm or partnership as shall afford the information aforesaid and such other information connected with such business of common carrier as the Commissioner of Transportation shall require; and at other times shall furnish within thirty days from receipt of the Commissioners request, such reports and returns as said commissioner shall require, which shall be duly verified under oath; and for such purpose he may prescribe blank forms which shall be provided by the Secretary of the Territory.

SECTION 6. Every person, partnership, firm or corporation operating within this territory as a common carrier who shall fail to make any such report within the time prescribed therefor shall forfeit to the Territory One Hundred Dollars for each and every day the same shall be delayed.

All persons, firms, partnerships or corporations who shall, after the taking effect of this Act, be engaged in the business of common carrier, shall within twenty days give notice in writing to the Commissioner of transportation stating the name or names of such person, partnership, firm or corporation, principal place of business, date of commencement of business, names or terminals, stations and routes and the names and residences of principal officers, and for a failure thereof, such person, partnership, firm or corporation shall forfeit to the territory ten dollars for each and every day in default of such report.

SECTION 7. Such Commissioner of transportation, in the discharge of his duties shall have power to examine witnesses, administer oaths, send for persons, books or papers, and at any and all times during business hours, from nine o'clock a.m. until five o'clock p.m. shall have access to all books and papers of every such person, partnership, firm or corporation doing business as a common carrier in this Territory, and may copy or extract from the same and for that purpose may issue subpoenas requiring the attendance of witnesses and the production of books and papers at such time and place as he may prescribe; In case of disobedience of any subpoena or a refusal of a witness to testify to any matter to which he may be legally interrogated it shall be the duty of the Circuit Court, in term or at chambers within the Judicial Circuit in which such investigation is being held, on application of the Commissioner, to compel obedience by attachment and proceedings for a contempt as in case of disobedience of a subpoena issued from such Court or a refusal to testify therein and shall punish the offender accordingly.

SECTION 8. Such Commissioner shall be provided with a suitable office at the Capital and a branch office at Hilo, and with necessary office furniture, books, maps, supplies, stationery and lights as are necessary, at the expense of the Territory.

SECTION 9. No common carrier within this territory, shall charge, demand or receive from any person, company or corporation, for the transportation of persons or property, either by car load or otherwise, a greater sum per mile or weight than shall be charged, demanded or received from any other person, company or corporation for like service; or charge demand or receive from any person, company or corporation an unreasonable price for the transportation of

persons or property, or for handling or storage of freight, or for use of its cars or other carrying capacity or for any privilege or service afforded by such common carrier in the transaction of such business; nor shall any common carrier refuse or neglect to convey persons or property from one place to another, along their regular routes unless the carrying capacity of such common carrier is exhausted, and at the end of its destination such freight shall be properly housed and protected and the consignee promptly notified, by mail, of its arrival.

Any common carrier which shall violateany of the provisions of this Act, forbidding extortion or undue discrimation or any provision of law establishing rates shallb be liable to the person aggrieved to three times the actual damages sustained as determined by the Commissioner of Transportation or by any Circuit Court, and for Costs.

SECTION 10. No person, partnership, firm or corporation owning or operating a railroad or steamship in this Territory or upon the waters thereof shall demand, collect or receive a greater compensation for the Transportation of persons than four cents per mile, and every railroad railroad or steamship company shall sell at their ticket stations within this Territory on their respective routes, tickets at a price not to exceed four cents per mile, but no rail-road, steamship or other common carrier shall be compelled to receive a single fare of less than five cents.

SECTION 11. Within six months after entering upon the discharge of his duties the Commissioner of Transportation shall fix a schedule of freight and passenger rates for all common carriers in this Territory, whether operating upon land or water, and he shall cause the same to be printed in circular or phamplet form, which he shall distribute through the Territory.

such schedule shall be published two successive weeks

Such schedule shall be published two successive weeke in a weekly newspaper published in each County where a newspaper is published.

Within thirty days after the completion of such publication of rate schedule, any common carrier may cause said rates to be modified or readjusted by complaint in circuit Court, specially setting forth the items in such rate schedule complained of, and notice shall be served upon the Transportation Commissioner or deputy in the same manner as summons in civil cases. And the Attorney General shall attend in person or appoint a competent Attorney to represent the Territory at such hearing.

SECTION 12. When twenty days shall have expired after the last publication of notice relating to such rate schedule, all items in such schedule, not appealed from as provided in Section 11 of this Act and rates fixed on appeal shall be in force and shall be deemed reasonable rates, and thereafter any person, partnership, firm or corporation doing business as a common carrier in this Territory who shall charge, demand or receive a greater compensation or rate than fixed in such rate schedule shall be guilty of extortion and shall be liable therefore as provided in this Act.

The Commissioner of Transportation may from time to time change, alter or amend or add to such schedule of rates but such changes, alterations, amendments and additionas shall be published in like manner subject to appeal and review in Circuit Court.

SECTION 13. That if any person, firm, partnership or corporation doing business within this Territory shall repeatedly violate the law and the provisions of this Act and shall neglect and refuse to conform to the orders of the Transportation Commissioners if not appealed from as by law pr-

ovided , the license, charter or other evidence of right to do business as a common carrier in this Territory may be revoked upon complaint by the Commissioner in any Circuit Court upon proof of such repeated violations of law or of refusal or neglect to conform to his orders, not appealed from as by law provided, and such common carrier shall not be reinstated.

SECTION 14. That the Commissioner of Transportation shall, whenever in his opinion it is by him deemed necessary for the public safty, commence preceedings on the behalf of the Territory for the condemnation of any railroad car, coach or equipment or for the removal of any apparent cause of danger to the traveling public connected with the management of any railroad, car about any wharf or landing, and shall make complaint to the proper Federal officer having charge the inspection of Steam or sailing vessels, whenever he becomes satisfied that such steam or sailing vessel doing business upon the waters of this Territory as a common carrier, and not engaged exclusively in interstate commerce, is defective, unseaworthy or unsafe for the transportation of persons or property.

SECTION 15. That the sum of Twelve Thousand Dollars is hereby appropriated for the purpose of carrying out the provisions of this Act.

SECTION 16. That all laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 17. This Act shall take effect and be in force from and after its approval and publication.

Nicholas Russell

Senate Bill 69
Introduced April 2, 1901 by Sen. Russel.
First Reading in Senate Apr. 2, 1901

H E K A N A W A I

E hoonoho ana i Komisina Halihali Ukana me Ohua:E hoopaa ana i koa na uku,a e hoakaka ana i kana mau hana ame na hana a ka poe hali ukana me ohua,a e hoakaka ana i na hoopai no kona uhakiia ana a e hoopau ana i na Kanawai apau e kue ana i keia.

E hooholoia e kka Ahaolelo o ke Teritori o Hawaii:

PAUKU I. Ma keia ke hoonohoia nei ka Oihana o ke Komisina Halihahali Ukana me Ohua no ke Teritori o Hawaii.

PAUKU 2. E kohoia ke Komisina Halihali Ukana me Ohua,ma kela ame keia koho balota nui ana,ma ke ano elike me na hoa o ka Ahaolelo,a e noho oia ma kana oihana no elua makahiki a hiki hoi i ka wa e kohoia ai a hookuponoia kona pani-hakahaka.

E hoomaka ka wa o kona noho oihana ana,ma ka la mua o Ianuari mahope aku o kona kohoia ana.O ke Komisina mua no ka Oihana Halihali Ukana me Ohua malalo o keia Kanawai,e kohoia no e ka Ahaolelo,a e noho oia ma ka oihana a hiki i ka la kanakolukumamakahi o Dekemaba,M.H.1902,a hiki hoi i ka wa e kohoia ai a hookuponoia kona pani-hakahaka,a e loaa iaia he uku o Ekolu Tausani Dala no ka makahiki,e ukuia ana i kela ame keia mahina,mailoko aku o ka Waihona o ke Teritori.

PAUKU 3. O ua Komisina'la,mamua ae o kona komo ana aku e lawelawe i na hana o kana oihana,e hoohikiia no oia a e kakauinoa i ka hoohiki mahope ae nei,a e waihoia ana hoi ia maloko o ke Keena o ke Kakauolelo o ke Teritori,oia hoi:

"Ke hoohiki laahia nei au (a i ole, ke hooia) e kakoo no au i ke Kumukanawai o Amerika Huipuia ame ke Kanawai Kumu o ke Teritori o Hawaii, a e lawelawe no au me ka pono ame ka ewaewa ole i na hana a ke Komisina Halihali Ukana me Ohua, elike me ia i hoakakaia ma ke kanawai, elike hoi me ka hiki iau; a, aole hoi au maloko o ka hana, aole nohoi o'u kuleana mahele kumupaa, a bona paha, a ma kekahi ano e ae hoi, he kuleana dala ma ke ano pili pololei a ano e ae paha, iloko o kekahi hui ala-hao, mokuu-mahu, hui halihali ukana a ohua hoi, a i ole, ma kekahi oihana halihali a lawe ukana a ohua o kekahi ano.

E haawi oia i Bona ma ka huina o Elima Tausani Dala no ka lawelawe i kana mau hana me ka pololei ame ka ewaewa ole, e aponoia ana hoi e ke Kiaaina, a e waihoia aku me ke Kakauolelo o ke Teritori. E hoonoho aku ke Komisina i elua mau hope, hookahi o laua e noho ma Honolulu, a e lawelawe i ka oihana kakauolelo ma ke keena ku-waena, a o kekahi e noho ma Hilo, a e lawelawe i ka oihana kakauolelo maloko o kekahi oihana lala e kukuluia ana malaila e ke Komisina, me na hana e ae hoi apau e kau aku ana maluna o kela ame keia o ua mau hope la.

E loaa hoi i ua mau hope la i hookohuia pela ka mana like hookahi me ko ke Komisina ma ka lawelawe ana ma na hana apau e pili ana me na hana a ke Komisina elike me ia i hoakakaia ai ma ke kanawai, ma ka wa e kaawale aku ai ke Komisina mai kekahi aku o ua mau keena la. Na ua Komisina la me na hope e lawelawe i na hana kakau apau o ua mau keena la, a, aole hoi e loaa hou ona kokua kakauolelo.

E hiki no i ke Komisina ke koi aku i Bona mai kona mau hope mai,a e ili hoi ke koikoi maluna o ke Komisina no na hana apau a kona mau hope.

PAUKU 4. Na ke Komisina Halihali Ukana me Ohua ka nana ana i na poe apau,na hui ame na hui i hoohuiia e lawelawe ana i ka oihana halihali ukana me ohua maloko o ke Teritori o Hawaii a maluna hoi o kona mau wai,a no na kaki apau a kekahi kanaka,hui,a hui paha i hoohuiia no ka ~~lawe ana~~ halihali ana i na ohua,na waiwai a waiwai e ae hoi,mai kahi wahi a kahi wahi iloko o ke Teritori,a e huli aku iloko o kekahi hana hoohemhema,a kue i na kanawai o keia Teritori,ma ka aoao o kekahi kanaka,hui,hui i hoohuiia a i ole,ahahui e lawelawe ana i ka halihali ana i na ohua,a i ole,o na ukana hoi no ka ukuia,maloko nei o ke Teritori,a i ole,maluna o kona mau wai,a i ole,e na luna na agena,a i ole,e na paahana a uapoe kanaka la,hui,hui i hoohuiia a mau ahahui hoi.E nana a e huli oia i ke kulana,na lako hoohana ame ke ano o ka lawelawe ana a kekahi mea halihali ukana a ohua hoi,e lawelawe oihana kaokoa maoli ana maloko nei o ke Teritori,ma ka mea e pili ana i ka palekana ame ka oluolu o ka lehulehu.
E nana a e hoomaopopo oia i ke kulana pili dala ame ke ano o ka hoolilo dala ia ana ma ka hoohanaia ana o ka hana a na poe halihali ukana a ohua apau ana.I kela ame keia wa e loaa mai ai iaia he hoopii ma ke kakau i hooiaio ia mamuli o ka hoohiki ana a kekahi mea,hui,hui i hoohuiia,a i ole,ahahui paha,a i ole,mai kekahi hui kalepa mai, hui mahiai,a lawelawe hana hoi,a i ole,mai kekahi kino

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kalaiaina,a ahahui hooponopono minisipala paha,no kekahi hoohemahema a kue kanawai,e hoakaka maopopo ana me ka hoike ana mai i na hana i hoopiiia mai ai,me ka hoike ana mai i ka inoa ~~ame na inoa~~ o ke kanaka,a o ka poe kana ka paha e hana ana ia hana uhaki i ke kanawai e pili ana i ka poe halihali ukana me ohua,e hoike aku ia wa ke Komisina i ka lohe i ke kanaka,poe kanaka,hui,hui i hoohuiia,a i ole,ahahui i hoopiia mai ma ke kakau,me ka hoakaka ana hoi i na kumu hoopii maloko o ua palapala hoopii la,me ka hoopaa ana maloko o ua hoolaha la i ka manawa ame kahi ana e ninaninau ai no ia mea,a ina ma ia ninaninau ana,e ike oiaua pololei na kumu hoopii,e hooholo no oia pela,a o ka olelo hooholo a ke Komisina ~~ma ia mea~~ e pili ana ia mau hoopii la i ninaninauia ai ma ia ano e paa no ia a o ka hopena nohoi ia,ke ole e hoohalahalaia iloko o umi la mai ua olelo hooholo la,a i ka Aha Kaapuni iloko o ke Kalana i ~~malamaia~~ malamaia ai ua ninaninau ana la;a ke ole hoi e hookoia aku na koi ana a ka mea hoopii i hoopilikiaia ma ia ano,e hoike aku no ke Komisina iloko o na la he iwakalua mai ka manawa i pau ai ia hoohalahala,ina mea oiaio ma ia ninaninau ana,ame kana olelo hooholo i ka Ioio Kuhina o ke Teritori,a nana hoi,mamuli oia mea e hoopii koke aku i ua mea halihali ukana a ohua la,ma ka inoa a no ka pomaikai hoi o ka mea hoopii i hoopilikiaia ai ma ia ano,mamuli hoi o ka lilo o ke Teritori.E hookoia aku ka olelo hoolaha hoohalahala maluna o ke Komisina,a i kekahi paha o kona mau hope,aka,mahope aku o ka hoomaka ana a ka Ioio Kuhina i ka hoopii,maluna ona e hookoia aku ai na pepa apau ma ia hope iho.

PAUKU 5. Iloko o ka malama o ~~k~~ Feberuari o kela ame keia makahiki e hana aku ke Komisina Halihali Ukana me Ohua i hoike i ka Puuku o ke Teritori, ~~eliko me keia:~~ penei:

I. Ka lilo maoli o kela ame keia alahao me na lako apau o kela ame keia mokua-mahu, waapa, a i ole, moku-pea hoi, i hoohana~~k~~ wale ia no ma ka halihali ana i na ukana ame na ohua, a i ole, mai kahi wahi a kahi wahi maloko o ke Teritori.

2. Ka huina loaa nui i loaa mai mamuli o ka hoohanaia ana oia ala-hao, mokumahu, waapa, a i ole, moku-pea iloko o ka makahiki mua e hoea mai ana a e pau ana ma ka la kanakolukumamakahi o Dekemaba, e komo pu ana hoi ia la.

3. Ka huina loaa puka maoli i loaa mai mailoko mai o ka hoohanaia ana o kekahi alahao, mokumahu, waapa, a ~~m~~ i ole moku-pea iloko o ka makahiki mua e hiki mai ana, a e pau ana i ka la kanakolukumamakahi o Dekemaba, e komo pu ana hoi ia la.

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FOLLOWING

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4. Ka huina ukupanee maluna o ka aie..o..kekahi kanaka, hui, a hui paha i hoohuiia e noho ona ana, a i ole, e hoohana ana ia alahao, mokumahu, waapa, a i ole, moku-pea, a ina hoi e oi aku mamua o hookahi mokumahu, waapa, a i ole, moku pea i noho ona ia a hoohana pu ia malalo o ka hooponopono hookahi ana, e hiki no ke hoike pu ia aku lakou apau, me ka hoakaka ana i kela ame keia kuleana me ka huina i ukuia, a i ole, o na mahele puka hoi i kukalaia e ia oihana iloko o ka makahiki mahope aku e pau ana ma ka la kanakolukumamakahi o Dekemaba, e komo pu ana hoi ia la.

O ka peresidena, a i ole, o ka luna hoohana mui o kela ame keia alahao, a i ole, kekahi hui e noho ona ana a e hoohana ana i na mokumahu, na waapa, a i ole, na

o Hawaii inna o na Aha la ma o Kona loio la, i hoomanaia no ia hana, a waiho aku i ka olelo hoike a ~~hana~~ lawelawe hoi i tela ame teia hana a mea i e pono a e pololei ai ke hana ia, i mea e hiki ai iaia te pale aku i tela ame teia koi. aka, aole nae i koiia ke Teritori o Hawaii e pane, a i ole, e hoonlu i ka ninau maluna o tekahi koi.

Pauku 14. E hiki no ke aeia na kope i hooiaioia o na moolelo, na olelo hoohalo ame tekahi mau moolelo e ae a ka Papa Ola, i mau mea hoike no na hana ame na mea i hoikeia malako o ia mau mea ~~eia~~ ina nae, o na moolelo kumu i loaa mai ai ia mau moolelo i hooiaioia, na olelo hoohalo ame tekahi mau moolelo e ae na hanaia ia mau mea mamua aku o ka loohia ana o ka poino a o te poho paha nona ke koi i waihoia mai ai.

Pauku 15. He mana ko tela ame teia hoa o na Aha la ame ~~ke~~ Kona Kakanolelo e ~~hoo-hiki~~ haawi aku i na olelo hoohiki ame na olelo hooia, a e lawe mai a e hooia aku i na afidevita, ma ka mea e pili ana i kekahi olelo pane, hana, a mea paha e la-weia mai ana, a i ole, e ~~waiho~~ ana hoi iloko o ka Aha.

moku-pea ame na poe e ae, na
hui a mau hui hoi ma ke
ano Halihali Ohua me
ukana, e lawelawe hana
maloko nei wale no o Keia
Teritori, a maluna paha
o Kona mau kai e komo
pu ana hoi na kowa ame
na kai mawaena o na
mokupuni e waiho aku i ka
hoike makahiki, ma ka
malama o Januari o Kela ame
keia makahiki, inna o Ke
Komisina Halihali Ohua me
ukana, i hooiaioia ka
olelo hoohiki a ka luna, a
kanaka paha, a i ole, hoa
o ka hui a ahahui paha
× nana i haawi mai i ka olelo
hoakaka i hoikeia ae nei, i
166 pili hoi i na oihana Halihali
ohua a ukana la elike hoi
me ke Kanoha a Ke Komi-
sina Halihali Ohua me uka-
na. a ma na manawa e ae
nohoi, iloko o na la he Ka-
nakolu mai ka wa i loaa
ai Ke Kanoha a Ke Komisina,
e hoolako aku i na
hoike ame na hoakaka

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Pauku 16. Iloko o elima la mahope iho o ka paa pono ana o ua Aha la malalo o na olelo o Keia Kanawai, e lawelawe aku Kona man hoa i ke koho ana mainvaena mai o Ko lakou man hoa i "Peresidena" no ka Aha, a o Kana hana oia no ka lawelawe ana ~~i ka~~ ma ke ano luna peresidena no ua Aha la, a Kakauinoa i Kona man moolelo, na kauoha ame na olelo hooholo a e hooia hoi imalalo o kekahi o kona man ~~pala-pala a moolelo~~ moolelo a o Kana man hana paha ~~o ua Aha la~~; aka nae, ma ka wa e hiki ole mai ai ka Peresidena, ua hiki no i kekahi o na hoa i koe o ua Aha la, ke ~~hana~~ lawelawe, no ka manawa, i kekahi hana ame na hana apau i hiki i Kona Peresidena ke hana, ina e noho ana ia. ~~ma~~

Pauku 17. Aole kekahi mea e kohoia i hoa no ka Aha i hoonohoia ma o Keia Kanawai la, a ~~hookoh~~ hoonohoia hoi e hoopiha i kekahi hakahaka e ikeia ana maloko o laila, i kela ame keia manawa, ina oia he luna aupuni a he paahana paha no ke Peritori o Hawaii, a i ole, he luna aupuni paha oia, a, he paahana paha ma ia ano, ma kekahi manawa, iloko o iwakalua la, mamua o ka hooholoia ana o Keia Kanawai; aole hoi kekahi mea e hoonohoia i hoa no ua Aha la

elike me ke Kauoha a ua Komisina°la, a e hooiaio pono ia hoi malalo o ka-hoohiki; a no ia hana, ua hiki no iaia ke hana i man pepa pai-hakahaka e hoolawa-ia mai ana hoi e ke Ka-kauolelo o ke Teritori.

Pauku 6. O kela ame keia ~~mea~~ Kanaka hui, a hui i hoohuiia e hoo-hanaia ana maloko o keia Teritori, ma ke ano mea halihali ohua me ukana, e hana ole ana i ua hoike la, iloko o ka manawa i hookakaia no ia mea, e uku aku no i Hookahi Haneri Dala, no kela ame keia la e hookauluaia ai ia mea.

(1)

II O na kanaka apau, na

HPEANPRAY HEO ICKOED POE RN AE SKOL L A N A I A H U L O N A

Secretary of the Territory of Hawaii.

DE

hui; na ahahui, a o na ~~ahahui~~
i hoohuiia, e lawelawe ~~hana~~
ana i ka oihana haiihali
ohua me ukana, mahope aku o ka
mana ana o keia Kanawai, e
haawi aku i olelo hoolaha ma
ke kakau i ke Komisina Hali-
hali Ohua me ukana, me ka
hoike ana i ka inoa, a i ole, i
na inoa oia kanaka, hui, aha-
hui, a hui i hoohuiia, kahi i lawe-
laweia ai ka hana, ka la i hoo
maka ai ka hana, na inoa, a
i ole, na pahu hopu, na wahi
hoolulu ame na alahele, ame
(v) na inoa ame na wahi noho o
na luna mui, a no ka hana
10 ole aua ia hana, e uku aku

ua kanaka la, hui, ahahui a hui
i hoohuiia i uni Dala i ke
Teritori no kela ame keia
la i nele ai ka loaa ana
aku o ua hoike la.

Pauku 7. He mana ko ua ko-
misina la, ma ka lawelawe
ana i kana hana e ninani-
nau i na hoike, e haawi aku
i na hoohiki, kii aku i na
kanaka, i na buke a i na pe-
pa paha, a i kela ame keia
manaua iloko o na hora ha-
na, mai ka hora eiwa a.m.
a hiki i ka hora elima p.m.
e ~~hiki no ke kii aku~~ na
buke ame na pepa a
kela ame keia kanaka, hui,
ahahui, a hui i hoohuiia e
lawelawe hana ana ma ke
ano mea halihali ohua me

Honolulu, Dec. 6th 1900

Friend Rathburn

Dear Sir:

I am retained by Iwamoto to look after his case. I was down at the Court house hoping to have that case for trial on that day, but I heard from people there that you were sick and being confined to bed. I dont know when the case is to be called up for trial, and I would like to ask you ~~that~~ to let me know about two days ahead that I may be ready to come and attend it before your Court. I hope you are better by this time.

Aloha to your family and also a goodly portion of it to yourself.

ukana maloko nei o keia Teritori, a e hiki ke kope, a lawe ano nui mai paha i na olelo mai loko mai oia mau mea, a no ia hana, e hiki no ke hoopuka aku i na palapala kii hoike e kanoha ana i ka hele ana mai o na hoike ame ka laweia ana mai o na buke ame na pepa ma ka manawa a ma kahi ana e kanoha ai, ma ka wa hoi e ~~hoikuli~~ ~~hooko ole ia ai~~ e pale ia ~~ai~~ ai kekahi palapala kii hoike, a i ole, hoole kekahi hoike i ka hoike ana ma kekahi mea i minaminania aku ai oia, ma ke ano ku i ke kanawai,

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ponoi a kona kaikuahine ponoi, a pela iho la ka loaa ana o keia kuleana o ka mea i ka Aoao Mua, a oia kana e hoolilo nei i ka mea o ka Aoao Elua elike me na olelo maluna ae.

INA E HOOKO pono ka mea nona ka Aoao Elua i na olelo apau o keia palapala, alaila, e mau no kona mana a me kona kuleana e noho a e paa hoi i ka aina i oleloia, a i ole pela, alaila e pau no keia palapala hoolimalima, a e hele a ku ka mea o ka aoao Elua mai ka aina a ku me ka hooponino a hoopoho ole i ka mea o ka aoao Mua.

A O WAU O MRS. PAE PAIWA ka mea nona ka Aoao Elua i oleloia, ke ae nei au e hooko pono i na olelo apau loa ma keia palapala hoolimalima.

Ke hoopaa nei na Aoao Elua ia laua iho, a i ko laua mau hoohilina, hooko kauoha, luna hooponopono Waiwai, na hope a me na Waihona e hooko pono me ka pololei i na olelo apau ma keia palapala hoolimalima.

HANIA A KAKAUINOAIA e na Aoao Elua a me ka hoopili pu mai i na SILA i ka la, ka malama ame ka makahiki i oleloia maluna.

Hanaia me ka ike o

E IKE AUANEI NA KANAKA APAU MA KEIA PALAPALA KUAI AINA I HANAIA MA KEIA LA O DEKEMABA M. H. 1900, OWAU O AILAU (w) o Kalaupapa, Molokai, Teritori o Hawaii, no ka loaa pono ana mai ma ko'u lima he ELUA TAUSANI AME EHIKU HANERI DALA ($2000.00) mai a JOHN EMMELUTH, TRustee, mai o Honolulu, Oahu, Teritori o Hawaii, a ke hooiaio nei keia palapala i ka loaa io ana mai oia mau dala ma ko'u lima , NOIAILA, ma keia ke kuai a ke hoolilo loa aku nei au ia JOHN EMMELUTH, TRUSTEE, i oleloia i kela mau Aina apau i hoikeia ko laua mau palena ame na mokuna maloko o ka PALAPALA SILA ((GRANT) HELU 206, ame ka PALAPALA SILA (GRANT) HELU 116, e waiho ana ma WAALOA MANOA, Oahu i oleloia ae nei. O ka Aina ma ka Palapala Sila mua i hoikeia ae nei he 2 3/4 EKA ka nui o Kona Ili; a o ka aina ma ka Palapala Sila hope i hoikeia ae la, he 34 72/100 EKa kona ILI.

UA LILO LOA KEIA MAU AINA I HOIKEIA AE LA ME NA PONO AME NA POMAIKAI APAU i pili a maluna iho o ua mau AINA la ia JOHN EMMELUTH, TRUSTEE, i oleloia, me kona mau hooilina ame na waihona no ka wa pau ole.

A KE HOOIAIO NEI AU, O AILAU (w) i oleloia, he kuleana oiaio a pololei loa ko'u ma na Aina i hoikeia ae nei, a i lilo hoi ma keia Kuai ana, oiai ua loaa mau ia mau Aina ia'u ma ka Palapala Kuai a KAILILEIHIWA (k) ame KALAILIULA (w) i hanaia ma ka la 15 o Sepetemaba M. H. 1870, i kopeia ma ke keena Kakau Kope Palapala ma Honolulu, ma ka Buke 30, Aoao 405 & 406; a oia nohoi na Aina i i hooliloia mai ai ia KAILILEIHIWA i oleloia ae la, e E. H. ROGERS ma ka Palapala Kuai i hanaia ma ka la 7 o Iune, 1861 a i kopeia hoi ma ke Keena Kakau Kope Palapala i oleloia, ma ka Buke 14, AOAO 144 & 145

Kapitala a he Keena lala
hoi ma Hilo, ime na lako
Keena Kupono malako, na
buke, na palapala aina,
na lako kakau, na pe-
pa ame na pukukui
Kupono, ma ka lilo o ke
Teritori

Panku 9. Hole kekahi mea lawe
ohua me ukana malako o Keia
Teritori, e kaki, e koi aku,
a e lawe mai paha mai ke-
kahi kanaka mai, hui, a hui
i hoohuna, no ka halihali
ana i na kanaka, a i ole,
i ka waiwai, ma ka piha kaa
a ano e ae paha, he huina
oi aku no ka mile hookahi,

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Kaneloa,Waikiki PAAKAI Kuleana 10814.

I na Iuna Hoona Kuleana Aina-Aloha oukou: Owau o ka mea nona ka inoa malalo iho nei,ke hai aku nei au i ko'u Kuleana ma ka Ili Aina ma Kaneloa,Waikiki,aia no ma kahi hookahi ma ka Akau,a mai o ke koele ma ka Hema iho o ko Koaulu ma ke komohana iho o Kimo.

(sig.) PAAKAI.

a i ole, no ke Kaumaha ukana,
mamua o ke Kaki, i Koiia, a i
ole, ohiia mai vekahi mea mai,
hui, a hui i hoohuiia no
ia hana hookahi, a i ole, e
Kaki ia, Koiia, a e ohiia mai
paha mai vekahi kanaka
mai, hui, a i ole, hui i hoo-
huiia, he uku kupono ole
no ka halihali ana i na ka-
naka, a i ole, i ka waiwai, a
i ole, no ka lawelawe ana,
a i ole, hoahu ana i ka
ukana, a i ole, no ka hoo-
hanaia ana o kona man
kaa, a mea halihali e ae
paha, a i ole, no kekahi po-
maikai a oihana i hoohana-
ia e ua mea halihali ohua
a ukana nei, ma ka lawe-

lawe ana i ua oihana la; ao-
le hoi e hoole kekahi mea
lawe ohua me ukana, a
i ole, hoopalaleha i ka
halihali ana i na kanaka,
a i ole, i ka waiwai mai ke-
kahi wahi a kekahi wahi
aku, ma ko lakou alahele
mau, ke ole, e opiha e
ua mea halihali ohua a
ukana la, a ma kona hoea
ana aku i kona wahi e
waihoia ai, e malama po-
no ia maloko o ka hale, a
e hoike koke ia aku hoi
ka lohe, maloko o ka
leta, i ka mea i hoolua
aku ai ia waiwai no
ka hiki ana aku.

~~(1)~~ 15

A hoomaka hou mai o Senatoa i kana noi, penei:

Ma ka la 12 o Augate, 1898, i hukiia ae ai ka hae o Ame-

(C) Kela ame keia mea halihali o-
hua me ukana e ukare
ana i na olelo o keia ka-
nawai, e papa ana i ka
imi loaa ma ka hooweli-
weli, a i ole, hana hokapa-
kahi ana, a i ole, i kekahi
olelo o ke kanawai e hoo-
paa ana i ka uku, e uku
no ia i ka mea i hoo-
pilikiaia i ka pa-pa-ko-
lu o na poho maoli i i-
keia, elike me ka mea
i hooholoia e ke Komisina
Halihali Ohua me ukana
a i ole, e kekahi Aha
Kaapuni, a me na Ko-
ina.

Pauku 10. Aole kekahi
kanaka, hui, ahahui, a

Ma ke noi o Senatoa (C) Brown, hoopanee ke Aha Senate ma ka hora 3.20 p M. a hiki i ka Poakahi, Feberuari 25, ma ka hora 10 A. M.

Aponoia e ke Senate

Kakauolelo o ke Senate.

Peresidena o ke Senate

i hoohuiia e noho ona ana,
a i ole, e hoohana ana i kekahi
alahao, a i ole, mokumahu
iloko o keia Teritori, a i ole,
maluna o kona mau kai e
koi aku, ohi a lawe mai
paha i uku i oi aku ma-
mua o eha kenata no ka
mile, a o kela ame keia
hui alahao, a i ole, mokumahu
x e kuai ana ma ko lakou
mau wahi kuai tikiki maloko
o keia Teritori ma ko lakou
mau alahele pakahi, i na
tikiki ma ke kumukuai e
oi ole aku ana mamua o
eha kenela no ka mile, aka,
aole kekahi alahao, mo-
kumahu, a i ole, o kekahi
mea halihali ukana me
ohua e koiia e lawe

lehulehu, elike me ka lakou i manao ai he pono.

Elima: E kaohi i ka holo akea ana o na pipi, na puaa, a poe holoholona e ae.

Eono: E kaohi a e papa á ka hana pili-waiwai ame na hana pono ole e ae a pau, e kinai a e papa i ka malamaia ana o na hale hana haumia, a e hoomana ku i ka hopu haumia, a e hoomana

i uku no hookahi huakai,
e emi ana malalo o elima
Keneta.

Pauku 11. Iloko o eono mahina
mahope aku o kona lawelawe
ana i kana mau hana, e hoo-
makaukau ke Komisina Hali-
hali ohua me ukana i
papa hoike no na uku o e
na ukana ame na ohua no
na mea lawe ohua a uka-
na apau o loko o keia Teri-
tori, ina paha maluna o
ke kai a o ka aina paha
i hoohanaia ai ia mea, a
e hooruna aku ia no ke
pai ia ana maloko o na
pepa hoolaha, a i ole, ma
ke ano buke liilii paha, a
nana e haawi aku ia mea

lehulehu, elike me ka lakou i manao ai he pono.

Elima: E kaohi i ka holo akea ana o na pipi, na puaa, a

mai o a o, o ke Teritori nei.
Iloko o Kanakolu la mahope
aku o ka paa ana o ua pa-
pa hoike la o na uku, e
hiki no i kekahi mea hali-
hali Ohua me ukana e hoololi ia,
a i ole, e hooponoponoia
ma ka hoopii ana imua
o ka tha Kaapuni, e hoa-
kaka maoli ana hoi i
na itamu iloko o ua papa
hoike la i hoohalahalaia,
a e hookoia aku ka hoolaha
maluna o ke Komisina Hali-
hali Ohua me ukana, a i
ole, i ka hope ma ke ano
elike me na hihia kivila,
A na ka Loio Kuhina po-
noi, a i ole, e hookohu

K A A H A O L E L O M U A

O K E

. T E R I T O R I O H A W A I I

M . O O L E L O A H A S E N A T E

L A E K O L U

aku i Lóro makaukau e ku
ma ka avao o ke Teritori
ma ia hookolokolo ana.

Pauku 12. Mahope aku o ka
pau ana o na la he ivaka-
lua mai ka puka hope
ana o na papa hoike la
o na uku (auhau) e paa
no na itamu maloko o na
papa hoike la, i hoohala-
hala ole ia, elike me ka
mea i hoakakaia ma-
loko o ka Pauku 11 o keia
Kanawai, a me na uku
i hoohaloia ma ka hoo-
halahala ia ana, a e
manavia, he mau uku
kupono ia, a ma ia
hope aku, o kela ame
keia mea, hui ahahui, a

A H A O L E L O M U A

. O . K E

. T . E R I T O R I O H A W A I I

M O O L E L O O K A A H A S E N A T E

I L O K O O K A A H A S E N A T E

. L A E K O L U

. P O A O N O , FEBERUARI 23, 1901.

Akoakoa ke Senate, ma ka hora 10 A. M. elike ma ka hoopanee ana. Akoakoa mai na Senate apau. Pule ke Kahuna pule. Heluheluia ka moolelo Aha Senate o ka la mamua iho.

Hoakoakoa mai o Senatoa (C) Brown, aole i paa maloko o ka moolelo, ua kahoia o W. H. Coney i Kokua Kakauolelo, a ua hooponoponoia ma ka pakui ana 'ku i na huaolelo "a ma ke koho balota pono ia ana, ua kahoia o W. H. Coney."

Hoakaka mai o Senatoa Carter, ua hewa ka moolelo, oia hoi ua ikeia o ke noi e waiho ma ka papa i ka olelo hooholo i waihoia mai ai e Senatoa White (e pili ana i ke kauoha ana i ke kakauolelo o ka Panalaau e haawi mai i keena kupono no ka Aha Senate) ua waihoia mai ia e Senatoa Achi, oiai nae, o ka mea pololei maoli, na Senatoa (C) Brown ia i waiho mai. Ua kokua mai na Senatoa (C) Brown ame Achi i ka moolelo a unuhi hou o Senatoa Carter i kana olelo hoakaka. Hoakaka mai o Senatoa Carter, aole i ikeia ma ka moolelo o ka noho ana o ka Aha ma ka la elua, ka hoopanee ana no umi minute no ka nana ana i na palapala hookohu o na Senatoa Baldwin ame pari s. He-

hui paha i hoohuiia, e
Kaki ana, koi aku a e lawe
mai hoi i uku i oi aku
ai i auhau paha ~~mamua o~~ i oi aku
^ x ^ ^
mamua o ka mea i hoo-
paaia maloko o ua papa
hoike la o na uku, e ku
no ka hewa imi waiwai
ma ka hoopilikia, a e
ku no oia i ka hoopaiia
no ia mea elike me ka
mea i hoakakaia ma
keia kanawai.
Ua hiki no i ke Komisina
Stalihali Ohua a Ukana, i
kela ame keia manawa, e
hoololi, hoano-e ae, a i
ole, hooponopono hou, a i
ole, pakui aku i ua

HE BILA

papa hórke la o na uku,
aka, o ia mau hoolalí
ana, hoanoe ana ame
pakui ana aku, ke hoo-
laha~~ia~~ ma ia ~~ke~~ ano elike
hookahi no, me ke ku
no vae i ka hoohala-
halaia a ~~nana~~ ~~hou~~
ia ana iloko o ka tha
kaapuni.

Pauku 13. Ina hoi e kue
pinepine ana ~~mai~~ kekahi kanaka, hui a ahi
hui, a hui hoi i hoo-
huiia e lawelawe hana ~~no ka hana ana~~
~~i kekahi~~ ana maloko o
keia Teritori, i ke kanawai
ame na olelo o keia kana-
wai, a e hoopalaleha a

HEBILA

~~a~~ hoole i ka hooko ana i
na kauoha a ke Komisina
Halihali Ohua me Ukana,
ke hooharahala ole ia
elike me ka mea i
hoakakaia ma ke
Kanawai, e hoopania
no ka laikini, ka pala-
pala hoohui, a mea hoi-
ke e ae paha no ke Ku-
leana lauelawe hana
ma ke ano ~~h~~ mea hali-
hali ohua me ukana
maloko nei o Keia Teri-
tori, mamuli o ka hoo-
pii ana a ke Komisina
maloko o kekahi Aha
Kaapuni, ma o ka hooiaio

H E B I L A

He Kanawai no ke kinai ana i ka Hana ino H
Haukia ame Hookamakama, a e hoopau
ana hoi i na Pauku 856 a hoea i ka
Pauku 863, o ke Kanawai Karaima
. O Hawaii.

ia ana o ua mau kue pine-
pine ia ana la o ke kana-
wai, a i ole, o ka hoole
ana, a i ole hoopala-
leha ana e hooko i
kana mau kanoha,
i hoohalahala ole ia
elike me ka hoakaka
a ke kanawai, a, aole
e ae hou ia ua mea
halihali ohua a ukana
la e lawelawe hana hou.

Pauku 14. E hoomaka
aku ua Komisina la
no ka halihali ohua me
ukana, ina hoi ma kona
manao ana he kupono no
ka palekana o ka lehulehu,

i kauia, e hoolahaia no koe nae ma ka wa pilikia, maloko o ke kahi nupepa maloko o ua taona la, ina he nupepa kahi e paiia ana maloko o laila, a i ole, ekapili aku hoi ma na wahi akea elima, i umi la mamua a o ka lilo ana i mea mana.

Umikumamaiwa E hooholo i na koopai no ka kueia ana no keia kanawai, a i ole ia, o kekahi kanawai a rula paha i kukuh luia e lakou, aole e oi mamua o Umi Dala no kela ame keia Ofe ni, a e ohiia ana hoi ia ma o ka hoopii kanawai ana ma o ka inoa 'la o ke taona aka, ua hiki no nae i ua Papa la ke hooku

holookoa aku, a i ole, kekahi lihi paha o ka hoopai: Aka nae,

e hoopii aku, ma ka aoao o
ke Teritori no ka hoahewa
ana i kekahi kaa-mahu,
kaa, a i ole, lako, a i
ole ia, e hookaawale a-
ku i kekahi kumu e ulu
mai ai he pilikia i na
kanaka e hele ana, ma
ka mea e pili ana i kekahi
alahao, kaa ma ka uapo,
a, awapae paha, e hoo-
pii aku imua o ka
Luna Aupuni Federala
kupono iaia ka oihana
nana i na mokuahi a
moku-pea hoi, i kela
ame keia manawa ~~ana~~
i maopopo ai iaia, o na

~~Kina, ua kupono ole~~
mokumahu la a makupea hoi, e lawelawe hana ana ma na kai o Keia Teritori, ma ke ano he mea halihali ohua a ukana hoi, a i horhana ole wale ia nohoi ma ka oihana kalepa mawaena o na mokuaina, ua kinaia oia, ua kupono ole no ka holo moana ana, a i ole, ua palekana ole no ka halihali ana i na kanaka a i na waiwai paha

Pauku 15. Ma Keia, ua hookauwaleia ka huina o Umikumamalua Tausani Dala no ka horko ana aku i na olela o Keia Kanawai.

Pauku 16. O na Kanawai apau ame na hapa Kanawai i kue i Keia Kanawai, ma keia, ua horpania.

Pauku 17. E mana a e paa hoi Keia Kanawai mai a mahope aku o kona aponoia ana a hoolahaia ana.

~~14~~ 15

ame na dala apau iloko o ka Waihong Waiwai i loaa mailoko mai o na loaa ~~mau o na~~ dala laulaha o ke Teritori, no ka uku ana i kekahi koi ame na koi apau i hooloheia a hooholoia e ua tha la malalo o na olelo o keia Kanawai, a e uku aku hoi i na lilo o ua tha la, oia hoi:—

Uku o ekolu hoa o ka tha ma ka $300 no ka mea hookahi no eono mahina $5,400.00

Uku no ke Kokua Kanawai no ke Teritori ma ka $300 no ka mahina no eono mahina 1,800.00

Uku o ke Kakanolelo pokole ma ka $125 no ka mahina no eono mahina 750.00

Uku o ke Kakanolelo ma ka $150 no ka mahina no eono mahina 900.00

Uku o na maheleolelo 2,500.00

Uku o ka makai o ka Aha $75 no ka mahina no eono mahina 450.00

Uku o na hoike Aupuni 2,000.00

Kela ame keia lilo o ka tha 1,000.00

Uku o na koi i hooloheia a hooholoia a ~~no ia mau~~ hoopukaia hoi na olelo hoohalo 300,000.00

Huina $314,800.00

A o kela ame keia huina, ame na

SENATE BILL No. 70

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To amend Sections 31 and 33 of "An Act to reorganize the Judiciary Department", approved the 25th day of November 1892 being Chapter LVII of the Session Laws of 1892

Introduced April 3 *1901,*
By Senator Russel

ENDORSED BY

First Reading in Senate Apl 3, 1901
Second Reading in Senate
Referred to
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

4/24 Passed ayes 13 noes 0.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 70

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A N A C T

To Amend Sections 31 and 33 of an Act entitled "An Act to Reorganize the Judiciary Department," approved the 25th day of November, 1892, being Chapter LVII of the Session Laws of 1892.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. That Section 31 of said Act be and the same is hereby amended so as to read as follows:

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

In the First Circuit, at Honolulu, on the first Mondays of January, May and September.

In the Second Circuit, at Wailuku, on the Island of Maui, on the third Wednesdays of April and November.

In the Third Circuit, at Kailua, in the District of North Kona, on the first Wednesday of July and in the District of North Kohala, on the first Wednesday of December.

In the Fourth Circuit, at Hilo, on the second Wednesdays of February, June and October.

In the Fifth Circuit, at Lihue, on the Island of Kauai, on the first Wednesdays of April and November."

Section 2. That Section 33 of said Act be and the same is hereby amended so as to read as follows:

"Section 33. The terms of the Circuit Courts of the Second, Third and Fifth Circuits may be continued and held from the opening thereof, respectively, until and including the twenty-fourth day thereafter, Sundays and legal holidays excepted. The terms of the Circuit Courts of the First and Fourth Circuits may be continued and held from the opening thereof, respectively, until the time fixed by law for the commencement of the next succeeding terms

of such courts. The respective Judges of the Circuit Courts may adjourn the same from time to time, during the term, or without day, as the interests of the public may demand, provided that notice of ~~such intended~~ adjournment without day be announced in open court at least three days before the time fixed upon for such adjournment."

Section 3. This Act shall take effect and be in force on the first day of May, 1901.

Nicholas Runge

SENATE BILL No. 71

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

For the protection of Birds, their nests and eggs, and providing the manner and seasons in which the same may be caught or killed.

Introduced Apl 3d *1901,*
By Senator Russel

ENDORSED BY

First Reading in Senate Apl 3, 1901
Second Reading in Senate " 11, 1901
Referred to
Third Reading in Senate Apl 15, 1901

First Reading in House
Second Reading in House
Referred to
Third Reading in House

Indefinitely postponed
Apr. 23, 1901.

The Legislature of the Territory of Hawaii

SENATE BILL NO. .....

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate .....

Referred to.....

Third Reading in Senate .....

First Reading in House.....

Second Reading in House .....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT

FOR THE PROTECTION OF BIRDS, THEIR NESTS AND EGGS: DEFINING GAME BIRDS, AND PROVIDING THE MANNER AND SEASONS IN WHICH SAME MAY BE CAUGHT OR KILLED.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. It shall be unlawful for any person, within this Territory, at any time, to kill, catch, purchase, or have in his or her possession, living or dead; or to sell, offer or expose for sale, any wild bird other than a game bird; or to purchase, sell, offer or expose for sale or have in his or her possession for the purpose of sale, any part of the skin, body, or plumage of any such wild bird, which are caught or killed in this Territory, except as hereinafter provided.

SECTION 2. For the purposes of this Act the following named birds, only, shall be considered game birds: The Anitidae, commonly known as swans, geese, brant, river and sea ducks; The Limocolae, commonly known as plovers, snipe, woodcock, sand-pipers, tattlers and curlews; the Gallinae, commonly known as wildturkeys, grouse, prarie chickens, pheasants and quail; the Columbae, commonly known as pigeons and doves; the Rallidae, commonly known as rails, coots, mud-hens and gallinules.

SECTION 3. It shall be unlawful to take, kill or des-

troy any migratory wild duck, plover, snipe, turnstone, curlew, stilt or mud-hen, sand-pipers, tattlers, rails, coots, and gallinules between the first day of January and the fifteenth day of May.

To take, kill or destroy any native wild duck, Hawaiian goose, swan and brant between the first day of February and the fifteenth day of September.

To take, kill or destroy any quail or pheasant, wild turkey, grouse and prairie chickens, between the first day of March and the fifteenth day of September.

To take, kill or destroy any wild dove or wild pigeons between the first day of February and the first day of July.

SECTION 4. It shall be unlawful for any person, within this Territory, at any time, to take or needlessly destroy the nest or eggs of any wild bird, or to have such nest or eggs in his or her possession.

SECTION 5. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined five dollars for each offense and in addition thereto shall be fined five dollars for each bird killed or caught, or plumage, skin or body, or part thereof, or nest or egg possessed in violation of this Act, or to imprisonment for ten days; or both such fine and imprisonment, at the discretion of the

court; provided, however, that the preceding sections of this Act shall not apply to any person holding a permit, giving him or her the right to take birds and their eggs and nests, for scientific purposes, issued in accordance with the provisions of the next Section hereof unless such person shall violate any of the conditions of such permit.

SECTION 6. To such persons applying therefor, in writing, as shall furnish satisfactory documentary evidence of his or her being a duly authorized agent of an institution engaged in scientific work, and that he or she desires to collect specimens for such institution, the Secretary or other executive officer of the Agricultural Department of the Territory may issue a permit to collect, for such scientific purposes, but for no other or further purpose whatever, not to exceed twelve of any one species of the following Native Hawaiian Birds: All species known to scientists as Drepanididae and Fringilidae, and known by the following Hawaiian names: Amakihi, akakani, akepa, akohekohe, akikiki, akialoa, nukupu, ooholowai, kakawahei, mamo, iiwi, ou, palila, and ula-ai-hawane; all muscicapidae, called in Hawaiian, elepaio: All Turdidae, called in Hawaiian, kamau, omau, olomau, or amaui; all meliphapagidae, or the various species of the oo; also the various species of the crow or alala, the buzzard or io, the goose or nene, the mud-hen or alae-ula, the coot or alae-

keokeo, the stilt or kukula-aeo and also the Apapaniinu waipua o kanewao. Before such permit shall issue, the applicant therefor shall pay a fee of one dollar, to defray the expenses of such permit, if issued, and shall file with such Secretary, or other executive officer, a good and sufficient bond to the Territory of Hawaii, in the sum of Two Hundred Dollars, with two responsible citizens of this Territory as sureties, conditioned that if the principal therein shall be convicted of a violation of any of the provisions of this Act, or shall be shown to have violated any of the conditions of such permit, then said bond shall be declared forfeited.

SECTION 7. The permit authorized by the foregoing section shall bear the name and post office address of the holder, which must also be set forth in his or her application; it shall have annexed thereto a copy of this Act, to which such holder shall attach his or her signature: said permits shall not be issued for a longer period than the season, or unexpired part of the season, next following the date thereof, to wit; from the first day of October until the fifteenth day of February next thereafter, inclusive; and a second permit shall not issue to the same person, or on behalf of the same institution, during the same season; and said permits shall not be transferable.

CORRECTION

THIS DOCUMENT

HAS BEEN REPHOTOGRAPHED

TO ASSURE LEGIBILITY

AN ACT

FOR THE PROTECTION OF BIRDS, THEIR NESTS AND EGGS: DEFINING GAME BIRDS, AND PROVIDING THE MANNER AND SEASONS IN WHICH SAME MAY BE CAUGHT OR KILLED.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. It shall be unlawful for any person, within this Territory, at any time, to kill, catch, purchase, or have in his or her possession, living or dead; or to sell, offer or expose for sale, any wild bird other than a game bird; or to purchase, sell, offer or expose for sale or have in his or her possession for the purpose of sale, any part of the skin, body, or plumage of any such wild bird, which are caught or killed in this Territory, except as hereinafter provided.

SECTION 2. For the purposes of this Act the following named birds, only, shall be considered game birds: The Anitidae, commonly known as swans, geese, brant, river and sea ducks; The Limocolae, commonly known as plovers, snipe, woodcock, sand-pipers, tattlers and curlews; the Gallinae, commonly known as wildturkeys, grouse, prarie chickens, pheasants and quail; the Columbae, commonly known as pigeons and doves; the Rallidae, commonly known as rails, coots, mud-hens and gallinules.

SECTION 3. It shall be unlawful to take, kill or des-

troy any migratory wild duck, plover, snipe, turnstone, curlew, stilt or mud-hen, sand-pipers, tattlers, rails, coots, and gallinules between the first day of January and the fifteenth day of May.

To take, kill or destroy any native wild duck, Hawaiian goose, swan and brant between the first day of February and the fifteenth day of September.

To take, kill or destroy any quail or pheasant, wild turkey, grouse and prairie chickens, between the first day of March and the fifteenth day of September.

To take, kill or destroy any wild dove or wild pigeons between the first day of February and the first day of July.

SECTION 4. It shall be unlawful for any person, within this Territory, at any time, to take or needlessly destroy the nest or eggs of any wild bird, or to have such nest or eggs in his or her possession.

SECTION 5. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined five dollars for each offense and in addition thereto shall be fined five dollars for each bird killed or caught, or plumage, skin or body, or part thereof, or nest or egg possessed in violation of this Act, or to imprisonment for ten days; or both such fine and imprisonment, at the discretion of the

court; provided, however, that the preceding sections of this Act shall not apply to any person holding a permit, giving him or her the right to take birds and their eggs and nests, for scientific purposes, issued in accordance with the provisions of the next Section hereof unless such person shall violate any of the conditions of such permit.

SECTION 6. To such persons applying therefor, in writing, as shall furnish satisfactory documentary evidence of his or her being a duly authorized agent of an institution engaged in scientific work, and that he or she desires to collect specimens for such institution, the Secretary or other executive officer of the Agricultural Department of the Territory may issue a permit to collect, for such scientific purposes, but for no other or further purpose whatever, not to exceed twelve of any one species of the following Native Hawaiian Birds: All species known to scientists as Drepanididae and Fringilidae, and known by the following Hawaiian names: Amakihi, akakani, akepa, akohekohe, akikiki, akialoa, nukupu, ooholowai, kakawahei, mamo, iiwi, ou, palila, and ula-ai-hawane; all muscicapidae, called in Hawaiian, elepaio: All Turdidas, called in Hawaiian,kamau, omau, olomau, or amaui; all meliphapagidae, or the various species of the oo; also the various species of the crow or alala, the buzzard or io, the goose or nene, the mud-hen or alae-ula, the coot or alae-

keokeo, the stilt or kukula-aeo and also the Apapaniinu waipua o kanewao. Before such permit shall issue, the applicant therefor shall pay a fee of one dollar, to defray the expenses of such permit, if issued, and shall file with such Secretary, or other executive officer, a good and sufficient bond to the Territory of Hawaii, in the sum of Two Hundred Dollars, with two responsible citizens of this Territory as sureties, conditioned that if the principal therein shall be convicted of a violation of any of the provisions of this Act, or shall be shown to have violated any of the conditions of such permit, then said bond shall be declared forfeited.

SECTION 7. The permit authorized by the foregoing section shall bear the name and post office address of the holder, which must also be set forth in his or her application; it shall have annexed thereto a copy of this Act, to which such holder shall attach his or her signature: said permits shall not be issued for a longer period than the season, or unexpired part of the season, next following the date thereof, to wit; from the first day of October until the fifteenth day of February next thereafter, inclusive; and a second permit shall not issue to the same person, or on behalf of the same institution, during the same season; and said permits shall not be transferable.

SECTION 8. English or European house-sparrows, (passer domesticus) Mynah birds (Acridotherestristis) Crimson house finches (Carpodacus frontalis rhodocolpus) or rice birds, (munia punctata nisoria) are not included among the birds protected by this act.

SECTION 9. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved this day of A. D. 1901.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this fifteenth day of April A. D. 1901.

Edgar Cooper
Clerk of the Senate.

S. E. Kaine.
President of the Senate.

SENATE BILL No. 72

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To regulate the sale of goods wares and merchandise in the Territory of Hawaii, and to repeal Sections 75, 76 and 79 of Act 64, of the Session Laws of 1896, Being Sections 764, 765 and 768 of the Penal Laws, and to amend Sections 77 and 78 of said Act and being Sections 766 and 767 of the Penal Laws

Introduced April 4 *1901,*

By Senator White

ENDORSED BY

First Reading in Senate April 4, 1901.

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

2° Rdg 4-16 = Failed to pass 2° Rdg

The Legislature of the Territory of Hawaii

SENATE BILL NO. 72

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

An Act to regulate the sale of goods, wares and merchandise in the Territory of Hawaii, and to repeal Sections 75, 76 and 79 of Act 64 of the Session Laws of 1896, being Sections 764, 765 and 768 of the Penal Laws, and to amend Sections 77 and 78 of said Act, and being Sections 766 and 767 of the Penal Laws.

------o-----

Be it enacted by the Legislature of the Territory of Hawaii:-

SECTION 1. From and after the approval of this Act, it shall be unlawful for any person, firm or corporation to engage in, conduct or carry on a business of selling goods, wares and merchandise in the Territory of Hawaii, unless he first obtain a license or licenses as hereinafter provided, authorizing it or them to engage in, conduct and carry on such business.

SECTION 2. For the purposes of this Act, the licenses shall be divided into three classes, and designated, 1st. A jobbers or wholesale license; 2nd. A retail license; and 3rd. A peddlers license.

SECTION 3. A jobbers or wholesale license shall apply to and be obtained by all such persons, firms or corporations, that solicit orders, or sell or deliver goods, wares and merchandise to the trade only, and not to the consumer.

A retail license shall apply to and be obtained by all such persons, firms or corporations that sell goods, wares and merchandise to the consumer only, regardless of the quantity sold.

A peddlers license shall apply to and be obtained

by all persons, firms or corporations, that carry the goods, wares and merchandise from house to house, and sell and deliver the same.

SECTION 4. The fee for a jobbers or wholesale license shall be one hundred and fifty dollars a year, for a retail license Seventy Five Dollars a year, and for a peddlers license Thirty Seven Dollars and Fifty cents a year.

SECTION 5. If any person, firm or corporation shall be engaged in and carrying on a business, that embraces the sale of goods, wares and merchandise in each one of all three classes as defined by this Act, such person, firm or corporation shall obtain each one of the licenses herein provided for.

SECTION 6. Any person, firm or corporation that shall sell goods, wares and merchandise in the Territory of Hawaii in any of the classes as by this Act defined without first having obtained a license for each class under which such sale shall be made, or shall in any way violate or fail to observe any of the terms, conditions or requirements of this Act, shall upon conviction before any District Magistrate be fined in a sum of not less than One Hundred and Fifty Dollars, nor more than Five Hundred Dollars.

SECTION 7. In all proceedings for a violation of this Act, the party or person charged, shall be deemed to be unlicensed, unless he shall at the hearing of the case produce his license.

SECTION 8. All licenses to sell goods, wares or merchandise now in force, shall be valid for the balance of the term for which they were issued, and

the business authorized thereunder may be carried on until the expiration of such license.

SECTION 9. Any person, firm or corporation desirous of obtaining a license to sell goods, wares or merchandise, shall apply in writing to the Treasurer of the Territory setting forth under oath the following facts:

1. Name and nationality; if the application is in the name of a corporation or firm or store name, such name as well as that of the applicant in person shall appear in the heading; only an officer of a corporation and a member or other person duly authorized shall be allowed to sign or swear to an application.

2. The location, District and Island where the licensed business is to be carried on.

3. The nature and kind of business and articles intended to be sold.

4. Whether or not he has previously held a license to sell goods, wares and merchandise, and if so, the class, number and date thereof, and location of the place of business or headquarters thereof.

SECTION 10. Section 77 of Act 64 of the Session Laws of 1896, and being Section 766 of the Penal Laws, is hereby amended to read as follows:-

Section 77. No person holding a license under this Act, shall permit any foreign commercial traveler, or transient, or other agent to work under his name or license.

SECTION 11. Section 78 of Act 64 of the Session Laws of 1896, and being Section 767 of the Penal Laws,

is hereby amended to read as follows:-

Section 78. No person holding a license under this Act shall be permitted by virtue thereof, to sell or furnish opium or any preparation thereof, nor any poisonous drugs, nor alcohol, spirituous liquors or other intoxicating drink.

SECTION 12. Sections 75, 76 and 79 of Act 64 of the Session Laws of 1896, being Sections 764, 765 and 768 of the Penal Laws, and all laws and parts of Laws in conflict with the provisions of this Act, be and the same are hereby repealed.

SECTION 13. This Act shall take effect upon its approval.

Pan Hannah

SENATE BILL No. 73

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Repealing Sections 806 808 and 809 of Chapter 59 of the Civil Laws as compiled by Sidney M. Ballou and Entitled Civil Laws, Relating to Poll Tax, disposition of School Tax and Road Tax

Introduced April *1901,*

By Senator Nakapaahu

ENDORSED BY

First Reading in Senate April 4, 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

4-15 Table till Rept jt com. on taxation.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 73

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate .....

Referred to.....

Third Reading in Senate .....

First Reading in House.....

Second Reading in House .....

Referred to.....

Third Reading in House.....

AN ACT, ETC

An Act

Repealing Sections 806, 808 and 809 of Chapter 59 of the Civil Laws, as compiled by Sidney M. Ballou and entitled Civil Laws, Relating to Poll Tax, Disposition of School Tax and Road Tax.

Be It Enacted by the Legislature of the Territory of Hawaii.

Section 1- Sections 806, 808 and 809 of Chapter 59 of the Compiled Civil Laws are hereby repealed.

Section 2- This Act shall take effect from the date of its Approval.

L. Nakapaahu

Senator 4th. Dist.

April 4th., 1901.

PRESIDENT OF THE SENATE,
HON. NICHOLAS RUSSEL

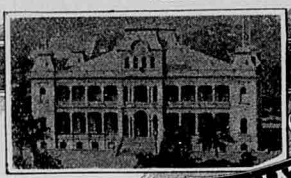
VICE-PRESIDENT,
S. E. KAIUE

SENATORS

ACHI, W. C., Oahu
BALDWIN, H. P., Maui
BROWN, C., Oahu
BROWN, J. T., Hawaii
CARTER, G. R., Oahu
CRABBE, C. L., Oahu
KAHILINA, I., Kauai
KAIUE, S. E., Maui
KALAUOKALANI, D., Oahu
KANUHA, D., Oahu
KAOHI, J. B., Oahu
NAKAPAAHU, L., Kauai
PARIS, J. D., Hawaii
RUSSEL, N., Hawaii
WHITE, W., Maui

SECRETARY OF SENATE,
EDGAR CAYPLESS

FIRST LEGISLATIVE ASSEMBLY
of the
TERRITORY OF HAWAII



SENATE CHAMBER
CAPITOL BUILDING

SERGEANT-AT-ARMS,
DAVID KAHAULELILO

ASST. SECRETARY
W. H. CONEY

INTERPRETER,
J. E. BUSH

CHAPLAIN,
REV. J. KEKIPI

STENOGRAPHER,
P. M. McMAHON

MESSENGER,
S. H. MEEKAPU

HONOLULU, T. H. 190

He Kanawai e hoopau loa ana ina Pauku 806 808 809 o ka mokuna 5-9 o na Kanawai Civil i hoikeia ma na Kanawai hoohuihuia e Sidney W Ballou ma o ke Kauoha a ka Ahaolelo, a i hoolahaia a kapaia Kanawai Civile E pili ana i na Auhau ~~pili~~ Kino, a me Hoohana ana o ka auhau Kula ame Auhau Alanui,

E hoohaloia e ka Ahaolelo o ke Teritori o Hawaii

Pauku 1 O na Pauku 806 ame 808 - 809, o ka mokuna 59 o na Kanawai Kiwila, ma keia ke hoopau loa ia nei.

Pauku 2 E lilo keia i Kanawai mai a mohope iho o Kona apono ia ana.

PRESIDENT OF THE SENATE,
HON. NICHOLAS RUSSEL

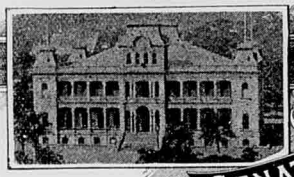
VICE-PRESIDENT,
S. E. KAIUE

SENATORS

ACHI, W. C., Oahu
BALDWIN, H. P., Maui
BROWN, C., Oahu
BROWN, J. T., Hawaii
CARTER, G. R., Oahu
CRABBE, C. L., Oahu
KAHILINA, I., Kauai
KAIUE, S. E., Maui
KALAUOKALANI, D., Oahu
KANUHA, D., Oahu
KAOHI, J. B., Oahu
NAKAPAAHU, L., Kauai
PARIS, J. D., Hawaii
RUSSEL, N., Hawaii
WHITE, W., Maui

SECRETARY OF SENATE,
EDGAR CAYPLESS

FIRST LEGISLATIVE ASSEMBLY
of the
TERRITORY OF HAWAII



SENATE CHAMBER
CAPITOL BUILDING

SERGEANT-AT-ARMS,
DAVID KAHAULELILO

ASST. SECRETARY
W. H. CONEY

INTERPRETER,
J. E. BUSH

CHAPLAIN,
REV. J. KEKIPI

STENOGRAPHER,
P. M. McMAHON

MESSENGER,
S. H. MEEKAPU

HONOLULU, T. H. 190

He Kanawai e hoopan loa ana ina Pauku 806 808 809 o ka mokuna 5-9 o na Kanawai Civil i hoikeia ma na Kanawai hoohui hui ia e Sidney W Ballou ma o ke Kauoha a ka Ahaolelo, a i hoolahaia a kapaia Kanawai Civile E pili ana i na Auhau ~~pili~~ kino, a me Hoohana ana o ka auhau Kula ame Auhau alanui,

E hoohaloia e ka Ahaolelo o ka Teritori o Hawaii

Pauku 1 O na Pauku 806 ame 808 - 809, o ka mokuna 59 o na Kanawai Kiwila, ma keia ke hoopan loa ia nei.

Pauku 2 E lilo keia i Kanawai mai a mohope iho o Kona apono ia ana.

PRESIDENT OF THE SENATE,
HON. NICHOLAS RUSSEL
VICE-PRESIDENT,
S. E. KAIUE

SENATORS
ACHI, W. C., Oahu
BALDWIN, H. P., Maui
BROWN, C., Oahu
BROWN, J. T., Hawaii
CARTER, G. R., Oahu
CRABBE, C. L., Oahu
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KALAUOKALANI, D., Oahu
KANUHA, D., Oahu
KAOHI, J. B., Oahu
NAKAPAAHU, L., Kauai
PARIS, J. D., Hawaii
RUSSEL, N., Hawaii
WHITE, W., Maui

SECRETARY OF SENATE,
EDGAR CAYPLESS

FIRST LEGISLATIVE ASSEMBLY
of the
TERRITORY OF HAWAII
SENATE CHAMBER
CAPITOL BUILDING

SERGEANT-AT-ARMS,
DAVID KAHAULELILO

ASST. SECRETARY
W. H. CONEY
INTERPRETER,
J. E. BUSH
CHAPLAIN,
REV. J. KEKIPI
STENOGRAPHER,
P. M. McMAHON
MESSENGER,
S. H. MEEKAPU

HONOLULU, T. H. 190

He Kanawai e hoopau loa ana ina Pauku 806 _ 808 _ 809 o ka mokuna 5-9 o na Kanawai Civil i hoikeia ma na Kanawai hoohuihuia e Sidney W Ballou ma o ke Kauoha a ka Ahaolelo, a i hoolahaia a kapaia Kanawai Civile E pili ana i na Auhau ~~pili~~ Kino, a me Hoohana ana o ka auhau Kula ame Auhau Alami,

E hooholoia e ka Ahaolelo o ke Teritori o Hawaii

Pauku 1 O na Pauku 806 ame 808 - 809, o ka mokuna 59 o na Kanawai Kiwila, ma keia ke hoopau loa ia nei.

Pauku 2 E lilo keia i Kanawai mai a mohope iho o Kona apono ia ana.

By L. N.

Panikaunahi

SENATE BILL No. 74

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To amend Section 710 of Chapter 55 of the Civil Laws set forth in a Compilation made by Sidney M. Ballou under authority of the Legislature and published and Entitled Civil Laws, Relating to Awa

Introduced Apl 4 *1901,*

By Senator J. Brown

ENDORSED BY

First Reading in Senate April 4, 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Amended & passed

4-22 ayes 14. no 0

The Legislature of the Territory of Hawaii

SENATE BILL NO. 74

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

An Act to Amend Section 710 of Chapter 55 of the Civil Laws, set forth in a compilation made by Sidney M. Ballou, under authority of the Legislature and published and entitled Civil Laws relating to Awa.

Be it enacted by the Legislature of the Territory Hawaii

Section 1. That Section 710 of the Civil Laws be and the same is hereby amended so as to read as follows. The upset price for such license at public auction shall be as follows

For the District of Honolulu, one thousand dollars; For the District of Hilo and Wailuku, two hundred dollars, each, and for the District of Lahaina two hundred dollars, and one hundred dollars for each other District.

Section 2. This Act shall become a Law from and after the date of its Approval.

J. T. Brown

SB 74

He Kanawai e hoololi ai i ka Pauku 7/10 o ka Mokuna 56 o na Kanawai Kiwila i hoiaia ma na Kanawai i hoohuiia e Sidney M Ballou ma o ke Kauoha la a ka Ahaolelo a hoohoiia a kapa ia Kanawai Kiwila e pili ana i na Aoa.
E Hoohoiia e ka Ahaolelo o ka Territory o Hawaii

Pauku 1. O ka Pauku 7/10 o na Kanawai Kiwila ma kia ke hoololi ia nei a penei e heluhelu ia ai. O ke Kumukuai Koho mua o kela a me keia laikini ma ke kualaa akea e like no ia me keia mahopeiho nei.
No ka Apana o Honolulu, hookahi tausani dala
No ka Apana o Hilo me Hailuku, Elua haneri dala
paakahi, a no ka Apana o Lahaina, Elua haneri dala;
a i hookahi haneri dala no kela me keia Apana e ae.

Pauku. 2 E lilo keia i Kanawai mai a mahope o kona
la e apono ia ai

Pamkaunuhi

SENATE BILL No. 75

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To repeal Section 806 and Section 808 of Chapter 59 of the Civil Laws as set forth in a Compilation made by Sidney M. Ballou under the Authority of the Legislature and published and entitled Civil Laws, Relating to Poll Tax and Disposition of School Tax

Introduced Apl 4. *1901,*

By Senator J. T. Brown

ENDORSED BY

First Reading in Senate Apl 4 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Table 4-9 Pr Rpt 72

The Legislature of the Territory of Hawaii

SENATE BILL NO. 75

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

25

An Act to Repeal Section 806 and Section 808 of Chapter 59 of the Civil Laws as set forth in a compilation mad by Sidney M. Ballou under the authority of the Legislature, and published and entitled Civil Laws relating to Poll Tax and Disposition of School Tax

Be it enacted by the Legislature of the Territory of Hawaii

Section 1. That Section 806 and Section 808 of Chapter 59 of the Civil Law be and the same is hereby Repealed.

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

J. T. Brown

Senate Bill No. 75.
Introduced April 4, 1901, by Sen. J. T. Brown.
First Reading in Sen Apr. 4, 1901.

He Kanawai e hoopauloa ana i na Pauku 806 me 808 o Ka Mokuna 59. o na Kanawai Kivila i hoikeia ma na Kanawai i hoohuiluiia e Sidney M Ballou mao Ke Kaukalla a Ka Ahaolelo a i hoolahaia a Kapaia Kanawai Kivila. E pili ana i Ka Aahau Kino. a me Hooliana ana o Ka Aahau Kula.

E hoholoia e Ka Ahaolelo o Ka Territory o Hawaii

Pauku 1. O na Pauku 806 me Pauku 808 o Ka Mokuna 59. o na Kanawai Kivila ma Keia ke hoopauloa ia nei

Pauku 2. E lilo Keia i Kanawai mai a mahope iho o Kona Apono ia ana

SENATE BILL No. 76

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

making Temporary Appropriation for the use of the Board of Health.

Introduced April 4 *1901,*
By Senator Kaunhea

ENDORSED BY

First Reading in Senate April 4, 1901
Second Reading in Senate
Referred to
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

Passed 4/10 Ayes 11.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 76

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

16

An Act making temporary appropriation for the use of the Board of Health.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of Three thousand dollars is hereby appropriated for the use of the Board of Health, said sum to be expended as hereinafter set forth.

For the payment of the salaries of 12 sanitary inspectors, such salary not to exceed at the rate of one hundred dollars per month $2400.00

For Incidental and miscellaneous expenses of the Board of Health,..... 600.00

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

Apr 4, 1901

David Kaeuha
Senator from the 3 District

SENATE BILL No. 77

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To Amend Act 34 of the Session Laws of 1898, Entitled "An Act to provide against the Adulteration of Foods and Drugs."

Introduced April 4 *1901,*
By Senator Carter

ENDORSED BY

First Reading in Senate April 4 1901
Second Reading in Senate 11 15
Referred to
Third Reading in Senate
First Reading in House
Second Reading in House
Referred to
Third Reading in House

Passed 4/19 Ayes 12

The Legislature of the Territory of Hawaii

SENATE BILL NO. 77

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate .....

Referred to.....

Third Reading in Senate .....

First Reading in House.....

Second Reading in House .....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT TO AMEND ACTXXXIV OF THE SESSION LAWS OF 1898, ENTITLED:
"AN ACT TO PROVIDE AGAINST THE ADULTERATION OF FOOD AND DRUGS."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

That Act XXXIV of the Session Laws of 1898, entitled: "An Act to Provide Against the Adulteration of Food and Drugs," is hereby amended as follows:-

-I-

By substituting the word "Territory" for the word "Republic" wherever it occurs in said Act.

-II-

By adding the words "keep for sale," after the words "offer for sale" and before the words "or sell" in the second line of Section 1 of said Act.

-III-

By striking out the word "sold" in the fourth line of Section 3 of said Act, and substituting therefor the words "manufactured, sold, offered for sale, or kept for sale."

By adding the words "and is inferior to" after the word "from" and before the word "the" in the fifth and in the tenth lines of said Section.

By striking out the word "sold" in the seventh line of the same Section and substituting therefor the words "manufactured, sold, kept for sale, or offered for sale."

By striking out the word "sold" in the twenty-second line of the same Section and substituting therefor the words "manufactured, sold, kept for sale, or offered for sale."

And by the addition of the following Subdivision:

(c) In the case of milk:

(1) If it is the produce of a diseased animal;

(2) If it contains less than eleven and one-half per cent. (11 1/2%) of total solids or two and one-half per cent. (2 1/2%) of butter fat.

(3) If it contains any antiseptic or preservative.

-IV-

By repealing Section 4 of said Act, and substituting therefor the following:

"If any person manufacturing, keeping for sale, or exhibiting for sale any drug or article of food included in the provisions of this Act shall refuse to furnish the duly appointed Food Commissioner, upon demand, either personal or in writing, a sample sufficient for the analysis of such drug or article of food which is in his possession, the Food Commissioner tendering the market price therefor, such refusal shall be prima face evidence that such drug or article of food so manufactured, kept for sale, offered for sale or exhibited for sale is adulterated within the meaning of this Act.

-V-

By adding the words "keeping for sale" after the word "manufacturing" and before the word "offering" in the eight and in the thirteenth lines of Section 5 of said Act.

-VI-

By adding the word "kept" after the word "or" and before the word "for" in the fourth line of Section 7 of said Act.

By striking out the words "with the consent of said Board of Health" in the eleventh and twelfth lines of the same Section.

-VII-

By striking out the words "with the consent and sanction of the Board of Health" in the first and second lines of Section 8 of said Act.

SO THAT SAID ACT, AS AMENDED, SHALL READ AS FOLLOWS:

SECTION 1. That no person shall, within the Territory of Hawaii, manufacture, offer for sale, keep for sale, or sell any drug or article of food which is adulterated within the meaning of this Act.

SECTION 2. The term "drug," as used in this Act, shall include all drugs, medicines or medicinal preparations for internal or external use, antiseptics, antiseptic dressings, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed or compound.

SECTION 3. An article shall be deemed to be adulterated within the meaning of this Act:

(A) In the case of drugs:

(1) If, when manufactured, sold, offered for sale, or kept for sale under or by a name recognized in the United States Pharmacopoeia, it differs from and is inferior to the standard of strength, quality or purity laid down therein;

(2) If, when manufactured, sold, kept for sale, or offered for sale under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other Pharmacopoeia, or other standard work on materia medica, it differs materially from and is inferior to the standard of strength, quality or purity laid down in such work;

(3) If its strength, quality or purity falls below the professed standard under which it is sold;

(4) If it contains any substance inimical or dangerous to life without the same being duly stated on the label or wrapper.

(B) In the case of food:

(1) If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity.

(2) If any inferior or cheaper substance or substances have been substituted, wholly or in part, for it;

(3) If any valuable or necessary constituent or ingredient has been, wholly or in part, abstracted from it;

(4) If it is an imitation of, or is manufactured, sold, kept for sale, or offered for sale under the name of another article;

(5) If it consists, wholly or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not;

(6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is;

(7) If it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture.

(c) In the case of milk:

(1) If it is the produce of a diseased animal;

(2) If it contains less than eleven and one-half per cent (11 1/2%) of total solids or two and one-half per cent. (2 1/2%) of butter fat.

(3) If it contains any antiseptic or preservative.

Provided, that the provisions of this Act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health and contain no ingredients not necessary to the preparation of a genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

SECTION 4. If any person manufacturing, keeping for sale, offering for sale, or exhibiting for sale, any drug or article of food included in the provisions of this Act, shall refuse to furnish

the duly appointed Food Commissioner, upon demand, either personal or in writing, a sample sufficient for the analysis of such drug or article of food which is in his possession, the Food Commissioner tendering the market price therefor, such refusal shall be prima face evidence that such drug or article of food so manufactured, kept for sale, offered for sale or exhibited for sale, is adulterated within the meaning of this Act.

SECTION 5. Whoever refuses to comply, upon demand, with the requirements of Section 4, and whoever violates any of the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding one hundred, nor less than twenty-five dollars, or imprisoned at hard labor not exceeding one hundred nor less than thirty days, or both. And any person found guilty under the provisions of this Act of manufacturing, keeping for sale, offering for sale or selling an adulterated article of food, or drug, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary expenses incurred in inspecting and analyzing such adulterated articles, of which said person may have been found guilty of manufacturing, keeping for sale, selling or offering for sale.

SECTION 6. To carry out the provisions of this Act, the Board of Health shall appoint a duly qualified Food Commissioner and Analyst, who shall receive such a salary as the Legislature shall from time to time appropriate, and who shall furnish good and sufficient bonds of not less than Two Thousand Dollars ($2000.00) for the proper and unprejudiced performance of his duties, and who shall be provided by the Board of Health with the necessary chemical and micro-chemical apparatus, together with a proper office and laboratory for work.

SECTION 7. It shall be the duty of the Food Commissioner to carefully inquire into the quality of the several articles, which are foods or the necessary constituents of foods, manufactured or kept for sale, or sold, or exposed for sale within the Territory

of Hawaii; and he may, in a lawful manner, procure samples thereof, subject the same to careful examination, and report the result of such analysis of all or any of such food and drink products, or dairy products, as are adulterated, impure or unwholesome, in contravention of the laws of the Territory of Hawaii, to the Board of Health; and it shall be the duty of the Food Commissioner to make complaint, with the necessary evidence, through the proper authorities, against such manufacturer or vendor.

SECTION 8. The Food Commissioner shall have power in the performance of his duties, to enter into any creamery, factory, store, salesroom, storage room, drug store or laboratory, or any place where he has reason to believe foor or drink are made, prepared, sold or offered for sale, and to open any cask, tub, jar, tin, bottle, case or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof, and take therefrom samples for analysis.

SECTION 9. The Food Commissioner shall make a monthly report in writing to the President of the Board of Health containing the results of inspection and analysis in detail; and upon the request of the said Board, he shall furnish for publication a popular explanation of the same, covering any month or period, together with any such other information as may come to him in his official capacity relating to the adulteration of drugs and food and drink products, so far as the same may be deemed by said Board of Health to be of benefit and advantage to the public.

SECTION. 10. The Food Commissioner shall investigate complaints on the information of any person who shall lay before him satisfactory evidence of the same.

SECTION 11. Jurisdiction is hereby conferred upon all District Magistrates to hear and determine all cases arising under this Act.

Section 12. This Act shall take effect from and after the date of its approval.

SENATE BILL No. 78

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To provide for the revision of the Statutes of the Territory of Hawaii

Introduced April 5 *1901,*

By Senator White

ENDORSED BY

First Reading in Senate April 5 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

The Legislature of the Territory of Hawaii

SENATE BILL NO. 78

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A C T.

An Act to provide for the Revision of the Statutes of the Territory of Hawaii.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. That all of the laws of permanent character of the Territory of Hawaii shall be prepared, consolidated, revised, compiled and edited for publication in a single volume to be known as the "Revised Statutes of Hawaii", The character of the printing and style of binding shall be as prescribed hereafter by law.

Sec. 2. That said volume shall contain a copy of Magna Charta the Declaration of Independence, the Articles of Confederation of the United States, the Constitution of the United States, the Act of Congress organizing the Territory of Hawaii, the laws of the United States applicable to the Territories generally, and the laws of the Territory of Hawaii of permanent character and effect, all of which shall be properly divided into Titles, Chapters and Sections, the sections of the laws of Hawaii to run consecutively from one up throughout the entire volume, and the whole to be thoroughly indexed

Sec. 3. There shall be among other titles, a separate title for each of the following subjects, to wit: (1) Crimes and Offenses; (2) Code of Criminal Procedure; (3) Code of Civil Procedure; (4) Code of Probate Procedure; (5) Code of Procedure for the administration of Civil and Criminal Laws in Justice's Courts, it being the intention to substitute Courts of Justice of the Peace for the present District Courts.

Sec. 4. That it is the intention also to abolish the distinction between actions at law and suits in equity, and the forms of all such actions and suits heretofore existing, and to have in their place but one form of action which shall be called a civil action. The Title on Code of Civil Procedure shall be prepared accordingly.

Sec. 5. In the course of the revision of the said laws, the changes prescribed by the Act of Congress entitled "An Act to provide a Government for the Territory of Hawaii," approved April 30 1900, shall be carefully observed. There shall also be made any and all verbal changes in the text of the laws of Hawaii that may be necessary to insure clear and correct expression, but no changes shall be made by the Code Commissioner that shall alter or change the effect or operation of any provision of law; provided, that inconsistent or obsolete provisions of law shall be omitted. The several Titles provided for in section Three of this Act shall be reported separately so as to be presented to the next Legislature for adoption before being incorporated in the bill embracing the entire revision of the Statutes.

Sec. 6. There shall be prepared two complete copies of the proposed volume of Revised Statutes, and also, two copies of each of the several Titles specified in section theree herein, the lat er to be duplicates of the said Titles as contained in the proposed volume of Revised Statutes. All of these copies shall be deposited with the Secretary of the Territory not later than January first, 1903, for which the said Secretary shall give the Code Commissioner his receipt.

Sec. 7. The Code Commissioner shall also codify and incorporate into the said volume of the Revised Statutes all laws of permanent character and value that may be adopted by the Second Legislature of the Territory of Hawaii, interweaving and classifying the same under appropriate heads and sections to the end that the said Revised Statutes shall embrace a complete codified system of the laws of Hawaii up to and including the laws that may be enacted during the regular legislative session held in the year nineteen hundred and three. The Commissioner shall superintend the printing and binding of said Revised Statutes and supervise the proofs of the same, his services herein to cease when the work of printing and

binding said volumes shall have been done according to contract that shall be provided for hereafter. When the work is completed according to contract the Commissioner shall attest the fact by his certificate to be filed in the office of the Secretary of Territory; whereupon the term of employment of said Commissioner shall cease and determine.

Sec. 8. That L. G. Beach be and he is hereby authorized and designated as the Code Commissioner to codify, revise, consolidate, compile and edit the laws of the Territory of Hawaii and perform the other services as provided for herein. He shall receive the sum of dollars in full for his said services, the same to be paid in regular monthly installments until the first day of July, 1903, and not thereafter.

Sec. 9. That the Code Commissioner shall have so long as may be necessary, during his own employment herein the services of a competent stenographer and typewriter as an assistant who shall be employed exclusively upon the said work. Such stenographer shall be paid the sum of dollars per month.

Sec. 10. The Code Commissioner shall also file with the report due on January 1st, 1903, two copies of a draft of a bill for an act to provide for the adoption by the Legislature of the proposed Revised Statutes, and for the printing and distribution of the same.

Sec. 11. That the Secretary of the Territory and the several other officers of the Territory of Hawaii be and they are hereby requested and instructed to extend to said Code Commissioner every facility and courtesy in their power to enable him to carry out the work of said Revision.

Sec. 12. The said Commissioner shall enter upon his employment hereunder not later than on the fifteenth day of May of the present year, and he shall diligently continue the said work until its completion; Provided, that when the said Revision is completed the services of said stenographer shall be dispensed with.

m Sec. 13. Each section of the laws as printed shall have a head line indicating the subject treated in the section. These head lines shall be printed in type heavier than the type in the body of the section.

Sec. 14. In case of a vacancy in the position of Code Commissioner by death, resignation or otherwise the Governor shall appoint a member of the bar of the Territory to fill the same, and to carry out the provisions of this Act.

Sec. 15 This Act shall take effect and be in force from and after the date of its passage.

SB 78

KANAWAI.

He Kanawai e Hoomakaukau ana no ka Hooponopono ana i na Kanawai o ke Teritori o Hawaii.

E Hooholoia e ka Ahaolelo o ka Teritori o Hawaii:

Pauku 1. Ona kanawai a pau o ke ano ku mau o ke Teritori o Hawaii e hoomakaukauia, hoohuihuiia, hooponoponoia, houluuluia ame kakauia no ka hoolaha ana ma ka buke hookahi, a e ikeia ma ke ano o na "Kanawai i Hooponoponoia o Hawaii". Ke ano o ke pai ana ame ke ano o ka ili uhi e hoakaka ia ma ke kanawai ma keia hope aku.

Pauku 2. E hookomoia maloko o keia buke he kope o ka Magna Charta, ke Kukala Kuokoa, na Mahele o ka Aelike Hoohui o Amerika Huipuia, ke Kumukanawai o Amerika Huipuia, ke Kanawai a ka Ahaolelo e kukulu ana i ke Teritori o Hawaii, na Kanawai o Amerika Huipuia i pili i na Teritori, ame na kanawai o ka Teriteri o Hawaii o ke ano ame ka hopena ku mau, o keia mau kanawai a pau e maheleheleia malalo o na Poo, Mokuna ame na Pauku kupono, na pauku o na kanawai o Hawaii e hoonoho papa ia mai ka akahi pii aku a hiki i ka hopena o ka buke, a o keia mea holookoa e hoolako ia me na kuhikuhi maikai.

Pauku 3. Mawaena o na poo, i poo kaokoa no kela ame keia mahele manao, oia hoi: (1) Na Karaima ame na Ofeni; (2) Kanawai o ka Lawelawe ana i na Hihia Karaima; (3) Lawelawe ana o na Hihia Civila; (4) Kanawai no ka Lawelawe ana i na Palapala Hooilina; (5) Kanawai no ka lawelawe ana o na kanawai Civila ame Karaima ma na Aha Hoomalu, o ka manao, o ka hookomo iho ina Aha Hoomalu ma kahi ona Aha Apana.

Pauku 4. Ua manao pu ia no e hoopau i ke ano e mawaena o na hoopii kanawai ame na hoopii ma ke kaulike, ame ke ano lawelawe ana oia mau hoopii e like me na mea i hana ia mamua, a ma ko lakou wahi i hookahi no ano o ka hoopii ana a e kapaia hoi he hoopii civila. O ke Poo me ke Kanawai no ka lawelawe ana o na hihia Civila e hoomakaukau ia ma ia ano.

Pauku 5. Oiai e hooponoponoia ana na kanawai, na hooloii hoakakaia e ke Kanawai o ke Ahaolelo e kapaia "He Kanawai e

SB 78

KANAWAI.

He Kanawai e Hoomakaukau ana no ka Hooponopono ana i na Kanawai o ke Teritori o Hawaii.

E Hooholoia e ka Ahaolelo o ka Teritori o Hawaii:

Pauku 1. Ona kanawai a pau o ke ano ku mau o ke Teritori o Hawaii e hoomakaukauia, hoohuihuiia, hooponoponoia, houluuluia ame kakauia no ka hoolaha ana ma ka buke hookahi, a e ikeia ma ke ano o na "Kanawai i Hooponoponoia o Hawaii". Ke ano o ke pai ana ame ke ano o ka ili uhi e hoakaka ia ma ke kanawai ma keia hope aku.

Pauku 2. E hookomoia maloko o keia buke he kope o ka Magna Charta, ke Kukala Kuokoa, na Mahele o ka Aelike Hoohui o Amerika Huipuia, ke Kumukanawai o Amerika Huipuia, ke Kanawai a ka Ahaolelo e kukulu ana i ke Teritori o Hawaii, na Kanawai o Amerika Huipuia i pili i na Teritori, ame na kanawai o ka Teriteri o Hawaii o ke ano ame ka hopena ku mau, o keia mau kanawai a pau e maheleheleia malalo o na Poo, Mokuna ame na Pauku kupono, na pauku o na kanawai o Hawaii e hoonoho papa ia mai ka akahi pii aku a hiki i ka hopena o ka buke, a o keia mea holookoa e hoolako ia me na kuhikuhi maikai.

Pauku 3. Mawaena o na poo, i poo kaokoa no kela ame keia mahele manao, oia hoi: (1) Na Karaima ame na Ofeni; (2) Kanawai o ka Lawelawe ana i na Hihia Karaima; (3) Lawelawe ana o na Hihia Civila; (4) Kanawai no ka Lawelawe ana i na Palapala Hooilina; (5) Kanawai no ka lawelawe ana o na kanawai Civila ame Karaima ma na Aha Hoomalu, o ka manao, o ka hookomo iho ina Aha Hoomalu ma kahi ona Aha Apana.

Pauku 4. Ua manao pu ia no e hoopau i ke ano e mawaena o na hoopii kanawai ame na hoopii ma ke kaulike, ame ke ano lawelawe ana oia mau hoopii e like me na mea i hana ia mamua, a ma ko lakou wahi i hookahi no ano o ka hoopii ana a e kapaia hoi he hoopii civila. O ke Poo me ke Kanawai no ka lawelawe ana o na hihia Civila e hoomakaukau ia ma ia ano.

Pauku 5. Oiai e hooponoponoia ana na kanawai, na hoololi i hoakakaia e ke Kanawai o ke Ahaolelo e kapaia "He Kanawai e

hoomakaukau ana i Aupuni no ke Teritori o Hawaii" aponoia Aperila 30,1900, e hahai akahele loa ia. E hana pu ia no hoi na hooloili ana o na huaolelo maloko o ke kino o na kanawai o Hawaii i kupono no ka hoike moakaka ame ka hoopuka pololei ana, aka, aole hoolole e hanaia e ke Komisina Hooponopono Kanawai, e hooloili ai a e hoano'e ai i ka hopena a i ole hana ana o kekahi pauku o ke kanawai; e hoomaopopoia nae, na manao huikau a i ole mau pauku i lilo i mea make e hoopauia. O na Poo pakahi i hoakakaia ma ka pauku ekolu o keia Kanawai e hoike kaokoa ia no i hiki ai e waihoia aku i ke Kau Ahaolelo e hiki mai ana no ka apono ana a mamua hoi o ka hoohui ana mai iloko o ka bila i komo pu ai na kanawai a pau ma keia hooponopono ana.

Pauku 6. E hoomakaukauia i elua kope piha o ka buke kanawai i hooponoponoia i manaoia, a pela hoi i elua kope o na Poo pakahi i hoakakaia ma ka pauku ekolu maloko nei, a oia mau kope he mau kope palua o na Poo e like meia i hookomoia maloko o ka buke i manaoia o na Kanawai i Hooponoponoia. O keia mau kope a pau e waihoia me ke Kakauolelo o ka Teritori aole e kaa aku mahope o Ianuari ekahi 1903, no ia mea, e haawi ke Kakauolelo i ke Komisina Hooponopono Kanawai i kana rikiki.

Pauku 7. Na ke Komisina Hooponopono Kanawai e hoohuihui a e hookomo maloko o keia buke o na Kanawai i Hooponoponoia na kanawai a pau o ke ano kupaa a waiwai e hooholoia ana e ka Ahaolelo Elua o ke Teritori o Hawaii, e okomokomo a e mahelehele ana ia mea ma na pook kupono ame na pauku no ka hopena o na Kanawai i Hooponoponoia e apo ana me ka pau loa i na kanawai o Hawaii a hiki aku a me ke komo pu ana o na kanawai e hooholoia ana ma ke kau mau o ka Ahaolelo e malamaia ana ma ka makahiki umikumaiwa haneri ame ekolu. Na ke Komisina e hooponopono ke pai ame ka hanaia ana o ke Kanawai i Hooponoponoia a e heluhelu i na pa-lu oia mea, a e pau ana hoi kana hana ma keia mea i ka manawa e pau ai o ke pai ame ka uhi ia ana o ua mau buke'la e like me ka aelike e hoomakaukauia ana ma keia hope aku. I ka manawa e pau ai o ka hana e like me ka aelike na ke

Komisina e hoike ia mea ma o kana palapala hooia e waihoia ana maloko o ke keena o ke Kakauolelo o ke Teritori; a ia wa o ka manawa hana o ua Komisina'la e oki a e pau ai.

Pauku 8. O ke, a ma keia ke hoomanaia aku nei a ke kohoia nei i Komisina Hooponopono Kanawai no ka hoopalanaiki ana, hooponopono, houluulu a hoonohonoho ame hoopuka ana i na kanawai o ke Teritori o Hawaii a e hana hoi i na hana e ae i hoakakaia maloko nei. E loaa hoi iaia ka huina o dala i uku piha no kana hana ana, e uku liilii ia ana hoi me ka pololei i kela ame kea mahina a hiki i ka la akahi o Iulai 1903, aole hoi mahope aku.

Pauku 9. E loaa hoi i ke Komisina Hooponopono Kanawai e like ka loihi me ke-kupono, oiai oia e hana ana ma keia mea na lawelawe ana a kekahi kakaupokole makaukau ame kakau kiko ma ke ano he kokua a e hoohana waleia no ia ma keia hana. E ukuia hoi ia mea kakaupokole i dala no ka mahina.

Pauku 10. No ke Komisina Hooponopono Kanawai e waiho pu ae me ka hoike e piha ana ma ka la 1 o Ianuari,1903, elua kope o na hoolala ana no kekahi bila kanawai e hoomakaukau ana no-ka apono o ka Ahaolelo i na Kanawai i Hooponopononoia, a no ke pai ame ka puunaue ana ia mea.

Pauku 11. O ke Kakauolelo o ke Teritori o Hawaii ame na luna aupuni pakahi e ae o ke Teritori o Hawaii e, a ma keia ke koi a ke kauohaia nei e pahola aku i ua Komisina Hooponopono Kanawai'la na kokua a me na manao maikai maloko o ko lakou mana i hiki ai iaia e hookele pono aku i ka hana o ka Hooponopono ana.

Pauku 12. E komo aku ua Komisina'la ma kana hana maloko nei aole e oi aku mahope o ka la umikumalima o Mei o keia,makahiki, a e hoomau akahele aku oia i ka hana i oleloia a hiki i ka pau ana. E hoomaopopoia nae, i ka pau ana o ua hooponopono'la e hoopauia ka hana a ka mea kakau pokole.

Pauku 13. O kela ame keia pauku o na kanawai e like meia i paiia e loaa he laina poo e hoakaka ana i ke kumu manao o ka pauku. O keia poe laina poo e paiia me na hua mahuahua ae mamua o ke kino o ka pauku.

Pauku 14. Ina e hakahaka ke kulana o ke Komisina Hooponopono Kanawai mamuli o ka make, waiho mai a i ole ma kekahi ano e ae na ke Kiaaina e hookohu i kekahi hoa o ka papa loio o ke Teritori e hoopihaia makalua a e hoopau loa aku i ka makemake o keia kanawai.

Pauku 15. E lilo keia kanawai i mea mana a e hookoia mahope iho o kona hooholoia ana.

SENATE BILL No. 79

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Making Appropriations for the Departmental use of the Government of the Territory of Hawaii, and Providing for the Payment of the necessary Current Expenses of Carrying on the Government for the succeeding biennial period

Introduced April 5 *1901,*

By Senator

ENDORSED BY

First Reading in Senate Apl. 5, 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Ref H-29

The Legislature of the Territory of Hawaii

SENATE BILL NO. 79

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

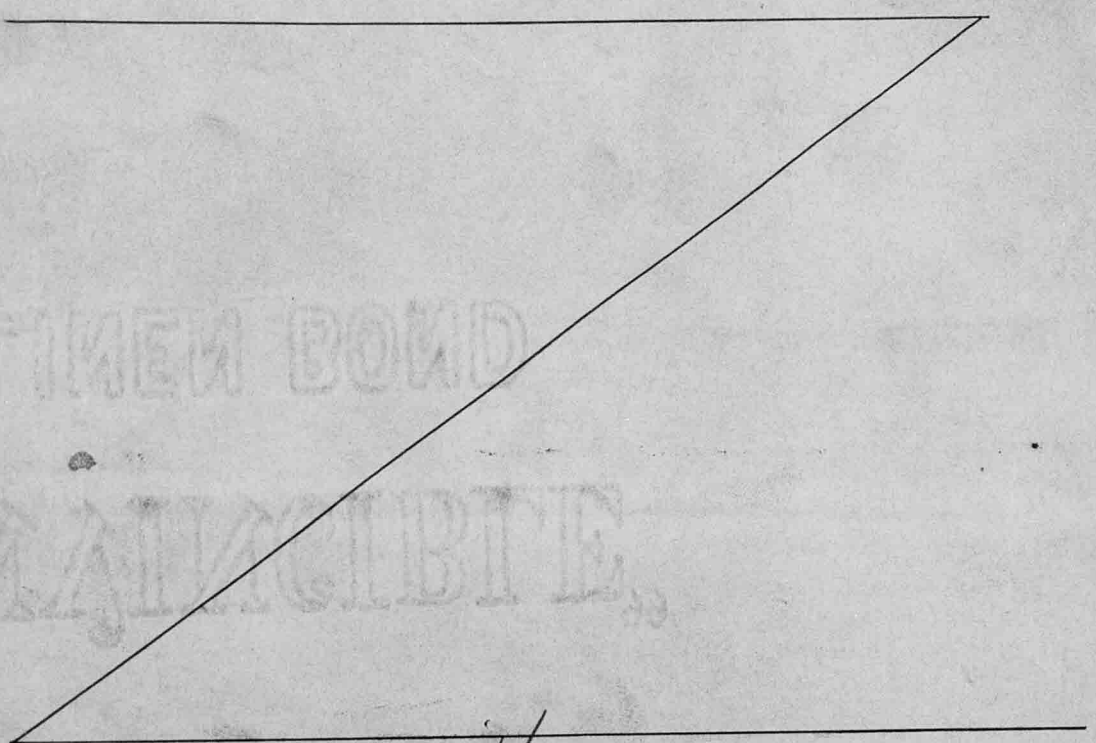
Third Reading in House.....

AN ACT, ETC

An Act Making Appropriations for the Departmental use of the Government of the Territory of Hawaii, and Providing For the Payment of The Necessary Current Expenses of carrying on the Government for the Succeeding biennial period.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. The following sums amounting to $4,580,325.50 are hereby appropriated out of all monies in the Treasury received from current receipts of the general revenues of the Territory for Departmental use and providing for the payment of the necessary current expenses of carrying on the Territorial Government for the succeeding biennial period:



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Permanent Settlements—

Mrs. Emma Barnard	$ 600.00	
Mrs. Kamakani, Simeona	400.00	
Mrs. Kaulua	400.00	
Mrs. Mary R. Stolz	720.00	
Mrs. Paahao	400.00	
Sergeant H. E. Petersen	900.00	
		$ 3,420.00

Office of the Secretary of the Territory of Hawaii—

Salary of Chief Clerk	3,600.00	
Salary of Assistant Clerk	1,800.00	
Salary of Recording Clerks	2,000.00	
Salary of Extra Clerks	1,000.00	
Salary of Electoral Registrar	1,200.00	
Salary of Messenger	1,200.00	
		$ 10,800.00

JUDICIARY DEPARTMENT.

Supreme Court—

Salary of Clerk of Judiciary Department	$ 6,000.00	
Salary of Stenographer, Judiciary Department	4,800.00	

Pay of Messengers, 3 at $1200.00	3,600.00
Pay of Interpreters in all Courts not specially provided for	3,000.00
First Circuit—	
Salary of First Clerk, First Circuit	3,600.00
Salary of Second Clerk, First Circuit	3,000.00
Salary of Third Clerk, First Circuit	2,400.00
Salary of Fourth Clerk, First Circuit	1,800.00
Salary of Stenographers	9,600.00
Salary of District Magistrate, Honolulu, 1st class	5,000.00
Salary of Hawaiian Interpreters	6,000.00
Salary of Chinese Interpreter and Translator	3,600.00
Salary of Japanese Interpreter and Translator	3,000.00
Salary of Portuguese Interpreter and Translator	1,200.00
Salary of Clerk and Interpreter, Honolulu District Court	2,400.00
Salary of Second District Magistrate, Honolulu, Second Class	2,880.00
Salary of Second Clerk and Interpreter, Honolulu District Court	1,800.00
Salary of District Magistrate, Ewa, Fourth Class	1,680.00
Salary of District Magistrate, Koolaupoko, Sixth Class	1,000.00
Salary of District Magistrate, Koolauloa, Seventh Class	800.00
Salary of District Magistrate, Waialua, Seventh Class	800.00
Salary of District Magistrate, Waianae, Seventh Class	800.00
Second Circuit—	
Salary of Clerk, Second Circuit	1,800.00
Salary of District Magistrate, Lahaina, Third Class	2,200.00
Salary of District Magistrate, Wailuku, Second Class	2,880.00

Salary of District Magistrate, Makawao, Third Class		2,200.00
Salary of District Magistrate, Hana, Fourth Class		1,680.00
Salary of Distric Magistrate, Kipahulu, Eighth Class		600.00
Salary of District Magistrate, Honoaulu, Seventh Class		800.00
Salary of District Magistrate, Molokai, Sixth Class		1,000.00
Salary of District Magistrate, Lanai, Eighth Class		600.00
Third Circuit—		
Salary of Clerk, Third Circuit.....		1,800.00
Salary of District Magistrate, North Kohala, Third Class		2,200.00
Salary of District Magistrate, South Kohala, Sixth Class		1,000.00
Salary of District Magistrate, North Kona, Fourth Class		1,680.00
Salary of District Magistrate, South Kona, Fourth Class		1,200.00
Salary of District Magistrate, West Kau, Sixth Class		1,000.00
Salary of District Magistrate, East Kau, Seventh Class.....		800.00
Fourth Circuit—		
Salary of Clerk, Fourth Circuit		2,400.00
Salary of Assistant Clerk and Messenger, Fourth Circuit		1,200.00
Salary of Stenographer		2,400.00
Salary of District Magistrate, South Hilo, First Class B		3,600.00
Salary of Clerk and Interpreter, District Court, South Hilo		1,200.00
Salary of District Magistrate, North Hilo, Seventh Class		800.00
Salary of District Magistrate, Hamakua, Third Class		2,200.00
Salary of District Magistrate, Puna, Seventh Class		800.00
Fifth Circuit—		
Salary of Clerk, Fifth Circuit		1,500.00

Salary of District Magistrate, Lihue, Third Class		2,200.00	
Salary of District Magistrate, Koloa, Fifth Class		1,200.00	
Salary of District Magistrate, Waimea, Fourth Class		1,680.00	
Salary of Disrict Magistrate, Kawaihau, Sixth Class		1,000.00	
Salary of District Magistrate, Hanalei, Sixth Class		1,000.00	
			$ 115,380.00

DEPARTMENT OF THE ATTORNEY GENERAL.

Salary of the Attorney General	$	9,000.00
Salary of the Deputy Attorney General		6,000.00
Salary of the Assistant to the Attorney General		4,800.00
Salary of the Clerk to the Attorney General's Department		3,600.00
Salary of the High Sheriff		6,000.00
Salary of the Clerk to the High Sheriff		3,600.00
Salary of the Deputy High Sheriff		4,200.00
Salary of the Jailor, Oahu Prison		3,600.00
Salary of the Sheriff of Hawaii		5,000.00
Salary of the Sheriff of Maui		4,500.00
Salary of the Sheriff of Kauai		4,000.00
Salary of the Clerk to Sheriff of Hawaii		1,800.00
Salary of the Clerk to the Sheriff of Maui		1,800.00
Salary of the Clerk to Sheriff of Kauai		800.00
Salary of the Deputy Sheriff of Hawaii		3,600.00
Salary of the Deputy Sheriff of North Kohala		2,400.00
Salary of the Deputy Sheriff of South Kohala		1,200.00

103	Salary of the Deputy Sheriff of Hamakua	2,400.00
4	Salary of the Deputy Sheriff of North Hilo	1,440.00
5	Salary of the Deputy Sheriff of North Kona	2,400.00
6	Salary of the Deputy Sheriff of South Kona	1,800.00
7	Salary of the Deputy Sheriff of Kau	2,040.00
8	Salary of the Deputy Sheriff of Puna	1,440.00
9	Pay of Police, Hawaii	65,000.00
10	Salary of the Deputy Sheriff of Maui	3,000.00
11	Salary of the Deputy Sheriff of Makawao	2,400.00
12	Salary of the Deputy Sheriff of Lahaina	1,920.00
13	Salary of the Deputy Sheriff of Hana	1,920.00
14	Salary of the Deputy Sheriff of Molokai	1,600.00
15	Pay of Maui Police	40,000.00
16	Salary of the Deputy Sheriff of Kauai	3,000.00
17	Salary of the Deputy Sheriff of Kawaihau	1,560.00
18	Salary of the Deputy Sheriff of Hanalei	1,560.00
19	Salary of the Deputy Sheriff of Koloa	1,560.00
20	Salary of the Deputy Sheriff of Waimea	2,400.00
21	Pay of Kauai Police	25,000.00
22	Salary of the Deputy Sheriff of Koolaupoko	1,200.00
23	Salary of the Deputy Sheriff of Koolauloa	1,200.00
24	Salary of the Deputy Sheriff of Waialua	1,200.00
25	Salary of the Deputy Sheriff of Waianae	1,200.00
26	Salary of the Deputy Sheriff of Ewa	1,800.00
27	Pay of Police, Oahu	160,000.00

Salary of Two Clerks, Receiving Station		2,880.00	
Salary of the Supreme Court Officer		2,160.00	
Salary of Hack Inspector		2,400.00	
Salary of the Physicians, Receiving Station and Prison		2,400.00	
Salary of Guards for Public Buildings		7,200.00	
Pay of Jailors, Guards and Lunas of Prisoners		55,000.00	
Salary of the Stenographer to Department		3,000.00	
			$ 462,780.00

TREASURY DEPARTMENT.

Salary of the Treasurer	$ 9,000.00	
Salary of the Registrar of Public Accounts	5,400.00	
Salary of the Bookkeeper	3,600.00	
Salary of the License Inspector (new)	3,600.00	
Salary of the License Clerk (new)	3,600.00	
Salary of the Assistant License and Recording Clerk	2,400.00	
Salary of the Messenger	1,200.00	
Salary of the Stenographer and Typewriter (new)	3,000.00	
Tax Bureau—		
Salary of the Assessor, Oahu	5,400.00	
Salary of the Assessor, Hawaii	5,000.00	
Salary of the Assessor, Maui	4,600.00	
Salary of the Assessor, Kauai	4,000.00	
Salary of the Commission, Deputy Assessors and Collectors	95,000.00	

Bureau of Conveyances—

Salary of Registrar of Conveyances	5,400.00	
Salary of Deputy Registrar of Conveyances	3,000.00	
Pay Roll, Indexer, Copyists and Messenger	11,200.00	
Pay Roll, Revised Indexing Work (new)	5,400.00	
		$ 170,800.00

DEPARTMENT OF PUBLIC WORKS.

Salary of Superintendent of Public Works	$ 9,000.00	
Salary of Assistant Superintendent of Public Works	6,000.00	
Salary of Chief Clerk	5,400.00	
Salary of First Assistant Clerk	4,800.00	
Salary of Second Assistant Clerk	3,600.00	
Salary of Third Assistant Clerk	3,000.00	
Salary of Fourth Assistant Clerk and Copyist	2,400.00	
Salary of Stenographer, Typewriter, etc	3,000.00	
Salary of Agent Public Works, Hilo	1,200.00	
Salary of two Messengers	2,400.00	
Salary of Road Engineer	4,800.00	
Salary of Bookkeeper	3,600.00	
Salary of Draughtsmen	7,200.00	
Salary of Clerk	2,400.00	
Salary of Superintendent of Sewers	3,000.00	
Sewer Pay Roll	5,520.00	

74	Salary of Road Supervisor, Honolulu	5,400.00
75	2 Cantoneers, Road over Nuuanu Pali, $720 each	1,440.00
76	2 Cantoneers, Schaefer's to Nuuanu Pali, $720 each	1,440.00
77	Pay Roll Waikomilo Camp	3,360.00
78	Salary of Harbor Master	6,000.00
79	Pay Roll Steam Tug	13,200.00
80	Regular Pay Roll Electric Light	12,600.00
81	Pay of Poundmaster, Honolulu	840.00
82	Salary of Veterinary Surgeon	1,200.00
83	Pay of Light House Keepers	9,459.00
84	Pay of Keepers of Wharves and Buoys, Lahaina	240.00
85	Pay of Keepers of Wharves and Buoys, Hilo	1,200.00
86	Pay of Gunpowder and Kerosene Oil Keeper, Hilo	1,010.00
87	Pay of Gunpowder and Kerosene Oil Keeper, Honolulu	3,000.00
88	*Bureau of Water Works—*	
89	Salary of Superintendent of Honolulu Water Works and Clerk of Market	5,400.00
91	Salary of Clerk	3,600.00
92	Salary of First Assistant Clerk	2,400.00
93	Salary of Assistant Clerk	1,200.00
94	Pay of Reservoir Keepers	2,640.00
95	Pay of Plumber and Assistant	2,640.00
96	Pay of Tap Inspector	2,184.00
97	Pay of Shipping Tenders, 1 at $75.00 and 1 at $50.00	3,000.00

	Pay Roll, High Lift Pump...	1,900.00
	Pay of two Engineers...	6,000.00
	Pay of Market Keeper ...	1,440.00
	Pay of Assistant Market Keeper...	720.00
	Salary of Superintendent of Wailuku and Kahului Water Works	1,200.00
	Salary of Superintendent of Hilo Water Works...	1,800.00
	Salary of Superintendent of Laupahoehoe Water...	40.00
	Salary of Superintendent of Koloa Water Works...	50.00
	Salary of Superintendent Lahaina Water Works...	420.00
	Public Grounds—	
	Pay Roll Government Buildings...	6,000.00
	Salary of Keeper Mausoleum and Grounds...	780.00
	Salary of Janitor and Keeper Capitol and Judiciary Grounds and Buildings	2,400.00
	Fire Departments—	
	Regular Pay Roll, Honolulu Fire Department...	82,290.00
	Pay of Steward, Watchman and Engineer, Hilo Fire Department.	1,080.00
	—	
	Pilot's Office—	
	Salary of Four Pilots...	19,200.00
	Pay Roll, Pilot Bots ...	5,000.00
	Salary of 2 Assistant Harbor Masters, 1 at $150.00and 1 at $100.00	6,000.00
	Salary of Pilots' Watchman, Diamond Head...	1,800.00
	Salary of Pilots' Watchman, Pilots' Office...	1,440.00
		$ 290,333.00

COMMISSION OF PUBLIC INSTRUCTION.

Salary of Superintendent	$ 9,000.00	
Back Salary of Superintendent, from June 14th, 1900, to July 1st, 1901	4,712.50	
Salary of Four Normal Inspectors at $6,000 each	24,000.00	
Salary of Secretary	4,200.00	
Salary of Assistant Secretary and S. A., Honolulu	3,600.00	
Salary of Book Clerk and Stenographer	1,800.00	
Pay Roll, Support of Schools	600,000.00	
Salaries of School Agents	4,500.00	
Estimated Expenses of carrying on the Industrial and Reform		
Schools for the two years ending Dec. 31st, 1902—		
Salary of Superintendent Boys' School	3,600.00	
Salary of Matron Girls' School	3,000.00	
Salary of Teacher Boys' School	2,400.00	
Salary of Teacher Girls' School	1,800.00	
Pay of Guards, both Schools	3,600.00	
		$ 666,212 50

COMMISSION OF PUBLIC LANDS.

Salary of Commssioner	$ 7,200.00	
Salary of Secretary and Sub-Agent, 5th Land District	4,200.00	
Salary of Clerk	2,400.00	
Salary of Patent Clerk	1,800.00	

Salary of Assistant Clerk	1,200.00	
Salary of Messenger	1,200.00	
Pay of Sub-Agent, 1st Land District	3,000.00	
Pay of Clerk, 1st Land District	1,200.00	
Pay of Sub-Agent, 2nd Land District	1,200.00	
Salary of Agent, 3rd Land District	960.00	
Pay of Sub-Agent, 4th Land District	1,200.00	
Pay of Sub-Agent, 6th Land District	720.00	
Pay of Ranger, 1st Land District	1,200.00	
Pay of Ranger, 2nd Land District	720.00	
Pay of Ranger, 3rd Land District	720.00	
Pay of Ranger, 4th Land District	720.00	
Pay of Ranger, 5th Land District	720.00	
Pay of Ranger, 6th Land District	720.00	
		$ 31,080.00

COMMISSION OF AGRICULTURE AND FORESTRY.

Pay of Commissioner	$ 7,200.00	
Pay of Entomologist	4,000.00	
Pay of Chief Forester	3,600.00	
Pay of Gardener	2,040.00	
Pay of Forester	2,040.00	
Expert Forester	1,800.00	
Laborers, Makiki and Nuuanu—		
15 Laborers, Nuuanu Forest (10 more men)	6,480.00	

273	1 Laborer, Tantalus	528.00	
274	1 Laborer, Tantalus (new)	432.00	
275	*Laborers in Nurseries—*		
276	3 Laborers	1,296.00	
277	1 Laborer	528.00	
278	*Forests and Nurseries, General—*		
279	Pay of Stenographer and Typewriter	1,200.00	
280	Pay of Office Boy and Messenger	720.00	
281	Pay of Wagon Driver	528.00	
282	*Parks and Squares—*		
283	Pay Roll, Makiki and River Parks (new)	2,040.00	
284	Pay Roll, Thomas and Emma Squares	2,040.00	
285			$ 36,472.00

286 SURVEY DEPARTMENT.

287	Salary of Surveyor	6,000.00	
288	Salary of Chief Assistant	5,400.00	
289	Salary of First Assistant	4,800.00	
290	Salary of Second Assistant	4,200.00	
291	Salary of Third Assistant	3,600.00	
292	Salary of Meteorologist	3,000.00	
293	Salary of Messenger	1,200.00	
294			$ 28,200.00

BOARD OF HEALTH.

296	Salary of President of Board of Health	$ 7,200.00
297	Salary of Executive Officer	5,400.00
298	Salary of Secretary	4,000.00
299	Salary of City Sanitary Officer	4,200.00
300	Salary of Food Commissioner and Analyst	4,200.00
301	*Pay of Government Physicians—*	
302	Waimea, Kauai	1,440.00
303	Koloa, Kauai	1,440.00
304	Lihue, Kauai	1,440 00
305	Kealia and Hanalei, Kauai	1,800.00
306	Honolulu, 2 City Physicians	4,800.00
307	Ewa, Oahu	960.00
308	Waianae, Oahu	1,200.00
309	Waialua, Oahu	1,200.00
310	Koolaupoko and Koolauloa	1,440.00
311	Molokai	1,440.00
312	Lahaina, Maui	2,160.00
313	Wailuku, Maui	2,400.00
314	Kihei, Maui	1,800.00
315	Makawao, Maui	1,440.00
316	Hana, Maui	2,160.00
317	Kohala, Hawaii	1,200.00
318	Hamakua, Hawaii	1,440.00

319	North Hilo, Hawaii	1,800.00
320	Hilo, Hawaii	1,200.00
321	Puna, Hawaii	1,800.00
322	Kau, Hawaii	1440.00
323	South Kona, Hawaii	1,560.00
324	North Kona, Hawaii	1,560.00
325	*Pay Roll, General Expenses—*	
326	Bacteriologist and Pathologist	4,800.00
327	Meat Inspector and Veterinary	4,800.00
328	Registrar Deaths, etc	2,400.00
329	3 Sanitary Inspectors at $2,400.00	7,200.00
330	3 Sanitary Inspectors at $1,920.00	5,760.00
331	Milk Inspector	1,800.00
332	Fish Inspector	1,440.00
333	Assistant Fish Inspector	960.00
334	Stockman	1,080.00
335	Assistant Clerk	1,200.00
336	Stenographer	1,920.00
337	Morgue Attendant	1,200.00
338	Janitor and Messenger	720.00
339	Officer for Registered Women	960.00
340	Purchasing Agent	4,000.00
341	Non-Leprous Children	2,400.00
342	Inspector of Plumbing	3,600.00

343	Assistant Inspector of Plumbing	2,400.00	
344	Removing Garbage	24,240.00	
345	Operating Excavator	45,000.00	
346	Segregation of Lepers	62,400.00	
347	Maintenance of Hospital	4,200.00	
348	Superintendent and Assistants, Insane Asylum	30,888.00	
349			$ 279,488.00

350

MILITARY.

351	Captain and Adjutant	$ 1,200.00	
352	Ordnance Sergeant	1,200.00	
353	Chief Musician	720.00	
354	Armorer	1,680.00	
355	Servant	600.00	
356	Janitor	1,080.00	
357	Clerk	1,800.00	
358	Clerk	1,800.00	
359			$ 10,080.00

360

BAND.

361	Salary of Band Master	$ 5,640.00	
362	Salaries of Thirty Bandsmen	29,160.00	
363	Salaries of Two Lady Vocalists	1,800.00	
364			$ 36,600.00

AUDITING DEPARTMENT.

Salary of Auditor	$ 7,200.00		
Salary of Deputy Auditor	4,800.00		
Clerical Assistance	15,000.00		
		$	27,000.00

CURRENT EXPENSES.

OFFICE OF THE SECRETARY OF THE TERRITORY OF HAWAII.

Incidentals	$ 3,000.00		
State Entertainments and Ceremonies	3,000.00		
Preservation of Archives	3,000.00		
Expenses of Election	15,000.00		
Printing and Advertising	1,800.00		
Compiling and Publishing Revised Laws	8,000.00		
		$	33,800.00

JUDICIARY DEPARTMENT.

Expenses of Supreme and Circuit Courts (to include pay of grand jurors at the same rate as trial jurors)	$ 36,000.00		
Purchase of Law Books, Supreme Court	1,500.00		
Purchase of Law Books, Circuit Courts other than First Circuit	600.00		
Compiling, Printing and Binding Hawaiian Reports	3,000.00		
Compiling and Publishing, Digest Hawaiian Reports	5,000.00		

Stationery and Incidentals	2,000.00		
Traveling Expenses, Substitute District Magistrates, First Circuit.	200.00		
Traveling Expenses, Judge and Clerk, Second Circuit	300.00		
Traveling Expenses, Substitute District Magistrates, Second Circuit.	200.00		
Traveling Expenses, Judge and Clerk, Third Circuit	300.00		
Traveling Expenses, Substitute District Magistrates, Third Circuit	200.00		
Traveling Expenses, Judge and Clerk, Fourth Circuit	300.00		
Traveling Expenses, District Magistrate, South Hilo, Fourth Circuit	400.00		
Traveling Expenses, Substitute District Magistrates, Fourth Circuit	200.00		
Traveling Expenses, Substitute District Magistrates, Fifth Circuit	200.00		
		$	50,400.00

DEPARTMENT OF THE ATTORNEY GENERAL.

Support and Maintenance of Prisoners	$ 90,000.00		
Incidentals, Civil and Criminal Expenses	40,000.00		
Coroners' Inquests	6,000.00		
Expenses of Witnesses in Criminal Cases	7,000.00		
Detective Service	6,500.00		
		$	149,500.00

TREASURY DEPARTMENT.

Incidentals, Treasurer's Office	$ 11,000.00		
For Expenses of Shipping Hawaiian Silver Coin and Return of American Silver	20,000.00		

For Discount on Mutilated or Abraided Coins	5,000.00		
Interest on Bonded Debt, Commission and Exchange	500,000.00		
Incidentals, Tax Office	11,500.00		
Incidentals, Registrar of Conveyances	2,800.00		
		$	550,300.00

DEPARTMENT OF PUBLIC WORKS.

Bureau of Public Works—

Incidentals and Traveling Expenses	$	3,500.00
Traveling Expenses, Road Engineers, to be accompanied with vouchers		1,500.00
Repairs, Furniture and Additions to Government Buildings		50,000.00
Landings and Buoys, Hawaii		8,000.00
Landings and Buoys, Maui		3,000.00
Landings and Buoys, Molokai		500.00
Landings and Buoys, Honolulu		40,000.00
Landings and Buoys, Outer Districts, Oahu		1,000.00
Landings and Buoys, Kauai		2,000.00
Landings and Buoys, General		5,000.00
Lighthouse Expenses		3,000.00
Steam Tug		20,000.00
Dredging Honolulu Harbor		25,000.00
Expense Pilot Boats		2,000.00
Electric Light, Honolulu		24,000.00
Electric Lighting, Hilo Streets		4,000.00
Lighting Streets Other than Honolulu and Hilo		1,500.00

440	Running Expenses, Laundries	11,000.00
441	Curbing and Paving Government Sidewalks	10,000.00
442 443	For Constructing Sidewalks (Chapter 23, Section 374, Civil Laws)	25,000.00
444	Fencing and Grading Government Lots	2,000.00
445	Printing and Advertising	8,500.00
446	Quarantine, Diseased Animals	2,000.00
447	Government Pounds	1,000.00
448	Department Incidentals	4,000.00
449	*Bureau of Water Works—*	
450	Running Expenses	8,000.00
451	Repairs to Reservoirs	8,000.00
452	General Repairs	12,000.00
453	Running Expenses, Pumping Plants	45,000.00
454	Running Expenses, Market	1,000.00
455	Hilo Water Works	1,000.00
456	Laupahoehoe Water Works	300.00
457	Koloa Water Works	200.00
458	Public Grounds, General	6,000.00
459	Honolulu Park Commission	12,000.00
460	*Fire Departments—*	
461	Honolulu Fire Department	30,000.00
462	Hilo Fire Department	2,400.00
463	*Roads and Bridges, Hawaii—*	
464	Curbing and Paving Government Sidewalks, Hilo	3,600.00

465	North Hilo	3,000.00
466	Hilo	25,000.00
467	Puna	12,000.00
468	Kau	4,000.00
469	South Kona	4,000.00
470	North Kona	4,000.00
471	South Kohala	3,000.00
472	North Kohala	4,000.00
473	Hamakua	4,000.00
474	*Roads and Bridges, Maui—*	
475	Lahaina	2,000.00
476	Wailuku	3,000.00
477	Makawao	3,000.00
478	Hana	3,000.00
479	Molokai	1,000.00
480	*Roads and Bridges, Oahu—*	
481	Honolulu	500,000.00
482	Ewa and Waianae	1,000.00
483	Waialua	3,000.00
484	Koolauloa	2,000.00
485	Koolaupoko	5,000.00
486	*Roads and Bridges, Kauai—*	
487	Waimea	2,000.00
488	Koloa	3,000.00

Hanalei		4,000.00	
Lihue		4,000.00	
Kawaihau		1,000.00	
Roads and Bridges, General		10,000.00	
Road Damages—			
Road Damages, all Islands		50,000.00	
			$1,047,000.00

COMMISSION OF PUBLIC INSTRUCTION.

Industrian and Manual Training		$ 6,000.00	
Book Fund		16,000.00	
Stationery and Incidentals		12,000.00	
Furniture and Fixtures		10,000.00	
Expenses Summer Schools		4,000.00	
Repairing School Buildings		25,000.00	
Support of Lahainaluna Seminary		4,000.00	
General Expenses, Food, Clothing, Tools, etc., Industrial Schools		5,600.00	
			$ 82,600.00

COMMISSION OF PUBLIC LANDS.

Incidentals (including Land Patent Books, etc.)		$ 5,250.00	
Preliminary Roads and Trails		7,000.00	
Expenses Filing Boundary Certificates		300.00	
			$ 12,550.00

513	One-Half Expenses and Freight, Entomologist	$ 1,000.00	
514	Materials, Tools, Supplies, Hose, Fencing, etc	1,500.00	
515	Importation of Plants and Seeds from Foreign Countries, and Collect-		
516	ing Seeds	1,500.00	
517	Stationery, Stamps, Books, Periodicals, etc	400.00	
518	Advertising, Printing, etc	150.00	
519	Additional Laborers' Quarters, Nuuanu	500.00	
520	Competitive Exhibitions of Fruits, Vegetables, Plants, etc	1,000.00	
521	Feed, Shoeing, etc., for Horse	400.00	
522	Traveling Expenses for Commissioner and Forester	1,000.00	
523	Quarters for Two Laborers, and Shed, Tantalus Forest	500.00	
524			$ 7,950.00

525 SURVEY DEPARTMENT.

526	Expenses of Field Parties	$ 36,000.00	
527	Office Work	19,200.00	
528	Publishing Maps	1,600.00	
529	Meterology	1,200.00	
530			$ 58,000.00

531 BOARD OF HEALTH.

532	General Expenses	$ 10,000.00	
533	Medicines for City Dispensary	2,000.00	
534	Support of Non-Leprous Children of Lepers	12,000.00	

535	Insane Asylum	34,000.00	
536	Segregation, Support and Treatment of Lepers	160,000.00	
	NOTE.—Production of Taro at Waikolu and the issuing of weekly ration tickets on the store will tend to decrease the expenses under this head and increase amounts expended for Kalaupapa Store.		
537	Kalaupapa Store	45,000.00	
538	Maintenance of Garbage and Excavator Service	24,000.00	
539	Running Expenses of Garbage Crematory	7,200.00	
540	Honolulu Dispensary	1,000.00	
541	Koloa Hospital	1,000.00	
542	Subsidy to Waimea Hospital	2,400.00	
543	Subsidy to Lihue Hospital	3,600.00	
544	Subsidy to Malulani Hospital	5,000.00	
545	Subsidy to Hilo Hospital	5,000.00	
546	Subsidy to Queen's Hospital	40,000.00	
547	Subsidy to Hospital for Incurables	9,600.00	
548	Kapiolani Maternity Home	4,800.00	
549	Subsidy for Steamship Service Between Honolulu, Molokai,		
550	Maui, etc.	5,200.00	
551			$ 371,800.00

552 MILITARY.

553	Stationery and Printing	$ 1,000.00	
554	Furniture, etc.	450.00	
555	Transportation	500.00	

Uniforms, Complete, 500 Enlisted Men, $7,000.00 ; 50 Officers, $1,750.00		8,750.00	
Incidentals		2,500.00	
Company and Regimental Allowances—12 Companies at $50.00 per month, $14,400.00; Regiment at $100 per month, $2,400.00		16,800.00	
Ordnance Supplies		5,500.00	
			$ 35,500.00

BAND.

Incidentals, Uniforms, Carfare, New Music, Repairs, Express, etc.	$	2,400.00	
Three Annual Trips to Other Islands at $554.00 each		3,324.00	
			$ 5,724.00

Expenses Incurred Over Appropriation for Year Ending December 31st, 1900—

Paid for Extra Help, Carfare, Light, New Music, Express, etc.	$	246.00	
Bill of Bergstrom Music Co. (Musical Goods)		225.00	
Bill of Hawaiian News Co. (Musical Goods)		50.00	
Bill of Chock Look (Cloth for Uniforms)		35.00	
			$ 556.00

AUDITING DEPARTMENT.

Incidentals and Traxeling Expenses	$	6,000.00	
			$ 6,000.00

Section 2. In the construction of all new roads or bridges and in the expenditure of all specific appropriations for repairing the roads and bridges, it shall first be necessary that the Road Boards of the several Districts in which such new work is contemplated shall approve of the same and all such work shall be under the supervision of the Road Board of the District in which such new work is being carried on, and the final acceptance of all such work by the shall be on the Certificate from such Road Board that the same has been done in a good and workmanlike manner and as provided by the contract and specifications.

Section 3. It shall be lawful for the Treasurer to continue to make payments in accordance with the appropriations authorized by this Act, until the day of , and thereafter at the same rate until new appropriations are made.

Section 4. The Treasurer shall not cause or allow to be paid from the Treasury any money for the objects named in this Act, except as herein provided, and the unauthorized expenditures of any money from the Treasury to be thereafter accounted for to the Legislature by Imdemnity Bill, is hereby expressly prohibited.

Section 5. All and every contract for constructing or repairing public works amounting to Five Hundred Dollars ($500), and for furnishing material, provisions and other supplies, shall be awarded only upon public advertisement for tenders; and no public work, material or supplies shall be divided or parceled out

for the purpose of evading the provisions of this Section.

Section 6. This Act shall take effect and become law from the date of its publication.

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1901

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: SENATE BILL

ITEM NUMBER: S.B. # 80

SENATE BILL No. 81

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To amend Sections 6 Chapter LXXIX of the Penal Code Relating to the Censues

Introduced April 8 *1901,*

By Senator Pais

ENDORSED BY

First Reading in Senate April 8 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

4/26 Passed Ayes 11 Noes 0

The Legislature of the Territory of Hawaii

SENATE BILL NO. 81

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

81

AN A C T

To Amend Section 6 of Chapter LXXIX of the Penal Code relating to the Census.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1. That Section 6 of Chapter LXXIX of the Penal Code is hereby amended so as to read as follows:

"6. It shall be the duty of the Department of Public Instruction, every tenth year, beginning with the year 1905, to make a complete census of the inhabitants of the Territory. Every census shall comprise, in distinct columns, the number of inhabitants in each district, the number of each sex and such other particulars as the Department of Public ~~of~~ Instruction may direct, and shall show the increase or decrease of the population."

Section 2. This Act shall take effect on the day of its approval.

SENATE BILL No. 82

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

Amending Sections 987 and 989 and Repealing Sections 990 and 994 of the Compiled Penal Laws of 1894

Introduced Apl 9 *1901,*
By Senator Kaalii

ENDORSED BY

First Reading in Senate Apl 9 1901
Second Reading in Senate
Referred to
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

Defeated 4-26

The Legislature of the Territory of Hawaii

SENATE BILL NO. 82

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

83.

An Act.

Amending Sections 987 and 989 and repealing Sections 990 and 997 of the Compiled Penal Laws of the year 1897.

Be it enacted by the Legislature of the Territory of Hawaii:

Section 1 - Section 987 of the Penal Laws is hereby amended by striking out the word "such" in line ~~six~~ 6 and substituting in lieu thereof, the word "all," so that the section shall read as follows: '

"Section 987 - The Minister of the Interior, acting as President of the Board of Health, is hereby expressly authorized, with the approval of the said Board, to reserve and set apart any land now owned by the Government, for a site or sites of an establishment or establishments to secure the isolation of all leprous persons as in the opinion of the Board of Health or its agents may, by being at large, cause the spread of leprosy."

~~Se~~

Section 2 - Section 989 is hereby amended by striking out the words "who shall be deemed capable of spreading the disease of leprosy", in line 4 and the words "alleged to be a leper" in lines 8 and 9, so that the section shall read as follows:

"Section 989. The Board of Health, or its agents, are authorized and empowered to cause to be isolated and confined, in some place or places for that purpose provided, all lepros patients; and it shall be the duty of every District Magistrate, when properly applied to for that purpose by the Board of Health or its authorized agents, to cause to be arrested and delivered to the Board of Health or its agents, any person within the jurisdiction of such District Magistrate; and it shall be the duty of the Marshal of the Hawaiian Islands and his deputies, and of the police officers, to assist in securing the conveyance of any person so arrested, to such place as the Board of Health or its agents may direct, in order that such person may be subjected to medical inspection, and thereafter to assist in removing such person to a place of treatment, or isolation, if so required by the agents of the Board of Health."

Section 3- Sections 990 and 997 of the Compiled Penal Laws are hereby repealed.

This act shall take effect from and after the date of its publication.

Senator from First Destrict.

PRESIDENT OF THE SENATE,
HON. NICHOLAS RUSSEL
VICE-PRESIDENT,
S. E. KAIUE

SECRETARY OF SENATE,
EDGAR CAYPLESS

SERGEANT-AT-ARMS,
DAVID KAHAULELILO

FIRST LEGISLATIVE ASSEMBLY
of the
TERRITORY OF HAWAII
SENATE CHAMBER
CAPITOL BUILDING

SENATORS
ACHI, W. C., Oahu
BALDWIN, H. P., Maui
BROWN, C., Oahu
BROWN, J. T., Hawaii
CARTER, G. R., Oahu
CRABBE, C. L., Oahu
KAHILINA, I., Kauai
KAIUE, S. E., Maui
KALAUOKALANI, D., Oahu
KANUHA, D., Oahu
KAOHI, J. B., Oahu
NAKAPAAHU, L., Kauai
PARIS, J. D., Hawaii
RUSSEL, N., Hawaii
WHITE, W., Maui

ASST. SECRETARY
W. H. CONEY
INTERPRETER,
J. E. BUSH
CHAPLAIN,
REV. J. KEKIPI
STENOGRAPHER,
P. M. McMAHON
MESSENGER,
S. H. MEEKAPU

HONOLULU, T. H. 190

S.B. 82

Kanawai

E hoololi ai i ka Pauku 987, a me ka Pauku 989, a e hoopau loa ana hoi i ka Pauku 990, a me ka Pauku 997 o ke Kanawai Karaima i hoaluuluia o ka M. H. 1897.

E hooholoia e ka Ahaolelo o ke Teritori o Hawaii.

Pauku 1, Makeia ke hoololi ia nei ka Pauku 987 o ke Kanawai Karaima, ma ke kapae ana i na hua olelo "i manaoia" ma ka lalani e 6, a e pakui ana maia wahi i na hua olelo "a pau ~~a~~" A e heluheluia ua Pauku ala; penei.

Pauku 987. Makeia, ua kauohaia ke Kuhina Kalaiaina ma kona ano he Peresidena no ka Papa Ola, me ka ae pu oua Papa nei ~~e~~ e hookoe a e waiho aku i ke kahi aina, a apana aina paha o ke Aupuni i ka hua a mau ka hua paha kahi e kukuluia i ka hale, a mau hale paha i mea e hookaa

PRESIDENT OF THE SENATE,
HON. NICHOLAS RUSSEL
VICE-PRESIDENT,
S. E. KAIUE

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WHITE, W., Maui

SECRETARY OF SENATE,
EDGAR CAYPLESS

SERGEANT-AT-ARMS,
DAVID KAHAULELILO

FIRST LEGISLATIVE ASSEMBLY
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SENATE CHAMBER
CAPITOL BUILDING

ASST. SECRETARY
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STENOGRAPHER,
P. M. McMAHON
MESSENGER,
S. H. MEEKAPU

HONOLULU, T. H. 190

waleloa ai, a e hoomalu ai i ka pae mai lepera a pau e ka Papa Ola, a e kona mau luna kaha he pono ke hoomahuia lakou i mea e hoolaha ole aku ai i ka mai lepera.

Pauku 2. Ma keia kanawai hoololi a hoopau loa ia nei ke kahi mau huaolelo o ka lalani e 3, a me ka pauku 787, ma ke kapae ana i na huaolelo jenei, "i ka mai ai (wahi) iki no ia lakou ke hoolaha ae i ka mai lepera" a me na huaolelo he "i oleloia he mai lepera kona" ma kahi o ka pauku ola. A he hulihelu ia na pauku ola i penei.

Pauku 787. Ua kauohaia ka Papa Ola, a o kona mau luna kaha e hookaawale, a e hoopaa ma kahi i hoomakaukauia no ia lakou ka mai lepera a pau, a nana ke, a me ke ao Sunakanawai Aina, ke noi ia aku e ka Papa Ola, a e kona poe luna kaha i hookohuia, e lena, a hopu a e hoihoi ia wale o ka lima ona Papa nei, a o kona poe luna kaha i ke la a me keia kanaka i loko o ia Aina, a na ka Luna Makai Kie kie o ka Hawaii Pae Aina, me kona mau hope, a me na Makai e kokua

PRESIDENT OF THE SENATE,
HON. NICHOLAS RUSSEL
VICE-PRESIDENT,
S. E. KAIUE

SECRETARY OF SENATE,
EDGAR CAYPLESS

SERGEANT-AT-ARMS,
DAVID KAHAULELILO

FIRST LEGISLATIVE ASSEMBLY
of the
TERRITORY OF HAWAII
SENATE CHAMBER
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MESSENGER,
S. H. MEEKAPU

HONOLULU, T. H. 190

ma ka lawe ana aku oia poe mai i hopuia pela ma kahi a ka Papa Ola, a o kona poe luna paha e kauoha ai i mea e nanaiai e ke kahuna lapaau a pela e kokua ai ma ka hoihoi ana ae oua mea mai la i kahi kaawale loa, ke kauoha ia pela e na Luna o ka Papa Ola.

Pauku 3. Makeia ke hoopau loaia nei ka Pauku 990, a me ka Pauku 997 o ke Kanawai Karaima i houluuluia.

Pauku 4. Elilo keia i Kanawai mai a mahope o kona hoolahaia ana.

Senate J. B. Kaohi

Kanawai

Ehoololi ai i ka Pauku 987, a me ka Pauku 989. a e hoopau loa ana hoi i ka Pauku 990, a me ka Pauku 997 o ke Kanawai Karaima i houluuluia Epili ana i ka mai Lepera.

Senate J. B. Kaohi

SENATE BILL No. 83

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

Providing for the Licensing of Tailoring and dressmaking establishments in the Territory

Introduced Apl 9 *1901,*
By Senator Nakapaahu

ENDORSED BY

Rec'd 4/24
Rejected by H of R

First Reading in Senate Apl. 9. 1901
Second Reading in Senate " 18 "
Referred to
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

Rejected

The Legislature of the Territory of Hawaii

SENATE BILL NO.....

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A N A C T

PROVIDING FOR THE LICENSING OF TAILORING AND DRESSMAKING ESTABLISHMENTS IN THE TERRITORY OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Every person who shall establish, keep or conduct a tailoring or dressmaking establishment in the Territory of Hawaii, shall pay an annual license fee of Twenty-five Dollars ($25.00)

SECTION 2. Any person or persons who shall violate the provisions of this Act shall, upon conviction thereof, be liable to a penalty of not less than Five Dollars, nor more than Twenty Dollars.

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

Approved this day of A. D. 1901.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this Nineteenth day of April A. D. 1091.

Edgar Campbell
Clerk of the Senate.

J. E. Kaine
President of the Senate.

SENATE BILL No. 84

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

Granting a Franchise to construct maintain and operate an Electric Railway in the District of Hilo, Island of Hawaii, County of Hawaii

Introduced Apl 9 *1901,*
By Senator J. T. Brown

ENDORSED BY

First Reading in Senate April 9, 1901
Second Reading in Senate
Referred to
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

Passed 4/26 Ayes 11 No 2

The Legislature of the Territory of Hawaii

SENATE BILL NO. 84

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

84

BILL NO.____.

AN ACT

GRANTING A FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC RAILWAY IN THE DISTRICT OF HILO, ISLAND OF HAWAII, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii.

DEFINITIONS.

SECTION 1. Whenever in this Act the words "Superintendent of Public Works" are used, they shall be construed to mean the Superintendent of Public Works of the Territory of Hawaii or such other officer as shall be by law given control and supervision of the streets and roads in the District of Hilo, Island of Hawaii.

Whenever in this Act the word "Company" is used, it shall be construed to mean the "Hilo Electric Light Company, Limited", a Hawaiian Corporation, its successors and assigns.

LOCATION OF RAILWAY.

SECTION 2. There is hereby granted to the Company the right and franchise to construct, equip, maintain and operate with electric or other motive power, a single or double track railway with all necessary switches, side tracks, turn-outs, poles, wires and other requisite appliances in connection therewith

for the passage of cars along and upon the following streets or highways in the District of Hilo, in the Island of Hawaii, viz:

From a point at or near Cocoanut Island, thence in a southwesterly direction along the New Wharf Road to the Waiakea River, thence across the Waiakea River on the new bridge at mouth of river to continuation of Front Street; thence northwesterly along Front Street to Waianuenue Street; thence along Waianuenue Street to junction of Piihonua Road with Kaumana Road; thence along Piihonua Road to 3rd. Mile Post; and also from the junction of Piihonua Road along the Kaumana Road to 5th Mile Post; and also from the junction of Waianuenue Street and Bridge Street, thence along Bridge Street across the Wailuku River on lower bridge to Lehua Avenue; thence along Lehua Avenue to Hilo Road; and also beginning at the junction of Pitman Street with Waianuenue Street, thence along Pitman Street across the Wailuku River on the new bridge and along the Hilo Road to Hakalau; and also beginning at the junction of Front Street and Church Street, thence along Church Street to Halai Hills; and also beginning at the junction of Waianuenue Street and Bridge Street, thence along the extension of Bridge Street when opened to Volcano Street, and along Volcano Road to 4th Mile Post; and also beginning at the junction of Pitman Street with Waianuenue Street, thence along Pitman Street to Church Street; also beginning at junction of Pleasant Street and Church Street, thence along Pleasnnt Street and extension to Ville Franca Road; thence along Ville Franca Road to Volcano Street;

and also from the junction of the New Wharf Road and Front Street easterly across the Waiakea River on the old bridge and along Puna Road and Hoolulu Park Road to Park; and also from the junction of Puna Road with Cocoanut Island Road along Cocoanut Island Road to point of beginning; also beginning at junction of Ponohawaii Street and Front Street, thence along Ponohawaii Street and extension to Kaumana Road

RIGHT OF ENTRY ON STREETS, ETC.

SECTION 3. For the purposes set forth in this Act, the Company is hereby authorized and empowered to enter in and upon the said streets or highways and each and every of them and from time to time to do and make all excavations, grading and alterations in and upon the said streets or highways which may be necessary for the purposes aforesaid; to lay and place in position such tracks, switches, side tracks, turn-outs, poles, wires, and other appliances as hereinabove mentioned, and from time to time to take up and replace and renew the same and repair the same and change the grade of the track on any street or highway on which the same shall be located.

And there are also granted to the Company all other rights and powers necessary for constructing, paving, placing in position, repairing, renewing, replacing, changing and maintaining the same, and also all powers and rights necessary for the construction, erection, maintenance and operation

of all buildings and plant of the Company, which may be necessary for maintaining and conducting an efficient railway line on the streets and highways aforesaid.

TRANSPORTATION of PASSENGERS.

SECTION 4. The company is hereby authorized and empowered to transport and carry passengers and mails upon such railway, and every portion thereof upon cars impelled by electricity conducted to such cars either by overhead wires, or other motive power.

RATES AND FARES.

SECTION 5. The company shall be entitled to charge and collect for every passenger between any two points within a radius of three miles from the Court House in said District of Hilo upon such railway a sum not to exceed five cents; and reasonable rates for greater distances, and also to charge and collect reasonable rates for carrying packages and freight beyond said three mile radius if it shall elect to carry packages or freight to outside districts.

PAYMENT OF FARE. CONDUCT OF PASSENGERS.

SECTION 6. The regular fare shall be due from each passenger and payable to the Company immediately upon enter-

ing any car of the Company, and any passenger refusing to pay such fare when demanded by the conductor or driver, or who shall be guilty of any disorderly conduct; or of using blasphemous or indecent language; or refusing to obey the Company's rules regarding passengers, may be expelled from the car.

TIME LIMIT FOR CONSTRUCTION.

SECTION 7. The company shall make a substantial beginning within two years from the approval of this Act by Congress, and shall complete and have not less than five miles of track on the principal streets within said District of Hilo constructed and cars in operation thereon within five years after such approval.

PRECAUTIONS FOR SAFETY OF PUBLIC.

SECTION 8. The company shall at all times during the constructing and equipping of said railway and its appurtenances, and during any repairs or alterations thereof, and at all other times, take due and proper precautions for the safety of passengers and vehicles in said streets, highways and roads, and be liable in damages to any person for injury to his person or property caused by any failure of the Company to take such precautions.

INTERFERENCE WITH TRACKS FOR PUBLIC PURPOSES.

SECTION 9. All tracks laid by the company shall conform to the grades of the streets or highways, and the company shall not change such grade without the written consent of the Superintendent of Public Works.

Whenever the grade of any street or highway shall be changed, the Company shall immediately change the grade of its tracks to conform thereto, upon notification in writing so to do from the Superintendent of Public Works.

The Superintendent of Public Works may at any time use and occupy any street or highway, either for constructing or repairing drains, or for laying down, removing or repairing water pipes or other conduits of any kind, and for all or any other public purpose, but such work shall be done in such manner as to cause no more interference with the tracks of the Company or interruption to the passage of its cars than shall be necessary, and the Superintendent of Public Works shall replace and put in good order and condition any property of the company that may be displaced or interfered with.

TIME SCHEDULE. CHARACTER OF CARS.

SECTION 10. The Company shall during reasonable hours keep in operation upon a regular time schedule, cleanly and well lighted cars, provided, however, that breakage in machinery, strikes, orders of the court, and other like causes shall constitute a good excuse for temporary failure to operate said system.

POWER OF SUPERVISION OF SUPERINTENDENT
OF PUBLIC WORKS.

SECTION 11. No location of the line of railway in any street or raod in this Act enumerated shall be made until a plan thereof, showing the location of the rails, sidings, switches, poles and wires in each street shall have been submitted to the Superintendent of Public Works.

TRACK AND ADJOINING ROAD TO BE KEPT IN GOOD CONDITION.

SECTION 12. The company shall keep all of its tracks in good condition at all times, and shall also upon any street in said District of Hilo keep the roadway between its tracks and on the outside thereof for a distance of two feet, and the space between double tracks, macadamized and in good condition flush with the rails. If the Company shall at any time fail to keep such roadway in the District of Hilo in good condition, macadamized and flush with the rails, the Superintendent of Public Works shall give notice in writing to the Company requiring the said track and road to be put in good condition and macadamized flush with the rails as aforesaid; and if the Company shall fail or neglect for one week to comply with such notice the defect to which its attention is called by such notice, the Superintendent of Public Works may thereupon make the changes or repairs necessary to cause the said tracks and roads to comply with this Section at the expense of the Company, and may recover from the Company all expenses

incurred thereby; and all such expenses shall be a lien and first charge upon all of the property of the Company until the same is paid in full, any mortgage or other outstanding obligation to the contrary notwithstanding.

GAUGE OF TRACK. USE OF TRACK.

SECTION 13. The tracks of the company shall not be less than three feet in width.

All persons shall have the right to travel upon and use the space occupied by the tracks of the Company, provided they do not unnecessarily interfere with or delay the operation of the cars of the Company

RIGHT TO CROSS TRACKS.

SECTION 14. The Company shall have the right at any and all times to lay rails across the track or tracks of any street or highway, or other railway, whenever it is necessary so to do in order to avail itself of its franchise, causing no unnecessary interference with such street, highway or other railway.

POWER TO BUY, LEASE AND HOLD PROPERTY.

SECTION 15. The company is hereby empowered to exercise all of its present corporate powers, including the right to purchase, lease, or otherwise acquire, hold and transfer

any real or personal estate necessary or proper for carrying on the operations of its said railway system, but subject to all general provisions of law.

RULES AND REGULATIONS.

SECTION 16. The Company may make, from time to time, change and amend, all necessary or proper, reasonable and just regulations governing the carrying of passengers over its said track.

NOTICE OF INTENTION TO PROCEED.

SECTION 17. Before entering or occupying any street or highway mentioned in this Act for any of the purposes by this Act authorized, the Company shall give at least thirty days notice to the Superintendent of Public Works of its intention so to do, and when work on any of the said streets or highways shall have been commenced, the same shall be proceeded with steadily and without intermission, and as rapidly as the same can reasonably be carried on.

PROTECTION OF TRAVEL AND THE PUBLIC DURING CONSTRUCTION.

SECTION 18. During the construction of the said railway care shall be taken to not unnecessarily impede the traffic and travel on said streets and highways.

TERMS OF FRANCHISE.

SECTION 19. The powers, rights and privileges hereinbefore enumerated and granted to the Company shall be and hereby are granted to the Company for the term of thirty years from the date of the approval by Congress of this Act, and the obligations hereinbefore imposed upon the company shall be binding upon it for the said period. At the expiration of the franchise herein granted the Government may purchase the tracks, cars, stock and railroad fixtures at a valuation to be ascertained by arbitration or due process of law.

PENALTIES.

SECTION 20. Upon the failure of the Company to observe or perform any of the obligations by this Act imposed upon it, it shall be liable, upon conviction thereof before any District Court, to a fine not exceeding $100 for each offense.

SECTION 21. This Act shall take effect from its passage and approval by Congress.

SENATE BILL No. 85

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Authorize and provide for the construction maintenance and operation of a Steam Railway on Railways in the Districts of Kau, North and South Kona and South Kohala

Introduced Apl 9 *1901,*

By Senator Achi

ENDORSED BY

First Reading in Senate Apl 9, 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Passed 4/26 Apr 13

The Legislature of the Territory of Hawaii

SENATE BILL NO. 85

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate .....

Referred to.....

Third Reading in Senate .....

First Reading in House.....

Second Reading in House .....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A C T

AN ACT TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A STEAM RAILWAY OR RAILWAYS, IN THE DISTRICTS OF KAU, NORTH AND SOUTH KONA AND SOUTH KOHALA, ISLAND OF HAWAII.

Be it enacted by the Legislature of the Territory of Hawaii.

DEFINITIONS.

Section 1. Wherever in this Act the following words occur they shall be held to have the force and meaning herein set forth unless the context clearly indicates otherwise:

"Said Association and others" shall represent and mean J. M. Mc.Chesney. W. A. Greenwell, W. C. Achi, and Harry Armitage.

their associates and assigns, or such corporation as may be organized by them, as named in the second Section of this Act.

"Superintendent of Public Works" shall refer to and mean the person from time to time acting as Superintendent of Public Works as defined in an Act of Congress to provide a government for the Territory of Hawaii, in effect June 14, 1900, or his lawful successor in said office.

"Railway" shall refer to and mean the rails, tracks, roadway, fences, piers, jetties, stations, sidings, wharves, warehouses and other houses, yards, engines, machinery, signal posts and other apparatus, works and other convenience whatsoever connected with the Railway to be located in said Island of Hawaii as by this Act provided, or to such rails, tracks, roadway etc. of any other Corporation, as may now be in existence or may hereafter be laid.

"Kau" or the "District of Kau", "South Kona" or the "District of South Kona", "North Kona" or the "District of North Kona", South Kohala" or the "District of South Kohala", which shall refer to and mean all that portion of the Island of Hawaii included in the educational and taxation Districts, now defined by law as the "Districts of "Kau", of "South Kona" of "North Kona" and of "South Kohala".

Superintendent of Public Works To Grant Franchise.

Section 2. Power and authority are hereby given to the Superintendent of Public Works, by and with the consent of the Governor, to contract with said Association and others, or such Corporation as shall be formed and organized by them under the laws of the Territory of Hawaii, providing for the establishment of private corporations for the constructing and operating on the West side of the Island of Hawaii a steam Railroad or Railroads of not less than three feet gauge, for the carriage of passengers and freight:

Provided, however, that if the said Association and others, or such Corporation, shall fail within two years from the approval of this Act by the Congress of the United States, to give satisfactory guarantees to the Government of the Territory of Hawaii, that they are able to, and will construct and put into

Extra pages of Bill Steam Railroad

operation within three years from the approval of this Act by the Congress of the United States, a steam Railroad in the Districts of South and North Kona, Island of Hawaii, not less than ten miles in length, or in Kau and South Kohala, if the Railroad shall be extended into those districts, then all the rights and privileges hereby conferred shall lapse and become void upon a decree to that effect being made by any court of competent jurisdiction.

Limits of Franchise Defined - Not Exclusive.

Section 5. The said Superintendent of Public Works may by such contract as aforesaid confer upon the said Association and others, or any such Corporation as shall be formed or organized by them as aforesaid (hereinafter referred to as such Company) all such rights and privileges as to the acquisition of rights of way and other privileges for the construction, maintenance and operation of such roads, together with all depots, stations, yards, crossings, wharves, and equipments as are set forth in an Act entitled "An Act To Promote The Construction of Railways" being Chapter XXIX of the Laws of 1878, [1 Civil Laws 1897, Chap. 42] except as the same are modified by the provisions of this Act. Such contract shall secure to said Company the right for thirty years from the date of this Act, to maintain and operate a steam Railroad or Railroads between such points as they shall, within four years from the approval of this Act by the Congress of the United States, connect by such Railroad, provided such Railroad shall not be less than ten consecutive miles in length; it being distinctly understood that this franchise confers no exclusive right upon said Railroad.

or shall

Where Franchise May be Exercised.

Section 4. Such Company shall be authorized to construct, maintain and operate a steam Railroad or Railroads in the Districts of Kau, o South Kona, of North Kona and of South Kohala, in Hawaii, from andbetween such points thereof as shall be expressed in such contract with said Superintendent of Public Works and in its Charter of Incorporation, subject to the conditions and restrictions in this Act contained; Provided that the speed of any such Company's rolling stock upon any street or thoroughfare of said Island, except in crossing the same, shall not exceed the rate of four miles per hour under penalty of Five Hundred Dollars ($500.) to be paid by such Company to the Territory of Hawaii for each violation of this condition.

RIGHT TO BORROW MONEY AND ISSUE BONDS.

Section 5. The said Association and others, whenever from time to time it shall be deemed expedient, in furtherance of the objects by this Act authorized, shall have the power to borrow money and to secure the payment thereof with the interest agreed upon, by mortgages of all or any portion of the property, which may include the franchise, of such Association and others, and such mortgages may be issued, or if it be deemed advisable , in the form or mortgage bonds, secured by trust deed of such property as aforesaid. Such mortgages or trust deeds may, in addition to the property named above, cover also any property or property rights to be acquired after their several dates as well as the income and receipts of the property from whatsoever source derived. Such mortgages and trust deeds may also contain such provisions as the said association and others may deem advisable and proper for the protection of all concerned relative to payments of interest and principal; possession and

operation of said railway or other property; default, remedies, foreclosures, powers of mortgagees or trustees in all matters; and all and every other matter which it may be deemed wise and proper to insert therein. Provided that nothing in this section contained shall operate to prevent said association and others from obtaining the usual business credits and to make promissory notes, without security under seal.

RIGHT OF CONSOLIDATION.

Section 6. The said association and others may unite, amalgamate and consolidate the stock by them issued with that of other persons in a Company or Companies having similar objects, or may enter into contracts and working agreements, or enter into engagements or leases with, and take shares in the stock of any other Company or Companies having such similar objects.

Plans of Location

Section 7. The location, maps, charts and plans for the construction and equipment of all roads hereby authorized shall be submitted to the Superintendent of Public Works for his approval.

Rates of Fare

Section 8. Not more than six cents per mile for first class passengers, and four cents per mile for second class passengers, shall be charged as fare upon any road hereby authorized.

Right to Acquire Land.

Section 9. Such Company may enter upon, lease, purchase and hold any and all such lands, tenements, hereditaments and easements, as shall be required for the construction, maintenance and operation of its road, after the location of such road has been approved by the Superintendent of Public Works, but subject to the provisions hereinafter contained.

Limitation of Such Right.

Section 10. The lands to be taken for the line of such

road shall not exceed forty feet in width, unless a greater width shall be required for embankments, cuttings, gravel pits, sidings, stations, yards and like purposes.

RIGHT OF EMINENT DOMAIN.

Section 11. The right of Eminent Domain is the right delegated to the said Association and others to take private property for rights of way in any of the said districts, when the same cannot be acquired by purchase or by lease for the term of this franchise for a reasonable or fair compensation; the said association and others, are hereby authorized and empowered to take such places or property to the extend only of the actual amount necessary for the said rights of way, in the manner hereinafter provided.

Procedure - Jurisdiction

Section 12. If the person, persons, association or corporation owning such property does not consent and agree to the use required, and to the compensation offered therefore, the said association and others may institute proceedings before the Judge of the Third Circuit at Chambers for the condemnation of the required premises.

Proceedings In Rem

Section 13. The proceedings shall be in the nature of proceedings "in rem" and shall be so entitled. They shall in all cases be instituted by the filing of a petition sworn to by some person thereunto duly authorized, which shall set forth all matters material in the determination of the issue, and which shall at least include the names and character of petitioner; a statement of the object for which the premises sought to be condemned are required; the names of thos who have agreed to the uses required, and the compensation offered; the route, if the object be the laying out and construction of the railway; or location of building or other structures, and any other matter

pertinent to the issue. All persons whose interests are involved may be joined in the proceeding, or several actions may be instituted.

Notice of Hearing

Section 14. Notice of hearing, specifying briefly the nature of the matter at issue, shall be advertised in at least one newspaper of general circulation published in Honolulu for not less than one week, and a like notice shall also be served upon each owner and tenant of the several premises sought to be condemned. If any such owner or tenant shall be non-resident or absent, service may be made by leaving such notice at the last known place of residence, or upon any known agent of such non-resident or absent owner or tenant, and in any other manner prescribed by the said Judge. Proof of service may be made by admission in writing; by the oath of any responsible person making the same; or by a constable in usual form.

Time of Hearing - Limitations as to Non-Residents &c.

Section 15. The matter shall be in order for hearing five days after service of such notice upon the various parties interested, provided that in case of non-residents or others, absent or on whom service could not be made personally, the hearing may proceed to final determination, but such persons, if not represented shall be bound finally as to the amount of compensation determined, but may at any time within one year after judgment, for good cause shown to the satisfaction of said Judge, on notice of said association and others, ask that said compensation be increased or decreased, as the case may be.

Hearing - Judgment.

Section 16. At the hearing, after proof of service, evidence shall be taken upon all matters involved, and all persons interested shall be heard upon these issues. The Judge shall have jurisdiction to award damages, as below set forth, and judgment shall be rendered upon all matters at issue.

Hearing by Referee

Section 17. The Judge may refer the hearing of the whole or any matters at issue to any disinterested competent person, who shall, after due notice of the hearing to all parties interested take evidence and report his findings thereon within ten days after hearing, provided that for reasonable cause the time may be extended. The report may be confirmed, set aside or sent back for further evidence as the Judge shall deem proper.

Costs - Time of Taking Possession - Recording Judgment

Section 18. All of the costs in the first instance shall be paid by said association and others, and, if an appeal is not taken by either party, the premises condemned may be taken possession of immediately after the amount assessed as damages shall have been paid to the Clerk of the Court; or a receipt therefor shall be obtained from the owner, or some one in his behalf. A certified copy of the judgment may be recorded in the office of the Registrar of Conveyances at Honolulu, and shall have the full force, effect and operation of a deed of the premises.

APPEALS.

Section 19. If any person is aggrieved by the decision as to his rights, an appeal may be taken as now provided by law to the Supreme Court; but such appeal when duly perfected shall only operate to suspend the judgment as to the interest of the particular defendant appealing and no others.

Damages. How Estimated

Section 20. In fixing the compensation or damages to be paid for the condemnation of the rights of way through the places named in this Act, the value of the property sought to be condemned and all improvements thereon shall be separately assessed. If the part taken shall be only a portion of the tract valued as a unit, then the damages shall be a proportionate part of such whole, subject to special damages for loss of any particular easements or appurtenances, or if the part taken shall destroy the value of the tract as a unit.

8

RESERVED RIGHTS AND AUTHORITY AT LAW.

Section 21. 1st. Except as by this Act otherwise so provided, the rights and privileges named in section 2 hereof are granted to the said association and others upon such terms, conditions and restrictions as now are, or may hereafter be imposed by the Laws of the Territory of Hawaii, or by the Congress of the United States in relation to the matter of constructing and maintaining Railways in the Territory of Hawaii, and a strict compliance with such laws is hereby required of the said association and others.

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2nd. The right to grade, sewer, pave, macadamize or otherwise improve, alter or repair any or all of the streets, roads or highways in the said districts of the Island of Hawaii, is reserved to the Government, and may not be alienated or impaired; but any work in carrying out and performing such reserved rights shall be done in such manner as to obstruct or injure as little as possible the Railway hereby authorized; but if such improvements, alterations or work in accordance herewith upon such streets, roads or highways necessarily interferes with the grade of said Railway, the said Railway shall be altered and made to correspond with the improvements, alterations or grades immediately upon being required.

Company not Exempt from Actions at Law.

Section 22. Nothing in this Act, nor in said Chapter XXIX of the Laws of 1878, shall be construed to depirve any person of the right to maintain an action at law against any railroad company or corporation, for the value of any land or property which shall be taken by such Company or corporation under the powers conferred by this Act and used for railroad purposes.

Traffic with Other Carriers – Tariff Schedule

Section 23. Such Company shall be bound to accept and convey, for a reasonable compensation, all traffic of any and all other connecting railroads or other common carriers. In case of a disagreement as to the amount of such compensation, each party may appoint an arbitrator, the Superintendent of Public Works shall be the third arbitrator, and such arbitrators or a majority of them fix a tariff upon any kind or class of traffic submitted to them . Such tariff schedule shall be final and binding upon all parties in interest until the same shall be revised or amended by the same or other arbitrators thereto duly appointed, such arbitrators may, from time to time, add to such schedule any kind or class of traffic not included therein, but no revision of rates shall be made during one year after the same shall be so fixed. Other arbitrators may be, from time to time, appointed for the purpose of revising or extending such schedule, except as hereinabove provided, and the said Superintendent of Public Works shall be a member of any board of arbitrators so appointed.

No Subsidy.

Section 24. It shall not be competent for said Superintendent of Public Works by such contract to pledge the Territorial Government to the payment of any subsidy to the constructors of any Railroad herein authorized.

(1)

He Kanawai.

E Hoomaopopo ana i ka Hoohui ana i ka Hui Alahao o Kona ame Kau.

E Hoohololia e ka Ahaolelo o ka Teritori o Hawaii:

Pauku 1. Ma keia ke haawi'a nei ka pono ame ka mana ia Jacob Corrper ame kona poe hoahui ame na waikona, a i ole o kekahi Hui e hoohui'a aku ana a i ole e kukulaia aku ana e ia a i ole e lakou malalo o na kanawai o ke Teritori o Hawaii, e kukulu, malama ame ka hoohana ana no ka manawa o Kanalima Makahiki mai ka la aku e aponoia ai keia Kanawai, maloko o na Apana o Kona Akau, Kona Hema. ame Kau, ma ka Mokupuni o Hawaii, Teritori o Hawaii, he alahao mahu a i ole mau alahao ~~mahu~~ aole e emi iho malalo o ekolu kapuai ka laula, no ke kaolo ana o na ohua ame na ukana.

E hoomaopopoia nae, ina o na Corrper'la i olelo ia, kona poe hoahui ame ko lakou mau hope a waikona, a i ole, o na hui'la, e haule, maloko o hookahi makahiki mai ka la aku e aponoia ai keia Kanawai, e haawi mai i na hoopaa kupono i ka Luna Nui o na Kana Poe. o ke Teritori o Hawaii na hiki ia ia a i ole ia lakou e, a e kukulu ana. a e hoohana aku ana maloko o ekolu makahiki mai ka aponoia ana o keia Kanawai he alahao mahu maloko o na Apana o Kona Akau,

Kona Kema ame Kau aole e emi iho malalo o kana-
waiu mile ka loa, aolaila o na pono a pau a keia Kana-
wai i haawi ai ia ia a i ole ia lakou e hoopau loa ia.

Pauku 2. O na Jacob Cooper'la i oleloia, kona poe
hoahui ame na hope ame ko lakou waihona, a i ole o
kekahi Kui i hoolaia a i ole i kukuluia e ia a i ole
e lakou paha e like me ia i oleloia mamua (makeia
hope ae e ui ia ana o na kui'la) ma keia na haawiia
ka mana pika e kukulu, kapili, malama ae hoohana
he alahao a i ole mau alahao e hooholoia me ka
maiu maloko a mai o a o o na apana o Kona Akau
Kona Kema ame Kau e like me ia i oleloia, i kulike ai
me a malalo hoi o na hoakaka o na Kanawai kaula
i pili i na Kui ame na Alahao o ke Teritori o Hawaii.

A no ia kumu e loaa na pono ala no na alahao'la
a i ole mau alahao'la, a e kukulu a e hoohana i na
kaa a me na mea e ae e pili ana, a e kukulu, kapili,
kuai, hoolako, malama a hoohana i na wahi hoolulu
wahi ku, no na hale waiho kaa-ahi. ame na hale waiho
ukana, me na kuiki kupono, na ala-palua, na kuina,
na wahi hooholoholo, na pa, na alahaka ame na mea
kukulu e ae i makemakeia no ke kupono o ka hana a na
kui'la, a, malalo hoi o ke Kanawai, e kapili, noho ona,
a hoohana i na wahi a pau, wahi kapili, na haka ame
na mea e pili ana i kupono no ka kumuhana a na
Kui'la, ame ka hookele ame ka hooko pono ana o
kekahi o na pono ai ole mana i hoakakaia maloko
o na Kanawai'la a i ole i haawiia ma keia.

E kuai, noho ona, hoolaupai, kuai, a i ole ma kekahi ano e ae lawelawe me na aina ma ka moku-puni o Hawaii i oleloia e pili ana i ke ala o ke alahao a mau Alahao e kukuluia aku ana e na hui'la malalo o keia a e pili ana me ia, e hoohanaia no ka hoao ana e noho ia e na kanaka ma kahi e pili ana a i ole e kokoke ana i na ala o ke alahao ~~aiolu~~ ma na kuleana liilii.

E Kuai, noho ona, paa, lawe mai, kapili, hoohana ame ka malama ana i na oihana wai ame na mea hana pauma. no ke kumu o ka hoohana ana ame ka hoolawa ana i ka wai ame na mea i hoohanaia me ka wai i na aina i loaa mai ia ia ma ka uku ana e like me ia i manao ia he pono i kela ame keia manawa.

Ina ma kekahi manawa e waiho ia ana he hoohala-hala i ka Luna Nui o Na Hana Hou. o ke Teritori o Hawaii, oia mau auhau wai he ku ole i ka pono no kekahi kumu, e hooponopono ia no i kela ame keia manawa e ekolu poe kanaka, hookahi o lakou e hookohuia e ka Luna Nui o na Hana Hou o ka Teritori o Hawaii, hookahi na ~~ka~~ ua Hui'la, a o ke kolu na na mea elua i kohoia. O ka olelo hooholo a ka hapanui o ka papa e lilo i mea paa maluna o na mea a pau. a hiki i ka hooponopono hou ia ana o na auhau.

E hoomaopapoia hoi, ua hiki i ke Teritori o Hawaii i kela ame keia manawa, ma ka haawi ia ana o ka ike no ekolu mahina, e lawe mai ma ke kuai

ana i na oihana wai'la ame na lako pauma. ma ke koho ana a ekolu kanaka e waeia a e hana ana e like me ka hoakaka a ka mahele hope. a e'la.

E lawelawe i ka oihana kaolo ukana ame ohua ma ke ano he mea lawe no ka lehulehu, ma ke alahao ~~ame~~ ka alawai kekahi.

E lawe mai, kukulu, malama a hoohana i na hotele ame na wahi haiamu o ka lehulehu, aole nae ka hale keaka,, ma kahi a i ole e pili ana i kekahi wahi palena, a i ole ma ke ala o ka na alanuihao o na hui'la.

E hoomakaukau hoi i na mea ai, na mea hooluolu, a i ole hookipa ana mai nu ia wahi a mau wahi ai ole e hana aelike me hai no ke kumu e kukulua a e malamaia ia wahi a mau wahi puku, malalo aku nae hoi, ~~oo~~ na kanawai laula i pili i ka Laikini, e hoomaopopo ia hoi ma kahi a ka Hui e hana ae-like ai me hai no ia mau kumu aia malama ona ke kaumaha no ka lawelawe pono ia oia mea.

A pela hoi me ka mea e pili ana i kana oihana, a no na kumu i hoikeia maluna, e paa, noho ona, lawe mai, kuai, haawi, hoolimalima, hoolilo a lawelawe ma hoko na mea pili i ka ~~wai~~ waiwai, waiwai paa a laua, aole hoi e oi aku mamua o ka pakolu o ka waiwaiio i kela ame keia manawa hookahi o ka huina holookoa o kona kumuhana.

A pela hoi me ka mea e pili ana i kana oihana

a no na kumu i hoikeia maluna e paa ae lawelawe ma ame na mahele o na hui e ae i hoohui ia.

Ae hana i na hana e ae ame na oihana i manao ia he pono a i ole i pili no ka hoohana ana aku o ka oihana ame ka hana i hoike ia maloko nei, koe ka oihana banako.

O na hui'la ma na manawa a pau, ana e hoohana ai i na kaa-ahi ma na alanui i oleloia a i ole i kekahi hapa paha oia mea, e hoolako a e hoohana ma na puka uwahi o na kaa-ahi i oleloia na mea hoopaa hunahuna ahi o ke ano e apono ia ana e ke Kiaaina o ke Teritori o Hawaii a i ole e kona Agena.

Pauku 3. O kahi, na palapala aina ame na kii ame na hoolala ana no ke kukulu ame ka hoolako ana o ke alahao a mau alahao i hoomanaia ma keia e waiho ia aku no i mua o ka Luna Nui o na Hana Hou o ke Teritori o Hawaii no kona apono a oia apono ana e hooiaio ia me ka inoa o ka Luna Nui o na Hana Hou e like me ia i hoikeia mamua.

Pauku 4. Aole e oi aku mamua o eono keneta no ka mile no ka helu ekahi, a eha keneta no ka mile no na ohua helu elua ke auhania ma ke ano he uku maluna o ke alanui a mau alanui i hoomanaia ma keia.

Pauku 5. E hiki i na Hui'la e komo maluna, hoohimalima, kuai a paa i kekahi ame na aina a pau, na hale, na pono ame na pomaikai e like me ia i makemakeia no ke kukulu, malama

ame ka hoohana ana o kona alanui a mau alanui, mahope iho o kahi o na alanui'la a i ole mau alanui'la ~~ua~~ i aponoia e ka Luna Nui o na Hana Hou e like mea i oleloia mamua.

Pauku 6. Ona aina e laweia ana no ke ala oia alanui a mau alanui aole ia e oi aku mamua o kanalima kapuai ke akea, ke ole i makemake ia he akea hoe aku no na kaekae, oki ana, lua iliili, na ala-aoao, na wahi hoolulu, na pa ame na mea like e ae.

Pauku 7. Aole mau pono aina a i ole waiwai e ae e laweia e na Hui'la aia wale no a haawi oia aole e emi iho malalo o kanakolu la hoolaha ma ke kakau ana i ka mea e noho ana, a pela hoi i ka ona a mea hoolimalima hoi (ina pela) o na aina'la (ina e loaa ana ka ona a mea hoolimalima) no kona manao e lawe i na aina'la, e hoakaka ana i ka aina, no ka pono o kona alanui a mau alanui. No ka hoomaopopo ana i ka loaa ana oia ano hoolaha, o ka Luna Nui o na Hana Hou o ke Teritori o Hawaii, e manaoia oia ka ona o na aina aupuni a pau.

Pauku 8. I pakui no ia hoolaha i oleloia mamua, e pai aku na hui'la, i hoolaha o kona manao e lawe i na aina'la a i ole i kekahi pono waiwai e ae no ka pomaikai o kona alanui a mau alanui ~~iloko~~ maloko aole e emi malalo o elua nupepa laulaha nui, i pai ia ma ke Teritori o Hawaii nei, no ka manawa o ekolu pule pakahi. Na ia hoo-

laha e hoakaka me ka maopopo lea ae kuhikuhi pono i ka aina. a i ole o kekahi pono wai wai e ae i manaoia e lawe mai, a e komo hoi na inoa ona poe a pau i kuleana maloko o na ana'la ma ke ano he poe ona, hoolimalima, he mea enoho ana a pela aku, ma kahi o na inoa o ia poe i kuleana a i ole o kekahi o lakou i maopopo i na hui'la.

Pauku 9. Ma kahi o ka aina a i ole o na pono wainai e ae i makemakeia e loaa aia nae ma ka paa ana ame ka hoomalu ana a ka loio, agena, malama wai wai. Kahu a i ole hope e ae o ka ona o ia mea, e loaa ia hope he hoike ana o ka manao o na hui'la e lawe mai ia mea, ma ke ano i hoakaka ia ma ka pauku 7 o keia Kanawai.

Pauku 10. E uku na hui'la i ka ona o kekahi aina a pono wai wai e ae i lawelawe ia pela, a i ole i kona mau hope ma ke Kanawai, i ka wai waiho piha o ia mea, e helu ia hoi mai ka manawa a na hoolaha manao lawe ia mea i hookoia ai. Ina he kue e no ka wai waiho, e ~~waiho~~ haawi aku na hui'la i ka ona a i ole i kona hope ina e loaa ana he ona a i ole he hope, he huina dala ana i manao ai oia ka wai waiho o na ana'la a i ole o kekahi pono wai wai e ae paha.

Pauku 11. Ina oia ona a i ole o kona hope na kuhalahala oia no ka huina dala i haawi ia aku ia ia e na hui'la, e hiki no ia ia, maloko o iwakalua la mai ka manawa aku oia haawi ana, e koi ae i na hui'la e ~~kaawa~~ Hehoia ka wai waiho o na ana'la a i ole o kekahi pono wai wai e ae paha. e ekolu poe kohowai waiho kaohoa,

hookahi o lakou e kohoia e kela ame keia aoao, a o ke kolu na na mea elua i kohoia. A o na hui'la, mamua o ke komo ana maluna o na aina la, a i ole lawe ana ae i na pono waiwai e ae, e haawi aku i ka ona o ia mea a i ole i kona hope i ka huina dala i kohoia maluna oia mea e ka hapanui o ka poe koho waiwai, a e uku ana i na lilo oia koho ana a ina o ka huina dala i loaa pela na oi aku mamua o ka huina dala i haawi mua ia, aka ma kekahi ano e ae e lawe ae i na lilo oia koho wai-wai io ana mai ka huina dala i loaa pela. Ina oia ona a hope paha e hoole i ka lawe ana i ka huina dala i loaa pela a i haawi ia aku, alaila e uku ia ia mea iloko o ka Aha Hookolokolo Kaapuni o ka Aha Kaapuni maloko olaila na aina'la a i ole pono waiwai kahi i waiho ai, malalo aku nae o ke kauoha a na ona a i ole hope'la, mamua o ka lawe ana ae o na hui'la i na aina'la a i ole pono waiwai e ae.

Pauku 12. Ina o na ona a hope'la paha e haule ma ke koi ana e kohoia ka waiwaiio o like me ia i hoaka-kaia mamua ae, a i ole, na koi, aka no na la nae he umi na hoole i ka lawe ana i ka huina dala i loaa mamuli a maluna oia koho ana, na hiki i na hui'la mahope koke iho e komo maluna a e paa i na aina'la a i ole i kekahi pono waiwai e ae me ka poino ole e uku aku ma ke ano poho i kekahi huina dala e oi aku ana mamua o ka waiwaiio oia mea ma ka manawa o ka hooko ia ana o ka hoolaha i hoikeia mamua, me ka hooi ole ia aku mamuli o kekahi waiwai a na alanui la e kau iho ana maluna olaila, aka aole nae kekahi

9.

mea i komo maloko nei e manao ia ~~[illegible]~~ e pale ana i ka loaa ana mai na hui'la na koi poho no na hana komo heiwa i oi aku mamua o na mea i makemakeia e kana hana, ~~[illegible]~~ pela hoi no kekahi poho no kona haule ana ma ka pa ana i kona ala (me ka ili ole aku, he aie maluna o na poe ona aina e pili pu ana e kokua ma ke kukulu ana a i ole e makana paha no ke kukulu ana i na pa'la). maloko o eono mahina mai ka la aku o kona lawe ana ia mea, a i ole no kona nele ana e hoopaa a paa, a i ole kukulu ana i pale holoholono paa ma na wahi hakahaka a pau i hanaia e ia maloko o na pa o na aina kahi a kona ala e holo ai, mai ka manawa o kona lawe ana a paa ia mea.

Pauku 13. Ina o ka ona oia aina a i ole pono waiwai e ae a na hui'la i makemake ai e loaa no ka pomaikai ~~o~~ kona alanui a mau alanui, he mea noho-ole ia iloko o ke Teritori o Hawaii, a na maopopo ole hoi kona wahi noho, aole hoi ona hope ma ke kanawai, loio a i ole agena maloko o keia Teritori, a i ole ina aole i maopopo ia ona a i ole aole loaa, a i ole na kupono ole e hana aelike, e hiki no i na hui'la ke waiho maloko o kekahi banako ~~[illegible]~~ maloko o ke Teritori o Hawaii, no ka pomaikai o na ona'la, he huina dala i like me ka waiwaiio kupono o na aina'la a i ole pono waiwai, a ma ia mea ana e komo kole aku a lawe a paa ia mea.

O ia ona a i ole o kona hope e hiki no ma kekahi manawa maloko o umi makahiki mahope o ia lawe

ana, e koi e kohoia ka waiwaiio a i ole ma kekahi ano e ae e hooko aku i ka ohi ana i ka waiwaiio o kona ~~aina~~ waiwai i lawe ia pela e like me ia i hoakakaia maloko nei.

Pauku 14. Aole kekahi mea maloko o keia kanawai e manaoia e hoonele ana i kekahi kanaka i ka pono hoopii ma ke kanawai e kue ana i ua hui'la no ka waiwaiio o kekahi aina a i ole waiwai e lawe ia ana e ua hui'la malalo o na mana i haawi ia mamuli o keia kanawai a i hoohanaia no na hana alahao.

Pauku 15. No na pono o keia alahao he pono ala ke haawi ia nei ma keia i ua hui'la maloko o na aina aupuni a pau a ua haawi puia no hoi i ua hui'la ~~na~~ ua aina aupuni ala i makemakeia no ko lakou mau hale, hale waiho ukana, wahi hoolulu, wahi ku, ame na hale kuai, a me na mea kukulu e ae a pau, ke huipuia me na uapo, a mea kukulu e ae a pela hoi me ka lawe ana i ka wai me ka keakea ale ia e pili ana no ka Teritori o Hawaii.

Pauku 16. E pa ka hui i ke ala o ke alahao me ka pa maikai kupono a like me ke kanawai a e hoolako i na pale holoholona kupono ame na huina kupono.

Pauku 17. E lilo keia kanawai i mea mana mai a mahope aku o ka manawa o kona hoapono hopeloa ia ana.

SENATE BILL No. 86

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Amend Section 91 of Act 64. of the Session Laws of 1896, entitled "An Act to amend, Add to and consolidate the Laws Relating to Certain licenses, and to Repeal the following Laws Viz: approved the 12th day of June A.D. 1896

Introduced April 10 *1901,*

By Senator White

ENDORSED BY

First Reading in Senate April 10, 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in H[illegible]

4-19

The Legislature of the Territory of Hawaii

SENATE BILL NO. 86

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

86

-A N A C T-

To Amend Section 91 of Act 64 of the Session Laws of 1896, entitled "An Act to Amend, Add to and Consolidate the Laws "Relating to Certain Licenses, and to Repeal the Following Laws, "viz.", approved the 12th. day of June, A.D. 1896.

----@@$@@----

BE IT ENACTED by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 91 of Chapter 64 of the Session Laws of 1896 be, and the same is hereby, amended so as to read as follows:

"Sec. 91. For each license so granted for a period of one year there shall be charged and collected a license fee of one hundred dollars, and where the license is for a shorter period the fee for each exhibition or performance shall be five dollars, to be collected upon the issuance of the license. But no fee shall be charged for any exhibition or performance if it be satisfactorily shown at the time of the issuance of the license that the entire proceeds to be derived from such exhibition or performance are to be devoted to any school, religious or charitable institution, or for the promotion of art, and not for profit."

SECTION 2. This act to take effect from the date of its approval..

He Kanawai

E hoololi ana i ka Pauku 91 o ke Kanawai 64 o na Kanawai o ke Kau o 1896, i kapaia, "He Kanawai e Hoololi ana, E Pakui a e Hoohuihui ana i na Kanawai e "Pili ana i kekahi mau Laikini, ame ka Hoopau ana i na Kanawai penei," oia hoi:, aponoia i ka la 12 o June, M. H. 1896.

E Hooholoia e ka Ahaolelo o ka Teritori o Hawaii:

Pauku 1. O ka Pauku 91 o ka Mokuna 64 o na Kanawai o ke Kau o 1896 e, a ma keia ke hoololi ia nei a e heluheluia penei:

Pauku 91. No kela ame keia laikini i hoopukaia no ka manawa o hookahi makahiki e auhauia a e ohiia he uku laikini o hookahi haneri dala, a ina o ka laikini no kekahi manawa pokole mai o ka uku no kela a me keia hoikeike a me hoohana ana he elima dala, e ohiia i ka manawa o hoopuka'a o ka laikini. Aka, aole uku e auhauia no kekahi hoikeike a hoohana ana e hoikeia mai ana me ke ku i ka aponoia ma ka manawa o ka hoopuka ana o ka laikini o na loaa a pau e loaa ana mai ia hoikeike a hoohana ana e hoolilo ia ana no kekahi kula, oihana hoomana a manawalea paha, a i ole, no ka hooholomua ana i na hana akeakamai, aole hoi no ka imi loaa.

Pauku 2. E lilo keia Kanawai i mea mana mai kona la

E aponoia ai.

SENATE BILL No. 87

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Encourage the
Cultivation of Taro

Introduced April 10 1901,

By Senator Achi

ENDORSED BY

First Reading in Senate April 10. 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

The Legislature of the Territory of Hawaii

SENATE BILL NO. 87

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

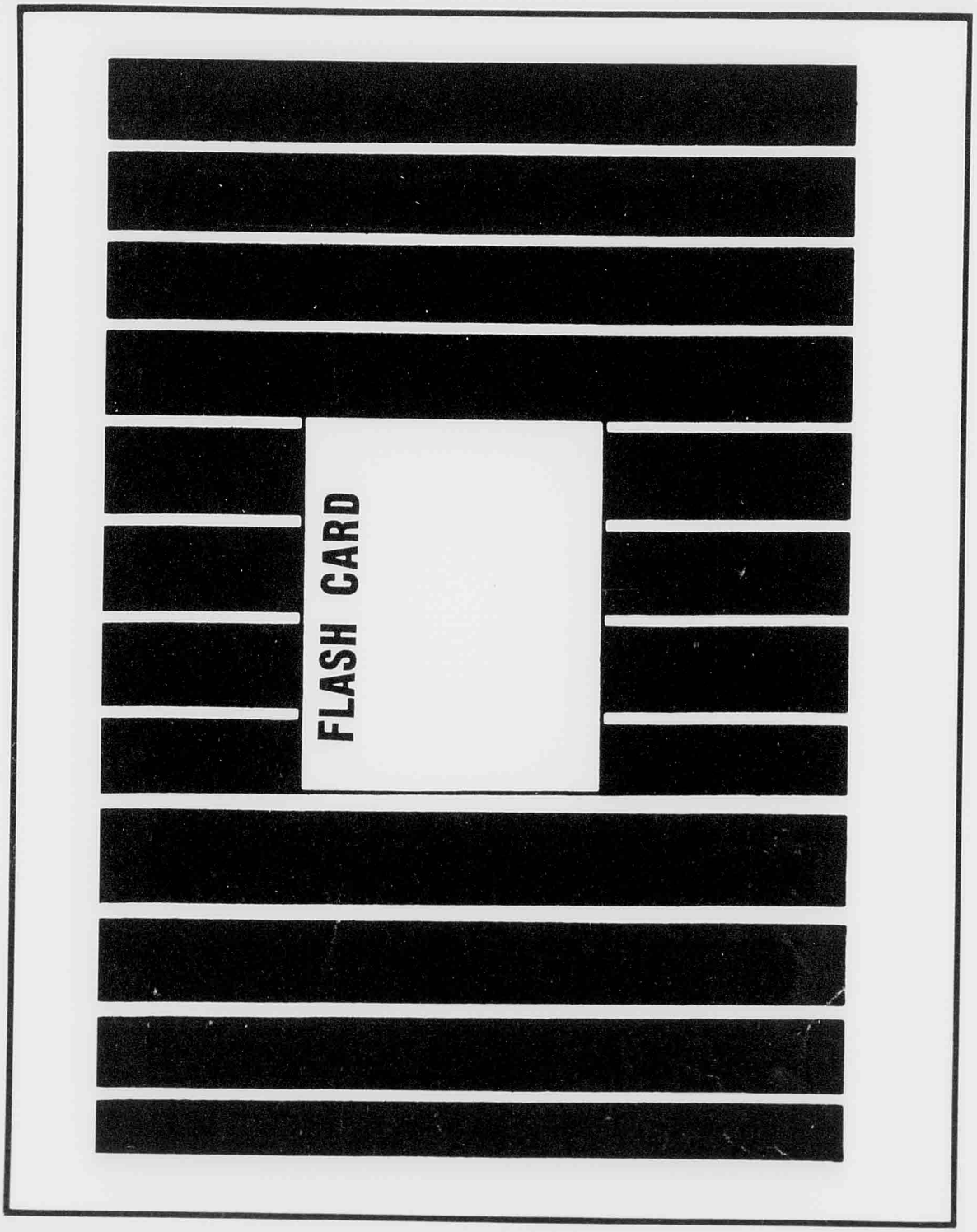
AN ACT, ETC

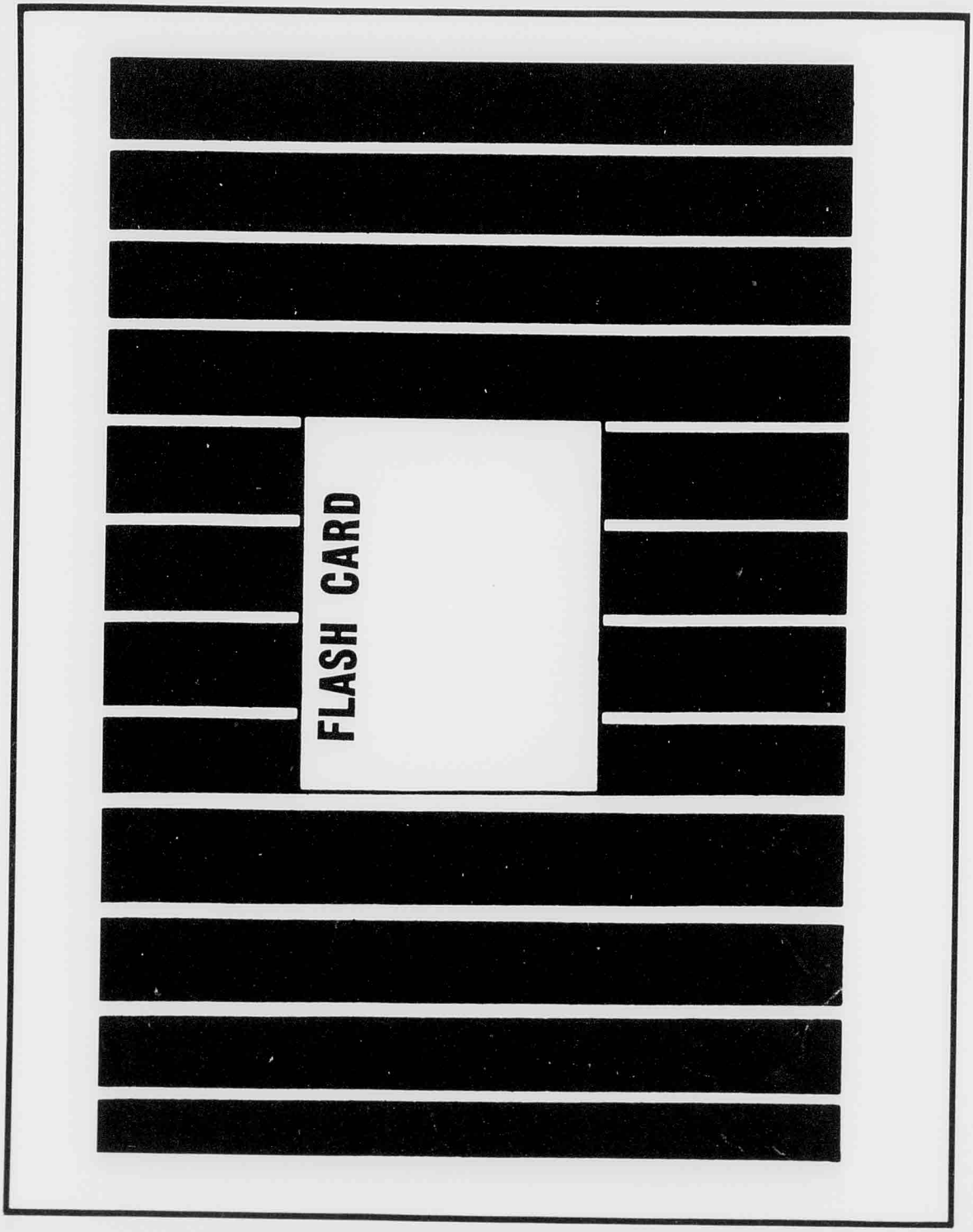
An Act to encourage the Cultivation of Taro.

Be it enacted by the Legislature of the Territory of Hawaii.

Section 1. From and after the passage of this Act, and for the term of five years from the first day of January 1902, all taro plants, taro land planted with taro; and all mills, machinery, appliances, tools, and buildings used exclusively in the care, cultivation of taro or preparation of taro for market, shall be and hereby are exempted from all taxes.

Section 2. This Act shall be in force from and after its publication.


FLASH CARD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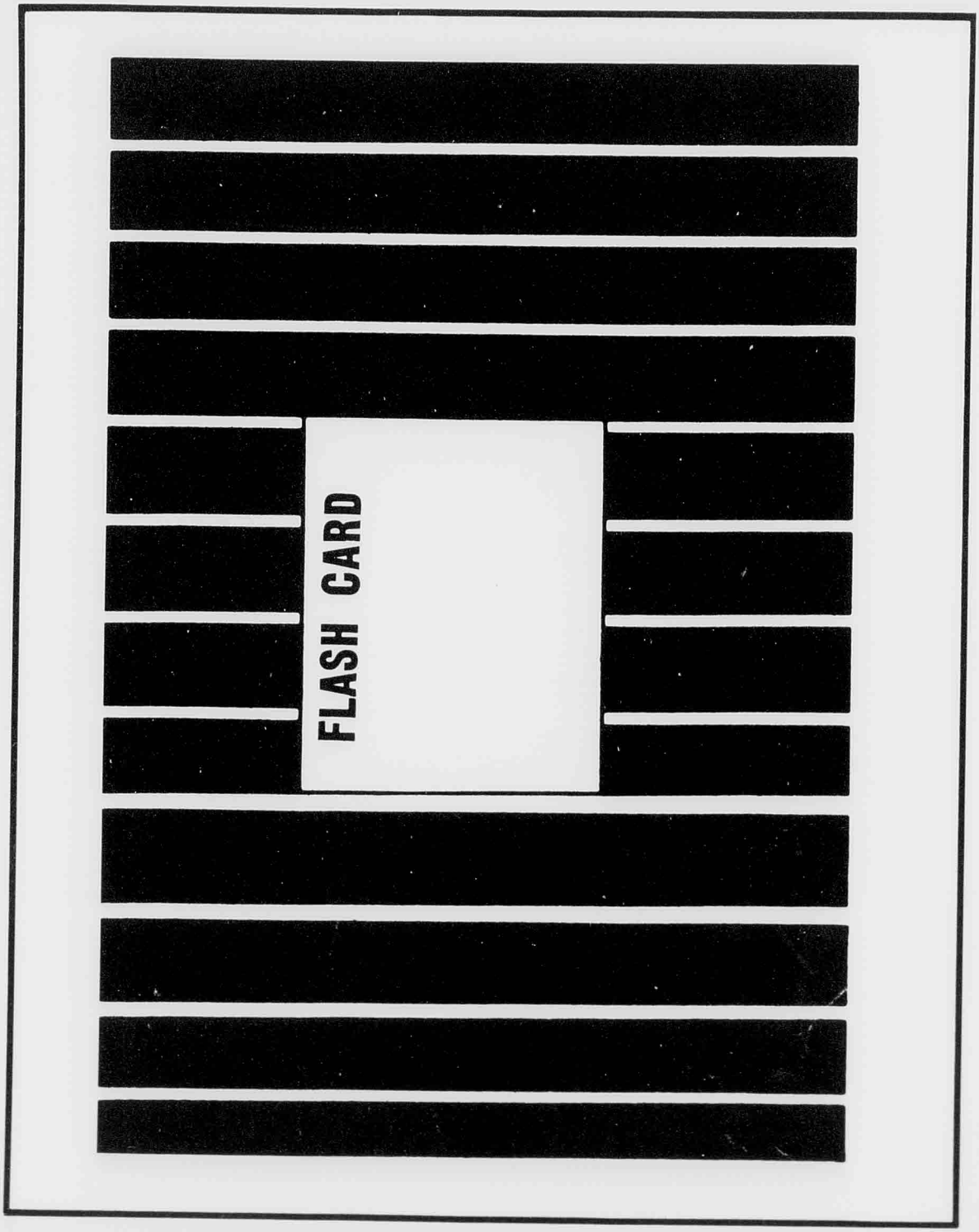
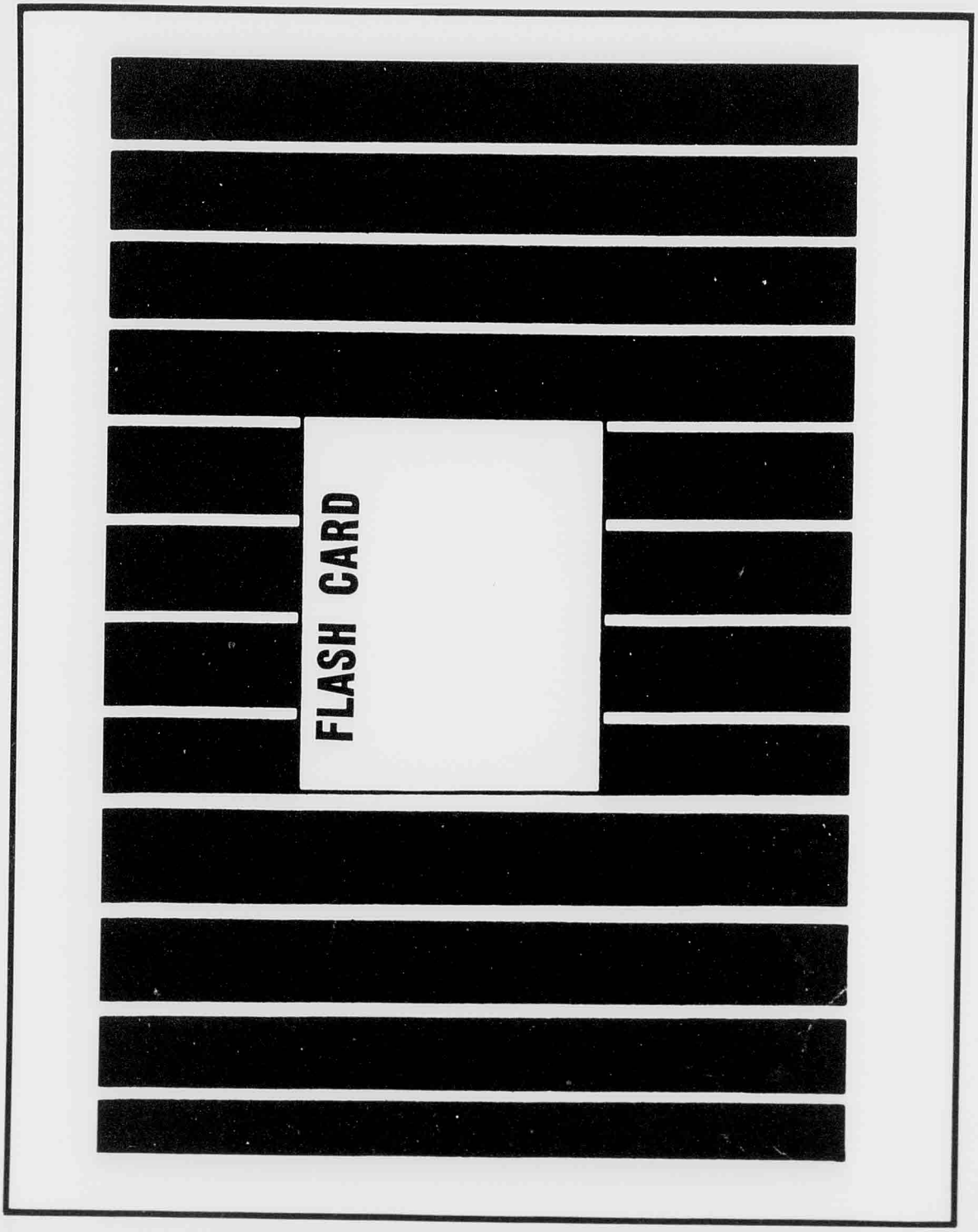

FLASH CARD


FLASH CARD

FLASH NO.

FLASH NO. 6

rep 4/18

SENATE BILL No. 88

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Appropriating $ 3,500.00 for the use of use of the Board of Education in making a display at the Buffalo Exhibition

Introduced April 11 *1901,*

By Senator Porter

ENDORSED BY

First Reading in Senate Apl 11, 1901

Second Reading in Senate Apl 12, 1901

Referred to

Third Reading in Senate Apl 15, 1901

First Reading in House April 16, 1901.

Second Reading in House Apr. 19, 1901.

Referred to

Third Reading in House April 20, 1901.

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The Legislature of the Territory of Hawaii

SENATE BILL NO. 88

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT

APPROPRIATING THREE THOUSAND FIVE HUNDRED DOLLARS FOR THE USE OF THE BOARD OF EDUCATION IN MAKING A DISPLAY AT THE BUFFALO EXHIBITION.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII :

Section 1. That the sum of Three Thousand Five Hundred Dollars be and is hereby appropriated from any funds now in the Treasury for the immediate use of the Board of Education in making a suitable and fitting display of the work done for and by the children of this Territory.

Section 2. This Act to take effect upon its approval.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this fifteenth day of April a.d. 1901

Edgar Caspless
Clerk of the Senate

J. E. Kaine.
President of the Senate

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20 *1901.*

We hereby certify that the within and foregoing bill passed its Third Reading in the House of Representatives of the Territory of Hawaii this 20th *day of* April *1901.*

Joseph Akina
Speaker.

S. Meheula
Clerk House of Representatives.

SENATE BILL No. 89

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To protect Hotels and Lodging Houses

Introduced April 12 *1901,*

By Senator Crabbe

ENDORSED BY

First Reading in Senate Apl 12.

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

4-19

Proof to By Paepoe

The Legislature of the Territory of Hawaii

SENATE BILL NO. 89

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT TO PROTECT HOTELS AND BOARDING AND LODGING HOUSES.

Section 1- Be it enacted by the Legislature of the Territory of Hawaii- Any person or persons who go to any regular hotel, lodging or boarding house in the Territory of Hawaii and engage or occupy rooms, or engage or take board, by the day, week or month, and who leave such hotel, lodging or boarding house without paying their bills or regular charges, which have legally accrued against them with intent to defraud said hotel, lodging or boarding house out of their just and legal dues, shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, within this Territory shall be fined not to exceed one hundred dollars, or may be sentenced to sixty days at hard labor, or both, at the discretion of the court, and be it further enacted that such hotel, boarding or lodging house , may hold and distrain any baggage that the said person indebted to the said hotel, boarding or lodging house may have upon the premises in the default of any payment legally due, and in case the said payment is not made within thirty days after the said person in default has left the premises , may dispose of the said baggage , at either private or public sale, and the proceeds to be used for the payment of the debt due said hotel, boarding or lodging house.

Section 2. This act shall take effect from and after the date of its publication.

(89)

HE KANAWAI E HOOPALEKANA ANA I NA HOTELE AME NA HALE HOOLIMALIMA

PAUKUU. E hooholoia e ka Ahaolelo o ke Teritori o Hawaii-O ke la ame keia kanaka,a i ole,poe kanaka e hele aku ana i kekahi hotelo mau,hale hoolimalima,a i ole, hale-aina iloko o ke Teritori o Hawaii,a hoolimalima,a i ole,noho maloko o na rumi,a i ole,hoolimalima a ai paha,ma ka la,pule a mahina paha,a i haalele aku i ua hotele la,hale hoolimalima,a hale aina paha,me ka uku ole ana i ko lakou mau bila aie,a i na uku mau paha,i aie ku i ke kanawai ia e lakou,me ka manao ana e kolohr i ua hotele la,hale hoolimalima, a i ole hale aina paha,no ka lakou mau ~~mau~~ kaki ku i ke kanawai a pololei hoi,e manaoia ua ku ka hewa mikamina,a i ke ahewaia ana imua o kekahi Aha Hookolokolo i loaa ka mana kupono,maloko o keia Teritori,e hoopaiia aole e oi aku mamua o hookahi haneri dala,a i ole,e hoopaahaoia i kanaono la ma ka hana oolea,a i ole,o ia mau hoopai elua,elike me ka manao o ka Aha Hookolokolo,a e hooholo hou ia hoi,ua hiki no i ua hotele la,hale aina a hoolimalima paha ke paa a ke hoomalu i kekahi ukana o ua mea la i aie i ua hotele la,hale aina a hoolimalima paha,e loaa ana maloko o laila,no ke kaa ole ana o kekahi aie ku i ke kanawai,a ma ka wa e hookaa ole ia ai ia uku iloko o na la he kanakolu mahope aku o ka haalele ana iho o ua mea aie kaa ole nei,ua hiki no ke kuaiia aku ua ukana la ma ke kuai maoli ana ~~paha~~,a i ole,ma ke kuai kudala ana paha,a o na loaa e hooliloia aku no ia no ka uku ana i ka aie i ua hotele la,hale aina a hale hoolimalima paha.

PAUKU 2. E mana keia Kanawai mai a mahope aku o kona la e hoolaha ia ai.

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1901

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: SENATE BILL

ITEM NUMBER: 90

SENATE BILL No. 91

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To amend Act 51
of the Laws of 1896

Introduced 1901,

By Senator

ENDORSED BY

First Reading in Senate

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

4-26 Referred

The Legislature of the Territory of Hawaii

SENATE BILL NO. 91

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

ACT...

An Act to Amend Act 5I of the Laws of I896.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION I. Section 2 of Act 5I of the Laws of I896 is hereby amended to read as follows:

"SECTION 2. January I. All property, except growing rice, shall be assessed as of the first day of January in each year.

January I. All personal and dog taxes shall be assessed as of, and be due and collectable on and after the first day of January in each year.

January I-3I. All tax payers shall make returns of their property and the value thereof between the first and the thirty-first days of January in each year.

March 3I. All personal and dog taxes which shall remain unpaid on March 3Ist of each year shall thereby and thereupon become delinquent and ten per cent. of the amount thereof shall be added thereto and become due as a part thereof.

May I. Growing rice shall be assessed as of the first day of May in each year.

July I-I5. The assessment books shall be made up on or before July first, and shall be open to inspection from the first to the fifteenth of July of each year, notice of which shall be given.

July I-20. In order to be entitled to appeal, any persons desirous and otherwise entitled to appeal from any assessment, shall file a notice of appeal at any time from the first to the twentieth of July of the year in which the assessment is made.

August I-20. The Tax Appeal Court shall sit for the hearing of tax appeals between the first and twentieth of August of each year.

All taxes upon the value of property shall be due by each person liable for such taxes, in two equal instalments in

each year; the first of such instalments shall be due on and after the twenty-first day of July, and shall be delinquent on the first day of August; the second of such instalments shall be due on and after the first day of November, and shall be delinquent on the fifteenth day of December, provided that all taxes may be paid at the time the first instalment, as herein provided, is due.

((All such taxes which shall be due on and after the twenty first day of July, which shall remain unpaid on the first day of August shall thereby and thereupon become delinquent and ten per centum of the amount thereof shall be added thereto a and become due as a part thereof;

((And all such taxes which shall become due on and after the first day of November, which shall remain unpaid on the fifteenth day of December, shall thereby and thereupon become delinquent, and ten per centum of the amount thereof shall be added thereto and become due as a part thereof; provided however, that in the case of appeals from the assessments made by any assessor, as the taxes fixed by the final decision in such appeals shall be due on and after the first day of November and shall be delinquent if not paid by the fifteenth day of December.

((From the twenty-first day of July to the first day of August both inclusive, assessors shall attend at advertised places for the collection of such first instalment of taxes, the advertisement to contain a notice that such taxes will be delinquent on the first day of August; and from the first day of November to the fifteenth day of December, assessors shall attend at advertised places for the collection of such second instalment of taxes and such taxes as shall be fixed on appeal as aforesaid; the advertisement to contain a notice that such taxes will be delinquent on the fifteenth day of December.

((The assessor must give a receipt to the person paying

any tax, or any part of any tax, specifying the amount of the assessment and the tax, or part of tax paid, and the amount remaining unpaid, if any; provided that the receipt for the last instalment of taxes may refer, by number or any other intelligent manner, to the receipt given for the first instalment of taxes, in lieu of specifying the tax assessed.

((He must enter the date of payment of any tax, or of the several partial payments as the case may be, and the number of the receipt given therefor, in the assessment book, opposite the name of the person paying.

January I. As soon after the first day of January of each year as practicable the assessor shall prepare and advertise in some newspaper or post in not less than three public places in each district, the names of all delinquent tax payers owning property in such district, and the amount due by each.

December I-30. During December of each year each assessor shall advertise for tax returns to be made during the following January.

((The Board of Equalization shall meet once a year at the call of the Treasurer."

SECTION 2. Section I9 of the said Act is hereby amended to read as follows:

"SECTION I9. Every tax due upon property shall be a lien upon the property assessed; and every tax due upon improvements upon real property assessed to others than the owner of the real property, shall be a lien upon the improvements; which several liens shall attach as of the twenty-first day of July or the first day of November in each year as the case may be, and shall continue for two years."

SECTION 3. Section 29 of the said Act is hereby amended to read as follows:

"SECTION 29. If any property taxes due on and after the twenty

first day of July shall remain unpaid after the first day of August and any property taxes due on and after the first day of November shall remain unpaid after the fifteenth day of December in any year, ten per cent. of the amount of such taxes shall be added by the assessor to the amount of such taxes at said dates and shall become and be collected as a part of such taxes."

SECTION 4. Section 57 of the said Act is hereby amended to read as follows:

"SECTION 57. Each assessor or his deputy shall from the twenty first day of July to the first day of August and from the first day of November to the fifteenth day of December of each year, for the convenience of tax payers attend at certain times or places in each district for the collection of taxes.

(1) Public notice of the time or times, place or places of such attendence and the object thereof shall be given by advertisement in a weekly newspaper or newspapers, and by posting a notice of the same in at least three conspicuous places in each district. Such notice shall also contain a statement that all taxes due on and after the twenty-first day of July which are not paid by August first, and all taxes due on and after the first day of November which are not paid by December fifteenth will be delinquent and subject to a penalty of ten per cent. additional, and that the delinquent tax list will be published on or after January first following.

(2) Each taxpayer shall pay the first instalment of property taxes due by him, to the assessor or his deputy, on or before the first day of August of the year in which they are assessed, and the second instalment of property taxes due by him, to the assessor or his deputy on or before the fifteenth day of December of the year in which they are assessed, and no other

notification or demand than that herein provided for shall be required or necessary.

No notice need be published and no demand for payment shall be necessary concerning the payment of personal and dog taxes, except as hereinafter set forth."

SECTION 5. Section 58 of the said Act is hereby amended to read as follows:

"SECTION 58. As soon after January first of each year as practicable each assessor shall publish in the English language in one weekly newspaper, once each week for four successive weeks or by public poster, the names of the delinquent taxpayers in his division and the amount of assessed taxes and penalties remaining delinquent by each taxpayer.

The amount of taxes and penalties unpaid by each delinquent need only be stated in the aggregate.

Such list shall be certified to and signed by the assessor. Such list may be published either in the body of such p paper or as a supplement.

Each assessor shall also cause a copy of such list to be posted in at least three public and conspicuous places in each taxation district in his division.

The sum of fifty cents shall be added to each delinquent tax assessed and published, as costs, and shall be collected by the assessor or his deputy as a part thereof."

SECTION 6. Section 65 of the said Act is hereby amended to read as follows:

"SECTION 65. For the purpose of equalizing assessments of property, as far as practicable, throughout the Territory the several assessors, with the Treasurer as chairman, shall constitute a Board of Equalization, which shall hold a meeting in Honolulu at such time as may be designated by the Treasurer when such general rules regarding assessments and valuation shall be adopted, as may be deemed proper and equable, and not inconsistent with any existing law."

SECTION 7. Section 70 of the said Act is hereby amended to read as follows:

"SECTION 70. All personal taxes and dog taxes shall be due and payable on and after the first day of January in the year in which they are assessed. All other taxes shall be due on and after the twenty-first day of July and on and after the first day of November in each year as the case may be."

SECTION 8. The first paragraph of Section 3I, division 3 of Section 59, and Sections 60 and 6I of Act 5I of the laws of I896 are hereby repealed.

SECTION 9. Whenever the words "Minister of Finance" appear in the said Act, they are hereby amended to read TREASURER; and whenever the words "Minister of Interior" appear in the said Act they are hereby amended to read REGISTRAR OF CONVEYANCES, and whenever the words "Interior Department" appear in the said Act they are hereby amended to read DEPARTMENT OF THE TREASURER, and whenever the words "Republic" or "Republic of Hawaii" appear in the said Act they are hereby amended to read TERRITORY or TERRITORY OF HAWAII, as the case may be.

SECTION I0. This Act shall take effect upon its publication.

Approved this day of A. D. I90I.

Governor of the Territory of Hawaii.

THE FOLLOWING WAS

NOT IN FILE

WHEN RECORDS WERE MICROFILMED:

YEAR: 1901

SESSION: REGULAR

CHAMBER: SENATE

TYPE ITEM: SENATE BILL

ITEM NUMBER: 92

SENATE BILL No. 93

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To Regulate fiduciary Companies.

Introduced Apl 15 *1901,*

By Senator Carter

ENDORSED BY

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

Passed 4/25 Apl 9 No. 1.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 93

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT TO REGULATE FIDUCIARY COMPANIES.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. The term "Trust Company" as used in this Act means any corporation or joint stock company organized or which may hereafter be organized under the general laws of the Territory of Hawaii which has obtained from the Treasurer of the Territory a certificate that it has complied with Sections 3, 4 and 5 of this Act.

SECTION 2. No corporation nor joint stock company shall engage in the business of acting as trustee for the management and investment of funds of other persons, nor shall be qualified to act as executor, administrator, guardian, assignee or receiver except trust companies doing business under the provisions of this Act.

SECTION 3. Every trust company shall have the word "Trust" in its corporate name, and no corporation or joint stock company which is not a trust company shall continue to do business with the word "Trust" in its corporate name.

SECTION 4. No corporation nor joint stock company shall do business as a trust company unless its capital stock be at least $100,000.00, fully paid up, and at the time of beginning to do business as a trust company said capital stock shall be represented by cash or by such securities as the Treasurer of the Territory may approve as equivalent to cash.

SECTION 5. Every trust company must deposit with the Treasurer of the Territory not less than one-half its capital stock nor more than $100,000.00, in cash, or in bonds and mortgages, or in notes and mortgages, said mortgages being first mortgages on real estate or plantations within the Territory of Hawaii worth double the amount secured thereby, or in bonds of the United States or of

any State or Territory in the United States, or in bonds of any organized county, township, incorporated city, village or school district in the Territory of Hawaii duly authorized to be issued, and upon all which bonds or other securities there shall have been no default in the payment of interest or principal. The trust company may from time to time withdraw the same upon substituting other securities of the same kind of equal value. It shall be the duty of the Treasurer of the Territory to determine whether the securities offered for deposit or substitution conform with the provisions of this Act, and his decision, as evidenced by his acceptance or rejection of them, shall be final.

SECTION 6. Said deposit shall remain in the Treasury of the Territory during the corporate existence of the Trust Company, and shall be finally disposed of only in the event of the winding up of said corporation as hereinafter provided; but until the institution of proceedings for winding up, the Treasurer of the Territory shall authorize and allow the trust company to collect the interest and income which shall be received on the security so deposited, for its own benefit.

SECTION 7. Every trust company shall have power, in addition to the general powers conferred by law upon corporations and joint stock companies: (1) To take, receive and hold, and repay, reconvey and dispose of any effects and property, both real and personal, which may be granted, committed or transferred, or conveyed to it, with its consent, upon any trust or trusts whatsoever, at any time or times, by any person or persons, including married women and minors, body or bodies corporate, or by any court, including the Federal courts, and to administer, fulfill and discharge the duties of such trust or trusts for such remuneration as may be agreed upon; (2) to accept money on general deposit and hold the same subject to check or otherwise; (3) to act generally as agents or attorneys in the transaction of business or management of estates,

the collection of rents, interest, dividends, mortgages, bonds, bills, notes and securities for money; (4) to act as agent for the purpose of buying, selling, issuing, negotiating, registering, transferring or countersigning the certificates of stock, bonds, or other obligations of any corporation, association or municipality, and to manage any sinking fund therefor, on such terms as may be agreed upon; (5) to accept and to execute the offices of executor, administrator, trustee, receiver, assignee or guardian, whether by appointment of court or otherwise; (6) to loan money upon real estate and collateral security, and to execute and issue its notes and debentures, payable at a future date, and to pledge its mortgages on real estate and other securities as security therefor; (7) to take and receive from any individual or corporation on deposit for safe keeping and storage gold and silver plate, jewelry, money, stock, securities and other valuable and personal property; to rent out the use of safes or other receptacles upon such terms and for such compensation as may be agreed upon; to become sureties for administrators, guardians or other trustees or persons; to guarantee or insure to grantees the validity of titles in real estate transfers upon such terms and conditions as may be agreed upon; to lease, purchase, hold and convey all such personal estate as may be necessary to carry on its business or that it may be necessary to acquire in the enforcement or settlement of any claims or demands arising out of its business transactions; to execute and issue in the transaction of its business all necessary receipts, certificates, papers and contracts, which shall be signed by such person or persons as may be designated in the by-laws; to lease, purchase, hold and convey real estate as its corporate property; to purchase, hold and sell the stocks and bonds of other corporations; to take and accept by grant, assignment, purchase, transfer, devise or bequest and hold any real or personal estate in trust in pursuance of the direct-

ion of any trust created in accordance with law; to act as agents of insurance companies and surety companies; to do a general trust, deposit and security business; and to transact any other business or undertaking, trust, mercantile or otherwise, which may be necessary, useful and convenient to the main purposes of the corporation. Nothing herein contained shall be construed as giving the right to issue bills to circulate as money, or to buy or sell bank exchange, or to discount commercial paper, or to do a general banking business.

SECTION 8. In the case of the appointment by any court of a trust company as executor, administrator, trustee, receiver, assignee or guardian, such trust company shall not be required to furnish sureties upon any bond which may be required of it. But if any judgment or decree rendered against a trust company on any such bond remains unsatisfied, in whole or in part, for five days, the court or judge rendering such judgment or decree may order execution to issue against the deposit of the trust company in the Treasury of the Territory.

SECTION 9. All investments of money received by any trust company upon trust account or in any fiduciary capacity shall be at its sole risk, and for all losses of such money the capital stock, property and effects of the corporation shall be absolutely liable, unless the investments are such as the courts recognize as proper when made by an individual acting as trustee or in like fiduciary capacity, or are such as are permitted in and by the instrument or words creating or defining the trust. All money received by any such corporation upon general deposit shall be an indebtedness by the corporation to the depositor.

SECTION 10. Every trust company, before it commences business and on the last Monday in January and July in every year, shall make a statement in the form prescribed by the schedule annexed to this Act, or as near thereto as circumstances will admit, which statement shall be verified by the oath of the Presi-

dent, Treasurer, Secretary or Cashier. A copy of such statement shall be put up in some conspicuous place in the principal office and in every branch office of the trust company, and shall be published by said company in Honolulu in some newspaper of general circulation at least once a week for three weeks. If the company shall make default in compliance with any of the provisions of this Section it shall be liable to penalty not exceeding $50.00 for every day of default, which may be recovered by the Treasurer of the Territory before any District Magistrate, who shall have jurisdiction irrespective of the amount involved.

SECTION 11. Every trust company shall be subject to such supervision by the Treasurer of the Territory or Auditor of the Territory as is or may be from time to time prescribed by law in the case of banking companies.

SECTION 12. On becoming satisfied that any trust company has refused to pay its obligations in accordance with the terms on which said obligations were contracted, or has become insolvent, or that ~~tis~~ its capital has become impaired, or that it has violated the provisions of this Act, or that any execution issued against said company has been returned unsatisfied in whole or in part, or that a portion of its deposit with the Treasurer of the Territory has been taken on execution, as provided in Section 8, and has not been replaced within three days, the Treasurer of the Territory shall forthwith apply to a court of competent jurisdiction for the winding up of such company, and such court, upon proof that such company is liable to winding up under the provisions of this Section, shall appoint a receiver for such company who, under the direction of such court, shall take possession of the books, records, and assets of every description of such company, collect all debts, dues and claims belonging to it, sell or compound all bad or doubtful debts, and sell all the real and

personal property of such company on such terms as the court shall direct, and shall, if necessary to pay the debts of such company, enforce all individual liabilities of the stockholders, and in general exercise all the powers of a receiver according to law.

SECTION 13. Upon such winding up, the assets of the company, including its deposit with the Treasurer of the Territory, shall be used in the following manner, that is to say:

1st. To the cost and expense of such winding up, including the receiver's compensation.

2nd. To the payment of all obligations incurred by such corporation by reason of acting in a fiduciary capacity by appointment of any court.

3rd. To the payment of all other fiduciary obligations of said corporation, including moneys received upon trust account and obligations incurred while acting in a fiduciary capacity by appointment of individuals under wills, trust deeds, or otherwise.

4th To the payment of bonds, debentures, or other secured debts of the corporation.

5th To the payment of moneys received on general deposit by the corporation.

6th To the payment of all other debts or obligations of the corporation.

7th To the distribution among the stockholders, pro rata, of any remaining assets.

SECTION 14. This Act shall take effect sixty days after its approval.

S C H E D U L E .

ASSETS.

Cash on Hand, ...

Bank Deposits (Subject to Checks) .....

Bonds, Industrial or Commercial .....

Bonds, Government, County or City .....

First Mortgages, Secured by Real Estate ...

Territorial, County or City Script ..... _____

Total .....

Bills Receivable, ...

Stocks & Investments .....

General Book Accounts, ...

General Book Accounts at Interest .....

Furniture & Fixtures .....

Real Estate ..... _____

Total .....

_____

Grand Total ..... _____

LIABILITIES.

Trust Accounts .....

General Deposit Accounts (not trusts) .....

Accounts with Banks .....

Bills Payable ..... _____

Total .....

Capital .....

Reserve or Surplus .....

Undivided Profits ..... _____

Total ..... _____

Grand Total ..... _____

SENATE BILL No. 94

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Providing for the Appointment of a Superintendent of Public Health and defining his duties

Introduced Apl 15 *1901,*

By Senator White

ENDORSED BY

First Reading in Senate Apl 15, 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Referred 4-26

The Legislature of the Territory of Hawaii

SENATE BILL NO. 94

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

97

AN ACT PROVIDING FOR THE APPOINTMENT OF A SUPERINTENDENT OF PUBLIC HEALTH AND DEFINING HIS POWERS AND DUTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

1 There shall be a Superintendent of Public Health who shall have the powers, duties and responsibilities of the Board of Health, except in so far as the same are hereinafter restricted, enlarged or otherwise changed.

2 He shall be appointed by the Governor, and, unless sooner removed, shall hold office for four years and until his successor is appointed and qualified.

3 He shall be paid a salary equal to that of any other head of a Territorial department appointed by the Governor.

4 He shall have power to appoint or employ such deputies, clerks and agents as may be necessary to the efficiency of his department, who shall be paid from moneys appropriated by the Legislature for that purpose. He shall have power to fix the salaries or compensation of said deputies, clerks and agents in all cases where the Legislature does not fix the same by appropriation or otherwise.

5 The Superintendent of Public Health shall have power in the exercise of a wise economy to appoint government physicians and fix their salaries. Except where other provisions are made.

6 The Superintendent of Public Health shall have power to cooperate with the United States quarantine and sanitary officers, and to make any arrangements or contracts with them, not contrary to law, which in his opinion will tend to promote or preserve the health of the people of this Territory, or reduce or divide the expense of public sanitation.

7 Whenever, by reason of actual or threatened pestilence, a serious emergency arises, the Superintendent of Public Health shall have power to take such measures and do such things as may appear to be necessary

for the public safety, and, in case of extraordinary peril, may, with the approval of the Governor, pledge the credit of the Territory in excess of Legislative appropriations for such purposes. In all cases he shall, as soon as is practicable and without waiting to make up his periodical report, publish a full statement of such expenses, including, as far as is possible, the names of all persons to whom money is paid, the sums paid them and for what. Except in such cases of extreme peril from pestilence, the Superintendent of Public Health shall keep the expenses of his department strictly within the appropriations made therefor.

The Superintendent of Public Health shall have power to make and enforce any reasonable rule or regulation for the preservation of the public health, for the promotion of public sanitation, or for the administration of his own department, provided the same is not in violation of law, and the existing rules and regulations of the Board of Health shall continue to be of the same force and validity as heretofore, until changed or abrogated by the Superintendent of Public Health, or by legislation.

The Superintendent of Public Helath shall submit the names of six persons to the Governor whom he desires to have appointed as a Council of six, and convoke said Council ~~one~~ once in three months or at such time as he may deem necessary. The Council shall serve without pay and shall be advisory only, the Superintendent being the responsible chief of the department.

Upon the succession of the Superintendent of Public Health to the powers, duties and responsibilities of the Board of Health the said Board, shall cease to exist, and wherever the words Board of Health or their equivalent, occur in the laws of Hawaii not repealed by this Act, such laws are hereby amended to read, Superintendent of Public Health, or words equivalent thereto, as the contex requires.

All acts and parts of acts inconsistent with the foregoing provisions are hereby repealed.

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

He Kanawai

E Hoomaopopo ana no ka Hookohu ana i ~~Ona~~ Lunanui no ka Papa Ola a e Hoakaka ana i Kona mau Mana a me Kana mau Hana.

E hoohoioia e ka Ahaolelo o ka Teritori o Hawaii.

1 E hoonohoia i Lunanui no ka Oihana ~~Papa~~ Ola o ka Lehulehu a e loaa iaia na mana, na hana a me na hana koikoi o ka Papa Ola, koe nae ma na wahi i hoakakaia mahope ae nei a i papaia, hoonuiia a i ole hoololiia ma kekahi ano e ae.

2 E hookohuia oia e ke Kiaaina, a ina aole e hoopau kokeia, e noho a e paa oia i ka oihana no eha makahiki a hiki i ka manawa e hookohuia ai kona hope a hoapono pu ia.

3 E loaa iaia ha uku i like aku me ko na poo e ae o na oihana Teritori i hookohuia e ke Kiaaina.

4 E loaa iaia ka mana e hookohu a i ole hoolimalima

2/

i mau hope, mau kakau-
olelo a me na agena ana
i manao ai ua lawa kupono
e lawelawe ai i ka hana o
kona keena, a e ukuia la-
kou mai na dala a pau
mailoko ae o na haawina i hookaawale-
ia e ka Ahaolelo no ia hana.
E loaa iaia ka mana e ~~hoo-~~
~~kaawale~~ kau ~~ai~~ i na uku a i ole
uku hana o kekahi o na hope,
na kakauolelo a me na agena
ma na mea a pau kahi a ka
Ahaolelo i hookaawale ~~i hookaa-~~
~~wale~~ ole ai i uku no lakou a
i ole ma kekahi ano e ae paha.

5 O ka Lunanui o ka Oihana
Ola o ka Lehulehu ua loaa iaia
ka mana ma kana mau
lawelawe ana e pakiko a e
hookohu aku i na kauka
lapaau aupuni a e kau pu
aku hoi i ko lakou mau
uku. Koe nae ma kahi a
kekahi mau pauku i hoa-
kaka ai.

6 O ka Lunanui o ka Oihana
Ola o ka Lehulehu ua loaa
iaia ka mana e hoohui like

3/

aku ai i kana mau lawelawe
hana ana me na luna
oihana malama ola a me
hoomalu o Amerika Huipuia,
a e hana hoi i kekahi mau
hoopono pono a i ole na aelike
ana me lakou, i kue ole i ke
kanawai, ana hoi i manao
ai he mea ia e hoi ae ai
a i ole pulama ana i ke
ola o ka lahuikanaka o keia
Teritori, a i ole hoemi a i
ole mahele like ana i na
lilo o na hana e pili ana i
ka malama ola.

7. Iloko o kekahi manawa, ma
ke kumu i ikeia a i ole hoo-
hahana a ka mai luku, ua
ulu ae he ninau nui a koi-
koi, ua loaa ka mana i ka
Lunanui o ka Oihana Ola
o ka Lehulehu e lawelawe i
na hana a e hooko aku i
ua mau hana la ana i ike
he mea ku ia i ka pono o
ke ola o ka lahulehu, a ma
na hana o kekahi popili-
kia nui, e hana, me ka
hoapono ana a ke Kiaaina,

4

a e hoopaa aku i na koi ana
mai i ke Teritori ma na koi i
oi aku mamua o na haawina
i hookaawaleia e ka Ahaolelo
no ia hana. Ma na hana a
pau e hana oia, e like me ka
hikuiwawe a me ke kali ole
a hiki i ka manawa e hana
maoli ai oia i kana hoike
makahiki, e hoolaha i hoike
piha o na mau lilo la, i
huiia, e like me ka hiki,
i na inoa o ka poe ia la-
kou ke dala i ukuia, ka
huina i ukuia ia lakou
a no ka hana hea. Koe nae
ma na hana i hiki pono e
lawelaweia na popilikia ma
o na mai luku, e hana wale
no ka Lunanui o ka Oihana
Ola o ka Lehulehu i na hoo-
lilo ana o loko o kona keena
i kulike a maloko wale no
o na haawina i hookaawa-
leia no ia mea.
4 O ka Lunanui o ka Oihana
Ola o ka Lehulehu na loaa
iaia ka mana e hooko piha
aku i na rula a me na

5/

hooponopono kupono no ka
pulama ana i ke ola o ka
Lehulehu, ka hoi ana ae i
ka maemae, a i ole no ke
ano e hooponopono ai i kona
keena, ina hoi aole ia i
kue i ke kanawai, a o na
rula a me na hooponopono
o ka Papa Ola e ku nei e hoo-
mauia aku no ko lakou ku
a me ka mana a ku i ka
pono e like me ia mamua,
a hiki i ka wa e hoololiia
ai a i ole hoopauia e ka
Lunanui o ka Oihana
Ola o ka Lehulehu, a i ole
ma o kekahi kau kanawai
ana.

J E waiho aku ka Lunanui
o ka Oihana Ola o ka Lehu-
lehu i na inoa o eono mau
mea i ke Kiaaina ana i ma-
kemake ai e hookohuia i
Ohakuka o Eono Lala, a e
hooakoakoa na ahakuka la i
hookahi manawa iloko o
ekolu mahina a i ole i
kela a me keia manawa
ana i manao ai he pono.

6

E hana ka ahakuka me ka
uku ole a e lilo wale no
ia i aha ão, e kau no ke
koikoi maluna o ka Luna-
nui o ka Oihana Ola.

Ika manawa e lawelawe
aku ai ka Lunanui o ka
Oihana Ola o ka Lehulehu
i na mana, i na hana
a me na koikoi i pili i
ka Papa Ola e pau no ke ku
ana o na papa la, a ma
kela a me keia wahi e
ikeia ai na huaolelo Papa
Ola a o ko lakou like ana
paha maloko o na kana-
wai o Hawaii i hoopau
ole ia e keia kanawai a
ma keia na hoololiia na
mau kanawai la e helu-
heluia penei: Lunanui
o ka Oihana Ola o ka Lehu-
lehu a i ole o na huaolelo
i like me ia e like me
ka mea e maopopo ana
maloko o keia kanawai.

O na kanawai a me na
hapa o na kanawai i kulike
ole me na olelo mamua

(over)

ar nei ma kaia na hoopau-
ia.
IV. E mana kaia Kanawai
mai a mahopa aku o kona
hoolahaia ana.

SENATE BILL No. 95

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

Providing for the Licensing of Shoemakers doing Business in the Territory of Hawaii

Introduced Apl 15 1901,

By Senator Kahilina

ENDORSED BY

First Reading in Senate Apl 15, 1901

Second Reading in Senate " 24 "

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

4-29

The Legislature of the Territory of Hawaii

SENATE BILL NO. .....

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate .....

Referred to.....

Third Reading in Senate .....

First Reading in House.....

Second Reading in House .....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT.

PROVIDING FOR THE LICENSING OF SHOEMAKERS DOING BUSINESS IN THE TERRITORY OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII.

SECTION I. Every person conducting the business of shoemaking in the Territory of Hawaii shall pay an annual license fee of twenty-five dollars.

Sec. 2. Any person or persons who shall violate the provisions of this Act shall, upon conviction thereof, be liable to a penalty of not less than one dollar nor more than twenty-five dollars or to be imprisoned at hard labor for a term not to exceed two months.

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

Approved this day of A. D. 1901.

We do hereby certify that the foregoing bill duly passed its third reading in the Senate of the Territory of Hawaii this day of April, A.D., 1901.

President of the Senate.

Clerk of the Senate.

SENATE BILL No. 96

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To license persons buying, selling, or exchanging live animals

Introduced Apl 16 1901,
By Senator Kanuha

ENDORSED BY

First Reading in Senate Apl 16. 1901
Second Reading in Senate
Referred to
Third Reading in Senate

First Reading in House
Second Reading in House
Referred to
Third Reading in House

Passed Aug 8
No 0.

The Legislature of the Territory of Hawaii

SENATE BILL NO. 96

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT

TO LICENSE PERSONS BUYING, SELLING, OR EXCHANGING LIVE ANIMALS.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

SECTION 1. No person shall engage in the business of buying, selling, or exchanging live animals without having first obtained from the treasurer of the Territory of Hawaii a license so to do.

SEC. 2. Any person who shall engage in the business of buying, selling, or exchanging live animals without having first obtained such license shall be guilty of a misdemeanor, and, upon conviction, shall be fined a sum not exceeding fifty dollars.

SEC. 3. The annual fee for such license shall be fifty dollars for the district of Honolulu, and twenty five dollars for all other districts; and such license shall not be transferable.

SEC. 4. Upon granting such a license, the Treasurer shall exact from the licensee a bond in a penal sum not exceeding five hundred dollars, with good and sufficient surety, to be approved by the Treasurer, conditioned that such licensee will keep a full and accurate record concerning every animal which he may purchase, sell or exchange; that he will at all times during regular business hours keep such record open for the inspection of any person authorized by the Treasurer to examine the same; and that such record will contain;

1. The sex of the animal.

2. The brand or brands on the animal, if any, stating the position of such brand.

3. The principal color or colors of the animal.

4. The name of the person or persons from whom he obtained the animal.

5. The date when he received the animal.

6. The date when he disposed of the animal.

SEC. 5. Every licensee failing to keep such record shall be guilty of a misdemeanor, and, upon conviction, shall be fined a sum not exceeding fifty dollars.

SEC. 6. All offenses under this Act shall be heard and determined by the District Court of the district in which the offense is committed.

SEC. 7. This Act shall take effect from the date of its approval. ~~publication.~~

SENATE BILL No. 97

THE LEGISLATURE
OF THE
Territory of Hawaii.

An Act

To amend Act 25 of the Laws of 1898 Relating to and Concerning Vehicles, tires and Wheels; by adding a new Section to be Called Section 5, A.

Introduced Apl 16 1901,
By Senator White

ENDORSED BY

First Reading in Senate Apl 16, 1901
Second Reading in Senate " 20 1901
Referred to
Third Reading in Senate
First Reading in House
Second Reading in House
Referred to
Third Reading in House

4/24 Passed - ayes 11 Noes -

The Legislature of the Territory of Hawaii

SENATE BILL NO. 97

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

AN ACT TO AMEND ACT 25 OF THE LAWS OF 1898 RELATING TO AND CONCERNING VEHICLES, TIRES AND WHEELS BY ADDING A NEW SECTION TO BE CALLED SECTION 5 A.

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII.

Section 1. A new section is hereby added to be called Section 5 A to read as follows:

Section 5 A. The provisions of this Act shall not be enforced in the Districts where the roads or highways are unmacadamized.

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

He Kanawai e Hoololi ana i ke Kanawai 25 o na Kanawai o ka 1898 e pili ana no na Kaa, na Apohao a me na Huila, ma ka Pakui ana aku i Pauku Hou e kapaia Pauku 5 A.

E Hooholoia e ka Ahaolelo o ke Teritori o Hawaii.

Pauku 1. Ma keia ke pakuiia aku nei i Pauku hou, e kapaia Pauku 5 A e heluheluia ai penei:

Pauku 5 A. Aole loa e pili na hoakaka ana o keia Kanawai no na Apana kahi o na alanui, alahele a alaloa i halii a kipapa ole ia me na pohaku liilii.

Pauku 2. E manakeia Kanawai mai ka la o kona aponoia ana.

SENATE BILL No. 98

THE LEGISLATURE

OF THE

Territory of Hawaii.

An Act

To Quarantine
Live Animals

Introduced Apl 16 *1901,*

By Senator White

ENDORSED BY

First Reading in Senate Apl 16, 1901

Second Reading in Senate

Referred to

Third Reading in Senate

First Reading in House

Second Reading in House

Referred to

Third Reading in House

Ayes

The Legislature of the Territory of Hawaii

SENATE BILL NO. 98

Introduced.....day of.....1901, by Senator.....

First Reading in Senate.....

Second Reading in Senate.....

Referred to.....

Third Reading in Senate.....

First Reading in House.....

Second Reading in House.....

Referred to.....

Third Reading in House.....

AN ACT, ETC

A N A C T.

TO QUARANTINE LIVE ANIMALS:

Be it enacted by the Legislature of the Territory of Hawaii:

Section,1:- The Governor is h-ereby authorized and directed to estab-lish on each of the Islands of the Territory having Ports of Entry a quarantine station or stations for live animals.

Section,2:- The Governor shall nominate and by and with the advice and consent of the Senate appoint a competent person,who shall be a Veterinary Surgeon for each Port of Entry of the Territory who shall be designated"Inspector of Animals";and he may make such appointment when the Senate is not in session by granting a commission,which shall unless such appointment is confirmed expire at the end of the next session of the Senate. He may by and with the advice and consent of the Senate remove from office any such Inspector. Each Inspector shall hold office for two years and until his successor is appointed and qualified, unless sooner removed and shall be paid such salary as the Legislature may appropriate.

Section,3:-
The Inspectors when acting under the provisions of this Act, shall po-ssess so far as the same may be applicable and consistant with the laws of the United States all the powers rights, priveleges,indemnities and immunities possessed by officers of Customs and Health officers under any law for the time being in force.

Section,4:-
The Inspectors shall cause the various quarantine stations to be kept clean and properly fitted for use.

Section,5:-
The Master of any vessel on which there shall have been shipped live animals, for any port in this T-erritory,shall immediately upon arrival make a declaration in the form setforth in schedule "A" hereto, and shall deliver the same to the officer of Customs in charge of said vessel; and said officer shall immediately forward such declaration; and in the event of the refusal of the said Master to sign any declaration, notify the fact of said refusal by the said Master to the Inspector and said Master shall not permit , the animals nor any portion of the feed or water, nor the effects connected therewith or provided for their use during the voyage to be landed without the permission of the Inspector.

Section, 6:-
No live animals nor any portion of the food or water nor any effects connected therewith or provided for their use during the voyage shall be landed within the Territory until the same shall have been examined by the Inspector, and permission granted by him for the landing thereof, which permit the owner or consignee shall exhibit when required by the Inspector or any officer or member of the police force of the Territory; and all food and effects connected with live animals or provided for their use during the voyage shall previous to being landed be disinfected as the Inspector shall direct.

Section, 7:-
Any live animales liable to be effected shall be removed to a quarantine station where they shall remain in quarantine for a period of not less than fourteen days, and if on the expiration of said period such animal-s shall be found to be clean the Inspector shall give to the owner or consigneee a certificate in the form of Schedule "B" hereto.

Section, 8:-
If any live animals on arrival, or within a month there after shall be found on e-xamination by the Inspector to be infected, with a disease or distemper of a nature dangerous to the live animals of the Territory he shall immediately report

said fact to the Health officer or Health-board of the district in which his port is situate, and if said officer of board shall decide that such live animals are ~~infected~~ so infected the Inspector shall serve the owner or consignee with a notice in the form of Schedule "C" hereto, by causing the same to be delivered or left at his usual place of business or abode, wherein and whereby he shall direct said owner or consignee to destroy within forty eight hours from the time of the receipt of said notice, the said infected animals, together with everything whatsoever connected with said animals, which in the judgment of the Inspector may be infected or likely to be infected.

Section,9:-
.In case the owner or consignee of said live animals shall fail to comply with or carry out any order or direction of the Inspector in execution of the power confered upon him by this Act,the Inspector shall take all necessary action at the expense of such owner or consignee of said animals and shall recover the same with his costs from such owner or consignee in a summary way before the District Court of the District in which his Port of Entry is situate.

Section,10:-
All live animals except such birds and small animals as shall be especially exempted by the Inspector, shall be subjected on arrival in this Territory from any port outside of this Territory to be quarantined at the expense of the owner or consignee thereof, and for such period as shall be deemed necessary by the Inspector on account of the pre-sence of any contageous disease or distemper, or because the port or country whence such animals are brought is affected with such disease or distemper, or for any other good or sufficient reason having reference to the public good.

Section,11:-
The Governor, notwithstanding anything in this Act contained, may from time to time by proclamation declaraing any port or country to be infected,absolutely prohibiting the introduction into this Territory of any animals there from until the restriction be removed.

Section,12:-
All live animals, their food fittings or effects landed contrary to the provisions of this Act,or taken or removed from quarantine until duly discharged, shall be forfeited to the Territory,and all animals brought into such quarantine grounds, or placed with any animals in quarantine shall be likewise forfeited to the Territory.

Se ction,13:-
It shall be the duty of every person to report immediately to the nearest Inspector any animals on or about his own premises or the premises of another, which he shall have reason to believe to be affected with any infectious disease or distemper, and said Inspector shall have the power to enter upon such premises and to cause such animal to be placed in quarantine for such time as said Inspector may deem necessary, and shall have the power with the approval of the Health-officer or board as provided in this Act to cause such animal to be destroyed.

Section,14:-
All live animals passing between the different Islands of this Territory, shall be subject to the provisions of this Act.

Section,15:-
If any person land or order to be landed or assist in landing, or knowingly receive, purchase or sell any live animals landed contrary to provisions of this Act; or shall refuse to allow the Inspector to enter on any vessel or premises,or hinder or impede, or attempt to hinder or impede him in the execution of his duty,or shall not when required by him give him full information with respect to any animals and all

effectsand other things whatsoever connected therewith,or shall not when required destroy the same within the time fixed in this Act, or shall knowingly and willfully violate any of the provisions of this Act or assist in so doing, or shall purchase take and carry away, receive or harber any animals,fodder,effect or fittings connected therewith, before the same shall have been discharged by the Inspecting officer, or shall knowingly and willfully have in his possession any of the same, or shall in any way fail to comply with the provisions of this Act, then every such person shall be guilty of a misdemeanor and shall be liable upon conviction to imprisonment at hard labor for a periof of not exceeding three months,or to a fine not exceeding two hundred and fifty dollars or both; and all such offenses shall be heard and determined in a summary manner by any District Court of the Territory.

Section,16:-
In all questions arising under this Act, the certificate and notice of the Inspector, shall in every case for the purposes of this Act be prima facie evidence of the matter contained in said certificate or notice.

Section,17:-
The Inspectors shall keep a regular record of their

doings, including a record of their receipts and expenditures and report the same quarterly to the Governor, who shall lay the same before the Legislature.

Section,18:- All reasonable expenses incurred in placing any infected animals in quarantine, and feeding and carrying for the same, including medical treatment,while in quarantine,shall be paid by the owner or consignee of such animals.

Section,19:- Any Inspector appointed under this Act may sue in his own name; any owner or consignee who shall refuse or neglect to pay any charge provided for in this Act; or, may in his discretion hold any clean animal for which said charge has not been paid and after demand therefor, may u pon five days public notice sell the same at public au-ction; from the pro-ceeds of such sale the Inspector shall retain a sufficient amount to cover such charge and all expenses incurred,and pay the balance over to the owner or consignee of the animal thus sold.

Section,20;- The penalties imposed under this Act,after the deduction of the expenses incurred in their recovery shall be paid to the Tresurer of the Territory to be disposed of as the Legislature shall provide.

Section, 21:-
The Inspector shall from time to time make and publish such rules and regulations as shall be necessary for the more efficient carrying into effect the provisions of this Act; but, the same shall be first approved by the Governor, and

~~Section, 22:-~~ And shall have the force and effect of law unless amended or repealed by the Legislature.

Section, 22:-
All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Section 23:-
This Act shall take effect on and after the date of its publication.

S C H E D U L E S.

S C H E D U L E."A"

ACT TO QUARANTINE LIVE ANIMALS.

Form of Declaration of master of vessel

No of Animals shipped	Wherefrom	Deaths during voyage	cause of death	Date of out break of disease	Last death

I MASTER, do hereby solemnly declare that the above statement, with regard to the animals shipped on board the vessel Consigned to Is true. And, I moreover solemnly declare that no animals, food, fittings or effects ~~or effects~~ are now onfected or likely to be infected.

Dated

_____
Master.

Sworn to before me this Day

of A . D. 19 :

S C H E D U L E "B"

I The undersigned Inspector of Live Animals do hereby certify, that the live animals which arrived on board the vessel Consigned to and which are more particularly specified in the Schedule have remained in quarantine for a period of more than days, and that such animals are clean and may be removed.

No	Description	Brands or Marks	Wherefrom, by what ship and date of arrival	Destination

dated

Inspector

SCHEDULE "C"

To _____

The Commissioners of Health or Board of Health, decided that the Live Animals, namely:

which arrived on board the vessel

and

Consigned to

which are more particularly described in the Schedule below, are infected and I give you notice to destroy such animals within forty eight hours from the date of the receipt of this notice, under penalty of law.

No	Description	Brands or marks	Wherefrom by what ship and date of arrival	Destination

Dated.

_____ Inspector

Senate Bill # 98

He Kanawai
E Hoomalu ana i na Holoholona
Ola.

E hooholoia e ka Ahaolelo o ka
Panalaau o Hawaii.

Pauku 1. Ma keia ke haawi ia nei ka
mana a ke kauohaia nei ke
Kiaaina e kukulu maluna o na
Mokupuni a pau o ka Panalaau
i loaa na Awa Kumoku i ae ia no
na aina e i wahi a mau wahi
hoomalu no na holoholona ola.
Pauku 2. E waiho aku ke Kiaaina
a ma ke ao a me ke apono ana o ka
Aha Senate e hookohu i kekahi
kanaka kupono, he Kauka nae
no na Holoholona, no kela a me
keia Awa Kumoku o ka Panalaau i ae ia no na
aina e, a e ike ia hoi malalo o ka
inoa "Luna nana o na Holoholona";
a e hana no oia ia hookohu
ina aole e noho ana ka Aha
Senate ma o ka haawi ana i
komikina; e pau ia ~~mau~~ hookohu
ana, koe wale no ina e apono hou

ia ma ka manawa e pau ai o
ka noho ana o ka Aha Senate hou. E
hiki hoi iaia me ke ao a apono pu
ana a ka Aha Senate e hoopau a
i kekahi oia Lunanana. E paa kei
a me keia Lunanana i kana oihana
no elua makahiki a hiki i ka
hookohu a apono ia ana o kona
hope, koe wale no ina e hoopau
mua ia ana, a e haawi ia no
hoi ka uku e like ka mea a ka
Aha oleto i hookaawale ai.
Pauku 3. Na Lunanana i ka wa
e hoohana ana malalo o na kuhi-
kuhi o keia Kanawai, e loaa no
e like me ka hiki ma ke ano kupono
a kue ole i na kanawai o Amerika
Hiipuia, na mana, pono, kuleana
~~ka~~ lanakila a me palekana i loaa
i na luna o ka oihana Dute, a me na
luna o ka Papa Ola malalo o ke kekahi
kanawai oiai ia e mana ana.
Pauku 4. E kanoha na Lunanana
e malama ia me ka maemae na
wahi hoomalu a pau a e hoopono-
pono ia hoi no ka hoohana ana.
Pauku 5. O ke Kapena o kekahi

moku i hoouna ia mai ai o na
holoholona ola, no kekahi o na awa
kumoku oloko o keia Panalaau,
mahope koke iho o kona hookomo ana
e hana i palapala hoike, ma ke ano
o ka papa kuhikuhi "A" i hoike ia
ma keia, a e haawi aku ia mea
i ka Luna Dute i mana ia moku
i oleloia; a e hoouna koke aku ka
luna oihana i oleloia i ua palapala
hoike la; a i ka wa e hoole ai ua
Kapena nei i oleloia i ke kakau
i kekahi palapala hoike, e hoike aku
i ka oiaio oia hoole i oleloia e ke
Kapena i oleloia i ka Lunanana, a
aole ua Kapena nei i oleloia e ae
i na holoholona a aole hoi kekahi mahele
o ka mea ai a wai paha, a aole hoi
kekahi mau lako e pili ana i na
holoholona a i hookaawale ia paha
no ko lakou pono ma ka huakai
moana e hoolele ia iluna o ka aina
me ka loaa ole o ka ae mai ka
Lunanana aku,

Panku 6. Aole mau holoholona ola, aole
hoi kekahi mahele o ka mea ai a wai
paha, a aole hoi kekahi mau lako e pili

ana i na holoholona a i hookaawale ia
no ko lakou mau pono ma ka huakai
moana e hoolele ia ma ka aina iloko
o keia Panalaau a hiki i ka nana
pono ia ana oia mau mea e ka
Lunanana, a e haawiia ka palapala ae e ia
no ka hoolele ana ma ka aina, e
hoike no ka ona a akena paha i na
palapala ae ~~la~~ ala i ka wa e makemakeia
ia e ka Lunanana a i ole o kekahi luna
oihana a hoa paha o ka oihana
makai o ka Panalaau; a o na mea
ai a pau a me na lako oia mau
holoholona ola a i hookaawale ia paha
no ko lakou pono ma ka huakai
moana manua o ka hooleleia ana
ma ka aina e hoomaemae ia e like
me ke kuhikuhi a ka Lunanana.

Pauku 7. Ina i loaa kekahi o na
holoholona i ka mai, e lawe kokeia
no kahi hoomalu a ma ia wahi e
hoomalu ia ai no ka manawa aole
e emi malalo o umikumamaha la,
a ina i ka pau ana o ka manawa
i olelo ia, e ike ia ua maemae ua mau holoholona la
e haawi aku ka Lunanana i ka ona a akena
paha i palapala hooiaio ma ke ano

o ka papa kuhikuhi "B" i hoikeia ma keia.

B [Pauku 8. Ina o kekahi o na holoholona ma ke ku ana mai, a i ole iloko o hookahi malina mahope iho e loaa aku ma ka mana ia ana e ka Lunanana ua loaa i kekahi mai-lele a i ole o kekahi mai hoopilikia i na holoholona ola o ka Panalaau, e hoike koke aku oia i ka hoike oiaio i ka Lunaoihana o ka Papa Ola a Papa Ola paha o ka apana o kona awa kumoku, a ina e hooholo ka luna o ka papa i oleloia ua loaa io no ua mau holoholona la i ka mai, e hoouna aku ka Lunanana i ka ona a akena paha me kekahi hoike e like me ka papa kuhikuhi "C" i hoikeia ma keia, me ka hoao ana e haawiia a i ole e waiho ia ua hoike la ma kona wahi hana maa mau a wahi noho paha, a maloko olaila e kuhikuhi aku oia i ka ona a akena paha i oleloia, e hoopoino iloko o kanaha-kumamawalu hora mai ka manawa i loaa aku ai ka hoike i oleloia i na

holoholona i loaa i ka mai, me na laka pu hoi a pau i pili ia mau holoholona, i manao ia e ka Lunahana ua pili ka mai a i ole paha e pili ia aku ana e ka mai.

Pauku 9. I ka manawa a ka ona a akena paha e hookoloi a hoohana paha i kekahi kanaka a kuhikuhi paha a ka Lunahana, oiai e hooko ana i ka mana i kaawiia iaia e ke Akua Kanawai, e lawe ka Lunahana i ka hooko ana ma na ano a pau malalo o ka lilo ia ona a akena paha o na holoholona i olelo ia ai e hoihoi ia mai io ia mea me kona mau koina mai ia ona a akena paha ma o ka hoopii ana imua o ka aha Apana o ka Apana o Koa awa Kumoku.

Pauku 10. O na holoholona ola a pau koe aku mauu a me na holoholona liilii i hookuu ia e ka Lunahana, e pau malalo o ka hoomaluia ana ka hiki ana mai iloko o Keia Panalaau mai kekahi awa Kumoku mai mawaho aku o Keia Panalaau malalo o ka

lilo o ka ona a apena paha ia mau mea, a no ka manawa e like me ka manao o ka Lunakanawai ua lawa mamuli o ka loaa ana i ka mailele a mai hoopilikia paha, ai ole o ke awa Kumoku a aina paha i lawe ia mai ai ia mau holoholona a pahola ia me ka mailele a mai hoopilikia paha, a i ole no kekahi kumu kupono e ae e pili ana i ka pomaikai o ka lehulehu.

Pauku 11. Ke kiaaina, ma kona mea i kono iloko o keia Kanawai, e kukala no ia mai kahi wa a i kahi wa ma ka hoolaha ana ma kaumia i ka mailele kekahi awakumoku a aina paha, a papa loa aku ana i ka lawe ia ana mai o kekahi mau holoholona mai laila mai a hiki i ka hoopau ia ana o ka hoomalu

Pauku 12. O na holoholona a pau, na lako ai a pono e ae paha e hoolele ia ana i ka aina me ke kue ana i na pauku o keia Kanawai, a i ole lawe a hoonee pau mai kahi hoomalu mai me ka hookuu

oleia, e lawe ia no ia pono e ka Panalaau, a o na holoholona a pau i lawe ia maloko ia mau wahi hoo-malu, a i ole hookomopu ia me kekahi mau holoholona iloko o ka hoomalu e lawe pu ia no e ka Panalaau.

Pauku 13. O ke kuleana ia o kela a me keia mea e hoike koke aku i ka Lunanana pili kokoke i kekahi mau hohoholona maloko a ma kekahi o kona pa noho ponoi a ma kekahi pa noho paha o kekahi mea okoa aku, ina ua loaa ke kumu kupono e manao ai ua loohia ia me kekahi mai lele a mai hoopilikia paha, a e loaa ka mana i ua Lunanana la i oleloia e komo iloko o ua ~~mau~~ pa noho la, a e lawe e hoopaa ma ka hoomalu no ka manawa e like me ka manao o ka Lunanana i oleloia he kupono, a e loaa hoi ka mana me ke aponoia e ka luna oihana o ka Papa Ola a papa paha e like me ka mea i hoakakaia maloko o keia Stanawai e hoopoino ia ua holoholona la.

Pauku 14. O na holoholona ola

a pau e lawe hele ia ana ma na
mokupuni like ole o Keia Panalaau,
e pau no malalo o na hoakaka a
Keia Kanawai.

Pauku 5. Ina kekahi mea e
hoolele, a i ole kauoha e hoolele mai,
a i ole koku ma ka hoolele ana
ma ka aina, a i ole lawe mai me ka
ike no, puai mai a i ole hoolilo aku
i kekahi mau holoholona ola i hoolele
ia ma ka aina e kue ana i na
hoakaka ana a Keia Kanawai;
a i ole e hoolele i ka ae ana i ka
Luna nana e kau maluna o kekahi
moku a pa no ho paha, a i ole
akeakea a hoopilikia paha, a i ole
hoao e akeakea a hoopilikia paha
iaia oia oia e hooko ana i kana
hana; a i ole i ka wa e noi ia
aku ai e ia ole e haawi mai iaia
i ka hoakaka piha e pili ana i
kekahi mau holoholona a me na pono
a pau a mau mea e ae paha e pili
ana ia mau holoholona, a i ole i
ka wa e Kauoha ia ai ole e hoopuni
ia mau mea iloko o ka mauawa i
hoakaka ia maloko o Keia Kanawai,

a i ole, me ka ike no a paakiki e
hakihaki i kekahi o na hoakaka o keia
Stanawai, a i ole kokua e hana ia
hana, a i ole e kuai aku, a lawe aku
i kahi e, lawe mai a huna i kekahi
mau holoholona, ai a ka lio, a mau pono
e ae e pili ana ia mau holoholona, mamua
o ka hookuu akea ia ana oia
mau mea, e ka Lunanana, a i ole
me ka ike no a paakiki e malama
ma kona mau kekahi oia mau
mea, a i ole ua haule ka hooko ana
ma na ano a pau me na hoakaka o keia
Stanawai, alaila oia poe a pau loa
e pili no ka hewa mikamina a i
ka e hoahewa ia ai e hoopaahao ia no
ma ka hana oolea no ka manawa
aole e oi aku mamua o ekolu mahina,
a i ole ma ka hoopai aole e oi aku
mamua o elua haneri a me kanalima
dala, a i ole laua elua; a oia mau
hewa a pau loa e hoolohe a e noonoo
ia no ma ke ano hakalia ole e kekahi
Aha Hookolokolo o ka Panalaau.

Pauku 16. Maloko o na ninau
a pau e ala mai ana malalo o keia
Stanawai, o ka palapala hooiaio a

me hoike a ka Lunanana, ma na hihia a pau loa no na hana o keia Kanawai e lilo i hoike oiaio na mea iloko o ka palapala hooiaio a hoike i oleloia.

Pauku 17. E malama na Lunanana he moohelu mau o ka lakou mau hana, e komo pu ana hoi ka moohelu o na loaa a me na hoolilo a e hoike aku ia mea i ke Niaaina ma na hapaha makahiki a pau, a nana hoi e waiho aku imua o ka Ahaolelo.

Pauku 18. O na hoolilo a pau i ala ae ma ka hoomalu ana i na holoholona i loaa i ka mai, a me ka hanai a malama ana ia lakou, i huipuia me ka lapaau ana, oiai maloko o ka hoomalu, e hookaa ia no e ka ona a akena paha oia mau holoholona.

Pauku 19. E hiki no i kekahi Lunanana i hookohuia malalo o keia Kanawai ke hoopii ma kona inoa ponoi iho; o kekahi ona a akena paha e hoole ana a hoohema-hema paha i ka uku ana i kekahi auhau

i hookaawaleia maloko o keia Kanawai; a i ole, ma kona manao iho paha e paa i kekahi holoholona maemae i hookaa oleia nae ka auhau a mahope o ke koi ia ana aku oia mea, iloko o elima la ma ka hoolaha akea ana e kuai aku ia mea ma ke kudala akea; mai na loaa mai oia kuai ana e paa ka Lunanana he heluna e lawa ai no ka hookaa ana i ka auhau a me na ~~lilo~~ hoolilo i ala ae, a e uku aku i ke koena i ka ona a akena paha o ka holoholona i kuai ia.

Pauku 20. O na hoopai i kau ia malalo o keia Kanawai, mahope o ka lawe ana i na hoolilo i ala ae, ma ka loaa ana mai e hookaa ia aku no i ka Puuku o ka Panalaau no ka hoolilo ana aku e like me ka ka Ahaolelo e hana ai.

Pauku 21. Ka Lunanana, mai kela manawa a i keia manawa, e hana a hoolaha aku i mau rula i kupono no ka hooi ana aku i mea holopono ai ka hookoana i na hoakaka

o keia Kanawai, aka, e apono
mua ia ia mau mea e ke Kiaaina
ai e loaa hoi ka ukaika a me
ka mana o ke Kanawai keia ole
e hoololi a hoopau ia paha e ka
Ahaolelo.

Pauku 22. O na Kanawai a pau
a me na kauoha o na Kanawai i
kue i keia Kanawai, ma keia
ke hoopau loa ia nei.

Pauku 23. E mana keia
Kanawai mai a mahope aku o
kona hoolaha ia ana.

14.

Na Papa Kuhikuhi

Papa Kuhikuhi "A"
Kanawai e Hoomalu ana i na Holoholona Ola,

Papa Hoike a ke Kapena Moku.

Halu o na Holoholona i hookau ia ma ka moku	Kahi i lawe ia mai ai	Ma make ma ka ~~ma~~ makai moana	Ke kumu o ka make ana	Ka la i puka ai o ka mai	Ka make hope loa

This section is not in the proof.

Owau o, _____ Kapena, ma kea ke hoike aku nei au me ka haahaa o ka hoike maluna ae, e pili ana i na holoholona i hookau ia maluna o ka moku _____ i hoouna ia ia _____ he oiaio. A, ke hoike hou aku nei au me ka haahaa aole kekahi o na holoholona, mea ai, na lako a mau pono i haumia i ka

16

mai a e haumia aku ana paha.

La _____

Kapena.

Hoohiki ia imua ou
ma keia la _____
o _____ M. H. 19—:

16.

Papa Kuhikuhi "93."

Owau o _____ ka Lunanana malalo iho o na Holoholona Ola ma keia ke hooia aku nei, o na holoholona i hiki mai maluna o ka moku _____ _____ i hoouna ia mai ia _____ _____ a i hoakaka piha ia hoi ma ka Papa Kuhikuhi ua paa ma ka hoomalu ia no ka manawa i oi aku mamua o _____ la, a oia mau holoholona ua maemae a he hiki ke lawe ia.

Helu	Hoakaka	~~Na~~ Kuni a ~~mau~~ Maka paha	Nahi mai, ma ka moku hea a moku la i ku mai ai.	awa kumoku.

La

Lunanana

17

Papa Kuhikuhi "C."

Ia

Ua hooholo na Komisina o ka Papa Ola o na holoholona ola, penei:

i hiki mai maluna o ka moku
i hoouna ia mai ia
a i hoakaka piha ia ma ka Papa Kuhikuhi malalo iho, ua loaa i ka mai, a ke kauoha aku nei au ia oe e hoopoino ia mau holoholona iloko o kanaha-kumamaw-alu hora mai ka la e loaa aku ai ia oe keia kauoha, malalo o ka hoopai ana a ke kanawai.

Helu	Hoakaka	Kuni a maka paha	Kahi mai, ma ka moku hea a me ka la i ka mai ai.	Awa Kumoku

La

Sunanana.

STATE OF HAWAII
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2	1901 " " " " (50th Day, 4/22/01)
3	1901 REGULAR SESSION, SENATE, SENATE BILL #29
4	1901 " " " " " #61
5	1901 " " " " " #65
6	1901 " " " " " #88
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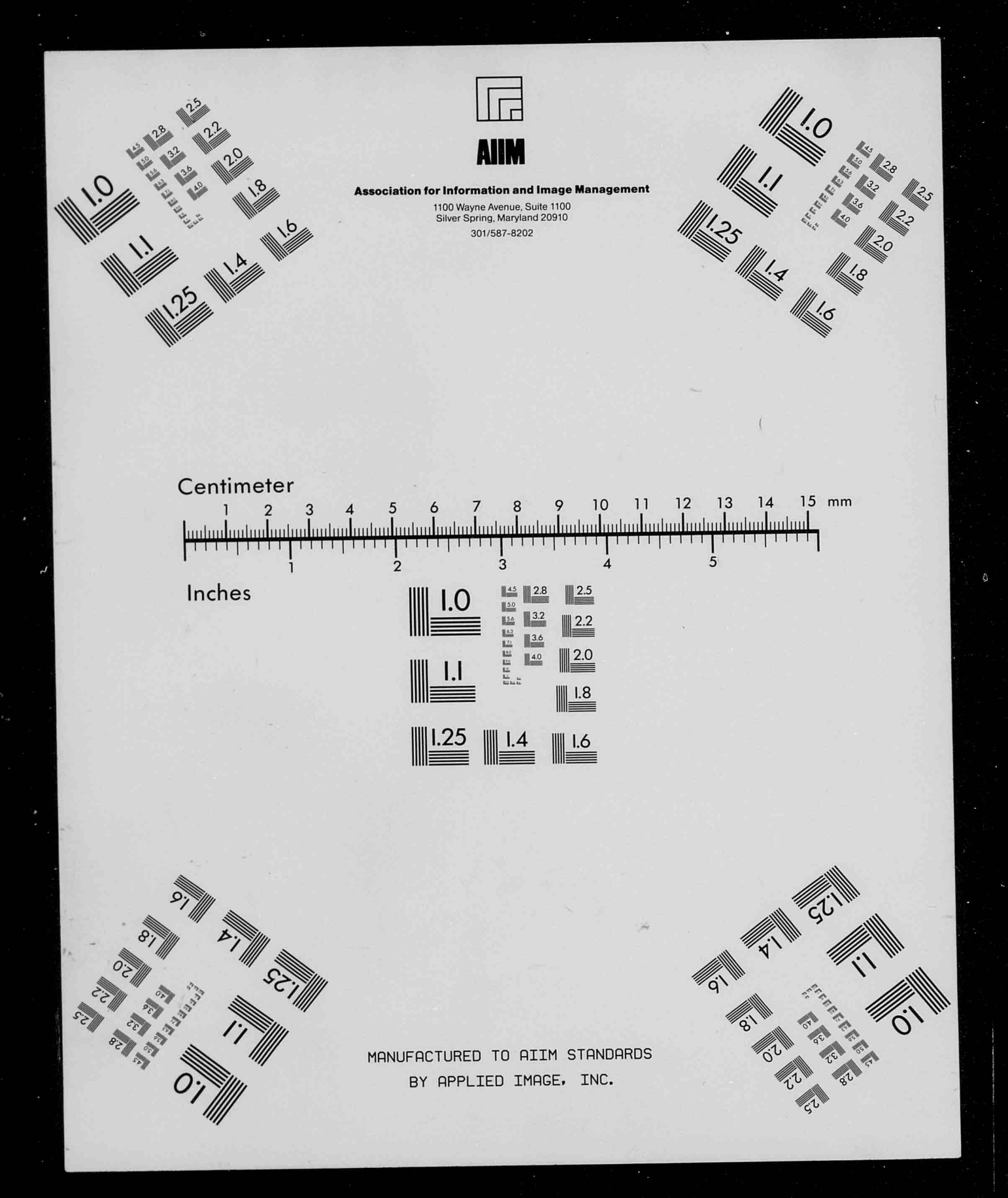
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