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I, DR. ADAM JANSEN, State Archivist of the Public Archives of the State of Hawai'i, do hereby certify that the attached document is a true and correct copy of Translation of the Constitution and Laws of the Hawaiian Islands, Established in the Reign of Kamehameha III. (100 of 200 pages), from Hawai'i State Archives, Paul Markham Kahn Collection [Call No. Kahn 22/14] Department of Accounting and General Services [1 of 2 parts]

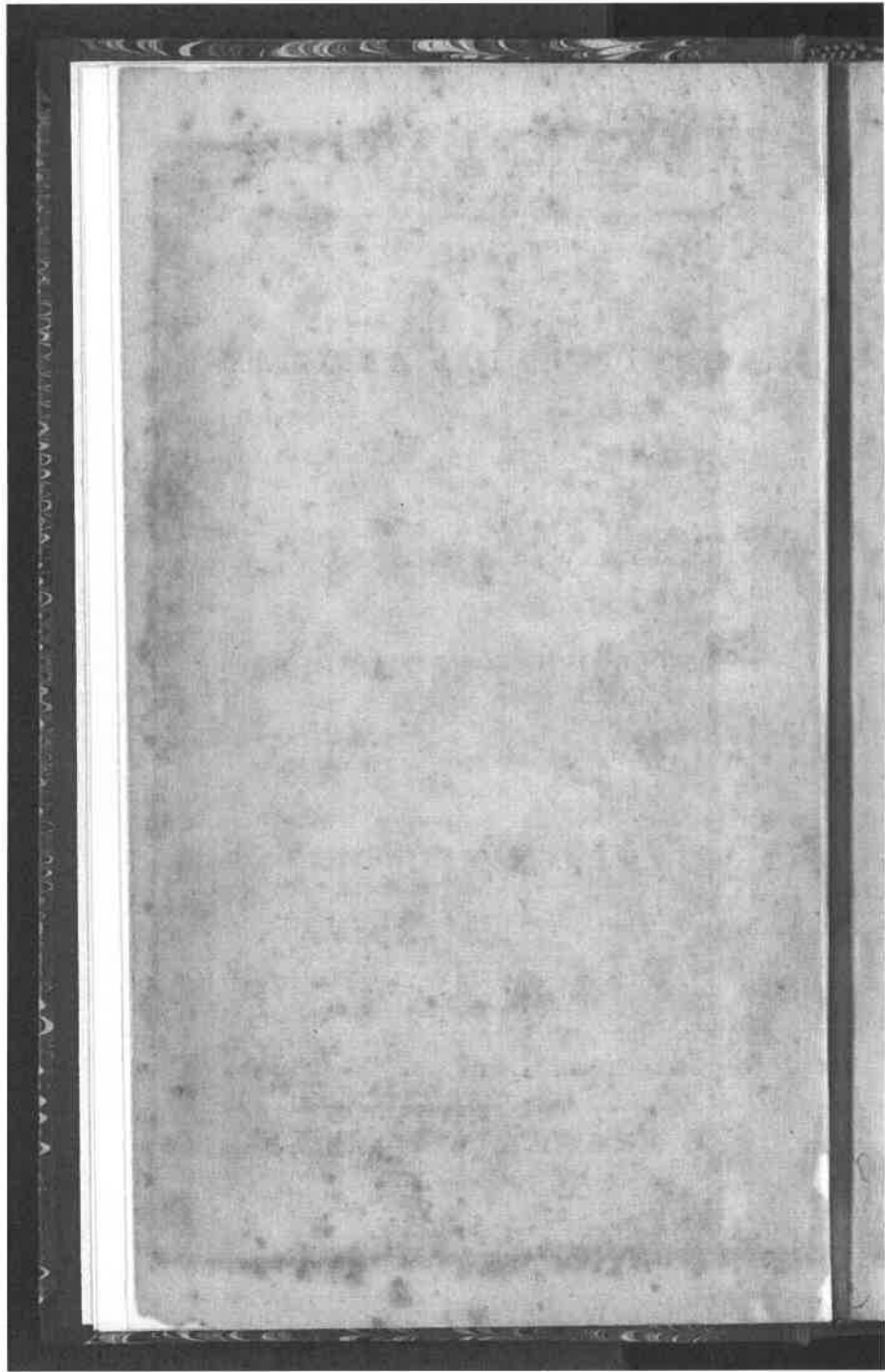
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Witness my hand and seal this 21<sup>st</sup> day of October, 2022 at Honolulu, State of Hawai'i.

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ADAM JANSEN, Ph.D.  
STATE ARCHIVIST

**TRANSLATION**  
OF THE  
**CONSTITUTION AND LAWS**  
OF THE  
HAWAIIAN ISLANDS,  
ESTABLISHED IN THE REIGN  
OF  
**KAMEHAMEHA III.**

—◆—  
**LAHAINALUNA.**  
1842.



## PREFACE.

The following is a translation of the constitution of the Hawaiian Government, and of all the laws which have been enacted or revised since its adoption so far as they are known to the translator. The translation is not designed to be a perfectly literal one, but where ever there is a variation from the letter of the original it is always made with the design of giving the sense more clearly. For these variations the translator is responsible. The original will of course be the basis of all judicial proceedings.

The foreign reader may be interested to know something of the history of these laws. A particular account of the origin of that part which relates to taxation, and indeed most of the civil code, may be found in the Hawaiian Spectator Vol. II Page 345.

The laws as they now appear are most of them of quite recent date. Some of them were enacted as far back as 1833, and others had their origin as early as 1823.

But all the laws which were enacted previous to the former period, and some of a later period have undergone such modifications and changes, that they now appear with a date much later than the original.

At these Islands as well as in more civilized countries there is some thing like a system of common law, independant of special statutes. It consists partly in their ancient taboos, and partly in the practices of the celebrated chiefs as the history of them has been handed down by tradition, and at the present period the principles of the Bible are fully adopted. The established customs of civilized Nations have also in most cases the

force of law in these Islands provided that custom is known.

This little volume therefore must not be considered as containing the whole system of Hawaiian law, although it contains most of the printed statutes.

Some of the laws contained in this volume were first proposed by foreign visitors and commanders of vessels of war, some were proposed by foreign residents, some by foreign consuls, and one or two were written by them; but not so with by far the greatest proportion. In some cases, as for example the Harbor laws, several individuals were called on to make a draft of a law on the same subject and then the chiefs adopted that which they considered the best, making such corrections by the others, or by their own suggestions as they saw best.

Several of the original laws were written by David Malo; Some by John Ii; nearly all the laws on the subject of taxation were written by Boaz Mahune and the first drafts of some were made by Timothy Keaweiki, Daniel Ii, and others.

But nearly all have been materially modified by the House of Nobles and House of Representatives at their annual council. They were repeatedly read and discussed, referred to committees or altered by the suggestion of individuals, according to the will of the council. Almost every law however before it received the signature of the King and Premier was unanimously approved by both houses of the Legislature, and there is not a law in the book which was finally *disapproved* by a single individual of the Council.

TRANSLATOR,

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CONSTITUTION, LAWS &c.



DECLARATION OF RIGHTS, BOTH OF THE PEOPLE AND CHIEFS,

"God hath made of one blood all nations of men to dwell on the earth," in unity and blessedness. God has also bestowed certain rights alike on all men and all chiefs, and all people of all lands.

These are some of the rights which He has given alike to every man and every chief of correct deportment; life, limb, liberty, freedom from oppression; the earnings of his hands and the productions of his mind, not however to those who act in violation of the laws.

God has also established government, and rule, for the purpose of peace; but in making laws for the nation it is by no means proper to enact laws for the protection of the rulers only, without also providing protection for their subjects; neither is it proper to enact laws to enrich the chiefs only, without regard to enriching their subjects also, and hereafter there shall by no means be any laws enacted which are at variance with what is above expressed, neither shall any tax be assessed, nor any service or labor required of any man, in a manner which is at variance with the above sentiments.

PROTECTION FOR THE PEOPLE DECLARED.

The above sentiments are hereby published for the purpose of protecting alike, both the people and the

chiefs of all these islands, while they maintain a correct deportment; that no chief may be able to oppress any subject, but that chiefs and people may enjoy the same protection, under one and the same law.

Protection is hereby secured to the persons of all the people, together with their lands, their building lots, and all their property, while they conform to the laws of the kingdom, and nothing whatever shall be taken from any individual except by express provision of the laws. What ever chief shall act perseveringly in violation of this constitution, shall no longer remain a chief of the Hawaiian Islands, and the same shall be true of the Governors, officers, and all land agents.

But if any one who is deposed should change his course, and regulate his conduct by law, it shall then be in the power of the chiefs to reinstate him in the place he occupied previous to his being deposed.

#### CONSTITUTION.

It is our design to regulate our kingdom according to the above principles and thus seek the greatest prosperity both of all the chiefs and all the people of these Hawaiian Islands. But we are aware that we cannot ourselves alone accomplish such an object—God must be our aid, for it is His province alone to give perfect protection and prosperity.—Wherefore we first present our supplication to HIM, that he will guide us to right measures and sustain us in our work.

It is therefore our fixed decree,

I. That no law shall be enacted which is at variance with the word of the Lord Jehovah, or at variance with the general spirit of His word. All laws of the Islands shall be in consistency with the general spirit of God's law.

II. All men of every religion shall be protected in worshipping Jehovah, and serving Him, according to their own understanding, but no man shall ever be punished for neglect of God unless he injures his neighbor, or bring evil on the kingdom.

III. The law shall give redress to every man who is injured by another without a fault of his own, and shall protect all men while they conduct properly, and shall punish all men who commit crime against the kingdom or against individuals, and no unequal law shall be passed for the benefit of one to the injury of another.

IV. No man shall be punished unless his crime be first made manifest, neither shall he be punished unless he be first brought to trial in the presence of his accusers, and they have met face to face, and the trial having been conducted according to law, and the crime made manifest in their presence, then punishment may be inflicted.

V. No man or chief shall be permitted to sit as judge or act on a jury to try his particular friend (or enemy), or one who is especially connected with him. Wherefore if any man be condemned or acquitted, and it shall afterwards be made to appear, that some one who tried him acted with partiality for the purpose of favoring his friend (or injuring his enemy,) or for the purpose of enriching himself, then there shall be a new trial allowed before those who are impartial.

EXPOSITION OF THE PRINCIPLES ON WHICH THE  
PRESENT DYNASTY IS FOUNDED.

The origin of the present government, and system of polity, is as follows. KAMEHAMEHA I, was the foun-

der of the kingdom, and to him belonged all the land from one end of the Islands to the other, though it was not his own private property. It belonged to the chiefs and people in common, of whom Kamehameha I. was the head, and had the management of the landed property. Wherefore, there was not formerly, and is not now any person who could or can convey away the smallest portion of land without the consent of the one who had, or has the direction of the kingdom.

These are the persons who have had the direction of it from that time down, Kamehameha II, Kaahumanu I, and at the present time Kamehameha III. These persons have had the direction of the kingdom down to the present time, and all documents written by them, and no others are the documents of the kingdom.

The kingdom is permanently confirmed to Kamehameha III, and his heirs, and his heir shall be the person whom he and the chiefs shall appoint, during his life time, but should there be no appointment, then the decision shall rest with the chiefs and house of Representatives.

#### PREROGATIVES OF THE KING.

The prerogatives of the King are as follows: He is the sovereign of all the people and all the chiefs. The kingdom is his. He shall have the direction of the army and all the implements of war of the kingdom. He also shall have the direction of the government property--the poll tax--the land tax--the three days monthly labor, though in conformity to the laws. He also shall retain his own private lands, and lands for-

feited for the nonpayment of taxes shall revert to him.

He shall be the chief judge of the Supreme Court, and it shall be his duty to execute the laws of the land, also all decrees and treaties with other countries, all however in accordance with the laws.

It shall also be his prerogative to form treaties with the rulers of all other kingdoms, also to receive ministers sent by other countries, and he shall have power to confirm agreements with them.

He shall also have power to make war in time of emergency, when the chiefs cannot be assembled, and he shall be the commander in chief. He shall also have power to transact all important business of the kingdom which is not by law assigned to others.

#### RESPECTING THE PREMIER OF THE KINGDOM.

It shall be the duty of the King to appoint some chief of rank and ability, to be his particular minister, whose title shall be *Premier of the Kingdom*. His office and business shall be the same as that of Kaahumanu I, and Kaahumanu II. For even in the time of Kamehameha I, life and death, condemnation and acquittal were in the hands of Kaahumanu. When Kamehameha I, died, his will was, "The Kingdom is Liholiho's, and Kaahumanu is his Minister." That important feature of the government, originated by Kamehameha I, shall be perpetuated in these Hawaiian Islands, but shall always be in subserviency to the law.

The following are the duties of the Premier. All business connected with the special interests of the kingdom, which the King wishes to transact, shall be

done by the Premier under the authority of the king. All documents and business of the kingdom executed by the Premier, shall be considered as executed by the King's authority. All government property shall be reported to him (or her) and he (or she) shall make it over to the King.

The Premier shall be the King's special counsellor in the great business of the kingdom.

The King shall not act without the knowledge of the Premier, nor shall the Premier act without the knowledge of the King, and the veto of the King on the acts of the Premier shall arrest the business. All important business of the kingdom which the King chooses to transact in person, he may do it but not without the approbation of the Premier.

#### GOVERNORS.

There shall be four Governors over these Hawaiian Islands—one for Hawaii—one for Maui and the Islands adjacent—one for Oahu, and one for Kauai and the adjacent Islands. All the Governors, from Hawaii to Kauai shall be subject to the king.

The prerogatives of the Governors and their duties, shall be as follows: Each Governor shall have the general direction of the several tax gatherers of his island, and shall support them in the execution of all their orders which he considers to have been properly given, but shall pursue a course according to law, and not according to his own private views. He also shall preside over all the judges of his island, and shall see their sentences executed as above. He shall also appoint the judges and give them their certificates of office.

All the Governors, from Hawaii to Kauai shall be subject not only to the King, but also to the Premier.

The Governor shall be the superior over his particular island or islands. He shall have charge of the munitions of war, under the direction of the king, however, and the Premier. He shall have charge of the forts, the soldiery, the arms and all the implements of war. He shall receive the government dues and shall deliver over the same to the Premier. All important decisions rest with him in times of emergency, unless the king or Premier be present. He shall have charge of all the King's business on the island, the taxation, new improvements to be extended, and plans for the increase of wealth, and all officers shall be subject to him. He shall also have power to decide all questions, and transact all island business which is not by law assigned to others.

When either of the Governors shall decease, then all the chiefs shall assemble at such place as the king shall appoint, and shall nominate a successor of the deceased Governor, and whosoever they shall nominate and be approved by the King, he shall be the new Governor.

#### HOUSE OF NOBLES.

At the present period, these are the persons who shall sit in the government councils, Kamehameha III, Kekauluohi, Hoapiliwahine, Kuakini, Kekauonohi, Kahakili, Paki, Konia, Keohokalole, Leleiohoku, Kekua-naoa, Kealiahonui, Kanaina, Keoni Ii, Keoni Ana, and Haalilio. Should any other person be received into the council, it shall be made known by law. These persons shall have part in the councils of the kingdom. No law of the nation shall be passed without their assent. They shall act in the following manner: They



shall assemble annually, for the purpose of seeking the welfare of the nation, and establishing laws for the kingdom. Their meetings shall commence in April, at such day and place as the King shall appoint.

It shall also be proper for the King to consult with the above persons respecting all the great concerns of the kingdom, in order to promote unanimity and secure the greatest good. They shall moreover transact such other business as the King shall commit to them.

They shall still retain their own appropriate lands, whether districts or plantations, or whatever divisions they may be, and they may conduct the business on said lands at their discretion, but not at variance with the laws of the kingdom.

#### RESPECTING THE REPRESENTATIVE BODY.

There shall be annually chosen certain persons to sit in council with the Nobles and establish laws for the nation. They shall be chosen by the people, according to their wish, from Hawaii, Maui, Oahu and Kauai. The law shall decide the form of choosing them, and also the number to be chosen. This representative body shall have a voice in the business of the kingdom. No law shall be passed without the approbation of a majority of them.

#### RESPECTING THE MEETINGS OF THE LEGISLATIVE BODY.

There shall be an annual meeting as stated above; but if the Rulers think it desirable to meet again they may do it at their discretion.

When they assemble, the Nobles shall meet by themselves and the representative body by themselves, though at such times as they shall think it necessary to consult together, they may unite at their discretion.

The form of doing business shall be as follows: The Nobles shall appoint a Secretary for themselves who at the meetings shall record all decisions made by them, and that book of records shall be preserved in order that no decrees affecting the interests of the kingdom may be lost.

The same shall be done by the representative body. They too shall choose a Secretary for themselves, and when they meet for the purpose of seeking the interests of the kingdom, and shall come to a decision on any point, then that decision shall be recorded in a book, and the book shall be preserved, in order that nothing valuable, affecting the interests of the kingdom should be lost; and there shall no new law be made, without the approbation of a majority of the Nobles and also a majority of the representative body.

When any act shall have been agreed upon by them, it shall then be presented to the King, and if he approve and sign his name, and also the Premier, then it shall become a law of the kingdom, and that law shall not be repealed until it is done by the voice of those who established it.

#### RESPECTING THE TAX OFFICERS.

The King and Premier shall appoint Tax Officers, and give them their certificates of office. There shall be distinct tax officers for each of the islands, at the discretion of the King and Premier.

When a tax officer has received his certificate of appointment, he shall not be dismissed from office without first having a formal trial, and having been convicted of fault, at which time he shall be dismissed. Though

if the law should prescribe a given number of years as the term of office, it may be done.

The following are the established duties of the tax officers. They shall assess the taxes and give notice of the amount to all the people, that they may understand in suitable time. The tax officers shall make the assessment in subseivency to the orders of the Governors, and in accordance with the requirements of the law. And when the taxes are to be gathered, they shall gather them and deliver the property to the Governor, and the Governor shall pay it over to the Premier, and the Premier shall deliver it to the King.

The tax officers shall also have charge of the public labor done for the King, though if they see proper to commit it to the land agents it is well, but the tax officers being above the land agents shall be accountable for the work. They shall also have charge of all new business which the King shall wish to extend through the kingdom. In all business however they shall be subject to the Governor.

The tax officers shall be the judges in all cases arising under the tax law. In all cases where land agents or landlords are charged with oppressing the lower classes, and also in all cases of difficulty between land agents and tenants, the tax officers shall be the judges, and also all cases arising under the tax law enacted on the 7th of June, 1839.

They shall moreover perform their duties in the following manner: Each tax officer shall be confined in his authority to his own appropriate district. If a difficulty arises between a land agent and his tenant, the tax officer shall try the case and if the tenant be found guilty, then the tax officer, in connection with the land

agent shall execute the law upon him. But if the tax officer judge the land agent to be in fault, then he shall notify all the tax officers of his particular island, and if they are agreed, they shall pass sentence on him and the Governor shall execute it. But in all trials, if any individual take exception to the decision of the tax officer, he may appeal to the Governor who shall have power to try the case again, and if exceptions are taken to the decision of the Governor, on information given to the Supreme Judges, there shall be a new and final trial before them.

OF THE JUDGES.

Each of the Governors shall at his discretion, appoint judges for his particular island, two or more as he shall think expedient, and shall give them certificates of office. After having received their certificates, they shall not be turned out, except by impeachment, though it shall be proper at any time for the law to limit the term of office.

They shall act in the following manner: They shall give notice before hand of the days on which courts are to be held. When the time specified arrives, they shall then enter on the trials according as the law shall direct. They shall be the judges in cases arising under all the laws excepting those which regard taxation, or difficulties between land agents, or landlords and their tenants. They shall be sustained by the Governor, whose duty it shall be to execute the law according to their decisions. But if exceptions are taken to their judgment, whosoever takes them may appeal to the supreme judges.

OF THE SUPREME JUDGES.

- The representative body shall appoint four persons

whose duty it shall be to aid the King and Premier, and these six persons shall constitute the Supreme Court of the kingdom.

Their business shall be to settle all cases of difficulty which are left unsettled by the tax officers and common judges. They shall give a new trial according to the conditions of the law. They shall give previous notice of the time for holding courts, in order that those who are in difficulty may appeal. The decision of these shall be final. There shall be no further trial after theirs. Life, death, confinement, fine, and freedom, from it, are all in their hands, and their decisions are final.

OF CHANGES IN THIS CONSTITUTION.

This constitution shall not be considered as finally established, until the people have generally heard it and have appointed persons according to the provisions herein made, and they have given their assent, then this constitution shall be considered as permanently established.

But hereafter, if it should be thought desirable to change it, notice shall be previously given, that all the people may understand the nature of the proposed change, and the succeeding year, at the meeting of the Nobles and the representative body, if they shall agree as to the addition proposed or as to the alteration, then they may make it.

The above constitution has been agreed to by the Nobles, and we have hereunto subscribed our names, this eighth day of October, in the year of our Lord 1840, at Honolulu, Oahu.

(Signed) KANEHAMEHA III.  
KEKAULUOHI.

LAWS OF THE HAWAIIAN ISLANDS.

CHAPTER I.

An Act pointing out the manner in which the Laws shall be promulgated.

The subjection of the people to the chiefs, from former ages down, is a subject well understood, as is also a portion of the ancient laws. That subjection and those laws are not now as a matter of course discontinued, but there are at the present time many new laws, with which it is well that all the people should become acquainted. There is no way to make them thoroughly understood except by printing, wherefore in a council of the government the following acts were passed.

1. Hereafter no law of the kingdom shall take effect without having been first printed and made public.

Copies of the law shall be delivered to all the following persons:

To all Nobles belonging to the council.

To each of the Representative Body.

To each of the Judges.

To each of the tax officers.

To each of the police officers; and should a Hawaiian Newspaper be published, they shall be published in that, and Consuls of foreign countries shall be furnished with ten copies each.

3. Should the purport of any law not be understood, or should the judges be in doubt for want of clearness in the law, they may in that case ask explanation of the Supreme Judges, who will make known the exposition.

Should any two laws be at variance with each other, then the one bearing the latest date is the one in force.

This law having had the sanction of the House of Nobles, we have hereunto set our names this second day of November in the year of our Lord 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHU.

## CHAPTER II.

### Of the Representative Body.

In accordance with the requirements of the constitution, certain persons will be chosen to sit in council with the Nobles. For the present they shall be chosen in the following way, but at some future period the number will be increased, though not now.

1. Two persons shall be chosen from Hawaii, two from Maui and the adjacent islands, two from Oahu, and one from Kauai.

2. The choice shall be made as follows: Whosoever pleases on the island of Hawaii may write to His Majesty mentioning the names of the two persons of wisdom whom he chooses to sit in council with the Nobles. They may write in the following form:

To His Majesty, Kamehameha III.

The object of our writing this letter is to inform your majesty of certain persons on this island of Hawaii whom we consider men of wisdom and prudence.

The name of the first is . . . . .

The name of the second is . . . . .

It is our desire that these two persons should sit in

council with the Nobles the present year. By us,

(Signed) . . . . .

The above letter when written may be circulated among the people, and all who are pleased with those men may put their names. And even should there be many such letters written it will be well, for the person who has the most names in those letters will be the person chosen, and be the Representative from Hawaii.

In these ballot letters there may be a great number of signatures to the same letter. The names of all who vote will be counted, and the persons having a majority will be the ones who are chosen.

The election shall be conducted in the same manner also on Maui, Oahu and Kauai.

3. Should any man forge another's name as a signature to a letter written as above, or should any one write his own name twice, or should one write the name of another without his approbation, he shall be fined ten dollars for every name thus criminally written.

4. As soon as His Majesty the King ascertains the names of the persons who are chosen, the Premier will then write and inform them of the day and the place of meeting of the Legislature that they may be in a state of readiness.

5. All the expenses of the Representatives in going to and returning from the meeting shall be paid by the government, and also all expenses while in attendance.

This edict having been passed by the House of Nobles we have hereunto set our names this second day of November in the year 1840, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.



## CHAPTER III.

## An Act to regulate the Taxes.

There is much in this law which does not relate directly to assessment and taxation. A portion of it is merely explanatory, a portion applies directly to taxes, another portion applies to labor, another portion applies to the former prohibitory system, a portion is simply instruction, and a portion is direct law. That part which simply disapproves of certain evils is instruction. If a penalty is affixed that is absolute law.

## I. Respecting the Poll Tax.

There shall be two forms of taxation in the Hawaiian kingdom. The one a poll tax, to be paid in money, the other a land tax, to be paid in Swine; or these shall be the standard of taxation, though in failure of these articles, other property will be received. The amount of poll tax shall be as follows.

For a Man, one dollar.

For a Woman, half a dollar.

For a Boy, one fourth of a dollar.

For a Girl, one eighth of a dollar.

This is the ratio of taxation for adults and children above 14 years of age. But feeble old men and women shall not be taxed at all. In the back part of the islands where money is difficult to be obtained, Arrow Root will be a suitable substitute. Thirty-three pounds of good arrow root will be taken for a dollar. Cotton also is another suitable article; sixteen pounds will be accounted equal to a dollar. Sugar is another suitable article; also nets. If any individual do not obtain the money at the time when every man is to

pay his taxes, and if he do not obtain arrow root, nor sugar, nor nets, until the specified months for payment are passed, viz October, November and December, and if the last days of December have passed, then every man shall be fined the value of two dollars, ( if his tax is not paid ) and the same rates of increase shall be observed in relation to those whose taxes are less than that of a man. The fine shall be paid in some property that can be sold for the value of two dollars, but not in property subject to immediate decay or death.

#### 2. Land Tax.

The following is the rate of taxation for plantations, and, farms including plantations. There shall be no state, county, town and district tax, but only the following :

A large farm — a swine one fathom long.

A smaller one — a swine three cubits long.

A very small one — a swine one yard long.

If not a fathom swine, then 10 dollars.

If not a three cubit swine, then 7½ dollars.

If not a yard swine, then 5 dollars.

If neither a fathom swine nor ten dollars, then two yard swine, or if failing of these, then 4 one cubit swine, or if not these, then some other property of equal value with a fathom swine. Or, if none of these, then inquiry shall be made both of the land holders and landlords, and he whose is the fault shall be dispossessed of this right in the land. Or if the fault is common to the landlord and tenant, then they shall have three months to put the land in good order, at which time they all shall leave it. For in that case it appears that the land was truly valuable, but the landlord and

tenant neglected to pay the taxes. This is doing a real damage—it is downright laziness. In the same manner as these persons are fined and then dispossessed, so also shall those persons be fined and dispossessed who hold small farms included in larger ones.

But those plantations which have no farms in them, under the direct taxation of particular chiefs, and have never had during the remembrance of any of the people now alive, they shall be taxed as follows in this new assessment:

A large plantation — two fathom swine.

A smaller one — one fathom swine.

A very small one — a three cubit swine.

The above shall be the conditions of taxation, and dispossession of farms.

It is furthermore added for the purpose of clearness and equality in taxation, that if the tax officer and the owner of the swine do not agree as to the size of the swine, then the tax swine shall be weighed, and a fathom swine shall be considered as weighing 333 pounds, a three cubit swine 250 pounds, and a yard swine 167 pounds. In the system of taxation this shall be considered as the regular weight of all tax swine.

If the weight of a swine shall exceed that which is prescribed for the fathom, three cubit or yard swine then the tax officer shall pay for the excess above the proper weight; and so also if the weight of the swine fall short of what is prescribed in the law, the land agents shall pay the deficiency.

Furthermore the governors of the several islands shall notify his Majesty the King of all the lands which are annually forfeited, and he shall give them out again

at his discretion, or lease them, or put them into the hands of those who have no land, as he shall think best.

### 3. Of the Labor Tax.

Hereafter a tax in labor shall not be required on every week of the month.—On two weeks, labor shall be done for his Majesty the King and also the landlords, and two weeks the people shall have wholly to themselves. The first week in the month the people shall work two days for the king and one for the landlords; the second week in the month they shall work one day for his Majesty the King, and two days for the landlords, and the next two weeks the people shall have to themselves. But if there be important public work to be done which is for the benefit of the people at large, then there shall be twelve working days. The people shall work three days in each of those weeks which belong especially to themselves, and when the work is finished or ended, then that kind of labor is at an end; but as regards such kinds of labor as are **merely** for the private interest of chiefs or owners of counties, towns, districts plantations, and farms, each, even including the King, shall take the benefit only of his own particular days in the week and the people shall work only on Friday, or sometimes on Thursday for the landlords, and the landlords shall be exact to observe their particular days. And so also the tax officers shall be particular to appropriate only the king's days to his labor. If the landlords or inferior chiefs see proper to appropriate their days for the benefit of his Majesty the King in the performance of any particular labor, then the King shall return as many days labor as he has received

from them. In the same way there may be an exchange of days with the common people.

If the King is in particular need, or landlord, it will not then be proper for the people to refuse to exchange days. They shall exchange, and on the above conditions, though any man may refuse to exchange when it is of special disadvantage to himself.

The same privilege shall also be given to the people. Whenever they are in straitened circumstances, and shall wish to be absent from the Tuesday or Friday labor, they may then exchange with the tax officers or landlords, and it shall not be proper for them to refuse; though if any man should be guilty of downright deception and should in reality be in no straits, that shall be considered as absenting himself from a day's labor.

Those landlords and chiefs who are guilty of appropriating to their own use the labor of the people on days which do not belong to them and do not return an equal number of days to the people therefor, shall be fined. The tenants shall be freed for six months from working for their chiefs who have thus treated them.

The following also is the fine of those who do not go to the public labor of the King and landlords, a half a dollar for each man. If a man arrive on the ground at dinner time, a fourth of a dollar shall be the fine; or if the man do not arrive till after the falling of the signal for commencing at 7 o'clock, he shall be fined an eighth of a dollar. If the failure be on the King's day, the fine shall be paid to the King; if on the landlord's day, it shall be paid to the landlord. Tenants, sub-tenants, and cultivators of small lots, shall all pay to the landlords of their particular farms or

plantations. So also head men of states, counties, townships, and districts, shall receive from their particular tenants, sub-tenants, and cultivators of their lands. But tenants of those lands which have not been subject to private taxation shall pay only to the King in case of absence from public labor.

When public labor is to be done of such a nature as to be a common benefit to King and people, and therefore 12 days in a month are devoted to labor, then all persons, whether connected with the land or not, and also all servants shall go to the work or pay a fine of half a dollar. Those also shall go who have been freed by the payment of nine dollars a year, and all who have been freed by their masters having paid a rial a day.

They shall not go however on the King's day, nor on the landlord's day, but merely on those days belonging to themselves.

At the period when the taxes are collected, according to the notice given by the tax officers, during those days there will be no field labor required, neither by the King nor by the landlords, nor until the tax officers give notice of the same. The labor of the people during those days will be to carry their taxes to the place directed by the tax officers.

But all persons who are sick and those in attendance on the sick shall on the examination of the tax officers be freed from fine for non-attendance on the labor days.

He that absents himself without giving previous notice shall be fined half a dollar. He that gives previous notice shall pay but 25 cents.

If any man wish to be entirely freed from public labor, he may go to the landlord and pay nine dollars,

four and a half for the King and four and a half for the landlord, and then the man shall be entirely free, and shall not be required to go to the labor of the King, nor to that of the landlords.

Those feeble old people who are freed from the yearly tax shall also be freed from the public labor of the landlords, King and all kinds of public labor.

Let all those who are called landlords and governors, and tax officers consider well what kinds of produce are suited to each particular land and to all the lands from one end of the island to the other. And they shall give special charge on this subject to the tenants of their lands, so that they may cultivate extensively all such articles as shall be profitable. The landlords shall derive their profit and loss from their own days only, and so also the King shall derive his profit and loss from his days only. And the people shall derive their profit and loss from their days. But the landlords shall strive to stimulate the people to such kinds of labor as shall be profitable to the country.

It is furthermore specified that on all days of labor, there shall be two seasons of rest for the laborers; one at breakfast time, the other at dinner. If one should remain idle while the rest are at work, his fine shall be two day's work at some other labor. But men shall not be fined unjustly. Those that are really idle and lazy shall be fined. At three o'clock the labor shall cease, and then if the people wish to remain and hear the reading of the laws, it shall be at their option to do it or not.

4. Respecting Parents who have numerous families, and also respecting the Infirm.

Those parents who have a number of children, three

or more, and neither of the children supported by their friends, or if some are thus supported and three remain, those parents sustain a heavy burden, and therefore the father shall not go to the field on labor days to work for the King, and they shall pay no poll tax on the year when the half dollar is required, but on the year when the full dollar is required, they shall pay a half tax.

These are the rules for those having three children. But it shall not be proper for any man to adopt the child of another for the purpose of avoiding the labor tax. He may however, adopt the children of his deceased relations and friends, when the children are thus left orphans.

If any parent have four children, and neither of them adopted by another, then that parent shall not go to the public labor, neither for the King nor for the landlords, nor shall they pay any poll tax.

If any parent have five, six, or more children, whom they support, neither of them being separated from the family, or if some do live separate from the rest, and five or six more remain, then those parents shall by no means be required to pay any poll, land, or labor tax until their children are old enough to work, which is at fourteen years of age. Then, for three years the boy shall pay a fourth of a dollar per year — the 17th and 18th years he shall pay half a dollar. After the 18th year he shall then for two years pay three fourths of a dollar, and after he is twenty he is then an adult. The same rate shall be observed in relation to girls, they being adults when they arrive at twenty years of age.

The burden of parents who have numerous families may be further relieved, and their circumstances be



rendered more pleasant, by increasing the size of their farms.

Furthermore, whenever a single individual has a large number of invalids living in his house, amounting to as many as four, he shall then inform the tax officers thereof, and if he perceive that the man is really burdened, then he shall neither go to the public labor of the King nor to that of the landlords. He shall take good care of them, and the amount of his land shall be increased, in order that they may be supplied with food; and on the year when the poll tax is a dollar he shall pay but half a dollar, and when the tax is half a dollar he shall pay nothing until some of the invalids are gone and he is relieved. Then he shall pay taxes and and go to the public labor also, provided he is wholly relieved. And here is a word of advice for industrious landholders, tenants, landlords, sub-tenants, servants of chiefs, persons having no land, and vagrants. According to this book it is best to have one, and one only fixed business, and to engage in it with high hopes in Him who aids us by the rain from Heaven. Such a course would be a benefit to all who live and labor in our kingdom.

##### 5. Respecting Idlers.

As for the idler, let the industrious put him to shame, and sound his name from one end of the country to the other. And even if they should withhold food on account of his idleness, there shall be no condemnation for those who thus treat idlers.

If a landlord, or a chief should give entertainment to such a sluggard, he would thereby bring shame on the industrious. For three months the tenants of him who

thus entertains the sluggard shall be freed from labor for their landlord. Such is the punishment of him who befriends the sluggard. Let him obtain his food by labor.

6. Respecting applications for farms, forsaking of farms, dispossessing of farms, and the management of farms.

No man living on a farm whose name is recorded by his landlord, shall without cause desert the land of his landlord. Nor shall the landlord causelessly dispossess his tenant. These are crimes in the eyes of the law. If any portion of the good land be overgrown with weeds, and the landlord see that it continue thus after a year and six months from the circulation of this law of taxation, then the person whose duty it is shall put that place which he permitted to grow up with weeds under a good state of cultivation, and then leave it to his landlord. This shall be the penalty for all in every place who permit the land to be overrun with weeds. The same rule shall apply to sub-landlords and sub-tenants.

But if any man being in straitened circumstances, wish to leave his farm, or if he have business in another place, this is the course he shall pursue. He shall first give notice to his landlord, and having informed him, he shall then put the farm in as good a state as he found it, after which he may leave it.

Landlords, oppress not your tenants; condemn them not without a cause while they continue to do well. If a land agent do thus to his tenants, and dispossess them without a crime on their part, he shall pay a fathom swine to his tenant, and the tenant shall not be dispossessed.— Wherefore, ye landlords, land agents,

and sub-landlords, do not thus to your sub-tenants—take not causelessly from them the products of their lands, nor their domestic animals, nor any other article which is not given you. All the avails of your own working days are yours. There is no penalty for the landlords who confine themselves to that right.

Furthermore, let every man who possesses a farm in the Hawaiian kingdom labor industriously with the expectation of there by securing his own personal interest, and also of promoting the welfare and peace of the kingdom.

Those men who have no land, not even a garden nor any place to cultivate, and yet wish to labor for the purpose of obtaining the object of their desire, may apply to the land agent, or the Governor, or the King for any piece of land which is not already cultivated by another person, and such places shall be given them. The landlords and King shall aid such persons in their necessities, and they shall not go to the field labor of the King and landlords for the term of three years, after which they shall go. But if neither the landlords nor King render them any aid until they bring such uncultivated ground into a good state of cultivation, and they eat of the products of the land without any aid, then they shall not for four years be required to go to the field on the labor days of the king, nor of the landlords. After these years they shall go to the field and also pay taxes. But the poll tax they shall always pay.

If any landlord wishes to transfer or lease any portion of his fields or uncultivated grounds, and the land agent object, he has a right to do so, if he designs to cultivate it himself. But if he wait a year and do not do it then the objections of the land agent become ground-

less and he shall pay all the loss sustained by the landlord in consequence of his objections.

It is furthermore recommended that if a landlord perceive a considerable portion of his land to be unoccupied, or uncultivated, and yet is suitable for cultivation, but is in possession of a single man, that the landlord divide out that land equally between all his tenants. And if they are unable to cultivate the whole, then the landlord may take possession of what remains for himself, and seek new tenants at his discretion.

#### 7. Of Residuum Lands.

All residuum lands which have been separated by the chiefs as residuums from the main plantation, district or state, are now to be restored to that portion of land to which they formerly belonged. Let the occupancy and business of each state, district, plantation and farm be clear and distinct, each by itself. Let no one take that which belongs to another, for this is the statute in relation to such persons. — If any one takes the residuum which belongs to another, then the farm of him who took the residuum shall be given to the owner of the residuum. Such is the penalty of those who seize residuums; their farm shall be given to those whose residuums were seized.

This edict does not apply to those pieces of ground which have been merely appropriated as building lots, and house yards; nor does it apply to those pieces of ground which have been set apart as the royal demesne lands; for such divisions were not taken as residuums. Nor does the edict apply to places which have been taken by the chiefs for the public interests of the King. Residuums proper, which were taken as such are the

only ones to be restored, not however those residuums which were taken previous to the country's becoming subject to Kamehameha I.

On Hawaii, these are the residuums to be restored, those which have been seized since the battle of Mokuohai—on Maui all that have been taken since the battle of Kauwaupali—on Oahu all since the battle of Nuanu—on Kauai all since the friendly meeting of Kaumualii with Kamehameha I, on shipboard. But possessors of house lots that are large like farm gardens, must aid the owners of the farms from which they were taken, in payment of the yearly tax.

8. Of free and prohibited Fishing Grounds. 1.—Of free fishing grounds.

His majesty the King hereby takes the fishing grounds from those who now possess them, from Hawaii to Kauai, and gives one portion of them to the common people, another portion to the landlords, and a portion he reserves to himself.

These are the fishing grounds which his Majesty the King takes and gives to the people; the fishing grounds without the coral reef, viz. the Kilohee grounds, the Lubee ground, the Malolo ground, together with the ocean beyond.

But the fishing ground from the coral reefs to the sea beach are for the landlords, and for the tenants of their several lands, but not for others. But if that species of fish which the landlord selects as his own personal portion, should go on to the grounds which are given to the common people, then that species of fish and that only is taboo. If the squid, then the squid only; or if some other species of fish, that only and

not the squid. And thus it shall be in all places all over the islands; if the squid, that only; and if in some other place it be another fish, then that only and not the squid.

If any of the people take the fish which the landlord taboos for himself, this is the penalty, for two years he shall not fish at all on any fishing ground. And the several landlords shall give immediate notice respecting said fisherman, that the landlords may protect their fishing grounds, lest he go and take fish on other grounds.

If there be a variety of fish on the ground where the landlord taboos his particular fish, then the tenants of his own land may take them, but not the tenants of other lands, lest they take also the fish tabooed by the landlord. The people shall give to the landlord one third of the fish thus taken. Furthermore, there shall no duty whatever be laid on the fish taken by the people on grounds given to them, nor shall any canoe be taxed or taboo'd.

If a landlord having fishing grounds lay any duty on the fish taken by the people on their own fishing grounds, the penalty shall be as follows: for one full year his own fish shall be taboo'd for the tenants of his own particular land, and notice shall be given of the same, so that the landlord who lays a duty on the fish of the people may be known.

If any of the landlords lay a protective taboo on their fish, when the proper fishing season arrives all the people may take fish, and when the fish are collected, they shall be divided — one third to the fishermen, and two thirds to the landlord. If there is a canoe full, one third part shall belong to the fishermen, and two

thirds to the landlord. If the landlord seize all the fish and leave none for the fishermen, the punishment is the same as that of the landlords who lay a duty on the fish of the people.

If, however, there is any plantation having fishing grounds belonging to it, but no reef, the sea being deep, it shall still be proper for the landlord to lay a taboo on one species of fish for himself, but one species only. If the parrot fish, then the parrot fish only; but if some other fish, then that only and not the parrot fish. These are the enactments respecting the free fishing grounds, and respecting the taking of fish.

#### 2. — Respecting the taboo'd fishing grounds.

Those fishing grounds which are known by the people to have shoals of fish remaining upon them, shall at the proper season for fishing be placed under the protective taboo of the tax officers, for the King. The fishing grounds on Oahu thus protected, are 1, Kalia; 2, Keehi; 3, Kapapa; 4, Malaeakuli; 5, Pahihī; On Molokai, as follows: 1, Punalau; 2, Ooia; 3, Kawai; 4, Koholanui; 5, Kaonini; 6, Aikoolua; 7, Waiokama; 8, Heleiki. On Lanai the Bonito and the Parrot fish. On Maui, the Kuleku of Honuaula and other places.

On Hawaii, the Albicore.

On Kauai, the Mullet of Haleia, Anehola, Kahili and Ha'alei, and the squid and fresh water fish of Mana, the permanent shoal fish of Niihau, and all the transient shoal fish from Hawaii to Niihau, if in sufficient quantity to fill two or more canoes, but not so small a quantity as to fill one canoe only. But if the fishermen go and borrow a large canoe, that all the fish may be put into one, then there shall be a duty upon them.

On the above conditions there shall be a government duty on all the transient shoal fish of the islands. The tax officer shall lay a protective taboo on those fish for his Majesty the King, and when the proper time for taking the fish arrives, then the fish shall be divided in the same manner as those which are under the protective taboo of the landlords.

If the tax officer seize all the fish of the fishermen, and leave none for those who take them, then he shall pay a fine of ten dollars, and shall have nothing more to say respecting the royal taxes. But if the order for seizing all the fish of the fishermen was from the Governor, then he shall no longer be Governor, though he may hold his own lands, and the tax officer shall not be turned out of office. At the proper time the tax officer may lay a protective taboo on all the King's fish, and the landlords' all around the island. But it is not proper that the officer should lay the taboo for a long time. The best course is for the officer to give previous notice to the fishermen, and then the common people and the landlords to fish on the same day. Thus the rights of all will be protected.

But no restrictions whatever shall by any means be laid on the sea without the reef even to the deepest ocean. Though those particular fish which the general tax officer prohibits, and those of the landlords which swim into those seas, are taboo. The fine of those who take prohibited fish is specified above.

#### 9.— Advice to the Governors and Landlords.

It shall be the duty of those to whom the King gives lands to see that they do not establish other landlords under themselves but over the people. Let that bu-



business come to an end. The establishing of a multitude of landlords over the same tenant, the traveling of the people a great distance to the work of their landlords, and thereby leaving all the affairs of their lands in a bad condition, the harboring of a multitude of sluggards, and women too who do nothing, the chiefs and the landlords grinding their tenants, the making of feasts by higher ranks, for the purpose of getting the property of the poor; the taxing of those people who desire to do business with their landlords, and that too by the district and land agents, and without any fault on the part of the people, the landlords forcibly urging the people to trade contrary to their wishes; the unequal punishment of criminals by the judges—the proper name for those things mentioned in this section is—thievish seizure, unjust taking away, robbery, unjust taxation, unjust oppression, imposing unjust burdens—avarice. These are the wealth-destroying blasts which impoverish the kingdom. This conduct of the Governors and heads of districts, and chiefs, shall cease. Let no criminal act of the kind be done hereafter; for lo! these are the blasts of the land! Let none of the landlords under the King, and none of the land agents under them do any of all the things forbidden in this law. If any one of the persons spoken of in this edict do any of the things forbidden in this law, he shall pay all damages sustained by him to whom he does the damage, and if he continue to do thus, his fine shall be, that he shall no longer be a landholder in these islands, and he shall be fined to half the amount of the property which was sought; such is the fine of those who set aside the directions of this section.

The business of the Governors, and land agents, and

tax officers of the general tax gatherer, is as follows: to read frequently this law to the people on all days of public work, and thus shall the landlords do in the presence of their tenants on their working days. Let every one also put his own land in a good state, with proper reference to the welfare of his body, according to the principles of Political Economy. "The man who does not labor enjoys little happiness. He cannot obtain any great good unless he strives for it with earnestness. He cannot make himself comfortable, not even preserve his life unless he labor for it. If a man wish to become rich, he can do it in no way except to engage with energy in some business. Thus Kings obtain kingdoms by striving for them with energy." The divine teacher said to our first ancestors thus, "In the sweat of thy face thou shalt eat bread," and that is the business of those most particularly spoken of in this law. Reflect well on the meaning of the words spoken herein.

10. The business of the chiefs the present year.

On the first year after the promulgation of this law it shall be the duty of the chiefs under his Majesty the King to read frequently what is herein written, and reflect well on the meaning of this new law of the kingdom, and search out encouragement for the people to labor with the animating hope that the sweat of the face will obtain its due reward — to sustain the requirements of this law in order that the kingdom itself may be regenerated — to select suitable times to be devoted to seeking the welfare of the officers of the kingdom, and your own also, and that of the landlords and common people, together with that of strangers who are permitted to dwell in these islands, that they

may prosper and be happy. This is the business for which you should meet for consultation: to promote the welfare of the industrious and of others—to disperse those lazy persons who live in hordes around you, through whom heavy burdens are imposed upon your laboring tenants; to look up agents capable of acting according to the requirements of this law, and tax officers both to aid the general tax gatherer, and to act on your own particular lands—to place your children and younger brothers in the High School of the nation—to seek for a higher kind of prosperity than that which we have heard existed under the reign of Kamehameha I, when the old man and woman, with the child, could sleep safely in the highway—to remove the ignorant land agents and those officers who tax the people unjustly. From which causes the people are oppressed and the kingdom impoverished. To put an end to every thing which is at variance with this law—to cherish that which will drive away the enemies of these islands—to put an end to your covetousness, by which the poor are dispossessed of that which is lawfully their own—to treat with kindness those who devote their strength to labor, till their tattered garments are blown about their necks, while those who live with you in indolence wear the clean apparel, for which the industrious poor have labored. Wherefore have compassion upon them in accordance with the requirements of that covenant to which you have sworn, “Love thy neighbor as thyself.” Let the chiefs reflect well on these duties in order that they may perpetuate their rank as chiefs on these islands. Scatter your people about upon the lands that they may cultivate them and become rich. Thus will their good will to us be in-

creased, and thus the people of the kingdom will be eased somewhat of their burdens.

#### II. Duties of the tax officers.

On the first year after the publication of this law, these shall be the duties of the tax officers which the governors appoint to aid the general tax gatherer:—the general tax gatherer shall instruct the agents of states, counties, districts, plantations and farms, that they all labor faithfully on the public labor days of the King, to grow that kind of produce which is best suited to each particular land in every part of the islands. Though cotton is a production which is considered by this law as very important. Let that be planted in abundance as a new source of wealth to these islands. That is a third article in which taxes will be received, of which the tax officer shall give universal notice. In the same manner as he prompts the people in relation to the money tax for the poll, and the park tax for the land, so also he shall prompt them in relation to the growth of cotton. Other kinds of produce may be cultivated at the option of the officers and people. If they are industrious their hopes will be realized. Let the tax officers see that the taxes are assessed in strict accordance with the requirements of this law — let them enumerate the people, male and female, together with the children who pay the yearly tax; and make a separate enumeration of the old men and women and those children who do not pay taxes — let them take a yearly account of the deaths and births, by which it may be ascertained whether the people of the kingdom are really diminishing in numbers or not, and by that means the amount of taxes can be known.

Furthermore, ignorant persons shall be no longer employed, neither as tax officers nor as land agents, for that is a means of oppressing the people and making them poor, they being so accustomed to impose burdens at will, and receive the property of others without pay. This is perhaps the reason why the people at the present time are so lazy, and work so feebly.

Ye landlords, to whom lands are given in charge, no longer rule your tenants in ignorance, lest the tax officers being enlightened in the principles of this book nullify your title as landlord, and we give the lands to those who are ready to aid the feeble portions of the community. The ignorant shall receive their proper reward, poverty, and the lands shall be given to other lords. This penalty, poverty, shall be the reward both of chiefs and people, if they act in reality contrary to the above.

#### 12. The business of Females.

This is the appropriate business of all the females of these islands; to teach the children to read, cipher, and write, and other branches of learning; to subject the children to good parental and school laws, to guide the children to right behavior, and place them in schools, that they may do better than their parents. But if the parents do not understand reading, then let them commit the instruction of their children to those who do understand it, and let the parents support the teacher, inasmuch as they feel an interest in their children, let them feel an interest in the teacher too. But if any woman do not conduct according to the requirements of this section, then let her return to the labor of her landlord as in former times, to such labor however as is

appropriate to women. The tax officers will look to and manage this business.

### 13. Of laying New Restrictions.

All the Governors are hereby forbidden to lay new burdens of their own invention on the lands. When you condemn any one unjustly, do not lay the blame on the laws of the kingdom, and when you lay grievous burdens on the people, do not cast the blame on his majesty the King, nor on the law; do not behave thus, lest even the country people rise up before you and expound to you the meaning of this book. Wherefore execute none of your own peculiar plans unless the King first subscribe his name to what you wish to say to the people. The proper course is when any Governor perceives that some new crime is becoming prevalent, or perhaps makes some discovery which may be of value to the kingdom, or to the people, if carried into execution, for him then to give notice of his discovery to all the Governors, and when they signify their approbation, then present the same to the King, and if he suffix his name, then it becomes a law of the kingdom, for it is much better to execute such plans as will not be condemned by any of the sections of this law, that plan having been formed for the benefit of the kingdom, and been unanimously approved.

But those Governors, land agents, landlords and chiefs who set aside the edicts of this book which regulate the taxes of the whole kingdom, and pursue a course, unjust, burdensome to the poor, and oppressive to those who labor in employments to increase your wealth, a course to render destitute those who patiently endure fatigue and the scorching rays of the sun, who pretend

that your oppression of the people is in accordance with the word of God; who punish the crimes of the lower classes in a manner at variance with the meaning of the law; who lay taboos on those employments by which the people seek to enrich themselves, especially if you perceive that a number of men are engaged in the same employment, and make it profitable, then you monopolize it to yourselves and forbid any to engage in it unless they pay a tax to you; who lay unequal taboos to enrich one class while they impoverish others who should be equally enriched while they do well; those agents of the general tax gatherer who compel the people who are destitute of money and pork to pay their taxes in articles which do not grow upon the land; and the compelling the people to go a great distance to labor for their landlords; whosoever of you does any of the things forbidden in this section, he shall pay all damages, and if he persevere in such a course, he shall forfeit one third part of all his lands. If he afterwards continue to pursue the same course he shall forfeit another third, and if he continue still, he shall forfeit the remainder. [See, the eleventh section.] These lands, thus forfeited, the King will give, to those industrious persons who conform to this law. Such shall be the punishment of those high minded persons who set aside the requisitions of this law respecting the property of the kingdom.

Furthermore, those country people who search for knowledge, whoever they may be and in whatever part of the kingdom, if they write to me or my Premier, and we perceive that their proposition is a good one, it shall then be adopted as a statute of the kingdom. The Governors and the King too will suffix their names to

to the writing. They will also promote such seekers after knowledge to higher stations, and make them officers in their various places. And such persons shall receive one tenth part of the King's income at their station, and also one tenth part of the land agent's income. Such is the reward which his Majesty offers to all in the kingdom who act as above, and they shall moreover be admitted to the council of the nation.

Furthermore, whoever of the country people engages vigorously in any new employment, not practiced in this country before, and if it prove to be a valuable business to the nation, and to those who engage in it, and if it was previously unknown, then this is the decision in relation to such a man. He shall be freed from public labor on all the labor days both of the King and of the land agents, and from all public labor of the kingdom. He shall pay no yearly money tax, and the King will give ten dollars to the man who thus searches out a new business, provided the business be continued. Such is the reward which his Majesty the King offers to all who search out a new employment in any part of the kingdom of the Hawaiian Islands.

#### 14. Respecting the descent of lands to heirs.

Be it furthermore enacted in relation to lands which Kamehameha I, and Kamehameha II, gave to land agents, that after the publication of this law respecting taxation, whenever any one of those land agents dies, his heir shall render an account to his Majesty the King of the lands which belonged to the deceased, and these shall return one third of those lands to the King. According to this rule, all the lands, whether few or many of every man who dies shall be divided. But if two



months elapse after the death of any person, and the heir neither present himself before the King nor send a written notice, then the lands of the heir shall be divided equally. Hereafter, the lands of all heirs shall be divided thus, when the King is not notified. If the deceased, however, had but one farm, that shall descend to his heir. If he have two farms, then one half of one of them shall revert to the King. From this time forth, the King and his Premier must be informed of all bequests of lands, and whatever relates to the heirs. But if the deceased have no heir at all then his land and all his property shall be the King's. Thus it is ordained in relation to the land agents of his Majesty the King, and also in relation to the land agents under them over the common people. But the lands of orphans, widows and old men shall be protected by the land agents; let not the heirs however among the common people forget the directions of their landlords.

If any one spoken of in this law seize the land of lawful heirs, which is protected by this law, the punishment shall be as follows: two thirds of the income of said land obtained by the new landlord in a year shall be delivered to the heir, and it shall be thus delivered each year for four successive years, and then the land shall belong to the new landlord. The fine shall be the same for those who apply to the King for lands occupied by heirs of the deceased, though if the heir do better than the deceased, *his third shall not be restored to the King*. And if the deceased person have children of his own, then the King will not take the third, nor the third of him who does better than the deceased person. But if that heir had been enriched

by previously being heir to another chief, the King will then take the third.

15. Of the division of Water for irrigation.

In all places which are watered by irrigation, those farms which have not formerly received a division of water, shall when this new regulation respecting lands is circulated, be supplied in accordance with this law, the design of which is to correct in full all those abuses which men have introduced. All those farms which were formerly denied a division of the water, shall receive their equal proportion. Those bounties which God has provided for the several places should be equally distributed, in order that there may be an equal distribution of happiness among all those who labor in those places. The allowance of water shall be in proportion to the amount of taxes paid by the several lands. For it is not the design of this law to withhold unjustly from one, in order to unjustly enrich another according to the old system which has been in vogue down to the present time. That the land agents and that lazy class of persons who live about us should be enriched to the impoverishment of the lower classes who with patience toil under their burdens and in the heat of the sun is not in accordance with the designs of this law. This law condemns the old system of the King, chiefs, land agents and tax officers. That merciless treatment of common people must end. If the Governor think proper to adopt a protective policy, let him protect all alike, and there shall be an equal division of protected articles, in order that every man may obtain the object of his desire according to the amount of his labor. Such is considered to be the proper course by this law, regula-

ting the property of the kingdom; not in accordance with the former customs of the country which was for the chiefs and land agents to monopolize to themselves every source of profit. Not so with this law.

Here follow some further explanations respecting the system of taxation. These seven sections which follow, are designed to explain and enforce what has been previously said.

#### 16. Respecting the variations in taxes.

The first year after the promulgation of this law, throughout the different islands of this group, the poll shall pay but half tax, thus: a man, half a dollar; a woman, a quarter of a dollar; a child over fourteen years of age, one eighth of a dollar. On that year the lands shall pay a full tax. But on the second year, the lands shall pay but half tax. The fathom swine shall be but a yard in length, the three cubit swine shall be a cubit and a half, and the swine of a yard's length shall be only one cubit long. In failure of the yard swine, five dollars; in failure of the cubit and a half, three dollars and three quarters; in failure of the one cubit, two dollars and a half. The rule shall be the same if the tax be paid in any other property than the two articles mentioned. On that year, the poll shall pay a full tax, and this yearly variation shall be perpetual. If the poll pay a full tax, the lands shall pay but half tax, and if the lands pay a full tax, the poll shall pay only half in that year.

#### 17. The business of the chiefs.

Ye chiefs of the nation, reflect well on these fundamental laws of the kingdom. From this time change your course of procedure. A change in accordance with this law, will be both more just and be really bet-

ter for yourselves. The multitude of people who live with us in idleness, or do but little, which we falsely supposed to be a business style of living, let that cease. The perquisites of your office held in this country from of old, are to be the avails of your lands obtained on all your working days. Those are yours — also one tenth part of the yearly taxes collected from your lands, is yours, not however the poll tax. But the chiefs who do not belong to the council, are not included; their standing shall be that of landlords, though by improvement in their manner of conducting business they will rise to the same rank, by seeking the welfare of the laboring classes, that they may enjoy full protection, and also by promoting the happiness of the weak, and of strangers from other lands.

#### 18. Respecting Landlords.

Reflect well, all ye landlords of the kingdom, on all the regulations of this law, lest you be dispossessed, according to the principles of the eleventh section. Search for your wealth on your own labor days, search out such kinds of business as will enrich the country, and those tenants who live upon the lands under you, that the high and the low may be under the like subjection to the same laws enacted by the chiefs for the protection of the kingdom. On the second year after the promulgation of this law, which is the year on which a full poll tax is paid, those landlords who do not belong to the national council shall pay to the King one tenth part of all the avails of their labor days. On the year which pays but a half tax on the poll, the landlords shall pay to the King one fifth of their income, and this

shall be a perpetual tax of the kingdom on the landlords, having an annual change in the proportion.

10. Respecting officers to be appointed anew.

This explanatory section is for all those officers that are newly appointed to enforce these laws of the kingdom, and also for all those who are called officers. You are appointed as persons to assign labors in perfect accordance with the requirements of this law. If you see the chiefs, landlords, or any other people doing that which is forbidden in this law, you are to give them correct information of the crime they are committing — the crime of seizing those articles which are said to belong to the common people. You are to give notice of those acts which not being well understood, and liable to involve the actors in difficulty, that the idler is to be punished with hunger and poverty — that it is the duty of the people to labor for that property which is appropriate to the several farms all round the island — to superintend the numbering of the people, including children and feeble persons, also the deaths and births in each year — to search out a course by which those parents who have a multitude of children, may retain them without having them separated from each other, and by which an individual having the charge of several feeble persons may be able to support them — to consult with the landlords as to what kind of production is most appropriate to their several lands, according to the suggestions of this law — to reflect well on the means by which the amount of property may be increased each year above that of the preceding, that it may be ascertained also whether there really is an increase of property on the islands or not.

## 20. Tabooed articles on the mountains.

Of all the things which grow spontaneously on the mountains, the landlord can taboo nothing for himself, except one kind of timber; this however does not apply to timber prepared by the hand of man; that is his. If any of the common people take the timber which the landlord had tabooed for himself, he shall pay one of every two sticks to the landlord, however many he may have taken. His Majesty the King taboos the sandal wood for himself. The visitors of the mountains shall not touch that timber, until such time as the King shall say, when all the people may cut it by paying two thirds to the King, reserving one third to themselves. He also taboos all large trees such as one man cannot clasp. That tree shall not be felled for nothing. It may be cut for canoes, paddles, and such great works as small timber will not answer for. The landlord or tax officer must be previously notified, but no other person. Whoever violates the taboo on those trees, and fells without reason a large tree, or breaks down the small shoots of sandal wood in the mountains, shall be fined one hundred rasters each five yards long. But if the man be furnished with a whip-saw, they are the third class of persons who may cut large trees of the forest, but not sandal wood. But the Oo and Mamo shall remain taboo as of old. But there is one thing that is taboo on all the mountains of the land, that is, to kindle fires and burn up all the verdure of the mountains. Whoever does this shall be punished according to the aggravation of the offence. If the crime be small the fine shall be less; if large then he shall be fined by being put to hard labor for two years and a half. Such is the punishment of all who kindle fires on the mountains.

## 21. Of the application of the laws.

During the ensuing six months, the governors and landlords shall settle the difficulties in relation to residuum lands, and other difficulties also; first let the difficulties on the manner of doing business be settled; establish your men on your lands, that they may be well off; seek a reward for the laboring class according to the amount of labor performed; and all officers shall be rewarded according to their correctness in transacting business. After six months from this time, chiefs, landlords and people shall be punished for all violations of this law, according to the within requirements.

## 22. Respecting the council of the Nobles.

In the fore part of April the Nobles shall meet in council to consult on the welfare of all who reside in the kingdom. By such a course the Nobles may perpetuate their rank above the people, in subservience to all the laws of the kingdom to which you give your assent.

But for a man to engage in only one kind of business is the surest way to enrich the nation; thus, one engage in agriculture, another in the fisheries, another in canoe building, another in house building, another in trade; each important business of the nation having a separate class of laborers, in accordance with the opinion of the skilful.

All taxes assessed previous to the enactment of this law, shall be paid, and all labor previously given out shall be performed in full, after which the old system shall end.

This law was enacted on the 7th of June, in the year of our Lord one thousand eight hundred and thirty nine.

At a subsequent examination of the Nobles certain changes were made, to which we have set our names this ninth day of November in the year of our Lord one thousand eight hundred and forty, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHII.

#### CHAPTER IV.

##### OF LAWS WHICH ARE NOT OF UNIVERSAL APPLICATION.

In the constitution, it is stated what laws are applicable to the kingdom at large. A single Noble cannot make a law, not even his Majesty the King, but the Nobles must assemble according to the requirements of the constitution. Wherefore if a single Governor pursue an incorrect course, the fault is his own; it does not attach to the kingdom, until the King and Premier approve the act; then the kingdom is involved.

There are many little evils existing in villages, which the general laws of the nation cannot correct, for the circumstances of one village are unlike the circumstances of another village, wherefore, the following edicts have been agreed to:

F. If the people of any village, township, district, or state, consider themselves afflicted by any particular evils in consequence of there being no law which is applicable, it shall be lawful for them to go to a tax officer, judge, or any chief, and he shall give notice to all the people of the place, who may assemble at the place mentioned by the officer. Then they may devise a law which will remedy their difficulties. If they shall agree to any rule, then that rule shall become a law for that place, but for no other. It shall not however be in



their power to make any law which is at variance with any law of the kingdom, nor on a subject of universal importance.

But laws respecting roads, fences, animals, and all such like things they may pass.

2. All private individuals also shall enjoy the same privilege. Any man may make a law which shall be applicable to his own premises, and if a man makes the law of his land, his yard or his house clearly understood before hand, that law is binding, and whosoever violates, shall pay the penalty according to the requirements of the law, though no such law can be at variance with the general spirit of the laws of the nation, nor can there be an oppressive law nor one of evil tendency.

These edicts having been passed by the Nobles, we have hereunto set our names this ninth day of November in the year of our Lord one thousand eight hundred and forty, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

## CHAPTER V.

### OF POLICE OFFICERS AND CONSTABLES.

1. It shall be the duty of the several Governors to appoint constables and Peace officers for the protection of the people and villages. The Governor shall act in this thing according to his own discretion. If the village be large, there must be a greater number of constables. If the village be smaller, there may be a smaller number of constables, at the discretion of the Governors. If the Governor be embarrassed in any

respect, and therefore think it best to appoint a new officer over any kind of business, he may do it at his discretion.

The badge of the constables shall be a little stick, made round, with the name of the King at the top of it. And it shall be his duty always to carry the badge, that he may be known as a constable. If he does not carry the badge, it will be improper for him forcibly to seize a man, lest it be thought that he is not a constable, and a quarrel ensue. In such a case the blame will attach to the police officer. But if he carry his badge and any one resist him and hurt him, then the blame will attach to the man, and the officer will be faultless.

2. It shall be the duty of the police officers to watch, spy out and detect criminals, carry them to, and deliver them up to the judges, who will bring them to trial. It shall be their duty to seize all persons who violate the laws, and in case of a quarrel or a mob, it shall be their duty to restore or demand peace, and seize the guilty persons. If any peace officer know of a person's committing a crime, and do not seize him nor make it known to the judge, he shall be punished to one half the amount which the criminal would have been. And if they merely hear of disorder or mischief, it shall be their duty to go and see, for the purpose of quelling it. If any one of them receive a bribe, and therefore conceal crime, he shall be fined to four times the amount of the bribe which he received; then if the bribe he received was one dollar, his legal fine shall be four dollars.

3. If any man, not being a police officer, shall carry the badge of one, he shall be fined five dollars. If a

police officer shall seize a man entirely without grounds or without any reasonable ground of suspicion, he shall be fined ten dollars and pay all damages sustained by the person thus groundlessly seized. If a police officer attempt to seize a man and he resist, the man shall be fined ten dollars, even though he do not wound the officer. But if the officer be wounded by him he shall then be fined in the same manner as all others guilty of assault.

If any man aid a person whom the police officer attempts to apprehend, his fine shall be ten dollars for his opposition to the officer, and if the criminal actually escape in consequence of his aid, he shall be fined again, at the discretion of the judges, but not to a higher amount than would have been paid by the criminal, whom he rescued. But if the police officer be wounded by him he shall be fined again, as all men are who commit assaults.

The police officers shall be paid for their services in the following manner: If a police officer seize a man for crime and he be tried and convicted, then one fourth part of the fine shall go to the police officer. The same also shall be the reward of all men. Whoever has knowledge of a crime and enters a complaint to the judges, shall receive one fourth of the fine.

This law shall go into operation on the first day of January, in the year of our Lord 1841, in all places on these Islands.

This law was passed at a council of the Nobles held at Lahaina, Maui, and receives our signatures this tenth day of November, in the year of our Lord 1840.

(Signed,) KAMEHAMEHA III.  
KERAULUONI.

## CHAPTER VI.

## QUARANTINE LAWS.

Whereas, it has been clearly ascertained that the small pox has prevailed on board of one or more ships now cruising in the Pacific Ocean, which may be expected to visit the Sandwich Islands, and whereas that disease is understood to prevail at the present time in ports on the western coast of America, frequently visited by ships on their way to the Sandwich Islands; therefore,

Be it enacted by the King and Nobles of the Sandwich Islands in council assembled,

1. That after the promulgation of this law, all canoes and boats, and all persons not authorized by the Board of Health, are prohibited from visiting any foreign ships whatsoever, until she shall have been examined by a Health Officer, or one of the Board of Health, as hereafter named, and pronounced healthy. And whosoever shall visit any ship contrary to this law shall forfeit forty dollars, to be paid one half to government and the other half to the person who shall give information of the same.

2. All vessels having the small pox, or any other contagious disease on board, and all vessels having had any contagious disease on board within a period less than four months, are hereby prohibited from anchorage at any port, harbor or roadstead of the Sandwich Islands, until visited by a Health Officer or by one of the Board of Health, and having received his approbation. And any master or officer of any such vessel, who shall land or permit to be landed any person or persons affected

with a contagious disease or any article containing such contagion, shall, on being duly convicted thereof, be fined not more than one thousand dollars, or be imprisoned one year.

3. All vessels having had contagious diseases on board as above, on arrival at the Sandwich Islands, or at any port thereof, shall be entirely at the direction of the Board of Health, for a period not more than forty-two days. And all vessels quarantined, or laid under restrictions as above, shall keep constantly flying, during the day, a yellow flag at the main top. And whosoever shall go on board any vessel thus put under the yellow flag, shall forfeit forty dollars, and shall be entirely at the direction of the Board of Health for a term not longer than forty-two days.

4. For the purpose of carrying into execution the above regulations, it shall be the duty of the several Governors to set apart a Board of Health for each of the harbors of the Sandwich Islands. And said Board of Health shall have full power to enact such laws and regulations as may be necessary to protect the health of their several places. They (the Governors) shall also appoint health officers, whose duty it shall be to examine every vessel suspected of having a contagious disease on board, and the health officer shall be entitled to receive from the master of every vessel thus examined by him, five dollars.

Done at Honolulu, on this 29th day of May, in the year of our Lord, one thousand eight hundred and thirty-nine.

(Signed by the King.)

## CHAPTER VII.

A STATUTE FOR THE REGULATION OF  
SCHOOLS.

The basis on which the kingdom rests is wisdom and knowledge. Peace and tranquillity cannot well prevail in the land, unless the people are taught in letters, and in that which constitutes prosperity.

If the children are not taught, ignorance must be perpetual. The children of the chiefs cannot prosper, nor any other children, therefore be it enacted,

1. Wherever there is any number of parents having fifteen or more children of a suitable age to attend school, if they live near each other, in the same village, or in the same township, it shall be their duty to procure themselves a teacher, which they shall do in the following manner. The tax officer shall give notice by a crier of the time and place at which all the male parents of the township, district or village shall meet, and they shall choose three of their number as a school committee for that place. If the number of children in any village be less than fifteen, then their fathers shall unite with another company near by.

2. Said school committee shall then apply to the general school agent, spoken of below, and they together shall look out a teacher for that place. If there are but few children, then there shall be but one teacher, if more, then two teachers, and if the children are very numerous, then there shall be three or more teachers as they shall think best.

3. When the teacher is obtained, then the general agent, the teacher and the school committee shall agree as to the wages. If the teacher have no land and they shall agree in the opinion, that it is important that he should have some, then the general school agent shall endeavor to secure some which is not occupied, and that land shall be given to the teacher, but not in perpetuity. When he shall cease to act as teacher then the land shall revert to government. But if the land do not afford the teacher a full support, then they shall furnish him with as much more as they shall agree to be necessary. It shall be furnished from the avails of the King's labor days and from the yearly tax, but not the poll tax.

The general land agent shall have power to take the unoccupied lands of the landlords, but he shall give previous notice to the landlords, that there may be a mutual understanding between them.

4. Furthermore, it shall be the duty of the children to be generous to their teacher, and aid him by working on his land, according as they shall agree, or according to their good will.

5. A further reward to the teachers of schools shall be freedom from all public labor for the chiefs and land agents, and neither they nor their wives shall pay any poll tax while they are acting as teachers of schools.

6. It is not proper that all teachers should be paid alike. A very wise teacher who is exceedingly laborious in his business, and has many pupils, should be paid a high price, while he who is less wise and less laborious in his business should be paid a lower price. But no person is by this law considered a teacher unless he have a teacher's certificate from the general school agent.

7. If the school committee perceive that the avails of the land given by the King to the teacher are more than they agreed that the teacher should have, then they shall take the charge of the surplus for the benefit of some other schools, and if the property be such as that the care of it is a burden, then the school committee shall receive one tenth in payment for their care.

8. At all places where the children are in want of a school house, the tax officer shall notify the people, and they shall build it under the direction of the school committee. And inasmuch as the labor is not such as concerns the chiefs only, but is alike for the benefit of the people and the rulers, it shall be considered as national work, then even transient persons and servants shall labor.

9. The proper ages for children to go to school shall be considered to be from four years and upwards to fourteen years of age. If any man have a child of a suitable age to go to school, but below eight years of age, and do not constantly send him to school, then that parent shall not be freed from the public labor of the King and the land agent, on the labor days, whatever may be the number of his children, neither shall his portion of land be increased, nor shall he be permitted to cut on the mountains such kinds of timber as the King gives to the people. All those kinds of timber are taboo to those parents who send not their children to school. Nor shall those parents fish on those fishing grounds which the King gives to the people. Those parents have a preference for darkness, therefore let the taboo's of those times of darkness apply to them.

But if a child be more than eight years of age and do not go to school, then the fault shall not be considered



as the parent's only, but the child's also. That child shall go to the public labor of the King and land agents on all labor days. No child (over eight years of age,) who does not go to school, shall be freed from public labor; they shall all go to work.

10. Children when at school are required to be quiet, and listen to the instruction of the teacher. But if any one is mischievous, the teacher shall be allowed to administer to him proper correction, but not improper. If the school becomes disorderly and the teacher is tried thereby, or on account of the misconduct of some particular pupil, then the teacher and school committee may consult together and act according to their mutual judgment.

In time of school it is not proper for children to go a distance from home. In time of vacation they can go, and when the school begins anew then return. Though if a child be afflicted by the sickness of a parent or some near relation, (or some other cause,) he may go, by giving previous notice to the teacher.

But it shall be illegal for the teachers to hinder those of their pupils who desire to enter into the marriage relation, or those who wish to remove to another place with their parents, but when they thus remove, they must enter the school at that place.

11. If a teacher fail of doing his duty, and become negligent or guilty of a crime, then he shall be brought to trial before the school committee and general school agent of the place, and they shall decide respecting him. If it is their judgment to diminish his wages, or even take away his office as teacher and withhold his whole wages, they shall have a right to do it.

Whenever a teacher is dismissed or dies, then his,

land, house and yard shall revert to the King, and shall be under the care of the school committee, who shall give them to another teacher. Though if he built his own house or paid his own property for it, or if his house was included in his wages which he received as teacher, then the house shall not be given up.

12. It shall be the duty of the school committee to encourage the parents in whatever will promote the education of their children, and shall also themselves encourage the children to go to school and acquire knowledge, and shall aid the teacher in whatever is necessary for the prosperity of the school. The school committee must do these things gratuitously — they will receive no pay, for it is but a small amount of labor which they will perform.

13. There shall also be annually appointed certain men of intelligence as general school agents, as follows, one for Hawaii, one for Maui, one for Molokai, one for Oahu, one for Kauai, and one superintendant of the whole. They shall be appointed by the legislature at their annual meeting. These persons shall be the school agents for the year.

14. The business of the general school agents shall be to consult with the school committees and teachers in accordance with what is before stated. The general school agents shall superintend, manage and provide for the teachers, and shall encourage them and their scholars. They also shall be the Judges of the law in relation to schools. The Supreme Judges are the only persons above them. They shall report to their superintendants their various acts, and the result of their observation, and the superintendant shall report to the legislature at the annual meeting. Their pay shall be as

follows; when they are travelling to examine schools, the land agents shall furnish them food and necessaries, and they shall be paid twenty-five dollars a year of government property, but not money.

15. Furthermore, those scholars which attend the Mission Seminary at Lahainaluna, shall be freed from the money tax, and all public labor of the chiefs, and all scholars that go to school to learn geography, arithmetic, and other higher branches taught in the higher schools, those scholars shall not go to the public labor of the chiefs and land agents till they become eighteen years of age.

16. The regulation of this section applies only to children born during the reign of Liholiho, and during the present reign of Kamehameha, but does not apply to those born previous to these reigns.

No man born since the commencement of the reign of Liholiho, who does not understand reading, writing, geography and arithmetic shall hold the office of Governor, Judge, Tax officer, nor land agent, nor hold any office over an other man, nor shall a man who is unable to read and write marry a wife, nor a woman who is unable to read and write marry a husband. But this edict does not apply to those who were born previous to the reign of Liholiho.

17. If any one suffer a misfortune which is the cause of his ignorance, if his sight be defective, or if he lives in a solitary place distant from school, or is unfortunate in any other manner, which is the reason of his ignorance, and still his or her mind is made up to marry a wife or husband, then he or she may go to the Governor who shall make inquiry, and when it becomes clear to him that the person's ignorance is not the result of

laziness but a real misfortune, it shall then be the duty of the Governor to give him or her a certificate of marriage.

18. Furthermore, it shall not be proper for the general school agent to give the teacher's certificate to ignorant persons, nor to persons known to be vicious or immoral. If a man can read, write and understands geography and arithmetic, and is a quiet and moral man, and desires a teacher's certificate, it shall be the duty of the school agent to give him one, and not refuse.

19. Furthermore, all the tax officers are required to listen to the commands of the general school agents, when they give orders for the payment of the teacher or teachers, in accordance with the requirements of this law, or when they give orders for rebuilding school houses. The tax officers shall obey the requirements of this law. But they shall notify the Premier of all the property which they pay over to the school agents or teachers.

20. By this law, the statutes enacted in relation to schools, on the 15th of October, 1840, are repealed. When this law is published, on the day that it takes effect, then that law shall be no longer regarded. But school committees regularly appointed shall hold their office through the year, when if the people choose they may appoint new ones. Furthermore, all lands regularly given to the teachers in accordance with the regulations of that law, are confirmed to the teachers by this new law, in the same manner as lands newly given out by the general school agents.

The day on which this law shall take effect shall be as follows. Should it be proclaimed in any village or township, then the day on which it is proclaimed shall be the day of its taking effect in that place. But if it

is not proclaimed, then it shall take effect on the first day of September next, in all places in the Hawaiian Islands.

All the requirements of this law having been agreed to by the Nobles and and by the Representatives, we have set our names to the same, this twenty-first day of May, in the year of our Lord, one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.  
KEKAULUOHU.

#### CHAPTER VIII.

#### LAW RESPECTING THE MAKING OF ROADS.

If any Governor wish a road made, he shall appoint three surveyors who shall lay out the road. And the people also may do the same. If they wish a road made they may proceed according to the directions in Chapter IV. But this law is enacted for the further regulation of the subject.

1. If it be desired to make a new road, it shall be done as follows. There shall be three men appointed who shall estimate the amount of property sacrificed by means of the road. Those interested in the road shall make the appointment, if the Nobles, then they shall appoint, or if the people, then they shall appoint.

2. If any man's house stand in the contemplated road, then the committee of three shall estimate the amount which said man ought to receive for the damage he sustains in the loss of his house. And he shall be

paid according to their estimate. The same also in case a taro pond or other property be damaged by the road. The owner shall be paid according to the estimate of the three men.

3. If the road cuts the various plantations alike or nearly so, and does not cut them so as to occasion much damage, but in such a manner that the loss and gain too are mutual, then there shall be no damages paid for the loss of land by the roads. No man can refuse to give up his land for a road. The decision shall rest entirely with the committee.

4. If the chiefs are the persons who direct respecting the road, then they shall pay the damages sustained by the road. If the road is made at the direction of the people, then they shall pay the damages sustained.

This law was enacted on the eleventh day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed,)

KAMEHAMEHA III.  
KEKAULUOHII.

#### CHAPTER IX.

##### A LAW FOR THE REGULATION OF HAWAIIAN WEIGHT AND MEASURES.

The weights and measures approved by the Hawaiian laws are those of Massachusetts. The yard, the gallon, the ton and the pound are all in accordance with the weights and measures of Massachusetts. If weights and measures of any one do not accord with these, they are not approved by this law.

Here follows a full explanation.

1. If any one speaks of
- |           |             |             |
|-----------|-------------|-------------|
| 1 Foot    | it shall be | 12 Inches,  |
| 1 Yard    | "           | 3 Feet,     |
| 1 Fathom  | "           | 2 Yards,    |
| 1 Chain   | "           | 11 Fathoms, |
| 1 Furlong | "           | 10 Chains,  |
| 1 Mile    | "           | 8 Furlongs. |

2. If any one speaks of
- |             |             |                    |
|-------------|-------------|--------------------|
| 1 Pound     | it shall be | 16 Ounces,         |
| 1 Quarter   | "           | 25 Pounds.         |
| 1 Hund. wt. | "           | 4 Quarters,        |
| 1 Ton       | "           | 20 Hundred weight. |

The weights used in weighing heavy articles are those of Massachusetts.

3. In measuring cloth and such like things, when one speaks of

1 Nail	it shall be	2 1/4 Inches.
1 Quarter yard	"	4 Nails,
1 Yard	"	4 Quarters,
1 Fathom	"	2 Yards,
1 Pio	"	3 Yards.

This measure also is like that of Massachusetts.

4. In the measurement of liquids, when any one speaks of

1 Pint	it shall be	4 Gills,
1 Quart	"	2 Pints,
1 Gallon	"	4 Quarts,
1 Hogshead	"	63 Gallons,
1 Pipe	"	2 Hogsheads,
1 Ton	"	2 Pipes, or 252 gals.

These are the weights and measures adopted in this country, not like those now used in Great Britain, but like those formerly used there, and now used in Massachusetts.

5. If any one uses weights or measures at variance with those mentioned above, and in consequence of such variance the one with whom he trades suffers loss, or if he uses them deceitfully, he has broken this law and shall be dealt with as a thief.

This law shall take effect on the first day of January, in the year of our Lord 1841.

This law was enacted by the Nobles of these Hawaiian Islands, on this twelfth day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed,) KANEHAMEHA III.  
KĒKAULUOHĪ.

## CHAPTER X.

### OF MARRIAGE AND DIVORCE.

From the time of Kaabumanu down, the laws which she established over the kingdom in relation to marriage have been valid, and they are still so at the present time.

Her's were as follows :

"It is illegal for one man to have two wives.

"It is illegal for one woman to have two husbands.

"A man cannot cast off his wife at his pleasure.

"A woman can not cast off her husband at her pleasure.

"If a man and woman are agreed to live together as man and wife, and there is nothing in the way to render



it illegal, then let them marry in accordance with the word of God.

“But those persons who are united according to the former customs of this country, and are still living together, one man and one woman, and there is nothing to render their union illegal, their union is hereby confirmed anew in the same manner as those who are married.

“But from the present time all persons are prohibited from uniting together according to the former customs, it is proper to marry.”

Here also are some further explanations.

If two persons wish to marry, it is not proper to act hastily, but proceed cautiously, in order that one may become acquainted with the character of the other, lest difficulties arise after marriage.

Furthermore, it is improper for an old woman to marry a boy, and also for an old man to marry a girl, but it is peculiarly proper that their ages be near alike.

Wherefore it shall be the duty of school teachers and also of those priests who solemnize marriages to instruct men and women in these particulars.

THE FOLLOWING PERSONS ARE PROHIBITED FROM MARRIAGE.

I. A boy who has not arrived to fourteen years of age.

II. A girl who has not arrived to twelve years of age.

III. A man who has a wife living, and has not obtained a written divorce together with the consent of the Governor for him to marry again, he shall not mar-

IV. A woman whose husband is living, and has not obtained a written divorce together with the consent of the Governor for her to marry again, she shall not marry.

V. A boy under the age of twenty years can not marry without the consent of his parents, if they are living. So also a girl under the age of eighteen years can not marry without the consent of her parents, if they are living. But if the parents criminally withhold their consent, then the judges may institute an examination, and decide whether the marriage shall be solemnized or not.

VI. It is taboo for a man to marry the following relations.

- 1 His grandmother.
- 2 His grandfather's wife.
- 3 His wife's grandmother.
- 4 His father's sister.
- 5 His mother's sister.
- 6 Father's brother's wife.
- 7 Mother's brother's wife.
- 8 Wife's father's sister.
- 9 Wife's mother's sister.
- 10 Mother.
- 11 Father's wife.
- 12 Wife's mother.
- 13 Daughter.
- 14 Wife's daughter.
- 15 Son's wife.
- 16 Sister.
- 17 Son's daughter.
- 18 Daughter's daughter.

- 19 Son's son's wife.
- 20 Daughter's son's wife.
- 21 Husband's son's daughter.
- 22 Husband's daughter's daughter.
- 23 Brother's daughter.
- 24 Sister's daughter.
- 25 Brother's son's wife.
- 26 Sister's son's wife.
- 27 Wife's brother's daughter.
- 28 Wife's sister's daughter.

VII. It is taboo for a woman to marry the following relations.

- 1 Her grandfather.
- 2 Her grandmother's husband.
- 3 Her husband's grandfather.
- 4 Mother's brother.
- 5 Father's brother.
- 6 Father's sister's husband.
- 7 Mother's sister's husband.
- 8 Husband's father's brother.
- 9 Husband's mother's brother.
- 10 Father.
- 11 Mother's husband.
- 12 Husband's father.
- 13 Son.
- 14 Husband's son.
- 15 Daughter's husband.
- 16 Brother.
- 17 Grandson.
- 18 Son's daughter's husband.
- 19 Daughter's daughter's husband.

20. Husband's son's son.  
 21. Husband's daughter's son.  
 22. Son's son.  
 23. Sister's son.  
 24. Brother's daughter's husband.  
 25. Sister's daughter's husband.

VIII. It is taboo for the following foreigners to intermarry with the females of this archipelago, viz: all foreign deserters, they shall by no means marry a wife here. And hereafter no foreigner who lands here without the consent of the Governor in writing, shall be permitted to marry.

IX. No foreigner shall marry a wife here unless he first go before the Governor and declare under oath that it is his design to remain in the country, and also take the oath of allegiance to this government, and obtain from the Governor a certificate of marriage.

X. No foreigner shall marry here unless he first exhibit evidence that he has not a wife living in any other country, nor until he has resided in these Islands two full years. And if any one shall be guilty of falsehood at the time of his marriage, and afterward it appears that he has a wife in some other country, then all his property shall be seized and given to the wife whom he deceitfully married, and he shall be driven out of the country.

XI. These, and these only, are the persons who shall solemnize marriages in this country. Those priests who are living here in consistency with the laws of this country. And even they shall not do it independantly. Those who desire to be united in wedlock shall first go to the Governor, or to his agent, and obtain a written

assent to their marriage, and then it shall be proper for the priest to solemnize the marriage.

XII. Whoever solemnizes marriages shall keep a book where he shall record the names of the persons whom he marries. On the last day of December of every year, every person who solemnizes marriages shall give notice of the number of marriages which he has solemnized during the year. And it shall be proper for the King at his pleasure to send a man to examine into the correctness of the records kept by those who solemnize marriages.

If any one disregard this and the XI Section of this law, or if any one shall unite persons in marriage in a manner at variance with any part of this law, he shall be fined one hundred dollars.

OF THE DUTIES OF HUSBANDS AND WIVES, AND OF DIVORCE.

It is the duty of all persons who are married in accordance with the laws of the land to live in peace and observe the vows which they made at the time of their marriage. But as for the persons who regard not their vows, the following laws are for them.

1. If one party conducts improperly and forsakes her husband or his wife, then they shall be brought to trial, and if it appears that the forsaking party was highly criminal, he shall be fined at the discretion of the judges, but not more than ten dollars. If desertion again take place after the fine, then the fine shall be doubled for each new desertion, even to the farthest extent. But if the judges perceive that a woman is in special danger on account of the frequent assaults of her husband, it shall be proper to confine that man with irons.

at the discretion of the judges and in proportion to the danger of the wife.

2. If a husband and his wife quarrel and one assault or beat the other, or do any thing else by which a wound is inflicted, they shall then be brought to trial and punished according to the aggravation of the offense, but not more than others who commit assaults. If they quarrel again after the trial, the punishment shall be doubled, and shall continue to be doubled for each new offense, even to the farthest extent. But if the judges perceive that the woman is in special danger on account of the frequent assaults of her husband, it shall be proper to confine that man in irons, at the discretion of the judges, proportioned to the danger of the wife.

3. If two married persons do not live happily together, but quarrel often and become famous for the same, and also disregard their marriage vows, they shall then be brought to trial, and being convicted of the charge as specified above, they shall both be confined in irons. They shall be confined separately, not together, and shall be confined at night only, and in the morning shall be set at liberty, to go where they please, but at night shall be confined again, and shall be confined every night until they cease quarreling.

4. If the husband sail to a foreign country and she remains four years without hearing of his being alive, nor any thing respecting his return, it shall then be proper for the woman to apply to the Governor, who will give her a written permission to marry, after which she may marry another husband. But if her former husband returns, he is her husband still, the new husband must be put away.

5. If a man or woman be banished to another island

for a period of four years or more, then he or she is dead in the estimation of the law, and the innocent party may apply to the Governor who will give a written permission to marry again, after which he or she may marry another companion, or not, at pleasure.

6. If any one return from the place of his banishment and find his companion married, the person so returned may make application to the Governor who will watch his character for one year, and if he live a moral life and is faultless, then he shall receive a certificate of marriage, after which he may marry again.

7. If a married person be afflicted by the inconstancy of his or her companion, (who has been convicted of adultery,) and on that account his or her mind is made up to separate for life, then he or she may apply to the Governor who will give a bill of divorce, after which he or she (the innocent party,) may marry again. But if the two persons are nearly of the same character, and it is not clear that one is much better than the other, then the Governor shall refuse, they shall not be divorced. If one is of unblemished character and his companion commits adultery, they and they only can be divorced.

8. If a man become exceedingly angry with his wife or a woman with her husband, and the angry party attempts to take the life of the other, and the judges perceive that the life of the innocent person is clearly in danger, then a bill of divorcement shall be given to the innocent person, who may marry again. But the guilty person shall by no means marry again until death.

9. If a man and his wife are separated for life, and have children, but disagree in relation to the child or

children, then the judges shall decide the case, and give their support to the innocent party.

This law shall go into effect on the first day of January, in the year of our Lord 1841, at all places on these Hawaiian Islands.

Having been enacted by the Nobles we have hereunto set our names, on this twelfth day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.

KEKAULUOHI.

#### CHAPTER XI.

#### LAW FOR THE PROTECTION OF THE SABBATH.

It is a well established fact that a nation cannot enjoy peace nor the people prosper, unless they are taught in morals and religion. Wherefore the sabbath is of great importance, because on that day the people are extensively taught in those branches. If any one interferes with another in his observance of the day, or if any one disturbs the peace and quiet of the day, he is criminal,—he does an injury to the public, and to every individual who is seeking the greatest good. Wherefore it is proper for the laws to give protection to the sabbath, and to all those who observe the day, lest any one should interfere with the greatest good of the land, by making the day a nullity. Wherefore, Be it enacted by the King and Nobles of the Hawaiian Islands in council assembled,



1. All unnecessary worldly business is by this law prohibited from being done on that day. It is not proper to cultivate the ground, engage in fishing, to seek for wealth or do any thing of the kind unnecessarily. But works of necessity which cannot be done before nor put off till after the sabbath, together with works of mercy for the distressed may be done. All other kinds of work are taboo. Whoever violates this law shall be fined one dollar, and if he does it again he shall be fined two dollars, and thus it shall be doubled for every repetition of the offense even to the farthest extent.

2. All worldly amusements and recreations, and all plays are at variance with the quiet of the sabbath if engaged in on that day, they are also at variance with the best interests of the kingdom, and are therefore by this law made taboo. Whoever violates this taboo, shall be fined one dollar. If he violate it a second time he shall be fined two dollars, and thus the fine shall be doubled for every repetition of the offense even to the farthest extent. Whosoever shall give his sanction to such conduct as is spoken of in this section by standing and looking on, he too has violated the law.

3. All loud noise, and all wild running about of children, and all conduct which creates confusion in worshipping assemblies on the sabbath, are an interference with the rights of the good who are strict in their observance of the sabbath. Wherefore they are taboo. Whosoever violates this law shall be fined one dollar, and if he does it again he shall be fined two dollars, and thus the fine shall be doubled for every repetition of the offense, even to the farthest extent.

If the person committing the offense be below the age of fourteen years, then he shall be examined in con-

nection with his parents, and the person who is in fault shall pay the fine.

4. This law shall go into execution on the first day of January, in the year of our Lord 1841, at all places in this archipelago.

All the words of this law having been approved, we have hereunto set our names on this thirteenth day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.  
KEKAULUOHU.

## CHAPTER XII.

### A LAW PROHIBITING REVILING, SWEARING AND SLANDER.

If any man is not respected and beloved it is a great misfortune to him, he cannot enjoy peace and happiness when he is thought to be a bad man; nor can a man be happy, or well refrain from anger even to sin, when one speaks to him in reviling language. Wherefore this law is passed for the protection of people's good name.

1. If one shall revile another with an evil intent, in order to make him odious or angry, the person doing this shall suffer the shame of irons, at the discretion of the judges, but not exceeding one month. So also shall the man be punished who swears at another with an evil intent.

2. If any one lie slanderously respecting another, with an evil intent, or with anger, in order to involve an innocent person in difficulty, or in order to put a

good man to shame, or to bring upon a man the anger of others, or the anger of government, the man that does thus shall be punished according to the aggravation of the offense. If the saying be perfectly false, the fine shall be large,—if nearly true there shall be no fine. If it be a mere mistake without any anger, there shall be no fine. If the person slandering and the person slandered are both persons of distinction, the fine shall be large, but shall never amount to more than one fourth of the criminal's property. But if the slanderer be a poor man, he may be put to hard labor, but the time shall not exceed four months, and it may be less, according to the magnitude of the offense in the estimation of the judges.

3. This law shall take effect on the first day of January, in the year of our Lord 1841, on all the places on these Hawaiian Islands.

All the words of this law having been sanctioned, we have hereunto set our names this fourteenth day of November, in the year of our Lord 1840, at Lahaina, Maui.

(Signed.)

KAMEHAMEHA III.

KEKAULUOHU.

RESPECTING THE NEW MEETING OF  
THE NOBLES.

*On the first day of April, in the year one thousand eight hundred and forty-one, the Nobles met at Luahau, in Lahaina according to the requirement of the Constitution, and afterward three persons came forward appointed by the people, and joined the council of the Nobles.*

*At this council several alterations were made in the existing laws, and several new laws enacted.*

*The changes in the old laws are as follows:*

1. LAW OF TAXATION.

In relation to all laws on taxation it is enacted, that whenever the Governor shall perceive that any man suffers on account of the unjust bearing of a particular law it shall then be the duty of the Governor to free the man in accordance with strict justice, and not enforce that particular phrase of the law.

2. OF MEN WHO VIOLATE THE LAW.

When a man is condemned to work for the government according to law, the land agents may claim the labor of the men belonging to their lands on their working days. But the best way is for the man who has the charge of the public labor to keep account of the labor days which the land agent has a right to claim, and then let the criminal first work the government por-

tion of the time, and afterwards that of the land agent.

### 3. THE TIME OF PAYING TAXES.

The following words shall be inserted in Chapter III. Sec. 1. page 25 ; "From the first of October to the end of December."

### 4. OF TRANSIENT LABORERS.

Transient persons who have regular daily employment shall not go to the Tuesday labor of the King, but all transient persons who have not regular daily labor, must go.

### 5. OF SHOAL FISH.

From the eighth section of the third chapter of this law, which is found on the thirty-eighth page, certain words shall be erased, as follows ; ("If in sufficient quantities to fill two or more canoes, but not so small a quantity as to fill one canoe only.")

The transient shoal fish spoken of in this law are,

- 1 The Kule,
- 2 The Annaeholo,
- 3 The Alalauwa,
- 4 The Uhukai,
- 5 The Kawelea,
- 6 The Kawakawa,
- 7 The Kalaku.

These kinds of fish shall be divided equally, whenever they arrive at these islands, or whenever they drift along.

6. OF DUTIES LAID BY LAND AGENTS ON THE FISH OF  
THE PEOPLE.

On the 37th page, Chapter third, Section eighth, read thus ; "The people of *other lands* shall give to the landlord one third of the fish thus taken *on said land*."

7. OF PUBLIC LABOR ON RAINY DAYS.

If it rains much on the King's labor day, so as to darken the heavens, then it shall be improper to labor, let the labor cease as the amount of rain shall require, at the King's loss, or the land agent's as the case may be. But if the rain be trifling, such as not to interfere with labor, then it shall continue, and only those who are weak and benumbed shall return. But if the people prefer to leave the work entirely, and work on one of their own days, that too shall be proper.

8. OF LARGE FAMILIES.

If any tenant of a land have a number of children, so that he is freed from taxation, then his landlord shall not be called on to pay on his account. The taxes shall be diminished according to the number of working men.

9. OF THE PUNISHMENT OF FISHERMEN.

In the third Chapter, eighth section, page 37th, the following words are erased ; "*For two years he shall not fish at all on any fishing ground.*" The following words shall also be inserted in their place ; "If he take one fish-criminally he shall pay five, and always at that rate. And if a canoe full be taken then five canoes full shall

be paid, according to the amount taken, even to the farthest extent."

#### 10. OF MULTIPLYING LAND AGENTS.

In the third Chapter, ninth section, 39th page, the following words shall be inserted; "And their land agents." It will then read thus, "It shall be the duty of those to whom the King gives land, *and also of their land agents*, to see that they do not establish," etc.

#### 11. OF THE TAX FOR THE YEAR 1841.

The following is the land tax for the year 1841, and is published for the information of the tax officers, and of the people universally.

1. Money is the standard by which all taxes and assessments are to be estimated, and it would be very well if all men would pay their taxes in money.

2. Kukui nuts are valuable property. In places where the kukui nuts abound, the tax shall be in those, according to the size of the land so the tax shall be apportioned out. The price shall be a dollar and a half per barrel. Six barrels and two thirds will be equal to a fathom swine.

3. Arrow root is valuable property. Where arrow root is abundant, the taxes shall be taken in arrow root. And the tax shall be proportioned to the size of the land. The price shall be the same as that of live pork, that is three cents per pound. Three hundred and thirty-three pounds are equal to a fathom swine.

4. Turmeric is also a valuable article. Where turmeric is abundant, the taxes shall be in that. The price by the pound shall be same as that of arrow root.

5. Where none of these kinds of property can be

obtained, and fish are abundant, there the tax shall be laid in fish; and shall be in proportion to what the tax of the land would be in money. If the land would be taxed a fathom swine, then there shall be an amount of fish equal in value to ten dollars.

6. If none of the articles mentioned above can be obtained, then the tax officer shall ascertain whether there be any other article of a fixed value, but if the people possess no such article, then swine will be taken.

7. Furthermore, every man shall carry his taxes to a place suitable for vessels to go and receive them, to such places too as the tax officer shall appoint.

These taxes are confined to the present year, but if found to be suitable, will be continued, but if not, will be abandoned.

#### 12. OF ARTICLES ON THE MOUNTAINS WHICH ARE TABOO.

In the third Chapter, section 20th, on the 53rd page, the following words shall be inserted: "But the Ohia Lehua which one man can class shall not be tabooed. All persons shall have a right to take it. Nor shall there be any taboo on those things which are lying on the top of the ground, nor on the fruit of the trees, or roots growing in the ground. It shall be improper for the konohiki to taboo any other article except timber.

#### 13. OF THOSE WHO ARE ABSENT ON THE LABOR DAYS.

In the third Chapter, third section, on the 29th page, certain words are erased, and certain others shall be inserted. The following words shall be erased; "twenty-five cents," and the words inserted shall be,



"one rial," and also, "land agents and officers shall not refuse that price." It will then read as follows: "He that gives previous notice shall pay *one rial*, and the land agents and officers shall not refuse that price."

#### 14. OF THE INTERCHANGE OF LABOR WEEKS.

The Nobles have agreed that the people shall labor on two weeks for the King and land agents. If it be agreed that those two weeks shall be in succession it is well, and if it be agreed to work on one and pass one, or to exchange, that also is well.

#### 15. OF CURSING.

In the twelfth Chapter, at the end of the first section, on the 81st page, the following words shall be inserted; "But if the criminal choose to pay a fine in money or other property, and so escape irons, it is well, though in that respect it shall be as he can agree with the one whom he cursed, the judges also seeing that there is a due proportion between the crime and punishment.

#### 16. OF THE PEOPLE WHO WORK ON THE LABOR DAYS.

The following words are inserted in the third section, on the twenty-ninth page. "But if a man go abroad, and the labor day of the King or kingdom arrives, if the stranger labor, it shall then be the duty of the tax officer to give him a certificate, and then he shall not be required to work again when he returns to his own place.

#### 17. OF THE TITHE OF THE PROPERTY OBTAINED ON THE LABOR DAYS OF THE AGENTS.

The following words shall be inserted at the end of

the 18th section, on the 52nd page; "The tax officers shall take the property to the King."

18. OF NEW BORN CHILDREN.

When a child is born, then the father or the mother shall inform the tax officer, who shall record in a table the name of the child, the name of the parents, name of the land, the day, the month and the year that the child was born.

If neither the father nor mother give this notice, then those parents are guilty of an impropriety, he shall not be freed from labor on the labor days, even if he have a number of children.

19. OF JUDGES WHO ARE GUILTY OF INJUSTICE.

If a judge be guilty of real misconduct, and with a criminal design, and punish a man unjustly, or set a guilty man at liberty, or if he do this on account of prejudice, he shall then be brought to trial before the supreme judges, and when convicted, he shall cease to be a judge, nor shall he receive any pay for that year in which he committed the offense.

20. OF THOSE PERSONS WHO REFUSE TO COMPLY WITH THE SENTENCE OF THE JUDGES.

Whatever persons are condemned by the judges to pay a fine or to labor, if they refuse obedience to the sentence of the judge, then irons are the consequence, or a rope, let him be perfectly fast until he yield assent to the decision. But if the criminal give notice of his intention to appeal to the Governor, or to the supreme judges, it shall be proper for him to do so. He shall not be confined, let him appeal. But if the Governor try him

anew, or the supreme judges, and find the man really guilty, according to the previous sentence, then the punishment shall be increased. If the fine were ten dollars, then one dollar more shall be added. If the punishment were two months hard labor, then the time shall be lengthened five days. And in that proportion shall the punishment of all persons be increased who appeal without grounds.

#### 21. OF THE PROTECTION OF THE FISHERIES.

The following words are to be inserted in the eighth section of the third Chapter, on the 38th page; "The general tax officer may lay a protective taboo on the King's fish, and also on those of the land agent's, but the land agents and the King also, may eat of their own fish taboo'd by themselves, even before the taboo of the tax officer is repealed.

#### 22. OF TAXING UNFURNISHED LANDS.

In the third Chapter, section 2nd, the following words shall be inserted; "If the tax officer perceives that the land is unfurnished, having but few men, then it shall be his duty to diminish the taxation in a due proportion. He shall not look at the size of the land merely, nor at the number of men only, but shall look at both together, and assess the tax justly, that the burdens of all the people may be made alike.

#### 23. OF DISPENSING WITH LABOR DAYS.

In the 3rd Chapter, 3rd section, on the 30th page, the following words shall be inserted; "If the King choose to dispense with the labor of the people at any particular place on the Islands, and instead thereof to

lay a regular tax on the people, it is proper to do so, but the tax shall not exceed four and a half dollars each man, according as is mentioned in the law. And if any man be taxed according to this permission, and he do not pay it, he shall then be required to work the full number of days he has missed, and the same also with the land agents.

24. OF THE ENACTION OF NEW LAWS.

The Constitution declares that, "No new law shall be enacted without the consent of a majority of the House of Nobles, and Representatives. That is well, as the chiefs believe, but here is a little further explanation.

"If his Majesty the King, the Premier and the Nobles resident near, perceive any particular evil, and on that account think best to pass a new law, they may do it, and that law shall stand until the next meeting of the Legislature, when it shall be at the option of the Nobles and Representatives to confirm or annul it."

All the words of these twenty-four divisions having been approved by the Nobles and the Representatives, we hereby confirm the same, and subscribe our names this thirty-first day of May, in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.  
KEKAULUOHU.

## CHAPTER XIII.

## LAW RESPECTING THE RUNNING OF HORSES.

Whereas at the present time, certain persons are in the habit of running horses in some of the large villages of these Hawaiian Islands, and whereas children and some times parents too are endangered thereby, and even life itself put to hazard, and whereas no benefit arises from such practice, therefore the Nobles and House of Representatives in council assembled have agreed to all the words of this law.

1. By this law is prohibited all running or swift riding of horses in roads streets, and all avenues in villages and also in all places of assembly or public resort, and in all places where the traveling is abundant. Whoever violates this law, or does that which is forbidden in this section, shall be brought to trial, and on conviction thereof he shall be fined five dollars; one fourth to the complainant, and three fourths to the government, and the criminal shall also pay all damages sustained by any individual by his swift riding. The only places for running are off at a distance where people are not traveling.

2. Furthermore, all persons riding on horse back or in a carriage in streets where people are traveling shall ride in or near the middle of the street, in order that persons on the sides of the street may walk safely. Whoever violates this law by design, or with an evil intention, and thereby brings a person into difficulty or inflicts an injury, that man shall be brought to trial, and on conviction, shall be fined five dollars, one fourth to the complainant and three fourths to the government.

3. It is also taboo to train and teach wild and untrained horses in the streets where men are traveling. It is also taboo for men to assemble and ride for pleasure, a number together in villages or where large numbers are walking and attending to their lawful business. Whosoever violates the prohibitions of this section, shall be fined on conviction thereof, five dollars, one fourth to the complainant, and three fourths to the government. He shall also pay all the damages which any one may have sustained by his fault.

4. It is also taboo to set at liberty wild cattle, or permit them to go at large, or even to lead them carelessly in the streets of a village or in any place of public resort. Whoever shall do thus in violation of this law shall pay for all the loss or damage which any one may sustain by him, and shall moreover pay a fine of five dollars, one fourth to the complainant and three fourths to the government.

5. Whosoever is punished for a breach of this law, or any prohibition of any section thereof, and shall afterward commit the same offence again, his fine shall be doubled, and it shall continue to be doubled for every repetition of the offense even to the farthest extent.

Whenever this law is proclaimed in any village or district, the day of its proclamation shall be the day of its taking effect in that place. But even if it be not proclaimed it shall take effect at all places on these Hawaiian Islands on the first day of September of the present year.

All the words of this law, having the assent of the Nobles and Representatives in council, we have hereunto set our names at Lahaina, Maui, on this 20th day of

April in the year of our Lord one thousand eight hundred and forty one.

(Signed) KAMEHAMEHA III.  
KEKAULUOHI.

#### CHAPTER XIV.

##### A LAW RESPECTING MISCHIEVOUS BEASTS

Whereas, there is at the present time a considerable number of people who are greatly annoyed by having their cattle held in confinement without cause, and whereas the former laws of this country, applicable to mischievous beasts were unjust, and whereas, some of the farmers are greatly annoyed, by having their vegetables destroyed, and whereas there are many mischievous cattle, therefore in a council composed of his Majesty the subordinate Nobles and the Representatives, all the words of the following law were approved.

1. In all places where there is a considerable amount of cultivation it shall be illegal for beasts to go at large, unless the cultivated grounds are inclosed by a fence. If beasts are permitted to go at large in such places, and a beast destroy the food of any person then the owner of the animal shall pay the owner of the food for all the food thus destroyed. Or if the animal were confined, but broke away from his confinement, and destroyed food the owner of the animal shall pay as above.

2. In those places where the cultivated grounds are surrounded by a fence, animals may go at large, but if

any animal be really mischievous and break away the fence or jump over it, then the owner of the animal shall pay according to the amount of food destroyed and the loss sustained by the injured person. But goats and sheep shall not be permitted to go at large at all in the vicinity of cultivated grounds, because they will not be confined by a fence, they will overleap it. Wherefore it is taboo for them to go at large in the vicinity of cultivated grounds.

3. If the fence become rotten, or if an adoby or stone fence fall down, by which means the cultivated grounds become exposed, then the animal not being in fault and not being of a mischievous character shall pay no fine. But if it was generally known that the fence was poor and out of repair, and on that account most of the people confined their animals, or if the officer had proclaimed that people must take care of their animals, and some one refused or neglected to take care of his, then he shall pay all damages done by his animals.

4. But the best course is, when it is perceived that the fence is defective, for the officer to repair it immediately. In making fences, the labor shall be done on the labor days of the King, the land agents, and the people. They shall work twelve days in a month until the fence is finished for it is not made for the benefit of the Nobles only but for the people also. But transient laborers shall not work, unless they feed cattle.

5. Furthermore, in making public fences those who own cattle and horses shall do more than those who do not. Five cattle shall be considered equal to one man, and in making the fence if the officer think best to divide it into portions he shall have a right to do so, and it will be especially proper to give a separate por-



tion to him that has cattle. But the estimate for cattle and horses shall be as mentioned above, though if they are tied by ropes, or feed in a separate pasture, such animal shall not be counted.

6. If an animal stray away into the cultivated grounds of a man, or into his enclosure, it shall be proper for the owner of the ground to seize the animal, and kindly return him to the owner, or if not, then give information that the animal is confined in order that the owner may come for him. But if any one unnecessarily hold the animal of another in confinement, and do not restore him nor consent to the owner's taking him away, or if he do not give notice of the confinement, but retains the animal secretly, then the man who seized the animal shall pay all damage sustained by the owner.

7. If an animal be seized, and it is not known to whom he belongs, then the man shall take care of the animal for one month, feeding him well, making diligent inquiry whose the property is, but if the owner do not appear, and is not heard of, the man who seized the animal may then act his pleasure and his will, but he shall make his seizure of the animal public, that it may be extensively heard of. If he conceal it he is like a thief, but if he make it public and it is not called for, he is then faultless. If the owner appear after the end of the month spoken of above, he shall pay the man who has taken care of the animal for all his labor, and take him away.

8. If the owner of the animal and the person who seized him do not agree, then the judges shall decide the case. But the animal shall be restored immediately and the judges shall decide respecting the payment according to principles laid down above.

9. All these words are applicable both to house yards and enclosed plantations, but if the gate of the enclosure be left open, then the animal is not in fault for entering. If a man leave the gate of his enclosure open for the purpose of enticing animals to enter, or if he go for the animals of another and drives them in or entices them to enter, and afterward make application for damages, he shall be brought to trial therefor, and on being convicted thereof shall be punished as a thief, thus; If he apply for one dollar he shall be fined four dollars. If he apply for two dollars he shall be fined eight dollars and this shall be the rate of fine for all who make such criminal application for damages, when the animals have committed no fault.

10. If an animal be tied by a rope and any one goes in a criminal manner and loosens it, or pulls up the stake, he shall then pay to the owner of the animal all damage sustained by him, and shall pay for all damages done by the animal, and shall pay a fine of five dollars.

11. Cattle and horses shall not go at large in streets of villages where there are many people traveling, nor shall they be tied there for feeding, and when travelers tie their horses in the streets it shall be done only on the sides of the street and with a short rope it is not proper in the middle of the street where people are traveling.

12. Even if a man's animal do criminally enter the enclosure of another, it shall be illegal for the owner of the enclosure to take the life of the animal, or inflict any wound, or break his bones. The proper course is to seize the animal and confine him, but not kill him.

• If one kill another's beast or inflict a wound upon him with a criminal intent, he shall pay all damage sus-

tained by the owner of the animal. But if in seizing the animal he be wounded or die and is not killed outright the man having no design of doing an injury, then he is not criminal.

13. These requisitions are applicable to all animals. Whatever animal he be that criminally enters another's premises to do mischief the owner of the animal shall pay according the amount of the mischief. If it be a cat or a dog, the law applies to them, and to all animals, also to dogs who go about from place to place destroying domestic animals in the field. The owner of the dog shall pay the damage.

14. Furthermore if a man be traveling in the street, or in any other place where it is proper for men to go and a dog runs out and barks or bites him, then the owner of the dog shall pay the injured person according to the amount of the injury. But if a man secretly enter another's premises in the night, and be bitten, then the owner of the dog is not in fault, he shall pay no damage.

15. If a man be riding in the high way, it is improper for dogs to run out and bark at the horse, lest the horse start and the man fall. That dog which is often known to do so shall suffer death. And if a dog bark at a horse and the horse being afraid, start or run and the man fall, then the owner of the dog shall pay the man who fell. If he were much injured the pay shall be considerable, the judges shall estimate the damages. If this law be proclaimed in any village or district, the day of its proclamation shall be the day that the law shall take effect in that place, but even if it be not proclaimed, it shall nevertheless, take effect at all places.

on these Hawaiian Islands on the first day of September of the present year.

All the words of this law having received the approbation of the Nobles and Representatives, we have hereunto set our names at Lahaina, this twenty-third day of April in the year of our Lord one thousand eight hundred and forty one.

Signed KAMEHAMEHA III.  
KEKAULUOHU.

#### CHAPTER XV.

##### A LAW RESPECTING DOMESTICS, SERVANTS, AND HIRED MEN.

There is a certain class of persons who make it an important business to engage in the service of others. That is a perfectly honorable business if conducted right. But if conducted wrong, evil arises. Wherefore the Nobles and Representatives in considering the subject have thought well to give protection to that class and by mutual counsel have established this law.

1. It shall be legal for every man to choose his place of residence at his own will, and let himself if he choose to do so. If a man make a previous agreement with the person whom he serves, then that agreement becomes a bargain and shall be fulfilled like all other bargains.

2. If one man live as a domestic with another engaging in his service, but without any other reward than his board and clothing, as has been a common custom

in this country, such a course is legal and is not forbidden by this law. But herein is the evil. If a man live thus for a length of time and then be taken sick, or suffer some misfortune, or if he become feeble with age, it is then illegal for his master to dismiss him or send him faultless away. Whoever does this shall be brought to trial, and shall pay his servant whom he sent away such amount as the judges on examination of the subject shall think the misfortune of the servant demands.

3. If one man live as the servant of another, as is a common wish and a common practice among the people, and his master assign him a particular job of work, it shall be his duty to do it well, carefully regarding the charge of his master in all that he properly said to him, and if he do not thus, or if he conduct mischievously, he shall be fined in proportion to the damage sustained by his master through his disregard of his charge.

4. If one man live with another as his servant for a length of time, according to the common custom of the country, it shall not be legal for the master to dismiss him without giving him previous notice, nor shall it be legal for him to leave his master without giving him previous notice, lest one or the other suffer an inconvenience. Previous notice must be given. Whosoever violates this law shall be brought to trial and be fined according to the damage sustained by him on whom he inflicted it.

5. If a man suffer want in consequence of not obtaining a sufficiency of food, and on that account does not perform the labor assigned him by his master, that servant is not in fault. He however should give