

DAVID Y. IGE
GOVERNOR



CURT T. OTAGURO
COMPTROLLER
AUDREY HIDANO
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

ARCHIVES DIVISION
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HONOLULU, HAWAII 96813

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 [2 of 2 parts]

on file in the STATE ARCHIVES, at Honolulu, State of Hawai'i.

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

for 
ADAM JANSEN, Ph.D.
STATE ARCHIVIST

immediate notice, that his master may know it. But the best way of all is to make a definite bargain in the first place, and that will prevent subsequent difficulties.

If this law be 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 nevertheless take effect on 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 Representative Body, we have hereunto set our names on this twentieth day of April in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.
KEKAULUOHII.



CHAPTER XVI.

LAW RESPECTING DEBTS AND USURY.

When men are trading with each other, it often occurs that one receives the property of another without paying for it immediately. In the estimation of this law it is not well to run in debt, though it is not made absolutely taboo, for a man might sometimes be in very straitened circumstances could he not run in debt, wherefore this protective law is established.

1. If two persons engage in a commercial transaction, or trade together and one runs in debt to the other, and they make a definite agreement respecting

the debt, then payment shall be made at the time agreed upon. But if the debt be not cancelled, then interest shall be paid, at the rate of one per cent per month, and this shall be the rate of interest for all debts that are not cancelled at the time agreed upon. This requirement applies to common trade and to accounts which have not the signature of the debtor. But notes of hand, having the signature of the debtor shall be interpreted according to the purport of the language contained in it. If the note specify that interest shall be paid, then it shall be so. But if the note do not mention interest, then there shall be no interest unless there be mentioned a particular time for payment, and that expire without the debt's being cancelled, after which interest shall be paid as mentioned above.

2. Debts of promise, or accounts not having the signature of the debtor, if they are not cancelled within a year from the time that interest commenced on them, shall be put into notes having the signature of the debtor. In the note the rate of interest shall be mentioned, according to their mutual agreement, the law does not specify in such a case. And if there be no note given with the name of the debtor, then there shall be no interest after the first year. But if the debtor refuse or be absent, and on that account no note be given, then the judge shall be notified thereof and from the time the judge receives the notice, interest may be required.

If this law be proclaimed in any village or district, then the day of its proclamation shall be the day on which the law shall take effect at 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.

This law having received the approbation of the Nobles and Representative Body, we have hereunto set our names this twenty-sixth day of April in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.
KEKAULUOHI.

CHAPTER XVII.

VAGRANT LAWS.

Indolence is a crime involving the best interests of the state. Even in days of old it was considered a crime, and at the present time it is perfectly clear that it is a downright misdemeanor. Those who live without labor live in direct disobedience to the commands of God, and in disregard of the opinions of mankind. Wherefore, in a council of the Nobles and Representative Body, this law was passed.

1. If a man be often seen **running** about, or sitting idly without labor, or devoted to play and folly, he shall be taken before the judges, and if he cannot bring evidence that he labors sufficiently to pay for his board and clothing, he shall then be put to hard labor for three months.

2. If he be again seen living in the same idle manner after he has been punished, then he shall be put to hard labor for one year.

3. If a man live in idleness because he have no land, then his destitution shall be examined into, and if he be faultless he shall not be punished. But land shall be given him as the laws require.

4. By this law, men and boys are forbidden to run in crowds after new things. Whosoever does this in an indecent manner shall be punished thus; he shall be taken to the house of confinement and remain till he pay a rial, and be set at liberty. The same also with those who obey not the police officer when he proclaims a prohibition.

It shall therefore be the duty of the police officers to watch carefully around the markets and places of public resort, that they may discover who they are who crowd after strangers, for these are indolent and lazy persons. Let them be taken before the judges and tried, and when convicted let them be punished according to the requirements of this law.

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

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

(Signed,)

KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XVIII.

LAW RESPECTING APPRENTICESHIP.

It is a business of profit and beneficial to the country for men and children to learn the various handy crafts, and new kinds of business, and profitable trades, which relieve general necessity. It is therefore well for the parent to give up his child to learn such handy crafts, and it is well too for the man of mature years to go of his own accord and learn the same. As the Nobles and Representative Body have reflected on the subject, they have thought proper to give such persons the protection of law, and have therefore agreed to the following edicts :

1. If a parent wish to give up his child to learn a trade, it is well for the parent and the teacher of his child to agree together in writing, and let it be specified in the writing how many years the child shall learn, how he shall live, and what shall be the pay.

2. If the child be indolent and disregard the directions of his master, or neglect the business, or conduct badly, the child shall be brought to trial, and if it appear that he has conducted as above, or has violated the mutual written agreement, then the child shall pay all damage sustained by his master. He shall pay it in labor, and the time he shall labor shall be proportioned to the damage, to be decided by the judges.

3. The same also of the teacher of the child, if he conduct improperly, or do not teach the child according to the agreement, or if he violate that agreement, then he shall pay all damage sustained by the child or parent, to be decided by the judges.

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

All the words of this law having been approved by the Nobles and Representative Body, we have herewith set our names on this seventeenth day of May, in the year of our Lord one thousand eight hundred and forty-one, at Lahaina Maui.

(Signed) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XIX.

LAW RESPECTING LOST AND FOUND GOODS.

Men often suffer misfortunes without any fault of theirs, wherefore it is proper for the law to aid those who are thus unfortunate. All misfortunes which the law can relieve it should relieve. If a man's property be lost without his knowledge, it is well for the law to furnish the means of obtaining it. And if one find the lost property of another, it is well for the law to specify the course of procedure, lest there should be difficulty. Wherefore, in a council of the Nobles and Representative Body, all the words of this law were approved.

1. If a man's money fall in the street, or any other place, and is lost, it is well for the owner of the property to proclaim it, or publish it in writing, or make it so public that it may be extensively known that he has

lost his property. If the property should be of much value it would be well to publish it in the newspaper, if there be one printed.

2. If it be proclaimed that the property is lost, or made public so that the people extensively hear of it, and one find the lost property and conceal it without making it known, he violates this law, and when his conduct is known, he shall pay the owner of the property an amount equal in value to the property which he found. If he found a dollar, he shall pay another dollar besides the original, which shall be restored. One half of the fine shall go to the government, but none of the principal.

3. If one finds lost property he ought to restore it as soon as he learns whose it is. And if he do not know the owner of the property, make proclamation, and tell it abroad that men may extensively hear it. If any one does like this, then the owner of the property shall reward him according to the amount restored. If their opinions are unlike and do not agree, then the judges shall decide between them, but the reward shall not exceed one third of the property restored, and shall be less if the judges consider it proper.

4. If a canoe go to sea and swamp, and is deserted, and afterward one find it, he shall be rewarded as above and the canoe be restored. But if he obtained it with difficulty the reward may be greater, at the discretion of the judges.

5. If one see another's beast straying away, or destroying another's food, it shall be his duty to restore the beast or confine him and inform the owner, and he shall pay the man who restored him, the full amount of his labor.

6. If any property drift on shore the owner not being known, as timber, fish or any other property, if it be very valuable, one half shall belong to the King and the other half to him who obtained it, but not so if it be of little value.

If this law be proclaimed in any village or district, then 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 nevertheless take effect on the first day of September of the present year at all places on these Hawaiian Islands.

All the words of this law having been approved by the Nobles and Representative Body, we have herewith set our names on this seventeenth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XX.

LAW RESPECTING PROPERTY IN TRUST.

Men as they live and labor together often commit property to each other's care. Some men too obtain their living and their wealth by taking care of the property of others. Inasmuch as there is a large amount of property committed to the charge of others, that property should be protected by the laws of the kingdom, therefore in a council of the Nobles and Representative Body, the following law was approved :

1. If one man commits his property to the charge of another, and he receive it, he shall take care of it according to their mutual agreement, but if there were no agreement, he shall take care of it according to the custom of all faithful persons. And the owner of the property shall pay him according to their mutual agreement, or if they did not agree, he shall pay according to the common custom of good business men.

2. If one take the property of another in charge and do not take care of, it according to agreement, he shall then pay all damage sustained by the owner of the property. And even if they did not agree he shall do as specified above. This law applies to all kinds of property, to land, canoes, animals, and property of every kind.

3. If one man borrow tools of another, or cattle, or a horse, or any thing else, and agree to return them when a particular specified work is done, then they shall do as they agreed. But if the tool or animal were injured in the hands of the borrower, he shall pay all the damage sustained by the owner of the property. If any one borrow any tool or any article of another and do not return it at the specified time, or at the proper time for returning it, and on that account the owner suffer loss, then he who retains the property, or does not take proper care of it, shall pay all the damage sustained by the owner.

4. If the property be destroyed or injured by the providence of God, as by fire, the overturning of a vessel, a strong wind, or the like, then the man shall not pay damages, he shall pay damages only for his own fault.

If this law be proclaimed in any village or district, then the day of its proclamation shall be the day on

which the law shall take effect at that place. But even if it be not proclaimed it shall nevertheless take effect on the first day of September of the present year, at all places on these Hawaiian Islands.

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

(Signed,) KAMEHAMEHA III.
KEKAULUOKI.

CHAPTER XXI.

LAW RESPECTING PARENTAL DUTIES.

It is a great misfortune to children not to be well taken care of, nor is the misfortune theirs only, the nation also suffers, for before many years the parents will all be gone, and all the business will be devolved upon the children, not merely the business of husbandry, but that of government also. Wherefore this is a matter of great importance, and it is well for parents to reflect and take care of their children and enlighten them. It is well for the law also to aid the parents in taking care of their children, wherefore in a council of the Nobles and Representative Body, the words of this law were approved.

1. Parents and they only shall have the direction of their children, without interference from others. If any one interfere with them in their management of their

children, the law shall aid them and punish him that interferes, according to the aggravation of the offense, in the estimation of the judges.

2. If parents wish to commit their child to the care of another, it is well for them to go before an officer, and make their agreement in writing, and be being a witness to the correctness of the transaction, and signing his name as such, the writing shall be legal. If there be no writing or no officer sign his name, the child can not be transferred. The true parents still have the direction of the child-

3. If a parent see his child to be in fault, he ought to instruct or punish him according to the nature of his fault, and the same also of foster parents. They commit no crime by inflicting pain on a mischievous child. But those who punish unmercifully commit a crime, and shall be fined as those who commit an assault.

4. But if a parent maltreat his child, or do not furnish him with food, clothing and other necessaries, or chastise him unmercifully, it shall be the duty of him who sees it to inform the judges. And it shall be the duty of the judges to bring him to trial, and on evidence of his crime, the judges shall have a right to take the child and give him to a good man, and the parent shall be fined to a sufficient amount to pay for the care of the child, and the fine shall be given to the child's new guardian.

5. If one man criminally entice the child of another into sin, he shall himself be fined as one actually guilty of the sin. But if it be not a crime in law yet it is a crime in the estimation of the parent, and at variance with his command, then the judge shall look at the nature of the offense and shall fine him who enticed the child

to violate his parents' instructions, according to the magnitude of the crime in the estimation of the judges.

6. If the parents are not agreed in relation to the child, then the father's decision shall stand in law, though if the mother be the higher chief, then the decision of the mother shall stand, and not the father's. This requirement however does not apply to those children of chiefs who have been given away previous to the enacting of this law, and afterward the parent died.

7. If a child be left without natural parents on account of their death or absence, then the foster parents shall have the direction of the child. If the child be illegitimate then the mother shall have the direction of him, but if the mother be unfaithful, the judges shall have power to take the child from her at their discretion.

8. When the parent dies, then the child is the heir, if there be any child living. The parent during his life time may sell his personal estate to whomsoever he pleases. But the land and all fixed property on the land shall descend to the child. If he have many children, they all shall inherit it together. Though if the parent while he is living and in sound mind, make a written will, he may bequeath his land to whom he pleases. When he dies the heir shall exhibit the will to the King, and if the Supreme Judges perceive that there was a real fault in the will, they shall correct it, lest those to whom the property justly belongs should be left destitute, and those possess the property to whom it does not belong.

If this law be proclaimed in any village or district, the day of its proclamation shall be the day of its taking effect at that place, but even if it be not proclaimed, it

shall nevertheless take effect on the first day of September of the present year, at all places on these Hawaiian Islands.

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

(Signed,) KAMEHAMEHA III.
KEKAULUONI.

CHAPTER XXII.

LAW RESPECTING DEBTORS.

It is of vast importance to men engaged in trade that each party fulfil the agreement. If either fail, trade is embarrassed, and the public is injured, wherefore in a council of the Nobles and Representative Body, the following law was enacted:

1. If one man be in debt to another and do not cancel it at the time agreed upon, and on that account the creditor becomes anxious and fear lest he should not obtain the debt, he may then go to either of the judges who will thereupon attach the property of the debtor, but not remove it, he will merely place the property under his protection, after which no one can take said property without leave from the judge.

2. If the debt be not paid within thirty days, then the property shall be sold at auction for the payment of it, and the judge shall receive his fees out of the said

property but not out of the debt. But if the debtor be suffering some misfortune from the providence of God, he shall then be allowed a full year, and the property shall not be sold at auction until the expiration thereof. But at that time, if the debt be not cancelled it shall be sold. If the money received for the property exceed the amount of the debt and the judge's fees, the balance shall be restored. Nothing shall be taken unjustly, and nothing wasted.

3. If any one in a fraudulent manner become indebted to another and do not pay the debt, or if one become famous on account of his frequently contracting debts and not paying them, and have no property with which to pay, he shall then be put to hard labor for a length of time proportioned to the amount of the debt, which shall be decided by the judges.

For regulations respecting the payment of interest, see Law respecting debts and usury, page 101.

If this law be 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 nevertheless, take effect on the first day of September of the present year, at all places on these Hawaiian Islands.

All the words of this law having been approved by the House of Nobles and also by the Representative Body we have hereunto set our names on this eighteenth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

Signed KAMEHAMEHA III.
KEKAULUOHU.

CHAPTER XXIII.

A LAW RESPECTING THE HIRE OF LABOR.

Labor hire, as well as other kinds of hire, has at the present time become an extensive business. There are persons who obtain their whole living and property by laboring for hire. The law does not condemn that business, for it is proper. The law protects it. It would be a sad thing for the community, if the law did not give protection to him who labors for hire. Wherefore, in a council of the Nobles and Representative Body, the following law was enacted :

1. If one man hire another to perform labor, then they shall both act in strict conformity to their mutual agreement. If the agreement be made to labor by the day, then the laborer shall work faithfully, in accordance with his previous engagement. If he be indolent or idle, or work so sluggardly that little labor is performed, then his wages may be diminished, he may not be paid according to the promise, because the laborer has not labored according to their mutual agreement.

2. If a man engage to perform labor by the job, he shall complete the labor at the time on which they shall mutually agree. The man shall also perform the labor faithfully. If any one do his work imperfectly, or really do it badly, and does not finish it well, according to promise, his pay may be diminished or entirely withheld if the laborer do the work very badly. And if the employer suffer material damage on account of the fault of the laborer, then he shall pay all damages sustained by him whom he has injured.

3. If one man engage to perform labor for another, and the time of laboring be agreed upon, or the time when the labor shall be completed, the laborer shall fulfil the agreement which they mutually made. If the labor be not finished at the time agreed upon, and the employer suffer thereby, then there is a crime, and he who committed it shall pay damage, according to the amount of damage sustained through his failure.

4. All laborers of every kind who labor for hire, and all persons who hire property, shall perfectly fulfil their mutual agreements. Whoever does not thus fulfil his agreement is criminal, and he shall be fined according to the amount of loss sustained by the other party.

5. If on account of sickness or on account of the judgment of God, a man fail to fulfill his agreement, then both parties sustain loss, no fine shall be exacted of him. A man shall be fined for his own fault only, not for the judgment of God. The judges shall settle all difficulties between persons who are trading with each other.

6. This law does not apply to rented lands, unless the agreement be made in writing, for it is only a written agreement which is binding in relation to rented lands and house lots, nor shall they then be binding for a long time, unless countersigned by the King and Primmier, according to the Constitution. Any man however may have liberty to rent out his for a single year, according to a former agreement of the Nobles.

This law has no special relation to common trade, for there is already another law in relation to that subject.

Should this law be proclaimed in any village or district of country, the day of its proclamation shall be the day of its taking effect. But even if it be not proclaimed it shall take effect on the first day of Sep;

tember of the current year, and that too on all places on the Hawaiian Islands.

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 18th day of May, in the year of our Lord one thousand eight hundred and forty one.

(Signed,) KAMEHAMEHA III.
KEKAULUOHĪ

CHAPTER XXIV.

LAW RESPECTING PARTNERSHIPS.

If any number of persons wish to unite their property for the purpose of accomplishing some great object, or for the purpose of trade, it shall be legal to do so. The law shall give protection to such partnerships, which shall be formed as follows ;

1. If any number of persons design to form a partnership of property, for the purposes of trade or business, then they shall first agree together on the principles of their partnership, and put that agreement in writing and put their names at the bottom. One copy, however, of the writing shall not be sufficient. If there be two partners in the compact there must be two copies of the agreement, if three persons in the compact, then three copies of the agreement, the number of copies corresponding to the number of persons united in the partnership ; the different copies must agree in every particular, and each person must keep his own copy of the agreement.

2. When the agreement as to the partnership is completed, it must then be made public, that the people may hear it. The proper way is to print it, but if that be not done, then let the notice be written and the writing be made public, after which the whole number of persons included in the company become one in law.

3. When the public become acquainted with their partnership, or see the printed or written notice, then if any of the company make a promise to any individual, then that promise is the promise of the company. Thus if any one of them contract a debt and decease, then the remaining part of the company shall pay all his debts. So also if any person become indebted to one individual of the company, and that individual decease, then payment shall be made to the surviving members of the company.

Such are the regulations concerning partnership.

This law shall take effect on the first day of September of the current year, at all places on these Hawaiian Islands. And all persons heretofore united in partnership, and continuing their union after that date, shall be bound by this law.

All the words of this law having received the sanction of the Nobles and of the Representatives, we have hereunto set our names on this eighteenth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

Signed KAMEHAMEHA III.
KEKAULUOHI.

CHAPTER XXV.

OF CRIMES NOT PARTICULARLY DEFINED BY
LAW.

Men commit many crimes which are not definitely specified in the law, and it is not possible for the law to define particularly every species of offense, wherefore the Nobles and Representatives have agreed to the following regulations :

1. If a man commit a crime of such a nature that it is not clear what particular statute applies, then the judges shall reflect on the nature of the crime and the kind of punishment which would formerly have been inflicted ; he shall also consider the principles of the laws now in existence, and shall pass such sentence on the criminal as in his opinion the general principles of the new system require.

2. Furthermore, all persons accessory to the commission of crime, shall be punished in the same manner as the principals, unless their crime be particularly defined in some other law.

Whenever this law shall be printed and the judges become acquainted with it, it shall then take effect on all places in these Hawaiian Islands.

This having received the sanction of the Nobles and Representatives we have hereunto set our names on this eighteenth day of May, in the year of our Lord, one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.
KESAULUOHI.

CHAPTER XXVI.

LAW RESPECTING THE LABOR OF CRIMINALS,
AND THE AVAILS THEREOF.

At the present time much evil results from the laboring of a great number of criminals at the same place. Criminals are made to subserve the interests of individuals, and on account of the great number who labor at the same place, they are in high spirits, and great evils result from the practice.

Wherefore, in a council of the Nobles and of the Representative Body, the following law was enacted ;

1. If a man be made to serve at hard labor on account of crime, he shall not work for any particular chief, he shall be employed on national works. The following is properly national work, viz ; the making of roads, and fences for the roads, prisons, labor on forts, and other works which are not for the private interest of any particular chief or individual person.

2. If a man be made to serve at any productive business, it is well, but when the avails are realized, they shall be devoted to the public works of the nation. Such income may properly be devoted to the payment of government debts, to the payment of tax officers, the purchase of guns, powder, paying for roads, or supplying prisons.

3. Males and females shall not be made to labor together, nor shall they sleep in the same house, nor in the same yard, they shall be entirely separate.

4. Females shall not be made to serve at labor appropriate only to males, nor at any labor inappropriate to females. The beating of tapa, the braiding of mats, braid-

ing of hats, sewing, twisting fish lines, weaving nets, and such like labor as is appropriate to females. Those are the works at which females shall be employed. But no pregnant woman shall be made to serve at hard labor.

5. If any officer shall act contrary to the requisitions of this law and require males and females to work together, or to sleep in the same yard, or compel a woman to perform labor not appropriate to her sex, or require one to perform labor for himself personally, or for a particular chief, the officer who does any of these things, shall in his own person sustain the punishment of that man or woman whom he has thus treated.

When this law shall be printed and put into the hands of the officers, then it shall take effect at all places on these Islands.

All the words this law having been agreed to by the Nobles and by the Representative Body, we have hereunto subscribed our names on this eighteenth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed,) KANEHAMEHA III.
KEKAULUONI.

CHAPTER XXVII.

STATUTE REGULATIONS RESPECTING SHIPS, VESSELS, AND HARBORS.

1. It shall be lawful for ships and vessels of all countries at peace with this, and engaged in lawful pursuits,

to come to and anchor at all the roadsteads, ports and harbors of the Hawaiian Islands. No embarrassment shall be thrown in their way by the governors or local authorities of any place. No impost, duty, or tax shall be required except by express provision of law.

2. Pilots shall be established at all the Hawaiian ports where pilots are necessary. His Majesty the King, together with the Premier and Governor shall make the appointment, and give the commission. Said commission shall state the wages of pilotage.

3. If any man in a deceitful manner shall present himself as a pilot, and act as pilot at any of the harbors of the Islands and take the pay of a pilot without first having received a certificate of appointment from the King, is guilty of a violation of this law. He shall be brought to trial and on conviction thereof shall be fined ten dollars, and shall furthermore restore what ever he deceitfully received in payment. And if he involve the ship in difficulty he shall pay to the captain all damages sustained by him, or in default thereof shall be imprisoned one year.

4. If any pilot shall deceitfully take higher pay than is allowed in his certificate of appointment, he shall on conviction thereof be fined four times the amount which he deceitfully claimed; thus, if he took one dollar wrongfully, he shall pay four, and if he took ten wrongfully he shall pay forty.

5. It shall be the duty of all Pilots or harbor masters to give to every Captain of a foreign vessel, the laws of the harbor where said vessel anchors and the captain shall give him a certificate of acknowledgement that he has received said laws. If any pilot or harbor master shall neglect thus to give a copy of the laws, and the

captain of the vessel thereby becomes involved in difficulty, because of this ignorance of the laws, then the Pilot or harbor Master shall be liable and shall pay to the Captain the full amount of all damages sustained by him.

6. When a merchant vessel arrives at any port or harbor of the Hawaiian Islands, no goods shall be landed from a foreign country until a correct manifest giving a full account of the goods be delivered into the hands of the harbor master. If the Captain have the charge of the sales, then he shall deliver the manifest, but if he have not, and the goods are consigned to some one resident on shore, then he to whom the property is consigned must deliver the manifest.* When the harbor master receives said manifest, he will then give a certificate of permission that said goods may be landed. If the certificate be not given, then the goods, must not be landed. Whoever violates this law or intentionally evades it, and whoever delivers a false manifest shall be brought to trial and on conviction thereof shall be fined to the amount of one fourth of the value of all the property wrongfully landed by him.

7 When goods are once landed, having been registered on the Manifest, it shall not be proper for the Captain again to take them on board his vessel, nor shall it be proper for him to take other property on board, without giving, previous to his departure, a correct manifest of said property. Whoever violates this law or evades it shall be fined to the amount of one fourth of the value of all the property thus illegally taken away.

8. On the last day of December of each year, the

*The manifest must state the quantity and kind of goods.

harbor masters having faithfully preserved the manifests spoken of in the sixth and seventh sections, shall deliver them all into the hands of the Governors, who shall deliver them to the Premier of the Kingdom.

9. Ships which come to these Islands for the purpose of obtaining refreshments, or for repairs, must first render a clear and explicit account of the kind and amount of purchases designed to be made, and this written account must be delivered into the hands of the harbor master of the port, and if he wish to pay for such refreshments, in any other articles except money, he must state what articles. And if he purchase articles not mentioned in the written account, or if he sell any article not mentioned in the first writing, then previous to his sailing from the port, he shall give in another correct account. Whoever violates this law or evades it, and whoever gives in a false account, shall be brought to trial and on conviction thereof shall be fined two hundred dollars.

These accounts also shall be preserved in the same manner as those mentioned in section eighth.

10. If any vessel arrive from a foreign country having a passenger, on board, then the Captain shall give immediate notice in writing of the name, country, age, and business of said passenger. And he shall neither set at liberty, or permit to be landed said passenger nor his property until the harbor master have seen said writing. Whosoever violates this law shall be fined one thousand dollars.

11. No master of a vessel shall discharge or leave any of his men to remain on shore without the consent of the Governor or his agent in writing. Whosoever violates this law shall pay sixty dollars, and he who is

thus discharged shall leave the Islands by the first suitable vessel. But if he do not leave according to this requirement, then he shall be treated as the deserter spoken of below.

12. If any foreigner desert from a foreign vessel, it shall be the duty of the Captain of that vessel to make it known immediately to the harbor master who will search for the deserter. If said deserter be found near the harbor where the vessel is at anchor, then the Captain of the vessel shall pay to the harbor master six dollars and the deserter shall be returned to the vessel. If he be found at a place remote from the anchorage, or on the mountains, or at a distance of ten miles, then the reward shall be twelve dollars. But if he be found on another island, then the reward shall be twenty four dollars.

If the deserter be kept on shore and boarded, the pay required will be a half a dollar per day. Though this section does not prevent a special agreement between the Captain of the vessel and the harbor master respecting the deserter provided it be entered into previous to his being taken.

If a foreigner desert, and the vessel from which he deserted sail without the Captain's having given notice respecting said deserter, or if he delay to give notice for forty eight hours after the desertion of the man, then he shall be considered to have discharged his man and shall therefore be fined according to the requirement of the eleventh section of this law.

13. Every foreigner who deserts, or comes on shore secretly without the knowledge of the Governor or his agent, is abnoxious to this law. Whoever does it shall be put to hard labor, from which he shall not be freed

until he leave the country. He may also at the discretion of the Nobles be dispossessed of all his property.

But if the Nobles think best to leave him his property and substitute a flogging, it shall be lawful, though the stripes shall not exceed thirty.

14. If any native, or foreigner residing on shore entice a man belonging to a foreign vessel to leave his vessel, or if any one conceal a foreigner on shore, or if any one see a deserter and understand him to be such, and do not give notice to the harbor master nor to the Nobles, then he shall be considered as accessory to the desertion and shall be fined sixty dollars, one half to the captain of the vessel from which he deserted and the other half to the Government.

15. It shall be the duty of all Governors, and officers, and of the people at large, as well as of the land agents, to be on the alert, and when they see a foreign deserter, seize him and deliver him to the harbor Master. Whoever seizes a deserter thus, shall receive one half of the reward.

16. If any foreign vessel be in difficulty, be wrecked, or suffering from a severe storm, or if in straits of any other kind, it shall be the duty of the Governors and all local authorities and all the people to aid with all their ability him who is thus distressed. And they shall receive their pay by a salvage of a part of the property rescued by them. If there be no previous contract, and the owner of the property and those who saved it do not agree, then referees shall be appointed to decide the amount of reward.

17. If any foreign vessel arrive at any Hawaiian port or harbor, the crew of which have mutinied, or have committed any misdemeanor, by which the captain of

said vessel is brought into straitened circumstances, it shall then be the duty of the Governor, harbor Masters and other officers to aid the Captain of the vessel; and if he wish the criminal part of his crew put in confinement on shore, they shall be merely confined. No other punishment except confinement shall be inflicted. Though if they break the Hawaiian laws then they shall be punished according to law.

18. If any master of a vessel wish to discharge one of his men on shore in accordance with the laws of his own country, and the consul of that nation consent to take him under his care and return him to his own land, such a procedure shall be proper. Captains of vessels and Consuls shall not be hindered in doing so, though the Governor must be informed thereof.

19. No captain of a foreign vessel shall receive on board his vessel any native, to proceed to sea nor shall any native go on board any foreign vessel, unless he first obtain the written consent of the Governor or his agent, nor shall he continue a man on board for a longer period than said certificate allows. Whoever violates this law or evades it shall be fined four hundred dollars.

20. If any master of a foreign vessel wish a native to sail on board his vessel, it shall be the duty of that master to go to the harbor master with the man he desires, or if he cannot obtain them, then the harbor master will search for them. But the men shall not sail till they receive the assent of the Governor. When that is obtained then the Captain shall fill out the blank in the following bond and sign it, after which he may receive the man on board.

The Bond is as follows.

I, _____ Master of the ship _____ hereby
 of _____ hereby
 declare that having agreed with _____ a
 native of the Sandwich Islands to serve on board the
 ship under my command, I hereby pledge myself and
 said vessel in the sum of two hundred dollars to return
 said native to the Sandwich Islands within two years
 from date, provided he then be alive, and I will pay
 him wages according to agreement on the shipping
 articles.

When the above writing is properly completed and
 delivered into the hand of the Harbor Master, then the
 man may go. If any master of a vessel take a man in
 violation of this section of this law he shall be fined
 four hundred dollars.

21. If a native desert *from the vessel on board
 which he shipped*, for which reason the Captain of the
 vessel is unable to return him according to the above
 bond, then it shall be the duty of the Captain, previous
 to the expiration of the time mentioned in the bond, to
 make known the reason of his not returning said man,
 and having been established by good evidence that
 there was no fault of the Captain's then the judges
 shall clear him from the payment of the bond.

22. If any seaman of a foreign vessel run in debt on
 shore and do not pay it, that debt shall not be demand-
 ed of the captain unless he had given his consent pre-
 vious to the contraction of the debt, nor shall any sea-
 man be put in confinement for debt, unless it be con-
 tracted in a wrongful manner in which case he may be
 confined. If the debtor have property on board the
 ship, the debt shall be paid from that. This section

does not forbid the confinement of those who have committed a criminal offense.

23. If a foreigner from a foreign vessel commit a criminal offense on shore, and the criminal escape on board the vessel, and the police officers go for the criminal, and he is retained by the captain of the vessel and not delivered up, then the Captain, and the ship shall be held accountable for the crime.

24. If any vessel secretly take away a prisoner, the fine shall be four hundred dollars and the prisoner shall be returned. If he be not returned, then the captain of the vessel shall also be held accountable for the crime of the prisoner and shall pay whatever the law requires, [of the criminal.]

25. If the Governor perceive that the laws are disregarded by any vessel he shall have power to detain the vessel, or the Captain of the vessel, or the property of the vessel as he shall judge proper in order to enforce the laws.

26. It shall be lawful for the harbor masters of the various harbors to call for the papers of the vessels which anchor at these Islands. If they are called for and not presented, then the vessel shall not trade at all at these Islands, and no privilege shall be granted her here, and the Governor may act his judgement in the case. But if the papers are presented, the harbor master shall by no means take the papers away from the ship.

27. All Captains and Masters of vessels coming to these islands and regarding the laws of the same, shall enjoy full protection and succor in the same manner as native born citizens of the Hawaiian Islands.

28. If it should be discovered that any captain of a

foreign vessel has violated the laws of the harbor, and then leaves and goes to another harbor, he shall not be permitted to trade there, nor to enjoy any privilege, until he has settled for his fault according to law.

The same also in relation to vessels violating the law and leaving, but afterwards return, and even though under another Captain, it shall be the same, no privilege shall be granted, until the crime formerly committed be settled for. And the Governor shall pursue such a course as he perceives to be necessary in order to carry out the law.

29. If any vessel arrive and lie off and on, or even anchor at any place at the Hawaiian Islands, and at once commit any act in violation of the laws, before the harbor master or Pilot arrive, then the Captain of the vessel, and not the Pilot shall be accountable for that crime.

LAWS APPLICABLE TO THE HARBOR OF HONOLULU ONLY.

1. Vessels approaching Honolulu and desiring a pilot, will set their national ensign, and pilot signal, on which he will go off immediately and shall be rewarded according to the following rate,

For taking a vessel in, one dollar pr. foot.

For taking a vessel out, one dollar pr. foot.

2. When a vessel arrives in the harbor then the harbor master shall immediately go on board and carry the harbor laws according to the requirement in section fifth. Then the Captain shall exhibit the papers of the vessel, and make known the business for which the vessel has come. He shall also deliver to the harbor master the Manifests spoken of above.

3. Vessels entering the harbor for refreshments or for repairs, and not for trade will pay harbor duties as follows,

For the outer harbor 6 cents pr. ton.

For the inner harbor 10 cents pr. ton.

For the buoys 2 dollars.

But if the vessel have goods on board selling at regular sale, then she shall pay the same rates as are paid by merchant ships.

4. Vessels entering the harbor for purposes of trade will pay harbor duties as follows.

For the outer harbor 50 cents pr. ton.

For the inner harbor 60 cents pr. ton.

For the buoys . . . 2 dollars.

Any foreign vessel entering this harbor and then leaving it for some other harbor of the Hawaiian Islands, shall not on its return to this place be required to pay harbor duties again. But if she visit a foreign country or prosecute her business at sea, and then return, such vessel shall pay duties as on her first entrance. But if a merchant ship be driven in by stress of weather or by misfortune, and do not enter for purposes of trade, then said vessel shall pay the same duties as vessels entering for refreshments. If after entering the harbor she trade to small amount, not exceeding one thousand dollars, she still does right. But all vessels which land or take off a considerable amount of cargo shall pay the fifty or sixty cents pr. ton according to the above requirement.

5. If it be an Hawaiian vessel, and have a Hawaiian Register, she shall pay no harbor duties. If the vessel be owned by a resident foreigner who has taken the oath of allegiance to this Government, the vessel

shall pay no harbor duties. If the vessel be owned by a resident foreigner having a dwelling house or shop on shore where he permanently resides, though he have not taken oath of allegiance, his vessel shall pay but half duties. But if the vessel be owned by two or more persons, one of whom resides in a foreign country, there shall be no diminution of the harbor duties.

6. All vessels at anchor are forbidden to throw stones and heavy rubbish over board in the harbor. Let it be carried on shore. Any vessel throwing its rubbish into the harbor shall be fined ten dollars for the first offence. If done again twenty dollars, and thus the fine shall be doubled for every repetition of the offence.

7. Furthermore, at half past seven a clock in the evening, a gun will be fired from the fort, when all boats and seamen shall return to their ships; the whole must return, and at eight a clock another gun will be fired. When the second gun is heard, then all seamen [remaining on shore] will be seized and delivered to their several Consuls, who will pay to the police officers two dollars for each seaman thus seized.* And it shall be the duty of the police officers to examine and search, at the houses of entertainment and other places frequented by those men. And whatever native or foreign resident, shall aid, secrete, or entertain a seaman on shore in violation of this law shall pay ten dollars. And whosoever shall oppose the police officers with force in their search for such persons shall be fined ten dollars.

*The design is that the Captain pay the two dollars to the Consul. But if the Consul prefer not to pay, then the delinquent shall be taken to the fort, and shall be delivered to the Captain on his paying six dollars, as is done with all persons who have been confined.

8. No vessel shall leave the harbor until a certificate from the harbor master be granted, certifying that the port regulations have been complied with for which he has the right to demand one dollar. Any vessel which sails without such certificate shall be fined one hundred dollars. And the pilot is hereby forbidden to take any vessel out of the harbor until such certificate is presented. And those Consuls also that take charge of the papers of ships belonging to their several countries are requested not to deliver up the papers until the conditions of this section are complied with.

LAWS APPLICABLE TO THE PORT OF LAHAINA ONLY.

1. Whenever a foreign ship or vessel shall anchor off Lahaina, she shall be visited as early as convenient by the Harbor Master, who shall exhibit to the commander of said foreign vessel, a certificate of his appointment, signed by the Governor of the Island.

2. Every Master of a foreign vessel who desires the privilege of purchasing refreshments for his vessel at Lahaina, shall pay to the Harbor Master, ten dollars, in return for which said Master shall be entitled to receive five barrels of potatoes, with the privilege of purchasing at pleasure in the market, supplies for his ship, according to the rules of the place. He shall also be entitled to the protection of the laws, both for himself, his officers, his men and his property, as long as he and those under his command obey the laws of the Island.

3. It shall be considered irregular for sailors from foreign ships to spend the night on shore without the leave of the Governor, and whoever is found on shore one hour after sunset, shall be put in confinement until

morning and then be delivered to the Master of the vessel to which he belongs, who shall pay to the Harbor Master six* dollars for every man thus delivered.

4. If on account of sickness or for other reasons, any Master of a vessel shall wish to have his men on shore during the night, he shall first apply to the Governor of the place, and receiving his permission, the men may reside on shore, but shall remain within the limits assigned them by the Governor, or shall be subject to confinement and penalty according to the 3d. section of this law.

5. Henceforth two lights will be kept burning, one directly above the other and opposite the entrance for boats. All ships anchoring at Lahaina and making any purchases, shall pay one dollar each towards the support of said lights.

When these laws are printed and given to any Captain of a vessel then the laws will be applicable to that vessel. And on the first day of September of the current year they will become binding in all parts of the Hawaiian Islands.

All these harbor laws are enacted by the Nobles and representatives and we have set our names on this fourth day of May in the year of our Lord one thousand eight hundred and forty one at Lahaina, Maui.

(Signed.) KAMEHAMEHA III.
KEKAULUOHII.

* Since altered to two dollars.

CHAPTER XXVIII.

A LAW TO PROMOTE THE QUIET OF THE NIGHT.

Whereas it has become a real evil that many persons by making loud noise in the night so disturb the rest of quiet persons that they cannot sleep ; and whereas innocent persons are thus made to suffer through the fault of the guilty ; and whereas it is the business of the law to relieve the distresses of the people and protect the injured, therefore at a council of the Nobles and of the Representative Body, the following law was enacted :

1. All loud hallooing and other noise by night are taboo. If one call loudly to another by night, after nine o'clock, and that too without good reason for thus calling, or make a noise without a reason for it, or sound an instrument unnecessarily, that man commits a fault, and shall be fined from one to five dollars, according to the magnitude of his offense, and if the police officers or judges think it necessary to confine him in prison till morning, they may do it.

2. This statute applies to all who go about in a riotous or tumultuous manner by night, and it applies to every kind of noise which disturbs the rest of those who sleep. But if a man be in straitened circumstances he may call aloud, as in case of fire, or if there be any other just reason for the noise, it may be made, but there shall be no hallooing or noise, unless there be a necessity for it.

If this law be proclaimed in any village or in any district, then the day of its proclamation shall be the day of its taking effect at that place, but if it be not proclaimed, then the first day of September of the current

year, shall be the day of its taking effect at all places on these Hawaiian Islands.

All the words of this statute having been fully approved both by the House of Nobles and House of Representatives, we have therefore set our names hereunto on this sixth day of May, in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed,) KANEHAMEHA III.
KEKAULUOHI.

CHAPTER XXIX.

A LAW RESPECTING GAMBLING.

Whereas there are many people who neglect profitable business, which would be of advantage to themselves, their children and the country, and spend their time in employments which waste their property and do injury to their children, it therefore becomes the duty of the law to ward off these evils and seek to promote the greatest good. These are the reasons for enacting the following law ;

1. If two persons gamble and one win of the other; if the sum be actually paid down before the face, they shall each pay a fine equal to the full amount of the wager. But if they merely make mention of property as a mere symbol, then they shall each pay a fine of five dollars. But if the property thus symbolically mentioned be very small, then the fine may be diminished in proportion to the value of the property spoken of.

2. If the gambling be done on the sabbath day then the fine shall be double what is mentioned in the first section.

3. If children below the age of fourteen years gamble, then the punishment shall be committed to the parents, but if they do not inflict any, then the law will be applicable.

If this law be proclaimed in any village or district, then 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 nevertheless take effect on the first day of September next.

This law has received the approbation of the House of Nobles and House of Representatives. We have therefore subscribed our names on this eleventh day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XXX.

A STATUTE RESPECTING FORGERY.

From ancient times down to the present all men have well understood that forgery is a great crime. Then it was death, but at present the law is not so severe as it was then. It must however be prohibited, and so great a crime must be punished.

Wherefore, in a council of the Nobles and Representative Body, all the requisitions of this law were approved.

1. If one individual deceptively subscribe the name of another to any writing for the purpose of gaining possession of his property, or obtaining something valuable, he shall be punished in the same manner as a thief. Whether he actually gained possession of the property or not makes no difference. If however he did not gain possession he shall merely pay quadruple, but if he gained possession he shall then pay quadruple and in addition shall restore the principal. If the forgery were for a large amount of property, he shall be banished. The punishment shall be precisely as in the case of theft.

2. If any one deceitfully subscribe the name of another to any writing, which does not endanger property, he shall then be punished according to the nature of the offense. If any one suffer in any way from the writing then the criminal person shall pay according to the amount of suffering, which is to be submitted to the discretion of the judges, they examining into the nature and magnitude of the offense.

3. If a man commit the like offense again, after having been once punished, he shall then be banished to another country, at the discretion of the judges, they considering the magnitude of the offense.

If this law be proclaimed in any village or in any district, the day of its proclamation shall be the day of its taking effect at 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 current year.

To all this the Nobles have given their approbation, and also the Representative Body, we have therefore hereunto set our names on this nineteenth day of May,

in the year of our Lord one thousand eight hundred and forty-one, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XXXI.

LAW RESPECTING THE COUNTERFEITING OF MONEY.

In the management of trade men must necessarily make use of money. It is in that that estimates are made, it is also the basis referred to, and is the article in which debts may always be cancelled. Wherefore, if any man adulterate the money so that it becomes of uncertain value, the community suffers, trade is embarrassed, the property of individuals is not safe ; wherefore, in a council of the Nobles and Representatives the following law was enacted ;

1. If any one counterfeits a coin for the purpose of trading fraudulently, or if any one take counterfeit coin made by another, for the purpose of trading it away, as one trades away good money, that man shall be brought to trial, and on conviction thereof, shall be banished to another land, there to remain for the term of five years.

2. If any one be accessory to the making of false coin, or knows of one's making it without giving notice thereof to the government, or if any one endeavor to increase his property by trading in false coin, or in money which he knows is not good, he is guilty of the same crime as the one spoken of in the first section. Who-

ever does it shall be brought to trial, and on conviction thereof shall be banished to another country, there to remain for the term of five years.

3. If any man receive counterfeit coin from another and pay it away again to a third person without knowing it to be bad money, he commits no crime, but that money shall be returned to the former possessor and he shall pay good money in place of the bad which was returned.

4. If any one receive money which is counterfeit, and afterward discover it, or hear from one who is acquainted with it that it is counterfeit, then that man is criminal if he trades it away to another without giving notice that it is counterfeit. Whoever does thus shall pay two good dollars for every bad one, and in addition to this shall pay one to the government. And this shall be the rate even to the farthest extent.

5. If the criminal be a foreigner and from another country, and he counterfeited the money at some other place, but landed on these shores having said money in his possession, the law will in that case be applicable to him in the same manner as it does to native born citizens who commit the crime on shore.

On the first day of September of the current year, this law shall take effect at all places on these Hawaiian Islands.

All these edicts having been approved by the House of Nobles, and House of Representatives, we have hereunto set our names on this seventh day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed,)

KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XXXII.

LAW RESPECTING PERJURY.

There is a distinction between falsehood and perjury. If a man be brought to trial for the commission of some fault, and he denies it, even though really guilty, still he is not a perjurer. He is only guilty of falsehood. The following is perjury; If a man be brought to trial before the judges, and there come forward a witness, and take hold of the word of God, and swear by it to speak the truth, and afterward state that which is false for the purpose of bringing a faultless person into difficulty, or for the purpose of freeing a guilty man from punishment, he is a perjurer. If a man merely make a mistake that does not make him a perjurer. But if a man designedly attempt to deliver a guilty person, or involve an innocent one, and in consequence of such design, states a falsehood, or conceals what he knows, he is a perjurer, and the following law shall apply to him.

This law applies to him who stands before the chiefs and judges, and gives testimony at a trial, and that testimony proves to be false. Such an act is highly criminal, wherefore in a council of the Nobles and Representative Body, all the words of this law were approved :

1. If a man be brought to trial and a witness come forward and laying his hand on the word of God swear to speak the truth, and afterward testify falsely with a design to procure the condemnation of the innocent or the acquittal of the guilty, his punishment shall be as follows : If the statement have reference to the life or death of a man, he shall be banished to another coun-

try, there to remain for the term of from ten to fifteen years, according to the magnitude of the offense.

If his testimony have no reference to the life or death of a man, he shall be whipped twenty lashes, and then suffer such further punishment as he thought to bring on an innocent person, or as he thought to relieve a guilty person from. Thus, if he testify falsely that a man has stolen, he shall then suffer the punishment of a thief. If he testify falsely that a man has been guilty of rioting, he shall suffer the punishment of a rioter.

2. If a man be suspected of perjury, he shall not be punished, until some other witness appears than the one whom he belied. If some other witness than the one who was belied should come forward, a witness having no interest on either side, and that impartial man should so testify that it becomes clear that the accused man did really testify falsely, then his guilt shall be considered as established, and he shall be punished as specified above.

3. If a man be punished for the crime of perjury, he can never afterward appear before the chiefs or judges as a witness, his words will never again be received as truth.

This law shall go into effect on the first day of September of the current year, at all places in this archipelago.

All the words of this law having received the sanction of the House of Nobles and of the Representatives, we have hereunto set our names on this seventh day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

Signed KAMEHAMEHA III.
KEKAULUOHU.

CHAPTER XXXIII.

LAW RESPECTING ASSAULTS.

Listen ye people of all lands, the high and the low, for no man will escape who disregards the words herein written.

1. This law forbids quarreling. If two persons quarrel and one strikes another with his fist or any thing else, but without hurting him much, he shall be fined six dollars as in case of riot. If a severe wound be inflicted, the fine shall be increased, even to the farthest extent, proportioned to the injury done to the wounded person.

2. If one way-lay another by night or even by day, or go slyly to his place and attack him by force, and commit an assault upon him, or strike him, or give him a blow with the fist, and yet do not kill him; or if two persons meet each other in the street and one use violence on the other, on account of some previous ill will, and do him an injury, all these crimes are alike. If any man do either of all these things, he shall be brought to trial and on conviction thereof, shall be banished to another country, there to remain for the term of four years. But if the judges discover some mitigating circumstance he may diminish the number of years, or substitute a fine of money, of from one to five hundred dollars, according to the magnitude of the offense.

If this law be 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 nevertheless take effect at all places in this arch-

pellago, on the first day of September of the current year.

All the words of this law have been approved by the House of Nobles and House of Representatives, and we have therefore subscribed our names to the same, on 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.
KEKAULUONI.

CHAPTER XXXIV.

LAW RESPECTING LEWDNESS.

This law forbids lewdness. A man and woman who are not married according to the laws of the land, and sleeping together carnally, they are lewd persons, and according to this law shall be condemned and punished, as specified in the following particulars :

1. If a man commit a rape upon a woman, making use of force upon her, because the woman does not assent to his solicitations, and actually have carnal intercourse with her without the consent of the woman, the fine of that man shall be fifty dollars. But if the man thus committing a rape upon a woman be a man of distinction, or a man of property, or if the woman be a person of distinction, and the crime of the man have special aggravations, the judges may increase the punishment of the man thus highly criminal, and if the judges think best they may banish him to another land, there to dwell for four years, or they may put him to hard labor in a prison, at the discretion of the judges.
2. If a man by violence attempt to commit a rape

upon a woman, and the woman by fleeing, or by her strength, or by making an outcry, or by the aid of another escapes, so that the man has no carnal connection with her, he shall in that case be brought to trial, and on conviction thereof, shall be fined to half the amount of the man who actually consummates the crime. In all cases of punishment for rape one fourth of the fine shall go to the government, and three fourths to the assaulted woman.

3. If a man go secretly to the place of a woman while she is asleep, for the purpose of having carnal connection with her without her consent, that is the same as rape. A man that does this shall be brought to trial and on conviction thereof shall be punished in the same manner as in case of rape mentioned above.

But a woman of bad character, even though she suffer violence, shall receive no part of the fine of the condemned man. Women of good character and they only shall receive a portion of the fine from the criminals.

4. If a man have a wife of good character, having never been involved in law, and having no appearance of being vicious, if that husband take another woman and sleep with her, then that innocent wife may say a word in relation to her husband. If the wife choose to separate from him for life, she shall have a right to do so, and she may marry another husband. In that case the adulterous husband shall be banished to another land there to remain for four years. But if the woman choose to continue with her husband she may do so, and he shall not be banished to another land, but shall be punished as follows: He shall pay a fine of thirty dollars, one half to the husband of his accomplice, and one half to government, though the police officer shall take his

portion before the division is made. But if his accomplice have no husband, then the whole shall go to government and the police officer. But if the fine be not paid in money nor other property, he shall then be made to work in the prison for the term of eight months. But if the wife of said man be of bad character, then she shall have nothing to say in the case; they shall not separate; the man shall not be banished to another land. His fine shall be thirty dollars, or he shall be put to hard labor as required above.

5. The same that is required in relation to the husband of a respectable wife, when that husband is guilty of adultery, the same also shall be required in relation to the wife of a respectable husband, when that wife commits adultery. If that woman take another husband and they sleep together, then her own proper husband shall have a word to say respecting her. If he choose to separate from her for life, he shall have a right to do so, and he may marry another wife. In that case the adulterous wife shall be banished to another land, there to remain for the term of four years. But if the husband choose still to retain his wife, he has a right to do it, in which case she shall not be banished to another land, but shall be punished as follows; she shall pay a fine of thirty dollars, one half to the wife of her accomplice, and one half to the government, the police officer however shall take his portion before the division is made, but if her accomplice have no wife, then the whole fine shall go to the government and the police officer. But if the fine be not paid, neither in money nor in other property, then she shall be put to hard labor in the penitentiary for eight months. But if her own husband be also of bad character, then the husband shall

have nothing to say in the case ; they shall not be divorced, nor shall the woman be banished to another land, She shall be fined thirty dollars or put to hard labor as above.

6. If a single man or a single women take a married person, and commit adultery with her or with him, then the punishment of the unmarried person shall be thirty dollars, or in default thereof shall be put to hard labor for government in the penitentiary for the term of six months. But if the married person be the soliciting party then the unmarried person shall be fined only fifteen dollars, or be put to hard labor for the government for the term of three months.

7. If a married man take a young woman of good character, and has always sustained a good character, and seduce that woman and commit adultery with her, then the man shall pay to the father of the seduced girl fifteen dollars, after which he shall be further punished as is required in the fourth section of this law.

8. If an unmarried man and an unmarried woman sleep together and are found, if they choose to marry, and there is no legal obstacle in the way of their marriage, then they shall be fined three dollars each, after which they may marry. If they do not marry then they shall be fined, the soliciting party twenty dollars, and the yielding party ten. But if it be not proved which is the more guilty party, then each shall be fined fifteen dollars. But if it be not paid then they shall be put to hard labor, the soliciting party for five months, and the yielding party two and a half. But if their crime be equal then they shall both serve for the term of four months.

9. If a woman commit fornication and thereby be-

come pregnant, then she shall not be punished till after the birth of the child. If the child be still-born she may be punished, but if the child be living, the following shall be her punishment, she shall take good care of the child, but if she do not take such care then the judges may fine her to the amount of fifteen dollars, and that money shall be appropriated to the benefit of the child.

10. If a man take to himself a harlot and commit whoredom with her, that man shall pay five dollars, and the woman shall be taken to the house of correction, for the term of four months, and shall be put to hard labor there, as are all the women of that house. The man also, if he do not pay his fine, shall be put to hard labor for four months, or be flogged twenty lashes. But if the woman be the soliciting party, and present herself as a prostitute, she shall in that case pay a fine of ten dollars, after which she shall be taken to the house of correction for four months and be made to labor as is the custom with all the other women of that house. If she do not pay the ten dollars fine, she shall then remain in the house of correction for the term of eight months.

11. If a parent give up his child to whoredom or prostitution, the child shall then escape and not be fined, but the parent shall pay a fine of fifty dollars, and one half of the money shall be paid to the child whom he prostituted, and that parent shall moreover be flogged thirty stripes. This edict which applies to a parent giving up his child, the same also shall apply to a husband who gives up his wife. And if he do not pay the fine, he shall be put to hard labor for the term of one year.

12. Furthermore, whoever acts the part of a pimp in procuring either females or males, and whoever

panders for prostitutes or whoremongers and whoever in any way acts the part of a pander, or is accessory to whoredom, or attempts to make profit from it he shall be fined for each or any of these crimes, fifty dollars, or shall be put to hard labor for the term of one year. Such shall be the punishment for all person who promote criminal intercourse between the sexes.

13. If a woman have a husband living and they have not been divorced, and that husband take another woman and marry her, having gone in a deceitful manner to the Governor or his agent, and obtained a certificate of marriage without the knowledge of the person giving it that he had a wife living, and thus marry the new woman, that husband is exceedingly criminal and shall be punished in the following manner. He shall be put to hard labor for one or two years at the discretion of the judges. Though if the judges think it better to impose a fine, they shall have a right to do so, at their discretion, but the fine shall not exceed two hundred dollars, nor shall it be less than one hundred. If the woman married ignorantly without any knowledge that her husband had another wife, then half of the fine shall go to her. But if she knew before hand that he had another wife, then she too shall be fined, to half the amount required of the adulterous husband. The subsequent marriage shall be null; they shall separate.

The same that is determined respecting a married man who takes a second wife, the same also is determined respecting a married woman who criminally marries a second husband. They shall be punished alike and the last marriage shall be null.

14. Furthermore, incest between relations is exceedingly criminal, so also are incestuous marriages. In

the law regulating marriage it is clearly stated what relations are forbidden to marry. If any of those relations forbidden to marry are guilty of sleeping together carnally their punishment shall be double the punishment of those who have no relationship to each other. The same also of those relations who go deceitfully to the Governor and marry without its being known that they are relations.

And if two persons are at any time married, and it afterward becomes known that they are of such consanguinity that their marriage is forbidden, the marriage shall then become null and void.

15. If any other species of lewdness be committed, such as is not mentioned in this law, the judge shall consider it well, according to the best of his knowledge, he shall pass sentence in accordance with the general spirit of the law. Thus shall he punish that crime.

16. By this law all lewd conversation, and all seductive language, and all lascivious conduct leading to lewdness, and all libidinous solicitations, and all licentious talking among the young, are prohibited. Whoever violates this law shall be punished according to the magnitude of the offense. It shall not be less than two nor more than ten dollars.

17. If any persons are guilty of lewdness, but two years pass without their being convicted, they are then free, they shall not be punished.

18. If any individual be confined in prison for lewdness, or be made to serve at hard labor, or placed in the Penitentiary,* when one half of the specified time

* Previous to the erection of Penitentiaries prisoners shall be put in such places as the Governors shall direct, but the principles of this law shall be regarded.

is elapsed, then if the person who has charge of him, and the teacher who instructs him, or other persons of respectability perceive, that said prisoner appears well, appears quiet, having the appearance of repentance, then on their giving notice to the Governor he may set said prisoner at liberty, and he shall serve no longer, nor be confined longer. It is ended, he is pardoned. But this does not apply to those who are banished to another land.

If this law be proclaimed in any village or district, then 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 nevertheless take effect on the first day of September of the current year at all places in this archipelago.

All the words of this law have been approved by the Nobles and by the Representatives; we have therefore hereunto set our names this twenty ninth day of May, in the year of our Lord one thousand eight hundred and forty one, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.
KEKAULUOHU.

CHAPTER XXXV.

A LAW RESPECTING THE RACING OF HORSES SECRETLY.

The law respecting the abuse of animals is well understood by the people, but still horses are not safe. There is a considerable number of persons who go secretly and seize horses in the night and race them, and by such a mischievous course some horses have

been killed. It is clear that this is a very great crime, but there is no statute which particularly prescribes the punishment. Wherefore in a council of the Nobles with the Representatives, the following statutes were enacted.

1. If one seize the horse of another secretly by night, without the knowledge of the horsler, or the owner of the horse, and race him the criminal person shall pay twenty five dollars, ten to the owner of the horse, ten to the informer, and five to the Government. If the horse be damaged, he shall in addition pay to the owner of the horse, the full amount of the damage. If he do not thus pay, he shall be flogged twenty lashes and then put to hard labor for the owner of the horse for the space of two months, and two months more for the informer, and if the horse were injured by him the labor for the owner of the horse shall be prolonged according to the amount of damage sustained.

2. If a man repeat the offense described in the first section after he has been once punished his punishment shall be double to his former one.

If this law be 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 nevertheless take effect on the first day of September of the current year at all places in this archipelago.

All the words of this law have been approved by the Nobles and Representatives, we have therefore set our names hereunto, on this twenty third day of April in the year of our Lord one thousand eight hundred and forty one at Lahaina, Maui.

(Signed,) KAMEHANEHA III.
KEKAULUOHI.

CHAPTER XXXVI.

LAW PROHIBITING THEFT.

We hereby prohibit all stealing, and felonious seizure, and violent plundering, and taking secretly the property of others. Whosoever does any of these things with a real thievish intent, is obnoxious to this law, and shall be punished as follows:—

Whosoever shall steal, or take secretly with a thievish design the property of another, and whosoever shall lyingly carry away and secrete in a thievish manner the property of another shall be punished thus:—

1. If the stolen property be less than two dollars, then he shall be fined four times the amount of the property which he stole. If one dollar be stolen, four dollars shall be the fine, which with the original sum makes five dollars, two to the government, and two to the owner of the stolen property, together with the original sum, which makes three dollars. If two dollars be stolen, then the fine shall be eight dollars; four to the government, and four to the owner of the stolen property. If he fail to pay these, he shall be put to hard labor, which he shall perform of a value equal to the fine, a portion of the labor for the government, and a portion for the owner of the property.

2. If the amount of property stolen be more than two dollars, but less than a hundred, the thief shall then be fined according to the first section of this law, and shall, moreover, be put to hard labor for a term of from four to eight months, as the judges shall determine from the character of the theft.

3. If the property stolen amount to more than a hundred dollars, then the stolen property shall all be

restored, and [the thief,] shall pay all the loss sustained by the owner of the property. When all this is paid, then the thief shall be transported to another land, there to remain for a term of from five to ten years, according to the aggravation of the theft, as decided by the judges.

4. If a man be punished according to the above requisitions, and afterwards steal again, either little or much, it shall then be proper to transport him to another land, at the discretion of the judges, according to the degree of his incorrigibility, or the greatness of his crime.

5. If the thief be unknown or is not seized by the owner of the property, and he does not know who stole it, then whosoever brings it to light shall receive one fourth of the fine, and the owner of the property one fourth, together with the original amount.

6. If a man steal property and be detected by the owner, and they shall agree together as to the settlement, they may do it, and that agreement of theirs shall stand. But if it become public after their settlement, then the thief shall pay the government portion of the fine according to law, but shall pay nothing more to the owner of the property.

7. If any one be condemned to reside in another land, according to the requirement of this law, and he prefer to pay a fine in money, this is the amount he shall pay, two hundred dollars for each year for which he is sentenced by the judges. Whoever pays a fine thus, shall be freed from transportation, though at the discretion of the judges.

8. Should this law be proclaimed in any village by a crier, then the day of its proclamation shall be the day

that it takes effect. But if not proclaimed, then the first day of December, 1840, shall be the day that it takes effect, and by this act all former laws respecting theft are repealed.

This act is passed by the government of these Sandwich Islands, on this tenth day of September, in the year of our Lord 1840. at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XXXVII.

LAW PROHIBITING BURGLARY.

We hereby prohibit the breaking open of houses, and the secret entering of windows, and also the forcing of doors and windows. If any man does either of these things to the house of another, he is obnoxious to this law.

1. If any man secretly break open a substantial house of another in the night, and enter, and steal property, little or much, the crime is similar, and he shall be punished according to the requirement of the third section of the law prohibiting theft.

2. If any man secretly break open a substantial house of another in the night, and enter with felonious intent, though nothing be taken away by him, he shall nevertheless, be punished by transportation to another land for the term of three years.

3. If any man secretly break open a substantial house of another in the night, with a felonious intent, and while some person is resident in the house, said burglar having weapons of death in his possession, that is a great crime, and the man committing it shall be condemned to reside on another land till death.

4. If the house broken open be one of thatch, or not a substantial house, or if there be some other thing which shall materially mitigate the crime, then it shall be in the power of the judges to diminish the punishment or change it, and not adhere rigorously to the above specifications. The judges are to look at the nature and magnitude of the offense.

5. Should this law be proclaimed by a crier in any village, then the day of its proclamation shall be the day of its taking effect in that place. But if not proclaimed, then the first day of December, 1840, shall be the day of its taking effect, and by this act all former laws relative to burglary are repealed.

This act is passed by the government of these Sandwich Islands, this tenth day of September, in the year of our Lord, 1840, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XXXVIII.

LAW RESPECTING MURDER.

1. We prohibit murder. Let no one of any country commit murder here. Whoever takes the life of another with a malicious design to kill, he shall die. Whoever in anger destroys human life, yet not intending to kill, he shall be imprisoned four years.

2. Whoever aids in destroying human life with an intent to kill, he shall die. Whoever aids in destroying human life, yet not designing to kill, he shall be imprisoned four years.

3. Whoever with malice incites or entices to the commission of murder, if the murder be actually com-

mitted, he shall die. Whoever incites or entices another to kill, and no life is thereby taken, he shall be imprisoned four years.

4. Whoever in anger stabs with a sharp instrument, or strikes with a weapon, or throws missiles, and the life of an individual is thereby destroyed, he shall die. Whoever stabs with a sharp instrument, or strikes with a weapon, or throws missiles with malicious intent to kill, yet no one dies thereby, he shall be imprisoned four years.

5. Whoever threatens to take the life of a person, and the deed is actually committed, he shall die. Whoever threatens to take the life of a person and actually beats him but not to death, he shall be imprisoned four years.

6. Whoever robs and kills a person, he shall die. Whoever robs a person but spares his life, he shall be imprisoned four years.

7. Whoever kills a shipwrecked person, whoever drives fatally a person into a place of death, whoever destroys a child after its birth, whoever (maliciously) burns a house with fire,—all these are reckoned as murderers. And if the criminal sentenced to imprisonment chooses to commute with money, he shall pay fifty dollars for each of the four years, and then be lawfully discharged; but in failure thereof he shall be put to labor till the four years expire, then be discharged. If the said criminal is again guilty of the same crime, he shall be fined one hundred dollars for each year, and in this ratio shall his sentence be increased till the fourth offense. This shall be the judgement of those who escape capital punishment.

8. Furthermore, whoever plots the death of the King,

and prepares the means of his destruction, his crime is similar to that of murder,—he shall be put in irons and banished to another land and there remain till he dies.

KAUKEAOULI.

The foregoing law respecting murder was enacted in the year 1835, and is still in force at the present time. The following additions have been made however.

9. If any one attempt to dethrone the King who has possession of the kingdom, or to transfer the kingdom to any other chief, or to any other person than the one who owns the kingdom, he shall be banished to another country for life, and all his property shall be confiscated.

10. Whoever shall plot the death of a Governor or of any high chief, or speak evil of the chiefs for the purpose of bringing them into difficulty, and whosoever shall threaten the life of any high chief, or the dispossessing him of his rank, and whosoever shall either in conduct or words exhibit treason, and whosoever shall excite others to treason against the King, or a Governor, or against any high chief, whosoever does any of these things is guilty of a great crime, and he shall be condemned. His punishment shall be that of banishment to another land at the discretion of the judges, they looking at the magnitude of the offense. It shall not however exceed ten years, nor be less than five. He shall furthermore be dispossessed of all his real estate, though if the King choose to give it to his child, he shall have a right to do so at his discretion.

We have given our assent to the above and therefore set our names on this second day of June in the year of our Lord one thousand eight hundred and forty one.

(Signed.) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XXXIX.

A LAW RESPECTING DRUNKENNESS ESTABLISHED IN THE
YEAR OF OUR LORD 1835.

1. We prohibit drunkenness. Whoever drinks spirituous liquors and becomes intoxicated, and goes through the streets riotously, abusing those who may fall in his way, he is guilty by this law. He shall pay six dollars in money, or in other property of the same value, and for want thereof he shall be whipped twenty four lashes, or be condemned to labor one month, or be imprisoned one month, at the expiration of which he shall be discharged.*

2. If the intoxicated person, or a riotous person not intoxicated, breaks down a fence he shall pay one dollar for each fathom, be the same more or less. And if the offender does not make redress according to this enactment, he shall rebuild the fence which he has broken down. But if the breach in a fence, or in a house be small—for this law is applicable to houses also—the fine likewise shall be small, and if the aggressor refuses to pay it he shall be imprisoned one month and then liberated. This is the punishment for damaging a fence or a house.

3. When the individual who damages a fence or house pays the amount forfeited by his crime to the owner, he the owner shall pay to the judge one fourth of every dollar, which the fence breaker, or the house breaker shall pay.

(Signed.) KAMEHAMEHA III.
KEKAULUOHU.

* In the reestablishment of this law certain clauses were left out.

CHAPTER XL.

A LAW REGULATING THE SALE OF ARDENT SPIRITS.

Whereas we have seen that drinking of ardent spirits and other intoxicating liquors is of great injury to our country; therefore I with my chiefs have sought for the means of suppressing it.

1. We prohibit all selling of spirits by any person whatsoever, either openly or secretly, without written license. Whoever is detected selling, or doing contrary to this law, shall be fined fifty dollars; and if he sell again he shall be fined one hundred dollars; thus shall the fine be increased by the addition of fifty dollars for every repetition of the offense, to the utmost violation of this law.

2. If however any person, whether foreigner or native, sell spirits by the barrel or large cask, he will not be amenable to this law, but any person who sells in any smaller quantity, will be liable to the penalty.

3. Any house having been licensed for retailing spirits, may sell by the glass, but not by any larger measure; and its doors must be closed by ten o'clock at night, and all visitors must go away until morning. And on Sunday such house shall not be opened from ten o'clock on Saturday night until Monday morning.

4. We prohibit drunkenness in the licensed houses. If any one, whether foreigner or native, drink and become drunk at such house, the owner of the house where he got drunk shall pay the following fine. Ten dollars for the first offense, twenty dollars for the second, and thus the fine will be increased by the addition of ten dollars for every repetition, to the extent of his misdemeanors.

5. The officers appointed to this duty will watch, and they will quietly observe what is going on in the said houses. Let no one obstruct them in their duty.

6. Any house licensed for selling spirits, and conducting in a manner at variance with this law, will, on conviction have its license taken away and it will not be given back again.

(Signed) KAMEHAMEHA III.

Lahaina, March 20. 1838.

CHAPTER XLI.

LAW PROHIBITING THE MANUFACTURE AND USE OF INTOXICATING DRINKS.

In our inquiries after the best means of promoting the interests of the kingdom, it has appeared to us that an increase in the production of food is of great importance. Scarcity of food is of course a great evil to the country.

It is said that the present is a time of scarcity, and we therefore have been searching for the cause of it. One reason we ascertain to be the following. Articles of food, potatoes, sugar cane, mellons and other things are taken and transformed into intoxicating drink; the people remain in idleness, without labor, in consequence of their lying drunk; wherefore the land is grown over with weeds and is impoverished.

In consequence of our desire to promote the order and welfare of the kingdom, we have assembled to reflect on the subject, and now enact this law.

.1 If any man take potatoes, sugar cane, mellons or any other article of food, and transform it to an intoxi-

cating liquor, and drink it, he shall be fined one dollar, and if he do the like again, the fine shall be two dollars, thus the fine shall be doubled for every offense even to the utmost extent.

2. If any one make an intoxicating liquor such as is mentioned above, and give it to another to drink, he too shall be fined according to the first section of this law.

3. Whosoever shall drink that which another has prepared in order to produce intoxication as mentioned above, he too has violated this law, and shall be fined in the same manner as he who prepared the drink.

4. If a man be fined according to the above requirement, and have no money, he may then pay his fine in produce, or if he have no produce, he may pay it in labor, the labor being proportioned to the amount of the fine, or if he do not labor according to the requirement, the punishment may be increased, or he may be confined in irons.

5. When this law is proclaimed by a crier in any village, the day of its proclamation shall be the day that it takes effect at that place. But if it be not proclaimed it shall take effect on the last day of November, at all the places at these Hawaiian Islands.

Enacted by the Government of these Hawaiian Islands, at Honolulu, Oahu, this first day of October, in the year of our Lord, 1840.

(Signed,) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER XLII.

A LAW RESPECTING STABBING WITH A KNIFE AND CARRYING INSTRUMENTS OF DEATH.

Many evil minded persons belonging to the shipping,

having while on shore committed various criminal acts with knives, etc. to the general danger of life and limb,

It is therefore hereby made known to all persons whatsoever, That if any person or persons are hereafter found on shore with a knife, sword-cane, or any other dangerous weapon in his or their possession, he or they shall be immediately seized and taken to the fort; and unless good cause be shown for having such dangerous weapon, he or they shall for every such offense pay a fine of ten dollars, or receive twenty-five lashes on the back.

Be it also known, That if any person or persons shall maliciously stab and wound any person, and death does not ensue therefrom, the said offender or offenders, if convicted, shall receive one hundred lashes on his or their back, and pay a fine of fifty dollars — or upon non payment, shall be imprisoned for two months.

The law now in force respecting murder, will be carried into execution upon all offenders.

Given under my hand, at Honolulu, this twelfth day of November, 1833. KAUIKEAOULI.

CHAPTER XLIII.

LAW RESPECTING THE PAY OF POLICE OFFICERS FOR SEIZING FOREIGNERS.

At the present time many of the police officers are blamed and spoken evil of; and it is said that they entice people to violate the law and then seize them to obtain their money, and some are seized unguilty, and consequently much evil results. In consequence of this conduct, or rather these charges, in a council of the Nobles and of the Representatives, the following law was enacted;

1. If any police officer seize a foreigner for a violation of law and that foreigner be fined, no part of the fine shall go to the police officer. He shall be paid in another way. Nor shall any portion of the fine go to the judges, but to the government only, according as the law declares.

2. Police officers shall be paid for seizing foreigners as follows; when one is seized, the Governor shall take the name of the officer who seized him, and at the end of the year the Governor shall see what officer has done the most business and done it best, and he shall have the most pay, and the officer who has done less business or not done it so well shall have less pay. Every officer shall be paid according to the amount of business done by him, and the correctness with which he does it. It shall be proper to advance part pay to the officers before the close of the year, for the relief of their necessities. But at the end of the year full payment shall be made according to the excellence of their conduct.

3. This law does not apply to deserters who are taken, nor does it apply to those who are taken for remaining on shore at night after the hour specified. The officers shall have their pay for these out of the money paid for them.

When this law is printed and put into the hands of the police officers, it shall then take effect at all places in this archipelago.

All the words of this law have been approved by the Nobles and Representatives, we have therefore hereunto set our names on this thirty-first day of May, in the year of our Lord, 1841, at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.
KEKAULUOHI.

1842.

In the month of April in the year one thousand eight hundred and forty two the House of Nobles and House of Representatives, assembled in accordance with the requisition of the Constitution, the place of meeting was Lunohu, on Maui. Paul Kinoa was chosen Clerk for the Nobles, and Kapae the Clerk for the House of Representatives. The following are the laws and resolves passed at this session.

CHAPTER XLIV.

A LAW RESPECTING BANISHED PERSONS.

Some persons who are banished to another place, are exceedingly mischievous during their stay there, while others, live very quietly. It is therefore proper that they should be dealt with according to their behaviour. These are the reasons for the enactment of this law.

I. If a man be banished to another place, and he go in accordance with the sentence of the law, and live quietly, maintaining a good character, as one endeavoring to forsake his evil habits and change them for the better, if the Nobles hear of this, it shall be proper for them at their annual meeting to institute an examination and make inquiry, and if they find that what they heard was true, they may then grant a pardon to said criminal.

The man shall then be confined no longer at his place of banishment, he may return to his own place. This however does not apply to those who are banished for adultery.

II. If a man be banished to another place, the Government shall supply his food for the first six months, and the man shall cultivate the ground for himself, and when the six months mentioned above are expired, the Government will aid the man no longer, he must support himself. And when the term of years during which he is to reside at his place of ban-

ishment is nearly expired, he shall then cultivate and leave for the government, a certain quantity of food, equal in amount to that which had formerly been furnished him by the Government. But if he do not leave this amount of food for Government, he shall not have his liberty.

III. If a man be banished to another place and abscond [from his place of banishment] he shall receive twenty five lashes, and be returned again to his place. If he abscond again he shall receive fifty lashes. And the number of lashes shall be increased in the same ratio for every time that he absconds.

In consideration of this law, it will be wise for all banished persons to industriously cultivate the ground, that they may live pleasantly. For if they do not grow food themselves, they will have nothing to eat except the wild food of the mountain, the Kupala, and other things growing wild.

IV. Furthermore, if a man while living at his place of banishment conducts mischievously, he shall be flogged at the discretion of the judges, though the judge shall not indulge revenge, but shall pass just sentence.

All the words of this law were approved by the Nobles and also by the Representative body, we have therefore hereunto set our names on this twenty seventh day of April in the year of our Lord one thousand eight hundred and forty two.

(Signed) КАМЕРАМЕРА III.
КЕКАЦЛООНІ.

CHAPTER XLV.

A NEW LAW RELATING TO THE BUSINESS
OF THE TAX OFFICERS.

On account of the frequent difficulties that occur between the people and the tax officers respecting the falling of the signal, and respecting the time of leaving work, and respecting a variety of other things done by the tax officers, therefore [it is enacted.]

I. That the whole 13th section on the 87th and 88th pages be erased, and also the words, "half a dollar, fourth of a dollar, eighth of a dollar," in the third section of the third Chapter: and the man who does not go to work on the labor days of the King, and of the land agents shall be fined as follows, one fourth of a dollar. But if the man arrive at dinner time one eighth of of a dollar is the fine. If he arrive just after the falling of the signal of the tax officer at seven o'clock, he shall pay a sixteenth of a dollar. A man who gives previous notice that he shall not go shall pay one rial. The tax officer and the land agent shall not refuse that sum.

II. Furthermore it shall be the duty of the officer to consider what number of men is necessary to accomplish the proposed work; and if the designed work be finished before the specified time, the people may nevertheless return; and so also if the specified time arrives and the work is not finished they may still return.

III. Furthermore, the cultivation of land and other kinds of business done for the tax officers, shall not be

required to be done at a distance, but only at places near where the people live who do the work. Though if the King have labor to be done which can not be accomplished by the people of that particular place, then all the people of that county or of that township may be called to do that particular labor but when finished the work shall cease. But if work be done in this way, the signal shall not fall at the place of labor, but at a place near the residence of the people.

IV. Again, if there is a difficulty in relation to the proceedings of the tax officer in any of his transactions, he shall then be brought to trial before the Governor and an unbiased jury, and if the tax officer be found guilty, he shall be fined ten dollars to be deducted from his yearly salary, and that money shall be paid over to the school agent, and when he perceives the teachers to be in want, he shall give it to them. But if the decision of the Governor be thought to be unjust the case may be appealed to the supreme Judges. If the tax officer be afterward guilty of a second offence his office shall be taken from him.

V. If the tax officer prolong the labor, after the time specified in the law, he shall be condemned on a trial before the Governor. But if the people leave the work without being dismissed by the tax officer, they shall pay a rial each. But if one creates confusion among the laborers, or call out that the labor is ended, and thus stop others in their work, two dollars is the fine of the man who conducts thus.

This act having received the approbation of the Nobles and also of the Representative Body we have hereunto

subscribed our names on this twenty ninth day of April in the year of our Lord one thousand eight hundred and forty two.

(Signed) KAMEHAMEHA III.
KEKAULUOHI.

CHAPTER XLVI.

A LAW RESPECTING PRISONERS WHO
ABSCOND.

If a man be brought to trial and condemned, and his punishment be assigned, then if said prisoner abscond in order that he may escape the punishment, he shall when found receive an additional punishment. He shall have twenty-five stripes laid upon him, though the Judge shall have a right to reduce them to twelve. After having received these, the first sentence shall then be executed upon him, either by fine or hard labor according to the original decision of the Judge.

If he abscond again after having been once punished, he shall then receive double the number of stripes which he received before. And thus the stripes shall be increased every time he absconds.

This act was passed by the Nobles, and Representatives on this third day of May in the Year of our Lord, one thousand eight hundred and forty-two at Lahaina, Maui, and we have therefore hereunto suffixed our names.

Signed, KAMEHAMEHA III.
KEKAULUOHI.

CHAPTER XLVII.

A LAW FOR THE REGULATION OF COURTS.

There are two distinct kinds of Courts. One kind where the Judges or tax officers decide the case by themselves, and the other kind where they cannot act by themselves but certain other persons must be associated with them. These persons who are associated with them shall constitute the jury.

The suits where the Judges and tax officers may by themselves alone pass sentence, are as follows.

1 All suits relating to assessments and taxation, and the dispossession of lands, and the neglect of lands and indeed all the business of the tax officers they may transact without the aid of a jury. No juries are to sit with the tax officers. But if the case be not settled satisfactorily it may be appealed according to the privilege granted in the constitution.

2 The judges also may try suits brought for small offences. There shall be no jury in such cases. But for trying high crimes their must be a jury impaneled. This is the limit, if the fine or damages amount to less than a hundred dollars, then the judges can try the case themselves. But if they amount to more than a hundred dollars, there must be a jury. The same also is the case in respect to the Supreme judges. If the fine or risk of property amount to more than a hundred dollars, a jury shall be impaneled. In this Archipelago no man shall suffer the penalty of death or banishment, or any other punishment of like magnitude, unless a jury be impaneled and they condemn him.

3 But if a man be brought to trial for any minor of-

fence, and he desire a jury there may be one allowed him. But he must first pay into the hands of the judge, twenty five dollars, and then a jury shall be impanelled; And at the trial, if the man demanding the jury be not condemned, then the above mentioned twenty five dollars shall be restored. But if the person demanding the jury be condemned, then he shall suffer the loss of that money in addition to the fine for his crime.

4 If the amount of property involved in a dispute exceed a hundred dollars, it shall be settled as follows, the plaintiff shall exhibit in writing a particular account of the dispute, and shall pay into the hands of the judge, the sum of one hundred dollars. On demand of the defendant there shall be given him a copy of the complaint, and a legal jury shall be empaneled. At the trial the jury shall decide who shall suffer the loss of the hundred dollars. But if the trial be before the supreme judges, then the appellant shall first pay two hundred dollars, and the jury shall decide, who shall suffer the loss.

5 At all trials for civil actions the costs of court shall first be paid after which the sentence of the jury shall be executed. If the property be insufficient, the parties shall suffer that loss, the expenses of the jury and court shall not be left unsettled.

6 If a man be tried for a criminal offence, and he desire counsel, he may select whom he pleases, though he can not select a man of bad character, nor one who uses bad language nor a man disapproved by the judge.

7 If a witness come forward upon the trial of an important case he shall not be allowed to testify until he has taken his oath [or affirmation] on the word of

God to speak the whole truth with which he is acquainted, after which he may testify to what he knows.

8 At all courts it shall be the duty of the judge to preside and keep order, and if any one insult the court or create disorder he may be flogged, confined in irons or fined according as the judge shall perceive to be necessary in order to preserve the order of the court. Though these punishments shall not be inflicted by the inferior courts, but merely by courts held before the supreme judges, or before the Governors. If the accused person make disturbance, or use insulting or reviling language, the judge may in addition to the above assign him a counsellor, and then the trial shall proceed though the criminal shall be taken away to another place, and the counsellor only shall be permitted to speak, the criminal shall not speak for himself at all, and no one except the counsellor.

9 At all jury trials the judge is to decide as to the application of the law. He is to explain the meaning of the law. That is not the department of the jury. If the jury wish to know the law, the judge may give them information and explain whatever is not clear. The business of the jury shall be to listen to the testimony of the witnesses and search for the truth. If from what they hear, and the researches they make, in their reflections on the purport of all that comes to their knowledge, they think the accused person has done what he was accused of, then the jury shall say, "The complaint is sustained, the man is guilty." But if they are in doubt, and think as they listen to all the testimony, that the man was falsely accused, the jury shall then say "the complaint is not sustained, the man is not

guilty." If they are agreed that the man is not guilty, then that is the end of the matter. But if they say the man is guilty, then the judge shall declare the punishment as he shall see is required by the law. If he be in doubt on the subject, he may postpone the decision for further consideration, and make it known at such subsequent period as he shall choose.

10 If a man be tried before the judges, or before a governor, if the man consider that unjust sentence has been passed upon him, it shall in that case be proper for the man to appeal. He must however first pay the fine to the judge if the punishment be a fine, and if at the new trial the man be cleared, his money shall be restored to him with interest. But if he were sentenced to labor or banishment, he shall not be compelled to labor, or sail, but may wait the result of his appeal. He must however pursue the following course. The criminal must find for himself a bondsman, a man of property, this man of property must give to the judge a bond of the following import, "I hereby promise to be responsible for _____ and at the time for his trial in the month of _____ I will deliver him to the court. But if he absconds, and do not appear before the court, then I will pay to the judge the sum of _____ dollars." The number of dollars mentioned in the bond, shall be a little more than the fine for the offence [or proportioned to the crime.] And when the time of trial arrives, if the criminal do not appear before the court, then the bondsman shall pay the amount specified in the bond. But if he can procure no bondsman, then he shall be kept in prison until the time of trial.

11 In the month of June of each year the Supreme

judges shall assemble at Honolulu, prepared to try any cases which may be appealed to them according to the requisitions of the laws.

The same also at Lahaina in the month of December. There shall be two sessions of the court in each year, one at Maui, and the other at Oahu. If any person present a case for trial at any other time, it will not be tried, until the prescribed period. And they will not bring any case to trial of which they are not informed at least one month previous to the session of the court.

12 The juries shall be appointed in the following manner. The Governor of the Island of Hawaii and the Representatives of that Island shall unite, and select forty, wise, reflecting, just men, not foolish men, not men of anger, not intemperate men, they shall select none but just men, and shall write their several names on separate pieces of paper of the same kind, and shall deposit the papers in a box. When preparation is making by the governor for an important trial, then the box shall be carried into his presence and the tax officer or some other officer shall draw out twelve names without previously looking at them. These men, thus drawn shall constitute the jury for that court.

13 The manner of forming a jury at Maui, Oahu, and Kauai shall be the same as that prescribed for Hawaii. There shall be no jury trials back in the country but only at the residence of the Governor and in his presence. If the supreme judges bring a man to trial who has been previously tried by a jury, no man who was on the former jury shall be permitted to sit upon the new one. An entirely new jury shall be drawn.

14 The pay of every native man called to sit on a

jury shall be a quarter of a dollar per day. But if the trial be before the supreme judges then the pay shall be half a dollar per day. If the trial be for a criminal offence and the complaint be not sustained, then the Government shall pay the jury. So also if the trial be for a high crime, and the man is condemned to suffer death, or banishment, or to work at hard labor, in all such cases the Government shall pay the jury. But for small offences punishable by fine, where the man himself demands the jury, in such cases he shall pay them, but from the twenty-five dollars previously paid into the hands of the judge.

15 Foreign juries shall be appointed in the following manner where there are a sufficient number of foreigners. There are only two places where there is a sufficient number of foreigners to justify the holding of a session of the Supreme Court among them, for in capital crimes the jury must never be less than twelve in number. In case of other offences the number may be less but never below eight. The following persons shall select the jurymen, viz. The Governor, the tax officer of the place, and the Representative or Representatives of that particular Island, and they shall be selected in the following manner. The appointing officers shall assemble, and call to mind such foreigners as are just and quiet in their lives, not angry persons nor drunkards, but such as are thought to be wise, and lovers of peace. The names of these persons shall then be written separately on small pieces of paper of the same kind, and the papers shall be put into a small box prepared for the purpose. On Oahu, there shall be forty selected, on Maui fifteen. On Hawaii and Kauai it shall be discretionary with the Governors.

16 When the time for a session of the court approaches, then the tax officer, or some other officer in his place shall draw out six or more names according to the necessities of the court, though the number drawn should always be some thing greater than the number required on the jury, lest some fail and the court be embarrassed. If the jury be constituted of foreigners only there shall never be less than eight. If the jury be constituted of half foreigners and half natives, the foreigners shall never be less than six, and the same also of natives. Furthermore, if a foreign vessel be at anchor at the place of the court, and the Governor choose to appoint the Captain or Captains on the jury, he shall have a right to do so. This is to be left entirely to the discretion of the Governor, he considering the nature of the difficulty.

17 At the time of trial, if any one of the jury who was properly summoned do not appear he shall be fined ten dollars, though the judge may excuse him if there is sufficient cause. But the jurymen must be notified at least forty eight hours before session of the court. An officer shall shew him a subpoena. When the jury assembles then if there be exhibited just cause why any one of the jury should not act or good evidence that he is unjustly prejudiced, then the judge shall look at the case, and if he consider the accusations to be well grounded, he shall set that jurymen aside, and another shall be put in his place. But no one shall be set aside if the judge consider that there is not sufficient ground for it.

18 When the jury is organised they shall then be sworn to act according to what they shall conscientiously

believe to be truth, and without bias, and to condemn him whom they really believe to be in fault and justify him whom they really believe to be just, listening to the testimony of the witnesses, and reflecting well on every thing which has a tendency to establish the truth.

They have nothing to say respecting the law, that is the department of the judge, he shall determine the meaning, and he shall pronounce the sentence of punishment.

19. All foreigners who act on a jury shall be paid for their services one dollar pr. day. If the trial be one of great importance so that two hundred dollars are previously paid into the hands of the judge, then each jurymen shall receive two dollars pr. day.

20. When a man is tried for a capital offense, he shall not be condemned to die unless the jury is perfectly agreed. But in trials for other crimes three fourths of the jury shall be sufficient to decide the case. But if three fourths do not agree, the Judge shall have power to send them to a tight room, shut the door, set a guard and confine them there until three fourths are agreed. The Judge shall in this respect act his discretion.

21. If the Judges are about to bring a man to trial, and any person is supposed to be acquainted with facts connected with the affair it shall be proper for that man to attend the trial and give in his testimony. And if he be subpoenaed by the Judge to attend, and he does not go, he shall be punished to a degree proportioned to the importance of the trial, but it shall not be less than ten dollars, and may exceed to any extent to which the Judge shall think proper.

If the witness do not wish to go, he may refuse un-

less he be notified at least twenty four hours previous to the trial.

22. If the accuser and the accused be both foreigners, then the jury shall be made up of foreigners only.

If there be no foreigner on either side, then there shall be no foreigner on the jury.

If there be a foreigner on one side and a native on the other then in forming the jury, half shall be foreigners and half Natives. But if the foreigner accused be a Frenchman, then this law respecting the formation of the jury will not be applicable. *See French Treaty.*

All the words of this Law having received the approbation of the Nobles and Representatives, we have hereunto set our names on this fifth day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.
KEKAULUOHI.

CHAPTER XLVIII.

PROCLAMATION.

Know all men whom it may concern, that from and after the twentieth day of the current month, all Government property shall be set apart by itself, and shall be entirely at the direction of the National council, and no portion thereof shall be appropriated except by consent of this council. Neither the King, Premier nor any Governor nor any other person can take for his own personal use any Government Property, it shall be held sacred to purposes of Government, and all such Property shall be committed to the care of a National Treasury Board.

And it is hereby proclaimed that the Government will never pay any debt contracted even by his Majesty the King, nor by the Premier nor by any Governor, nor by any other person, unless the debt be contracted through the Treasury Board, and the obligation have the signature of the King and Premier.

Whoever contracts a debt, he alone shall be liable for the debt, and his property alone shall go for the payment of it. And lest there should be mistaken opinions as to what kind of property may be seized for the payment of debts, it is hereby clearly proclaimed that lands and fixed property upon them can never be sold at auction, neither can they be permanently transferred. They can not even be leased for years without the consent of the King and Premier. This kind of property therefore can never be seized for debt, for the Government has never relinquished its right to the soil. But nevertheless, if a man have no personal estate, the land and fixed property upon it may be sold at auction on this condition that no person can be the purchaser except a native born citizen; and the right of him who purchases in this manner shall be the same as the right of other natives to their lands.

And if any Governor, Judge, tax officer or any other Government agent, embezzle the Government Property, or appropriate it secretly to his own use, or whoever shall refuse to pay it over to the Treasury Board, whoever shall do any of these things shall be punished as in case of Theft, to be tried and convicted by a competent court.

So also in case of peculation, embezzlement or fraud in the Treasury Board or in either of them. He or they shall be tried as in case of theft and on conviction shall be liable to the same punishment.

This proclamation having received the approbation of the Nobles and Representatives, we have hereunto set our names this tenth day of May in the year of our Lord one thousand, eight hundred and forty two at Lahaina, Maui.

Signed KAMEHAMEHA III.
KEKAULUOHI.

CHAPTER XLIX.

AN ACT FOR THE REGULATION OF TAXES, DUTIES AND GOVERNMENT PROPERTY.

Not even wisdom itself can give protection to a nation without a revenue. While in poverty the Government has no power. Money is in many cases the same as strength, and the nation, therefore, has energy in proportion to its revenue. It is also a well established principle that the people ought to aid every object which is for the benefit of the country, and it is also the duty of the rich to do more than the poor for they enjoy more.

At the present time the Government is embarrassed for want of funds and the embarrassment will increase unless the revenue be increased. In consideration of these things the following law is enacted.

1. The Law respecting the Land Tax for the year 1841 still remains in force for the current year. The third section however, found on the 68th page is repealed. Arrow Root will be no longer received for taxes, for it is an unprofitable article.

2. The officers and people are hereby informed however, that there is a new article which is very valuable, and that is Coffee. The people would do well to pay their land tax in Coffee, rather than in

swine, particularly in places well adapted to the growth of Coffee. And those persons who are in pursuit of wealth would do well at the present time by planting Coffee. Those who raise Coffee will find it the same to them as money. The price allowed the present year will be five pounds to the dollar. But that price will not be permanent; it will fall at no distant period.

3. A new tax is also to be assessed on the stores and victualing houses. If any foreigner or Native own a store in any part of this archipelago, if it be a whole-sale store, it shall pay a tax of twenty five dollars per year, and the owner shall receive a whole-sale licence. But if the store be of a double character, that is, whole-sale and retail, the tax shall then be fifty dollars and the owner shall receive both a whole sale and retail licence.

If any man own a retail store, where goods are not sold by the large quantity, the tax of that store shall be twenty five dollars, and the owner of it shall receive a retail licence. These shall be the rates of taxation for all stores of every kind. But no unlawful article can be vended in them.

If any man keep a public house for the entertainment of Captains of vessels, and gentlemen of the higher class, that house shall be taxed forty dollars a year, and the owner shall receive a licence to keep a house of entertainment.

If a man keep a victualing house for other persons than Captains of vessels, or persons of distinction, entertaining only those of a lower class who wish admission, such house shall be taxed only twenty five dollars, and the owner shall receive a licence to keep a victualing house. But no unlawful article shall be furnished in said houses.

4. This law shall take effect at all places on these Islands, on the first day of July of the current year. And after said day, there shall be no store, boarding house nor victualing house kept, without a licence, as specified above. And whosoever shall keep a store, or boarding house, or victualing house after said day, without a licence shall be fined one hundred dollars, and all the goods purchased by the the people shall be confiscated. The kapu shall be first proclaimed however, after which the seizure may be made.

5. It is furthermore enacted that all persons keeping houses of entertainment shall keep good order in their houses.

There shall be no noise or disturbance. And it shall be proper for the government to station officers to see to the character of said houses. And if any keeper of a house oppose the officer who is stationed to look to the house, or if he keep a noisy and disorderly house the licence of said house shall then be forfeited.

6. Foreigners from other countries shall never be required to pay a poll tax, but their property is liable to taxation, and therefore the present law is passed. But those foreigners and natives who have leased land with the consent of the King and Premier of the kingdom, and have erected stores on said land, they shall not be taxed according to the above requirement, but licences shall be given, them without pay.

7. It is furthermore enacted that from and after the first day of January in the year 1843 there shall be an ad vallorem duty of three per cent laid on all goods, wares, merchandizes and on every article of trade imported to these Hawaiian Islands from foreign nations. None of the above articles shall be landed on these

shores until, the duty be paid, or bonds for payment be given, and the harbor Master has given his consent, and he will not give his consent unless the owner of the property conforms to the above requirement.

Respecting times for paying duties, see an act passed May 9th 1839.

8. If any violate this law, and land goods without paying the duty, or without the consent of the harbor Master, or if a man in any way set the law aside, all the property which is improperly landed shall be seized, and confiscated.

9. The eighth section shall not be considered as applying to whaling ships, that anchor for the purpose of refreshments. It shall be proper for them to barter at pleasure for refreshments and whatsoever is necessary for their vessels. But if they sell cloth or any other article on shore and receive money in payment, then such goods shall pay a duty. And if any Captain of a whaling ship, sell in this manner without first paying the duty, his ship will thereby become a merchant ship, and the Captain shall moreover be fined the sum of fifty dollars.

10. There shall be no export duty on any of the productions of these Islands. But if any one carry silver or Gold out of the country, whoever does this shall pay an export duty of three pr. cent. And whoever shall carry money out of the country in violation of this law shall be fined just such an amount as he carried away.

11. If goods are brought here from foreign countries and deposited with the design of exporting them again, those goods shall pay duties like all others. But if the owner give notice in writing that they are for expor-

tation, he shall then be entitled, when they are taken away, to receive back two and a half per cent, leaving one half per cent transit duty. This shall apply to every kind of property that is landed, but the collector of customs must direct in relation to the storage of such goods. If goods are brought into a harbor for reshipment they shall pay the same transit duty as if landed.

12. It shall be the duty of the Governor of each particular Island to see this law executed at his place. The Governor shall establish such officers as are necessary, and shall give the licences, to keepers of stores, and houses of entertainment, and he shall pay the moneys into the hands of the Treasury Board.

13. It is further enacted in relation to all ships which anchor at Lahaina, that whereas, masters of ships have uniformly refused compliance with the Quarantine laws, and the expense of examining their ships has therefore fallen on the Government, and whereas the income of the Government is not so great as the expense incurred, therefore from this time potatoes will not be presented in the manner they have formerly been. Ships will however continue to pay ten dollars each for anchorage, after which trade on shore will be free.

All the words of this law having been approved by the Nobles and by the Representatives, we have hereto, set our names, this eleventh day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina, Maui.

(Signed,) KAMEHAMEHA III.
KEKAULUONI.

CHAPTER L.

A RESOLVE IN RELATION TO THE APPOINTMENT OF A GOVERNMENT INTERPRETER AND RECORDER.

Whereas this Government in its connection with foreigners, is often embarrassed for want of acquaintance with the routine of business in other countries, it is therefore hereby recommended,

That this Majesty the King should appoint some foreigner as Recorder and Interpreter for the Government. His business shall be to superintend the arrangement of Government documents, and act as interpreter at all trials of foreigners before the supreme Judges. He shall also give information as to the manner of conducting business in foreign countries. He shall also be present as interpreter wherever His Majesty transacts any government business with any foreigner, and it shall be his duty to give information on the subject of that particular business as done in other countries.

It shall be his duty to attend on trials before the Governors, whenever directed by His Majesty, and in as much as there is often great embarrassment, from a misunderstanding of language, or from the real ignorance of the interpreter, it will therefore be particularly proper for foreigners who wish to speak to his Majesty on any business which requires his official action, to first call on the legally appointed interpreter.

This Resolve of the House of Nobles and House of Representatives, has received our signature, this twelfth day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina Maui.

(Signed,) KAMEHAMEHA III.
KEKAULUOHU.

CHAPTER LI.

QUARANTINE LAWS.

Whereas it has been clearly ascertained that the small Pox has prevailed on 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, and whereas that disease is extensively prevalent in some of the Islands of this Ocean, therefore be it enacted by the Nobles and the Representative Body in council assembled.

SECTION I.

RESPECTING PILOTS.

1. That every Pilot shall ex officio, constitute one of the Board of health, for the ports where they reside.

And it shall be the duty of all Pilots at all Ports of the Islands when they see foreign vessels approaching, to go off immediately and lie at the windward side of the vessel but not board her until they have first presented the Captain with a Blank certificate as follows,

I Master of the ship
of hereby most truly declare that
the name of the port at which the vessel under my
command last anchored or hove to was
which port I left days ago. I did not
hear that any contagious disease was at that time pre-
vailing there or at any place near by. No man on
board my ship has been seized by any contagious dis-
ease nor have I heard of any such disease on board of
any vessel that I have spoken on my way to this place.
No man has died or been sick of a contagious disease

on board my vessel during the last six months from date hereof.

On Board ship Master.

When the Captain has filled out the above blank, and subscribed his name below, then the Pilot may board the vessel and she may anchor. The Pilot shall also deliver to the Captain a white flag which he shall keep flying at the Main for half an hour, at which time the flag shall be returned. By the hoisting of such a flag it is clearly declared that the ship is free from contagion.

If any Pilot violate or disregard either of these requisitions, he shall be fined ten dollars for the first offense. If he be guilty a second time he shall be fined twenty dollars, and in this ratio shall the fine be increased for every successive offense committed.

2. If the Captain do not put his name to the Blank certificate mentioned above, then the Pilot shall deliver to him a black and yellow flag, two fourths black, and two fourths yellow. And the Captain shall hoist said flag at the Main. And the vessel shall not anchor until the port physician visit the ship, and he together with the Pilot shall direct where the ship shall anchor.

If any Pilot shall bring a ship to anchor in violation of this requisition, or knowing that there is just ground to suspect that there is contagion on board, then such Pilot shall be fined five hundred dollars.

3. If the Pilot or Port Physician board any ship and afterward discover that the ship is of a contagious character, or such a ship as is liable to quarantine, in that case the Pilot and Physician shall be quarantined; they shall remain on board the vessel and not return on

shore, until such time as it shall be free for the Captain and officers also to come on shore.

Whatever Pilot or Physician violates this law shall be fined five hundred dollars.

SECTION II.

BOATS AND CANOES PROHIBITED FROM VISITING STRANGE VESSELS.

1. 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 ship whatsoever until she shall have been examined by a health officer or one of the Board of health according to the above requisitions, and the white flag has been hoisted, after which she may be visited.

Whoever shall visit a vessel in violation of this law shall be fined forty dollars, one half to be paid to the Government and the other half to the informant.

2. If any one is accidentally brought in contact with a contagious ship, or being on board discovers her to be so, or then ascertains that she is quarantined, in such case he shall remain on board said ship, as is required above of the Pilot and Physician. Whoever violates this law shall be fined five hundred dollars. And if any one be discovered while in the act of violation, or while in the act of leaving a quarantined vessel, it shall be lawful to fire upon him or do whatever is necessary in the judgment of the Governor or superior officer.

SECTION III.

OF SHIP MASTERS, AND OF FOREIGN SHIPS VISITING THE ISLANDS.

1. It shall be the duty of all ship masters to examine carefully the blank certificate handed them by the Pilot

and to fill out said blank, and then put the name and date. And this shall be done under the same liabilities as if under oath. But if the Captain is unable to subscribe the certificate on account of its not stating the truth in relation to his vessel, it shall then be returned to the pilot. Whatever Captain refuses obedience to this law, or subscribes his name to a falsehood, shall be fined five hundred dollars.

2. If any Master of a vessel refuses obedience to the requisitions of the Health Officer, or anchors when forbidden, or does not hoist the flag required by the Pilot, or refuses obedience to any requisition of the Quarantine laws he shall be fined five hundred dollars.

And it shall be lawful for the Governor to fine, or do any thing which is necessary in his judgement, in order to the execution of the laws.

3. All vessels having had the small pox or any other contagious disease on board, unless six months have elapsed since all appearance of disease ceased, are hereby prohibited from anchoring at any port, harbor or Roadstead of the Hawaiian Islands until visited by a Health officer or one of the Board of Health and received his approbation, after which they may anchor.

If any master of a vessel violates this law, he shall be fined five hundred dollars.

4. The Pilot and Port Physician shall have power to quarantine all ships, as well vessels of war as others, provided they have come from ports supposed by the Board of Health to be infected, or dangerous, but after once put under quarantine they shall be under the direction of the full Board. And they may lengthen or shorten the time of Quarantine at their discretion.

5. If a vessel be put under quarantine, the Captain

shall in the day time keep constantly flying at the main, a black and yellow flag, and in the night at the same mast two lights, one above the other. He shall not come on shore, nor shall he permit any person on board his ship to come, or to go on board of another ship; he shall permit no article to be taken from his ship, until such time as the Board of Health shall appoint. If any Captain violate this law, or if any Captain attempt to take his ship to a prohibited place, he shall be fined a thousand dollars, and it shall be proper for the Governor and those who have charge of the business to fine or take any other step which is necessary to force obedience to the requisitions of this section.

All the prohibitions which apply to coming on shore or bringing any articles on shore, apply also to boarding another vessel, or carrying any articles on board.

SECTION IV.

OF PASSENGERS AND OTHER PERSONS ON BOARD QUARANTINED SHIPS.

All restrictions which are laid on quarantined vessels which come to the Islands, are also applicable to all passengers and officers and people of said vessels. They are all under the laws of the Board of Health. If any one come on shore, or send any baggage or writing on shore, or go to any other vessel, he is guilty, and shall be fined in the same manner as the Captain would be, doing the same act. And whatsoever the Captain is prohibited from doing, all people on board his ship are prohibited from doing the same.

SECTION V.

PROHIBITIONS APPLICABLE TO ALL PERSONS.

This last edict is applicable to all that is said above.

If any man does in reality violate any one of the above laws, and do it knowingly and with evil intent and with the design of transgressing the law; and in consequence of his doing thus a contagious disease is communicated on shore, whosoever does this is a Murderer and shall be hanged.

SECTION VI.

OF HEALTH OFFICERS.

For the purpose of carrying this law into execution, the Governors shall appoint five Health Officers for each harbor of the Hawaiian Islands. And they shall have the direction of vessels in accordance with the above laws. And they shall have power to establish laws over all the people in times of danger from sickness; and it shall be their duty to devise plans to prevent the introduction of contagious and other diseases. And the Governors shall also appoint Port physicians who shall of course be members of the Board of Health. And the Port physician shall visit every vessel that is suspected of contagion, or where the black and yellow flag is hoisted, or if the Pilot call for him. And he shall examine into the character of the suspected vessel, and shall proceed according to the requisitions of this law, and shall make known to the Board of health the result of his investigations.

His pay shall be five dollars for each ship, thus examined by him, to be paid by the Government.

By the enactment of this new law, the former quarantine law is repealed.

All the words of this law having received the sanction of the Nobles and Representatives, we have therefore subscribed our names to the same on this seven-

teenth day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina Maui.

(Signed) KAMEHAMEHA III.
KEKAULUOHU.

CHAPTER LII.
ADDITIONAL SCHOOL LAW.

In the estimation of the Nobles and of the Representative Body, schools for the instruction of children in letters are of vast importance. We are firmly determined to give protection to the schools, and also to teachers of good character, and also to treat with great severity all those who oppose Schools, or throw hindrances in the way of that business.

One great evil of the past year has been that the teachers have not been properly paid.

A portion of the balance belongs to the parents. It is important that parents should have so much sincere regard to the welfare of their children as to influence them to attend to instruction. For if they are unable to read, they can neither marry husbands nor wives, they can never act as land agents nor be employed in any office over others. The parents too must suffer inconvenience, for their lands cannot be increased, they can not fish gratuitously nor take timber from the mountains without paying for it. It is therefore important that parents should consider this subject well, and stimulate their children to learn.

It is also the duty of Parents to aid in supporting the teacher in such manner as shall be mutually agreeable, and should do it generously lest the Government be burdened.

The land agents are also in fault for withholding land

from the teachers. Hereafter, if the general school agent apply for land in accordance with the provision of the School Law, and the land agent refuses and actually withholds it, it is a crime for which he shall be dispossessed and his land given to another. So also if they pay no attention to the general School agents, as they travel round to regulate the Schools.

The Tax Officers are also sometimes in fault. If the general school agent call on him for government property as he is allowed to do by the school law and the Tax Officer refuses, he shall then pay his own property, because he has without cause withheld the property of the Government. The law shall be executed upon him. So also if he do not build the school house according to the direction of the general school agent.

Another evil is that the officers give certificates of marriage to those who cannot read. The officers should carefully examine the law and withhold certificates from all who are ignorant of reading.

Another evil is that the scholars in the schools are noisy. It is the duty of teachers to instruct the scholars in this particular, and to consult with the school committee on the measures to be pursued. The Government will always support the teachers and school committee, while they do well. For a school is of little value if the scholars are disorderly. There is but one right way, and that is for the scholars to kindly and faithfully regard the instructions of the teacher. If the scholars conduct improperly they must be punished as the law requires.

Furthermore, the school committee appointed in conformity to the law while they perform faithfully their duties, shall be freed from going to the labor of the

King and the Friday labor of the land agents. But if there is any national labor to be done, they shall work on the appropriate days of the people, but not on the days of the King nor of the land agents.

It is furthermore agreed that there shall be two general agents on Hawaii, the present year, and each shall receive thirty five dollars. The general agent of Maui shall receive thirty five dollars, and that of Molo-kai, twenty five, the one on Oahu shall receive thirty and the one on Kauai thirty five, to be paid in government property but not in Money.

These Resolves passed by the Nobles and Representatives, we hereby approve and have therefore subscribed our names this thirteenth day of May in the year of our Lord one thousand eight hundred and forty two at Lahaina, Maui.

(Signed) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER LIII.

AMENDMENTS TO BE INSERTED IN LAW XXII, ON THE 123d PAGE.

1. If any person enter a complaint to a Judge of such a nature that it is necessary to attach property for debt, it shall then be the duty of the Judge to cause such property to be attached as he is acquainted with. But if the Plaintiff know of other property he may give notice to the Judge who will cause that property also to be attached. But if there be any subsequent difficulty in consequence of the attachment having been wrongfully made, the blame and loss shall be on the Plaintiff.

2. When one person institutes a suit against another before a Judge for debt, the Judge shall then issue a writ-

ten summons to the defendant requiring him to appear, and for said summons the Judge shall receive one dollar, and the person who serves it shall receive twenty five cents. The Judge shall also receive two dollars for rendering and executing judgement. If property be attached and sold at auction the Judge shall receive six per cent on all the property thus sold. The witnesses shall also be paid according to the requisition of another law. (*See chapter XLVI*) These rules of payment apply to the trial of minor offenses but not to jury trials. If the debtor have sufficient property, he must pay the costs. But if his property be not sufficient, then the Plaintiff must pay. Though if the debtor has not been in fault, the Plaintiff shall pay the costs; and if they have been alike in fault, then the costs shall be equally divided between them.

According to the decision of the Nobles, and Representatives, we have given our assent that the above should be inserted in the former law, and we have hereunto subscribed our names on this 16th day of May 1842, at Lahaina, Maui.

(Signed) KAMEHAMEHA III.
KEKAULUOHII.

CHAPTER LIV.

BURDENS OF THE LOWER CLASSES.

Previous to the enactment of the new code of laws on the subject of taxation, every man was required to pay a poll tax of one dollar annually.

At the present time, it is a dollar for one year and a half a dollar for the next.

Formerly, the tax of a common size farm was,

1 Fathom Swine

40 Kapas

40 Pans

1 Dog.

80 Fathoms of fish line, and a fish-net 800 meshes in length. This was the Government tax.

Now the whole of this taxation is abolished except the fathom Swine, and even that is reduced to half its former size every other year.

Formerly, besides this Government tax, there was another tax laid by the local Governors, another by the higher landlords, and another still by their subordinates.

At the present time there is no assessment except for the Government tax. No other tax can be laid.

Formerly, if the Landlord became dissatisfied, he at once dispossessed his tenant even without cause, and then gave his land to whomsoever asked for it.

At the present time that practice is at an end; lands are held by a strong tenure; they cannot be seized without cause.

Formerly, a prohibition rested even on the ocean, so that men must not take fish from it.

At the present time the prohibition is removed, so that every man may take fish where he pleases with very few exceptions.

Formerly, there were distinct taxes on states, counties, towns, and districts. Now there are no such taxes, they are strictly prohibited.

Formerly, if the King wished for the property of any man, he took it without reward; even seized it by force, or took a portion only, just in accordance with his

choice, and no man could refuse him. The same was true of every chief, and even the landlords treated their tenants thus.

At the present time such conduct is at an end. No chief whatever has power sufficient to do it now. Should one attempt it, he would instantly cease to be a chief on this archipelago.

Formerly, if a man had a number of children, they were a very heavy burden on account of their increasing the amount of his taxation.

At the present time children entirely free a man from Government work, also from the land tax, and poll tax.

Formerly, the chief, could call the people from one end of the Islands to the other to perform labor.

At the present time this is prohibited, and the people can be required to work only near by their home.

Formerly, if the King wished the people to work for him, they could not refuse. They must work from month to month. So also at the call of every chief and every landlord.

At the present time there is nothing of the kind. If any chief should attempt to pursue such a course, it would be a crime such as would free all his tenants from laboring for him at all until the time specified in the law.

Formerly, the people were regularly required to work every Tuesday and Friday, that is four days in a month for the King and four for the landlord, eight in the whole, and as many more as the chiefs chose.

At the present time the whole number is limited to six days in a month, leaving twenty laboring days for the people.

Formerly, if the people did not go to the work of the King when required, the punishment was that their houses were set on fire and consumed.

Now if they do not go, they must pay a rial, or at most a quarter of a dollar.

But still, the people are wailing on account of their present burdens.

Formerly, they were not called burdens. Never did the people complain of burdens till of late—till these dreadful weights mentioned above were removed. This complaint of the people however would have a much better grace, if they with energy improved their time, on their own free days, but lo! this is not the case.

They spend many of their days in idleness, and therefore their lands are grown over with weeds, and there is little food growing.

The chiefs of their own unsolicited kindness removed the grievous burdens mentioned above. The people did not first call for a removal of them. The chiefs removed them of their own accord. Therefore the saying of some of the people, that they are oppressed, is not correct. They are not oppressed, but are idle.

In view of these complaints of the people, and in view of their idleness on their own free days, the following new law is enacted.

1. If a farm be seen to be grown over with weeds and little food upon it, and yet a good farm for cultivation, in such a case, the tenant shall be dispossessed, though he shall not be dispossessed without a trial, nor at the mere suggestion of his landlord. The criminal person shall be dispossessed, whether it be the landlord or the tenant.

2. Furthermore, forbearance shall be exercised for

one year more, and then if the idleness of the people continues, it shall be the duty of the tax-officer whenever he sees a man sitting idle, or doing nothing on the free days of the people, to take that man and set him at work for the Government and he shall work till night.

The landlords also may do the same with the tenants of their lands when they are idle. This law is passed on account of the idleness of the people on their own free days. While they are at work for themselves, they shall not be set to work for others.

These enactments having received the sanction of the Nobles and the Representative Body we have set our names to the same on this sixteenth day of May in the year of our Lord, one thousand eight hundred and forty two at Lahaina, Maui.

(Signed) KAMEHAMEHA III.
KEKAULUOHĪ.

CHAPTER LV.

BE IT KNOWN TO ALL WHOM IT MAY CONCERN THAT.

The Council of the kingdom have come to a definite agreement to set apart all the Government property from one end of the Islands to the other for such Business of the Government, as shall be agreed upon, and for the payment of debts, in order that the debts of the Kingdom may be cancelled at once. They therefore nominated officers to receive and pay out monies according to specific directions.

We do therefore hereby constitute you, Doct. G. P. Judd, Timothy, Haalilio, and John Ii, a Treasury Board for the Kingdom, and charge you to receive the Poll Tax, the Poalua money, and all money paid in-

stead of the swine tax, also all money paid for criminal offenses, the harbor dues, and duties, the land Rents, and all tax money, and every kind of property which can be made use of in paying Government debts.

We also hereby charge the Governors and all officers, to give you timely notice respecting such monies, and such property, and then you will at your discretion, leave it for awhile or take it into your hands immediately.

We furthermore charge you to execute this business promptly and faithfully, and in the month of April 1843, render in writing a full account of all your doings.

In testimony whereof we have subscribed our names at Lahaina, Maui, on this tenth day of May 1842.

(Signed) KAMEHAMEHA III.
KEKAULUONI.

At this meeting of the chiefs the following persons were appointed officers of the Kingdom.

The Representative Body appointed, Paki, Kainaina, Kaauwai and Kapena, assistant supreme Judges.

The King appointed Dr. G. P. Judd, Recorder and Translator for the Kingdom.

Two or three other acts were passed which are not here translated as they were more in the form of advice and instruction than law, and would be of no special interest to Foreigners.