

By Authority.

AN ACT

To regulate the sale of spirituous liquors.

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

SECTION 1. The several laws and parts of laws mentioned in the Schedule hereto to the extent to which they are therein expressed to be repealed or amended, are hereby repealed or amended as if they had never been enacted...

SECTION 2. The following words unless where the contrary appears from the context, are used in this Act with meaning hereby assigned to them respectively.

"Spirituous Liquors" shall mean any wines, spirits, ale, cider, beer, or other fermented or distilled liquors and all liquors of an intoxicating nature...

"The King in Council" shall mean His Majesty, by and with the advice and consent of his Privy Council.

But nothing in this Act shall apply to any person selling any spirituous or distilled perfume bona fide as perfumery; nor to any duly qualified physician, surgeon, dentist or druggist who may administer or sell any spirituous liquors for medicinal purposes.

SECTION 3. The licenses issued under this Act shall be signed by the Minister of the Interior and sealed with the seal of his department, and shall not be transferable except as hereinafter provided, and shall be in force for one year from the date of issue.

SECTION 4. Whoever shall manufacture for sale any intoxicating drink or substance in this Kingdom shall be liable to a fine not exceeding Five Hundred Dollars, and in default of payment of such fine shall be imprisoned at hard labor for a term not exceeding two years.

SECTION 5. Whoever shall distill any Spirituous Liquor in this Kingdom (except under a license issued pursuant to an Act approved on the 18th day of July, A. D. 1874, entitled "An Act authorizing the Minister of the Interior to grant to owners of Mills for the manufacture of Sugar Licenses to distill Spirituous Liquor") shall be liable to a fine not less than fifty dollars, nor more than one thousand dollars; and in default of payment of such fine shall be imprisoned at hard labor for any term not exceeding two years.

SECTION 6. All Spirituous Liquors imported under the name of perfume or preserved fruits with the intention of evading the laws relating to duties shall be liable to seizure, condemnation and sale for the benefit of the Public Treasury.

SECTION 7. All stills, distilling apparatus or other articles in use, except as provided in section 5 of this Act or having been used in distilling spirituous liquor or other intoxicating drinks or substances within this Kingdom, and also all spirituous liquors and all other intoxicating drinks or substances manufactured for sale within this Kingdom shall be forfeited to the Hawaiian Government, and may be seized and taken possession of by the Marshal, Deputy Marshal, Sheriffs or their Deputies, or by any constable and all articles so seized by any other officer than the Marshal, Deputy Marshal or Sheriffs, shall without delay be delivered into the care of the Marshal, Deputy Marshal or Sheriff nearest the place of seizure who shall cause a notice of such seizure to be published in some newspaper, and unless the owner or some person authorized to claim possession thereof shall, within twenty days from the day of such notice of seizure, file with the Marshal, Deputy Marshal, Sheriff or any constable a written claim to such property so seized, it shall be held to be condemned as forfeited to the Hawaiian Government; and in all cases where the owner or some person claiming the right of possession shall file a written claim as herein provided it shall be the duty of the Marshal, Deputy Marshal or Sheriff, having the property in possession, to furnish to the Attorney General a written statement of the facts who is hereby authorized to institute and to take legal measures to establish the question determined whether the property seized has been forfeited in accordance to the provisions of this Section.

SECTION 8. The Minister of the Interior shall have power to grant a wholesale vending license for Spirituous Liquors to any person having a license to sell goods, wares and merchandise at wholesale applying therefor in writing, and stating in his application the name of the vendor and where the applicant intends to establish his business.

SECTION 9. The wholesale vending of Spirituous Liquors shall consist of selling the same in quantities not less than the packages originally imported and in no other manner. Provided that no part thereof shall be drunk or used on the premises where they are sold or in any other house or premises contiguous thereto, procured or rented for that purpose by the holder of such license, or by any other person or persons whatsoever through his agency under the penalty of forfeiting his license and incurring the penalties of the law and his bond.

SECTION 10. Before granting such wholesale license to vend Spirituous Liquors the applicant shall pay for the use of the Hawaiian Government Two Hundred and Fifty Dollars, and give a bond to the Minister of the Interior for the sum of Five Thousand Dollars with at least one sufficient surety to be approved by said Minister.

SECTION 11. The Minister of the Interior shall have power in like manner to grant licenses to be called "Dealers Licenses" to any person for the vending of wine, ale and other spirituous liquors, upon such person applying therefor in writing and stating in his application the name of the vendor and where the applicant intends to establish his place of business in each district.

SECTION 12. Before the granting of a retail license to vend spirituous liquors as contemplated in the preceding section, the applicant shall pay to the Minister of the Interior, for the use of the Hawaiian Government, the sum of one thousand dollars, and shall give a bond in the sum of one thousand dollars, with one sufficient surety to be approved by said Minister.

SECTION 13. Before granting such license to any person to vend wine, ale and other spirituous liquors as prescribed in Sections 11 and 12 of this Act, the applicant shall pay to the Minister of the Interior for the use of the Royal Excise, the sum of Five Hundred Dollars, and give a bond to the Minister of the Interior for the sum of One Thousand Dollars, with at least one surety to be approved by the said Minister.

SECTION 14. The Minister of the Interior shall have the power to grant licenses to retail spirituous liquors, upon application in writing, stating the name of the vendor and where the applicant intends to establish his place of business in each district.

SECTION 15. Before the granting of a retail license to vend spirituous liquors as contemplated in the preceding section, the applicant shall pay to the Minister of the Interior, for the use of the Hawaiian Government, the sum of one thousand dollars, and shall give a bond in the sum of one thousand dollars, with one sufficient surety to be approved by said Minister.

SECTION 16. Such last mentioned license shall authorize the licensee to sell and dispose of any spirituous liquors by the bottle or glass on the premises therein specified between the hours of five o'clock in the morning and eleven o'clock at night on every day except Sunday.

SECTION 17. The Minister of the Interior, by and with the consent of His Majesty the King in Privy Council, shall have the power, and it shall be his duty to fix the limits or boundaries within which those obtaining a license contemplated by this Act shall carry on and transact such business, and shall cause public notice to be given of the same, and any person who shall sell or dispose of any spirituous liquor in any house or place in which such licensed person shall be authorized to pursue his business, and the license so granted shall not be transferable except as hereinafter provided, or held to authorize such business to be carried on by any person or persons at any other place than such as may be designated in the license. Provided that until His Majesty in Council shall recommend an alteration in the present section, the spirituous liquors may now be sold, such limits shall apply to licenses issued under this Act. And provided that His Majesty in Council may authorize the Minister of the Interior to grant and issue licenses for the vending of Spirituous Liquors at retail outside of the limits of the city of Honolulu, upon and subject to such terms and conditions as such Council may think proper, provided that the license fee shall be the same as provided by Section 15 of this Act.

SECTION 18. The sale and vending of spirituous liquors shall be regulated more definitely by the terms of the license, and the Minister of the Interior may prescribe in the license definite rules and regulations, to be observed by the vendors; provided that if any license shall be authorized or granted for any premises outside of the limits of the city of Honolulu, such license shall not authorize or allow the sale of spirituous liquors to be consumed off the premises for which such license shall be granted.

SECTION 19. All persons applying for a license under the provisions of this Act shall before receiving the same file a bond (in form similar to the following), the same being always subject to the approval of the Minister of the Interior:

"Know all men by these presents, that I, the undersigned, principal, and my heirs, assigns, or assigns, are held firmly bound unto the Minister of the Interior, for the use of the Hawaiian Government, in the penal sum of _____ dollars lawful money, to be levied on our respective joint and several property in case the conditions hereinafter set forth shall be violated.

"For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, our executors, administrators and assigns:

"Sealed with our seals and dated this _____ day of _____ 18__.

"The condition of this obligation is as follows: That whereas the above bounden _____ has this day applied for a license to vend spirituous liquors in accordance with the law approved on the _____ day of _____ 18__, entitled "An Act to regulate the sale of Spirituous Liquors," and has complied with all the requirements of said law, and has consequently been granted a license to vend spirituous liquors in accordance with such law for the term of one year from date. Now therefore, if during the continuance of this license the said _____ shall not be convicted of felony, perjury or other infamous offense, or of any offense against or violation of the revenue laws, or of any other offense under the said statute involving a forfeiture of the said license, a copy of which is hereunto annexed, then this obligation shall be void. Otherwise upon proof being made to the satisfaction of a District or Police Magistrate, without the intervention of a jury, the penalty mentioned in the bond shall be forfeited, and the license of the said _____ this day granted shall be void.

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

in such house or premises, or there being on such premises more spirituous liquor than is reasonably required for the use of the persons residing therein, shall be deemed prima facie evidence of the unlawful sale of spirituous liquor by such person.

SECTION 34. Upon information on oath before any Police or District Justice by any person, that he believes that spirituous liquor is being sold in any house or place, such Justice shall grant his warrant to any Constable to enter and search such house or other place and seize all such spirituous liquor as aforesaid as he shall then and there find, and any vessel or vessels containing such spirituous liquor, and detain the same until the owner thereof shall appear before such Justice to claim such spirituous liquor or vessels, and shall satisfy such Justice how and wherefore such owner became possessed thereof, or if such person after being summoned shall not appear, and if it shall appear to the said Justice after due inquiry that such spirituous liquor was in the said house or place for the purpose of being illegally sold or disposed of, then he shall adjudge such spirituous liquor and vessels to be forfeited and sold, and the proceeds after paying the expenses of such sale shall be appropriated in like manner as penalties under this Act.

SECTION 35. In all proceedings against any persons for selling or allowing to be sold any spirituous liquor without a license, such person shall be deemed to be unlicensed, unless he shall at the hearing of the case produce his license.

SECTION 36. The delivery of any spirituous liquor either by the owner or occupier, or by his or her servant or other person in the house or place, shall be deemed to be sufficient prima facie evidence of the sale of such liquor, unless the owner or occupier of such spirituous liquor, so as to support a conviction, unless proof to the contrary be given to the satisfaction of such Justice.

SECTION 37. Every husband, wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, or who being himself or herself intoxicated, shall be thus injured in consequence of such intoxication, shall have a right of action in his or her own name, severally or jointly, against any licensed dealer in spirituous and intoxicating liquors, who shall be selling or giving spirituous or intoxicating liquors, have caused the intoxication in whole or in part of such person or persons, for all damages sustained and for exemplary damages. And a married woman shall have the same right of action as if she were a single person, and the amount recovered shall be paid to her as if she were a single person. And all damages recovered by a minor under this Act shall be paid either to such minor or to his or her parent, guardian or next friend as the court shall direct.

SECTION 38. All suits for damages under the last preceding section may be by any appropriate action in any of the courts of the Kingdom having competent jurisdiction.

SECTION 39. Spirituous liquor shall be sold by auction upon any house or premises not licensed for the sale of spirituous liquors, unless any auctioneer or other person violating the provisions of this section shall be subject to the penalty hereinafter prescribed for selling spirituous liquors without a license. Provided that nothing herein contained shall apply to the sale by auction of spirituous liquors in bond by sample, if the owner thereof shall be duly licensed for the sale of such spirituous liquors, and provided also that the Minister of the Interior may in his discretion authorize any licensed auctioneer to sell any such spirituous liquors by auction, when he shall be satisfied that the said liquors are the property of a private person, and are not sold for profit or by way of trade.

SECTION 40. Every person who being intoxicated shall enter any premises licensed for the sale of spirituous liquors, or being intoxicated upon said premises, shall not leave the same when requested by the licensee or by any person in his employ, may be arrested by any constable and shall, on conviction, pay a fine of ten dollars.

SECTION 41. Every person who shall be found drinking on any licensed premises during prohibited hours or on Sundays, shall be liable to the same penalty as the licensee is subject to for keeping open his license-house at times not allowed by his license, and such persons may be arrested by any constable or peace officer.

SECTION 42. Any person who shall import into this Kingdom any spirituous liquors unless holding a license under this Act, or unless the same is for his private use, shall on conviction before any police or district justice be subject to a fine of five hundred dollars, and in default of payment may be imprisoned at hard labor for any term not exceeding two years.

SECTION 43. This Act shall take effect and become a law on the first day of October next, and shall remain in force and continue in force up to and until the first day of January, which will be in the year one thousand eight hundred and eighty-five.

SECTION 44. The Minister of the Interior shall keep in a book of licenses, the names of all licensed vendors of spirituous liquors throughout the Kingdom, their respective places of abode, the character of the licenses granted to them, and the amount of license money paid by each, together with the date of such license.

SECTION 45. It shall not be lawful to issue a license for the retailing of Spirituous Liquors for any house or premises where any other business except that of a victualling house keeper under a license to such retailer is carried on, or that has any communication with any other house or premises where any business (except as aforesaid) is carried on.

SECTION 46. If any person shall (except as the agent or servant of a licensed person) sell or dispose of within this Kingdom any spirituous liquors, or shall permit or suffer any spirituous liquor to be sold or disposed of by any other person within this Kingdom, without having first obtained in manner and form herebefore mentioned, a license authorizing such sale or disposal at the time such license is authorized to sell and dispose of such liquor; every such person shall forfeit and pay for a first offence any sum not less than one hundred dollars nor more than five hundred dollars, and for every subsequent offence shall be imprisoned at hard labor for not less than three months nor more than six months, and shall also be subject to a penalty of five hundred dollars. Provided that every offence shall be deemed a first offence within the meaning of this Section, unless it shall have been committed subsequent to the conviction and within twelve months hereafter.

SECTION 47. Any holder of a license shall sell or retail any spirituous liquor or permit or suffer the same to be drunk in his house or premises on Sundays, shall be liable to a penalty not exceeding two hundred dollars. But this Section shall not apply to the ordinary supplies furnished to bona fide boarders and lodgers in the house or premises.

SECTION 48. If any person holding a license under this Act shall be convicted twice within a period of twelve consecutive months of any offence against the provisions of this Act, the Justice before whom such person has been convicted, shall by an order under his hand in the form in the second schedule declared such license to be forfeited, and the same shall thereupon be void, and it shall be the duty of the Attorney General to sue for and enforce the penalty of the bond given by such licensee, and such licensee shall be and be deemed incapable of ever again holding a license under this Act.

SECTION 49. No holder of a license shall either in his house or any of the appurtenances thereto, supply any spirituous liquor to any person in a state of intoxication, under a penalty for each offence of any sum not less than fifty nor more than two hundred and fifty dollars. And if any such intoxicated person shall be convicted of any offence against the provisions of this Act, such licensee shall be and be deemed liable to the same penalty.

SECTION 50. No holder of a retail license shall recover any debt or demand on account of any spirituous liquor supplied by him to any person for consumption on the premises, but the holder of such license may sue for and recover the value of any spirituous liquor supplied with meals to any person bona fide lodging or boarding in the house.

SECTION 51. If any holder of a retail license shall receive in payment or ask a pledge for any spirituous liquor or entertainment supplied in or from such licensed house anything except current money or checks on bankers, or orders for payment of money, he shall for each such offence pay a penalty not exceeding fifty dollars.

SECTION 52. If any holder of a license shall be convicted of felony, perjury or any infamous offence or of any offence against the revenue laws, or if holding a retail license, he shall permit any person to manage, superintend or conduct the business of such during his absence for a longer period than forty-two consecutive days in any one year without the previous consent in writing of the Minister of the Interior, or shall whether present in such house or not, permit any unlicensed person to enter in such house or premises, or shall allow such house to become ruinous or dilapidated, then upon complaint thereof and proof of any of the facts aforesaid to the satisfaction of any District or Police Justice, such Justice shall by an order under his hand in the form of the second schedule declare such license to be forfeited, and the same shall thereupon cease. But if such house shall have become ruinous or dilapidated by reason of fire, tempest, or other accident beyond the control of the licensee, the license shall not be forfeited until a reasonable time has elapsed for the restoration of such house.

SECTION 53. If any licensed person shall sell or offer for sale any adulterated spirituous liquor, he shall forfeit and pay for every such offence any sum not less than one hundred dollars, nor more than five hundred dollars. And in order to analyze such spirituous liquor, any Justice may on complaint on oath made to him by any such spirituous liquor, if he believes it to be adulterated, and if he believes it to be adulterated, he may on complaint of the sum of five dollars to defray the expense of such analysis authorize the seizure of such suspected spirituous liquor, and cause the same to be analyzed by some competent person, and the expenses of such analysis shall be a portion of the costs which such Justice shall order to be paid by the person convicted.

SECTION 54. Any District Justice, the Marshal, his Deputy or any Sheriff, Deputy Sheriff or Constable may seize and take, or cause to be seized and taken away, all such spirituous liquor as he or they shall have reasonable cause to suspect to be carried about, or exposed to sale in any highway or footpath, in any booth, tent, store or shed, or in any boat or vessel, or in any place whatsoever by any person not licensed to sell the same, and all the vessels and utensils used for containing, drinking or measuring the same, and any cart, dray or other carriage, and any horse or other animal used in drawing or carrying the same, and any boat or other vessel used in the conveyance thereof. And such Justice on his own view or on proof of such offence by oath, may convict any person so offending, and on conviction he shall pay any sum not exceeding two hundred and fifty dollars, and be imprisoned at hard labor for any period not exceeding three months, and such Justice may adjudge such spirituous liquor, and any horse or other animal used in drawing or carrying the same, and any boat or other vessel used in the conveyance thereof, the same to be sold, and the proceeds thereof after deducting the expenses of sale, to be appropriated in like manner as fines are by law directed to be appropriated. Provided that in all cases where liquor shall be carried or be in course of being carried, or be in the way from one place to another, the burden of proving that such liquor was so carried or be in course of being carried or exposed for sale shall be on the party so carrying the same.

SECTION 55. Any person not the holder of a license keeping up any sign, writing, painting, or other mark in or near his house or premises, or having his house or any part thereof fitted up with a bar, or other place containing bottles or casks displayed so as to induce a reasonable belief that spirituous liquor is sold or served

in such house or premises, or there being on such premises more spirituous liquor than is reasonably required for the use of the persons residing therein, shall be deemed prima facie evidence of the unlawful sale of spirituous liquor by such person.

SECTION 34. Upon information on oath before any Police or District Justice by any person, that he believes that spirituous liquor is being sold in any house or place, such Justice shall grant his warrant to any Constable to enter and search such house or other place and seize all such spirituous liquor as aforesaid as he shall then and there find, and any vessel or vessels containing such spirituous liquor, and detain the same until the owner thereof shall appear before such Justice to claim such spirituous liquor or vessels, and shall satisfy such Justice how and wherefore such owner became possessed thereof, or if such person after being summoned shall not appear, and if it shall appear to the said Justice after due inquiry that such spirituous liquor was in the said house or place for the purpose of being illegally sold or disposed of, then he shall adjudge such spirituous liquor and vessels to be forfeited and sold, and the proceeds after paying the expenses of such sale shall be appropriated in like manner as penalties under this Act.

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SECTION 37. Every husband, wife, child, parent, guardian, employer or other person who shall be injured in person or property or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, or who being himself or herself intoxicated, shall be thus injured in consequence of such intoxication, shall have a right of action in his or her own name, severally or jointly, against any licensed dealer in spirituous and intoxicating liquors, who shall be selling or giving spirituous or intoxicating liquors, have caused the intoxication in whole or in part of such person or persons, for all damages sustained and for exemplary damages. And a married woman shall have the same right of action as if she were a single person, and the amount recovered shall be paid to her as if she were a single person. And all damages recovered by a minor under this Act shall be paid either to such minor or to his or her parent, guardian or next friend as the court shall direct.

SECTION 38. All suits for damages under the last preceding section may be by any appropriate action in any of the courts of the Kingdom having competent jurisdiction.

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SECTION 40. Every person who being intoxicated shall enter any premises licensed for the sale of spirituous liquors, or being intoxicated upon said premises, shall not leave the same when requested by the licensee or by any person in his employ, may be arrested by any constable and shall, on conviction, pay a fine of ten dollars.

SECTION 41. Every person who shall be found drinking on any licensed premises during prohibited hours or on Sundays, shall be liable to the same penalty as the licensee is subject to for keeping open his license-house at times not allowed by his license, and such persons may be arrested by any constable or peace officer.

SECTION 42. Any person who shall import into this Kingdom any spirituous liquors unless holding a license under this Act, or unless the same is for his private use, shall on conviction before any police or district justice be subject to a fine of five hundred dollars, and in default of payment may be imprisoned at hard labor for any term not exceeding two years.

SECTION 43. This Act shall take effect and become a law on the first day of October next, and shall remain in force and continue in force up to and until the first day of January, which will be in the year one thousand eight hundred and eighty-five.

SECTION 44. The Minister of the Interior shall keep in a book of licenses, the names of all licensed vendors of spirituous liquors throughout the Kingdom, their respective places of abode, the character of the licenses granted to them, and the amount of license money paid by each, together with the date of such license.

SECTION 45. It shall not be lawful to issue a license for the retailing of Spirituous Liquors for any house or premises where any other business except that of a victualling house keeper under a license to such retailer is carried on, or that has any communication with any other house or premises where any business (except as aforesaid) is carried on.

SECTION 46. If any person shall (except as the agent or servant of a licensed person) sell or dispose of within this Kingdom any spirituous liquors, or shall permit or suffer any spirituous liquor to be sold or disposed of by any other person within this Kingdom, without having first obtained in manner and form herebefore mentioned, a license authorizing such sale or disposal at the time such license is authorized to sell and dispose of such liquor; every such person shall forfeit and pay for a first offence any sum not less than one hundred dollars nor more than five hundred dollars, and for every subsequent offence shall be imprisoned at hard labor for not less than three months nor more than six months, and shall also be subject to a penalty of five hundred dollars. Provided that every offence shall be deemed a first offence within the meaning of this Section, unless it shall have been committed subsequent to the conviction and within twelve months hereafter.

SECTION 47. Any holder of a license shall sell or retail any spirituous liquor or permit or suffer the same to be drunk in his house or premises on Sundays, shall be liable to a penalty not exceeding two hundred dollars. But this Section shall not apply to the ordinary supplies furnished to bona fide boarders and lodgers in the house or premises.

SECTION 48. If any person holding a license under this Act shall be convicted twice within a period of twelve consecutive months of any offence against the provisions of this Act, the Justice before whom such person has been convicted, shall by an order under his hand in the form in the second schedule declared such license to be forfeited, and the same shall thereupon be void, and it shall be the duty of the Attorney General to sue for and enforce the penalty of the bond given by such licensee, and such licensee shall be and be deemed incapable of ever again holding a license under this Act.

SECTION 49. No holder of a license shall either in his house or any of the appurtenances thereto, supply any spirituous liquor to any person in a state of intoxication, under a penalty for each offence of any sum not less than fifty nor more than two hundred and fifty dollars. And if any such intoxicated person shall be convicted of any offence against the provisions of this Act, such licensee shall be and be deemed liable to the same penalty.

SECTION 50. No holder of a retail license shall recover any debt or demand on account of any spirituous liquor supplied by him to any person for consumption on the premises, but the holder of such license may sue for and recover the value of any spirituous liquor supplied with meals to any person bona fide lodging or boarding in the house.

SECTION 51. If any holder of a retail license shall receive in payment or ask a pledge for any spirituous liquor or entertainment supplied in or from such licensed house anything except current money or checks on bankers, or orders for payment of money, he shall for each such offence pay a penalty not exceeding fifty dollars.

SECTION 52. If any holder of a license shall be convicted of felony, perjury or any infamous offence or of any offence against the revenue laws, or if holding a retail license, he shall permit any person to manage, superintend or conduct the business of such during his absence for a longer period than forty-two consecutive days in any one year without the previous consent in writing of the Minister of the Interior, or shall whether present in such house or not, permit any unlicensed person to enter in such house or premises, or shall allow such house to become ruinous or dilapidated, then upon complaint thereof and proof of any of the facts aforesaid to the satisfaction of any District or Police Justice, such Justice shall by an order under his hand in the form of the second schedule declare such license to be forfeited, and the same shall thereupon cease. But if such house shall have become ruinous or dilapidated by reason of fire, tempest, or other accident beyond the control of the licensee, the license shall not be forfeited until a reasonable time has elapsed for the restoration of such house.

SECTION 53. If any licensed person shall sell or offer for sale any adulterated spirituous liquor, he shall forfeit and pay for every such offence any sum not less than one hundred dollars, nor more than five hundred dollars. And in order to analyze such spirituous liquor, any Justice may on complaint on oath made to him by any such spirituous liquor, if he believes it to be adulterated, and if he believes it to be adulterated, he may on complaint of the sum of five dollars to defray the expense of such analysis authorize the seizure of such suspected spirituous liquor, and cause the same to be analyzed by some competent person, and the expenses of such analysis shall be a portion of the costs which such Justice shall order to be paid by the person convicted.

SECTION 54. Any District Justice, the Marshal, his Deputy or any Sheriff, Deputy Sheriff or Constable may seize and take, or cause to be seized and taken away, all such spirituous liquor as he or they shall have reasonable cause to suspect to be carried about, or exposed to sale in any highway or footpath, in any booth, tent, store or shed, or in any boat or vessel, or in any place whatsoever by any person not licensed to sell the same, and all the vessels and utensils used for containing, drinking or measuring the same, and any cart, dray or other carriage, and any horse or other animal used in drawing or carrying the same, and any boat or other vessel used in the conveyance thereof. And such Justice on his own view or on proof of such offence by oath, may convict any person so offending, and on conviction he shall pay any sum not exceeding two hundred and fifty dollars, and be imprisoned at hard labor for any period not exceeding three months, and such Justice may adjudge such spirituous liquor, and any horse or other animal used in drawing or carrying the same, and any boat or other vessel used in the conveyance thereof, the same to be sold, and the proceeds thereof after deducting the expenses of sale, to be appropriated in like manner as fines are by law directed to be appropriated. Provided that in all cases where liquor shall be carried or be in course of being carried, or be in the way from one place to another, the burden of proving that such liquor was so carried or be in course of being carried or exposed for sale shall be on the party so carrying the same.

SECTION 55. Any person not the holder of a license keeping up any sign, writing, painting, or other mark in or near his house or premises, or having his house or any part thereof fitted up with a bar, or other place containing bottles or casks displayed so as to induce a reasonable belief that spirituous liquor is sold or served

AN ACT

To provide for Licensing Dairies, and the Sale of Milk; and for the Inspection of Milk in the City of Honolulu.

BE IT ENACTED by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled:

SECTION 1.—The Minister of the Interior is hereby authorized to issue a license to carry on the business of dairies, and for the sale of milk in Honolulu to any person applying therefor, for the term of one year, of twenty-five dollars for the use of the Hawaiian Treasury.

SECTION 2.—Any person who shall sell milk for public sale in Honolulu without having obtained a license as prescribed in Section 1 of this Act, shall, on conviction before a police Justice, be fined not less than five dollars, nor more than twenty-five dollars.

SECTION 3.—Any person who shall sell, or offer for public sale in Honolulu milk which has been adulterated by the addition of water, or any other substance, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than five dollars, nor more than twenty-five dollars.

SECTION 4.—The Agent of the Board of Health shall appoint one of its agents for the city of Honolulu, who shall be sworn to be the duty of such inspector to inspect from time to time milk sold or offered for sale in Honolulu. Said inspector is hereby empowered, when he shall find milk which has been adulterated, to take and confiscate the same forthwith; and it shall be his duty to institute prosecutions therefor.

SECTION 5.—The provisions of this Act shall not be held to apply to persons keeping a dairy on their premises, or who may dispose of surplus milk to neighbors, not offering the same at public sale.

SECTION 6.—This Act shall go into operation on the first day of August, A. D. 1882.

Approved this fifth day of August, A. D. 1882.

KALAKAUA REX.

AN ACT

To regulate the Licensing of Commercial Agents from foreign countries in this Kingdom.

BE IT ENACTED by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled:

SECTION 1.—From and after the passage of this Act no person, agent or representative of any foreign commercial or manufacturing enterprise, or of any corporation, shall be licensed or permitted to sell goods, wares, or merchandise in the Hawaiian Islands without first filing with the Minister of the Interior a statement of the name of such foreign house, company, or corporation; also stating the place of domicile of such foreign house, company, or corporation; and the nature of the business in which it is engaged. Upon filing such statement duly verified, the Minister of the Interior shall issue a license to such person or agent, and upon the payment of five hundred (\$500) dollars grant a license to the applicant for a period of one (1) year to sell goods, wares, or merchandise in Honolulu, Oahu, and Maui.

SECTION 2.—Any person, agent or representative of any foreign house, company, or corporation, who shall be found guilty of selling goods, wares, or merchandise in any other city, town, or district in the Hawaiian Islands, Honolulu excepted. Provided, that no license granted under the provisions of this Act shall permit the sale of goods, wares, or merchandise in any house, company, or corporation; and no license so granted shall be transferable.

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

Approved this seventh day of August, A. D. 1882.

KALAKAUA REX.

AN ACT

To amend an Act entitled "An Act to Regulate the Carrying of Passengers and Freight, Wagons, Carts, Drays, and other Vehicles in the District of Honolulu."

BE IT ENACTED by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled:

SECTION 1.—That the said Act shall be amended by adding thereto the following words that is to say:

SECTION 2.—No person shall act as driver of or drive any licensed vehicle unless he shall hold a license for that purpose, and the owner of any such vehicle who shall allow any unlicensed person to drive the same, shall be deemed guilty of a misdemeanor, and on conviction, shall drive any such vehicle shall, severally, on conviction, forfeit and pay for every such offence a fine of not less than five dollars, nor more than twenty-five dollars.

SECTION 3.—Any person who may be desirous of obtaining a license as a driver shall apply to the Marshal or his deputy, who shall issue such license to be issued to a competent driver, shall grant to him a certificate to that effect, and upon presentation thereof to the Minister of the Interior, shall receive a license; the fee for which shall be the sum of one dollar, and which license shall remain in force for one year.

SECTION 4.—Any licensed owner or driver who shall violate any of the regulations made by the Minister of the Interior under the authority of Section 3 of the said Act shall, upon conviction, forfeit and pay for every such offence a fine not exceeding twenty-five dollars.

Approved this fifth day of August, A. D. 1882.

KALAKAUA REX.

AN ACT

To amend Sections 913 and 922 of the Constitution of the Hawaiian Islands.

BE IT ENACTED by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled:

SECTION 1.—That Section 913 of the Civil Code be and the same is hereby amended by striking out the words "by and with the advice of the Justices of the Supreme Court," so that the said Section shall read as follows:

SECTION 913. The respective Governors shall appoint one or more District Justices in their respective jurisdictions.

SECTION