

BY AUTHORITY.



AN ACT

TO DECLARE THE PENAL CODE, AS COMPILED AND PUBLISHED BY THE JUDGES OF THE SUPREME COURT, TO BE THE LAW OF THE LAND.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Code of Penal Laws of the Kingdom, as compiled and published under the direction of the Judges of the Supreme Court, in conformity with the Act, approved upon the twenty second day of June, in the year One Thousand Eight Hundred and Sixty-eight, is hereby declared to be the Law of the land, and shall be respected accordingly, in all the Courts of the Kingdom.

SECTION 2. This Act shall take effect immediately.

Approved this 17th day of July, A. D. 1870.

AN ACT

TO ENLARGE THE JURISDICTION OF POLICE COURTS.

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 Police Courts shall have concurrent criminal jurisdiction, co-extensive with the several Judicial Circuits, of all offences whereof the District Courts now have jurisdiction.

SECTION 2. This Act shall take effect, immediately.

Approved this 8th day of July, A. D. 1870.

AN ACT

TO AMEND THE LAW RELATIVE TO GAMING.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. Whoever is guilty of gaming, shall be punished by fine, not exceeding One Hundred Dollars, and by imprisonment at hard labor, not exceeding sixty days.

SECTION 2. The second, third and fourth Sections of Chapter XXXIX in the Penal Code, relative to gaming are hereby repealed.

Approved this 8th day of July, A. D. 1870.

AN ACT

TO AMEND CHAPTER 16, SECTION 17, OF THE PENAL CODE.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. Section 17 of Chapter 16, of the Penal Code, be and the same is hereby amended so as to read as follows:

SECTION 17. That whoever shall steal any neat Cattle, Horse, Mule, Ass, Sheep, Goat, Swine or Deer, not exceeding the value of One Hundred Dollars, shall upon conviction before any Police or District Justice, be punished by imprisonment at hard labor, not more than two years, nor less than one month, in the discretion of the Court.

SECTION 2. This Act shall become a law, from and after the date of its passage.

Approved this 8th day of July, A. D. 1870.

AN ACT

TO PERMIT DIVORCED PERSONS TO MARRY AGAIN.

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 Act entitled "An Act to permit divorced persons to marry again," approved May 24th, A. D. 1866, be and the same is hereby repealed.

SECTION 2. Section 1334 of the Civil Code is hereby re-enacted and shall read as follows:

"SECTION 1334. Whenever any marriage shall be dissolved for adultery, or other offense amounting thereto, the innocent party may marry again at any time, but the guilty party shall not marry again until one year shall have elapsed from the date of the decree of the Court or Justice, granting the divorce, unless the innocent party shall be deceased within said year, in which case the guilty party may thereupon marry again."

SECTION 3. This Act shall become a law, from and after the date of its passage.

Approved this 8th day of July, A. D. 1870.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PERMIT DIVORCED PERSONS TO MARRY AGAIN," APPROVED MAY 24th, A. D. 1866, AND TO RE-ENACT SECTION 1334 OF THE CIVIL CODE, WITH AMENDMENT.

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SECTION 3. This Act shall become a law, from and after the date of its passage.

Approved this 8th day of July, A. D. 1870.

AN ACT

TO PROVIDE FOR THE ASSESSMENT OF A PART OF THE EXPENSE OF CONSTRUCTING ROADS UPON ESTATES BENEFITTED THEREBY.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. Whenever a Commission shall be appointed in the electoral districts of Honolulu and Hilo, pursuant to the provisions of the 186th Section of the Civil Code, to assess the value of private property, required for public use, in the laying out of a new road or highway, the Commission shall determine what estates are especially benefited by such road or highway, and the amount of especial benefit accruing to each.

SECTION 2. The Commission shall award the proportion of the whole expense of laying out and constructing the proposed road or highway, which ought to be assessed upon estates benefited, and the proportion to be paid for, from the public treasury.

SECTION 3. The Commission shall report in writing to the Minister of the Interior, the whole amount which ought to be assessed upon estates benefited, and the amount of especial benefit accruing to each estate; and thereupon, the Minister shall cause to be computed the rateable proportion of cost, to be borne by each estate, in excess of the assessed value of any portion of the same estate, which may be required for the proposed highway.

SECTION 4. A certificate of such computation shall be filed in the office of the Registrar Conveyances, and thereupon a lien shall attach to each estate, in favor of the government, for the rateable amount appearing to be due, which shall have precedence of all other claims whatever. But no personal liability shall attach to the owners of the estate.

SECTION 5. After the aforesaid certificate shall have been filed in the office of the Registrar of Conveyances, a certified copy shall be served upon the owner of such estate, if known, or posted up in such conspicuous part of the estate, if not known, together with a notification to pay the amount computed against such estate, to some person, and at some place, therein named, within ninety days.

SECTION 6. If the amount shall not be paid according to such notification, the Minister of Interior shall order the same to be sold at public auction, by causing a notice of the time and place of the sale, to be printed three times successively in the Government Gazette. Such further notice shall be given, as to said Minister of the Interior, shall seem proper.

SECTION 7. The amount assessed upon such estates, shall be deducted from the proceeds of the sale, and the expenses shall also be deducted, but the remainder shall be repaid to the owner of the estate.

SECTION 8. Any person aggrieved by the determination of said commission, may appeal therefrom, to the Supreme Court; upon which appeal, like proceedings shall be had, as in appeals from district justices.

SECTION 9. Whenever delay shall have occurred in the construction of a road, after it has been laid out, the Minister of the Interior may appoint a commission to determine the cost of completion, and benefit specially accruing to the estates of individuals; and the proceedings of such commission shall be the same as to awarding the proportions of expense, as in cases of original laying out.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT

TO SECURE THE PAYMENT OF WORKMEN IN CASES OF BANKRUPTCY.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. All claims for personal labor shall be preferred in cases of Bankruptcy, and paid in full out of any assets remaining in the hands of the assignees after payment of such debts as are now preferred by law. But no claims shall be so preferred, which shall have accrued more than forty days before an act of Bankruptcy; and if the amount due to any person shall exceed the sum of fifty dollars, then no more shall be paid in full, but a dividend shall be declared on the remainder rateably with the claims of other creditors.

SECTION 2. All acts and parts of acts inconsistent herewith, are repealed.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT

RELATING TO THE EXPENSES OF CUSTOM HOUSE GUARDS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. A new Section shall be added to the Civil Code, immediately after Section 552, to read as follows:

SECTION 552. A. Every vessel of not more than 500 tons, shall be allowed six days, and every vessel of 500 tons and upwards, shall be allowed twelve days, after entry, in which to discharge, but for all days in excess, the compensation of the officer specified in the preceding Section, shall be a charge against the vessel. Sundays and holidays shall not be counted in the number of days allowed for discharge at the expense of the Government.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PERMIT DIVORCED PERSONS TO MARRY AGAIN," APPROVED MAY 24th, A. D. 1866, AND TO RE-ENACT SECTION 1334 OF THE CIVIL CODE, WITH AMENDMENT.

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"SECTION 1334. Whenever any marriage shall be dissolved for adultery, or other offense amounting thereto, the innocent party may marry again at any time, but the guilty party shall not marry again until one year shall have elapsed from the date of the decree of the Court or Justice, granting the divorce, unless the innocent party shall be deceased within said year, in which case the guilty party may thereupon marry again."

Approved this 8th day of July, A. D. 1870.

AN ACT

RELATING TO LIENS ON DOMESTIC SHIPS AND VESSELS.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. There shall be a lien on all Domestic Ships and Vessels, for necessary supplies furnished and repairs made, which shall be effective for twenty days and no longer, except as provided in the succeeding Section. But no such lien shall attach, unless there be a written order, or some other memorandum in writing, signed by the master, at or before the time when such supplies were furnished, or repairs made, which said written order or memorandum must set forth, that said supplies or repairs were necessary, and that the same were demanded on the credit of the vessel.

SECTION 2. If any Ship or Vessel to which such lien shall attach, by force of the preceding section, shall leave port before the expiration of twenty days, and shall afterwards arrive at, or return to the port of Honolulu; such lien shall continue effective for ten days after the arrival or return of such ship to Honolulu.

SECTION 3. Such liens may be enforced by a libel in the Admiralty, to be filed in the office of the clerk of the Supreme Court, all subsequent proceedings upon which shall be according to the ordinary proceedings in Admiralty Courts. But no proceedings shall be had upon any libel, not filed while such lien continues effective.

SECTION 4. All acts and parts of acts inconsistent herewith are repealed. Nor shall any lien, for repairs and supplies, in cases not provided for in this Act, be enforced against any Domestic Ship or Vessel.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT

TO ENLARGE THE JURISDICTION OF THE POLICE COURTS IN CERTAIN CASES OF AGGRAVATED ASSAULT.

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 Police Courts of Honolulu, Hilo and Lahaina, shall have concurrent jurisdiction with the Supreme Court, and Circuit Courts, of all cases of assault with knives, sword canes, and other weapons obviously and imminently dangerous to life, except as hereinafter provided.

SECTION 2. In cases where the offence is not of a highly aggravated character, said Police Courts may punish the offender by fine, not exceeding two hundred dollars, and by imprisonment not exceeding two years; but in cases where such punishment would be inadequate, the offender shall be committed for trial according to existing provisions of law.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT

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Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

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SECTION 552. A. Every vessel of not more than 500 tons, shall be allowed six days, and every vessel of 500 tons and upwards, shall be allowed twelve days, after entry, in which to discharge, but for all days in excess, the compensation of the officer specified in the preceding Section, shall be a charge against the vessel. Sundays and holidays shall not be counted in the number of days allowed for discharge at the expense of the Government.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT

RELATING TO THE ABATEMENT OF NUISANCES.

Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:

SECTION 1. The Supreme Court and the several Circuit Courts shall have jurisdiction concurrently with the District and Police Courts, of all cases of Common Nuisances.

SECTION 2. Whenever any person shall be convicted in the Supreme Court or any Circuit Court of maintaining a common nuisance, the Court shall order that said nuisance be abated. Such order shall not operate to suspend or vacate the sentence imposed, but shall be a wholly cumulative remedy. In case the order shall not have been made at the time of imposing the sentence, it may be made at any regular term of the same Court or of the Supreme Court, holden within two years thereafter, upon motion by the Attorney General, and reasonable notice to the defendant. Upon the hearing of such motion, the judgment previously rendered shall be conclusive evidence of the maintenance of the nuisance.

SECTION 3. All orders for the abatement of a nuisance shall direct, under a penalty, that the same be abated, within a time to be limited in such order, and that, if the same be not abated within such time, that the proper executive officer of the law, do forthwith abate the same at the cost of the defendant, who shall also be liable to the full amount of the penalty specified in such order, for which, as well as all costs and expenses arising in such case, execution shall duly issue.

SECTION 4. All Acts and part of Acts inconsistent herewith are repealed.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

AN ACT

TO AMEND SECTION 3 AND 7 AND REPEAL SECTION 5 OF CHAPTER LXXXV OF THE PENAL CODE.

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 3 of Chapter LXXXV of the Penal Code, be and hereby is amended to read as follows:

SECTION 3. Any person who shall shoot, snare or otherwise destroy any bird, brought from a foreign country for the purpose of propagating its species within this Kingdom, or any of the progeny of such imported bird; or who shall disturb the eggs and nests of such birds, shall, on conviction, before any Police or District Justice, be fined not less than ten dollars, nor more than twenty dollars, for each offense, and in default of payment, be imprisoned until such fine is paid.

SECTION 2. That Section 7 of the said Chapter be, and hereby is amended to read as follows:

"SECTION 7. No person shall shoot or otherwise destroy any animals 'Fera Nature' which shall have been introduced into this Kingdom, within ten years, nor the progeny of such animals, under a penalty of not more than fifty dollars for each offense."

SECTION 3. That Section 5 of said Chapter, is hereby repealed.

SECTION 4. This Act shall take effect and become a law from and after the date of its passage.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

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