CONSTITUTIONAL CONVENTION

Councillor Emmeluth Speaks a Word for Government by the People.

Eighth Day.

FRIDAY, June 8, 1894.

The Convention was called to order at 9:30 A.M., President Dole in the chair. Prayer by Rev. J. Waiamau. Roll call.

Minutes of preceding day read and approved.

The Finance Committee reported on the expense of stenographic notes for the Convention. One stenographer offered to do it for $750 if the Convention did not last more than twenty-five days.

A discussion ensued on the question of incurring this expense.

Minister Smith and Councillor Ena favored incurring it. Councillor Emmeluth was opposed to it.

The Convention decided to authorize the expense.

PETITIONS.

Minister Hatch presented a petition from Chinese residents regarding the franchise. The petition is the same as that addressed to the Councils by them, and referred to the Convention.

The Secretary read the petition.

Delegate Vivas moved to lay the petition on the table.

Delegate Baldwin moved to refer to committee.

Delegate Ables supported the motion to table.

Minister Smith and Councillor Ena protested against that course as being discourteous.

Delegate Vivas changed his motion, so that the petition should be considered with the Constitution when the franchise came up.

Delegate Robertson supported that course.

Delegate Vivas explained that he intended no discourtesy to the Chinese.

The petition was referred to the Committee on Legislature.

Delegate Carter stated that early in the session he had offered a resolution asking for information about cumulative voting. The subject was becoming more important every day, and people were constantly going to the Registrar and asking for information. The matter certainly was one on which all the information should be obtained which the Minister of the Interior could furnish. He would move that it be taken from the table.

The resolution not being forthcoming, owing to the fact that no place has been provided for the secretary's papers, Delegate Carter offered a fresh resolution, covering the same ground as the other.

Minister Smith said the resolution would involve great labor, as the ballots would have to be recounted.

Delegate Carter said he had consulted the Registrar, who stated that it would not take much time.

Minister Smith said that on Monday they would be ready with a large amount of information on the election which, perhaps, would be sufficient.

Delegate Baldwin seconded the resolution, and it passed.

At 10:15 A.M. the Convention went into committee of the whole, Councillor Ena in the chair.

The committee proceeded with the consideration of the Constitution.

LEGISLATIVE DAPARTMENT.

ARTICLE 37—THE LEGISLATURE.

The legislative power of the Republic is vested in a Legislature, and, subject to the limitations herein provided, an Advisory Council.

The Legislature shall consist of two houses, styled the Senate and the House of Representatives, which shall organize and sit separately, except as otherwise herein provided.

The two houses shall be styled "The Legislature of the Republic of Hawaii."

Delegate Baldwin asked an explanation of the first part of the article.

Minister Smith explained.

Councillor Tenney moved to strike out the phrase "and, subject to the limitations herein provided, an Advisory Council."

Councillor Emmeluth moved to strike out the whole article and substitute the following:

The legislative power shall be vested in a Senate and House of Representatives which shall sit separately and be designated as the Legislature of the Republic of Hawaii.

Minister Smith said the power was vested in the Advisory Council to meet some extraordinary emergency. The old Constitution vested the same power in the Privy Council and it was necessary. It would be very dangerous and against public policy to cut off the power, and might bring about disaster. Cases might arise, as in a smallpox epidemic, when large unforeseen expenses for quarantine, etc., must be met. The Council had authority to make appropriations in case of war, rebellion, etc., and these appropriations would only be valid until the Legislature could be called together. Some had held this authority to be unnecessary, because martial law could be declared. But that was very objectionable. Martial law was no law at all,—or simply the law of might, and should only be resorted to in very extreme cases. A power such as is provided in this section, must exist somewhere.

Minister Damon said he supported Councillor Emmeluth's motion, because there seemed to be a tendency in this Constitution to take power from the people and concentrate it in the hands of a few. Any power granted by the people should be very carefully guarded. The apathy of the people might lead him to say, "Well, that Provisional Government did very well, let them go ahead and pass their laws. This would end, as he claimed, in military control in this country. This draft allowed the Council to pass money for great public necessities. That was far too flexible a phrase. If a great emergency arises, let the Legislature be called together and the money expended. It was the people's money and the people should expend it.

President Dole would be very glad if those who introduced this article would give their reasons therefor.

Councillor Emmeluth said the object was to get as near to the people as God and the conditions would allow.

Councillor Tenney said he favored the amendment because he did not believe in having any Advisory Council. It was following up the old idea of the monarchy that it was not possible to get along without a Privy Council. It would concentrate power in Honolulu and the temptation would constantly be present to legislate on trivial matters. This was a dangerous innovation in the Republic and would cause a great deal of trouble and friction in the community. As to pestilence, the laws could provide a contingent appropriation. If an emergency arose which the Executive could not handle, it should be dealt with by the country at large, and not by the representatives of any one section of the country as it would be if settled by the Advisory Council.

Delegate Carter seconded Councillor Tenney's original motion.

Councillor Tenney withdrew his motion.

Delegate Carter saw no necessity of vesting any such power in the Advisory Council in this way. He favored, however, having an Advisory Council, as he thought that its powers were so limited as not to be dangerous.

Delegate Baldwin was suspicious of an Advisory Council with legislative powers. He thought it should have the power of appropriating money in case of emergency. He moved reference to Committee on Legislature.

President Dole wished to have the article deferred until the subject of the Advisory Council (Article 78) came up. He would so move as an amendment to Delegate Baldwin's motion. Carried.

ARTICLE 38.

No person shall sit as a Senator or Representative in the Legislature, unless elected under and in conformity with this Constitution.

Passed.

ARTICLE 39—SUPREME COURT JUDGE OF QUALIFICATION OF MEMBERS.

In case any election to a seat in either House is disputed and legally contested, the Supreme Court shall be the sole judge of whether or not a legal election for such seat has been held; and, if it shall find that a legal election has been held, it shall be the sole judge of who has been elected.

Councillor Tenney asked why the power to pass on its own members was removed from the Legislature.

President Dole said it was to secure an impartial tribunal. It was recommended by students of Governments. The President referred to the facts in the Hayes-Tilden election as an example of the partizan weakness of human nature.

Councillor Tenney moved the section pass as read.

Delegate Carter had heard this question discussed by statesmen in the United States, and he did not doubt that if the Constitution of the United States were to be drawn over again, it would contain a provision of this kind.

ARTICLE 40—BURDEN OF PROOF OF ELIGIBILITY.

In case the eligibility of any person to be a Senator or Representative or an elector of Senators or Representatives is questioned by any legal voter, before any court or tribunal having authority to consider such matter, the burden of proof shall rest upon the person whose eligibility is so questioned to establish his eligibility.

The unsupported statement or oath of the person whose eligibility is so questioned shall not be deemed sufficient to shift the burden of proof; but he shall show by other evidence, to the satisfaction of the court or tribunal, that he is eligible.

Passed.

ARTICLE 41.—DISQUALIFICATIONS OF LEGISLATORS.

No member of the Legislature shall, during the term for which he is elected, be appointed or elected to any office of the Government except that of President or Minister of the Departments of the Government.

Minister Hatch moved to amend by adding at the end the words "or Justice of the Supreme Court, or Judge of a Circuit Court."

Minister Smith favored the amendment, though it seemed to be breaking down the principle established in Article 41. It was desirable to have lawyers in the Legislature, and yet if there were it might be hard to get good judges unless they were eligible.

Delegate Robertson moved to strike out all after "President." There would be a strong tendency on the part of ambitious Senators to scratch each other's back and fill the ministerial positions out of their own number.

Councillor Tenney favored that amendment. In the last Legislature, out of forty eight members there were twenty-six or twenty-eight ministerial aspirants.

The Chairman thought Councillor Tenney's remarks unparliamentary, as there were some of those Legislators in the Convention.

Councillor Tenney said he would except those.

Councillor Emmeluth favored Delegate Robertson's amendment.

Delegate Carter favored passage as in the draft. He did not believe in making ministers of anyone who had not had the substantial support of an election by the people.

President Dole said the importance and honorable character of the position of a Judge of the Supreme Court made it very objectionable to make his apointment out of the Senate possible as a reward of political service. The principle, however, that the leaders of the party should be called to Cabinet positions had grown up and was well established. It had worked well on the whole. He did not think there was a scramble for office in 1892. There was a sharp party conflict. He favored the section as in the draft.

Delegate Baldwin thought the article should be passed as in the original draft, although there were evils resulting from the scramble for office.

Minister Hatch was willing to support Delegate Robertson's motion that no Legislator should be made Minister. But the case of a Judge of the Supreme Court was different. Under this Constitution the Legislature would have the control of the Cabinet; it was bound to have it, indirectly if not directly. He thought it would be easier to fill Cabinet positions outside of the Legislature than it would to find Judges. It was practically a matter of necessity in this country. The United States did not forbid the appointment of Supreme Court justices from Congressmen, although they had such an immense field to choose from. The bar here was exceedingly small and it was very hard to fill judicial positions. He argreed fully with the principle, but did not think it would be materially impaired by making an exception in the case of judges of the Supreme Court.

Delegate Carter was willing to accept Minister Hatch's amendment if it was limited to justices of the Supreme Court.

Minister Hatch altered his amendment accordingly.

Councillor McCandless was opposed to excluding legislators from Cabinet positions. In England they were always taken from the members of Parliament. He also favored Minister Hatch's amendment.

The amendment to strike out Cabinet Ministers was lost. Minister Hatch's amendment passed. The section then passed.

ARTICLE 42.—DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.

No person holding office in or under or by authority of the Government, including Notaries Public and Agents to take acknowledgements, nor any person in the receipt of pay or emolument from the Government, nor any contractor with, nor employee of the Government, shall be eligible to election to the Legislature or to hold the position of an elected member of the same.

Councillor Young thought the word "contractor" would shut out almost every person engaged in mechanical trade in the country.

President Dole said it would not shut out persons who had been a contractor, but only those who were actually contractors at the time of the election and thereafter.

Councillor Wilder moved to strike out "contractor." It would shut out every business man in town.

Delegate Carter said it would only affect contracts pending. It would prevent extravagant frauds.

Councillor Young said that the result would be that in his own case, for example, he could not bid for any Government contract during his term.

Minister Damon said it should be left out because it did no good, as a contractor could always get a straw man in his place.

Delegate Vivas moved to strike out notaries and agents to take acknowledgements. The principle did not apply to them. He also favored striking out "contractor," for the reason indicated by Minister Damon.

Delegate Lyman thought there was no more reason for including notaries in this section, than attorneys, who also derived from the Government the authority by which they could make money.

At 12 M. the Committee took a recess till 1:30 P.M.

AFTERNOON SESSION.

The Convention met at 1:30 P.M., and again took up the discussion of Article 42.

Minister Smith was in favor of striking out the words "Notaries Public." The office was one greatly sought after, and he thought it would be better to drop it from the section.

Councillor Waterhouse thought that notaries public were very closely allied to the Government.

Delegate Robertson was in favor of dropping the notaries public. But he did not think it wise to exclude those who have contracts with the Government. Some of your best men have such contracts—men whom it would be wise to have in the legislature.

Delegate Ables agreed with Delegate Robertson. Many of the best men in the country, who have contracts with the Government, would be disqualified.

Councillor Young could not see why such a clause should be in this article. During the last few years many men who have had contracts with the Government have been in the legislature.

The amendment of Councillor Wilder, to strike out the words "or any contractor" was carried.

Delegate Vivas' amendment was lost.

President Dole moved to amend the article by inserting the word "salaried" before the word "office" in the first line, as there were many offices held that were not salaried, and the incumbents should not be barred from the legislature.

Delegate Robertson thought that this conflicted with the idea that the three departments should be kept distinct. A number of salaried officers had the disbursement of large sums of money, and it might be to their interest to be in the legislature.

Minister Damon did not think it right to get capable men to fill these unsalaried offices and then disbar them from the legislature.

Delegate Vivas thought that what was sauce for the goose was the same for the gander. He did not see why notaries public should be barred and members of the Board of Education and others holding similar positions allowed to be in the legislature.

Minister Smith said that the work done by the unsalaried officers was done entirely from a public spirited idea. He thought the community did not appreciate the work these men were doing, and he saw no reason why they should not be members of the legislature.

Councillor Young favored the amendment.

Councillor Emmeluth thought that rule should apply with much more force to those holding an unsalaried office than to those who draw salaries.

Delegate Iosepa thought too much time was being occupied with this question, and he wanted it brought to a vote.

The amendment of President Dole was carried.

The section passed as amended.

ARTICLE 43—DISQUALIFICATION OF CERTAIN CLASSES.

No idiot or insane person and no person who shall be expelled from the Legislature for giving or receiving bribes, or being accessory thereto; and no person who in due course of law shall have been convicted of larceny, bribery, gross cheat or any criminal offense now or hereafter punishable by imprisonment, whether with or without hard labor, for a term exceeding two years, whether with or without fine; shall register to vote or shall vote or hold any office in or under or by authority of the Government, unless the person so convicted shall have been pardoned and restored to his civil rights.

The article passed as in the draft.

ARTICLE 44. — QUALIFICATIONS OF LEGISLATORS MAY BE INCREASED BY LAW.

The qualifications of Senators, Representatives and voters for Senators and Representatives may be added to or increased by law.

Delegate Robertson moved that the article be stricken out. He did not think it proper that any amendment of the Constitution should be possible by the Legislature.

Minister Smith thought the article should be retained.

Delegate Baldwin thought the article should be dropped. This article stated that another article could be dropped, and he did not think that was right.

Delegate Ables did not think a constitution should be too easily changed by the Legislature.

Delegate Robertson's motion passed and the article was stricken out.

ARTICLE 45—OATH OF OFFICE.

Every elective member of the Legislature shall take the following oath:

I solemnly swear in the presence of Almighty God, that I will faithfully support the Constitution and laws of the Republic of Hawaii; and conscientiously and impartially discharge my duties as a member of the Legislature.

The article passed as in the draft.

ARTICLE 46—OFFICERS AND RULES.

The Senate and the House of Representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Constitution, and keep a journal.

The article passed as in the draft.

ARTICLE 47.— AYES AND NOES.

The ayes and noes of the members, on any question, shall, at the desire of one-third of the members present, be entered on the journal.

The article passed as in the draft.

ARTICLE 48.—QUORUM.

Section 1. A majority of the number of elective members to which each house is entitled, shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice. But the final passage of a law in each house, shall require a vote equivalent to a majority of all the elective members to which such house is entitled

Section 2. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each house may provide.

Section 3. For the purpose of ascertaining whether there is a quorum present the chairman shall count the number of members present.

Section 1 passed as in the draft.

Section 2 passed as in the draft.

Section 3 passed as in the draft.

ARTICLE 49—PUNISHMENT OF PERSONS NOT MEMBERS.

Each House may punish by fine or by imprisonment not exceeding thirty days any person not a member of either House, who shall be guilty of disrespect of such House by any disorderly or contemptuous behavior in its presence; or,

Who shall publish any false report of its proceedings; or,

Who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such House; or,

Who shall assault, arrest or detain any witness or other person ordered to attend such House, on his way going to or returning therefrom; or,

Who shall rescue any person arrested by order of such House.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

Passed as in the draft.

ARTICLE 50—RIGHTS AND LIABILITIES OF MEMBERS — COMPENSATION.

The members of the Legislature shall receive for their services, in addition to mileage at the rate of five cents a mile, the sum of Four Hundred Dollars for each regular session of the Legislature, payable in three equal installments on and after the first, thirtieth and sixtieth days of the session; and the sum of Two Hundred Dollars for each extra session of the Legislatnre, except a session for the sole purpose of electing a President, for which members shall receive their travelling expenses only.

Delegate Carter moved to increase the mileage to six cents instead of five.

Councillor Wilder said six cents would pay the mileage if they went on deck. He moved to fix the mileage at ten cents.

Councillor Wilder's motion was carried.

Councillor Emmeluth moved to change the pay from $400 a session to $10 a day.

Minister Smith wanted to know if this was Councillor Emmeluth's great economy.

Councillor Emmeluth said he had been over a year in the Councils of the Government, and he knew what it was worth. His motion was not seconded.

Delegate Carter moved to strike out the words "travelling expenses," in the last line, and substitute "mileage."

Delegate Baldwin moved to reconsider the mileage rate.

Delegate Carter's motion was carried.

Delegate Baldwin's motion to reconsider was lost.

President Dole said it was uncertain whether the mileage intended was for one way only or for each way. He moved to insert the words "each way" after the words "a mile."

The amendment passed.

The article passed as in the draft.

ARTICLE 51.—PUNISHMENT OF MEMBERS.

Each house may punish its own members for disorderly behavior, or neglect of duty by censure, suspension or expulsion.

The article passed as in the draft.

ARTICLE 52.—EXEMPTION FROM LIABILITY.

No member of the Legislature shall be held to answer for any words uttered in the exercise of his legislative functions in either house, before any other tribunal.

The article passed as in the draft.

ARTICLE 53.—EXEMPTION FROM ARREST.

The members of the Legislature shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective houses; and in going to and returning from the same. Provided that such privilege as to going and returning shall not cover a period of over ten days each way.

The article passed as in the draft.

OF THE SENATE.

ARTICLE 54.—NUMBER OF MEMBERS —ELECTION—TERM OF OFFICE.

Section 1. The Senate shall be composed of fifteen members. The Senators to be elected at the first election held under this Constitution shall hold office until the general election held in the year 1901.

Section 2. Senators shall be elected at such election in the year 1901 to hold office until the general election held during the sixth year thereafter, and shall continue thereafter to be elected every sixth year, to hold office for a like term.

Section 3. Vacancies by death, resignation or otherwise, shall be filled at special elections, for the unexpired term.

Section 1. Councillor Emmeluth did not believe all the Senators should be elected in one year. He favored electing a certain number of them at each election for representatives.

Delegate Carter was in favor of the section passing as in the draft.

Delegate Baldwin favored the Senators being changed once in two years. He moved to refer Sections 1 and 2 to the Committee on Executive.

Minister Smith thought it would be profitable to discuss Article 55 before referring to a committee.

Delegate Robertson said the term of Senators should correspond with the term of the President. If the Presidential term was to be reduced to four years the Senatorial term should be reduced to the same time.

Minister Smith said that in the United States the Senators served six years and the President four.

Delegate Robertson said that there the Senate did not elect the President. Here it would.

Delegate Baldwin's motion to refer Sections 1 and 2 to the Committee on Executive was carried.

Section 3 passed as in the draft.

ARTICLE 55—SENATORIAL DISTRICTS.

Section 1. For the purpose of representation in the Senate, until otherwise provided by law, the Republic is divided into the following Senatorial districts, viz:

First District: The Island of Hawaii.

Second District: The Islands of Maui, Molokai, Lanai and Kahoolawe.

Third District: The Island of Oahu.

Fourth District: The Islands of Kauai and Niihau.

Section 2. The electors in the said districts shall be entitled to elect Senators as follows:

In the First District, four.

In the Second District, three.

In the Third District, six.

In the Fourth District, two.

Delegate Kahaulelio moved that the article be referred to the Committee on Executive.

Councillor Wilder thought there should be some expression of the opinion of the Convention on what was wanted before the matter went to the committee.

Delegate Baldwin also favored giving the committee some idea as to the wishes of the Convention.

Delegate Carter did not see what the Committee on Executive had to do with the matter.

Delegate Kahaulelio's motion was carried.

President Dole thought, with Councillor Wilder, that some expression of the Convention's wishes in the matter should be had. He moved that the sense of the House be taken on the matter. He was in favor of having the Senate elected in classes every two years, but each one elected for six years. If this plan could be adopted, all difficulty of the Presidential term would be removed.

Councillor Allen thought an election every two years would save a great deal of party feeling.

Delegate Robertson thought the first Senators should be elected for a term of years, four or six, and afterward to begin with the plan of electing one-third every two years.

Councillor McCandless agreed with Delegate Robertson, but thought that the districts, as laid down in the draft, would have to be changed. No chances should be taken about the first Senate. It should be elected for a long term of years.

Councillor Emmeluth had no fears in regard to annexation, nor about the men who would be elected. He saw nothing dangerous to annexation in the proposed plan of electing part of the Senate at a time.

Delegate Ables did not think it would be wise to take any chances, and he agreed with Delegate Robertson and Councillor McCandless.

President Dole said the committee had had a full expression of the sense of the house, and he would withdraw his motion.

ARTICLE 56. — QUALIFICATIONS OF SENATORS.

In order to be eligible to election as a Senator, a person shall:

Be a male citizen of the Republic;

Have attained the age of thirty years;

Be able understandingly to speak, read and write the English or the Hawaiian language;

Have resided in the Hawaiian Islands not less than three years;

Be the owner, in his own right, of property in the Republic of the value of not less than five thousand dollars over and above all incumbrances; or have been in the receipt of a money income of not less than eighteen hundred dollars during the year immediately preceding the date of the election, for the proof of which he may be required to produce original accounts of the receipt of such income.

Councillor Emmeluth moved to strike out the words "five thousand" and insert "thrree thousand."

The motion was passed.

Delegate Vivas moved to strike out the words "eighteen hundred" and substitute "twelve hundred."

Delegate Baldwin moved to make it fifteen hundred.

Delegate Baldwin's motion resulted in a tie, and the ayes and noes were called.

Delegate Robertson hoped the motion of $1200 would prevail. It was not right to say that a man who was qualified to vote for Senator was not qualified to sit as Senator. The amounts should be approximately the same.

Councillor Emmeluth claimed that any man who was qualified to vote for Senator was qualified to sit as Senator.

Delegate Baldwin said that in the past a number of men had voted in the upper house who would not be competent to sit in the house.

Delegate Carter thought the qualifications as fixed in the draft should prevail, and was in favor of the higher amount.

Minister Smith favored the change to $1200.

The vote was lost as follows: Ayes, Baldwin, Carter, Ena, Horner, Iosepa, Kauhane, Lyman, McCandless, Mendonca, Rice, Waterhouse, A. S. Wilcox, G. N. Wilcox, Young—14.

Noes, Ables, Allen, Damon, Dole, Emmeluth, Fernandes, Hatch, Kahaulelio, King, Kunuiakea, Morgan, Nott, Robertson, D. B. Smith, W. O. Smith, Tenney, Vivas, Wilder—18.

On motion to fix the qualification at $1200 it was carried.

The Article passed as amended.

THE HOUSE OF REPRESENTATIVES.

ARTICLE 57. — NUMBER OF REPRESENTATIVES — REPRESENTATIVE DISTRICTS.

Section 1. The House of Representatives shall be composed of fifteen members, elected, except as herein provided, every second year.

TERM OF OFFICE.

Section 2. The term of office of the Representatives elected at the first election held under this Constitution, or who may hereafter be elected at general or special elections, shall be until the next general election held thereafter.

Section 3. Vacancies caused by death, resignation or otherwise, shall be filled at special elections, for the unexpired term.

Section 4. For the purpose of representation in the House of Representatives, until otherwise provided by law, the Republic is divided into the following representative districts, viz.:

First District; that portion of the Island of Hawaii known as Puna, Hilo and Hamakua.

Second District; that portion of the Island of Hawaii known as Kau, Kona and Kohala.

Third District; the Islands of Maui, Molokai, Lanai and Kahoolawe.

Fourth District; that portion of the Island of Oahu lying east and south of Nuuanu street, and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point.

Fifth District; that portion of the Island of Oahu lying west and north of the fourth district.

Sixth District; the Islands of Kauai and Niihau.

Section 5. The electors in the said districts shall be entitled to elect representatives as follows:

In the First District, two;

In the Second District, two;

In the Third District, three;

In the Fourth District, three;

In the Fifth District, three;

In the Sixth District, two.

Delegate Baldwin moved to refer to Legislative Committee.

Minister Smith moved to defer action. Carried.

ARTICLE 58—QUALIFICATIONS OF REPRESENTATIVES.

In order to be eligible to be a member of the House of Representatives, a person shall, at the time of election:

Have attained the age of twenty-five years;

Be a male citizen of the Republic;

Be able understandingly to read, write and speak the English or Hawaiian language;

Have resided in this country not less than three years;

And shall either own property in the Republic worth not less than One Thousand Dollars over and above all encumbrances, or have received a cash income of not less than Six Hundred Dollars during the twelve months immediately preceding the date of election.

Action deferred.

OF ENACTING LAWS.

ARTICLE 59—RETROSPECTIVE LAWS.

Except as herein provided, no retrospective laws shall ever be enacted.

Passed as in the draft.

ARTICLE 60.

The Legislature has the power to enact wholesome laws not inconsistent with the Constitution.

Passed as in the draft.

ARTICLE 61—ENACTING CLAUSE.

The enacting clause of all laws shall be, "Be it enacted by the Legislature of the Republic of Hawaii."

Passed as in the draft.

ARTICLE 62—PREREQUISITE FOR INTRODUCTION OF BILLS.

No bill shall be introduced into either House by any member of such House, unless it shall have first received thereon the written endorsement of three elective members of such House.

Minister Smith moved that the words, "provided, however, that bills may be introduced into either House by a Cabinet Minister without such endorsement," be added.

Councillor Emmeluth moved to strike the section out.

Minister Smith said that, as the section was in the draft, even the Minister of Finance could not introduce an appropriation bill without the consent of three members.

Delegate Vivas seconded Councillor Emmeluth's motion.

Delegates Carter and Ables thought the Article should pass as in the draft.

Delegate Robertson moved to strike out the word "elective" and thus enable three members of the Cabinet to introduce a bill.

Minister Smith withdrew his motion, and was satisfied with Delegate Robertson's amendment.

Minister Damon objected to the amendment.

Councillor McCandless wanted to leave the Article as in the draft.

The motion to strike out the Article was lost.

The motion to strike out the word "elective" was carried.

The Article passed as amended.

Delegate Baldwin moved the Committee rise and report progress and ask leave to sit again.

The Committee reported, and the report was adopted.

The Secretary read a communication from the Hawaiian Jockey Club, inviting the members of the Convention to the races on Monday.

The invitation was acknowledged and accepted.

The Convention adjourned until 9:30 this morning.

Daily Advertiser 75 cents a month.