

BY AUTHORITY.

ACT 64.

AN ACT TO AMEND, ADD TO AND CONSOLIDATE THE LAWS RELATING TO CERTAIN LICENSES, AND TO REPEAL THE FOLLOWING LAWS, VIZ:

Sections 1 to 4, both inclusive, of Chapter 55 of the Penal Code; an Act approved January 10th, 1865; Chapter 14 of the Laws of 1870; Chapter 5 of the Laws of 1876; Chapter 6 of the Laws of 1878; all relating to the Sale of Awa.

Sections 22 and 23 of Chapter 55 of the Penal Code; Sections 64 to 71, both inclusive, of the Civil Code; Chapter 26 of the Laws of 1876; Chapter 25 of the Laws of 1882; Chapter 38 of the Laws of 1890; all relating to Auctioneers and Auction Licenses.

Act 27 of the Laws of 1895, relating to the Importation and Sale of Alcohol.

Chapter 12 of the Laws of 1876, relating to Banking Licenses. Sections 28 and 29 of Chapter 55 of the Penal Code; Sections 78 to 82, both inclusive, of the Civil Code; all relating to Billiards and Bowling Alleys.

Section 14 of Act 21 of the Provisional Government, entitled "An Act to Prohibit Gambling and Gaming."

Sections 30 to 34, both inclusive, of Chapter 55 of the Penal Code; Sections 101 to 109, both inclusive, of the Civil Code; Chapter 14 of the Laws of 1886; Chapter 20 of the Laws of 1890; Act 20 of the Provisional Government; all relating to Boats and Boatmen.

Sections 92 to 95, both inclusive, of the Civil Code; An Act approved June 22nd, 1868; Chapter 30 of the Laws of 1874; Chapter 17 of the Laws of 1876; Chapter II of the Laws of 1882; Chapter 28 of the Laws of 1888; Sections 54 to 58, both inclusive, of Chapter 55 of the Penal Code; all relating to the Slaughter and Sale of Beef.

Chapter 15 of the Laws of 1880, relating to the Sale of Pork. Chapter 55 of the Laws of 1888; Chapter 33 of the Laws of 1890; both relating to Commercial Travelers.

Chapter 61 of the Laws of 1886, relating to licenses for carrying Fire-Arms.

Sections 35 to 41, both inclusive, of Chapter 55 of the Penal Code; Sections 110 to 117, both inclusive, of the Civil Code; An Act approved January 10th, 1865; all relating to the Letting of Horses.

Chapter 20 of the Laws of 1880, relating to Livery Stables.

Sections 72 to 77, both inclusive, of the Civil Code; Sections 25 to 27, both inclusive, of Chapter 55 of the Penal Code; Chapter 21 of the Laws of 1890; all relating to Hotels and Victualling Houses.

Chapter 37 of the Laws of 1890, relating to Lodging and Tenement Houses.

Sections 19 to 21, both inclusive, of Chapter 55 of the Penal Code; Chapter 70 of the Laws of 1892; all relating to the Sale of Goods, Wares and Merchandise.

Chapter 27 of the Laws of 1892, relating to Dairies and the Sale and Inspection of Milk.

Chapter 19 of the Laws of 1874; Chapter 29 of the Laws of 1890; both relating to Cake Peddling.

Chapter 25 of the Laws of 1880, relating to the Importation and Sale of Poisonous Drugs.

Sections 6 to 10, both inclusive, of Chapter 55 of the Penal Code; Sections 96 to 100, both inclusive, of the Civil Code; An Act approved December 30th, 1864; Chapter 19 of the Laws of 1870; all relating to Public Shows.

Sections 11 to 13, both inclusive, of Chapter 55 of the Penal Code; Chapter 13 of the Laws of 1882; all relating to Dance Houses.

Chapter 26 of the Laws of 1880; Chapter 15 of the Laws of 1890; both relating to the Sale of Salmon.

Chapter 27 of the Laws of 1878; Chapter 22 of the Laws of 1880; Chapter 32 of the Laws of 1882; Chapter 96 of the Laws of 1892-3; all relating to the Licensing of Vehicles and Drivers.

Be it enacted by the Legislature of the Republic of Hawaii:

Section 1. The Minister of the Interior may, upon the application of any person, issue to such applicant any license hereinafter enumerated, upon the terms and conditions hereinafter set forth.

Except as otherwise herein provided, a license granted under this Act shall only authorize the carrying on of the business licensed at the place indicated in the license. Except in case of removal, and upon the written consent of the Minister endorsed thereon.

DEFINITION.

Section 2. Wherever in this Act the word "Minister" is used, it shall refer to and mean the Minister of the Department of the Interior of the Republic of Hawaii.

GENERAL PROVISIONS.

Section 3. From and after the date of the passage of this Act, all licenses issued for carrying on the several businesses, or doing the acts herein enumerated, shall be issued by the Minister of the Interior in accordance with the terms and conditions and for the fees herein enumerated, for the respective terms of one year from the several dates of issue. The carrying on of any business, or the doing of any act herein enumerated, except upon obtaining a license in conformity with the provisions of this Act, is hereby forbidden.

Section 4. Any person or persons who shall after the date of the passage of this Act engage in or carry on any business, or do any act herein enumerated, the engaging in or doing which is herein required to be licensed, without first obtaining

a license issued in conformity with the provisions of this Act; or who shall sell any goods, wares, merchandise, produce or thing of value, contrary to the terms of this Act; or who shall violate or fail to observe any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction shall, unless otherwise herein provided, be fined a sum not less than the annual fee, and not more than twice the annual fee herein prescribed for the carrying on of such business, or the doing of such act.

Provided however, that any person now carrying on business under an existing license may continue to do so until the expiration of such license, subject to the terms, conditions and penalties prescribed in the several Acts under which such licenses are severally issued, notwithstanding the repeal of such Acts by this Act.

JURISDICTION OF DISTRICT COURT.

Section 5. Jurisdiction is hereby conferred upon all District Magistrates to hear and decide all cases arising under this Act in their respective jurisdictions.

FEES PAYABLE IN ADVANCE.

Section 6. No license shall be issued under this Act until the full fee required herein shall have been paid in advance for the term of one year.

LICENSE NOT TRANSFERABLE.

Section 7. No license issued hereunder shall be transferable.

ALCOHOL

DEFINITIONS.

Section 8. Wherever in this Act the words "methylated spirits" are used, they shall mean ethylic alcohol to which has been added at least one-ninth its bulk of pyroxylic spirits.

Wherever in this Act the word "alcohol" is used, it shall mean the ordinary alcohol of commerce known as ethylic alcohol.

FEE.

Section 9. The Minister of the Interior is hereby authorized to grant to any holder of a license to import and sell poisonous or other drugs, a license to sell methylated spirits and alcohol. The annual fee for such license shall be the sum of Fifty Dollars.

BOND.

Section 10. Before granting said license, a good and sufficient bond to the Minister in the sum of One Thousand Dollars, secured in not less than double the amount of the penalty, shall be required. The condition of the bond shall be, that the holder of said license shall observe and comply with the provisions of this Act. The Minister is authorized to require any other conditions or security to insure the due observance of this Act.

EXAMINATION, WITHDRAWAL, DUTY.

Section 11. All importations of alcohol and preparations thereof and of methylated spirits, by or for a licensee under this Act, shall be sent directed from the importing vessel to the Custom House for inspection.

The Collector-General of Customs is hereby authorized to permit holders of the licenses herein provided to withdraw methylated spirits from the Custom House upon payment of a duty of one dollar per gallon.

The Collector-General shall cause such alcohol to be methylated in the Custom House, if such process has not already taken place, and to be examined and passed upon by the Government Chemist, or other officer appointed for the purpose, who shall previous to withdrawal certify that the same has been properly methylated as required by this Act.

Section 12. The Collector-General of Customs is hereby authorized to permit any holder of a license herein provided for, to withdraw not more than 150 gallons of alcohol in any one year, from the Custom House, upon the payment of Two Dollars per gallon duty.

Provided however, that the 150 gallons so to be withdrawn shall only be used by said licensee for medicinal purposes, or for sale to duly licensed physicians.

And further provided, that all alcohol in excess of said 150 gallons that may be so withdrawn by said licensee, shall pay a full spirit duty, according to its strength, as provided by law for spirits of like strength.

CONDITIONS OF LICENSE.

Section 13. The holders of licenses for the sale of methylated spirits and alcohol under this Act, are hereby prohibited from selling alcohol to any person but a duly licensed physician; and no greater quantity than one gallon at any one sale shall be sold to any such physician.

RECORD OF SALES TO BE KEPT.

Section 14. It shall be incumbent upon any holder of a license under this Act to keep a book in which he shall write or cause to be written down the quantity of alcohol sold at each sale, the date of such sale, the name of the physician to whom the alcohol was sold, also the quantities consumed by the licensee and the purposes itemized in detail, for which it was used. Such book, and the quantity of alcohol in possession of the licensee, shall always be accessible for inspection by any clerk or officer of the Government whom the Minister of the Interior may appoint to perform such inspection.

It shall also be incumbent upon any holder of a license under this Act during the first week of every month to file with the Minister of the Interior a sworn statement, showing the amount of alcohol on hand at the beginning of the preceding month, the quantity sold during the month, to whom, the quantity consumed by the licensee, and also the amount remaining on hand at the end of such month.

PENALTIES.

Section 15. Any person who shall be convicted of selling or furnishing methylated spirits or alcohol without a license to sell the same, shall be liable to a fine of not less than one hundred nor more than two hundred and fifty dollars.

Any person holding a license under this Act who shall violate or fail to observe any of the provisions herein contained, shall for the first offense, be fined not to exceed one hundred dollars; and for the second offense, be fined not to exceed two hundred and fifty dollars and the license shall be forfeited, and the penalty named in the said bond shall at once become due.

STOCK AND SHARE BUSINESS.

FEE.

Section 16. The annual fee for carrying on a Stock and Share business shall One Hundred Dollars.

DEFINITION.

Section 17. The term "Stock and Share Business" for the purposes of this Act, shall mean the buying or selling of corporation stocks or shares for a commission or other compensation or reward.

AWA.

LICENSE TO BE SOLD AT AUCTION.

Section 18. The Minister of the Interior is authorized to sell to the highest bidder at public auction, between the first and seventh day of December in each and every year, licenses to sell Awa for each taxation District in the Republic of Hawaii.

Each such license shall be for the term of one year from the first day of January next ensuing.

BY WHOM AND WHERE SOLD.

Section 19. The Licenses for the Island of Oahu shall be sold under the direction of the Minister at the front entrance of the Executive Building, or at such other place as he may direct; and on the other Islands they shall be sold by the Sheriffs or their Deputies, in the respective districts for which they are to be granted.

ADVERTISEMENT OF TIME AND PLACE OF SALE.

Section 20. The time and place of sale shall be duly advertised in both the English and Hawaiian languages, in some newspaper published on the island where the license is to be sold, if any is published there; and on the islands other than Oahu, posted in at least three prominent places in each of the districts where the sales are to be held.

UPSET PRICE.

Section 21. The upset price for each license at public auction shall be as follows:

For the District of Honolulu, One Thousand Dollars;

For the Districts of Hilo and Wailuku, Five Hundred Dollars each, and for the District of Lahaina, Two Hundred and Fifty Dollars, and One Hundred Dollars for each other District.

CASH DEPOSIT, FORFEITURE.

Section 22. A cash deposit of twenty-five per cent. of the amount of the bid shall be required upon the fall of the hammer; said deposit to be forfeited to the Government if the full amount of the bid is not paid within five days from the day of sale.

RE-SALE IN CASE OF FORFEITURE.

Section 23. In case of failure to sell any license, or of such forfeiture, the license shall be again advertised, and after reasonable notice, again sold at public auction, at the upset price provided for in the District for which it is to be granted.

CULTIVATORS TO SELL ONLY TO LICENSEES.

Section 24. No cultivator of Awa shall sell Awa to any person not holding a license to sell Awa, except for exportation.

AUCTION.

FEE.

Section 25. The annual fee for a license to sell goods, wares and merchandise or other property at auction, shall be Six Hundred Dollars for the District of Honolulu, and Fifteen Dollars for each other taxation District.

PERSONS WHO MAY HOLD.

Section 26. An auction license shall be issued only to citizens of the Republic, and to citizens or subjects of countries having treaty relations with the Republic of Hawaii.

RECORD OF RECEIPTS AND SALES.

Section 27. Every auctioneer shall keep and preserve a record book in which shall be entered:

1. A detail list and description of the property received for sale;
2. The name of the person from whom, or on account of whom the same is received;
3. The date upon which the same is received;
4. The date upon which the same is sold;
5. The price for which each article is sold;
6. The name of the person or persons to whom each article is sold; which record shall, during the regular business hours be open to the inspection of any person desiring to see the same. Every such entry shall be made immediately after each transaction required to be recorded.

BOND.

Section 28. Every person, upon receiving an auction license, shall give a bond to the Minister of the Interior in the penal sum of Three Thousand Dollars, if the license be for the District of Honolulu, and in the penal sum of Five Hundred Dol-