

may issue in favor of such person. Such bond shall, after any judgment rendered thereon, remain as a security for the benefit of any person injured by the breach of any condition thereof, until the whole penalty shall have been recovered. No suit upon any such bond shall be commenced later than two years after the right of action shall have accrued, provided that infants, femmes covertes and persons non compos may sue upon or in respect thereof within one year after their disabilities shall be removed.

SECTION 8. The Marshal shall, with the approval of the Attorney-General, appoint and commission a Deputy Marshal, for whose acts and defaults the Marshal shall be responsible upon his official bond. The Deputy Marshal so appointed shall be authorized to do or perform any act or thing required by law to be done or performed by the Marshal. The Marshal shall exact from his Deputy bonds of indemnity with sufficient sureties for the due and faithful discharge of his duty, which bonds may be in any amount not to exceed Ten Thousand Dollars, that shall be approved by the Attorney-General.

SECTION 9. It shall be the duty of the Marshal, and of the several Sheriffs within their respective jurisdictions, to preserve the public peace, to have charge of all jails and prisons, to safely keep all persons committed to their charge; to execute all lawful precepts and mandates directed to them by any judge, court, minister or other person thereunto authorized; to arrest fugitives from justice, as well as all criminals and violators of the laws; and generally, to perform all such other duties as may be imposed upon them by law; for any of which purposes they may command all necessary assistance, civil or military.

SECTION 10. The Marshal, for and within the Island of Oahu, subject to the approval of the Attorney-General, and the several Sheriffs for and within their respective jurisdictions, subject to the approval of the Marshal, may appoint such Deputies Sheriff and other police officers as occasion may require, and may dismiss them in their discretion; and may in like manner apportion the duties and adjust the compensation of such officers, except as otherwise provided by law. Provided, however, that the number of regular police officers or constables shall not exceed, for the Island of Oahu, one hundred; for the Islands of Maui, Molokai, Lanai and Kahoolawe, eighty; for the Island of Hawaii, one hundred; for the Islands of Kauai and Niihau, forty; and further provided, that nothing in this section contained shall be construed to prevent the appointment of any number of special constables to serve without pay, except that, for service during any emergency, such special officers may be paid, in the discretion of the officer by whom they were appointed to service during such emergency, if such payment be approved by the Attorney-General.

SECTION 11. The Marshal and the several Sheriffs may exact from the Deputies Sheriff appointed by them respectively private bonds of indemnity, and shall be severally responsible for the official acts of such Deputies.

SECTION 12. The Marshal and Sheriffs shall receive in full payment of their services such annual salaries or compensation as shall from time to time be prescribed by the Legislature; provided, however, that the legally prescribed fees received from the sale and conveyance of property under execution or other writ or order issued from any court, to an amount not exceeding fifty dollars for any one such sale and conveyance, shall belong to the Marshal or to the Sheriff making such sale and conveyance, the excess of such fees over said sum of fifty dollars, if any, to be returned to the Treasury as a Government realization.

SECTION 13. Any police officer or constable appointed to, or holding office under this Act, may be removed at any time by any Judge of a Court of Record, or by the Police Justice of Honolulu, (if the officer so sought to be removed shall be a member of the Police Force for the Island of Oahu,) for incompetency, corruption, or misbehavior in office.

SECTION 14. In all cases in which the Marshal, or any Sheriff, Deputy Sheriff, or Constable shall be a party, plaintiff or defendant, to any suit or cause pending in any Court of the Kingdom, the officer so interested shall not be competent to execute any process in such suit, and the Court, when necessary, may appoint some disinterested person to act as a substitute for such officer, to execute such process, who shall, in all respects, be accountable to the Court for his conduct.

SECTION 15. In case of the death, resignation or removal from office of the Marshal or any Sheriff without having executed, or having executed only in part, any process in his hands, the execution of such process may be effected or completed by the deputy of such Marshal or Sheriff, or by such other police officer as shall be thereunto appointed by the Attorney-General; provided, that if a successor to such Marshal or Sheriff shall be appointed, such successor shall be responsible for the completion of the execution of such process, from the point to which the same had progressed at the time of his assumption of such office. The power hereby con-

ferred shall extend to the execution, acknowledgment and delivery by such deputy or other designated police officer as aforesaid, or by the successor of such Marshal or Sheriff as aforesaid, of all deeds or other instruments of conveyance.

SECTION 16. The Marshal and the respective Sheriffs, shall file all warrants, mittimus, processes and other official papers, or the attested copies of them, by which any prisoner shall have been committed or liberated, and they shall be safely kept in a suitable box or safe, and upon the death, resignation or removal from office of such Marshal or Sheriff, shall be delivered, together with all other official records, papers and journals to his successor, or to any other officer or person duly appointed to receive them; and in default of such delivery, such Marshal or Sheriff, if living, may be held liable for embezzlement as provided by Section 2 of Chapter XVIII. of the Penal Code, and shall also be civilly liable in damages to any person or persons who shall be injured by such nondelivery. If such Marshal or Sheriff shall be dead, such civil liability shall attach to his personal representatives and the sureties upon his official bond, jointly and severally. In addition to such civil liability as aforesaid, such Marshal or Sheriff, or their personal representatives and sureties on their official bonds shall forfeit and pay for each such default in delivery, the sum of two hundred dollars, to be recovered for the use of the public treasury.

SECTION 17. All process of any Court of Record shall be addressed to the Marshal or to any Sheriff or their deputies, except as may be otherwise provided by law, and it shall be the duty of the Marshal, or Sheriff, and their deputies, to execute the same at their peril, according to the tenor thereof; and they shall not be liable for any damages resulting from the execution of such process.

SECTION 18. The Marshal, any Sheriff, Deputy Sheriff, or other police officer, may decline to levy upon or sell the alleged property of any person against whose goods and effects, an execution or other similar writ may issue, unless the party beneficially interested in such writ shall, upon request, tender to such officer a sufficient bond of indemnity against the claims of third parties.

SECTION 19. The respective Sheriffs shall, quarterly, render in duplicate a true and itemized account of all fees, fines and other money which they shall have received by virtue of their office, one copy of which shall be forwarded to the Attorney-General, and one to the Marshal, by whom respectively such reports shall be filed and preserved.

SECTION 20. The Marshal shall, quarterly render to the Attorney-General a true and itemized account of the whole amount of money received by him, in which statement the moneys received to his own use and benefit shall be stated separately from those received to the use or on account of the Government or of private parties. He shall in like manner and at like intervals, as well as at any other time when the Attorney-General shall so request, report to the Attorney-General concerning such other matter appertaining to the administration of the Police Department as the Attorney-General may deem proper.

SECTION 21. Any Court of Record may inquire, by proceedings of Quo Warranto, into the validity of the appointment or claim by which any person shall hereafter hold, or claim to hold, or exercise the functions, or receive or enjoy the privileges or emoluments of the office of Marshal, Sheriff, Deputy Sheriff or any other office hereinbefore provided for. The proceedings upon such inquiry shall conform as nearly as may be to the forms prescribed in the case of a writ of Quo Warranto to a person who claims or usurps an office in a corporation, as provided by Chapter XXXIX. of the Session Laws of 1876. Such proceedings may be instituted by either the Attorney-General in his official capacity or by any private person having any interest in such inquiry.

SECTION 22. The Marshal, Sheriffs and all Police Officers who shall be in office when this Act shall become law shall continue in office subject to its provisions.

SECTION 23. This Act shall be a law from and after the date of its approval, Sections 257 to 274 inclusive, and Sections 276 and 277 of the Civil Code, An Act entitled "An Act to transfer the supervision of the police and executive officers of the law from the Department of Interior to that of the Attorney-General," approved May 13th, 1868, and all other laws and parts of laws inconsistent herewith are hereby repealed.

I hereby certify that the foregoing Act having passed its Third Reading in the Legislature of the Hawaiian Kingdom, on the third day of December, 1887, was presented to His Majesty the King, through the Cabinet on the sixth day of December, 1887; that on the sixteenth day of December, 1887, it was returned to the Legislature by His Majesty the King, unsigned, together with a message setting forth certain reasons why he refused to sign the same; that it appeared that such message was not countersigned by a Minister, and that His Majesty's Act in so returning the same was done without the advice and consent of the Cabinet; that there-

after the Legislature adopted a resolution that said Act of the King, not being countersigned by a Minister and having been done without the advice and consent of the Cabinet, could not be considered a refusal to approve the Act within the meaning of Article 48 of the Constitution, which action of the Legislature was duly communicated to the King; and I do hereby further certify that more than ten days, (Sundays excepted) have elapsed since said Act was presented to the King and that (except as aforesaid) the same has not been returned to the Legislature, and that the Legislature had not adjourned prior to the expiration of said period of ten days.

Dated Honolulu, December 28th, 1887.

WILLIAM R. CASTLE,

President of the Legislature.

Attest, J. ALFRED MAGOON,

Clerk of the Legislature.

AN ACT

TO AMEND SECTIONS 913 AND 922 OF THE CIVIL CODE AS AMENDED BY CHAPTER XXVI OF THE SESSION LAWS OF 1882.

Be it enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. That Section 913 of the Civil Code as amended by Section I of Chapter XXVI of the Session Laws of 1882 be and is hereby amended, so as to read as follows:

Section 913. There shall be appointed one or more District Justices for each judicial district of the Kingdom, but in case a foreigner is appointed he must be proficient in the Hawaiian language. Such Justices shall be commissioned by the Chief Justice of the Supreme Court upon the written nomination of the Cabinet, or of a majority of the members thereof. Provided that a majority of the Justices of the Supreme Court shall have first endorsed upon the paper containing such written nomination, their approval of the appointment of the person so nominated.

SECTION 2. That Section 922 of the Civil Code as amended by Section 2 of Chapter XXXI of the Session Laws of 1882 be and is hereby amended so as to read as follows:

SECTION 922. The several District Justices shall receive for their services such compensation as the Legislature shall, from time to time, determine and appropriate.

SECTION 3. This Act shall take effect from and after the date of its approval. All Laws and parts of Laws inconsistent herewith are hereby repealed.

Approved this 8th day of December, 1887.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.

AN ACT

TO ESTABLISH THE COMPENSATION OF REPRESENTATIVES. Be it enacted by the King and the Legislature of the Hawaiian Kingdom:

SECTION 1. The compensation of the Representatives of the people is hereby established at two hundred and fifty dollars each, for each biennial term.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of November, 1887.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON, Minister of the Interior.

AN ACT

TO REPEAL CHAPTER LXXIII OF THE LAWS OF 1886, ENTITLED "AN ACT TO REGULATE THE IMPORTATION AND SALE OF OPIUM IN THIS KINGDOM;" TO RE-ENACT THE LAWS THEREBY REPEALED AND PROVIDE FOR CERTAIN RIGHTS UNDER THE OPIUM LICENSE.

Be it enacted by the King and the Legislature of the Hawaiian Kingdom:

CHAPTER LXXIII of the Laws of 1886, entitled "An Act to regulate the importation and sale of Opium in this Kingdom," shall be and the same is hereby repealed, and the several laws and parts of laws thereby repealed are hereby expressly re-enacted and declared to be the Law of the Kingdom, provided however that until the expiration cancellation or surrender of the License granted under said Chapter 73 of the Laws of 1886, the holder thereof shall be entitled to exercise the rights and privileges granted by said Law.

Approved this 8th day of December, A. D. 1887.

KALAKAUA REX.

BY THE KING:

L. A. THURSTON,

Minister of the Interior.