

Contracts need not be made in a form prescribed by the Minister of the Interior.

J. NOTT ET AL. *vs.* KANAHELE,—4th Haw. Rep. p.—

When the laborer has executed a contract binding himself to labor for the plaintiffs, and in case of the transfer of their plantation to work for the person to whom such plantation shall be conveyed, he will be held thereby. (Judd J., dissenting.)

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## TITLE 6.—MISCELLANEOUS LAWS.

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### CHAPTER XXXI.

#### OF CORPORATIONS.

§1426. Every corporation created, or to be created in this Kingdom, shall have power: 1st, to have succession by its corporate name for the period limited in its charter, and when no period is limited, perpetually; 2nd, to sue and be sued in any court; 3rd, to make and use a common seal, and alter the same at its pleasure; 4th, to hold, purchase and convey such real and personal estate, and no other, not exceeding the amount limited by its charter, as the purposes of the corporation shall require; 5th, to appoint such subordinate officers and agents as the business of the corporation shall require; 6th, to make by-laws not inconsistent with any existing law, for the management of its property, the election and removal of its officers, the regulation of its affairs, and the transfer of its stock.

§1427. In addition to the powers enumerated in the preceding section, no corporation created under the provisions of this chapter shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated,

and of such subordinate powers as shall be expressly given in the charter granted as hereinafter provided.

§1428. No corporation shall be deemed to possess the power of discounting bills, notes or other evidences of debt, or receiving deposits, or buying gold, silver, bullion or foreign coin, buying and selling exchange, or issuing notes or other evidences of debt, except so far as the exigencies of the particular business for which it was incorporated shall require. Nor shall any corporation, unless authorized by express enactment of the legislature, issue bills or other evidences of debt for circulation as money.

§1429. At any meeting of any corporation, it shall be lawful for the members in the transaction of business, to vote either in person or by proxy : provided that nothing in this section shall be construed to restrain the power of every corporation, to prescribe by its by-laws, the mode of voting at meetings of its trustees, directors, or board of managers.

§1430. When all the members of any corporation shall be present, either in person or by proxy, at any meeting however called or notified, and shall sign a written consent thereto, on the record of such meeting, the doings of such meeting shall be valid.

§1431. The members of such corporation so assembled, may elect officers to fill all vacancies then existing, and may act upon such other business as might lawfully be transacted at regular meetings of the corporation.

§1432. Whenever, by reason of the death, absence, or other legal impediment, of the officers of any corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any circuit judge of the island where such corporation is established, may, on written application of four or more of the members thereof, issue an order to either of the said members, directing him to call a meeting of the corporation, by giving such notice as shall be required by the by-laws of the corporation, and

the said judge may, in the same order, direct one of the said members to preside at the meeting, and the proceedings of such meeting shall be valid.

§1433. Whenever the capital stock of any corporation is divided into shares, and the certificates thereof are issued, transfer of the shares may be made by endorsement and delivery of the certificate. The endorsee shall be entitled to a new certificate upon surrendering the old one. And no such transfer shall be valid, except between the parties thereto, until such new certificate shall have been obtained, or the transfer shall have been recorded on the books of the corporation, so as to show the date of the transfer, the parties thereto, their places of abode, and the number and description of the shares transferred.

§1434. The directors, or managers, of any incorporated company shall not make dividends, except from the profits arising from the business of the corporation, nor may they divide, withdraw, or in any way pay away, to the stockholders or to any of them, any part of the capital stock of the company, or reduce the said capital stock, without the consent either of the power granting the charter or of the Legislature. In case of any violation of the provisions of this section, the trustees, managers or directors, under whose administration the same may have taken place, shall, in their individual and private capacities, be jointly and severally liable to the corporation and creditors thereof, in the event of its dissolution, to the full amount so divided, withdrawn, paid out or reduced: provided, that nothing in this section contained shall prevent a distribution and division of the balance of the capital stock, remaining after payment of all its debts, or dissolution of the company, or expiration of its charter.

§1435. Where the whole capital of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share as fixed by the charter of the company,

or such proportion of that sum as shall be required to satisfy the debts of the company.

§1436. All the property of any corporation, which may be created in virtue of this chapter, shall be liable for the just debts thereof, but no stockholder shall be liable for the debts of the corporation beyond the amount of what may be due upon the share or shares held or owned by him.

§1437. The amount of debts which any corporation shall owe, shall at no time exceed the amount of its capital stock.

§1438. In every joint stock company incorporated under the provisions of this chapter, it shall be the duty of the trustees, as managers or directors of such company, to cause a book to be kept for registering the names of all persons who are, or shall become, stockholders of the corporation, and showing the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, which book during the usual business hours of the day, on every day, except Sundays and national holidays, shall be open for the inspection of the stockholders and creditors, and it shall be the duty of the clerk or the person having the charge thereof, to give a certified transcript of anything therein contained, to any stockholder or creditor of the corporation applying therefor; such transcript shall be legal evidence of the facts therein set forth in any suit by or against the corporation.

§1439. Any corporation wishing to dissolve and disincorporate itself, before the expiration of its charter, may present a petition to the Minister of the Interior, together with a certificate setting forth that at a meeting of the stockholders, or members called for that purpose, it was decided, by a vote of three-fourths of the members or stockholders, to dissolve and disincorporate the corporation, which certificate shall be signed by the presiding officer and secretary of such meeting. The minister shall enter such petition and certificate of record in his office, and after sixty days

notice, by publication in Hawaiian and English, in such manner as he shall deem most effectual, shall proceed to consider the same, and when satisfied that the vote certified has been truly taken, and that all claims against the corporation are discharged, shall declare such corporation dissolved.

§1440. Upon the annulment of the charter of any corporation, or upon its dissolution by expiration of its charter, or otherwise, unless other persons shall be appointed by the Legislature, the Minister of the Interior, or by some court of competent authority, the directors or managers of the corporation, by whatever name known in law, shall be trustees for the creditors and stockholders, with full powers to settle the affairs of the corporation. Under the name of trustees of such corporation, they may by suit or otherwise, collect and pay the outstanding debts, and divide among the stockholders the moneys and other properties that shall remain after payment of the debts and necessary expenses. And they shall be jointly and severally liable to the creditors and to the stockholders to the extent of the corporation property which shall come into their hands.

§1441. Every corporation not eleemosynary, religious, literary or educational, shall annually present a full and accurate exhibit of the state of its affairs to the Minister of the Interior, at such times as the minister shall direct. The said minister shall have power, either himself, or by one or more commissioners appointed by him, to call for the production of the books and papers of the corporation, and to examine its officers, members, and others touching its affairs, under oath. The annual reports above mentioned, and the result of such examination, the minister may in his discretion lay before the King in Privy Council, and also publish. In case any such corporation shall refuse to produce its books and papers upon the request of the Minister of the Interior, or the commissioners appointed by him, or in case any of the officers or members of such corporation shall refuse to be examined on oath, touching the affairs of the corporation, then the Minister of the Interior, or the commissioners, may apply to the court of

chancery for an order to compel the production of the books and papers, or the examination of such officers or members of the corporation, obedience to which order may be enforced by said court, in like manner with its ordinary decrees and orders.

§1442. The Minister of the Interior shall have full power, subject to the provisions and conditions of this chapter, in his discretion, by and with the advice and consent of the King in Privy Council to grant charters of incorporation for agricultural, commercial, and manufacturing purposes, and for cemetery associations, as well as to charter other incorporations, either aggregate or sole, ecclesiastical or lay, banking and municipal corporations alone excepted, which shall be chartered only by the Legislature.

§1443. The Minister of the Interior, with the consent of the King in Privy Council, shall also have power on the expiration of any charter, to renew the same, on application to him for that purpose by two-thirds of the stockholders of such company, and a satisfactory explanation to him of the state of its affairs.

§1444. Nothing in this chapter contained shall be construed to authorize the Minister of the Interior, as before provided, without the authority of the Legislature, to grant any charter which shall in terms institute a monopoly for a longer term than five years, of any business or occupation; nor may he grant perpetual charters, without such authority, to any corporations, except to those for eleemosynary, literary, educational or ecclesiastical purposes, or for cemetery associations.

§1445. Application to the Minister of the Interior for any charter of incorporation shall be made by written petition, accompanied by proofs that three-fourths of the shares have been subscribed for; and in the case of joint stock companies, there shall, in addition to such petition, be also filed at the same time in the office of the minister a certificate setting forth the location of the proposed company; the object of the incorporation, the amount of stock proposed, and, if the privilege of subsequent extension of

the capital stock is asked for, the limit of that extension; the proposed duration of the company; the time within which it is to organize; whether the liability of stockholders is proposed to be limited to the amount of their stock, or otherwise; and also whether the whole or any part of the capital stock is to be paid in before commencing operations, and if part, what part.

§1446. The shares of the several members in the stock of any incorporated company, whether owning real estate or otherwise, shall be deemed in law personal property.

Act  
1878,  
Chapter XI.

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PROVIDING FOR SERVICE OF PROCESS ON FOREIGN CORPORATIONS.

SECTION 1. Every corporation heretofore created by or under the laws of any other state, kingdom, empire or government, and carrying on business in this Kingdom, shall, within four months after the passage of this Act, and any corporation hereafter so created and carrying on business in this Kingdom, within twenty days after commencing to do business in this Kingdom, designate some person residing in the city or town where the principal place of business of said corporation in this Kingdom is, upon whom process issued by authority of or under any law of this Kingdom, may be served, and within the time aforesaid, shall file such designation in the office of the Department of the Interior; and it shall be lawful to serve on such person so designated any process issued as aforesaid, and such service shall be deemed to be a valid service thereof.

SECTION 2. Every corporation created by the laws of any other country carrying on business in this Kingdom, which shall fail to comply with the provisions of the first section of this statute, shall be denied the benefit of the laws of this Kingdom, and particularly of the statutes limiting the time for the commencement of civil action.

RELATING TO CORPORATIONS AND INCORPORATED COMPANIES  
ORGANIZED UNDER THE LAWS OF FOREIGN COUNTRIES AND  
CARRYING ON BUSINESS IN THIS KINGDOM.

Act  
1880,  
Chap. XXX

SECTION 1. Every corporation or incorporated company formed or organized under the laws of any foreign State, which may be desirous of carrying on business in this Kingdom and to take, hold and convey real estate therein, shall file in the office of the Minister of the Interior:

1. A certified copy of the charter or act of incorporation of such corporation or company.
2. The names of the officers thereof.
3. The name of some person upon whom legal notices and process from the courts of this Kingdom may be served.
4. An annual statement of the assets and liabilities of the corporation or company in this Kingdom on the first day of July in each year.
5. A certified copy of the by-laws of such corporation or company.

SECTION 2. Every such corporation or incorporated company, on complying with the terms of this law, shall have the same powers and privileges and be subject to the same disabilities as are by law conferred on corporations constituted under the laws of this Kingdom, and shall, for the purposes for which they shall be constituted, have full power to hold, take and convey by way of sale, mortgage or otherwise, real, personal and mixed estate in this Kingdom. Provided always that the purposes for which such corporations or companies shall be constituted shall not be repugnant to, or in conflict with any law of this Kingdom.

SECTION 3. Any such foreign corporation or incorporated company now carrying on business in this Kingdom, shall, if desirous of availing itself of the provisions of this Act, file the aforesaid particulars with the Minister of the Interior within four months from the coming into operation of this Act.

SECTION 4. There shall be paid to the Minister of the Interior for and on behalf of the Hawaiian Government, by every corpor-



ation or incorporated company, availing itself of the provisions of this Act, the sum of fifty dollars.

**Act**  
1882,  
Ch. XXXVIII. SECTION 1. That Section 5 of the said Act be and the same is hereby amended so as to read as follows:

“SECTION 5. This Act shall not be deemed or construed to affect or be at variance with the provisions of an Act approved on the thirtieth day of July, A. D. 1878, entitled ‘An Act providing for the service of process on foreign corporations.’ ”

**Act**  
1882,  
Ch. XXXVIII. SECTION 2. Provided however that any foreign corporation subject to the provisions of the said last mentioned Act which has failed to fill the designations required by such Act may do so within a period of six months from the time of the commencement of this Act on payment to the Minister of the Interior for and on behalf of the Hawaiian Government of the sum of ten dollars, and thereupon such foreign corporation shall be deemed to all intents and purposes to have fully complied with the provisions of the said Act.

SECTION 3. This Act shall take effect and become law on the first day of September next.

Approved this 7th day of August, A. D. 1883.

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## CHAPTER XXXII.

### OF THE DESCENT OF PROPERTY, BOTH REAL AND PERSONAL.

§1447. Whenever any person shall die intestate within this Kingdom, his property, both real and personal, of every kind and description, shall descend to and be divided among his heirs, as hereinafter prescribed.

§1448. The property shall be divided equally among the intestate's children, and the issue of any deceased child by right of representation, and if there is no child of the intestate living at his death, his estate shall descend to all his other lineal descend-

ants ; and if all the said descendants are in the same degree of kindred to the intestate, they shall share the estate *per capita*, that is, equally ; otherwise they shall inherit *per stirpes*, that is, by each of the children taking a share, and the grandchildren, the children of a deceased child taking a share, to be afterwards divided among themselves : as for example, if A dies, leaving P and E sons, and K a daughter, then the estate will be divided equally between the three children, they being all of one degree of kindred to the intestate ; or, if A dies leaving no children, but P, E and K, grandchildren, then the estate will be equally divided between these three, they being all of one degree of kindred to the intestate ; again, if A dies leaving P, a son, and K and I the children of his deceased child E, then P will inherit one half of the estate and K and I will take the other half between them, that being the share to which their father E would have been entitled had he been living :

If the intestate shall leave no issue, his estate shall descend one half to his widow, and the other half to his father and mother as tenants in common ; and if he leave no widow, nor issue, the whole shall descend to his father and mother, or to either of them if only one be alive :

If he shall leave no issue, nor father nor mother, his estate shall descend one half to his widow, and the other half to his brothers and sisters, and to the children of any deceased brother or sister by right of representation :

If he shall leave no issue, nor father or mother, and no brother or sister, his estate shall descend one half to his widow, if any, and one half to the brothers and sisters of his father and mother, and to their children and heirs by right of representation ; and if he leave no widow, then such collateral heirs shall inherit the whole estate : provided, always, that if the estate come through either parent, the brothers and sisters of that parent shall be preferred to the others :

If the intestate be a woman, and leave no issue, her estate shall descend one half to her husband, and the other half to her father and mother as tenants in common, and if she leave no husband nor issue, the whole shall descend to her father and mother, or to

either of them if only one be alive ; if she shall leave no issue, nor father, nor mother, her estate shall descend one half to her husband and the other half to her brothers and sisters, and to the children of any brother or sister by right of representation :

If she shall leave no issue, nor father or mother, and no brother or sister, her estate shall descend one half to her husband, if any, and one half to the brothers and sisters of her father and mother, and to their children and heirs by right of representation : and if she leave no husband, then such collateral heirs shall inherit the whole estate : provided, always, that if the estate shall come through either parent, the brothers and sisters of that parent shall be preferred to the others.

If the intestate shall have been married, and leave no kindred but a widow, then she shall inherit all his estate ; and if the intestate be a woman, and leave no kindred but her husband, then he shall inherit all her estate.

§1449. If the intestate shall die leaving several children, or leaving one child, and the issue of one or more others, and any such surviving child shall die under age, and not have been married, all the estate that came to the deceased child by inheritance from such deceased parent, shall descend in equal shares to the other children of the same parent, and to the issue of any such other deceased children, who shall have died, by right of representation.

§1450. If at the death of such child who shall die under age, and not having been married, all the other children of his said parent shall be also dead, and any of them shall have left issue, the estate that came to such child by inheritance from his said parent, shall descend to all the issue of the other children of the same parent : and if all the said issue are in the same degree of kindred to the said child, they shall share the said estate equally : otherwise they shall take according to the right of representation.

§1451. If the intestate leave no kindred, his estate shall escheat to the Hawaiian Government.

## RELATING TO ESCHEATS OF KULEANAS.

Upon the decease of any person owning, possessed of, or entitled to any estate of inheritance or kuleana in any land or lands in this Kingdom, leaving no kindred surviving, all such land and lands shall thereupon escheat and revert to the owner of the Ahupuaa, Ili or other denomination of land, of which such escheated kuleana had originally formed a part.

Act  
1866.

§1452. Every illegitimate child shall be considered as an heir to his mother, and shall inherit her estate, in whole or in part, as the case may be, in like manner as if he had been born in lawful wedlock.

§1453. If any illegitimate person shall die intestate, without leaving lawful issue or a widow, his estate shall descend to his mother; but if he leave a widow, she shall inherit one half, and his mother the other half, and if his mother be not living, but his widow is, then the widow shall take the whole; otherwise, his estate shall escheat to the Hawaiian Government.

§1454. The kindred of the half blood shall inherit equally with those of the whole blood in the same degree: provided, however, that where the inheritance came to the intestate by descent, devise, or gift, of some one of his ancestors, all those who are not of the blood of such ancestor, shall be excluded from such inheritance.

§1455. When any part of the property left by the intestate, consists of real estate, and the same is to be divided among several children, and in the opinion of the probate court, it is desirable that such real estate or any particular piece thereof, be not divided, then the eldest son, and in succession of age after him, the other sons, or if he or they shall renounce or decline the privilege, then the daughters in like succession may, after the property, or piece of property has been duly appraised by a court of probate, elect to pay to the others the amount of their shares in money, in order that the land may not be divided. And the same rule shall

As amended,  
1873,  
Chapter I.

NOTE.—Sections 1452 and 1453 amended by Act of 1874, Chapter L, but the amending statute repealed and the original sections re-enacted by Act of 1876, Chapter IX.

apply where a part of the claimants are children, and the rest are issue of deceased children of the intestate.

§1456. Posthumous children shall, in all cases, inherit the same as if they had been born during their father's lifetime.

§1457. If any child of an intestate shall have been advanced by him, by settlement or portion of real or personal estate, or of both of them, the value thereof shall be reckoned for the purposes of this section only, as part of the real and personal estate of such intestate, descendible to his heirs, and to be distributed to his next of kin, according to law. And if such advancement be equal or superior to the amount or share which such child would be entitled to receive, of the real and personal estate of the deceased, as above reckoned, then such child and his descendants shall be excluded from any share in the real and personal estate of the intestate.

§1458. But if such advancement be not equal to such share, such child and his descendants shall be entitled to receive so much only, of the personal estate, and to inherit so much only of the real estate of the intestate, as shall be sufficient to make all the shares of the children, in such real and personal estate and advancement, to be equal as near as can be estimated.

§1459. The value of any real or personal estate so advanced, shall be deemed to be that, if any, which was acknowledged by the child by an instrument in writing; otherwise, such value shall be estimated according to the worth of the property when given.

§1460. The maintaining or educating, or the giving money to a child, without a view to a portion or settlement in life, shall not be deemed an advancement.

§1461. It shall not be requisite that the intestate shall have been in actual possession of the property; it is sufficient if he had a good claim to it at the time of his death.

§1462. The word "issue," as used in this chapter, includes all the lawful lineal descendants of the ancestor.

## CHAPTER XXXIII.

## OF WILLS.

§1463. Every person of full age, and of sound mind, may dispose of his estate, both real and personal, by will.

§1464. Any married woman may dispose, by will, of all property belonging to her in her own right, in like manner as a person under no disability might do.

§1465. No will (except such nuncupative wills as are mentioned in this chapter\*) shall be valid, unless it be in writing and signed by the testator, or by some person in his presence and by his express direction, and attested by two or more competent witnesses subscribing their names to the will, in the presence of the testator.

§1466. If the subscribing witnesses to a will are competent at the time of attesting its execution, their subsequent incompetency, from whatever cause it may arise, shall not prevent the probate and allowance of the will, if it be otherwise satisfactorily proved.

§1467. All beneficial devises, legacies, and gifts whatever, made or given in any will to a subscribing witness thereto shall be void, unless there are two other competent subscribing witnesses to the same, but a mere charge on the estate of the testator for the payment of debts, shall not prevent his creditors from being competent witnesses to his will.

§1468. But if such witness, to whom any beneficial devise, legacy, or gift, is made or given, would have been entitled to any share of the estate of the testator, in case the will had not been established, then so much of the share as would have descended or been distributed to such witness, as will not exceed the devise or bequest made to him in the will, shall be saved to him, and he

\*NOTE.—Such wills were not provided for.

may recover the same of the devisees or legatees named in the will, in proportion to and out of all the parts devised or bequeathed to them.

§1469. Every devise, purporting to be a devise of all the real or personal estate of the testator, shall be construed to convey all the real or personal estate belonging to him at the time of his decease, unless it shall clearly appear by the will that he intended otherwise.

§1470. No written will shall be revoked, unless by burning, tearing, canceling, or obliterating the same, with the intention of revoking it, by the testator or by some person in his presence, and by his direction, or by some other will in writing, executed as prescribed in this chapter; but nothing contained in this section shall prevent the revocation implied by law, from subsequent changes in the condition or circumstances of the testator.

§1471. If, after the making of any will, the testator shall duly make and execute a second will, the destruction, canceling, or revocation of such second will, shall not revive the first will, unless after such destruction, canceling, or revocation, the first will shall be duly republished.

§1472. If, after the making of a will, the testator shall marry and shall have a child born to him, and no provision shall be made in the will for such contingency, such marriage and birth shall operate as a revocation of such will.

§1473. A will executed by an unmarried woman, shall be deemed revoked on her subsequent marriage, and shall not be revived by the death of her husband.

§1474. No written will shall be allowed to be proved after the expiration of five years from the death of the testator: provided, however, that where any minor is interested in the estate, one year shall be allowed after his arrival at full age, to cause such will to be proved and allowed.

§1475. The term "will," as used in this chapter, shall be so construed as to include all codicils as well as wills.

§1476. Nothing contained in this chapter shall be so construed as to conflict with the law relating to dower.

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## CHAPTER XXXIV.

### OF CERTAIN SPECIFIC RIGHTS OF THE PEOPLE.

§1477. Where the landlords have obtained, or may hereafter obtain, allodial titles to their lands, the people on each of their lands shall not be deprived of the right to take firewood, house-timber, aho cord, thatch, or ki leaf, from the land on which they live, for their own private use, but they shall not have a right to take such articles to sell for profit. The people shall also have a right to drinking water, and running water, and the right of way. The springs of water, running water, and roads shall be free to all, on all lands granted in fee simple: provided, that this shall not be applicable to wells and water-courses, which individuals have made for their own use.

Oni v. Meek,  
2d H.R. p. 87.

§1478. All wood of any description which may drift on to the beach of any part of this Kingdom, shall be the property of the finder, and any one finding such drift-wood may take the same for his own private use, without paying a share to the Government: provided, however, that this section shall not be construed to apply to any vessel wrecked or stranded on any part of the shores of this Kingdom.

Halelea v.  
Montgomery,  
2d H.R. p. 62.

§1479. The Government reefs shall be free for the use of the people. Whoever, being a Hawaiian subject, shall desire coral or



land from the Government reefs and lands, may freely take the same, either for his own use or for sale or exportation : provided, that this section shall not apply to the Government domain in Honolulu, or Lahaina, or to any other reefs that may from time to time be set apart by the Minister of the Interior for the use of the Government.

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## CHAPTER XXXV.

### OF THE INTEREST OF MONEY.

As amended  
1868. §1480. When there is no express contract in writing, fixing a different rate of interest, interest shall be allowed at the rate of nine per cent. per annum, for all moneys after they become due on any bond, bill, promissory note, or other instrument of writing, for money lent, for money due on the settlement of accounts, from the day on which the balance is ascertained, and for money received to the use of another, from the date of a demand made.

As amended  
1868. §1481. Interest at the rate of nine per cent. per annum, and no more, shall be allowed on every judgment, recovered before any court in this Kingdom, in any civil suit.

§1482. It shall in no case be deemed unlawful to stipulate by written contract, for any rate of interest, not exceeding two and one-half per cent. per month, provided the contract to that effect be signed by the party to be charged therewith.

§1483. No action shall be maintainable in any court of this Kingdom, to recover a higher rate of interest than two and one-half per cent. per month, upon any contract made in this Kingdom : provided, however, that this section shall not be held to apply to contracts for money lent upon bottomry bonds, or upon other maritime risks.

§1484. No action shall be maintainable, in any court of this Kingdom, to recover compound interest upon any contract whatever.

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## CHAPTER XXXVI.

### OF AMERICAN DIMES AND HALF-DIMES.

§1485. The American dime is a current coin of this Kingdom, at the value of ten dimes for one dollar, and the half-dime, at the value of twenty half-dimes for one dollar; and dimes and half-dimes, if tendered, are to be received at that value, in all payments not exceeding five dollars: and in all payments exceeding five dollars, and not exceeding one hundred, in the proportion of ten for every hundred; and in all payments exceeding one hundred, and not exceeding one thousand dollars, in the proportion of eight for every hundred; and in the proportion of five for every hundred in all payments exceeding one thousand dollars.

§1486. All other foreign coins current in the Kingdom, may be received at the treasury at such rates as the Minister of Finance, with due regard to the interests of the public service, and with the consent of the King in Cabinet Council, shall determine, or be altogether refused, in his discretion, with such consent.\*

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## CHAPTER XXXVII.

### OF LEGAL MAJORITY.

§1487. All male persons residing in this Kingdom, who shall have attained the age of twenty years, and all females who shall have attained the age of eighteen years, shall be regarded as of legal age, and their period of minority to have ceased.

\*NOTE.—See also Act 1876, Ch. XLI., Sec. 5.

## CHAPTER XXXVIII.

## OF INJURIES FROM DOGS.

**P. C.**  
Chap. XXIII,  
Section 9.

§1488. If any dog shall injure or destroy any sheep or cattle, goats, hogs, fowls, or other property, belonging to any person other than the owner of such dog, the owner shall be liable in damages to the person injured, for the value of the property so injured or destroyed; and it shall be the duty of the owner to confine or destroy such dog, and if he neglect or refuse to do so, he shall in the event of any further damage being done to the person, or property of any person, by such dog, in addition to paying the person injured for such damage, pay the costs of the trial, together with a fine of ten dollars, or in default of the payment of such fine, be imprisoned at hard labor for the term of thirty days, and it shall be lawful for any other person to destroy said dog.

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 CHAPTER XXXIX.

## OF CERTAIN LAWS EXPRESSLY RE-ENACTED.

§1489. The following laws are hereby expressly re-enacted, viz.:

“An Act relating to the lands of His Majesty the King, and of the Government,” passed on the 7th day of June, A.D. 1848, except the last clause thereof setting apart certain lands for the use of the Fort in Honolulu.

“An Act to abolish the disabilities of aliens to acquire and convey lands in fee simple, passed on the 10th day of July, A.D. 1850; and,

“An Act to amend an Act entitled, an Act to abolish the disabilities of aliens to acquire and convey lands in fee simple,” approved on the 28th day of June, A.D. 1854.

## CHAPTER XL.

## OF STATUTES FOR WHICH THE CIVIL CODE IS SUBSTITUTED.

§1490. No law which has been heretofore repealed, shall be revived by the repeal, contained in this chapter, of any of the statutes hereinafter mentioned.

§1491. From and after the day upon which the provisions of this code shall take effect, the following statutes shall be considered as repealed, viz.:

“An Act to organize the Executive Ministry of the Hawaiian Islands,” passed on the 29th day of October, A.D. 1845;

“An Act to organize the executive departments of the Hawaiian Islands,” passed on the 27th day of April, A.D. 1846, except section 13th of article 1st, chapter 2d, part 5th, and article 2d of chapter 2d, part 1st, of said Act;

The “Joint resolution to carry into effect the sixth articles of the treaties concluded at Honolulu, between the Government of the Hawaiian Islands and the Governments of France and Great Britain, 26th March, 1846, in relation to brandies, wines, and other spirituous liquors,” passed on the 3rd day of April, A.D. 1846;

The “Joint resolution in relation to the duties imposed 3d April, 1846, on the importation of spirituous liquors,” passed on the 10th day of April, A.D. 1846;

“An Act to organize the Judiciary Department of the Hawaiian Islands,” passed on the 7th day of September, A.D. 1847;

“The joint resolutions respecting awa,” passed on the 6th day of August, A.D. 1846;

“An Act to alter the districts of the Island of Oahu,” passed on the 12th day of October, A.D. 1846;

“Resolutions for the releasing of certain persons from the labor tax, and from other taxes,” passed on the 12th day of October, A.D. 1846;

“Joint resolutions on the subject of rights in lands and the leasing, purchasing and dividing of the same,” passed on the 7th day of November, A.D. 1846;

“Joint resolutions respecting estrays,” passed on the 7th day of November, A.D. 1846;

“Joint resolutions to amend an Act entitled an Act to organize the executive departments of the Hawaiian Islands,” passed on the 4th day of May, A.D. 1847;

“Joint resolutions to encourage the visits of whalers,” passed on the 15th day of June, A.D. 1847;

“An Act to alter and amend the law of marriage,” passed on the 7th day of September, A.D. 1847;

“An Act to restrain Hawaiian subjects from abandoning their families,” passed the 27th day of September, A.D. 1847;

“An Act relating to the director of the Government press,” passed on the 27th day of September, A.D. 1847;

“An Act to regulate and explain the law of taxation,” passed on the 29th day of September, A.D. 1847.

All the Acts and joint resolutions passed in the year 1848, except the following, viz.:

“An Act relating to the lands of His Majesty the King, and of the Government,” passed on the 7th day of June, A.D. 1848;

And “An Act extending the powers of the Board of Commissioners to quiet land titles,” passed on the 13th day of June, A.D. 1848;

“An Act to provide for the better support and greater efficiency of the public schools,” passed on the 9th day of July, A.D. 1850;

“An Act respecting the pilotage to be levied on whaleships,” passed on the 10th day of July, A.D. 1850;

“An Act granting exemption from duties, for the encouragement of agriculture,” passed on the 10th day of July, A.D. 1850;

“An Act to extend the jurisdiction of the Superior Court and of police justices of Honolulu and Lahaina,” passed on the 10th day of July, A.D. 1850;

“An Act to provide for the appointment of clerks for the circuit courts,” passed on the 10th day of July A.D. 1850;

“An Act relating to the Registrar of Conveyances,” passed on the 10th day of July, A.D. 1850;

“An Act to amend the existing law of marriage,” passed on the 10th day of July, A.D. 1850;

“An Act to prohibit natives from leaving the Islands,” passed on the 2d day of July, A.D. 1850; This clause repealed and the Act re-enacted 1864.

“An Act to regulate the circulation of American dimes and half-dimes,” passed on the 11th day of July, A.D. 1850;

“An Act providing for the seminary at Lahainaluna,” passed on the 11th day of July, A.D. 1850;

“An Act opening the ports of Hilo, Kawaihae, and Kealakekua, on the Island of Hawaii, and of Waimea, on the Island of Kauai, to foreign commerce,” passed on the 16th day of July, A.D. 1850;

“An Act to regulate the election of representatives of the people,” passed on the 30th day of July, A.D. 1850;

“An Act to increase the number of the representatives of the people in the Legislative Council,” passed on the 30th day of July, A.D. 1850;

“An Act abolishing the payment of taxes in produce,” passed on the 6th day of August, A.D. 1850;

“An Act for the government of masters and servants,” passed on the 21st day of June, A.D. 1850;

“An Act upon the subject of diplomatic privileges and exemptions,” passed on the 11th day of July, A.D. 1850;

“An Act amending the laws respecting harbor dues,” passed on the 16th day of July, A.D. 1850;

“An Act to regulate the descent of property, both real and personal,” passed on the 6th day of August, A.D. 1850;

“An Act relating to the enlistment of native sailors,” passed on the 6th day of August, A.D. 1850;

“An Act to regulate boats plying for hire in the harbor of Honolulu,” passed on the 6th day of August, A.D. 1850;

“An Act to amend the law relating to the issue of passports,” passed on the 6th day of August, A.D. 1850;

“An Act to amend the law relating to the land tax,” passed on the 7th day of August, A.D. 1850;

“An Act relating to the labor tax on roads and like public works,” passed on the 8th day of August, A.D. 1850;

“An Act to provide for the appointment of a circuit judge for

the Island of Molokai," passed on the 9th day of August, A.D. 1850;

"An Act to render uniform the districts for educational and taxation purposes, and for subdividing said districts into townships," passed on the 7th day of August, A.D. 1850;

"An Act relating to the registry of births, deaths, and marriages," passed on the 7th day of August, A.D. 1850;

"An Act amending the law relating to the King's Chamberlain," passed on the 14th day of August, A.D. 1850;

All the Acts and joint resolutions passed and approved in the year 1851,<sup>4</sup> except the joint resolution forbidding the retail of intoxicating liquors at any other place except Honolulu, approved on the 20th June, 1851.

All the Acts and joint resolutions passed and approved in the year 1852, except the following, viz.:

"An Act making known members received into the House of Nobles," approved on the 12th day of May, A.D. 1852;

"An Act to prevent the carrying of deadly weapons," approved on the 25th day of May, A.D. 1852;

"An Act providing for reciprocal duties on certain articles with the United States of North America," passed on the 25th day of May, A.D. 1852;

"An Act abolishing the punishment of women who become pregnant by fornication or adultery," approved on the 19th day of June, A.D. 1852;

"An Act to provide for the appointment of a vice-president of the land commission," approved the 19th day of June, A.D. 1852;

"An Act relating to land titles of konohikis," approved on the 19th day of June, A.D. 1852;

"An Act relating to the sale of intoxicating liquors on the Sabbath," approved on the 22d day of June, A.D. 1852;

"An Act to abolish the law of illicit cohabitation," approved on the 22d day of June, A.D. 1852;

"Joint resolution granting the Ili of Kahapaakai to the late King," approved on the 22d day of July, A.D. 1852;

All the Acts and joint resolutions passed and approved in the year 1853, except the following, viz.:

“An Act relating to the Board of Commissioners to quiet land titles,” approved on the 26th day of May, A.D. 1853;

“An Act providing for the trial of different degrees of certain offenses under one indictment,” approved on the 16th day of June, A.D. 1853;

“An Act to remove from the police and district courts the jurisdiction in cases of larceny in the second degree,” approved on the 6th day of July, A.D. 1853;

“Joint resolution authorizing the Secretary at War to dispose of cannon and other arms,” approved on the 2d day of November, A.D. 1853;

All the Acts and joint resolutions passed and approved in the year 1854, except the following, viz.:

“An Act for the relief of His Majesty and the members of the Privy Council,” approved on the 29th day of April, A.D. 1854;

“An Act to regulate the retailing of intoxicating drinks in the city of Honolulu,” approved June 23d, 1854;

“An Act to remove all disabilities of aliens by reason of not obtaining certificates of nationality,” approved on the 28th day of June, A.D. 1854;

“An Act to provide for the dissolution of the Board of Commissioners to quiet land titles,” approved on the 20th day of July, A.D. 1854;

“An Act for the relief of certain konohikis,” approved on the 10th day of August, A.D. 1854;

And the “Joint resolution for the relief of John Ricord.”

All the Acts and joint resolutions passed and approved in the year 1855, except the following, viz.:

“An Act to incorporate the Honolulu Sailors' Home Society,” approved on the 7th day of May, A.D. 1855;

“An Act to amend the law relating to appeals from the Board of Commissioners to quiet land titles,” approved on the 14th day of June, A.D. 1855;

“An Act to authorize the Minister of Finance to negotiate a loan,” approved on the 25th day of June, A.D. 1855;



“Joint resolution for the relief of the estate of His late Majesty Kamehameha III.,” approved on the 27th day of June, A.D. 1855;

All the Acts and joint resolutions passed and approved in the year 1856, except the following, viz.:

“An Act to authorize the purchase or construction of an inter-island steamer,” approved on the 2d day of May, A.D. 1856;

And all other laws now existing which are in conflict with the provisions of this code; saving and excepting, however, all the existing laws relating to military and the department of war.

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## CHAPTER XLI.

### GENERAL PROVISIONS.

§1492. This Code shall take effect and become the law of the land, on the first day of August, A. D. 1859; but that there may be no failure of justice, or embarrassment to His Majesty's Government, from any change, all officers of this Kingdom, at the time this Code shall take effect, shall have, hold, and continue to exercise all the powers granted to them, as at present, until other persons shall be appointed in their stead, or until other necessary changes shall be made.

§1493. If at any time a radical and irreconcilable difference shall be found to exist between the English and Hawaiian versions of any part of this Code, the English version shall be held binding.

#### FOR THE CONSTRUCTION OF STATUTES WHERE THE ENGLISH AND HAWAIIAN VERSIONS DO NOT AGREE.

Whenever there shall be found to exist any radical and irreconcilable difference between the English and Hawaiian version of

any of the laws of the Kingdom, which have been, or may hereafter be enacted, the English version shall be held binding.

§1494. All official and departmental fees received under the provisions of this Code, shall be accounted for and paid over into the public treasury, except fees designated and intended to be applied in compensation of the officers receiving the same. And no public officer in receipt of a salary for his services, shall receive any other or further compensation therefor, unless specially allowed by law.

Approved this 17th day of May, A. D. 1859.

KAMEHAMEHA.

KAAHUMANU.

COMPILER'S NOTE.—The matter here reproduced from the original "Appendix to the Civil Code" extends only to page 499. The pages following contain such of the Session Laws from 1860 to 1882 as have not been repealed or placed elsewhere in the compilation. It was not intended by the compiler that the word "appendix" should be continued as a running title beyond page 499.