

COMPILED LAWS

OF THE

HAWAIIAN KINGDOM.

PUBLISHED BY AUTHORITY.

HONOLULU :

PRINTED AT THE HAWAIIAN GAZETTE OFFICE,

. 1884

tees under instructions from the Board of Education, to establish separate schools for the children of each sex in their respective districts whenever practicable, and whenever there are sufficient children for the formation of two or more schools. And in the selection of teachers, preference shall be given to a teacher of the same sex as the children, if properly qualified.

TITLE 3.—OF THE LEGISLATIVE DEPARTMENT.

CONSTITUTION.

ARTICLE 43. Each member of the Kings Cabinet shall keep an office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks. The Ministry hold seats *ex officio*, as Nobles, in the Legislative Assembly.

ARTICLE 44. The Minister of Finance shall present to the Legislative Assembly in the name of the Government, on the first day of the meeting of the Legislative Assembly, the Financial Budget, in the Hawaiian and English languages.

ARTICLE 45. The Legislative power of the Three Estates of this Kingdom is vested in the King, and the Legislative Assembly; which Assembly shall consist of the Nobles appointed by the King, and of the Representatives of the People, sitting together.

ARTICLE 46. The Legislative Body shall assemble biennially, in the month of April, and at such other time as the King may judge necessary, for the purpose of seeking the welfare of the

NOTE—Section 768 to 779 are affected by provisions of the Constitution granted August 1864, though without statute amendment, and Article 43 to 61 of the Constitution are reprinted here, with references to them on the margin of sections amended or confirmed thereby.

nation. This Body shall be styled the Legislature of the Hawaiian Kingdom.

ARTICLE 47. Every member of the Legislative Assembly shall take the following oath: I most solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution of the Hawaiian Kingdom, and conscientiously and impartially discharge my duties as a member of this Assembly.

ARTICLE 48. The Legislature has full power and authority to amend the Constitution as hereinafter provided; and from time to time to make all manner of wholesome laws, not repugnant to the provisions of the Constitution.

ARTICLE 49. The King shall signify His approval of any Bill or Resolution, which shall have passed the Legislative Assembly, by signing the same previous to the final rising of the Legislature. But if He shall object to the passing of such Bill or Resolution, He will return it to the Legislative Assembly, who shall enter the fact of such return on its journal, and such Bill or Resolution shall not be brought forward thereafter during the same session.

ARTICLE 50. The Legislative Assembly shall be the judge of the qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the Assembly may provide.

ARTICLE 51. The Legislative Assembly shall chose its own officers and determine the Rules of its own proceedings.

ARTICLE 52. The Legislative Assembly shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the Assembly, by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall publish any false report of its proceedings, or insulting comments upon the same; or who shall threaten harm to the body or estate of any of its members, for anything said or done in the Assembly; or who shall assault any of them therefor, or who shall assault or arrest

any witness, or other person ordered to attend the Assembly, in his way going or returning; or who shall rescue any person arrested by order of the Assembly.

ARTICLE 53. The Legislative Assembly may punish its own members for disorderly behavior.

ARTICLE 54. The Legislative Assembly shall keep a journal of its proceedings; and the yeas and nays of the members, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

ARTICLE 55. The Members of the Legislative Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Legislature, and in going to and returning from the same; and they shall not be held to answer for any speech or debate made in the Assembly, in any other Court or place whatsoever.

ARTICLE 56. The Representatives shall receive for their services a compensation to be ascertained by law, and paid out of the public treasury, but no increase of compensation shall take effect during the year in which it shall have been made; and no law shall be passed, increasing the compensation of said Representatives beyond the sum of five hundred dollars for each session.

As Amended
1882,
Chapter IV.

ARTICLE 57. The King appoints the Nobles, who shall hold their appointments during life, subject to the provisions of Article 53; but their number shall not exceed twenty.

See Art. 43.

ARTICLE 58. No person shall be appointed a Noble who shall not have attained the age of twenty-one years and resided in the Kingdom five years.

ARTICLE 59. The Nobles shall be a Court, with full and sole authority to hear and determine all impeachments made by the Representatives, as the Grand Inquest of the Kingdom, against any officers of the Kingdom, for misconduct or mal-administration, in their offices; but previous to the trial of every impeachment the Nobles shall respectively be sworn, truly and impartially to try, and determine the charge in question, according to evidence and the law. Their judgment, however shall not extend further than

to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this Government; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment according to the laws of the land. No Minister shall sit as a Noble on the trial of any impeachment.

ARTICLE 60. The Representation of the People shall be based upon the principle of equality, and shall be regulated and apportioned by the Legislature according to the population, to be ascertained from time to time, by the official census. The Representatives shall not be less in number than twenty-four, nor more than forty, who shall be elected biennially.

CHAPTER XI.

§768. The Legislative Department of this Kingdom is composed of the King, the House of Nobles, and the House of Representatives, each of whom has a negative on the other, and in whom is vested full power to make all manner of wholesome laws, as they shall judge for the welfare of the nation, and for the necessary support and defense of good government, provided the same be not repugnant or contrary to the Constitution.

Constitution,
Article 45.

§769. The legislative body shall assemble biennially, for the purpose of seeking the welfare of the nation, at such time, and in the place that the King may judge necessary.

Article 28.
Article 46.

§770. The members of either branch of the Legislature shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and they shall not be held to answer for any speech, or debate made in the House, in any other court or place whatsoever.

Article 55.

ARTICLE XXX—OF THE HOUSE OF NOBLES.

Article 57. §771. The King appoints the members of the House of Nobles, who hold their seats during life, unless in case of resignation, subject, however, to punishment for disorderly behavior.

Article 43. The number of members of the House of Nobles shall not exceed thirty.

§772. No person shall be eligible to a seat in the House of Nobles, who shall not have attained the age of twenty-one years, and resided in the Kingdom five years.

Article 52. §773. The sessions of the House of Nobles shall be open to the public: provided, always, that any person creating a noise or disturbance shall be considered guilty of a high contempt, and shall be immediately committed to prison, there to remain during the pleasure of the House; and further provided, that the presiding officer may, at any time, order all persons not members, to withdraw from the House, when he or the House shall deem it proper or necessary.

ARTICLE XXXI—OF THE HOUSE OF REPRESENTATIVES.

Article 60. §774. The House of Representatives shall be composed of not less than twenty-four, nor more than forty members, who shall be elected biennially.

PROVIDING FOR THE TENURE OF OFFICE OF REPRESENTATIVES.

1874,
Chap. XVII. The term of office of the Representatives of the People chosen for the Legislature shall commence with the date of the general election, and shall continue for two years; *provided, nevertheless,* that Representatives not chosen at the general election, but chosen to fill unexpired terms, shall hold office only for the balance of such unexpired term.

Article 56. §775. The members of the House of Representatives are chosen by the people; and shall receive for their services, a compensation of three dollars for every day's attendance in the Legislature, and five cents per mile, calculating by the most direct route, in going to and returning from the Legislature: provided

that no representative shall be entitled to receive pay for any day on which he is absent from the Legislature, unless such absence be occasioned by his illness.

SECTION 1. The compensation of the representatives of the people is hereby established at five hundred dollars for each session.

Act
1872,
Chapter IV.

§776. All bills, or resolves, for raising the revenue, or calling for any expenditure of the public money, shall originate in the House of Representatives.

Art. 44 and 45.

§777. The sessions of the House of Representatives shall be open to the public; provided, always, that any person creating a noise or disturbance, shall be considered guilty of a high contempt, and shall be immediately committed to prison, there to remain during the pleasure of the House; and further provided, that the presiding officer may, at any time, order all persons not members, to withdraw from the House, when he or the House shall deem it proper or necessary.

Article 52.

§778. The following persons shall be eligible for representatives of the people, namely: Every male subject, or denizen of the Kingdom, who shall have arrived at the full age of twenty-five years, who shall know how to read and write: who shall understand accounts, and who shall have resided in the Kingdom for at least one year immediately preceding his election; provided, always, that no person who is insane, or an idiot, or who shall at any time have been convicted of theft, bribery, perjury, forgery, embezzlement, polygamy, or other high crime or misdemeanor, shall ever hold a seat as Representative of the people.

Article 61.

§779. Every member of the House of Representatives before being admitted to take his seat, shall take and subscribe the following oath:

I most solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution and laws of the Hawaiian Islands, and conscientiously and impartially discharge my duties as a Representative of the people.

Which oath, after being subscribed, shall be filed by the clerk of the House.

ARTICLE XXXII—OF THE ELECTION OF REPRESENTATIVES.

ELECTION DISTRICTS.

§780. The number of the Representatives of the people in the Legislature shall be as follows, viz.:

For the Island of Hawaii, eight, that is to say: One for the district of North Kona, beginning at and including Keahualono, and extending to and including Puuohao: one for the district of South Kona, beginning at Puuohao and extending to and including Kaheawai.

- One for the district of Kau.
- One for the district of Puna.
- Two for the district of Hilo.
- One for the district of Hamakua.
- One for the district of Kohala.

For the Island of Maui, seven, that is to say: Two for the district composed of Lahaina, Olowalu, Ukumehame, and Kahoolawe.

One for the district composed of Kahakuloa and Kaanapali.*

Two for the district beginning with and including Waihee, and extending to and including Honuaula.

One for the district beginning with and including Kahikinui, and extending to and including Koolau.

One for the district beginning with and including Hamakualoa, and extending to and including Kula.

Two for the districts composing the Islands of Molokai and Lanai.

For the Island of Oahu, eight, that is to say: Four for the district of Honolulu, beginning with and including Maunalua, and extending to and including Moanalua.

- One for the district composed of Ewa and Waianae.
- One for the district of Waialua.
- One for the district of Koolauloa.
- One for the district of Koolaupoko.

For the Island of Kauai, three, that is to say: One for the district of Waimea, beginning with and including Nualolo, and extending to and including Hanapepe, and also including the Island of Niihau.

*See Chapter I, 1882, Act to authorize an election and to appoint inspectors for this district.

One for the district of Puna, beginning with and including Wahiawa, and extending to and including Wallua.

One for the district of Hanalei, beginning with and including Kapaa, and extending to and including Awa-awa-puhi.

OF THE TIME AND PLACE OF HOLDING ELECTIONS.

§781. The election for Representatives of the people to sit in the Legislature shall be held in all the districts throughout the Kingdom on the first Wednesday of February, every second year, at such places as shall from time to time be designated by the Minister of the Interior, who shall give public notice of the same thirty days previous to the time of election.

As Amended
1874,
Chapter XXV.

§782. Whenever the Minister of the Interior shall deem it necessary, for the public convenience, that more than one place should be established for receiving votes in any one district, he shall have the power to appoint two places, and he shall designate from among the justices, tax-collectors, and school superintendents, within the district, inspectors to preside over and conduct the election at such places.

Tax Assessor
in place of Su-
perintendent by
Act of 1868,
Sec. 6.

TO REPEAL AN ACT ENTITLED "AN ACT REGARDING THE QUALIFICATIONS OF ELECTORS," APPROVED DECEMBER 31ST, 1864, AND TO REGULATE THE QUALIFICATIONS OF ELECTORS FOR REPRESENTATIVES TO THE LEGISLATIVE ASSEMBLY OF THE KINGDOM.

Act
1868.

SECTION 1. That the Act entitled "An Act regarding the qualification of Electors," approved December 31st, A. D., 1864, be and the same is hereby repealed, from Section 1 to Section 12, inclusive.

SECTION 2. Every male subject of the Kingdom who shall have paid his taxes, who shall have attained the age of twenty years, and shall have been domiciled in the Kingdom for one year

As amended
1874,
Chapter XLVI.

This is Sec.
83 C.C. and Sec
Ch. LXXXVI
P.C.

immediately preceding the election, and shall know how to read and write, if born since the year 1840, and shall have caused his name to be entered on the list of voters of his district, as herein-after provided, shall be entitled to one vote for Representative or Representatives of that district; *provided, however*, that no insane or idiotic person, or any person who shall have been convicted of any infamous crime within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote; and no other persons than those qualified as in this section provided shall be allowed to vote at any election for Representatives to the Legislative Assembly of this Kingdom.

As Amended,
1874.
Chapter LXVI.

SECTION 3. The assessors of taxes in the several districts shall carefully record upon their several assessment registers, in separate columns, to be provided for that purpose, according to the form immediately following this section, the names of all persons possessing the requisite qualifications for voters as provided by Section 2 of this Act; and if there shall be any persons in their respective districts who shall be possessed of the requisite qualifications to justify their voting, as provided by the Sixty-second Article of the Constitution as amended, and yet may be disqualified by any constitutional reason, they shall note the same carefully against such name on their said lists in the columns set apart for remarks.

QUALIFICATION OF VOTERS.

Name.	Age.	How Long Domiciled.	Read and Write (if born since 1840)	Remarks.

SECTION 4. For the purposes of such elections, every Tax Collector shall make out an accurate list of the names of all the persons in his district, who shall have paid their taxes for the year immediately preceding an election, within the time prescribed by law, and who shall have been entered by the assessor upon the assessment register as possessing the requisite qualifications to

vote, together with the names of all persons who shall have paid in to him their taxes within the time prescribed by law, who may possess the requisite qualifications to vote, but who may have been omitted to be entered by the assessor on the assessment register, as provided in Section 3 of this Act, and in every such case the tax collector shall enter upon the proper column of the assessment register in his possession, the nature of the qualification of the party so omitted to be entered by the assessor, and who shall thereupon become entitled to vote at such election.

SECTION 5. Every tax collector shall, on or before the last day of December of the year immediately preceding that in which an election for Representatives shall be held, make out and return to the inspectors of election of the district an accurate list of all the persons in the district who shall have paid their taxes within the time prescribed by law, whose names may appear upon the assessor's assessment register, as extended and corrected by the tax collector, according to the provisions of Section 4 of this Act, as possessing the requisite qualifications for voters.

SECTION 6. The inspectors of election, viz: the police or district justice, the tax collector and the tax assessor, or in their absence, agents appointed by them shall, at least fifteen days before the day of holding any election for Representatives, excepting such as may be ordered pursuant to the provisions of Section 797 of the Civil Code, make out and cause copies to be posted at the place where the election is to be held, and at least two other public places in the district, correct alphabetical lists of all the persons in the district who may be qualified to vote, and whose names may appear upon the list returned to the inspectors of election by the tax collector of the district, as in the last preceding section required.

SECTION 7. The inspectors of election aforesaid, shall hold at least two sessions, of reasonable and sufficient length, at some convenient place in the district, not less than ten nor more than twenty days next preceding the day of holding an election for Representatives, for the purpose of receiving evidence of the

qualifications of persons who may not have been previously registered by the assessor or collector on the assessment register, as provided in Sections 3 and 4 of this Act, and who may claim a right to vote; and also for the purpose of correcting, when necessary, the alphabetical lists of voters provided for in Section 6 of this Act. Notice of the time and place of holding such sessions, respectively, shall be given by the inspectors of election upon the alphabetical lists posted, as provided in Section 6 of this Act; and at such sessions any one offering testimony against the right of any person to vote, whose name may appear on the aforesaid alphabetical lists, shall be reasonably heard; and if the inspectors aforesaid shall be satisfied, on such hearing, that the name of such person should not have been placed on the register, they shall at once erase the same therefrom.

SECTION 8. Any assessor or collector who shall fail or neglect to make such a register as in Sections 3 and 4 of this Act provided, shall forfeit and pay for every such failure or neglect the sum of one hundred dollars; and every assessor or collector who shall make any false entry in respect to any point of the said register, shall forfeit and pay for every such false entry the sum of ten dollars.

SECTION 9. Every collector who shall fail or neglect to return to the inspectors of election of his district an accurate list, as provided in Section 5 of this Act, of all the persons in the district who may have paid their taxes within the time prescribed by law, and whose names may appear upon the assessor's assessment register, shall forfeit and pay for every such failure or neglect the sum of one hundred dollars.

SECTION 10. For the purposes of elections, every tax collector shall be supplied by the Minister of Finance with a form of blank tax receipt, similar to those now in use, or any which may be hereafter in use, but which shall bear conspicuously upon it in printed letters, the words, "Qualified to vote" and it shall be the duty of every tax collector, upon receiving the payment of the taxes due from any person in other respects, entitled to the

franchise, under the provisions of Section 2 of this Act, to fill out and deliver to every such person one of the tax receipts so impressed.

SECTION 11. If at any meeting of the inspectors of election for the qualification of voters, as provided in Section 7 of this Act, it shall be shown that any person whose name may have been omitted from the list returned by the tax collector to the inspectors of election, as provided in Section 5 of this Act, possesses the requisite and legal qualifications of a voter, and shall have requested the inspectors of election to insert his name on the list of voters returned to them by the tax collector, as provided in Section 5 of this Act, the inspectors of election shall require the tax collector to fill out and deliver to the person so qualified by the inspectors a tax receipt of the description required to be used for electors, as provided in Section 10 of this Act; the person so qualified being required to return to the tax collector to be cancelled the tax receipt of the ordinary form first issued to him in exchange for the one to be given to him, bearing the impress of the words "Qualified to vote."

SECTION 12. The inspectors of election in case they shall have duly entered on the alphabetical list of voters, provided for in Section 6 of this Act, the names of all persons who may have been returned to them by the collectors aforesaid, as provided in Section 5 of this Act, shall not be held answerable or responsible for any omission in said list.

SECTION 13. The inspectors of the election aforesaid shall upon the day of election for representatives, receive the votes of all persons whose names may be borne on the list of voters, and who shall produce to the inspectors of election, at the polls, on such election day, a tax receipt bearing upon it in printed letters, the words "qualified to vote," which tax receipt the inspectors aforesaid shall return to the owner thereof, after having received his vote and recorded his name on the list of persons who shall have voted; and in each and every case it shall be the duty of the inspectors of election aforesaid, to cancel or deface the words "qualified to vote," before returning to any voter his tax receipt

so impressed; and the said inspectors of election shall not be held answerable or responsible for refusing the vote of any person whose name may not be borne upon the list of voters, and who does not produce to the inspectors of election, a tax receipt, properly filled and signed by the tax collector, upon which shall be impressed in printed letters the words "qualified to vote."

SECTION 14. If any person shall give a false name, or any false answer, to the inspectors of election aforesaid, when in session, as provided in Section 7 of this Act, he shall forfeit and pay the sum of fifteen dollars for each offense.

SECTION 15. For the purposes of this Act, the term "infamous crime," as expressed in Section 2 of this Act, shall be construed to include murder in either degree, sodomy, arson, perjury, forgery, subornation of perjury, theft, bribery, embezzlement, or other high crime or misdemeanor, for which the pardon of the King is necessary to restore a subject to his civil rights.

SECTION 16. Any person who shall have been convicted of an infamous crime, and who shall have been pardoned by the King, and shall, by the terms of his pardon, have been restored to all the rights of a subject, shall, before being qualified to vote, be required to produce to the assessor, the collector, or the inspectors of election, as the case may be, a certificate of such pardon, or a duly certified copy thereof.

SECTION 17. In all cases where a difference of opinion may arise between the inspectors of election, upon any subject connected with their duties as inspectors of election, the ruling of a majority of them shall be considered binding and conclusive.

SECTION 18. Each and every member of any board of inspectors of election, required by law to hold and preside at an election for a representative or representatives to the Legislative Assembly of the Kingdom, who shall refuse or fail to open the poll at such election, at the hour of eight o'clock in the morning of the day fixed for such election, or who shall participate in, or be accessory to such refusal or failure; or who shall close the poll at any such election before five o'clock in the afternoon of such election day, or

Act
1876.

Chapter XIV.

Compare Sec.
788 C. C.

This is Sec.
18 of Chap. 86
of P.C. which is
hereby amend-
ed.

who shall participate in, or be accessory to such closing of such polls, shall forfeit and pay for every such offense a fine not to exceed five hundred dollars, to be recovered by the Attorney General on his own information and complaint, or that of the Minister of Interior, or of any inhabitant of the district in which such offense may have occurred, for the use of the public treasury, and such complaint shall be heard before the Supreme Court at any one of its regular terms, or before the Circuit Court of the island on which such offense may have taken place, and all other penalties provided for in this chapter, shall be recoverable before the several police or district justices of the several districts where the offense may have been committed; and all persons informing of any violation of this law cognizable before a police or district justice, shall be entitled to one quarter of the amount of the fine recovered from the convicted offender.

§784. No alien shall be allowed to vote for representatives of the people.

OF THE MANNER OF CONDUCTING ELECTIONS.

§785. The elections shall take place in the presence of the district justices, the tax-collector, and the school-superintendent of the district; or, in their absence, of agents appointed by them for that purpose, any three of whom shall constitute a board of inspectors to conduct the election, and decide on the qualifications of voters. The district justice, or in case there is more than one, the justice who has been longest in office, or his agent, shall be chairman of the said board. Nothing in this section contained shall be construed as applicable to those cases where more than one place is appointed for receiving votes in any district, as provided in Section 782.

Tax Assessor
1868, p. 16, se
Sec. 6, p. 223 c
this code.

§786. The Minister of the Interior shall provide, at the expense of the Government; a suitable ballot-box, or boxes, for each election district, with suitable locks and keys for fastening the same.

§787. Every board of inspectors in any district shall appoint a clerk, whose duty it shall be, under oath to be administered to him by the chairman, to record truly the names of all persons who vote at the election. Such clerk shall receive a compensation of five dollars, to be paid out of any Government moneys in the hands of the chairman.

§788. The polls shall be opened by the inspectors of election, and proclamation thereof made at eight o'clock in the morning of the day of election, and shall be kept open till five o'clock in the afternoon, and no longer. The electors shall vote by ballot, and each elector offering to vote shall deliver his ballot to one of the inspectors, who, on receiving such ballot, shall cause the clerk of the election to record the name of the person delivering the same, and shall, without inspecting the name of the person voted for, examine said ballot so far only as to determine whether the same contains more than one ticket, if it do not, he shall place it in the ballot box, but if it do, he shall make it manifest, and reject the same; *provided always*, that it shall be the privilege of any elector voting at any such elections, to enclose his ballot in a sealed envelope, before delivering the same to the inspectors of election, as hereinbefore provided, the same being subject to the provisions of Sections 794, 795 and 807 of the Civil Code. The ballots, after having been placed in the ballot box, shall not be removed from such box until the same are taken out to be sorted and counted by the inspectors.

TO AMEND CHAPTER 86 OF THE PENAL CODE, "REGARDING THE QUALIFICATION OF ELECTORS," BY ADDING A NEW SECTION TO BE NUMBERED 17a.

SECTION 1. Chapter 86 of the Penal Code, regarding the qualification of electors shall be, and the same is hereby amended by adding the following section to be inserted after Section 17, and to be designated Section 17a:

"Section 17a. The inspectors of election shall previously to opening the polls, set apart a sufficient space around the polling

As amended
1868.

P. C.
Ch. LXXXVI,
Section 17.

Act
1876,
Ch. XXXVIII.

Sec. 17 is Sec.
88 C. C.

place to prevent persons not thereto authorized from interfering with the conduct of the election, and no person other than the inspectors of election, their clerk and any electors not exceeding six in number being actually engaged in voting, to be designated if necessary by the presiding officer, shall be permitted at any one time to enter or remain within the polling room or the space so set apart during the taking of the poll."

§789. The ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the name or names of the person or persons, for whom the elector votes. After the close of the polls, the inspectors shall proceed without delay, first, to ascertain from the clerk's record the whole number of persons voting, and then to sort and count the whole number of votes given for the different candidates. If the number of ballots shall overrun the number of names on the clerk's record so as to affect the election, then it shall be the duty of the inspectors to return all the ballots into the box, close, lock and shake the same, so as to again thoroughly mix the ballots; the box shall then again be opened and a cloth laid over the same, and the chairman of the inspectors having previously held up his open hand and arm bare, shall introduce his hand under the cloth cover of the box and draw therefrom, without looking, one ballot at a time, until the number of ballots in the box is reduced to correspond with the number of names on the clerk's list; the clerk shall take a note of each ballot as it is withdrawn, and deduct the same from the number of votes for the candidate or candidates whose ballot is so withdrawn, and the result thus obtained shall be adopted by the inspectors. All persons who choose to attend at the counting of such votes shall be at liberty to do so. Nothing in this section contained shall be held to interfere with the power given to the inspectors in Section 794 of the Civil Code.

§790. When the inspectors have ascertained the number of votes given for each candidate respectively, they shall make public declaration of the whole number of votes given in, the names of the persons voted for, and the number of votes for each person, and the clerk shall make a fair record of the same, which shall be signed by the inspectors, and forwarded to the Minister of the Interior.

As amended
1862, p. 5.

§791. In those districts where there is only one place appointed for receiving votes, the board of inspectors shall deliver a certificate to the candidates for representatives in their respective districts, who have received the greatest number of votes for that office, in the following form, viz :

We, the undersigned, inspectors of election for the district of ———, Island of ———, do hereby certify that ——— was duly elected a representative for said district, on ——— day of ———, A. D. 18

Given under our hands this ——— day of ———

§792. In those districts where two places are appointed for receiving votes, the certificate of election shall be given by the two persons presiding at such places of election.

§793. It shall be the duty of the inspectors of election, upon granting certificates of election, to immediately transmit a copy of the same to the Minister of the Interior, to be filed in his office.

§794. Whenever two or more ballots are found folded or rolled together, in such manner as to satisfy the inspectors that they are fraudulent, they shall be rejected.

§795. If a ballot shall be found to contain a greater number of names for the office of representative, than the number of representatives to which that district is entitled, it shall be considered fraudulent, and shall be rejected; but no ballot shall be considered fraudulent, or be rejected, for containing a less number of names than are authorized to be inserted.

As amended 1876, **MODE OF ANNULING AN ELECTION AND OF FILLING VACANCIES.**

Chap. VII.

§796. Whenever fifty or more of the voters of any district shall petition the Legislative Assembly, setting forth that any person chosen as representative for said district has been elected through bribery, or any other unfair means, or that he is not qualified according to law, the Legislative Assembly shall institute an

enquiry into the truth of the charges in said petition, and if they find the charges to be true, they shall immediately declare his election null and void.

§797. Whenever the Legislative Assembly shall declare the election of any person null and void as provided in the last preceding section, the clerk of said Legislative Assembly shall immediately notify the inspectors of election for the district in which such person was chosen of the fact of the annulment of his election; said inspectors upon receiving such notification, shall give ten days previous public notice for holding a new election, and the electors of such district shall accordingly proceed again to procure a representative in the same manner as at the regular election.

As amended
1876,
Chapter VII.

§798. Whenever any vacancy shall occur in any of the election districts of the Kingdom, either by resignation, death, or any other cause, it shall be the duty of the inspectors of election in such district, immediately on ascertaining the fact, to give ten days previous public notice for holding a new election, at the usual place or places within such district; and any such election so ordered and held, shall be valid and binding to all intents and purposes.

§799. In the event of any such vacancy occurring during the period in which the Legislature is in session it shall be the duty of the clerk of the Legislative Assembly immediately to notify the inspectors of election of the district in which such vacancy has occurred of that fact; and said inspectors shall proceed to order, notify and hold a new election, as provided in the last preceding section.

As amended
1876,
Chapter VII.

PROVISIONS TO PRESERVE THE PURITY OF ELECTIONS.

§800. It shall be the duty of each inspector of any election to challenge any person offering to vote, whom he shall know or suspect not to be duly qualified as an elector.

P. C.
Ch. LXXXVI.

§801. If any person offering to vote shall be challenged as unqualified by an inspector, or by any other person, the board of inspectors shall read to the person so challenged, the qualifications of an elector as contained in section 783, and shall tender to him the following oath:

You do swear that you will fully and truly answer all such questions as shall be put to you, touching your place of residence, and qualifications as an elector at this election.

The inspectors of election, or one of them, shall then put such questions to the person challenged, as may be necessary to test his qualifications as an elector at that election.

§802. If the person challenged shall refuse to answer fully any questions which may be put to him as aforesaid, the inspectors shall reject his vote.

§803. If the challenge be not withdrawn, after the person offering to vote shall have answered the questions put to him as aforesaid, one of the inspectors shall tender to him the following oath:

You do solemnly swear that you are a subject or denizen of this Kingdom, (as the case may be) of the age of twenty years; that you have resided in this Kingdom for the last year immediately preceding this election; and in this district for the last three months immediately preceding this election; and that you have not voted at this election; and that you have never been convicted of any infamous crime within this Kingdom which has not been fully pardoned.

§804. If any person shall refuse to take the oath tendered, as prescribed in the last preceding section, his vote shall be rejected.

§805. Any person who shall vote more than once at the same election, shall, on conviction thereof, be fined not exceeding fifty dollars, or imprisoned at hard labor not more than six months, in the discretion of the court.

§806. Any person who shall vote, being disqualified by law, by reason of his conviction of some infamous crime, which shall

not have been pardoned, with the restoration to all the rights of a subject, or by reason of non-age, non-residence, or other cause, knowing of his disqualification, shall, on conviction thereof, be fined not exceeding fifty dollars, or imprisoned at hard labor not exceeding six months, in the discretion of the court.

§807. If any elector shall, knowingly, give in more than one ballot at any election, he shall be fined not exceeding fifty dollars, or be imprisoned at hard labor not exceeding six months, in the discretion of the court.

§808. If any person shall willfully aid or abet any one, in the commission of either of the offenses specified in the last three preceding sections, he shall be fined not exceeding fifty dollars, or imprisoned at hard labor not exceeding six months, in the discretion of the court.

§809. Any person who shall, by bribing another with money, promise of reward, or otherwise, attempt to influence any elector in giving his ballot; or who shall use any threat to procure any elector to vote contrary to the inclination of such elector, or to deter him from giving his ballot, shall, on conviction thereof, be fined not exceeding fifty dollars, or imprisoned at hard labor not exceeding six months, in the discretion of the court.

§810. It shall be the duty of the inspectors of election, or one of them, immediately before proclamation is made of the opening of the polls, to open the ballot-box, in the presence of the people there assembled, and turn it upside down, so as to empty it of everything that may be in it, and then lock it; and it shall not be re-opened, until the close of the polls, for the purpose of counting the ballots therein.

§811. Any inspector of an election who shall, after the opening of the polls, put a ballot into the ballot-box, except his own ballot, or such as he may have received in the regular discharge of his duty; or who shall be guilty of any other fraud or unfair deal-

ing at such election, shall be fined not exceeding one hundred dollars, and disqualified from holding any office under the Government.

§812. Any inspector of election, who shall willfully neglect, or refuse, to perform any of the duties required of him, respecting elections, shall be fined not exceeding one hundred dollars, and be disqualified from holding any office under the Government.

§813. Any person who shall be disorderly or create any disturbance at any election, or who shall break up, or prevent, the lawful holding of any election, or obstruct, or attempt to obstruct the same, may be arrested without warrant, and shall be fined not exceeding one hundred dollars, or imprisoned at hard labor, not exceeding six months, in the discretion of the court.

§814. No civil process shall be served in any district on any person entitled to vote therein, on the day of election for representatives.