

COMPILED LAWS

OF THE

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CHAPTER VIII.

DEPARTMENT OF FOREIGN AFFAIRS.

ARTICLE IX—THE MINISTER OF FOREIGN AFFAIRS, HIS POWERS AND DUTIES IN GENERAL.*

§436. There shall be an executive department styled the Department of Foreign Affairs, which shall be presided over by an officer called the Minister of Foreign Affairs, who shall reside and keep an office at the seat of Government.

§437. It shall be the duty of said Minister to conduct the correspondence of this Government, with the diplomatic and consular agents of all foreign nations, accredited to this Government, and with the public ministers, consuls, and other agents of the Hawaiian Islands, in foreign countries, in conformity with the law of nations, and as the King shall, from time to time, order and instruct.

§438. It shall be the duty of said minister, before transmitting any diplomatic dispatch, making any claim or complaint on behalf of, or in answer to, any claim or complaint made against the authorities of the government of His Majesty, or before transmitting any other important dispatch, involving national responsibility, to submit the same to the King for adoption or amendment, to the end that His Majesty may not become liable for any official act, of which he shall not have had previous knowledge.

§439. The Minister of Foreign Affairs shall keep a full and faithful record of all the transactions of his department, and preserve in some form convenient for reference, all his official correspondence, which shall be, at all times, accessible to the King.

§440. Said minister may, from time to time, publish such

*The offices of Secretary of War and the Navy, abolished 1874, Ch. XXXIX.

portions of his correspondence, as the King may authorize or direct to be published.

§441. Said minister shall have the custody of all public treaties concluded and ratified by the Government; and it shall be his duty to promulgate the same by publication in the government newspaper. When so promulgated, all officers of this government shall be presumed to have knowledge of the same.

§442. It shall be the duty of the Minister of Foreign Affairs to instruct the ministers, consuls, and other foreign agents of this government, in relation to their duties and conduct, in such manner as the King may, from time to time, direct.

§443. Said minister shall also prescribe the fees and perquisites to be received by the consuls, and other foreign agents of this government.

§444. The compensation of the foreign agents of this government shall be such as may, from time to time, be determined by the King: provided, always, that no money shall be applied to this purpose, except as the same may be appropriated by the Legislature.

§445. Every minister, commissioner, consul, or vice-consul,* of the Hawaiian Islands, in any foreign country, may take and certify, under his official seal, all acknowledgements of any deed, mortgage, lease, release, or other instrument affecting the conveyance of real or personal estate in this Kingdom—and such acknowledgement shall entitle such instrument to be recorded.

§446. Such ministers, commissioners, consuls, and vice-consuls, shall have power to take acknowledgments of powers of attorney, to administer oaths, and to take depositions and affidavits, to be used in this Kingdom.

*Consular certificates required on foreign invoices, 1864, p. 61.

§447 It shall be the duty of the Minister of Foreign Affairs to issue and promulgate all proclamations, and orders in council, in anywise affecting the relations of this government with any foreign nation.

§448. The Minister of Foreign Affairs is charged with the requisition upon foreign governments, for the surrender of persons charged with the commission of crimes within this Kingdom; and he is also charged with the surrender of fugitives from justice, coming to this kingdom from any foreign country.

American
Treaty,
Chapter XIV.

§449. The respective judges and magistrates of the Kingdom shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of any person charged with the commission of a crime, in any foreign country, that he may be brought before such judges, or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the Minister of Foreign Affairs, that he may issue a warrant for the surrender of such fugitive.

§450. Before issuing any such warrant, the Minister of Foreign Affairs shall be satisfied that the expenses of apprehension and detention of the fugitive have been paid, or that the representative of the nation has assumed the payment of such expenses.

§451. The warrant of the Minister of Foreign Affairs, directing the surrender of any fugitive from justice, shall be binding upon all officers of His Majesty's Government, in anywise having the custody of such fugitive.

§452. Every fugitive from justice may be retained in prison after his surrender, until a suitable opportunity occurs for his removal, at the expense of the officer to whom he is surrendered.

§453. The Minister of Foreign Affairs may issue passports to all ministers, diplomatic agents, and consuls of the King, sent abroad, and to the consuls and other commercial agents of foreign governments, and to all subjects of the Kingdom going abroad, who may desire the same.

P. C.
Chapter XXIX.

§454. Said passports shall be issued free of charge, signed by the said minister, and impressed with the seal of his department; and shall exonerate all masters of vessels, from any liabilities for having conveyed the persons named in such passports out of the jurisdiction of this Kingdom.

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Chapter XXIX.

§455. The Minister of Foreign Affairs, upon being duly notified that any alien foreigner has died intestate within this Kingdom, leaving residuary assets therein, but no heirs, shall immediately give notice thereof to the accredited representative, or consul, of the nation to which the deceased belonged.

Bremen Treaty
Chapter III.

§456. If such residuary assets shall be claimed in behalf of any foreign heir, the Minister of Foreign Affairs, upon being satisfied of the claimant's right to receive them, shall order the same to be delivered to him, after deducting the proper charges for receiving and keeping the same. And all persons having such assets in custody, shall deliver the same to the person named in such order.

§457. In case, the Minister of Foreign Affairs shall not be satisfied of the claimant's right to receive such residuary assets, it shall be competent for such claimant to institute a suit for their recovery, against said minister, before the courts of the Kingdom, and the final judgment rendered in the case shall be conclusive upon the parties.

ARTICLE X—THE DIPLOMATIC AND CONSULAR AGENTS OF FOREIGN NATIONS.

§458. It shall be incumbent upon all foreign consuls-general, consuls, vice-consuls, and consular agents, to present their com-

missions through the diplomatic agents of their several nations, if such exist, and if not, direct to the Minister of Foreign Affairs, who, if they are found to be regular, shall, unless otherwise directed by the King, give them exequaturs under the seal of his department; and it shall be the duty of said minister to cause all such exequaturs to be published in the Government Gazette.

§459. No foreign consul, or consular or commercial agent shall be authorized to act as such, or entitled to recover his fees and perquisites in the courts of this Kingdom, until he shall have received his exequatur.

§460. It shall be incumbent upon every diplomatic agent, coming accredited to the King, to notify the Minister of Foreign Affairs of his arrival, and to request an audience of the King, for the purpose of presenting his credentials. Said minister, upon receipt of such notice, with copy of his credentials, shall take His Majesty's orders in regard thereto, and communicate the same to such agent.

§461. After any such foreign diplomatic agent shall have presented his credentials to, and been received by the King, it shall be the duty of the Minister of Foreign Affairs, to announce that fact to the public, by notification in the Government Gazette.

§462. No person shall arrest, or otherwise molest, any foreign public minister, received and acknowledged as such by the King, or any attaché, or servant of such minister, except for acts of political sedition, and machinations endangering the political safety of the King's Government: provided, nevertheless, that no subject or inhabitant of this Kingdom, who shall have contracted debts prior to his entering into the service of any such public minister, which debt shall still be due and unpaid, shall have, take, or receive any benefit of this law; nor shall any person be proceeded against by virtue of this law, for having arrested or sued any domestic servant of such public minister, unless the name of such servant shall have been previously furnished to the department of Foreign Affairs.

§463. It shall be the duty of the Minister of Foreign Affairs, upon the receipt of a list of the attaches, and domestic servants of any such public minister, to cause the same to be published in the Government Gazette, and to furnish a copy of such list to the Marshal.

§464. Foreign public ministers are not amenable to the civil or criminal jurisdiction of the Kingdom, and therefore all writs or process, whereby the person of any public minister, received as such by the King, shall be arrested, or imprisoned, or his property distrained, seized, or attached, shall be utterly null and void, to all intents and purposes whatsoever: provided, always, that force may be applied to confine, or send away any such minister, when the safety of the State, which is superior to all other considerations, absolutely requires it, arising either from the violence of his conduct, or the influence and danger of his machinations.

§465. All writs or process, for the arrest or imprisonment of any attache of a public minister, whose name has been furnished to the Department of Foreign Affairs, as provided in section 462, or for the seizure or attachment of his property, shall be null and void; subject, however, to the provisions of section 462: and provided, always, that he shall enjoy no greater privileges than are accorded to him by the law of nations.

§466. If any person assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of a public minister, such person so offending, on conviction, shall be imprisoned not exceeding five years, and fined at the discretion of the Court; and, if an officer of this Government, shall be liable to removal from office.

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Chapter IX.
Section 10.

§467. All foreign diplomatic agents, received and acknowledged as such by the King, as having the representative character, in a political sense, shall enjoy the exemption from duties upon stores and supplies imported for their private use and consumption, allowed by their respective nations to foreign diplomatic

agents of the same rank, and accredited in the same manner; provided that each foreign diplomatic agent shall, previously, adduce to the Minister of Foreign Affairs, satisfactory proof that the exemption claimed by him would be allowed by his own nation to a Hawaiian agent of the same rank, under the like circumstances.

CHAPTER IX.

DEPARTMENT OF FINANCE.

ARTICLE XI—THE MINISTER OF FINANCE—HIS POWERS AND DUTIES IN GENERAL.

§468. There shall be an executive department, styled the Department of Finance, which shall be presided over by an officer called the Minister of Finance, who shall reside and keep an office at the seat of government.

§469. It shall be the duty of the Minister of Finance to have a general supervision over the financial affairs of the Kingdom, and to faithfully and impartially execute the duties assigned by law to his department. He is charged with the enforcement of all revenue laws; the collection of duties on foreign imports; the collection of taxes; the safe keeping and disbursement of the public moneys, and with all such other matters as may, by law, be placed in his charge.

§470. It shall be his duty to make a biennial report to the Legislature, of the transactions and business of his department, showing the revenue and expenditure for the two preceding years,