

**COUNTY ACT: ACT 31 OF THE
SESSION OF 1903 OF THE
LEGISLATURE OF THE TERRITORY
OF HAWAII, APPROVED APRIL 22,
1903**

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SANFORD B. DOLE

**COUNTY ACT: ACT 31 OF THE
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1903**

Hawaiian Government. Honolulu

COUNTY ACT[✓]

ACT 31

Of the Session of 1903 of the Legislature
of the Territory of Hawaii.

APPROVED APRIL 22, 1903.

COMPLIMENTS
OF THE
SECRETARY OF THE TERRITORY

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ACT 31

AN ACT PROVIDING FOR THE ORGANIZATION AND GOVERNMENT OF COUNTIES AND DISTRICTS, AND THE MANAGEMENT AND CONTROL OF PUBLIC WORKS AND PUBLIC INSTITUTIONS THEREIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

TITLE 1.

COUNTIES.

CHAPTER 1.

COUNTY BOUNDARIES.

SECTION 1. The Territory of Hawaii is hereby divided into five Counties, namely:

(a) The Island of Oahu, and all other Islands of the Territory not included in any other County, and the waters adjacent thereto, shall be the County of Oahu, the County Seat of which shall be Honolulu. Said County shall be the first judicial circuit of the Territory, and be under the jurisdiction of the Circuit Court of the First Circuit of the Territory. For the purposes of taxation, said County shall be the first taxation division of the Territory; also the third election district for the election of members of the Senate, and the fourth and fifth election districts for the election of Representatives. Inter-island and also outside Territorial waters within the jurisdiction of Territorial courts, including the Federal Court, shall be deemed to be part of the several Counties to which such Inter-island or outside waters are adjacent. The courts

of the Counties between which are Inter-island Territorial waters shall have concurrent jurisdiction over the same. (Bird Island and Laysan Island and the Territorial waters around the same respectively, shall be part of the County of Oahu within the first judicial circuit of the Territory and first taxation division thereof.)

(b) The Islands of Maui, Molokai, Lanai and Kahoolawe, and all other Islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, shall be the County of Maui, the County Seat of which shall be Wailuku, on the Island of Maui. Said County shall be the second judicial circuit of the Territory of Hawaii, and be under the jurisdiction of the Circuit Court of the Second Circuit of the Territory. For purposes of taxation, said County shall be the second taxation division of the Territory; also, the second election district for the election of members to the Senate, and the third election district for the election of Representatives to the Legislature.

Provided, however, that all that portion of the Island of Molokai known as Kalaupapa, Kalawao and Waikolu, and commonly known or designated as the Leper Settlement, shall not be nor form a part or portion of the County of Maui, but shall be and is hereby constituted a County in itself, and shall be a body corporate and politic, and as such shall have only the powers especially conferred and given by this Section, and shall be known as the County of Kalawao. Except as provided in this Section none of the provisions of this Act or of any other Act relating to Counties shall be deemed to refer or apply to or shall be applicable to the said County of Kalawao.

The said County shall be under the direct jurisdiction and control of the Board of Health, and be governed by the rules, regulations and laws now in force relating to said Board of Health and the care and segregation of lepers except as herein limited. There shall be no County officers in said County other than the District Magistrate and Sheriff who shall be residents of and be elected in said County at the first general election to be held under the provisions of this Act and thereafter as provided by law, and who shall each hold office for two years.

The salaries of the District Magistrate and Sheriff shall be fixed and paid by the Board of Health out of the appropri-

ation allowed by the Legislature for the care and segregation of the lepers.

The Sheriff of the County of Kalawao shall preserve the public peace, arrest and take before the Magistrate for examination all persons who attempt to commit or who have committed a public offense, and shall prosecute same to the best of his ability.

Shall have the power to appoint and dismiss and reappoint at his discretion not more than five policemen for the County, who, for the services rendered as policemen, shall receive such pay as the Board of Health shall determine, and which pay shall be taken out of and from the appropriation made by the Legislature for the care and segregation of the Lepers;

Shall prevent and suppress affrays, breaches of the peace, riots and insurrections;

Command the aid of as many male inhabitants of his County as he may think necessary in the execution of his duties;

Take charge of and keep the county jail and the prisoners therein;

Serve all processes and notices prescribed by law, and be *ex officio* County Coroner.

The District Magistrate of the County of Kalawao shall have power to hear and determine cases within the limits of the County, and have the same jurisdiction to hear and determine cases as District Magistrates have under the laws of the Territory.

He shall collect the same fees as are collected by other District Magistrates under the laws of the Territory, and shall pay the same over to the Board of Health as a County realization.

In the event of the death, resignation or other disqualification of either the District Magistrate or the Sheriff during his term of office, the Board of Health shall appoint the successor of the one so dying, resigning or disqualifying, and such appointment shall hold good until the next general election and the election of his successor, as the case may be.

(c) The districts of Kau, North Kohala, South Kohala, North Kona and South Kona, upon the Island of Hawaii, and all other Islands within three nautical miles of the shores thereof, and the waters adjacent thereto, shall be the County of West Hawaii, the County Seat of which shall be Kailua.

Said County shall be the third judicial circuit of the Territory and be under the jurisdiction of the Circuit Court of the Third Circuit of the Territory. For purposes of taxation, said County shall be the part of the third taxation division of the Territory of Hawaii within said County; also the part of the first election district within said County for the election of members to the Senate and of the first and second election districts for the election of Representatives to the Legislature.

(d) The districts of Hilo, Puna and Hamakua, upon the Island of Hawaii, and all other Islands within three nautical miles of the shores thereof, and the waters adjacent thereto, shall be the County of East Hawaii. Said County shall be the fourth judicial circuit of the Territory of Hawaii, and be under the jurisdiction of the Circuit Court of the Fourth Circuit of the Territory. The County Seat of said County shall be at Hilo. For the purposes of taxation, said County shall be the part of the third taxation division of the Territory of Hawaii within said County; also the part of the first election district within said County for the election of members to the Senate, and of the first and second election districts for the election of Representatives to the Legislature.

(e) The Islands of Kauai and Niihau, and all other Islands within three nautical miles thereof, and the waters adjacent thereto, shall be the County of Kauai, the County Seat of which shall be Lihue, on the Island of Kauai.

Said County shall be the fifth judicial circuit of the Territory and be under the jurisdiction of the Circuit Court of the Fifth Circuit of the Territory. For purposes of taxation, said County shall be the fourth taxation division of the Territory; also the fourth election district for the election of members to the Senate and the sixth election district for the election of Representatives to the Legislature.

CHAPTER 2.

DISTRICTS.

SECTION 2. The Counties shall be divided into Districts, as follows, viz:

The county of Oahu into five districts, as follows:
Honolulu District; Ewa and Waianae District; Waialua District; Koolaupoko District; Koolaupoko District.

The County of Maui into five Districts, as follows:

Lahaina and Lanai District; Wailuku District; Hana District; Makawao District; Molokai District.

The County of West Hawaii into five Districts, as follows:

North Kohala District; South Kohala District; North Kona District; South Kona District; Kau District.

The County of East Hawaii into four Districts, as follows:

Hamakua District; North Hilo District; Hilo District; Puna District.

The County of Kauai into six Districts, as follows:

Waimea District; Koloa District; Lihue District; Kawaihau District; Hanalei District; Niihau District.

CHAPTER 3.

GENERAL POWERS OF COUNTIES.

SECTION 3. The powers of the several Counties shall be exercised by Boards of County Supervisors, or by agents or officers acting under their authority or authority of law.

SECTION 4. Each of the several Counties shall be a body corporate and politic, and have the powers specified in this Act and such other powers as are necessarily implied.

SECTION 5. Each County has power:

- 1—To sue and be sued in its corporate name;
- 2—To purchase and hold lands within its defined boundaries;
- 3—To make such contracts and purchases and hold such real and personal property as shall be necessary to the exercise of its powers;
- 4—To manage and dispose of its property as the interests of its inhabitants may require;
- 5—To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law;
- 6—To do all things necessary and proper to carry into execution the foregoing powers, and all other powers vested in such County, or in any officer thereof.

SECTION 6. No County shall, in any manner, give or loan its credit to or in aid of any person or corporation. An indebtedness or liability incurred contrary to this provision shall be void.

SECTION 7. All contracts, authorizations, allowances, payments, and liabilities to pay, in violation of this Act, shall be void and shall never be a basis of a claim against the County. All officers of each of said Counties are charged with notice of the condition of its treasury, and the extent of the claims against the same.

SECTION 8. Any officer authorizing, or aiding to authorize or auditing, or allowing, or paying any claim or demand upon or against any County, in violation of any of the provisions of this Act, or of the Organic Act of the Territory, shall be liable in person and upon his official bond to the person or persons damaged thereby, to the extent of his or their loss, by reason of the non-payment of his or their claims.

SECTION 9. Whenever the Board of Supervisors shall without authority of law, order any money paid as salary, fees, or for any purpose, and such money shall have been paid; or whenever any County officer has drawn any warrant or warrants in his own favor, or in favor of any other person, without being authorized by the Board of Supervisors, or by the law, and the same shall have been paid, the District Attorney of the County is empowered, and it is hereby made his duty, to institute suit, in the name of the County, against such person or persons, to recover the money so paid, and twenty per cent. damages for the use thereof; and no order of the Board of Supervisors therefor shall be necessary to maintain such suit.

When the money has not been paid upon such order or warrants it is hereby made the duty of the District Attorney of such County upon receiving notice thereof, to commence suit, in the name of the County, to restrain the payment of the same; and no order of the Board of Supervisors shall be necessary to maintain such suit.

SECTION 10. Whenever a grand jury is impanelled the Circuit Judge empanelling the same shall call its attention to the provisions of the foregoing Sections, and have them ascertain by careful and diligent investigation, whether the provisions of said Sections have been complied with, and to note the result of such investigations in their record.