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BY AUTHORITY.

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII.

JUNE TERM, 1900.

GRAND JURIES.

1. When Required.

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger." U. S. Const., Amend. Art. 5.

2. How Drawn.

"Until otherwise provided by the legislature of the Territory, grand juries may be drawn in the manner provided by the Hawaiian statutes for drawing petty juries." Org. Act, Sec. 83.

3. Qualifications of Jurors.

"No person who is not a male citizen of the United States and twenty-one years of age, and who can not understandingly speak, read and write the English language, shall be a qualified juror or grand juror in the Territory of Hawaii, and all juries shall hereafter be constituted without reference to the race or place of nativity of the jurors." Org. Act., Sec. 83.

4. Number of Jurors.

"The number of grand jurors in each circuit shall not be less than thirteen" nor more than twenty-three. See Org. Act, Sec. 83.

5. Sessions.

"Until otherwise provided by the legislature of the Territory, grand juries * * * shall sit at such times as the circuit judges of the respective circuits shall direct." Org. Act, Sec. 83.

6. Challenges.

Before the grand jury retires, the prosecuting officer, or any person held to answer a charge for criminal offense, may challenge the panel or an individual juror, for cause to be assigned to the court. All such challenges shall be tried and determined by the court.

7. Foreman.

From the persons summoned to serve as grand jurors and appearing, the court shall appoint a foreman, and may remove him for cause. The court may appoint another foreman when the necessity arises.

8. Oath of Grand Jurors.

Substantially the following oath shall be administered to the grand jurors:

"You, and each of you, do solemnly swear (or affirm) that you will diligently inquire, and true presentment make, of all such matters and things as shall be given you in charge, or shall otherwise come to your knowledge touching this present service; that you will present no one through envy, hatred, or malice, nor leave any one unpresented through fear, favor, affection, gain, reward or hope therefor, but will present all things truly as they come to your knowledge, according to the best of your understanding; and that you will keep secret the proceedings had before you."

9. Charge of the Court.

The grand jury, being impanelled and sworn, shall be charged by the court. In doing so, the court shall give them such information as it may deem proper as to their duties and as to the law pertaining to such cases as may come before them. The court may further charge the jury when the necessity arises.

10. Officer in Attendance.

The court may appoint an officer

to attend upon the grand jury.

11. Retirement of the Grand Jury.

The grand jury shall then retire to a private room and inquire into the offenses cognizable by them.

12. Clerk.

The grand jury may appoint one of their number to be their clerk, to preserve minutes of the proceedings before them, which minutes shall be delivered to the prosecuting officer, when so directed by the grand jury.

13. Subpoena of Witnesses.

"The several circuit courts may subpoena witnesses to appear before the grand jury in like manner as they subpoena witnesses to appear before their respective courts." Org. Act, Sec. 83.

14. Swearing Witnesses.

Witnesses appearing before the grand jury may be sworn in open court or by the foreman of the grand jury, or, in his absence, by any member thereof.

The oath or affirmation may be substantially as follows:

"You do solemnly swear (or affirm) that the evidence which you shall give before the grand jury shall be the truth, the whole truth, and nothing but the truth."

15. Presence of Others with Jurors.

The prosecuting officer or any member of the grand jury may interrogate witnesses before the grand jury. The prosecuting officer shall advise the grand jury in regard to the law of the cases that come before them, and draw the indictments.

An interpreter may be present at the examination of witnesses before indictments or presentments, when found, shall be presented by the foreman, in the presence of the other grand jurors, to the Court, and shall there be filed; but such as are found for a felony against any person not in custody or under recognizance, shall not be open to the inspection of any person except the prosecuting officer, until the defendant therein shall have been arrested.

The foregoing rules relating to grand juries are hereby prescribed. By the Court:

HENRY SMITH, Clerk. Honolulu, Territory of Hawaii, July 5, 1900. 1556.

Certificates of Deaths.

Following are the deaths recorded and not reported by us, for which burial certificates have been granted by the Board of Health, viz:

THURSDAY'S RECORD (July 19)

Louis Moreno, Spanish male, 15 months, 9 days; born in Spain and died on Punchbowl street, mauka side above the Mormon church, after 14 days' illness, of worms; attended by Dr. Alvarez; Catholic cemetery.

Stillborn infant of Joseph Ross, Hawaiian female; born and died at Relief Camp No. 1; Dr. Garvin was called in after death; Catholic cemetery.

FRIDAY'S RECORD, (July 20)

Olivia Souza, Portuguese female, 6 months; born and died at the corner of Kinau street and Quarry road, after 14 days' illness, of diarrhoea; attended by Dr. Alvarez; Catholic cemetery.

S. Aratani, non-resident Japanese male, 35 years; born in Japan and died at the Japanese hospital, Kapalama, after three days' illness, of enteritis from intestinal obstruction; attended by Dr. Kojima; Makiki cemetery.

Lepaka, Hawaiian married female, 47 years; born in Puna, Hawaii, and died on Punchbowl street, near extension of Kukini street, after five months' illness, of pulmonary tuberculosis; attended by Dr. Howard; Pauoa cemetery.

Infant of J.W. K. Keiki, Hawaiian male, 4 hours; born and died at Waikiki, next lot Ewa of Mr. Robert Lewers' residence, of premature birth; attended by Dr. Herbert; Waikiki cemetery.

Kukaula, Hawaiian married male, 49 years; born in Kohala, Hawaii, and died at Puunui, Ewa of L. K. Lane's residence, after six days' illness, of intestinal obstruction; attended by Dr. Wood; Kalaepohaku cemetery.

William Santos, Portuguese male, 11 months; born and died on Beretania street, near Alapai, after 21 days' illness, of meningitis; attended by Dr. Hoffmann; Catholic cemetery.

SATURDAY'S RECORD (July 21)

Chin Lau, Chinese female, 27 months; born in Honolulu and died

in the store at the corner of Wylie street and Nuuanu avenue, after ten hours' suffering, of severe scalds over the whole body; attended by Dr. Sims, U. S. A.; Makiki cemetery.

Chin Hong, Chinese-Japanese female; born and died on King street, Kapalama, rear of Magoon's buildings, of premature birth; attended Dr. Chu Fong; Makiki cemetery.

Anna Burke, part-Hawaiian female, 13 months; born at Moanalua and died at Niolops, makai of 'Bus stables, after three months' illness, of tuberculosis; attended by Dr. Noblitt; Maemae cemetery. SUNDAY'S RECORD (July 22).

M. Mouye, Japanese male, 26 years; born in Japan and died on Liliha street, near King, Kalih side, after one month's illness, of typhoid fever; attended by Dr. Mori; Makiki cemetery.

S. Nogahori, Japanese male, 27 years; born in Japan and died at the Japanese hospital, Kapalama, after 21 days' illness, of malarial fever; attended by Dr. Mori; Makiki cemetery.

Lu, Hawaiian married male, 63 years; born in Kuu, Hawaii, and died on South street, near the new Iron Works, after one day's illness, of heart disease and alcoholism; post-mortem examination held by Dr. Garvin; Kawaiahae cemetery.

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Honolulu, July 21, 1900.

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