PART IV—MISCELLANEOUS.

No. 1.

Mr. A. F. Judd et al. to Mr. Thurston.

His Excellency I. A. Thurston,

Minister of the Interior:

SIR: Your communication of the 23d January on behalf of the cabinet addressed to justices of the supreme court, is received.

The first question upon which our opinion is asked is:

Whether section 24 of the act of 1888, "To amend and consolidate the election laws of the Kingdom," requires that in order to vote for a noble an otherwise qualified elector of nobles must have resided in one and only one of the "election districts" described in section 13 of the act, or does the context prohibit such sense and does it mean that he must have resided for three months within the district for the election of nobles, i.e., the island of Oahu.

Subdivision first of section 24 contains the proviso that he (the voter for nobles) shall have resided in the country not less than three years, and in the district in which he offers to vote not less than three months immediately preceding the election at which he offers to vote.

The first section of the act defines "district" to mean an "election district" as prescribed in this act, unless the context prohibit such sense. The election districts are defined in section 13; they are twenty-four in number, and one representative is allowed for each district, and can be voted for by only the voters of the particular district.

But the nobles, twenty-four in number, are not apportioned to be voted for singly by the voters of the respective election districts, but nine nobles are to be voted for by each voter (who is qualified) on the island of Oahu, and six by each voter on the island of Hawaii, and so on throughout the group. For the purpose therefore of voting for nobles, the island of Oahu is the "district" as is also the island of Hawaii, etc.

If all the voters qualified to vote for nobles can vote for the number of nobles prescribed for the island on which the voter lives, it can make no difference in which "election district" within the island or group of islands he may reside, and any change from one to another of these districts into which the island is divided can not affect his right to vote for nobles, provided he has resided on the particular island where he offers to vote for three months immediately preceding the election.

We are, therefore, of the opinion that the sense requires that the word "district" mentioned in the first subdivision of section 24, respecting qualifications of voters for nobles, means the island or group...