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OF THE  
TERRITORY OF HAWAII  
PASSED BY THE  
EIGHTEENTH LEGISLATURE

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REGULAR SESSION  
1935

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Commenced on Wednesday, the Twentieth Day of February, and  
Ended on Wednesday, the First Day of May.

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# LIST OF OFFICERS AND MEMBERS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII

## REGULAR SESSION 1935

### SENATE

President ..... George P. Cooke, Kaunakakai, Molokai  
Vice-President ..... Elsie H. Wilcox, Lihue, Kauai  
Clerk ..... Ellen D. Smythe, Honolulu, Oahu

District	Name	Address
First.....	*Campsie, James (R) ..... *Hill, William H. (R) ..... Kimi, William J. (R) ..... †Silva, Charles H. (D) .....	Pahala, Hawaii Hilo, Hawaii Hilo, Hawaii Kapaau, Hawaii
Second....	Baldwin, H. A. (R) ..... *Cooke, George P. (R) ..... *Holt, Harry H. (R) .....	Makawao, Maui Kaunakakai, Molokai Wailuku, Maui
Third.....	Farrington, Joseph R. (R) .... *Freitas, Henry (D) ..... Heen, William H. (D) ..... *Petrie, Lester (D) ..... Sylva Joseph L. (R) ..... *Trask, David K. (D) .....	Honolulu, Oahu Honolulu, Oahu Honolulu, Oahu Honolulu, Oahu Honolulu, Oahu Honolulu, Oahu
Fourth....	Rice, Charles A. (R) ..... *Wilcox, Elsie H. (R) .....	Lihue, Kauai Lihue, Kauai

D ..... Democrat ..... 5

R ..... Republican ..... 10

\* Holdover Senators from 1932 Election

† Elected April 15, 1935, to succeed Ernest A. K. Akina, Republican, who was expelled March 18, 1935.

## HOUSE OF REPRESENTATIVES

Speaker ..... Roy A. Vitousek, Honolulu, Oahu  
 Vice-Speaker ..... Manuel Gomes Paschoal, Puunene, Maui  
 Clerk ..... Oliver P. Soares, Honolulu, Oahu

District	Name	Address
First.....	Ahuna, Herbert N. (R) .....	Hilo, Hawaii
	Kealoha, James (D) .....	Hilo, Hawaii
	Lai Hipp, Henry (R) .....	Hilo, Hawaii
	Sakakihara, Thomas T. (R) .....	Hilo, Hawaii
Second.....	Akina, Arthur A. (R) .....	Kamuela, Hawaii
	Ako, James (R) .....	Holualoa, Hawaii
	Aona, Francis K. (R) .....	Kealakekua, Hawaii
	Wilhelm, Robert L. (R) .....	Waiohinu, Kau, Hawaii
Third.....	Crozier, Clarence A. (D) .....	Wailuku, Maui
	Engle, W. H. (R) .....	Spreckelsville, Maui
	Hanakahi, Harry H. (R) .....	Kaunakakai, Molokai
	Paschoal, Manuel G. (R) .....	Puunene, Maui
	Robinson, Jr., Henry P. (R) .....	Lahaina, Maui
	Sniffen, Samuel A. (R) .....	Paia, Maui
Fourth.....	Brown, Raymond C. (R) .....	Honolulu, Oahu
	Crane, Ezra J. (R) .....	Honolulu, Oahu
	Crozier, Jr., William H. (D) .....	Honolulu, Oahu
	Maefarlane, Walter J. (R) .....	Honolulu, Oahu
	Vitousek, Roy A. (R) .....	Honolulu, Oahu
	Worrall, J. Howard (R) .....	Honolulu, Oahu
Fifth.....	Char, Yew (D) .....	Honolulu, Oahu
	Cunningham, Chas. P. (D) .....	Honolulu, Oahu
	Fogarty, Edward P. (R) .....	Honolulu, Oahu
	†Holt, Charles H. (D) .....	Waianae, Oahu
	Holt, Jr., George H. (D) .....	Waianae, Oahu
	Luke, William W. (R) .....	Honolulu, Oahu
Sixth.....	Brodie, H. H. (R) .....	Hanapepe, Kauai
	Gomes, Clement (R) .....	Lihue, Kauai
	Tashiro, Benjamin M. (R) .....	Lihue, Kauai
	Wichman, Fred W. (R) .....	Kapaa, Kauai

D ..... Democrat ..... 7

R ..... Republican ..... 23

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# LAWS OF THE TERRITORY OF HAWAII

PASSED AT THE

## EIGHTEENTH REGULAR SESSION OF THE LEGISLATURE

1935

### Title I. GENERAL LAWS.

#### CHAPTER 1. STATUTES.

##### **ENACTMENT AND APPROVAL OF THE REVISED LAWS OF HAWAII 1935.**

**Series A-1.** An Act to Enact the Revised Laws of Hawaii 1935.

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

Section 1. Chapters 1 to 267, both inclusive, and each section thereof, set forth on pages 73 to 1276, both inclusive, of the volume prepared by the commission appointed under the provisions of Act 178 of the Session Laws of the year 1933; and the Bill of Rights and the Declaration of Rights, and each section thereof respectively, appearing in the preface of that volume on pages 6 to 11, both inclusive, and chapters 1 to 6, both inclusive, and each section thereof, of the appendix in that volume, set forth on pages 1279 to 1285, both inclusive; and the pension acts and each section thereof respectively, set forth in the note to section 7917 on pages 1217 to 1223, both inclusive, of that volume; and the franchises set forth in the note (III, B, 1-21, both inclusive) to section 7966 on pages 1244 to 1261, both inclusive, of that volume, are hereby enacted as law to take effect on the approval of this Act. The volume shall be designated and may be cited as "Revised Laws of Hawaii 1935."

Section 2. Sections 405 and 2156 as they are included in said revision are hereby specifically adopted and approved.

Section 3. All statutes in force immediately prior to the approval of this Act, which are embraced, with or without change,

in the said sections or said notes, are hereby repealed, and so much of the said sections and said notes as is applicable or corresponds thereto shall be in force in lieu thereof; provided, however, that said repeal shall not apply to or affect any provision which is not subject to repeal, or the part or parts of the said sections and said notes applicable or corresponding to which could not be enacted by the Legislature without the approval of Congress, or any provision of a temporary nature the functions of which have been fulfilled, or any statute or part thereof of which no part is embraced in the said sections and said notes; provided further that this repeal shall not apply to such statutes as are referred to in the notes to sections 50, 1558, 1581, 7966, 8007 and 8065 respectively, or in Chapter 7 of the appendix of the "Revised Laws of Hawaii 1935."

Section 4. Said repeal shall not affect any act done, ratified or confirmed, or any right accruing or accrued or established, or any action, suit or proceeding had or commenced in any civil cause, prior to said repeal, but all rights and liabilities under any statute in the said sections or so repealed shall continue, and may be enforced in the same manner and with the same effect as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof.

Section 5. Said repeal shall not affect any offense committed or any punishment, penalty or forfeiture incurred, prior to said repeal, under any statute embraced in the same sections or so repealed, but every such offense may be prosecuted and punished, and every punishment, penalty or forfeiture imposed and enforced, in the same manner and with the same effect as if said repeal had not been made.

Section 6. No statute of limitations, whether applicable to civil causes or proceedings, or to the prosecutions of offenses, or for the recovery of penalties or forfeitures, embraced in the said sections, or so repealed, shall be affected thereby, but all suits, proceedings and prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to said repeal may be commenced and prosecuted with the same effect as if said repeal had not been made.

Section 7. Provisions in the said sections and the said notes shall be construed as continuations or amendments of applicable or corresponding provisions of previously existing laws and not as new enactments; and references in statutes not repealed to provisions which are embraced, with or without change, in the said sections and the said notes, shall be construed as applying to such provisions in the said sections and the said notes.

Section 8. The said enactment of the sections and the said

notes shall not affect or repeal any Act passed at this session of the Legislature prior to the date of the approval of this Act, but all Acts so passed shall have full effect as if passed after such date, and, so far as such Acts vary from or conflict with any provision contained in the said sections and the said notes, they shall have the effect of subsequent Acts, and as repealing any portions of the said sections and the said notes inconsistent therewith.

Section 9. This Act shall take effect upon its approval.

(Approved February 26, 1935.) **H.B. 7, ACT 1.**

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**Series A-2.** An Act Specifically Approving the Omission of Certain Laws from the Revised Laws of Hawaii 1935 and Specifically Repealing Certain Laws So Omitted.

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

Section 1. The omission from the Revised Laws of Hawaii 1935 of the following sections of the Revised Laws of Hawaii 1925, and the following session laws, is hereby approved and the same are hereby repealed as redundant, obsolete or functus, to-wit: sections of the Revised Laws of Hawaii 1925, numbered 179, 246, 276, 320, 419, 579, 646, 655, 673, 726, 801, 802, 907, 908, 922, 990, 1089, 1124, 1125, 1126, 1127, 1517, 1538, 1595, 1596, 1767, 1820, 1849, 1877, 1882, 1891, 1946 to 1951 inclusive, 2082, 2085, 2086, 2148, 2176, 2177, 2303, 2668, 3087, 3148, 3273, 3476, 3560, 3577 to 3584 inclusive, 3667, 3884, 3905, 3954 to 3958 inclusive, 4037, 4078, 4230 to 4244 inclusive, 4257, 4397, 4398, 4425, 4438, 4498; Acts 152 and 217 of the Session Laws of 1925; Acts 92 and 260 of the Session Laws of 1927.

Section 2. The omission from the revision of sections of the Revised Laws of Hawaii 1925, and of the subsequent session laws relating to saving clauses, constitutionality, interpretation and short titles, is hereby approved for the purposes of compilation but such omission and approval thereof shall not be deemed to repeal such omitted sections for purposes of administration or judicial construction.

Section 3. The omission from the revision of the full text of certain franchises or the inclusion thereof by reference thereto in appropriate notes, is hereby approved, without in anywise modifying the force and effect of such franchises as they existed prior to the enactment of the Revised Laws of Hawaii 1935.

Section 4. The omission from the revision of appropriation, relief, loan fund or special municipal bond acts is approved, but

nothing herein contained shall be deemed to affect or repeal any such acts not otherwise affected or repealed.

Section 5. This Act shall take effect upon its approval.

(Approved March 21, 1935.) **S.B. 23, ACT 6.**

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#### PROMULGATION OF LAWS.

**Series A-3.** An Act to Amend Title I, Chapter 1, Sections 2 and 3, of the Revised Laws of Hawaii 1935, and Repealing Section 4 Thereof, Relating to the Promulgation of Laws.

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

Section 1. Title I, Chapter 1, Section 2, of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 2. Laws published by secretary.** The secretary of the Territory shall promulgate all the laws enacted by the legislature, except general or special appropriation acts, loan fund acts, pension acts and franchise acts, by publishing the same once in the English language and once in the Hawaiian language, the Hawaiian version to be published in a newspaper published weekly in the Hawaiian language, and the English version in a newspaper of general circulation published daily in Honolulu in the English language. Any of such excepted acts may, however, be published when the governor so directs. After such publication, the secretary shall cause the same, together with all other laws duly enacted at any session of the legislature, to be printed, indexed and bound in book form. Before publishing any act in book form, the secretary is directed to conform the style thereof as near as may be with that of the latest revision of the statute law of the Territory. He is directed, before publishing them in book form, to classify all acts by serial letters and numbers and to insert appropriate supplementary section numbers and headnotes, together with section histories, wherever necessary to aid in placing amendments or new sections or chapters in an appropriate supplementary sequence with the latest revision of the laws.” [L. 1901, c. 13, s. 1; am. L. 1917, c. 128, s. 1; R. L. 1935, s. 2; am. L. 1935, c. 10, s. 1.]

Section 2. Title I, Chapter 1, Section 3, of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 3. Certain acts not obligatory until published.** No written law, unless otherwise specifically provided by legislative enactment, except general or special appropriation acts,

loan fund acts, pension acts and franchise acts, shall be obligatory without first being printed and made public. General or special appropriation acts, loan fund acts, pension acts and franchise acts, whether affecting territorial funds or the funds of county or other municipal subdivisions or commissions, shall become operative according to their respective terms merely by being passed and approved in the manner provided by Sections 44 to 54, inclusive, of the Organic Act without the necessity of any other promulgation than the ultimate inclusion thereof in the bound volume of the respective session laws as provided in Section 69 of the Organic Act." [C. C. 1859, s. 1; R. L. 1935, s. 3; am. L. 1935, c. 10, s. 2.]

Section 3. **Section 4** of Title I, Chapter 1, of the Revised Laws of Hawaii 1935 is hereby repealed.

Section 4. This Act shall take effect upon its approval.

(Approved March 27, 1935.) **S.B. 43, ACT 10.**

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#### CONSTRUCTION.

**Series A-4.** An Act to Amend Chapter 1 of the Revised Laws of Hawaii 1935, by Adding Thereto a New Section Numbered 19-A, Defining the Word "County."

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

Section 1. Chapter 1 of the Revised Laws of Hawaii 1935 is hereby amended by adding thereto a new section to be numbered "19-A" and to read as follows:

**"Sec. 19-A. 'County' defined.** Wherever in any law the word county is used, it shall be deemed to include the city and county of Honolulu unless a contrary intent clearly appears."

Section 2. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **S.B. 95, ACT 121.**

## CHAPTER 4. EXPENDITURE OF PUBLIC MONEY.

### COMPETITIVE CONTRACTS.

**Series A-5.** An Act to Amend Title I, Chapter 4, of the Revised Laws of Hawaii 1935, by Adding Thereto a New Section to be Known as 82-A, Relating to Public Contracts and the Expenditure of Public Moneys and to Ratify Certain Contracts.

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

Section 1. Title I, Chapter 4, of the Revised Laws of Hawaii 1935 is hereby amended by adding thereto a new section to be known as section 82-A, to read as follows:

**"Sec. 82-A. Conflict between federal and territorial requirements.** In the case of any contract, the funds for which have been wholly or in part promised, loaned or furnished by the United States, or any instrumentality thereof, if the United States, or such instrumentality, requires that the advertisement for tenders, tenders, performance bond or contract contain terms or provisions contrary to any territorial law, then as to such advertisements, tenders, bonds or contracts the terms and provisions required by the United States, or any such instrumentality, shall govern and are made applicable, and the officer expending such funds is authorized and directed to conform to such requirements as the United States, or any such instrumentality, shall provide or require, any other law or laws of the Territory to the contrary notwithstanding. The provisions of this section shall be liberally construed so as not to hinder or impede the Territory in contracting for any project involving financial aid from the federal government."

Section 2. All contracts involving funds promised, loaned or given by the federal government, or any instrumentality thereof, heretofore advertised or let, are hereby ratified and confirmed.

Section 3. This Act shall take effect from and after the date of its approval.

(Approved April 17, 1935.) **S.B. 96, ACT 50.**

**CITIZEN LABOR.**

**Series A-6.** An Act to Amend Section 86 of the Revised Laws of Hawaii 1935, Relating to the Qualifications of Government Officials and Employees.

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

Section 1. Section 86 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**“Sec. 86. Government officials and employees to be citizens and residents.** All officers, whether elective or appointive, and all employees in the service of the government of the Territory or in the service of any county or city and county or municipal subdivision of the Territory except officers and employees in the service of the government of the Territory of Hawaii who are serving in the County of Kalawao, shall be citizens of the United States of America and residents of the Territory for at least three years immediately preceding their appointment, provided, however:

“(a) That the foregoing requirements shall not apply to teachers in public schools above the elementary grades, but in the appointment of such teachers preference shall be given to local teachers of the same standing, grade or rating as those from without the Territory;

“(b) That, in cases where it is not reasonably practicable to obtain competent persons with the foregoing qualifications, persons without such qualifications may be employed until persons with such qualifications competent for such service can be obtained;

“(c) That the foregoing requirement as to citizenship shall not apply to any female person who, having been a citizen, has lost her citizenship through marriage to an alien.” [L. 1909, c. 32, s. 1; am. L. 1923, c. 19, s. 1; R. L. 1935, s. 86; am. L. 1935, c. 211, s. 1.]

Section 2. The provisions of this Act (a) shall not be construed to supersede the provisions of section 712 or of section 87 of the Revised Laws of Hawaii 1935 and (b) shall be construed to supersede any provision of the Revised Laws of Hawaii 1935, which prescribes a term of residence in the Territory of less than three years as a qualification for election or appointment to any public office or for any public employment, but not otherwise.

Section 3. This Act shall take effect upon its approval.

(Approved May 20, 1935.) **S.B. 17, Act 211.**

**EXPENSES.**

**Series A-7.** An Act to Amend Section 102 of the Revised Laws of Hawaii 1935, Relating to Expenses of Territorial Officials and Representatives While Traveling Abroad.

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

Section 1. **Section 102** of the Revised Laws of Hawaii 1935 is hereby amended by deleting the words "five dollars", in the third line thereof, and inserting in lieu thereof "ten dollars".

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1935.) **S.B. 205, ACT 88.**

**VACATIONS, LEAVES OF ABSENCE.**

**Series A-8.** An Act to Amend Section 103 of the Revised Laws of Hawaii 1935, Relating to Vacations of Public Employees.

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

Section 1. **Section 103** of the Revised Laws of Hawaii 1935, is hereby amended, by striking out the word "two" in the fifth line thereof and by inserting in lieu thereof the word "three" and by striking out the word "six", in the second line of the proviso thereof and by inserting in lieu thereof the word "nine".

Section 2. This Act shall take effect upon its approval.

(Approved May 21, 1935.) **H.B. 20, ACT 213.**

**Series A-9.** An Act to Amend Section 104 of the Revised Laws of Hawaii 1935, Relating to Vacation Allowance, Special.

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

Section 1. Section 104 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"**Sec. 104. Vacation allowance, special.** Every employee working under a regular monthly salary in any department of the territorial, county or city and county governments without a regular weekly holiday shall be entitled to and be given at least one holiday period per week and not less than four holidays in every

twenty-eight day period and such employee who has been continuously so employed for at least one year in the same department with not more than one holiday per week and not less than four holidays in every twenty-eight day period during the year shall be entitled to and be given three weeks' vacation upon full pay for that year and each year thereafter while remaining in the employ of such department, the vacation to be granted at such time as shall be designated by the head of the department. Any employee refusing or neglecting to take advantage of any vacation allowance to which he may be entitled shall forfeit the same and shall not be entitled to remuneration by reason thereof. Vacation allowance may, however, with the prior written recommendation of the head of the department, and with the approval of the governor, the mayor or chairman of the board of supervisors, as the case may be, be accumulated, but shall not exceed nine weeks." [L. 1925, c. 249, s. 1; am. L. 1931, c. 181, s. 2; am. L. 1932, 2d., c. 4, s. 2; am. L. 1933, c. 113, s. 2; R. L. 1935, s. 104; am. L. 1935, c. 140, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 11, 1935.) **S.B. 9, ACT 140.**

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## Title II. AGRICULTURE AND FORESTRY.

### CHAPTER 7. AGRICULTURE AND FORESTRY, BOARD OF.

#### SOILS, ETC.

**Series A-10.** An Act to Amend Section 197, Revised Laws of Hawaii 1935, Relating to the Importation of Sand, Soil, Earth, Snakes, Injurious Insects, Etc.

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

Section 1. Sub-paragraph 1 of **Section 197** of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"1. Sand, soil or earth; provided, however, that limited quantities of sand, soil or earth may be imported into the Territory for experimental or other scientific purposes, under permit with conditions prescribed by the Board of Agriculture and Forestry."

Section 2. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **H.B. 166, ACT 33.**

#### DOMESTIC ANIMALS.

**Series A-11.** An Act to Prohibit the Use of Dogs or Other Animals for Breeding Purposes While They are Quarantined.

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

[Sec. 208a.] Section 1. [Breeding in quarantine prohibited.] The use of dogs or other animals for breeding purposes while such dogs or other animals are quarantined is hereby prohibited.

[Sec. 208b.] Section 2. [Penalty.] Any person convicted of violating the provision of this Act shall be fined not more than one hundred dollars (\$100.00) or be imprisoned for not more than sixty (60) days.

Section 3. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **H.B. 114, ACT 32.**

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#### CHAPTER 9. BIRDS AND DEER; GAME BIRD FARMING.

##### BIRDS.

**Series A-12.** An Act to Amend Sections 301 and 303 Revised Laws of Hawaii 1935, Relating to the Protection of Introduced Birds.

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

Section 1. **Section 301** Revised Laws of Hawaii 1935 is hereby amended by adding thereto a new paragraph reading as follows:

“It shall be unlawful to kill or destroy, or to capture or hold in captivity any of the migratory non-game gulls and terns.”

Section 2. Section 303 Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 303. Protection of introduced birds, punishment.** Except as otherwise provided, it shall be unlawful for any person to shoot, snare, capture, hold in captivity, or in any way destroy, sell or offer for sale, any wild introduced bird, or any of the progeny of such bird, which has been brought into the Territory for the purpose of propagating its species within the Territory, or to disturb the eggs or nests of such birds.

"The European or house sparrow, the house finch, the rice bird or any other species of imported birds injurious to forestry or agriculture, shall not be protected by this section.

"Any person convicted of violating the provisions of this section shall be fined not more than fifty dollars (\$50.00) or be imprisoned for not more than thirty (30) days.

"Provided, however, the board of commissioners of agriculture and forestry may issue permits to trap said birds for the purpose of distributing the same to other localities within the Territory." [P. C. 1869, c. 85, ss. 3, 4; am. L. 1870, c. 13, s. 1; am. imp. L. 1892, c. 41; am. L. 1903, c. 8, s. 2; R. L. 1935, s. 303; am. L. 1935, c. 79, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 4, 1935.) **H.B. 167, Act 79.**

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#### OAHU GAME PRESERVE.

**Series A-13.** An Act Establishing a Game Preserve on the Island of Oahu.

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

[Sec. 327.] Section 1. [Established, description.] There is hereby established, for a period of five years from and after the date of the approval of this Act, a game preserve on the island of Oahu, Territory of Hawaii, comprising all the lands lying in the districts of Waialua and Waianae, island of Oahu, city and county of Honolulu, more particularly described as follows:

Beginning at Puu Kaala in the Waianae Range, thence running southerly along the top of said Waianae Range to the boundary between the land of Luaualei and the Waianae-Kai Forest Reserve; thence running southwesterly along the makai boundary of said Forest Reserve to the boundary of the land of Makaha; thence along said land of Makaha to the sea;

Thence in a general northwesterly direction along the sea to Kaena Point; thence in an easterly direction still along the sea to the confluence of the Paukaulia and Kiki Streams at Kaiaka Bay in Waialua;

Thence running southerly along Kiki Stream to the steel bridge at the Mokuleia government road crossing; thence running south-easterly along said Mokuleia government road to Kamehameha Highway and continuing along Kamehameha Highway to a point

near the east bank of the Kaukonohua gulch at approximately eight hundred (800) feet elevation; thence southerly to the junction of the Kaukonohua and Heleauau Streams; thence westerly along the boundary of the Schofield Barracks military reservation to the point of beginning.

[**Sec. 327a.**] Section 2. [**Hunting, etc., prohibited.**] It shall be unlawful for any person to hunt or to shoot, kill, take, snare, trap, capture, hold in captivity or in any way destroy any bird or game within the area described in section 1 hereof. It shall also be unlawful for any person to enter upon any land or upon any highway within said area to hunt or to shoot, kill, take, snare, trap, capture, hold in captivity or in any way destroy any bird or game.

[**Sec. 327b.**] Section 3. [**Possession of guns, traps, snares, prohibited, exception.**] No person shall have in his possession or in any means of transportation within the area described in section 1 hereof, including the public highways embraced in said area, but not including that portion of the Kamehameha Highway included in the above description and not including that portion of the Mokuleia government road from the point where it meets the Kamehameha Highway to the place where a road leads from it to the Waialua Agricultural Company, Limited's sugar mill, any gun, trap, or snare unless he shall have a permit issued by the board of agriculture and forestry, as provided in section 6 hereof. The carrying of a gun, trap or snare in any means of transportation without such permit shall be *prima facie* evidence of the violation of the provisions of this Act by all those in such means of transportation.

The provisions of this section shall not apply to police officers, members of the National Guard, or personnel of the United States Army, Navy or Marine Corps, while on duty, or to the owner, occupier or holder of any land or premises within said area, or if such owner or occupier or holder shall be either a corporation or a partnership, then to the officers of such corporation or the members of such partnership.

[**Sec. 327c.**] Section 4. [**Forfeiture of property.**] The guns, traps, snares, teams, horses or means of transportation of every nature or description used in violation of this Act shall be forfeited to the Territory of Hawaii and may be seized by any person having the powers of a police officer, and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act and upon conviction such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act.

[**Sec. 327d.**] Section 5. [**Molesting, destroying, prohibited.**] No person or persons shall in any way molest any bird or game nor destroy any bird nests or eggs, nor collect or move any eggs within the area described in section 1.

[**Sec. 327e.**] Section 6. [**Permits.**] Permits may be granted by the board of agriculture and forestry for the carrying of guns, traps or snares within the area described in section 1 hereof. Such permits shall be granted only for the purpose of capturing or destroying such birds or game within said area as may from time to time be declared pests by said board. Persons entitled to have possession of guns, traps or snares as provided in section 3 hereof may use the same for the capture or destruction of such pests.

[**Sec. 327f.**] Section 7. [**Penalty.**] Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$5.00 nor more than \$100.00 or by imprisonment for a period of not to exceed three months, or both by fine and imprisonment.

[**Sec. 327g.**] Section 8. [**Informer's fees.**] Any person giving information resulting in the arrest and conviction of any person or persons for the violation of any sections of this Act shall be entitled to one-half of the monetary fine assessed, if any, against such person or persons.

Section 9. All laws, or parts of laws, inconsistent with the provisions hereof, are to the extent of such inconsistency, hereby repealed.

Section 10. This Act shall take effect upon its approval.

(Approved May 17, 1935.) **S.B. 146, ACT 200.**

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## CHAPTER 11. FISH AND FISHING, GENERAL.

### FISHING WITH FIREARMS.

**Series A-14.** An Act to Amend Section 369 of the Revised Laws of Hawaii 1935, Relating to Fishing with Firearms or Sling-shot Gun and Arrow.

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

Section 1. Section 369 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 369. Fishing with firearms, etc.** It is declared unlawful for any person to take, kill or pursue any fish or turtle in the waters of the Territory by means of any firearms or sling-shot gun and arrow; provided, however, that it shall not be unlawful to use firearms or sling-shot gun and arrow in the killing of sharks. Whoever violates the provisions of this section shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment not less than five days nor more than twenty days, or by both fine and imprisonment." [L. 1925, c. 76, ss. 1, 2; R. L. 1935, s. 369; am. L. 1935, c. 58, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 24, 1935.) **S.B. 152, Act 58.**

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**FISHING WITH FLAILS; MOLOKAI.**

**Series A-14A.** An Act to Forbid the Use of Flails or Any Other Similar Devices to Drive or Capture Fish in the Shoal Waters of Molokai, and Providing a Penalty Therefor.

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

**[Sec. 369a.]** Section 1. **[Fishing with flails; Molokai.]** The use of flails or any other similar devices whatsoever to drive or capture fish in the shoal waters of Molokai is hereby forbidden.

**[Sec. 369b.]** Section 2. **[Shoal waters defined.]** The phrase "shoal waters" as used herein shall mean waters of the depth of five feet or less.

**[Sec. 369c.]** Section 3. **[Penalty.]** The violation of this Act shall constitute a misdemeanor and shall be punishable by fine of not more than two hundred dollars (\$200.00) or by imprisonment for a term of six months or both.

Section 4. This Act shall take effect upon its approval.

(Approved April 16, 1935.) **H.B. 123, Act 41.**

# MONTANA STATE LAW LIBRARY

SERIES A-15.—ACT 85]

SERIES A-16.—ACT 39]

15

## CERTAIN FISH PROTECTED.

**Series A-15.** An Act to Amend Section 370 of the Revised Laws of Hawaii 1935, Relating to Protection of Certain Fish.

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

Section 1. **Section 370** of the Revised Laws of Hawaii 1935, is hereby amended by changing the period at the end of the second paragraph to a comma and adding the following: "but any dealer having more than one market must take out a separate license for each market or wagon from which mullet are sold."

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1935.) **H.B. 311, Act 85.**

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## FISHING IN WAIKIKI CANAL.

**Series A-16.** An Act to Amend Section 384 of the Revised Laws of Hawaii 1935, Relating to Fishing in the Waikiki Canal.

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

Section 1. Section 384 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 384. Fishing in Waikiki Canal: Penalty.** It shall be unlawful for any person to fish in the waters of the Waikiki Reclamation Canal (or the Drainage Canal constructed in connection with Kapiolani Boulevard) with any device whatsoever, except one line, or one rod and line; provided that such line shall in no case have more than two hooks.

Any person who shall violate the provisions of this section, shall upon conviction, be fined not more than one hundred dollars (\$100.00) or be imprisoned for not more than six (6) months." [L. 1923, c. 41, ss. 1 and 2; R. L. 1935, s. 384; am. L. 1935, c. 39, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **H.B. 310, Act 39.**

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## CERTAIN CRUSTACEANS.

**Series A-17.** An Act to Amend Section 396 of the Revised Laws of Hawaii 1935, Relating to the Possession of Lobsters in Closed Season.

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

Section 1. Section 396 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 396. Certain crustaceans protected.** It shall be unlawful for any person to take, kill, sell or offer for sale, or have in possession any of the native lobsters, known as ula, or ula-papapa, taken from the waters within the jurisdiction of the Territory during the months of June, July and August. The possession of any native lobster known as ula or ula-papapa, by any person during the months of June, July and August shall be *prima facie* evidence that such person is guilty of a violation of this section; provided, however, that any dealer may sell, or any hotel or other public eating house may serve lobsters lawfully caught during the open season by first procuring a license granting this privilege.

"Licenses to sell or serve lobster during June, July and August shall be issued by the division of fish and game upon the payment of \$5.00 by wholesale dealers, \$2.50 by retail markets and \$1.00 for any hotel or other class of restaurant; and it is further provided that each license holder must submit a report to the said division within five days after the end of each said months on blanks furnished by the division, which report must give the name of the person or firm from whom the lobsters were purchased, to whom sold, the number and weight bought or sold and the number and weight on hand the first and last day of each month.

"Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$200.00, or be imprisoned not less than five days nor more than fifty days, or be both fined and imprisoned." [L. 1925, c. 72, ss. 1, 2, 3; R. L. 1935, s. 396; am. L. 1935, c. 107, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **S.B. 162, ACT 107.**

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## Title IV. AUDIT OF PUBLIC ACCOUNTS.

## **CHAPTER 15. AUDIT DEPARTMENT; DUTIES.**

**PAYMENTS OUT OF TREASURY.**

**Series A-18.** An Act to Amend Chapter 15 of the Revised Laws of Hawaii 1935, by Amending Section 588 Thereof; to Amend Chapter 86 by Amending Section 2874 Thereof; and to Amend Chapter 88 by Amending Section 3082 Thereof, All Relating to Interest on Territorial, County and City and County Treasurer's Warrant Notes.

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

Section 1. Chapter 15 of the Revised Laws of Hawaii 1935 is hereby amended by amending Section 588 thereof to read as follows:

**"Sec. 588. Warrants, payment, issue of treasurer's warrant notes.** Every lawful demand upon the treasury, duly audited as in this chapter before provided, shall in all cases be paid by the treasurer on the date authorized and enfaced thereon or as soon thereafter as presented if there be sufficient funds at that time in the treasury applicable to the payment of such demand; and upon payment all warrants shall be canceled and proper entry be made thereof. But if there be not sufficient moneys so applicable, the treasurer shall issue, in lieu thereof, a treasurer's warrant note or notes, equal in amount to the face value of the warrant or warrants so presented for payment, such note to be substantially in the following form, to-wit:

Auditor

“Treasurer’s Warrant Note  
‘No..... Honolulu, T. H.,..... 19...  
On demand after date the Treasurer of the  
Territory of Hawaii will pay to the order of  
.....  
..... Dollars (\$.....)  
with interest at .....% per annum, from date  
of issue to date of redemption.  
.....  
Treasurer.  
On redemption this warrant  
note will be charged to  
.....fund’

Countersigned

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“The governor and treasurer of the Territory of Hawaii shall determine the rate of interest each treasurer's warrant note shall pay, which interest shall not be in excess of 5 per cent per annum.

“The treasurer's warrant notes may be issued for the combined face value of any number of warrants or treasurer's warrant notes previously issued against the same fund. Except for those notes issued to redeem treasurer's warrant notes previously issued, no warrant note shall be issued except in payment of a warrant or warrants presented for payment as in this section provided. The treasurer shall cancel every warrant or warrant note presented as hereinbefore mentioned.

“All such treasurer's warrant notes shall be issued upon the credit of the Territory, and the interest thereof shall be exempt from taxation.” [L. 1898, c. 39, s. 26; R. L. 1935, s. 588; am. L. 1935, c. 57, s. 1.]

Section 2. Chapter 86 of the Revised Laws of Hawaii 1935 is hereby amended by amending Section 2874 thereof to read as follows:

**“Sec. 2874. Issues treasurer's warrant notes, when.** When any warrants are presented to the treasurer for payment and the same are not paid for want of funds, the treasurer shall issue in lieu thereof a treasurer's warrant note, which shall be countersigned by the auditor, equal in amount to the face value of the warrant or warrants so presented for payment, the note to be substantially in the following form:

Countersigned

Auditor

“ ‘Treasurer's Warrant Note.  
‘No..... T. H..... 19..  
On demand after date, the Treasurer of the  
county will pay to the order of.....  
..... Dollars (\$.....)  
with interest at .....% per annum, from date of  
issue to date of redemption.  
On redemption this warrant }  
note will be charged to } .....  
fund. } Treasurer

“The presiding officer of the board of supervisors and the treasurer of each county of the Territory, shall for each calendar year, determine the rate of interest that treasurer's warrant notes, issued during such calendar year, shall bear, which rate of interest shall not be in excess of 5% per annum.

“The treasurer's warrant notes may be issued for the combined face value of any number of warrants or treasurer's war-

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rant notes previously issued against the same fund. Except for those notes issued to redeem treasurer's warrant notes previously issued, no warrant note shall be issued except in payment of warrants presented for payment as in this section provided.

"The treasurer shall cancel every warrant or warrant note presented as hereinbefore mentioned.

"All treasurer's warrant notes shall be issued upon the credit of the county issuing the same, and the interest thereof shall be exempt from taxation." [L. 1905, c. 39, s. 101; R. L. 1935, s. 2874; am. L. 1935, c. 57, s. 2.]

Section 3. Chapter 88 of the Revised Laws of Hawaii 1935 is hereby amended by amending Section 3082 thereof to read as follows:

**"Sec. 3082. Issues treasurer's warrant notes, when.** When any warrants are presented to the treasurer for payment and the same are not paid for want of funds, the treasurer shall issue in lieu thereof a treasurer's warrant note, which shall be countersigned by the auditor, equal in amount to the face value of the warrant or warrants so presented for payment, such note to be substantially in the following form:

Countersigned	<p>"Treasurer's Warrant Note.          Auditor.      "No..... Honolulu, T. H.,..... 19...          On demand after date, the Treasurer of the          City and County of Honolulu will pay to the          order of.....          ..... Dollars (\$.....)          with interest at .....% per annum, from date of          issue to date of redemption.          On redemption this warrant }          note will be charged to }          ..... fund      Treasurer          : "       </p>
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"The mayor and treasurer of the city and county shall for each calendar year, determine the rate of interest that treasurer's warrant notes, issued during such calendar year shall bear, which rate of interest shall not be in excess of 5% per annum.

"The treasurer's warrant notes may be issued for the combined face value of any number of warrants or treasurer's warrant notes previously issued against the same fund. Except for those notes issued to redeem treasurer's warrant notes previously issued, no warrant note shall be issued except in payment of warrants presented for payment as in this section pro-

vided. The treasurer shall cancel every warrant or warrant note presented as hereinbefore mentioned.

"All treasurer's warrant notes shall be issued upon the credit of the city and county, and the interest thereof shall be exempt from taxation." [L. 1907, c. 118, s. 100; R. L. 1935, s. 3082; am. L. 1935, c. 57, s. 3.]

Section 4. All laws, or parts of laws, inconsistent with the provisions hereof, are, to the extent of such inconsistency, hereby repealed.

Section 5. This Act shall take effect upon its approval.

(Approved April 24, 1935.) **S.B. 126, Act 57.**

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## Title V. EDUCATION.

### CHAPTER 19. ADMINISTRATION AND DEPARTMENT OF PUBLIC INSTRUCTION.

#### OFFICERS, AGENTS, TEACHERS, SERVANTS.

**Series A-19.** An Act to Amend Section 712 of the Revised Laws of Hawaii 1935, Relating to Exchange Teachers.

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

Section 1. Section 712 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 712. Exchange teachers.** The superintendent of public instruction is authorized to contract for the exchange of public school teachers of the territory with teachers of any state, country or territory. Teachers of the territory so exchanged shall be paid their regular salaries out of the funds appropriated for the pay of public school teachers of the territory; provided, however, that the qualifications of all teachers from any such state, country or territory so exchanged shall be equal to those of the teachers exchanged by the territory; and provided, further, that in the selection of teachers in the territory for exchange, preference shall be given to persons born in the territory; provided, further, that the requirements of citizenship shall not apply to any teacher coming to the territory from any foreign state, country or territory under any such contract of exchange.

All teachers so exchanged by the territory shall furnish their own transportation to and from the state, country or territory with which exchanged.

No compensation shall be paid by the Territory of Hawaii to teachers exchanged from any state, country or territory; provided that in any case where the exchanged teacher sent from Hawaii becomes incapacitated or, for any reason, leaves the exchange position permanently, the department may pay the visiting exchange teacher an amount not to exceed the salary rating of the teacher on exchange from Hawaii, such an arrangement to continue until the end of the current school year or until such time as some satisfactory adjustment has been made." [L. 1931, c. 276, s. 1; am. L. 1933, c. 190, s. 1; R. L. 1935, s. 712; am. L. 1935, c. 167, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 14, 1935.) **H.B. 312. Act 167.**

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**Series A-20.** An Act to Authorize the Department of Public Instruction to Grant Leaves of Absence With Part Pay to Teachers Who Have Completed Eight or More Years' Service in the Public Schools of Hawaii.

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

[Sec. 712a.] Section 1. [Leaves of absence authorized.] The Department of Public Instruction is hereby authorized to grant a year's sabbatical leave of absence to any teacher who has served eight years in the public schools of Hawaii, such teacher to be guaranteed a return to his or her position at the expiration of the leave. In granting such leave, teachers with the longest period of service shall be given first consideration. The resultant vacancy shall be filled by the appointment of a substitute for a period of one year only, such substitute to be paid the minimum salary provided for that position on the official salary schedule for teachers.

[Sec. 712b.] Section 2. [Pay while absent.] The said department is further authorized and directed to pay to the teacher granted such leave of absence the difference between the minimum salary provided for the position vacated and the salary to which such teacher would be entitled if regularly reappointed, such payment to be made in twelve monthly installments, the last two of which shall not be made until after the teacher has returned to his or her position at the opening

of the next school year; provided that the teacher granted such leave shall not engage in any form of employment; and provided, further, that such leave shall not be extended beyond one year and may not be repeated until after a period of eight additional years of service.

[**Sec. 712c.**] Section 3. [**Condition of leave of absence.**] Such teacher on sabbatical leave shall devote one-third of his or her total leave either to travel or in professional educational work or both such as would contribute to the value of such teacher in the public school system of this territory.

Section 4. This Act shall take effect upon its approval.

(Approved May 1, 1935.) **H.B. 36, Act 75.**

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**Series A-21.** An Act Providing for the Payment of Salaries for the Months of September and October to School Teachers of the Kona District, County of Hawaii, Who Come Under the Konawaena Coffee Vacation Plan.

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

[**Sec. 725a.**] Section 1. [**Pay of teachers in Kona district.**] The teachers of the Kona District, County of Hawaii, under the Konawaena Coffee Vacation Plan, shall be paid, under such conditions as the Department of Public Instruction may require, their monthly accruing salaries during the months of September and October of each year during which such plan is in operation.

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1935.) **H.B. 261, Act 81.**

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#### SCHOOLS.

**Series A-22.** An Act to Amend Section 734 of the Revised Laws of Hawaii 1935, Relating to the Basis of Instruction in the Public Schools.

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

Section 1. Section 734 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**“Sec. 734. English language, basis of instruction.** The English language shall be the medium and basis of instruction

in all public and private schools, and any school where English is not the medium and basis of instruction shall not be recognized as a public or private school within the provisions of this chapter, and attendance thereat shall not be considered attendance at school in compliance with law; provided, however, that the Hawaiian language shall be taught in addition to the English in all normal and high schools of the territory; and that daily instruction for at least ten minutes in conversation or, in the discretion of the department, in reading and writing, in the Hawaiian language shall be given in every public school conducted in any settlement of homesteaders under the Hawaiian Homes Commission; and that, where it is desired that another language shall be taught in addition to the English language, such instruction may be authorized by the department, by direct order in any particular instance; provided, further, that instruction in such courses shall be elective." [L. 1896, c. 57, s. 30; am. L. 1907, c. 47, s. 1; am. L. 1919, c. 191, s. 1; R. L. 1935, s. 734; am. L. 1935, c. 21, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 9, 1935.) **H.B. 146, Act 21.**

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#### PUPILS, ATTENDANCE, PUNISHMENT.

**Series A-23.** An Act to Amend Chapter 19 of the Revised Laws of Hawaii 1935, Relating to Education by Inserting a New Section Therein to Be Numbered Section 745-A.

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

Section 1. Chapter 19 of the Revised Laws of Hawaii 1935, is hereby amended by inserting a new section therein to be numbered Section 745-A, and to read as follows:

"**Sec. 745-A. [Examination before dismissal in Honolulu schools.]** Before any child shall be dropped from any public school within the City of Honolulu by reason of being a detriment to the morals or discipline of such school, the department of public instruction shall have such child examined by the psychological clinic of the University of Hawaii; provided that facilities for such examinations are available at the clinic; provided, further, that no such examination shall be had without the written consent of a parent or guardian."

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1935.) **H.B. 392, Act 86.**

## **CHAPTER 20. MAINTENANCE OF PUBLIC SCHOOLS.**

**Series A-24.** An Act Authorizing the Commissioners of Public Instruction to Set the Salary of the Principal of the Roosevelt High School in Honolulu.

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

[**Sec. 770a.**] Section 1. [**Salary for principal of Roosevelt high school.**] The Commissioners of Public Instruction are authorized and directed to set the salary of the position of principal of the Roosevelt High School on the salary basis which was adopted by the department of public instruction for the McKinley High School principal on January 26, 1925, and approved by Act 232, Session Laws of Hawaii 1925.

Section 2. This Act shall take effect upon its approval.

(Approved May 1, 1935.) **H.B. 321, Act 77.**

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## **CHAPTER 23. UNIVERSITY OF HAWAII.**

### **REGENTS.**

**Series A-25.** An Act to Amend Section 821 of the Revised Laws of Hawaii 1935, Relating to the Regents of the University of Hawaii.

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

Section 1. **Section 821** of the Revised Laws of Hawaii 1935 is hereby amended by deleting the words "president of the board of commissioners of agriculture and forestry", in the fourth line, and inserting in lieu thereof the words "superintendent of public instruction or some other member of the board of commissioners of public instruction as may be designated by the governor."; also by deleting the words "who shall act as secretary to the board," in the third and fourth lines.

Section 2. This Act shall be in effect upon its approval.

(Approved April 30, 1935.) **S.B. 129, Act 72.**

## Title VI. PUBLIC HEALTH.

### CHAPTER 28. DENTISTRY.

#### CONDUCT.

**Series A-26.** An Act to Amend Chapter 28 of the Revised Laws of Hawaii 1935, by Amending Section 996 Thereof, Relating to Dentistry.

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

Section 1. **Section 996** of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto, after the first paragraph of said section, a new paragraph to read as follows:

“Upon any subsequent conviction under this section, the person so convicted shall be punished by a fine of not more than one thousand dollars and by imprisonment for not more than one year.”

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1935.) **H.B. 420, ACT 87.**

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### CHAPTER 33. FOOD AND DRUGS.

#### EGGS.

**Series A-27.** An Act to Amend Section 1077 of the Revised Laws of Hawaii 1935, Relating to Imported Eggs.

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

Section 1. **Section 1077** of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto the following:

“It is provided, however, that in case of eggs imported from the Mainland or foreign countries, prior to removal from any dock or landing, each egg so imported shall bear in clear and plain letters, of not less than twelve (12) point type, the word ‘Imported’; it is provided further, that the word ‘Imported’ need not be borne upon imported eggs preserved with an outer covering of ashes and salt.”

Section 2. This Act shall take effect thirty days after its approval.

(Approved May 13, 1935.) **H.B. 354, ACT 164.**

**FOOD INSPECTION SERVICE.**

**Series A-28.** An Act to Establish a Food Products Inspection Service in the Territory of Hawaii and Making an Appropriation Therefor.

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

[Sec. 1079a.] Section 1. [Federal-territorial agreement authorized.] Authorization is hereby given to the director of the agricultural extension division of the University of Hawaii, the director of the Hawaii Experiment Station and the president of the territorial board of agriculture and forestry jointly to enter into an agreement with the bureau of agricultural economics of the United States department of agriculture for the creation and conduct of a federal-territorial food products inspection and standardization service for the benefit of producers, sellers and consumers of certain perishable agricultural products including fruits, vegetables, poultry and dairy products, and such other products as may from time to time be included within the said service. The said inspection and standardization service shall be available to all persons, firms and corporations wishing to avail themselves of it by request in due form through the proper authority and upon payment of the required fee.

[Sec. 1079b.] Section 2. [Substance of agreement; fees.] The agreement between the Territory of Hawaii and the bureau of agricultural economics of the United States department of agriculture shall set forth the objects and the organization of the service and shall define clearly the mode of co-operation between the Territory and the federal government; it shall establish a definite schedule of fees for the said inspection service and provide the method or methods in which the same are to be paid; it shall provide for the issuance of certificates of inspection, according to standard federal practice, which certificates shall be accepted in all territorial courts as *prima facie* evidence of the facts therein certified; it shall provide for the possible abrogation of the agreement.

[Sec. 1079c.] Section 3. [Appropriation, revolving fund.] There is hereby appropriated, from any available revenues of the Territory, the sum of five thousand dollars (\$5,000.00) as a revolving fund to be held by the treasurer of the Territory and disbursed by him upon duly vouchered orders submitted by the director of the agricultural extension service of the University of Hawaii. All realizations from inspection fees and other sources pertaining to the said inspection service

shall be paid to the territorial treasurer and thereby becomes a part of the said revolving fund available for disbursement for the said inspection service; provided that neither the revolving fund nor the said accretions thereto shall lapse at the end of the biennial period for which this appropriation is made; provided further, that full accounting of this fund be rendered annually by the territorial treasurer.

Section 4. This Act shall take effect on July 1, 1935.

(Approved May 10, 1935.) **S.B. 244, Act 136.**

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## **CHAPTER 36. LEPERS; HOSPITALS AND SETTLEMENT.**

**Series A-29.** An Act to Amend Section 1151 of the Revised Laws of Hawaii 1935, Relating to Discharge of Lepers.

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

Section 1. Section 1151 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Section 1151. [Discharge.]** Any person detained as a leper whether at the hospital or at the settlement at Molokai, or temporarily released under the provisions of Section 1154, shall be released whenever the board shall be satisfied in any way that he is not a leper. Upon the request of any such person at any time not less than six months after any previous examination, he shall be examined by three licensed physicians, to be chosen in the manner provided in section 1148. Upon decision by a majority of the examining physicians that he is not a leper, he shall be discharged.” [L. 1909, c. 81, s. 7; R. L. 1935, s. 1151; am. L. 1935, c. 37, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **H.B. 223, Act 37.**

## Title VII. PUBLIC LANDS.

### **CHAPTER 54. PUBLIC LANDS; MANAGEMENT AND DISPOSITION OF.**

**Series A-30.** An Act to Amend Chapter 54 of Title 7 of the Revised Laws of Hawaii 1935, Relating to Public Lands, by Amending Sections 1550, 1554, 1555, 1564, 1566, 1567, 1568, 1569, 1571, 1572, 1578, 1584, 1586, 1592, 1594, 1600, 1607 and 1636 Thereof, by Adding Thereto Four New Sections to Be Known as Sections 1600-A, 1647-A, 1653 and 1654, and by Repealing Sections 1582, 1589 and 1599 Thereof.

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

Section 1. Section 1550 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1550. Definitions.** In this chapter, if not inconsistent with the context:

"'Commissioner' means the commissioner of public lands of the Territory;

"'Board of public lands' or 'board' means the board of public lands, as provided in subdivision (1) of section 73 of the Organic Act;

"'Public lands' includes all lands in the Territory classed as government or crown lands previous to August 15, 1895, or acquired by the government upon or subsequent to such date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; except (1) lands designated in section 203 of the Hawaiian Homes Commission Act, 1920; (2) lands set apart or reserved by executive order by the President; (3) lands set aside or withdrawn by the governor under the provisions of subdivision (q) of section 73 of the Organic Act; (4) sites of public buildings, lands used for roads, streets, landings, nurseries, parks, tracts reserved for forest growth or conservation of water supply, or other public purposes; and (5) lands to which the United States has relinquished the absolute fee and ownership, unless subsequently placed under the control of the commissioner and given the status of public lands in accordance with the provisions of the Organic Act, the Hawaiian Homes Commission Act, 1920, or the laws of the Territory;

“The term ‘person’ includes individual, partnership, corporation and association;

“‘Subagent’ means the subagent of the public lands of the district where the land under consideration is situated;

“‘District’ means the land district as constituted under this chapter, where the land under consideration is situated;

“‘Land patent’ means a government grant of real estate in fee simple;

“A ‘general lease’ means any lease made by the commissioner except those made under the provisions of parts 3 and 4 of this chapter, and all outstanding leases of government and crown lands;

“A ‘land license’ means a privilege granted by the government for the occupation of land for certain special purposes, such as the cutting and removal of timber, the removal of soil, sand, gravel or stone;

“‘Homestead lease’ means a lease of land made under the provisions of this chapter for a term of nine hundred and ninety-nine years, which is inalienable and not subject to attachment;

“‘Certificate of occupation’ means an instrument preliminary to a homestead lease, giving the applicant possession of land;

“‘Occupier’ means a person entitled to the possession of land under a certificate of occupation;

“‘Right of purchase lease’ means a lease with a right of purchase as provided by this chapter;

“‘Special homestead agreement’ means an agreement to purchase homestead land as provided by this chapter;

“‘Special sale agreement’ means an agreement to purchase land, other than homesteads, as provided by this chapter;

“‘Permanent improvements’ means houses, fences, roads, reclamation of swamp lands, the planting of trees, coffee and other perennial crops, and the clearing of land from forest growth, brush or stones preliminary to the cultivation of the same.” [L. 1895, c. 26, s. 2; am. imp. Org. Act, s. 73; R. L. 1935, s. 1550; am. L. 1935, c. 151, s. 1.]

Section 2. Section 1554 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 1554. Deeds; quitclaims to perfect private titles.** Deeds may be issued by the governor, under the great seal of the Territory, and countersigned by the commissioner of public lands under his seal of office, in exchange for deeds of private lands required for public uses; or by way of compromise upon the recommendation of the commissioner; and the gov-

ernor may, in his discretion, upon the commissioner's recommendation, execute quitclaim deeds for perfecting the titles of private lands, where such titles are purely equitable or where such lands are suffering under defective titles, or in cases of claims to use of lands upon legal or equitable grounds. All such deeds shall be recorded by the registrar of conveyances." [L. 1895, c. 26, s. 17; am. L. 1896, c. 78, s. 1; am. imp. Org. Act, s. 73; R. L. 1935, s. 1554; am. L. 1935, c. 151, s. 2.]

Section 3. Section 1555 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1555. Forms, regulations.** Subject to the provisions of section 1558, the commissioner shall have power from time to time to establish forms of all instruments necessary for carrying out this chapter, and not herein expressly provided for, and to make, alter and revoke rules and regulations for the administration of public lands, for the protection of forests and reservations for forest growth, for the granting of land licenses, for the management of all public lands, and for more fully carrying out the objects and purposes and guarding against evasions and violations of this chapter." [L. 1895, c. 26, s. 9; R. L. 1935, s. 1555; am. L. 1935, c. 151, s. 3.]

Section 4. Section 1564 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1564. Clerks, surveyors.** The commissioner shall have authority to employ the necessary assistants, clerks and surveyors for carrying out the duties of his office. The pay of the commissioner shall be fixed by the legislature." [L. 1898, c. 26, s. 12; R. L. 1935, s. 1564; am. L. 1935, c. 151, s. 4.]

Section 5. Section 1566 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1566. Sales, leases and licenses; public auction, notice.** Except as otherwise provided, all transfers of government land, or any interest therein, by sale, lease or license shall be made at public auction after notice by advertisement once each week for four consecutive weeks (four insertions) in a newspaper published in the English language in the county in which the land is located, the date of such public auction to be set not less than thirty days after the date of first publication of the notice. All such sales of land, leases or licenses may, in the discretion of the commissioner, be made at the office of the commissioner in Honolulu, or at the office of the land agent in the county seat in which the land is located, and shall be cried by the commissioner or by one of his clerks or agents under his direction, who shall perform this service

without extra compensation. Notice of any auction as above required shall contain a description of the land to be sold or leased as to locality, class and area, and the office records relating to such sale and land shall be open to inspection, at any time during working hours, without charge, to all who may desire to examine the same." [L. 1876, c. 44, s. 1; am. L. 1878, c. 5, s. 1; am. L. 1893-4, c. 48, s. 1; am. imp. L. 1895, c. 26, s. 86; am. imp. L. 1896, c. 7; am. imp. Org. Act, s. 73; am. L. 1917, c. 143, s. 1; R. L. 1935, s. 1556; am. L. 1935, c. 151, s. 5.]

Section 6. Section 1567 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1567. Notice of allotment.** The notice of any allotment of public land for homestead purposes shall be by publication for a period of not less than thirty days in a newspaper of general circulation, published in the Territory, in the English language, and wherever possible in a newspaper published in the county in which the land is located, such publication to be by advertisement once each week for four successive weeks (four insertions)." [Org. Act, pt. of subdivision (i) of s. 73; L. 1913, c. 59, pt. of s. 1;—L. 1913, c. 59, pt. of s. 1; R. L. 1935, s. 1567; am. L. 1935, c. 151, s. 6.]

Section 7. Section 1568 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1568. No auction, when.** The provisions of section 1566 shall not extend or apply to cases where the government shall by land patent or deed quitclaim, or otherwise, dispose of its rights in any land by way of compromise or equitable settlements of the rights of claimants, nor to cases of exchange of government lands in return for parcels of land acquired for roads, sites of government buildings, or other government purposes." [L. 1876, c. 44, s. 2; am. imp. L. 1895, c. 26, s. 86; am. imp. L. 1896, c. 7; R. L. 1935, s. 1568; am. L. 1935, c. 151, s. 7.]

Section 8. Section 1569 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1569. Preference right to purchase, given when; sales to churches, etc.** The commissioner, with the approval of the governor, may give to any person (1) who is a citizen of the United States or who has legally declared his intention to become a citizen of the United States and hereafter becomes such, and (2) who has, or whose predecessors in interest have, improved any parcel of public lands and resided thereon continuously for the ten years next preceding the application to purchase, a preference right to purchase so much of such parcel

and such adjoining land as may reasonably be required for a home, at a fair price to be determined by three disinterested citizens to be appointed by the governor. In the determination of such purchase price the commissioner may, if he deems it just and reasonable, disregard the value of the improvements on such parcel and adjoining land. If such parcel of public lands is reserved for public purposes, either for the use of the United States or the Territory, the commissioner may, with the approval of the governor, grant to such person a preference right to purchase public lands which are of similar character, value and area, and which are situated in the same land district. The privilege granted by this paragraph shall not extend to any original lessee or to an assignee of an entire lease of public lands. [Org. Act, subdiv. (j) of s. 73; pt. of R. L. 1935, s. 1569; am. L. 1935, c. 151, s. 8, par. 1.]

"The commissioner may, with the approval of the governor, and for a nominal consideration, issue to any church or religious organization, or person or persons or corporation representing it, a patent for church purposes only for any parcel of public land occupied continuously for not less than five years and still occupied by it as a church site under the laws of Hawaii." [Org. Act, subdiv. (k) of s. 73; pt. of R. L. 1935, s. 1569; am. L. 1935, c. 151, s. 8, par. 8.]

Section 9. Section 1571 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1571. Sales, exchanges, and leases; purposes, limitations.** No sale of lands for other than homestead purposes, except as in this chapter provided, and no exchange by which the Territory shall convey lands exceeding either forty acres in area or five thousand dollars in value shall be made, except to acquire areas required for national park purposes or for the national defense. No lease of agricultural lands exceeding forty acres in area, or of pastoral or waste lands exceeding two hundred acres in area, shall be made without the approval of two-thirds of the board of public lands; provided, however, that the commissioner shall, with the approval of said board, sell to any citizen of the United States, or to any person who has legally declared his intention to become a citizen, for residence purposes, lots and tracts, not exceeding three acres in area, and that sales of government lands may be made upon the approval of said board whenever necessary to locate thereon railroad rights-of-way, railroad tracks, side tracks, depot grounds, pipe lines, irrigation ditches, pumping stations, reservoirs, factories, warehouses, mills and appurtenances thereto including houses for employees, mercantile establishments,

theatres, banks, hotels, hospitals, churches, cemeteries, private schools, or other structures required in connection with economic, industrial, educational and religious purposes; and all such sales shall be limited to the amount actually necessary for the economical conduct of such business or undertaking; provided, further, that no exchange of government lands shall hereafter be made without the approval of two-thirds of the members of said board, and no such exchange shall be made except to acquire lands directly for public uses." [Org. Act, pt. of subdiv. (1) of s. 73; R. L. 1935, s. 1571; am. L. 1935, c. 151, s. 9.]

Section 10. Section 1572 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1572. Streams, springs, ponds; sale prohibited.** The commissioner is prohibited from selling streams, springs and ponds belonging to the government wherever situated, which may be valuable for public use; and any sale in contravention of this section shall be absolutely null and void." [C. C. 1859, s. 48; R. L. 1935, s. 1572; am. L. 1935, c. 151, s. 10.]

Section 11. Section 1578 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1578. Acquisition of private property. Appraisal.** When private property is required for a public use and no special provision is made for the acquisition thereof, the proceeds, or so much thereof as may be necessary, derived from the sale of any public land sold for other than homestead purposes, may, with the approval of the governor, be designated as required for the acquisition of such private property, and shall thereupon be deemed to be and is appropriated for such purpose. Provided, that the property so required shall be in the same county or city and county as the property so sold; and provided, further, that no such property shall be sold for a sum less than the value fixed by three disinterested persons acting as appraisers, nor purchased for a sum greater than the value fixed by three disinterested appraisers.

"Upon the sale of government land the appraisers shall be appointed by the governor; upon the purchase of private land the appraisers shall be appointed as follows:

"One (1) to be appointed by the governor, one (1) by the owner of such private property and the third to be appointed by the two appraisers appointed as above." [L. 1909, c. 55, s. 1; am. L. 1911, c. 129, s. 1; R. L. 1935, s. 1578; am. L. 1935, c. 151, s. 11.]

Section 12. Section 1584 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 1584. Land conveyances, preparation, record, copies, evidence.** All land patents, leases, grants or other conveyances of any government land or real estate, shall be prepared by, and issued from the office of the commissioner; and all such documents when issued under the seal of office of the commissioner or his subagents shall be recorded by the registrar of conveyances without acknowledgment before a notary public; and it shall be the duty of the commissioner to keep a full and faithful record of all such patents, leases, grants and other conveyances. Said record shall be open to public inspection, and the commissioner shall furnish a certified copy, under his official seal, of any instrument in his office recorded, to any person applying therefor, upon being paid at the rate of one dollar for every one hundred words. Every such certified copy shall be received as evidence in any judicial court of the Territory, the same as the original instrument itself.” [C. C. 1859, s. 44; am. imp. Org. Act, s. 73; R. L. 1935, s. 1584; am. L. 1935, c. 151, s. 12.]

Section 13. Section 1586 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 1586. Land patents issued when.** A land patent signed by the governor under the great seal of the Territory, and countersigned by the commissioner under the seal of his office, shall issue, without acknowledgment before a notary public, to the purchaser in fee simple of any government land for which a patent has not previously been issued; and also in confirmation of any award from the board of commissioners to quiet land titles for any land in which the government rights, if any, have been commuted.” [C. C. 1859, s. 43; am. imp. Org. Act, s. 73; R. L. 1935, s. 1586; am. L. 1935, c. 151, s. 13.]

Section 14. Section 1592 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 1592. Applicants; disqualified, when.** No person shall be entitled to receive any certificate of occupation, right of purchase lease, or special homestead agreement who, or whose husband or wife, has previously taken or held more than ten acres of land under any such certificate, lease, or agreement made or issued after May 27, 1910, or under any homestead lease or patent based thereon; or who, or whose husband or wife, or both of them, owns other land in the Territory, the combined area of which and the land in question exceeds eighty acres of agricultural land; or who is an alien, unless he has declared his intention to become a citizen of the United States

as provided by law. No person who has so declared his intention and taken or held under any such certificate, lease or agreement shall continue so to hold or become entitled to a homestead lease or patent of the land, unless he becomes a citizen within five years after so taking." [Org. Act, subdiv. (f) of s. 73; R. L. 1935, s. 1592; am. L. 1935, c. 151, s. 14.]

Section 15. Section 1594 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1594. Persons entitled, determined by commissioner after public notice.** The persons entitled to take under any such certificate, lease or agreement shall be determined by the commissioner, with the approval of the land board, after public notice as provided in section 1567; provided, that the commissioner and the board shall be satisfied that the financial responsibility of each applicant is sufficient to reasonably assure the success of his individual homestead enterprise; and provided, further, that the order in which successful applicants may select lots in the homestead tract shall be determined by a drawing conducted by the commissioner; and any lot not taken or taken and forfeited, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, may be disposed of upon application at not less than the advertised price by any such certificate, lease or agreement without further notice." [Org. Act, pt. of subdiv. (i) of s. 73; R. L. 1935, s. 1594; am. L. 1935, c. 151, s. 15.]

Section 16. Section 1600 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1600. Special homestead agreements.** Subject to the provisions of sections 1567, 1592-1594, 1596 and 1597, the commissioner may, with the consent of the governor, sell public lands not under lease upon part credit and part cash, and deliver possession under an agreement of sale containing conditions of residence on or improvement of the premises sold, or of payment by installments or otherwise of the purchase price, or all or any of such conditions. And in case of default in the performance of such conditions, the commissioner may, with or without legal process and without notice, demand or previous entry, take possession of the premises and thereby determine the estate created by the agreement. The agreement shall entitle the purchaser to a land patent of the premises upon the due performance of its conditions. Land covered by such agreements shall be taxable at its fee simple value and any unpaid portion of the purchase price shall bear interest at 6% per annum." [L. 1895, c. 26, s. 17; am. L. 1896, c. 78, s. 1; am.

imp. Org. Act, s. 73; R. L. 1935, s. 1600; am. L. 1935, c. 151, s. 16.]

Section 17. Section 1607 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1607. Conditions for making a transfer.** Except as provided in section 1610, and subject to the approval of the board of public lands, when required by section 1571, the commissioner may at his discretion make general leases of public lands for any number of years, not to exceed thirty, at public auction, but no such lease shall contain a privilege of renewal nor be made for any land already under a lease which has more than two years to run, nor shall a general lease or transfer of a general lease of public lands be made to a person in arrears in payment of taxes, rents or other obligations due the Territory or any political subdivision thereof, and persons so in arrears shall be disqualified to bid at sales of such leases. In no case shall it be lawful to collect rents on any such lease for more than one year in advance or to receive anything in the nature of a bonus for executing the same. Any such payment and receipt of rents for more than one year in advance or of such bonus shall render void the lease on account of which such advance rent or bonus is paid, upon proof thereof before any court having jurisdiction in such a case." [L. 1895, c. 26, s. 19; am. imp. Org. Act, s. 73; R. L. 1935, s. 1607; am. L. 1935, c. 151, s. 17.]

Section 18. Section 1636 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 1636. Disposition of land and improvements on surrender, forfeiture or escheat of certificates of occupation and homestead leases.** In case of the surrender, forfeiture or escheat to the government of a certificate of occupation or homestead lease, the land held thereunder may be held open for settlement, charged with the value of the permanent improvements thereon, under a new certificate of occupation, or may be reserved for public uses in the discretion of the commissioner. If such premises are held open for settlement as aforesaid, the permanent improvements thereon shall be appraised by a board of appraisers, consisting of the subagent and another person to be appointed by the commissioner, who shall be a person not holding a government office. The appraisal shall be subject to review by the commissioner and the appraisal adopted by him shall be good for one year, after which time the premises shall be appraised anew as aforesaid. Upon rehomesteading said lands, the commissioner shall collect from the new occupier, the statutory fee provided for in sec-

tion 1618, and the value of the permanent improvements, as appraised. The amount so collected for improvements shall be deposited with the treasurer, and shall be payable to the retiring occupier or lessee on warrant drawn by the auditor upon voucher approved by the commissioner, if all conditions of the certificate or lease were substantially performed up to date of termination. However, should a certificate of occupation or homestead lease be cancelled for breach of contract, the money collected for improvements shall be deposited by the commissioner with the treasurer as a realization of his office.” [L. 1895, c. 26, s. 54; R. L. 1935, s. 1636; am. L. 1935, c. 151, s. 18.]

Section 19. Chapter 54 of the Revised Laws of Hawaii 1935, relating to public lands, is hereby amended by adding thereto four new sections to be known as 1600-A, 1647-A, 1653 and 1654, reading as follows:

“Sec. 1600-A. Disposition of land and improvements of surrendered and cancelled special homestead agreements. Whenever improved lands occupied under a special homestead agreement are surrendered or forfeited to the government, and are again allotted, the commissioner shall have the land and permanent improvements appraised separately by a board of appraisers, as provided for in section 1636, and shall collect from the new homesteader, in addition to the first payment for the land, as appraised, the total amount of the appraised value of the permanent improvements. The money collected for improvements shall be disposed of in the manner provided in section 1636.”

[Sec. 1607, amended. See Series A-30, Section 17. (Act 151.)]

[Sec. 1636, amended. See Series A-30, Section 18. (Act 151.)]

“Sec. 1647-A. Disposition of land and improvements of surrendered or cancelled right of purchase leases. Upon the determination of a right of purchase lease by lapse of time or upon the forfeiture or surrender of such lease, the commissioner may, in his discretion, and within the limit of his authority, open for settlement or reserve or dispose of the same in any manner or for any of the objects provided in this chapter, and if the same is disposed of as a homestead, the commissioner shall have the land and permanent improvements appraised separately by a board of appraisers, as provided for in section 1636. Upon allotment, he shall collect from the new homesteader, in addition to the first payment for the land, as required by section 1646, the total amount of the appraised value of the permanent improvements. The

money collected for improvements shall be disposed of in the manner provided in section 1636."

**"Sec. 1653. Subsistence homesteads.** Subject to sections 1567, except as herein provided, 1592 and 1594, the commissioner, with the approval of the governor, may open tracts of suitable agricultural land not at the time in cultivation for settlement as subsistence homesteads in such localities as the need therefor may appear. Such homesteads shall be not less than one-fourth acre nor more than five acres in area. Subsistence homestead agreements, the issuance of which is hereby authorized, and for which no fee shall be charged, shall contain the following conditions in addition to such other conditions not in conflict therewith, as the commissioner, with the approval of the governor, may prescribe:

1. The homesteader shall continuously reside on and cultivate the homestead.
2. Such residence and cultivation shall begin within six months after the date of his subsistence homestead agreement.
3. The title to the land shall, at all times, remain in the government and shall not be mortgaged or otherwise encumbered, nor shall it or the homesteader's interest therein be subject to any levy or attachment.
4. The homesteader shall pay to the commissioner, semi-annually in advance, beginning with the expiration of the first year of his agreement, a fee amounting to six per cent per annum of the appraised value of the land.
5. The homesteader shall pay the taxes assessed upon said premises according to law.
6. The term of such agreements shall be ninety-nine years.
7. In case of the death of the holder of a subsistence homestead agreement, all the interest of such holder shall vest in the relations of the decedent in the manner provided in section 1630.
8. The homesteader shall cultivate his lot according to the rules of good husbandry and to the satisfaction of the commissioner.
9. The violation of any of the foregoing conditions shall be sufficient cause for the commissioner, with the approval of the governor, to take possession of the premises without notice, demand or previous entry, and thereby determine the estate created by such agreement.
10. In case of the surrender or forfeiture of a subsistence homestead agreement, the land held thereunder may be held open for settlement, charged with the value of the permanent improvements thereon, or may be reserved for public uses

in the discretion of the commissioner. If the land is again allotted, the land and permanent improvements shall be appraised as provided in section 1636. The value of the improvements shall be collected from the new homesteader and the money disposed of in the manner provided in section 1636.

11. The provisions of section 1592 shall not apply, except with respect to citizenship, and the provisions of section 1594 shall apply, except with respect to financial responsibility, to applicants for subsistence homestead agreements."

**Sec. 1654. Special sale agreements.** Subject to the provisions of sections 1566 and 1571, the commissioner may, with the consent of the governor, sell public lands not under lease, for cash or upon part credit and part cash, and deliver possession under an agreement of sale, containing conditions of residence or improvement of the premises sold, or of payment by installments or otherwise of the purchase price, or all, or any of such conditions. And in case of the default in the performance of such conditions, the commissioner may with or without legal process and without notice, demand, or previous entry, take possession of the premises and thereby determine the estate created by such agreement. Such agreement shall entitle the purchaser to a land patent of the premises upon the due performance of its conditions, provided, however, that no patent shall issue to a purchaser who has declared his intention to become a citizen of the United States, but who does not complete his naturalization within five years from date of sale. Land covered by such agreements shall be taxable at its fee simple value and any unpaid portion of the purchase price shall bear interest at six per cent per annum."

Section 20. Sections 1582, 1589 and 1599 of the Revised Laws of Hawaii 1935 are hereby repealed.

Section 21. This Act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States of America.

(Approved May 13, 1935.) **S.B. 105, ACT 151.**

## Title VIII. PUBLIC WORKS.

### CHAPTER 59. HARBORS.

#### BOARD OF HARBOR COMMISSIONERS.

**Series A-31.** An Act to Amend Section 1742 of the Revised Laws of Hawaii 1935, Relating to Rates to be Charged by the Board of Harbor Commissioners.

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

Section 1. Section 1742 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

“**Sec. 1742. Rates.** The board is authorized and directed to adjust and fix and enforce the rates assessable and chargeable by it in respect to wharfage, demurrage and other rates pertaining to harbors, wharves and properties managed and operated by it, so as to produce therefrom net income sufficient in amount to equal the total of all bond requirements and expenses of operation for each biennial period, in respect to such harbors, wharves and properties under its control and management; provided, however, that bond requirements for bonds the proceeds of which were or are to be expended for improvements which are or will be neither revenue producing nor connected in their use directly with revenue producing improvements need not be included in such amount so to be raised.” [L. 1931, J. R. 1; R. L. 1935, s. 1742; am. L. 1935, c. 133, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1935.) **S.B. 166, Act 133.**

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### CHAPTER 60. SPECIFIC DUTIES OF SUPERINTENDENT.

#### EXPLOSIVES, STORAGE OF.

**Series A-32.** An Act to Amend Section 1771 of Chapter 60, Revised Laws of Hawaii 1935, Pertaining to the Storage of Explosives.

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

Section 1. Section 1771 of chapter 60, Revised Laws of Hawaii 1935, is hereby amended by changing the first proviso

in the third paragraph of said section 1771, beginning in line 16, to read as follows:

"It is provided, however, that if in any case application be made to the superintendent for permission to store such articles in tanks, as aforesaid, in excess of one thousand gallons, then the superintendent shall consult with the fire marshal of the Territory and chief of the fire department of the city and county of Honolulu, in case the application relates to such storage in said city and county of Honolulu, and with the fire marshal of the Territory or his deputy and in the alternative, the chief engineer, or his assistant, of the fire department of the town nearest such proposed place of storage, and within the county or with the county engineer and the board of public works in case the application relates to storage in any county, and if, in the opinion of a majority of the officials so consulting together, an increase in the maximum number of gallons so stored, as herein provided, will not endanger the safety of the public or surrounding property, a permit therefor signed by the officials above stipulated, or a majority of them, may be issued to the applicant for such storage."

Section 2. This Act shall take effect upon its approval.

(Approved April 29, 1935.) **S.B. 107, Act 69.**

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## Title IX.                   TAXATION

### CHAPTER 61.   ADMINISTRATION AND REAL PROPERTY TAX.

**Series A-33.** An Act to Amend Chapters 61 and 67 of the Revised Laws of Hawaii 1935, Relating to Real and Personal Property Taxes.

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

Section 1. Chapter 61 of the Revised Laws of Hawaii 1935, is hereby amended by amending Section 1900 thereof to read as follows:

**"Sec. 1900. Definitions.** Wherever used in this chapter:

'Auditor' shall mean the auditor of the Territory; 'county' shall mean and include each county of the Territory and the city and county of Honolulu; 'property' or 'real property' shall mean and include all land and appurtenances thereof and the buildings, structures, fences and improvements erected on or affixed to the same, excluding, however, any growing crops, all machinery and other mechanical or allied equipment and

the foundations thereof, telephone, telegraph and electric poles, lines, conduits and appurtenant equipment, pipe lines, gas and water mains and appurtenant equipment, penstocks and forebays, railroads (including rails, ties, switches and appurtenant equipment, but not including roadbeds, cuts, fills, bridges, trestles, culverts and the land itself, which latter items shall be deemed real property), and any other fixtures expressly required by law to be assessed and taxed as personal property.” [L. 1932, 2d, c. 40, s. 1; R. L. 1935, s. 1900; am. L. 1935, c. 153, s. 1.]

Section 2. **Section 1947** of said Chapter 61 is hereby amended by adding at the end thereof the following:

“Such tax appeal court may admit to practice before it such persons as have been admitted to practice before the Treasury Department of the United States or the United States Board of Tax Appeals.”

Section 3. Chapter 67 of said Revised Laws is hereby amended by amending the second paragraph of **Section 2100** thereof to read as follows:

“‘Personal property’ shall mean and include all goods, chattels, wares and merchandise; growing crops to mature and be harvested during the taxable year, all machinery and other mechanical or allied equipment and the foundations thereof; ships or vessels, whether at home or abroad; telephone, telegraph and electric poles, lines, conduits and appurtenant equipment; pipe lines; gas and water mains and appurtenant equipment; penstocks and forebays; railroads, permanent or temporary, including rails, ties, switches and appurtenant equipment, but not including roadbeds, cuts, fills, bridges, trestles, culverts and the land itself; and all other tangible property not included within the definition of real property as the same is defined in Chapter 61; excluding, however: growing crops, not maturing or to be harvested during the taxable year, live animals, corporate stocks and bonds, promissory notes and other evidence of indebtedness, contracts, household furniture and effects when in use in the taxpayer’s home, personal effects and money in hand and all personal property otherwise specifically taxed, and in particular excluding the personal property of banks, personal property used and usable by a public utility as part of its utility business and personal property of any insurance company, and all personal property located and used on, and for the same purposes and under the same ownership and under the same limitations and conditions as, the real property exempted from the real property tax under Section 1977.”

Section 4. Said Chapter 67 is further amended by amending Section 2102 thereof to read as follows:

**“Sec. 2102. Personal property tax; rate.** Except as exempted or otherwise taxed in lieu of personal property taxes, all personal property within the Territory shall be subject to a tax each year upon its assessed value, arrived at as required by this chapter, at such rate per centum as shall be determined as follows:

“The director of the bureau of the budget, on or before April 1st of each calendar year, shall submit to the treasurer of the Territory an estimate, approved in writing by the Governor, of the amount of money necessary, in addition to all other estimated revenues of the Territory for such year, to be raised by the personal property tax during such year to meet the estimated requirements of the Territory for such year. Such estimated amount shall not, however, exceed \$2,000,000.00. The tax commissioner shall likewise submit to the treasurer annually on or before the 1st day of April, the aggregate amount of the value of all taxable personal property in the Territory, as determined solely upon the basis of the returns of the taxpayers and the taxable values so returned by them, for the current assessment year. The treasurer shall thereupon compute the rate which, when applied to said aggregate amount of taxable value, will produce the amount of said estimate. The rate so determined shall be the rate for personal property taxes for said assessment year; provided that such rate shall in no event be less than one per centum.” [L. 1933-4, c. 9, s. 1; R. L. 1935, s. 2102; am. L. 1935, c. 153, s. 4.]

Section 5. Said Chapter 67 is further amended by amending Section 2103 thereof to read as follows:

**“Sec. 2103. Time as of which levy and assessment made.**

Except as otherwise provided in this chapter, taxes shall be levied upon personal property each year as of January 1 of such year.” [L. 1933-4, c. 9, s. 8; R. L. 1935, s. 2103; am. L. 1935, c. 153, s. 5.]

Section 6. Said Chapter 67 is further amended by amending Section 2104 thereof to read as follows:

**“Sec. 2104. Assessments; basis.** The value of personal property for the purpose of assessment shall be determined as follows:

“(a) For goods, chattels, wares and merchandise constituting stock in trade, held for sale in the Territory, the average value of the stock in trade during the twelve months preceding January 1 of the assessment year, or the average value thereof

during such portion of such period during which the stock in trade was held.

“Provided, however, that in no event shall the value used for computing the tax be less than the cost, or the cost or market value whichever is the lower, of the inventory on hand as of January 1 of the assessment year.

“(b) For machinery and equipment, and furniture and fixtures, not constituting stock in trade, the value thereof for the purposes of this chapter shall be the installed replacement cost thereof, less depreciation for age, condition and obsolescence.

“(c) For any other taxable personal property the fair and reasonable value thereof shall be determined as of January first upon such basis as shall represent the most approved and modern method of determining the value thereof for taxation purposes; provided, that, if it shall be finally held by any court in any given instance, that the method of valuation prescribed by this section for the property concerned is not a valid method of determining such value under the circumstances, the tax commissioner shall have power to reassess such property upon such basis of valuation as shall be fair and valid.” [L. 1933-4, c. 9, s. 3; R. L. 1935, s. 2104; am. L. 1935, c. 153, s. 6.]

Section 7. Said Chapter 67 is further amended by amending Section 2105 thereof to read as follows:

**“Sec. 2105. Returns; Conditional assessment on basis of returns.** 1. Every person, including life tenants, executors, administrators, trustees, guardians or other fiduciaries, lessees under any government lease or license, pledgees, and bailees (where the owners are non-residents of the Territory) or consignees, owning or having possession, custody or control of, personal property in the Territory, whether entitled to exemption or not, and every person subject to taxation in respect of personal property held during the preceding calendar year, shall, during the months of January or February of the assessment year, or at such other time as may be required under the provisions of this chapter, file a return of all personal property belonging to such person, or of which he had possession, custody or control on the first day of January of the assessment year, or during the preceding year, as the case may be, setting forth such personal property in bulk under reasonable classifications, outlining the character, amount and value of each classification. The return shall be in such form as shall elicit a full disclosure of all such taxable personal property of the taxpayer. Forms shall be prescribed by the commissioner pursuant to the terms of this act and shall be signed and sworn to by the taxpayer or his duly accredited representative. Such

return shall be filed with the assessor of the division in which the personal property is or was situated or held, or with the tax commissioner at Honolulu as may be required or permitted by the tax commissioner.

“2. The filing of such return shall be deemed to constitute a conditional assessment of the taxable personal property covered thereby upon the basis of the valuations therein set forth, at the rate of one per centum, subject to subsequent re-assessment at such different valuation as may be thereafter found by the commissioner to be the assessable value determined in the manner provided by this chapter, and at such increased rate as may be thereafter determined, pursuant to the provisions of this chapter.” [L. 1933-4, c. 9, s. 9; R. L. 1935, s. 2105; am. L. 1935, c. 153, s. 7.]

Section 8. Said Chapter 67 is further amended by amending Section 2106 thereof to read as follows:

**“Sec. 2106. Assessment to whom in general.** The personal property shall be assessed in its entirety to the owner or owners thereof; provided that for the purposes of this chapter life tenants, executors, administrators, trustees, guardians or other fiduciaries and lessees under any government lease or license shall be, and bailees in possession where the owners are non-residents of the Territory, and pledgees or consignees in possession, may be, considered as owners during the time any personal property is held or controlled by them as such. Any such fiduciary, bailee, pledgee or consignee paying the tax on such personal property shall have a lien on the same, which lien, upon notice thereof containing a description of the property upon which such lien is claimed, being filed within ninety days after the payment of the tax in the Bureau of Conveyances shall be paramount to all other liens, except liens for taxes in favor of the government, and may be foreclosed by suit in equity or without suit in the manner provided by Section 1961, as nearly as may be.” [L. 1933-4, c. 9, s. 5; R. L. 1935, s. 2106; am. L. 1935, c. 153, s. 8.]

Section 9. Said Chapter 67 is further amended by amending Section 2108 thereof to read as follows:

**“Sec. 2108. Assessment of property of unknown owners.** The taxable personal property of persons unknown shall be assessed to unknown owners and a lien thereby established upon such property for unpaid taxes; provided that any person in possession thereof as bailee, pledgee, consignee or otherwise may be assessed therefor in lieu of such assessment to unknown owners.” [L. 1933-4, c. 9, s. 7; R. L. 1935, s. 2108; am. L. 1935, c. 153, s. 9.]

Section 10. Said Chapter 67 is further amended by amending Section 2109 thereof to read as follows:

**“Sec. 2109. Taxes payable, delinquent, when.** Except as otherwise provided in this chapter, all personal property taxes shall be due and payable on January 1 of each assessment year. Except as otherwise provided in this chapter, a payment on account of the tax equivalent to one per centum of the returned taxable value shall accompany and be paid in at the time of filing the return; one-half of the balance of such tax shall be paid on or before June 20; and the other one-half of such balance shall be paid on or before November 20, of the assessment year.” [L. 1933-4, c. 9, s. 10; R. L. 1935, s. 2109; am. L. 1935, c. 153, s. 10.]

Section 11. Said Chapter 67 is further amended by adding thereto five new sections to be numbered 2113 to 2117 and to read as follows:

**“Sec. 2113. Notice of final rate.** Each assessment year, on or before April 15, the tax commissioner shall give notice of the rate for personal property taxes finally fixed for such year, by publication thereof at least once in a newspaper or newspapers of general circulation in the Territory. Every taxpayer shall be bound to take cognizance of such final rate and shall be deemed to be assessed at said rate upon the taxable valuation returned by him, subject, however, to reassessment as in this chapter provided.

**“Sec. 2114. Examination of returns; reassessment; procedure; additional taxes.** The commissioner, before the end of the calendar year in which the returns are made, shall examine all returns of personal property and shall determine from such examination and from such other information and investigation as he shall deem proper to make, whether or not the personal property so returned has been properly and adequately valued or otherwise properly returned pursuant to the provisions of this chapter. If the commissioner determines from such examination or otherwise that the valuation, or any claim for exemptions or exclusions, made by the taxpayer, is erroneous or incorrect or that for any other reason a change should be made in the figures claimed by the taxpayer in order to determine the proper amount of taxes payable under this chapter in respect of the personal property involved, he shall make such change in the assessment as he shall deem proper and reassess said personal property upon such basis, and shall thereupon give notice to the taxpayer of such changes and reassessment in the manner provided in Section 1927 with respect to assessment of unreturned or omitted real property,

and the taxpayer may appeal therefrom in the manner and upon the terms and conditions provided in said section. The additional amount so assessed shall be payable within thirty days after the date of mailing of such notice, or on or before the next installment payment date, if any, for personal property taxes for the current assessment year, whichever is the later, and shall be delinquent thereafter. Except in the case of unreturned or omitted personal property, no such reassessment shall be valid unless the same shall have been made, and, in cases where notice thereof is required to be mailed, the notice thereof shall have been mailed, before the end of the current assessment year.

**“Sec. 2115. Assessment of unreturned or omitted property.** If any person required under this chapter to make returns shall refuse or neglect to make such returns, or shall decline to take oath to the accuracy thereof, or shall omit any property from a return, the commissioner shall make the assessment according to the best information available and shall add to the assessment or tax lists for the year or years during which the same was not taxed, the property unreturned or omitted. Likewise, if for any other reason, any personal property shall have been omitted from the assessment lists for any year or years, the commissioner shall add to such lists such omitted property. Notice of such action shall be given to the owner, if known, within ten days after such assessment or addition, by mailing the same addressed to him at his last known address or place of residence. Any owner desiring a review of such assessment or such addition may appeal to the board of review of the division in which the property is located by filing with the assessor a written notice thereof at any time within thirty days after the date of mailing such notice, or may appeal to the tax appeal court by filing written notice of appeal with, and paying the necessary costs to, such court within said period and in the manner prescribed by the second paragraph of Section 1937.

“A penalty of ten per centum shall be added by the assessor to the amount of any assessment made by him pursuant to the provisions of this section, which penalty shall be and become a part of such assessment so made; provided, that no such penalty shall be imposed where the failure to assess or tax such property was not due to the refusal or neglect of the owner to return the same or take oath to the accuracy of his return.

“No such assessment of unreturned or omitted property for any year, however, shall be made after the expiration of three years after the end of such year.

**“Sec. 2116. Examination of records, etc.; additional information furnished when.** In addition to the powers granted

the commissioner and his subordinates by Chapter 61, particularly Section 1907, subsections 1 and 9, which are made applicable with respect to personal property taxes by Section 2101, the commissioner or his duly authorized subordinate shall have the right to require any taxpayer, within such reasonable period as the commissioner or such subordinate may allow, to furnish to him such supplementary returns, and excerpts from, or detailed statements of items shown in, or such copies of, the taxpayer's books of account, inventories and other records, relating to the taxpayer's personal property, as such tax officer may find necessary, expedient or proper to enable him properly to determine the correctness of any return made by such taxpayer, or any other question regarding such personal property within the jurisdiction of such tax officer under this chapter. The furnishing of such data may be enforced by any circuit court of the Territory by mandamus upon the application of such tax officer.

**"Sec. 2117. Records to be kept; examination; penalty for violation.** It shall be the duty of every person liable for any tax imposed by this chapter to keep in the English language and preserve for a period of three years, suitable records of personal property from time to time in his possession or under his control, and such other books, records and invoices of such personal property, as may be necessary to determine the amount of any tax for which he may be liable under this chapter and as shall be required by the commissioner; and all such books, records and invoices shall be open for examination at any reasonable time by the commissioner, or his duly authorized subordinates.

"Any taxpayer (including an officer of a corporation which is the taxpayer) or other person required by this section to keep such books, records or invoices, who fails to keep the same in the manner and form and for the period provided in this section, or who refuses to permit such examination thereof, shall be guilty of a misdemeanor, punishable as in Section 1917."

Section 12. If any provision of this Act or of said Chapters 61 and 67 as amended by this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act and of said chapter or chapters as so amended, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 13. This Act shall take effect on December 31, 1935; provided, however, that this Act shall only become effec-

tive in the event Senate Bills Nos. 24, 39, 40 and 215 become law.

(Approved May 13, 1935.) **S.B. 145, Act 153.**

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**Series A-34.** An Act Increasing by Two Hundred Thousand Dollars the Amount Which May Be Raised by the City and County of Honolulu by the Real Property Tax.

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

[Sec. 1921.] Section 1. Beginning with the calendar year 1936 the tax rate limit for real property taxes in the city and county of Honolulu, prescribed by **section 1921** of the Revised Laws of Hawaii 1935, is hereby increased from \$3,300,000.00 to \$3,500,000.00.

Section 2. This Act shall take effect upon its approval.

(Approved May 21, 1935.) **S.B. 228, Act 216.**

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**Series A-35.** An Act to Amend Sections 1921 and 1922 of the Revised Laws of Hawaii 1935, Relating to the Real Property Tax Rate and the Disposition of Real Property Taxes.

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

Section 1. **Section 1921** of the Revised Laws of Hawaii 1935, is hereby amended by amending that certain paragraph thereof, being the first full paragraph on page 324 of said Revised Laws, which relates to items includable under column II of the county budget, to read as follows:

“Under column II there shall be included, opposite any item under column I, any amounts which are required or authorized by law to be deducted from, or offset against, the tax rate calculations for such calendar year for such item representing revenues or other funds available or estimated to be available during the year and applicable on account of such item under column I; provided, that the board of supervisors of a county may, but shall not be required to, include in said column II any delinquent taxes collected, or which it is estimated will be collected, during such year in such county, and, subject to the limitations of section 1922, may expend any such delinquent taxes, which are not so included in said column II and not

otherwise specifically appropriated for other purposes, for any county purposes."

Section 2. Section 1922 of said Revised Laws is hereby amended by amending the next to the last paragraph thereof to read as follows:

"All property taxes (including real and personal property taxes for any year preceding the year 1933, and delinquent taxes and taxes collected by reason of assessments of omitted property, additional assessments or the settlement of tax appeals) collected during any calendar year in any county shall be applied on account of the requirements of such county for such year as set forth in its budget for such year, not to exceed however, in the aggregate, a maximum amount equal to the sum of (a) the amount set forth in item (11) under column III of the budget for such county or the amount fixed by section 1921 as the tax rate limit for such county, whichever is the smaller, and (b) the amount of any deficiency in meeting the requirements of such county for such preceding calendar year as set forth in its budget for such year, caused by insufficient tax collections under this chapter during such year. Any taxes collected during the current year in any county in excess of said maximum amount shall be retained by the treasurer and applied to meet the requirements of such county for the succeeding calendar year and shall by him be deducted from the amount which would otherwise be used by him in fixing the rate for the county for the succeeding calendar year pursuant to section 1921, thereby reducing the tax rate. The excess collections shall not be taken into consideration by the board of supervisors in fixing and submitting to the treasurer its budget for the succeeding calendar year pursuant to section 1921."

Section 3. This Act shall take effect upon its approval, provided, however, that, any provision of law to the contrary notwithstanding, the board of supervisors of any county, by resolution adopted and delivered to the treasurer on or before May 15, 1935, which resolution may be adopted by one reading only, may amend the budget submitted to the treasurer by such county under said section 1921 for the year 1935, in any manner consistent with said sections 1921 and 1922 as hereby amended, and the treasurer shall fix the tax rate for such county for such year accordingly.

(Approved May 15, 1935.) H.B. 286, Act 191.

**APPEALS TO TAX APPEAL COURT.**

**Series A-36.** An Act to Amend Title IX, Chapter 61, Section 1945, Revised Laws of Hawaii 1935, Relating to the Tax Appeal Court, to Provide for the Appointment of Acting Members Thereof and to Make Section 3572 of Said Revised Laws Applicable Thereto.

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

Section 1. **Section 1945** of the Revised Laws of Hawaii 1935 is hereby amended by adding at the end thereof, "The governor may appoint an acting member of the court to serve during the temporary absence from the Territory, illness or disqualification of any member thereof."

The provision of section 3572 and the provisions of section 84 of the Organic Act, relating to the disqualification of judges shall be equally applicable to the members of the court.

Section 2. This Act shall take effect upon the date of its approval.

(Approved May 13, 1935.) **S.B. 159, ACT 161.**

[**Sec. 1947**, amended. See Series A-33, Section 2. (Act 153.)]

**DELINQUENT TAX BUREAU.**

**Series A-37.** An Act to Amend Sections 1968 and 1970 of the Revised Laws of Hawaii 1935, Relating to the Delinquent Tax Bureau, and Chapter V of the Appendix of Said Revised Laws, Relating to Delinquent Tax Adjustments.

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

Section 1. **Section 1968** of the Revised Laws of Hawaii 1935 is hereby amended by deleting, from the second line thereof, the word "six" and inserting in lieu thereof the word "twelve".

Section 2. **Section 1970** of said Revised Laws is hereby amended:

(a) by deleting, from the fourth line thereof, the word "ten" and inserting in lieu thereof the words "twenty-five";

(b) by deleting, from the fourteenth line thereof, the figures "1935" and inserting in lieu thereof the figures "1937";

(c) by deleting, from the fifteenth line thereof, the word "thirty" and inserting in lieu thereof the word "sixty"; and

(d) by deleting, from the sixteenth line thereof, the words "twenty-four" and inserting in lieu thereof the words "seventy-five".

Section 3. **Chapter V of the Appendix** of said Revised Laws (Act 177, S. L. 1933) is hereby amended by amending section 1 thereof to read as follows:

**“Sec. 1. Definitions.** Wherever used in this chapter, unless the context clearly indicates otherwise:

‘Committee’ means the delinquent tax adjustment committee created by this chapter;

‘Delinquent taxes’ means delinquent territorial taxes;

‘Collector’ means any collector appointed pursuant to chapter 61;

‘Chairman’ means the chairman of said committee.” [L. 1933, c. 177, s. 1; R. L. 1935, c. V, appendix; am. L. 1935, c. 137, s. 3.]

Section 4. Said chapter V is hereby further amended by amending section 2 thereof to read as follows:

**“Sec. 2. [Committee, appointment; duties of attorney general.]** There is created for the period ending June 30, 1937, a committee to be composed of the attorney general, as chairman, and two members who are not government officers or employees, to be appointed, and who may be removed, by the governor, pursuant to the provisions of section 80 of the Organic Act. Such appointive members shall be paid monthly, from the delinquent tax bureau expense fund created by section 1970, at the rate of ten dollars per day for each day of actual attendance, and their actual traveling expenses. Said appointive members shall be citizens of the Territory who have lived in the Territory for at least ten years next preceding their appointment.

“The attorney general may delegate one of his deputies to act in any instance in his stead, and such deputy shall in such case also act as chairman of the committee. The committee may act by the concurring vote of two members.” [L. 1933, c. 177, s. 2; R. L. 1935, c. V, appendix; am. L. 1935, c. 137, s. 4.]

Section 5. Said chapter V is hereby further amended by amending section 3 thereof to read as follows:

**“Sec. 3. Delinquent lists submitted to chairman.** The tax commissioner shall from time to time submit to the chairman lists of delinquent taxpayers whose accounts in his judgment should be reviewed by the committee. On receipt of any such list the chairman shall forthwith call a meeting of the committee at an appropriate time and place to consider the same.” [L. 1933, c. 177, s. 3; R. L. 1935, c. V, appendix; am. L. 1935, c. 137, s. 5.]

Section 6. Said chapter V is hereby further amended by deleting from section 5 thereof the second sentence of said section.

Section 7. Said chapter V is hereby further amended by deleting from section 6 thereof the last paragraph of said section.

Section 8. This Act shall take effect upon its approval.

(Approved May 10, 1935.) **S.B. 170, Act 137.**

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**Series A-38.** An Act Exempting from Taxation All Property Actually and Solely Used in the Manufacture of Bagasse Products.

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

[Sec. 1972a.] Section 1. [Bagasse.] All property, both real and personal, actually and solely used in connection with the manufacture of board, paper, building material or any or all other articles and products from sugar cane bagasse shall be exempt from all property taxes for a period of five years from December 31, 1934.

Section 2. This Act shall take effect upon its approval.

(Approved February 28, 1935.) **H.B. 15, Act 4.**

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#### **EXEMPTIONS.**

**Series A-39.** An Act to Amend Sections 1974 and 1977 of the Revised Laws of Hawaii 1935, Relating to Certain Exemptions from Real Property Taxes.

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

Section 1. Section 1974, Revised Laws of Hawaii 1935, is hereby amended by deleting all of the paragraph numbered 4 under said section, and by substituting therefor the following paragraph:

“(4) That a person living on premises, a portion of which is used for commercial purposes, shall not be entitled to an exemption with respect to such portion, but shall be entitled to an exemption with respect to the portion thereof used exclusively as a home; provided, however, that this exemption shall not apply to any building or structure, including the land thereunder, a portion of which is used for commercial purposes.”

Section 2. **Section 1977** of said Revised Laws is hereby amended by adding thereto, at the end thereof, a new paragraph to read as follows:

“The use of any portion of the land which might otherwise be exempted under this section, for commercial or other purposes not within the conditions necessary for such exemption, shall not deprive the remaining portion of the premises of such exemption, provided, such remaining portion is used exclusively for purposes which fulfill the conditions of such exemption.”

Section 3. The exemptions granted herein shall take effect as of January 1, 1935, provided that any person who might otherwise be entitled to such exemption but who has not claimed such exemption in his return made for said year, shall not be denied such exemption if he shall file a written claim for the same on or before June 1, 1935.

Section 4. This Act shall take effect upon its approval.

(Approved April 16, 1935.) **H.B. 105, ACT 46.**

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**Series A-40.** An Act to Amend Section 1977 of the Revised Laws of Hawaii 1935, so as to Exempt Certain Personal Property from Personal Property Taxes.

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

Section 1. **Section 1977** of the Revised Laws of Hawaii 1935 is hereby amended by adding thereto at the end thereof a new paragraph to read as follows:

“Personal property. All personal property used on, and for the same purposes and under the same ownership as, the real property exempted under this section, shall be exempt from the personal property tax imposed by chapter 67.”

Section 2. For the year 1935 the exemption authorized in section 1 hereof may be claimed within thirty (30) days from the effective date of this Act.

Section 3. This Act shall take effect as of January 1, 1935, and shall be construed to give an exemption from personal property taxes for the year 1935 and all subsequent years upon all personal property referred to in Section 1 of this Act.

(Became effective March 25, 1935, without the Governor's signature.)  
**S.B. 13, ACT 7.**

**CHAPTER 62a. BANK EXCISE TAX.**

**Series A-41.** An Act to Provide for the Taxation of the Shares of the Capital Stock of Banks; and for the Taxation of Foreign Banks; to Provide for the Ascertainment, Assessment, Collection and Disposition of Such Tax; to Provide Penalties for Violations of the Terms Hereof and to Repeal Chapter 62, Revised Laws of Hawaii 1935, and All Other Laws or Parts of Laws Inconsistent Herewith.

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

[Sec. 1990a.] Section 1. **Definitions.** As used in this Act and unless a different meaning appears from the context:

(a) The term "bank", except where the context clearly indicates its application to a foreign bank, shall mean and include any bank organized under any law of the Territory and any national banking association organized under the laws of the United States and engaged in business in the Territory;

(b) "Foreign bank" or "foreign banker", herein used interchangeably, shall include the corporations, unincorporated companies, copartnerships and associations, and non-residents, included in the definition of those terms in Revised Laws of Hawaii 1935, section 6505.

(c) The terms "commissioner" or "tax commissioner" shall mean and include the tax commissioner of the Territory of Hawaii;

(d) The term "person" shall mean and include any individual, firm, copartnership, joint adventure, association, corporation, trust or any other group or combination acting as a trust, and the plural as well as the singular number;

(e) The term "real property tax law" shall mean chapter 61, Revised Laws of Hawaii 1935;

(f) The term "taxpayer" shall mean any person or company subject to the tax imposed by this Act;

(g) The term "county" shall mean and include each county of the Territory and the city and county of Honolulu;

(h) The term "assessed value of real property" of the bank or foreign bank, as the case may be, shall mean the amount for which the real property owned by such bank, or by any corporation the entire capital stock of which is owned by the bank, or real property leased by the bank on which it pays taxes, is assessed and taxed under the real property tax law on January 1st of each year in which a tax is levied hereunder when the value of such real property is reflected in the net worth of such bank as an enterprise for profit.

(i) The term "real property" shall have the meaning defined by section 1900, Revised Laws of Hawaii 1935.

[Sec. 1990b.] **Section 2. Imposition of bank share tax; construction.** The shareholders of every bank shall be assessed and taxed in the manner hereinafter provided upon their respective shares of stock therein in the county where the principal office of said bank is located and not elsewhere, whether such shareholders reside in such place or not. This Act shall be construed in respect to national banks as an adoption of the method numbered (1) authorized by the Act of Congress of March 25, 1926, amending section 5219, Revised Statutes of the United States.

[Sec. 1990c.] **Section 3. List of stockholders, inspection.** In each bank there shall be kept at all times a full and correct list of the names and residences of its stockholders, and of the number of shares held by each, which list shall be subject to the inspection of the tax commissioner or duly appointed deputy commissioner or divisional assessor, or assistant assessor. Such list of stockholders and the list to be furnished the tax commissioner under section 4 hereof shall be deemed to contain the names of the owners of such shares as are set opposite them, respectively, for the purpose of assessment and taxation.

[Sec. 1990d.] **Section 4. Return of bank.** A duly authorized officer of each bank shall on or before the first day of February of each year furnish and deliver to the tax commissioner a written return verified by oath which shall contain a statement of the condition of such bank on the first day of January next preceding and which shall set forth the following information: (a) name and location of such bank; (b) a full statement of its assets and liabilities; (c) the amount of its authorized capital stock; (d) the number of its shares and the par value thereof; (e) the amount of the paid-in capital stock; (f) the amount of its surplus and of its undivided profits, if any; (g) the gross income of the bank from all sources; (h) its capital profits or its capital losses; (i) the income of the bank from tax exempt securities; (j) the net profits of the bank; (k) the amount of deposits; (l) the amount of demand deposits; (m) the amount of time deposits; (n) the actual operating expenses; (o) the amount of the assessed value of all real property of the bank; (p) a complete list of the names and residences of the stockholders of the bank and the number of shares held by each.

[Sec. 1990e.] **Section 5. Return of foreign bank.** Every

foreign bank shall, on or before the first day of February, in each year, furnish and deliver to the tax commissioner a written return, verified by oath, showing the condition of the business of such foreign bank in the Territory as of the first day of January next preceding, and stating specifically: (a) its name and the location of its business in the Territory; (b) the name of the state, territory, district, possession or foreign country under the laws of which it is organized, and, also, where its principal office is located; (c) if and when it complied with chapter 218 of the Revised Laws of Hawaii 1935, and was authorized to do business in this Territory; (d) the actual value of the capital, surplus, and undivided profits allocated (if allocation has been made) to its business in the Territory, pursuant to section 6580, Revised Laws of Hawaii 1935; (e) the amount of the assessed value of real property of such foreign bank situate within the Territory; and (f) such other information as shall be reasonably necessary to inform the tax commissioner concerning the matters to be taken into consideration by him in determining the net worth of the foreign bank as an enterprise for profit in the Territory, as provided in section 9, and as shall be required by the tax commissioner.

[**Sec. 1990f.]** Section 6. **General provisions relating to returns.** Returns shall be filed with the assessor of the taxation division in which the taxpayer's principal office in the Territory is located. Returns shall be made in such form as the commissioner shall from time to time prescribe. The commissioner may require in such returns such other and further information as he may deem necessary.

[**Sec. 1990g.]** Section 7. **Failure to make return; additional tax; penalties.** If any bank or foreign bank fails to make a return, either in whole or in part, or if the tax commissioner has reasonable grounds to believe that any return is so deficient as not to form the basis of a satisfactory assessment of the tax, he may proceed as he deems best to obtain information on which to make the assessment of the tax. The tax commissioner may, by himself or his duly appointed deputy or duly appointed assessor or deputy assessor, make examination of the books, records, papers and assets, and audit the accounts of any such bank or foreign bank, and may take the evidence, on oath, administered by himself, or his deputy or any duly appointed assessor or deputy assessor, of any person who he or they may believe shall be in possession of any relevant information. As soon as possible after procuring such information as he or they may be able to obtain as to any bank or foreign bank failing or refusing to make a return, the tax commissioner shall

proceed to ascertain the taxable value of its shares, or the fair and reasonable value of its property and business as an enterprise for profit in the Territory, as the case may be, in the manner hereinafter provided, and to ascertain the amount of tax collectible and assess the tax against the stockholders, or the foreign bank, as the case may be, in the manner hereinafter provided; and in addition to the tax and as a part thereof, when finally assessed, a penalty not to exceed twenty-five per centum of the amount of the tax shall be added to and become a part of the tax. Such assessment of the tax by the tax commissioner shall be presumed to be correct until and unless, upon an appeal duly taken as provided in this Act, the contrary shall be clearly proved by the taxpayer, and the burden of proof upon appeal shall be upon the taxpayer to disprove the correctness of the assessment.

Provided, further, that in case of such neglect or refusal of any bank or foreign bank to make a return or returns as may be required, such bank or foreign bank shall forfeit the sum of \$500.00 for each failure, and the additional sum of \$50.00 for each day such failure continues, and an action therefor shall be prosecuted by the tax commissioner.

[Sec. 1990h.] **Section 8. Treasurer and bank examiner; duties.** To aid the tax commissioner in fixing the taxable value of the shares of a bank, or the fair and reasonable value of the property and business of a foreign bank as an enterprise for profit in the Territory, as the case may be, the treasurer and bank examiner of the Territory shall furnish to the tax commissioner any and all information which he may request.

[Sec. 1990i.] **Section 9. Taxable value of shares; how determined.** From the return of the bank and from such other information as he can obtain, the tax commissioner shall determine the taxable value of each share of stock of each bank in the manner hereinafter provided. In computing the taxable value of each share of stock he shall first determine the tax base into which he is to divide the number of shares of stock of each bank. In computing the tax base he shall ascertain the net worth of each bank as an enterprise for profit, taking into consideration: (a) the capital, surplus and undivided profits of the bank; (b) the gross receipts of the bank; (c) the net income of the bank; (d) its operating expenses; (e) the income from tax exempt securities; (f) the amount of time deposits and the amount of demand deposits; and (g) all other facts and considerations which reasonably and fairly bear upon the net worth of each bank as an enterprise for

profit. In connection with such determination of the tax base, due consideration shall be given by the tax commissioner to such other factors as will, as nearly as reasonably practicable, equalize the burden of taxation as between the stockholders, collectively, of each bank, and those of other banks, and between them and foreign banks. The commissioner, in computing the tax base, shall deduct from the amount of the net worth of each bank as an enterprise for profit the assessed value of the real property of the bank. The taxable value of each share of stock in each bank shall be ascertained by dividing the tax base, as computed above, by the number of outstanding shares of the capital stock of each bank. The owners of the stock in banks shall be entitled to no deduction from the taxable value of their shares because of the personal indebtedness of the owner, or for any other reason whatsoever.

[**Sec. 1990j.**] **Section 10. Foreign bank tax.** There is hereby levied and there shall be assessed each year as of January 1, upon every foreign bank doing business within the Territory a tax at the rate per centum and upon the net worth of the bank as an enterprise for profit in the Territory, determined in the manner hereinafter in this section provided. In determining the net worth of a foreign bank as an enterprise for profit in the Territory the tax commissioner shall consider: (a) the total amount of its capital, surplus and undivided profits actually allocated by it to its business in the Territory; (b) the amount of the total gross receipts of its offices in the Territory, including income received by such offices from tax exempt securities; (c) the amount of the expenses of operating the business of such foreign bank within the Territory during such preceding calendar year; (d) the amount of the net income of the offices in the Territory during such preceding calendar year; (e) the amount of the time deposits and of the demand deposits, respectively, in the offices of such bank in the Territory; (f) all other facts and considerations which can reasonably and fairly bear upon the net worth of the bank as an enterprise for profit in the Territory.

In connection with determining the net worth of a foreign bank in the Territory, due consideration shall be given by the tax commissioner to such other factors as will, as nearly as reasonably practicable, equalize the burden of taxation as between such foreign banks on the one hand, and the stockholders, collectively, of each of the other banks in the Territory, on the other hand.

The commissioner, in computing the tax base, shall deduct from the amount of the net worth of each bank as an enterprise

for profit the assessed value of the real property of the bank, providing the value of such real property is reflected in the net worth of the bank.

[**Sec. 1990k.**] **Section 11. Time as of which levy and assessment made.** Taxes to be levied and assessed under this Act shall be levied and assessed each year as of January 1st of such year upon the basis of valuations determined in the manner and at the times provided in this Act.

[**Sec. 1990l.**] **Section 12. When and to whom assessed; rate and restrictions.** The taxable value of said shares of banks, and the fair and reasonable value of the property and business of such foreign bank as an enterprise for profit in the Territory, as ascertained and as determined and fixed in the manner hereinabove provided, shall be assessed on or before April 1st of each year to the persons owning said shares on the 1st day of January, or to the foreign bank, as the case may be, at a rate to be ascertained in the manner hereinafter provided. The commissioner shall determine, as a base for fixing such rate, the aggregate amount of the taxable value of all shares of banks and of the fair and reasonable value of the property and business of every foreign bank as an enterprise for profit in the Territory. He shall then determine the rate per centum which, when applied to said aggregate amount, will produce the sum of \$50,000.00. The rate so determined shall be the rate at which all such shares of banks and such foreign banks shall be taxed for the year, subject, however, to the restriction that the taxation of such shares shall not be at a greater rate than is assessed upon any other moneyed capital in the hands of individual citizens of the Territory coming into competition with the business of any national banking association organized under the laws of the United States and engaged in business in the Territory; provided, that bonds, notes, or other evidences of indebtedness in the hands of individual citizens not engaged or employed in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this section.

Provided, further, that if the commissioner shall determine that the said assessment of the shares of any such national banking association has been made at a rate in excess of that permitted by this section he shall reduce such rate to conform to the limitations and restrictions herein contained, which reduced rate shall be the rate at which the shares of any such national banking association shall be assessed and the commissioner shall forthwith notify such national banking asso-

ciation, as agent of each of its shareholders, in writing of such reduced rate and assessment and no personal or other notice to such shareholders of such assessment shall be required.

Any shareholder of any national banking association, who deems himself aggrieved by the rate at which his shares in such association have been assessed, may, on or before March 20th, next following the said date of assessment, file with the commissioner a written protest setting forth in detail his reasons for claiming such rate to be in excess of that permitted by this section and setting forth the rate claimed by such shareholder to be proper under said section. The commissioner shall proceed forthwith to consider such protest and shall, within ten days after the receipt of such protest, render a written decision adjusting or reducing such rate, or refusing to adjust or reduce the same, as he shall find to be proper under the circumstances. In case he shall reduce such rate the reduced rate shall constitute the rate at which the shares of such national banking association shall be assessed and the commissioner shall forthwith notify such national banking association, as agent of each of its shareholders, of such reduced rate and of the reduced assessment of the shares of each of its respective shareholders and no personal or other notice to such shareholders of such assessment shall be required.

[**Sec. 1990m.**] Section 13. **Notice of assessment of shares of bank.** The tax commissioner shall, within five days after he has completed the assessment of the shares of a bank, give written notice to such bank, as agent of each of its shareholders, of such assessment of the shares of its respective shareholders and no personal or other notice to such shareholders of such assessment shall be required.

[**Sec. 1990n.**] Section 14. **Payment by bank.** The bank shall be liable for and shall pay the taxes assessed upon its shares, as the agent of each of its shareholders, which payment shall be made upon behalf of such shareholders.

[**Sec. 1990o.**] Section 15. **Bank may recover from stockholders; lien; foreclosure.** The bank may recover from each shareholder the amount of tax paid by the bank on the shares of stock owned by him, and shall have a lien on his stock and unpaid dividends therefor. If the unpaid dividends are not sufficient to pay such tax, the bank may enforce such lien on the stock by public sale of the same, to be made by the high sheriff of the Territory or the sheriff or other authorized police officer of the county in which the principal office of the bank is located, at said principal office, after giving the stockholder

thirty days notice of the amount of such tax and of the time and place of sale, such notices to be by registered letter addressed to the stockholder at his postoffice address, as the same appears upon the books of the bank.

[**Sec. 1990p.**] **Section 16. Assessment of foreign bank and notice.** The fair and reasonable value of the property and business of a foreign bank as an enterprise for profit in the Territory, as ascertained and fixed in the manner hereinbefore provided, shall be assessed, as of January 1st of each year, on or before April 1st to the taxpayer, and the tax commissioner shall, within five days after he has completed the assessment of said foreign bank, give written notice of such assessment to such foreign bank by mailing a notice thereof properly addressed to it, at its last known address or place of business.

[**Sec. 1990q.**] **Section 17. Taxes payable when; delinquency.** All taxes levied under the provisions of this Act shall be due and payable on and after January 1st of each year. Such taxes remaining unpaid after June 20th of each year shall thereby and thereupon become delinquent as to one-half of the amount due and the balance of such taxes remaining unpaid after November 20th of each year shall thereby and thereupon become delinquent.

[**Sec. 1990r.**] **Section 18. Appeal; correction of assessment; injunction.** Any taxpayer who may deem himself aggrieved by any assessment may appeal from the assessment to the tax appeal court by filing with the tax appeal court, on or before April 20th of the assessment year, a written notice of appeal and the payment to the court of costs in the amount fixed by section 1942, Revised Laws of Hawaii 1935. Any such person shall also file a copy of the notice of appeal in the tax commissioner's office. The notice shall set forth the following:

(a) A description of the shares of stock involved and the tax assessed thereon by the tax commissioner, in the case of a tax on bank shares; or the amount fixed by the tax commissioner as the fair and reasonable value of the property and business of the foreign bank as an enterprise for profit in the Territory, in the case of a tax on a foreign bank;

(b) The assessment claimed to be correct by the taxpayer;

(c) A copy of the bank's return, if any has been filed. The appeal shall be deemed to have been taken in time if the notice thereof and costs, and the copy of the notice shall have been deposited in the mail, postage prepaid, properly addressed to the tax appeal court and the tax commissioner, respectively, on or before said date. Any bank may, as the agent of each of

its shareholders, appeal from the assessment to the tax appeal court and a notice of appeal covering the tax payable by all of the shareholders of such bank may be filed and shall be deemed a compliance with the provisions of this section.

All of the provisions of sections 1940 to 1954, inclusive, of the Revised Laws of Hawaii 1935, not inapplicable or inconsistent with the provisions of this Act, are hereby made applicable to appeals and assessments under and taxes imposed by and collection of taxes under this Act. For such purpose the term "property" as used in said sections shall mean the shares of stock of a bank; or the property and business of a foreign bank, as the case may be, and the term "taxpayer's return" shall mean the return of the bank provided for in section 4 hereof, or of the foreign bank provided for in section 5 hereof, as the case may be.

No injunction shall be awarded by any court or judge to restrain the collection of the taxes imposed by this Act, or any part of them, due from any person, except upon the ground that the assessment thereof was in violation of the Constitution or the laws of the United States; or that the same were fraudulently assessed; or that there was a mistake made in the amount of taxes assessed upon the person applying therefor. In the latter case, no such injunction shall be awarded, unless application shall first have been made to the tax appeal court to correct the alleged mistake and the tax appeal court shall have refused to do so which fact shall be stated in the bill and unless the complainant shall have paid into the treasury of the Territory all taxes appearing by the bill of complaint to be owing.

Any bank as agent for all its stockholders, may in its own name pursue for and on behalf of such stockholders any and all remedies which any taxpayer might have or pursue for any wrongful, erroneous or illegal assessment made or attempted to be made hereunder. Nothing herein contained shall be construed as denying to banks or shareholders therein the remedy permitted by section 571, Revised Laws of Hawaii 1935.

[Sec. 1990s.] **Section 19. Provisions of other laws made applicable.** All provisions of sections 1910 to 1912, inclusive, and 1914, 1916 to 1918, inclusive, and 1926 of the Revised Laws of Hawaii 1935, not inapplicable or inconsistent with the provisions of this Act, are hereby made applicable to and with respect to assessments under, and taxes imposed by, and collections of taxes under, this Act. For such purpose, the term "taxpayer" and the term "property", as used in said sections,

shall have the respective meanings defined in sections 1 and 18 hereof.

[**Sec. 1990t.**] **Section 20. Tax a debt due Territory; lien.** A tax due and unpaid under this Act shall be a debt due the Territory and shall be a lien upon the respective shares of stock or the property of the foreign bank, as the case may be, upon which the tax is assessed; and the tax against such shares, or such property, as the case may be, shall remain a lien thereon until the payment of such tax. The lien shall have the same priority as the lien of the real property tax.

[**Sec. 1990u.**] **Section 21. Collection by suit.** The tax commissioner may, by himself or a duly appointed deputy commissioner or assessor, collect taxes due and unpaid under this Act, together with all accrued penalties by action in assumpsit or other appropriate proceedings in the circuit court of the judicial circuit in which the principal office of the bank involved is located.

[**Sec. 1990v.**] **Section 22. Exemption from other taxes, except real property tax.** Nothing herein contained shall be construed to exempt the real estate of a bank or foreign bank from the real property taxes provided for in chapter 61, Revised Laws of Hawaii 1935, which real estate shall be assessed to said banks and taxed as other real estate, but the property of such bank shall not be otherwise assessed and taxed and the tax herein provided for shall be in lieu of all other taxes except the said real property tax.

[**Sec. 1990w.**] **Section 23. [Chapter 62 repealed; reservations.]** Repeal of chapter 62 of the Revised Laws of Hawaii 1935 and of other laws inconsistent herewith. Chapter 62, Revised Laws of Hawaii 1935, is hereby repealed to take effect as of 12:00 o'clock midnight, December 31, 1934, except that said law shall remain in force for the assessment, levy and collection of all taxes which have accrued thereunder for any year prior to January 1, 1935, and for the imposition and collection of all penalties, interest and forfeitures which have accrued or may accrue in relation to any such taxes. All laws or parts of laws inconsistent herewith are to the extent of such inconsistency hereby repealed.

[**Sec. 1990x.**] **Section 24. Disposition of tax.** All taxes collected under the provisions of this Act shall be paid into the territorial treasury and shall be for the benefit of the Territory.

[**Sec. 1990y.**] **Section 25. Constitutionality; construction of Act.** If for any reason any basis used for the computation of

the tax against any particular person cannot legally be so used, the tax payable by such person shall be computed upon such basis or portions thereof which can legally be used.

If for any reason this tax is held invalid as applied to any person or any shares of the capital stock of any bank, that shall not invalidate the entire tax laid upon such person or shares of the capital stock of any bank, and a tax shall be paid equivalent to that tax which could legally be assessed under this Act.

If for any reason this tax is held invalid in whole or in part, as applied to the shares of any national banking association, or if by reason of the Constitution or laws of the United States the rate as assessed by the commissioner against the shares of the national banking association, or any other bank, is reduced then and in either of such events the rate assessed against the shares of banks other than national banking associations and foreign banks shall be similarly reduced or the assessment vacated so that all banks and foreign banks shall be taxed on the same basis and at the same rate.

If any section, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

[**Sec. 1990z.**] **Section 26. Effective date.** This Act shall take effect as of January 1, 1935, and, in respect to the year 1935, the returns provided for in this Act shall be made within fifteen days after the approval of this Act, and, the assessment provided for in this Act, shall be made within fifteen days thereafter, and, taxes to be paid under this Act on June 20th, shall be paid within thirty days after the tax commissioner has given written notice of the assessment, subject to the right of any taxpayer to appeal, in the manner herein provided, from any such assessment within five days after the said notice has been given.

(Approved May 10, 1935.) **S.B. 69, ACT 131.**

## CHAPTER 63. BUSINESS EXCISE TAX.

**Series A-42.** An Act to Repeal, Subject to Certain Conditions, Chapter 63 of the Revised Laws of Hawaii 1935, Relating to the Business Excise Tax, and to Provide for the Collection and Disposition of Taxes Accruing Prior to Such Repeal.

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

[**Sec. 2007a.**] Section 1. [**Repeal of chapter.**] Upon January 1, 1936, except as the provisions thereof may be continued in effect for the purposes hereinafter set forth, chapter 63 of the Revised Laws of Hawaii 1935 shall stand repealed.

[**Sec. 2007b.**] Section 2. [**Exceptions to effect of repeal.**] This Act shall not be construed as affecting in any manner, to the detriment of the Territory of Hawaii, except as in this Act provided, any taxes, interest, fines, penalties, forfeitures, liabilities, obligations, crimes or other offenses, existing, due, incurred or committed under said chapter 63 prior to its repeal by this Act, nor as affecting, except as in this Act provided, the liability of any person to prosecution for any crime or other offense committed under said chapter 63 prior to its repeal by this Act; except as in this Act provided, all such taxes, interest, fines, penalties, forfeitures, liabilities, obligations, crimes and other offenses existing, due, incurred, or committed prior to such repeal may be enforced, collected, prosecuted or punished, as the case may be, in the same manner, to the same extent, and subject to the same conditions, as if said chapter 63 had not been repealed.

[**Sec. 2007c.**] Section 3. [**Special assessments; rate of tax.**] No tax shall be deemed to accrue or be payable under said chapter 63 for or in respect of any business done subsequent to December 31, 1934. The tax commissioner shall have power to require such special returns, and make such special assessments and adjustments with respect to taxpayers operating on a fiscal year basis as shall be reasonably necessary or proper to determine the amount of excise tax payable under said chapter 63 for the business done during the period from the end of the taxpayer's 1934 taxable year to December 31, 1934; the procedure with respect to such special assessments shall be as nearly as practicable similar to that in making jeopardy assessments, but the rate for such special assessments shall be two per centum and the whole of such tax shall be due and payable not later than November 20, 1935, and shall be delinquent after said date.

Section 4. This Act shall take effect upon its approval. Provided, however, that this Act shall become effective only in the event Senate Bills Nos. 39, 40, 145 and 215 become law.

(Approved May 9, 1935.) **S.B. 24, ACT 119.**

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## CHAPTER 63a. CONSUMPTION TAX LAW.

**Series A-43.** An Act to Provide for the Levy and Collection of an Excise Tax on the Use or Consumption of Tangible Personal Property in the Territory of Hawaii and to Provide for Certain Exemptions Therefrom.

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

[**Sec. 2008a.**] Section 1. **Definitions.** Wherever used in this Act, unless otherwise required by the context:

(1) "Commissioner" means the tax commissioner of the Territory or any of his duly constituted subordinates.

(2) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, trust or any group or combination acting as a unit, and the plural as well as the singular number as may be appropriate.

(3) "Taxpayer" means any person liable for any tax hereunder, and where the taxable use of the property is not to be or is not made by the owner thereof, then both the person making such use and such owner shall be deemed the taxpayers taxable under this Act, and both shall be jointly and severally liable for such tax.

(4) "Value", means fair and reasonable cash value.

(5) "Use" or "consumption" (and any verbal, adjective, adverbial and other equivalent form of any of said terms), herein used interchangeably, means any use, whether such use is of such nature as to cause the property to be appreciably consumed or not, or the keeping of such property for such use or consumption, but shall not include: (a) the sale or the keeping solely for sale of such property; (b) the use or keeping for use of property as material which is or is to be incorporated by the taxpayer into a finished or saleable product (including the container or package in which the product is contained) during the course of its preservation, manufacture or processing, including preparation for market, and which remains or will remain in such finished or saleable product in such form as to be perceptible to the senses, and which finished

or saleable product is or is to be sold and not otherwise used by the taxpayer; (c) temporary use of property, not of a perishable or quickly consumable nature, where such property is imported into the Territory for temporary use (not sale) therein by the person importing the same and is not intended to be, and is not, kept permanently in the Territory (as for example, without limiting the generality of the foregoing language: (i) in the case of a contractor importing permanent equipment for the performance of a construction contract, with intent to remove, and who does remove, such equipment out of the Territory upon completing the contract; (ii) in the case of moving picture films imported for use in theaters in the Territory with intent or under contract to transport the same out of the Territory after completion of such use; (iii) in the case of a transient visitor importing an automobile or other belongings into the Territory to be used by him while therein but which are to be and are removed upon his departure from the Territory); (d) use by the taxpayer of property acquired by him solely by way of gift; (e) use which is limited to the receipt of articles and the return thereof, to the person from whom acquired, immediately or within a reasonable time, either after temporary trial or without such trial; (f) use of goods imported into the Territory by the owner of a vessel or vessels engaged in interstate or foreign commerce and held for and used only as ship stores for such vessels.

(6) "Property" means tangible personal property.

(7) "Territory" means the Territory of Hawaii.

(8) "General excise tax law" means that certain law enacted at the regular session of 1935 of the legislature of the Territory, entitled "An Act to provide for the raising of additional revenues by a tax upon the privilege of engaging in certain occupations, to provide for the ascertainment, assessment and collection of such tax and to provide penalties for violations of the terms thereof."

(9) "Import" (or any nounal, verbal, adverbial, adjective or other equivalent of said term) shall include importation into the Territory from any other part of the United States or its possessions or from any foreign country, whether in interstate or foreign commerce, or both.

[Sec. 2008b.] Section 2. **Levy of tax.** There is hereby levied, and shall be paid and collected, in the manner, at the times, and by the persons, hereinafter provided an excise tax upon the use or consumption of all property (as hereinabove defined) in the Territory of Hawaii.

[Sec. 2008c.] Section 3. **Rate of tax.** The rate of the tax

hereby imposed shall be one and one-quarter per cent ( $1\frac{1}{4}\%$ ); provided that should the rate of one and one-quarter per cent fixed by Section 2-I of the general excise tax law be increased or decreased under said law, then the rate imposed by this section shall thereby automatically be changed to conform to said changed rate under the general excise tax law.

[Sec. 2008d.] **Section 4. Persons taxable; computation of tax; payable when.** (1) Every person who imports into the Territory, or otherwise acquires in the Territory from any other person not taxable under the general excise tax law in respect of the transaction by which the former acquired the same, any property for his use or consumption, shall be subject to a tax in respect of such use or consumption at the rate in this Act provided, measured by the value of such property, which tax shall be payable:

(a) In the case of property imported in foreign commerce, at the time such property loses its character as an import and its immunity as such from taxation by the Territory;

(b) In the case of property imported in interstate commerce, at the time such property comes to rest in the Territory and ceases its character as an article in interstate commerce; and

(c) In the case of property acquired otherwise than through importation into the Territory by the taxpayer in foreign or interstate commerce, at the time of such acquisition;

Provided, that in the event that such tax may not legally be levied in respect of the property concerned at the time and under the circumstances provided in paragraphs (a), (b) or (c) of this subsection, then such tax shall be levied and become payable at the commencement by the taxpayer of any use or consumption of said property which is taxable by the Territory.

(2) The value of the property at the time the tax first becomes payable in respect thereof, shall be the value used for the computation of such tax.

[Sec. 2008e.] **Section 5. Exemptions.** The tax imposed by this Act shall not apply: (1) To any property, or to any use or consumption of such property, which cannot be legally so taxed under the Constitution or laws of the United States, but only so long as, and only to the extent to which, the Territory is without power to impose such tax; and

(2) To liquid fuel as defined in chapter 64 of the Revised Laws of Hawaii 1935;

(3) To any person in respect of property acquired in or imported into the Territory by him prior to the effective date of this Act.

(4) To any use or consumption of personal property the transfer of which property to, or the acquisition of which by, the person so using or consuming the same has actually been or actually is taxed under the general excise tax law.

(5) If during any month the value of all the property used by any person taxable under this Act in respect of such use during such month shall be less than \$100.00, such person shall be exempt from the tax imposed by this Act in respect of such use; if such value exceeds \$100.00, then such person shall be taxable only in respect of the portion of such value in excess of \$100.00.

(6) The tax imposed by this Act shall be paid only once upon or in respect of the same property; provided that nothing in this Act contained shall be construed to exempt any property or the use or consumption thereof from taxation under any other law of the Territory.

[Sec. 2008f.] **Section 6. Tax in addition to other taxes.** The tax imposed by this Act shall be in addition to any other taxes imposed by any other laws of the Territory, except as otherwise specifically provided herein; provided, that if it be finally held by any court of competent jurisdiction, that the tax imposed by this Act may not legally be imposed in addition to any other tax or taxes imposed by any other law or laws with respect to the same property or the use or consumption thereof, then this Act shall be deemed not to apply to such property and the use or consumption thereof under such specific circumstances, but such other laws shall be given full effect with respect to such property, use and consumption.

[Sec. 2008g.] **Section 7. Returns.** On or before the twentieth day of each calendar month, any taxpayer who has become liable to the payment of a tax under this Act during the preceding calendar month in respect of any property or the use or consumption thereof, shall file a return with the assessor of the taxation division in which such property was held when such tax first became payable, or with the commissioner at Honolulu, setting forth a description of the property and the character and quantity thereof in sufficient detail to identify the same or otherwise in such reasonable detail as the commissioner by regulations shall require, and the value thereof. Such return shall be accompanied by a remittance in full of the tax, computed at the rate specified in section 3 upon the value so returned. Any such tax remaining unpaid after said twentieth day following the end of the calendar month during which the same first became payable shall become delinquent.

[Sec. 2008h.] **Section 8. Reports by importers and others.**

For the purpose of enabling the commissioner to determine whether or not the provisions of this Act are being complied with and to prevent evasion of the tax hereby imposed, every person who imports any property into the Territory or who otherwise acquires property in the Territory from any other person not taxable under the general excise tax law in respect of the transaction by which the former acquired the same, whether or not he then is, or can then legally be, taxed in respect of such property or the use or consumption thereof under this Act, shall, nevertheless, make a report to the assessor of the division in which he acquired or first took possession of such property, or to the commissioner, setting forth, in such reasonable detail as the commissioner by regulation may prescribe, the description, quantity, character and value thereof, and such information as may be reasonably necessary to determine the taxability or non-taxability of the person making such report in respect of the property covered thereby; provided, that a taxpayer may, pursuant to regulations of the commissioner, combine the return required by section 7 and the report required by this section.

[Sec. 2008i.] **Section 9. Examination of returns and reports; additional assessments.** At any time within two years after any tax first became payable hereunder, whether or not a return or report was made covering the property or any part thereof in respect of which such tax was or is payable, the commissioner, if he finds from examination of such return or report or from any other available information, that such tax or any part thereof has not been assessed, may assess the same, and the tax or additional tax so assessed shall be payable forthwith and shall become delinquent upon the expiration of thirty days after the mailing of notice thereof by the commissioner, postage prepaid, addressed to the taxpayer at his last known place of business or residence.

[Sec. 2008j.] **Section 10. Payment under protest; action to recover.** Any person assessed for any tax under or pursuant to this Act, who deems himself aggrieved by such assessment, shall be entitled to pay the same under protest pursuant and subject to the requirements of section 571 of the Revised Laws of Hawaii 1935, and said section shall be applicable to such person and the moneys so paid under protest, provided that no prepayment of the costs of court shall be required in order to bring action to recover such moneys, but such costs or such proportion thereof as the court may deem equitable, may be taxed against the taxpayer in the event that such action results adversely in whole or in part to him.

[Sec. 2008k.] **Section 11. Records.** It shall be the duty of every person required under this Act to make returns or reports to keep in the English language and preserve for a period of three years, books of account or other records in sufficient detail to enable the commissioner, as far as reasonably practicable, to determine whether or not any taxes imposed by this Act are payable in respect of the property concerned, and, if so payable, the amount thereof.

[Sec. 2008l.] **Section 12. Penalty for delinquency.** A penalty of ten per centum shall be added to and become a part of any tax or portion thereof becoming delinquent, and in addition thereto said tax as so increased shall bear interest at the rate of one per centum for every thirty days or portion thereof, after the expiration of thirty days after the first delinquent date, during which the same remains unpaid, which interest shall be added to and become a part of such tax.

[Sec. 2008m.] **Section 13. Collection of taxes by assumpsit or distress; concurrent jurisdiction of district magistrates.** Any tax which is delinquent under this Act may be collected:

(a) By action in the name of the commissioner or any collector or deputy collector of taxes, in assumpsit, with or without attachment of the real or personal property of the taxpayer, and it shall be unnecessary, in order to secure the issuance of the writ of attachment, for the officer bringing such action to file any affidavit, other than the usual sworn complaint in ordinary assumpsit actions where no attachment is sought, with a prayer for such writ; in all such actions the several district magistrates shall have concurrent jurisdiction with the circuit courts, irrespective of the amount claimed.

(b) By distress in the manner provided by section 18 of the general excise tax law which is hereby made applicable to taxes due under this Act in the same manner, as nearly as may be, as to taxes due under said law.

[Sec. 2008n.] **Section 14. Lien on real property; enforcement.** Any tax due under this Act shall become a lien upon all the real property of the taxpayer, subject only to preexisting recorded liens, upon the filing by the commissioner, with the registrar of conveyances, of a duly executed certificate setting forth the amount of the unpaid tax and penalties and interest to the date of the certificate. Section 17 of the general excise tax law is hereby made applicable with respect to such lien in the same manner, as nearly as may be, as to liens for taxes due under said law.

[Sec. 2008o.] **Section 15. Offenses, penalties; fines terri-**

**torial realizations.** It shall be unlawful for any person to refuse to make any return or report required under this Act. Section 19 of the general excise tax law is hereby made applicable to and with respect to all taxes imposed under, all returns or reports required by or pursuant to, all taxpayers, officers of corporations and other persons affected by, and all violations of, this Act, in so far as the same are not inconsistent with this Act, in the same manner as nearly as may be, as in similar cases covered by said general excise tax law.

Notwithstanding any other laws to the contrary, the proceeds of all fines (exclusive of costs) imposed for convictions under this Act shall be territorial realizations and shall be paid into the general fund of the Territory.

[**Sec. 2008p.]** Section 16. **Other provisions of general excise tax law applicable.** In respect of (a) the examination of books and records and of taxpayers and other persons, (b) procedure and powers upon failure or refusal by a taxpayer to make a return or a proper return, and (c) the general administration of this Act, the commissioner shall have all the rights and powers conferred upon him by the general excise tax law with respect to taxes thereby or thereunder imposed; and, without restriction upon the aforesaid rights and powers, sections 8, 20 and 22 of said general excise tax law are hereby made applicable to and with respect to the taxes and the taxpayers, tax officers and other persons, and the matters and things affected or covered by this Act, in so far as not inconsistent with the provisions of this Act, in the same manner, as nearly as may be, as in similar cases covered by said general excise tax law.

[**Sec. 2008q.]** Section 17. **Taxes territorial realizations.** All taxes collected under this Act shall be territorial realizations.

[**Sec. 2008r.]** Section 18. **Constitutionality; construction of Act.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or invalid.

Section 19. **Short title.** This Act may be cited as the "consumption tax law."

Section 20. **Effective date.** This Act shall take effect upon the effective date of the general excise tax law; provided, however, that this Act shall become effective only in the event that Senate Bills Nos. 24, 39, 40 and 145 become law.

(Approved May 13, 1935.) **S.B. 215, Act 160.**

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## **CHAPTER 64a. GENERAL EXCISE TAX LAW.**

**Series A-44.** An Act to Provide for the Raising of Additional Revenues by a Tax Upon the Privilege of Engaging in Certain Occupations, to Provide for the Ascertainment, Assessment and Collection of Such Tax and to Provide Penalties for Violations of the Terms Thereof.

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

[**Sec. 2025a.]** **Section 1. Definitions.** When used in this Act, unless otherwise required by the context:

(1) "Commissioner" or "tax commissioner" shall mean the tax commissioner of the Territory of Hawaii.

(2) "Person" or "company" shall include every individual, partnership, society, unincorporated association, joint adventure, group, hui, joint stock company, corporation, trustee, executor, administrator, trust estate, decedent's estate, trust or other entity, whether said persons are doing business for themselves or in a fiduciary capacity, and whether the individuals are residents or non-residents of the Territory, and whether the corporation or other association is created or organized under the laws of the Territory or of another jurisdiction.

(3) "Tax year" or "taxable year" means either the calendar year, or the taxpayer's fiscal year when permission is obtained from the tax commissioner to use same as the tax period in lieu of the calendar year.

(4) "Sale" or "sales" includes the exchange of properties as well as the sale thereof for money.

(5) "Taxpayer" means any person liable for any tax hereunder.

(6) "Gross income" means the gross receipts, cash or accrued, of the taxpayer received as compensation for personal services and the gross receipts of the taxpayer derived from trade, business, commerce or sales and the value proceeding or accruing from the sale of tangible personal property, or service, or both.

and all receipts, actual or accrued according to the manner in which the books of account of the taxpayer are kept, by reason of the investment of the capital of the business engaged in, including interest, discount, rentals, royalties, fees, or other emoluments however designated and without any deductions on account of the cost of property sold, the cost of materials used, labor cost, taxes, royalties, interest or discount paid or any other expenses whatsoever. Provided, that every taxpayer shall be presumed to be dealing on a cash basis unless he proves to the satisfaction of the commissioner that he is dealing on an accrual basis and his books are so kept.

(7) "Business" as used in this Act, shall include all activities, (personal, professional or corporate) engaged in or caused to be engaged in with the object of gain or economic benefit either direct or indirect, but shall not include casual sales.

(8) "Gross proceeds of sale" means the value actually proceeding from the sale of tangible personal property without any deduction on account of the cost of property sold or expenses of any kind. The words "gross income" and "gross proceeds of sales" shall not be construed to include the gross receipts from the sale of bonds or other evidence of indebtedness or stocks or from the sale of real property; cash discounts allowed and taken on sales; the proceeds of sale of goods, wares or merchandise returned by customers when the sale price is refunded either in cash or by credit; or the sale price of any article accepted as part payment on any new article sold, if the full sale price of the new article is included in the "gross income" or "gross proceeds of sales." And accounts found to be worthless and actually charged off for income tax purposes may, at corresponding periods, be deducted from gross proceeds of sale, or gross income, within this Act, so far as they reflect taxable sales made, or gross income earned after July 1, 1935, but shall be added to gross proceeds of sale or gross income when and if afterwards collected.

(9) "Service business or calling" shall include all non-professional activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the production or sale of tangible property, but shall not include the services rendered by an employee to his employer.

(10) "Wholesaler" or "jobber" shall apply only to a person doing a regularly organized wholesale or jobbing business, known to the trade as such, and only with respect to the following sales: (a) sales, to a licensed retail merchant or jobber, for purposes of resale; (b) sales, to a licensed manufacturer, of material or commodities which are to be incorporated by

such manufacturer into a finished or saleable product (including the container or package in which the product is contained) during the course of its preservation, manufacture or processing, including preparation for market, and which will remain in such finished or saleable product in such form as to be perceptible to the senses, which finished or saleable product is to be sold and not otherwise used by such manufacturer; or (c) sales, to a licensed contractor, of material or commodities which are to be incorporated by such contractor into the finished work or project required by the contract and which will remain in such finished work or project in such form as to be perceptible to the senses.

Provided, that in the event the consumption tax law shall be finally held by a court of competent jurisdiction to be unconstitutional or invalid in so far as it purports to tax the use or consumption of tangible personal property imported into the Territory in interstate or foreign commerce or both, then and in such event wholesalers and jobbers shall be taxed thereafter under this Act in accordance with the following definition (which shall supersede the preceding paragraph otherwise defining "wholesaler" or "jobber"), to-wit:

"Wholesaler" or "jobber" shall mean a person, or a definitely organized division thereof, definitely organized to render and rendering a general distribution service which buys and maintains at his or its place of business a stock or lines of merchandise which he or it distributes; and which, through salesmen, advertising or sales promotion devices, sells to licensed retailers, or to institutional, or licensed commercial or industrial users, in wholesale quantities and at wholesale rates.

(11) The term "producer" shall mean and include any person engaged in the business of raising and producing agricultural, animal or poultry products in their natural state, or in producing natural resource products, or engaged in the business of fishing, who sells agricultural, animal or poultry products in their natural state, or butchered and dressed, or the natural resource products, or the fish, for resale or to be incorporated and remain in finished manufactured products, or in the finished work required under a construction contract.

(12) "Retail" means the sale of tangible personal property, other than by a wholesaler as such within the definition of this Act, for consumption or use by the purchaser and not for resale.

(13) "Retailer" shall mean any person who sells, other than as a wholesaler within the definition of this Act, tangible personal property for consumption or use by the purchaser and not for resale.

(14) "Contractor" shall include, for purposes of this Act,

every person engaging in the business of contracting to erect, construct, repair or improve buildings or structures, of any kind or description, including any portion thereof, or to make any installation therein, or to make, construct, repair or improve any highway, road, street, sidewalk, ditch, excavation, fill, bridge, shaft, well, culvert, sewer, or water system, drainage system, dredging or harbor improvement project, electric or steam rail, lighting or power system, transmission line, tower, dock, wharf, or other improvements. The foregoing enumeration of what is to be included in the term "contractor" is not to be considered exclusive of any other meaning attributable thereto.

(15) "Auditor" means the auditor of the Territory of Hawaii.

(16) The term "engaging" as used in this Act with reference to engaging or continuing in business shall also include the exercise of corporate or franchise powers.

[Sec. 2025b.] Section 2. **Imposition of tax.** I. There is hereby levied and shall be assessed and collected annually privilege taxes against the persons on account of their business and other activities in this Territory measured by the application of rates against values, gross proceeds of sales or gross income, as the case may be, as follows:

A. **Tax on manufacturers.** (1) Upon every person engaging or continuing within this Territory in the business of manufacturing, compounding, canning, preserving, packing, milling, processing, refining or preparing for sale, profit or commercial use, either directly or through the activity of others, in whole or in part, any article or articles, substance or substances, commodity or commodities, the amount of such tax to be equal to the value of the articles, substances or commodities, manufactured, compounded, canned, preserved, packed, milled, processed, refined or prepared, for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same (except as hereinafter provided), multiplied by the respective rates as follows:

Millers or processors of sugar, raw or refined, or sugar by-products, one and one-quarter ( $1\frac{1}{4}$ ) per cent; canneries, one and one-quarter ( $1\frac{1}{4}$ ) per cent; all other manufacturers on whose gross income a tax is not otherwise levied in this Act, one-quarter ( $\frac{1}{4}$ ) of one per cent.

(2) The measure of the tax on manufacturers is the value of the entire product manufactured, compounded, canned, preserved, packed, milled, processed, refined or prepared, in this

Territory, for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the Territory.

(3) If any person liable for the tax on manufacturers shall ship or transport his products, or any part thereof, out of this Territory without making sale of such products, the value of the products in the condition or form in which they existed immediately before entering interstate or foreign commerce shall be the basis for the assessment of the tax imposed in this section. The commissioner shall prescribe equitable and uniform rules for ascertaining such value; and the tax imposed on manufacturers shall be due and payable as of the date of such entry into interstate or foreign commerce, whether said products have been sold or not. If any person liable for the tax on manufacturers shall ship or transport his products, or any part thereof, outside of the Territory in an unfinished condition, the value of the products or articles in the condition or form in which they existed when shipped or transported out of the Territory and before they entered interstate or foreign commerce shall be the basis of assessment of the tax imposed on manufacturers and the commissioner shall prescribe equitable and uniform rules for ascertaining such value.

(4) In computing the tax levied on manufacturers where the gross proceeds of sales of such manufactured products are taken as the measure of the value of such products for the purpose of computing the tax, if such products shall have been sold on a delivered price, the actual transportation charges prepaid by the taxpayer or included in the invoice price, on such manufactured products, to the place of delivery shall be deducted from the gross proceeds of sales used in determining the amount of the tax.

(5) Provided, however, that any person engaging or continuing in the business of refining sugar in the Territory, who purchases raw sugar for such refining, the seller of which raw sugar is taxable in respect to such sale under section 2, I-A, will be entitled to deduct from the amount of the value used for computing the tax, the amount paid by him for such raw sugar. The refiner shall show in his return the amounts of his purchase of such raw sugar and from whom purchased.

(6) In computing the tax levied under section 2, I-A, any person who by reason of the Agricultural Adjustment Act, or other Acts of Congress of the United States, includes as a part of his gross income a processing tax, or other similar tax, paid either to the federal or territorial governments, shall be entitled to deduct from the amount of the value used for computing the tax payable under section 2, I-A, hereof, the amount

of the processing tax, or other similar tax, paid by him to the federal government; provided, however, that this paragraph shall not be construed to entitle the taxpayer to deduct any sums that may be returned and retained as a benefit payment so-called or a like payment by virtue of the Agricultural Adjustment Act or other Acts passed by the Congress of the United States relating thereto.

**B. Tax on retailers, wholesalers and producers.** (1) Upon every person engaging or continuing within this Territory in the business of selling any tangible personal property whatsoever (not including, however, bonds or other evidence of indebtedness, or stocks), there is likewise hereby levied, and shall be assessed and collected, a tax equivalent to one and one-quarter ( $1\frac{1}{4}$ ) per cent of the gross proceeds of sales of the business; provided, however, that in the case of a wholesaler or producer, the tax shall be equal to one-quarter ( $\frac{1}{4}$ ) of one per cent of the gross proceeds of sales of the business.

(2) Provided, that gross proceeds of sales of tangible property in interstate and foreign commerce shall constitute a part of the measure of the tax imposed on retailers and wholesalers, to the extent, under the conditions and in accordance with the provisions of the Constitution of the United States and the Acts of the Congress of the United States which may be now in force or may be hereafter adopted.

(3) Provided, however, that any person engaging or continuing in business as a retailer and a wholesaler or as a retailer and a producer shall pay the tax required on the gross proceeds of sales of each such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business; and when his books are not so kept he shall pay the tax as a retailer.

(4) A manufacturer or producer engaging in the business of selling his manufactured products at retail in this Territory shall be required to make returns of the gross proceeds of such retail sales and pay the tax imposed in this Act, for the privilege of engaging in the business of selling such products at retail in this Territory; and the value, or gross proceeds of sales, of such products, thus sold by the manufacturer or producer at retail and included in the measure of the tax imposed in this Act, shall be deducted from the gross income, or gross proceeds of sales, used in determining the measure of the tax imposed upon such manufacturer or producer as such.

(5) But a manufacturer or producer engaging in the business of selling his products to manufacturers, wholesalers, or licensed retailers, shall not be required to pay the tax imposed in this Act for the privilege of selling such products at whole-

sale. Nor shall any such manufacturer or producer be required to pay the tax imposed in this Act for the privilege of selling products for delivery outside of this Territory. But the gross income derived from the sale of such products to manufacturers, wholesalers, or licensed retailers, and the gross income derived from all sales of such products, for delivery outside of this Territory, shall be included in determining the measure of the tax imposed upon such manufacturer or producer as such.

**C. Tax upon contractors.** (1) Upon every person engaging or continuing within this Territory in the business of contracting, the tax shall be equal to one and one-quarter ( $1\frac{1}{4}$ ) per cent of the gross income of the business. Provided, however, that the rate of tax levied upon any such person measured by gross income received on account of uncompleted contracts, entered into prior to the effective date of this Act shall be eight-tenths of one per cent. All contracts shall be *prima facie* presumed to have been entered into subsequent to the effective date of this Act.

(2) Provided, however, that in computing the tax levied under this subsection C, there shall be deducted from the gross income of the taxpayer, so much thereof as has been included in the measure of the tax levied under subsection C (1) on other taxpayers; but any person claiming such deduction shall be required to show in his return the names of the persons paying the amount deducted hereunder.

**D. Tax upon theaters, amusements, radio broadcasting stations, etc.** (1) Upon every person engaging or continuing within this Territory in the business of operating a theater, opera house, moving picture show, vaudeville, amusement park, dance hall, skating rink, radio broadcasting station or any other place at which amusements are offered to the public, the tax shall be equal to one and one-quarter ( $1\frac{1}{4}$ ) per cent of the gross income of the business.

(2) Provided, however, that where the rental paid for the use of films in any theater or moving picture house is included in the gross income by which the tax against the lessor of the films is measured under this Act, the amount of rental paid by the lessee operator to such lessor shall be deducted from the lessee operator's gross income used in determining the measure of the tax imposed upon such operator under subsection D (1).

**E. Tax upon printers and publishers.** Upon every person engaging or continuing within this Territory in the business of job printing or printing or publishing newspapers, magazines or other periodicals and publications, the tax shall be

equal to one per cent (1%) of the gross income of such job printing, printing or publishing business.

**F. Tax on service business.** Upon every person engaging or continuing within this Territory in any service business or calling not otherwise specifically taxed under this Act, there is likewise hereby levied and shall be assessed and collected a tax equal to one and one-quarter (1¼) per cent of the gross income of any such business.

**G. Professions.** Upon every person engaging or continuing within this Territory in the practice of a profession, including those expounding the religious doctrines of any church, there is likewise hereby levied and shall be assessed and collected a tax equal to one-half of one per cent (½%) of the gross income of such practice or exposition.

**H. Tax on other business.** Upon every person engaging or continuing within this Territory in any business, trade, activity, occupation, or calling not included in the preceding subsections or any other provisions of this Act, there is likewise hereby levied and shall be assessed and collected, a tax equal to one and one-quarter (1¼) per cent of the gross income thereof. This subsection shall apply to the gross income of persons taxable under other subsections hereof not derived from the exercise of privileges taxable thereunder.

**II.** Where delivery of any products is made by a taxpayer, taxable under this Act, to other affiliated companies or persons, or under other circumstances where the relation between the manufacturer or producer and the receiver of such products is such that the consideration paid, if any, is not indicative of the true value of the products delivered, the taxpayer shall pay the tax imposed by this Act for the privilege of engaging in the business of producing or manufacturing the products so delivered, measured by the value, corresponding as nearly as possible to the gross proceeds of sale of similar products, of like quality and character, by other persons, where no common interest exists between the buyer and seller but the circumstances and conditions are otherwise similar. If no such comparable sales exist between non-affiliated buyers and sellers, the commissioner shall prescribe equitable and uniform rules for ascertaining such value.

**III.** Before the 15th day of December of each year the director of the bureau of the budget shall prepare and submit to the treasurer an estimate of the amount of moneys required for the purpose of meeting the estimated probable expenditures during the next taxable year, and if the amount of money required is less than the amount of money estimated to be available, (including an amount of \$1,600,000.00 which shall

be deemed for the purposes of this paragraph to be available, by virtue of the personal property tax imposed by chapter 67 of the Revised Laws of Hawaii 1935, as the same may be amended) the treasurer may, with the written approval of the governor, decrease the rate of one and one-quarter ( $1\frac{1}{4}$ ) per cent fixed by section 2-1 to such extent that the estimated amount to be raised hereunder will only be sufficient to meet the required expenditures.

But if the estimate of the moneys required, in addition to all other moneys estimated to be available (including an amount of \$2,000,000.00 which shall be deemed for the purposes of this paragraph to be available by virtue of the personal property tax imposed by chapter 67 of the Revised Laws of Hawaii 1935, as the same may be amended), for the purpose of meeting the estimated probable expenditures during the next taxable year, shall be greater than the amount of money available by virtue of the taxes imposed by this Act at the rates fixed by section 2-1 thereof, then the treasurer may, with the written approval of the governor, increase the rate of one and one-quarter per cent ( $1\frac{1}{4}\%$ ) fixed by said section 2-1 to such extent, not exceeding an additional one-quarter of one per cent ( $\frac{1}{4}\%$ ), that the estimated amount to be raised hereunder will be sufficient (within the limit of such increase) to meet the required expenditures.

[Sec. 2025c.] **Section 3. Interstate and foreign commerce.** Federal agencies. In computing the amounts of any tax imposed under this Act, there shall be excepted from the gross proceeds of sales or gross income, so much thereof as is derived from sales of tangible personal property in interstate and foreign commerce, which under the Constitution of the United States, the Territory of Hawaii is, or may hereafter be, prohibited from taxing, or is derived from any sales made to the United States government, its departments or agencies, which is, or may hereafter be, exempted from taxation under the Constitution of the United States or the Organic Act of the Territory; provided, however, that if and when the Congress of the United States shall permit the Territory of Hawaii to impose a privilege tax upon gross proceeds of sales or gross income derived from sales of tangible personal property in interstate and foreign commerce, or from sales made to the United States government, its departments or agencies, in either such event the exceptions and exemptions by this section provided, shall not apply.

[Sec. 2025d.] **Section 4. Exemptions.** The provisions of this Act shall not apply to:

(1) The following persons:

(a) National banks; (b) Banks on whose shares of stock or net worth a tax is levied under the provisions of an Act of the legislature of the Territory of Hawaii at its 1935 session, entitled: "An Act to provide for the taxation of the shares of the capital stock of banks; and for the taxation of foreign banks; to provide for the ascertainment, assessment, collection and disposition of such tax; to provide penalties for violations of the terms thereof and to repeal chapter 62, Revised Laws of Hawaii 1935, and all other laws or parts of laws inconsistent herewith;" (c) Public utilities (as that term is defined in the Revised Laws of Hawaii 1935, section 7940), with respect to their public utilities business, upon the gross income from which they pay an annual tax under the provisions of the Revised Laws of Hawaii 1935, chapter 69; (d) Public utilities owned and operated by the Territory or any county or city and county or other political subdivisions thereof; (e) Insurance companies which pay the Territory of Hawaii a tax upon their gross premiums under the provisions of the Revised Laws of Hawaii 1935, chapter 224; (f) Fraternal benefit societies, orders or associations, operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself, operating under the lodge system, and providing for the payment of death, sick, accident or other benefits to the members of such societies, orders or associations, and to their dependents; (g) Corporations, associations or societies organized and operated exclusively for religious, charitable, scientific or educational purposes; (h) Business leagues, chambers of commerce, boards of trade, civic leagues and organizations operated exclusively for the benefit of the community and for the promotion of social welfare, and from which no profit inures to the benefit of any private stockholder or individual; (i) Hospitals, infirmaries and sanatoria; (j) Cooperative associations now or hereafter incorporated under and pursuant to the provisions of the Revised Laws of Hawaii 1935, chapter 220; provided, however, that the exemption herein provided shall apply only to the gross income derived from its non-profit activities; (k) Building and loan associations, with respect only to interest received by them on loans to members;

Provided, however, that the exemptions of this section 4 (1) shall apply only to the gross income of those persons enumerated in Section 4 (1) (i) to Section 4 (1) (i), both inclusive, from non-profit activities.

(2) The following gross income or gross proceeds of sales:

(1) Amounts received under life insurance policies and

contracts paid by reason of the death of the insured; (m) Amounts received (other than amounts paid by reason of death of the insured) under life insurance, endowment or annuity contracts, either during the term or at maturity, or upon surrender of the contract; (n) Amounts received by any person under any accident insurance or health insurance policy or contract or under workmen's compensation Acts or employers' liability Acts, as compensation for personal injuries, death or sickness, including also the amount of any damages or other compensation received, whether as a result of action or by private agreement between the parties on account of such personal injuries, death or sickness; (o) The value of all property of every kind and sort acquired by any person by gift, bequest or devise, and the value of all property acquired by any person by descent or inheritance; (p) Amounts received by any person as compensatory damages for any tort injury to him, or to his character or reputation, or received by any person as compensatory damages for any tort injury to or destruction of property, whether as the result of action or by private agreement between the parties; provided, however, that amounts received by any person as punitive damages for tort injury or breach of contract injury shall be included in gross income; (q) The amounts collected by distributors as a fuel tax on "liquid fuel" imposed by the provisions of the Revised Laws of Hawaii 1935, chapter 64; (r) The amount received by any person as a benefit payment so-called or like payments by virtue of the Agricultural Adjustment Act or other Acts passed by the Congress of the United States relating thereto and disbursed to others as such benefit payment; provided that the commissioner may by rule require any deductions to be set forth specifically by the taxpayer in his return; (s) Amounts received as salaries or wages for services rendered by an employee to an employer; (t) Amounts received as alimony and other similar payments and settlements.

[**Sec. 2025e.**] **Section 5. Computation of tax, payment.** (1) The taxes levied hereunder shall be payable in monthly installments on or before the expiration of twenty days from the end of the month in which they accrue. The taxpayer shall, within twenty days from the expiration of each month, make out and sign an estimate of the tax for which he is liable for such month and transmit the same, together with a remittance, in the form required by section 12 of this Act, for the amount of the tax, to the office of the appropriate territorial divisional tax assessor hereinafter designated.

(2) The commissioner for good cause may extend the time

for making any return required under this section, and may grant such reasonable additional time within which to make such return as he may deem proper, but the time for filing such return shall not be extended beyond the twentieth day of the second month next succeeding the regular due date of such return.

[Sec. 2025f.] Section 6. Annual return, payment of tax.

(1) On or before March 20 after the end of the tax year each taxpayer shall make a return showing the gross proceeds of sales or gross income, and compute the amount of tax chargeable against him in accordance with the provisions of this Act and deduct the amount of monthly payments (as hereinbefore provided), and transmit with his report a remittance in the form required by section 12 of this Act covering the residue of the tax chargeable against him to the office of the appropriate territorial divisional tax assessor hereinafter designated; such return shall be verified by the oath of the taxpayer, if made by an individual, or by oath of the president, vice-president, secretary, or treasurer, of a corporation, if made on behalf of a corporation. If made on behalf of a partnership, firm, society, unincorporated association, group, hui, joint adventure, joint stock company, corporation, trust estate, decedent's estate, trust or other entity, any individual delegated by such partnership, firm, society, unincorporated association, joint adventure, group, hui, joint stock company, corporation, trust estate, decedent's estate, trust or other entity shall make the oath on behalf of the taxpayer. If for any reason it is not practicable for the individual taxpayer to make the oath, the same may be made by any duly authorized agent. The tax commissioner, for good cause shown, may extend the time for making such return on the application of any taxpayer and grant such reasonable additional time within which to make the same as may, by him, be deemed advisable.

(2) All monthly and annual returns shall be transmitted respectively to the office of the territorial divisional tax assessor of the taxation division in which the privilege upon which the tax accrued is exercised; provided, however, that where such privilege is exercised in more than one taxation division the said returns shall be transmitted to the office of the assessor of the first taxation division.

(3) Consolidated reports; inter-related business. When any taxpayer is engaged in two or more forms of business activity taxable under the provisions of this Act which are inter-related, or which are of like character, such taxpayer shall

file a consolidated return covering all business activities, which are thus inter-related or of like character.

[Sec. 2025g.] **Section 7. Erroneous computation, payment, refund.** (1) If the taxpayer shall make any error in computing the tax assessable against him, the tax commissioner shall correct such error or reassess the proper amount of taxes, and notify the taxpayer of his action by mailing to him promptly, by registered mail, return receipt requested, a copy of the corrected assessment, and any additional tax for which such taxpayer may be liable shall be paid within ten days after the receipt of such statement.

(2) If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be immediately refunded to the taxpayer upon the requisition of the tax commissioner on the territorial auditor, who shall issue his warrant in the form prescribed by the Revised Laws of Hawaii 1935, section 594, on the territorial treasurer, which shall be payable out of the "gross income tax reserve fund" in the next succeeding paragraph hereof created. The taxpayer may, at his election, apply an overpayment credit to taxes subsequently accruing hereunder. All refunds and the details thereof, including the names of the persons receiving the refund and the amount refunded, shall be posted on a bulletin board which shall be maintained in a place accessible to the public in the office of the assessor of the taxation division in which the person receiving the refund made his returns.

(3) There is hereby appropriated from the general revenues of the Territory, not otherwise appropriated, the sum of ten thousand dollars (\$10,000.00) which shall be set aside as a special fund to be known as the "gross income tax reserve fund", the same to be subject to the warrants of the auditor of the Territory upon the treasurer of the Territory, as in and by this Act provided.

(4) The tax commissioner in his discretion may from time to time deposit taxes collected by him under the provisions of this Act in the territorial treasury to the credit of the "gross income tax reserve fund" so that there shall be maintained at all times a fund of ten thousand dollars (\$10,000.00).

[Sec. 2025h.] **Section 8. Failure to make return.** If any person shall fail or refuse to make a return, either in whole or in part, or if the tax commissioner has reasonable ground to believe that any return made is so deficient as not to form the basis of a satisfactory assessment of the tax, he may proceed as he deems best to obtain information on which to base the assessment of the tax. The tax commissioner may by himself

or his duly appointed deputy or any duly appointed assessor or deputy assessor, make examination of the books, records and papers, and audit the accounts of any such person, and may take the evidence on oath administered by himself or his deputy or any duly appointed assessor or deputy assessor, of any person who he or they may believe shall be in possession of any relevant information. After procuring such information, the tax commissioner shall proceed to assess the tax and shall notify the person assessed of the amount of the tax. The assessment of the tax by the tax commissioner shall be final as to any person who refused to make a return.

[**Sec. 2025i.]** Section 9. **Appeal; correction of assessment.** If any person having made the return and paid the tax as provided by this Act feels aggrieved by the assessment so made upon him for any year by the tax commissioner, he may appeal from said assessment in the manner and within the time and upon giving notice in writing stating his grounds of appeal to the person specified in section 2045 of the Revised Laws of Hawaii 1935. Where final judgment is in favor of the taxpayer for the repayment to him in whole or in part of taxes paid and no appeal has been perfected therefrom, the auditor of the Territory shall, upon the presentation by the taxpayer to him of a certified copy of said final judgment, issue his warrant in payment of said judgment in the form prescribed by the Revised Laws of Hawaii 1935, section 594, on the territorial treasury which shall be payable out of the "gross income tax reserve fund" in this Act created.

[**Sec. 2025j.]** Section 10. **Tax year.** The assessment of taxes herein made and the returns required therefor shall be for the year ending on the thirty-first day of December. If the taxpayer, in exercising a privilege taxable under this Act, keeps his books reflecting the same on a basis other than the calendar year, he may, with the assent of the tax commissioner, make his annual returns and pay taxes for the year covering his accounting period, as shown by the method of keeping his books.

[**Sec. 2025k.]** Section 11. **Tax cumulative.** The tax imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business, trade or calling. A person exercising a privilege taxable under this Act, subject to the payment of all licenses and charges which are conditions precedent to exercising the privilege taxed, may exercise the privilege for the current tax year upon the condition that he shall pay the tax accruing under this Act.

[Sec. 2025l.] **Section 12. Remittances.** All remittances of taxes imposed by this Act shall be made to the tax assessor to whose office the return was transmitted by money, bank draft, check, cashier's check, money order, or certificate of deposit, who shall issue his receipts therefor to the taxpayer and shall pay the moneys into the territorial treasury as a territorial realization, to be kept and accounted for as provided by law.

[Sec. 2025m.] **Section 13. Tax debt due Territory; penalty for failure to pay.** A tax due and unpaid under this Act shall be a debt due the Territory and shall be a lien upon the property used in the business or occupation upon which it is imposed. The lien shall have the same priority as the lien of territorial real property taxes. A penalty of five per cent of the tax shall be added for any default for thirty days or less and for each succeeding thirty days lapsing before payment, there shall be added an additional penalty of one per cent. The additional one per cent penalty shall not apply until a ten day notice of delinquency shall have been sent to the taxpayer.

[Sec. 2025n.] **Section 14. Collection by suit; injunction.** The tax commissioner may, by himself, or a duly appointed deputy commissioner or assessor, or tax collector, collect taxes due and unpaid under this Act, together with all accrued penalties, by action in assumpsit or other appropriate proceedings in the circuit court of the judicial circuit in which the privilege taxed has been exercised. After delinquency shall have continued for sixty days, or if any person lawfully required so to do under this Act shall fail to apply for and secure a license as provided by this Act for a period of sixty days after the first date when he was required under this Act to secure the same, the tax commissioner may proceed, by himself or a deputy commissioner or assessor, in the circuit court of the judicial circuit in which the privilege taxed or taxable has been exercised, to obtain an injunction restraining the further exercise of the privilege until full payment shall have been made of all taxes and penalties and interest due under this Act, or until such license is secured, or both, as the circumstances of the case may require.

[Sec. 2025o.] **Section 15. District magistrates; concurrent civil jurisdiction in tax collections.** Except as otherwise specifically provided by this Act, the several district magistrates shall have concurrent jurisdiction with the circuit courts to hear and determine all civil actions at law in assumpsit for the collection and enforcement of collection and payment of

all taxes assessed hereunder, irrespective of the amount claimed.

[**Sec. 2025p.**] **Section 16. Prerequisite for final settlement of contracts with the Territory or subdivisions thereof.** All territorial, county and city and county officers and agents making contracts on behalf of the Territory of Hawaii or any political subdivision thereof shall withhold payment in the final settlement of such contracts until the receipt of a certificate from the tax commissioner to the effect that all taxes levied or accrued under this Act against the contractor with respect to such contracts have been paid.

[**Sec. 2025q.**] **Section 17. Collection of tax.** The tax commissioner for the more effective collection of the tax may file in the office of the registrar of conveyances of the Territory of Hawaii, at Honolulu, a certified copy of an assessment of taxes under this Act. A certificate so filed shall be recorded in a book provided for the purpose and thereafter shall constitute a lien upon all lands of the taxpayer located in the Territory of Hawaii as against all parties whose interest arose after such recordation. Upon payment of taxes delinquent under this Act the lien of which shall have been recorded the tax commissioner shall certify in duplicate the fact and amount of payment and the balance due, if any, and shall forward the certificates, one to the taxpayer and one to the said registrar. The registrar shall record the certificate in the book in which releases are recorded, without payment of any additional fee. From the date that such a certificate is admitted to record the land of the taxpayer in the Territory of Hawaii shall be free from any lien for taxes under this Act accrued to the date that the certificate was issued.

[**Sec. 2025r.**] **Section 18. Collection by distraint.** The tax commissioner may distrain upon any goods, chattels or intangibles represented by negotiable evidences of indebtedness, of any taxpayer delinquent under this Act for the amount of all taxes and penalties accrued and unpaid hereunder. The commissioner may require the assistance of the sheriff of any county or city and county in which such sheriff is an officer. A sheriff so collecting taxes due hereunder shall be entitled to compensation in the amount of all penalties collected over and above the principal amount of the tax due, but in no case shall such compensation exceed twenty-five dollars (\$25.00). All taxes and penalties so collected shall be reported within ten days after collection to the tax commissioner, who shall prescribe by general regulation the manner of remittance of

such funds and of allowing the collecting officer the compensation due him under this section.

[**Sec. 2025s.**] **Section 19. Offenses; penalties.** It shall be unlawful for any person to refuse to make the return provided to be made in section 6 of this Act; or to make any false or fraudulent return or false statement in any return, with intent to defraud the Territory or to evade the payment of the tax, or any part thereof, imposed by this Act; or for any person to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this Act; or for the president, vice-president, secretary or treasurer of any corporation to make or permit to be made for any corporation or association any false return, or any false statement in any return required by this Act, with the intention to evade the payment of any tax hereunder. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for a period not exceeding one year, or punished by both fine and imprisonment, at the discretion of the court, within the limitation aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent return, or any return containing any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of perjury, and, on conviction thereof, shall be punished in the manner provided by law. Any corporation for which a false return, or a return containing a false statement, as aforesaid, shall be made, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000.00).

[**Sec. 2025t.**] **Section 20. Administration and enforcement by tax commissioner.** (1) The administration of this Act is vested in and shall be exercised by the tax commissioner who shall prescribe forms and reasonable rules of procedure in conformity with this Act for the making of returns and for the ascertainment, assessment and collection of the taxes imposed hereunder. Such forms and rules when prescribed by the tax commissioner and printed and published in the manner provided by law shall have the force and effect of law. The enforcement of any of the provisions of this Act in any of the courts of the Territory shall be under the exclusive jurisdiction of the tax commissioner, who shall require the assistance of the attorney general of the Territory and the city and county attorney and the respective county attorneys of the city and county, or of the counties where suit is brought; but said

attorneys shall receive no fees or compensation for services rendered in enforcing this Act in addition to the respective salaries paid by law to such attorneys.

(2) The tax commissioner of the Territory and the several deputy tax commissioners, divisional assessors, assistant assessors and other assistants, and tax collectors, appointed by the tax commissioner, shall have, in addition to all of the duties and powers herein respectively prescribed or granted, all the duties and powers respectively prescribed or granted by the existing or future tax laws of the Territory so far as the same may be applicable to the administration of the within Act and are not contrary to the express provisions hereof.

[**Sec. 2025u.**] **Licenses.** Any person who shall have a gross income or gross proceeds of sales upon which a privilege tax is imposed by this Act, as a condition precedent to engaging or continuing in such business, shall in writing apply for and obtain from the tax commissioner, upon payment of the sum of one dollar (\$1.00) a license to engage in and to conduct such business for the current tax year, upon condition that he shall pay the taxes accruing to the Territory under the provisions of this Act, and he shall thereby be duly licensed to engage in and conduct such business. Said license shall be renewed annually and shall expire on the thirty-first day of December next succeeding the date of its issuance. Licenses and applications therefor shall be in such form as the commissioner shall prescribe, except that where the licensee is engaged in two or more forms of business of different classification, the license shall so state on its face. Any person who may lawfully be required by the Territory, and who is required by this Act, to secure a license as a condition precedent to engaging or continuing in any business subject to taxation under this Act, who shall engage or continue in such business without securing such license in conformity with this Act, shall be guilty of a misdemeanor; and any director, president, secretary or treasurer of a corporation who permits, aids or abets such corporation to engage or continue in business without securing a license in conformity with this Act, shall likewise be guilty of a misdemeanor; the penalty for such misdemeanor shall be that prescribed by section 19 for individuals, corporations or officers of corporations, as the case may be, for violation of said section 19.

[**Sec. 2025v.**] **Records to be kept; examination.** It shall be the duty of every taxpayer to keep in the English language and preserve for a period of three years suitable records of gross proceeds of sales and gross income, and such

other books, records of account and invoices as may be required by the commissioner, and all such books, records and invoices shall be open for examination at any time by the commissioner, or his duly authorized deputy, or by the divisional assessor (or his deputy) in whose office the return, returns and reports of the taxpayer are, or should be, filed under the provisions of this Act.

[**Sec. 2025w.**] Section 23. **Unfair competition; penalty.** No taxpayer shall advertise or hold out to the public in any manner, directly or indirectly, that the tax hereby imposed upon him is not considered as an element in the price to the purchaser. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon the conviction thereof shall be punished by a fine of not more than fifty dollars (\$50.00) for each offense.

[**Sec. 2025x.**] Section 24. **Constitutionality.** If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid. If the application of any provision of this Act to any person or circumstances is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

[**Sec. 2025y.**] Section 25. **Effective time of Act.** This Act shall take effect on July 1, 1935; provided, however, that, for the exercise, during the period from July 1 to December 31, 1935, of any of the privileges taxed by this Act, every person shall apply for and secure, on or before July 31, 1935, in the manner and under the conditions provided by section 21, a license, and shall pay therefor the sum of one dollar (\$1.00); and provided, further, that this Act shall only become effective in the event Senate Bills 24, 40, 145 and 215 become law.

(Approved May 11, 1935.) **S.B. 39, Act 141.**

**CHAPTER 65. INCOME TAX.****DEFINITIONS AND COMPUTATION OF TAXABLE INCOME.**

**Series A-45.** An Act to Provide for the Taxation of Dividends and to Amend Title IX, Chapter 65, Sections 2030 and 2033 of the Revised Laws of Hawaii 1935, Relating to Income Tax.

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

Section 1. Title IX, Chapter 65, Section 2030 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 2030. Definitions.**

‘Corporation’ includes associations and joint stock companies unless otherwise indicated;

‘Dividend’ means any distribution, whether in money or in other property, made by a corporation, association or joint stock company (except a national banking association, or insurance company or a bank organized and doing business under the laws of the Territory) to its shareholders or holders of an interest therein on account of the ownership of such shares or interests, out of its earnings or profits.

‘Fiscal year’ means an accounting period of twelve months ending on the last day of any month other than December;

‘Gross receipts in the Territory’ shall include all receipts received or derived from persons, corporations and other sources within the Territory wherever paid and also all receipts received or derived from sales wherever made of goods, wares and merchandise and other things of value manufactured or originating in the Territory;

‘Includes’ and ‘including’ shall not be deemed to exclude other things otherwise within the meaning of the term defined;

‘Individual’ includes an estate or trust;

‘Net income’ means the amount remaining after subtracting the total of deductions as defined in Section 2034 from gross income computed under Section 2033, in accordance with all provisions of this chapter and all regulations lawfully adopted hereunder which are applicable;

‘Paid or incurred’ and ‘paid or accrued’ shall be construed according to the method of accounting upon the basis of which the net income is computed;

‘Taxable year’ means the calendar year or the fiscal year ending during such calendar year upon the basis of which net income is computed under this chapter. ‘Taxable year’ includes, in the case of a return made for a fractional part of a

year under the provisions of this chapter or under regulations prescribed by the commissioner, the period for which such return is made, and in all cases where the commissioner shall terminate the taxable year in accordance with the provisions of Section 2039 (a) and shall levy a jeopardy assessment for income for such portion or period of a year under the provisions of Section 2046 (e), then the period or portion of the year for which the jeopardy assessment is made;

‘Taxpayer’ means any individual, estate, trust, corporation or other entity subject to a tax imposed by this chapter.” [L. 1932, 2d, c. 44, ss. 3, 23, pt. of ss. 8, 10; R. L. 1935, s. 2030; am. L. 1935, c. 120, s. 1.]

Section 2. Title IX, Chapter 65, Section 2033 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 2033. Gross income includes what.** 1. Gross income includes all gains, profits and income derived or received from any and every source in the Territory, whether or not connected with a trade or business, and also all gains, profits and income derived or received from all property owned and every trade or business carried on in the Territory and also all commissions, fees, wages, salaries, bonuses, and every and all other kinds of compensation paid for or attributable to personal services performed within the Territory, and also all dividends received having a situs for taxation within the Territory.

**2. Exclusions from gross income.** The following items shall not be included in gross income of corporations or individuals as is more fully specified hereinafter and shall be excluded from taxation under this chapter;

(a) Alimony. Amounts received as alimony and other similar payments and settlements;

(b) Capital gains. Capital gains of an individual or corporation resulting from the purchase, sale, exchange or other acquisition or disposition of real property, stocks, bonds, notes or other like securities shall not be included in gross income; provided, however, that any individual or corporation, who or which is engaged in the business of the purchase, sale, exchange or other acquisition or disposition of real property, stocks, bonds, notes or other like securities shall include in gross income all profits realized from the purchase, sale, exchange or other acquisition or disposition of all such property as was acquired, used or disposed of in connection with such business; but capital gains of any individual or corporation who or which is engaged in such business resulting from the purchase, sale, exchange or other acquisition or disposition of real property, stocks, bonds, notes or other like securities

acquired by such individual or corporation only for investment and held only for investment and which said property was not acquired in connection with or used in the conduct of such business in any way, shall not be included in gross income;

(c) Damages. Amounts received by an individual as compensatory damages for any tort injury to the person, character or reputation of an individual or tort injury causing the death of an individual, or received by an individual or corporation as compensatory damages for any tort injury to or destruction of property, whether as the result of action or by private agreement between the parties; provided, however, that amounts received by an individual or corporation as punitive damages for tort injury or breach of contract injury shall be included in gross income;

(d) Certain dividends. 1. The amount received by any corporation from another corporation as dividends upon the shares of stock of such latter corporation, if the tax imposed by this Chapter has been assessed upon the net taxable income of such latter corporation as required by this Chapter;

(e) Gifts, etc. The value of all property of every kind and sort acquired by an individual or corporation by gift, bequest or devise, and the value of all property acquired by an individual by descent or inheritance (but the income from all such property shall be included in gross income);

(f) Life insurance. Amounts received by an individual or corporation under any life insurance policy or contract paid by reason of the death of the insured, whether in a single sum or in installments;

(g) Reimbursements for personal injuries. Amounts received by an individual under any accident insurance or health insurance policy or contract or under workmen's compensation acts or employer's liability acts, as compensation for personal injuries, death or sickness, including also the amount of any damages or other compensation received, whether as a result of action or by private agreement between the parties on account of such personal injuries, death or sickness;

(h) Tax free interest. Interest upon such obligations of a state or territory or any political subdivision thereof, or of the District of Columbia, or of the United States or of its possessions as are exempt by law from all taxation upon principal and interest;

(i) Miscellaneous. Receipts which are exempt from taxation under an income tax act of a territory by virtue of the Constitution of the United States, the Organic Act or acts of Congress;

3. **Inventories.** Whenever in the opinion of the commis-

sioner the use of inventories is necessary in order to determine clearly the income of any taxpayer, inventories shall be taken by the taxpayer upon such basis as the commissioner may prescribe as conforming as nearly as may be to the best accounting practice in the trade or business and as most clearly reflecting the income, and conforming as nearly as may be, to the forms and methods prescribed by the United States Commissioner of internal revenue under the acts of Congress then providing for the taxation of income insofar as such forms and methods are applicable." [L. 1932, 2d, c. 44, s. 4; R. L. 1935, 2033; am. L. 1935, c. 120, s. 2.]

Section 3. Constitutionality; construction of Act. If for any reason any basis used for the computation of the tax against any particular person cannot legally be so used, the tax payable by such person shall be computed upon such basis and/or portions thereof which can legally be used.

If for any reason this tax is held invalid as applied to any person or any dividends, that shall not invalidate the entire tax laid upon such person or dividends, and a tax shall be paid equivalent to that tax which could legally be assessed under this Act.

If for any reason this tax is held invalid in whole or in part, as applied to any person or class of persons or property, that shall not invalidate the tax as applied against other persons or class of persons or class of property.

If any section, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. This Act shall take effect as of January 1, 1935. Provided, however, that this Act shall become effective only in the event Senate Bills Nos. 24, 39, 145 and 215 become law.

(Approved May 9, 1935.) **S.B. 40, Act 120.**

[Secs. 2102, 2103, 2104, 2105, 2106, 2108, 2109, amended; 2113, 2114, 2115, 2116 and 2117, added. See Series A-33, Sections 4 to 11, inclusive, respectively. (Act 153.)]

## Title X.                   TREASURY.

### CHAPTER 72.   BANK EXAMINER.

**Series A-46.** An Act to Amend Chapter 72 of the Revised Laws of Hawaii 1935, Relating to the Bank Examiner's Powers and Duties.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 72 of the Revised Laws of Hawaii 1935 is hereby amended by amending **section 2230** thereof:

(a) By amending the headnote to said section to read: "Semi-annual and special reports; publication; penalty."; and

(b) By adding to said section, after the first paragraph thereof, a new paragraph to read as follows:

"Every such bank, association or company shall furnish to the bank examiner such special or supplementary reports, covering all or any of the items or matters or classes thereof which are or might be required to be covered by a semi-annual report, in such form, at such time or times, and within such reasonable period or periods after request therefor, as the bank examiner shall deem necessary or expedient in the interest of the public and shall require in writing."

Section 2. This Act shall take effect upon its approval.

(Approved May 14, 1935.) **S.B. 240, ACT. 171.**

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### CHAPTER 74.   DEPOSIT OF MONEY IN BANKS.

**Series A-47.** An Act to Amend Chapter 74 of the Revised Laws of Hawaii 1935, by Amending Section 2250 Thereof; and by Amending Section 2251 Thereof Relating to Deposits of Territorial Funds in Banks; and to Amend Chapter 78 by Amending Sections 2317 and 2318 Thereof; Relating to Deposits of County or City and County Funds in Banks.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 74 of the Revised Laws of Hawaii 1935 is hereby amended by amending Section 2250 thereof to read as follows:

**"Sec. 2250. Authorized; conditions.** All moneys in the

territorial treasury, belonging to the Territory, may be deposited by the treasurer to the credit of the Territory, in such national banks, or in such banks doing business under the laws of the Territory, as the treasurer, with the approval of the governor, may select, and any sums so deposited shall be deemed to be in the territorial treasury; provided, that the banks in which such money is deposited shall furnish security as hereinafter provided; and provided, that the treasurer, in case of loan fund money for which there is no immediate need, or expenditures from which would not be made for at least three months, may place such funds on time deposit on such terms and at such rates of interest as may be allowed by banks to other depositors; and provided, that in selecting a depository bank the class of security offered shall be considered as the basis of selection and due regard shall be given to banks doing business in the Territory, or such parts thereof, where the disbursements of public money are or may be made; provided, that no more than fifty per centum of the aggregate amount of moneys of the Territory available for deposit and on deposit shall be deposited in any one bank. The expense of transporting the moneys so deposited shall be borne by the depositories. All deposits of money, except time deposits, shall be paid upon demand on checks signed by the treasurer and countersigned by the auditor, or by the payment of a certificate of deposit issued by the depository, which certificate shall be endorsed by the payee named therein, as well as by the auditor." [L. 1909, c. 123, s. 1; am. L. 1911, c. 131, s. 1; am. L. 1923, c. 117, s. 1; R. L. 1935, s. 2250; am. L. 1935, c. 67, s. 1.]

Section 2. Chapter 74 is further amended by amending Section 2251 thereof to read as follows:

**"Sec. 2251. [Interest.]** If any money deposited by the treasurer under the provisions of this chapter shall belong to any special fund, then any interest received on the same shall be paid into and credited to such special fund." [L. 1909, c. 123, s. 2; R. L. 1935, s. 2251; am. L. 1935, c. 67, s. 2.]

Section 3. Chapter 74 is further amended by amending Section 2253 thereof to read as follows:

**"Sec. 2253. Contract with depositories; statements; access to securities.** The treasurer shall enter into a written contract with such depository or depositories, in triplicate, setting forth the conditions and terms upon which the funds of the Territory are deposited therewith, one of which shall be retained by each of the contracting parties and the third filed with the auditor. One provision of such contract shall be that the depository

shall at the end of each month render to the treasurer a statement, in duplicate, showing the daily balances and amount of money of the Territory held by it during the month, one of which shall be filed by the treasurer with the auditor. The treasurer shall annually, on July 1, furnish each depository bank with a statement showing the amount and description of the bonds on deposit with him by such bank to secure the deposits of the Territory, duly certified by the auditor.

"The duly authorized representatives of any depository shall at all times during office hours have access to the security or securities deposited for the purpose of examining the same and removing such coupons as may have matured, such examination to be made in the presence of the treasurer or his representative." [L. 1909, c. 123, s. 4; R. L. 1935, s. 2253; L. 1935, c. 67, s. 3.]

[**Sec. 2255A**, added. See Series A-48, Section 1. (Act 25.)]

Section 4. Chapter 78 of the Revised Laws of Hawaii 1935 is hereby amended by amending Section 2317 thereof to read as follows:

**“Sec. 2317. Deposit of funds in banks.** Chapter 74, relating to the deposit of territorial moneys in banks, is extended to the several counties and city and county, so that each county and city and county and its treasurer and mayor or chairman of its board of supervisors, respectively, shall have all the rights, powers, obligations and duties in respect of the moneys of the county or city and county as the Territory, its treasurer and governor, respectively, have in respect of the moneys of the Territory under said chapter; provided, however, that nothing in this section contained shall be held to preclude the treasurer of any county or city and county from making special deposits, with the approval of the board of supervisors or the mayor, as the case may be, for the safe-keeping of public moneys, other than those deposited in banks under the provisions of this section, as provided in sections 2882 and 3090." [L. 1911, c. 156, s. 1; R. L. 1935, s. 2317; am. L. 1935, c. 67, s. 4.]

Section 5. Chapter 78 of the Revised Laws of Hawaii 1935 is further amended by amending section 2318 thereof to read as follows:

**“Sec. 2318. [Interest on deposits.]** If any money deposited by the treasurer of the county or city and county, under the provisions of section 2317, shall belong to the water works fund, the pension fund or sinking funds, then any interest received on the same shall be paid into and credited to such funds and if any money deposited by the treasurer of the county or city and county under the provisions of section 2317

shall belong to a bond fund, then any interest received on the same shall be paid into and credited to the interest fund from which the interest on the bonds will be paid.” [L. 1927, c. 194, s. 2; R. L. 1935, s. 2318; am. L. 1935, c. 67, s. 5.]

Section 6. All laws, or parts of laws, inconsistent with the provisions hereof, are, to the extent of such inconsistency, hereby repealed.

Section 7. This Act shall take effect upon its approval.

(Approved April 29, 1935.) **S.B. 127, ACT 67.**

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**Series A-48.** An Act to Amend Chapter 74 of the Revised Laws of Hawaii 1935, by Adding a New Section Thereto to Be Known as Section 2255-A and to Amend Chapter 78 by Adding a New Section Thereto to Be Known as Section 2317-A Relating to the Deposit of Securities by the Treasurers of the Various Counties and City and County With the Treasurer of the Territory of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 74 of the Revised Laws of Hawaii 1935, is hereby amended by adding a new section thereto to read as follows:

“**Sec. 2255-A. [Additional responsibility.]** The government of the Territory of Hawaii, through its treasurer, shall be chargeable with the safekeeping of the securities deposited with the territorial treasurer by the treasurers of the various counties and city and county under the provisions of Section 2317-A hereof.”

Section 2. Chapter 78 of the Revised Laws of Hawaii 1935, is hereby amended by adding a new section thereto to read as follows:

“**Sec. 2317-A. [Deposit of securities with treasurer.]** The treasurers of each of the various counties and city and county shall have authority to deposit for safekeeping with the treasurer of the Territory of Hawaii securities deposited with them by the banks with whom they have deposits. The duly authorized representatives of any bank who shall have deposited with any of the respective treasurers of the various counties and city and county, shall at all times during the office hours of the treasurer of the Territory of Hawaii have access to the security or securities belonging to such banks deposited with the territorial treasurer by the treasurers of the various coun-

ties and city and county for the purpose of examining the same and removing such coupons as may have matured, such examination to be made in the presence of the territorial treasurer or his representative."

Section 3. This Act shall take effect upon its approval.

(Approved April 10, 1935.) **H.B. 272, Act 25.**

## Title XI. COUNTIES—GENERAL CHAPTER 77. EMINENT DOMAIN.

### AUTHORIZATION FOR THE UNITED STATES, AGENCY OR INSTRUMENTALITY THEREOF; CORPORATIONS.

**Series B-49.** An Act to Authorize the United States of America, Corporate Agencies of the United States, Corporations Authorized to Expend Federal Funds, and Corporations Receiving Aid from the United States or Any Agency or Instrumentality Thereof, to Exercise the Power of Eminent Domain to Acquire Property for Housing Projects, and for Other Purposes.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 2307a.] Section 1. **Finding and declaration of necessity.** It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various areas of the Territory of Hawaii and that consequently many persons of low income are forced to reside in such dwelling accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the inhabitants of the Territory and impair economic values; that the clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which private property may be acquired; that it is in the public interest that work on such projects be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provision hereinafter enacted, is hereby declared as a matter of legislative determination.

[Sec. 2307b.] Section 2. **Housing project.** The term "housing project" whenever used in this Act shall mean any undertaking (a) to demolish, clear, remove, alter or repair unsafe or unsanitary housing or (b) to provide dwelling accommodations for persons of low income or (c) to do both, and said term may also include such buildings, equipment, lands

and grounds for recreational or social assemblies for educational, health or welfare purposes, and such necessary or convenient utilities as are designed primarily for use in connection with such dwelling accommodations.

[Sec. 2307c.] **Section 3. Eminent domain for housing projects.** The United States of America, and any corporation, which is an agency of the United States of America or which is authorized to expend Federal funds, shall have the right to acquire by eminent domain any real property, including improvements and fixtures thereon, which it may deem necessary or convenient for a housing project being constructed, operated or aided by it or the United States of America or any other agency or instrumentality thereof. Any corporation borrowing money or receiving other financial assistance from the United States of America or any agency or instrumentality thereof for the purpose of financing the construction or operation of any housing project or projects, the operation of which will be subject to public supervision or regulation, shall have the right to acquire by eminent domain any real property, including fixtures and improvements thereon, which it may deem necessary or convenient for such project. A housing project shall be deemed to be subject to public supervision or regulation within the meaning of this Act if the rents to be charged by it are in any way subject to the supervision, regulation or approval of the United States of America or any agency or instrumentality thereof, or of the Territory or any of its political subdivisions or agencies, whether such right to supervise, regulate or approve be by virtue of any law, statute, contract or otherwise.

The United States of America, or any corporation described or mentioned in the foregoing paragraph upon the adoption of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use, may exercise the power of eminent domain in the same manner and with the same procedure as is provided by Sections 50 to 68, both inclusive, of the Revised Laws of Hawaii 1935, and otherwise in accordance with all applicable provisions of the General Laws of the Territory.

[Sec. 2307d.] **Section 4. Separability clause.** If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

**Section 5. Effective date.** This Act shall take effect upon

the enactment of revenue bond enabling legislation by the Congress of the United States of America.

(Approved May 9, 1935.) **H.B. 425, ACT 118.**

[Sec. 2317, amended. See Series A-47, Section 4. (Act 67.)]

[Sec. 2317-A, added. See Series A-48, Section 2. (Act 25.)]

[Sec. 2318, amended. See Series A-47, Section 5. (Act 67.)]

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## CHAPTER 79. HIGHWAYS, SIDEWALKS, PARKS; USE OF STREETS, ETC.

### FATHER DAMIEN MEMORIAL.

**Series B-50.** An Act to Provide for a Public Memorial to Father Damien at Kalawao, Molokai.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 2396.] Section 1. [Chapel declared public memorial; appropriation.] The Father Damien Memorial Chapel at Kalawao, Molokai, and the premises and graveyard thereof are hereby declared to be a public memorial to Father Damien.

Section 2. The sum of three thousand dollars (\$3,000.00) is hereby appropriated for the biennial period ending June 30, 1937, out of money in the treasury received from the general revenues, for the repair, maintenance and upkeep of such memorial.

Section 3. Said sum of three thousand dollars (\$3,000.00) shall be paid to the Board of Hospitals and Settlement by the treasurer of the Territory of Hawaii, on warrants drawn by the auditor of the Territory of Hawaii, and said Board of Hospitals and Settlement is hereby authorized to expend said sum in its discretion to carry out the intent and purposes of this act.

Section 4. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **H.B. 275, ACT 38.**

**HAWAII HOUSING AUTHORITY.**

**Series B-51.** An Act to Authorize the Territory of Hawaii, Its Political Subdivisions and Agencies to Cooperate With the Hawaii Housing Authority and the United States of America and Any Agency or Instrumentality Thereof, by Rendering Services, Conveying or Leasing Property, and Providing for Streets, Roads and Other Facilities, and for Other Purposes.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 2397a.**] Section 1. **Finding and declaration of necessity.** It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various areas of the Territory of Hawaii, and that consequently many persons of low income are forced to reside in such dwelling accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the inhabitants of the Territory and impair economic values; that the clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which private property may be acquired; that it is in the public interest that work on such projects be instituted as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provision hereinafter enacted, is hereby declared as a matter of legislative determination.

[**Sec. 2397b.**] Section 2. **Definitions.** The following terms, whenever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" shall mean the Hawaii Housing Authority organized under the laws of this Territory.

(2) "Political subdivisions" shall mean the counties, city and county, cities, towns and villages of the Territory of Hawaii.

(3) "Housing project" shall mean any undertaking by the Authority or the United States (a) to demolish, clear, remove, alter or repair unsafe or unsanitary housing, or (b) to provide dwelling accommodations for persons of low income, or (c) to do both, and said term may also include such buildings and equipment, lands and grounds for recreational or social assemblies for education, health or welfare purposes, and such

necessary or convenient utilities as are designed primarily for use in connection with such dwelling accommodations.

[Sec. 2397c.] **Section 3. Conveyance, lease or agreement in aid of housing project.** For the purpose of aiding and co-operating in the planning, construction and operation of housing projects located within their respective territorial boundaries, the Territory of Hawaii, its political subdivisions and agencies, may, upon such terms, with or without consideration, as it may determine:

(a) grant, sell, convey or lease any of its property, to the Authority or the United States of America or any agency thereof; and

(b) To the extent that it is within the scope of each of their respective functions, (1) cause the services customarily provided by each of them to be rendered for the benefit of housing projects and the occupants thereof, and (2) provide and maintain parks and sewage, water, light and other facilities adjacent to or in connection with housing projects, and (3) open, close, pave, install, or change the grade of streets, roads, roadways, alleys, sidewalks, or other such facilities, and (4) change the map of a political subdivision or plan, replan, zone or rezone any part of a political subdivision.

(c) enter into contracts with the Authority or the United States for any period agreeing to exercise any of the powers conferred hereby or to take any other action in aid of such housing projects.

In connection with the exercise of this power, any political subdivision may incur the entire expense of any such public improvements located within its territorial boundaries without assessment against abutting property owners.

For the purpose of aiding and cooperating in the planning, construction and operation of housing projects, the Commissioner of Public Lands, the Hawaiian Homes Commission and any other officers of the Territory having power to manage or dispose of its public lands may, with the approval of the Governor and with or without consideration, grant, sell, convey or lease for any period, any parts of such public lands (without limit as to area) to the Authority or the United States of America or any agency thereof.

Any law or statute to the contrary notwithstanding, any gift, grant, sale, conveyance, lease or agreement provided for in this section may be made by the Territory, its political subdivisions and agencies, without appraisal, public notice, advertisement or public bidding.

[Sec. 2397d.] **Section 4. Advances and donations.** For the

purpose of enabling the Legislature to appropriate money to the Authority for its administrative expenses and overhead during the first two years following the passage of this Act, the Governor of Hawaii shall submit an estimate of the amount of such expenses and overhead to the Legislature. The Governor shall also submit to the Legislature at each succeeding regular session estimates of the amount of the administrative expenses and overhead of the Authority for the succeeding biennial period, so that the Legislature may make an appropriation therefor if it deems such action advisable.

Any political subdivisions within the territorial boundaries of which a housing project or projects are located or about to be located shall have power from time to time to make donations or advances to the Authority of such sums as such political subdivision in its discretion may determine, such advances or donations to be made for the purpose of aiding or cooperating in the construction and operation of such housing project or projects. The Authority, when it has money available therefor, shall reimburse political subdivisions for all advances made by way of a loan to it.

[**Sec. 2397e.]** **Action of political subdivision by resolution.** All action authorized to be taken under this Act by the council or other governing body of any political subdivision may be by resolution adopted by a majority of all the members of its council or other governing body, which resolution may be adopted at the meeting of the council or other governing body at which such resolution is introduced and shall take effect immediately upon such adoption, and no such resolution need be published or posted.

[**Sec. 2397f.]** **Purpose of Act.** It is the purpose and intent of this Act that the Territory and its political subdivisions and agencies, shall be authorized, and are hereby authorized, to do any and all things necessary to aid and co-operate in the planning, construction and operation of housing projects by the Authority or the United States.

[**Sec. 2397g.]** **Supplemental nature of Act.** The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

[**Sec. 2397h.]** **Separability clause.** If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

[**Sec. 2397i.]** **Effective date.** This Act shall take

effect upon the enactment of revenue bond enabling legislation by the Congress of the United States of America.

(Approved May 14, 1935.) **H.B. 426, ACT 173.**

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## CHAPTER 80.                    LICENSES.

### BALL OR MARBLE MACHINES.

**Series B-52.** An Act to Provide for the Licensing of Ball or Marble Machines.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 2416-A.**] Section 1. [**Annual license.**] No person shall, after July 1, 1935, operate, or permit to be operated, on any premises under his control, for profit, any machine or device used as a game or sport in which balls or marbles are projected against obstacles governing their course toward or away from various slots or receptacles, without first having obtained from the treasurer of the county an annual license therefor, for which shall be charged, and collected as a county realization, the sum of five dollars (\$5.00) for each machine or device.

Nothing herein contained shall be deemed to authorize the licensing of any gambling device.

[**Sec. 2416-B.**] Section 2. [**Penalty.**] Any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars or be imprisoned not more than one year, or both, and any such machine operated in violation of the provisions hereof shall be seized and destroyed.

Section 3. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **S.B. 238, ACT 183.**

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### FISHING AND HUNTING.

**Series B-53.** An Act to Amend Section 2463 of the Revised Laws of Hawaii 1935, Relating to Fishing and Hunting.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2463 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**“Sec. 2463. Licenses; issuance; application.** Licenses, granting the privilege to hunt game, or to catch any introduced fresh water game fish, as well as license buttons furnished by the Board of Agriculture and Forestry, bearing in bold letters the name of the county followed by the words “COUNTY HUNTING” or “FISHING LICENSE” and the year for which it is issued which said button shall be made so that same may be firmly attached to the outer clothes of the licensee, shall be issued and delivered by the treasurer of any of the counties, or by the Board of Commissioners of agriculture and forestry, or its appointed agents, upon application, which application must state the name and address of the applicant, his age, nationality, height, weight and color of hair and eyes, and upon the payment of the license fee fixed by law.” [L. 1907, c. 116, s. 1; am. L. 1911, c. 45, ss. 1, 2; am. L. 1915, c. 77, s. 1; R. L. 1935, s. 2463; am. L. 1935, c. 84, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved May 4, 1935.) **H.B. 309, Act 84.**

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**Series B-54.** An Act to Amend Section 2466 of the Revised Laws of Hawaii 1935, Relating to Fishing and Hunting  
*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2466 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**“Sec. 2466. Duplicate licenses.** Duplicate licenses and buttons shall not be issued to any person for the same fiscal year, unless the applicant shall pay twenty-five cents and furnish an affidavit that the one issued has been lost or destroyed, and no license or button issued as herein provided shall be transferred to or used by any person other than the one to whom it was issued.” [L. 1925, c. 75, pt. of s. 6; R. L. 1935, s. 2466; am. L. 1935, c. 82, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved May 4, 1935.) **H.B. 307, Act 82.**

**Series B-55.** An Act to Amend Section 2467 of the Revised Laws of Hawaii 1935, Relating to Fishing and Hunting.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2467 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 2467. License to be carried.** Every person having a license must carry the same with him, and also wear the license button in a conspicuous place on the front of an outer garment, cap or hat when hunting or fishing, and must show the license upon the demand of an officer authorized to enforce the law of the territory, and anyone who refuses to show his license or to turn out the contents of his game bag or the pockets of his coat, or to open any carrier or container where game or fish might be concealed, upon demand of the officer, shall be guilty of a misdemeanor." [L. 1925, c. 75, pt. of s. 6; R. L. 1935, 2467; am. L. 1935, c. 83, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved May 4, 1935.) **H.B. 308, Act 83.**

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**MILK.**

**Series B-56.** An Act to Amend Chapter 80 of the Revised Laws of Hawaii 1935, by adding thereto, after Section 2483 Thereof, a New Section to be Numbered Section 2483-A, Relating to the Selling of Milk.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 80 of the Revised Laws of Hawaii 1935 is hereby amended by adding, after section 2483 thereof, a new section to be numbered section 2483-A, and to read as follows:

**"Sec. 2483-A. Bottled milk; capping.** No person shall sell or offer for sale, milk in bottles, whether graded or ungraded, unless said bottle shall be tightly capped with a cap bearing legibly stamped, printed or written thereon the name of the person bottling said milk and the grade of said milk if the same is graded, or the word 'ungraded', if said milk is ungraded. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than fifty dollars (\$50.00)."

Section 2. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **S.B. 114, Act 123.**

#### PEDDLERS.

**Series B-57.** An Act to Amend Chapter 80 of the Revised Laws of Hawaii 1935, Relating to Licenses.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 80 of the Revised Laws of Hawaii 1935, is hereby amended by deleting, from the third line of **section 2498** thereof, the figure "\$50.00" and inserting in lieu thereof the figure "\$100.00" and by deleting, from the fourth line of said section 2498, the figure "\$15.00" and inserting in lieu thereof the figure "\$30.00".

Section 2. Said chapter 80 is hereby further amended by amending section 2515 thereof to read as follows:

**"Sec. 2515. Fee.** The fee for a license to carry on business as a solicitor shall be as follows:

"Within the city and county of Honolulu: for a monthly license, \$20.00; for a quarterly license, \$50.00; for an annual license, \$200.00.

"Within the counties of Hawaii, Maui and Kauai: for a monthly license, \$10.00; for a quarterly license, \$25.00; for an annual license, \$100.00." [L. 1925, c. 70, pt. of s. 1; R. L. 1935, s. 2515; am. L. 1935, c. 182, s. 2.]

Section 3. This Act shall take effect on July 1, 1935.

(Approved May 15, 1935.) **S.B. 218, Act 182.**

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#### CHAPTER 82. INTOXICATING LIQUOR.

**Series B-58.** An Act to Amend Chapter 82 of the Revised Laws of Hawaii 1935, Relating to Intoxicating Liquor, by Amending Sections 2570, 2571, 2572, 2577, 2580, 2581, 2582, 2601, 2605 and 2617, and by Repealing Sections 2613, 2614, 2615 and 2616 thereof.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The fifth paragraph of **Section 2570** of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"'Club' means any organization for objects of a social, patriotic, political or athletic nature, or the like, but not for pecuniary gain, and the advantages of which belong to all of the members thereof; it also means the establishment so operated and the premises thereof; provided, however, that

the word 'club' shall not apply to any organization not in existence for at least two years prior to its application for a license."

Section 2. Section 2571 of said Revised Laws is hereby amended to read as follows:

**"Sec. 2571. Illegal manufacture, importation or sale of liquor.** It shall be unlawful for any person, not having a valid license, to manufacture, sell or offer or expose or keep for sale, any liquor.

"It shall also be unlawful for any person, not having a valid wholesale license or a valid manufacturer's (including rectifier's) license, to import any liquor from without the Territory for the purposes of resale within the Territory.

"A license shall constitute authority for the licensee to sell only the liquor thereby authorized to be sold by him." [L. 1933-4, c. 40, s. 2; R. L. 1935, s. 2571; L. 1935, c. 105, s. 2.]

Section 3. The second paragraph of **Section 2572** of said Revised Laws is hereby amended to read as follows:

"The members of the commission shall be allowed their reasonable expenses for travel and other costs necessarily incidental to the discharge of their duties and shall each receive and be paid compensation for their services at the rate of ten dollars per day for each day's actual attendance upon their duties, provided, however, that the members of the commission of the city and county of Honolulu shall not receive more than one hundred dollars each per month and the members of the several counties shall not receive more than seventy dollars each per month on account of such compensation."

Section 4. Paragraph 4 of **Section 2577** of said Revised Laws is hereby amended by adding thereto the following clause:

"every inspector shall, within the scope of his duties, have the powers of a police officer;"

Section 5. Paragraph 9 of **Section 2577** of said Revised Laws is hereby amended to read as follows:

"9. To investigate violations of this chapter, through its inspectors or otherwise, and to report such violations to the prosecuting officer for prosecution; to hear and determine complaints against any licensee; to subpoena and examine witnesses under oath and require the production of, and examine any of the books, papers and records of any licensee which may pertain to his business under his license or which shall or may pertain to any matter at any hearing or investigation by or before the commission. Each member of the com-

mission shall have the power to investigate any matter of which the commission may take cognizance, and take testimony in the same manner as any court and neither the commission nor any member shall be bound by the strict legal rules of evidence."

Section 6. Section 2580 of said Revised Laws is hereby amended by adding three additional classes thereto to be known as Class 1-A, Class 3-A and Class 5-A and to read as follows, respectively:

**"Class 1-A. Agents' licenses.** An agent's license shall be of a general kind whereby the licensee may sell all liquors except alcohol. Under this license the licensee is authorized (a) to sell only as an agent of manufacturers of liquors and (b) to sell such liquors only to persons holding wholesale dealers' licenses. Under this license it shall be unlawful for the licensee to own or have control over any liquors within the Territory for sale.

**"Class 3-A . Dispensers' licenses.** A dispenser's license shall authorize the licensee to sell liquors therein specified for consumption on the premises. Of this class there shall be the following kinds: (a) general (includes all liquors except alcohol); (b) beer and wine. This class shall be further divided into three classes: (a) first class dispensers' licenses issuable only with respect to premises situated wholly or in part within a radius of five miles from any first-class postoffice; (b) second-class dispensers' licenses issuable only with respect to premises situated wholly or in part within a radius of three miles from any second-class postoffice; and (c) third-class dispensers' licenses issuable only with respect to premises otherwise situated.

[**Class 4**, amended. See Section 7 of this Act. (Act 105.)]

[**Class 5**, amended. See Section 8 of this Act. (Act 105.)]

**"Class 5-A. Tavern licenses.** A tavern license shall authorize the licensee to sell beer only for consumption on the premises, with or without meals. Every person holding this license shall comply with all the requirements prescribed in section 2582 as a condition precedent to the granting of a dispenser's license. No liquor other than beer shall be allowed to be displayed or consumed upon the premises operated under this license."

Section 7. Section 2580 of said Revised Laws is hereby further amended by amending the paragraph thereof designated as "Class 4" to read as follows:

**"Class 4. Hotel licenses.** A license to sell liquor in a hotel, issuable only to a person duly licensed to conduct a

hotel business, shall authorize the licensee to sell and serve the liquors therein specified only when served to bona fide guests of the hotel. Of this class there shall be the following kinds: (a) general (includes all liquors except alcohol); (b) beer and wine; provided that the commission may grant to the holder of a hotel license a special privilege permit, which may be summarily suspended or revoked by the commission at any time, to sell any liquor therein specified for consumption on the premises to persons other than bona fide guests, upon requirements made by the commission in its discretion similar to those requirements as a condition precedent to the granting of a dispenser's license as provided in section 2582. This class shall be further divided into three classes: (a) first-class hotel licenses issuable only with respect to premises situated wholly or in part within a radius of five miles from any first-class postoffice; (b) second-class hotel licenses issuable only with respect to premises situated wholly or in part within a radius of three miles from any second-class postoffice; and (c) third-class hotel licenses issuable only with respect to premises otherwise situated."

Section 8. Section 2580 of said Revised Laws is hereby further amended by amending the paragraph thereof designated as "Class 5" to read as follows:

**"Class 5. Restaurant licenses.** A license to sell liquor in a restaurant, issuable only to a person duly licensed to conduct a restaurant business, shall authorize the licensee to sell and serve the liquors therein specified, but only with and as part of a bona fide meal of the person served and to be then and there consumed. Of this class there shall be the following kinds: (a) general (includes all liquors except alcohol); (b) beer and wine; provided that the commission may grant to the holder of a restaurant license a special privilege permit, which may be summarily suspended or revoked by the commission at any time, to sell any liquor therein specified for consumption on the premises otherwise than with meals, upon requirements made by the commission in its discretion similar to those requirements as a condition precedent to the granting of a dispenser's license as provided in section 2582. This class shall be further divided into three classes: (a) first-class restaurant licenses issuable only with respect to premises situated wholly or in part within a radius of five miles from any first-class postoffice; (b) second-class restaurant licenses issuable only with respect to premises situated wholly or in part within a radius of three miles from any second-class postoffice; and

(c) third-class restaurant licenses issuable only with respect to premises otherwise situated."

Section 9. Section 2581 of said Revised Laws is hereby amended to read as follows:

**"Sec. 2581. License fees.** The fees for licenses of the several classes and kinds shall be as follows, the same being per annum except where otherwise specified:

Class.	Kind.	Fee.
1. Manufacturers' (including Rectifiers):	(a) Beer .....	\$300.00
	(b) Wine .....	300.00
	(c) Wine manufactured from grapes or other fruits grown in the Territory .....	48.00
	(d) Alcohol .....	150.00
	(e) Other liquors .....	480.00
1-A. Agents:	(a) General .....	120.00
2. Wholesale:	(a) General .....	720.00
	(b) Beer and wine .....	150.00
	(c) Alcohol .....	24.00
3. Retail:	(a) General .....	360.00
	(b) Beer and wine .....	120.00
	(c) Alcohol .....	12.00
3-A. Dispensers:		
First-class	(a) General .....	840.00
	(b) Beer and wine .....	300.00
Second-class	(a) General .....	480.00
	(b) Beer and wine .....	240.00
Third-class	(a) General .....	240.00
	(b) Beer and wine .....	120.00
4. Hotel:		
First-class	(a) General .....	360.00
	(b) Beer and wine .....	120.00
	(c) Special privilege permit .....	480.00
	(d) Special privilege permit—beer and wine .....	180.00
Second-class	(a) General .....	240.00
	(b) Beer and wine .....	90.00
	(c) Special privilege permit—general .....	240.00
	(d) Special privilege permit—beer and wine .....	120.00

Third-class	(a) General .....	120.00
	(b) Beer and wine .....	60.00
	(c) Special privilege permit—general .....	120.00
	(d) Special privilege permit—beer and wine	60.00
5. Restaurant:		
First-class	(a) General .....	360.00
	(b) Beer and wine .....	120.00
	(c) Special privilege permit—general ....	480.00
	(d) Special privilege permit—beer and wine	180.00
Second-class	(a) General .....	240.00
	(b) Beer and wine .....	90.00
	(c) Special privilege permit—general .....	240.00
	(d) Special privilege permit—beer and wine	120.00
Third-class	(a) General .....	120.00
	(b) Beer and wine .....	60.00
	(c) Special privilege permit—general .....	120.00
	(d) Special privilege permit—beer and wine	60.00
5-A. Tavern:	Beer only .....	120.00
6. Club:	General .....	120.00
7. Vessels:	General .....	60.00
8. Special, per day .....		15.00."
[L. 1933-4, c. 40, s. 12; R. L. 1935, s. 2581; am. L. 1935, c. 105, s. 9.]		

Section 10. Section 2582 of said Revised Laws is hereby amended to read as follows:

**"Sec. 2582. Conditions for dispensers' licenses.** As a condition precedent to the granting of a dispenser's license, the commission shall require that the licensed premises shall (a) face and abut upon a public street or established roadway (lanes and alleys excluded), (b) be on the ground floor, (c) be built and maintained in such manner, without booths, stalls, compartments, alcoves, rooms, screens, partitions or other obstructions as to permit substantially all of the premises to be in full view of the public passing on the street or established roadway." [L. 1933-4, c. 40, s. 13; R. L. 1935, s. 2582; am. L. 1935, c. 105, s. 10.]

Section 11. Section 2601 of said Revised Laws is hereby amended to read as follows:

**"Sec. 2601. Notice.** Upon the filing of the inspector's report upon any application the commission may hold a preliminary hearing and upon such preliminary hearing it may deny the application. If no preliminary hearing is had or if the application is not denied upon a preliminary hearing, the commission shall fix a day for the public hearing of the application (other than an application for an agent's license, a special license, a vessel license or an alcohol license) and shall publish notice of such hearing at least once in each of two consecutive weeks (two insertions) in some newspaper published in the English language in the county (or if there be none such then in the city and county of Honolulu) having a general circulation in the county, the date of the hearing to be not less than twenty-one days after the first publication, and such notice shall require that all protests or objections against the issuance or renewal of the license applied for shall be filed with the secretary of the commission at or before the time of hearing. Before making such publication the commission shall collect from the applicant the cost of making the publication or require a deposit to cover the same. Immediately upon the commission's fixing a day for the public hearing of the application (other than an application for an agent's license, a special license, a vessel license or an alcohol license), the applicant shall send a notice setting forth the time and place of the hearing on the application by registered mail to a majority of the persons being the owners or lessees holding under recorded leases, or real estate situate within a distance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of such real estate, not less than twenty-one days prior to the date set for the hearing of the application; and before the hearing the applicant shall file with the commission an affidavit as to such mailing of notice. Notice by registered mail may be addressed to the last known address of the person concerned or to the address as shown in the last tax return filed by him or his agent or representative." [L. 1933-4, c. 40, s. 32; R. L. 1935, s. 2601; am. L. 1935, c. 105, s. 11.]

Section 12. Section 2605 of said Revised Laws is hereby amended to read as follows:

**"Sec. 2605. Renewals.** No renewal of an existing license shall be granted except under like procedure as in the case of an original application, provided, however, that the notice required to be sent by the applicant under section 2601 need not

be sent and that a protest of a majority of registered voters and of a majority of owners of real estate shall not constitute absolute ground for the refusal of a renewal. The date of the hearing of an application for renewal may be fixed not less than fourteen days after the first publication of the notice thereof. Renewal of a license shall be deemed an issuance of a license.

"If the premises sought to be licensed upon an application for renewal is larger in area than the original licensed premises to the extent of twenty-five per centum or more, such application for renewal shall be considered in all respects an original application." [L. 1933-4, c. 40, s. 36; R. L. 1935, s. 2605; am. L. 1935, c. 105, s. 12.]

[**Secs. 2613, 2614 and 2615**, repealed. See Section 16 of this Act. (Act 105.)]

Section 13. **Section 2617** of said Revised Laws is hereby amended by amending paragraphs (b) and (c) of subdivision 1 thereof to read as follows, respectively:

"(b) Be sold or delivered on Sundays or on election days during the hours election booths are open for voting or during hours prohibited by the commission, provided, however, that the commission may, by rule or regulation, and during such hours and under such terms and restrictions as it may therein prescribe, permit the sale of beer, with or without meals, by licensees holding tavern licenses, the sale of liquors, with meals only, by licensees holding hotel or restaurant licenses and the delivery or shipment of draught beer, on such days;

"(c) Be sold or furnished by any licensee to any minor, or to any person at the time under the influence of liquor or to a person known to the licensee to be addicted to the excessive use of intoxicating liquor."

Section 14. **Section 2617** of said Revised Laws is hereby further amended by amending paragraph (b) of subdivision 2 thereof to read as follows:

"(b) Employ any minor under the age of eighteen years to serve or assist in serving any liquor upon any licensed premises where liquor is consumed."

Section 15. **Section 2617** of said Revised Laws is hereby further amended by adding to subdivision 2 thereof the following additional paragraphs:

"(d) Employ any woman in or about any licensed premises operated under a dispenser's license;

"(e) Furnish any amusement features on any licensed premises operated under a dispenser's license;

"(f) Sell any draught beer unless upon the faucet, spigot or outlet wherefrom such beer is drawn there shall be attached

a clear and legible notice, placard or marker which shall in the English language indicate and declare the name or brand adopted by the manufacturer of such draught beer, so situated as to be clearly legible for a distance of at least ten (10) feet from such spigot, faucet or outlet, to a purchaser with normal vision."

Section 16. Sections 2613, 2614, 2615 and 2616 of said Revised Laws are hereby repealed.

[Sec. 2617-A.] Section 17. The provisions of section 1 of this Act shall not apply to any club holding a club license issued to it prior to the effective date of this Act.

Section 18. This Act shall take effect on July 1, 1935, provided, however, that prior to such effective date applications for original licenses or renewals of existing licenses may be filed and acted on pursuant to and in conformity with the provisions of this Act.

(Approved May 8, 1935.) S.B. 118, ACT 105.

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## CHAPTER 83. MOTOR VEHICLES; CHAUFFEUR'S LICENSE; REGISTRATION.

### PART 2. REGISTRATION.

**Series B-59.** An Act to Amend Section 2670 and Section 2671 of the Revised Laws of Hawaii 1935, Relating to Registration of Motor Vehicles.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2670, Revised Laws of Hawaii 1935 is hereby amended by amending the first paragraph thereof to read as follows:

**"Sec. 2670. Registration; expense.** Every certificate of registration issued under this subtitle shall expire at midnight on the 31st day of December of each year and shall be renewed annually before March 1st of each year upon application by the registered owner by presentation of the certificate of registration for the current year, such renewal to take effect as of January 1st of each year. The certificates of registration issued hereunder shall be valid during the registration year only for which they are issued, and the certificates of ownership need not be renewed annually but shall remain valid as to any

interest shown therein until cancelled by the treasurer as provided by law or replaced by new certificates of ownership as hereinafter provided. Upon annual renewal of a certificate of registration, whenever the legal owner of a vehicle is other than the registered owner, the treasurer shall immediately notify such legal owner by mail of the registered number assigned to such vehicle for the ensuing year."

Section 2. Section 2671 of the Revised Laws of Hawaii 1935 is hereby amended by amending paragraph No. 7 thereof to read as follows:

"7. Nothing in the foregoing subdivisions of this section shall prevent a legal owner from assigning his title or interest in or to a vehicle registered under the provisions of this subtitle to another legal owner at any time without the consent of and without affecting the interest of the holder of the certificate of registration thereof. Upon filing with the treasurer of a certificate of ownership endorsed by the legal owner and a transferee of legal ownership, the treasurer shall, whether the certificate of registration has expired or not, enter the name of the new legal owner upon the records of his office and shall forthwith issue a new certificate of ownership to the new legal owner in the form for original registration; upon so doing, the treasurer shall send to the registered owner a notice by mail of such action."

Section 3. This Act shall take effect upon its approval.

(Approved April 30, 1935.) **S.B. 156, ACT 74.**

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**Series B-60.** An Act to Amend Part 2 of Chapter 83 of the Revised Laws of Hawaii 1935, by Adding Thereto a New Section to Be Numbered Section 2675-A, Relating to Registered Motor Vehicles.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Part 2 of chapter 83 of the Revised Laws of Hawaii 1935 is hereby amended by adding thereto a new section to be numbered section 2675-A and to read as follows:

**"Sec. 2675-A. Unlawful removal of motor vehicles from county.** It shall be unlawful for any person to remove, attempt to remove, cause to be removed, or assist in so doing, any motor vehicle registered pursuant to the provisions of this subtitle from any county in the Territory to any other place away from such county, unless he is the legal owner thereof or

unless the written authorization of the legal owner thereof to said removal shall have first been obtained.

"No person owning or having control of any vessel, airplane or other means of transportation, and no agent or employee of such person, shall transport any such motor vehicle from any county in the Territory to any other place away from such county, or accept the same for such transportation, or deliver any bill of lading, order or other written instrument authorizing such transportation, unless the person requesting such transportation (a) shall produce a certificate of ownership showing that he is the legal owner of such motor vehicle or (b) shall produce, if he is not the legal owner thereof, a certificate of registration showing that he is the owner of such motor vehicle and, in addition thereto, the written consent of the legal owner thereof to such transportation."

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **S.B. 135, Act 106.**

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## **CHAPTER 84. UNIFORM AUTOMOBILE LIABILITY SECURITY ACT.**

**Series B-61.** An Act to Amend Section 2686 of the Revised Laws of Hawaii 1935, Relating to the Financial Responsibility of Operators and Owners of Motor Vehicles.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2686 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"**Sec. 2686. Proof of financial responsibility required when chauffeur's license becomes subject to suspension or revocation.** Whenever a chauffeur's license shall be suspended or revoked for heedless or reckless driving as defined in sections 6280 and 6281, or for driving while intoxicated, such license shall not again become effective nor shall a chauffeur's license at any time thereafter be issued to the person whose license was suspended or revoked, until such person has furnished proof of financial responsibility; and whenever the treasurer for any violation, has the right in his discretion to suspend or revoke a chauffeur's license, but is disposed, in the exercise of his discretion, not to do so, he shall nevertheless suspend such license until the holder thereof has furnished proof of financial responsibility." [L. 1933, c. 166, s. 7; R. L. 1935, s. 2686; am. L. 1935, c. 186, s. 1.]

Section 2. Any person whose chauffeur's license has been suspended or revoked prior to the effective date of this Act for any cause not specified in said section 2686, as amended by this Act, shall, upon the effective date of this Act, be entitled to have such license restored or to have a new chauffeur's license issued to him without complying with the requirements set forth in said section 2686.

Section 3. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **H.B. 112, Act 186.**

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## CHAPTER 85.      WEIGHTS AND                         MEASURES.

**Series B-62.** An Act to Amend Section 2720 of the Revised Laws of Hawaii 1935, Relating to Fees for Testing and Certification of Weights and Scales.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2720 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 2720. Fees.** The charges for testing and certification shall be as follows: for scales from one to thirty pounds weight capacity, fifty cents; for scales from over thirty to three hundred pounds weight capacity, one dollar and twenty-five cents; for scales from over three hundred to one thousand pounds weight capacity, two dollars; and for scales over one thousand pounds weight capacity, two dollars and fifty cents; for measures of extension, fifty cents; for pump or pumping measure or appliance, fifty cents; for any other appliance as used for weighing or measuring and not specifically mentioned therein, fifty cents; provided, however, that no charge shall be made for more than two inspections in any one year; all fees collected under the provisions of this chapter shall be paid into the treasury of the county or city and county for which the inspection, testing and sealing is made, as a municipal realization." [L. 1921, c. 234, s. 11; R. L. 1935, s. 2720; am. L. 1935, c. 98, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 277, Act 98.**

## Title XII. COUNTY GOVERNMENT.

### CHAPTER 86. GOVERNMENT OF KAUAI, MAUI, HAWAII AND KALAWAO.

#### GENERAL POWERS, LIABILITIES AND LIMITATIONS OF COUNTIES.

**Series B-63.** An Act to Amend Section 2802, Paragraph 5 of the Revised Laws of Hawaii 1935, Relating to the Powers of the Counties.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 2802**, paragraph 5, of the Revised Laws of Hawaii 1935, is hereby amended by adding at the end of said paragraph the following:

“The county of Kauai is authorized, in so far as the finances of said county permit, to purchase school books prescribed by the department of public instruction for the use, without charge, of elementary school students in said county.”

Section 2. This Act shall take effect upon its approval.

(Approved April 30, 1935.) **H.B. 41, Act 70.**

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**Series B-64.** An Act to Amend Section 2802, Paragraph 5 of the Revised Laws of Hawaii 1935, Relating to the Powers of the Counties.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 2802**, paragraph 5 of the Revised Laws of Hawaii 1935, is hereby amended by adding at the end of said paragraph the following:

“The county of Maui is authorized, in so far as the finances of said county permit, to purchase school books prescribed by the department of public instruction, for the use, without charge, of elementary school students in said county.”

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **H.B. 140, Act 145.**

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**ELECTION OF OFFICERS.**

**Series B-65.** An Act to Amend Section 2808 of the Revised Laws of Hawaii 1935, Relating to Office Hours of County Officers and Employees.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2808 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 2808. Offices.** All county officers, with the exception of deputy sheriffs, shall have their offices at the county seat which shall be open for public business on business days from 8:00 o'clock in the morning to 4:00 o'clock in the afternoon, excepting on Saturdays when they may close at noon, and the clerk, auditor, treasurer and county attorney, together with the employees serving under them, respectively, shall be in their respective offices for the transaction of public business during such hours, excepting when the performance of their official duties requires their presence elsewhere, or when they, in the case of employees, are excused by the heads of the respective offices; provided, that the one hour at noon for luncheon shall be considered as an hour during which actual service is performed. The board of supervisors shall also maintain their offices at the county seat.” [L. 1905, c. 39, s. 16; am. L. 1905, c. 54, s. 1; R. L. 1935, s. 2808; am. L. 1935, c. 43, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 16, 1935.) **H.B. 67, Act 43.**

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**SALARIES.**

**Series B-66.** An Act to Repeal All Laws, Parts of Laws and Amendments to Laws, Fixing the Salaries of Deputy Sheriffs in the County of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 2816A.**] Section 1. [**Partial repeal of Sec. 2816.**] All laws, parts of laws and amendments to laws, fixing the salaries of the deputy sheriffs of North Hilo district, Hamakua district, North Kohala district, South Kohala district, North Kona district, South Kona district, Kau district and Puna district, in the county of Hawaii, are hereby repealed.

Section 2. This Act shall take effect upon its approval.

(Approved April 1, 1935.) **S.B. 34, Act 14.**

**ELECTIONS.**

**Series B-67.** An Act to Amend Sections 2821, 3051, 7641, 7642, 7643, 7672, 7676, 7678, 7681, 7682, 7690, 7732 and 7736 of the Revised Laws of Hawaii 1935, Relating to Elections.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2821 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

“**Sec. 2821. Tie vote.** If it shall appear by the returns made that there has been a failure of election of any county officer by reason of a tie vote between two or more candidates, the tie shall forthwith be decided by lot under the supervision of the county clerk; and all candidates interested shall be notified by the clerk of the time and place of the drawing of the lot and each candidate shall be given an opportunity to be present, together with two witnesses to be selected by him.” [L. 1905, c. 39, s. 35; R. L. 1935, s. 2821; am. L. 1935, c. 168, s. 1.]

Section 2. Section 3051 of said Revised Laws is hereby amended to read as follows:

“**Sec. 3051. Tie vote.** If it shall appear by the returns made that there has been a failure of election of any city and county officer by reason of a tie vote between two or more candidates, the tie shall forthwith be decided by lot under the supervision of the clerk of the city and county; and all candidates interested shall be notified by the clerk of the time and place of the drawing of the lot and each candidate shall be given an opportunity to be present, together with two witnesses to be selected by him.” [L. 1907, c. 118, s. 46; R. L. 1935, s. 3051; am. L. 1935, c. 168, s. 2.]

Section 3. Section 7641 of said Revised Laws is hereby amended to read as follows:

“**Sec. 7641. To fill vacancy.** Whenever any vacancy in the membership of the legislature shall occur, the governor shall cause a special election to be held to fill the same. Such special election shall be called on a proclamation issued by the governor at least twenty days prior to the date thereof, and, except as otherwise provided in this chapter, shall conform to the regular biennial elections held under the provisions of this chapter.” [C. L. p. 807, s. 64; am. Org. Act, s. 64; R. L. 1935, s. 7641; am. L. 1935, c. 168, s. 3.]

Section 4. Section 7642 of said Revised Laws is hereby amended to read as follows:

“**Sec. 7642. In case of tie.** In case of the failure of an election by reason of the equality of vote between two or more

candidates, the tie shall forthwith be decided by lot, under the supervision of the secretary of the Territory; and all candidates interested shall be notified by the secretary of the time and place of the drawing of the lot and each candidate shall be given an opportunity to be present, together with two witnesses to be selected by him." [C. L. p. 807, s. 65; am. Org. Act, s. 64; am. L. 1915, c. 119, s. 1; R. L. 1935, s. 7642; am. L. 1935, c. 168, s. 4.]

Section 5. Section 7643 of said Revised Laws is hereby amended by amending the first paragraph thereof to read as follows:

**"Sec. 7643. Nominations; deposit; withdrawal.** At any special election no person shall be permitted to stand as a candidate for election to the legislature unless he shall be nominated and so requested in writing, signed by not less than twenty-five duly qualified electors of the district in which an election is ordered, and in which he is requested to be a candidate. The nomination shall, except as hereinafter provided, be deposited with the secretary of the Territory not less than fifteen days before the day of a special election, except on the island of Oahu, where the nomination shall be deposited not less than ten days before the day of election."

Section 6. Section 7672 of said Revised Laws is hereby amended to read as follows:

**"Sec. 7672. Ballot boxes.** The secretary of the Territory shall provide suitable ballot boxes for each polling place. Such boxes shall be marked in plain letters 'For Delegate to Congress, Senators and Representatives', and shall bear no other device or mark. The boxes shall be made of wood, of a single thickness of boards, not over one inch nor less than three-quarters of an inch in thickness. They shall be smooth inside and out and shall have a hinged lid fastened securely by a good lock or locks. In the center of the lid there shall be an aperture of not more than six inches in length, and not over one-quarter of an inch in width, which may be protected by a lid or raised edge." [C. L. p. 811, s. 75; am. Org. Act, s. 64; R. L. 1935, s. 7672; am. L. 1935, c. 168, s. 6.]

Section 7. Section 7676 of said Revised Laws is hereby amended to read as follows:

**"Sec. 7676. Arrangement of names, etc.** The names of the candidates shall be placed upon the ballot in alphabetical order. A horizontal line shall be ruled between each name and its equivalent, if any, and the next name. Immediately after all the names, on the right-hand side of the ballot, two vertical lines shall be ruled, so that in conjunction with such horizontal

lines, a square shall be formed opposite each name and its equivalent, if any, of sufficient size to give ample room in which to designate the choice of the voter in the manner in this chapter prescribed. All of the names upon a ballot shall be placed at uniform distance from the left-hand edge thereof, and close thereto." [C. L. p. 815, s. 90; am. L. 1923, c. 66, s. 1; R. L. 1935, s. 7676; am. L. 1935, c. 168, s. 7.]

Section 8. Section 7678 of said Revised Laws is hereby amended to read as follows:

**"Sec. 7678. Printing and distributing.** The ballots shall be printed by order of the secretary of the Territory at government expense. There shall be delivered to each precinct not less than one hundred ballots more than there are registered voters for the election for which the ballots are printed, and not less than two hundred ballots shall be delivered to each county clerk not less than seven days prior to the date of any election for use by absentee voters authorized to vote under the provisions of section 7695. It shall be the duty of each county clerk, as soon as may be after election, to certify to the secretary the number of ballots delivered to absentee voters and to return the unused ballots to the secretary.

"In case the boundaries of any precinct shall have been changed since the last preceding election, the number of ballots sent shall be such as shall be estimated by the secretary so as not to be less than one hundred ballots more than there are registered voters in such precinct." [C. L. p. 816, s. 92; am. Org. Act, s. 64; R. L. 1935, s. 7678; am. L. 1935, c. 168, s. 8.]

Section 9. Section 7681 of said Revised Laws is hereby amended to read as follows:

**"Sec. 7681. Hours for voting.** The polls shall be opened by the inspectors at 7 o'clock upon the morning of the election day, and shall be kept open continuously until 5 o'clock in the afternoon of said day; provided, however, that in the city and county of Honolulu, the polls shall be closed at 5:30 o'clock in the evening; provided, further, that if, at the closing hour of voting, any voter desiring to vote shall be standing in line outside the entrance of the polls with the desire of entering and voting, but due to the polling booth or place being overcrowded has been unable to do so, he shall be allowed to vote irrespective of the closing hour for voting, provided, however, that no voter shall be permitted to enter or join such line after the prescribed hour for closing the polls. If all of the registered voters of the precinct shall have polled their votes previously to the closing time, the polls may be closed earlier

and the votes counted as in this chapter provided." [C. L. p. 813, s. 80; R. L. 1935, s. 7681; am. L. 1935, c. 168, s. 9.]

Section 10. Section 7682 of said Revised Laws is hereby amended to read as follows:

**"Sec. 7682. Admission within polling place.** The inspectors shall, previously to opening the polls, set apart a space of twenty-five feet in front of and a twelve and one-half foot space on either side of the entrance to the polling place to prevent interference with the conduct of the election; and no person, other than the inspectors, the candidates and such voters as are for the time being actually engaged in voting, shall be permitted within the space so set apart during the time appointed for voting and any person influencing, or attempting to influence, or attempting to interfere in any manner with any voter while such voter is within such defined space for the purpose of voting, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment for not more than one year, or by both such fine and imprisonment, provided, however, that in event a voter is manifestly physically disabled, such voter may be assisted by anyone through the said place so set apart to the entrance to the voting place." [C. L. p. 812, s. 79; am. L. 1915, c. 42, s. 1; R. L. 1935, s. 7682; am. L. 1935, c. 168, s. 10.]

Section 11. Section 7690 of said Revised Laws is hereby amended to read as follows:

**"Sec. 7690. Method of marking ballot.** A voter shall designate his choice for delegate, senators and representatives, respectively, by marking a cross (X) with a black lead pencil in the right-hand square or squares provided for such purpose, opposite the name or names of the candidate or candidates for whom he desires to vote." [C. L. p. 818, s. 100; am. Org. Act, s. 64; am. L. 1905, c. 26, s. 1; am. L. 1907, c. 129, s. 1; R. L. 1935, s. 7690; am. L. 1935, c. 168, s. 11.]

Section 12. Section 7732 of said Revised Laws is hereby amended by amending paragraph 1 thereof to read as follows:

"1. The polls at primaries shall be opened by the inspectors at 7 o'clock upon the morning of the election day, and shall be kept open continuously until 5 o'clock in the evening of said day; provided, however, that in the city and county of Honolulu, the polls shall be closed at 5:30 o'clock in the evening; provided, further, that if, at the closing hour of voting, any voter desiring to vote shall be standing in line outside the entrance of the polls with the desire of entering and voting, but due to the polling booth or place being overcrowded has

been unable to so do, he shall be allowed to vote irrespective of the closing hour for voting, provided, however, that no voter shall be permitted to enter or join such line after the prescribed hour for closing the polls."

Section 13. Section 7736 of said Revised Laws is hereby amended to read as follows:

"**Sec. 7736. Tie vote.** In case of a tie vote, the tie shall forthwith be decided by lot under the supervision of the county clerk; and all candidates interested shall be notified by the clerk of the time and place of the drawing of the lot and each candidate shall be given an opportunity to be present, together with two witnesses to be selected by him." [L. 1913, c. 151, s. 17; R. L. 1935, s. 7736; am. L. 1935, c. 168, s. 13.]

Section 14. This Act shall take effect upon its approval.

(Approved May 14, 1935.) **H.B. 172, Act 168.**

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#### DEPUTY SHERIFF.

**Series B-68.** An Act to Amend Section 2848 of the Revised Laws of Hawaii 1935, Relating to Deputy Sheriffs of the Counties of Hawaii, Maui and Kauai.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2848 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"**Sec. 2848. Appointment.** Within each district of the counties of Maui and Kauai, and within the district of South Hilo in the county of Hawaii, the sheriff shall appoint a deputy sheriff and may remove any such deputy sheriff for cause. Every deputy sheriff shall be a duly qualified elector of the Territory, and shall have resided within the district for which he is appointed for a period of not less than one year previous to the date of his appointment; provided, however, that in case of the illness, or absence from his district of the deputy sheriff of any district, or in case of a temporary vacancy in the office of deputy sheriff of any of the districts, the sheriff of such county may assign the deputy sheriff of any other district to act temporarily in the district, the deputy sheriff of which is ill or absent or in which such temporary vacancy exists; and the deputy sheriff so temporarily assigned under temporary assignment shall have all the powers and shall perform all the duties devolving upon the deputy sheriff of such district. The deputy sheriff of the district of South Hilo, of the county of

Hawaii, shall, ex-officio, be the deputy sheriff of the county of Hawaii. The deputy sheriff of the district of Wailuku, county of Maui, shall, ex-officio, be the deputy sheriff of the county of Maui. The deputy sheriff of the district of Lihue, county of Kauai, shall, ex-officio, be the deputy sheriff of the county of Kauai; provided, however, that whenever it shall be shown to the satisfaction of the board of supervisors that an efficient person for the office of deputy sheriff cannot be found among the residents of the district, the sheriff may appoint a deputy sheriff from some other district in the county; such deputy sheriff shall be a duly qualified elector of the Territory, and shall have resided within the county for a period of not less than one year previous to the date of his appointment and shall reside within the district for which he is appointed during his term of office.” [L. 1905, c. 39, s. 13; am. L. 1905, c. 54, s. 1; am. L. 1909, c. 58, s. 1; am. L. 1911, c. 30, s. 1; am. L. 1913, c. 43, s. 1; am. L. 1913, c. 116, s. 1; am. L. 1921, c. 91, s. 1; R. L. 1935, s. 2848; am. L. 1935, c. 15, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 1, 1935.) **S.B. 35, ACT 15.**

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#### AUDITOR.

**Series B-69.** An Act to Amend Section 2852 of the Revised Laws of Hawaii 1935, Relating to the Time for Payment of Salaries and Wages of County Officers and Employees.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2852 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 2852. Liability specified thereon.** The auditors of the several counties shall, not less than twice each month, issue pay warrants to all officers and employees whose salaries or wages have been fixed by the legislature or the boards of supervisors. All warrants shall distinctly specify the liability for which they are drawn and when the same accrued.” [L. 1905, c. 39, s. 76; L. 1921, c. 10, s. 1; R. L. 1935, s. 2852; am. L. 1935, c. 22, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 9, 1935.) **H.B. 212, ACT 22.**

[**Sec. 2874,** amended. See Series A-18, Section 2. (Act 57.)]

#### GENERAL PROVISIONS.

**Series B-70.** An Act to Amend Section 2889 of the Revised Laws of Hawaii 1935, Relating to Advertisement of Bills and Resolutions, and Amendments of Ordinances, in the Counties of Hawaii, Maui and Kauai.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2889 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 2889. Advertisement of bills and resolutions, and amendments of ordinances.** In the counties, every bill or resolution for any specific improvement, or involving the appropriation, lease or disposition of public property, or the exercise of the power of eminent domain, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in a newspaper, with the ayes and noes, at least once, Sundays and legal holidays excepted, before final action on the same. If such bill or resolution be substantially amended, the bill or resolution providing for such amendment, shall be advertised for a like period before final action thereon; provided, however, that no ordinance shall be revised, reenacted or amended by reference to its title, but the ordinance to be revised or reenacted or the section or any paragraph thereof amended, shall be reenacted at length as revised and/or amended; provided, that the ordinance as a whole may be revised or codified and adopted and reenacted as revised or codified by an ordinance passed for that purpose."

[L. 1923, c. 26, pt. of s. 1; R. L. 1935, s. 2889; am. L. 1935, c. 128, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1935.) **H.B. 342, Act 128.**

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#### KAUAI COUNTY DEPARTMENT OF PUBLIC WORKS.

**Series B-71.** An Act to Amend Sections 2893, 2894 and 2895 of the Revised Laws of Hawaii 1935, Relating to Kauai County Department of Public Works.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 2893** of the Revised Laws of Hawaii 1935, is hereby amended by adding a sentence at the end thereof, to read as follows:

"It is provided, however, that no expenditure shall be made

or obligation incurred without the approval of the board of supervisors first obtained."

Section 2. Section 2894 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"**Sec. 2894.** [County engineer.] The department shall be in charge of a registered professional engineer of recognized standing and ability, who shall be known as the county engineer, shall be appointed and be removable by the chairman of the board of supervisors by and with the consent of the board, shall receive from the county a salary to be fixed by the board at forty-two hundred dollars per annum, and shall be vested with, and have, enjoy, perform and be subject to, all the powers, functions, duties and liabilities conferred or imposed upon the department by this subtitle, and such further powers, duties and functions as shall be prescribed by the board." [L. 1931, c. 88, s. 2; R. L. 1935, s. 2894; am. L. 1935, c. 64, s. 2.]

Section 3. **Section 2895** of the Revised Laws of Hawaii 1935, is hereby amended by inserting the words "by and with the consent of the board of supervisors" after the word "engineer" in line 1 of said section 2895 and again where the word "engineer" first appears in line 5 of said section 2895.

Section 4. This Act shall take effect upon approval.

(Approved April 29, 1935.) **H.B. 169, Act 64.**

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#### KAUAI COUNTY WATERWORKS BUREAU.

**Series B-72.** An Act to Amend Section 2898 of the Revised Laws of Hawaii 1935, Relating to Kauai Water Works Bureau.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 2898** of the Revised Laws of Hawaii 1935, is hereby amended as follows:

After the word "shall" at the end of the second line of said section, insert the words "by and with the consent of the board of supervisors";

After the word "may" in line 3 of said section insert the words "by and with the consent of the board of supervisors".

Add a sentence to said section, to read as follows:

"It is provided, however, that no expenditure shall be made

or obligation incurred by the head of the bureau without the approval of the board of supervisors first obtained."

Section 2. This Act shall take effect upon its approval.

(Approved April 27, 1935.) **H.B. 170, Act 62.**

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#### **HAWAII SUPERVISORS.**

**Series B-73.** An Act to Amend Section 2914 of the Revised Laws of Hawaii 1935, Relating to the Management and Support of Hospitals by the County of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2914 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 2914. Support of hospitals.** (a) **Tax rate.** The board is authorized and directed to appropriate annually the sum of one hundred ten thousand dollars (\$110,000.00), as follows: eighty thousand dollars (\$80,000.00) to be held in a special fund for the use and expenditure, by and under the direction of the board of supervisors, with other moneys made available therefor by the board and by the legislature, for the permanent improvement, maintenance and equipment of the county hospitals other than Puumaile Home; and thirty thousand dollars (\$30,000.00) to be held in a special fund for the use, with other moneys made available therefor by the board, and by the legislature, for the permanent improvement, maintenance and equipment of Puumaile Home; provided, however, that in the month of January of each year, the managing committee of Puumaile Home shall submit to the board a budget of the estimated requirements for the current calendar year for said Puumaile Home, and if such budget calls for a less amount for said Home than thirty thousand dollars (\$30,000.00) the board may appropriate such less amount. The amounts herein required to be appropriated each year, or so much thereof as may be necessary, shall be included in the tax rate for real property taxes for such year in the county. All income and revenues received on account of the operation of said Puumaile Home shall be placed in the special fund therefor by this section created and used only for the maintenance, support, equipment and improvement of said Home.

(b) **Managing committee, duties.** The chairman and executive officer of the board of supervisors shall, with the approval of the board, appoint a board to be known as the 'Man-

aging Committee of Puumaile Home', consisting of five members, to serve without pay, who shall hold office for a term of four years; provided, however, that on the first appointment of the managing committee two members shall be appointed for a term of four years and the remaining members for two years; that thereafter all appointments shall be for four years, and that any vacancy shall be filled for the remainder of the unexpired term. The managing committee shall select its own chairman from the members thereof and may establish rules and regulations for the conduct of its business and of the business of the Puumaile Home. The committee shall have the full management and control of Puumaile Home, the improvements thereto and the maintenance and equipment thereof, and the full control of the expenditure of all moneys made available by law or otherwise for the improvement, maintenance and equipment of Puumaile Home. The committee shall make regular reports, as required by the board of supervisors, as to the conduct, management and condition of Puumaile Home.

"The committee may employ, and shall fix and pay the salaries and wages of, doctors, nurses and other employees as it may deem necessary for the conduct of Puumaile Home.

"All moneys made available for the use of the committee for Puumaile Home shall be placed in the special fund for said institution created by this section, and shall be paid out on warrants drawn by the auditor of the county, upon claims and vouchers duly examined, approved and directed to be paid by the committee.

"The county attorney shall be and act as the legal adviser of the managing committee." [L. 1929, c. 90, s. 1; am. L. 1931, c. 208, s. 1; am. L. 1933, c. 109, s. 1; R. L. 1935, s. 2914; am. L. 1935, c. 45, s. 1.]

Section 2. This Act shall take effect on July 1, 1935.

(Approved April 16, 1935.) **S.B. 102, ACT 45.**

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**Series B-74.** An Act to Amend Section 2915 of the Revised Laws of Hawaii 1935, Relating to Transportation of School Children.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 2915** of the Revised Laws of Hawaii 1935 is hereby amended by adding thereto the following:

"The board is likewise authorized, empowered and directed

to provide suitable transportation, free of charge, for all school children enrolled in the seventh, eighth or ninth grades and residing either in North or South Kona, three or more miles from the Kona-waena High and Grammar School, who may desire to attend such school. And further the board is authorized and empowered to provide suitable transportation free of charge for all school children enrolled in the seventh, eighth or ninth grades, and residing in North Kohala, who may desire to attend the Kohala High and Grammar School."

Section 2. This Act shall take effect on September 1, 1935.

(Approved May 20, 1935.) **S.B. 187, Act 210.**

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## Title XIII.      HONOLULU GOVERNMENT.

### CHAPTER 88. CITY AND COUNTY OF HONOLULU.

#### **LEGISLATIVE DEPARTMENT.**

**Series B-75.** An Act to Amend Section 3012 of the Revised Laws of Hawaii 1935, Relating to the Amendment of Ordinances in the City and County of Honolulu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3012 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"**Sec. 3012. Revision or amendment of ordinances.** No ordinance shall be revised, reenacted or amended by reference to its title; but the ordinance to be revised or reenacted, or the section or any paragraph thereof amended, shall be reenacted at length as revised and/or amended; provided, however, that the ordinance as a whole may be revised or codified and adopted and reenacted as revised or codified by an ordinance passed for that purpose." [L. 1907, c. 118, s. 14; am. L. 1920, c. 16, s. 1; R. L. 1935, s. 3012; am. L. 1935, c. 100, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 320, Act 100.**

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**POWERS OF THE SUPERVISORS.**

**Series B-76.** An Act to Amend Paragraph 17 of Section 3021, Revised Laws of Hawaii 1935, Authorizing and Empowering the Board of Supervisors of the City and County of Honolulu to Establish Improvement Districts for Parks, Playgrounds and Public Beaches.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Paragraph 17 of **Section 3021**, Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“To purchase or acquire by condemnation such property as may be needed for public use. To establish improvement districts for the purpose of acquiring property for parks, playgrounds and public beaches whenever requested by the owners of at least fifty per centum of the property specially benefited, and in such case, the improvement districts shall be created in conformity with all of the provisions of Chapter 92, Revised Laws of Hawaii 1935; provided, however, that this paragraph shall not be construed as in any manner limiting the power of the board of supervisors or of the Honolulu park board to acquire property at its own pleasure for the same purpose without levying assessments.”

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **H.B. 383, Act 162.**

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**SALARIES.**

**Series B-77.** An Act to Amend Section 3046 of the Revised Laws of Hawaii 1935, Relating to the Salaries of Certain Officers of the City and County of Honolulu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3046 of the Revised Laws of Hawaii 1935 is hereby amended by amending the first three lines thereof to read as follows:

“**Sec. 3046. Salaries of officials.** The salaries of the following city and county officers shall be payable semi-monthly out of the city and county treasury at the following rates:”.

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **S.B. 235, Act 111.**

[**Sec. 3051**, amended. See Series B-67, Section 2. (Act 168.)]

[**Sec. 3082**, amended. See Series A-18, Section 3. (Act 57.)]

#### PUBLIC PROSECUTOR.

**Series B-78.** An Act to Amend Chapter 88 of the Revised Laws of Hawaii 1935, by Amending Section 3099 Thereof, Relating to the Public Prosecutor of the City and County of Honolulu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3099 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 3099. Assistant public prosecutors, clerks, etc.; offices.** The public prosecutor of the city and county may appoint and remove at pleasure such assistant public prosecutors, clerks, stenographers, investigators, interpreters and other assistants as he shall deem necessary to properly transact the business of his office. Said assistants and employees shall receive such salaries as shall be fixed and allowed by the board of supervisors.

“Any investigator so appointed by the public prosecutor shall have all the powers and privileges of a police officer of the city and county of Honolulu.

“At the request of the public prosecutor one or more officers of the police department shall be detailed by the chief of police of the city and county for the purpose of doing detective work necessary in preparing and presenting the litigation of the office, who shall continue to serve on such detail during the pleasure of the public prosecutor, and as long as the necessity of such detail exists.

“The board shall make available to the public prosecutor and his staff sufficient and proper accommodations and equipment for their use.” [L. 1932, 1st, c. 13, pt. of ss. 1, 2; R. L. 1935, s. 3099; am. L. 1935, c. 108, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **S.B. 193, Act 108.**

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#### DEPUTY SHERIFF.

**Series B-79.** An Act to Amend Chapter 88 of the Revised Laws of Hawaii 1935, Relating to the City and County of Honolulu, by Amending Section 3110 Thereof.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3110 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 3110. Deputy sheriffs, and other employees.** The sheriff may appoint and remove at pleasure such deputies, not to exceed fifteen (15), and employees, with or without pay and with such qualifications, as may be required to assist him in carrying out the functions and duties of his office. Such deputies, and employees appointed to serve with pay shall serve at such salaries as may be allowed by the board." [L. 1907, c. 118, s. 128; am. L. 1909, c. 76, s. 1; am. L. 1919, c. 62, s. 13; R. L. 1935, s. 3110; am. L. 1935, c. 176, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 14, 1935.) **S.B. 167, Act 176.**

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## **CHAPTER 90A. HONOLULU FLOOD CONTROL.**

**Series B-80.** An Act Authorizing Flood Control Projects and Undertakings by the City and County of Honolulu, and the Issuance of Bonds or Other Obligations in Connection Therewith.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 3167.**] Section 1. [**Authority.**] The Board of Supervisors of the City and County of Honolulu is hereby authorized and empowered to construct, acquire by gift, purchase, or the exercise of eminent domain, reconstruct, improve, better, extend and maintain projects or undertakings for the control of and protection against floods and flood waters, including the power to drain and rehabilitate lands already flooded.

[**Sec. 3167A.**] Section 2. [**Bonds; amount and purpose.**] To carry out the powers granted in Section 1 hereof, the Board of Supervisors of the City and County of Honolulu is hereby empowered to issue bonds or other obligations of the City and County of Honolulu to one or more times in a total amount of not to exceed one million two hundred thousand dollars (\$1,200,000.00). Such bonds or other obligations shall be general obligations of the City and County of Honolulu, payable as to both interest and principal from the consolidated net revenues of the City and County of Honolulu. No portion of the funds realized from the sale of such bonds or other obligations shall be used for any purposes save those specified in this Act, and such bonds shall not be issued unless approved by the president of the United States. Not more than seven hundred

thousand dollars (\$700,000.00) of such bonds may be issued in any one calendar year.

[**Sec. 3167B.**] Section 3. [**Form and conditions of bonds.**] The bonds or obligations herein authorized to be issued shall be coupon in form, shall bear interest at a rate not to exceed seven per centum per annum, and shall mature serially over a period of not to exceed thirty years, with or without the privilege of prior redemption as the Board of Supervisors may by resolution determine. If sold to the government of the United States or any agency or instrumentality thereof, said bonds or obligations may be sold at private sale at not less than par and accrued interest to the date of such sale. No election shall be necessary to authorize such bonds or other obligations, which may bear such date or dates, may be payable at such place or places and may carry such registration privileges as to either principal and interest or as to principal only, as the treasurer of said City and County of Honolulu, with the approval of the Board of Supervisors thereof, may provide. Except where inconsistent with the provisions of this Act, the provisions of Chapter 267 of the Revised Laws of Hawaii 1935, being Chapter 117, Session Laws of Hawaii of 1913, as amended, shall apply to bonds and other obligations issued under this Act.

[**Sec. 3167C.**] Section 4. [**Act contingent on Congress.**] This Act shall take effect immediately upon the enactment of legislation by the Congress of the United States enabling the legislature of the Territory of Hawaii to authorize the City and County of Honolulu to issue flood control bonds despite the restrictions upon indebtedness now imposed by Section 55 of the Act of April 30, 1900, as amended.

(Approved May 13, 1935.) **H.B. 435, ACT 163.**

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## CHAPTER 92. HIGHWAYS, IMPROVEMENT BY ASSESSMENT.

**Series B-81.** An Act to Amend Chapter 92 of the Revised Laws of Hawaii 1935, by Adding Thereto a New Section to Be Numbered 3196A, Relating to Highways, Improvement Districts and Assessments in the City and County of Honolulu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 92 of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto a new section to be numbered Section 3196A, to read as follows:

“**Sec. 3196A. Payment in bonds.** The treasurer may accept in lieu of cash in payment of any assessment, installment thereof, interest, penalty, cost, expense or any portion thereof, bonds of the improvement district in which the land is situated, whether such bonds are outstanding or hereafter issued, to a value of par, plus accrued interest to the date of acceptance of such bonds by the treasurer. Upon the receipt of such bonds, the treasurer shall cancel same and credit the improvement district with the amount allowed on the bonds.”

Section 2. This Act shall take effect upon its approval.

(Approved April 4, 1935.) **H.B. 87, Act 17.**

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### REFUNDING BONDS.

**Series B-82.** An Act to Amend Section 3207 of the Revised Laws of Hawaii 1935, Relating to Refunding Bonds in Improvement Districts in the City and County of Honolulu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 3207** of the Revised Laws of Hawaii 1935, is amended by deleting from the fourth line of said section the figures “1926”, and substituting therefor the figures “1925”.

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **H.B. 415, Act 165.**

**CHAPTER 93. PARK BOARD.**

**Series B-83.** An Act to Amend Chapter 93 of the Revised Laws of Hawaii 1935, Relating to the Park Board of the City and County of Honolulu, by Amending Certain Sections Thereof and Adding a New Section Thereto.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 93 of the Revised Laws of Hawaii 1935 is hereby amended by amending section 3225 thereof to read as follows:

“**Sec. 3225. Reports.** The park board shall submit to the board of supervisors in the month of January of each year a full report of its proceedings including a detailed financial report.” [L. 1931, c. 175, pt. of s. 2; R. L. 1935, s. 3225; am. L. 1935, c. 196, s. 1.]

Section 2. Chapter 93 of the Revised Laws of Hawaii 1935 is hereby further amended by amending section 3226 thereof to read as follows:

“**Sec. 3226. Secretary, salary and duties.** The park board shall appoint a secretary who shall receive a salary to be fixed by it and whose duties shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare and serve such notices and other papers as may be required of him by the park board, and to perform such other duties as the park board may prescribe.” [L. 1931, c. 175, pt. of s. 2; R. L. 1935, s. 3226; am. L. 1935, c. 196, s. 2.]

Section 3. Chapter 93 of the Revised Laws of Hawaii 1935 is hereby further amended by amending section 3228 thereof to read as follows:

“**Sec. 3228. Purchases and contracts.** The park board shall have power to contract for work, supplies, material or equipment and the cost of these to be met from the funds it may have on hand either by appropriation from the board of supervisors or otherwise. All contracts shall be executed in the name of the board and shall be signed by the chairman or acting chairman. The park board may in its discretion purchase real property, and with the approval of the board of supervisors, sell and/or exchange any real property under its control. The park board in its discretion may also sell or otherwise dispose of any building, materials, supplies or equipment under its control and no longer used or useful for its purposes. The proceeds from the sale of all real property shall be paid to the city and county and become a government realization. All

documents of transfer or sale shall be executed in the name of the board and shall be signed by the chairman or acting chairman." [L. 1931, c. 175, pt. of s. 2; R. L. 1935, s. 3228; am. L. 1935, c. 196, s. 3.]

[**Sec. 3228.**, further amended. See Series B-84, Section 1. (Act 101.)]

Section 4. Chapter 93 of the Revised Laws of Hawaii 1935 is hereby further amended by amending section 3229 thereof to read as follows:

"**Sec. 3229. Appointment of employees.** The park board shall appoint such employees as it may deem necessary and fix their compensation." [L. 1931, c. 175, pt. of s. 2; R. L. 1935, s. 3229; am. L. 1935, c. 196, s. 4.]

Section 5. Chapter 93 of the Revised Laws of Hawaii 1935 is hereby further amended by amending section 3230 thereof to read as follows:

"**Sec. 3230. Gifts.** The park board may receive gifts, bequests or devises of land, buildings, money and all kinds and varieties of personal property to carry out any of the purposes of this chapter and may expend and contract to expend the money thus received for the purposes for which the same is given or bequeathed." [L. 1931, c. 175, pt. of s. 2; R. L. 1935, s. 3230; am. L. 1935, c. 196, s. 5.]

Section 6. Chapter 93 of the Revised Laws of Hawaii 1935 is hereby further amended by amending section 3231 thereof to read as follows:

"**Sec. 3231. Audit.** The park board shall cause a complete audit of its financial transactions for each year to be made and submitted to the board of supervisors not later than the month of January of the following year." [L. 1931, c. 175, pt. of s. 2; R. L. 1935, s. 3231; am. L. 1935, c. 196, s. 6.]

Section 7. Chapter 93 of the Revised Laws of Hawaii 1935 is hereby further amended by amending section 3232 thereof to read as follows:

"**Sec. 3232. Appropriations.** The board of supervisors shall appropriate for the use of the park board from general funds of the city and county, a sum of not less than two hundred and fifty thousand dollars per annum to be made available in equal monthly amounts for the maintenance and development of parks and playgrounds; provided, however, that in making the foregoing appropriation, the board of supervisors may use the road fund up to and not exceeding the sum of fifty thousand dollars. The board of supervisors may from time to time in its discretion appropriate from the proper funds moneys to be

used by the park board in the furtherance of its park development plans. Any unexpended balance of the appropriation made under this section remaining at the end of any calendar year shall be deducted from the amount to be appropriated for the ensuing year." [L. 1931, c. 175, pt. of s. 2; am. L. 1933, c. 75, s. 1; R. L. 1935, s. 3232; am. L. 1935, c. 196, s. 7.]

Section 8. Chapter 93 of the Revised Laws of Hawaii 1935 is hereby further amended by amending section 3234 thereof to read as follows:

**"Sec. 3234. Income from operation of parks.** The park board in its discretion is authorized to lease or rent or grant concessions to any park areas or improvements that may be deemed by it in the interests of the city, and all revenues derived from concessions and leases and the proceeds from the sale of personal property shall be retained by the park board as its own realization." [L. 1931, c. 175, pt. of s. 2; R. L. 1935, s. 3234; am. L. 1935, c. 196, s. 8.]

Section 9. Said chapter 93 is hereby further amended by adding thereto a new section, to be numbered 3235, and reading as follows:

**"Sec. 3235. Political activities prohibited.** No appointive member of the park board and no employee of said board, shall, aside from exercising the right to vote, support, advocate or aid in the election or defeat of any candidate for public office. Upon satisfactory proof of such prohibited activity of any appointive member of said board being made to the mayor and board of supervisors, or upon satisfactory proof of such prohibited activity of any such employee being made to said park board, the offender shall be summarily dismissed."

Section 10. This Act shall take effect on January 2, 1936.

(Approved May 16, 1935.) **S.B. 195, Act 196.**

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**Series B-84.** An Act to Amend Section 3228 of the Revised Laws of Hawaii 1935, Relating to Purchases and Contracts of the Park Board of the City and County of Honolulu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 3228** of the Revised Laws of Hawaii 1935, is hereby amended by adding at the end thereof the following:

"The park board shall also have authority to contract for

the importation of or to import for the purpose of keeping and to keep in captivity foreign birds for educational and scientific purposes subject to the rules and regulations of the Board of Agriculture and Forestry relative to the importation and keeping in captivity of such birds."

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 382, Act 101.**

[**Sec. 3228**, further amended. See Series B-83, Section 3. (Act 196.)]

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## **CHAPTER 94. POLICE DEPARTMENT.**

**Series B-85.** An Act to Amend Section 3246 of the Revised Laws of Hawaii 1935, Relating to Police Officers in the City and County of Honolulu and Their Compensation.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 3246** of the Revised Laws of Hawaii 1935 is hereby amended by deleting the "period" at the end of the first sentence thereof and inserting in lieu thereof a "semicolon" and the following proviso:

"provided that country police shall receive the same salaries and other allowances as urban police of the same class."

Section 2. This Act shall take effect on January 1, 1936.

(Approved April 30, 1935.) **S.B. 151, Act 73.**

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## **CHAPTER 95. WATER SUPPLY, BOARD OF.**

### **BOARD OF WATER SUPPLY.**

**Series B-86.** An Act to Amend Sections 3262 and 3264 of the Revised Laws of Hawaii 1935, Relating to the Board of Water Supply of the City and County of Honolulu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 3262** of the Revised Laws of Hawaii 1935 is hereby amended by adding at the end thereof the following paragraph:

"Any appointive member of the board who shall become a candidate for election to any public office or who shall engage in partisan political activities other than the exercise of his right to vote ipso facto vacates his office as such member."

Section 2. **Section 3264** of said Revised Laws is hereby amended by adding a new subsection thereto to be numbered 5 and to read as follows:

"5. No employee appointed under or by authority of the board shall, aside from exercising the right to vote, engage in partisan political activities or support, advocate or aid in the election or the defeat of any candidate for public office. Any such employee violating the provisions of this subsection shall be summarily dismissed from his employment."

Section 3. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **S.B. 122, Act 125.**

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**Series B-87.** An Act to Amend Section 3275 of the Revised Laws of Hawaii 1935, Relating to Rates for Use of Water in the District of Honolulu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3275 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 3275. Rates.** The board shall have the power to fix and adjust rates and charges for the furnishing of water and for water service so that the revenues derived therefrom shall be sufficient to make the water works self-supporting and to meet all expenditures included under items (a), (b), (c), (d) and (e) of Section 3273; and any other expenditures which may be occasioned, either directly or indirectly, in supplying water in the District of Honolulu; to collect and by appropriate means, including the discontinuance of service to delinquent consumers, or civil action in the name of the board, enforce the collection of such rates and charges; and to adjust and settle all complaints, claims and accounts of consumers or the public. All water furnished to the city and county or any department thereof, or to the territory or any department thereof, shall be charged to the respective departments and collected at the regular rates established by the board. There shall be no free water except as authorized by the legislature; provided, however, that the city and county attorney, on behalf of the city and county of Honolulu and the board of water supply, by its

attorney, shall forthwith proceed under the terms of chapter 118, Revised Laws of Hawaii 1935, to have determined by the courts of this Territory the liability, if any, of the city and county of Honolulu for water or water service furnished or to be furnished for fire protection; and for that purpose jurisdiction is hereby conferred upon the courts to determine such question of liability in the manner provided by said chapter for the declaring of the rights of parties litigating thereunder; it being provided further, however, that the city and county of Honolulu shall not be required to pay any amount to said board for water or water service furnished for the purpose of fire protection previous to July 1, 1937." [L. 1929, c. 96, s. 16; am. L. 1933, c. 155, s. 1; R. L. 1935, s. 3275; am. L. 1935, c. 187, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **H.B. 359, ACT 187.**

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## Title XIV. APPEAL AND ERROR.

### CHAPTER 100. WRITS OF ERROR.

**Series C-88.** An Act to Amend Section 3552 of the Revised Laws of Hawaii 1935, Relating to Severance on Writ of Error.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3552 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"**Sec. 3552. Severance: Title of cause.** In case the judgment, order or decree sought to be reviewed was rendered against two or more persons, either or any of such persons may apply for a writ of error and for that purpose shall be permitted to use the names of all such persons. The applicant shall serve those of such persons who have not joined in the application and who can be found within the territory with a copy of the assignment of errors and notice that a writ of error has issued. Such persons shall be entitled to be heard in the supreme court; and any of them may at any time before the case is heard and within thirty days from the date of service on them of a copy of the assignment of errors and notice that a writ has issued, file in the supreme court an additional assignment of

errors, a copy of which shall be served upon each of the other parties to the proceeding. All such cases shall be determined in the same manner as if all such persons had joined in the application for the writ, but no costs shall be taxed against any such person who did not join in the application nor ask to be heard in the supreme court. The order of names of parties shall be the same in the supreme court as in the circuit court." [L. 1892, c. 95, s. 5; am. L. 1919, c. 44, s. 3; R. L. 1935, s. 3552; am. L. 1935, c. 127, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1935.) **H.B. 247, Act 127.**

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## Title XV. COURTS.

### CHAPTER 102. SUPREME COURT.

#### PRACTITIONERS IN DISTRICT COURTS.

**Series C-89.** An Act to Amend Sections 3613 and 3614 of the Revised Laws of Hawaii 1935, Relating to Practitioners in the District Courts.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3613 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"**Sec. 3613. Admission, qualifications, license fee.** The supreme court shall have power to examine and admit, as practitioners in the district courts throughout the Territory, such persons, of good moral character, who are citizens of the United States, and who have taken the prescribed oath of office, as such court may find qualified for the purpose.

"The judges of the several circuit courts shall have power to examine and admit, as practitioners in the district courts within their respective circuits only, such persons, of good moral character, who are citizens of the United States and bona fide residents in such circuit, and who have taken the prescribed oath of office, as such judges may find qualified for the purpose.

"All such practitioners shall be licensed to practice during good behavior; provided, however, that all licenses to practice in the district courts heretofore issued and now unrevoked shall continue in force and effect, subject, however, to cancellation and revocation as by law provided.

“Suitable licenses shall be issued, for which the fee shall be ten dollars.” [L. 1878, pt. of c. 31; am. L. 1919, c. 19, s. 1; R. L. 1935, s. 3613; am. L. 1935, c. 28, s. 1.]

Section 2. Section 3614 of said Revised Laws is hereby amended to read as follows:

“**Sec. 3614. Amenable for misconduct.** Such practitioners shall be subject to all the provisions of section 3611.” [L. 1878, pt. of c. 31; am. L. 1880, c. 13; am. L. 1890, c. 55, s. 1; am. L. 1919, c. 19, s. 2; R. L. 1935, s. 3614; am. L. 1935, c. 28, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **S.B. 22, Act 28.**

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## CHAPTER 104.                  BOUNDARY     COMMISSIONER.

### FENCES.

**Series C-90.** An Act to Amend Sections 3671, 3673, 3674 and 3676 of the Revised Laws of Hawaii 1935, Relating to Fences.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3671 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 3671. Petition.** Any person owning or leasing land who desires to fence his land, or, who, having fenced his land, desires to provide for the maintenance of the fence, may file a petition with the circuit judge of the circuit within which the land is situated praying for the hearing and determination of the matter. Such petition shall designate the land of the petitioner by name or description; the location thereof; the boundary or boundaries desired to be fenced or the fence desired to be maintained; and shall designate the adjoining land or lands and state the name or names of the owner or owners thereof; and the lessee or lessees thereof. Upon the filing of the petition, summons shall issue to the adjoining owners and lessees as in other proceedings before circuit judges at chambers.” [L. 1931, c. 101, s. 1; R. L. 1935, s. 3671; am. L. 1935, c. 52, s. 1.]

Section 2. Section 3673 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 3673. Hearing, order.** At the time set for the hearing of the petition the judge and the parties shall view the line of fence or proposed fence. The judge shall decide equitably

on the kind of fence to be built or maintained, the portion to be erected or maintained by the respective landowners and/or lessees or the share which each shall contribute to the cost thereof; specifying the time within which the work shall be done and deciding all disputes which shall arise between the parties concerning the same, and shall thereupon enter a decree. In case any party shall neglect or refuse to build or maintain or to pay his share of the cost thereof in accordance with the decree, the judge upon application therefor by the party aggrieved may direct compliance with the decree at the expense of the defaulting party and enter judgment for the amount thereof, or for the part of the cost thereof if the work has been done; and issue execution therefor; or may enforce compliance with the decree by other appropriate proceedings.” [L. 1931, c. 101, s. 3; R. L. 1935, s. 3673; am. L. 1935, c. 52, s. 2.]

Section 3. Section 3674 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**“Sec. 3674. Pasturage in lieu of fences.** In case the judge shall find it to be inequitable or inexpedient to establish a fence between adjoining lands, either because of the nature or situation of the lands, the shortness of the unexpired term of a lease, the scarcity of fencing materials, or the conflicting rights of the landowners or lessees; he may, if the lands be grazing lands, in lieu of fencing, decide how many animals each owner or lessee shall be at liberty to pasture upon his land under a penalty to be specified in the decree.” [L. 1931, c. 101, s. 4; R. L. 1935, s. 3674; am. L. 1935, c. 52, s. 3.]

Section 4. Section 3676 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**“Sec. 3676. Government lands.** This chapter shall not be so construed as to allow any person owning land adjoining government land to compel the government to join in the cost of erecting a fence on the boundary line between such lands. But the government or any lessee of government land, with the consent of the governor, shall have the same right herein accorded to other landowners to compel action according to the provisions of this chapter by any person owning land adjoining such government land, or by any lessee of adjoining government land and every lessee of government land shall be subject to the duties and obligations of other lessees as provided by this subdivision of chapter 104.” [L. 1931, c. 101, s. 6; R. L. 1935, s. 3676; am. L. 1935, c. 52, s. 4.]

Section 5. This Act shall take effect upon its approval.

(Approved April 20, 1935.) **H.B. 171, Act 52.**

## CHAPTER 107. DISTRICT COURTS.

### JURISDICTION.

**Series C-91.** An Act to Amend Section 3763 of the Revised Laws of Hawaii 1935, Relative to the Civil Jurisdiction of District Courts.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3763 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 3763. Civil.** The district courts shall have original and exclusive jurisdiction of all civil actions, except as otherwise provided, where the debt, amount or damages or the value of the property claimed, shall not exceed fifty dollars; and concurrent jurisdiction in all civil actions, except as aforesaid, where the debt, amount or damages, or the value of the property claimed, shall not exceed five hundred dollars, and shall have original jurisdiction in all statutory proceedings as conferred by law upon district courts, to try and determine the same, subject to appeal according to law; provided that attorneys’ commissions or fees including those stipulated in any contract sued on, shall not be included in computing the jurisdictional amount; and further provided that such courts shall not have cognizance of real actions, nor actions in which the title to real estate shall come in question, nor actions for libel, slander, defamation of character, malicious prosecution, false imprisonment, breach of promise of marriage, or seduction, nor of any civil matter required by law to be tried by a jury; nor shall they have power to appoint referees in any cause.” [L. 1892, c. 57, s. 10; am. L. 1923, c. 20, s. 1; R. L. 1935, s. 3763; am. L. 1935, c. 95, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 153, Act 95.**

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**Series C-92.** An Act to Amend Section 3764, Revised Laws of Hawaii 1935, Relative to the Powers of District Courts.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3764 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 3764. Powers: witness fees.** The district magistrates shall have power to administer oaths, to perpetuate testimony under commissions issued to them from other courts, and to

issue commissions for the perpetuation of testimony to be used in controversies pending before them, to grant continuances of proceedings before them, to subpoena and compel the attendance of witnesses within the circuits in which their respective districts are situated, to enforce judgment and to punish contempts according to law, and to issue garnishee summons which shall be operative as to the garnishee throughout the judicial circuit in which the district court issuing the same shall be situated. Witnesses duly subpoenaed from a district other than the district of the magistrate issuing the subpoena shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts.” [L. 1892, c. 57, s. 12; R. L. 1935, s. 3764; am. L. 1935, c. 23, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 10, 1935.) **H.B. 157, Act 23.**

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**Series C-93.** An Act to Amend Section 3764 of the Revised Laws of Hawaii 1935, Relating to the Powers of District Magistrates.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3764 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

“**Sec. 3764. Powers; witness fees.** The district magistrates shall have power to administer oaths, to perpetuate testimony under commissions issued to them from other courts, and to issue commissions for the perpetuation of testimony to be used in controversies pending before them, to grant continuances of proceedings before them, to subpoena and compel the attendance of witnesses within the circuits in which their respective districts are situated, to render final judgments, to alter any judgment on the day of its rendition, to enforce judgment and to punish contempts according to law. Witnesses duly subpoenaed from a district other than the district of the magistrate issuing the subpoena shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts.” [L. 1892, c. 57, s. 12; R. L. 1935, s. 3764; am. L. 1935, c. 110, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **S.B. 210, Act 110.**

## CHAPTER 108.

## COSTS.

### DISTRICT COURTS.

**Series C-94.** An Act to Amend Section 3790 of the Revised Laws of Hawaii 1935, Relating to Costs in District Courts.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 3790** of the Revised Laws of Hawaii 1935 is hereby amended by adding, at the end thereof, a new paragraph reading as follows:

“Whenever the plaintiff in any civil action in the district court shall fail to sustain his action, and it shall appear to the magistrate that such action was brought unfairly, maliciously, or without adequate cause, the magistrate shall have authority to assess against the plaintiff, not only the costs of court, but also all reasonable and necessary expenses to which the defendant was put, including attorney’s fees.”

Section 2. This Act shall take effect upon its approval.

(Approved May 14, 1935.) **S.B. 243, Act 177.**

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### PROBATE COURTS.

**Series C-95.** An Act to Amend Section 3793 of the Revised Laws of Hawaii 1935, Relating to Costs and Fees in Probate Proceedings.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 3793** of the Revised Laws of Hawaii 1935 is hereby amended by amending the paragraph therein contained commencing with the word “Provided” and ending with the word “thereof,” so that the same shall read as follows:

“**Provided**, however, that for the purpose of computing such commissions on such principal there shall be deducted from the appraised value of any real property included in the estate the amount of any existing indebtedness secured by lien upon such real property duly recorded prior to the death of the decedent and which shall have been foreclosed and the real property covered by the same sold at any time during the administration of the estate; and in case the estate includes real property subject to an agreement of sale duly recorded prior to the death of the decedent such commissions shall be calcu-

lated on the appraised value of the balance due from the vendee on account of the purchase price thereof."

Section 2. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **S.B. 119, Act 124.**

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#### MISCELLANEOUS.

**Series C-96.** An Act to Amend Section 3800 of the Revised Laws of Hawaii 1935, Relating to Attorneys' Fees in Assumpsit.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3800 Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 3800. Attorneys' fees in assumpsit.** In all the courts, in all actions of assumpsit there shall be taxed as attorneys' fees, in addition to the attorneys' fees otherwise taxable by law, to be paid by the losing party and to be included in the sum for which execution may issue, ten per centum on all sums to one hundred dollars, and two and one-half per centum in addition on all sums over one hundred dollars, to be computed on the excess over one hundred dollars. The above fee shall be assessed on the amount of the judgment exclusive of costs and all attorneys' fees obtained by the plaintiff, and upon the amount sued for if the defendant obtain judgment; provided, however, that the fees provided for by this section shall not be taxed in any action where the plaintiff obtains a judgment which includes attorneys' fees upon a promissory note or other evidence of indebtedness, when such promissory note or other evidence of indebtedness contains a provision for the recovery of costs of collection or attorneys' fees." [L. 1872, c. 29, s. 5; R. L. 1935, s. 3800; am. L. 1935, c. 26, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 13, 1935.) **H.B. 72, Act 26.**

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**Series C-97.** An Act to Amend Section 3803 of the Revised Laws of Hawaii 1935, Relating to Costs and Fees in Court Proceedings.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3803 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 3803. Power of supreme court with respect to costs and fees.** The supreme court shall have power by rule of court, from time to time, to revise, amend, add to or eliminate any of the items of costs and fees provided in this chapter, to prescribe such costs and fees as it shall deem reasonable in all cases not therein provided for and to prescribe the amount to be paid in advance to the clerk of any court in any proceeding on account of such costs and fees. It is provided, however, that the provisions of this section shall not apply to the first paragraph of section 3790." [C. C. 1859, s. 1282; R. L. 1935, s. 3803; am. L. 1935, c. 55, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 23, 1935.) **S.B. 120, Act 55.**

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## **CHAPTER 112. SALARIES AND EXPENSES.**

**Series C-98.** An Act to Amend Section 3940 of the Revised Laws of Hawaii 1935, Relating to Salaries and Expenses of Circuit Courts.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The schedule of salaries and expenses under the heading of "First Circuit Court" in **Section 3940** of the Revised Laws of Hawaii 1935, is hereby amended in the following respects:

"Amend the item reading

'Probation officer, criminal division,  
under sec. 5538 ..... 157.50 1,890.00'

so that the same shall read as follows:

'Probation officer (criminal division) 190.00 2,280.00'.

"Immediately after the foregoing item, add the following new items:

'Assistant probation officer (criminal division) .....	175.00	2,100.00
Clerk to probation officer.....	160.00	1,920.00
Upkeep for cars (probation officers)	50.00	600.00
Printing, stationery and other expense (probation officers).....		230.00".

Section 2. The salaries set forth in the preceding section are hereby made subject to the reduction provided for in Act 29, Second Special Session Laws 1932 (Chapter 1 of the Appendix

of the Revised Laws of Hawaii 1935); provided, that if said Act shall be repealed, said salaries shall thereby be restored to the full amounts set forth in said preceding section.

Section 3. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **H.B. 178, Act 34.**

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**Series C-99.** An Act to Amend Section 3940 of the Revised Laws of Hawaii 1935, Relating to Expenses of Circuit Courts.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 3940** of the Revised Laws of Hawaii 1935, is hereby amended by amending the second and fourteenth items in the schedule under the heading "division of domestic relations" to read as follows:

Eight probation officers (not less than

three of whom shall be women), each	\$190.00	\$18,240.00
Traveling expenses, automobile, proba-		
tion officers, nine, at \$50.00.....	450.00	5,400 00

Section 2. The salaries set forth in the preceding section are hereby made subject to the reduction provided for in Act 29, Second Special Session Laws 1932 (chapter I of the Appendix of the Revised Laws of Hawaii 1935); provided, that if said Act shall be repealed, said salaries shall thereby be restored to the full amounts set forth in said preceding section.

Section 3. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **H.B. 422, Act 189.**

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**Series C-100.** An Act to Amend Section 3940 of the Revised Laws of Hawaii 1935, Relating to Salaries and Expenses of Circuit Courts and Officers Thereof.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 3940** of the Revised Laws of Hawaii 1935, is hereby amended as follows:

Under the heading "THIRD CIRCUIT COURT",

"Support of Juvenile Court dependents": Delete the figures "\$300.00" and insert in lieu thereof the figures "\$500.00".

"Law Books": Delete the figures "\$600.00" and insert in

lieu thereof the figures "\$750.00"; and add the following new items:

"Probation officer for girls.....\$100.00 \$1200.00  
Expenses, probation officer for girls..... 300.00"  
Under the heading "FOURTH CIRCUIT COURT",  
"Law Books": Delete the figures "\$700.00" and insert in lieu thereof, "\$1,000.00."

Section 2. The salaries set forth in the preceding section are hereby made subject to the reduction provided for in Act 29, Second Special Session Laws 1932 (chapter I of the Appendix of the Revised Laws of Hawaii 1935); provided, that if said Act shall be repealed, said salaries shall thereby be restored to the full amounts set forth in said preceding section.

Section 3. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **H.B. 101, Act 144.**

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**Series C-101.** An Act to Amend Section 3940 of the Revised Laws of Hawaii 1935, Relating to Salaries and Expenses of Circuit Courts and Court Officers.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 3940** of the Revised Laws of Hawaii 1935 is hereby amended by amending that certain paragraph thereof entitled "FIFTH CIRCUIT COURT", to read as follows:

**"FIFTH CIRCUIT COURT**

	Per Month	Per Annum
Clerk .....	\$225.00	\$2,700.00
Assistant Clerk .....	150.00	1,800.00
Bailiff .....	125.00	1,500.00
Court Reporter, Librarian and Assistant Clerk .....	225.00	2,700.00
Court Expenses .....		5,000.00
Support Juvenile Court Dependents..		2,400.00
Probation Officer, Male.....	185.00	2,220.00
Assistant Probation Officer, Female..	135.00	1,620.00
Expenses Probation Officer, Male....		480.00
Expenses Probation Officer, Female..		360.00
Law Books .....		400.00

The board of supervisors of the county of Kauai is hereby authorized and directed to provide suitable automobiles for the use of each probation officer."

Section 2. The salaries set forth in the preceding section are hereby made subject to the reduction provided for in Act 29, Second Special Session Laws 1932 (Chapter I of the Appendix of the Revised Laws of Hawaii 1935); provided, that if said Act shall be repealed, said salaries shall thereby be restored to the full amounts set forth in said preceding section.

Section 3. This Act shall take effect and be in force from and after July 1, 1935.

(Approved April 16, 1935.) **S.B. 49, Act 40.**

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**Series C-102.** An Act to Amend Section 3941 of the Revised Laws of Hawaii 1935, by Amending the Item Relating to the Salary of the District Magistrate, Molokai.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3941 of the Revised Laws of Hawaii 1935, is hereby amended by amending the item under the subheading, "County of Maui;"

"District Magistrate, Molokai..... 125.00 1,500.00;"  
to read,

"District Magistrate, Molokai..... 150.00 1,800.00."

Section 2. This Act shall take effect upon its approval.

(Approved May 2, 1935.) **H.B. 267, Act 78.**

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## Title XVI. CIVIL PROCEDURE.

### CHAPTER 119. ESCHEAT.

#### UNCLAIMED MONEYS.

**Series C-103.** An Act to Amend Title XVI, Chapter 119, Revised Laws of Hawaii 1935, by Amending Sections 4236 and 4237 of Said Revised Laws, and by Adding Thereto a New Section to Be Numbered Section 4236-A, Relating to the Escheat of Moneys on Deposit With Banks, Trust Companies and Fiduciary Companies.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Title XVI, chapter 119, Revised Laws of Hawaii

1935, is hereby amended by amending section 4236 of said Revised Laws to read as follows:

**“Sec. 4236. Duty of banks, etc., to report inactive accounts.** It shall be the duty of every bank, except banks organized under the laws of the United States, trust company and fiduciary company doing business in the Territory to submit, as of July 1st of each year and on or before July 15th of each year, a written report in duplicate, to the territorial treasurer showing all accounts on deposit with it where the present address of the owner thereof is unknown and where no deposits have been made therein and no withdrawals or disbursements have been made therefrom for a period of ten years after the date of such deposit or withdrawal, giving the name of the last known owner of the account and his address, showing the amount standing to the credit of such person, including principal and interest.” [L. 1933-4, c. 15, s. 1; R. L. 1935, s. 4236; am. L. 1935, c. 192, s. 1.]

Section 2. Title XVI, chapter 119, Revised Laws of Hawaii 1935, is hereby amended by adding to said Revised Laws a new section to be numbered 4236-A and reading as follows:

**“Sec. 4236-A. Information; hearing; decree.** The treasurer, upon receipt of such reports shall immediately transmit copies thereof, to the attorney general, who shall file, in the name of the Territory, an information in the circuit court of the first judicial circuit, naming as parties respondent therein, all persons whose names appear in such reports and every bank, trust company and fiduciary company having on deposit with it one or more of such accounts, setting forth the facts upon which the claim of the Territory to the escheat of the moneys represented by such accounts, is based. The court shall thereupon cause summons to be issued as in other actions at law, which summons shall be directed to all persons, including those named as respondents therein, claiming any interest in any account mentioned in said information and requiring them to appear upon a day certain to show cause, if any they have, why the moneys involved in said proceeding should not be deposited in the territorial treasury, as provided in section 4237, and notifying them that if they do not so appear, the relief prayed for in said information will be granted. The attorney general shall cause a copy of said summons to be served upon every bank, trust company and fiduciary company named as respondents therein and shall also cause a copy thereof to be published twice a month in each of three successive months (six publications) in a daily newspaper of general circulation, published in Honolulu, the last publication to be

not less than twenty-one days prior to the date fixed for the hearing of said information.

Any person interested may appear in said cause and become a party thereto. At the hearing on said information the court shall hear and determine the issues therein, and make an appropriate decree thereon."

Section 3. Title XVI, chapter 119, Revised Laws of Hawaii 1935, is hereby amended, by amending section 4237 of said Revised Laws to read as follows:

**"Sec. 4237. Disposition of moneys, receipt; effect of decree; recovery by owners.** Upon the entry of such decree the territorial treasurer shall immediately make demand upon every bank, trust company and fiduciary company affected by such decree and each such bank, trust company or fiduciary company shall forthwith remit to the territorial treasurer all moneys standing to the credit of the account or accounts on deposit with it that are covered by such decree, taking the receipt of the territorial treasurer therefor. Such decree shall release each such bank, trust company or fiduciary company from responsibility to any owner or claimant of any such moneys. All such moneys, over and above the amount actually necessary to pay the costs of such proceeding, including advertising, shall thereupon escheat to the Territory and shall be deposited in the treasury. At any time within five years after the payment into the treasury of moneys from any such accounts, the persons who would have been the lawful owners thereof, or their legal representatives, if the same had not been so paid, upon making satisfactory proof to the auditor of the Territory of such ownership, shall receive the net amount thereof, after proportionate deduction for costs incurred as hereinabove provided, out of any moneys in the treasury not otherwise appropriated upon warrant drawn by the auditor upon the treasurer, provided, that such persons did not appear at or have actual notice of the escheat proceedings." [L. 1933-4, c. 15, s. 2; R. L. 1935, s. 4237; am. L. 1935, c. 192, s. 3.]

Section 4. This Act shall become effective from and after the date of its approval.

(Approved May 15, 1935.) **H.B. 315, Act 192.**

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## CHAPTER 121. GARNISHMENT.

### COMMENCEMENT OF ACTION.

**Series C-104.** An Act to Amend Section 4271 of the Revised Laws of Hawaii 1935, Relating to Garnishee, Rights, Duties and Liabilities Thereof.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 4271** of the Revised Laws of Hawaii 1935 is hereby amended by adding a new paragraph at the end of said section to read as follows:

“Provided, further, that no garnishee shall be liable to anyone for the non-payment of any sum or for the non-delivery of any goods or effects when such garnishee in good faith believes, or has reason to believe, that garnishment or other process affects the same, though such be not the case but this proviso shall not supersede the provisions of section 4278 here-of where the same are applicable.”

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **S.B. 157, Act 155.**

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## CHAPTER 122. GARNISHMENT OF GOVERNMENT BENEFICIARIES.

### DEFINITION OF GOVERNMENT BENEFICIARY; EXEMPTIONS, ETC.

**Series C-105.** An Act to Amend Section 4292 of the Revised Laws of Hawaii 1935, Relating to Garnishment of Government Beneficiary.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4292 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 4292. Further exemption.** The wages received by every person receiving less than sixty dollars per month when paid from any unemployment work relief fund, the expenditure of which is under the control of any territorial commission, board or other agency, or under the control of any county or city and county or any commission, board, or other agency of any county or city and county shall be exempt from garnishment, attachment or any other judicial or statutory proceed-

ings for the taking, sequestration or withholding thereof for any purpose whatsoever, including payment of taxes." [L. 1933, c. 171, s. 4; R. L. 1935, s. 4292; am. L. 1935, c. 63, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 29, 1935.) **H.B. 147, Act 63.**

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## CHAPTER 124.

## LIENS.

### MECHANICS AND MATERIAL MEN.

**Series C-106.** An Act to Amend Section 4366 of the Revised Laws of Hawaii 1935, Relating to Liens of Mechanics and Materialmen.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4366 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 4366. Filing notice, contents, duration of lien.** The lien provided in section 4365 shall not attach unless a notice thereof shall be filed in writing in the office of the clerk of the circuit court where the property is situated and a copy of the notice be served upon the owner of the property. The notice shall set forth the amount of the claim, the labor or material furnished, a description of the property sufficient to identify the same, and any other matter necessary to a clear understanding of the claim. If the claim has been assigned, the name of the assignor shall be stated. The notice shall be filed not later than forty-five days after the date of completion of the construction, repair, alteration of or addition to the building, structure, railroad or other undertaking against which it shall have been filed and in the event title to the land involved is registered in the land court, a duly certified copy of the notice must be filed with the assistant registrar of the land court within five days after the same is filed with the clerk of the circuit court.

"The lien shall continue for sixty days after the completion of the construction, repair, alteration of or addition to the building, structure, railroad or other undertaking against which it shall have been filed unless proceedings are commenced within said time to collect the amount due thereon by enforcing the same.

"Where the amount involved in the furnishing of labor or material used in the construction, repair, alteration of or addition to any building, structure, railroad or other undertaking,

exceeds the sum of one thousand dollars, the term ‘date of completion’ as used in this section shall be deemed to mean the time when the owner of the property shall complete publication of a notice that the construction, repair, alteration of or addition to the building, structure, railroad or other undertaking involved has been completed and shall file a copy of such notice in the office of the clerk of the circuit court where the property involved is situated. Such notice shall be published twice, seven days apart, in a newspaper of general circulation printed and published in the county or city and county in which the property involved is situated. The term ‘owner’ as used in this section and as used in this subtitle means the owner of land or any interest therein who enters into a contract for the improvement of such land and who may be the owner in fee of the land or of the lesser estate therein, the lessee for a term of years therein, the person having any right, title or interest in the real property which may be sold under legal process, or a vendee in possession under a contract for the purchase of the real property, or any such right, title or interest therein. If the land involved is held in joint or common ownership or as an estate by the entireties, the giving to one of the owners of a notice of lien in accordance with this section shall be deemed the giving of such notice to all of such owners.” [L. 1888, c. 21, s. 2; am. L. 1909, c. 97, s. 1; R. L. 1935, s. 4366; am. L. 1935, c. 150, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **S.B. 78, Act 150.**

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## Title XVII. DOMESTIC RELATIONS.

### CHAPTER 128. ANNULMENT, DIVORCE AND SEPARATION.

#### ANNULMENT.

**Series C-107.** An Act to Amend Section 4450 of the Revised Laws of Hawaii 1935, Relating to Grounds for Annulment.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4450 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 4450. Grounds for annulment.** Any circuit judge

may, by a decree of nullity, declare void the marriage contract for any of the following causes, existing at the time of marriage:

1. That the parties stood in relation to each other of ancestor and descendant of any degree whatsoever, brother and sister of the half as well as the whole blood, uncle and niece, aunt and nephew, whether the relationship is legitimate or illegitimate;
2. That the parties, or either of them, had not attained the legal age of marriage;
3. That the husband had an undivorced wife living, or the wife had an undivorced husband living;
4. That one of the parties was an idiot or lunatic;
5. That one of the parties was impotent or physically incapable of entering into the marriage state;
6. That consent to the marriage of the party applying for annulment was obtained by force, duress or fraud, and there has been no subsequent cohabitation;
7. That one of the parties was a leper or afflicted with any loathsome disease and said fact was concealed from, and unknown to, the party applying for annulment." [C.C. 1859, s. 1313; am. imp. L. 1866, p. 3, which was repealed by L. 1870, c. 10, but reenacted by L. 1876, c. 48; am. imp. L. 1870, c. 24, s. 1, which was repealed by L. 1872, c. 23, s. 2; am. imp. L. 1872, c. 23, s. 1; am. L. 1903, c. 22, s. 1; R. L. 1935, s. 4450; am. L. 1935, c. 184, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **H.B. 80, ACT 184.**

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**Series C-108.** An Act to Amend Sections 4456 and 4457 of the Revised Laws of Hawaii 1935, Relating to Legitimacy in Case of Annulment.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4456 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 4456. Legitimacy in case of annulment for nonage or insanity.** Upon the annulment of a marriage on account of nonage, insanity, or idiocy of either party, the issue of the marriage shall be legitimate." [C.C. 1859, s. 1319; R. L. 1935, s. 4456; am. L. 1935, c. 115, s. 1.]

Section 2. Section 4457 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 4457. Children of marriage annulled for consanguinity or any other ground legitimate.** Upon the annulment of a marriage that is prohibited on account of consanguinity between the parties, or for any other ground specified in Section 4450, the issue of the marriage shall be legitimate." [C.C. 1859, s. 1320; am. imp. L. 1870, c. 24, s. 1. (which was am. by L. 1872, c. 33, s. 1); R. L. 1935, s. 4457; am. L. 1935, c. 115, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **H.B. 347, Act 115.**

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**DIVORCE.**

**Series C-109.** An Act to Amend Section 4460 of the Revised Laws of Hawaii 1935, Relating to Grounds for Divorce.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4460 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 4460. Grounds for divorce.** Divorces from the bond of matrimony shall be granted for the causes hereinafter set forth and no other:

1. For adultery in either party;
2. For wilful and utter desertion for the term of six months;
3. When either party is sentenced to imprisonment for life or for seven years or more; and after divorce for such cause no pardon granted to a party so sentenced shall affect such divorce;
4. For insanity of either party, where the same has existed for three years or more;
5. When it is shown to the satisfaction of a judge that either party has contracted leprosy;
6. For extreme cruelty;
7. For habitual drunkenness or the habitual excessive use of opium, morphine, or any other like drug, continued for a period of not less than one year;
8. When either party is guilty toward the other of such cruel treatment, neglect or personal indignities, though not amounting to physical cruelty, continued over a course of not less than sixty days, as to render the life of the other burdensome and intolerable and their further living together insupportable; or
9. When the husband, being of sufficient ability to provide suitable maintenance for his wife, neglects or refuses to do so for a continuous period of not less than sixty days.

But if the party applying for divorce shall not insist upon a divorce from the bond of matrimony, a divorce only from bed and board shall be granted, and the relations of the parties after such divorce shall be regulated by the laws concerning separation." [L. 1870, c. 16, s. 1; am. L. 1903, c. 22, s. 2; am. L. 1909, c. 25, s. 1; am. L. 1915, c. 56, s. 1; am. L. 1915, c. 192, s. 1; am. L. 1919, c. 10, s. 1; R. L. 1935, s. 4460; am. L. 1935, c. 27, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved April 13, 1935.) **H.B. 79, ACT 27.**

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**Series C-110.** An Act to Amend Section 4461 of the Revised Laws of Hawaii 1935, Relating to Jurisdiction and Venue in Divorce Proceedings.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4461 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 4461. Jurisdiction in which circuit; public hearing; two years' residence.** Exclusive original jurisdiction in matters of divorce, subject to the provisions of paragraph 6 of Section 3643 as to change of venue, and subject also to appeal according to law, is conferred upon the circuit judge or judges severally of the circuit in which the libellant shall have resided for three months next preceding his or her application. It is provided, however, that the judge of the circuit court of the first judicial circuit shall have concurrent jurisdiction with the judge of the circuit in which the libellant shall have resided for three months preceding his or her application in all cases of divorce when the libellant bases his or her claim to a divorce upon the sole ground that the libellant or the libellee has contracted and is affected with leprosy. No case of divorce shall be heard except openly in the public court room. No divorce shall be granted for any cause unless the applicant therefor shall have resided in the Territory for two years next preceding his application." [L. 1870, c. 16, s. 2; am. L. 1878, c. 26, s. 1; am. L. 1903, c. 22, s. 4; am. L. 1919, c. 33, s. 1; am. L. 1919, c. 172, s. 1; R. L. 1935, s. 4461; am. L. 1935, c. 94, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 139, ACT 94.**

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## CHAPTER 132. INDUSTRIAL AND REFORMATORY SCHOOLS.

### DISCHARGE, TRANSFER, ETC.

**Series C-111.** An Act to Amend Chapter 132 of the Revised Laws of Hawaii 1935, by Adding Thereto Two New Sections to Be Known as Sections 4600 and 4601, Relating to the Commitment of Boys and Girls to the Waialee Training School for Boys and the Kawaiola Training School for Girls.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 132 of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto a new section to be called Section 4600 and to read as follows:

**"Sec. 4600. [Mental examination.]** All boys and girls committed to or received by the Waialee Training School for Boys or the Kawaiola Training School for Girls shall, prior to their reception at such school, receive a mental examination by a properly qualified psychiatrist designated by the board."

Section 2. Chapter 132 of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto a new section to be called Section 4601 and to read as follows:

**"Sec. 4601. [Period committed.]** All boys and girls committed to the Waialee Training School for Boys or the Kawaiola Training School for Girls shall be committed for the period of their minority unless sooner paroled by the board."

Section 3. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **H.B. 200, Act 35.**

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## CHAPTER 134. MARRIAGE; MARRIED WOMEN; NAMES.

**Series C-112.** An Act to Amend Section 4630 of the Revised Laws of Hawaii 1935, Relating to Requisites of Valid Contract of Marriage.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4630 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 4630. Requisites of valid contract performed where.** In order to make valid the marriage contract, it shall be neces-

sary that the respective parties do not stand in relation to each other of ancestor and descendant of any degree whatsoever, brother and sister of the half as well as of the whole blood, uncle and niece, aunt and nephew, whether the relationship is legitimate or illegitimate; that the male at the time of contracting the marriage shall be at least eighteen years of age and the female at least fifteen years of age; that the man shall not at the time have any lawful wife living and that the woman shall not at the time have any lawful husband living; that neither of the parties shall be impotent or physically incapable of entering into the marriage state; that consent of neither party to the marriage shall have been obtained by force, duress or fraud; that neither of the parties shall be a leper or afflicted with any loathsome disease concealed from, and unknown to, the other party; and it shall in no case be lawful for any persons to marry in the territory without a license for that purpose duly obtained from the agent appointed to grant marriage licenses. The marriage ceremony shall be performed only in the judicial district in which the license is issued." [L. 1872, c. 23, s. 1; am. L. 1903, c. 28, s. 1; am. L. 1907, c. 42, s. 1; am. L. 1913, c. 8, s. 1; R. L. 1935, s. 4630; am. L. 1935, c. 185, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **H.B. 81, Act 185.**

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**NAMES.**

**Series C-113.** An Act to Amend Section 4666 of the Revised Laws of Hawaii 1935, Relating to the Modes of Changing Names.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4666 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 4666. How changed.** It shall not be lawful to change any name adopted or conferred under this chapter, except upon a decree of the governor, which decree shall be founded upon a petition executed by the person desirous of changing his name or in case of a minor by the parents or by such parent who has custody of the minor, or by the guardian, and shall be published once a week in each of three consecutive weeks in some newspaper of general circulation in the territory in such decree mentioned, and the petitioner shall deposit in the office of the governor an affidavit executed by an officer of the newspaper publishing such decree, the affidavit to show that

the decree has been published as provided herein; and shall have attached thereto a clipping showing the decree as published; provided, however, that nothing in this chapter contained shall prevent any court or judge of competent jurisdiction from embodying in a decree of adoption a provision for change of name of the person adopted, or from embodying in a decree of divorce a provision that a married woman may upon such divorce resume the use of her maiden name, or the name of a former husband. The change of name provided for herein by decree of the governor shall be effective upon the date of the signing of the decree. In all cases of change of name, whether by judicial decree as aforesaid or by decree of the governor such decree shall be recorded in the bureau of conveyances and in cases of a decree of the governor a receipt showing such recording shall be filed with the governor of the territory. All changes of names made by decree of any governor, or by the president of the Republic of Hawaii, or by the president of the Provisional Government of Hawaii, or by any king or queen of the Hawaiian Islands, are ratified and confirmed." [L. 1860, p. 32, s. 6; am. L. 1872, c. 30, s. 1; am. L. 1907, c. 75, s. 1; R. L. 1935, s. 4666; am. L. 1935, c. 93, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 127, ACT 93.**

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## Title XVIII. EQUITY AND PROBATE.

### CHAPTER 135. EQUITY; JURISDICTION AND PROCEDURE.

#### TRUSTEES AND GUARDIANS.

**Series C-114.** An Act to Amend Section 4713 of the Revised Laws of Hawaii 1935, by Adding Thereto an Additional Paragraph Relating to Annual Inventories and Accounts of Guardians and Trustees.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 4713** of the Revised Laws of Hawaii 1935 is hereby amended by adding thereto the following paragraph:

"Unless otherwise required by the instrument creating the trust, nothing herein shall be construed to require the filing of

an annual account by a trustee or trustees appointed by the court as additional trustee or trustees to serve with or in the place and stead of a trustee or trustees appointed in the instrument creating a trust, nor by a trustee whose appointment is made in accordance with or pursuant to the provisions of the instrument creating the trust where such appointment has been confirmed by any court in proceedings brought to secure the confirmation or approval thereof."

Section 2. This Act shall take effect upon its approval and shall apply to existing trusts and appointments made thereunder, as well as to future trusts.

(Approved May 13, 1935.) **S.B. 149, ACT 154.**

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## **CHAPTER 139. PROBATE: JURISDICTION AND PROCEDURE.**

### **EXECUTORS AND ADMINISTRATORS.**

**Series C-115.** An Act to Amend Section 4779, Revised Laws of Hawaii 1935, Relating to Priority in the Appointment of Administrators.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4779 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"**Sec. 4779. Appointment of administrators, priority.** In the appointment of administrators upon the property of deceased persons, the following order of priority shall be observed:

1. The husband of a deceased wife;
2. The wife of a deceased husband;
3. The children being major;
4. The father of a deceased child, whether major or minor;
5. The mother of a deceased child, whether major or minor;
6. The brothers and sisters of the deceased;
7. The cousins germane of the deceased;
8. Any bona fide creditor applying for administration;

Provided, however, that the judge may for satisfactory cause, disregard the order of priority herein prescribed."  
[C. C. 1859, s. 1245; R. L. 1935, s. 4779; am. L. 1935, c. 148, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **H.B. 245, ACT 148.**

**Series C-116.** An Act to Amend Section 4780 of the Revised Laws of Hawaii 1935, Relating to the Possession and Control of Real Estate Pending Administration of Estates.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 4780 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 4780. Possession and control of real estate pending administration; distribution; determination of heirs.** The executor or administrator shall be entitled to the possession and control of the real estate of the decedent and to receive the rents, issues and profits thereof until such possession and control is terminated by order of court. He may make all necessary or proper expenditures for the care and protection thereof, including taxes and repairs on the buildings and other improvements thereon while under his control, for which purpose he may use such rents, issues and profits so far as necessary and available, the net balance thereof to be paid by him to the respective heirs or devisees entitled to such real estate, on the final distribution of the estate or on the prior order of the judge. The heirs or devisees may themselves, or jointly with the executor or administrator, maintain an action or suit, for the possession of the real estate or for quieting the title thereto, or for the registration of the title thereof against anyone except the executor or administrator, but shall not be required to do so.

"The judge having jurisdiction of the estate may, upon the application of the executor or administrator or of any person claiming as heir or devisee, at any time, by order of court, terminate the possession and control of the executor or administrator as to the whole or any part of the real estate and, in that connection, shall determine the heirs or devisees entitled thereto, and their respective estates or interests. No such order or determination shall be made except after a hearing, of which notice shall have been given by publication in such newspaper as the judge may order at least once a week for four successive weeks (four insertions), the last publication to be not less than ten days previous to the time appointed for the hearing, and by such additional method, if any, as the judge may, in his discretion, prescribe. Such order shall be conclusive as to the rights of heirs and devisees, subject only to be reversed, set aside, or modified on appeal. A certified copy of such order shall be recorded in the bureau of conveyances, and if the land affected shall have been registered in the land court, a like copy shall be filed in the office of the assistant

registrar of said court." [L. 1923, c. 262, s. 1; R. L. 1935, s. 4780; am. L. 1935, c. 122, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **S.B. 113, Act 122.**

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## Title XIX. LAND COURT: REGISTRATION OF CONVEYANCES; NOTARIES, ETC.

### CHAPTER 149. NOTARIES PUBLIC.

**Series C-117.** An Act to Amend Section 5209 of the Revised Laws of Hawaii 1935, Relating to Fees of Notaries Public.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 5209 of the Revised Laws of Hawaii 1935, is hereby amended so as to read as follows:

**"Sec. 5209. Fees.** Subject to the provisions of section 5210 of the Revised Laws of Hawaii 1935, every notary public shall be entitled to demand and receive the following fees, viz :

1. For noting the protest of mercantile paper, two dollars;
2. For each notice and certified copy of protest, two dollars;
3. For noting any other protest, three dollars;
4. For every notice thereof, and certified copy of protest, three dollars;
5. For every deposition, or official certificate, two dollars;
6. Administration of oath, including the certificate of such oath, twenty-five cents; for affixing the certificate of such oath to every duplicate original instrument beyond four, fifteen cents;
7. For taking any acknowledgment, one dollar for each party signing; for affixing to every duplicate original beyond one of any instrument acknowledged before him, his certificate of such acknowledgment, fifty cents for each person making such acknowledgment." [C. C. 1859, s. 1276; L. 1888, pt. of c. 6; am. L. 1917, c. 132, s. 1; R. L. 1935, s. 5209; am. L. 1935, c. 147, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **H.B. 211, Act 147.**

## Title XX. CRIMINAL LAW.

### CHAPTER 151. ATTEMPTS AND INSTIGATIONS.

**Series C-118.** An Act to Amend Section 5314 of the Revised Laws of Hawaii 1935, Relating to Punishment for Attempts to Commit Criminal Offenses.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 5314 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 5314. Punishment.** Whoever attempts to commit any offense, for the punishment of which attempt no special provision is otherwise expressly made, shall, if the offense be punishable with death, imprisonment for life, or imprisonment for twenty or more years, be punished by imprisonment at hard labor not more than twenty years; and in any other case, by fine and imprisonment, or either, in the discretion of the court, but not exceeding the punishment prescribed for such offense."

[P. C. 1869, c. 44, s. 5; R. L. 1935, s. 5314; am. L. 1935, c. 44, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved April 16, 1935.) **S.B. 57, ACT 44.**

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## Title XXI. CRIMINAL PROCEDURE.

### CHAPTER 162A. CORONERS, INQUESTS.

**Series C-119.** An Act Relating to Coroners for the Counties of Hawaii, Maui and Kauai, and for the City and County of Honolulu, and Repealing Chapter 162 of the Revised Laws of Hawaii 1935.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 5583.**] Section 1. [**Sheriffs, Ex-Officio Coroners.**] The sheriff of the counties of Hawaii, Maui and Kauai, and of

the City and County of Honolulu, shall, ex-officio, be the Coroner for his respective County and City and County.

[**Sec. 5583A.**] Section 2. [**Appointment of deputies.**] The Coroner may appoint as many Deputy Coroners as he may deem necessary to aid him in the discharge of his duties as Coroner from amongst the subordinates in his department.

[**Sec. 5583B.**] Section 3. [**Duties.**] As soon as any Coroner or Deputy Coroner shall have notice of the death of any person within his jurisdiction supposed to have come to death by poisoning, violence or in any suspicious manner, he shall forthwith inquire into and make a complete investigation of the cause of such death.

[**Sec. 5583C.**] Section 4. [**Testimony under oath reduced to writing.**] The testimony of all witnesses examined by any Coroner or Deputy Coroner pertaining to the death of any person wherein a coroner's investigation is required, shall be taken under oath, reduced to writing by the Coroner, or Deputy Coroner or by some other person by his direction, and subscribed to by witnesses.

[**Sec. 5583D.**] Section 5. [**Form of oath.**] The Coroner or Deputy Coroner is herewith empowered to administer an oath to the witnesses as follows:

"You solemnly swear that the evidence you shall give to this inquest concerning the death of the person (giving the name of the person dead if possible) which is now under investigation, shall be the truth, the whole truth and nothing but the truth: SO HELP YOU GOD."

[**Sec. 5583E.**] Section 6. [**Subpoenas; Penalty for failure to comply.**] The Coroner or Deputy Coroners may issue subpoenas for the attendance of any witnesses that he may deem necessary to interrogate in the death then under investigation, returnable forthwith or at such place and time as he shall there-in direct.

Any person who fails to comply with the requirements of such a subpoena shall be guilty of a misdemeanor and upon conviction before any district court having jurisdiction in the matter, shall be fined not exceeding twenty-five dollars (\$25.00).

[**Sec. 5583F.**] Section 7. [**Form for reduced testimony.**] The Coroner or Deputy Coroner shall reduce his findings in writing in the following form:

“TERRITORY OF HAWAII  
County (or City and County) of.....  
CORONER'S INQUEST

An inquisition taken at.....County (or City and County) of.....on the.....day of.....in the year 19.... before.....Coroner of said County (or City and County) upon the body of.....there lying dead, resulted as follows:

That the deceased was named.....; and a native of.....; was aged about.....; that he came to H.... death, on the.....day of.....19.... from .....

IN WITNESS WHEREOF, the said Coroner has hereunto set his hand on this.....day of.....19....”

**[Sec. 5583G.]** Section 8. **[Duty to forward copy to county or prosecuting attorney.]** Every Coroner, or Deputy Coroner, shall, without delay, forward to the County Attorney in the case of coroners for the Counties of Hawaii, Maui and Kauai, and the Prosecuting Attorney in the case of the coroner for the City and County of Honolulu, a true and correct copy of the inquisition.

**[Sec. 5583H.]** Section 9. **[Decent burial.]** When any Coroner or Deputy Coroner shall take an inquest upon the dead body of a stranger or indigent person or, being called for that purpose, shall not think it necessary, on view of the body, that any inquest should be taken, he shall cause the body to be decently buried.

**[Sec. 5583I.]** Section 10. **[Witness fees and mileage; expenses.]** Every witness attending upon any coroner's inquest shall be paid one dollar for each day's actual attendance, and traveling expenses at the rate of ten cents a mile each way. The fees and mileage of witnesses and all reasonable expenses of the inquisition shall be paid by the County or City and County in which the same is held.

Section 11. Chapter 162 of the Revised Laws of Hawaii 1935, is hereby repealed.

Section 12. This Act shall take effect upon the date of its approval.

(Approved May 8, 1935.) **H.B. 52, Act 90.**

## Title XXII. CRIMINAL OFFENSES.

### CHAPTER 166. ASSAULTS, ASSAULT AND BATTERY AND AFFRAY.

#### ASSAULT AND BATTERY.

**Series C-120.** An Act to Amend Chapter 166 of the Revised Laws of Hawaii 1935, Relating to Assaults, by Amending Sections 5654 and 5655 Thereof.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 5654 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**“Sec. 5654. Assault with dangerous weapon with intent to commit certain felonies.** Whoever, being armed with a dangerous weapon, shall assault another, with intent to commit any offense punishable by death, imprisonment for life, or imprisonment for twenty or more years, for the punishment of which assault no special provision is otherwise expressly made, shall be punished by imprisonment at hard labor not more than twenty years.” [P. C. 1869, c. 9, s. 5; R. L. 1935, s. 5654; am. L. 1935, c. 49, s. 1.]

Section 2. Section 5655 of said Revised Laws is hereby amended to read as follows:

**“Sec. 5655. Same, without dangerous weapon.** Whoever, not being armed with a dangerous weapon, shall assault another with force and violence with intent to commit burglary, robbery or theft, shall be punished by a fine not to exceed five hundred dollars, and imprisonment at hard labor not to exceed ten years.” [P. C. 1869, c. 9, s. 6; R. L. 1935, s. 5655; am. L. 1935, c. 49, s. 2.]

Section 3. This Act shall take effect from and after the date of its approval.

(Approved April 17, 1935.) **S.B. 59, Act 49.**

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## CHAPTER 171. CONSPIRACY.

### DEGREES, PENALTIES.

**Series C-121.** An Act to Amend Sections 5728 and 5729 of the Revised Laws of Hawaii 1935, Relating to Conspiracy.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 5728** of the Revised Laws of Hawaii 1935, is hereby amended by deleting in the last line thereof the words "one thousand dollars", and substituting therefor the words "ten thousand dollars."

Section 2. **Section 5729** of the Revised Laws of Hawaii 1935, is hereby amended by deleting in the last line thereof the words "ten thousand dollars", and substituting therefor the words "one thousand dollars."

Section 3. This Act shall take effect upon its approval.

(Approved May 8, 1935.) H.B. 295, Act 99.

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## CHAPTER 190. GAMBLING, LOTTERY, ETC.

**Series C-122.** An Act to Amend Chapter 190 of the Revised Laws of Hawaii 1935, by Amending Sections 5950 and 5951 of Said Chapter, and by Adding to Said Chapter a New Section Numbered 5951-A, Relating to Forfeiture of, and Recovery of Forfeited property Used in Gambling, Lottery, Etc.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 5950** of the Revised Laws of Hawaii 1935 is hereby amended by changing the "period" to a "comma" at the end thereof and adding thereafter the following words: "subject, however, to the provisions of section 5951-A."

Section 2. Section 5951 of said Revised Laws is hereby amended to read as follows:

**"Sec. 5951. Evidence.** Seizure and forfeiture of property. All moneys or other personal property offered for sale or distribution, or used, in violation of any of the provisions of sections 5940-5953, shall be subject to seizure by the police officer or officers making arrests of offenders under this chapter, and may be used as evidence on the trial of such offenders; and

upon conviction of such offenders of any violation of this chapter, such moneys or other personal property shall be declared by the court forfeited to the county or city and county, as the case may be, in which the offense is committed, subject, however, to the provisions of section 5951-A. The court may also, subject to the provisions of section 5951-A, order the destruction by any police officer of any such property, except moneys, so forfeited." [L. 1911, c. 61, s. 2; R. L. 1935, s. 5951; am. L. 1935, c. 130, s. 2.]

Section 3. A new section is hereby added to chapter 190 of said Revised Laws to be numbered section 5951-A and to read as follows:

**"Sec. 5951-A. Recovery of forfeited property by innocent owner.** Any property declared forfeited under sections 5950 or 5951 shall be held at such place as the court may order for a reasonable period fixed by the court, but not to exceed sixty days after the entry of judgment of forfeiture. During such period any person, not convicted of an offense involving the illegal use of such property, claiming such property may institute an action in replevin against the county or city and county for the recovery of such property, and, if the court finds in such action that the plaintiff is the owner and lawfully entitled to the possession of said property and is without blame in connection with the illegal use thereof, the court shall order such property restored to such owner."

Section 4. This Act shall take effect from and after the date of its approval.

(Approved May 10, 1935.) **S.B. 56, Act 130.**

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## CHAPTER 207. SABBATH VIOLATIONS.

**Series C-123.** An Act to Amend Section 6211 of the Revised Laws of Hawaii 1935, Relating to Labor on Sunday.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 6211 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 6211. Labor on Sunday.** All labor on Sunday is forbidden, excepting works of necessity or mercy, in which are included all labor that is needful for the good order, health, comfort or safety of the community, or for the protection of property from unforeseen disaster, or danger of destruction or

injury, or which may be required for the prosecution of or attendance upon religious worship, or for the furnishing of opportunities of reading or study; provided, however, that this section shall not apply to newspaper printing offices, steamship companies, railroads, telegraph and telephone companies, hotels, inns, restaurants, cigar stores, ice cream parlors, soda water stands, garages, service stations, vendors of petroleum products, hackmen, owners and operators of licensed shore boats, operators and owners of licensed automobiles, news depots, graziers and ranchmen, electric light plants, gas works and slaughter houses; and provided, further, that personal baggage may be conveyed to and from vessels leaving and arriving at port on that day, and to and from any railroad stations; that on Sunday the loading and unloading of vessels engaged in inter-island, inter-state or foreign commerce shall be permitted; and freight may be conveyed thereto or therefrom on Sunday; that during the entire day flowers, ice, fruit and foodstuffs and materials of every nature to be used for and in the preparation of food may be sold and delivered, laundry-men and laundries may deliver and collect laundry or washing, and medicinal drugs, first aid supplies, and such things as are necessary for the practice of medicine and the care of the sick, may be sold and dispensed." [L. 1886, c. 53, s. 1; am. L. 1905, c. 15, s. 1; am. L. 1911, c. 49, s. 1; am. L. 1915, c. 19, s. 1; R. L. 1935, s. 6211; am. L. 1935, c. 47, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 16, 1935.) **S.B. 4, Act 47.**

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**Series C-124. An Act to Permit Drug Stores to Operate and Carry on Business on Sundays.**

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 6211A.] Section 1. [Drug stores excepted.] It shall be lawful for drug stores to operate and carry on business on Sundays, any law of the Territory of Hawaii, except liquor laws, to the contrary notwithstanding.

Section 2. This Act shall take effect on its approval.

(Approved May 10, 1935.) **S.B. 224, Act 134.**

## CHAPTER 212. TRAFFIC VIOLATIONS.

### HEEDLESS RIDING AND DRIVING.

**Series C-125.** An Act to Amend Section 6284 of the Revised Laws of Hawaii 1935, Relating to the Penalty for Failure to Render Assistance to Persons Injured by Motor Vehicles.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 6284 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

“**Sec. 6284. Penalty.** Any person violating any of the provisions of section 6283 shall, upon conviction, be punished by imprisonment at hard labor not more than ten years or by a fine of not more than one thousand dollars or by both fine and imprisonment.” [L. 1913, c. 125, s. 2; R. L. 1935, s. 6284; am. L. 1935, c. 11, s. 1.]

Section 2. This Act shall take effect from and after the date of its approval.

(Approved March 27, 1935.) **S.B. 58, Act 11.**

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## Title XXIII. PRISONS.

### CHAPTER 217. PRISONS, JAILS, ADMINISTRATION; PRISONERS.

**Series C-126.** An Act to Amend Chapter 217 of the Revised Laws of Hawaii 1935, by Adding a New Section Thereto to Be Known as Section 6405-A, Relating to the Commitment to the Territorial Hospital and Discharge Therefrom of Feeble-minded Persons Convicted of Felony.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 217 of the Revised Laws of Hawaii 1935 is hereby amended by adding a new section thereto to read as follows:

“**Sec. 6405-A. [Feeble-minded felons.]** If any person convicted of a felony and incarcerated in a territorial prison is found by a court of competent jurisdiction to be feeble-minded and a menace to himself or to others, on the evidence of a qualified physician or psychologist or on other evidence, he shall be committed by such court to the territorial hospital to

be detained therein until discharged according to the manner prescribed by law for the discharge of an insane person from said hospital. In case said discharge occurs before the expiration of the maximum term of imprisonment imposed upon such person, then he shall be returned to the territorial prison to serve the remainder of such term, or such portion thereof as may be determined upon by the board of prison directors pursuant to law."

Section 2. This Act shall take effect upon its approval.

(Approved May 17, 1935.) **S.B. 200, Act 199.**

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**Series C-127.** An Act Making an Appropriation for the Transporting, Guarding, Housing and Maintaining of Territorial Prisoners Detailed to the County of Hawaii, and for the Purchase of Tools and Appliances for Use by Said Prisoners on the Waiakea Airport, Hilo, Hawaii, and/or Other Public Projects in the District of South Hilo, Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 6436A.] Section 1. [Appropriation for public projects; South Hilo.] The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, to cover expenses for transporting, guarding, housing and maintaining such territorial prisoners as may be detailed to the county of Hawaii pursuant to section 6436 of the Revised Laws of Hawaii 1935, for the maintenance and improvement of Waiakea Airport; the improvement of Wailoa River Park Grounds and any other public project or work in any other place in the district of South Hilo, county of Hawaii, as may be agreed upon by the board of prison directors and the board of supervisors of the county of Hawaii. Provided, that all unexpended moneys made available by Act 74, Second Special Session Laws of 1932, for expenses of or in connection with Waiakea airport prison camp, and Act 71 of the Session Laws of Hawaii 1933, shall be available for the purposes of this Act.

Section 2. All expenditures shall be made upon vouchers approved by the chairman of the board of prison directors.

Section 3. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **S.B. 61, Act 29.**

**Series C-128.** An Act Making an Appropriation to Cover Expenses of Transporting, Guarding and Maintaining Territorial Prisoners Detailed to the County of Maui for Combating the Gorse Plant (Common Furze), for the Exploration for and Development of Additional Water, and for Reforestation of Territorial Lands Adjacent to the Olinda Prison Camp.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 6436B.] Section 1. [Appropriation for public projects; Maui.] The sum of five thousand dollars (\$5,000.00) is hereby appropriated from the general fund of the Territory not otherwise appropriated, to cover expenses for transporting, guarding and maintaining territorial prisoners detailed to the county of Maui for combating the gorse plant (common furze), for exploration for and development of additional water, and for the reforestation of territorial lands adjacent to the Olinda prison camp. Provided, that all unexpended moneys appropriated by Act 84 of the Session Laws of Hawaii 1931, and Act 61 of the Session Laws of Hawaii 1933, shall be available for the purposes of this Act.

Section 2. All expenditures under this Act shall be made upon vouchers approved by the chairman of the board of prison directors.

Section 3. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **S.B. 64, Act 30.**

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## Title XXIV. CORPORATIONS—PARTNERSHIPS.

### CHAPTER 218. BANKS: HAWAII BANK ACT OF 1931.

#### DEFINITIONS.

**Series D-129.** An Act to Amend Section 6504, Revised Laws of Hawaii 1935, so as To Make Certain Provisions of Chapter 218, Revised Laws of Hawaii 1935 Applicable to National Banking Associations.

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

Section 1. Section 6504 of the Revised Laws of Hawaii 1935 is hereby amended so as to read as follows:

**"Sec. 6504. Corporations excepted.** Nothing in this chapter shall be deemed to apply to national banks, save and except the provisions of sections 6581, 6582 and 6584 inclusive, which said sections as they now are or may hereafter be amended shall be applicable to national banks transacting business in the Territory except in so far as the same may be inconsistent with any Act of Congress or ruling of the comptroller of the currency of the United States; and nothing in this chapter shall be deemed to apply to trust or investment companies or building and loan associations transacting business in the Territory pursuant to and in accordance with the laws of the Territory relating to such companies or associations; provided, however, that if any such company or association lawfully so engaged on April 28, 1931, shall have in its corporate name the word 'savings' or 'saving' or any word of similar import, or have a name not clearly indicating the nature of its business, such association shall on all signs, letter-heads and advertising matter and in all its passbooks, share and investment certificates and other paper imparting the character of its business clearly and prominently state that it is not a savings bank, and it shall not in any manner advertise or hold itself out to be a savings bank or as doing any business as a bank. But no other company, corporation or association having the word 'savings' or 'saving' or any word of similar import in its name shall be permitted to engage in business in the Territory except in accordance with this chapter." [L. 1931, c. 177, s. 5; R. L. 1935, s. 6504; am. L. 1935, c. 159, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **S.B. 174, ACT 159.**

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#### CAPITAL IMPAIRMENT.

**Series D-130.** An Act to Amend Chapter 218 of the Revised Laws of Hawaii 1935, Relating to Banks and Banking.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 218 of the Revised Laws of Hawaii 1935 is hereby amended by adding a new section thereto to be numbered section 6610A and to read as follows:

**"Sec. 6610A. [Jurisdiction conferred upon circuit judges at chambers; appeal.]** Whenever the treasurer shall take and hold possession of the property or business of a bank to conserve its assets, jurisdiction is conferred upon the circuit judge presiding at chambers in the circuit court of the circuit, in

which the principal office of any bank is located upon the bill of the treasurer requesting the instruction of the court relating to any matter or question arising out of such taking and holding or possession. From every order made by any circuit judge under this section an appeal shall lie to the supreme court in like manner as an appeal lies from an order or decision of a circuit judge at chambers. Such appeal shall not stay any order of the circuit judge unless the supreme court shall so order."

Section 2. Said chapter 218 is further amended by amending **section 6619** thereof by adding thereto a new paragraph, to read as follows:

"In all such proceedings, such notice shall be given to depositors, creditors and other interested persons as the judge may deem necessary under the circumstances to constitute due process, or may deem otherwise proper; such notice may, however, where the parties are numerous, be given by mail addressed to the persons to be notified at their last known places of business or other addresses, respectively, or by publication in a newspaper or newspapers of general circulation in the Territory in the manner provided by section 4079, or by both, provided, that it shall not be necessary in any such cases that the entire petition or application be included in such notice, but only the designation of the cause by title (in full or abbreviated) and docket number, and the substance of the matter involved in a form approved by the judge and such other matters as the judge shall require, need be so included, and that the judge may authorize mailed notices to be authenticated merely by the stamped facsimile signature of the clerk of the court. In addition, the judge may, if he deems it advisable, appoint one or more persons to represent any interested persons who cannot be served or who are not otherwise represented in the proceedings."

Section 3. This Act shall take effect upon its approval.

(Approved May 14, 1935.) **S.B. 239, Act 170.**

## CHAPTER 219. BUILDING AND LOAN ASSOCIATIONS.

**Series D-131.** An Act to Amend Chapter 219 of the Revised Laws of Hawaii 1935, by Amending Certain Sections Thereof and by Adding Thereto Certain New Sections Relating to the Incorporation and Government of Building and Loan Associations.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 219 of the Revised Laws of Hawaii 1935, is hereby amended:

(a) By amending the sixth paragraph of **section 6651** thereof to read as follows:

“Investment certificate” shall mean a certificate representing an investment in the association, the holder of which shall have no liability for debts or assessments and shall be entitled, upon liquidation of the association, to receive payment in full before any payment or distribution shall be made to the holders of withdrawable or guaranty shares of stock of said association. The holder of an investment certificate shall have no right to participate in the profits or dividends of the association, and shall not be a member of the association. Subject to the provisions of this chapter and of the investment certificate, the holder of an investment certificate shall be entitled to have interest paid or credited at the rate specified in his certificate or if so provided in said certificate, the rate or rates of return on such certificate shall be determined quarterly, semi-annually or annually by the board of directors of the association, and to the return of his principal with the accrued interest or return thereon.”

(b) By deleting the seventh, eighth, ninth and tenth lines of the eighth paragraph of said **section 6651** and inserting in lieu thereof the following:

“be maintained at not less than five per centum of the aggregate book value of all the stock and investment certificates. Should earnings”.

(c) By amending the last paragraph of said section to read as follows:

“Member” shall mean any owner of any share of stock of the association irrespective of its book value or whether represented by a certificate or pass book and any borrower from the association.”

(d) By adding at the end of said section a new paragraph to read as follows:

“Treasurer” and “bank examiner” are used interchangeably

in this chapter and mean the treasurer and bank examiner of the Territory; and any duly authorized deputy treasurer or deputy bank examiner may perform any act in this chapter authorized or required to be performed by the treasurer or bank examiner."

Section 2. Said chapter 219 is further amended:

(a) By amending the proviso of the ninth paragraph of **section 6653** thereof, relating to by-laws, to read as follows:

"Provided that every member shall be entitled to one vote for each share of stock owned by such member, and each borrowing member shall be entitled to one vote as such, in addition to any votes he may have as a shareholder";

(b) By amending the last paragraph of said **section 6653** to read as follows:

"To receive money for investment and issue investment certificates therefor."

Section 3. Said chapter 219 is further amended by adding thereto three new sections, to be numbered 6654-A, 6654-B and 6654-C and to read as follows:

**"Sec. 6654-A. Conversion into federal savings and loan association.** Any building and loan association or other home financing organization by whatever name or style it may be designated, eligible to become a federal savings and loan association may convert itself into a federal savings and loan association by following the procedure hereinafter outlined:

"A. [Resolution.] At any regular meeting of the shareholders of any such association or at any special meeting of the shareholders of such association in either case called to consider such action and held in accordance with the laws governing such association, such shareholders by an affirmative vote of the shareholders owning and voting a majority of all outstanding shares present in person or by proxy may declare by resolution the determination to convert said association into a federal savings and loan association.

"If such association has investment certificates outstanding, such determination shall be approved either before or after the adoption of such resolution, by certificate holders holding not less than two-thirds in book value of such outstanding investment certificates.

"B. [Verified certificate.] Within ten days after said meeting (or if such association has outstanding investment certificates, within ten days after the requisite approvals of its certificate holders have been obtained, whichever is later) there shall be filed in the office of the treasurer of the Territory a certificate, verified by the affidavit of the president or vice-

president and the secretary or assistant secretary of such association, which certificate shall contain a copy of the minutes of said meeting, and a statement as to whether or not such association has outstanding investment certificates, and if it has, that certificate holders holding not less than two-thirds in book value of such outstanding investment certificates, have approved the determination to convert such association into a federal savings and loan association. Such certificate, when so filed, shall be presumptive evidence of the holding and of the action of such meeting and of the approvals of certificate holders.

“C. [Action; charter; copy or certificate to be filed.] Within a reasonable time, and without any unnecessary delay after the adjournment of such meeting of shareholders, such association shall take such action as may be necessary to make it a federal savings and loan association and within ten days after receipt of the federal charter there shall be filed in the office of the treasurer of the Territory a copy of said charter issued to such association by the federal home loan bank board or a certificate showing the organization of such association as a federal savings and loan association certified by, or on behalf of, the federal home loan bank board. Upon the filing of such instrument such association shall cease to be a territorial association and shall thereafter be a federal savings and loan association.

“At the time when such conversion becomes effective as hereinbefore provided, said association shall cease to be supervised by the Territory and all of the property of such association including all of its right, title and interest in and to all property of every kind and character whether real, personal or mixed, shall immediately by operation of law and without any conveyance or transfer whatsoever and without any further act or deed, continue to be vested in said association under its new name and style as a federal savings and loan association and under its new jurisdiction; and said federal savings and loan association shall have, hold and enjoy the same in its own right as fully and to the same extent as the same was possessed, held and enjoyed by it as a territorial association and said federal savings and loan association at the time of the taking effect of such conversion shall continue responsible for all of the obligations of said territorial association to the same extent as though said conversion had not taken place; it being expressly declared that the said federal savings and loan association shall be merely a continuation of the said territorial association under a new name and new jurisdiction and such

revision of its corporate structure as may be considered necessary for its proper operation under said new jurisdiction.

**"Sec. 6654-B. Subscription to shares of federal savings and loan associations.** Any building and loan association is authorized and empowered to subscribe to the shares of any federal savings and loan association domiciled within the Territory, and may pay for such shares in cash or by the transfer of such assets of the subscriber as may be approved in writing by the federal home loan bank board.

**"Sec. 6654-C. Insurance of accounts under National Housing Act.** Any building and loan association which may be eligible so to do under the terms of an Act of Congress known as the 'National Housing Act', approved June 27, 1934, is hereby authorized and empowered to insure, pursuant to Title IV of said Act, any and all of its accounts, as said accounts now are or hereafter may be defined under Title IV of said Act, and to do and perform all things necessary or convenient to effect such insurance, and to pay the premium charge therefor."

Section 4. Said chapter 219 is further amended by deleting the fifth to ninth lines, both inclusive, of the first paragraph of **section 6661** thereof and inserting in lieu thereof the following:

"fund shall equal five per centum of the aggregate book value of all stock and investment certificates (exclusive of any shares or investment certificates protected by guaranty shares)."

Section 5. Said chapter 219 is hereby further amended by deleting from the third line of the third paragraph of **section 6663** thereof the word "fifteen" and by inserting in lieu thereof the word "twenty-five."

Section 6. Said chapter 219 is hereby further amended by amending section 6665 thereof to read as follows:

**"Sec. 6665. Withdrawals.** Every holder of any withdrawable shares of stock or investment certificate shall be entitled to receive the withdrawal value thereof, in part or in full (less a withdrawal fee and his indebtedness to the association, if any) at such times and in such manner and upon such notice (not exceeding 30 days) as the by-laws shall provide. Shareholders or certificate holders desiring to make withdrawals in excess of \$100.00 shall file with the association their written application therefor, and the association shall number and file the same in the order received, and shall after 30 days from the receipt of such application to withdraw, either pay the holder the value thereof, in part or in full as requested, or apply at least one-third of the receipts of the association from its share-

holders and borrowers to the payment of such withdrawal applications in numerical order. Provided, however, that the board of directors shall have an absolute right at their option to pay not exceeding \$100.00 to any one share or certificate holder in any one month in any order regardless of whether such shareholder or certificate holder has filed an application for withdrawal or not; and provided further, that if any shareholder or certificate holder applies for the withdrawal of more than \$1,000.00 of his account or accounts, he shall be paid \$1,000.00 in order when reached, and his application shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of applications for withdrawals and thereafter upon again being reached shall be paid a like amount, but not exceeding the value of his account, and until paid in full shall continue to be so paid, renumbered and replaced at the end of the list; provided, that if any such holder shall file more than one application for withdrawal, all of his withdrawal applications shall be consolidated and shall take the position on the list of the last of such withdrawal applications filed by such holder. Shareholders filing written notice for the withdrawal of their shares shall remain shareholders until paid and shall not become creditors, and neither shareholders nor certificate holders shall, by reason of filing such an application, have any rights other than those herein granted them. Dividends upon the shares and interest or return upon the certificates of any of the holders, to the extent of the amount of the application for withdrawal, shall be discontinued while such holder remains upon a list to withdraw.

"The board of directors may permit the withdrawal of a part of the accumulations to the credit of any stockholder on installment shares not issued in serial form, without thereby reducing the number of the shares held by him.

"Upon the death of a stockholder or certificate holder, his legal representative shall be entitled to surrender the shares or certificates and receive the withdrawal value thereof, unless the legal representatives of such decedent shall have assumed the future payments thereon.

"Should there be any unusual demand for withdrawals from the funds of the association, or for real estate loans, the board of directors may borrow money for a period of not more than one year, and as security for such loans may pledge all or any of the securities or resources of the association; provided that the board of directors may borrow money from a federal home loan bank, and none of the limitations or restrictions provided in the laws of the Territory shall apply to borrowings from

such bank." [L. 1927, c. 208, s. 15; am. L. 1933, c. 167, s. 1; R. L. 1935, s. 6665; am. L. 1935, c. 197, s. 6.]

Section 7. Said chapter 219 is hereby further amended by amending section 6666 thereof to read as follows:

**"Sec. 6666. Retirement of shares and investment certificates.** The directors may, in their discretion, retire any withdrawable shares or investment certificates, either in whole or in part, at any time, by giving the holder at least 30 days notice of such intended retirement. The retirement price of all withdrawable shares and investment certificates shall be the withdrawal value thereof at the date fixed for retirement. On or after the date fixed for retirement, as stated in the notice thereof, every holder of withdrawable shares or investment certificates called for retirement shall surrender his certificate, properly endorsed, to the association, and shall thereupon be entitled to receive payment of the retirement price of such certificate or of the portion thereof to be retired; and in case a withdrawable share or an investment certificate shall be retired in part, to receive a new certificate representing the unretired part thereof. If such notice of intended retirement shall have been duly given, and if on or before the date fixed for such retirement funds necessary for such retirement shall be and continue to be available therefor, then notwithstanding that any withdrawable share or investment certificate called for retirement, in whole or in part, shall not have been surrendered, its participation in profits or dividends, or its interest or return with respect to the amount called for retirement, shall cease to accrue after the date fixed for such retirement, and all rights of the holders in respect of the amount so called for retirement shall forthwith, after such retirement date, cease and determine, except only the right of the holder to receive the retirement price without participation in profits or dividends or interest or return after the date fixed for retirement. In all cases the notice of retirement shall expressly state that participation in profits or dividends, or interest or return, will cease on the date fixed for retirement.

"Whenever the total value of all matured shares shall exceed ten per centum of the paid in capital, the association may retire a sufficient portion thereof to reduce their value below said ten per centum." [L. 1927, c. 208, s. 16; R. L. 1935, s. 6666; am. L. 1935, c. 197, s. 7.]

Section 8. Said chapter 219 is hereby further amended by adding, at the end of **section 6668** thereof, a proviso reading as follows:

"Provided, that in the event that the value of the property

securing any such loan shall depreciate or shall otherwise be found to be below the margin of excess over face value of such loan required by this section, the association may be permitted to hold the same upon such conditions as the bank examiner in writing may prescribe, provided a reserve, in addition to the reserve otherwise required by law, shall be set up by the association sufficient to cover the amount of such deficiency."

Section 9. Said chapter 219 is hereby further amended by adding thereto two new sections, to be numbered 6669-A and 6669-B and to read as follows:

**"Sec. 6669-A. Appraisals.** All real estate upon the security of which any loan is to be made by an association shall be appraised prior to making such loan. Such appraisals shall be made in such form as shall be designated or approved by the bank examiner. Such appraisals shall be kept in the files of the association and duplicate originals thereof shall within ten days be filed in the office of the bank examiner.

**"Sec. 6669-B. Protection of funds from territorial business.** All moneys representing payments or investments by members or investors residing in the Territory and all securities representing investments of such funds shall be invested and kept in the Territory; provided, that, with the written consent of the bank examiner, surplus funds as defined in section 6669 may be invested without the Territory provided such funds and the securities representing investments of the same are deposited with a bank, trust company or other depository approved in writing by the bank examiner under such trust or escrow agreement as shall be mutually entered into in writing by the bank examiner, the association and such depository, designed to earmark and safeguard such funds and securities."

Section 10. Said chapter 219 is further amended by adding thereto three new sections, to be numbered 6671-A to 6671-C, inclusive, and to read as follows:

**"Sec. 6671-A. Reorganization.** (a) Any association heretofore or hereafter organized under the laws of this Territory shall have the power in any special meeting called for that purpose, to provide for the reorganization of the association and provide for the carrying on of its business under the provisions of this section by a vote of three-fourths of the shares of the shareholding members of the association who vote at such meeting; but no such meeting shall be called nor shall any reorganization plan be submitted to the shareholders unless and until the plan shall have first been approved and adopted by a majority of the directors of such association and the treasurer; provided that the approval of the plan by the

directors shall not be required where the association is in the hands of the treasurer for liquidation. Notice of such meeting shall contain a statement of the time, place and purpose of said meeting and an outline of the reorganization plan, and shall be given by mailing a copy thereof from the home offices of such association to each shareholder at least thirty days prior to the date of such meeting addressed to the shareholder at his address as shown by the books of the association. Shareholders may vote at such meeting in person or by proxy and all voting shall be by ballot. The plans of reorganization may provide for reincorporation under the existing corporate name, or under a different name approved by the treasurer of the Territory; may include the organization of a separate liquidating corporation or corporations; may provide for the organization of a federal savings and loan association, or of a mortgage or finance company or other similar financial institution and in addition to all other lawful provisions, may provide for the exchange of shares in the association for shares of the same or a different class in the new or reorganized association or institution or institutions and may fix the time or times prior to which, in the case of a new or reorganized association, notice of withdrawal of such shares so issued in exchange for shares in the association being reorganized shall not be given, and if the withdrawal of such shares is so postponed, such fact shall be printed or stamped on the face of the certificate or pass books evidencing shares so to be issued. All obligations to any such prior association shall inure to the benefit of the reorganized association and be enforceable by it and in its name, and demands, claims and rights of action against any such prior association may be enforced against the reorganized association as fully and completely as they might have been enforced theretofore; provided that no investor shall receive a greater proportion of or a greater proportionate interest in the assets than other investors of the same class.

"The privilege of reorganization is likewise extended to associations that may be in the course of voluntary or involuntary liquidation.

"No reorganization provided herein, however, shall take effect until the terms and conditions have been approved by the treasurer and until the members holding three-fourths of the outstanding shares, other than guaranty shares, shall have approved said plan in writing. A copy of the articles of incorporation of the association as reorganized, certified by the secretary of the association, shall be filed with said treasurer, and filed in the same manner provided for amendments to articles of incorporation; and provided, further, in order that

equity may be done all members of any such association in the event of reorganization, merger, consolidation, or liquidation of any association, all pending withdrawal applications shall be cancelled.

**"Sec. 6671-B. Consolidation, merger, sale of assets of association.** At the annual meeting, upon notice thereof, or at any meeting called and noticed for the purpose, any two or more building and loan associations organized under the laws of this Territory may by an affirmative vote of three-fourths of the outstanding shares of each such association, consolidate into one association upon such terms as shall be agreed upon; or any such association may transfer a part or all of its assets to any other association upon such terms as may be agreed upon; provided, however, that no such consolidation or transfer of assets shall be made or shall take effect unless or until the terms and conditions thereof have been approved by the bank examiner and until a copy of the shareholders' resolution or resolutions adopting and approving such consolidation or transfer of assets shall have been filed with the said bank examiner and filed in the same manner provided for amendments to articles of incorporation. Provided, further, that no such consolidation, merger or transfer of assets shall prejudice the right of any creditor of any such association or associations to have payment of his debt out of the assets and property thereof nor shall any creditor be thereby deprived of or prejudiced in any right of action then existing or pending against the said association or associations.

**"Sec. 6671-C. Protection of rights and interests of creditors and investors.** (a) In the operation of any association, or in any reduction of liabilities, reorganization or consolidation of such association, the rights and priority of creditors over shareholders and the rights and priorities of membership shares over permanent shares and the equal rights and interests of membership shares in the assets shall be at all times preserved.

"(b) Whenever, upon investigation by the bank examiner, any association under his supervision is, in his opinion, in such condition that persons investing money therein will not receive the full return of their investments with agreed earnings, or that non-withdrawing shareholders are in danger of not receiving a proportionate interest in the assets equally with withdrawing shareholders, the treasurer may, pending reduction of liabilities or reorganization of any such association, require that withdrawal payments cease and he may cause all new money received by such company to be separately held or

deposited in trust under his supervision, and reserved for the protection of persons making such new investments, and also, pending such reduction of liabilities or reorganization, he may exercise such authority and jurisdiction and institute such control as he deems necessary to prevent losses or inequalities to investors; and if necessary, in his opinion, he may enter into possession and conserve the company and its assets, pending such reduction of liabilities or reorganization, and for such time as he deems reasonable to allow such company to reduce its liabilities or reorganize.

"(c) If any association shall not adjust its liabilities or re-organize within such reasonable time as the bank examiner shall direct, he shall proceed to liquidate the said association as provided by this chapter."

Section 11. Said chapter 219 is further amended by adding thereto a new section, to be numbered 6673-A, and to read as follows:

**"Sec. 6673-A. Notices to foreign associations, service on agent sufficient.** In the case of any foreign association doing business in the Territory, any notice required by this chapter to be given to such association may be served upon the agent of such association appointed and designated pursuant to section 6770, either by leaving a copy with him personally, or by leaving such copy at, or mailing the same by registered mail postage prepaid addressed to him at, the address designated."

Section 12. Said chapter 219 is hereby amended by deleting, from the eighth line of subparagraph 13 of **section 6673**, the word "fifty" and inserting in lieu thereof the words "one hundred".

Section 13. If any provision of this Act or of said chapter 219 as amended by this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act or of said chapter 219 as so amended and the application of said provision to other persons or circumstances shall not be affected.

Section 14. This Act shall take effect upon its approval.

(Approved May 17, 1935.) **H.B. 242, Act 197.**

**CHAPTER 221. CORPORATIONS.****INCREASE OF CAPITAL—CHANGE OF STOCK PAR VALUE.**

**Series D-132.** An Act to Amend Sections 6735 and 6736 of the Revised Laws of Hawaii 1935, Relating to Increase of Capital Stock and Change of Stock Par Value of Corporations.

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

Section 1. Section 6735 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**“Sec. 6735. Authorization; certificate to be filed with treasurer.** No increase or extension of the capital stock of any corporation organized under the laws of the Territory, having authority under its articles of association or charter to increase its capital stock, shall be legal and effective unless such increase or extension shall have been authorized by a vote of not less than three-fourths of all of the shares of stock, or, if two or more classes of stock have been issued, of three-fourths of each class of stock, outstanding and entitled to vote at any meeting duly called and held for such purpose; and unless a certificate shall have first been filed with the treasurer, signed by the president and secretary or other duly authorized officers of the corporation, showing: that the meeting had been properly called and held; that the increase, or extension had been authorized by the required vote; and showing also (1) the present authorized capital stock of the corporation; (2) the amount to which the capital stock thereof may be increased or extended under its articles of association or charter; (3) the amount of increase or extension of the capital stock duly authorized by its stock-holders; and (4) that ten per centum of the total authorized stock, as increased, has been paid in, or the corporation holds property of a value equal to ten per centum of such increased capital; which certificate shall be accompanied by payment of the fee required to be paid upon the amount of increase so authorized. The treasurer shall not receive or file any such certificate without such payment.” [L. 1907, c. 44, s. 1; R. L. 1935, s. 6735; am. L. 1935, c. 129, s. 1.]

Section 2. Section 6736 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**“Sec. 6736. Certificate on change of par value of shares.** No increase or decrease in the par value of the shares of

the capital stock of any corporation shall be legal and effective unless a certificate thereof shall first have been filed in the office of the treasurer of the Territory signed by the president and secretary or other duly authorized officers of the corporation showing (1) the present par value and number of the shares of the capital stock and if two or more classes of stock have been authorized the present par value and number of shares of each class; and (2) the par value and number of shares of each class of stock as changed; which certificate shall be accompanied by payment of the fee required to be paid for filing such certificate. The treasurer shall not receive or file any such certificate without such payment." [L. 1929, c. 135, s. 1; R. L. 1935, s. 6736; am. L. 1935, c. 129, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 10, 1935.) **H.B. 356, Act 129.**

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#### POWERS.

**Series D-133.** An Act to Amend Section 6743 of the Revised Laws of Hawaii 1935, Relating to Corporations.

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

Section 1. Section 6743 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"**Sec. 6743. Powers, express.** Every corporation created in the Territory shall have power: 1. to have succession by its corporate name for the period limited in its charter, but not beyond the period, if any, limited by law, and when no period is limited, perpetually; 2. to sue and be sued in any court; 3. to make and use a common seal, and alter the same at its pleasure; 4. to hold, purchase and convey such property as the purposes of the corporation shall require, not exceeding the amount limited by its articles of association, or charter if any limit is therein prescribed, and to mortgage the same to secure any debt of the corporation; 5. to appoint such subordinate officers and agents as the business of the corporation shall require; 6. to make by-laws not inconsistent with any existing law, for the management of its property, the election and removal of its officers, the regulation of its affairs, and the transfer of its stock." [C. C. 1859,

s. 1426; am. L. 1903, c. 29, s. 1; R. L. 1935, s. 6743; am. L. 1935, c. 152, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **S.B. 121, Act 152.**

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**DUTIES AND LIABILITIES.**

**Series D-134.** An Act to Amend Section 6752 of the Revised Laws of Hawaii 1935, Relating to Annual Exhibits of Corporations.

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

Section 1. Section 6752 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 6752. Annual exhibit, exceptions; inspection by whom.** Every corporation not eleemosynary, religious, literary, educational or promoting solely amateur athletics, shall annually present a full and accurate exhibit of the state of its affairs to the treasurer. Such exhibit shall be made as of December 31st of each year unless the corporation has adopted a fiscal year basis other than the calendar year basis, in which event the corporation may make application to the treasurer and be allowed by the treasurer to make its exhibit as of the end of its fiscal year; provided, that such request is made of the treasurer prior to the end of the calendar year. The exhibit shall contain such information and be made in such form as the treasurer, with the approval of the governor, shall require, and shall be filed within sixty (60) days after the date as of which the exhibit is to be made, or such further time as may be allowed by the treasurer; provided the extension shall not exceed thirty (30) days, excepting that in the case of a Hawaiian corporation which conducts its principal business without the territory such additional extension not exceeding ninety (90) days shall be allowed as shall, to the satisfaction of the treasurer, be shown by affidavit of the president, treasurer or secretary of the corporation to be necessary in order to obtain the required information and prepare the exhibit. No exhibit shall be available for inspection by others than officers of the territory, or of any county, or city and county, or by the officers or stockholders of the corporation which made the exhibit, or by any bona fide creditor of the corporation; provided, that the treasurer may permit the inspection of any exhibit by any

other person upon being satisfied that the inspection is desired for some lawful and proper purpose.

Examination of books, etc., by treasurer. The treasurer shall have power either himself, or by one or more commissioners appointed by him, to call for the production of the books and papers of the corporation, and to examine its officers, members and others touching its affairs, under oath. The annual reports above mentioned, and the result of the examination, the treasurer may in his discretion lay before the governor, and also publish. In case any corporation shall refuse to produce its books and papers upon the request of the treasurer, or the commissioners appointed by him, or in case any of the officers or members of any corporation shall refuse to be examined on oath, touching the affairs of the corporation, then the treasurer, or the commissioners, may apply to a circuit judge at chambers for an order to compel the production of the books and papers or the examination of the officers or members of the corporation, obedience to which order may be enforced by the judge, in like manner with his ordinary decrees and orders.

Penalty. Any corporation violating or neglecting or failing in any particular to conform to or comply with any of the provisions of this section shall forfeit to the territory one hundred dollars for every such violation, neglect or failure, to be recovered by action brought in the name of the territory by the treasurer; a continuance of a failure to file the required report shall be a separate offense for each thirty (30) days of the continuance." [C. C. 1859, s. 1441; am. L. 1909, c. 146, s. 1; am. L. 1915, c. 104, s. 1; am. L. 1921, c. 22, s. 1; R. L. 1935, s. 6752; am. L. 1935, c. 96, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 175, ACT 96.**

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#### DISSOLUTION.

**Series D-135.** An Act to Amend Section 6754 and Section 6756 of the Revised Laws of Hawaii 1935, Relating to Dissolution of Corporations.

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

Section 1. Section 6754 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 6754. Voluntary; certificate; notice; authority of treasurer.** Any corporation wishing to dissolve itself before

the expiration of its charter or articles of association may present to the treasurer a petition requesting dissolution together with a certificate signed by the president and secretary of the corporation, or by the presiding officer and secretary of the meeting at which the vote was taken, setting forth that the dissolution has been approved at a meeting duly called for that purpose by the vote of not less than three-fourths of all its issued and outstanding stock, or in the case of a non-stock corporation by the vote of not less than three-fourths of the members present at said meeting. The treasurer shall enter the petition and certificate of record in his office and after publication of notice of the proposed dissolution in some newspaper of general circulation published in the Territory at least once in each of three successive weeks (three publications) shall proceed to consider the same, and when satisfied that the vote certified has been duly taken, shall declare the corporation dissolved." [C. C. 1859, s. 1439; am. L. 1923, c. 141, s. 1; R. L. 1935, s. 6754; am. L. 1935, c. 158, s. 1.]

Section 2. Section 6756 of said Revised Laws is hereby amended to read as follows:

**"Sec. 6756. Proceedings after. Trustees, powers, liabilities, duties; claims.** Upon the annulment of the charter or articles of association of any corporation, or upon its dissolution by expiration of its charter or articles of association, or otherwise, (unless other persons shall be appointed by the legislature, the treasurer, or by some court of competent authority), the directors or managers of the corporation, by whatever name known in law, shall be trustees for the creditors and stockholders, with full powers to settle the affairs of the corporation. Under the name of trustees of the corporation, they may, by suit or otherwise, collect and pay the outstanding debts, and divide among the stockholders the moneys and other properties that shall remain after payment of the debts and necessary expenses. And they shall be jointly and severally liable to the creditors and to the stockholders to the extent of the corporation property which shall come into their hands.

"The trustees shall forthwith publish, once in each of four successive weeks (four publications) in some newspaper of general circulation published in the Territory, a notice to all creditors of the corporation to present their claims, at a place designated in the notice, within ninety days from the first publication of the notice. All claims not so presented shall be forever barred. The trustees, with the approval of the treasurer, may omit the publication of such notice if the assets of the corporation are insufficient to pay for such publication.

"Trustees for corporations dissolved in accordance with

[SERIES D-135.—ACT 158  
[SERIES D-136.—ACT 146  
[SERIES D-137.—ACT 172

section 6755 shall be entitled to a commission of not to exceed five per centum on all collections made by them." [C. C. 1859, s. 1440; am. L. 1909, c. 135, s. 1; R. L. 1935, s. 6756; am. L. 1935, c. 158, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **S.B. 173, Act 158.**

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#### DIRECTORS OF CORPORATIONS.

**Series D-136.** An Act to Amend Chapter 221 of the Revised Laws of Hawaii 1935, Relating to Corporations by Adding a New Subdivision Thereto Relating to the Qualifications of Directors.

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

Section 1. Chapter 221 Revised Laws of Hawaii 1935, is hereby amended by adding thereto a new subdivision to be headed "Directors, Qualification of" and to read as follows:

"Directors, Qualification of.

**Sec. 6765. Directors.** The directors of every corporation shall be not less than three in number, and a majority of every board of directors shall be residents of the Territory of Hawaii. In the absence of such majority of residents, no board of directors shall function."

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **H.B. 158, Act 146.**

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### CHAPTER 224. INSURANCE COMPANIES AND INSURANCE LAW.

#### MUTUAL AND FRATERNAL BENEFIT SOCIETIES.

**Series D-137.** An Act to Amend Section 6852, Chapter 224, Title XXIV of the Revised Laws of Hawaii 1935, Relating to Mutual and Fraternal Benefit Societies.

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

Section 1. **Section 6852,** Chapter 224, Title XXIV of the Revised Laws of Hawaii 1935, are hereby amended by adding at the end of said section the following:

"Any such society before doing business shall file with the

Insurance Commissioner duly certified copies of its Constitution and By-Laws, Rules and Regulations, copies of all proposed forms of benefit certificates, applications therefor and circulars to be issued by such society and the bond in the sum of five thousand dollars (\$5,000.00) with sureties approved by the Insurance Commissioner conditioned upon the return of the advance payments hereinafter referred to, if the organization shall not be completed within one year. Upon the filing of the foregoing, and the furnishing of such additional information as the Commissioner may require, if it appear to the satisfaction of the Commissioner that the purposes of said society are not for profit but for the benefit of its members, the Commissioner shall issue a certificate authorizing such society to solicit members as hereinafter provided.

Upon receipt of such certificate from the Insurance Commissioner such society may solicit members for the purpose of completing its organization, and shall collect from each applicant the amount of not less than one regular monthly payment in accordance with its table of rates as provided by its Constitution and By-Laws, and shall issue to each such applicant a receipt for the amount so collected. No such society shall incur any liability other than for such advance payments, nor issue any benefit certificate, nor pay or allow, or offer or promise to pay or allow to any person any death benefit until actual bona fide applications for death benefit certificates shall have been secured upon at least 100 lives for at least one hundred dollars (\$100.00) each, and all such applicants for death benefits shall have been regularly examined by a qualified practicing physician, and certificates of such examination shall have been duly filed with and approved by the administrative board or body of such society; nor until at least 100 applicants have been accepted for membership, nor until there shall have been submitted to the Insurance Commissioner, under oath of the President and Secretary, or corresponding officers, of such society, a list of such applicants giving their names and addresses, date examined, date of approval, date accepted as members, name and number of the subordinate branch of which each applicant is a member (if branches have been established), amount of benefits to be granted, and the rate of stated periodical contributions which shall be sufficient to provide for meeting the mortuary obligations contracted when valued for death purposes upon the basis of a recognized table of mortality or any mutual benefit standard based on at least twenty years experience, and for disability benefits by tables based upon reliable experience, and for combined death and permanent total disability benefits by tables based upon reliable ex-

perience; nor until it shall have been shown to the Insurance Commissioner by the sworn statement of the treasurer or corresponding officer of such society that at least 100 applicants have paid in cash at least one regular monthly payment as herein provided, which payments in the aggregate shall amount to at least five times the maximum amount of death benefit offered or promised to be paid to any one member. If such society does not offer or promise to pay any death benefits in excess of two hundred and fifty dollars (\$250.00) upon the death of a member, but merely offers or promises to pay disability benefits by reason of sickness or injury, with or without provision for death benefit, in excess of two hundred and fifty dollars (\$250.00), such society shall, before receiving a certificate of compliance with law from the Insurance Commissioner, prove to the Insurance Commissioner that at least 100 members have each paid in cash at least six regular monthly payments to the disability fund, which payments in the aggregate shall amount to at least twenty times the maximum amount of disability benefits offered or promised to be paid to any one member during a period of thirty days, which shall be credited to the disability or sick benefit fund, and shall, during the period of organization of such society, be held in trust to be returned to the applicants or members who have made payment of the same, if and in case the organization of such society is not completed within one year.

All regular payments received for account of death benefit or disability funds, during the period of organization of such society, shall not be used for the payment of any expenses of such society, but shall be placed on deposit or in trust in some bank or trust company approved by the Insurance Commissioner, payable to such society but under the joint control of the Insurance Commissioner, which funds, in case the organization of the society is not completed within one year, shall be returned to the applicants or members who made payments of the respective amounts. If, however, the organization is completed and the Insurance Commissioner issues a certificate of compliance with the law, the funds so deposited in trust, together with interest, if any, shall be released in favor of the society to the Insurance Commissioner. After the organization of any such society is completed and a certificate of compliance with law is granted by the Insurance Commissioner, the society shall be governed by its administrative board or body in accordance with its Constitution and By-Laws, but at no time shall such society use more than 15% of the payments received from its members or applicants in the form of admission fees, dues, contributions or assessments

of any nature for expenses in connection with the management or operation of such death benefit or disability or sick benefit funds.

The Commissioner may make such examination and require such information from time to time as he may deem advisable. Upon presentation of satisfactory proof that the society has complied with the provisions herein set forth, and of any other applicable law, he shall issue to said society a certificate to that effect. Such certificate shall be *prima facie* evidence of the existence of such society as of the date of such certificate. The Commissioner shall cause a record of such certificate to be made and certified copy of such record may be given in evidence with the same effect as the original certificate.

Each such society shall, subject to the approval of the Commissioner, have the power to make a Constitution and By-Laws for the government of the society, the admission of its members, the management of its affairs, and the fixing and readjusting of the rates of contribution of its members, and shall have the power to amend such Constitution and By-Laws and such other powers as are necessary to carry into effect the object and purposes of the society, but shall not suspend temporarily any part of its Constitution or By-Laws as the same are governed by this Act. Any society engaged on the effective date of this Act in transacting business in this territory may exercise all of the rights conferred by this Act, and all of the rights, powers and privileges possessed by it under its Constitution and By-Laws, Rules and Regulations or Articles of Incorporation not inconsistent with this Act; provided, however, that no such society shall, after the effective date of this Act, issue any new certificate for the payment of death benefits or disability benefits except in compliance with the provisions of this Act, unless such society has to the credit of its death benefit fund assets equal to five times the maximum benefit promised or offered to be paid upon the death of a member, and also has to the credit of its disability or sick benefit fund assets equal to twenty times the amount of disability or sick benefit promised any one member during any thirty day period.

Each such society shall at all times maintain its death benefit fund at least five times the maximum amount of death benefit offered or promised to be paid to any one member, and shall also at all times maintain its disability or sick benefits offered or promised to be paid to any one member during a period of thirty days.

After the organization of any such society is completed, and before a certificate of compliance with law is granted by the

Commissioner, said society shall deposit with the Commissioner one-half the maximum amount required to be maintained in its death benefit fund and disability or sick benefit fund either in cash or in securities approved by said Commissioner, or shall file with the Commissioner a good and sufficient bond signed by the society as principal with one or more sureties to be approved by the Commissioner and running to the Commissioner and his successors in office, said bond to be in the amount hereinbefore referred to, conditioned that the surety or sureties on the bond shall be answerable in the amount of the bond for all judgments, decrees or orders given, made or rendered against the principal on the bond by any court of the territory for the payment of money. In case of any breach of the condition of any such bond, the Commissioner may, and upon demand and receipt of satisfactory assurance for the payment of costs, shall enforce the bond either in his own name or in the name of any person as obligee therein, by appropriate proceedings in any court of competent jurisdiction, for the use and benefit of any person injured by the breach.

Each such society must file with the Commissioner annually on or before the 31st day of January in each year a statement under oath in such form, under such heads and in such detail as the Commissioner shall prescribe, setting forth the total business transacted and the amount of gross receipts received by such society during the year ending December 31st next preceding, the resources and liabilities of such society at the close of business on said December 31st, the receipts and expenditures and the computation of the loss or gain of the society during said calendar year.

The trustees, officers or other persons in charge of the affairs of any such society, who authorize, sanction or permit the issuance of any certificate, policy or contract, for the payment of benefits, in violation of the provisions of this Section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned not more than one year, or both. Provided, however, any society promising or offering to pay death or sick and disability benefits in an amount less than two hundred and fifty dollars (\$250.00) shall be exempt from the provisions of this Act." [L. 1919, c. 101, s. 4; R. L. 1935, s. 6852; am. L. 1935, c. 172, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 14, 1935.) **H.B. 348, ACT 172.**

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## CHAPTER 225. PARTNERSHIPS, REGISTRATION OF.

### PART 2. SPECIAL.

**Series D-138.** An Act to Amend Section 6877 of the Revised Laws of Hawaii 1935, Relating to Special Partnerships.

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

Section 1. Section 6877 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Section 6877. Certificate to be published.** The certificate mentioned in section 6873, or a statement of its substance, except the amount of capital contributed by any special partner, must be published twice in each of two successive weeks, beginning with one week from the time of filing the certificate, in a daily newspaper of general circulation printed in the English language and published in Honolulu, Hawaii. In case the publication is not so made the partnership must be deemed general." [L. 1886, c. 70, s. 6; R. L. 1935, s. 6877; am. L. 1935, c. 114, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **H.B. 330, ACT 114.**

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## CHAPTER 226. TRUST COMPANIES.

**Series D-139.** An Act to Amend Section 6905 of the Revised Laws of Hawaii 1935, by Amending Paragraph 2 Thereof, Relating to the Furnishing of Accounts by Trust Companies to Principals.

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

Section 1. Paragraph 2 of **section 6905** of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"2. Accounts to principals.** No trust company shall undertake or continue to act as agent for any principal under the powers given by this section unless its duties as such agent and the terms and conditions under which such agency is accepted or is being conducted shall have been set forth either specifically or generally in writing either in letters or memoranda received by the trust company from the principal or in letters or memoranda delivered by the trust company to the principal and evidenced by authenticated copies.

"Every trust company undertaking or continuing to act as agent for any principal under the powers given by this section shall deliver to each such principal (which term whenever used herein shall be construed to include any authorized representative of the principal) at stated intervals, not less frequently than once a year, and at the termination of the agency, a written statement of account setting forth: (1) all receipts and disbursements since the inception of the agency or the last previous account rendered under this paragraph, as the case may be, with such detail of description as will identify all properties purchased or sold during the period; (2) the credit or debit balance, as the case may be, as of the final date of the accounting period; (3) a complete inventory, with such detail of description as will identify each item, and, if purchased by the trust company, the cost thereof, of all properties, whether real, personal or mixed, title to or custody or safekeeping of which is then held by such trust company for the account of such principal; together with (4) a list of all properties, whether real, personal or mixed, described in such detail as to identify each item which may have been acquired or disposed of for the account of such principal without cash consideration, since the inception of the agency or the last previous account rendered under this paragraph, as the case may be. Said account shall contain such segregation of principal and income as the principal in writing shall specifically require.

"Thirty (30) days after the delivery of the account to the principal in person and duly acknowledged by him in writing, or forty-five (45) days after mailing the same by registered mail addressed to the principal at his last known address, the trust company shall be free and clear of any claim by the principal arising out of any transaction covered by such account, except (1) in so far as the principal shall have presented to the trust company written objections to the account prior to the end of the period; and (2) that the account may later be opened up and corrected in case of fraud or mistake in the account. Said account may be so personally delivered or mailed in separate parts and installments during or after the end of the accounting period and in such event only the last periodic installment covering receipts and disbursements and the complete inventory, if mailed rather than delivered, need be sent by registered mail and the prior installments and parts may be mailed by ordinary mail addressed to the principal at his last known address, and the periods of limitation herein prescribed shall begin to run upon the personal delivery or the mailing by registered mail as aforesaid, as the case may be, of said last periodic installment and complete inventory or

of the later of these two if they are delivered or mailed at different times, completing the setting forth of all that is required in said statement of account as aforesaid.

"The requirements of this paragraph 2 shall not apply to occasional or isolated acts performed under special instructions or at the special request of a principal who is not a general or regular client."

Section 2. This Act shall take effect upon its approval.

(Approved May 14, 1935.) **S.B. 177, Act 169.**

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**Series D-140.** An Act to Amend Section 6909 of the Revised Laws of Hawaii 1935, Relating to Investments by Trust Companies.

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

Section 1. Paragraph 3 of subsection (a) of **section 6909** of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

"3. In bonds of any corporation which at the time of such investment is incorporated under the laws of the United States or any state or territory thereof or the District of Columbia; provided that for a period of five (5) years next preceding the date of such investment, there has been no default in payment of principal or interest on any of the general obligations of such corporation which has not been cured to the satisfaction of the treasurer of the Territory of Hawaii within a period of six months;".

Section 2. Paragraph 4 of subsection (a) of **section 6909** of said Revised Laws is hereby amended to read as follows:

"4. In notes or bonds secured by a first mortgage or deed of trust upon either improved or productive real estate and improvements thereon, in the Territory; provided that in each case, except for the purpose of facilitating the sale of property owned by the trust or guardianship, the total amount of the principal of the obligation secured by such mortgage or deed of trust shall not exceed sixty per centum of the appraised value of the security over and above all taxes due and assessments which are a lien upon the security or any part thereof; provided, further, that subsequent advances may be made for the payment of taxes, special assessments for public improvements, maintenance and repairs, to protect the security under the mortgage or trust deed, notwithstanding that the total

amount of such principal will thereby be made to exceed sixty per centum of such appraised value;”.

Section 3. Paragraph 5 of subsection (a) of **section 6909** of said Revised Laws is hereby amended to read as follows:

“5. In the notes or debentures of any individual, copartnership, association or corporation with a pledge as collateral of stocks (except the stock of the trust company or of any corporation more than fifty per centum of the capital stock of which is owned by such trust company), bonds, notes or other securities or leaseholds and the improvements thereon; provided that the total amount of the principal of the obligations secured by such collateral shall not exceed sixty per centum of the appraised value of the security over and above all taxes due and assessments which are a lien upon the security or any part thereof; provided, further, that such assets may be invested in the notes or debentures of any individual, copartnership, association or corporation secured by bonds, notes or obligations of the United States or certificates of indebtedness of the United States, if the total amount of the principal of the obligations secured by such bonds, notes, obligations or certificates does not exceed ninety per centum of the actual cash market value of such security; provided, further, that such assets may be invested in the notes or debentures of any individual, copartnership, association or corporation secured by mortgage notes which are in turn secured by first mortgages upon either improved or productive real estate, and improvements thereon, in the Territory of Hawaii, if the total amount of the principal of the obligations secured by such mortgage notes does not exceed ninety per centum of the aggregate basic values of such mortgage notes, the basic value of each mortgage note being whichever is lower of the following: (a) the face amount of such mortgage note, or (b) sixty per centum of the appraised value of the security for such mortgage note over and above all taxes due and assessments which are a lien upon such security or any part thereof;”.

Section 4. Subsection (a) of **section 6909** of said Revised Laws is hereby amended by adding at the end thereof the following paragraph 9:

“9. In promissory notes secured by life insurance policies up to the loan values of such policies.”

Section 5. Paragraph 5 of subsection (b) of **section 6909** of said Revised Laws is hereby amended by adding at the end thereof the following:

“provided, further, that if any corporation, shares of the capital stock of which are included in such property, shall

offer pro rata to its stockholders additional shares of stock at a price below the market value thereof, the trust company as trustee or guardian may use and apply the proceeds of the sale of the right to purchase part of said shares so offered to it in the purchase of the remainder of said shares;”.

Section 6. Subsection (e) of **section 6909** of said Revised Laws is hereby amended by changing the period at the end of the second sentence to a comma and by adding at the end of said second sentence, after the words “said subsections (a) and (b)”, the following words:

“except that in making or retaining investments of their capital and surplus they may apply to the bank examiner for permission to make investments in securities and other property not included in subsections (a) and (b) of this section, and for extensions of time within which to dispose of property, in all cases in which they could have applied to the court with respect to making or retaining investments of trust or guardianship funds, and the bank examiner may grant such permission.”

Section 7. **Section 6909** of said Revised Laws is hereby amended by adding at the end thereof a new paragraph as follows:

“(h) The appraisals of property referred to in this section shall be made in such form as shall be designated or approved by the bank examiner, and the appraisers who make the same shall be persons approved by the bank examiner. All such appraisals shall be kept in the files of the trust companies.”

Section 8. This Act shall take effect upon its approval.

(Approved May 10, 1935.) **S.B. 194, Act 138.**

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**Series D-141.** An Act to Amend Section 6911 and Section 6920 of the Revised Laws of Hawaii 1935, Relating to Statements of Trust Companies.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 6911 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

“**Sec. 6911. Semi-annual statements.** Every trust company, before it commences to do business and as of June 30 and December 31 in every year, shall make a statement of its assets and liabilities in the form prescribed by the schedule set forth in section 6920, or as near thereto as circumstances

will admit, and also in conformity with the requirements of section 2230, which statement shall be verified by the oath of the president, treasurer, secretary or cashier. A copy of the statement shall be put up in some conspicuous place in the principal office of the company and shall be published by the company in some newspaper of general circulation approved by the treasurer at least once in each of three successive weeks (three publications) beginning when the trust company commences to do business or in the months of January or July, as the case may be, following the date of the statement. If the company shall fail to comply with any of the provisions of this section it shall be liable to a penalty of ten dollars for every day of default, which may be recovered by the treasurer of the Territory in a civil action before any court of competent jurisdiction.” [L. 1905, c. 69, s. 7; R. L. 1935, s. 6911; am. L. 1935, c. 157, s. 1.]

Section 2. Section 6920 of said Revised Laws is hereby amended to read as follows:

**“Sec. 6920. Schedule.**

<i>Assets.</i>	<i>Liabilities.</i>
Loans, demand and time	Capital stock paid in
Mortgages, secured by real estate	Surplus
Investments	Undivided profits
Cash	Dividends unpaid
Capital assets	Bills Payable
Real estate owned	Trust and agency accounts
Trust and agency accounts	Reserves
Other assets, <i>viz</i> :	Other liabilities, <i>viz</i> :
Total	Total.”

[L. 1905, c. 69, schedule; R. L. 1935, s. 6920, s. 2.]

Section 3. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **S.B. 172, ACT 157.**

**CHAPTER 226A. LOANS AND INVESTMENTS; SPECIAL.****NATIONAL HOUSING ACT.**

**Series D-142.** An Act to Authorize Banks, Savings Banks, Building and Loan Associations and Trust Companies to Make Loans in Accordance with the Provisions of the "National Housing Act", Exempting Such Loans from the Application of General Statutes, and Permitting Such Institutions and Fiduciaries to Invest in Notes or Bonds Secured by Mortgage or Trust Deed Insured Under Such Act, and in National Mortgage Associations' Obligations, and to Use Such Securities as Deposits.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 6922.**] Section 1. [**Authority for banking institutions to make loans; loans exempted.**] Pursuant to such regulations as the bank examiner of the Territory of Hawaii finds to be necessary and proper, banks, savings banks, building and loan associations and trust companies are authorized to make such loans secured by mortgages as are insured pursuant to title II of the Act of Congress, entitled "National Housing Act", and to obtain such insurance.

No law of the Territory prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made, or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made shall be deemed to apply to loans made pursuant to the foregoing paragraph.

[**Sec. 6922A.**] Section 2. [**Authority to invest including additional authority for executors, administrators, guardians, trustees and fiduciaries.**] Banks, savings banks, building and loan associations, trust companies, executors, administrators, guardians, trustees and other fiduciaries, may invest their funds, and moneys in their custody or possession, eligible for investment, in notes or bonds secured by mortgage insured pursuant to section 1 above, and in securities issued by national mortgage associations organized under Title III of said National Housing Act.

The notes, bonds and other securities herein made eligible for investment may be used as collateral or for deposit in any

case where collateral or deposits may by law be required or permitted as security.

Section 3. This Act shall take effect upon its approval.

(Approved May 8, 1935; also approved a similar Act, **H.B. 416** as **Act 117**, on May 9, 1935.) **S.B. 209**, **Act 109**.

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**H.O.L.C. BONDS, FEDERAL HOME LOAN BANK BONDS AND  
CONSOLIDATED FEDERAL HOME LOAN BANK BONDS,  
NOTES AND DEBENTURES.**

**Series D-143.** An Act Authorizing the Investment in Bonds of the Home Owners' Loan Corporation and the Bonds of any Federal Home Loan Bank, or in Consolidated Federal Home Loan Bank Bonds, Notes or Debentures, by the Territory and All Its Departments and Political Subdivisions and Instrumentalities, and by Any Insurance Company, Building and Loan Association, or Bank or Trust Company or Other Financial Institution, and by Any Executor, Administrator, Guardian, Trustee or Fiduciary, and Permitting the Use of Such Bonds as Security by Any Depository of Public Funds.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 6923.] Section 1. [Authority to invest.] It shall be legal for this territory and any of its political subdivisions, or any political or public corporation, including the Employees' Retirement System of the Territory of Hawaii or any instrumentality of the territory, or any insurance company or building and loan association, or any savings bank or trust company, or any bank or other financial institution operating under the laws of this territory, or for any executor, administrator, guardian, trustee or other fiduciary to invest their funds, or moneys in their custody, in the bonds of the Home Owners' Loan Corporation or in the bonds of any Federal Home Loan Bank or in consolidated Federal Home Loan Bank Bonds, notes or debentures.

[Sec. 6923A.] Section 2. [Bonds etc. may be used as security.] Wherever by the terms of any general or special law depositories of public or other funds are required by law to give security therefor the bonds of any Federal Home Loan Bank or bonds of the Home Owners' Loan Corporation, or consolidated Federal Home Loan Bank bonds, notes or debentures may be used as security for any depository bonds or

obligations wherein any kind of bonds or other security are required or may by law be deposited as security.

Section 3. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **H.B. 240, ACT 112.**

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**SHARES OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS, INVESTMENT CERTIFICATES OF BUILDING AND LOAN ASSOCIATIONS AND SHARES INSURED BY FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION.**

**Series D-144.** An Act Authorizing Executors, Administrators, Guardians, Receivers, Trustees, Insurance Companies and Cemetery Associations to Invest Funds in Shares Issued by Federal Savings and Loan Associations, Investment Certificates of Building and Loan Associations, and in Shares of Any Such Association Not Issuing Investment Certificates Whose Accounts Are Insured by the Federal Savings and Loan Insurance Corporation.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 6924.]** Section 1. [**Legal investments.**] All shares issued by any Federal Savings and Loan Association shall be legal investments for the funds of executors, administrators, guardians, receivers and trustees of every kind and nature, and for the funds of all insurance companies and all cemetery associations.

[**Sec. 6924A.]** Section 2. [**Legal investments.**] All investment certificates of any building and loan association issuing investment certificates, and all shares of any association not issuing investment certificates, whose accounts are insured by the Federal Savings and Loan Insurance Association, as provided in Title IV of the "National Housing Act", shall be legal investments for the funds of executors, administrators, guardians, receivers and trustees of every kind and nature, and for the funds of all insurance companies and all cemetery associations.

Section 3. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **H.B. 241, ACT 113.**

## Title XXV. BUSINESS LAW AND REGULATIONS.

### CHAPTER 230. BOXING CONTESTS.

**Series D-145.** An Act to Amend Chapter 230 of the Revised Laws of Hawaii 1935, Relating to Boxing Contests, by Adding Thereto a New Section to Be Known as Section 7025.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 230 of the Revised Laws of Hawaii 1935, is hereby amended by adding thereto a new section to be known as Section 7025, to read as follows:

**"Sec. 7025. Not to apply to Army and Navy, when.** Except as provided in this section, none of the provisions of this chapter shall be construed as having any application to any boxing contest or exhibition held as a recreational activity by Army and Navy personnel when any such contest or exhibition is held under the supervision of any recreational officer of the Army or Navy; provided:

(a) that no such contest or exhibition shall be held in any place subject to jurisdiction of the commission unless the commission shall first have granted a license to hold same, for which license no fee shall be charged; and

(b) that the provisions of Section 7003 shall apply only to that portion of the gross receipts or proceeds resulting from such contest or exhibition which are derived from sales of tickets to others than bona fide personnel of the Army and Navy, or both, to whom tickets are allotted or sold through the respective recreation officers of the Army or Navy.

Section 2. This Act shall take effect upon its approval.

(Approved April 16, 1935.) **H.B. 9, ACT 42.**

## CHAPTER 232. INTEREST AND USURY.

**Series D-146.** An Act to Amend Section 7050 of the Revised Laws of Hawaii 1935, Relating to Interest and Usury.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 7050 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 7050. Legal rate; computation.** When there is no express contract in writing, fixing a different rate of interest, interest shall be allowed at the rate of six per centum per annum, for all moneys after they become due on any bond, bill, promissory note, or other instrument of writing, for money lent, for money due on the settlement of accounts, from the day on which the balance is ascertained, and for money received to the use of another, from the date of a demand made." [C. C. 1859, s. 1480; am. L. 1868, p. 9; am. L. 1898, c. 4, s. 1; am. L. 1905, c. 51, s. 1; R. L. 1935, s. 7050; am. L. 1935, c. 19, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 5, 1935.) **S.B. 82, Act 19.**

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**Series D-147.** An Act to Amend Section 7051 of the Revised Laws of Hawaii 1935, Relating to Interest and Usury.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 7051 of the Revised Laws of Hawaii 1935 is hereby amended to read as follows:

**"Sec. 7051. On judgment.** Interest at the rate of six per centum per annum, and no more, shall be allowed on any judgment recovered before any court in the Territory, in any civil suit." [C. C. 1859, s. 1481; am. L. 1868, p. 9; am. L. 1898, c. 4, s. 2; R. L. 1935, s. 7051; am. L. 1935, c. 18, s. 1.]

Section 2. The provisions of this Act shall apply only to judgments recovered after the approval of said Act.

Section 3. This Act shall take effect upon its approval.

(Approved April 5, 1935.) **S.B. 8, Act 18.**

## CHAPTER 236. PHOTOGRAPHY.

**Series D-148.** An Act to Amend Chapter 236 of the Revised Laws of Hawaii 1935, by Amending Sections 7300 and 7304 Thereof, Relating to Photography.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 236 of the Revised Laws of Hawaii 1935 is hereby amended by amending section 7300 thereof to read as follows:

“**Sec. 7300. Certificate.** Any bona fide resident of the Territory over the age of twenty years who has passed a satisfactory examination, shall receive a certificate of his qualifications to practice as a certified professional photographer which certificate shall be issued for one or both of the following two classifications, namely, portrait or commercial.”

Section 2. Chapter 236 of said Revised Laws is hereby amended by amending section 7304 thereof to read as follows:

“**Sec. 7304. Violations; penalties.** If any person shall illegally hold himself out as having received the certificate of certified professional photographer, or shall assume to practice thereunder as a certified professional photographer, or use the initials C. P. P., or any other words, letters or figures to indicate that such person is a certified professional photographer, without having received such certificate, or after the same shall have been revoked, on conviction thereof he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment for a term not exceeding one year, or by both fine and imprisonment.”

Section 3. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **S.B. 190, Act 180.**

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## CHAPTER 237. REAL ESTATE BROKERS AND SALESMEN.

**Series D-149.** An Act to Amend Chapter 237 of the Revised Laws of Hawaii 1935, Relating to Real Estate Brokers and Salesmen.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 7309.**] Section 1. [“**Commission**” substituted for “**Board**.”] Chapter 237 of the Revised Laws of Hawaii 1935

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is hereby amended by substituting the word "commission" for the word "board" wherever the latter appears in said chapter.

Section 2. Said Chapter 237 is hereby further amended by amending the second paragraph of **Section 7310** thereof to read as follows:

"‘Commission’ shall mean the real estate license commission of the Territory."

Section 3. Said Chapter 237 is hereby further amended by amending Section 7316 thereof to read as follows:

**“Sec. 7316. No license issued when.** No license hereunder shall be issued:

“1. To any person who does not possess a good reputation for honesty, truthfulness and fair dealing;

“2. To any person who has been convicted of a felony or a misdemeanor involving moral turpitude unless such person has received a full and free pardon or presents satisfactory proof to the commission that for the five years next preceding the date of his application he has lived an upright and moral life;

“3. To any copartnership unless every member of such copartnership who actively participates in the real estate brokerage business thereof holds a real estate broker’s license;

“4. To any corporation unless the real estate brokerage business thereof is under the direct management of an officer or employee thereof and unless such officer or employee holds a real estate broker’s license.” [L. 1933, c. 140, s. 7; R. L. 1935, s. 7316; am. L. 1935, c. 126, s. 3.]

Section 4. Said Chapter 237 is hereby further amended by adding at the end of **Section 7319** thereof the following clause:

“The commission may expend out of such fund such amounts as may be necessary for investigations of alleged violations of the provisions of this chapter.”

Section 5. Said Chapter 237 is hereby further amended by adding to **Section 7320** thereof, immediately following subsection 9, the following subsections to be numbered subsections 10, 11 and 12, respectively:

“10. When the licensee, being a copartnership, permits any member of such copartnership who does not hold a real estate broker’s license to actively participate in the real estate brokerage business thereof or permits any employee thereof who does not hold a real estate salesman’s license to act as a real estate salesman therefor;

“11. When the licensee, being a corporation, permits any officer or employee of such corporation who does not hold a

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real estate broker's license to have the direct management of the real estate brokerage business thereof or permits any officer or employee thereof who does not hold a real estate salesman's license to act as a real estate salesman therefor;

"12. When the licensee, being a real estate salesman, fails to file with the commission a written statement setting forth the name of the real estate broker by whom he is employed."

Section 6. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **S. B. 123, ACT 126.**

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**CHAPTER 242. TRADEMARKS, PRINTS  
AND LABELS, REGISTRATION  
AND PROTECTION OF.**

**BOTTLES AND SIPHONS.**

**Series D-150.** An Act to Amend Section 7459 of the Revised Laws of Hawaii 1935, Relating to the Bottling of Milk.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 7459** of the Revised Laws of Hawaii 1935 is hereby amended by adding at the end of said section the following:

"At the trial of any person charged with having violated this section proof that the name printed, stamped or written on the cap to any bottle filled with milk differs from the name, stamp or trademark, of said bottle, shall be *prima facie* evidence of the fact that the person whose name appears on said cap has violated the provisions of this section."

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **S.B. 115, ACT 104.**

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## CHAPTER 245. WORKMEN'S COMPENSATION LAW.

### INDUSTRIAL ACCIDENT BOARD.

**Series D-151.** An Act Amending Section 7507 of the Revised Laws of Hawaii 1935, Relating to the Jurisdiction of Industrial Accident Board.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 7507 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 7507. Jurisdiction.** Each board shall have jurisdiction over the injuries occurring within the county for which it is appointed, or occurring to employees of residents of the county while the employees are without the Territory, or on vessels operated by residents of the county."

[L. 1915, c. 221, s. 27; R. L. 1935, s. 7507; am. L. 1935, c. 56, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 23, 1935.) **H.B. 94, ACT 56.**

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## CHAPTER 245A. VOCATIONAL REHABILITATION.

### INDUSTRIAL DISABILITY.

**Series D-152.** An Act Relating to the Vocational Rehabilitation of Persons Disabled in Industry or Otherwise and Their Return to Civil Employment; To Provide for the Support of the Same From Territorial and Federal Funds; And to Appropriate Money for Such Purpose; To Define the Authority and Duties of the Territorial Board for Vocational Education in So Far as They Relate to This Act.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 7542.**] Section 1. [**Federal aid accepted.**] The Territory of Hawaii hereby accepts the provisions of the Act of Congress approved June 2, 1920, entitled: "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to productive employment", as amended, (Public No. 236-66 Congress) and those provisions of "An Act extending the benefits of the national vocational rehabilitation Act to the Territory of

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Hawaii", (Public No. 35-68 Congress H. R. 4121), and will observe and comply with all of the provisions of such Acts.

[**Sec. 7542A.**] Section 2. [**Authority for federal cooperation.**] The territorial board for vocational education is hereby authorized and empowered to cooperate, as provided and required by the aforesaid Act of Congress, with the federal board for vocational education in the administering of the provisions of said Act, and to do all of the things necessary to entitle the Territory to receive the benefit thereof. Said board is further empowered to do all acts and things and to make such rules and regulations as are necessary to properly carry out the provisions of the aforesaid Act and the benefits of this Act. Said board shall have the authority to appoint any assistants required to carry out the provisions of this Act and the Act of Congress herein described.

[**Sec. 7542B.**] Section 3. [**Authority to formulate a plan of cooperation.**] It shall be the duty of the territorial board for vocational education and the industrial accident board, and they are hereby authorized and empowered, to formulate a plan of cooperation in the administration of the provisions of the aforesaid Act in so far as they relate to persons affected by the territorial workmen's compensation and liability laws, such plan to be effective when approved by the governor.

[**Sec. 7542C.**] Section 4. [**Treasurer designated custodian of funds.**] The territorial treasurer is hereby designated custodian of all funds allotted to the Territory from the appropriations made by said federal vocational rehabilitation Act and shall receive and provide for the proper custody and disbursement of the same in accordance with said Act.

[**Sec. 7542D.**] Section 5. [**Authority to receive gifts.**] The territorial board for vocational education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally for the purpose of the vocational rehabilitation of persons injured in industry or otherwise as in the judgment of the territorial board for vocational education are proper and consistent with the provisions of this Act.

[**Sec. 7542E.**] Section 6. [**Biennial report.**] A full report of the rehabilitation activities of the territorial board for vocational education shall be rendered biennially to the governor, this report to include a record of all gifts and donations offered and accepted.

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[**Sec. 7542F.**] Section 7. [**Appropriation.**] There is hereby appropriated out of any moneys not otherwise appropriated, the sum of \$5,000.00 or so much thereof as may be necessary. This money shall be under the jurisdiction of the territorial board for vocational education and shall be used by it in carrying on the rehabilitation program in accordance with the provisions of this Act and the meeting of the provisions of the aforesaid Act of Congress.

Section 8. This Act shall take effect and be in force upon its approval.

(Approved May 14, 1935.) **S.B. 94, Act 166.**

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## Title XXVI. MISCELLANEOUS TERRITORIAL PROVISIONS.

### CHAPTER 247. CERTIFICATES OF HAWAIIAN BIRTH:

#### IMMIGRATION AND LABOR.

**Series D-153.** An Act to Amend Section 7614 of the Revised Laws of Hawaii 1935, in Regard to Fees Charged for the Issuance of Hawaiian Birth Certificates.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 7614 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 7614. Fees.** Fees shall be charged in connection with the issuance of such certificates as follows: for the filing of each application for a certificate, a fee of five dollars; for certified copies of such certificates a fee of one dollar for each such certificate, and a charge of fifty cents for each one hundred words or portion thereof contained in such certificate; provided, however, that such fees shall not be charged in connection with the issuance of such certificates to children under the age of sixteen years who are permanent inmates of homes or institutions in the Territory which are supported in whole or in part by public charity or taxation. All such fees collected shall be paid into the special fund created by section 7613.”

[L. 1911, c. 96, s. 4; am. L. 1921, c. 30, s. 1; am. L. 1923, c. 246, s 2; R. L. 1935, s. 7614; am. L. 1935, c. 149, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **H.B. 414, ACT 149.**

[**Secs. 7641, 7642, 7643, 7672, 7676, 7678, 7681, 7682 and 7690**, amended. See Series B-67, Sections 3 to 11, inclusive, respectively. (Act 168.)]

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## CHAPTER 250. ELECTIONS: GENERAL.

### VOTING BY ABSENTEES.

**Series D-154.** An Act to Amend Subsection 2 of Section 7695 of the Revised Laws of Hawaii 1935, Relating to Voting by Absentees.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Subsection 2 of **Section 7695** of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

"2. The county clerk shall, upon affidavit duly signed by a duly registered voter about to depart, setting forth facts entitling him so to vote, pursuant to paragraph 1, place in an envelope a ballot folded so as to conceal the names of the candidates thereon. The voter shall thereupon, in the usual manner provided by law, and in a place apart from any person, mark his ballot, place it in the envelope, seal the same, and sign his name thereon as proof that he has voted, and deliver the envelope to the county clerk, who shall, at the time he delivers the ballots to the inspectors of election of the precinct where the voter is registered, and in any event on the day of election and before balloting has ceased, deliver the envelope to the inspectors. The Secretary of the territory, upon application by any voter who will be absent from the county in which he is duly registered upon any special election date by reason of serving as a member, officer or employee of the legislature if such be in session within the period of five days next preceding such special election, shall place in an envelope a ballot folded so as to conceal the names of the candidates thereon. The voter shall thereupon in the usual manner provided by law and in a place apart from any person mark his ballot, place it in the envelope, seal the same and sign his name thereon as proof that he has voted and delivered the envelope to the Secretary of the Territory who shall forward such vote

to the County Clerk of the County in which the member, officer or employee of the legislature is registered and said County Clerk shall at the time he delivers the ballots to the inspectors of election of the precinct where such vote is registered and in any event on the day of election and before balloting has ceased deliver the envelope to the inspectors. Said vote shall then be cast in the manner provided by subsection 4 hereof and must be cast five days prior to election day."

Section 2. This Act shall take effect upon its approval.

(Approved April 2, 1935.) **H.B. 259, Act 16.**

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## **CHAPTER 251. ELECTIONS: PRIMARY.**

**Series D-155.** An Act to Amend Sections 7724 and 7727 of the Revised Laws of Hawaii 1935, Relating to Time of Filing Nomination Papers and Fees Therefor.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 7724** of the Revised Laws of Hawaii 1935, is hereby amended by deleting the following which appears in the first paragraph of subdivision 1 of said section: "at least twenty days prior to such primary,".

Section 2. **Section 7727** of said Revised Laws is hereby amended by deleting the word "twenty" which appears in subdivision 2 of said section and inserting in lieu thereof the word "thirty".

Section 3. This Act shall take effect upon its approval.

(Approved April 22, 1935.) **H.B. 257, Act 54.**

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**Series D-156.** An Act to Amend Section 7729 of the Revised Laws of Hawaii 1935, Relative to Primary Election Ballots.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 7729** of the Revised Laws of Hawaii 1935, is hereby amended by amending the form of the official ballot as follows:

"OFFICIAL BALLOT

PRIMARY ELECTION....., 19....

..... Representative District.

To vote for a person make a 'cross' (X) with a black lead pencil in the square to the right of his name.

No ke koho ana i kekahi mea, e kaha i X (kaha pea) me ka penikala eleele maloko o ke kuea ma ka aoao akau o kona inoa.

TERRITORIAL OFFICERS

National Republican

National Democratic

Nonpartisan

DELEGATE TO .....TH CONGRESS

Vote for one only

Koho no hookahi




First Senatorial District—Island of Hawaii

SENATORS

For the term of four years beginning....., 19....

Vote for two only

Koho no elua




First Representative District—Districts of Puna, South Hilo,  
North Hilo and Hamakua, Island and County of Hawaii

REPRESENTATIVES

For the term of two years beginning....., 19....

Vote for four only

Koho no eha




CITY AND COUNTY OFFICERS

City and County of Honolulu

National Republican

National Democratic

Nonpartisan

MAYOR

For the term of two years beginning January....., 19....  
Vote for one only Koho no hookahi




## SUPERVISORS

For the term of two years beginning January....., 19....  
Vote for seven only Koho no ehiku




and so on down through the several county officers."

Section 2. This Act shall take effect upon its approval.

(Approved April 27, 1935.) H.B. 174, Act 60.

[Secs. 7732 and 7736, amended. See Series B-67, Sections 12 and 13, respectively. (Act 168.)]

## **CHAPTER 253. FARM LOANS.**

## FARM LOANS.

**Series D-157. An Act to Amend Section 7763 of the Revised Laws of Hawaii 1935, Relating to Farm Loans.**

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 7763 of the Revised Laws of Hawaii 1935 is hereby amended by deleting the word "six" in line 2 of paragraph 8 of said section, and inserting in lieu thereof the word "five".

Section 2. This Act shall take effect on July 1, 1935.

(Approved April 29, 1935.) S.B. 7, Act 66.

## CHAPTER 257. NATIONAL GUARD.

### ARMS, EQUIPMENT, ETC.

**Series D-158.** An Act to Compensate Enlisted Men Participating in Encampments, Maneuvers and Other Exercises and Outdoor Target Practice When Federal Pay Is Received.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 7852A] Section 1. **Pay of enlisted men.** Enlisted men while participating in encampments, maneuvers and other exercises and outdoor target practice when federal pay is received, shall, except when actually called into the service of the United States by or under the authority of the president, receive pay per day from the territory as follows:

Master sergeants, first sergeants, technical sergeants, staff sergeants, sergeants, and specialists fourth class and above, seventy cents; corporals and specialists fifth and sixth class, sixty cents; privates and privates first class, fifty cents.

Section 2. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **H.B. 26, ACT 143.**

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## CHAPTER 259. PENSIONS AND CHILD WELFARE.

### PART 1. OLD AGE PENSIONS.

**Series D-159.** An Act to Amend Part I of Chapter 259 of the Revised Laws of Hawaii 1935, Relating to Old Age Pensions by Amending Sections 7870, 7871, 7874, 7876, 7878, 7880 and 7888 and by Repealing Section 7875 Thereof.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 7870 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

“**Sec. 7870. County child welfare boards as old age pension commissions; chairmen of county child welfare boards as members of old age pension board.** The boards of supervisors of the counties and city and county of the Territory are authorized and directed to establish in each of the counties and city and county an old age pension board hereinafter called the old age pension commission and the boards of child wel-

fare of the respective counties and the city and county of the Territory are designated as the old age pension commissions of their respective counties and the city and county.

"There is hereby established a territorial old age pension board which shall be called the old age pension board of the Territory of Hawaii and the Chairmen of the respective boards of child welfare of the respective counties and the city and county are hereby designated the members of said old age pension board during their respective tenures of office as such chairmen. The members of the old age pension board shall serve without compensation for their services as members of the board, but they shall be entitled to the actual and necessary expenses incurred by them in properly discharging their official duties under this subtitle." [L. 1933, c. 208, s. 1; am. L. 1933-4, c. 39, s. 1; R. L. 1935, s. 7870; am. L. 1935, c. 194, s. 1.]

Section 2. Section 7871 of the said Revised Laws is further hereby amended to read as follows:

**"Sec. 7871. Duties; regulations; meetings.** (a) The old age pension board shall perform all the duties imposed on it by this subtitle and shall supervise the administration of old age relief under this subtitle by the several commissions. The old age pension board shall prescribe the form of blanks of applications, reports, affidavits and such other forms as it may deem advisable and shall have authority to make such rules and regulations consistent with the provisions of this subtitle as may be necessary to carry out the provisions of this subtitle and to the end that old age relief may be administered uniformly throughout the Territory and that the spirit and purpose of this subtitle may be complied with. For the purpose of qualifying for federal assistance in the payment of old age pensions, such rules and regulations shall provide such methods of administration as may be required under and by virtue of any laws of the United States under which the Territory of Hawaii may become entitled to financial assistance from the United States government in the payment of old age pensions, and the board shall make such reports, in such form and containing such information as may be required under any such laws of the United States, and for such purpose the old age pension board, and its rules and regulations and the methods of administration and reports aforesaid, shall comply with the regulations and requirements of any federal administrative body established under the term and provisions of any such laws of the United States. All such rules and regulations made by the old age pension board shall be binding upon the old age pension commissions of the several counties and the

city and county. Said board shall meet at such times and places as shall be fixed by its rules and shall elect a chairman and a director who shall serve as executive officer and such clerks and employees as may be necessary. Said director and all such clerks and employees shall hold their respective positions subject to the pleasure of the board.

“(b) The commission of each of the several counties and the city and county shall perform all the duties imposed upon it by this subtitle and shall have authority to make such rules and regulations consistent with the provisions hereof, and with the rules and regulations of the old age pension board as are necessary to the performance of such duties.” [L. 1933, c. 208, s. 2; R. L. 1935, s. 7871; am. L. 1935, c. 194, s. 2.]

[**Secs. 7873, 7874 and 7876, amended; Sec. 7875, repealed.**  
See Series D-160, Sections 1, 2, 3 and 4, respectively.  
(Act 195.)]

Section 3. Section 7878 of said Revised Laws is hereby further amended to read as follows:

**“Sec. 7878. Pension certificate; renewal; appeals.** When the claim is established and the rate of the first year's pension is fixed, the commission shall in the manner it may prescribe certify the same to the treasurer of the county or the city and county who shall issue to the claimant an old age pension certificate which shall state the date of issuance, the claimant's name, age, residence and the amount of monthly payment, which certificate shall be good for one year, unless sooner revoked. The certificate shall be required each subsequent year to be renewed after satisfactory investigation.

“Upon the denial by the commission of any application, the applicant shall be notified in writing of the commission's decision. If an application is denied or the grant is deemed inadequate by the applicant he may appeal to the old age pension board. The old age pension board shall, upon receipt of such an appeal review the case, granting to the applicant an opportunity for a hearing before the board. The old age pension board may also, upon its own motion, review any decision made by the commission. The board may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of a pension and the amount thereof as in its opinion is justified and in conformity with the terms and provisions of this subtitle. All decisions of the board shall be binding upon the commission involved and shall be complied with by such commission.” [L. 1933, c. 208, s. 9; am. L. 1933-4, c. 31, s. 1; R. L. 1935, s. 7878; am. L. 1935, c. 194, s. 3.]

Section 4. Section 7880 of said Revised Laws is hereby further amended to read as follows:

**"Sec. 7880. Cancellation or reduction; procedure where estate exceeds allowable amount.** If any time during the currency or continuance of an old age certificate, the recipient or the wife or husband of the recipient becomes possessed of any property or income in excess of the amount allowed by law in respect to the amount of pension granted, the commission may, on inquiry either cancel the pension or vary the amount thereof during the period of the certificate and it shall be the duty of the recipient immediately to notify the commission of the receipt and possession of such property or income.

"If on the death of any recipient, it is found that he was possessed of property in excess of the amount allowed by law in respect to the amount of pension granted, double the total amount of the relief granted in excess of that to which the recipient was by law entitled, may be recovered by the commission as a preferred claim from the estate so found in excess. The attorney general or county or city and county attorney shall take the necessary proceedings to recover such claim and the amount recovered shall be paid into the treasury of the county; provided, that should the Territory of Hawaii be in receipt from the United States government of any monies provided for the assistance of the Territory in the payment of old age pensions or relief, one-half of the net amount recovered as aforesaid shall be promptly paid into the treasury of the United States." [L. 1933, c. 208, s. 11; R. L. 1935, s. 7880; am. L. 1935, c. 194, s. 4.]

Section 5. Section 7888 of said Revised Laws is hereby further amended to read as follows:

**"Sec. 7888. Funds.** The funds for the payment of the old age pensions shall be furnished by the respective counties and city and county and all expenses incurred by the several commissions in the administration of this subtitle shall be paid from the funds of the several counties and city and county and paid by the county or city and county treasurer; provided, that if the Territory becomes qualified and eligible to receive from the United States government financial assistance in the payment of old age pensions under any law of the United States, the Territory shall reimburse each county and the city and county to the extent of sixty per centum of the amount expended in the payment of pensions which have been granted under the provisions of this subtitle and in accordance with the rules of the old age pension board. Each commission shall keep such records and accounts in relation to old age pensions

as the board shall prescribe and shall present claims for reimbursement as herein provided at such times and in such manner as the board shall prescribe. Such claims shall be approved by the board to the extent of sixty per centum of the pension payments made in accordance with this subtitle and the rules of the board. The board shall certify to the auditor of the Territory the amounts so approved by it, specifying the amount to which each county or city and county is entitled. The amounts so certified shall be paid by the treasurer of the Territory upon the audit and warrant of the auditor, out of any monies in the treasury of the Territory of Hawaii appropriated for that purpose." [L. 1933, c. 208, s. 20; R. L. 1935, s. 7888; am. L. 1935, c. 194, s. 5.]

**[Sec. 7888A.]** Section 6. **[Appropriations for expenses.]** There is hereby appropriated out of the general revenues of the Territory the sum of \$10,000.00 for the purpose of defraying the expenses of the old age pension board for the period commencing on the effective date of this Act and ending on June 30, 1937.

**[Sec. 7888B.]** Section 7. **[Appropriations for reimbursements.]** There is hereby appropriated out of the general revenues of the Territory the sum of \$60,000.00 to be used for the purpose of reimbursing the respective counties and the city and county as provided in section 7888, during the period commencing on the effective date of this Act and ending June 30, 1937.

Section 8. This Act shall take effect upon its approval.

(Approved May 16, 1935.) **H.B. 61, ACT 194.**

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**Series D-160.** An Act to Amend Part 1 of Chapter 259 of the Revised Laws of Hawaii 1935, Relating to Old Age Pensions, by Amending Sections 7873, 7874 and 7876 and by Repealing Section 7875 Thereof.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 7873 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 7873. Amount.** The amount of such pension shall be fixed by the commission with due regard to the conditions existing in each case, but in no case shall it be an amount which, when added to the income of the applicant for such pension from all other sources, including income from property

as hereinafter computed, shall exceed a total of thirty dollars per month." [L. 1933, c. 208, s. 4; R. L. 1935, s. 7873; am. L. 1935, c. 195, s. 1.]

Section 2. Section 7874 of said Revised Laws is hereby amended to read as follows:

**"Sec. 7874. Qualifications of claimant.** An old age pension may be granted only to an applicant who

- (a) is sixty-five years of age or more;
- (b) is a citizen of the United States at the time of the application for a pension;
- (c) resides in the county or city and county in which the application is made;
- (d) resides in the territory and has so resided for not less than five years during the nine years immediately preceding the date of the application;
- (e) is not at the date of the application an inmate of any prison, jail, insane asylum, or any public or private home for the aged, or any public or private institution of a custodial, correctional or curative character;
- (f) has not been within one year preceding the date of the application a professional tramp or beggar;
- (g) has no spouse living with and able to support him;
- (h) has no children able to support him;
- (i) does not own property which exceeds fifteen hundred dollars in value, or, if married, does not own property which, together with the property of the spouse, exceeds fifteen hundred dollars in value, at the date of the application;
- (j) has not deprived himself directly or indirectly of any property for the purpose of qualifying for a pension." [L. 1933, c. 208, s. 5; R. L. 1935, s. 7874; am L. 1935, c. 195, s. 2.]

[**Sec. 7875,** repealed. See Section 4 of this Act.]

Section 3. Section 7876 of said Revised Laws is hereby amended to read as follows:

**"Sec. 7876. Computation of income.** The income of the applicant at the time of the application shall be computed on the basis of an average income during the twelve months next preceding such date, unless evidence is submitted and a finding is made that the probable income for the succeeding twelve months will be a different amount; the annual income of any property of the applicant which does not produce a reasonable income shall be computed at five per centum of the value of

such property." [L. 1933, c. 208, s. 7; R. L. 1935, s. 7876; am. L. 1935, c. 195, s. 3.]

Section 4. **Section 7875** of said Revised Laws is hereby repealed.

Section 5. This Act shall take effect upon its approval.

(Approved May 16, 1935.) **H.B. 110, Act 195.**

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#### PART 2. CHILD WELFARE.

**Series D-161.** An Act to Amend Sections 7897, 7899, 7900 and 7901 of the Revised Laws of Hawaii 1935, Relating to Child Welfare.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. **Section 7897** of the Revised Laws of Hawaii 1935 is hereby amended by deleting, from the third and fourth lines thereof, the words "provided for by the boards of supervisors of the respective counties", and inserting in lieu thereof the words "necessary properly to carry out its functions and duties hereunder."

Section 2. **Section 7899** of said Revised Laws is hereby amended by deleting the last line of the second paragraph and inserting in lieu thereof the words "estimated as required pursuant to section 7898."

Section 3. **Section 7900** of said Revised Laws is hereby amended by deleting, from the first and second lines thereof, the words "with the approval of the board of supervisors", and inserting in lieu thereof the words "in its discretion".

Section 4. **Section 7901** of said Revised Laws is hereby amended to read as follows:

**"Sec. 7901. Appropriations for child welfare, etc.; duty to make.** The boards of supervisors of the respective counties shall appropriate for the purposes of the boards of child welfare, including expenses for administration and relief, the following amounts annually:

"City and county of Honolulu .....	\$100,000 00
"County of Hawaii.....	22,500 00
"County of Maui.....	45,000 00
"County of Kauai .....	15,000 00

"Provided, however, that in cases where the estimates sub-

mitted pursuant to section 7898 call for amounts less than as hereinabove stated, only such lesser amounts so estimated need be appropriated; and provided, further, that the boards of supervisors may appropriate for said purposes annual amounts in excess of those hereinabove stated.

"No board of child welfare shall expend or contract to expend under the provisions of this subtitle or otherwise, any public moneys not specifically appropriated therefor as herein provided." [L. 1919 c. 129, s. 8; R. L. 1935, s. 7901; am. L. 1935, c. 181, s. 4.]

Section 5. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **S.B. 208, Act 181.**

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PART 3.

**PENSIONS FOR POLICEMEN, FIREMEN AND BANDSMEN.  
SPECIFIC PENSIONS.**

**Series D-162.** An Act Authorizing and Empowering the Board of Trustees for the City and County of Honolulu Created by Section 7903 of the Revised Laws of Hawaii 1935, to Award Pensions to Certain Persons.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Board of Trustees for the City and County of Honolulu created by **Section 7903** of the Revised Laws of Hawaii 1935, is hereby authorized and empowered to award pensions to the following persons:

Solomon K. Makalena

Lono McCallum

Cecelia K. Paele, widow of Sampson K. Paele

Anna Kama, widow of William K. Kama

Eli Crabbe

David Nuuanu

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **H.B. 393, Act 188.**

**CHAPTER 260A. RESTORATION OF  
PRIOR RETIREMENT SYSTEM.**

**Series D-163.** An Act to Provide for the Restoration of the Employees' Retirement System With Certain Amendments to Its Original Basis, Repealing Act 10 of the Special Session Laws 1933, and Making an Appropriation for the Purposes of the Act for the Biennium 1935-1937.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 7934A.**] Section 1. [**Repeal of Act 10, Sp. S. L. 1933.**] Act 10 of the Special Session Laws of 1933, except that portion thereof repealing Act 181 of the Session Laws of 1933, is hereby repealed.

[**Sec. 7934B.**] Section 2. [**Reenactment of Act 55, S. L. 1925 and Act 251, S. L. 1927.**] Except as in this Act specifically amended, Act 55 of the Session Laws of 1925 and Act 251 of the Session Laws of 1927, and all other acts supplementary thereto or amendatory thereof, except said Act 181 of the Session Laws of 1933 and said Act 10 of the Special Session Laws of 1933, are hereby reenacted in the same form and to the same intent and effect as the same would now exist if said Act 181 of the Session Laws of 1933 and Act 10 of the Special Session Laws of 1933 had never been enacted.

Section 3. Section 2 of Act 55 of the Session Laws of Hawaii 1925, as herein restored, is hereby amended to read as follows:

[**Sec. 7934C.**] “Section 2. Name and date of establishment. A retirement system is hereby established and placed under the management of the board of trustees hereinafter described for the purpose of providing retirement allowances for employees of the Territory of Hawaii. It shall have the powers and privileges of a corporation and shall be known as the ‘Employees’ Retirement System of the Territory of Hawaii,’ and by such name, may sue or be sued, all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held. The retirement system so created shall begin operation as of the first day of January, 1926.”

[**Sec. 7934D.**] Section 4. [**Rate of accrued liability contributions.**] Paragraph (C) of subsection 3 of Section 8 of Act 55 of the Session Laws of Hawaii 1925, as herein restored, is hereby amended by adding at the end thereof the following: “Immediately following the valuation required in the year

1934, the actuary shall reset the rate per centum payment on account of the accrued liability of territorial employees to such per centum of the payrolls as is computed to be sufficient to liquidate the total liability on account of such members and beneficiaries of such classes, as is not covered by the funds in hand and the prospective normal contributions payable on their account. Such new accrued liability contributions shall be computed as of July 1, 1935, to be payable for a period of fifty years following such date. The accrued liability appropriations of the Territory on and after such date shall be based on the per centum rate so determined."

[**Sec. 7934E.**] Section 5. [**Guaranty.**] Section 11 of said Act 55 (as herein reenacted) is hereby amended by adding a new paragraph thereto to read as follows:

"It is hereby declared that any and all sums contributed or paid from whatever source to the Employees' Retirement System of the Territory of Hawaii for the funds created by this Act, and all funds of said Retirement System including any and all interest and earnings of the same, are and shall be held in trust by the board of trustees for the exclusive use and benefit of said Retirement System and for the members of said system and shall not be subject to appropriation for any other purpose whatsoever."

[**Sec. 7934F.**] Section 6. [**Service creditable.**] The first paragraph of subdivision (4) of Section 4 of Act 55 of the Session Laws of Hawaii 1925, as herein restored, is hereby amended by adding at the end thereof the following:

"In addition to the prior service certificates issued to show the relative claims of members to prior service credit the board shall as soon as practicable issue to each member and beneficiary a certificate of participation as evidence of his contract with the corporation, that is, the Employees' Retirement System of the Territory of Hawaii, and of his right in the reserves created and held by the trustees as a result of his own contributions and the contribution of his employer, that is, the Territory, County or the City and County, as the case may be, on his account, which reserves and the interest thereon, shall only become payable to him to the extent and under the conditions as set forth in this Act as it existed at the time he became a member."

[**Sec. 7934G.**] Section 7. [**Appropriations for pension accumulation fund.**] For the biennium beginning July 1, 1935, the sum of six hundred thousand dollars (\$600,000.00) less the amounts appropriated in the regular budget for the Pension

Accumulation Fund of the Retirement System is hereby appropriated to the Employees' Retirement System of the Territory of Hawaii from the treasury of the Territory, which amount, together with the amounts appropriated in the budget for benefit payments, shall be paid by the treasurer of the Territory to the Pension Accumulation Fund of such retirement system.

Section 8. This Act shall take effect July 1, 1935.

(Approved April 17, 1935.) **H.B. 6, ACT 48.**

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**MEMBERSHIP.**

[See Sec. 3, Act 55, S. L. 1925 and Sec. 7922 R. L. 1935.]

**Series D-164.** An Act Providing for the Withdrawal of Johnson Kahili as a Member of the Employees' Retirement System of the Territory of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

WHEREAS, Johnson Kahili, Active Service No. H. 3966 in the Employees' Retirement System of the Territory of Hawaii, was, prior to the enactment of Act 251, Session Laws of 1927, a member of the Pension Fund for policemen, firemen and bandsmen for the county of Hawaii; and

WHEREAS, after the passage of said Act 251 the said Johnson Kahili applied, by reason of certain coercion exerted and against his will, to the trustees of said Retirement System for membership therein, thereby terminating his rights in said pension fund, now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The trustees of the Employees' Retirement System of the Territory of Hawaii are hereby authorized and directed to permit the withdrawal of the said Johnson Kahili from membership in said Retirement System, and to return to him the amount of his accumulated contributions to said Retirement System.

Section 2. This Act shall become effective from and after the date of its approval.

(Approved April 27, 1935.) **S.B. 197, ACT 61.**

**INVESTMENTS BY BOARD OF TRUSTEES.**

[See Sec. 7, Act 55, S. L. 1925 and Sec. 7926 R. L. 1935.]

**Series D-165.** An Act Relating to the Management of Funds and Powers of the Trustees of the Employees' Retirement System of the Territory of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 7935.] Section 1. [H.O.L.C. bonds and bonds eligible for purchase by federal reserve banks.] In addition to investments heretofore authorized by law, investments may also be made by the board of trustees of the employees' retirement system of the Territory of Hawaii of the several funds of the System in the following:

(a) Bonds of the Home Owners' Loan Corporation, a corporation created under the "Home Owners' Loan Act of 1933" enacted by the Congress of the United States;

(b) Any bonds made eligible by law for purchase in the open market by the federal reserve banks of the United States.

[Sec. 7935A.] Section 2. [Powers of board.] Anything contained in Act 55 of the Session Laws of 1925 as amended to the contrary notwithstanding; the board of trustees of the System shall have full power and authority to enter into an agreement or agreements for the purpose of protecting the interests of the said System in securities held by said System, or for the purpose of reorganization of a corporation which issued securities so held, and deposit such securities with a committee or depositories appointed under such agreement; but such agreement and deposit of securities thereunder must first be approved in writing by a majority of the members of said board with a statement of their reasons for such approval. Said board is fully authorized and empowered to accept corporate stock or bonds or other securities, which may be distributed pursuant to any such agreement approved as aforesaid or to any plan of reorganization approved in writing by a majority of the members of said board with a statement of their reasons for such approval. But if any securities so received shall consist in whole or in part of stock in any corporation or of bonds or obligations which shall not be secured by adequate collateral security or where less than two-thirds of the total value of the required collateral security therefor shall consist of collateral other than stock, then any stock and any such bond or obligation so received shall be disposed of within five years from the time of their acquisition or before

the expiration of such further period or periods of time as may be fixed in writing for that purpose by the governor of Hawaii.

Section 3. This Act shall take effect upon its approval.

(Approved May 13, 1935.) **S.B. 171, Act 156.**

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**ADJUDICATION OF PENSION CLAUSES AND  
CERTAIN PENSIONS GRANTED.**

**Series D-166.** An Act Relating to Pensions, Providing for the Adjudication of Certain Claims for Pensions and Authorizing and Directing the Boards of Supervisors of the Various Counties to Provide for the Payment Thereof, and Providing for the Payment of Certain Territorial Pensions.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 7936.] Section 1. [Authority to adjudicate; procedure.] The board of trustees of the employees' retirement system of the Territory of Hawaii is hereby authorized, empowered and directed to investigate the claims for pensions, heretofore presented to this legislature, of the persons hereinafter in this Act named, and to determine whether the same in its judgment merit an increase over the amount of fifteen dollars per month. In the event that any such claim is found to be a proper and meritorious one for such increase, the board shall fix the amount (not less, however than \$15.00 per month) which in its judgment should be paid to the claimant each month, such amount to be determined as nearly as may be in accordance with the applicable rules, procedure and limitations which are applicable to members of said system, and for such purposes the board may determine the amount of such pension upon such basis as if the claimant (or the claimant's husband in the case of a widow making such claim) had been a member of said system until the time of his final termination of his public service and as if the application for such pension were being made immediately upon such termination of service.

Whenever the board shall find the claim for a pension of any person listed under the name of any county under this Act to merit an increase over \$15.00 per month, the board shall certify such finding and the amount found by it to be the proper amount of such pension, to the board of supervisors of such county, and such board of supervisors shall thereupon have

power and it is hereby authorized and directed to pay a pension to such claimant during the remainder of his natural life, subject to the general provisions and limitations of Sections 7915 to 7917, inclusive, of the Revised Laws of Hawaii 1935, in the amount so found by said board of trustees to be proper or in any lesser amount found proper by said board of supervisors, but in no event less than \$15.00 per month; provided, however, anything in this Act to the contrary notwithstanding, no pension now provided for by law, shall be hereby or hereunder repealed or reduced.

[**Sec. 7936A.**] **Section 2. City and county of Honolulu pensions.** The following persons shall be granted pensions by the city and county of Honolulu, pursuant to section 1 of this Act, to-wit:

Akana, Lum  
Barenaba, A. A.  
Clark, C. H.  
Iaukea, Fred  
Kahele, James  
Kanae, Frank  
Kupehea, David  
Kaopuiki, Howard  
Kealoha, Solomon  
Keliikuewa, Joseph  
Leialoha, Sam  
Mahoe, Pakui  
Manaku, John  
McCabe, James  
Naholoholo, Kane  
Pettersen, Henry  
Kepano, David  
Kinikapo, Mrs. Kini  
Wong Ah Yung  
Lillis, W. J.  
Aarona, W. I.  
Mamaono, David  
Ahana, William  
Keala, William H.  
Kinney, Mrs. Julia  
Kaleohano, Gus  
Macy, George  
Kikaha, Sam  
Peters, Samuel  
Kahaulelio, Ellen  
Kanehaku, James

Kapana, Sylvester  
Mikahaka, K. M. K.  
Gomes, John C.  
Makaena, David  
Vivichaves, John  
Hiapo, Sam  
Colburn, Mrs. Maria  
Kilionia Opio  
Kahele, James K.  
Gilman, William  
Anito, Mrs. Esther  
Ahia, William  
Plemer, Henry H.  
Scott, Sylvester  
Kahuhu, Joseph

[Sec. 7936B.] Section 3. **County of Hawaii pensions.** The following persons shall be granted pensions by the county of Hawaii, pursuant to section 1 of this Act, to-wit:

Hapai, Mrs. Hattie Keonaona  
Swain, Mrs. Mary K.  
Pa, Kalili  
Quinn, Edward  
Nelson, H. P.  
Ako, Mrs. Enoka  
Kawaihau, Thomas N.  
Kauahilo, K.  
Kaleihopu-Kamalani, J. B.  
Gomes, Joao Texeira  
Dias, M. A., Sr.  
Akina, Andrew K.  
Pua, Elizabeth K.

[Sec. 7936C.] Section 4. **County of Maui pensions.** The following persons shall be granted pensions by the county of Maui, pursuant to section 1 of this Act, to-wit:

Silva, Louis H.  
Kalakaua, D. I.  
Kauhaahaa, Henry  
Souza, Frank  
Goodness, Mrs. P. J.  
Morris, Willie  
Kupau, Noa  
Kaialilii, D. K.  
Mawai

[**Sec. 7936D.**] Section 5. **County of Kauai pensions.** The following persons shall be granted pensions by the county of Kauai, pursuant to section 1 of this Act, to-wit:

Kua, Maemae  
Medeiros, Antone Sr.

[**Sec. 7936E.**] Section 6. [**Authority of treasurer to pay upon warrants of auditor certain pensions.**] The treasurer of the Territory is authorized and directed to pay each month during the period commencing with the first day of July, 1935, and ending on the thirtieth day of June, 1937 (subject to the provisions of said sections 7915 to 7917 of said Revised Laws), upon warrants of the territorial auditor who is hereby authorized and directed to issue the same, a pension to, and in the amount hereinafter set forth opposite the name of, each of the following named persons, and sufficient amounts to cover said pensions are hereby appropriated out of the general fund of the Territory, to-wit:

Neilsen, Mrs. Annie K. A.....	\$50.00
Hengst, Brother Liborius.....	50.00
Taylor, Emma A.....	50.00
Hoa, Mrs. John.....	50.00
Desha, Mrs. S. L .....	50.00

[**Sec. 7936F.**] Section 7. [**Appropriation.**] There is hereby appropriated out of the general revenues of the Territory for the period commencing with the effective date of this Act and ending June 30, 1937, for expenses of the board of trustees of said retirement system in carrying out the provisions of this Act, the sum of five hundred dollars (\$500.00).

Section 8. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **H.B. 419, ACT 193.**

**CHAPTER 262. UTILITIES:  
RADIO INTERFERENCE,  
CONTROL AND REGULATION OF.**

**Series D-167.** An Act to Amend Chapter 262 of the Revised Laws of Hawaii 1935, Relating to Radio Interference, and to Impose a Specific Tax Upon Radio Receiving Sets for the Purpose of Providing Funds for the Purposes of Said Chapter.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Chapter 262 of the Revised Laws of Hawaii 1935 is hereby amended:

- (a) By deleting from the title thereof the word "utilities";
- (b) By deleting from **section 7970** thereof the words "public utilities" and inserting in lieu thereof the word "radio".

Section 2. Said chapter 262 is hereby further amended by deleting from **section 7971** thereof paragraph numbered 6.

Section 3. Said chapter 262 is hereby further amended by adding thereto a new section to be numbered 7971-A and to read as follows:

**"Sec. 7971-A. Access to private property for inspection.** Every member, every agent and every employee duly authorized for such purpose of the commission shall have the right at all reasonable hours to enter upon any premises in which there is located any apparatus coming within the purview of this chapter, and at any time during the operation thereof, for the purpose of inspecting the installation and the working of all such apparatus, whenever such member or such agent or such employee has reason to believe that the same is creating such radio interference as is intended to be regulated by this chapter. Any person refusing such admission shall be guilty of a misdemeanor."

Section 4. Said chapter 262 is hereby further amended by adding thereto a new section to be numbered 7973-A and to read as follows:

**"Sec. 7973-A. Certain machines not to be operated when.** It shall be unlawful, except as in this section provided, for any person to operate or cause to be operated any violet ray machine, machine using the Tesla coil or principle, X-ray machine, open or quenched spark machine, regenerative electrical machine of whatever type, or any electrical machine or device producing high-frequency oscillations, between the hours of 5 p. m. and 11 p. m., except in cases of emergency.

The commission shall have power, however, if it finds that such action may be taken without unreasonable interference with radio broadcast reception, by rule and regulation, to permit the limited use of any or all of such machines or devices during said hours, under such reasonable restrictions as shall insure a minimum of interference with radio broadcast reception."

Section 5. Said chapter 262 is hereby further amended by amending section 7974 thereof to read as follows:

**"Sec. 7974. Penalties.** Any person who violates any of the provisions of this chapter or any duly promulgated and valid rule or regulation of the commission shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or both; and any member, officer or agent of any firm or corporation who knowingly assists in or wilfully permits such violation shall also be punishable under this section."

Section 6. Said chapter 262 is hereby further amended by adding thereto a new section to be numbered 7975 and to read as follows:

**"Sec. 7975. [Radio commission.]** There is hereby created for the enforcement of this chapter a radio commission, consisting of seven members, who shall be appointed and may be removed by the governor in the manner provided by section 80 of the Organic Act. Four members shall be appointed from the city and county of Honolulu and one from each of the counties of Hawaii, Maui and Kauai. Of the members appointed from the city and county of Honolulu, one shall be a skilled radio technician, one an experienced electrician and one a physician duly licensed to practice medicine. One of the members appointed from the city and county of Honolulu shall be designated by the governor as chairman of the commission.

"The term of office of the members shall be four years; provided, that upon the first appointments, two members shall be appointed for a term ending December 31, 1935, two for a term ending December 31, 1936, two for a term ending December 31, 1937, and one for a term ending December 31, 1938. In case of a vacancy occurring through any cause other than the expiration of the term of office, such vacancy shall be filled by the appointment of a succeeding member for the remainder of the term for which his predecessor was appointed.

"The members shall receive one hundred dollars per year for their services, together with their actual and necessary traveling expenses. All expenditures authorized by the com-

mission shall be paid out of the radio commission special fund, hereinafter mentioned.

“Four members of the commission shall constitute a quorum for the exercise of the powers or authority conferred upon it, but the concurrence of at least four members shall be necessary to make any action of the commission valid.”

Section 7. Said chapter 262 is hereby further amended by adding thereto a new section to be numbered 7976 and to read as follows:

**“Sec. 7976. Radio tax; special fund.** All radio receiving sets, except those in stock for sale by dealers, owned on the first day of each year, beginning with January 1, 1936, shall be subject to an annual tax of fifty cents, to be paid by the owner thereof to the tax collector of the taxation division where such radio receiving set is located, by January 31, of each year. Such tax shall be in lieu of any personal property tax which might otherwise be assessable upon such radio receiving sets; provided, that nothing in this section contained shall be construed to exempt radio receiving sets held in stock for sale by dealers from any personal property tax assessable thereon as merchandise.

“Upon receipt of the tax, the tax collector shall assign a number to each radio receiving set and register the same in the name of the owner and shall furnish such owner with a tag with the number and year marked thereon, which tag the owner shall attach to such radio receiving set.

“Each tax collector shall, on or before February 15 of each year, deposit with the territorial treasurer all moneys collected by him on account of such taxes and shall at the same time forward to the commission a complete list of all such collections, together with the names and addresses of all persons paying such taxes and the make and type of radio receiving sets on which such taxes were paid. Eighty-five per centum of the moneys so deposited shall be credited to the radio commission special fund and the balance shall be credited to the general fund. All moneys so credited to the radio commission special fund shall be deemed appropriated for the use of the commission.”

Section 8. Said chapter 262 is hereby further amended by adding thereto a new section to be numbered 7977 and to read as follows:

**“Sec. 7977. Appropriation; reimbursement.** There is hereby appropriated from the general fund the sum of seventy-five hundred dollars, to be credited to the radio commission special fund, which said sum shall be reimbursed to the general fund

from the moneys turned into said special fund during the calendar years 1936 and 1937 pursuant to the preceding section."

Section 9. This Act shall take effect on July 1, 1935.

(Approved May 17, 1935.) **S.B. 41, ACT 201.**

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## CHAPTER 262A. HUMANITARIAN RELIEF.

### HAWAII HOUSING AUTHORITY.

**Series D-168.** An Act Creating the Hawaii Housing Authority, Providing for Its Powers and Duties; Authorizing It to Engage in Slum Clearance or Projects to Provide Dwelling Accommodations for Persons of Low Income; Authorizing it to Acquire Property by Purchase, Gift or Eminent Domain; Authorizing It to Borrow Money, Issue Bonds and Other Obligations, and Give Security Therefor; Conferring Remedies on Obligees of the Authority; Providing that the Bonds of the Authority Shall Be Legal Investments; and Providing that the Authority, Its Projects and Securities Shall Be Tax Exempt.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[Sec. 7978.] Section 1. **Finding and declaration of necessity.** It is hereby declared that unsanitary or unsafe dwelling accommodations exist in various areas of the Territory of Hawaii and that many inhabitants thereof of low income are forced to reside in unsanitary or unsafe dwelling accommodations; that there is a lack of safe or sanitary dwelling accommodations available to all the inhabitants of the Territory and that consequently many persons of low income are forced to occupy overcrowded and congested dwelling accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the inhabitants of the Territory and impair economic values; that these conditions cannot be remedied by the ordinary operations of private enterprises; that the clearance, replanning and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired; that it is in the public interest that work on such projects be instituted

as soon as possible in order to relieve unemployment which now constitutes an emergency; and the necessity in the public interest for the provisions hereinbefore enacted, is hereby declared as a matter of legislative determination.

[**Sec. 7978A.**] **Section 2. Creation.** An authority to be known as the Hawaii Housing Authority is hereby created. Such authority shall be a public body and a body corporate and politic with perpetual existence, and shall consist of five commissioners who shall be appointed by the governor of the Territory by and with the consent of the Senate of the Territory of Hawaii. The governor shall also designate the first chairman. Not more than three of the commissioners shall be members of the same political party.

The commissioners who are first appointed shall be designated by the governor to serve for terms of one, two, three, four and five years respectively from the date of their appointment. Thereafter, the term of office shall be five years. A commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. Three commissioners shall constitute a quorum. The governor shall file with the secretary of the Territory a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.

When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. The authority shall select from among its members a vice-chairman, and it may employ an executive secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. The authority may call upon the attorney general of the Territory for such legal services as it may require or it may employ its own counsel and legal staff. The authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

[**Sec. 7978B.**] **Section 3. Definitions.** The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" or "housing authority" shall mean the Hawaii Housing Authority created by this Act.

(2) "Territory" shall mean the Territory of Hawaii.

(3) "Governor" and "Secretary" shall mean the governor, secretary, respectively, of the Territory.

(4) "Political subdivisions" shall mean the counties and city and county.

(5) "Commissioner" shall mean one of the members of the authority appointed in accordance with the provisions of this Act.

(6) "Government" shall include the Territory and the United States of America and any political subdivision, agency or instrumentality, corporate or otherwise, of either of them.

(7) "Federal Government" shall include the United States of America, the federal emergency administration of public works or any agency, instrumentality, corporate or otherwise, of the United States of America.

(8) "Housing project" shall include all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking (a) to demolish, clear, remove, alter or repair unsanitary or unsafe housing, or (b) to provide safe and sanitary dwelling accommodations for persons of low income, or (c) to do both. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

(9) "Community facilities" shall include real and personal property, and buildings, equipment, lands and grounds for recreational or social assemblies, for educational, health or welfare purposes and necessary or convenient utilities, when designed primarily for the benefit and use of the housing authority or the occupants of the dwelling accommodations.

(10) "Bonds" shall mean any bonds, interim certificates, notes, debentures, or other evidences of indebtedness of the authority issued pursuant to this Act.

(11) "Contract" shall mean any agreement of an authority with an obligee or a trustee for such obligee whether contained in a resolution, trust indenture, mortgage, lease, bond or other instrument.

(12) "Real property" shall include lands, lands under water, structures and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(13) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, any lessor

demising property to the authority used in connection with a housing project or any assignee or assignees of such lessor's interest or any part thereof, and the United States of America, when it is a party to any contract with the authority.

[**Sec. 7978C.]** Section 4. **Duty of the authority and commissioners of the authority.** The authority and its commissioners shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this Act and the laws of the Territory and in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed.

[**Sec. 7978D.]** Section 5. **Interested commissioners or employees.** No commissioners or employee of the authority shall acquire any interest, direct or indirect, in any housing project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract, for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of the authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any housing project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure to so disclose such interest shall constitute misconduct in office.

[**Sec. 7978E.]** Section 6. **Removal of commissioners.** The governor may remove a commissioner for inefficiency or neglect of duty or misconduct in office, but only after the commissioner shall have been given a copy of the charges against him (which may be made by the governor) at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. Any obligee of the authority may file with the governor written charges that the authority is violating wilfully any law of the Territory or any term, provision or covenant in any contract to which the authority is a party. The governor shall give each of the commissioners a copy of such charges at least ten days prior to the hearing thereon and an opportunity to be heard in person or by counsel and shall within fifteen days after receipt of such charges remove any commissioners of the authority who shall have been found to have acquiesced in any such wilful violation.

A commissioner shall be deemed to have acquiesced in a wilful violation by the authority of a law of this Territory or of any term, provision or covenant contained in a contract to which the authority is a party, if, before a hearing is held on

the charges against him he shall not have filed a written statement with the authority of his objections to, or lack of participation in such violation.

In the event of the removal of any commissioner, the governor shall file in the office of the secretary a record of the proceedings together with the charges made against the commissioners and the findings thereon.

[Sec. 7978F.] **Section 7. Powers of authority.** The authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

To sue and be sued; to have a seal and to alter the same at pleasure; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; to make and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this Act, to carry into effect the powers and purposes of the authority; and

To prepare, carry out and operate housing projects in the Territory; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to study and make recommendations concerning the plans of governments in relation to the problem of clearing, replanning and reconstruction of areas in which unsafe, or unsanitary dwelling or housing conditions exist, and the providing of dwelling accommodations for persons of low income, and to cooperate with any planning agency; to take over by purchase, lease or otherwise any housing project undertaken by any government; and

To lease or rent any of the dwellings or other accommodations or any of the lands, buildings, structures or facilities embraced in any housing project and to establish and revise the rents or charges therefor; to sell, exchange, transfer, assign or pledge any property, real or personal, or any interest therein to any person, firm, corporation or government; to enter upon any building or property in order to conduct investigations or to make surveys or soundings; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise, any property, real or personal or any interest therein from any person, firm, corporation or government; to own, hold, clear and improve property; to insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable; to procure insurance or guarantees from the federal government of the

payment of any debts or parts thereof secured by mortgages made or held by the authority on any property included in any housing project; and

To obtain the aid and cooperation of Governments in the planning, construction and operation of housing projects and to enter into such agreements and arrangements as it deems advisable to obtain such aid and cooperation; to arrange or enter into agreements with any Government for the acquisition by such Government of property, options or property rights or for the furnishing, installing, opening or closing of streets, roads, alleys, sidewalks or other places, or for the furnishing of property, services, parks, sewage, water and other facilities in connection with housing projects, or for the changing of the map of a political subdivision or the planning, replanning, zoning or rezoning of any part of a political subdivision; and

To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are out of the Territory or unable to attend before the authority, or excused from attendance; and to make available to such agencies, boards or commissions as are charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or unsanitary structures within its territorial limits, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare. Any of the investigations or examinations provided for in this Act may be conducted by the authority or by a committee appointed by it, consisting of one or more commissioners, or by counsel, or by an officer or employee specially authorized by the authority to conduct it. Any commissioner, counsel for the authority, or any person designated by it to conduct an investigation or examination shall have power to administer oaths, take affidavits and issue subpoenas or commissions.

The authority may exercise any or all of the powers herein conferred upon it, either generally or with respect to any specific housing project or projects, through or by an agent or agents which it may designate, including any corporation or corporations which are or shall be formed under the laws of this Territory, and for such purposes the authority may cause one or more corporations to be formed under the laws of this Territory or may acquire the capital stock of any corporation or corporations. Any corporate agent, all of the stock of which

shall be owned by the authority or its nominee or nominees, may to the extent permitted by law exercise any of the powers conferred upon the authority herein. The authority may invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control. In addition to all of the other powers herein conferred upon it, the authority may do all things necessary and convenient to carry out the powers expressly given in this Act. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to the authority unless the legislature shall specifically so state.

[Sec. 7978G.] **Section 8. Eminent domain.** The authority shall have the right to acquire by the exercise of the power of eminent domain any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this Act after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use. The authority may exercise the power of eminent domain granted by this section in the same manner and with the same procedure as is provided by Sections 50 to 68, both inclusive, of the Revised Laws of Hawaii 1935, and otherwise in accordance with all applicable provisions of the General Laws of the Territory.

The authority may acquire by the exercise of the power of eminent domain property already devoted to a public use, provided that no property belonging to any Government may be acquired without its consent, and that no property belonging to a public utility corporation may be acquired without the approval of the Public Utilities Commission.

[Sec. 7978H.] **Section 9. Acquisition of land for government.** The authority may acquire by purchase or by the exercise of its power of eminent domain as aforesaid, any real property, including fixtures and improvements, for any housing project being constructed or operated by a Government. The authority upon such terms, conditions, and consideration, as it shall determine, may convey title or deliver possession of such property so acquired or purchased to such government for use in connection with such housing project.

[Section 7978I.] **Section 10. Zoning and building laws.** All housing projects of authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations

applicable to the locality in which the housing project is situated.

[**Sec. 7978J.**] **Section 11. Bonds.** The authority may with the approval of the governor issue bonds from time to time in such amounts as it may deem advisable for any of its corporate purposes, provided that, except for issues of bonds to be sold in whole or in part to the Federal Government, no bonds shall be issued by the authority until such action is approved by the President of the United States. In the discretion of the authority, such bonds may be (a) issued on the credit of the authority and made payable out of its properties and revenues generally, with or without the pledge or mortgage or specific property or revenues, or (b) made payable only out of the properties and revenues specifically pledged or mortgaged for their payment. Neither the commissioners of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

[**Sec. 7978K.**] **Section 12. Territory and political subdivisions not liable on bonds.** The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be a debt of the Territory or of any political subdivisions and neither the Territory nor political subdivisions shall be liable thereon, nor in any event shall they be payable out of any funds or properties other than those of the authority. The bonds shall not be considered public indebtedness within the meaning of Section 55 of the Act of Congress, approved April 30, 1900, entitled: "An Act to provide a government for the Territory of Hawaii," nor shall such bonds constitute an indebtedness within the meaning of any other debt limitation or restriction. Bonds may be issued under this Act notwithstanding any debt or other limitation prescribed by any statute.

[**Sec. 7978L.**] **Section 13. Form and sale of bonds.** The bonds of the Authority shall be authorized by its resolution and shall be issued in one or more series and shall bear such date or dates, mature at such time or times, not exceeding 60 days from their respective dates, bear interest at such rate or rates, be in such denominations (which may be made interchangeable), be in such form, either coupon or registered, carry such registration privileges, be executed in such manner and by such persons, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or the mortgage of the authority may provide.

The bonds may be sold at public sale held after notice pub-

lished once at least ten days prior to such sale in a newspaper having a general circulation in the Territory, provided, however, that such bonds may be sold to the Federal Government at private sale without any public advertisement. The bonds may be sold at such price or prices as the authority shall determine provided that the bonds shall not be sold at less than par and accrued interest.

Pending the authorization, preparation, execution or delivery of definitive bonds, the authority may issue interim certificates, or other temporary obligations to the purchaser of such bonds. Such interim certificates, or other temporary obligations, shall be in such form, contain such terms, conditions and provisions, bear such date or dates, and evidence such agreements relating to their discharge or payment or the delivery of definitive bonds as the authority may by resolution or mortgage determine.

In case any of the officers whose signatures appear on any bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery.

The authority shall have power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest; provided, however, that bonds payable exclusively from the revenues of a designated project or projects shall be purchased only out of any such revenues available therefor. All bonds so purchased shall be cancelled. This paragraph shall not apply to the redemption of bonds.

Any provision of any law to the contrary notwithstanding, any bonds, interim certificates, or other obligations issued pursuant to this act shall be fully negotiable.

[Sec. 7978M.] Section 14. **Provisions of bonds and mortgages.** In connection with the issuance of bonds or the incurring of any obligation under a lease, and to secure the payment of such bonds or obligations, the authority in addition to its other powers may:

(a) Pledge all or any part of its rents, fees, or revenues to which its right then exists or may thereafter come into existence.

(b) Mortgage all or any part of its property, real or personal, then owned or thereafter acquired, including any of the public domain owned or acquired by it.

(c) Covenant against mortgaging all or any part of its property, real or personal, then owned or thereafter acquired, or against permitting or suffering any lien thereon.

(d) Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof.

(e) Covenant against pledging all or any part of its rents, fees and revenues to which its right then exists or may thereafter come into existence, or against permitting or suffering any lien thereon.

(f) Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

(g) Covenant as to what other, or additional debts may be incurred by it.

(h) Provide for the replacement of lost, destroyed or mutilated bonds.

(i) Covenant that the authority warrants the title to the premises.

(j) Covenant as to the rents and fees to be charged, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

(k) Covenant as to the use of any or all of its property, real or personal.

(l) Create or authorize the creation of special funds segregating the proceeds of any loans or grants, the revenues of any project or projects, reserves for principal and interest on its bonds and for operating contingencies, and other reserves; and covenant as to the use and disposal of the monies held in such funds.

(m) Redeem the bonds, and covenant for their redemption, and provide the terms and conditions thereof.

(n) Covenant against extending the time for the payment of its bonds or interest thereon.

(o) Prescribe the procedure, if any, by which the terms of any contract with bond holders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given.

(p) Covenant as to the maintenance of its property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys.

(q) Vest in an obligee, in the event of a default by the authority, the right to cure any such default and to advance any monies necessary for such purpose, and covenant that the monies so advanced be an additional obligation of such authority with such interest, security and priority as may be provided in any mortgage, lease or contract.

(r) Covenant and prescribe as to the events of default and

terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(s) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation.

(t) Covenant to surrender possession of a project or projects or parts thereof upon the happening of an event of default; and vest in an obligee the right, upon such default and without judicial proceedings, to take possession and use, operate, manage and control such projects or any parts thereof, and to collect and receive rents, fees and revenues arising therefrom in the same manner as such authority itself might do, and to dispose of the moneys collected in accordance with the agreement of such obligee with the authority.

(u) Vest in a trustee or trustees the right to enforce any covenant to secure, or pay the bonds, or otherwise relating to such bonds; provide for the powers and duties of such trustee or trustees, limit the liabilities thereof, and provide the terms and conditions upon which the trustee or trustees, or the holders of bonds, or any proportion of them may enforce any such covenant.

(v) Vest in a Government or in a trustee the right, upon the happening of an event of default, to foreclose the mortgage securing any bonds held by such Government, through judicial proceedings or through the exercise of a power of sale without judicial proceedings.

(w) Vest in other obligees the right, upon the happening of an event of default, to foreclose any mortgage through judicial proceedings.

(x) Vest in any obligee, the right to foreclose any such mortgage as to all or such part or parts of the property covered thereby as such obligee shall elect; the institution, prosecution and conclusion of any such foreclosure proceedings or the sale of any such parts of the mortgaged property shall not affect in any manner or to any extent the lien of the mortgage on the parts of the mortgaged property not included in such proceedings or not sold as aforesaid.

(y) Make covenants other than, and in addition to, the covenants herein expressly authorized, of like or different character; and execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, which may contain such covenants and provisions, in addition to those above specified,

as the government or any purchaser of the bonds of an authority may require.

(z) Make such covenants and do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of an authority tend to make the bonds more marketable; notwithstanding that such covenants, acts or things may not be enumerated herein.

[**Sec. 7978N.**] Section 15. **Remedies of an obligee of authority.** An obligee of the authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractual restrictions binding upon such obligee, and subject to the prior and superior rights of others:

(a) By mandamus, suit, action or proceeding in law or equity to compel the authority, and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the authority, and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this Act.

(b) By suit, action or proceeding in equity to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority.

(c) By suit, action or proceeding in any court of competent jurisdiction to cause possession of any housing project or any part thereof to be surrendered to any obligee having the right to such possession pursuant to any contract of the authority.

(d) By suit, action or proceeding in any court of competent jurisdiction, upon the happening of an event of default (as defined in a contract of the authority), to obtain the appointment of a receiver of any housing project of the authority or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such housing project or any part or parts thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom in the same manner as the authority itself might do and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct.

(e) By suit, action or proceeding in any court of competent jurisdiction to require the authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

[**Sec. 7978O.**] Section 16. **Subordination of mortgage to agreement with government.** The authority may agree in any

mortgage made by it that such mortgage shall be subordinate to a contract for the supervision by a Government of the operation and maintenance of the mortgaged property and the construction of improvements thereon; in such event, any purchaser or purchasers at a sale of the property of the authority pursuant to a foreclosure of such mortgage or any other remedy in connection therewith shall obtain title subject to such contract.

[**Sec. 7978P.**] **Section 17. Contracts with Federal Government.** In addition to the powers conferred upon the authority by other provisions of this Act, the authority is empowered to borrow money or accept grants from the Federal Government for or in aid of any housing project which such authority is authorized to undertake, to take over any land acquired by the Federal Government for the construction or operation of a housing project, to take over or lease or manage any housing project constructed or owned by the Federal Government, and to these ends, to enter into such contracts, mortgages, leases or other agreements as the Federal Government may require including agreements that the Federal Government shall have the right to supervise and approve the construction, maintenance and operation of such housing project. It is the purpose and intent of this Act to authorize the authority to do any and all things necessary to secure the financial aid and the cooperation of the Federal Government in the undertaking, construction, maintenance and operation of any housing project which the authority is empowered to undertake.

[**Sec. 7978Q.**] **Section 18. Security for funds deposited by authorities.** The authority may by resolution provide that all moneys deposited by it shall be secured (1) by any securities by which funds deposited by the Treasurer of the Territory may be legally secured as provided in Section 2252 of the Revised Laws of Hawaii 1935, and any amendments thereto, or (2) by an undertaking with such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon, and all banks and trust companies are authorized to give any such security for such deposits.

[**Sec. 7978R.**] **Section 19. Bonds legal investments.** All public officers and bodies of the Territory, all political subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, all executors, administrators, guardians, trustees, and all other fiduciaries in the territory may legally invest funds within their control in bonds of the authority when they are

secured by a pledge of the revenues of, or a first mortgage lien on, property, and when such pledge or lien does not secure outstanding bonds in excess of sixty-six and two-thirds per centum of the value of such property.

[**Sec. 7978S.**] **Section 20. Taxation and exemptions.** The authority shall annually pay to the tax commissioner of the Territory, as real property taxes, and at the times and in the manner by law specified as to other real property taxes, the amount which was last levied as the annual tax upon the property of the authority prior to the time of its acquisition by the authority. The authority shall be exempt from any and all other territorial taxes of whatsoever nature. Bonds, notes, debentures and other evidences of indebtedness of an authority are declared to be issued for a public purpose and to be public instrumentalities and, together with interest thereon, shall be exempt from taxes.

[**Sec. 7978T.**] **Section 21. Reports.** The authority shall at least once a year file with the Governor a report of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this Act.

[**Sec. 7978U.**] **Section 22. Separability clause.** If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

[**Section 7978V.**] **Section 23. Effective date.** This Act shall take effect immediately upon the enactment of legislation by the Congress of the United States enabling the Legislature of the Territory of Hawaii to authorize the issuance of bonds of such character and in such manner as is provided in this Act.

(Approved May 15, 1935.) **H.B. 423, Act 190.**

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**CHAPTER 262B. HAWAII EQUAL  
RIGHTS COMMISSION.**

**Series D-169.** An Act Creating the Hawaii Equal Rights Commission, Prescribing Its Duties, and Providing an Appropriation Therefor.

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

[**Sec. 7979.]** Section 1. **Creation of commission.** There is hereby created a commission, to be known as the Hawaii Equal Rights Commission, to consist of the governor of the Territory, who shall be ex-officio chairman of said commission, and four other members, not more than two of whom shall be of the same political party, to be appointed and removable by the governor in the manner provided by section 80 of the Organic Act. Members of the legislature shall be eligible to appointment to said commission. Meetings of said commission shall be held at the call of the chairman. The members shall serve without pay, but shall receive their reasonable traveling and other necessary expenses.

[**Sec. 7979A.]** Section 2. **Powers and duties.** It shall be the duty of such commission to assemble, compile and in its discretion publish, data designed to: (a) support the rights of Hawaii to treatment by the federal government equal with the states; (b) prevent federal legislation discriminatory to Hawaii; and (c) assist in obtaining such amendments to the Organic Act as are requested by the legislature. The commission shall also make a thorough study of all aspects of statehood for Hawaii and the advisability of submitting the issue to plebiscite at some future date. The commission, or such members thereof as are designated by the chairman, shall also, upon request of the delegate to Congress, appear personally before Congressional committees on legislation affecting Hawaii. The commission shall have power to employ a secretary and such assistants as it deems necessary for the effectuation of its purposes, at such salaries as it may fix.

[**Sec. 7979B.]** Section 3. **Appropriation.** The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory for the purposes of this Act during the remainder of the current and the coming biennium, including the payment of the expenses of the commission and salaries of the secretary and such assistants as may be employed. All expenditures under this Act shall be paid upon vouchers approved by the chairman. The per diem or other expenses of the members

of the commission shall not be limited by the provisions of section 102 of the Revised Laws of Hawaii 1935.

Section 4. This Act shall take effect upon its approval.

(Approved May 20, 1935.) **S.B. 165, ACT 212.**

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## Title XXVII. BOND ACTS AND SINKING FUND.

### CHAPTER 265. REFUNDING BONDED INDEBTEDNESS.

**Series E-170.** An Act to Amend Section 8020 of the Revised Laws of Hawaii 1935, Relating to Refunding Bonds.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 8020 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 8020. Refunding bonds authorized.** For the purpose of refunding the present and future bonded indebtedness of the territory or any part or parts thereof, the treasurer is authorized and empowered, with the approval of the governor, to issue from time to time negotiable refunding bonds of the territory, in an amount or amounts not exceeding at par value the bonded indebtedness to be thereby refunded, the principal and interest of such refunding bonds to be paid dollar for dollar, in any coin or currency of the United States which at the time of payment is legal tender for public and private debts." [L. 1909, c. 78, pt. of s. 1; R. L. 1935, s. 8020; am. L. 1935, c. 80, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved May 4, 1935.) **H.B. 229, ACT 80.**

## **CHAPTER 266. SINKING FUNDS FOR REDEMPTION OF TERRITORIAL BONDS.**

### **MUNICIPAL PURPOSES.**

**Series E-171.** An Act Directing and Authorizing the Board of Supervisors of the County of Maui to Issue Bonds and to Secure Loans from the Federal Government for the Construction of a New Hospital Building at the Kula Sanitarium, Keokea, Maui, T. H.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 8035A.**] Section 1. [Kula sanitarium bonds; authority to issue and to enter negotiations with federal government.] The board of supervisors of the county of Maui is hereby directed, empowered and authorized to issue bonds pursuant to and in accordance with section 8041, Revised Laws of Hawaii 1935, in the sum of two hundred fifty thousand dollars (\$250,000.00), and to enter into negotiations with the federal government for loans for the project herein contemplated, on such basis and on such terms as the federal government may specify. The payment of interest on, and the retirement of, such bonds shall be a first charge on the funds provided for by section 2910 of said Revised Laws.

[**Sec. 8035B.**] Section 2. [Purpose; new hospital building.] The moneys realized from such bond issue and loans shall be expended under the direction and control of the managing committee of the Kula sanitarium pursuant to section 2911 of said Revised Laws for the specific purpose of constructing a new hospital building at said Kula sanitarium, Keokea, Maui.

Section 3. This Act shall take effect from and after the date of its approval.

(Approved May 11, 1935.) **H.B. 239, ACT 139.**

**HONOLULU WATER WORKS.**

**Series E-172.** An Act to Amend Section 1 of Act 185, Session Laws of 1931, Relating to Authorization of an Additional Issue of Bonds to Provide for Additions to and Improvements of the Water System of the District of Honolulu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 1 of Act 185 of the Session Laws of 1931 is hereby amended to read as follows:

[Sec. 8036.] "Section 1. [Nuuanu reservoir, water system for Pacific Heights, Nuuanu filtration plant.] In addition to the bonds authorized to be issued under Section 2 of Act 150 of the Session Laws of 1925, as amended by Act 40, Session Laws of 1927, and Act 178 of the Session Laws of 1929, the treasurer of the city and county of Honolulu is hereby authorized and empowered to and shall, when so directed by the board of water supply of the city and county of Honolulu, issue bonds of the city and county of Honolulu, with interest coupons attached thereto, to an amount not to exceed eight hundred and fifty thousand dollars (\$850,000.00) of which not more than three hundred and fifty thousand dollars (\$350,000.00) shall be issued before July 1, 1932, the proceeds of which additional bonds shall be expended by said board of water supply for the following purposes in the following preferred order, viz: (1) the reconstruction of Reservoir No. 4 in Nuuanu Valley, two hundred and fifty thousand dollars (\$250,000.00), (2) the construction of a water system for Pacific Heights, one hundred thousand dollars (\$100,000.00), and (3) the construction of a ten million gallon daily filtration plant in Nuuanu Valley, five hundred thousand dollars (\$500,000.00), and in case the amount specified in any item in this section shall not be wholly required to complete the work on such item, the unrequired balance may, after the completion of said item, be expended for the work specified in any of the other items, and any unrequired balance remaining after the completion of all the items in this section may be expended for other necessary improvements in water projects, in such manner as the said board of water supply shall determine, as provided in section 9 of Act 96 of the Session Laws of 1929; it being expressly provided that the term "proceeds" as hereinbefore used shall include all premiums received on account of the sale of said bonds, any provisions of law to the contrary notwithstanding. The principal and interest of said bonds shall be payable in lawful money of the United States of America, of the present standard of weight and fineness, or its equivalent, in the manner and upon the terms in this Act provided; and, in addition to the provisions

hereof, the issuance of said bonds shall be governed by the provisions of the Act of Congress approved April 30, 1900, entitled: "An Act to provide a government for the Territory of Hawaii", and any amendments thereto in effect at the time said bonds are issued. No bonds shall be issued until after the issuance thereof shall have been first approved by the President of the United States, and such approval shall be conclusive proof that all requirements of law have been duly complied with, and that said bonds are, in all respects, valid and incontestable; provided, however, that the principal and interest of any bonds issued after March 15, 1935, shall be payable in legal tender of the United States."

[**Sec. 8036A.**] Section 2. [Bonds issued for Nuuanu filtration plant in emergency only.] The bonds referred to in item 3 of section 1 hereof, shall only be issued in the event of an emergency declared by the governor of the Territory of Hawaii.

Section 3. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **S.B. 93, ACT 179.**

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## **CHAPTER 267. MUNICIPAL AND COUNTY BONDS AND SINKING FUNDS, GENERAL.**

### **SINKING FUNDS.**

**Series E-173.** An Act to Amend Section 8063, Chapter 267 of the Revised Laws of Hawaii 1935, Relating to Sinking Fund.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 8063 of the Revised Laws of Hawaii 1935, is hereby amended to read as follows:

**"Sec. 8063. Sinking fund.** The treasurer of each county is authorized, empowered and required to establish as a special deposit in the treasury of the county a sinking fund, with which to pay any present or future bonded indebtedness of the county, exclusive, however, of serial bonds, the payment of which is spread equally over a period of years from a definite date after the date of issue of such bonds; and on the second interest paying date of any county bond issue, whether the same is a refunding bond issue or otherwise, and on the same date each year thereafter, until the maturity date, he shall transfer from the current receipts of the county provided by

law for such purpose or which may be set aside by the board of supervisors for such purpose and deposit to the credit of such sinking fund, such a sum of money that the aggregate of such sums of money so annually deposited with the interest thereon, will, compounded annually at the rate of two per centum, amount, at the expiration of the term for which such bonds are issued, to the full face value thereof.

Except as otherwise provided by law, the treasurer of each county shall also deposit to the credit of the sinking fund, immediately upon the receipt thereof, all premiums received on the sale of county bonds; provided, however, that such premiums on serial bonds shall, except as provided by Act 40, Session Laws, 1927, be credited to the interest fund from which the payment of interest on said bonds will be made.

Such sinking funds deposited as aforesaid shall be used for the redemption or purchase of any outstanding bonds of the county, and shall not be held exclusively for the redemption or payment of the bonds used as a basis for the annual deposits." [L. 1927, c. 192, s. 1; R. L. 1935, s. 8063; am. L. 1935, c. 53, s. 1.]

Section 2. This Act shall take effect upon its approval.

(Approved April 22, 1935.) **H.B. 318, ACT 53.**

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## **CHAPTER 267-A. THE REVENUE BOND ACT OF 1935.**

**Series E-174.** An Act Providing for the Acquisition, Purchase, Construction, Reconstruction, Improvement, Betterment, Extension, Operation, and Maintenance of Revenue-Producing Undertakings by Any Municipality or Other Political Subdivision in the Territory of Hawaii, Authorizing and Regulating the Issuance of Revenue Bonds for Financing Such Undertakings: And Providing for the Payment of Such Bonds and the Rights of Holders Thereof.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

[**Sec. 8066.**] Section 1. **Short title of Act.** This Act may be cited as "**The Revenue Bond Act of 1935**".

[**Sec. 8066A.**] Section 2. **Definitions.** Whenever used in this Act, unless a different meaning clearly appears from the context:

(a) The term "undertaking" shall mean any one or combination of two or more of the following: water, sewerage, gas or electric, heat, light or power works, plants and systems, to-

gether with all parts thereof and appurtenances thereto, including, but not limited to, supply and distribution systems, reservoirs, dams, sewage treatment and disposal works and generating plants.

(b) The term "municipality" shall embrace all political subdivisions now or hereafter created in the Territory of Hawaii, including every County, the City and County of Honolulu, the Board of Water Supply of the City and County of Honolulu, and the Board of Harbor Commissioners of the Territory of Hawaii.

(c) The term "government body" shall include councils, bodies and boards, by whatsoever names they may be known, having charge of the finances of a municipality.

[**Sec. 8066B.]** Section 3. **Declaration of policy.** It is hereby declared to be the policy of the Territory of Hawaii that any municipality acquiring, purchasing, constructing, reconstructing, improving, bettering or extending an undertaking pursuant to this Act, shall manage such undertaking in the most efficient manner consistent with sound economy and public advantage to the end that the services of the undertaking shall be furnished to consumers at the lowest possible cost. No municipality shall operate such undertaking for gain or profit or as a source of revenue to the municipality, but shall operate such undertaking for the use and benefit of the consumers served by such undertaking and for the promotion of the welfare and for the improvement of the health and safety of the inhabitants of the municipality.

[**Sec. 8066C.]** Section 4. **Additional powers of municipalities.** In addition to the powers which it may now have, any municipality shall have power under this Act: (a) to construct, acquire by gift, purchase, or the exercise of the right of eminent domain, reconstruct, improve, better or extend any undertaking, within or without the municipality, or partially within or partially without the municipality, and to acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith, (b) to operate and maintain any undertaking and furnish the services, facilities and commodities thereof for its own use and for the use of public and private consumers within or without the territorial boundaries of such municipality, (c) to issue its bonds to finance in whole or in part the cost of the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking, (d) to prescribe and collect rates, fees and charges for the services, facilities and commodities furnished by such undertaking, and (e) to pledge to the punctual payment of said bonds and interest thereon an

amount of the revenues of such undertaking (including improvement, betterments, or extensions thereto thereafter constructed or acquired) or of any part of such undertaking, sufficient to pay said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor. Such amount may consist of all or any part or portion of such revenue. The governing body of the municipality in determining such cost may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this Act.

[**Sec. 8066D.] Section 5. Authorization of undertaking; form and contents of bonds.**] The acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be authorized under this Act, and revenue bonds may be authorized to be issued under this Act by resolution or resolutions of the governing body of the municipality which may be adopted at the same meeting at which the same are introduced by a majority of all the members of the governing body of the municipality then in office and shall take effect immediately upon adoption. Said bonds shall bear interest at such rate or rates not exceeding six per centum per annum, payable semi-annually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding thirty years from their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolutions may provide. Said bonds shall be sold at not less than par and accrued interest. Said bonds may be sold at private sale to the United States of America, or any agency, instrumentality or corporation thereof. Unless sold to the United States of America or an agency, instrumentality or corporation thereof, said bonds shall be sold at public sale after notice of such sale published once at least five days prior to such sale in a newspaper circulating in the municipality and in a financial newspaper published in the City of New York, New York, or the City of Chicago, Illinois, or the City of San Francisco, California. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or pur-

chasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable within the meaning of and for all the purposes of the Negotiable Instruments Law, constituting Chapter 234 of the 1935 Revised Laws of Hawaii.

[**Sec. 8066E.]** **Section 6. Covenants in resolution authorizing issuance of bonds.** Any resolution or resolutions authorizing the issuance of bonds under this Act may contain covenants as to (a) the purpose or purposes to which the proceeds of sale of said bonds may be applied and the use and disposition thereof, (b) the use and disposition of the revenue of the undertaking for which said bonds are to be issued, including the creation and maintenance of reserves, (c) the transfer from the general funds of the municipality to the account or accounts of the undertaking an amount equal to the cost of furnishing such municipality or any of its departments, boards or agencies, at their request, with the services, facilities and commodities of said undertaking, (d) the issuance of other or additional bonds payable from the revenue of said undertaking, (e) the operation and maintenance of such undertaking, (f) the insurance to be carried thereon and the use and disposition of insurance moneys, (g) books of account and the inspection and audit thereof, and (h) the terms and conditions upon which the holders of said bonds or any proportion of them or any trustee therefor shall be entitled to the appointment of a receiver by any court of competent jurisdiction, which court shall have jurisdiction in such proceedings, and which receiver may enter and take possession of said undertaking, operate and maintain the same, prescribe rates, fees, or charges, and collect, receive and apply all revenue thereafter arising therefrom in the same manner as the municipality itself might do. The provisions of this Act and any such resolution or resolutions shall be a contract with the holder or holders of said bonds, and the duties of the municipality and of its governing body and officers under this Act and any such resolution or resolutions shall be enforceable by any bondholder, by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction.

[**Sec. 8066F.]** **Section 7. Validity of bonds.** Said bonds bearing the signature of officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers of the municipality issuing the same. The validity of said bonds shall not be dependent on nor af-

fected by the validity or regularity of any proceedings relating to the acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of the undertaking for which said bonds are issued. The resolution authorizing said bonds may provide that the bonds shall contain a recital that they are issued pursuant to this Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

[Sec. 8066G.] **Section 8. Lien of bonds.** All bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims or obligations, have a prior and paramount lien on the revenue of the undertaking, for which said bonds have been issued, over and ahead of all bonds of any issue payable from said revenue which may be subsequently issued and over and ahead of any claims or obligations of any nature against said revenue subsequently arising or subsequently incurred. All bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, of sale, of execution, or of delivery, by a lien on said revenue in accordance with the provisions of this Act and the resolution or resolutions authorizing said bonds.

[Sec. 8066H.] **Section 9. Bonds not a general obligation of municipality.** No holder or holders of any bonds issued under this Act shall ever have the right to compel any exercise of taxing power of the municipality to pay said bonds or the interest thereon. Each bond issued under this Act shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the municipality within the meaning of any limitation of law.

[Sec. 8066I.] **Section 10. Undertakings to be self-supporting.** The governing body of a municipality issuing bonds pursuant to this Act shall prescribe and collect reasonable rates, fees or charges for the services, facilities and commodities of such undertaking, and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor.

[Sec. 8066J.] **Section 11. Use of revenue of undertaking.**

Any municipality issuing bonds pursuant to this Act for the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking shall have the right to appropriate, apply or expend the revenue of such undertaking for the following purposes: (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged for otherwise encumbered, including reserves therefor, (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor, (c) to pay and discharge notes, bonds or other obligations and interest thereon, not issued under this Act for the payment of which the revenue of such undertaking is or shall have been pledged, charged or encumbered, (d) to pay and discharge notes, bonds or other obligations and interest thereon, which do not constitute a lien, charge or encumbrance on the revenue of such undertaking, which shall have been issued for the purpose of financing the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of such undertaking, and (e) to provide a reserve for betterments to such undertaking. Unless and until adequate provision has been made for the foregoing purposes, no municipality shall have the right to transfer the revenue of such undertaking to its general funds.

[**Sec. 8066K.]** Section 12. **Undertaking and bonds exempt from taxation.** So long as a municipality shall own any undertaking the property and revenue of such undertaking shall be exempt from all state, county and municipal taxation. Bonds and the income therefrom issued pursuant to this Act shall be exempt from all state, county and municipal taxation except inheritance, transfer and estate taxes.

[**Sec. 8066L.]** Section 13. **Consent of another municipality.** No municipality shall construct an undertaking wholly or partly within the corporate limits of another municipality except with the consent of the governing body of such other municipality.

[**Sec. 8066M.]** Section 14. **Consent of state agencies.** It shall not be necessary for any municipality proceeding under this Act to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission or other like instrumentality of the Territory in order to acquire, construct, purchase, reconstruct, improve, better, extend, maintain and operate an undertaking, but the powers and duties of such bureau, board, commission or instrumentality shall continue as heretofore.

[**Sec. 8066N.]** Section 15. **Construction of Act.** The

powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other general, special or local law. The undertaking may be acquired, purchased, constructed, reconstructed, improved, bettered, and extended, and bonds may be issued under this Act for said purpose, notwithstanding that any general, special or local law may provide for the acquisition, purchase, construction, reconstruction, improvement, betterment, and extension of a like undertaking, or the issuance of bonds for like purposes, and without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law, including, but not limited to, any requirement for the approval by the voters of any municipality. In so far as the provisions of this Act are inconsistent with the provisions of any other general, special, or local law, the provisions of this Act shall be controlling.

[Sec. 8066O.] Section 16. **Excision of unconstitutional or ineffective parts of Act.** It is hereby declared that the sections, clauses, sentences and parts of this Act are severable, are not matters of mutual essential inducement, and any of them may be excised by any court of competent jurisdiction if this Act would otherwise be unconstitutional or ineffective; it is the intention hereof to confer upon every municipality the whole or any part of the powers in this Act provided for, and if any one or more sections, clauses, sentences and parts of this Act shall for any reason be questioned in any court of competent jurisdiction, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

[Sec. 8066P.] Section 17. **Termination of power to issue bonds.** Except in pursuance to any contract or agreement theretofore entered into by any municipality, no municipality shall borrow any money or deliver any bonds pursuant to this Act to the purchaser or purchasers thereof after June 30, 1937.

[Sec. 8066Q.] Section 18. **Effective date.** This Act shall take effect immediately upon the enactment of legislation by the Congress of the United States enabling the Legislature of the Territory of Hawaii to authorize the issuance of bonds of such character and in such manner as is provided in this Act.

## **CHAPTER 267-B. APPROPRIATIONS PART 1. GENERAL.**

**Series E-175.** An Act to Appropriation Money for the Purpose of Defraying the Expenses of the House of Representatives of the Eighteenth Legislature of the Territory of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There shall be and hereby is appropriated the sum of sixty thousand dollars (\$60,000.00) from the public treasury for the purpose of defraying the expenses of the House of Representatives of the Eighteenth Legislature of the Territory of Hawaii for the period commencing February 20, 1935, and ending November 3, 1936.

Section 2. This Act shall take effect from and after the date of its approval.

(Approved February 27, 1935.) **H.B. 1, ACT 2.**

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**Series E-176.** An Act to Appropriation Money for the Purpose of Defraying the Expenses of the Senate of the Eighteenth Legislature of the Territory of Hawaii for the Period Commencing February 20, 1935, and Ending November 3, 1936.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There shall be and hereby is appropriated the sum of fifty thousand dollars (\$50,000.00) from the public treasury for the purpose of defraying the expenses of the Senate of the Eighteenth Legislature of the Territory of Hawaii for the period commencing February 20, 1935, and ending November 3, 1936.

Section 2. This Act shall take effect from and after the date of its approval.

(Approved February 27, 1935.) **S.B. 1, ACT 3.**

**GENERAL APPROPRIATION ACT FOR 1933-1935, AUGMENTED.**

**Series E-177.** An Act Appropriating the Sum of Ninety-nine Thousand Dollars (\$99,000.00) to Augment Act 188, Session Laws 1933, the General Appropriation Act for the 1933-1935 Biennium.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of ninety-nine thousand dollars (\$99,000.00) is hereby appropriated out of the general fund of the Territory to augment appropriations provided for in the General Appropriation Act, Session Laws 1933, to be allocated as follows:

1. Maintenance and Additions, Landings, Wharves, and pipe lines, and other property under the control of the board of harbor commissioners .....	\$30,000.00
2. Structures, Additions, Maintenance, Repairs to and tearing down or removal of government property (including armories and war memorials) and improvements to grounds..	10,000.00
3. Boards of Review (tax appeal court).....	5,000.00
4. Survey department and commissioner of public lands .....	7,600.00
5. Division of animal industry (refunds, awards and indemnities) .....	1,500.00
6. Plague campaign .....	6,500.00
7. Bureau of communicable diseases.....	1,500.00
8. Kalaupapa settlement and Kalihi hospital..	12,900.00
9. Governor's contingent fund.....	20,000.00
10. Governor's contingent fund for temporary assistants .....	2,000.00
11. Expenses of elections.....	2,000.00
Total.....	\$99,000.00

Section 2. This Act shall take effect upon its approval.

(Approved March 29, 1935.) **H.B. 191, Act 12.**

**GENERAL APPROPRIATION ACT FOR 1935-1937.**

**Series E-178.** An Act Making Appropriations Out of the General Revenues for the Biennial Period Ending June 30, 1937.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That the following sums, or so much thereof as may be necessary, respectively, are hereby appropriated for the objects and purposes hereinafter specified for the biennial period ending June 30, 1937, out of moneys in the treasury received from general revenues:

**GENERAL GOVERNMENT**

Publication Session Laws of Hawaii..		\$8,500.00
A. Personal Services .....	\$1,000.00	
B. Other Current Expenses.....	7,500.00	
Governor's Office and Washington Place .....		41,500.00
B. Other Current Expenses.....	41,500.00	
To be expended at the discretion of the Governor		
Auditor's Office .....		116,160.00
A. Personal Services .....	99,960.00	
Auditor .....	12,960.00	
Deputy Auditor ....	11,664.00	
Other Personal Services .....	75,336.00	
B. Other Current Expenses.....	15,000.00	
C. Equipment .....	1,200.00	
Treasurer's Office .....		56,680.00
A. Personal Services .....	47,680.00	
Treasurer .....	12,960.00	
Other Personal Services .....	34,720.00	
B. Other Current Expenses.....	8,000.00	
C. Equipment .....	1,000.00	
Taxation Maps Bureau.....		37,188.00
A. Personal Services .....	33,888.00	

B. Other Current Expenses.....	3,000.00	
C. Equipment .....	300.00	<hr/>
Tax Commissioner .....		523,242.00
A. Personal Services .....	425,392.00	
Tax Commissioner..	12,960.00	
Other Personal Serv-		
ices .....	412,432.00	<hr/>
B. Other Current Expenses.....	72,850.00	
Litigation Expenses .....	20,000.00	
C. Equipment .....	5,000.00	<hr/>
Boards of Review.....		25,000.00
B. Other Current Expenses.....	25,000.00	<hr/>
Bureau of the Budget.....		37,632.00
A. Personal Services .....	29,532.00	
Director .....	13,500.00	
Other Personal Serv-		
ices .....	16,032.00	<hr/>
B. Other Current Expenses.....	5,600.00	
Revolving Fund for Division of		
Supplies .....	2,500.00	<hr/>
Public Debt Service.....		2,150.00
B. Other Current Expenses.....	2,150.00	<hr/>
Attorney General's Office.....		68,968.00
A. Personal Services .....	55,968.00	
Attorney General...	16,800.00	
Other Personal Serv-		
ices .....	39,168.00	<hr/>
B. Other Current Expenses.....	10,000.00	
C. Equipment .....	3,000.00	<hr/>
Secretary of Hawaii.....		18,852.00
A. Personal Services .....	16,752.00	
B. Other Current Expenses.....	2,100.00	<hr/>
Public Archives .....		20,723.00
A. Personal Services .....	16,008.00	

B. Other Current Expenses.....	4,515.00	
C. Equipment .....	200.00	<hr/>
Expenses, Hawaiian Birth Registration		800.00
A. Personal Services .....	800.00	<hr/>
Supreme Court .....		64,814.00
A. Personal Services .....	21,864.00	
B. Other Current Expenses.....	36,950.00	
C. Equipment .....	6,000.00	<hr/>
(Members of the Legislature to be furnished with free copies of advanced sheets of all Supreme Court decisions.)		
District Court of Kalawao.....		1,446.00
A. Personal Services .....	1,296.00	
B. Other Current Expenses.....	150.00	<hr/>
Land Court .....		30,760.00
A. Personal Services .....	28,260.00	
B. Other Current Expenses.....	2,200.00	
C. Equipment .....	300.00	<hr/>
Expenses of Elections.....		23,500.00
A. Personal Services .....	18,100.00	
B. Other Current Expenses.....	5,400.00	<hr/>
Superintendent of Public Works.....		28,896.00
A. Personal Services .....	23,496.00	
Superintendent ....	12,960.00	
Other Personal Serv- ices, including the salary of the dep- uty superintendent	10,536.00	<hr/>
B. Other Current Expenses.....	5,400.00	<hr/>
Public Buildings and Grounds Service		93,356.00
A. Personal Services .....	76,356.00	
B. Other Current Expenses.....	13,500.00	
C. Equipment .....	3,500.00	<hr/>

Structures, Additions, Maintenance, Repairs to and Tearing Down or Removal of Government Property (including Airports, Armories, War Memorials) and Improve- ments to Grounds.....	64,870.00
<i>A.</i> Personal Services .....	15,720.00
<i>B.</i> Other Current Expenses.....	48,150.00
<i>C.</i> Equipment .....	1,000.00
 Motor Vehicles ....	 1,000.00
 <i>Total: General Government</i> .....	 \$1,265,037.00

#### PROTECTION TO PERSONS AND PROPERTY

National Guard .....	\$80,503.00
<i>A.</i> Personal Services .....	28,068.00
Adjutant General ..	9,720.00
Other Personal Serv- ices .....	18,348.00
<i>B.</i> Other Current Expenses.....	27,285.00
<i>C.</i> Equipment .....	6,450.00
Motor Vehicles ....	1,400.00
Other Equipment ..	5,050.00
 <i>E.</i> Structures and Permanent Im- provements to Land.....	18,700.00
 Improvements to Buildings .....	 16,200.00
Campsite, Maui Water System ...	2,500.00
 (At least \$50.00 per month for lighting, etc., for Hilo Armory.)	
 Deputy Bank Examiner.....	 63,834.00
<i>A.</i> Personal Services .....	54,984.00
<i>B.</i> Other Current Expenses.....	7,850.00
<i>C.</i> Equipment .....	1,000.00

Industrial Accident Board, Honolulu.		18,168.00
A. Personal Services .....	12,768.00	
B. Other Current Expenses.....	5,400.00	
Industrial Accident Board, Maui.....		5,200.00
A. Personal Services .....	3,800.00	
B. Other Current Expenses.....	1,300.00	
C. Equipment .....	100.00	
Industrial Accident Board, Hawaii....		3,583.00
A. Personal Services .....	2,908.00	
B. Other Current Expenses.....	575.00	
C. Equipment .....	100.00	
Industrial Accident Board, Kauai....		1,240.00
A. Personal Services .....	1,080.00	
B. Other Current Expenses.....	160.00	
Bureau of Conveyances.....		100,830.00
A. Personal Services .....	87,768.00	
B. Other Current Expenses.....	11,871.00	
C. Equipment .....	1,191.00	
Office of the Commissioner of Public Lands and Survey Department..		180,400.00
A. Personal Services .....	146,200.00	
Commissioner of Public Lands and Surveyor .....	12,960.00	
Other Personal Serv- ices .....	133,240.00	
B. Other Current Expenses.....	29,500.00	
C. Equipment .....	4,700.00	
Motor Vehicles ....	3,500.00	
Other Equipment ..	1,200.00	
Total: Protection to Persons and Property.....	\$458,958.00	[Sic]

## CONSERVATION OF HEALTH AND SANITATION

General Administration — Board of Health .....		54,068.00
A. Personal Services .....	46,968.00	
President .....	12,960.00	
Other Personal Services .....	34,008.00	
B. Other Current Expenses.....	6,800.00	
C. Equipment .....	300.00	
Bureau of Vital Statistics.....		24,094.00
A. Personal Services .....	18,744.00	
B. Other Current Expenses.....	5,000.00	
C. Equipment .....	350.00	
Bureau of Public Health Nursing.....		210,872.00
A. Personal Services .....	148,128.00	
B. Other Current Expenses.....	35,472.00	
C. Equipment .....	27,272.00	
Motor Vehicles ....	24,540.00	
Other Equipment ..	2,732.00	
Tuberculosis: Private Hospitals.....		454,000.00
F. Grants, Subsidies and Contributions .....	454,000.00	
Leahi Home .....	172,000.00	
Kula Sanitarium ...	96,000.00	
S a m u e l Mahelona		
Memorial Hospital	66,000.00	
Puumaile Home ...	120,000.00	
Tuberculosis Bureau .....		24,392.00
A. Personal Services .....	14,592.00	
B. Other Current Expenses.....	9,100.00	
C. Equipment .....	700.00	
Plague Campaign .....		85,584.00
A. Personal Services .....	58,572.00	
B. Other Current Expenses.....	24,000.00	
C. Equipment .....	2,662.00	
Motor Vehicles ....	2,337.00	
Other Equipment ..	325.00	

<i>E.</i> Structures and Permanent Improvements to Land.....	350.00	
Buildings .....	350.00	
Bureau of Communicable Diseases...		55,985.00
<i>A.</i> Personal Services .....	33,552.00	
<i>B.</i> Other Current Expenses.....	20,000.00	
<i>C.</i> Equipment .....	2,433.00	
Motor Vehicles ....	1,558.00	
Other Equipment ..	875.00	
Board of Hospitals and Settlement:		
General Administration .....		48,813.00
<i>A.</i> Personal Services .....	45,096.00	
<i>B.</i> Other Current Expenses.....	3,627.00	
<i>C.</i> Equipment .....	90.00	
Kalaupapa Settlement .....		504,583.00
<i>A.</i> Personal Services .....	148,808.00	
<i>B.</i> Other Current Expenses.....	318,375.00	
<i>C.</i> Equipment .....	9,200.00	
Motor Vehicles ....	1,700.00	
Other Equipment ..	7,500.00	
<i>E.</i> Structures and Permanent Improvements to Land.....	14,400.00	
Highways and Trails	6,000.00	
Repairs to Buildings	6,000.00	
Repairs to Kalawao Catholic Chapel and Maintenance.	2,400.00	
<i>F.</i> Fixed Charges .....	13,800.00	
Contributions to In- mates .....	13,800.00	
Kalihia Hospital .....		168,954.00
<i>A.</i> Personal Services .....	63,754.00	
<i>B.</i> Other Current Expenses.....	92,500.00	
<i>C.</i> Equipment .....	10,500.00	
Motor Vehicles ....	900.00	
Other Equipment ..	9,600.00	

F. Fixed Charges .....	2,200.00	
Contributions to In-mates .....	2,200.00	
Parole and Suspect Expense.....		17,056.00
A. Personal Services .....	8,256.00	
B. Other Current Expenses.....	8,700.00	
C. Equipment .....	100.00	
Vineyard Street Office.....		11,177.00
A. Personal Services .....	8,136.00	
B. Other Current Expenses.....	2,941.00	
C. Equipment .....	100.00	
Welfare Expense .....		10,474.00
A. Personal Services .....	8,724.00	
B. Other Current Expenses.....	1,660.00	
C. Equipment .....	90.00	
Kalaupapa Store .....		10,000.00
B. Other Current Expenses.....	10,000.00	
Bureau of Maternal and Infant Hygiene .....		13,582.00
A. Personal Services .....	7,032.00	
B. Other Current Expenses.....	6,550.00	
Boards of Examiners.....		562.00
A. Personal Services .....	216.00	
B. Other Current Expenses.....	346.00	
Bureau of Sanitation.....		133,990.00
A. Personal Services .....	110,700.00	
B. Other Current Expenses.....	18,838.00	
C. Equipment .....	4,452.00	
Motor Vehicles ....	3,987.00	
Other Equipment ..	465.00	
Bureau Pure Food and Drugs.....		15,513.00
A. Personal Services .....	14,256.00	
B. Other Current Expenses.....	1,122.00	
C. Equipment .....	135.00	

Government Physicians .....	73,980.00
A. Personal Services .....	73,980.00
<i>Total: Conservation of Health and Sanitation...</i>	<i>\$1,917,679.00</i>

**DEVELOPMENT AND CONSERVATION OF  
NATURAL RESOURCES**

Board of Administration—	
Board of Agriculture and Forestry...	27,092.00
A. Personal Services .....	18,552.00
B. Other Current Expenses.....	8,040.00
C. Equipment .....	500.00
Division of Animal Industry.....	101,122.00
A. Personal Services .....	75,312.00
B. Other Current Expenses.....	12,910.00
C. Equipment .....	2,900.00
Motor Vehicles ....	2,400.00
Other Equipment ..	500.00
G. Capital Outlays for Rights and Obligations .....	10,000.00
Refunds, A w a r d s and Indemnities .	10,000.00
Division of Entomology.....	80,208.00
A. Personal Services .....	67,608.00
B. Other Current Expenses.....	11,850.00
C. Equipment .....	750.00
(Termite Inspectors shall con- duct apiary and foul brood in- spections.)	
Division of Forestry.....	110,052.00
A. Personal Services .....	84,756.00
B. Other Current Expenses.....	16,500.00
C. Equipment .....	8,796.00
Motor Vehicles ....	8,096.00
Other Equipment ..	700.00
Division of Fish and Game.....	43,970.00
A. Personal Services .....	32,400.00

B. Other Current Expenses.....	11,070.00
C. Equipment .....	500.00
Division of Hydrography.....	56,600.00
A. Personal Services .....	16,152.00
B. Other Current Expenses.....	4,000.00
C. Equipment .....	411.00
G. Capital Outlays for Rights and Obligations .....	36,037.00
Refunds, A wards and Indemnities..	36,037.00
Total: Development and Conservation of Natural Resources .....	\$419,044.00

## CHARITIES, HOSPITALS AND CORRECTIONS

Lunalilo Home .....	24,000.00
F. Fixed Charges .....	24,000.00
Contributions for support of .....	24,000.00
Kalihi Boys' and Kapiolani Girls' Homes .....	67,196.00
A. Personal Services .....	29,652.00
B. Other Current Expenses.....	36,544.00
C. Equipment .....	1,000.00

Expenditures herefrom may  
be made up to, but not exceeding,  
\$15.00 per month per  
child for the complete main-  
tenance of wards of such in-  
stitutions in private homes.

Territorial Hospital .....	671,946.00
A. Personal Services .....	390,504.00
B. Other Current Expenses.....	247,165.00
C. Equipment .....	19,027.00
Motor Vehicles ....	5,000.00
Other Equipment ..	14,027.00

<i>E.</i> Structures and Permanent Improvements to Land.....	15,250.00
Buildings .....	5,000.00
Highways and Trails .....	8,750.00
I m p r o v e m e n t s to Land .....	1,500.00
	_____
Waimano Home .....	283,846.00
<i>A.</i> Personal Services .....	106,764.00
<i>B.</i> Other Current Expenses.....	136,592.00
<i>C.</i> Equipment .....	34,490.00
Motor Vehicles ....	2,990.00
Other Equipment ..	31,500.00
	_____
<i>E.</i> Structures and Permanent Improvements to Land.....	6,000.00
	_____
Water Works .....	6,000.00
	_____
General Office—Board of Prison Directors .....	40,634.00
<i>A.</i> Personal Services .....	33,624.00
<i>B.</i> Other Current Expenses.....	6,810.00
<i>C.</i> Equipment .....	200.00
	_____
Oahu Prison .....	380,422.00
<i>A.</i> Personal Services .....	206,572.00
<i>B.</i> Other Current Expenses.....	166,350.00
<i>C.</i> Equipment .....	7,500.00
	_____
Motor Vehicles ....	2,500.00
Other Equipment ..	5,000.00
	_____
Prisoners' Compensation .....	15,000.00
<i>A.</i> Personal Services .....	15,000.00
	_____
General Office—Board of Industrial Schools .....	6,048.00
<i>A.</i> Personal Services .....	4,968.00
<i>B.</i> Other Current Expenses.....	1,080.00
	_____
Kawaiola Training School for Girls..	102,695.00

A. Personal Services .....	59,976.00
Provided, that the dentist appointed under this item on a part time basis shall receive a salary of \$50.00 per month, and provided, further, that the person appointed as such dentist shall be the same person serving as dentist at the Territorial Hospital.	
Provided, also, that the physician appointed under this item on a part time basis shall receive a salary of \$90.00 per month, and provided, further, that the person appointed as such physician shall be the same person serving as territorial physician at Heeia-Waimanalo and/or city and county physician in the same general localities.	
B. Other Current Expenses.....	36,869.00
C. Equipment .....	2,350.00
Motor Vehicles ....	850.00
Other Equipment ..	1,500.00
E. Structures and Permanent Improvements to Lands.....	3,500.00
Highways and Trails	1,800.00
Water System .....	1,200.00
Other Improvements	500.00
Waiale Training School for Boys...	160,963.00
A. Personal Services .....	85,512.00
Provided, that the dentist appointed under this item on a part time basis shall receive a salary of \$50.00 per month, and provided, further, that the person appointed as such dentist shall be the same person serving as dentist at the Territorial Hospital.	

B. Other Current Expenses.....	73,951.00
C. Equipment .....	1,500.00
Conservation of Eyesight and for the Blind .....	20,000.00
To be expended by the Governor of Hawaii, provided, however, that no portion of this sum shall be expended by the Department of Public In- struction or the Board of Health.	
<i>Total: Charities, Hospitals and Corrections.....</i>	<i>\$1,772,750.00</i>
University of Hawaii.....	614,298.00
All functions expendable at the direction and under the supervi- sion of the Board of Regents of the University of Hawaii.	
Provided, however, that the amount of this appropriation necessary to match allotments made by the Federal Govern- ment for extension work shall be payable to the University of Ha- waii in total, by single warrant, or by several warrants, repre- senting periodical allotments.	
Provided, further, that disburse- ments matching Federal allot- ments may be regularly audited by the Federal Auditor and shall be subject to the same limitations as respects the character of ex- penditures of the Federal funds, which it offsets.	
Library of Hawaii.....	161,078.00
A. Personal Services .....	121,128.00
B. Other Current Expenses.....	19,750.00
C. Equipment .....	20,200.00
Motor Vehicles ....	1,200.00
Other Equipment ..	19,000.00

Maui County Free Library.....		49,286.00
A. Personal Services .....	24,456.00	
B. Other Current Expenses.....	8,055.00	
C. Equipment .....	6,775.00	
Molokai Library Building and Equipment .....	10,000.00	
		_____
Hilo Library .....		53,716.00
A. Personal Services .....	28,716.00	
B. Other Current Expenses.....	5,000.00	
C. Equipment .....	10,000.00	
Honokaa Library Building and Equipment .....	10,000.00	
		_____
Kauai Public Library Association, Ltd.		27,016.00
A. Personal Services .....	17,016.00	
B. Other Current Expenses.....	4,000.00	
C. Equipment .....	6,000.00	
		_____
<i>Total: Education .....</i>		\$905,394.00
		_____

#### MISCELLANEOUS

Veterans Hawaii Guard 1893-1898...		5,000.00
F. Fixed Charges .....	5,000.00	
		_____
Grants, Subsidies and Contributions	5,000.00	
		_____
Aiding Indigent Persons Released from Kalihi Hospital and Kalau- papa .....		3,500.00
F. Fixed Charges .....	3,500.00	
		_____
Grants, Subsidies and Contributions	3,500.00	
		_____
Relief of Persons Released from Kalihi Hospital and Kalau-papa..		3,500.00
F. Fixed Charges .....	3,500.00	
		_____
Grants, Subsidies and Contributions	3,500.00	
		_____

Expenses—Official Bonds .....	10,000.00
<i>B. Other Current Expenses.....</i>	<u>10,000.00</u>
Governor's Contingent Fund.....	50,000.00
<i>B. Other Current Expenses.....</i>	<u>50,000.00</u>

From which expenditures may be made only with the approval of the Governor and only for urgent needs for which no specific appropriation or an insufficient appropriation is made herein or otherwise, a detailed account of all of which expenditures shall be submitted to the next legislature, provided, however, that no expenditure shall be made out of this fund to increase any salary.

Governor's Contingent Fund for Temporary Assistants .....	10,000.00
<i>A. Personal Services .....</i>	<u>10,000.00</u>
<i>Total: Miscellaneous .....</i>	<u>\$82,000.00</u>

#### INTEREST

Interest on Funded Debt.....	\$2,838,697.50
<i>Total: Interest .....</i>	<u>\$2,838,697.50</u>

#### PUBLIC SERVICE ENTERPRISES

General Office—Board of Harbor Commissioners .....	16,685.00
<i>A. Personal Services .....</i>	11,940.00
<i>B. Other Current Expenses.....</i>	4,595.00
<i>C. Equipment .....</i>	150.00
Maintenance and Additions, Landings, Wharves and Pipelines, and other property under the control of the Board of Harbor Commissioners	171,654.00

A. Personal Services .....	139,154.00
B. Other Current Expenses.....	30,000.00
C. Equipment .....	2,500.00
Motor Vehicles ....	2,500.00
Harbor Masters and Pilots.....	93,505.00
A. Personal Services .....	66,060.00
B. Other Current Expenses.....	26,435.00
C. Equipment .....	1,010.00
Motor Vehicles ....	860.00
Other Equipment ..	150.00
Harbor Dredging—Kewalo Basin....	50,000.00
B. Other Current Expenses.....	50,000.00
Total: Public Service Enterprises.....	\$331,844.00

## GENERAL TRANSFERS

General Administration — Employees'	
Retirement System .....	37,428.00
A. Personal Services .....	33,228.00
B. Other Current Expenses.....	3,600.00
C. Equipment .....	600.00
Pension Accumulation Fund.....	222,022.87
F. Fixed Charges .....	222,022.87
Territorial Contribu- tion .....	222,022.87
Total: General Transfers.....	\$259,450.87
Hawaii Tourist Bureau.....	100,000.00
F. Contribution for support of Provided that this appropriation shall become available from time to time in fractional amounts equal to one-half the amount then received from in- dividuals and business organiza- tions within the Territory by said Hawaii Tourist Bureau; pro- vided, further, that said funds	

shall be expended exclusively for display advertising space, in metropolitan newspapers and national magazines of mainland United States and/or of Canada, and for broadcast over radio, and shall be placed through a Hawaiian advertising agency having recognized standing as of January 1, 1935, and shall be issued to said Hawaii Tourist Bureau by warrants of the Auditor of the Territory of Hawaii only when satisfactory evidence has been presented to the said Auditor that such an amount has been collected in cash and deposited in a bank to the credit of the Hawaii Tourist Bureau for this purpose; provided, further, that the sum of \$2,500.00 shall be paid to William Lai Tin for the purpose of assisting him in defraying the traveling expenses of the All Hawaii Baseball Team organized by him to tour the Mainland of the United States; provided, further, that not less than \$25,000.00 of the amount hereby appropriated shall be expended for radio broadcasting from within the Territory.

Pan-Pacific Union .....	5,000.00
F. Contribution for support of....	5,000.00
<i>Grand Total of Totals .....</i>	<i>\$10,355,854.37 [Sic]</i>

Section 2. Changes and transfers may be made by the head of a department or establishment with the approval of the governor, within the foregoing schedule of appropriations, for any organization unit of such department or establishment, as to "Personal Services", "Other Current Expenses", or "Equipment". Provided, however, that in cases where no appropriation is made for "Equipment" for such organization unit of a

department or establishment, the head of such department or establishment may, with the approval of the governor, create such appropriation by changes or transfers from "Personal Services" or "Other Current Expenses" or both. Provided further, that all savings in the salary schedule due to changes in personnel shall not be available for transfer.

Wherever provision is made in this Act for additional personnel, preference shall be given to qualified former employees of the Territory (whether formerly employed in the same department or not) who were dropped as a result of the 1932-1933 economy program.

Section 3. No officer or employee in the territorial service or in the service of any county or city and county in receipt of a salary, wage or other compensation or remuneration of \$100.00 or more per month shall receive any additional salary, wage or other compensation or remuneration out of any moneys herein appropriated unless otherwise specifically provided for herein.

No money appropriated by this Act shall be used to pay the compensation of any person employed to replace any employee employed in a position heretofore classified by the Governor under the authority of Act 188, Session Laws 1933, or hereafter classified under authority of law or in a regular position scheduled to the Legislature as a basis for personal services in the Governor's budget and who was employed on or after April 29, 1935, who has been dropped or dismissed from his position unless such employee shall be dropped or dismissed for such causes as will promote the efficiency of the Government service and for reasons given in writing, and unless the person removed shall have had notice of the same and of any charges preferred against him and be furnished with a copy thereof, and shall also have been allowed a reasonable time for personally answering the same in writing and presenting affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal.

Section 4. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid. If the application of any provision of this Act to any

person or circumstances is held invalid, the application of such provision to other persons or circumstances shall not be affected hereby.

Section 5. This Act shall take effect from and after July 1, 1935.

Approved this 11th day of May, A. D. 1935, including all items appropriating money therein except as hereinafter noted. My approval includes all items appropriating money for personal services except the second paragraph of Section 3 of this Bill, which paragraph begins with the words: "No money appropriated by this Act". This paragraph does not meet with my approval and same is hereby vetoed.

J. B. POINDEXTER,  
Governor of the Territory of Hawaii.

**H.B. 8, Act 142.**

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**SCHOOL BUDGET FOR 1935-1937.**

**Series E-179.** An Act to Fix the School Budgets for the Period Beginning July 1, 1935, and Ending June 30, 1937.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The school budget shall be as follows for the period beginning July 1, 1935, and ending June 30, 1937, and the sums hereinafter set forth are hereby appropriated out of the general revenues of the Territory for the following purposes, to-wit:

General Administration .....	\$97,900.00
A. Personal Services .....	\$66,900.00
Superintendent ...	\$12,960.00
Other Personal Services .....	<u>53,940.00</u>
B. Other Current Expenses.....	26,000.00
C. Equipment .....	5,000.00
Board of Examiners.....	800.00
A. Personal Services .....	50.00
B. Other Current Expenses.....	700.00
C. Equipment .....	50.00

Insurance .....		2,000.00
F. Fixed Charges .....	2,000.00	
Insurance and Bonds 2,000.00		
Field Expenses: General Items....		19,825.00
B. Other Current Expenses.....	18,325.00	
C. Equipment .....	1,500.00	
Field Expenses: Elementary Schools		75,960.00
B. Other Current Expenses.....	49,200.00	
C. Equipment .....	26,760.00	
Field Expenses: Intermediate Schools		39,500.00
B. Other Current Expenses.....	20,000.00	
C. Equipment .....	19,500.00	
Field Expenses: High Schools....		29,700.00
B. Other Current Expenses.....	14,200.00	
C. Equipment .....	15,500.00	
Territorial School for Deaf and Blind		113,794.00
A. Personal Services .....	56,554.00	
B. Other Current Expenses.....	29,240.00	
C. Equipment—General .....	2,000.00	
Special Equipment for Educa- tion of Deaf.....	14,000.00	
E. Structures and Permanent Im- provements to Land.....	12,000.00	
Buildings .....	12,000.00	
Division of Health Education.....		10,420.00
A. Personal Services .....	7,020.00	
B. Other Current Expenses.....	3,200.00	
C. Equipment .....	200.00	
Division of Dental Hygiene.....		92,876.00
A. Personal Services .....	81,676.00	
B. Other Current Expenses.....	9,900.00	
C. Equipment .....	1,300.00	
Division of Vocational Education...		12,300.00
B. Other Current Expenses.....	7,900.00	
C. Equipment .....	400.00	
F. Fixed Charges .....	4,000.00	

Contribution to Special Vocational al Fund .....	4,000.00	
Honolulu Vocational School.....		5,920.00
A. Personal Services .....	1,620.00	
B. Other Current Expenses.....	900.00	
E. Structures and Permanent Im- provements to Land.....	3,400.00	
Buildings .....	3,400.00	
Future Farmers of America.....		2,000.00
B. Other Current Expenses.....	2,000.00	
Books for Indigent Children.....		7,000.00
B. Other Current Expenses.....	7,000.00	
For the purchase by the Department of Public Instruction of necessary books or the payment of authorized book rentals, and for the payment of authorized school fees, for needy pupils registered in grades 1 to 9 inclusive, in the public schools, under such rules as may be prescribed by the department and in accordance with the provisions of Act 112 of the Session Laws of 1929.		
Lahainaluna Boarding School		
Department .....		24,000.00
Support of .....	24,000.00	
Teachers' Salaries .....		8,559,731.00
Elementary teachers .....	5,984,582.00	
High School teachers.....	982,587.00	
Vocational teachers .....	677,363.00	
Principals (16 assistants).....	375,085.00	
Supervisors .....	79,562.00	
Secretaries .....	95,256.00	
Substitutes and leaves of absence.	65,296.00	
For additional teachers.....	300,000.00	
Total .....		\$9,093,726.00

Section 2. Changes and transfers may be made by the head of the department, with the approval of the governor, within the foregoing schedule of appropriations, for any organization unit of such department as to "Personal Services", "Other Current Expenses", or "Equipment". Provided, however, that in cases where no appropriation is made for "Equipment" for such organization unit, the head of the department may, with the approval of the governor, create such appropriation by changes or transfers from "Personal Services" or "Other Current Expenses", or both, and, provided, further, that no changes shall be made with respect to "Personal Services" specifically named.

Wherever provision is made in this Act for additional personnel, preference shall be given to qualified former employees of the Territory (whether formerly employed in the same department or not) who were released as a result of the 1932-1933 economy program.

Section 3. This Act shall take effect on July 1, 1935.

(Approved May 1, 1935.) **H.B. 213, Act 76.**

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**PUBLIC UTILITIES COMMISSION FOR CURRENT AND  
SUCCEEDING BIENNIUM.**

**Series E-180.** An Act Appropriating Twenty-five Thousand Dollars (\$25,000.00) for the Expenses of the Public Utilities Commission for the Current and Succeeding Biennium, and Providing for the Reimbursement Thereof to the General Fund.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There is hereby appropriated from the general revenues of the Territory the sum of twenty-five thousand dollars (\$25,000.00) for the expenses of the public utilities commission in carrying on its work as required or authorized by law. Said sum shall be available for expenditure, during the remainder of the current and during the 1935-1937 biennium, in the same manner as other funds expendable by the commission, and shall be reimbursed by the commission to the general fund from such fees, if any, as are finally determined to be due the commission in the litigation now pending in the courts against Inter-Island Steam Navigation Company, Limited.

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1935.) **S.B. 140, Act 207.**

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**PERMANENT IMPROVEMENTS FOR KALAUPAPA, KALIHI HOSPITAL, KAPIOLANI GIRLS' HOME AND KALIHI BOYS' HOME.**

**Series E-181.** An Act Making an Appropriation for Certain Public Improvements for Institutions Under the Control of the Board of Hospitals and Settlement.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of one hundred thirty-five thousand dollars (\$135,000.00) is hereby appropriated out of the general revenues of the Territory for permanent improvements, including new buildings, additions, repairs and improvements to buildings and grounds, furnishings and equipment, for the following institutions under the control of the board of hospitals and settlement: the settlement at Kalaupapa, the Kalihi Hospital, the Kapiolani Girls' Home and the Kalihi Boys' Home.

Section 2. The board of hospitals and settlement, with the approval of the governor, shall allocate or reallocate from time to time to said institutions such proportion of said appropriation as they shall deem proper in view of the needs of such respective institutions.

All expenditures hereunder shall be upon vouchers approved by the chairman of the board; provided, however, that all contracts entered into for the construction, reconstruction or repair of any buildings, and/or improvements under this Act, shall be entered into on behalf of the Territory by the superintendent of public works, with the approval of the board, and that all payments made under or pursuant to any such contract shall be made upon vouchers approved jointly by the superintendent of public works and the chairman of the board, and provided further, that the provisions of Chapter 4 of the Revised Laws of Hawaii 1935, as amended, and/or any other law imposing restrictions upon the expenditures of public moneys by contract or otherwise shall be and are hereby declared inapplicable to expenditures to be made under this Act.

Section 3. This Act shall take effect upon its approval.

(Approved April 10, 1935.) **H.B. 179, Act 24.**

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**PUBLIC IMPROVEMENTS; BONDS AND FEDERAL FUNDS CONTEMPLATED.**

**Series E-182.** An Act to Provide for Public Improvements and for the Securing of Federal Funds for Expenditure

in Connection With Funds Hereby Appropriated for Such Improvements.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The following sums are hereby appropriated for the following purposes, out of any available and otherwise unappropriated moneys now or hereafter in the treasury of the Territory, or hereafter received by the treasurer of the Territory for or on account of loan funds, and bonds may be issued as provided by law (whenever the same may legally be issued hereafter, whether under existing law or under authorization by the Congress of the United States of America hereafter enacted) to the extent necessary to yield the amounts herein appropriated or so much thereof as may be found necessary:

TERRITORIAL IMPROVEMENTS:  
Wharf and Harbor Improvements.

(To be expended under the direction of the board of harbor commissioners.)

1.	Extensions and improvements to piers, Honolulu Harbor .....	\$300,000.00
2.	Improvements, Kawaihae .....	35,000.00
3.	Wharf, dredging and terminal improvements, Port Allen .....	350,000.00

Land, Structures and Highways.

(To be expended under the direction of the department of public works or the territorial highway department, as may be found appropriate or necessary.)

4.	Bridge, Ala Moana.....	275,000.00
5.	Territorial building for tax department, courts and other departments of the territorial government .....	100,000.00
6.	Boys' Industrial School, Waialei.....	235,000.00
7.	Girls' Industrial School, Kawaiiloa.....	35,000.00
8.	National Guard Armory, Wailuku.....	50,000.00
9.	Court House, Lihue.....	50,000.00
10.	National Guard Armory, Molokai.....	8,000.00
11.	National Guard Armory, Kauai.....	20,000.00
12.	Road, Waianae-Waialua via Kaena Point and other territorial highways.....	500,000.00
12-a.	Additional improvements to Lahaina sea wall	10,000.00
	(To be expended under the direction of the board of regents of the University of Hawaii.)	
13.	University auditorium and/or other buildings	300,000.00

Section 2. The following sums are also hereby appropriated for the following purposes out of any available moneys now in the treasury or hereafter received by the treasurer for or on account of loan funds, and bonds may be issued as provided by law (whenever the same may legally be issued hereafter, whether under existing law or under authorization by the Congress of the United States hereafter enacted) to the extent necessary to yield the amounts herein appropriated or so much thereof as may be found necessary:

CITY AND COUNTY OF HONOLULU.

14.	Flood Control .....	500,000.00
15.	Auditorium, Kawanakanakoa School.....	50,000.00
16.	Auditorium, Andrew Cox School.....	25,000.00
17.	Auditorium, Aliiolani School.....	30,000.00
18.	Water Development and Supply, Nanakuli..	100,000.00
19.	Park Improvements .....	300,000.00
19-a.	Assembly Hall, Jefferson School.....	15,000.00
20.	Roads and bridges (to be expended in conjunction with federal aid funds under the federal highway Act or any other Acts of said Congress making available federal funds for such purposes) .....	500,000.00

COUNTY OF HAWAII.

21.	Water Works System, City of Hilo.....	200,000.00
22.	Pahala school buildings.....	30,000.00
23.	Roads and bridges (to be expended in conjunction with federal aid funds under the federal highway Act or any other Acts of said Congress making available federal funds for such purposes) .....	200,000.00
23-a.	Road from the National Park Boundary to Honuapo .....	100,000.00
23-b.	Road from Mahukona to Kawaihae along the beach .....	100,000.00
23-c.	Road, Kailua to Keauhou Beach.....	15,000.00

COUNTY OF MAUI.

24.	School buildings .....	60,000.00
25.	Bridges on Molokai.....	30,000.00
26.	Roads and bridges (to be expended in conjunction with federal aid funds under the federal highway Act or any other Acts of said Congress making available federal funds for such purposes) .....	250,000.00

## COUNTY OF KAUAI.

27. School buildings .....	50,000.00
28. Roads and bridges (to be expended in conjunction with federal aid funds under the federal highway Act or any other Acts of said Congress making available federal funds for such purposes) .....	150,000.00

Except as otherwise in this Act provided, the sums appropriated by items 14 to 28, both inclusive, (except such of them as shall be required, under the Hawaii federal aid highway Act or under the federal highway Act or any other Act of said Congress or under any regulations or requirements of the federal government, to be expended by the territorial highway engineer or any other territorial officer, as a condition to securing federal aid) shall be expended by the boards of supervisors of the respective counties, in accordance with plans and specifications prepared by the respective engineers of such counties; provided:

(a) That in case the amount specified in any item of this section shall not be wholly required to complete the work on such item, the unrequired balance may, after completion of said work, or after it is definitely found by the territorial or county officer or officers in charge of the work authorized by said item that not more than a specified amount, less than the whole amount appropriated by said item, will be required to complete said work, be expended for the work specified in any of the other items for the same county, and any unrequired balance remaining after the completion of all the items for such county listed in this section shall be transferred to the permanent improvement fund of the same county.

(b) That no moneys shall be expended under any of said items 14 to 28 until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of the improvement authorized by said item shall first have been passed upon and approved by the superintendent of public works; and before giving such approval, the superintendent of public works shall inspect the locality in which the work is proposed to be done and shall familiarize himself with the local conditions affecting said proposed work.

(c) That the moneys appropriated by item 19 shall be expended by the park board of the city and county of Honolulu, unless it shall be required to be expended by any other county or territorial officer or officers in the event of the securing of federal funds in connection with any of the projects undertaken under said item and as a condition to securing such federal funds.

(d) That all school buildings erected under items 15, 16, 17, 19-a, 22, 24 and 27 shall be subject to the approval of the department of public instruction as to size, arrangement, dimensions, lighting of rooms and sanitary conveniences.

Section 3. Each county shall pay to the Territory on the interest dates of any term bonds that may be issued by the Territory pursuant to this Act, the proceeds of which shall have been or are to be expended for such of the projects referred to in said items 14 to 28 as are to be undertaken in such county, interest upon the par value of such bonds at the rate of interest specified in such bonds, and also such sums annually on the second interest date and the same date each year thereafter, during the term for which such bonds shall have been issued, whether afterwards refunded or not, as will, compounded annually at the rate of three per cent, aggregate at the expiration of such terms such par value; in the event that there shall be any shrinkage in the sinking fund for territorial bonds caused by inability of the territorial treasurer to invest the moneys in said fund at a rate sufficient to yield an average of three per cent thereon, the territorial treasurer and auditor shall jointly estimate as accurately as possible the amount of such shrinkage equitably allocable to such county, and shall jointly certify in writing such amount to the board of supervisors of such county, and such amount shall be added to the amount otherwise payable by such county to the Territory under this section.

In the event that serial bonds shall be issued by the Territory under this Act, then each such county shall pay to the Territory on the interest dates of any such serial bonds, the interest then due thereon and in addition thereto shall pay to the Territory on or before the 20th day of November of each year the amount of the principal of such serial bonds maturing the following year.

The auditor of the Territory is authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of any county such amounts when due as are required by this section to be paid by such county, and proper receipts shall thereupon be exchanged between the treasurers of the Territory and such county; provided, however, that, in the event of the issuance of term bonds, such county may, at the option of its board of supervisors, pay on account of such bonds on any such interest date any additional sum, and when the accrued values of all sums, other than interest paid on account of such bonds, shall equal the par value of such bonds, all the obligations of such county in respect of such bonds, principal and interest, shall be discharged; every

such additional sum so paid shall be deposited to the credit of the sinking fund provided for in chapter 266 of the Revised Laws of Hawaii 1935, in addition to all other amounts otherwise required to be deposited in said fund.

Section 4. Any provision of this Act or any other territorial law to the contrary notwithstanding, it is expressly provided that, in the event that it is found possible to secure federal funds made available under any Act of said Congress to be expended in connection with or for the construction of any of the projects or works authorized by any item of this Act, (whether or not such item specifically provides for expenditure thereof in connection with federal funds), the proper territorial or county officers, or both, charged with the expenditure of the funds appropriated by such item, shall have power to enter into such undertakings with the proper officers or agencies of the federal government, agree to such conditions, transfer the funds appropriated by this Act to such other officer, officers or agency of the Territory or county (who are hereby given power to expend the same pursuant to this Act) for expenditure thereof, and do and perform such other acts and things, as may be necessary, or be required by such Acts of said Congress or any regulations or requirements of the federal government, as a condition to securing such federal funds for such projects or works.

Any other provision of law to the contrary notwithstanding, any bonds issued under this Act may, with the approval of the governor, be deposited with and pledged to, or be otherwise disposed of to, the United States or any board, agency or instrumentality of the United States government, to secure the repayment, or in actual payment, of any loans or advances made or to be made, under any Act or Acts of the Congress of the United States authorizing such loans or advances, by the United States or any such board, agency or instrumentality to the Territory for the construction, in whole or in part, of any public works project authorized under this Act or the cost of which, or any portion thereof, would be payable or could legally be paid, out of the proceeds of such bonds if sold.

This Act shall be liberally construed in order to effectuate its purpose of enabling the Territory and counties to provide employment during the current period of wide-spread unemployment and to secure as far as possible in connection therewith federal funds for the construction of the various projects and works hereby authorized and the furnishing of employment in connection therewith.

Section 5. This Act shall take effect upon its approval as

to that portion thereof making appropriations for the items hereinabove set forth out of any available and otherwise unappropriated moneys now or hereafter in the treasury of the Territory, other than from the proceeds of bonds; and as to that portion thereof authorizing the issuance of bonds, shall take effect immediately upon the taking effect of legislation by the said Congress enabling the legislature of the Territory of Hawaii to authorize the issuance of bonds of such character and in such manner as is provided in this Act, or ratifying the action hereby taken by the legislature of said Territory, or both. Provided, that in the event said Congress shall so authorize the issuance of such bonds, then the treasurer of the Territory, with the approval of the governor, may, if it be deemed advisable so to do in order to expedite the commencement of any project or work authorized under this Act, make advancements out of the general fund of the Territory for or on account of any such project or work, and reimburse said general fund thereafter immediately upon receipt of the proceeds of any bonds issued and sold under this Act.

(Approved May 18, 1935.) **S.B. 71, Act 203.**

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**FLEET ENTERTAINMENT, 1935.**

**Series E-183.** An Act to Provide for the Expenses of Entertainment of the Officers and Personnel of the United States Fleet and of the Newspaper Men Accompanying Said Fleet to Hawaii as Guests of the United States Navy, During the Visit or Visits of the Said Fleet to Hawaii in 1935; To Appropriation the Sum of Fifteen Thousand Five Hundred Dollars (\$15,500.00) for Said Entertainment; And to Authorize the Boards of Supervisors of the Counties and the City and County of Honolulu to Appropriation and Expend Funds for the Aforesaid Entertainment.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of fifteen thousand five hundred dollars (\$15,500.00), or so much thereof as shall be necessary, is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the payment of the expenses of entertainment of the officers and personnel of the United States Fleet and of the newspaper men accompanying said Fleet to Hawaii, as guests of the United States Navy, during the visit or visits of the said Fleet to Hawaii in 1935.

Section 2. The aforesaid sum or so much thereof as shall be necessary, shall be disbursed on warrants drawn by the auditor of the Territory of Hawaii, based upon vouchers approved by a commission of five members to be known as the "United States Fleet Entertainment Commission," which shall be appointed by the governor in the manner and subject to the provisions of section 80 of the Organic Act, within five days after this Act takes effect.

Section 3. The board of supervisors of the city and county of Honolulu is hereby authorized to appropriate and expend, in the manner hereinafter provided, the sum of six thousand dollars (\$6,000.00) out of the current or general fund of the city and county for the payment of the expenses of entertainment of the said officers, personnel and newspaper men mentioned and described in section 1 of this Act. No portion of any funds so appropriated shall be deemed to be a portion of the amount authorized to be appropriated by paragraph numbered 32 of section 3021.

Section 4. The aforesaid sum of six thousand dollars (\$6,000.00), or so much thereof as may be appropriated, shall be disbursed on warrants drawn by the auditor of the city and county based upon vouchers approved by the aforesaid "United States Fleet Entertainment Commission".

Section 5. The boards of supervisors of the various counties are also hereby authorized to appropriate such funds as they may desire to appropriate for the aforesaid entertainment purposes, and no portion of any funds so appropriated shall be deemed to be a portion of the amount authorized to be appropriated by paragraph numbered 9 of section 2833.

Section 6. It is provided, however, that if the Fleet or any part thereof shall visit the ports of any of the other islands of Maui, Hawaii and Kauai, other than Oahu, not less than \$1,000.00 of the amount hereby appropriated shall be allotted for the entertainment on each of said islands.

Section 7. This Act shall take effect upon its approval.

(Approved May 7, 1935.) **S.B. 196, ACT 89.**

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**GIFT FOR U.S.S. HONOLULU**

**Series E-184.** An Act Appropriating the Sum of One Thousand Dollars (\$1,000.00) for the Purpose of Purchasing a Suitable Gift for the U. S. S. Honolulu.

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*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There is hereby appropriated the sum of one thousand dollars (\$1,000.00) out of the General Revenues of the Territory of Hawaii for the purpose of purchasing a suitable gift for the U. S. S. Honolulu.

Section 2. The Governor of the Territory of Hawaii is hereby authorized and empowered to appoint a Committee to administer this fund.

Section 3. The amount hereby appropriated shall become available when and if at least one thousand dollars (\$1,000.00) shall have been contributed for the purpose of this Act from private sources, and shall be paid by the Treasurer of the Territory of Hawaii upon warrants based upon vouchers approved by the Auditor of the Territory of Hawaii.

Section 4. This Act shall take effect upon its approval.

(Approved March 26, 1935.) **H.B. 39, Act 8.**

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**ATTENDANCE OF NATIONAL GUARD ENLISTED MEN  
AT 1932 ENCAMPMENTS.**

**Series E-185.** An Act Appropriating the Sum of One Hundred Forty-eight and 50/100 Dollars (\$148.50), or so Much Thereof as May Be Necessary, for the Payment of Enlisted Men of the Hawaii National Guard for Participating in Encampments During the Year 1932.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There is hereby appropriated out of the general revenues of the territory the sum of one hundred forty-eight and 50/100 dollars (\$148.50), or so much thereof as may be necessary, for the payment of enlisted men of the Hawaii National Guard for attendance at encampments during the year 1932.

Section 2. The amount hereby appropriated shall be paid by the treasurer of the territory upon warrants based upon vouchers approved by the adjutant general of the territory.

Section 3. This Act shall take effect upon its approval.

(Approved March 21, 1935.) **H.B. 13, Act 5.**

**BIRTHDAY CELEBRATIONS HONORING KING KAMEHAMEHA I,  
AND KING KALAKAUA; COMMISSION.**

**Series E-186.** An Act Making an Appropriation for the Celebrations of the Anniversaries of the Birth of King Kamehameha I, and of the Centennial of King Kalakaua's Birth, and Creating a Commission to Arrange Such Celebrations.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There is hereby appropriated from the general revenues of the Territory the sum of ten thousand dollars (\$10,000.00), which shall be spent in the celebrations of the anniversaries of the birth of King Kamehameha I, and of the centennial of the birth of King Kalakaua.

Section 2. For the arrangements of the celebrations herein provided for, to be held consecutively on Oahu, Hawaii, Maui and Kauai, and of celebrations of the birthdays of said Kings and of similar celebrations in subsequent years, there is hereby created a commission to be known as the "Hawaii Jubilee Commission", which shall consist of seven members, to be appointed by the governor as provided in section 80 of the Organic Act, the chairman and two other members of which shall be appointed from the island of Oahu, and one member of which shall be appointed from each of the islands of Hawaii, Maui, Kauai and Molokai and the terms of all of which appointments shall be four years. Any vacancy shall be filled by appointment for the unexpired term. Preference in said appointments shall be given, as far as practicable, to members of the Order of King Kamehameha.

The commissioners shall serve without compensation, but shall be entitled to their reasonable traveling and other necessary expenses in connection with their official duties hereunder to be allowed by the commission with the approval of the governor. The funds herein and subsequently appropriated for the purposes hereof shall be disbursed on warrants of the territorial auditor, based on vouchers approved by the chairman of said commission.

Section 3. This Act shall take effect upon its approval.

(Approved May 17, 1935.) **S.B.90, ACT 202.**

**THE ROYAL MAUSOLEUM.**

**Series E-187.** An Act Making Appropriation for Repair, Maintenance, and Upkeep of the Royal Mausoleum.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There is hereby appropriated out of the general fund of the Territory of Hawaii the sum of \$5,000. to be used in repairs, maintenance and upkeep of the grounds, construction and improvements of the Royal Mausoleum on Nuuanu Avenue, Honolulu, City and County of Honolulu.

Section 2. This Act shall take effect upon its approval.

(Approved April 1, 1935.) **H.B. 4, Act 13.**

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**PAYMENT OF CLAIMS AND RELIEF OF CERTAIN PERSONS,  
FIRMS AND CORPORATIONS.**

**Series E-188.** An Act Making an Appropriation of Seven Hundred Twenty-eight and 75/100 Dollars (\$728.75) to Pay Unpaid Claims for Expenses Incurred by the Committee Appointed Under the Provisions of House Resolution Number 18, Special Session of 1933.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of seven hundred twenty-eight and 75/100 dollars (\$728.75) is hereby appropriated from the general revenues of the Territory of Hawaii not otherwise appropriated for the purpose of paying claims for expenses incurred by the committee appointed under the provisions of House Resolution Number 18, Special Session of 1933.

Section 2. Said claims shall be paid by the treasurer upon warrants issued by the auditor based on proper vouchers.

Section 3. This Act shall take effect upon approval.

(Approved April 15, 1935.) **H.B. 215, Act 36.**

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**Series E-189.** An Act Authorizing and Empowering the Board of Supervisors of the County of Kauai to Pay the Claim of Lawrence L. Patterson.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Board of Supervisors of the County of Kauai

[SERIES E-189.—ACT 68  
[SERIES E-190.—ACT 65  
[SERIES E-191.—ACT 59

is hereby authorized and empowered to pay the claim of Dr. Lawrence L. Patterson for services rendered to patients brought to him on June 17, 1933, by police officers and/or others.

Section 2. This Act shall take effect upon its approval.

(Approved April 29, 1935.) **H.B. 317, ACT 68.**

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**Series E-190.** An Act Authorizing and Empowering the Board of Supervisors of the County of Maui to Pay the Claim of the Sunset McKee Sales Book Company for printing of Forms of Applications for Registration of Firearms, Which Printing Was Done Outside of the Territory of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That the board of supervisors of the county of Maui is hereby authorized and empowered to, in its discretion, authorize the payment of the bill of the Sunset McKee Sales Book Company of San Francisco, California, for the printing of application blanks for the registration of firearms in the amount of one hundred and sixteen dollars (\$116.00) which printing was ordered by the sheriff of the county of Maui and performed outside of the Territory of Hawaii notwithstanding the provisions of Section 109 of the Revised Laws of Hawaii 1935.

Section 2. If the board of supervisors of the county of Maui authorizes payment of the bill referred to in Section 1 of this Act, the auditor of the county of Maui is authorized to issue a warrant in payment thereof, and the treasurer of the county of Maui is authorized to cash the same.

Section 3. This Act shall take effect upon its approval.

(Approved April 29, 1935.) **H.B. 217, ACT 65.**

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**Series E-191.** An Act for Relief of Bina Mossman.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of fifty-six dollars (\$56.00) is hereby appropriated from any available funds in the territorial treasury for the relief of Bina Mossman for eight days' services at

the rate of seven dollars (\$7.00) per day as a member of the Registration Board.

Section 2. Said sum of fifty-six dollars (\$56.00) shall be paid upon a warrant issued by the auditor of the territory upon a signed release of Bina Mossman of all claims arising from services as a member of the Registration Board.

Section 3. This Act shall take effect upon its approval.

(Became effective April 27, 1935, without the Governor's signature.)

**H.B. 116, Act 59.**

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**Series E-192.** An Act Making an Appropriation for the Relief of Agnes P. Pangelinan and Victoria M. Akana.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The board of supervisors of the City and County of Honolulu is hereby authorized and directed to make (a) an appropriation in the sum of eight hundred and twenty dollars (\$820.00) for salary due Agnes P. Pangelinan for services performed as "clerk" at the Honolulu police department from January 3, 1927, to October 1, 1927, and (b) a further appropriation in the sum of five hundred thirty-three dollars and fifty-five cents (\$533.55) for salary due Victoria M. Akana for services performed as "matron" at the Honolulu police department from January 3, 1927, to October 1, 1927.

Section 2. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 394, Act 102.**

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**Series E-193.** An Act for the Relief of T. F. Farm, John Ruis and K. Kubo.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of Three Thousand Eight Hundred Twenty-three and 30/100 Dollars (\$3,823.30) is hereby appropriated out of the General Revenues of the Territory of Hawaii for the purpose of reimbursing the following individuals on account of destruction of dairy products, cattle and hides in the amounts set opposite their names:

T. F. Farm.....	\$2,205.90
John Ruis .....	550.00
K. Kubo .....	1,067.40

Section 2. The sums hereinabove appropriated shall be paid upon warrants issued by the Territorial Auditor upon vouchers approved by the Board of Agriculture and Forestry.

Section 3. This Act shall take effect upon its approval.

(Approved May 17, 1935.) **H.B. 434, ACT 198.**

**Series E-194.** An Act for the Relief of Joseph Awing et al, Workmen and/or Assignees of Workmen on the Construction of the Haleakala Road, Federal Aid Project 5-B, Maui, Territory of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Treasurer of the Territory of Hawaii is hereby empowered, authorized and directed to pay on warrants issued by the Auditor of the Territory of Hawaii, in the aggregate sum of Six Thousand Six Hundred Eighty-four Dollars and Forty-eight Cents (\$6,684.48), out of any money in the Treasury of the Territory of Hawaii not otherwise appropriated, to workmen and/or assignees of said workmen on the construction of the Haleakala Road, Federal Aid Project 5-B, Maui, T. H., the following sums herein specified and set opposite their respective names:

Awing, Joseph .....	\$29.33
Bernaldo, John .....	38.35
Caires, Jos. ....	71.57
Campbell, M. ....	35.24
Char, Harold .....	37.07
Char, T. ....	375.54
Choda, Soichi .....	101.41
Collaso, Chas. ....	54.82
Cooper, Chas. Jr.....	58.62
Cordero, Benj. ....	3.36
Ferguson, Wm. Jr.....	63.38
Fernandes, Raymond .....	27.36
Haina, J. A. ....	48.94
Hamili, Andrew .....	48.49
Hamili, Jas. ....	144.09
Hamada, M. ....	104.56

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Haole, Ed .....	101.53
Hookano, W. ....	14.46
Inaba, M. ....	85.58
Inea, Joe .....	34.14
Inouye, M. ....	97.17
Isobe, T. ....	127.54
Kahookale, John .....	69.32
Kajuria, Masayashi .....	66.09
Kekipi, V. K. ....	137.18
Kimura, John .....	8.75
Kimura, Paul .....	115.37
Kofukado, M. ....	101.98
Kometani, I. ....	112.36
Komoda, M. ....	88.87
Kuhilo, John .....	82.49
Leong, A. K. ....	71.32
Ling, A. C. ....	113.63
Low, A. P. ....	1,259.37
Makanani, I. ....	37.97
Matsui, H. ....	123.42
McWayne, Wm. L. ....	206.92
Medeiros, Eugene .....	28.29
Matsunaga, I. ....	137.05
Meheula, Mike B. ....	78.63
Morimoto, H. ....	48.08
Nakashima, Masami .....	73.63
Oda, N. ....	224.15
Otani, Sadao .....	124.03
Pacheco, Joe .....	92.50
Pagan, Pedro .....	11.75
Perry, Manuel .....	36.29
Pires, Joe .....	107.47
Pogue, C. C. ....	60.08
Puu, D. ....	103.50
Rodrigues, Frank Jr. ....	38.89
Saito, Wakichi .....	107.24
Santani, Tadao .....	160.16
Sereno, George .....	76.83
Sone, R. M. ....	37.02
Suzuki, R. ....	110.18
Takahashi, J. M. ....	86.30
Tamori, Katsu .....	114.67
Towata, K. ....	51.70
Uahinui, Jos. ....	32.67
Yoshimori, J. ....	235.65
Kalani, Sam .....	24.38

Char, T. (Assignee).....	18.43
Honda, S. (Assignee).....	111.88
Komoda, T. (Assignee)....	9.09
Tam Chow, Mrs. (Assignee)	46.35
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Total.....	\$6,684.48

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1935.) **H.B. 138, ACT 208.**

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**Series E-195.** An Act for the Relief of Certain Persons, Firms and Corporations, and Providing Appropriations Therefor.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There is hereby appropriated the sum of thirteen thousand eight hundred sixty and 99/100 dollars (\$13,860.99) from all moneys available in the general funds for the purpose of paying the claims named in section 2.

Section 2. The auditor of the Territory is hereby authorized, empowered and directed to issue warrants for the benefit and relief of the following persons, firms and corporations in the amounts set opposite their names, said amounts to be paid out of their respective appropriations hereinafter specified:

<i>Name</i>	<i>Amount</i>
Olaf Oswald .....	\$230.50
Inter-Island Steam Navigation Company .....	42.77
Dr. Carl H. Reuter.....	30.00
Patten & Company.....	150.00
Honolulu Paper Co., Ltd.....	120.05
Honolulu Iron Works, at Hilo.....	357.54
(Not approved, J. B. Poindexter, Governor.)	
Trustees, B. P. Bishop Estate (pursuant to court decree in equity No. 3348, Circuit Court First Judicial Circuit) .....	11,926.00
Attorney General's Office (Expenses incurred and to be paid in said proceeding).....	202.75
Valley Isle Motors, Wailuku, Maui.....	252.55
Wilford King .....	548.83

Section 3. The sums hereinabove appropriated shall be paid upon the submission of vouchers on such forms and in such manner as may be approved by the territorial auditor.

Section 4. This Act shall take effect upon its approval.

Approved this 21st day of May, A. D. 1935, except the item "Honolulu Iron Works, at Hilo \$357.54" which is disapproved and vetoed for reasons set out in accompanying memorandum.

J. B. POINDEXTER,

Governor of the Territory of Hawaii.

H.B. 428, Act 214.

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**Series E-196.** An Act for the Relief of Certain Persons, Firms and Corporations on Account of Overpayment of Taxes and Providing an Appropriation Therefor.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of nine thousand one hundred eleven and 89/100 dollars (\$9,111.89) is hereby appropriated out of the general revenues of the Territory of Hawaii for the purpose of reimbursing the following persons, firms and corporations for overpayment of taxes and for taxes illegally collected, in the amounts set opposite their names:

Asau, Fannie H. ....	\$68.37
Awai, Dorothy ....	5.00
Bank of Hawaii, Ltd. % Neta Lovejoy Property....	69.82
Beers, Maude ....	301.10
(Vetoed J. B. P.)	
Bishop National Bank of Hawaii at Honolulu % Booth Tract .....	98.79
Bishop Trust Co., Ltd. % Loo Joe Property.....	681.34
Bishop Trust Co., Ltd. % Lot 82, Makiki Round Top Tract .....	228.60
Bishop Trust Co., Ltd. % Willard E. Brown.....	332.08
Bishop Trust Co., Ltd. % Bunjaro Mizushima.....	765.79
Bishop Estate % Real Property, Puna, Hawaii.....	28.66
Buchanan, Elizabeth .....	5.00
Consolidated Amusement Co., Ltd.....	372.93
Court Mauna Kea #8854 A.O.F.....	47.06
(Vetoed J. B. P.)	
Crabbe, Eli M.....	5.95
McCabe, Estate of Andrew.....	114.75
Freitas, H. W.....	71.21
Goto, Tami .....	44.90
Home Owners' Loan Corporation.....	46.51

Hawaiian Canneries Co., Ltd.....	124.09
Higashi, Kunitaro .....	98.39
	(Vetoed J. B. P.)
Holmes, E. N.....	463.84
	(Vetoed J. B. P.)
Ingvorsen, Charles .....	385.53
Inouye, Akimo .....	5.00
Johnson, Florence Booco.....	417.51
	(Vetoed J. B. P.)
Kahookaulana, Elia .....	5.76
Kikuchi, Suekichi .....	15.57
Koehnen, F. W.....	49.24
Lee, Joseph K.....	30.14
Leong, Edward .....	11.47
	(Vetoed J. B. P.)
Lau, Tit Won.....	45.00
McCullock, David & Jesse.....	36.41
Manufacturers' Shoe Co., Ltd.....	190.18
Market Refrigerating Co., Ltd.....	435.96
Northern Assurance Co., Ltd.....	83.20
Nakamura, Oie .....	5.00
Pacheco, Manuel .....	33.75
Paco, T.....	5.00
Press Wireless, Inc.....	182.93
Richardson, George J.....	908.33
	(Vetoed J. B. P.)
S & G Gump Co.....	170.90
	(Vetoed J. B. P.)
Schnack, F. % Hūmeku Estate.....	43.54
S. H. Kress & Co.....	330.10
Serrao, Antone B.....	68.10
Sakai, Tamekichi .....	69.61
Smith, Elivira R.....	294.16
	(Vetoed J. B. P.)
Scott, Alvah .....	203.14
	(Vetoed J. B. P.)
Tahara, Koyei .....	47.48
	(Vetoed J. B. P.)
Tihada, Emilia .....	5.00
Waal, Emma .....	27.14
Whitmarsh, Hannah .....	109.77
Drees, Marguerite .....	5.00
Kaumiumi, Damien .....	5.00
May, Alexander .....	43.70

Section 2. The sums hereinabove appropriated shall be paid upon warrants issued by the territorial auditor upon vouchers approved by the deputy tax commissioner for the taxation district in which such taxes were paid in the several amounts and to the respective persons hereinabove set out.

Section 3. Any amounts so paid which shall represent real property taxes overpaid or illegally collected shall constitute an advancement to the county or city and county in which such taxes have been collected, and shall be repaid to the general fund of the territorial treasury by retaining the amount from the next collection of taxes by the territorial treasurer on account of said county or city and county paying the same into the general fund of the territorial treasury.

Section 4. This Act shall take effect upon its approval.

Approved this 22nd day of May, A. D. 1935, except the items followed by "Vetoed J.B.P." These excepted items are not approved for the reasons set out in the accompanying statement signed by me.

J. B. POINDEXTER,  
Governor of the Territory of Hawaii.

H.B. 421, Act 217.

**Series E-197.** An Act to Reimburse Lewers & Cooke, Limited, W. W. Dimond & Company, Limited, Hawaiian Electric Company, Limited, Oahu Ice & Cold Storage Company, Lee Lup & Company, von Hamm-Young Company, Limited, V. J. Burgess, J. K. Wong Garage, Acme Auto Supply Company, and Oshima Service Station, for Losses Sustained by Them in Furnishing Materials and Supplies Required for the Construction of Certain Buildings for the Territorial Insane Asylum, Kaneohe, Oahu, as Called for by the Terms of a Contract Entered Into by Lino Fernandez With the Superintendent of Public Works of the Territory of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The treasurer of the Territory of Hawaii is here-

by authorized and directed to pay, upon a warrant drawn by the auditor of the territory, the following sums of money to the hereinafter named corporations and persons, for the purpose of reimbursing said corporations and persons for the losses sustained by them in supplying and furnishing materials and supplies required for the construction and erection of certain buildings for the Territorial Insane Asylum at Kaneohe, Island of Oahu, as contemplated and called for by the terms of that certain contract entered into between Lino Fernandez as contractor and Lyman H. Bigelow, Superintendent of Public Works of said territory dated on or about August 30, 1926, said corporations and persons and the amounts of their losses to be reimbursed being as follows:

Lewers & Cooke, Limited.....	\$30,041.28
W. W. Dimond Company, Limited.....	4,301.43
Hawaiian Electric Company, Limited....	2,614.60
Oahu Ice & Cold Storage Company.....	73.08
Lee Lup & Company.....	278.24
von Hamm-Young Company, Limited....	173.24
V. J. Burgess.....	1,513.27
J. K. Wong Garage.....	21.37
Acme Auto Supply Company.....	474.38
Oshima Service Station.....	30.53
 Total.....	 \$39,521.42

Section 2. This Act shall take effect from the date of its approval.

(Approved May 18, 1935.) **H.B. 262, ACT 209.**

## PART 2. SPECIAL AS TO LOCALE.

### COUNTY OF HAWAII.

**Series E-198.** An Act Providing for an Appropriation for the Construction of a Bridge in Hilo, Territory of Hawaii and Increasing the Real Property Tax Rate Limit for the County of Hawaii for the Year 1936 to Enable Said County to Provide Funds for Said Project.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The board of supervisors of the county of Hawaii is authorized and directed to make an appropriation out of revenues for the year 1936 in the sum of \$50,000.00 for the

construction of a concrete bridge connecting Kamehameha and Kuhio Avenues at Waiakea, city of Hilo, county of Hawaii, which sum shall be set aside in a special fund for said purpose.

Section 2. For the purpose of enabling said county to secure the necessary funds for said project, the real property tax rate limit for the county of Hawaii, prescribed by section 1921 of the Revised Laws of Hawaii 1935, is hereby increased for the year 1936 from \$980,000.00 to \$1,030,000.00, and the board of supervisors of said county is hereby directed to include, in item (8), column 111, of the budget for the calendar year 1936, as provided for by said section 1921, the aforesaid sum of \$50,000.00.

Section 3. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 216, Act 97.**

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**Series E-199.** An Act to Authorize, Empower and Request the Payment of the Trust Fund From Waiakea Cane Crops Held by the Hawaii Welfare Bureau of the Island and County of Hawaii to the Board of Supervisors of the County of Hawaii and Directing Its Use for the Maintenance of the Old Men's Home at Kau, Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Hawaii Welfare Bureau of the island and county of Hawaii is authorized, empowered and requested to transfer to the board of supervisors of the county of Hawaii the sum of \$3,877.76, together with any interest or accumulations thereon now held by it in a trust fund, which money was received from cane crops on territorial lands at Waiakea, Hawaii.

Section 2. Any moneys received by the board of supervisors of the county of Hawaii from the Hawaii Welfare Bureau, shall be expended for the maintenance and support of the Old Men's Home at Kau, Hawaii.

Section 3. This Act shall take effect upon its approval.

(Approved May 14, 1935.) **H.B. 129, Act 175.**

**Series E-200.** An Act Authorizing the County of Hawaii to Use Certain Unexpended Funds Appropriated by Act 9 of the Session Laws of Hawaii 1933, by Way of Advance-ment, for Extensions and Improvements to the Sewer System for South Hilo, and to Provide for the Repayment of Such Advances Out of Funds Appropriated by Act 8, Special Session Laws of Hawaii 1933.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The board of supervisors of the county of Hawaii is hereby authorized, empowered and directed to use and ex-pend, by way of advancement, the unexpended balance in the sum of fifty-five thousand dollars of the moneys appropriated by Item 13 of Act 9 of the Session Laws of 1933, for the con-struction of extensions and improvements to the sewer system in South Hilo, island of Hawaii, including any alterations in the present system necessitated by such extensions, as author-ized by Act 8 of the Special Session Laws of 1933.

Section 2. Any moneys so expended by way of advance-ment for said purposes shall be repaid to and into the fund from which the same were so advanced, out of the proceeds of the sale of bonds in the year 1935, as provided by said Act 8, Special Session Laws of 1933, when received, and said moneys when so repaid, shall continue to be expendable for the purposes set forth in said Item 13 of Section 3 of said Act 9 of the Session Laws of 1933, as so amended.

Section 3. This Act shall take effect upon its approval.

(Approved April 20, 1935.) **S.B. 184, Act 51.**

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**Series E-201.** An Act Authorizing and Empowering the Board of Supervisors of the County of Hawaii to Make an Appropriation in the Sum of \$1,000.00 for the Instal-lation of a Telephone at the Milolii Village in the District of South Kona, County of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Board of Supervisors of the County of Ha-waii is hereby authorized and empowered to appropriate the sum of One Thousand Dollars (\$1,000.00) from the General Fund of the County of Hawaii for the installation of a Tele-phone at the Milolii Village in the District of South Kona, County of Hawaii.

Section 2. This Act shall take effect from and after the date of its approval.

(Approved May 8, 1935.) **H.B. 401, ACT 103.**

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#### CITY AND COUNTY OF HONOLULU.

**Series E-202.** An Act Authorizing, Directing and Empowering the Board of Supervisors of the City and County of Honolulu to Appropriate and Expend Out of the Permanent Improvement Fund the Sum of Fifteen Thousand Dollars (\$15,000.00) Not Later Than June 30, 1936, for the Erection and Equipping of a Fire Station for the District of Koolaupoko, Oahu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The board of supervisors of the city and county of Honolulu is hereby authorized, directed and empowered to appropriate and expend out of the permanent improvement fund of said city and county the sum of fifteen thousand dollars (\$15,000.00), not later than June 30, 1936, for the erection and construction of a fire station, and the complete equipping thereof, for the district of Koolaupoko, Oahu.

Section 2. This Act shall take effect upon its approval.

(Approved May 15, 1935.) **S.B. 21, ACT 178.**

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**Series E-203.** An Act to Provide for a Water Supply for Nanakuli, Waianae, Island of Oahu.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated from any moneys available in the general fund of the Territory of Hawaii for the development of water and the installation of a water system for the furnishing of water to the Nanakuli and Waianae Districts, Island of Oahu, Territory of Hawaii. The appropriation hereby made shall become available provided the City and County of Honolulu makes an appropriation in the sum of fifty-seven thousand dollars (\$57,000.00) for the same purpose and providing the Hawaiian Homes Commission makes avail-

[SERIES E-203.—Act 205  
[SERIES E-204.—Act 31  
[SERIES E-205.—Act 206

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able the sum of sixty-eight thousand dollars (\$68,000.00) for the same purpose.

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1935.) **H.B. 400, Act 205.**

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**Series E-204.** An Act to Amend Act 69 of the Session Laws of Hawaii 1933, So as to Increase the Appropriation Thereby Made for the Construction by Prison Labor of a Road from Waianae to Kawaihapai, Oahu, via Kaena Point.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 3 of Act 69 of the Session Laws of Hawaii 1933 is hereby amended by substituting, for the words and figures "five thousand dollars (\$5,000.00)" in the second line of said section, the following words and figures, to-wit: "twenty-five thousand dollars (\$25,000.00)".

Section 2. This Act shall take effect upon its approval.

(Approved April 15, 1935.) **S.B. 92, Act 31.**

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**Series E-205.** An Act Creating a Special Fund to Be Known as the "Waikiki Beach Fund", to Be Expended in the Acquisition of Public Beaches, and Providing for Appropriations by the Territory of Hawaii and the City and County of Honolulu, and for the Levying of Assessments Upon Property Specially Benefited.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There is hereby created a special fund to be designated as "WAIKIKI BEACH FUND" which shall be placed in the custody of the treasurer of the City and County of Honolulu and which shall be expended, as hereinafter provided, for the sole purpose of acquiring, by purchase and/or condemnation, property along Waikiki Beach in Honolulu, for public use.

Section 2. There shall be raised and paid to said fund the sum of fifteen thousand dollars (\$15,000.00) to be obtained by assessments upon lands specially benefited by the acquisition of new public beaches at Waikiki. Such assessments shall be levied in accordance with the provisions of Chapter 92, Re-

vised Laws of Hawaii 1935, and if not opposed by the owners of 55% of the total area to be assessed, the assessments shall be a lien against each lot or parcel of land assessed. All assessments shall be paid within six months after the date of the last publication of the Ordinance fixing the assessments. Except as otherwise provided herein, Chapter 92 aforesaid, shall govern all matters pertaining to the establishment of districts specially benefited, the fixing of the assessments, defaults and foreclosure of liens.

Section 3. The sum of twenty-five thousand dollars (\$25,000.00), is hereby appropriated out of the general revenues of the Territory of Hawaii as the Territory's contribution to said fund and the territorial treasurer is hereby authorized and directed to pay the same to the said fund within ten days after the full sum of fifteen thousand dollars (\$15,000.00) shall have been raised as provided in Section 2 of this Act and deposited in the said fund.

Section 4. The mayor and the board of supervisors of the city and county are hereby authorized and directed to appropriate and pay to the said fund the sum of thirty-five thousand dollars (\$35,000.00) out of its general, permanent improvement and/or road funds as the city and county's share in the creation of said fund; provided, however, that said appropriation shall take effect if and only when the said sum of fifteen thousand dollars (\$15,000.00) shall have been fully paid in by the owners of property as provided in Section 2 of this Act.

Section 5. In case the said sum of fifteen thousand dollars (\$15,000.00) is not fully raised and paid in as provided in Section 2 of this Act, all appropriations made hereunder by the Territory of Hawaii and the City and County of Honolulu shall be considered as revoked.

Section 6. This Act shall take effect upon its approval.

(Approved May 18, 1935.) **H.B. 384, Act 206.**

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**Series E-206.** An Act Appropriating Five Thousand Dollars (\$5,000.00) for the Purpose of Compiling New Maps and Areas to Date, Searching of Titles and Ownerships in Connection With the Waikiki Reclamation District.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of the general fund of the Territory

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[SERIES E-206.—Act 132

[SERIES E-207.—Act 91

[SERIES E-208.—Act 9

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for the purpose of compiling new maps and areas to date, searching of titles and ownerships in connection with the Waikiki Reclamation District, to be expended upon warrants of the auditor of the Territory issued upon vouchers approved by the superintendent of public works.

Section 2. This Act shall take effect upon its approval.

(Approved May 10, 1935.) **S.B. 74, Act 132.**

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#### **COUNTY OF KAUAI.**

**Series E-207.** An Act Making a Special Appropriation for the Construction of an Irrigation Ditch, for the Benefit of the Anahola Homestead Lands, to Be Reimbursed from the Proceeds of the Sales of Homestead Land on the Island of Kauai.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of two thousand dollars (\$2,000.00) is hereby appropriated from the general revenues of the Territory of Hawaii for the construction of an irrigation ditch through the Anahola Homesteads, District of Kawaihau, Island of Kauai, to be reimbursed from the proceeds of sales of homestead lots on the Island of Kauai.

Section 2. This Act shall take effect from and after the date of its approval.

(Approved May 8, 1935.) **H.B. 65, Act 91.**

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**Series E-208.** An Act Appropriating Five Thousand Dollars (\$5,000.00) for Construction to Protect the Outlet of Hanapepe River from Silting.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any monies in the treasury not otherwise appropriated for the construction of walls or other works to protect lands adjoining the Hanapepe River, Hanapepe, Kauai, from damages because of silting of the river mouth.

Section 2. The work referred to in Section 1 shall be done,

and the monies hereby appropriated shall be expended, under the direction of the Board of Harbor Commissioners.

Section 3. This Act shall take effect upon its approval.

(Approved March 26, 1935.) **H.B. 83, Act 9.**

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**Series E-209.** An Act to Appropriation the Sum of Twenty-five Thousand Dollars, (\$25,000.00) by Way of Advancement, for the Construction of a Road Extending from the End of the Present Paved Road Near Wailua Falls in the Land of Wailua, Kauai, to the West Boundary of the Wailua Homestead Tract, Wailua, Kauai.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The sum of twenty-five thousand dollars (\$25,000.00) or so much thereof as may be necessary, is hereby appropriated by way of advancement out of any monies in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of a road extending from the end of the present paved road near Wailua Falls in the land of Wailua, Kauai, to the west boundary of the Wailua Homestead Tract, Wailua, Kauai.

Section 2. The said sum of twenty-five thousand dollars (\$25,000.00), shall be disbursed on warrants drawn by the Auditor, based on vouchers approved by the Commissioner of Public Lands, who shall construct said road by contract with or through the Board of Supervisors of the County of Kauai, provided, however, that no portion of the sum hereby appropriated shall be expended until the Board of Supervisors of the County of Kauai has appropriated and deposited with the Commissioner of Public Lands the sum of twenty-five thousand dollars (\$25,000.00) to be merged and expended with the sum hereby appropriated for the construction of said road.

Section 3. The money hereby appropriated shall be deemed to be an advancement out of the General Fund of the Territory of Hawaii, said fund to be reimbursed from the proceeds of sale of public lands on the Island of Kauai.

Section 4. This Act shall take effect upon its approval.

(Approved May 8, 1935.) **H.B. 108, Act 92.**

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**Series E-210.** An Act Authorizing the Submission to the Circuit Court of the Fifth Judicial Circuit of the Territory of Hawaii of the Claim of Henry W. Kinney and Joseph Aguiar, Copartners, for Extra Work Performed by Them in Carrying Out a Contract Entered Into With the Superintendent of Public Works of the Territory of Hawaii for the Construction of the Second Unit of the Waimea Canyon Road, Island of Kauai.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. There is hereby appropriated out of any moneys in the treasury received from general revenues the sum of twelve thousand nine hundred and sixty dollars (\$12,960.00) to be expended as herein provided.

Section 2. The amount appropriated, or as much thereof as may be necessary, shall become available only after it has been determined by a court of competent jurisdiction that the Territory of Hawaii is liable for alleged extra work performed by Henry W. Kinney and Joseph Aguiar, copartners, in carrying out the terms of a contract entered into by them with the superintendent of public works of said territory for the construction of the Second Unit, Waimea Canyon Road, Island of Kauai.

Section 3. There is hereby submitted to the circuit court of the fifth judicial circuit for determination the claim of said Henry W. Kinney and Joseph Aguiar, copartners, for reimbursement for alleged extra work performed by them in carrying out the terms of said contract.

Section 4. The attorney general shall represent the Territory of Hawaii in any proceeding instituted in accordance with this Act, and is hereby authorized and directed to interpose any legal or equitable defense, counter-claim or setoff to said claim of Kinney and Aguiar to which the territory may be entitled.

Section 5. The claimants shall submit their claim to a court of competent jurisdiction within three months from the effective date of this Act.

Section 6. This Act shall take effect upon its approval.

(Approved April 8, 1935.) **H.B. 66, Act 20.**

**COUNTY OF MAUI.**

**Series E-211.** An Act Authorizing the Transfer of Moneys Heretofore Appropriated for Insurance Funds for School Buildings in the Special School Budget to the General Fund of the County of Maui.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That the sum of five thousand dollars (\$5,000.00) appropriated by Act 232, Session Laws of Hawaii 1919 in the special school budget as "insurance fund for buildings" for the county of Maui, and which by the provisions of said Act was constituted a continuing fund not lapsing if not used during the period for which such appropriation was made, is hereby declared to have lapsed and is transferred to the general fund of the county of Maui.

Section 2. This Act shall take effect upon its approval.

(Approved April 30, 1935.) **S.B. 67, Act 71.**

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**Series E-212.** An Act Transferring the Unexpended and Unrequired Balances of Funds Appropriated by Act 175 Session Laws of 1933, and Unexpended and Unrequired Balances of Certain Items of Act 3, Special Session Laws 1933, to the Permanent Improvement Fund of the County of Maui.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The purposes for which the appropriations hereinafter mentioned were made having been abandoned or having been fully accomplished, the following unexpended balances of the appropriation made by the following Acts or items thereof are hereby transferred to the permanent improvement fund of the county of Maui, to-wit:

From Act 175, Session Laws 1933..... \$2,693.24  
From the following items of Act 3, Special

Session Laws 1933:

Kahului sewer system..... 887.90

Wailuku-Kahului water works..... 250.00

Said money so transferred shall be used for the following purposes:

For the construction of water heads at the Kahakuloa stream ..... 1,200.00

For the construction of pipeline from Kauhikoa Ditch to lower end of Peahi Road..... 2,631.14

It is provided, however, that any balance left after completion of either item above-named may be used for purposes of the other item.

Section 2. This Act shall take effect upon its approval.

(Approved May 18, 1935.) **S.B. 66, Act 204.**

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## APPENDIX.

### **CHAPTER I-A. GOVERNMENTAL SALARY RESTORATIONS.**

**E-213.** An Act Authorizing Uniform Restoration, on and After January 1, 1936, in the Compensation Payable to Certain Officers and Employees, and Repealing Chapter II of the Appendix to the Revised Laws of Hawaii 1935.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. [**Authority of governor to restore.**] The governor is authorized and empowered if and when in his judgment the finances of the Territory of Hawaii will permit, by executive order to effect uniform restoration of a fixed percentage, not exceeding a total of 11 per centum, in the compensation schedules now effective for classified positions in the territorial service; provided that at the same time he shall also apply to all compensation of unclassified territorial positions comparable percentages of restoration not exceeding a total of 11 per centum; and provided, further, that if the finances permit, the governor may by executive order put into effect the automatic salary increases heretofore enjoyed by the school teachers and that may be scheduled or authorized for the classified service; and provided, further, that commencing July 1, 1935, a uniform restoration of five per centum shall be made in the compensation paid all territorial employees, including school teachers; and provided, further, that commencing July 1, 1935, the daily pay for each working day of each laborer in the employ of the Territory of Hawaii shall be not less than \$3.00. Such sums as may hereby be made necessary are hereby appropriated from the general revenues of the Territory for such purpose.

Section 2. [**Authority of boards to restore.**] The boards of supervisors of the various counties and of the city and county of Honolulu and any board not dependent upon the

boards of supervisors for its funds are hereby authorized, if in their judgment their finances will permit, to effect uniform restoration of a fixed percentage in all compensation heretofore reduced by (1) (b) of section 1 of Act 29 of the Second Special Session Laws, 1932; provided, however, that no such compensation shall be restored beyond the amount theretofore fixed by legislative enactment; and provided, further, that no compensation paid employees of any county or city and county shall be restored unless there is a uniform percentage restoration in all such compensation.

If and when any board of supervisors shall effect a restoration or restorations pursuant to the foregoing paragraph, all boards, commissions, departments and bureaus in such county dependent on the board of supervisors for funds and having power by law to fix the compensation of its officers and employees, and which effected a reduction therein pursuant to said Act 29, shall effect a uniform restoration in such compensation, of the same percentage determined upon and applied by the board of supervisors as aforesaid, and the board of supervisors shall appropriate the funds necessary for such restoration in all instances where such boards, commissions, departments and bureaus are dependent on the board of supervisors for funds with which to pay such compensation.

Section 3. [Repeal of Chapter II, Appendix.] Chapter II of the Appendix to the Revised Laws of Hawaii 1935 (Act 210, Session Laws of 1933), is hereby repealed.

Section 4. This Act shall take effect upon its approval.

(Approved May 21, 1935.) H.B. 3, Act 215.

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#### CHAPTER IV. TAX UNEMPLOYMENT RELIEF.

**E-214.** An Act to Amend Act 209 of the Session Laws of Hawaii 1933, as Set Forth in Chapter IV of the Appendix to the Revised Laws of Hawaii 1935, Providing for the Relief and Welfare of the Unemployed and Needy Persons in the Territory.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Act 209 of the Session Laws of Hawaii 1933, as the same is set forth in chapter IV of the Appendix to the Revised Laws of Hawaii 1935, is hereby amended in the following respects, to-wit:

[**Sec. 1. Definitions.**] (a) By amending the seventh and eighth paragraphs of section 1 thereof, defining "commission" and "county subcommittee" to read as follows:

"'Commission' shall mean the territorial relief and welfare commission created by section 18 of this chapter.

"'County subcommittee' shall mean the relief and welfare subcommittee of each county appointed under this chapter."

(b) By amending section 2 thereof to read as follows:

**"Sec. 2. Short title.** This chapter may be cited as the 'Hawaii Unemployment Relief and Welfare Act'."

(c) By amending section 17 thereof to read as follows:

**"Sec. 17. Disposition of proceeds; unemployment relief fund.** "1. There is created in the territorial treasury a special fund to be designated as the unemployment relief fund. All taxes collected under this chapter shall be paid into the territorial treasury at such times, as soon as practicable after collection, as the territorial treasurer shall direct, and be credited to such fund.

"2. Except as herein otherwise provided, moneys in said fund shall be expended only for remuneration paid to persons as compensation for work performed in employment on territorial or county projects by the authority and under the direction of the commission; provided, however, that, subject to the approval of the governor, any provision of this chapter or of any other law to the contrary notwithstanding, expenditures from said fund may be made (a) for any other forms of emergency relief, or (b) for any emergency relief measures which may be authorized by the commission in accordance with any policies, rules and regulations relating to emergency relief, which may be established or adopted by the federal government in connection with the operations of the federal emergency relief administration, or any other similar relief agency, now or hereafter established, for maintaining national relief standards in the states and territories, as a condition of the receipt of federal aid for emergency relief.

"3. Such emergency relief shall be provided for in the several counties according to the respective relief needs of such counties, such respective needs to be determined by the commission as nearly as practicable in accordance with the applicable policies, rules and regulations established by the federal government as aforesaid.

"4. All materials, equipment and supplies, and supervision as required, for any relief project, shall be furnished by the Territory or by the county originating such project, as the case may be, and all other expenses of every kind shall, except

as may be authorized in accordance with subsection 2 of this section, be met only out of such other funds as may become available from separately provided territorial or county appropriations or other contributions."

(d) By amending section 18 thereof to read as follows:

**"Sec. 18. Commission; appointment; powers.** There is created a commission to be known as the 'Territorial Relief and Welfare Commission' to consist of ten members which shall include seven residents of the city and county of Honolulu and one resident of each of the counties of Hawaii, Maui and Kauai. The members of the commission shall be appointed in the manner prescribed by section 80 of the Organic Act, for a term of three years each and to be removable as provided in the first paragraph of said section. The commission shall appoint one of its own members as chairman.

"The commissioners shall serve without remuneration in any form. The commission shall establish territorial policies for the carrying on of its work and be responsible to the governor for the proper administration thereof as in this chapter contemplated.

"A majority of the members of the commission shall constitute a quorum for the transaction of any business at any meeting called on not less than two days' notice; provided that if three or more members shall be present at any meeting called without notice such members present shall have power to act by a majority vote taken at such meeting as respects matters of general or routine nature not involving the establishment or change of any administrative purpose or policy.

"The commission may prescribe and enforce such policies, rules and regulations to govern the administration of relief provided for under this chapter or otherwise undertaken by it, as it shall deem advisable, conforming as nearly as may be to the applicable federal relief policies, rules and regulations mentioned in section 17 of this chapter. The commission may require that there be kept and furnished to it all such records and reports at such times, and in such form and manner, as it may direct, as to it may seem advisable.

"The commission shall have power to determine all matters relating to the relief provided for by this chapter, and shall conform as far as possible in its determination of such matters to federal policies, rules and regulations, as far as applicable, particularly in determining, in case of relief work, the projects to be undertaken, the methods of administration, the amount, duration and character of relief to be given to persons qualifying for such relief work, and the remuneration to be paid for the character of relief work performed; provided that such

relief work and remuneration or other kinds of relief shall not exceed such minimum as will provide a daily minimum subsistence on a relief basis for the individual or dependents concerned, unless otherwise required under said federal policies, rules and regulations.

"The commission shall further analyze and study employment conditions, methods of development or increased employment opportunities, proper control of public works construction and its proper coordination with employment demands and relief measures, social legislation and the proper coordination and correlation of territorial relief and welfare measures with federal proposals and legislation relating to the same subject, and shall formulate and make recommendations to the legislature with respect thereto.

"The commission shall render a report to each regular session of the legislature of Hawaii which shall show clearly the disposition that has been made of the federal and territorial government contributions, over which it has had jurisdiction since the last preceding legislature."

(e) By amending section 19 thereof by substituting for the words "unemployment work relief subcommittee" therein appearing, the words "relief and welfare subcommittee."

(f) By amending section 24 thereof to read as follows:

**"Sec. 24. Period for which tax is to apply.** This chapter shall terminate and cease to be effective on and after July 1, 1937; provided that it shall remain in effect thereafter for the collection and enforcement of taxes, penalties and other rights and liabilities which shall have accrued or attached prior to said date, and for the expenditure of such taxes.

"That if, before July 1, 1937, the governor shall find and determine that an emergency by reason of unemployment in the Territory no longer exists, or that in his judgment sufficient funds have been collected under this chapter to adequately meet the unemployment emergency, whether with or without other funds made available to the Territory by the United States government, the governor by proclamation, duly promulgated, shall declare the tax imposed by this chapter to be suspended as of the end of the month next succeeding the month during which such proclamation shall be issued, and in such event, after the suspension date set forth in such proclamation, this chapter shall be suspended as to all compensation or dividends received or paid on or after the suspension date and no tax shall be levied or assessed upon or against such compensation or dividends until and unless this chapter and tax shall be revived and reinvoked as hereinafter provided; but this chapter shall remain in effect, nevertheless,

for the collection and enforcement of taxes, penalties and other rights and liabilities which shall have accrued or attached on or before the date of suspension and for the expenditure of such unemployment relief funds. If, after such suspension, the governor shall find and determine that an emergency, by reason of unemployment, still exists or has recurred and that sufficient funds have not been collected under this chapter to adequately meet such emergency, in such event, the governor, by proclamation, duly promulgated, may revive and reinvoke this chapter and the tax as of the first day of the month next succeeding the month during which such proclamation shall be issued, and in such event, this chapter and the tax shall apply in all respects to all compensation and dividends paid or received on or after the revival date. In no event, however, shall this chapter be continued in effect after July 1, 1937, or after the contingency mentioned in paragraph (2) of this proviso."

Section 2. [Sec. 24A. Construction, no new commission.] This Act shall not be construed to create a new commission or new county subcommittees, but the commission and county subcommittees appointed prior to the taking effect of this Act shall continue to function under said Act 209 as amended by this Act.

Section 3. [Sec. 24B. Exemption.] All employees of the Territory employed in the county of Kalawao shall not be taxed under the provisions of this Act.

Section 4. This Act shall take effect upon its approval.

(Approved May 10, 1935.) S.B. 229, Act 135.

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## FRANCHISES.

### HONOLULU RAPID TRANSIT COMPANY, LIMITED; AMENDED.

**Series F-215.** An Act to Amend Act 186 of the Session Laws of 1921, as Amended, Relating to the Franchise of the Honolulu Rapid Transit Company, Limited.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. Section 2 of Act 186 of the Session Laws of 1921, as amended, is hereby amended by adding the following paragraph to said section 2:

"Upon application by the company and obtaining the approval from time to time of the public utilities commission, the company may, and it is hereby granted the right to, extend its service to and between points on the island of Oahu outside of the district of Honolulu during all visits of the United States Fleet, when the same carries a personnel of ten thousand or over."

Section 2. This Act shall take effect upon its approval.

(Approved May 9, 1935.) **H.B.395, ACT 116.**

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**J. R. 1.**

**Joint Resolution** Giving an Official Title to the Palace of the Former Monarchs of Hawaii.

WHEREAS, the palace of the former monarchs of Hawaii has been in the past variously designated "The Palace", "The Executive Building" and "Iolani Palace"; now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The official designation of the palace of the former monarchs of Hawaii now used and occupied by executive departments of the territorial government, shall be and is Iolani Palace.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved March 21, 1935.) **H.J.R. 3.**

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**J. R. 2.**

**Joint Resolution** Regulating Charges for the Use of Radium Belonging to the Territory of Hawaii.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The charges to be made for the use of radium belonging to the Territory of Hawaii and in control of the Board of Health shall be as follows:

- (a) Minimum charge \$3.00
- (b) Maximum charge \$25.00.
- (c) The fee between the minimum and maximum to be at the rate of 1¢ per mg. per hour.

(d) Patients requiring serial treatments shall be charged \$25.00 for such series.

(e) No charge shall be made for the use of such radium by persons financially unable to pay for such use if the physician taking out the radium reports that the person is indigent and unable to pay.

Section 2. Each bill furnished by the Board of Health to a physician for radium rental shall, before being returned to the Board of Health with payment, be signed by the person on whom the radium was used, or by such person's agent.

Section 3. That before any radium is given to a physician for use on a patient unable to pay therefor the doctor obtaining the same shall be required to certify in writing over his signature that he is making no charge to the patient for his services in applying the radium.

(Approved April 16, 1935.) **H.J.R. 9.**

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**J. R. 3.**

**Joint Resolution** Providing for the Establishment of a Senior High School at Waimea, Kauai.

WHEREAS, the only high school on the Island of Kauai is situated at Lihue; and

WHEREAS, there are a number of young people desiring to attend high school who reside on the West side of Kauai and especially in the vicinity of Waimea District, Waimea, Kauai; and

WHEREAS, there is no provision or no funds for the transportation of school children from the vicinity of Waimea, Kauai, to Lihue, where the high school is located; and

WHEREAS, it is a great hardship on the parents and children to require the children desiring to attend high school to go from the West side of Kauai to Lihue; and

WHEREAS, it would be cheaper to establish a high school at Waimea than to provide transportation at public expense for the children there residing who desire to attend the high school at Lihue; and

WHEREAS, there is at present time a junior high school at Waimea offering grades nine and ten which may be expanded into a senior high school without great expense; now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The department of public instruction of the Territory of Hawaii shall establish a senior high school at Waimea, Kauai, by adding eleventh grade work as of September, 1935, and twelfth grade work as of September, 1936.

Section 2. This Resolution shall take effect July 1, 1935.

(Approved April 16, 1935.) **H.J.R. 12.**

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**J. R. 4.**

**Joint Resolution** Memorializing the Congress of the United States of America to Pass Senate Bill No. 2066, Known as the Frazier Bill.

WHEREAS, a crisis exists and hundreds of thousands of once prosperous farmers in this nation have already lost their homes and their all by mortgage foreclosures because of the fact that the price of agricultural products has for years been below the cost of production, a condition that affects all of the people of this nation and is largely responsible for the continuance of the depression; and

WHEREAS, there is no adequate way of refinancing existing agricultural indebtedness and the farmers are at the mercy of their mortgagees and creditors; and

WHEREAS, unless immediate relief is given, thousands and hundreds of thousands of additional farmers and ranchers and dependents will be forced into cities and villages and the army of unemployed will necessarily increase to alarming proportions, precipitating a condition that threatens the very life of this nation; and

WHEREAS, the state legislatures of many states have each and all memorialized Congress to pass Senate Bill No. 2066, known as the Frazier Bill, without delay, which Bill provides that existing agricultural indebtedness shall be refinanced by the government of the United States at  $1\frac{1}{2}\%$  interest and  $1\frac{1}{2}\%$  principal on the amortization plan, not by issuing bonds and plunging the nation further into debt, but by issuing federal reserve notes the same as the government now does for the banks through the federal reserve bank, now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That this legislature joins with the legislatures of said states in memorializing the Congress of the United States of America to pass said Senate Bill No. 2066 without

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delay, in order that the agricultural indebtedness of this nation may be speedily liquidated and refinanced and agriculture saved from the ruin and destruction with which it is now threatened, and the return of the agricultural communities of the nation to normal conditions may be speeded with corresponding benefits to other communities, and the end of the existing depression may be hastened accordingly.

Section 2. That duly authenticated copies of this Joint Resolution be forwarded by the secretary of the Territory to the President of the United States, the Honorable Lynn J. Frazier, the Honorable Carl A. Hatch, the Honorable Bronson Cutting, the Honorable William Lemke, the Honorable John J. Dempsey, the Honorable Samuel Wilder King, at Washington, D. C., and to the legislature of the state of New Mexico.

(Became effective May 1, 1935, without the governor's signature.)  
**S.J.R. 9.**

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**J. R. 5.**

**Joint Resolution** Directing the Commissioners and Superintendent of Public Instruction to Give Special Consideration to Certain Former Employees When Filling Vacancies That May Occur in the Public Schools.

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. In filling vacancies in the public schools of the various islands, the commissioners and superintendent of public instruction are hereby directed to give special consideration to those former employees of many years' service who are now out on leave of absence, or who were dropped under the economy program of 1932-1933, and, where possible, to return them to positions on the islands on which they were last employed, particularly those who have gone out because of maternity leave.

Section 2. This Joint Resolution shall take effect upon its approval.

(Approved May 4, 1935.) **H.J.R. 21.**

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**J. R. 6.**

**Joint Resolution** Authorizing the Acquisition of Certain Property and Requesting That It Be Set Aside as Territorial Forest Reserve.

WHEREAS, by that certain deed of trust from the Realty Development Company, Limited, an Hawaiian corporation, to Lyman H. Bigelow, Territorial Highway Engineer of the Territory of Hawaii, dated December 24, 1928, and recorded in Liber 977, page 421, in the Registry of Conveyances of said territory, all that certain piece or parcel of land, being a portion of Pukaomaomao, Grant No. 110 to M. Kekuanaoa, situate in Manoa Valley, Honolulu, and containing a net area of 1.137 acres, was conveyed to the said Lyman H. Bigelow upon the trusts therein set forth; and

WHEREAS, said deed of trust is still in full force and effect, and the power of sale therein contained has not been exercised by the Territorial Highway Engineer as such trustee; and

WHEREAS, said deed of trust authorizes said trustee to sell said property at private sale; and

WHEREAS, the Territory of Hawaii has acquired by assignment all of the claims of the creditors of the National Construction Company, Limited, for labor, materials, tools and equipment used in the prosecution of the work specified in the contract referred to in said deed of trust and protected by said deed through payment of the same from territorial funds; and

WHEREAS, said claims have been established by judicial decision; and

WHEREAS, it appears that a default has been made by the National Construction Company, Limited, in the payment of claims of said creditors; now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That the Territorial Highway Engineer is hereby authorized and requested to convey said land to the Territory of Hawaii and the reasonable value thereof shall be credited on account of the claims held by said territory without the necessity of there being paid any cash and there shall be given to the said trustee named by said trust deed a receipt signed by such official as the governor of the Territory of Hawaii may designate, acknowledging full release of the obligation of said trustee under said trust deed to the territory as the assignee of the creditors.

Section 2. The governor is hereby requested, in the event that the Territorial Highway Engineer does exercise such power of sale and said property is acquired by the Territory of Hawaii as authorized herein, to set said property aside as part of the Territorial Forest Reserve under control of the Board of Agriculture and Forestry.

Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 8, 1935.) **H.J.R. 22.**

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**J. R. 7.**

**Joint Resolution Providing for a Bureau of Leisure Activities and Self-Help.**

WHEREAS, there are several thousand youth at large in this community with no definite employment, either mental or physical, and without a channel in which to operate their energies; and

WHEREAS, in a few years these boys and girls will take their places as citizens in the affairs of the civic life of this territory with full privileges of franchise; and

WHEREAS, it is the duty of the territory to help every youth, boy and girl, into the biggest, finest manhood and womanhood possible, with the proper ambition, spiritual standards, developed skills, ideals of citizenship, as the basis upon which to build their future; now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. A Bureau of Leisure Activities and Self-Help is hereby established to consist of a commission of five members to be appointed and to be removed by the governor in the manner provided by Section 80 of the Organic Act and to serve for a term of four years. It shall be the duty of such commission to develop a program working toward the direction of the available time of idle youth with constructive and creative uses to lead the unemployed into ways of self-help and to organize activities of individuals and organizations into united effort for reclaiming youth and preventing crime.

Section 2. In addition to the duties hereinbefore specified said commission shall maintain an information bureau for the purpose of securing data about youth and the unemployed for prospective employers, to serve as a medium of exchange between various centers, between employee and employer and between organizations relative to securing information and making the same available to carry into effect the objects for which this commission is organized.

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Section 3. This Joint Resolution shall take effect upon its approval.

(Approved May 10, 1935.) **H.J.R. 36.**

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**J. R. 8.**

**Joint Resolution Waiving Interest Payments From and After December 14, 1935, by Purchasers of the Waimanalo Beach Lots, and Extending the Time Within Which to Make Payments and to Erect Improvements Thereon, and Providing for Forfeitures Thereof.**

WHEREAS, there was sold by the Territory of Hawaii a large number of lots in the tract known as the Waimanalo Beach Lots; and

WHEREAS, such sale was made at a time when there was an abnormal condition in the market for beach lots; and

WHEREAS, none of the lots sold in said tract is in fact a beach lot in the sense of bordering on the beach; and

WHEREAS, successful bidders for said lots became obligated to pay prices which were far in excess of normal fair market prices for said lots; and

WHEREAS, nearly all of the successful bidders have been unable to pay the installments of either principal or interest; and

WHEREAS, there are an exceedingly large number of delinquencies in the payment of both principal and interest; now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Territory of Hawaii shall, and it hereby waives all and every claim it might or could have against the purchasers of Waimanalo Beach Lots for interest payments from and after December 14, 1935.

Section 2. From and after December 14, 1935, the balance due the Territory of Hawaii by any purchaser of said Waimanalo Beach Lots shall be paid up in ten equal annual installments, and the time required for the erection of improvements shall be extended a period of ten years.

Section 3. Any purchaser of said Beach Lots failing or unable to make regular payments may forfeit and surrender all his rights and interests in said lots upon written notification to the commissioner of public lands of such forfeiture and surrender, and the governor and commissioner of public lands shall thereupon waive any and all claims which the Territory

may have under and by virtue of the agreement by which said lots were purchased.

Section 4. This Joint Resolution shall take effect from and after the date of its approval.

(Approved May 11, 1935.) **H.J.R. 17.**

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**J. R. 9.**

**Joint Resolution Requesting the Congress of the United States of America to Pass Legislation Enabling the Legislature of the Territory of Hawaii to Authorize the City and County of Honolulu to Issue Flood Control Bonds, and for Other Purposes.**

WHEREAS, it is the desire of the Territory of Hawaii and its political subdivisions to cooperate in every way possible with the Federal Administration in restoring prosperity by providing work to transfer citizens from relief rolls to regular payrolls; and

WHEREAS, there are numerous public improvements throughout the Territory which await only the necessary means of financing; and

WHEREAS, the City and County of Honolulu has a flood control problem which has existed for years, which records reveal has caused damages amounting to millions of dollars, as well as danger to the health of the inhabitants of the community; now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That the Congress of the United States of America be, and it hereby is, requested, through the Delegate to Congress from the Territory of Hawaii to enact legislation which will allow the floating of bonds to meet the local share of the cost of permanent improvements to be constructed in cooperation with the recovery program of the Federal Government, and to that end the Congress of the United States of America is hereby requested and urged, through said Delegate to Congress, to adopt a bill in substantially the following words, to-wit:

**"A BILL TO EMPOWER THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE ISSUANCE OF REVENUE BONDS, TO AUTHORIZE THE CITY AND COUNTY OF HONOLULU TO ISSUE FLOOD CONTROL BONDS, AND FOR OTHER PURPOSES.**

*"Be It Enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled:*

"Section 1. The Legislature of the Territory of Hawaii may cause to be issued on behalf of the territory and may authorize any political or municipal corporation or subdivision of the territory to issue on its own behalf bonds and other obligations payable solely from the revenues derived from a public improvement or public undertaking (which revenues may include transfers by agreement or otherwise from the regular funds of the issuer in respect of the use by it of the facilities afforded by such improvement or undertaking). The issuance of such revenue bonds shall not constitute the incurrence of an indebtedness within the meaning of Section 55 of the Act of April 30, 1900, entitled: "An Act to provide a Government for the Territory of Hawaii," as amended, and shall not require the approval of the President of the United States.

"Section 2. The Legislature of the Territory of Hawaii may authorize the City and County of Honolulu to issue its general obligation bonds for the purpose of financing projects for the prevention and control of floods, in a total amount of not to exceed one million two hundred thousand dollars (\$1,200,000.00), notwithstanding the existing limitation of indebtedness contained in Section 55 of the Act of April 30, 1900, entitled: "An Act to provide a Government for the Territory of Hawaii," as amended.

"Section 3. This Act shall take effect immediately. All acts of the Legislature of Hawaii heretofore authorizing the issuance of revenue bonds on behalf of the territory or by any political or municipal corporation or subdivision thereof, or authorizing the City and County of Honolulu to issue bonds for the control of any protection against floods, are hereby approved, ratified, and confirmed."

(Approved May 13, 1935.) **H.J.R. 47.**

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**J. R. 10.**

**Joint Resolution Requesting the Congress of the United States to Amend the Act Entitled "An Act to Provide a Government for the Territory of Hawaii", Approved April 30, 1900, as Amended, and Known as the Hawaiian Organic Act, by Amending Section 73 Thereof, Relating to Public Lands.**

*Be It Enacted by the Legislature of the Territory of Hawaii:*

That the Congress of the United States of America be and

it is hereby requested to amend the Act entitled "An Act to provide a government for the Territory of Hawaii", approved April 30, 1900, as amended, and known as the Hawaiian Organic Act, by amending section 73 thereof, relating to public lands, by enacting a Bill in substantially the following form:

**"AN ACT TO AMEND 'AN ACT TO PROVIDE A GOVERNMENT FOR THE TERRITORY OF HAWAII', APPROVED APRIL 30, 1900, AS AMENDED, AND KNOWN AS THE HAWAIIAN ORGANIC ACT, BY AMENDING SECTION 73 THEREOF, RELATING TO PUBLIC LANDS.**

*"Be It Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:*

"Section 1. The fourth paragraph of section 73 of the Hawaiian Organic Act is hereby amended by amending subdivisions (d), (f), (i), (k) and (l) of said paragraph to read as follows:

**'Sec. 73 (4)**

(d) No lease of agricultural lands or of undeveloped arid public land which is capable of being converted into agricultural land by the development, for irrigation purposes, of either the underlying or adjacent waters, or both, shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than fifteen years. Each such lease shall be sold at public auction to the highest bidder after due notice by publication for a period of not less than thirty (30) days in one or more newspapers of general circulation published in the Territory. Each such notice shall state all the terms and conditions of the sale. The land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn. Every such lease shall contain a provision to that effect: *Provided*, that the commissioner may, with the approval of the governor and at least two-thirds of the members of the land board, omit such withdrawal provision from the lease of any lands suitable for the cultivation of sugar cane whenever he deems it advantageous to the Territory of Hawaii. Land so leased shall not be subject to such right of withdrawal.

(f) No person shall be entitled to receive any certificate of occupation, right of purchase lease or special homestead agreement who, or whose husband or wife, has previously taken or held more than ten acres of land under any such certificate, lease or agreement made or issued after May 27, 1910, or under any homestead lease or patent based thereon; or who,

or whose husband or wife, or both of them, owns other land in the Territory the combined area of which and the land in question exceeds eighty acres of agricultural land; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law. No person who has so declared his intention and taken or held under any such certificate, lease or agreement shall continue so to hold or become entitled to a homestead lease or patent of the land, unless he becomes a citizen within five years after so taking.

'(i) The persons entitled to take under any such certificate, lease or agreement shall be determined by the commissioner with the approval of the land board, after public notice as hereinafter provided; and any lot not taken or taken and forfeited, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, may be disposed of upon application at not less than the advertised price by any such certificate, lease, or agreement without further notice. The notice of any allotment of public land shall be by publication for a period of not less than thirty (30) days in one or more newspapers of general circulation published in the Territory.

'(k) The commissioner may also, with such approval, issue, for a nominal consideration, to any church or religious organization, or person or persons or corporation representing it, a patent for church purposes only, for any parcel of public land occupied continuously for not less than five years and still occupied by it as a church site under the laws of Hawaii.

'(1) No sale of lands for other than homestead purposes, except as herein provided, and no exchange by which the Territory shall convey lands exceeding either forty acres in area or \$5,000 in value shall be made, except to acquire lands necessary for national park purposes or for the national defense. No lease of agricultural lands exceeding forty acres in area, or of pastoral or waste lands exceeding two hundred acres in area, shall be made without the approval of two-thirds of the board of public lands, which is hereby constituted, the members of which are to be appointed by the governor as provided in section 80 of this Act; and until the legislature shall otherwise provide, said board shall consist of six members, and its members be appointed for a term of four years: *Provided, however,* that the commissioner shall, with the approval of said board, sell to any citizen of the United States, or to any person who has legally declared his intention to become a citizen, for residence purposes lots and tracts, not exceeding three acres in area, and that sales of government lands may be made upon the approval of said board whenever necessary to locate there-

on railroad rights-of-way, railroad tracks, side tracks, depot grounds, pipe lines, irrigation ditches, pumping stations, reservoirs, factories, warehouses and mills and appurtenances thereto, including houses for employees, mercantile establishments, theaters, banks, hotels, hospitals, churches, cemeteries, private schools or other structures required in connection with economic, industrial, educational and religious purposes; and all such sales shall be limited to the amount actually necessary for the economical conduct of such business or undertaking: *Provided further*, that no exchange of government lands shall hereafter be made without the approval of two-thirds of the members of said board, and no such exchange shall be made except to acquire lands directly for public uses'."

(Approved May 13, 1935.) **S.J.R. 6.**

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**J. R. 11.**

**Joint Resolution Authorizing the Governor and Land Commissioner to Do Certain Acts for the Relief of Waiakea Homesteaders.**

WHEREAS, it is well known that many of the Waiakea homesteaders on the island of Hawaii are, as the result of unforeseen economic conditions following the world war, in such financial circumstances that they can never hope to liquidate their indebtedness either to the Territory or to Waiakea Mill Company; and

WHEREAS, the cane lots which such persons now hold under special homestead agreements are bringing in to the Territory only at most the current taxes thereon, whereas such lands, were they repossessed by the Territory and advertised for lease, would, over the term of such lease or leases, almost completely liquidate the amounts now due and owing to the Territory from such homesteaders for delinquent payments on account of the purchase price of such cane lots and interest thereon; and

WHEREAS, many of such homesteaders desire the cancellation of their special homestead agreements in so far as the same apply to the cane lots therein included, provided such homesteaders be relieved of their indebtedness to the Territory for delinquent payments on account of the purchase price of such cane lots and interest thereon, and their indebtedness to Waiakea Mill Company, now therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That, in so far as it lies within the power of this legislature, the governor and the land commissioner of the Territory be, and they hereby are, authorized and requested to accept the voluntary surrender of any Waiakea homestead cane lot, and upon such surrender and acceptance to cancel and remit any and all indebtedness of such homesteader to the Territory for delinquent payments on account of the purchase price of such cane lot and interest thereon, provided Waiakea Mill Company likewise cancels and remits the indebtedness of such homesteader to it, and to advertise and lease all such cane lots so surrendered, upon such terms and conditions as to them seem most advantageous to the finances of the Territory.

(Approved May 13, 1935.) **S.J.R. 12.**

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**J. R. 12.**

**Joint Resolution Providing That the Hawaii Rural Rehabilitation Corporation, Ltd., Be Recognized and Designated as an Agency of the Territory of Hawaii to Assist in the Rehabilitation of Individuals and Families as Self-Sustaining Citizens, and Authorizing the Various Officers, Boards, Courts and Governing Bodies of the Territory of Hawaii Engaged in the Relief of Destitution and Unemployment to Cooperate With Said Corporation.**

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That the Hawaii Rural Rehabilitation Corporation, Ltd., organized by the members of the Federal Emergency Relief Administration, and chartered by the Territory of Hawaii to serve as a social and financial instrumentality in assisting to rehabilitate individuals and families by enabling them to secure subsistence and gainful employment from the soil and coordinated and other enterprises in order to restore them as self-sustaining citizens and thereby reduce the burden of public relief for the needy and unemployed, is hereby recognized and designated as an agency of the Territory of Hawaii and of the Federal Emergency Relief Administration and its successor within the powers and limitations of its charter for the carrying out of said objects and purposes.

Section 2. The corporation is hereby authorized to accept and receive loans, grants and other assistance from the United States government, departments and/or agencies thereof for

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its use or for relief and rehabilitation purposes, as well as to receive like financial and other aid when extended by the Territory of Hawaii or any of its departments, political subdivisions or agencies or any municipality, or from other sources, either public or private, and to employ the same in carrying out its rehabilitation purposes and activities.

Section 3. That the various officers, boards, courts and governing bodies of the Territory of Hawaii engaged, in any way, in the relief of destitution and unemployment are hereby authorized to cooperate with the said Hawaii Rural Rehabilitation Corporation, Ltd., for the purposes specified in section 1 hereof.

Section 4. That this Joint Resolution shall take effect immediately after its passage and approval.

(Approved May 13, 1935.) **S.J.R. 13.**

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**J. R. 13.**

**Joint Resolution Requesting Congress to Amend Section 202 of the Hawaiian Homes Commission Act Relating to the Membership of the Commission and the Appointment of Officers.**

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Congress of the United States is hereby requested to amend section 202 of the Hawaiian Homes Commission Act (being section 1661 of the Revised Laws of Hawaii 1935) so that it will read as follows:

"Commission, members, officer, compensation. (a) There is hereby established a commission to be known as the Hawaiian Homes Commission and to be composed of five members. The members shall be appointed by the governor and may be removed in the manner provided by section 80 of the Organic Act. All of the members shall have been residents of the Territory of Hawaii at least three years prior to their appointment and at least three of the members shall be a descendant of not less than one-fourth part of the blood of the Races inhabiting the Hawaiian Islands previous to 1778.

"(b) Any vacancy in the office of an appointed member shall be filled in the same manner and under the limitations of this Act.

"(c) One of the members shall be designated by the governor as chairman. An executive officer and such clerical as-

sistants as may be necessary shall be appointed by the commission to serve at its pleasure. The executive officer shall receive an annual salary not to exceed \$6,000.00 and shall reside habitually at the major Hawaiian Homes settlement. Clerical assistants shall be paid in accordance with territorial practice for such services. The members of the commission shall serve without pay but shall receive actual expenses incurred by them in the discharge of their duties as such members. Of the originally appointed members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years. Their successors shall hold office for terms of five years, except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. A member may also be removed by the governor for cause after due notice and public hearing."

Section 2. The Congress of the United States is hereby requested to further amend the Hawaiian Homes Commission Act by adding a new section thereto to read as follows:

"The Secretary of the Interior shall designate from his department some one experienced in sanitation, rehabilitation and reclamation work to reside in the Territory of Hawaii and cooperate with the commission in carrying out its duties. The salary of such official so designated by the Secretary of the Interior shall be paid by the Hawaiian Homes Commission while he is carrying on his duties in the Territory of Hawaii, which salary, however, shall not exceed the sum \$6,000.00 per annum."

Section 3. This Joint Resolution shall, upon its approval, be forwarded to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Delegate to Congress from the Territory of Hawaii.

(Approved May 14, 1935.) **H.J.R. 39.**

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**J. R. 14.**

**Joint Resolution** Memorializing the Congress of the United States of America to Provide for the Issuance, by the Bureau of Immigration of the Department of Labor, of Certificates of Citizenship to All Persons Residing in the Territory of Hawaii Who Are Citizens of the United

States and Who Apply for Such Certificates and Present Due Proof of Such Citizenship, and to Provide for the Appointment of a Commission to Present This Resolution Before the Congress of the United States, and to Make Available to the Said Commission an Appropriation to Defray Its Expenses.

WHEREAS, through the cooperation of the Bureau of Immigration of the Department of Labor of the United States provision has been made by said bureau for the issuance, to citizens of the United States in the Territory of Hawaii who are about to travel to continental United States and/or to other portions of the world, of certificates of citizenship for the purpose of facilitating travel by such persons; and

WHEREAS, such action on the part of said bureau has been and is greatly appreciated by the people of the Territory of Hawaii and has assisted and is assisting in alleviating the hardships heretofore imposed upon citizens of the Territory of Hawaii and of the United States, particularly those of Oriental ancestry, in traveling to other portions of the United States and of the world; but

WHEREAS, such certificates are not issued unless and until applicants therefor contemplate traveling to other portions of the United States or the world within the near future and persons who do not so contemplate such travel are unable to secure such certificates, and there is danger, in the case of citizens not contemplating such travel, that the necessary proof of their birth in the Hawaiian Islands or other facts necessary to establish their citizenship in the United States will be lost by death or removal from the Territory of Hawaii of witnesses who can testify to such facts or otherwise; and

WHEREAS, due to the large number of persons of Oriental or Polynesian ancestry in the Hawaiian Islands born therein or otherwise entitled to citizenship in the United States and to the historical background of said islands, the conditions in said islands relating to the necessity for the certification of the citizenship of such persons are unique and require special treatment due to their unusual character; and

WHEREAS, the certification of the citizenship of such persons, upon due application and proof being made therefor, regardless of the presence or absence of intention on the part of such persons to travel in the immediate future, is a matter of vital importance to the young citizens, particularly those of Oriental ancestry, in the Territory of Hawaii, and if provided for will tend to produce greater security and satisfaction in such citizenship and will tend to create better and more loyal citizens of the United States; now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. That the Congress of the United States of America be and it hereby is urgently requested to provide by appropriate and adequate legislation for the certification of the citizenship of all persons residing in the Territory of Hawaii who are citizens of the United States and who apply for such certification to the Bureau of Immigration of the Department of Labor of the United States and furnish due proof of such citizenship, regardless of the presence or absence of any intention on the part of such applicants to travel in the immediate future; and providing that the possession by an applicant of certificates of Hawaiian birth, duly issued by the proper Territorial officials pursuant to law, shall be *prima facie* evidence of such citizenship.

Section 2. That duly authenticated copies of this Joint Resolution be transmitted to the Delegate to Congress from Hawaii, the Secretary of the Interior and the Secretary of Labor of the United States, and each of the two Houses of the Congress of the United States of America.

Section 3. That the Governor be, and he is hereby authorized, to appoint a commission composed of three members to proceed to Washington, D. C., to present this resolution to, and to work towards its enactment into law by, the Congress of the United States of America, if deemed advisable.

Section 4. That the sum of ten thousand dollars (\$10,000.00) be, and is hereby appropriated out of the general revenues of the Territory of Hawaii to defray the expenses of the said commission.

(Approved May 14, 1935.) **H.J.R. 1.**

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**J. R. 15.****Joint Resolution Requesting the Congress of the United States to Enact Legislation to Authorize the Legislature of the Territory of Hawaii to Provide for the Issuance of Certain Bonds.***Be It Enacted by the Legislature of the Territory of Hawaii:*

Section 1. The Congress of the United States is hereby respectfully requested to authorize the issuance of bonds in the amounts, of the character, and for the general purposes set forth in the proposed form of the bill hereinafter set out, and to that end, Congress is respectfully requested to enact a

bill in substantially the following words and figures, to-wit:

**"A BILL TO ENABLE THE LEGISLATURE OF THE TERRITORY OF HAWAII TO AUTHORIZE THE ISSUANCE OF CERTAIN BONDS, AND FOR OTHER PURPOSES.**

*"Be It Enacted by the Senate and the House of Representatives of the United States in Congress Assembled:*

"Section 1. The legislature of the Territory of Hawaii may cause to be issued on behalf of the territory and may authorize any political or municipal corporation or subdivision of the territory (including the board of water supply of the city and county of Honolulu, and the board of harbor commissioners) to issue of its own behalf bonds and other obligations payable solely from the revenues derived from a public improvement or public undertaking (which revenues may include transfers by agreement or otherwise from the regular funds of the issuer in respect of the use by it of the facilities afforded by such improvement or undertaking). The issuance of such revenue bonds shall not constitute the incurrence of an indebtedness within the meaning of the Hawaiian Organic Act, and shall not require the approval of the President of the United States.

"All acts of the legislature of Hawaii heretofore authorizing the issuance of revenue bonds on behalf of the territory or by any political or municipal corporation or subdivision thereof are hereby confirmed and ratified.

"Section 2. That the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any Act of this Congress to the contrary notwithstanding, is authorized and empowered to issue bonds in the sum of not to exceed four million eight hundred three thousand dollars (\$4,803,000.00) of the character and in the manner provided in that certain Act of the legislature of said territory, enacted at its regular session of 1935, entitled: 'An Act to provide for public improvements and for the securing of federal funds for expenditure in connection with funds hereby appropriated for such improvements.'

"Such bonds may be either term or serial bonds, maturing, in the case of term bonds, not later than thirty years from the date of issue thereof, and, in the case of serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years, and the last installment to mature not later than thirty years, from the date of such issue. And said Act of said legislature is hereby ratified and confirmed, subject to the provisions of this Act; provided, however, that nothing herein contained shall be deemed to prohibit the amendment of said Act of said territory by the legislature

thereof from time to time to provide for changes in the improvements authorized by said Act or for the disposition of unexpended moneys appropriated by said Act, and that said bonds may be issued without the approval of the President of the United States.

"Section 3. This Act shall take effect immediately."

Section 2. That certified copies of this Joint Resolution be forwarded to the Secretary of the Interior, the Delegate to Congress from Hawaii, and to both Houses of the Congress of the United States of America.

(Approved May 15, 1935.) **H.J.R. 29.**

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**J. R. 16.**

**Joint Resolution Requesting the Congress of the United States of America to Provide Financial Assistance to the Territory of Hawaii for the Segregation, Care, Maintenance and Treatment Therein of Persons Afflicted or Suspected of Being Afflicted With Leprosy.**

WHEREAS, ever since its inception the Territory of Hawaii has expended yearly large sums of money in the segregation, care, maintenance and treatment of persons afflicted or suspected of being afflicted with leprosy and in efforts to eradicate said disease; and

WHEREAS, by the Act of Congress of March 3, 1905, (33 Statutes at Large 1009) an appropriation was made by the United States for the establishment of a hospital station and laboratory of the public health and marine hospital service of the United States for the study of the methods of transmission, cause and treatment of leprosy at Kalawao, island of Molokai, in said Territory, for the purpose of assisting said Territory in the segregation, care and treatment of leprous persons and the eradication of said disease, such appropriation being upon condition that the Territory deed to the United States in perpetuity certain lands as a site for such hospital station and laboratory; and

WHEREAS, by proclamation of the governor of said Territory, dated June 28, 1905, the Territory, pursuant to the requirements of said Act of Congress of March 3, 1905, transferred in perpetuity to the United States certain lands at said Kalawao containing an aggregate area of six hundred and forty acres, for use by the public health and marine hospital service of the United States for the purposes stated in said Act of Congress of March 3, 1905; and

WHEREAS, said public health and marine hospital service proceeded to erect buildings and improvements upon said lands for said purposes but soon found it impracticable to maintain a separate institution thereat for the care and treatment of leprous persons and in some years abandoned the same, and said lands theretofore conveyed to the United States and all improvements thereon were finally, by quitclaim deed of the secretary of the treasury of the United States, pursuant to an Act of Congress approved September 21, 1922, (42 Statutes at Large 995), reconveyed to said Territory to be administered at its own expense; and

WHEREAS, said Territory has therefore borne the entire burden of segregating, treating and caring for leprous persons in its jurisdiction up to the present time except for a station at Kalihi Receiving Hospital, at Honolulu, known as the United States Leprosy Investigation station, administered by the United States public health service; and

WHEREAS, by the Act of Congress of February 3, 1917, (39 Statutes at Large 872) the United States public health service was authorized to establish a federal home for the care and treatment of all leprous persons in the United States who should present themselves for treatment thereat and of any leprous persons who might be consigned thereto by the proper health authorities of any state, territory or the District of Columbia, to be treated and cared for at the expense of the United States; and

WHEREAS, pursuant to said last mentioned Act, a home for the care and treatment of persons afflicted with leprosy was established at Carville in the State of Louisiana and has ever since been maintained thereat by the United States public health service at the expense of the United States and said United States public health service has received and maintained and treated thereat leprous persons from various states and territories but has never been called upon by the Territory of Hawaii to receive, maintain or treat thereat leprous patients from said Territory; and

WHEREAS, the expense of segregating, treating and caring for leprous persons has constituted and still constitutes a heavy burden upon the people and limited resources of the Territory of Hawaii so that said Territory has been and is unable to undertake the most effective and modern program possible for the treatment of such persons and the eradication of said disease; and

WHEREAS, the Territory, by treating and caring for all leprous persons therein, has saved and is saving to the government of the United States the expense of transporting to and

treating and maintaining at said Carville all of said leprous persons, liability for which the Territory is authorized to transfer to said United States Government under the provisions of said Act of Congress of February 3, 1917; and

WHEREAS, since annexation Hawaii has expended in excess of \$8,500,000.00 in caring for its leprous patients, and said Territory is still desirous, in so far as its resources permit, to continue to segregate, treat and care for its own citizens or residents afflicted or suspected of being afflicted with said disease but is in need of financial assistance in order adequately to do so; and

WHEREAS, following the adoption of Joint Resolution No. 8 of the regular session of 1931 of the legislature of the Territory, approved April 18, 1931, and the adoption of Joint Resolution No. 1 of the second special session of 1932 of said legislature, approved April 26, 1932, requesting the Congress of the United States to provide financial assistance to the Territory for the segregation, care, maintenance and treatment of leprous persons, said Congress adopted Public Resolution No. 38, 72nd Congress, approved July 15, 1932, authorizing the surgeon general of the United States public health service to make a survey as to the existing facilities for the protection of the public health in the care and treatment of leprous persons in the Territory of Hawaii, and for other purposes; and

WHEREAS, pursuant to said last mentioned Resolution the surgeon general of the United States public health service did cause such survey to be made, and reported his findings thereon to the 72nd Congress at its second session, said report having been printed as House Document No. 470, 72nd Congress, 2nd Session, and said report finding, among other things: (a) that the care and treatment of leprous persons in Hawaii has conformed for many years to an enlightened policy, and that the provisions made by the Territory for these unfortunates are commendable; (b) that the surgeon general did not recommend a departure from the established policy of the federal government of requiring consignment to it by the local governments of leprous patients for care and treatment, but that "there would not be sufficient facilities at the leper home at Carville, La., to accommodate all lepers whom the territorial authorities might wish to consign for care and treatment; nor would it be advisable to transport lepers from Hawaii in any considerable numbers to the leper home in the continental United States"; and

WHEREAS, it is the belief of the people of said Territory that, notwithstanding the recommendation made in said report as to continuation of the federal policy hereinabove mentioned,

it is for the best interest of leprous persons in said Territory that the present methods of treatment by territorial authorities be continued with, however, such financial assistance from the federal government as will enable the Territory to undertake and maintain the most effective and modern program possible for the treatment of such persons and the eradication of said disease; now, therefore,

*Be It Enacted by the Legislature of the Territory of Hawaii:*

That the Congress of the United States of America be and it hereby is requested to provide for adequate financial assistance to the Territory of Hawaii by the United States government to enable said Territory properly and adequately to continue to segregate, treat and care for leprous persons therein and to continue its efforts to stamp out said disease; and to that end the said Congress is hereby requested to provide for the payment yearly to said Territory of a per diem for each person afflicted or suspected of being afflicted with leprosy cared for by said Territory during such year equal to one-third of the per diem expended by the United States public health service in the care and treatment of each patient at said home for the care and treatment of leprous persons at Carville, aforesaid, and to enact into law a bill in substantially the following words and figures, to-wit:

**"A BILL TO PROVIDE FEDERAL AID FOR THE TERRITORY OF HAWAII IN THE SEGREGATION, CARE, MAINTENANCE AND TREATMENT OF PERSONS AFFLICTED OR SUSPECTED OF BEING AFFLICTED WITH LEPROSY THEREIN, AND IN THE ERADICATION OF SAID DISEASE.**

*"Be It Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:*

"Section 1. That the secretary of the treasury shall, as soon as may be after the first day of July of each year, commencing with and following the year 1935, pay to the treasurer of the Territory of Hawaii out of any money in the treasury not otherwise appropriated, a sum of money equal to one-third of the average amount expended per patient per diem during the preceding fiscal year by the United States public health service at Carville, in the State of Louisiana, in the care and treatment of leprous persons, multiplied by the product of (1) the average number per day of persons, excluding veterans for whom the United States makes contributions to the Territory, afflicted or suspected of being afflicted with leprosy cared for in leprosariums or hospitals maintained by said Territory for such purposes during such preceding fiscal year and (2) the num-

ber of days in such preceding fiscal year. All amounts so paid shall be deposited by the territorial treasurer in a special fund and shall be expended in such manner as may be directed from time to time by the legislature of the Territory in the segregation, care, maintenance and treatment of persons in said Territory afflicted or suspected of being afflicted with leprosy and for the construction, repair, maintenance, improvement, furnishing and equipping of leprosariums, hospitals and other facilities for the care, maintenance and treatment of such persons.

"Section 2. The governor of said Territory shall, as soon as may be after the end of each fiscal year, submit to the secretary of the treasury a detailed statement showing the number of persons, excluding veterans for whom the United States makes contributions to the Territory, afflicted or suspected of being afflicted with leprosy cared for during each day of such year in any leprosariums or hospitals maintained for such purposes by said Territory and the average number of such persons so cared for per day during such year.

"The United States public health service shall also submit to the secretary of the treasury, as soon as may be after the end of each fiscal year, a statement showing, in such detail as the secretary of the treasury may require, the average amount per patient per diem expended at Carville in the care and treatment of leprous persons as aforesaid.

"The secretary of the treasury may also require the governor of said Territory and the United States public health service to furnish such further pertinent information as he shall deem necessary for the purpose of determining the amounts payable to said Territory from time to time under this Act.

"Section 3. This Act shall take effect upon its approval."

(Approved May 16, 1935.) **S.J.R. 7.**





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3235.....	N .....	Sec. 9, B-83
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3763.....	Am .....	C-91
3764.....	Am .....	C-92, C-93
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3793.....	Am .....	C-95
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3940.....	Am .....	C-98 to 101
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4236-A.....	N .....	Sec. 2, C-103
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4366.....	Am .....	C-106
4450.....	Am .....	C-107
4456-4457 .....	Am .....	C-108
4460.....	Am .....	C-109
4461.....	Am .....	C-110
4600-4601 .....	N .....	C-111
4630.....	Am .....	C-112
4666.....	Am .....	C-113
4713.....	Am .....	C-114
4779.....	Am .....	C-115
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5728-5729 .....	Am .....	C-121
5950-5951 .....	Am .....	Secs. 1-2, C-122
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6405-A.....	N .....	C-126
6436-A.....	N .....	C-127
6436-B.....	N .....	C-128
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6610A .....	N .....	Sec. 1, D-130
6619.....	Am .....	Sec. 2, D-130
6651.....	Am .....	Sec. 1, D-131
6653.....	Am .....	Sec. 2, D-131
6654-A-6654-C.....	N .....	Sec. 3, D-131
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6663.....	Am .....	Sec. 5, D-131
6665-6666 .....	Am .....	Secs. 6-7, D-131
6668.....	Am .....	Sec. 8, D-131
6669-A-6669-B.....	N .....	Sec. 9, D-131
6671-A-6671-C.....	N .....	Sec. 10, D-131
6673-A.....	N .....	Sec. 11, D-131
6735-6736 .....	Am .....	D-132
6743.....	Am .....	D-133
6752.....	Am .....	D-134
6754.....	Am .....	Sec. 1, D-135
6756.....	Am .....	Sec. 2, D-135
6765.....	N .....	D-136
6852.....	Am .....	D-137
6877.....	Am .....	D-138
6905.....	Am .....	D-139
6909.....	Am .....	D-140
6911.....	Am .....	Sec. 1, D-141
6920.....	Am .....	Sec. 2, D-141
6922-6922A.....	N .....	D-142
6923-6923A.....	N .....	D-143
6924-6924A.....	N .....	D-144
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7050.....	Am .....	D-146
7051.....	Am .....	D-147
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7681-7682.....	Am .....	Secs. 9-10, B-67
7690.....	Am .....	Sec. 11, B-67
7695.....	Am .....	D-154
7724.....	Am .....	Sec. 1, D-155
7727.....	Am .....	Sec. 2, D-155
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7736.....	Am .....	Sec. 13, B-67
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7876.....	Am .....	Sec. 3, D-160
7878.....	Am .....	Sec. 3, D-159
7880.....	Am .....	Sec. 4, D-159
7888.....	Am .....	Sec. 5, D-159
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7936-7936F.....	N .....	Secs. 1-7, D-166
7970-7971.....	Am .....	Secs. 1-2, D-167
7971-A.....	N .....	Sec. 3, D-167
7973-A.....	N .....	Sec. 4, D-167
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