

LAWS OF THE TERRITORY OF HAWAII

PASSED AT THE

ELEVENTH REGULAR SESSION OF THE
LEGISLATURE

1921

ACT 1

[H. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1921 FROM THE PUBLIC TREASURY.

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

SECTION 1. There shall be and hereby is appropriated the sum of forty thousand dollars (\$40,000.00) from the public treasury for the purpose of defraying the expenses of the regular session of the house of representatives of the legislature of the Territory of Hawaii of the year 1921.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 21st day of February, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 2

[S. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1921.

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

SECTION 1. There shall be and hereby is appropriated the sum of thirty thousand dollars (\$30,000.00) from the public treasury for the purpose of defraying the expenses of the regular session of the senate of the legislature of the Territory of Hawaii of the year 1921.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 21st day of February, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 3

[H. B. No. 17]

AN ACT RELATING TO THE PAY OF WITNESSES ATTENDING UPON ANY CORONER'S INQUEST.

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

SECTION 1. Every witness attending upon any coroner's inquest shall be paid one dollar (\$1.00) for each day's actual attendance and said fee of one dollar (\$1.00) shall be paid by the county or city and county in which the inquest is held, and traveling expenses at the rate of ten cents a mile each way.

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after the date of its approval.

Approved this 4th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 4

[H. B. No. 85]

AN ACT APPROPRIATING ONE THOUSAND FORTY-NINE AND 60/100 DOLLARS (\$1,049.60) FOR THE PURPOSE OF REFUNDING TO THE COUNTY OF HAWAII MONEY EXPENDED BY IT ON ROAD WORK IN THE DISTRICT OF KAU, COUNTY OF HAWAII.

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

SECTION 1. The sum of one thousand forty-nine and 60/100 dollars is hereby appropriated out of any money in the treasury of the territory received from the sale of lands in the County of Hawaii, Territory of Hawaii, for the purpose of refunding to said County of Hawaii for what it had expended in constructing and macadamizing the road or roads through the Waiohinu house lots, in the District of Kau, County of Hawaii.

SECTION 2. The auditor of the territory shall issue a warrant in favor of the County of Hawaii for the amount stated in Section 1 of this Act upon a claim to be filed by said county.

SECTION 3. This Act shall take effect upon its date of approval.

Approved this 5th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 5

[S. B. No. 9]

AN ACT TO CONSTRUCT ROADS TO AND THROUGH THE HOME-STEAD LOTS OF PAPAALOA, NORTH HILO, COUNTY OF HAWAII, BY MAKING AN APPROPRIATION OUT OF THE PROCEEDS OF THE SALE OF PUBLIC LANDS UPON THE ISLAND AND COUNTY OF HAWAII.

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

SECTION 1. That the additional sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii realized from the sales of public lands upon the Island and County of Hawaii, towards constructing a road to and through homestead lots at Papaaloa, North Hilo, County of Hawaii.

SECTION 2. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands, who shall have charge of the construction of said road or roads; provided, that the commissioner of public lands shall contract for the construction of said road or roads, but in no case shall contract for an amount in excess of the sum of fifteen thousand dollars (\$15,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said road or roads shall be commenced as soon as the contract herein provided shall be executed.

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

Approved this 7th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 6

[H. B. No. 15]

AN ACT TO AMEND SECTION 123 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 17 OF THE SESSION LAWS OF 1919, RELATING TO ELECTION EXPENSES.

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

SECTION 1. Section 123 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

“Section 123. Expenses. The treasurer shall pay out of such appropriations as may be made by the legislature for election purposes to the members of the board of registration seven dollars a day of not less than six hours, for each day of actual service, which shall include traveling expenses; and to the inspectors of election, in precincts of not more than two hundred registered voters, the sum of ten dollars each, in precincts of more than two hundred and not more than four hundred registered voters, the sum of fifteen dollars each, and in precincts of more than four hundred registered voters, the sum of twenty dollars each, for each election held; and shall also pay the necessary expenses of preparing the polls and holding the election, which expenses shall be regulated and limited by the treasurer and shall not include the cost of refreshments.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 9th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 7

[H. B. No. 69]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO MAKE AN APPROPRIATION FOR THE RELIEF OF JOSEPH RICHARDS.*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 an appropriation in the sum of three hundred dollars (\$300.00) from the general fund of the said City and County of Honolulu for the purpose of paying the compensation of Joseph Richards for services rendered by him as dairy stock inspector for the period of ten months commencing from the 1st day of August, 1919. Upon the making of such appropriation, the auditor of the City and County of Honolulu is hereby authorized and directed to draw his warrant upon the treasurer of the City and County of Honolulu for the sum of three hundred dollars (\$300.00) in favor of said Joseph Richards.

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

Approved this 9th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 8

[H. B. No. 131]

AN ACT RELATING TO THE DISPOSITION OF PLUMBING FEES
COLLECTED IN ALL THE COUNTIES OF THE TERRITORY OF
HAWAII.

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

SECTION 1. All moneys collected for plumbing permits in all counties of the Territory of Hawaii shall be paid to the treasurers of said counties, and the same shall become county realizations.

SECTION 2. This Act shall take effect from and after the first day of July, A. D. 1921.

Approved this 9th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 9

[H. B. No. 72]

AN ACT TO AMEND SECTION 2431 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE CERTIFICATE OF PAY OF JURORS.

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

SECTION 1. Section 2431 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2431. Certificate of. At the end of each month during the term of a circuit court and whenever jurors are excused as provided in Section 2410, the clerk shall make a certificate to each juror entitled thereto, certifying the number of days

such juror has attended court and the amount due to him per diem and mileage. Each juror shall state on oath to the clerk the number of miles traveled for which he is entitled to pay; but no juror shall receive mileage for going to or returning from court more than once during the same term for which he was summoned; provided, however, that when a juror is released or excused for a period of more than one month and is again called back to serve, he shall be allowed his mileage as at first; and no person summoned as a juror who does not serve or is excused at his own request shall receive any per diem or mileage."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 10th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 10

[H. B. No. 9]

AN ACT AUTHORIZING THE AUDITOR OF THE COUNTY OF HAWAII TO ISSUE PAY WARRANTS TO SALARIED OFFICERS AND EMPLOYEES AT THE END OF EACH MONTH.

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

SECTION 1. The auditor of the County of Hawaii shall at the end of each month issue pay warrants to all officers and employees, whose salaries have been fixed by the legislature or the board of supervisors of said county.

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

Approved this 11th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 11

[H. B. No. 144]

AN ACT AMENDING ACT 22 OF THE SPECIAL SESSION LAWS OF 1920, PROVIDING ADDITIONAL TAXATION FOR HOSPITAL AND SANITARIUM PURPOSES IN THE COUNTY OF MAUI.

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

SECTION 1. Section 1 of Act 22 of the Special Session Laws of 1920 is hereby amended by adding thereto the following:

"Providing that in computing the increase in the tax rate herein provided for, the tax assessor shall each year deduct from the said sum of two hundred thousand dollars (\$200,000.00) the amount remaining unexpended or uncontracted for at the end of the preceding calendar year, of the money raised by such additional tax prior to the year for which such increase in rate is computed."

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

Approved this 11th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 12

[S. B. No. 12]

AN ACT TO AMEND SECTIONS 1 AND 5 OF ACT 207 OF THE SESSION LAWS OF 1919, PROVIDING FOR PUBLIC LOANS.

Approved March 1921. 90 S. L. 1921

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

SECTION 1. Section 1 of Act 207 of the Session Laws of 1919 is hereby amended to read as follows:

"Section 1. The treasurer of the territory is hereby authorized and empowered, with the approval of the Governor, to issue from time to time bonds of the Territory of Hawaii, with interest coupons attached thereto, to an amount not exceeding a total outstanding bond debt of seventeen million five hundred thousand dollars (\$17,500,000.00), the principal and interest to be paid in gold coin of the United States of America, or its equivalent at its present standard of weight and fineness, in the manner, upon the terms and for the purposes of this Act stated. It is provided, however, that any bonds hereafter issued under the provisions of Chapter 88 of the Revised Laws of Hawaii, 1915, for the purpose of refunding authorized bonds shall not be computed as a part of the limit of bond issue herein provided for."

SECTION 2. Section 5 of Act 207 of the Session Laws of 1919 is hereby amended to read as follows:

"Section 5. The proceeds of the bonds so issued shall be exclusively devoted to public improvement purposes as defined and expressed in acts of the legislature providing for public improvements under which issues of bonds are authorized and in such order as the governor shall determine."

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

Approved this 14th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 13

[S. B. No. 15]

AN ACT TO AMEND CHAPTER 121 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO LICENSES BY ADDING THERETO FOUR SECTIONS TO BE KNOWN AS SECTIONS 2030A, 2030B, 2030C AND 2030D, PROVIDING FOR LICENSES FOR THE SALE OF FIREARMS.

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

SECTION 1. Chapter 121 of the Revised Laws of Hawaii, 1915, is hereby amended by adding thereto four new sections to be known as Sections 2030A, 2030B, 2030C and 2030D, and to read as follows:

“Section 2030 A. The annual fee for a license to sell firearms in the Territory of Hawaii, either at wholesale or retail, shall be ten dollars (\$10.00).”

“Section 2030B. Every license issued pursuant to the provisions of this Act shall be issued and shall be regarded as having been accepted by the licensee subject to the following conditions:

1. That such licensee shall at all times comply with all provisions of law relative to the sale of firearms.
2. That such license may during any time of national emergency or crisis, as hereinafter defined, be cancelled or suspended.
3. That all firearms in the possession and control of any such licensee may at any time of national emergency or crisis, as hereinafter defined, be seized and held in possession or purchased by or on the order of the Governor of Hawaii until such time as such national emergency or crisis has passed, or until such time as the said licensee and the government of the United States or the government of the Territory of Hawaii may agree upon some other disposition of the same.”

"Section 2030C. Such a national emergency or crisis shall be deemed to have arisen when the Governor of Hawaii, the Commanding Officer of the Hawaiian Department of the United States Army and the Commandant of the 14th Naval District in Hawaii have, in the exercise of their discretion, so determined."

"Section 2030D. Any person, firm or corporation who or which shall sell any firearm or firearms within the Territory of Hawaii without having a valid license so to do, or who or which being a holder of any such license shall violate any of the terms or conditions of the same, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00), or by imprisonment for not less than three months nor more than one year."

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

Approved this 14th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 14

[H. B. No. 114]

AN ACT TO AUTHORIZE AND REGULATE THE PRACTICE OF
OSTEOPATHIC PHYSICIANS AND SURGEONS, AND TO PROVIDE
PENALTIES FOR THE VIOLATION OF THIS ACT, AND TO REPEAL
ALL LAWS AND PARTS OF LAWS IN CONFLICT THEREWITH.

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

SECTION 1. License. No person shall practice as an osteopathic physician or surgeon either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so prac-

tice, or shall append the letters "Dr." or the letters "D.O." to his or her name, with the intent thereby to imply that he or she is a practitioner as an osteopathic physician or osteopathic physician and surgeon, without having a valid unrevoked license, obtained from the treasurer of the Territory of Hawaii, in form and manner substantially as hereinafter set forth. Such license shall only be granted upon the written recommendation of the board of health.

SECTION 2. Former license. (a) Any license heretofore issued under the laws of Hawaii to any graduate of a legally chartered college of osteopathy in good standing, authorizing its holder to practice osteopathy, shall in no wise be affected by the provisions of this Act, except that revocation thereof may be had in accordance with the provisions of this Act.

(b) Any and all licenses heretofore issued under the laws of Hawaii, other than to a graduate of a legally chartered college of osteopathy in good standing, authorizing its holder to practice osteopathy, shall cease to be of force or effect from and after the expiration of six months from the date of the approval of this Act.

SECTION 3. Board of osteopathic examiners. No person shall be recommended by the board of health for a license to practice as an osteopathic physician or as an osteopathic physician and surgeon except upon the written report of a board of osteopathic examiners, to be appointed and constituted as in this Act provided, setting forth that the applicant named therein has been duly examined and found to be possessed of the necessary qualifications, or found to be otherwise qualified as herein provided.

SECTION 4. Appointment, removal and qualifications of board of osteopathic examiners. For the purpose of carrying out the provisions of this Act, the Governor of the Territory of Hawaii is authorized and directed to appoint, in the manner prescribed in Section 80 of the Organic Act, a board of osteopathic examiners, whose duty it shall be to examine all applicants for licenses to practice as osteopathic physicians, and/or as osteo-

pathic physicians and surgeons, and to report the result of such examinations to the board of health.

Such board of osteopathic examiners shall consist of three persons, all of whom shall be licensed osteopathic physicians under the laws of this territory. The appointments, unless to fill out unexpired terms, shall be for three years, subject, however, to removal by the Governor in the manner prescribed in Section 80 of the Organic Act; provided, however, that of the first three members of said board of osteopathic examiners to be so appointed by the Governor, one shall be appointed for the term of one year, one for the term of two years, and one for the term of three years. In case of any vacancy occurring, for whatever cause, prior to the expiration of the term of any such appointee, the successor shall be appointed for the remainder of said term. All of the members of said board shall serve without pay. The board of osteopathic examiners may make and adopt, subject to the approval of the Governor, all necessary rules and regulations relating to the enforcement of this Act and not inconsistent with the provisions hereof. Examinations shall be held quarterly at a time and place to be fixed by the board, of which examination all applicants shall be notified in writing.

SECTION 5. No applicant for a license to practice as an osteopathic physician or as an osteopathic physician and surgeon shall be examined until he shall have paid to the treasurer of the Territory of Hawaii a fee of twenty-five dollars (\$25.00).

SECTION 6. Application for examination. Each applicant for examination provided for in this Act shall comply with the following requirements:

(a) Make application for examination on blank forms prepared and furnished by the board of osteopathic examiners;

(b) Submit evidence verified on oath and satisfactory to the board that applicant is twenty-one years of age or over and has had the preliminary and professional education required by this Act;

(c) Designate on his application whether he desires to practice as an osteopathic physician, or as an osteopathic physician and surgeon.

SECTION 7. Professional education. Standards of professional education required by this Act are fixed as follows:

The applicant shall be a graduate of a professional school or college of osteopathy which requires as a prerequisite to graduation a four years course of nine months each, covering the standard American Osteopathic Association curriculum, as defined in Section 8 of this Act, and giving instruction in all the subjects necessary to educate a thoroughly competent general osteopathic practitioner, including obstetrics, minor surgery with emphasis on fractures and dislocations; and embodying necessary instruction in anesthetics, antiseptics, germicides and parasitides, narcotics and antidotes, and to teach principles of surgery and surgical diagnosis leading to the degree of osteopathic physician, or doctor of osteopathy.

To practice as an osteopathic physician and surgeon the applicant, in addition to the requirements set forth in this section, shall submit satisfactory evidence to the board of osteopathic examiners aforesaid:

(a) That he has been engaged in the active practice of his profession as a duly licensed osteopathic physician for at least two years immediately prior to the date of his entrance to training for the degree of an osteopathic physician and surgeon; and in addition thereto, has

(b) Either completed a two years' post graduate course in a reputable professional school or college of osteopathy involving a thorough and intensive study in the subject of surgery; or

(c) Has completed a one year post graduate course in a reputable school or college of osteopathic surgery as in paragraph (b) hereof, and, in addition thereto, a one year course of

training as a surgical assistant in a hospital having at least twenty-five beds for patients and equipped for doing major surgical work.

SECTION 8. Colleges of osteopathy defined. The term "professional school or college of osteopathy in good standing" shall be defined as follows: a legally chartered osteopathic school or college requiring for admission to its course of study a preliminary education equal to the requirements for graduation of an accredited high school, and shall further require before granting the degree of doctor of osteopathy, an actual attendance at such osteopathic school or college of at least thirty-six months, or four terms of nine months each, its course of study to include the subjects and the minimum hours taught in each thereof, as follows:

Subject.	Hours
Anatomy (descriptive, regional, applied, surgical and dis- sective)	600
Embryology	70
Chemistry (advanced to include organic and physiological chemistry, and toxicology)	300
Histology	180
Physiology	300
Pathology	240
Bacteriology	150
Hygiene	60
Hydrotherapy	16
X-Radiance and electrical diagnosis	36
Dietetics	32
Osteopathy (a) principles of osteopathy; (b) osteopathic technique; (c) practice of osteopathy, to include dis- eases of nervous system, alimentary tract, heart and vascular system, genito-urinary diseases, ductless glands and metabolism, respiratory tract, bone and joint dis- eases and corrective gymnastics, acute and infectious diseases, pediatrics, dermatology, syphilis, psychiatry, diagnosis (physical, laboratory and differential), clinical practice, case recording	1466

Minor surgery, with emphasis on fractures and dislocations, principles of surgery, and surgical diagnosis, orthopedics, orificial and chemical	400
Eye, ear, nose and throat.....	180
Gynecology	160
Obstetrics	200
Professional ethics and efficiency	16
Jurisprudence	16
Total	4422

The number of hours herein prescribed for the study of any subject may be reduced not more than thirty per cent, but the total number of hours prescribed shall not be reduced. The foregoing requirements shall be published in each catalogue of such osteopathic school or college.

SECTION 9. Osteopathic physician and surgeon distinguished. The examination of those who desire to practice as osteopathic physicians shall embrace those general subjects and topics, a knowledge of which is commonly and generally required of candidates for a degree of doctor of osteopathy by reputable osteopathic colleges in the United States.

With respect to the subject-matter of surgery, the examination of those who desire to practice as osteopathic physicians and surgeons shall be of such a character as to thoroughly test the qualifications of the applicant as a practitioner of surgery.

SECTION 10. License issued. Each applicant who successfully passes the examination shall be entitled to a license. The following kinds of license shall be issued:

1. To practice as an osteopathic physician in accordance with the teachings of legally chartered colleges of osteopathy in good standing, with the following rights, among others, to wit: To practice obstetrics; to practice surgery, other than major surgery; and to administer anesthetics, antiseptics, germicides, parasiticides, narcotics and antidotes;

2. To practice as an osteopathic physician and surgeon. This

license confers unlimited surgical rights, as well as the right to practice in all other respects as an osteopathic physician.

SECTION 11. Foreign license. The board of osteopathic examiners, may, in its discretion, report favorably and require the issuance of a license, without examination, to a practitioner who has been licensed in any country, state, territory or province, upon the following conditions:

1. That the applicant is of good moral character;
2. That the applicant shall designate in his application whether he desires to practice, (a) as an osteopathic physician, or (b) as an osteopathic physician and surgeon;
3. That the requirements for a license in the country, state, territory or province in which the applicant is licensed, are deemed by the board of osteopathic examiners to have been practically equivalent to the requirements for a license in force in this territory at the date of such license;
4. That the applicant shall have practiced his profession as an osteopathic physician for three years prior to the date of his application.

The board of osteopathic examiners may also, in its discretion, report favorably and require the issuance of a license, without examination, to an osteopathic physician who is a graduate of an osteopathic college in good standing and who has passed an examination for admission into the medical corps of the United States army, United States navy, or the United States public health service.

SECTION 12. Display license. Every holder of a license shall display it in a conspicuous place in his principal place of business or employment.

SECTION 13. Privileges and obligations. Osteopathic physicians and osteopathic physicians and surgeons shall observe and

be subject to all territorial and municipal regulations relative to reporting births and deaths and all matters pertaining to the public health, with equal rights and obligations as physicians of other schools of medicine.

In public institutions osteopathic physicians and osteopathic physicians and surgeons licensed hereunder shall have the same privileges and the same rights to practice their profession in the treatment of cases and the same right to hold office as are accorded to physicians and surgeons of other schools.

SECTION 14. Refusal and revocation of license. The board of osteopathic examiners may either refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

- (a) Conviction of a felony, as shown by a certified copy of the record of the court of conviction;
- (b) The obtaining of or an attempt to obtain a license, or practice in the profession, or money, or any other thing of value, by fraudulent misrepresentation;
- (c) Gross malpractice;
- (d) Continued practice by a person knowingly having an infectious or contagious disease;
- (e) Advertising by means of knowingly false or deceptive statements;
- (f) Advertising, practicing or attempting to practice under a name other than one's own;
- (g) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit-forming drug.

The board of osteopathic examiners may neither refuse to issue, nor refuse to renew, nor suspend, nor revoke any license, however, for any of these causes, unless the person accused has

been given at least twenty days' notice, in writing, of the charge against him and a public hearing by the said board.

The board of osteopathic examiners shall have the power to compel the attendance of witnesses and the production of relevant books and papers for the investigation of matters that may come before them and the presiding officer of said board may administer the requisite oaths.

SECTION 15. Penalties. Each of the following acts constitutes a misdemeanor, punishable upon conviction by a fine of not more than two hundred and fifty dollars (\$250.00) :

- (a) The practice of osteopathy or an attempt to practice osteopathy without a license;
- (b) The obtaining of, or an attempt to obtain a license, or practice in the profession, or money, or any other thing of value by fraudulent misrepresentation;
- (c) The making of any wilfully false oath or affirmation whenever an oath or affirmation is required by this Act;
- (d) Advertising, practicing, or attempting to practice under a name other than one's own;
- (e) The violation of any of the provisions of this Act.

SECTION 16. Records. The board of osteopathic examiners shall keep a record which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of licenses to practice osteopathy or osteopathy and surgery. This record shall also contain the name, known place of business and residence, and the date and number of the license of every registered osteopath.

SECTION 17. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 18. Saving clause. Should the courts declare any

section or any part of a section of this Act unconstitutional or unauthorized by law, or in conflict with any other section or part or subdivision of a section or provision of this Act, then such decision shall affect only the section or part or subdivision of a section, or provision so declared to be unconstitutional, and shall not affect any other section or any other part or subdivision of a section or provision or part of this Act. It is further expressly provided that each section and each part or subdivision of a section herein, so far as an inducement for the passage of this Act is concerned, is independent of every other section and every other part or subdivision of a section, and that no section or part or subdivision of a section is an inducement for the enactment of any other section or part or subdivision of a section.

SECTION 19. Nomenclature. This Act may be known and cited "The Osteopathic Act."

SECTION 20. This Act shall take effect upon its approval.

Approved this 14th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 15

~~AN ACT~~ 14 S. L. 1923

[S. B. No. 5]

AN ACT TO PROVIDE A MEMORIAL TO THE MEN AND WOMEN OF HAWAII WHO SERVED DURING THE GREAT WAR.

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

SECTION 1. The sum of two hundred and fifty thousand dollars (\$250,000.00) is hereby appropriated out of moneys hereafter received by the treasurer for and on account of loan funds, and bonds may be issued as provided by law and as herein-after designated, to the extent necessary to yield the amount herein appropriated for the purpose of constructing a memorial

at Memorial Park, Waikiki, to the men and women of Hawaii who served during the great war.

SECTION 2. For the purpose of producing the necessary funds with which to construct said memorial, bonds to the extent of two hundred and fifty thousand dollars (\$250,000.00) shall be issued by the treasurer of the territory, payable in five (5) years after the date of issuance and bearing interest at a rate not to exceed five per cent (5%) per annum. One-fifth (1/5) of the bonds so issued shall be retired each year and the bonds so to be retired annually shall be determined by drawing or lot.

SECTION 3. The said sum of two hundred and fifty thousand dollars (\$250,000.00) hereby appropriated shall be divided into four (4) parts and payable by the several counties and city and county, in the proportions that the total assessed values of the real and personal property in the several counties and city and county for the year 1921, bear to the total assessed value of all such property in the Territory.

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SECTION 4. The several tax assessors in the several taxation divisions of the territory, beginning with the year 1922 and thereafter for five (5) successive years, shall add to the tax rate of their respective taxation divisions, an amount sufficient to produce in each year during the said five years, a sum equal to one-fifth (1/5) of the total amount payable by the respective counties and the city and county, as by Section 3 hereof provided, together with the annual interest on that amount, and the several sums so collected shall be deposited by the treasurer of the territory, in a special sinking fund for the retirement of said bonds, and the payment of the interest thereon. It is provided, however, that if, on any annual interest date, a sufficient amount has not been collected from the counties and the city and county to meet any interest payment and to retire one-fifth (1/5) of the said bonds as in Section 2 hereof provided, the amount necessary to pay the said interest and to retire one-fifth (1/5) of the said bonds shall be paid by way of advancement out of general revenues of the territory and repaid into the general revenues of the territory from the said sinking fund, when a

sufficient amount shall have been collected and deposited therein pursuant to the provisions of this section.

SECTION 5. A commission consisting of three members, shall be appointed by the Governor and shall be known as the Territorial War Memorial Commission. This commission shall serve without pay and shall make arrangements for and conduct an architectural competition for the design of the memorial provided for in this Act, and shall decide upon and designate the scheme of memorial to be adopted. These plans shall include a swimming course at least 100 meters in length, and such other features as the commission may designate.

SECTION 6. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated from the current revenues of the territory, not otherwise appropriated, by way of advancement for the necessary expenses of the commission in conducting the competition and for the awarding of prizes; said advancement to be paid from the proceeds of the sale of the bonds as hereinbefore provided. All funds appropriated for the payment of the necessary expenses of the commission or for the awarding of prizes shall be payable only upon the presentation of vouchers approved by the commission.

SECTION 7. The commission shall notify the superintendent of public works of the name of the architect whose plans are adopted. The superintendent of public works is hereby authorized and directed to employ the said architect to furnish detailed plans and specifications and to assist the superintendent of public works in the supervision of the construction of said memorial. The superintendent of public works shall advertise for bids under these plans and specifications as provided for by law and shall superintend and control the building, erection and construction of the said memorial.

SECTION 8. This Act shall take effect from and after the date of its approval.

Approved this 15th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 16

[H. B. No. 183]

**AN ACT AMENDING ACT 201 OF THE SESSION LAWS OF 1917,
ESTABLISHING A LIFE-SAVING PATROL FOR WAIKIKI BEACH.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 201 of the Session Laws of 1917 is hereby amended to read as follows:

“Section 1. There is hereby established a life-saving patrol for Waikiki beach under the control and supervision of the board of harbor commissioners.

“Section 2. The patrol shall consist of not more than four members, one of which shall be known as the captain of such patrol, and all of whom shall not be less than eighteen nor more than forty years of age, and who shall be appointed by the board of harbor commissioners. They shall be selected for their strength and their ability as swimmers and boatmen, and shall be expert in the use of the methods of resuscitating, both with and without apparatus, apparently drowned persons.

“Section 3. It shall be the duty of each member to patrol the section of Waikiki beach as may in the opinion of the board of harbor commissioners require such patrol. They shall at all times keep a vigilant lookout for persons in danger of drowning, render all the assistance in their power to any such persons, and keep order in the section under their control, for which purpose they shall be vested with police powers.

“Section 4. The members of such patrol shall receive not more than one hundred dollars per month each, except in the case of the captain of such patrol who shall receive one hundred and ten dollars per month, to be paid out of any money appropriated for the maintenance of landings and wharves, Oahu.

“Section 5. The board of harbor commissioners shall have

power to make such rules and regulations as may be necessary for carrying out the provisions of this Act, and shall furnish such boats and pulmotors, or other life-saving apparatus as may be necessary."

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

Approved this 17th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 17

Amd. Act ~~264~~ S. L. 1921

[H. B. No. 87]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 122 OF THE SESSION LAWS OF 1915 AND ACT 124 OF THE SESSION LAWS OF 1919, RELATING TO FIREARMS AND AMMUNITION, BY ADDING THERETO TWO NEW SECTIONS TO BE KNOWN AS SECTION 2202D AND SECTION 2202E.

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

SECTION 1. Chapter 125 of the Revised Laws of Hawaii, 1915, as amended by Act 122 of the Session Laws of 1915 and Act 124 of the Session Laws of 1919, is hereby further amended by adding thereto two new sections to be known as Section 2202D and Section 2202E, and to read as follows:

"Section 2202D. The permit mentioned in Section 2202B shall not be issued to any alien until applicant has filed with the sheriff or a deputy sheriff of the county or city and county a request in writing, signed by two responsible citizens requesting that such permit be issued, and recommending and vouching for the applicant. That aliens obtaining a permit as prescribed by the above section shall be required to secure an annual license from the treasurer of the county or city and county, and

to pay to said treasurer an annual license tax of five dollars; provided, however, that to aliens who must necessarily use firearms in carrying on their business, such as rice planting, such license shall be issued free of charge upon a certificate from the sheriff of the county or city and county in which they carry on such business to the effect that the firearms and ammunition mentioned in their permit are necessary to the conduct of their business.

"Section 2202E. Any alien person found in the possession of any firearm or firearms or any ammunition without having complied with the provisions of Section 2202D shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 18

[S B. No. 39]

AN ACT TO PROVIDE FOR THE PAYMENT OF SALARY TO D. S. BOWMAN, FORMERLY CHIEF SANITARY INSPECTOR OF THE ISLAND OF HAWAII.

WHEREAS, on August 10th, 1919, D. S. Bowman was by order of the board of health of the Territory of Hawaii suspended without pay from the position of chief sanitary inspector of the Island of Hawaii, then held by him, pending investigation of charges made against him; and

WHEREAS, on September 12th, 1919, after full investigation and hearing by the said board of health, the said charges against the said D. S. Bowman were dismissed and he was thereupon, by order of the said board of health, reinstated and restored to his position with full pay; and

WHEREAS, by reason of the substitution of another person during the period of the said suspension of the said D. S. Bowman, said substitute was paid the specific salary for said position, thereby exhausting the fund from which the salary to which the said D. S. Bowman was entitled for said period of his suspension would have been paid; and

WHEREAS, said salary was three hundred and fifty dollars (\$350.00) per month, and said period of suspension was substantially for one month, therefore

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

SECTION 1. The treasurer of the Territory is hereby authorized and directed to pay to D. S. Bowman, upon a warrant issued by the auditor of the territory, the sum of three hundred and fifty dollars (\$350.00) as and for his salary as chief sanitary inspector for the Island of Hawaii from August 10th, 1919, to September 12th, 1919, and such sum of three hundred and fifty dollars (\$350.00) is hereby appropriated out of any moneys received in the treasury from the general revenues.

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

Approved this 19th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

AND ACT 159 S. L. 1923
ACT 19

[S. B. No. 11]

AN ACT TO AMEND SECTIONS 1, 2, 3 AND 4 OF ACT 237 OF THE SESSION LAWS OF 1919, PROVIDING FOR PUBLIC IMPROVEMENTS.

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

SECTION 1. Sections 1, 2, 3 and 4 of Act 237 of the Session Laws of 1919, providing for public improvements, are hereby amended so as to read as follows:

"Section 1. The following sums are 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 to the extent necessary to yield the amounts herein appropriated:

TERRITORIAL IMPROVEMENTS.

Wharf and Harbor Improvements:

(To be expended under the direction of the harbor commission)

Oahu:

1. Pier 2	\$270,000.00
2. Dredging Honolulu Harbor	50,000.00
3. Construction of addition to Pier 15A	60,000.00
4. Waimanalo wharf	20,000.00
(It is provided, however, that \$9,202.00 of said sum of \$20,000.00 hereby appropriated shall, upon the completion to the satisfaction of the board of harbor commissioners of the territory of the existing contract entered into after and pursuant to an	

advertised call for tenders between the Waimanalo Sugar Company and the Hawaiian Contracting Company for the construction of the approach to and the repair of the present existing wharf, to be paid to the said Waimanalo Sugar Company upon a voucher or vouchers approved by the chairman of the said board of harbor commissioners.)

5. Purchase or acquisition by condemnation proceedings, Robinsen property 452,286.00
6. Purchase or acquisition, by condemnation proceedings, Allen property 149,492.00
7. Purchase, Oahu Railway and Land Company property..... 25,000.00
8. Acquisition, Bishop Estate tide land, Kewalo, approximately 125 acres, makai of Ala Moana Road 125,000.00

Hawaii:

10. New pier, Kuhio Bay..... 500,000.00
(Provided, however, that no portion of this item be expended until the board of harbor commissioners has secured from the Inter-Island Steam Navigation Company, or some other steamship companies, an agreement in writing to use the said pier for a period of, at least, five years at such wharfage rates as established by the said board of harbor commissioners.)

Maui:

11. Wharf and harbor improvements 290,000.00
New Buildings, Additions,
Equipment and other improve-
ments, as follows:
13. Oahu Prison 3,600.00
(Irrigation system; to be ex-
pended by superintendent of pub-
lic works.)
14. New equipment, division of plant
inspection 9,500.00
16. Demonstration farm, Haleakala. 5,000.00
21. College of Hawaii 142,000.00
(To be expended by superintend-
ent of public works.)
23. Volcano Road, Hawaii..... 215,000.00
(To be constructed along the
course of the present road as
near as practicable. The por-
tion of the road that is of con-
crete to be not more than sixteen
feet wide from Keeau railroad
station to 12½ Miles, Olaa, and
fourteen feet wide from there on
towards the Volcano.)
- 23a. Volcano road, Hawaii, beginning
at new concrete bridge about
four miles from Hilo and run-
ning toward Hilo 50,000.00
(Provided the County of Hawaii
appropriates a like amount.)
24. Main road, Pali, toward Hono-
lulu, Honolulu district, recon-
struction and drainage..... 150,000.00
(Said road shall be built of bitu-
minous concrete, and shall not
be built under the frontage tax
laws.)

25. Road toward Puukapele, Wai-mea Canyon, Kauai 30,000.00
26. Road and bridges, Iao Valley,
Maui 20,000.00."

"Section. 2. The following sums are also hereby appropriated for the following purposes out of any available money 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 to the extent necessary to yield the amount herein appropriated; provided that the sums specified in items 23 to 27 and 33 to 46 hereof, both inclusive, shall be expended by the boards of supervisors of the respective counties or city and county in accordance with plans and specifications prepared by the engineer of such county or city and county, subject to the provisions of Section 4 hereof.

Construction, relocation and reconstruction of belt roads and bridges; extensions of pipe lines and completion of reservoirs; purchase of parks and playground sites and installation of water works.

COUNTY OF HAWAII:

27. Concrete bridges and approaches. \$125,000.00
(Provided that at least 25 per cent of the amount of this item be spent in the Hamakua district.)
33. Keamoku road 75,000.00
(To be expended by Hawaii loan fund commission.)
34. Hilo Memorial Hospital and equipment 150,000.00
35. Belt road in the District of South Kona, beginning at the north terminus of the belt road construction made under the appropriation of \$50,000.00 in item 19 of Act 215 of the Session Laws of 1917, and running towards North Kona.... 50,000.00

36. Belt road in the District of North Kona, beginning at Honokohau and running towards South Kohala 100,000.00
- CITY AND COUNTY OF HONOLULU:
37. Second unit, Belt road, Koolau-poko-Koolauloa 500,000.00
(Said road shall be built of concrete on plans and specifications to conform as nearly as may be required for military necessity. No part of this appropriation shall be expended under any plans and specifications prepared on tenders called for prior to March 31, 1919, but only after new plans and specifications and a new call for tenders according to law and under a new contract. Provided, however, that in addition to the sum herein appropriated there may be used under any new contract the cement, iron and steel purchased or contracted for prior to March 31, 1919.)
38. Belt road from Pali Junction to Waimanalo 250,000.00
(Said road shall be built of concrete on plans and specifications to conform as nearly as may be required for military necessity.)
- COUNTY OF MAUI:
42. Kula pipe line extension to Keokea-Waiohuli beach lots..... 17,500.00
46. Belt road from the end of the present macadamized Kuiaha homestead road eastward toward Kakipi gulch on the original survey of the belt road 75,000.00 \$3,909,378.00

In case the amount specified in any item of this section for the construction or reconstruction of the road named in said item shall not be wholly required for such road, the unexpended or unrequired balance may be expended for the road work specified in any of the other items for the same county or city and county."

"Section 3. Each county or city and county shall pay to the territory on the interest dates of any bonds that may be issued by the territory, the proceeds of which shall have been expended for such of the projects referred to in said items 27 to 46, both inclusive, as shall have been expended in such county or city and county, interest upon an amount equal to 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, that the aggregate of such sums annually paid will, compounded annually at such rate of interest, equal, at the expiration of such term, such par value; and the auditor of the territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of such county or city and county, such amounts when due as are required by this section, to be paid by such county or city and county, and proper receipts shall thereupon be exchanged between the treasurers of the territory and of such county or city and county; provided, however, that such county or city and 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 said county or city and 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 by Section 1182 of the Revised Laws of Hawaii, 1915, in addition to the amounts required to be deposited by said section."

AN ACT *159* *L 1923* Section 4. No money shall be expended under items 23 to 27, both inclusive, and 33 to 38, both inclusive, and item 46, except as to item 34 of this Act, until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of any sewerage system, road or roads intended to be paid for in whole or in part with moneys provided by said items shall first be passed upon and approved by the superintendent of public works. Before approving said methods, materials, plans and specifications, said superintendent shall inspect the locality in which the said work is proposed to be done and shall familiarize himself with the local conditions affecting the said proposed work."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 21st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 20

[H. B. No. 89]

AN ACT AUTHORIZING AND DIRECTING CERTAIN TERRITORIAL OFFICIALS TO MAKE AN INVESTIGATION OF ALL CLAIMS TO PREFERENCE RIGHTS TO PURCHASE GOVERNMENT LAND IN THE TERRITORY OF HAWAII.

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

SECTION 1. The attorney general, the surveyor general, and, with respect to each taxation division, the tax assessor of such division, are hereby authorized and directed with all convenient despatch to make an investigation of all claims to preference rights to purchase government lands in the Territory of Hawaii arising or existing pursuant to Section 73 of the Organic Act,

and to report the result of said investigation to the commissioner of public lands, together with such recommendations in the premises as the evidence taken in each case may warrant.

SECTION 2. The said investigation shall be conducted in so far as the same may be expedient, at the place where the lands are situated and the claimants reside.

SECTION 3. Before any such investigation shall be actually commenced, sufficient notice shall be given to all claimants of the time when and the place where the same will be held by publication in a newspaper of general circulation in the county or city and county in which the lands claimed are located, by posting of notice or by such other means as may be effective for the purpose of enabling all such claimants to make proper preparation for the presentation of their claims.

SECTION 4. In conducting the said investigation, each of the said territorial officials shall have the power to administer oaths, to subpoena witnesses, and to take and receive under oath all such testimony as may tend to prove or disprove any such claim to a preference right to purchase any such portion of government land. All such subpoenas shall be signed by the attorney general.

SECTION 5. Any person who, having been summoned as a witness to give testimony or who, having appeared and been sworn as a witness, refuses to answer any question pertinent to the matter under inquiry, shall be guilty of a misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

SECTION 6. Any claimant or witness who wilfully or knowingly makes any false statement under oath, either verbally or in writing, relative to any material fact bearing upon any claimant's right to purchase such government land shall be deemed guilty of perjury and punished accordingly.

SECTION 7. Upon the completion of their investigation the said officials shall report to the commissioner of public lands the

results thereof and shall in each case make specific recommendations to the commissioner as to whether the claim to a preference right to purchase should be allowed or disallowed. The said officials shall in every case where they recommend the allowance of any such claim forward with such recommendation a detailed description by metes and bounds of the piece or lot of land involved in said claim.

SECTION 8. The Governor and land commissioner are hereby urgently requested, as soon as may be after the receipt of such report from the said officials, to issue land patent grants to all such citizens as are found by said report to be entitled to a preference right to purchase any such portion of government land in the Territory of Hawaii.

SECTION 9. The expenses incurred by said officials in making and conducting said investigation shall be paid from the general revenues of the territory, the necessary amount being hereby appropriated, which amount shall be repaid into the said general revenues from the moneys received from the sale of the lands covered by such preference right claims.

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

Approved this 21st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 21

[H. B. No. 142]

AN ACT TO AMEND SECTION 1274 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE COMPENSATION OF MEMBERS OF THE TAX APPEAL COURTS.

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

SECTION 1. Section 1274 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1274. Pay. The members of the said courts shall receive and be paid out of the treasury, compensation for their services at the rate of ten dollars (\$10.00) per day for each day's actual attendance, and their actual traveling expenses."

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

Approved this 21st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 22

[S. B. No. 49]

AN ACT TO AMEND SECTION 3304 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 104 OF THE SESSION LAWS OF 1915, RELATING TO ANNUAL EXHIBITS OF CORPORATIONS.

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

SECTION 1. The first two sentences of Section 3304 of the Revised Laws of Hawaii, 1915, as amended by Act 104 of the Session Laws of 1915, are hereby amended to read as follows:

"Section 3304. Annual exhibit. 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, as of December thirty-first of each year. Such 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 days after said day or such further time as may be allowed by the treasurer, provided such extension shall not exceed thirty days, excepting that in the case of an Hawaiian corporation which conducts its principal business without the Territory such

additional extension not exceeding ninety days shall be allowed as shall, to the satisfaction of the treasurer, be shown by affidavit of the president, treasurer or secretary of such corporation to be necessary in order to obtain the required information and prepare such exhibit."

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

Approved this 23rd day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 23

[H. B. No. 83]

AN ACT TO AMEND SECTION 628 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 87 OF THE SESSION LAWS OF 1915, ACT 14 OF THE SESSION LAWS OF 1917, ACT 4 OF THE SPECIAL SESSION LAWS OF 1918, AND ACT 84 OF THE SESSION LAWS OF 1919, RELATING TO THE DESTRUCTION OF FOOD FISHES.

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

SECTION 1. Section 628 of the Revised Laws of Hawaii, 1915, as amended by Act 87 of the Session Laws of 1915, Act 14 of the Session Laws of 1917, Act 4 of the Special Session Laws of 1918, and Act 84 of the Session Laws of 1919, is hereby further amended so that the last paragraph of said section shall read as follows:

"Nothing in this section, however, shall be construed to prohibit the use of portable wire nets or wire baskets, pounds or weirs, constructed to conform with the requirements of the first paragraph of this section, for the catching of the several species of fish named in the last paragraph above, including any other food fishes accidentally caught in such devices."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 23rd day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 24

[H. B. No. 110]

AN ACT TO AMEND SECTION 134 OF THE REVISED LAWS OF
HAWAII, 1915, RELATING TO ELECTION, TAXATION, EDUCATIONAL AND JUDICIAL DISTRICTS.

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

SECTION 1. Lines seventy-one (71) to seventy-four (74), inclusive, of Subsection 4 of Section 134 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

"3. From and including Kipu to the northerly bank of the north fork and the main Wailua river, to be styled the Lihue district;

"4. From the northerly bank of the north fork and the main Wailua river to Kealaakaiole, to be styled the Kawaihau district."

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

Approved this 23rd day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 25

[S. B. No. 17]

AN ACT MAKING AN APPROPRIATION FROM THE GENERAL REVENUES OF THE TERRITORY FOR REIMBURSING THE GOVERNOR OF HAWAII FOR MONEYS EXPENDED BY HIM IN THE PAYMENT OF RENT FOR HIS OFFICIAL RESIDENCE.

WHEREAS, it was the intention of the legislature of Hawaii as shown by Act 229 of the Session Laws of 1919 to provide the Governor of Hawaii with an executive mansion and to relieve him from the necessity of paying rent for his official residence; and

WHEREAS, up to the present time it has been impossible for the Territory to acquire title to Washington Place as provided by said Act and as provided by Act 35 of the special session of 1920; and

WHEREAS, the Governor of Hawaii has in the meantime been compelled to expend the sum of one thousand eight hundred and seventy dollars (\$1870.00) in payment of rent for his official residence for the period beginning May 1, 1919, up to and including February 28, 1921, and will be compelled to expend hereafter the sum of eighty-five dollars (\$85.00) monthly for the same purpose until the territory shall have acquired title to Washington Place; now, therefore,

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

SECTION 1. The sum of one thousand eight hundred and seventy dollars (\$1870.00) is hereby appropriated from the general revenues of the territory for the purpose of reimbursing the Governor of Hawaii for moneys expended by him for the payment of rent for his official residence as set forth in the preamble of this Act.

SECTION 2. The sum of eighty-five dollars (\$85.00) monthly is hereby appropriated from the general revenues of the territory to

repay to the Governor of Hawaii for the purpose of reimbursing him for money expended by him for the payment of rent for his official residence; said payment to begin in and for the month of March, 1921, and to continue until the territory has acquired title to said Washington Place, or until said Washington Place is no longer occupied as the official residence of the Governor of Hawaii.

SECTION 3. All moneys hereby appropriated shall be paid out on warrants drawn by the auditor upon vouchers approved by the Governor of Hawaii.

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

I hereby certify that the foregoing Bill, having been presented to the Governor for his approval and signature, and not having been signed or vetoed within the time prescribed by the Organic Act of the Territory, has become law without his signature on March 25, 1921.

CURTIS P. IAUKEA,
Secretary of the Territory of Hawaii.

ACT 26

[H. B. No. 50]

AN ACT MAKING AN APPROPRIATION FOR THE ACQUISITION OF CERTAIN PROPERTY TO BE USED IN CONNECTION WITH OAHU PRISON AS A PRISON FARM.

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

SECTION 1. The attorney general is hereby authorized and directed to acquire by purchase or condemnation proceedings for prison farm purposes that certain tract of land, together with the buildings and other improvements thereon, now owned by Alexander Young Estate, Limited, consisting of 13.66 acres, more or

less, and situated at Kalihi, City and County of Honolulu, immediately adjacent and contiguous to the present Oahu prison premises.

SECTION 2. The sum of thirty thousand dollars (\$30,000.00), or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory for the purpose of acquiring the property described in Section 1 hereof.

SECTION 3. The said sum of thirty thousand dollars (\$30,000.00) hereby appropriated shall be repaid into the general revenues of the territory from the sale of territorial bonds to be issued for that purpose.

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

Approved this 28th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 27

[H. B. No. 54]

AN ACT CREATING A CASH BASIS FUND FOR THE DEPARTMENT OF PUBLIC INSTRUCTION.

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

SECTION 1. The treasurer of the territory is hereby authorized and directed to create and maintain a permanent revolving fund to be known as the school cash basis fund for the purpose of putting and keeping the current expenses of the department of public instruction, including the pay of teachers, supervisors and principals, on a cash basis. For this purpose he shall in the years 1922, 1923 and 1924 insert in the annual tax rate a sufficient fractional rate per cent to produce annually the sum of two hundred thousand dollars (\$200,000.00).

SECTION 2. Said sum of two hundred thousand dollars (\$200,000.00) so collected shall be annually set aside and placed in the school cash basis fund until the accumulated amount in said fund shall be six hundred thousand dollars (\$600,000.00).

SECTION 3. All moneys in said school cash basis fund shall be available for the current expenses of the department of public instruction, including the pay of teachers, supervisors and principals, until such time as the amounts regularly appropriated for such purposes are available.

SECTION 4. All moneys disbursed from said school cash basis fund in payment of the current expenses of the department, as provided by Section 3 of this Act, shall be returned thereto from the semi-annual tax collections for school purposes.

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

Approved this 28th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 28

[H. B. No. 221]

AN ACT TO PROVIDE ADDITIONAL TAXATION FOR A WATER WORKS SYSTEM FOR HONOKAA, COUNTY OF HAWAII.

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

SECTION 1. The tax assessor of the third taxation division shall, commencing with January 1st of the year 1922, increase the tax rate on real and personal property in said taxation division over that provided by law to an extent sufficient to provide the sum of fifty thousand dollars (\$50,000.00), which shall, when collected, be paid to the treasurer of the County of Hawaii.

Said sum, or so much thereof as may be required therefor, shall be used by the County of Hawaii for the installation of a water works system for the town of Honokaa, in said county, and any unexpended portion of such fund shall, after the installation of said water works, be turned over into the general fund of said county.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 29

[H. B. No. 227]

AN ACT TO AMEND SECTION 2028 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO FEES FOR PERMITS TO HUNT WITH FIREARMS.

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

SECTION 1. Section 2028 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

“Section 2028. Fees. The fee for a permit under Sections 2026 and 2027 shall be as follows:

For a citizen of the United States and who is a resident of the Territory of Hawaii.....\$ 5.00;
For a citizen of the United States and not a resident of the Territory of Hawaii 25.00;
For an alien 25.00,
which fees shall be payable in advance on issuance of each permit.”

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

Approved this 28th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 30

[H. B. No. 229]

AN ACT TO AMEND SECTION 178 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO FEES FOR CERTIFICATES OF HAWAIIAN BIRTH.

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

SECTION 1. Section 178 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

Am. Act 246 S. L. 1923

"Section 178. Fees shall be charged in connection with the issuance of such certificates, as follows:

For the filing of every application for a certificate, a fee of five dollars;

For the issuance of any such certificate, a fee of five dollars;

For certified copies of such certificates, a fee of one dollar for each such certified copy and a charge of fifty cents for every hundred words contained in such certificate."

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

Approved this 28th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 31

[H. B. No. 241]

AN ACT TO AMEND SECTION 548 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE AMOUNT OF BOUNTY ON MONGOOSE.

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

SECTION 1. Section 548 of the Revised Laws of Hawaii, 1915, relating to the amount of bounty on mongoose, is hereby amended to read as follows:

"Section 548. Amount of bounty. The bounty herein provided for shall be fifteen cents for each mongoose head produced and delivered in accordance with the provisions of Sections 547-553."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 32

[H. B. No. 291]

218 S. L. 1929
AN ACT TO AMEND THE TITLE AND SECTION 1 OF ACT 19 OF THE SPECIAL SESSION LAWS OF 1920, RELATING TO THE PRACTICE OF DENTISTRY.

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

SECTION 1. The title of Act 19 of the Special Session Laws of 1920 is hereby amended by deleting therefrom the following words

and figures "as amended by Act 136 of the Session Laws of 1917, and adding a new section to be known as Section 1049A," so that said title, when amended, shall read as follows:

"An Act amending Section 1041 of the Revised Laws of Hawaii, 1915, relating to the practice of dentistry."

SECTION 2. Section 1 of Act 19 of the Special Session Laws of 1920 is hereby amended by deleting from the second line thereof the following words: "as amended by Act 136 of the Session Laws of 1917."

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

Approved this 28th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 33

[S. B. No. 19]

AN ACT TO AMEND SECTIONS 3327, 3328, 3333 AND 3334 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO BANKING CORPORATIONS.

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

SECTION 1. Sections 3327, 3328, 3333 and 3334 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

"Section 3327. Semi-annual exhibit; penalty. Every corporation authorized to carry on business by virtue of the provisions of this chapter, before it commences business, and on the last Monday in January and July in every year, shall make a statement in the form prescribed by the schedule in Section 3328, or as near thereto as circumstances will admit, which

statement shall be verified by the oath of the president, secretary or cashier, and any person who shall swear to the said statement knowing the same or any part thereof to be false, shall be guilty of perjury, and shall be liable on conviction to all the penalties prescribed by law for such offense. A copy of such statement shall be put up in some conspicuous place in the principal office and in every branch or place where the business of the company shall be carried on, and the directors shall cause the said statement to be published in Honolulu or in the principal place where such business is carried on, in the English language, in at least one weekly for three times or one daily newspaper for one week.

If the corporation shall make default in compliance with any of the provisions of this section, it shall be liable to a penalty not exceeding fifty dollars for every day of default, and any director or manager permitting or allowing such default shall be liable to a like penalty. All such penalties may be recovered before any district magistrate."

"Section 3328. Schedule.

RETURN PURSUANT TO SECTION 3327.

ASSETS.

Loans, discounts and overdrafts.....	\$.....
Bonds
Real estate
Banking house
Furniture and fixtures
Due from banks and bankers.....
Cash
Other resources

LIABILITIES.

Capital stock	\$.....
Surplus fund
Undivided profits
Dividends unpaid

Deposits	_____
Due to banks and bankers.....	_____
Notes and bills rediscounted.....	_____
Bills payable	_____
Other liabilities	"

“Section 3333. Limit of indebtedness. No corporation formed under this chapter shall at any time be indebted or in any way liable to an amount exceeding its surplus and the amount of its capital stock at such time actually paid in and remaining undiminished by losses, or otherwise, except on the following accounts, viz :

First: On account of moneys deposited with or collected by such corporation ;

Second: On account of bills of exchange or drafts drawn against money actually on deposit to the credit of such corporation, or due thereto ;

Third: On account of liabilities to its stockholders for money paid in on the capital stock or for dividends and reserve profits.”

“Section 3334. Number, qualifications, election, removal, powers. The affairs of every corporation formed under this chapter shall be managed by not less than five directors, subject to the provisions herein contained. It shall be lawful for the corporation to prescribe by its articles of association the qualifications of directors, the time and method of their election, and the term for which they shall hold office, and to define their powers and authorities, to provide for their removal from office, the filling of vacancies, and all other matters in connection with their office, and with the management of the business of the corporation; provided, that the directors elected or appointed shall be residents of the Territory of Hawaii.”

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

Approved this 29th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 34

[S. B. No. 41]

AN ACT TO AMEND SECTION 1 OF ACT 207 OF THE SESSION LAWS OF 1917, RELATING TO STAMP DUTIES.

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

SECTION 1. Section 1 of Act 207 of the Session Laws of 1917 is hereby amended by deleting therefrom the proviso at the end thereof so that said Section, when amended, will read as follows:

"Section 1. Chapter 97 of the Revised Laws of Hawaii, 1915, entitled 'Stamp Duties' as amended by Act 38 of the Session Laws of 1915 is hereby repealed."

SECTION 2. This Act shall take effect on July 1, 1921.

Approved this 29th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 35

[H. B. No. 224]

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF CONCRETE PAVING AND ENTRANCE STEPS FOR THE WAIPAHU PUBLIC SCHOOL, DISTRICT OF EWA, CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII.

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 empowered to appropriate the sum of two thousand five hundred dollars (\$2,500.00) out

of the general revenues of said city and county for the purpose of constructing a concrete paving at the Waipahu public school and for concrete entrance steps and approach thereto, and said board is further empowered to return said sum to the general revenues out of any balance in any school special fund of said city and county at the close of the year 1921.

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

Approved this 30th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 36

[H. B. No. 258]

**AN ACT AMENDING SECTION 1539 OF CHAPTER 108 OF THE
REVISED LAWS OF HAWAII, 1915, RELATING TO ELECTIONS.**

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

SECTION 1. Section 1539 of Chapter 108 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 1539. Ballots. The county clerk shall prepare the ballots to be used at elections for county officers and shall furnish the same to the board of supervisors at least two days prior to the election. The ballots shall be of suitable paper and their general form, arrangement, number and style of printing shall be as prescribed by law for ballots for senators and representatives.”

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

Approved this 30th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 37

[H. B. No. 78]

AN ACT TO AMEND ACT 129 OF THE SESSION LAWS OF 1919, RELATING TO THE SUPPORT OF CHILDREN OF INDIGENT, WIDOWED, OR ABANDONED MOTHERS, AND PROVIDING FOR LOCAL BOARDS TO ADMINISTER SUCH SUPPORT, BY AMENDING THE TITLE THERETO, BY AMENDING SECTION 7 THEREOF, AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 7A.

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

SECTION 1. The title of Act 129 of the Session Laws of 1919 is hereby amended to read as follows:

"An Act to provide for the support of indigent pregnant women, of indigent children whose mother and/or father are deceased, and of children of indigent, widowed or abandoned mothers, and providing for local boards to administer such support."

SECTION 2. The first paragraph of Section 7 of Act 129 of the Session Laws of 1919 is hereby amended to read as follows:

"Section 7. A board of child welfare may in its discretion grant an allowance to any indigent pregnant woman, or to indigent children whose mother and/or father are deceased, or to any mother of one or more children who is a widow, or unmarried, or deserted by her husband, or whose husband is an inmate or patient of a territorial or other institution, or who for any reason satisfactory to the board is unable to procure or provide sufficient support for her children, providing the said woman, children or mother is or are resident in the county or city and county where the application is made and has or have been so resident in such county or city and county for a period of one year immediately preceding the application. Such allowance shall be made by a majority of votes of the board and may

be increased, diminished, or totally withdrawn in the discretion of said board. Before granting an allowance under the provisions hereof, the said board shall first determine that any such pregnant woman, making application for relief hereunder, is actually in need of such relief either before or after the birth of her child and may administer such relief for such a period of time prior and subsequent to such birth and to such an extent as it shall deem advisable under the circumstances in each case; the said board shall also first determine in all cases where the application is made by or on behalf of children whose mother and/or father are deceased that such relief is actually necessary and that the home life and surroundings of such children are such as to make it reasonably certain that the said children will be the sole beneficiaries of the relief given; that the said board shall also before granting any such allowance determine that the mother or person having the care and custody of such child or children is a suitable person to bring up the said children, and that the granting of such allowance is necessary to enable such person to properly do so."

SECTION 3. Act 129 of the Session Laws of 1919 is hereby amended by adding thereto a new section to be known as Section 7A, and to read as follows:

"Section 7A. A board of child welfare may with the approval of the board of supervisors of the county or city and county employ a trained worker or nurse whose duty it shall be to assist the board in all matters pertaining to the administering of this Act and to instruct, counsel and aid all persons who may make application for relief hereunder. Any trained worker or nurse appointed pursuant to the provisions of this Act shall be paid such salary as the board of supervisors of the county or city and county may determine."

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

Approved this 30th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 38

[H. B. No. 119]

AN ACT RELATING TO THE METHOD OF PRESERVING AND SALE OF FOOD FISHES IN CERTAIN INSTANCES.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All catches of the following food fishes, such as weke, ahuluhulu, kumu, uhu, opelu, oama, manini, moi, amaama, papiopio, ulua, awa, akule, oio, nehu, maomao, iao, omaka, lauhau, laenihi, puhihi, akilolo, hahalalu, iheihe, opae, piha, laipala, aholehole, uiui, malolo, kole, paoo, puhi, auau, ohua aliko, ohua palemo, alaihi, upapalu, uu, ahaaha, puili, alalauwa, aweo-woo, maikoiko, kala, aloilo, maiii, aalaheo, pakii, oopu noplili, oopu nakea, mamamo, oopukai, hinalea, hinana, gold-fish, cat-fish and mud-fish, and all other smaller fishes of any species caught after twelve o'clock noon of any calendar day, shall be marketed as soon as brought ashore. Any fishes which cannot be marketed or which remain unsold in the market at the close of the market in the evening may be placed in cold storage or ice house for future sale; provided, that no fishes shall be so placed in cold storage which have been caught more than twelve hours, unless said fishes were artificially chilled as soon as caught, or which have been bruised, torn, or otherwise rendered liable to spoliation.

SECTION 2. Any person or persons who by interference, intimidation, or carelessness, causes or permits preventable deterioration or waste in connection with the marketing of such fishes or their preservation, or who prevents or attempts to prevent lawful cold storage of said fishes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than two hundred dollars, or by imprisonment for a term not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 30th day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 39

[S. B. No. 56]

AN ACT TO AMEND SECTION 1 OF ACT 173 OF THE SESSION LAWS OF 1917, RELATING TO AN APPROPRIATION FOR THE BENEFIT OF CAPTAIN JOHN C. LORENZEN.

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

SECTION 1. Section 1 of Act 173 of the Session Laws of 1917 is hereby amended to read as follows:

"Section 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants to be issued by the auditor of the Territory of Hawaii the sum of one hundred dollars (\$100.00) every month to Captain John C. Lorenzen, and to continue so to do for and during the remainder of the life of the said Captain John C. Lorenzen. Such payments are hereby appropriated out of moneys received in the treasury of the territory from the general revenues."

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

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 40

[H. B. No. 29]

AN ACT TO AMEND SECTION 2337 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO CIVIL PROCEDURE IN DISTRICT COURTS, AS AMENDED BY ACT 105 OF THE SESSION LAWS OF 1915.

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

SECTION 1. Section 2337 of the Revised Laws of Hawaii, 1915, as amended by Act 105 of the Session Laws of 1915 is hereby further amended to read as follows:

Approved Oct 1921
Section 2337. Original suit. The original suit in all civil actions begun before a district court shall be a summons, a writ of replevin, a capias or an attachment, and shall be signed by the magistrate of such court, or by the duly appointed clerk of such court, and shall contain a notification to the defendant that if he fails to attend at the time and place of trial designated in the writ, judgment will be rendered upon default according to the evidence taken ex parte. All original writs shall be returnable not less than one nor more than six days from date of issue, except in the district court of Honolulu, in the City and County of Honolulu, where all original writs shall be returnable the first Monday following the date of service; should such Monday be a legal holiday, then upon the next secular day."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 41

[H. B. No. 80]

AN ACT RELATING TO TEXT-BOOKS IN THE PUBLIC SCHOOLS OF THE TERRITORY OF HAWAII.

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

SECTION 1. Whenever the department of public instruction shall have adopted a text-book or text-books for use in the public schools of the territory in connection with the course of study, such text-book or text-books shall not be changed for a period of five years from the date of such adoption.

SECTION 2. The department of public instruction shall not, during any school year, change the text-books in more than one subject theretofore adopted for use in any elementary, grammar or high school of the territory.

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

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 42

[H. B. No. 149]

AN ACT AUTHORIZING THE CITY AND COUNTY OF HONOLULU TO DEFRAY THE FUNERAL EXPENSES OF ITS LATE MAYOR, JOSEPH J. FERN, AND AUTHORIZING SAID CITY AND COUNTY TO REIMBURSE M. C. PACHECO, EBEN LOW AND JONAH KUMALAE, TRUSTEES, ON ACCOUNT OF ADVANCES MADE BY THEM FOR SAID EXPENSES.

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 to pay to M. C. Pacheco, Eben Low and Jonah Kumalae, trustees, the sum of thirteen hundred thirty and 13/100 dollars (\$1330.13) being reimbursement of the payment made by them of the funeral expenses of the late Mayor Joseph J. Fern.

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

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 43

[H. B. No. 164]

AN ACT TO AMEND SECTION 18 OF ACT 135 OF THE SESSION LAWS OF 1919, ENTITLED "AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER, WITHIN THE DISTRICT OF HANA, ON THE ISLAND AND COUNTY OF MAUI, TERRITORY OF HAWAII."

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

SECTION 1. Section 18 of Act 135 of the Session Laws of 1919 is hereby amended to read as follows:

"Section 18. This Act shall take effect and be law from and after its approval by the governor of the Territory of Hawaii, subject, however, to the approval of Congress of the United States, such approval of Congress to be secured within four years from the date of such approval by the governor."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 44

[H. B. No. 209]

AN ACT TO AMEND SECTION 18 OF ACT 134 OF THE SESSION LAWS OF 1917, ENTITLED "AN ACT TO PROVIDE FOR AND AUTHORIZE THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICT OF HAMAKUA, ON THE ISLAND AND COUNTY OF HAWAII."

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

SECTION 1. Section 18 of Act 134 of the Session Laws of 1917 is hereby amended to read as follows:

"Section 18. 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, such approval of Congress to be secured within six years from the date of such approval by the governor."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 45

[H. B. No. 28]

AN ACT TO AMEND SECTION 2478 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO SWORN PETITIONS IN EQUITY.

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

SECTION 1. Section 2478 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2478. Sworn petitions in what cases. All applications for the foreclosure of any mortgage of real or personal property; for the abatement of any nuisance, public or private; for the annulment of charters and other corporate rights, or for restraint or prohibition in the exercise thereof; for proclamation by scire facias; for sequestration of property upon legal or equitable grounds; for divorces, annulments and separations; for the affiliation of bastards; for the partition and division of real property or for the determination of or adjudication as to the title to real property situated within this territory, interest therein, or right thereto, whether by way of suit for specific performance, or otherwise; for the admeasurement of dower; for inquiries of lunacy or insanity; or for inquiries de ventre inspicio to determine the right of property, shall be by sworn petition addressed to some judge having jurisdiction thereof."

SECTION 2. This Act shall take effect and be in force from and after the date of its approval.

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii

ACT 46

[H. B. No. 27]

AN ACT TO AMEND SECTION 2480 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO SERVICE OF PROCESS IN PROCEEDINGS IN EQUITY.

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

SECTION 1. Section 2480 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2480. Service of process in proceedings in equity. When process is issued in any proceeding in equity in any mat-

ter of the character referred to in Section 2478 hereof, or in any other matter involving or concerning any tangible property, whether real or personal, situated in the Territory of Hawaii, or the right to the possession thereof or title thereto, it shall be served by delivery of a copy of the petition and of the summons to the defendant, or respondent, or, in case he cannot be found, by leaving such copy upon the premises involved in the controversy, if the same concerns real property, or in such other manner as the judge may direct; the officer charged with service of the process shall also, if so directed by the judge, publish in any newspaper or newspapers suitable for the advertisement of judicial proceedings, a notice of the pendency of such suit or proceeding, calling upon all persons interested to appear and show cause why the prayer of the bill or petition filed in such suit or proceedings should not be granted at the time and place appointed for hearing. Where publication of process is ordered, personal service of such process outside of the Territory of Hawaii, the fact of such personal service to be established by affidavit or otherwise, to the satisfaction of the judge, shall be equivalent to such publication as to the defendant or respondent so served."

SECTION 2. This Act shall take effect and be in force from and after the date of its approval.

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 47

[S. B. No. 20]

Rec'd No. 21171
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AN ACT TO AMEND SECTIONS 1, 2, 3, AND 4 OF ACT 194 OF THE SESSION LAWS OF 1919 RELATING TO MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF ROADS THROUGH THE ADDITIONAL SUB-DIVISION ALEWA HEIGHTS LOTS, IN THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Section 1 of Act 194 of the Session Laws of 1919 is hereby amended by eliminating the words and figures "ten thousand dollars (\$10,000.00)" in line one, and inserting in lieu thereof the words and figures "thirty-five thousand dollars (\$35,000.00)," and by inserting the word "permanent" before the word "homestead" in line five.

SECTION 2. Section 2 of Act 194 of the Session Laws of 1919 is hereby amended by eliminating the words and figures "ten thousand dollars (\$10,000.00)" in line one, and inserting in lieu thereof the words and figures "thirty-five thousand dollars (\$35,000.00)."'

SECTION 3. Section 3 of Act 194 of the Session Laws of 1919 is hereby amended by adding at the end thereof the words "but no contract shall be entered into until such time as water mains shall have been laid and connected by the City and County of Honolulu for said tract."

SECTION 4. Section 4 of Act 194 of the Session Laws of 1919 is hereby amended by eliminating the words and figures "ten thousand dollars (\$10,000.00)" in line one, and inserting in lieu thereof the words and figures "thirty-five thousand dollars (\$35,000.00)."'

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

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 48

[H. B No. 286]

AN ACT APPROPRIATING THE SUM OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR RECONSTRUCTING AND REPAIRING THE PUBLIC WHARF AT HANALEI, COUNTY OF KAUAI.

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 the general revenues of the territory out of funds, not otherwise appropriated, for the reconstruction and repair of the public wharf at Hanalei, in the County of Kauai.

SECTION 2. Said sum hereby appropriated shall be expended under the direction of the superintendent of public works upon plans and specifications to be prepared by him.

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

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 49

[H. B. No. 207]

AN ACT AMENDING ACT 144 OF THE SESSION LAWS OF 1915, MAKING AN APPROPRIATION FOR THE BENEFIT OF WILLIAM CROSS CROOK.

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

SECTION 1. Act 144 of the Session Laws of 1915 is hereby amended so as to read as follows:

"Section 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants issued by the auditor of the territory the sum of fifty dollars (\$50.00) each month to William Cross Crook, and to continue so to do for and during the remainder of the life of the said William Cross Crook.

Such payment is hereby appropriated out of the general revenues of the territory."

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

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 50

[H. B. No. 198]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO PROVIDE A SUITABLE BATHHOUSE AT KAHULUI, COUNTY OF MAUI.

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

SECTION 1. The board of supervisors of the County of Maui is hereby authorized to provide and maintain a suitable public bathhouse at or near Kahului, County of Maui, Territory of Hawaii, and to appropriate moneys sufficient therefor.

SECTION 2. The said board of supervisors is authorized to acquire by exchange through the land department, or by purchase, lease, condemnation or otherwise, a suitable location for such public bathhouse convenient and accessible to the persons desiring to avail themselves thereof.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 51

[H. B. No. 157]

AN ACT TO AMEND ACT 150 OF THE SESSION LAWS OF 1919,
RELATING TO THE CONSTRUCTION OF THE KAHAKULOA ROAD,
IN THE COUNTY OF MAUI.

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

SECTION 1. The words and figures "the sum of ten thousand dollars (\$10,000.00)" in Sections 1 and 2 of Act 150 of the Session Laws of 1919 are hereby amended to read "fifteen thousand dollars (\$15,000.00)."

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

Approved this 31st day of March, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 52

[S. B. No. 18]

AN ACT TO AMEND SECTION 3302 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO CORPORATIONS, PARTNERSHIPS AND TRADE REGULATIONS.

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

SECTION 1. Section 3302 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3302. Limit of debts. The amount of debts which any corporation shall owe, shall at no time exceed its capital stock, unless authorized by a vote of the shareholders of such corporation owning at least two-thirds of its capital stock."

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

Approved this 1st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 53

[S. B. No. 44]

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF HOMESTEAD ROADS IN THE HALEKOU-WAIKALUAKAI HOMESTEADS (LOTS 22-34 INCLUSIVE), KANEOHE, KOOЛАUPOKO, OAHU, TRANSFERRING AND APPROPRIATING MONEYS THEREFOR, AND REPEALING ACT 113 OF THE SESSION LAWS, 1919.

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

SECTION 1. The sum of four thousand dollars (\$4,000.00) is hereby transferred from the Kaneohe residence lots road

fund, Kaneohe, Koolaupoko, Oahu, and is hereby appropriated for the construction of homestead roads for the Halekou-Wai-kaluakai homesteads (Lots 22-34 inclusive), Kaneohe, Koolau-poko, Oahu, as shown on government survey registered map No. 2562 on file in the territorial survey office in Honolulu, and the further sum of five thousand seven hundred dollars (\$5,700.00) is hereby appropriated out of any moneys now in the treasury of the territory not otherwise appropriated for the construction of said homestead roads. The said sum of five thousand seven hundred dollars (\$5,700.00) or so much thereof as may be used in the construction of said roads shall be repaid into the treasury of the Territory of Hawaii from the proceeds of sale of government lands in the City and County of Honolulu.

SECTION 2. The said sum of nine thousand seven hundred dollars (\$9,700.00) hereby appropriated or so much thereof as may be necessary, shall either be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said roads, or may be ordered by the commissioner of public lands to be transferred to the City and County of Honolulu to be expended by and under the authority of the board of supervisors of said city and county for the construction of said roads. Any portion of the said appropriation not required for the construction of said roads shall lapse.

SECTION 3. Act 113 of the Session Laws of 1919 is hereby repealed.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 1st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 54

[S. B. No. 50]

AN ACT TO PROVIDE FOR THE EXPENSES OF CALLING AND CONDUCTING PAN-PACIFIC CONFERENCES IN HAWAII, 1921-22.

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

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated, out of any moneys in the treasury not otherwise specifically appropriated, to the Pan-Pacific Union for the purpose of defraying the expenses of calling and conducting a series of Pan-Pacific Conferences in Hawaii in 1921-22.

SECTION 2. The amount hereby appropriated shall be available and payable upon the order of the Governor of Hawaii at such times and in such manner as he shall designate, and the auditor is hereby authorized to issue warrants for the same to the treasurer of the Pan-Pacific Union upon such order or orders.

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

Approved this 1st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 55

[H. B. No. 55]

AN ACT TO AMEND CHAPTER 149 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO SUITS TO RECOVER FOR MATERIALS AND LABOR USED ON PUBLIC WORKS.

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

SECTION 1. Chapter 149 of the Revised Laws of Hawaii,

1915, is hereby amended by adding at the end thereof the following paragraphs:

"Provided, further, that all provisions of this section shall apply with equal force and effect to all such formal contracts entered into with a county or city and county of the territory, and as to all such contracts the word 'territory' as used in this section shall be construed to mean and include a 'county' or 'city and county,' and the expression 'superintendent of public works or other officer or officers' shall be construed to mean and include the 'board of supervisors' of such county or city and county; and

Provided further, that this section shall not apply to contracts between governmental agencies or subdivisions and other governmental agencies or subdivisions."

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

Approved this 1st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 56

[H. B. No. 232]

AN ACT APPROPRIATING THE SUM OF THIRTEEN THOUSAND
Two HUNDRED AND FIFTY DOLLARS (\$13,250.00) BY WAY OF
ADVANCEMENT FROM THE GENERAL REVENUES OF THE TERRI-
TORY FOR THE PURCHASE OF TAX BOOKS AND BLANKS AND
FOR SALARIES, DEPUTY ASSESSORS, COLLECTORS AND CLERKS,
AND COMMISSIONS AND EXPENSES INCURRED IN THE COLLEC-
TION OF TAXES.

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 from the general revenues of the territory

as an additional appropriation to the treasury department item "tax books and blanks," as contained in Act 222, Session Laws of 1919.

SECTION 2. The following sums are hereby appropriated from the general revenues of the territory as additional appropriations to treasury department items, as contained in Act 222, Session Laws of 1919, for the several taxation divisions, for the purposes as follows, to wit:

FIRST TAXATION DIVISION, OAHU:

Salaries, deputy assessors, collectors and clerks	\$1,000.00
Commissions and expenses	2,500.00

SECOND TAXATION DIVISION, MAUI:

Salaries, deputy assessors, collectors and clerks	500.00
Commissions and expenses	1,000.00

THIRD TAXATION DIVISION, HAWAII:

Salaries, deputy assessors, collectors and clerks	500.00
Commissions and expenses	1,500.00

FOURTH TAXATION DIVISION, KAUAI:

Salaries, deputy assessors, collectors and clerks	500.00
Commissions and expense	750.00
	\$8,250.00

SECTION 3. In the year 1922 the tax assessor for each taxation division named in Section 2 shall include in his tax levy for that year, in addition to all other requirements, the sum hereby appropriated and chargeable to his division, as follows, to wit:

First taxation division, Oahu.....	\$ 6,019.50
Second taxation division, Maui.....	2,359.50
Third taxation division, Hawaii	3,137.50
Fourth taxation division, Kauai	1,733.50
 Total.....	 \$13,250.00

The sums hereby appropriated shall, when collected as herein provided, be repaid into the general revenues of the territory.

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

Approved this 4th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 57

[H. B. No. 165]

AN ACT TO AMEND SECTION 325 OF CHAPTER 27 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO INDUSTRIAL AND REFORMATORY SCHOOLS.

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

SECTION 1. Section 325 of Chapter 27 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 325. High sheriff and county and city and county sheriffs to assist. It shall be incumbent on the high sheriff of the territory, or any of his deputies, the sheriffs of the several counties, the sheriff of the city and county, and their deputies, and all the police officers within the Territory of Hawaii, to assist as far as in their power lies in the apprehension and recovery of deserters from any industrial and reformatory school, when requested to do so by the board of industrial schools, its agents, or the principal of any such school; and likewise to assist as far

as possible in enforcing order and maintaining discipline therein should circumstances at any time arise necessitating the exercise of such authority."

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

Approved this 5th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 58

[H. B. No. 265]

AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE PAYMENT
OF CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII,
INCURRED PRIOR TO JUNE 30, 1919.

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

SECTION 1. The following sums amounting to two thousand eight hundred three dollars and three cents (\$2,803.03) are hereby appropriated to be paid out of any moneys received in the treasury of the Territory of Hawaii from the general revenues for the settlement of the following claims against the territory:

MILITARY DEPARTMENT

Waimea stables \$ 42.50

SECRETARY OF THE TERRITORY

Expenses of election:

Honolulu Tent & Awning Co. 59.00

HARBOR COMMISSION

von Hamm-Young Co.	\$ 94.87
Hawaiian Electric Co.	14.25
Schooner "Ida May"	11.08
Hilo Electric Co.	9.34
	129.54

PUBLIC LANDS DEPARTMENT

Claim of Alice K. Ahu for amount overpaid on Lots 10A and 11A of the Wood valley homestead lands, County of Hawaii, con- taining originally 25.19 acres, for which she paid in full the sum of \$680.00 and which area was subsequently found to be 23.99 acres, valued at \$649.60.....	\$ 30.40
Claim of Hisagi Yoshida for amount over- paid on Lot 18 of the Wood valley home- stead lands, County of Hawaii, containing originally 10.6 acres, for which he paid in full the sum of \$100.00 and which area was subsequently found to be 9.66 acres, valued at \$91.20	8.80
	39.20

BOARD OF HEALTH

Benson, Smith & Co.	\$ 2.20
Dan T. Carey	1.00
Japanese hospital	15.00
Queen's hospital	48.50
Kauikeolani children's hospital	54.00
Kauikeolani children's hospital	15.00
Chung Young Kee Co.	19.25
Chung Young Kee Co.	20.02
Quong Chong Lung Co.	31.22
Metropolitan Meat Market	86.52
Pacific Coast Blue Print Co.	41.00
The Pond Co.	15.90

Royal Hawaiian Sales Co., Ltd. (Maui)	14.00
Volcano Stables & Transportation Co.	56.10
Fred Waldron, Limited	16.20
Fred Waldron, Limited	111.00
Fred Waldron, Limited	6.00
Fred Waldron, Limited	61.58
Fred Waldron, Limited	63.60
Fred Waldron, Limited	8.10
Fred Waldron, Limited	11.10
Thompson Optical Institute, Limited.....	10.70
Thompson Optical Institute, Limited.....	42.10
Thompson Optical Institute, Limited.....	21.50
Thompson Optical Institute, Limited.....	25.75
The Kauai Telephone Co.	5.00
The Kauai Telephone Co.	5.00
	807.34

JUDICIARY

Mutual Telephone Co.	\$ 8.15
J. A. Thompson	1.67
Mercantile Printing Co., Ltd.	5.00
	14.82

BOARD OF INDUSTRIAL SCHOOLS

F. S. Lyman	\$ 68.66
Hook On Co. (tailor)	787.50
See Hop (butcher)	23.00
City Mill Co.	341.53
City Mill Co.	85.78
The Pond Co.	27.19
Home of Linens	8.75
Schuman Carriage Co.	16.50
Lewers & Cooke, Ltd.	237.72
Dr. W. T. Monsarrat	14.00
Makiki Auto Stand (K. Nakaya)	23.00
	1,633.63

INDUSTRIAL ACCIDENT BOARDS

Kauai:

J. M. Lydgate\$ 2.00

Maui:

Lucy V. Cooper 75.00 77.00

Total..... \$2,803.03

SECTION 2. The auditor shall not issue warrants in payment of any of the above amounts unless receipts in full are filed therefor, signed by the claimants or the legal representatives of their estates or by their assigns, and the same are approved by the head of the department under which the items are inserted.

SECTION 3. The sum of thirty-nine and 20/100 dollars (\$39.20) heretofore appropriated to pay claims under the heading "public lands department" shall be repaid into the general revenues of the territory out of any balance remaining to the credit of sales of public lands, County of Hawaii.

SECTION 4. The appropriations under this Act shall lapse upon the 30th day of June, A. D. 1921.

SECTION 5. This Act shall take effect from the date of its approval.

Approved this 5th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 59] APPROPRIATION FOR ALEXANDER & BALDWIN,
LTD.

ACT 60] APPROPRIATION FOR PAY OF TEACHERS,
MAKAWELI.

77

ACT 59

[H. B. No. 266]

AN ACT APPROPRIATING THE SUM OF THREE THOUSAND SIX HUNDRED AND TEN DOLLARS (\$3,610.00) FOR THE RELIEF OF ALEXANDER AND BALDWIN, LIMITED.

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

SECTION 1. The sum of three thousand six hundred and ten dollars (\$3,610.00) is hereby appropriated from any balance in the treasury of the territory received from the sale of public improvement bonds provided by Act 5 of the Special Session Laws of 1920, for reimbursement to Alexander and Baldwin, Limited, for moneys expended by said Alexander and Baldwin, Limited, in making test borings at Kahului harbor, Island of Maui, for the purpose of obtaining data for the construction of additional wharf facilities in said Kahului harbor.

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

Approved this 5th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 60

[H. B. No. 295]

AN ACT PROVIDING FOR THE PAYMENT OF SALARIES TO MISS MARY BRYANT AND MRS. BARBARA DEVERILL FOR SERVICES PERFORMED IN THE YEAR 1912 AS TEACHERS AT THE MAKAWELI SCHOOL, COUNTY OF KAUAI.

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

SECTION 1. The sum of seventy-two dollars (\$72.00) is

hereby appropriated to be paid out of any moneys in the treasury to the credit of school teachers' salary fund to Miss Mary Bryant for extra services performed by her as school teacher at the Makaweli school, County of Kauai, during the spring term of the year 1912, one hundred and twenty (120) hours at sixty cents (60c) per hour; and the further sum of seventy-two dollars (\$72.00) is hereby appropriated to be paid out of any moneys in the treasury to the credit of school teachers' salary fund to Mrs. Barbara Deverill for extra services performed by her as school teacher at the Makaweli school, County of Kauai, during the spring term of the year 1912, one hundred and twenty (120) hours at sixty cents (60c) per hour.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 61

[S. B. No. 51]

AN ACT PROVIDING FOR A COMMISSION TO COLLECT, PRINT AND PUBLISH LEGENDS AND FOLKLORE OF HAWAII, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. There shall be appointed by the Governor in the manner provided by the Organic Act, a commission consisting of three persons, one of whom shall be designated as chairman, to be known as the Hawaiian Legend and Folklore Commission, whose duty it shall be to collect, print and publish legends and folklore of the Hawaiian Islands, the members of said commission to serve without pay.

SECTION 2. There is hereby appropriated the sum of five thousand dollars (\$5,000.00) to be paid out of any funds in the treasury of the Territory of Hawaii not otherwise appropriated, for the purpose of paying the expenses of the said commission in collecting, printing and publishing the said legends and folklore, the said sum or such parts thereof as may be necessary, to be expended by warrants issued by the auditor of the Territory of Hawaii upon vouchers approved by the chairman of said commission.

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

Approved this 6th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 62

[S. B. No. 29]

AN ACT TO PROVIDE FOR THE PAYMENT OF COMPENSATION TO W. R. HOBBY, FORMERLY ACTING SUPERINTENDENT OF PUBLIC WORKS.

Whereas, the Hon. Charles R. Forbes, the then superintendent of public works, before leaving the Territory in June, 1917, named W. R. Hobby as his substitute as required by law, under the title of acting superintendent of public works, the said W. R. Hobby, by virtue of such appointment, acted as such acting superintendent and performed all the duties imposed by law upon the superintendent of public works up to and including the 30th day of June, 1918; and

Whereas, no provision or inadequate provision was made for the payment of said W. R. Hobby, since Sections 155 and 156, Revised Laws of Hawaii, 1915, obviously did not contemplate such extended absence of a department head, and since, therefore, said W. R. Hobby, while holding said

office of acting superintendent, drew only a portion of the salary appropriated for the position of superintendent of public works by Act 234, Session Laws of 1917; therefore

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

SECTION 1. The treasurer of the territory is hereby authorized and directed to pay to W. R. Hobby, upon a warrant issued by the auditor of the territory, the sum of twelve hundred dollars (\$1,200.00), it being the intention hereby to compensate him in full for his services during the time he was acting superintendent of public works; and such sum of twelve hundred dollars (\$1,200.00) to make such payment is hereby appropriated out of any moneys received in the treasury from the general revenues.

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

Approved this 6th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 63

[S. B. No. 46]

AN ACT PROVIDING FOR THE ESTABLISHMENT, MAINTENANCE, REGULATION AND GOVERNMENT OF COUNTY FREE LIBRARIES AND COUNTY PUBLIC LIBRARIES, AND MAKING AN APPROPRIATION FOR THE ASSISTANCE OF THE SAME.

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

SECTION 1. The boards of supervisors of the several counties of the Territory of Hawaii shall have power to establish and maintain, within their respective counties, county free libraries, in the manner and with the functions prescribed in this Act.

SECTION 2. Following the establishment of a county free library the board of supervisors shall appoint a managing board for such library, consisting of five in number. Such managing board shall be appointed for periods of two years, and shall serve without compensation. The managing board shall have general supervision and control of the county free library; and, subject to law, may make general rules and regulations for the government thereof. They shall appoint the county librarian as well as such others as may be employed in operating the library, and shall from time to time establish library branches and stations. The managing board shall submit to the board of supervisors and to the board of trustees of the Library of Hawaii, annual reports concerning the library and its requirements, which reports shall be incorporated in the annual report of the trustees of the Library of Hawaii and annually transmitted to the Governor.

SECTION 3. The board of trustees of the Library of Hawaii shall pass upon the qualifications of all persons desiring to become county librarians, and issue necessary certificate of qualifications; and to this end may adopt rules and regulations not inconsistent with law for carrying out the purpose of this section. No person shall be eligible to the office of county librarian who has not received from the board of trustees of the Library of Hawaii a certificate of qualification. Such librarian need not be a resident of the county nor a citizen of the territory, at the time of appointment; and persons of either sex shall be eligible for certification for the office of county librarian.

SECTION 4. Prior to entering upon the duties of his office, the county librarian shall file with the managing board the usual oath of office, and give a bond, with proper surety, in such sum as may be determined by said managing board, for the faithful performance of the duties of his office. Subject to such rules and regulations as may be adopted by the managing board, the county librarian shall build up, and manage, according to accepted principles of library management, a library for the use of the people of the county; and shall recommend to the managing

board what books and other library equipment should be purchased.

SECTION 5. The board of trustees of the Library of Hawaii shall annually call a convention of county librarians, to assemble at such time and place as said trustees may determine, with a view to discussing questions pertaining to the supervision and administration of county free libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of county free libraries as shall properly be brought before such convention. It is hereby made the duty of county librarians to attend and take part in the proceedings of such conventions.

SECTION 6. The county librarian shall make annual reports to the managing board as to the condition of the county free library, giving such statistical and other information as may be called for by said board, making such reports at such times as the managing board shall direct.

SECTION 7. Instead of establishing a separate county free library, the board of supervisors may enter into a contract with the board of library trustees, or other authority in charge, of a free library already existing and operating within the county; and the board of library trustees, or other authority in charge of such free library, is hereby authorized to make such contract with the board of supervisors. Such contract may provide that the free public library already existing and operating within said county shall assume the functions of a county free library within the county with which such contract is made; and the board of supervisors of said county may agree to pay annually into the library fund of such library such sum as may be agreed upon. Either party to such contract may terminate the same by giving six months' notice of its intention to do so.

SECTION 8. The following sums are hereby appropriated out of any moneys in the territorial treasury for assistance in maintaining such county free public libraries during the 1921-1923 biennial period, namely:

-
1. County of Maui \$20,000.00
 2. County of Kauai 16,000.00
 3. County of Hawaii 25,000.00

The said sums hereby appropriated shall be disbursed on warrants drawn on the treasury upon vouchers approved by the chairman of the managing board or board of trustees of such county free libraries.

It is provided, however, that the foregoing appropriations shall not be available to any such county free library until the Governor of Hawaii has certified to the auditor of the territory that there has been established in such county upon a permanent site acquired for that purpose, a county free library pursuant to the provisions of this Act, or that the contract provided for by Section 7 of this Act has been entered into.

It is further provided that if in any county a free public library has been established and is in operation on a permanent site, capable of serving the reading public of such county, and which free public library will agree in writing with the board of trustees of the Library of Hawaii to serve, as far as reasonably possible, the entire reading public of such county, the sum hereby appropriated for such county shall be available for the use of such free public library in such county, under its existing management and without regard to the first proviso in this section contained.

SECTION 9. The Library of Hawaii is hereby directed and empowered to assist all such county free libraries and free public libraries by the interchange and loaning of books and other reading matter, and in all other appropriate ways to the fullest extent possible.

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

Approved this 6th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 64

[S. B. No. 75]

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF PUBLIC ARCHIVES TO CONTRACT WITH THE TRUSTEES OF THE BERNICE P. BISHOP MUSEUM FOR THE COMPLETION, PRINTING, BINDING AND PUBLISHING OF A DICTIONARY OF THE HAWAIIAN LANGUAGE.

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

SECTION 1. The board of commissioners of public archives is hereby authorized to enter into a contract with the trustees of the Bernice P. Bishop Museum for the completion, printing, binding and publishing of the dictionary of the Hawaiian language heretofore authorized by law to be compiled, printed and published.

SECTION 2. Such contract shall provide for and require that the said trustees shall complete said dictionary in manner satisfactory to said board, and thereupon print, bind and publish in one volume, five hundred copies of such dictionary in accordance with such specifications and requirements as may be prescribed by said board, and deliver to said board four hundred copies thereof, for and in consideration of the payment by said board to said trustees of the sum of four thousand five hundred dollars (\$4,500.00) and the right of said trustees to retain one hundred copies of said dictionary for their own use and disposition.

SECTION 3. Said payment shall be made out of any unexpended balance of any appropriation heretofore made for the compiling, printing, binding and publishing of such dictionary, and the copies of such dictionary so to be delivered to said board shall be disposed of by it as provided by law.

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

Approved this 6th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 65

[H. B. No. 140]

AN ACT TO AMEND CHAPTER 244 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO ESCAPE, RESCUE, NEGLECT TO SERVE PROCESS, ETC., BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 4051A.

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

SECTION 1. Chapter 244 of the Revised Laws of Hawaii, 1915, is hereby amended by adding thereto a new section to be known as Section 4051A, and to read as follows:

"Section 4051A. Any person who shall wilfully interfere or attempt to interfere with any sheriff, deputy sheriff or police officer in the Territory of Hawaii, while such officer is making a legal arrest, or who shall interfere or attempt to interfere with any such officer in the legal performance of any other official duty, shall be deemed guilty of a misdemeanor and punished by imprisonment not more than one year, or by a fine of not more than five hundred dollars (\$500.00) in the discretion of the court."

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

Approved this 6th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

EXEMPTIONS OF PENSIONS FROM GARNISH- [ACT 66
MENT, ETC.

ANAHOLA HOMESTEAD ROAD.

[ACT 67]

ACT 66

[H. B. No. 182]

AN ACT RELATING TO EXEMPTION FROM TAXATION, GARNISHMENT, ATTACHMENT AND/OR EXECUTION OF ALL GOVERNMENT PENSIONS PAYABLE TO BENEFICIARIES.

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

SECTION 1. Exemption; taxes, pensions. No pension to which any person is entitled from the Territory of Hawaii, or any municipal subdivision thereof, shall be subject to taxes, nor shall such pension be subject to garnishment, attachment or execution upon or in any suit, action or proceeding at law instituted by any person or by the territory or by any municipal subdivision thereof.

SECTION 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

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

Approved this 7th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 67

[H. B. No. 238]

AN ACT TO AMEND SECTIONS 1 AND 3 OF ACT 239 OF THE SESSION LAWS OF 1919, RELATING TO THE CONSTRUCTION OF ROADS THROUGH THE ANAHOLA HOMESTEADS, IN THE COUNTY OF KAUAI.

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

SECTION 1. Section 1 of Act 239 of the Session Laws of 1919 is hereby amended to read as follows:

• ACT 13 S. L. 1923

"Section 1. The sum of three thousand dollars (\$3,000.00), or so much thereof as may be necessary, is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards macadamizing the road to the Anahola house lots on the Island of Kauai as now laid out, graded and located, as follows:

For the Anahola road beginning at its junction with the main government road and running to the Anahola house lots, a distance of approximately three-tenths (3/10) of a mile."

SECTION 2. Section 3 of Act 239 of the Session Laws of 1919 is hereby amended to read as follows:

"Section 3. The amount hereby appropriated under this Act shall become available and the construction of said road shall be commenced within sixty days after the date of approval of this Act."

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

Approved this 7th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 68

[H. B. No. 261]

AN ACT TO CONSTRUCT ADDITIONAL ROADS THROUGH THE HALEAKALA HOMESTEADS, IN THE DISTRICT OF MAKAWAO, COUNTY OF MAUI.

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

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards

the construction of additional roads through the Haleakala homesteads, in the District of Makawao, County of Maui.

SECTION 2. The said sum of ten thousand dollars (\$10,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the construction of said roads, but in no case shall contract for an amount in excess of the said sum of ten thousand dollars (\$10,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said roads shall be commenced as soon as the contract herein provided for shall be executed. The commissioner of public lands is hereby authorized to begin not later than sixty days after the date of the passage of this Act, and shall enter into a contract for the construction of so much of the said roads as the amount of this appropriation will complete.

SECTION 4. The said sum of ten thousand dollars (\$10,000.00), or as much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sale of public lands upon the Island and County of Maui.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 7th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 69

[H. B. No. 303]

**AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF
ELLWOOD C. WILDER.**

Whereas, Ellwood C. Wilder was employed as engineer by the territorial government on homestead road work in Hilo, County of Hawaii, during the time from December 1, 1918, to and including June 16, 1919; and

Whereas, the said Ellwood C. Wilder carried out and performed all the duties required of him; and

Whereas, the said Ellwood C. Wilder had an understanding with Mr. A. C. Wheeler, county engineer of the County of Hawaii at that time, that he would be employed for a period of two years; and

Whereas, relying on this statement made to him by said county engineer, Mr. Wilder moved his family and household effects to Hilo; and

Whereas, such transfer of his family and household effects caused him financial loss, owing to the fact that the agreement between the county engineer and himself was not carried out by the said county engineer; therefore

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

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon warrant issued by the auditor of the territory, out of any moneys in the fund available for homestead roads, Hawaii, not otherwise appropriated, the sum of four hundred dollars (\$400.00) to the said Ellwood C. Wilder, as reimbursement for expenses incurred from December 1, 1918, to and including June 16, 1919, as engineer on homestead road work for Hawaii.

SECTION 2. Such payment shall be made on voucher approved by the commissioner of public lands.

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

Approved this 7th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 70

[S. B. No. 70]

AN ACT REGULATING THE EXPENDITURE OF MONEYS RECEIVED BY TERRITORIAL TRADE SCHOOLS.

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

SECTION 1. All moneys arising from the sale of manufactured or repaired articles, or from work and labor performed, or from any other source, in any territorial trade school shall, upon receipt thereof, be paid into the territorial treasury, in a special deposit to the credit of such trade schools, and equal amounts are hereby appropriated out of such special deposits in the treasury to the credit of such schools, for use by the department of public instruction, to be expended by it in payment of expenses incurred in the purchase of additional materials and supplies required by such schools, and in the care, maintenance and operation thereof, and in the employment of student labor therein before or after regular school hours.

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

Approved this 7th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 71

[S. B. No. 54]

AN ACT TO AMEND SECTION 700 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 109 OF THE SESSION LAWS OF 1919, RELATING TO STORAGE OF EXPLOSIVES.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The third paragraph of Section 700 of the Revised Laws of Hawaii, 1915, as amended by Section 1 of Act 109 of the Session Laws of 1919, is hereby further amended by adding thereto the following proviso, so that said paragraph, with the added proviso, will read as follows:

"In lieu of storing such articles in such tanks, said articles, other than crude petroleum, may, to the extent of one thousand gallons, be stored beneath the ground floor or outside the walls of any building in a steel, iron or concrete tank or tanks, said tank or tanks to be buried underground deep enough so that at least two feet of earth shall cover the top of said tank or tanks. A filling pipe shall extend up to the surface and shall at all times, except when open for filling, be kept closed by a screw cap, with padlocking device, or such other type of locked cap as shall meet with the approval of the superintendent of public works. All such tanks shall be connected with a safely arranged pump so that the gasoline or other hydrocarbon liquid may be pumped up for use. Each such tank shall be placed in a spot approved as safe to life and surrounding property by the superintendent of public works, and shall be constructed, erected and placed in position subject to his approval, as conforming to the terms of this chapter. No more than one thousand gallons of such articles, whether contained in one or more of such tanks, shall be stored in any such tank or tanks underneath, in connection with, or adjacent to the same building. It is provided, however, that if in any case application be made to the superintendent of public works for permission to store such articles in such tanks, as aforesaid, in excess of one thousand gallons, then the said superintendent shall consult with the fire marshal of the territory and

chief of the fire department of the City of Honolulu, in case the said application relates to such storage in the City and County of Honolulu, and with the fire marshal of the territory or his deputy and the county engineer of the particular county in case the said application relates to such storage in any county other than the city and 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, the applicant in any such case may be granted permission to store such articles in the manner herein provided to an extent not exceeding five thousand gallons in all."

SECTION 2. This Act shall take effect on its approval.

Approved this 7th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 72

[S. B. No. 24]

AN ACT TO AMEND SECTION 4 OF ACT 121 OF THE SESSION LAWS OF 1919, RELATING TO THE FISH AND GAME COMMISSION, BY ADDING THERETO AN ADDITIONAL PARAGRAPH.

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

SECTION 1. Section 4 of Act 121 of the Session Laws of 1919 is hereby amended by adding thereto an additional paragraph to read as follows:

"Rules and regulations. To make rules and regulations not inconsistent with or repugnant to the laws of the Territory of Hawaii, and to amend the same from time to time in its discretion, subject to the approval of the Governor, for and concerning the protection of all introduced and (or) transplanted fish,

game, and shellfish. All such rules and regulations made as aforesaid, when approved by the Governor and published, shall have the force and effect of law."

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

Approved this 8th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 73

[S. B. No. 35]

AN ACT TO AMEND SECTION 1246 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 222 OF THE LAWS OF 1917 AND BY ACT 24 OF THE LAWS OF 1920, RELATING TO TAXATION.

AND ACT 153 S. L. 1923

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

AND ACT 187 S. L. 1923

SECTION 1. Section 1246 of the Revised Laws of Hawaii, 1915, as amended by Act 222 of the Laws of 1917 and by Act 24 of the Laws of 1920, is hereby further amended by adding thereto the following paragraphs:

"All property, both real and personal, belonging to and actually used by the Aloha Circle of the King's Daughters and Sons of Hilo, shall be exempt from taxation;

"All property, both real and personal, belonging to and actually used by the Honolulu Dental Infirmary, shall be exempt from taxation;

"All property, both real and personal, belonging to and actually used by the King's Daughters Home, Kaimuki, shall be exempt from taxation."

SECTION 2. Paragraph 5 of Section 1246 of the Revised Laws of Hawaii, 1915, as amended by Act 222 of the Laws of 1917 and by Act 24 of the Laws of 1920, is hereby further amended to read as follows:

"All property, both real and personal, belonging to and actually used by the Salvation Army at Manoa and Kaimuki, shall be exempt from taxation."

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

Approved this 8th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 74

[S. B. No. 57]

AN ACT MAKING AN APPROPRIATION TO REIMBURSE CERTAIN PERSONS FOR AMOUNTS ILLEGALLY COLLECTED FROM THEM AS TAXES.

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 the general revenues the sum of eight thousand nine hundred and twenty-three dollars and five cents (\$8,923.05) to reimburse the persons herein named, in the amounts set opposite their respective names, for sums illegally assessed and collected from them as taxes:

Christian Castendyk	\$ 45.00
Theodore Richards and wife	997.70
Frank C. Atherton	1,092.30
Charles H. Atherton	808.90
Gaylord P. Wilcox	1,099.50

Arthur H. Rice	1,750.00
Nellie W. Carlsmith	56.60
Roy C. Blackshear	280.00
Mabel I. Wilcox	1,301.80
Elsie H. Wilcox	1,325.65
Mrs. Emma L. Wilcox175.60
	<hr/>
	\$8,923.05

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

Approved this 8th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 75

[H. B. No. 334]

AN ACT TO AMEND SECTION 1798 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 164 OF THE SESSION LAWS OF 1915 AND ACT 239 OF THE SESSION LAWS OF 1917, RELATING TO CONTRACT, BIDS AND BONDS FOR CONSTRUCTION WORK UNDER THE IMPROVEMENT STATUTES.

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

SECTION 1. Section 1798 of the Revised Laws of Hawaii, 1915, as amended by Act 164 of the Session Laws of 1915 and Act 239 of the Session Laws of 1917, is hereby further amended to read as follows:

"Section 1798. Contract, bids, bonds. All improvements made under the provisions of Sections 1793 to 1813, inclusive, of this chapter shall be constructed under contract let to the lowest responsible and reliable bidder therefor, after public advertisement by the supervisors in some newspaper of general circula-

AND ACT 54 S. L. 1923

tion published in said city and county twice a week for not less than two weeks; the supervisors may either let the work as an entire contract, or, in their discretion, make one or more contracts separately for the different kinds of work to be performed, or for the improvement of different highways or parts of highways to be improved under one proceeding. No bid shall be considered unless accompanied by a certified check, or its equivalent, payable to and in favor of the city and county, for not less than five per centum (5%) of the amount of the bid, which check, or its equivalent, shall be forfeited to the city and county, unless the successful bidder shall sign the contract and furnish an approved bond within the time specified by the board. No bid in excess of the estimated costs shall be accepted by the supervisors without the written and acknowledged approval of the owners of at least sixty per centum of the frontage or area to be assessed, as the case may be; and the supervisors shall have the right to reject any and all bids and in such case to readvertise for tenders if they deem it advisable to do so. But no contract shall be made without a bond to the city and county for the faithful performance of such contract in an amount not less than fifty per centum of the contract price, with at least two sufficient sureties, each of whom shall be worth not less than the full amount of the bond over and above all property exempt from execution, and who shall, upon the written demand of the supervisors or of any owner of property subject to assessment, be required to justify thereon on an examination under oath before the board; instead of personal sureties, a duly qualified surety company may be substituted as provided by law. If upon such examination any surety shall be held insufficient, a new bond with sufficient sureties shall be filed by the successful bidder within the time specified and allowed by the board, or the contract to him and the deposit shall be forfeited. Upon the contract being signed and a sufficient bond furnished as aforesaid, the deposit made with the bid shall be returned to the contractor. Any other method of letting contracts shall be illegal and void.

The board of supervisors may let said contract, if the completion of the same will extend over more than one fiscal year,

but not to extend beyond their term of office, without having the total amount of the contract price available; provided, however, that there must be available at the time of letting the contract at least fifty per centum of the amount the city and county is obliged to pay toward the contract price, and the balance shall be a first charge on such portion of the revenues of said city and county for the next succeeding fiscal year as shall be available for the use of said city and county."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 8th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 76

[H. B. No. 132]

AN ACT TO PROVIDE ADDITIONAL TAXATION FOR RESERVOIR AND EXTENSION OF WATER AND SEWER SYSTEMS IN THE COUNTY OF HAWAII.

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

SECTION 1. The tax assessor of the third taxation division shall, commencing January first of the year 1922 and each year thereafter for a period of two years, increase the tax rate on real and personal property in said taxation division over that provided in any other law to an extent sufficient to provide the annual sum of one hundred and fifty thousand dollars (\$150,000.00), which shall, when collected, be paid to the treasurer of the County of Hawaii and be held by him in a special fund for the use, with other moneys made available by the board of supervisors and/or by the legislature of the Territory of Hawaii, for the permanent improvement or extension of water and sewer systems in the County of Hawaii.

SECTION 2. All moneys available in the treasury of the County of Hawaii under this fund shall from time to time be appropriated and spent for the above purposes under the direction of the board of supervisors according to law.

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

Approved this 8th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 77

[H. B. No. 206]

AN ACT TO AMEND SECTIONS 2268 AND 2270 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 49 OF THE SESSION LAWS OF 1917 AND ACT 27 OF THE SESSION LAWS OF 1919, RELATIVE TO THE TERMS OF THE CIRCUIT COURTS.

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

SECTION 1. Section 2268 of the Revised Laws of Hawaii, 1915, as amended by Act 49 of the Session Laws of 1917 and Act 27 of the Session Laws of 1919, is hereby further amended to read as follows:

"Section 2268. Held when. The terms of the circuit courts shall be as follows: In the first circuit, at Honolulu, on the second Monday of January; in the second circuit, at Wailuku, on the second Monday of January; in the third circuit, at Kailua, on the second Wednesday of January; in the fourth circuit, at Hilo, on the second Wednesday of January; in the fifth circuit, at Lihue, on the second Wednesday of January."

SECTION 2. Section 2270 of the Revised Laws of Hawaii,

1915, as amended by Act 49 of the Session Laws of 1917 and Act 27 of the Session Laws of 1919, is hereby further amended to read as follows:

"Section 2270. Length and extension. The terms of the circuit courts may continue and be held, subject to adjournment from time to time, until the time fixed by law for the commencement of the next succeeding term, providing that Sundays and legal holidays shall be excepted; provided, further, that no trial in any contested term case shall be commenced in July and August; that in the third circuit the court shall sit in North Kohala on the fourth Wednesday of July and at Waiohinu on the fourth Wednesday of January for the trial of such cases only as do not require a jury, and that no jurors, grand or trial, shall be summoned for such term."

AMP ACT, 6 S. L. 1923

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

Approved this 11th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 78

[H. B. No. 24]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF THE CITY MILL COMPANY, LIMITED.

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

SECTION 1. The sum of one thousand four hundred and twenty-eight dollars and ninety-one cents (\$1,428.91) is hereby appropriated for the payment of the City Mill Company, Limited, an Hawaiian corporation, for expenses incurred by it in searching for the Schooner "Annie E" and crew.

SECTION 2. The said sum of one thousand four hundred and

twenty-eight dollars and ninety-one cents (\$1,428.91) is hereby appropriated from the general revenues of the territory.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 11th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 79

[H. B. No. 52]

AN ACT PROHIBITING DIVULGING OF GRAND JURY PROCEEDINGS BY WITNESSES AND GRAND JURORS.

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

SECTION 1. Grand jurors and witnesses before grand jury divulging proceedings, etc. Any grand juror, or any person who shall appear before any grand jury in this territory, and who, after being sworn according to law as a witness before said grand jury, shall afterwards divulge, either by word or sign, any matter about which said witness may have been interrogated, or any proceeding or fact said witness may have learned by reason of being said witness, shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not more than one thousand dollars, and may be, in addition, imprisoned not more than six months; provided, however, that this Act shall not apply to persons required to testify to any of the aforesaid matters before a judicial tribunal; and provided, further, that this Act shall not apply to such witness or grand juror after the return of an indictment against a person in custody, or after the arrest, after indictment, of a person not in custody.

SECTION 2. This Act shall take effect from and after its approval.

Approved this 11th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 80

[H. B. No. 290]

AN ACT TO PROHIBIT THE USE OF OBSCENE OR LASCIVIOUS
LANGUAGE OVER TELEPHONE.

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

SECTION 1. Any person who shall use, utter or speak any obscene or lascivious language over any telephone line in this territory shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment.

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

Approved this 11th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 81

[H. B. No. 189]

**AN ACT TO AMEND SECTIONS 2323 AND 2331 OF CHAPTER 135
OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO AT-
TORNEYS.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2323 of Chapter 135 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2323. Qualifications. The supreme court shall have the power to examine, admit and reinstate as practitioners in the courts of record such persons of good moral character who are citizens of the United States of America, and who have taken the prescribed oath of office as it may find qualified for that purpose; and said supreme court shall have the sole power to revoke or suspend the license of any such practitioners or to dismiss or suspend them from the roll of practitioners for malpractice, fraud, deceit or other gross misconduct.”

SECTION 2. Section 2331 of Chapter 135 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2331. Amenable for misconduct. Said practitioners shall be summarily amenable to the courts of record and may be fined or imprisoned for satisfactory cause upon the complaint of any party aggrieved by their malpractice, or for nonpayment of moneys collected by them for private parties, or for any fraud, deceit or other gross misconduct.”

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

Approved this 12th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 82

[S. B. No. 87]

AN ACT TO AMEND SECTIONS 2381 AND 2382 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO SUBMISSION ON AGREED FACTS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2381 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2381. To supreme court; affidavit. Parties to a question in difference which might be the subject of a civil action in the tax appeal court, circuit court or supreme court may, without action, agree upon a case containing the facts upon which a controversy depends and present a submission of the same to the supreme court; but it must appear by affidavit that the controversy is real and the proceedings in good faith to determine the rights of the parties; provided, however, that the supreme court may, in its discretion, require the case to be first submitted to a circuit judge at chambers subject to appeal.”

SECTION 2. Section 2382 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2382. Judgment in writing. The supreme court shall thereupon hear and determine the case and render judgment thereon in writing as if an action were pending.”

SECTION 3. This Act shall take effect upon its approval. Approved this 12th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 83

[S. B. No. 92]

**AN ACT TO AMEND ACT 122 OF THE SESSION LAWS OF 1919,
RELATING TO AN APPROPRIATION FOR REPAIRS AND/OR AD-
DITIONS TO THE BISHOP HOME, KALAUPAPA, MOLOKAI.**

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

SECTION 1. The title of Act 122 of the Session Laws of Hawaii, of 1919, is hereby amended so that the same shall read as follows:

"An Act Making an Appropriation for Repairs or Additions to the Bishop Home, Kalaupapa, Molokai."

SECTION 2. Section 1 of said Act 122 of the Session Laws of Hawaii, of 1919, is hereby amended so that the same shall read as follows:

"Section 1. The sum of five thousand five hundred dollars (\$5,500.00) is hereby appropriated out of any moneys in the treasury of the territory received from general revenues, to be immediately available upon the approval of this Act, and to be expended under the direction and supervision of the territorial board of health, for repairs and/or additions to the Bishop Home at Kalaupapa, Molokai."

SECTION 3. Section 2 of said Act 122 of the Session Laws of Hawaii, of 1919, is hereby amended so that the same shall read as follows:

"Section 2. Any portion of the said appropriation not otherwise used may be expended for furnishing said Bishop Home."

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

Approved this 12th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 84

[S. B. No. 32]

**AN ACT TO AMEND SECTION 30 OF ACT 115, SESSION LAWS OF
1917, RELATING TO INSURANCE.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 30 of Act 115 of the Session Laws of 1917 is hereby amended to read as follows:

“Section 30. Investments of domestic insurance companies.

(1) No domestic insurance company or society shall invest any of its assets otherwise than as authorized in this section, but no domestic insurance company or society shall be required to change any investment heretofore legally made.

(2) Such investments may be made in:

(a) Real estate to the extent that may be necessary to provide for the convenient accommodation of its business as well as other offices, apartments and stores on the same premises for rent as a source of income, provided that the expenditure for such real estate and the erection and extensions of buildings thereon shall not exceed thirty per centum of its admitted assets; also such real estate as may be conveyed to it, or to any person for it by way of mortgage, or in trust or otherwise, to secure or provide for the payment of loans previously contracted or moneys due; such as may be purchased at sales upon foreclosure of such mortgages or under such trusts or in enforcing any such security or under judgments or decrees obtained for loans, debts or claims due it or on executions issued upon such judgment or decrees; and such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings. All such real estate which is not held for the accommodation of such

company or society in the transaction of its business and for rental purposes as aforesaid must be sold and disposed of within five years after acquiring title to the same, provided that the commissioner may, for cause shown, extend this time for periods not exceeding five years each.

(b) Bonds and notes secured by first mortgage or deeds of trust on unencumbered real estate worth at least fifty per cent more than the amount of said first mortgage or deeds of trust, provided that no building shall be included in such value beyond the amount of the insurance thereon for which a policy shall have been transferred to the company or society or trustees for said mortgage or deeds of trust, and shall be kept in force as long as the loan continues.

(c) Bonds which are a direct obligation of the United States or of this Territory or any municipal subdivision thereof, or of any state, county, city, town, township or school district within the United States, either having a population of fifty thousand inhabitants or over, or whose indebtedness, deducting sinking funds available for the payment of its bonds, does not exceed ten per centum of the valuation of property therein as assessed next preceding the date of such investment;

(d) Bonds and notes of any railroad, street railway, or public utility located in this territory or wholly or principally in the United States, the capital stock of which equals at least one-third of its funded indebtedness, which for the three years preceding the date of such investment has regularly paid all interest charges on such funded indebtedness, and for such period has regularly earned, after deducting all proper charges, at least five per cent (5%) upon all issues of its paid up capital stock, or in the mortgage bonds of any railroad, railway, or terminal corporation which have been, both as to principal and interest, assumed or guaranteed by any such railroad or railway corporation. Such investment may be made in mortgage bonds of such railroad corporation not complying with such requirements as to capital stock where the situation as to liens junior to such

mortgage bonds is such as hereinbefore required as to capital stock:

(e) In loans secured by collateral security consisting of any of the above.

(3) A life insurance company may also invest:

(a) In loans upon the security of its own policies not exceeding the legal reserve on the policy.

(4) A fire company or casualty company or society may also invest:

(a) In stock and bonds and other evidences of indebtedness of any solvent dividend-paying corporation of any state or territory of the United States, of the District of Columbia, or of any province of the Dominion of Canada, excepting stock in its own corporation or in any other insurance corporation;

(b) In loans upon collateral security of any of the foregoing securities; provided, that the market value of such securities shall not, during the continuance of such loans, be less than the indebtedness thereon.

(5) No such investment shall be made in any unincorporated business or enterprise, nor in the stocks, bonds or other evidences of indebtedness of any corporation, the owners or holders of which may, in any event, be or become liable on account thereof to any assessment except for taxes or mechanics' and materialmen's liens, nor unless such corporation has earned, after deducting all proper charges, at least five per cent (5%) upon all its issues of capital stock for at least three years next preceding the date of such investment, and the paid-in capital stock equals at least one-third of its funded indebtedness on which the interest charges have been regularly paid for such period.

(6) Every domestic company or society doing business in any foreign country, may invest the funds required to meet its obligations incurred in such foreign country, in conformity to the

laws thereof, in the kind of securities of such foreign country in which such company or society is authorized to invest in this territory.

(7) No company or society shall invest in, acquire or hold, directly or indirectly, more than ten per centum of the capital stock of any corporation, nor shall more than ten per centum of its admitted assets be invested in the stock and securities of any one corporation or upon the security of any one enterprise or property, nor shall more than one-half of its admitted assets be invested in any one class of securities mentioned in this section other than those described in paragraph (b) of subsection 2 of this section, which shall not exceed three-fourths of such admitted assets."

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

Approved this 12th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 85

[H. B. No. 283]

AN ACT APPROPRIATING THE SUM OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) FOR THE ESTABLISHMENT AND MAINTENANCE OF A VENEREAL DISEASE CLINIC IN HONOLULU, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. The following sums are hereby appropriated from the general revenues of the territory for the biennial period beginning July 1, 1921, for the establishment and maintenance in

Honolulu, City and County of Honolulu, Territory of Hawaii,
of a venereal disease clinic:

Salaries	\$ 9,000.00
Expenses and supplies	6,000.00
Total.....	\$15,000.00

SECTION 2. The said clinic shall be established by and be under the direction and control of the territorial board of health, and the moneys hereby appropriated shall be expended on vouchers approved by the president of the said board.

SECTION 3. The said clinic shall be free to all residents of the Territory of Hawaii.

SECTION 4. This Act shall take effect on the date of its approval.

Approved this 13th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 86

[H. B. No. 311]

AN ACT MAKING AN APPROPRIATION FOR THE REIMBURSEMENT OF JULIE JUDD SWANZY FOR MONEYS ILLEGALLY COLLECTED AS INHERITANCE TAX UPON PROPERTY PASSING TO HER UNDER THE WILL OF HER LATE HUSBAND, FRANCIS M. SWANZY, DECEASED.

Whereas, the sum of fifty-eight thousand one hundred and thirty-two dollars and twenty-three cents (\$58,132.23) was assessed and paid as the federal estate tax upon the estate of Francis M. Swanzy, late of Honolulu, deceased, and upon the settlement on February 7, 1918, of the inheritance

tax payable to the Territory of Hawaii with respect to the gift by the will of said deceased to his widow, Julie Judd Swanzy, the federal estate tax paid as aforesaid was not allowed as a deduction in determining the amount upon which such inheritance tax should be assessed; and

Whereas, thereafter the supreme court of the Territory of Hawaii, in the matter of the estate of B. F. Dillingham, deceased, 23 Hawaiian reports, 129, decided that federal estate taxes so paid are deductible in determining inheritance taxes due the territory; therefore

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

SECTION 1. There shall be and hereby is appropriated the sum of one thousand one hundred and sixty-two dollars and sixty-four cents (\$1,162.64), being the amount illegally collected by reason of the premises, to be paid out of any moneys in the treasury received from the general revenues of the territory, as reimbursement to said Julie Judd Swanzy by reason of the over-payment aforesaid, and the treasurer of the territory is hereby authorized and directed to pay said sum of one thousand one hundred and sixty-two dollars and sixty-four cents (\$1,162.64) to said Julie Judd Swanzy in manner aforesaid.

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

Approved this 13th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 87

[H. B. No. 335]

AN ACT TO REIMBURSE HOLDERS OR OWNERS OF DOCUMENTARY STAMPS, AND MAKING APPROPRIATION THEREFOR.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All persons, firms or corporations, including any subdivision of the Territory of Hawaii, having in their possession or control stamps purchased pursuant to the requirements of Chapter 97 of the Revised Laws of Hawaii, 1915, shall be entitled to receive from the treasurer of the territory payment for such stamps upon presentation of the same to him; provided, however, that no stamps shall be redeemed under this Act unless the same shall be presented to the treasurer not later than December 31, 1921.

SECTION 2. The sum of one thousand dollars (\$1,000.00), or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory for the purpose of redeeming all stamps returned to the treasurer under the provisions of this Act. All payments made hereunder shall be upon warrants issued by the auditor of the territory upon vouchers approved by the treasurer.

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

Approved this 13th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

APPROPRIATION FOR H. C. HAPAI AND [ACT 88
T. TREADWAY.
TAXATION. [ACT 89

ACT 88

[H. B. No. 336]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF
HENRY C. HAPAI AND THOMAS TREADWAY.

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

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon a warrant to be issued by the auditor of the Territory of Hawaii in the sum of three hundred and ninety-four dollars and forty-five cents (\$394.45) to Henry C. Hapai and Thomas Treadway for the purpose of reimbursing said Henry C. Hapai and said Thomas Treadway for cash advances made by them during the period from 1907 to 1921 on account of shortages existing in the treasury of the Territory of Hawaii. Such payment is hereby appropriated out of moneys received in the treasury of the Territory of Hawaii from general revenues.

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

Approved this 13th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 89

[H. B. No. 162]

AN ACT TO AMEND SECTION 1273 OF THE REVISED LAWS OF
HAWAII, 1915, RELATING TO TAXATION.

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

SECTION 1. Section 1273 of the Revised Laws of Hawaii, 1915, relating to taxation, is hereby amended to read as follows:

"Section 1273. Appeal court, appointment. Three suitable persons shall be appointed by the Governor of the Territory of Hawaii, for each county, to hold office for one year, who shall respectively constitute courts of appeal to hear and determine all appeals and objections duly taken under this chapter, in their several circuits; provided, however, that no assessor or his deputy shall be appointed to sit as a member of any such court of appeal."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 90

[H. B. No. 178]

AN ACT TO AMEND SECTION 4101A OF THE REVISED LAWS OF HAWAII, 1915, AS ENACTED BY ACT 50 OF THE SESSION LAWS OF 1915, AS AMENDED BY ACT 150 OF THE SESSION LAWS OF 1917, RELATING TO PENALTIES FOR HEEDLESS DRIVING.

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

SECTION 1. Section 4101A of the Revised Laws of Hawaii, 1915, as enacted by Act 50 of the Session Laws of 1915, as amended by Act 150 of the Session Laws of 1917, is hereby further amended to read as follows:

"Section 4101A. Additional penalties. In addition to the penalties prescribed by Sections 4100 and 4101, respectively, the magistrate before whom, or the court in which a conviction under either of said sections shall be had, may, in addition to other penalties in said sections, or either of them, provided, im-

pose a sentence of imprisonment for a term not exceeding one year, and may suspend the use and operation of any license to operate motor vehicles by any person or persons so convicted for any period not more than one year. Provided that the license of any such person who has previously been convicted under either of said Sections 4100 or 4101 shall be suspended at least six months and not more than one year, in the discretion of the court."

SECTION 2. This Act shall take effect upon approval.

Approved this 13th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 91

[H. B. No. 278]

AN ACT AMENDING SECTION 1565 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO DEPUTY SHERIFFS OF THE COUNTIES OF THE TERRITORY OF HAWAII.

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

SECTION 1. Section 1565 of the Revised Laws of Hawaii, 1915, relating to deputy sheriffs, is hereby amended to read as follows:

"Section 1565. Appointment. Within each and every district of the counties of Hawaii, Maui and Kauai, 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 of Hawaii, 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 of such counties, or in case of a temporary vacancy in the office of deputy sheriff of any of said 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 such deputy sheriff so temporarily assigned under such 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 of Hawaii, 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."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

APPROPRIATION FOR FIRST NATIONAL BANK [ACT 92
OF HAWAII AND BANK OF BISHOP & CO.
GRAMMAR GRADE CERTIFICATES.] [ACT 93

116

ACT 92

[S. B. No. 52]

AN ACT MAKING SPECIAL APPROPRIATION FOR THE RELIEF OF
THE FIRST NATIONAL BANK OF HAWAII AT HONOLULU, AND
THE BANK OF BISHOP & CO., LIMITED.

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

SECTION 1. There shall be, and hereby is, appropriated the sum of nine hundred and eight dollars and four cents (\$908.04) to be paid out of any moneys in the treasury received from the general revenues of the territory, to repay to the First National Bank of Hawaii at Honolulu and The Bank of Bishop & Co., Limited, the amount contributed by them equally towards the expenses incurred by Julius Asch, Deputy Sheriff of the City and County of Honolulu, in bringing to Honolulu D. G. May, against whom the grand jury had found a true bill of indictment on the charge of forgery.

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

Approved this 14th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 93

[S. B. No. 79]

AN ACT RELATING TO THE GRANTING OF GRAMMAR GRADE CERTIFICATES TO TEACHERS.

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

SECTION 1. Those teachers in the public schools of the Territory of Hawaii who have held primary grade certificates for ten

years or more, and who have completed ten years of satisfactory teaching under such certificate, shall be granted a grammar grade certificate by the department of public instruction.

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

Approved this 14th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 94

[S. B. No. 81]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF MRS. KANOE NAHULU.

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

SECTION 1. The sum of two hundred and sixty-seven dollars (\$267.00) is hereby appropriated to be paid to Mrs. Kanoe Nahulu, out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the repayment to her of the first installment paid by her on behalf of her son, Samuel E. Nahulu, on special homestead agreement, number 1775, held by her said son, Samuel E. Nahulu, covering Waiakea homestead lot number 1207, with house lot number 2, on block 801, which said homestead agreement was entered into by the said Samuel E. Nahulu, on the 14th day of March, 1919, and cancelled on the 21st day of September, 1920, by voluntary surrender, owing to the enlistment of the said Samuel E. Nahulu in the navy of the United States of America.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 14th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 95

[H. B. No. 203]

AN ACT TO APPROPRIATE MONEYS TO CARRY OUT THE PROVISIONS OF ACT 181 OF THE SESSION LAWS OF 1917, PROVIDING FOR PAYMENTS TO PRISONERS.

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

SECTION 1. There is hereby appropriated from the general revenues of the Territory of Hawaii the sum of ten thousand dollars (\$10,000.00), in addition to any moneys heretofore appropriated, for the purpose of carrying out the provisions of Act 181 of the Session Laws of 1917.

SECTION 2. The provisions of this Act shall not conflict with or in anywise change the meaning of Section 9 of said Act 181.

SECTION 3. This Act shall take effect and be in force on July 1, 1921.

Approved this 14th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 96

[H. B. No. 228]

AN ACT RELATING TO FEES OF PUBLIC OFFICERS.

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

SECTION 1. For every certified copy of any public document for which fees are not otherwise prescribed by law, any public officer, before delivering such certified copy, shall charge and collect a fee, as follows:

Twenty-five cents for every hundred words contained in such document, and twenty-five cents for certification to same.

All of such fees shall be paid in by the public officer receiving and collecting the same to the treasurer of the territory or county or city and county by which the said public officer is employed as government realization.

SECTION 2. This Act shall not require the payment of any fee by any one department of the territorial government to any other department of the territorial government for the preparation and certification of such public document, nor shall it be held to amend or repeal Section 2597 of the Revised Laws of Hawaii, 1915.

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

Approved this 14th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 97

[H. B. No. 273]

AN ACT TO REIMBURSE AH FAR FOR POLL TAXES ILLEGALLY COLLECTED.

Whereas, Ah Far is by vocation a clergyman, and has been duly ordained an elder since October 17, 1897; and

Whereas, the said Ah Far paid poll taxes to the government from 1897 to and including 1918; and

Whereas, under the provisions of Section 1243 of the Revised Laws of Hawaii, 1915, he should have been exempted from the payment of said tax; therefore

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

SECTION 1. The treasurer of the Territory of Hawaii is

hereby authorized and directed to pay upon a warrant to be issued by the auditor the sum of one hundred and five dollars (\$105.00) payable to the said Ah Far as reimbursement for taxes illegally collected.

SECTION 2. Such payment as hereby appropriated shall be paid out of the moneys received in the treasury of the Territory of Hawaii.

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

Approved this 14th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 98

[H. B. No. 330]

AN ACT APPROPRIATING THE SUM OF SIX THOUSAND DOLLARS (\$6,000.00) BY WAY OF ADVANCEMENT FROM THE GENERAL REVENUES OF THE TERRITORY TOWARD THE CONSTRUCTION OF ROADS THROUGH THE PUPUKEA-PAUMALU BEACH LOT TRACT.

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

SECTION 1. The sum of six thousand dollars (\$6,000.00) is hereby appropriated from any moneys in the general revenues of the territory, not otherwise appropriated, to be used in connection with and in addition to funds now in the treasury derived from the sale of residence lots in the Pupukea-Paumalu beach lot tract for the construction of roads through said tract.

SECTION 2. The construction of said roads shall be under the direction and control of the commissioner of public lands, who shall contract for the construction of the same.

SECTION 3. The said sum of six thousand dollars (\$6,000.00) hereby appropriated shall be repaid into the general revenues of the territory from the moneys hereafter received from the sale of said lots as the installment payments due thereon are received by the commissioner of public lands.

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

Approved this 14th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 99

[S. B. No. 77]

AN ACT APPROPRIATING THE SUM OF FIFTEEN THOUSAND DOLLARS (\$15,000.00) BY WAY OF ADVANCEMENT FOR THE CONSTRUCTION OF ROADS THROUGH THE KAIWIKI HOMESTEADS, DISTRICT OF SOUTH HILO, ISLAND AND COUNTY OF HAWAII.

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

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to be expended by way of advancement for the construction of a road or roads through the Kaiwiki homesteads, District of South Hilo, County of Hawaii.

SECTION 2. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands, who shall have charge of the construction of said road or roads; provided, that the commissioner of public lands shall contract for the construction of said road or roads, but in no case

shall contract for an amount in excess of the sum of fifteen thousand dollars (\$15,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become available and the construction of said road or roads shall be commenced as soon as the contract herein provided for shall be entered into.

SECTION 4. The said sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands upon the Island and County of Hawaii.

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

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 100

[H. B. No. 95]

AN ACT TO PROVIDE AN APPROPRIATION OF TWO THOUSAND FOUR HUNDRED AND FORTY-TWO DOLLARS (\$2,442.00) FOR THE RELIEF OF J. L. OSMER, J. E. SANTOS AND D. P. McGREGOR.

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

SECTION 1. The sum of two thousand four hundred and forty-two dollars (\$2,442.00) is hereby appropriated from the general revenues of the Territory of Hawaii for the payment in full of J. L. Osmer, J. E. Santos and D. P. McGregor of their claims for wages from the first day of November, A. D. 1918, to and including the twelfth day of June, A. D. 1919, arising out of and because of their unlawful discharge from their positions as

inspectors of the board of health of the Territory of Hawaii; and the auditor of the Territory of Hawaii is hereby authorized and directed to draw warrants, in the event the supreme court of the Territory of Hawaii decides in favor of any of the above named claimants in the case now pending before said court, pertaining to the claim of any of the above named parties, for the payment of the said sum of two thousand four hundred and forty-two dollars (\$2,442.00) to the said J. L. Osmer, J. E. Santos and D. P. McGregor in the sums hereinafter set opposite their respective names, to wit:

J. L. Osmer	\$814.00
J. E. Santos	814.00
D. P. McGregor	814.00

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

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 101

[H. B. No. 133]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICTS OF NORTH AND SOUTH HILO AND PUNA, IN THE COUNTY OF HAWAII, TERRITORY OF HAWAII.

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

SECTION 1. Franchise. Harold V. Patten, of Hilo, County of Hawaii, Territory of Hawaii, his associates, successors and assigns, or such corporation as he may or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as "the association"), are hereby granted the right, authority and privilege to manufac-

ture, sell, furnish and supply electric light, electric current, or electric power, in the districts of North and South Hilo and Puna, on the Island of Hawaii, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and from time to time for the term of fifty years, for the purposes herein mentioned, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said districts of North and South Hilo and Puna, and to connect the said wires, lines and conductors, with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object and the place or source of supply; provided, however, that nothing herein contained shall be construed to give to the association any rights or privileges beyond the 19th day of July, 1945, for that portion of the district of South Hilo which is known as the town of Hilo as those words occur in Section 852 of the Revised Laws of Hawaii, 1915, and the franchise granted to the Hilo Electric Light Company, Limited, under the terms of such section; and this franchise shall cease and determine as to the said town of Hilo as described above, from and after said last named date; provided, however, that this franchise shall be of full force and effect for all other portions of the districts of North and South Hilo and Puna from the date when it shall become operative and thereafter for the full period of fifty years.

SECTION 2. Rules and regulations. That the board of supervisors of the County of Hawaii is hereby authorized to make and from time to time to change, amend, or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If at any time the association,

after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the board of supervisors of the County of Hawaii, after giving the association reasonable notice thereof in writing of its intention so to do, may proceed to enforce such rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus and make such repairs as may be necessary to enforce such rules, and the actual cost thereof may be recovered from the association by the County of Hawaii.

SECTION 3. Poles not to interfere with streets. That all poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and other apparatus constructed, maintained, or operated under, along, upon, or over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said districts of North and South Hilo and Puna, shall be so constructed, and maintained and operated by the association as not to interfere unnecessarily with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. That the entire plant, corporation books, and accounts of the association shall at all times be subject to the inspection of the public utilities commission of the Territory of Hawaii and the treasurer of the County of Hawaii.

SECTION 5. Meters, charges, reasonableness how determined. That the association shall have the right to maintain, operate, and use electric meters or other means of measuring electric light, power, or current supply from time to time and to locate the same at such places as may be deemed necessary for determining the current supplied or to be supplied by the association. That the association shall have the right to charge, receive and collect from all consumers of electricity such reasonable prices as may from time to time be fixed and determined by the asso-

ciation, but such charge shall not at any time exceed such rate or rates as may be fixed from time to time by the public utilities commission of the Territory of Hawaii; provided, however, that the association shall have the right to charge, receive and collect from each consumer of electricity a minimum rate which shall be established by the public utilities commission without regard to the amount of power consumed; and provided, further, that the association shall have the right to charge, receive and collect from any consumer of electricity for power purposes a minimum of \$2.50 per month without regard to the amount of current consumed; and provided, further, that should electricity be required of said association by the Territory of Hawaii or the County of Hawaii or any successors of either, or any political subdivision thereof, for public purposes, said association shall charge therefor such rates as shall be fixed by the public utilities commission; and provided, further, that this franchise and the association holding the same shall be subject, as to the reasonableness of rates, prices, charges and in all other respects, to the provisions of chapter one hundred and twenty-eight of the Revised Laws of Hawaii, nineteen hundred and fifteen, creating a public utilities commission in said territory; reserving, however, to said association the right to appeal to the supreme court of Hawaii from every order of said commission as provided in said chapter.

SECTION 6. Extensions of lines and charges for making connections. The public utilities commission of the Territory of Hawaii is hereby granted the power to order said association, its successors or assigns, to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of same; provided that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 7. Charges for making connections. That the association shall have the right, subject to the approval of the

public utilities commission, to charge consumers or applicants for the use of electricity for the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used, such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections, the reasonableness of said charges upon the application of any party in interest to be subject to the approval of the public utilities commission; provided, however, that the association shall not be required to make, construct or maintain said connections as aforesaid for supplying light or power unless the applicant or applicants for such light and power, if required, shall deposit in advance with the association a sum of money sufficient to pay one-half of the costs and expenses of making and constructing such connections and for current for a period of one month in advance. That the association shall not be required to extend, construct or maintain its main lines beyond a distance of three hundred feet unless there be an applicant for each three hundred feet of extension, or fraction thereof, and unless such applicant shall, in addition to the other requirements in this Act provided, agree to take, install, and maintain five forty-watt lamps or one-horse power of power apparatus for not less than one year.

SECTION 8. Rights to acquire property, limits to. That the said association shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business, but said association shall not have the power or right to purchase the franchise and/or property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 9. Power to borrow money and bonds. That the said association, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the association, shall have the power to borrow money and secure the payment thereof, with interest agreed upon, by mortgage of all or any part of its property, and the franchise and privilege granted or obtained by virtue of this Act; or, if it be deemed advisable,

bonds may be issued, secured by deed of trust of such property as aforesaid, not to exceed sixty per centum of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever sources derived, and in such form and under such terms as said association may deem advisable; provided, that nothing in this section contained shall operate to prevent said association from obtaining the usual business credits or making promissory notes without security; and provided, further, that the association shall not issue stock in excess of the amount paid to it in cash, nor shall issue bonds at less than ninety per centum of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditures. No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof, shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, in the construction of any part of the works.

SECTION 10. Franchise not exclusive. That it is hereby expressly provided that nothing herein contained shall be construed to grant to the association an exclusive right to furnish, sell or supply electric current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such law establishing a public utilities commission or any amendments thereof, and such other laws of a general nature as may be applicable from time to time to electric light and power plants or the companies operating them in the Territory of Hawaii, or the County of Hawaii, or its successor.

SECTION 11. Forfeiture of franchise. That if said association, its representatives, successors and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this Act or the laws of the Territory of Hawaii, and continue to refuse or fail to perform or comply therewith after reasonable notice given by the public utilities commission of the Territory of Hawaii to comply therewith, said public utilities commission may, with the consent of the Governor and of the attorney general, cause proceedings to be instituted before any appropriate tribunal to have the franchise hereby granted and all rights and

privileges accruing hereunder forfeited and declared null and void. And in case of a forfeiture of this franchise, the Territory of Hawaii, and County of Hawaii, or any political subdivision thereof, shall have the right to purchase all the property of the association within the said Districts of North and South Hilo and Puna, at the value thereof, such value to be determined as hereinafter provided; provided, that notice of such desire and intention to purchase is given to the association by the Territory of Hawaii or the County of Hawaii or any political subdivision thereof within sixty days after the forfeiture of this franchise.

SECTION 12. That the association shall have the right to discontinue or cut off the supply of electricity to any consumer who shall refuse to pay the amount due for electricity supplied by said association within such reasonable time as said association may, by general rules, fix for the payment of amounts due and such discontinuance of service or supply of electricity shall not be a bar to or prejudice the rights of the association in any remedy or remedies now or which may hereafter be authorized by law for the recovery and collection of the amount due.

SECTION 13. Exemption from taxation. That all property of every kind and nature, forming or used as part of such electric system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii, until the expiration of five (5) years from and after the date of approval of this Act by the Congress of the United States; it is provided, however, that if the association shall purchase or otherwise acquire the property and/or franchise of the Hilo Electric Company, Limited, an Hawaiian corporation, now carrying on the business of producing and selling electric light and power in the City of Hilo, the property so purchased or otherwise acquired, shall not be entitled to the tax exemption herein provided for.

SECTION 14. Annual statement, payment to government. That the association shall, within one month after the expiration of each calendar year, file with the treasurer of the County of Hawaii, a detailed statement showing all of its receipts and expenditures during the preceding calendar year, and shall, at the time,

pay to the treasurer of the said County of Hawaii, for and on behalf of said county, two and one-half per centum of the gross receipts of the association from all electric current or power furnished to consumers during the preceding year; and all its books, papers, records, and accounts shall at all reasonable times be open to inspection by the treasurer of said county, and his respective agents appointed for such purpose.

SECTION 15. Time of commencing work. That the rights hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing, transmitting or supplying electric current for light or power, or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads or other places in said districts or any of them for the purpose of conducting electric current for light and power, within two years from and after the date of the approval of this Act by the Congress of the United States; and also if the association shall not within the said term of two years expend in the construction of such works the sum of fifteen thousand dollars (\$15,000.00); and also if sufficient works are not completed and in operation to supply electric current for light and power, or if electric current for light and power be not supplied within two years after such commencement.

SECTION 16. Amendment and repeal of franchise. This franchise may at any time be amended or repealed by the Congress of the United States or by the legislature of the Territory of Hawaii, with the approval of the Congress of the United States.

SECTION 17. Purchase of all property of association. That the Territory of Hawaii, the County of Hawaii, or any political subdivision thereof, may at any time after the expiration of twenty years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the legislature of the Territory of Hawaii, acquire by purchase all of the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by the public utilites commission; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the supreme court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence and transcript of testimony upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may in its behalf take or require or permit further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 18. 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, such approval of Congress to be secured within two years from the date of such approval by the Governor.

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 102

[H. B. No. 176]

**AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE,
MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CUR-
RENT FOR LIGHT AND POWER WITHIN THE DISTRICT OF
NORTH HILO, ON THE ISLAND AND COUNTY OF HAWAII, TER-
RITORY OF HAWAII.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Franchise. A. L. Moses, of Laupahoehoe, District of North Hilo, County of Hawaii, Territory of Hawaii, his associates, successors and assigns, or such corporations as he may or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as "the association"), are hereby granted the right, authority and privilege to manufacture, sell, furnish and supply electric light, electric current, or electric power, in the District of North Hilo, on the Island of Hawaii, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and, from time to time, for the purposes above mentioned, subject to the approval and supervision of the board of officials having charge of said streets, or roads, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said District of North Hilo on said Island of Hawaii, and to connect the said wires, lines and conductors, with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object with the place of supply.

SECTION 2. Rules and regulations. That the board of supervisors of the County of Hawaii is hereby authorized to make, and from time to time to change, amend or add to reasonable rules regulating the placing of poles and wires, the insulation of wires

and apparatus carrying electric current, the excavation of conduits and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If at any time the association, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the board of supervisors of the County of Hawaii, after giving the association reasonable notice thereof, in writing, of its intention so to do, may proceed to enforce such rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus and make such repairs as may be necessary to enforce such rules, and the reasonable charges therefor may be recovered from the association by the County of Hawaii.

SECTION 3. Poles not to interfere with streets, etc. All poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other apparatus constructed, maintained or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said district, on the Island of Hawaii, shall be so constructed and maintained and operated by the association, as not to unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. That the entire plant, corporation books, and accounts of the association shall at all times be subject to the inspection of the public utilities commission of the Territory of Hawaii, and the treasurer of the County of Hawaii.

SECTION 5. Meters, charges, reasonableness how determined. The association shall also have the right to maintain, use and operate electric meters, or other means for measuring electric light, power or current supplied from time to time, and to locate the same at such places as may be deemed necessary, for determin-

ing the current supplied or to be supplied by the association; and also to charge, receive and collect from all consumers of electricity, such reasonable prices as may be from time to time fixed and determined by the association.

SECTION 6. Charges for making connections. The association shall also have the right, subject to the approval of the public utilities commission, to charge consumers, or applicants for the use of electricity, for the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections; provided, however, that the said association shall not be required to make, construct or maintain said connections as aforesaid for supplying light or power, unless the applicant therefor, if required, shall deposit in advance with them, a sum of money sufficient to pay one-half of the total cost and expense of making and constructing such connections and for current for the period of one month.

SECTION 7. Right to acquire property, limits to. The association shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal or mixed, as may be necessary or incidental to the proper conduct of his or their business; but he or they shall not have the power or right to purchase franchises and property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 8. Power to borrow money and bonds. The association, whenever from time to time it shall be deemed expedient in the furtherance of the objects for which this franchise is granted, shall have the power to borrow money, and to secure the payment thereof, with the interest agreed upon, by the mortgage of any or all of its property connected therewith, and all franchises and privileges granted or obtained by virtue of this Act, or if it is deemed advisable, bonds may be issued, secured by deed of trust of such property, not to exceed sixty per cent of the actual value thereof, and all future property acquired, as well as the income and receipts of the property from whatever source derived and in-

such form and under such terms as he or they shall deem advisable, provided that nothing in this section contained shall operate to prevent the association from obtaining the usual business credits, and to make promissory notes without security.

SECTION 9. Franchise not exclusive. It is hereby expressly provided that nothing herein contained shall be so construed to grant to the association an exclusive right to furnish, sell or supply electric current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such law establishing a public utilities commission and such other laws of a general nature as may be applicable from time to time to electric light and power plants or the companies operating them in the Territory of Hawaii, or the County of Hawaii, or its successor.

SECTION 10. Forfeiture of franchise. It is provided, that if the said association shall fail or refuse to do or perform or comply with any of the provisions of this Act, or the laws of the Territory of Hawaii, or of the County of Hawaii, or the rules promulgated under Section 2 of this Act, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the public utilities commission, or any proper county or municipal officer or board, said officer or board may, with the consent of the Governor and of the attorney general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby and all rights and privileges accruing thereunder forfeited and declared null and void.

SECTION 11. Annual statement, payment to government. The association shall, within one month after the expiration of each year, file with the treasurer of the County of Hawaii, a statement showing the gross receipts from the sale of electric current for light and power furnished by it during such year, and shall, at the same time, pay to the treasurer of the County of Hawaii for and on behalf of said county, two and one-half per centum

of the gross receipts from all electric current for light or power furnished to consumers during the year preceding.

SECTION 12. All property, of every kind and nature, forming or used as a part of such electric system, including this franchise, shall be exempt except as provided in Section 11, from any and all taxes under the Territory of Hawaii, until the expiration of five (5) years from and after the commencement of the construction of buildings, or other works for manufacturing and supplying electricity.

SECTION 13. Franchise subject to reasonableness, public utilities commission. This franchise and the person or corporation holding the same shall be subject as to reasonableness of rates, prices and charges, and in all other respects, to the provisions of Chapter 128 of the Revised Laws of Hawaii, 1915, creating a public utilities commission, and all amendments thereof, for the regulation of the public utilities in said territory.

SECTION 14. The public utilities commission of the Territory of Hawaii is hereby granted the power to order said association, its successors or assigns, to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of the same; provided that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 15. The right hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other work for manufacturing or supplying electric current for light or power, or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads or other places, for the purpose of conducting electric current for light and power, and shall actually have expended in such work a sum not less than five thousand dollars (\$5,000.00) within one year from and

after the date of the approval of this Act by the Congress of the United States.

SECTION 16. That the Territory of Hawaii, the County of Hawaii, or any political subdivision thereof, may, at any time and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by the public utilities commission, but such amount shall in no case exceed the actual cost or the actual value of the taxable property, or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The values of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the supreme court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the value claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance, but said association shall make all such further convey-

ances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 17. Franchise subject to amendment or repeal. The Congress of the United States, or the legislature of the Territory of Hawaii, with the approval of the Congress, may at any time alter, amend or repeal this Act.

SECTION 18. 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, such approval of Congress to be secured within two years from the date of such approval by the Governor.

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 103

[H. B. No. 188]

AN ACT APPROPRIATING FOURTEEN THOUSAND ONE HUNDRED AND FORTY-THREE DOLLARS AND TWELVE CENTS (\$14,143.12) TO REIMBURSE THE MAUI COUNTY FAIR AND RACING ASSOCIATION FOR ADDITIONAL EXPENDITURES MADE BY IT FOR THE ERECTION OF A TERRITORIAL FAIR BUILDING AT KAHULUI, COUNTY OF MAUI.

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

SECTION 1. The sum of fourteen thousand one hundred and forty-three dollars and twelve cents (\$14,143.12) is hereby appropriated to be paid out of moneys in the treasury received from the general revenues of the Territory of Hawaii to reimburse the Maui County Fair and Racing Association for expenditures made by it for the erection of a suitable territorial fair building at

Kahului, County of Maui, over and above the amount appropriated therefor by Act 185 of the Session Laws of 1919.

SECTION 2. The said sum of fourteen thousand one hundred and forty-three dollars and twelve cents (\$14,143.12) hereby appropriated shall be disbursed by warrant drawn by the auditor upon the filing with said auditor by the Maui County Fair and Racing Association of vouchers and receipted bills covering such expenditures.

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

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 104

[H. B. No. 247]

AN ACT MAKING AN APPROPRIATION FOR REIMBURSEMENT TO KAAILAAU PULELOA.

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

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants issued by the auditor, and upon approval of the tax assessor of the second division, the sum of thirty-five dollars and eighty-eight cents (\$35.88); said payment being for the purpose of reimbursing Kaailau Puleoa, for error in payment of taxes for property situated at Kula, Island and County of Maui.

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

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 105

[H. B. No. 264]

**AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE,
MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC
CURRENT FOR LIGHT AND POWER WITHIN KAPAA AND WAI-
POULI, IN THE DISTRICT OF KAWAIHAU, ON THE ISLAND AND
COUNTY OF KAUAI, TERRITORY OF HAWAII.**

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

SECTION 1. Franchise. Lamech L. Apana, of Kapaa, County of Kauai, Territory of Hawaii, his associates, successors and assigns, or such corporation as he may or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as "the association"), are hereby granted the right, authority and privilege to manufacture, sell, furnish and supply electric light, electric current, or electric power, in the Districts of Kapaa and Waipouli, on the Island of Kauai, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and from time to time for the term of fifty years, for the purposes herein mentioned, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said districts of Kapaa and Waipouli, and to connect the said wires, lines and conductors with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object and the place or source of supply.

SECTION 2. Rules and regulations. That the board of supervisors of the County of Kauai is hereby authorized to make and from time to time change, amend, or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of con-

duits, and the maintenance in good repair of all poles, wires, and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If, at any time, the association, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the board of supervisors of the County of Kauai, after giving the association reasonable notice thereof in writing of its intention so to do, may proceed to enforce such rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus and make such repairs as may be necessary to enforce such rules, and the actual cost thereof may be recovered from the association by the County of Kauai.

SECTION 3. Poles not to interfere with streets. That all poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and other apparatus constructed, maintained, or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said Districts of Kapaa and Waipouli, shall be so constructed, and maintained and operated by the association as not to interfere unnecessarily with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. That the entire plant, corporation books and accounts of the association shall at all times be subject to the inspection of the public utilities commission of the Territory of Hawaii and the treasurer of the County of Kauai.

SECTION 5. Meters, charges, reasonableness how determined. That the association shall have the right to maintain, operate, and use electric meters or other means of measuring electric light, power, or current supply from time to time and to locate the same at such places as may be deemed necessary for deter-

mining the current supplied or to be supplied by the association. That the association shall have the right to charge, receive and collect from all consumers of electricity such reasonable prices as may, from time to time, be fixed and determined by the association, but such charge shall not at any time exceed such rate or rates as may be fixed from time to time by the public utilities commission of the Territory of Hawaii; provided, however, that the association shall have the right to charge, receive and collect, from each consumer of electricity, a minimum rate which shall be established by the public utilities commission without regard to the amount of power consumed; and provided, further, that should electricity be required of said association by the Territory of Hawaii, or the County of Kauai, or any successor of either, or of any political subdivision thereof, for public purposes, said association shall charge therefor such rates as shall be fixed by the public utilities commission; and provided, further, that this franchise and the association holding the same shall be subject, as to reasonableness of rates, prices, charges, and in all other respects, to the provisions of chapter one hundred and twenty-eight of the Revised Laws of Hawaii, nineteen hundred and fifteen, creating a public utilites commission in said territory; reserving, however, to said association the right to appeal to the supreme court of Hawaii from every order of said commission as provided in said chapter.

SECTION 6. Extensions of lines and charges for making connections. The public utilites commission of the Territory of Hawaii is hereby granted the power to order said association, its successors or assigns, to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of same; provided, that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 7. Charges for making connections. That the association shall have the right to charge consumers or applicants

for the use of electricity for one-half of the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used, such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections, the reasonableness of said charges upon the application of any party in interest to be subject to the approval of the public utilities commission; provided, however, that the association shall not be required to make, construct or maintain said connections as aforesaid for supplying light or power, unless the applicant or applicants for such light and power, if required, shall deposit in advance, with the association, a sum of money sufficient to pay one-half of the costs and expenses of making and constructing such connections and for current for a period of one month in advance. That the association shall not be required to extend, construct or maintain its main lines beyond a distance of three hundred feet, unless there be an applicant for each three hundred feet of extension, or fraction thereof, and unless such applicant shall, in addition to the other requirements in this Act provided, agree to take, install and maintain five forty-watt lamps or one-horse power of power apparatus for not less than one year.

SECTION 8. Rights to acquire property, limits to. That the said association shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business, but said association shall not have the power or right to purchase the franchise and/or property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 9. Power to borrow money and bonds. That the said association, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the association, shall have the power to borrow money and secure the payment thereof, with interest agreed upon, by mortgage of all or any part of its property, and the franchise and privilege granted or obtained by virtue of this Act; or, if it be deemed advisable, bonds

may be issued, secured by deed of trust of such property as aforesaid, not to exceed sixty per centum of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever sources derived, and in such form and under such terms as said association may deem advisable; provided, that nothing in this section contained shall operate to prevent said association from obtaining the usual business credits or making promissory notes without security; and provided, further, that the association shall not issue stock in excess of the amount paid to it in cash, nor shall issue bonds at less than ninety per centum of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditures. No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, in the construction of any part of the works.

SECTION 10. Franchise not exclusive. That it is hereby expressly provided that nothing herein contained shall be construed to grant to the association an exclusive right to furnish, sell or supply electric current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such law establishing a public utilities commission or any amendments thereof, and such other laws of a general nature as may be applicable from time to time to electric light and power plants or the companies operating them in the Territory of Hawaii, or the County of Kauai, or its successor.

SECTION 11. Forfeiture of franchise. That if said association, its representatives, successors and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this Act or the laws of the Territory of Hawaii, and continues to refuse or fail to perform or comply therewith after reasonable notice given by the public utilities commission of the Territory of Hawaii to comply therewith, said public utilites commission may, with the consent of the Governor and of the attorney general, cause proceedings to be instituted before any appropriate

tribunal to have the franchise hereby granted and all rights and privileges accruing hereunder forfeited and declared null and void. And in case of a forfeiture of this franchise, the Territory of Hawaii and County of Kauai, or any political subdivision thereof, shall have the right to purchase all the property of the association within the said Districts of Kapaa and Waipouli, at the value thereof, such value to be determined as hereinafter provided; provided, that notice of such desire and intention to purchase is given to the association by the Territory of Hawaii, or the County of Kauai, or any political subdivision thereof within sixty days after the forfeiture of this franchise.

SECTION 12. That the association shall have the right to discontinue or cut off the supply of electricity to any consumer who shall refuse to pay the amount due for electricity supplied by said association within such reasonable time as said association may, by general rules, fix for the payment of amounts due, and such discontinuance of service or supply of electricity shall not be a bar to or prejudice the rights of the association in any remedy or remedies now or which may hereafter be authorized by law for the recovery and collection of the amount due.

SECTION 13. Annual statement, payment to government. That the association shall, within one month after the expiration of each calendar year, file with the treasurer of the County of Kauai, a detailed statement showing all of its receipts and expenditures during the preceding calendar year, and shall, at the time, pay to the treasurer of the said County of Kauai, for and on behalf of said county, two and one-half per centum of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records and accounts shall at all reasonable times be open to inspection by the treasurer of said county, and his respective agents appointed for such purpose.

SECTION 14. Exemption from taxation. That all property of every kind and nature, forming or used as part of such electric system, including this franchise, shall be exempt, except as provided in Section 13, from any and all taxes under the Territory

of Hawaii until the expiration of five years from and after the date of approval of this Act by the Congress of the United States.

SECTION 15. Time of commencing work. That the rights hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing, transmitting or supplying electric current for light or power, or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads or other places in said districts, or any of them, for the purpose of conducting electric current for light and power, within two years from and after the date of the approval of this Act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply electric current for light and power, or if electric current for light and power be not supplied within two years after such commencement.

SECTION 16. Amendment and repeal of franchise. This franchise may, at any time, be amended or repealed by the Congress of the United States, or by the legislature of the Territory of Hawaii, with the approval of the Congress of the United States.

SECTION 17. Purchase of all property of association. That the Territory of Hawaii, the County of Kauai, or any political subdivision thereof may, at any time after the expiration of twenty years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the legislature of the Territory of Hawaii, acquire by purchase all of the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purchase shall be determined by the public utilities commission; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The

value of the franchise or good will, or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the supreme court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence, and transcript of testimony upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the supreme court may, in its behalf, take or require or permit further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 18. Public utilities commission. This franchise, and the person or corporation holding the same, shall be subject as to reasonableness of rates, prices and charges, and in all other respects, to the provisions of Chapter 128 of the Revised Laws of Hawaii, 1915, and amendments thereto, creating a public utilities commission in the Territory of Hawaii.

SECTION 19. 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, such approval of Congress to be secured

within two years from the date of such approval by the Governor.

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 106

[H. B. No. 312]

AN ACT FOR THE RELIEF OF A. D. FURTADO, FOR MONEY EXPENDED BY HIM IN THE CONSTRUCTION OF A PUBLIC FISH MARKET AT LAHAINA, COUNTY OF MAUI.

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

SECTION 1. The sum of eleven hundred dollars (\$1,100.00) is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the purpose of reimbursing A. D. Furtado, of Lahaina, for money expended by him toward the construction of a public fish market on land at Lahaina to be conveyed to said A. D. Furtado by the Territory of Hawaii, under an agreement with the commissioner of public lands, to which the territory had no title, and which agreement the said commissioner of public lands had no authority to enter into.

SECTION 2. The amount hereinabove appropriated shall be paid to the said A. D. Furtado only upon his filing with the auditor of the Territory of Hawaii a receipt in full for all claims and damages arising out or accruing to him by reason of the said transaction.

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

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 107

[H. B. No. 338]

AN ACT FOR THE RELIEF OF ELINO DOROPAN.

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

SECTION 1. The sum of twelve and 10-100 dollars (\$12.10) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, said money to be paid to Elino Doropan as reimbursement for taxes for the years 1918 and 1919, which were twice collected from him; once through his employer, the Wailuku Sugar Company, and a second time upon his application for an automobile license.

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

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 108

[H. B. No. 356]

AN ACT TO COMPENSATE SAMUEL K. TOOMEY, FORMERLY PRINCIPAL OF KONA-WAENA SCHOOL, COUNTY OF HAWAII.

Whereas, Samuel K. Toomey, acting principal of Kona-waena school, was called into active service by proclamation of the President of the United States, and reported for duty with the United States Army on June 1, 1918; and

Whereas, the said Samuel K. Toomey was in active service from June 1, 1918, to February, 1919, and was honorably discharged from the said army; and

Whereas, during the month of February, 1919, after such discharge he was not reinstated to his position as principal of said Kona-waena school as provided for by Act 170 of the Session Laws of 1917; therefore

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

SECTION 1. The treasurer of the Territory of Hawaii is

hereby authorized to pay to Samuel K. Toomey, upon a warrant issued by the auditor of the territory, the sum of three hundred nineteen and 35/100 dollars (\$319.35), it being the intention hereby to compensate him in full in accordance with the provisions of Act 170 of the Session Laws of 1917, and such sum as is hereby appropriated shall be paid out of any moneys in the treasury received from the general revenues of the territory not otherwise appropriated.

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

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 109

[H. B. No. 385]

AN ACT TO AMEND ACT 29 OF THE SPECIAL SESSION LAWS OF 1920, RELATING TO INCREASE OF SCHOOL BUDGET FOR THE BIENNIAL PERIOD ENDING DECEMBER 31, 1921.

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

SECTION 1. Section 1 of Act 29 of the Special Session Laws of 1920 is hereby amended as follows:

Under heading "general fund" after item "libraries and books (additional)", add new items as follows:

"Traveling expenses, commissioners of public instruction (additional) \$ 500.00

Traveling expenses, superintendent and deputy (additional) 1,125.00

Expenses, examination and certification of language and private school teachers, in compliance with Acts 30 and 36, Session Laws of 1920 1,500.00

Delete the figures '\$15,000.00' in item 'dormitories (new)', and insert in lieu thereof the figures '\$25,000.00.'

Delete the figures '\$20,000.00' in item 'scholarships (new)', and insert in lieu thereof the figures '\$6,875.00'."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 110

[H. B. No. 400]

AN ACT TO AMEND SECTION 3 OF ACT 101 OF THE SESSION LAWS OF 1919, RELATING TO THE APPOINTMENT OF A COMMISSION TO INVESTIGATE AND RECOMMEND LEGISLATION NECESSARY TO REGULATE MUTUAL AND FRATERNAL BENEFIT SOCIETIES.

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

SECTION 1. Section 3 of Act 101 of the Session Laws of 1919 is hereby amended to read as follows:

"Section 3. It shall be the duty of said commission, having made such investigation as provided for in the second section of this Act, to report to the legislature of the Territory of Hawaii at the 1923 session thereof its findings and recommendations as to any additions or alterations that may, in its opinion, be necessary or desirable to make in the insurance laws of the Territory of Hawaii relating to such societies or institutions as are described in the second section of this Act."

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

Approved this 16th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 111

[S. B. No. 95]

AN ACT RELATING TO THE DISINTERMENT OF HUMAN BODIES.

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

SECTION 1. No corpse nor the remains of any dead human body shall be exposed, disturbed or removed from its place of burial, nor shall the receptacle, container or coffin, holding such remains or corpse be opened, removed or disturbed after due interment, except according to the terms of a permit granted therefor by the registrar general. After any such removal or disturbance the grave shall be filled at once and restored to its former condition.

SECTION 2. A fee of five dollars (\$5.00) shall be charged by the registrar general for the issuing of such permit, such fee to be paid and accounted for to the treasury of the Territory of Hawaii.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 112

[S. B. No. 102]

AN ACT RELATING TO THE SALE OF HIDES BY THE BOARD OF HEALTH AND DISPOSITION OF THE PROCEEDS OF SUCH SALE.

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

SECTION 1. The board of health of the Territory of Hawaii is hereby authorized and empowered to sell, at public auction or private sale, any hides of cattle slaughtered at the leper settlement, Molokai.

SECTION 2. The proceeds of all such sales shall be deposited in the treasury of the Territory of Hawaii as a government realization, and a sum equal to the amount or amounts so deposited is hereby appropriated to be expended by the board of health for the purchase of new ranch bulls and milch cows for said settlement.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 113

[H. B. No. 256]

AN ACT APPROPRIATING THE SUM OF THREE HUNDRED AND FIFTY DOLLARS (\$350.00) FOR THE RELIEF OF GEORGE H. HOLT.

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

SECTION 1. The sum of three hundred and fifty dollars (\$350.00) is hereby appropriated from any moneys in the treas-

ury of the territory derived from the sales of public lands in the City and County of Honolulu for reimbursement and payment to George H. Holt for the value of a building belonging to him, which was situated on and was sold, exchanged and transferred by the Territory of Hawaii with Lot No. 33 of the Nanakuli beach lots, at Waianae, Oahu.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 114

[H. B. No. 367]

AN ACT PROVIDING A PENSION FOR R. PUUKI, AND AUTHORIZING AND DIRECTING THE COUNTY OF KAUAI TO PAY THE SAME.

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

SECTION 1. The board of supervisors of the County of Kauai is hereby authorized and directed to pay each month, beginning with the month of April, 1921, up to and including the month of June, 1923, to R. Puuki, the sum of sixty dollars (\$60.00); provided, however, that the beneficiary under this Act shall not be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 115

[H. B. No. 382]

AN ACT TO AMEND SECTION 1295 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 181 OF THE SESSION LAWS OF 1915, RELATING TO ENFORCEMENT OF PAYMENT OF TAXES.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1295 of the Revised Laws of Hawaii, 1915, as amended by Act 181 of the Session Laws of 1915, is hereby further amended by adding thereto new paragraphs to read as follows:

“4. Every person departing from the Territory of Hawaii for a foreign country shall, before being permitted to leave, produce and exhibit to the agent of any common carrier selling transportation, or to any representative of the treasury department of the territory requesting the same, a certificate from a tax assessor indicating that all delinquent taxes due the Territory of Hawaii are fully paid, including taxes for the current period, which period for such taxpayer is hereby declared terminated at the end of the calendar month then last past; or in the alternative produce a certificate showing that he or she is exempt from such taxes; provided, however, that if such departing taxpayer be a permanent resident of the territory and is able to satisfy the tax assessor of his intention to return within the calendar year, he may be given a certificate temporarily waiving this provision, as to current taxes only.

“5. Every alien departing from the Territory of Hawaii for any point without the jurisdiction of said territory shall, before being permitted to leave, produce and exhibit a like certificate as in subdivision 4 hereof provided.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 116

[H. B. No. 393]

**AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF ANNIE
AMOY AH QUAI CHAMBERLAIN.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated out of any moneys in the territorial treasury received from the general revenues the sum of one thousand one hundred and ninety-three dollars and sixteen cents (\$1,193.16) as compensation in full to Annie Amoy Ah Quai Chamberlain for expenses incurred by her in recovering possession of a certain land situated in Keanae, District of Hana, County of Maui, Territory of Hawaii, awarded by a decree of the land court of the Territory of Hawaii under date of January 28, 1918.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 117

[H. B. No. 398]

**AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE
COUNTIES AND CITY AND COUNTY IN THE TERRITORY TO
CREATE REVOLVING FUNDS FOR LOAN FUND PURPOSES, AND
PROVIDING FOR REIMBURSEMENTS THERETO.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The boards of supervisors of the counties and city and county in the territory are hereby authorized and empowered to set aside from the general funds of said county or

city and county an amount sufficient in their opinion for the purpose, to be used for the purpose of defraying costs and expenses in the preparation of plans and specifications for the construction of public improvements out of loan fund appropriations, said amounts to be held by the treasurer of each respective county or city and county in a special fund to be known as the "public improvement revolving fund", (designating the name of the county or city and county to which said fund belongs).

SECTION 2. All moneys withdrawn from said revolving funds shall be reimbursed or restored thereto out of loan funds so soon as money shall be allotted and available from loan funds for the particular item or appropriation for which such expenditures from the aforesaid revolving funds shall have been made, and the reimbursement to said revolving funds shall be a first charge against the said appropriation after allotment is made, and shall be paid in the manner provided by law for making disbursements from said loan funds.

SECTION 3. No money shall be paid out of said revolving funds except upon vouchers signed by the county engineer, or other officer authorized by the board of supervisors, and approved by the board of supervisors of said county or city and county; provided, that where the item of appropriation for which plans and specifications are to be prepared is one requiring that the methods, materials, plans and specifications be first passed on and approved by the superintendent of public works, or other public official or officials, before being undertaken, no money shall be paid out of said revolving funds except upon vouchers signed and approved as above provided bearing also the approval of the superintendent of public works or other official or officials aforesaid.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 118

[H. B. No. 403]

AN ACT TO PROVIDE FOR THE PAYMENT OF SALARY TO H. L. KINSLEA, FORMERLY PATENT CLERK IN THE DEPARTMENT OF PUBLIC LANDS, 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 authorized and directed to pay to H. L. Kinslea upon warrant issued by the auditor of the territory the sum of two hundred and thirty-three dollars and thirty-three cents (\$233.33) as his salary for five weeks from September 1, 1920, and such sum of two hundred and thirty-three dollars and thirty-three cents (\$233.33) is hereby appropriated out of any moneys received in the territorial treasury from the general revenues.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 119

[H. B. No. 405]

AN ACT EXTENDING THE TIME WITHIN WHICH APPROPRIATIONS FOR THE TOPOGRAPHIC SURVEY OF HAWAII MAY BE EXPENDED.

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

SECTION 1. All unexpended balances of moneys which have been heretofore, or which shall be hereafter appropriated, allotted or set aside for the carrying on of the topographic survey of the Territory of Hawaii in co-operation with the United States

geological survey, shall continue to be available for such purpose, notwithstanding the expiration of the biennial period for and during which such moneys were so appropriated, allotted or set aside.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 120

AMD ACT 139 S. L. 1923

[S. B. No. 7]

AN ACT CREATING AN HISTORICAL COMMISSION, TO SECURE THE COMPILATION AND PUBLICATION OF A REVISED HISTORY OF THE HAWAIIAN PEOPLE, TO SECURE INFORMATION IN REGARD TO HISTORICAL PLACES, AND TO SECURE INFORMATION IN REGARD TO HAWAII'S PART IN THE GREAT WAR, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Number, appointment, of commissioners. There is hereby created a commission of three members to be appointed by the Governor of the Territory, which shall be called "The Historical Commission," to secure the compilation and publication of a revised history of the Hawaiian people, and to perform such other duties as are hereinafter set forth; provided, however, that said revised history shall not be published until after the same has been approved by either the legislature of the territory or by the trustees of the Hawaiian Historical Society. One member of said commission shall be appointed from the faculty of the University of Hawaii. Such members shall serve without pay, but receive such reasonable traveling and other expenses as may be incurred in the discharge of their duties as members of this commission. Such commission is hereby authorized and

directed to secure the compilation from all available sources, and to publish a revised history of the Hawaiian people. The commission is hereby authorized to employ such competent persons as are necessary for the compilation of the said history, and to purchase the necessary documents, records and material for use in the compilation of such history.

SECTION 2. Said commission shall investigate and compile information upon places, structures, monuments and things in the Territory of Hawaii of historical importance and interest, and report back to the next legislature the advisability of preservation and restoration of such historic places, together with an estimate of the cost of so doing.

SECTION 3. It shall be the duty of said commission to secure and collect the necessary information, documents and pictures for the purposes of publication of a record of Hawaii's part in the great war between the United States, its allies and the Central European powers.

SECTION 4. All documents, records and materials secured by said commission shall be deposited in the territorial archives after their use by the commission.

SECTION 5. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii received from the general revenues thereof and not otherwise appropriated to defray the expenses of said commission.

SECTION 6. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 121

[H. B. No. 109]

AN ACT TO AMEND CHAPTER 166 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO MARRIAGE LICENSES, BY AMENDING SECTION 2908 THEREOF, AS AMENDED BY ACT 189 OF THE SESSION LAWS OF 1917.

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

SECTION 1. Section 2908 of Chapter 166 of the Revised Laws of Hawaii, 1915, as amended by Act 189 of the Session Laws of 1917, is hereby further amended to read as follows:

"Section 2908. Agent to grant; fee. It shall be the duty of the treasurer to appoint one or more suitable persons as agents in each taxation district of the territory, whose special duty shall be to grant marriage licenses, agreeably with the laws. Such agents shall be entitled to a fee of one dollar for each license, to be paid by the party applying therefor. Any such agent who shall charge more than that amount for any such license, or who shall receive bribe for the same shall be liable to a fine not exceeding fifty dollars upon conviction before any district magistrate."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 122

[S. B. No. 22]

AN ACT APPROPRIATING THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00) FOR THE PAYMENT OF EXPENSES INCURRED IN INVESTIGATING AND SETTLING TERRITORIAL WATER RIGHTS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory, not otherwise appropriated, for the payment of all necessary expenses incurred in investigating and settling the title to territorial water rights throughout the Territory of Hawaii.

SECTION 2. The attorney general of the Territory, acting in conjunction with the several county attorneys and the city and county attorney, is hereby authorized and directed to promptly proceed with the investigation and settlement of the title to all such territorial water rights and to institute and prosecute all necessary legal proceedings for that purpose.

SECTION 3. The auditor of the territory shall issue warrants on the treasurer in payment of expenses incurred in carrying out the provisions of this Act upon vouchers approved by the attorney general.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 123]. PENSIONS FOR W. A. MCKAY AND C. B.
COCKETT.

ACT 124] PERSONAL AND PROPERTY TAXES.

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ACT 123

[H. B. No. 368]

AN ACT PROVIDING PENSIONS FOR WILLIAM A. MCKAY AND CHARLES B. COCKETT, AND AUTHORIZING AND DIRECTING THE COUNTY OF MAUI TO PAY THE SAME.

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

SECTION 1. The board of supervisors of the County of Maui is hereby authorized and directed to pay each month, beginning with the month of April, 1921, up to and including the month of June, 1923, to William A. McKay the sum of one hundred dollars (\$100.00) and to Charles B. Cockett the sum of seventy dollars (\$70.00); provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 124

[H. B. No. 378]

AN ACT TO AMEND SECTION 1300 OF CHAPTER 93 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO PERSONAL AND PROPERTY TAXES.

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

SECTION 1. Section 1300 of Chapter 93 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1300. District magistrates have jurisdiction. The

several district magistrates in the territory shall have jurisdiction to try and determine misdemeanors arising under this chapter and all complaints for the violation of any of the provisions of this chapter and to impose any of the penalties therein described, and shall also have jurisdiction to hear and determine all civil actions, suits and proceedings for the collection and enforcement of collection and payment of all taxes assessed thereunder, and all actions on judgments obtained in tax suits and proceedings, notwithstanding the amount claimed."

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

Approved this 18th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 125

[S. B. No. 83]

AN ACT AUTHORIZING THE BOARD OF HEALTH OF THE TERRITORY OF HAWAII TO PURCHASE RADIUM FOR MEDICAL AND SURGICAL USE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. The board of health of the Territory of Hawaii is hereby authorized to purchase radium to be used for medical and surgical purposes, and the sum of thirty thousand dollars (\$30,000.00) is hereby appropriated out of the general revenues of the Territory of Hawaii for said purpose; provided, however, that the radium so purchased shall be such as shall be approved by the bureau of standards at Washington, D. C., and provided further that the said purchase may be made without regard to the provisions of Section 1418 of the Revised Laws of Hawaii, 1915, as amended.

SECTION 2. The board of health is hereby authorized to pre-

scribe such rules, regulations and terms and prescribe such charges to be made for the use of said radium for surgical and medical purposes, as it may deem proper and necessary, provided, however, that no charge shall be made to such indigent persons as may require the use of said radium for such purposes.

SECTION 3. The board of health shall be responsible for the care, control and safe-keeping of said radium so purchased, and all expenses incurred in connection therewith, including all insurance premiums, may be paid out of the moneys received from time to time for the use of said radium.

SECTION 4. In addition to the amount appropriated by Section 1 of this Act there is hereby appropriated from the general revenues of the territory the further sum of one thousand dollars (\$1,000.00) to be expended by the board of health in insuring and otherwise guarding against the loss of said radium, which sum shall be available for such purposes until the board of health shall be able to provide for such insurance and protection from moneys received for the use of such radium. The board of health shall from time to time, as the moneys received for the use of such radium become available, repay into the general revenues of the territory all amounts expended from this appropriation.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 126

[S. B. No. 108]

AN ACT RELATING TO THE COLLECTION, PRINTING, PUBLICATION AND PRESERVATION OF HAWAIIAN MUSIC.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The commission created and appointed pursuant to the provisions of Act 61 of the Session Laws of 1921 shall, in addition to the duties imposed upon them by said Act, collect, print, publish and in any other suitable and convenient manner, preserve for posterity the ancient songs, music and meles of the people of the Hawaiian race.

SECTION 2. There is hereby appropriated from the general revenues of the territory the sum of five thousand dollars (\$5,000.00) for the purpose of paying the expenses of said commission in complying with the provisions of this Act, which sum shall be expended on vouchers approved by the chairman of the said commission.

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

Approved this 19th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 127

[S. B. No. 68]

AN ACT TO AMEND SECTION 2221 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO PUBLIC UTILITIES COMMISSION.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2221 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

"Section 2221. Number, appointment, of commissioners. There is created a public utilities commission of three members, who shall be called commissioners and who shall be appointed in the manner prescribed in Section 80 of the Organic Act for terms of three years, or the unexpired portions thereof, so that the term of one member shall expire on the thirtieth day of June in each year, beginning with the year 1914; provided, however, that no member of said commission shall be a salaried officer or employee of the territory or of any political subdivision thereof. One member shall also be appointed chairman of the commission. Each member of such commission shall receive compensation at the rate of ten dollars (\$10.00) per day, while actually engaged in the performance of his duties as such commissioner, and such reasonable traveling and other expenses as may be incurred in the discharge of his duties; provided, however, that no member of such commission shall in any case receive more than one thousand eight hundred dollars (\$1,800.00) as compensation for services for any one year. No person owning any stock or bonds of any public utility corporation, or having any interest, or deriving any remuneration from any public utility, shall be appointed to or hold an office on the commission, or be appointed or employed by the commission.

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

Approved this 19th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 128

[S. B. No. 71]

UP ACT. 124 S. L. 1922

AN ACT TO AMEND AND REENACT ACT 204 OF THE SESSION LAWS OF 1919, RELATING TO THE PREVENTION, SUPPRESSION AND ERADICATION OF BOVINE TUBERCULOSIS, AND PROVIDING FOR THE INDEMNIFICATION OF OWNERS OF CATTLE DESTROYED PURSUANT TO ITS PROVISIONS.

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

SECTION 1. Act 204 of the Session Laws of 1919 is hereby amended and reenacted in whole to read as follows:

"Section 1. All dairy cattle within this territory more than six months old and all other cattle suspected of being affected with tuberculosis, shall be tuberculin tested not oftener than once in six months, except in cases of herds having more than five percent (5%) tuberculosis at the last test, in which cases more frequent tests may be made.

"Section 2. All cattle found to be tuberculous either upon physical examination or by means of the tuberculin test shall be branded upon the left cheek with the registered brand "c". Cattle so found to be tuberculous shall be appraised and the owner shall cause them to be segregated and subsequently delivered for slaughter at such time and place as may be designated by the territorial veterinarian, his assistant or deputy.

"Section 3. Appraisal. The territorial veterinarian, his assistant or deputy, making the examination or test, is hereby authorized, subject to approval by the board of commissioners of agriculture and forestry, to make an agreement with the owner as to the valuation of the animal or animals condemned. In case no agreement can be reached, the president of the board or his duly authorized agent shall choose one disinterested citizen, the owner another and the two so chosen shall designate a third, the three to act as a board of appraisers, who shall appraise such animal or animals and whose decision or the decision of a ma-

jority of which shall in all cases be final. All appraisal of cattle condemned under this Act, whether by agreement or by a board of appraisers, shall be based on the market value of such animal or animals on the day of appraisal whether for breeding purposes or milk production. Animals reacting to the tuberculin test but not exhibiting any physical evidence of tuberculosis shall be appraised without considering the presence of a diseased condition, but animals exhibiting physical evidence of tuberculosis shall be appraised as diseased animals. All appraisals shall be signed by the owner and the appraiser or appraisers, and shall be reported to the president of the board of agriculture and forestry. Compensation for appraisers appointed or selected pursuant to this Act shall not exceed five dollars per diem and their necessary traveling expenses. The compensation of the appraisers shall be borne by the owner in case the board of appraisers fail to increase the valuation made by the territorial veterinarian, his assistant or deputy, with the approval of said board of commissioners. Otherwise the three appraisers shall be paid by the board of agriculture and forestry.

"Section 4. Disposal of tuberculous animals. All cattle reacting to the tuberculin test shall immediately be segregated and arrangements made for their slaughter and inspection within a reasonable time thereafter. Such slaughter and inspection shall be under the direct supervision of the territorial veterinarian, his assistant or deputy, and in accordance with the meat inspection regulations of the federal bureau of animal industry. The owner shall then sell those parts of the carcass which are found to be wholesome at the current market price for that class of meat and shall be indemnified as hereinafter provided for.

"Section 5. Indemnification. The amount of indemnification shall be based upon the results of the post-mortem inspection as follows:

"(a) If an animal is found upon post-mortem examination not to be affected with tuberculosis, the owner shall be paid the full appraised value less the salvage of the carcass, except that the total indemnification hereunder shall in no case exceed the

sum of one thousand dollars (\$1,000.00) for a pure-bred registered animal, nor the sum of two hundred and fifty dollars (\$250.00) for a grade animal.

"(b) If an animal is found upon post-mortem examination to be affected with tuberculosis and the lesions are such that the carcass and parts thereof are passed for food, the owner shall be paid eighty per cent (80%) of the appraised value, less the salvage of the carcass; except that the total indemnification hereunder shall in no case exceed the sum of three hundred and fifty dollars (\$350.00) for a pure-bred registered or entitled to registry animal, nor the sum of two hundred and fifty dollars (\$250.00) for a grade animal.

"(c) If any animal is found upon post-mortem examination to be so extensively affected with tuberculosis as to be unfit for food, the carcass and parts thereof shall be condemned for offal and the owner shall receive fifty per cent (50%) of the appraised value, less the salvage of the carcass, if any, except that such total indemnification shall not exceed the amounts set forth in paragraph (b) hereinabove.

"The amount of indemnification being thus ascertained, the owner may present a claim upon the territorial treasurer therefor. The payment of such a claim shall be made upon vouchers approved by the president of the board of agriculture and forestry, and supported by the owners' and appraisers' report, the receipt for the amount of salvage and the inspector's report, on the presence or otherwise of tuberculous lesions, provided (a) that no indemnification shall be paid unless the owner has cooperated with the board in complying with all rules and regulations issued pursuant to the control and eradication of bovine tuberculosis; and provided (b) that no indemnification shall be paid for any imported animal which, after admission to the territory, shall have been placed in herds known to be infected at the time unless such animal is found upon post-mortem examination not to be affected with tuberculosis; (c) that no indemnification shall be paid for any imported animal condemned on retest while in quarantine and before release from quarantine unless such

animal is found upon post-mortem examination not to be affected with tuberculosis.

"In case of any report or ruling adverse to the owner hereunder, said owner shall be given a hearing before said board before a final ruling is made.

"Section 6. Any premises upon which there have been kept animals affected with tuberculosis shall be disinfected promptly after the removal of such animals and in a manner satisfactory to the territorial veterinarian, his assistant or deputy and at the expense of the owner.

"Section 7. The board of agriculture and forestry is hereby authorized to cooperate with the federal bureau of animal industry in its efforts to eradicate bovine tuberculosis or any other transmissible disease of animals.

"Section 8. For the purpose of this Act, the sum of thirty thousand dollars (\$30,000.00) in addition to any moneys now appropriated and available for this purpose, is hereby appropriated.

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

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

Approved this 19th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 129

[H. B. No. 23]

AN ACT TO AMEND SECTION 1 OF ACT 3 OF THE SESSION LAWS OF 1919, REGULATING THE ADOPTION OF MINORS.

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

SECTION 1. Section 1 of Act 3 of the Session Laws of 1919 is hereby amended to read as follows:

"Section 1. Any proper person, not married, or married to the father or mother of a minor child, or a husband and wife jointly, may petition a judge of the circuit court of the circuit in which they reside, or a judge of the circuit court of the circuit in which the child resides for leave to adopt a minor child not theirs by birth, and for a change of the name of such child. If the child is adopted by a person married to the father or mother of the child the same reciprocal rights and duties which theretofore existed between such natural parent and child shall be and remain the same, subject, however, to the rights acquired by and the duties imposed upon the adoptive parent by reason of such adoption. Written consent must be given to such adoption by the child, if of the age of sixteen years, and in all cases of adoption written consent shall be given by each of the living legal parents who is not hopelessly insane, habitually intemperate, or has not abandoned such child for a period of six months, or who has not voluntarily surrendered the care and custody of such child to another for a period of two years or over, which fact of such insanity, intemperance, abandonment or surrender shall be found by the judge at the time of hearing the petition and such finding noted in the order. If the parents are unknown or have so abandoned or surrendered said child, such consent to adoption shall be signed by the legal guardian of such child, or if there be no legal guardian, then the court may appoint some suitable person to act in the proceedings as the next friend of the child; provided, however, that no hearing upon a petition for adoption, where the written consent of each of the living parents has not been obtained, shall be had until each non-consenting parent shall have had due notice, actual or constructive, as hereinafter provided, of the time and place of hearing."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 19th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 130

[H. B. No. 348]

AN ACT AUTHORIZING THE PAYMENT TO EBEN S. CUSHINGHAM OF A PORTION OF HIS SALARY AS CHIEF CLERK TO THE SECRETARY OF THE TERRITORY OF HAWAII DURING ILLNESS.

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

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized to pay on warrants drawn by the auditor, based on vouchers approved by the secretary of the Territory of Hawaii, to Eben S. Cushingham, chief clerk to the secretary of the Territory of Hawaii, and employed in the office for twelve years, sixty per centum of the amount of his salary as such chief clerk until such time as he is able to be employed, such payments to begin as of November 1, 1920.

SECTION 2. Appropriations required under this Act are hereby appropriated out of any moneys in the treasury of the territory, not otherwise appropriated.

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

Approved this 19th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 131

[H. B. No. 379]

AN ACT PROVIDING FOR LIENS ON PERSONAL PROPERTY.

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

SECTION 1. A person who makes, alters or repairs any article of personal property, at the request of the owner or legal pos-

sessor of the property, shall have a lien on the same for the reasonable charges for such work done and materials furnished, and may retain possession of the same until the charges are paid.

SECTION 2. The holder of any such lien may, upon obtaining judgment for the amount due for such repairs, alterations or improvements, have execution upon the property so held by him for the satisfaction of his judgment. Such execution shall be issued and returned as in other civil actions.

SECTION 3. Any person having an interest in the property held by a lienor may be let in to defend in the same manner as if he had been an original party thereto; and where it appears upon the trial that a person not a party thereto has an interest in the property held by the lienor, the judge may require that notice be given him of the pendency of the action and the time within which he may appear, and upon his appearance such person shall be entitled to all the rights of a duly admitted intervenor, and may defend said cause.

SECTION 4. Where an action is filed under this Act, the plaintiff shall set forth in his declaration that he claims a lien upon certain personal property, which he shall describe with reasonable particularity, and he shall also set forth in the declaration the names of all persons known to him to have or claim an interest in said property.

SECTION 5. Where a dispute arises as to the application of the proceeds upon the sale under execution of property held by a lienor, the judge shall order that such proceeds be paid into court, and he shall thereupon determine to whom such proceeds shall be paid or divided. Nothing in Section 2297, (Revised Laws of Hawaii, 1915,) limiting the jurisdiction of district magistrates, shall be construed as affecting such adjudication; but an appeal may be taken therefrom as in other civil cases.

SECTION 6. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 132

[H. B. No. 171]

AN ACT TO PREVENT THE VENDING BY PEDDLING OR ITINERANT SALE OF REMEDIES AND MEDICINES.

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

SECTION 1. It shall be unlawful to vend, by peddling or itinerant sale, any remedies or medicines without first obtaining a written permit from the board of health and securing the necessary license.

SECTION 2. Magistrates and the courts are hereby vested with the power and authority to decide all facts as are applicable within the meaning of this Act.

SECTION 3. Penalty. Any person who shall violate the provisions of this Act shall, upon conviction, be punished by a fine of not more than five hundred dollars, or by imprisonment for a term of not more than one year, or by both such fine and imprisonment in the discretion of the court.

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

Approved this 20th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 133

[H. B. No. 253]

AN ACT AMENDING SECTION 3446 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE DEDUCTIONS FROM WAGES OF EMPLOYEES.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3446 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3446. Wages, deductions from. It shall be unlawful for any person, firm, partnership or corporation within this territory to deduct and retain any part or portion of any wages due and payable to any laborer or employee or to collect any store account, offset or counterclaim without the written consent of such laborer or employee, or by action at court as provided by law, except, however, that the tax provided for in Sections 1224, 1225 and 1226 of the Revised Laws of Hawaii, 1915, as now existing or as hereafter amended, may be deducted by said employer from any part or portion of any wages due and payable to any laborer or employee and paid over to the tax collector."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 134

[H. B. No. 270]

**AN ACT TO AMEND SECTION 1871 OF CHAPTER 117 OF THE
REVISED LAWS OF HAWAII, 1915, RELATING TO CIVIL
SERVICE.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1871 of Chapter 117 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1871. Commissioners, appointment, tenure, pay, oath. It shall be the duty of the mayor of the City and County of Honolulu on or before the first day of January in every year to appoint, with the approval of the board of supervisors, a board of police and fire commissioners, to be known as the Honolulu civil service commission, consisting of three citizens of the territory, not more than any two of whom shall belong to the same political party when appointed, but none of such commissioners shall be a person who is an attorney at law licensed to practice in any court of the territory. Any member of the commission may be removed by the mayor, with the approval of the board of supervisors. Vacancies in the commission shall be filled by the mayor with the approval of the board of supervisors for the unexpired term. The city and county clerk shall act as secretary of the commission. Two members of the commission shall constitute a quorum. Each member of the commission shall receive compensation for his services as may be fixed by the board of supervisors, such compensation not to exceed the sum of two hundred dollars per annum, which shall be paid by the city and county upon the certificate of the secretary. Every member of the commission shall, before entering upon his duties, take and subscribe an oath of office in the form set forth in Section 1669, and file the same in the office of the city and county clerk. Said commissioners shall have the power to subpoena witnesses to testify in any hearing before them and to administer oaths."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 135

[H. B. No. 354]

AN ACT TO AMEND SECTION 3178 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO ACQUIRING ADVERSE INTERESTS IN REGISTERED LAND.

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

SECTION 1. Section 3178 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3178. No adverse possession or prescription. No title, right or interest in, to or across registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession; provided, however, that this section shall not prejudice any adverse claim, as against any person registered as first owner of land with a possessory title only, in respect of length of possession of any other person, who was in possession of the land at the time when the registration of such first owner took place."

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

Approved this 20th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 136

[H. B. No. 369]

AN ACT MAKING AN APPROPRIATION FOR THE BENEFIT OF MRS. ANNIE KANAKANUI, POHAKU K. OHULENUI, JOHN KAHAULELIO, J. K. KAPUNIAI, ELIJAH SNIFFEN, WILLIAM S. EDINGS, FERDINAND MOSHER, MRS. CHARLOTTE LOWDEN, NICOLENA NORGAARD, N. C. NIELSON AND LOUISE BAL.

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

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants to be issued by the auditor of the Territory of Hawaii each month, beginning with the month of April, 1921, up to and including the month of June, 1923, to Mrs. Annie Kanakanui, one hundred dollars (\$100.00); to Pohaku K. Ohulenui, fifty dollars (\$50.00); to John Kahaulelio, forty dollars (\$40.00); to J. K. Kapuniai, eighty dollars (\$80.00); to Elijah Sniffen, sixty dollars (\$60.00); to William S. Edings, one hundred and fifty dollars (\$150.00); to Ferdinand Mosher, one hundred dollars (\$100.00); to Mrs. Charlotte Lowden, fifty dollars (\$50.00); to Nicolena Norgaard, fifty dollars (\$50.00); to N. C. Nielson, fifty dollars (\$50.00); and to Louise Bal, fifty dollars (\$50.00); provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

Such payments are hereby appropriated out of the moneys received in the treasury from the general revenues.

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

Approved this 20th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 137

[H. B. No. 156]

AN ACT TO AMEND SECTION 594 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 166 OF THE SESSION LAWS OF 1915, RELATING TO THE CLOSE SEASON FOR GAME BIRDS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 594 of the Revised Laws of Hawaii, 1915, as amended by Act 166 of the Session Laws of 1915, is hereby further amended to read as follows:

"Section 594. Close season; punishment. It shall be unlawful to take, kill or destroy any migratory wild duck, plover, snipe, turnstone, curlew, stilt or mud-hen between the first day of May and first day of October;

To take, kill or destroy any native wild duck between the first day of February and the first day of October;

To take, kill or destroy any quail or pheasant between the first day of February and the first day of November;

To take, kill or destroy any wild dove or wild pigeon between the first day of January and the first day of July;

It shall be unlawful to take, kill or destroy in any one day more than twenty-five migratory wild ducks, plovers, snipes, turnstones, curlews, stilts or mud-hens, native wild ducks, wild doves or wild pigeons, nor more than five cock-pheasants in any one day;

To take, gather or destroy any eggs of any wild duck, mud-hen or stilt, pheasant, dove, wild pigeon or quail at any time; to buy, sell or offer for sale, transport or have in possession any of said game at any time when it is unlawful to kill the same;

To take, kill or destroy any skylarks or hen-pheasants at any time; or to buy, sell or offer for sale, or have in possession skylarks at any time;

To take, kill or destroy any wild peacock in the City and County of Honolulu prior to the first day of October, 1923;

Any person convicted of violating any of the provisions of this section shall be fined not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00), or be imprisoned for a term of not less than seven days nor more than six months; one-half of the fine imposed, in cases of conviction, to be paid to the informer".

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

Approved this 20th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 138

[H. B. No. 190]

AN ACT TO AMEND ACT 20 OF THE SESSION LAWS OF HAWAII, 1917, AS AMENDED BY ACT 70 OF THE SESSION LAWS OF 1919, RELATING TO THE TERRITORIAL FAIR.

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

SECTION 1. Section 1 of Act 20 of the Session Laws of 1917, as amended by Act 70 of the Session Laws of 1919, is hereby further amended to read as follows:

"Section 1. There is hereby appropriated out of the general revenues the sum of twenty thousand dollars (\$20,000.00), in addition to any moneys heretofore appropriated, for the purpose of defraying the expenses of mechanical, live stock, agricultural, horticultural and pleasure fairs to be held in the City and County

of Honolulu, as hereinafter provided, which said sum shall be set aside in the treasury of the territory as a special fund for such purposes, and all moneys withdrawn from such fund shall be reimbursed or restored thereto so far as may be out of any moneys collected under the provisions of this Act."

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

Approved this 21st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 139

[H. B. No. 245]

AN ACT TO AMEND SECTION 2197 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO SALARIES AND EXPENSES, CIRCUIT COURTS.

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

SECTION 1. Section 2197 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

"Section 2197. Expenses circuit courts. The several counties and city and county shall pay the expenses of their respective circuit courts and the salaries of the following officers of such courts, as required by such courts, to the extent of the following amounts, and may pay such increases in such salaries and expenses, and such salaries of such other officers of such courts as may from time to time be deemed necessary or proper:

Per Month Per Annum

First circuit court:

Chief clerk, cashier and bookkeeper.....	\$275.00	\$ 3,300.00
First assistant chief clerk.....	200.00	2,400.00
Second assistant chief clerk.....	175.00	2,100.00

Third assistant chief clerk and bailiff....	100.00	1,200.00
Messenger	75.00	900.00
Six court room clerks and stenographers (two for each division), each.....	200.00	14,400.00
Three shorthand reporters (one for each division), each	300.00	10,800.00
Hawaiian interpreter	185.00	2,220.00
Japanese interpreter	185.00	2,220.00
Chinese interpreter	185.00	2,220.00
Portuguese-Spanish interpreter	185.00	2,220.00
Filipino interpreter	150.00	1,800.00
Other interpreters to be paid as ordered by court	1,500.00
Circuit court expenses	30,000.00
Juvenile court:		
Probation officer for boys.....	160.00	1,920.00
Probation officer for girls	160.00	1,920.00
Matron of shelter home	125.00	1,500.00
Maintenance of shelter home.....	4,800.00
(To be expended under the supervision of the board of industrial schools.)		
Care, dependent children	16,000.00
Upkeep of automobiles for use of proba- tion officers	1,200.00
Equipment	500.00
Second circuit court:		
Clerk	185.00	2,220.00
Deputy clerk	115.00	1,380.00
Court reporter, stenographer and assistant clerk	185.00	2,220.00
Court expenses	8,000.00
Support, juvenile court dependents.....	1,500.00
Probation officer	150.00	1,800.00
Expenses, probation officer	500.00
Law books	600.00
Third circuit court:		
Clerk	175.00	2,100.00
Court reporter and assistant clerk.....	200.00	2,400.00
Probation officer and bailiff.....	125.00	1,500.00

Court expenses	6,500.00
Support, juvenile court dependents.....	600.00
Law books	350.00
Expenses, probation officer	300.00
Fourth circuit court:	
Clerk	185.00
Assistant clerk, interpreter and messenger	1,800.00
Court reporter	225.00
Probation officer for boys	125.00
Probation officer for girls	100.00
Court expenses	10,000.00
Support, juvenile court dependents.....	1,500.00
Law books	750.00
Fifth circuit court:	
Clerk	185.00
Assistant clerk, court reporter and librarian	2,220.00
Court expenses	7,500.00
Law books	400.00
Probation officer	150.00
Support, juvenile court dependents.....	1,000.00
Expenses, probation officer	500.00".

SECTION 2. This Act shall take effect on July 1, 1921.

Approved this 21st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 140

[H. B. No. 333]

AN ACT PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF A PSYCHOLOGICAL AND PSYCHOPATHIC CLINIC.

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

SECTION 1. There is hereby created a psychological and psychopathic clinic which shall undertake to investigate the nature,

causes, treatment and consequences of mental disease and defect within the Territory of Hawaii.

SECTION 2. The power of management and control of such psychological and psychopathic clinic shall be vested in the board of regents of the University of Hawaii. Said board of regents may employ a competent person or persons to have charge of such clinic, to conduct investigations, to publish results of such investigations, and to give lectures and other forms of instruction pertaining to mental disease and defect; and no investigation shall be made, and no publication of results of such investigations shall be made by said bureau, either in print or in form of lectures, without the approval of said board of regents.

SECTION 3. Such psychological and psychopathic clinic shall, subject to such regulations as may be made with the approval of the said board of regents, receive for observation or examination any person or persons, whenever such person or persons come at the request of the judge of the juvenile court, or of any other district, territorial or federal court within the Territory of Hawaii, or at the request of the superintendent or manager of the boys' industrial school, the girls' industrial school, the asylum for the insane, the department of public instruction, or any other public institution or organization within the Territory of Hawaii. And, subject to proper regulations, such bureau may also make investigations or examinations at the request of any private charitable or benevolent institution or organization, or of any parent or properly constituted guardian within the Territory of Hawaii.

SECTION 4. For the establishment and maintenance of such clinic from the time this Act is approved until July 1, 1923, there is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00) to be expended as provided in Section 2 of this Act. All moneys thus expended shall be accounted for in the same ways as other moneys appropriated to the account of the University of Hawaii.

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

Approved this 21st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 141

[H. B. No. 355]

AN ACT RELATING TO EQUITY JURISDICTION OVER TRUST ESTATES.

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

SECTION 1. Any circuit judge sitting at chambers in equity and having jurisdiction over a trust, on petition of the trustee or of the majority of the trustees, if more than one, and after such notice to those interested as shall be ordered by the judge, may, if it appears to be for the benefit of the trust estate and not contrary to the provisions of the trust, authorize or direct the trustee or trustees to sell at public sale, partition, exchange, lease or extend the terms of leases of any real or personal property forming part of the trust estate, or to invest the moneys of the trust estate in the purchase of real or personal property, or the constructing, improving or repairing of buildings or other improvements on the land of or belonging to the trust estate or in such other manner as the judge shall deem to be most for the benefit of the trust estate and as best affecting the objects of the trust. Any lease or extension of lease made under such authority or direction shall not be invalidated during the first ten years after it is made by the termination of the trust, but may, after the expiration of said ten years, be terminated by written notice to the lessee by the owner of the property or by a part owner as to his interest in said property.

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

Approved this 21st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 142

[H. B. No. 365]

AN ACT PROVIDING PENSIONS FOR JOHN G. LINCOLN, REMUS HENRY ATKINS, MARY GOMES AND JOHN H. MABY, AND AUTHORIZING AND DIRECTING THE COUNTY OF HAWAII TO PAY THE SAME.

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 and directed to pay each month, beginning with the month of April, 1921, up to and including the month of June, 1923, to John G. Lincoln, fifty dollars (\$50.00); to Remus Henry Atkins, seventy-five dollars (\$75.00); to Mary Gomes, twenty-five dollars (\$25.00); and to John H. Maby, fifty dollars (\$50.00); provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position of the Territory of Hawaii, or any political subdivision thereof.

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

Approved this 21st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 143

[S. B. No. 85]

AN ACT FOR THE RELIEF OF CHARLES V. DUDOIT.

Whereas, the land commission of Hawaii did, on March 1, 1848, issue to Jules Dudoit, land commission award No. 281 for certain land at Kahapaakai, Nuuanu Valley, Honolulu; and

Whereas, the Territory of Hawaii did, on February 28, 1914, issue to Jules Dudoit, upon application of Charles V. Dudoit, land patent No. 8305, in confirmation of said land commission award; and

Whereas, on April 24, 1911, the land court of the Territory of Hawaii did, by Decree No. 177, issue and grant to The Dowsett Company, Limited, a registered title in fee simple to a large tract of land in Nuuanu Valley, which tract embraced the land covered by said L. C. A. 281, R. P. 8305, no specific notice of the filing of any petition for registration of title having been given to said Jules Dudoit or his heirs or assigns, and no service of process having been made on any of them, and the records and abstract of title in said case containing no reference to said L. C. A. 281 or R. P. 8305; and

Whereas, at the time of the issuance of said patent the Territory of Hawaii had no title to the land covered by said patent; now, therefore,

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

SECTION 1. There is hereby appropriated the sum of one thousand five hundred dollars (\$1,500.00) to be paid out of any moneys in the treasury received from the general revenues of the territory, as compensation to Charles V. Dudoit, for the damages suffered by him by reason of the defective title of land attempted to be conveyed to his predecessor in title by Royal Patent 8305 to Jules Dudoit.

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

Approved this 21st day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 144

[S. B. No. 31]

AN ACT TO REIMBURSE E. J. LORD FOR LOSSES SUSTAINED IN CARRYING OUT THE TERMS OF A CONTRACT ENTERED INTO WITH THE CITY AND COUNTY OF HONOLULU FOR THE CONSTRUCTION OF A PORTION OF THE BELT ROAD, KOOLAUPOKO DISTRICT, ISLAND OF OAHU.

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

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon a warrant drawn by the auditor of the territory, the sum of forty-five thousand eight hundred and seventy-eight dollars and forty-nine cents (\$45,878.49) to E. J. Lord of Honolulu, for the purpose of reimbursing said E. J. Lord for losses sustained in carrying out the terms of that certain contract entered into with the City and County of Honolulu on or about May 9, 1919, for constructing a portion of said belt road and which losses were sustained by delay caused by territorial officials and the increase of prices and to which reimbursement said E. J. Lord is equitably entitled.

SECTION 2. Upon said payment by the treasurer of the territory the said E. J. Lord shall be required to release the territory from all claims arising from the failure of territorial officials to perform under said contract.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 22nd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 145

[H. B. No. 187]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO CONSTRUCT A BRIDGE OVER ALELELE STREAM, MAKAWAO, COUNTY OF MAUI.

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

SECTION 1. The board of supervisors of the County of Maui is hereby authorized to construct a bridge over Alelele stream, Makawao, County of Maui, and is hereby empowered to proceed by purchase or condemnation to acquire the approaches to said bridge.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 22nd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 146

[H. B. No. 289]

**AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF
J. F. CHILD.**

Whereas, on the 30th day of May, A. D. 1919, Mrs. J. F. Child was driving in the automobile of J. F. Child along Bere-tania street, in Honolulu, in the direction of town, and while so doing, without any negligence on her part, was run into by an unmanageable horse ridden by an officer of the national guard of Hawaii in the performance of his duty as such officer; and

Whereas, in consequence of the injury to Mrs. J. F. Child and the damage to the said automobile, the said J. F. Child has been compelled to expend large sums of money;

Now, therefore, for the purpose of reimbursing the said J. F. Child for expenses incurred by reason of the collision above set forth;

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

SECTION 1. The sum of three hundred and ninety-five dollars (\$395.00) is hereby appropriated out of any moneys in the treasury of the territory, not otherwise appropriated, for payment to J. F. Child, to reimburse the said J. F. Child for expenses incurred in the care and treatment of Mrs. J. F. Child, who incurred injuries while riding in the automobile of J. F. Child, at which time an unmanageable horse ridden by an officer of the national guard of Hawaii collided with the automobile of Mr. J. F. Child, injuring Mrs. J. F. Child and the automobile; also for the purpose of reimbursing the said J. F. Child for the damage done to the automobile in the manner set forth above.

SECTION 2. The amount hereby appropriated shall become immediately available, and the treasurer is hereby authorized to pay the same to the said J. F. Child, upon the filing by the said J. F. Child with him, the said treasurer, of a full and complete release by the said J. F. Child and wife to the Territory of

Hawaii of all claims whatsoever of the said Mr. and Mrs. J. F. Child, and each of them, in the matter set forth above.

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

Approved this 22nd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 147

[H. B. No. 366]

AN ACT PROVIDING PENSIONS FOR JOHN W. MATTHEWS, SAMUEL A. MACY, MRS. ROSABELLA KANEPUU, A. R. PIMENTA, MRS. J. J. FERN, W. C. KAIKANA, JULITA NANI ALAPAI, O. B. LARSEN AND HENRY KAHOINEA HEANU, AND AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE SAME.

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 pay each month, beginning with the month of April, 1921, up to and including the month of June, 1923, to John W. Matthews, seventy-five dollars (\$75.00); to Samuel A. Macy, seventy-five dollars (\$75.00); to Mrs. Rosabella Kanepuu, seventy-five dollars (\$75.00); to A. R. Pimenta, sixty dollars (\$60.00); to Mrs. J. J. Fern, one hundred and fifty dollars (\$150.00); to W. C. Kai-kana, sixty dollars (\$60.00); to Julita Nani Alapai, sixty dollars (\$60.00); to O. B. Larsen, sixty dollars (\$60.00); and to Henry Kahoinaea Heanu, sixty dollars (\$60.00); provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any

salaried position of the Territory of Hawaii or any political subdivision thereof.

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

Approved this 22nd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 148

[H. B. No. 409]

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR THE
ACQUISITION OF ADDITIONAL PROPERTY FOR THE CENTRAL
GRAMMAR SCHOOL IN HONOLULU.

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

SECTION 1. In addition to the amounts appropriated by item 3 of Section 1 of Act 186 of the Session Laws of 1917, and by item 1 of Section 2 of Act 232 of the Session Laws of 1919 for the purchase of certain property for school purposes lying between the Central Grammar School and Fort and Vineyard streets in Honolulu, which amounts are insufficient for that purpose, such additional amounts as may be necessary to purchase said property are hereby appropriated from moneys in the treasury derived from the sale of public lands in the City and County of Honolulu.

SECTION 2. The commissioner of public lands is hereby authorized and directed to proceed forthwith to acquire said property by condemnation proceedings and to turn the same over to the department of public instruction for school purposes.

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

Approved this 22nd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 149

[S. B. No. 116]

AN ACT MAKING A SPECIAL APPROPRIATION FOR THE PAYMENT OF CLAIM OF THE LAHAINA ICE COMPANY, LIMITED, AGAINST THE TERRITORY OF HAWAII FOR THE OVER-PAYMENT OF FRANCHISE TAXES DURING THE YEARS 1916 TO 1919 INCLUSIVE.

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

SECTION 1. The sum of two hundred and sixty-three dollars and three cents (\$263.03) is hereby appropriated to be paid out of any moneys in the treasury received from the general revenues of the Territory of Hawaii for the settlement of the claim of the Lahaina Ice Company, Limited, against the Territory of Hawaii, for over-payment of franchise taxes during the years 1916 to 1919, inclusive, to wit:

1916 (six months).....	\$ 33.78
1917	45.70
1918	91.62
1919	91.93
<hr/>	
Total.....	\$263.03

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

Approved this 23rd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 150**[H. B. No. 126]****AN ACT AUTHORIZING AND EMPOWERING THE CITY AND
COUNTY OF HONOLULU TO PROVIDE FUNDS FOR ADDITIONAL
FIRE PROTECTION IN SAID CITY AND COUNTY.***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 empowered to appropriate and expend out of its general and/or permanent improvement fund the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, for the purpose of additions and equipment of the present fire station at Kaimuki, City and County of Honolulu, and/or for the purpose of erecting and equipping an additional fire station for the further adequate protection against fires of the Kaimuki, Kapahulu and Waikiki districts, in the City and County of Honolulu, and the sum of thirty thousand dollars (\$30,000.00) for the erection and completion of a fire station at Kalihi, City and County of Honolulu, including the necessary equipment for such fire station.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 151

[H. B. No. 185]

AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE AND IMPROVEMENT OF GROUNDS FOR TERRITORIAL FAIR AND AMUSEMENT PARK PURPOSES, AND AUTHORIZING AND EMPOWERING THE GOVERNOR OF THE TERRITORY OF HAWAII TO SET ASIDE PUBLIC LANDS FOR TERRITORIAL FAIR AND AMUSEMENT PARK PURPOSES.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of sixty thousand dollars (\$60,000.00) is hereby appropriated from all moneys available in the general revenues of the Territory of Hawaii for the purpose of purchasing and improving land to be used for territorial fair and amusement park purposes.

SECTION 2. The Governor of the Territory of Hawaii is hereby authorized, empowered and directed to purchase additional lands adjacent to the territorial lands now available and hereinafter referred to so that the whole will provide an area sufficient for territorial fair and amusement park purposes.

SECTION 3. The Governor of the Territory of Hawaii is hereby authorized and empowered to set aside for territorial fair and amusement park purposes that portion of the government lands lying mauka of the proposed Waikiki drainage canal and adjacent to Kapahulu road and whatever land in addition thereto as may be purchased under the appropriation herein provided.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 152

[H. B. No. 301]

AN ACT TO AMEND SECTION 1678 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO THE SALARIES OF ELECTIVE OFFICIALS OF THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Section 1678 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

"Section 1678. Salaries of elective officials. The salaries of the several elective city and county officers shall be payable monthly out of the city and county treasury at the following rates:

	Per Annum.
Mayor	\$6,000.00
Members of the board of supervisors.....	1,200.00
Sheriff	4,800.00
City and county clerk	4,800.00
Auditor	4,800.00
City and county attorney	6,000.00
Treasurer	4,800.00."

SECTION 2. This Act shall take effect July 1, A. D. 1921.

Approved this 23rd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 153

[H. B. No. 387]

AN ACT TO PROVIDE ADDITIONAL FUNDS FOR THE SALARIES, WAGES AND EXPENSES AUTHORIZED OR PRESCRIBED BY CHAPTER 128 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO THE PUBLIC UTILITIES COMMISSION.

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

SECTION 1. The sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, is hereby appropriated for the biennial period beginning July 1, 1921, out of any moneys in the treasury, not otherwise appropriated, for the payment of all salaries, wages and expenses authorized or prescribed by Chapter 128 of the Revised Laws of Hawaii, 1915, as amended. This appropriation is in addition to the moneys appropriated for said purposes out of the "public utilites commission fund" under Section 2237 of said Revised Laws, and may be drawn upon only when there are no moneys in said fund available for said purposes.

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

Approved this 23rd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii..

ACT 154

[H. B. No. 49]

AN ACT TO FIX THE SCHOOL BUDGET FOR THE BIENNIAL PERIOD BEGINNING JANUARY 1, 1922, AND ENDING DECEMBER 31, 1923.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The school budget referred to in Chapter 25 of the Revised Laws of Hawaii, 1915, shall be as follows for the biennial period beginning January 1, 1922, and ending December 31, 1923:

GENERAL FUND.

Salary of superintendent	\$ 11,400.00
Salaries of office force	39,600.00
(a) Superintendent's office:	
Deputy	7,200.00
Stenographer	4,200.00
(b) General office:	
Secretary	6,600.00
Assistant secretary	4,800.00
Recording clerk	3,600.00
Pay roll clerk and stenographer	3,000.00
Messenger	1,800.00
(c) Supply office:	
Purchasing agent	6,000.00
Assistant and shipping clerk...	2,400.00
General expenses	27,000.00
Stationery, postage and incidentals...	15,000.00
Traveling expenses, commissioners and committee on estimates	2,000.00
Traveling expenses, supervising principals	8,000.00
(To be expended on approved vouchers and not to exceed \$50.00 per month for each supervising principal.)	

Traveling expenses, superintendent and deputy	2,000.00
Supplies	45,000.00
Supplies, flags for schools.....	1,500.00
Libraries, books and pamphlets.....	15,000.00
Supplementary reading for elementary grades	15,000.00
Industrial and manual training (including Hawaiian handicraft equipment and supplies)	55,000.00
Oahu	20,000.00
Hawaii	15,000.00
Maui	10,000.00
Kauai	10,000.00
Athletic coach, McKinley High School..	7,500.00
Special schools	226,360.00
Summer school	5,000.00
Normal and training school.....	43,000.00
Maintenance and re-pairs	8,000.00
Dormitories	15,000.00
Scholarships	20,000.00
Territorial trade school	53,360.00
Machine shop	12,000.00
Janitor's cottage	1,000.00
Paint shop	1,000.00
Equipment, maintenance and repairs	12,000.00
Salaries	27,360.00
Territorial school for physically defective	125,000.00
Dormitories	30,000.00
Laundry	2,500.00
Servants' quarters...	2,500.00
Maintenance, salaries and repairs	90,000.00
Total.....	\$443,360.00

SPECIAL FUND.

	County or City and County.			
	Hawaii.	Maui.	Honolulu.	Kauai.
New buildings, additions and improvements	\$247,910.00	\$124,000.00	\$429,600.00	\$170,000.00
Repairs and maintenance	100,000.00	60,000.00	85,323.00	25,000.00
Janitors' salaries.....	10,000.00	18,000.00	90,000.00	12,000.00
Janitors' supplies.....	15,000.00	8,100.00	4,000.00
Furniture—classroom and cottage.....	66,850.00	15,000.00	.58,927.00	16,500.00
Toilets	33,000.00	58,860.00	7,000.00
New grounds	45,000.00	10,000.00	23,000.00	3,000.00
Transportation of pupils	10,000.00	5,000.00
Total.....	\$527,760.00	\$232,000.00	\$753,810.00	\$237,500.00

(The item "transportation of pupils" above appearing in the item for the County of Hawaii shall be allotted to West Hawaii.)

The total sum of nine hundred seventy-one thousand five hundred and ten dollars (\$971,510.00), as set forth above for new buildings, additions and improvements, shall be allotted by districts during the biennial period ending December 31, 1923, as follows:

County of Hawaii:

Hilo town	\$ 46,610.00
Hilo district	75,000.00
Puna district	25,450.00
Hamakua district	33,350.00
Kona district	11,250.00
Kau district	15,250.00
Kohala district	41,000.00
	247,910.00

County of Maui:

Lahaina district	40,000.00
Wailuku district	60,000.00
Hana district	11,000.00
Molokai district	13,000.00
	124,000.00

City and County of Honolulu:

Honolulu district	103,700.00
McKinley High School (in addition to any sums heretofore appropri- ated or provided for this purpose)	160,000.00
Koolaupoko district	27,800.00
Koolauloa district	12,400.00
Waialua district	55,800.00
Waianae district	8,600.00
Ewa district	61,300.00
	429,600.00

County of Kauai:

Kauai High School	25,000.00
Lihue district	50,000.00
Waimea district	30,000.00
Koloa district	20,000.00
Kawaihau district	20,000.00
Hanalei district	25,000.00
	170,000.00
Total	\$971,510.00

Total of general fund.....\$ 443,360.00

Total of special fund..... 1,751,070.00

Total \$2,194,430.00

SECTION 2. The sum of twenty-three thousand dollars (\$23,000.00), as set forth in item "special fund" for new grounds, City and County of Honolulu, is for the acquisition of additional property for school purposes, in Honolulu, as follows:

The premises lying on the Waikiki and makai corner of School street and Kauluwela school lane, and containing an area of 69,000 square feet, more or less, (which sum the board of supervisors of the City and County of Honolulu is hereby authorized to advance out of any moneys available in any fund of said city and county, to be repaid into said fund out of any moneys received by taxation for the special fund herein provided).

The commissioner of public lands is hereby authorized, empowered and directed, as soon as sufficient funds are made available as herein provided, to proceed forthwith to acquire the above mentioned property, either by purchase or to condemn the same in the name of the Territory of Hawaii in the same manner as provided for in Chapter 48 of the Revised Laws of Hawaii, 1915, in the case of condemnation by the superintendent of public works and thereafter to deliver the same to the department of public instruction to be used for school purposes.

It is further provided that any moneys received by said commissioner of public lands from the sale of structure on the property, or any balance which may be left over shall be placed with the treasurer of the territory as a special fund to be expended by the department of public instruction for the improvement of the property acquired as directed above.

SECTION 3. It is provided, however, that the item "Athletic coach, McKinley High School" and the salary changes and salaries provided for new positions created under the heading "general fund" shall become available on July 1, 1921, said amounts to be provided from whatever balances are remaining to the credit of the school fund.

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

Approved this 23rd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 155

[S. B. No. 59]

AN ACT REGULATING THE USE OF SWIMMING GARMENTS IN THE CITY AND COUNTY OF HONOLULU, AND PROVIDING PENALTY FOR THE VIOLATION THEREOF.

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

SECTION 1. No person over fourteen years of age shall be or appear on any road or highway within the Honolulu District, City and County of Honolulu, in a bathing suit, unless covered suitably by an outer garment reaching at least to the knees.

SECTION 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed fifty dollars (\$50.00).

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

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 156

[S. B. No. 43]

AN ACT TO AMEND SECTION 3241 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO LAND REGISTRATION, AS AMENDED BY ACT 61 OF THE SESSION LAWS OF 1915.

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

SECTION 1. Lines 20 to 32 inclusive of Section 3241 of the Revised Laws of Hawaii, 1915, as amended by Act 61 of the Session Laws of 1915, are hereby amended to read as follows:

"For entry of original certificate of title and issuing owner's duplicate certificate, if contained within four pages, three dollars, and for each additional page or fraction thereof, fifty cents.

For making and entering a new certificate of title, including issue of one owner's duplicate certificate, if contained within four pages, two dollars.

For each additional page or fraction thereof, fifty cents, and the same rate for each additional duplicate certificate, after the first.

For the registration of every instrument, including entering, indexing, filing, attesting registration, making and attesting memorandum on certificates, when so required, one dollar and fifty cents, except where herein otherwise provided.

For the certification of a copy of any instrument the same fees as are provided by Section 3090 of the Revised Laws of Hawaii, 1915, or any amendments thereto."

SECTION 2. Lines 41 to 55, both inclusive, of Section 3241 of the Revised Laws of Hawaii, 1915, as amended by Act 61 of the Session Laws of 1915, are hereby repealed.

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

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 157

[S. B. No. 68]

AN ACT RELATING TO JURISDICTION OF CIRCUIT COURTS, AND AMENDING SECTION 2271 OF THE REVISED LAWS OF HAWAII, 1915, BY ADDING A NEW SUB-SECTION CONFERRING JURISDICTION UPON SAID COURTS IN THE MATTER OF THE FORFEITURE OF CORPORATE FRANCHISES.

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

SECTION 1. Section 2271 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 2271. Circuit courts. The several circuit courts shall have jurisdiction, subject to appeal and exceptions to the supreme court according to law, as follows:

First: Of all criminal offenses cognizable under the laws of the territory, committed within their respective circuits or transferred to them for trial by change of venue from some other circuit court;

Second: Of all suits for penalties and forfeitures incurred under the laws of the territory;

Third: Of all causes, civil or criminal, that may properly come before them on appeal from any other court according to law;

Fourth: At law, without jury, of all proceedings in, or in the nature of, quo warranto, brought by or in the name of the public utilities commission, or the territory, for the forfeiture of the franchises of any corporate body offending against the provisions of any law relating to such corporation, for misuser, for nonuser, for doing or committing any act or acts amounting to a surrender of its charter, and for exercising rights not conferred upon it.

Fifth: Of all civil causes at law, except as otherwise expressly provided;

Sixth: Any circuit court may, upon satisfactory proof that a fair and impartial trial cannot be had in any case pending in such court, and after the parties thereto shall have had opportunity to be heard, change the venue to some other circuit court and order the record to be transferred thereto; provided, however, that any circuit court may, in its discretion, upon the consent of all the parties to any civil cause pending in such court, change the venue to some other circuit court and order the record to be transferred thereto."

SECTION 2. This Act shall take effect 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.

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 158

[S. B. No. 84]

AN ACT AUTHORIZING AND DIRECTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HAWAII TO APPROPRIATE THE SUM OF EIGHTY-FOUR DOLLARS (\$84.00) FOR THE PAYMENT OF THE CLAIMS OF JOSEPH N. KOOOMOA AND BURLEY O. TRICE.

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 and directed to appropriate the sum of eighty-four dollars (\$84.00) out of the general revenues of

the treasury of said county for the payment of the following claims:

Joseph N. Koomoa, for services rendered as a truant officer from July 1, 1916, to July 15, 1916.....	\$30.00
Burley O. Trice, for 27 days' services rendered as road laborer on Mud lane, District of Hamakua, between March 3, 1903, and April 3, 1903.....	54.00

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

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 159

[S. B. No. 88]

AN ACT REQUIRING DISTRICT MAGISTRATES TO SEND NOTICE OF CERTAIN CRIMINAL PROCEEDINGS TO THE COUNTY OR CITY AND COUNTY ATTORNEY, AND AMENDING CHAPTER 214 OF THE REVISED LAWS OF HAWAII, 1915, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 3766A, AND AMENDING SECTION 3766 OF THE REVISED LAWS OF HAWAII, 1915.

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

SECTION 1. There is hereby added a new section to Chapter 214 of the Revised Laws of Hawaii, 1915, to be known as Section 3766A, and to read as follows:

"Section 3766A. Notice to said county or city and county attorneys. In all criminal cases had before a district magistrate where there has been a commitment as provided in Section 3766 of the Revised Laws of Hawaii, 1915, an appeal from the judgment or a demand for jury trial, the magistrate shall forthwith, without delay, send to the county attorney or to the city and

county attorney, as the case may be, notice of said fact, stating briefly in said notice the nature of the case and action taken thereon, giving the name of the defendant and the date the records were sent to the circuit court."

SECTION 2. Section 3766 of the Revised Laws of Hawaii, 1915, is hereby amended by deleting therefrom the last sentence, consisting of three lines.

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

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 160

[S. B. No. 96]

AN ACT AUTHORIZING THE APPOINTMENT OF DENTAL HYGIENISTS IN THE PUBLIC SCHOOLS OF THE TERRITORY OF HAWAII, AND APPROPRIATING THE SUM OF TWENTY THOUSAND DOLLARS (\$20,000.00) TO PROVIDE SALARIES AND EQUIPMENT THEREFOR.

Whereas, for the benefit of the children of the Territory of Hawaii, Mrs. George R. Carter has purchased a site located in Honolulu and proposes to establish and operate thereon a dental infirmary, the same to be eleemosynary in its character; and

Whereas, in addition to the repair work in said infirmary, it is necessary, in order to save the teeth of said children, to have preventive work in the public schools performed by persons trained as dental hygienists; and

Whereas, such persons, so trained as aforesaid, are not now available, and cannot be available until properly educated for such purpose in a school for dental hygienists; and

Whereas, Mrs. George R. Carter is ready and willing to establish, operate and maintain, at her own expense, such a school for said purpose; and

Whereas, the successful maintenance and operation of the said school is dependent upon an assurance that persons taking instruction thereat and being properly there prepared will thereafter have an opportunity for employment as dental hygienists within the Territory of Hawaii; and

Whereas, such dental hygiene work, particularly in the public schools, should be performed at the public expense and controlled by public officials rather than by private charity; now, therefore,

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

SECTION 1. The department of public instruction is hereby authorized and instructed to engage, at proper salaries, dental hygienists to perform preventive dental hygiene work in the public schools of the Territory of Hawaii, and a supervising dental hygienist to have general charge of said work; such employment, however, not to begin prior to September, 1922.

SECTION 2. The sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to be expended by the department of public instruction, for the salaries and necessary equipment of said dental hygienists.

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

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 161

[S. B. No. 100]

AN ACT TO PROVIDE AN APPROPRIATION FOR ASSISTING IN THE ENTERTAINMENT OF MEMBERS OF THE PRESS CONGRESS OF THE WORLD.*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 the general revenues of the territory, to be expended on vouchers to be approved by the Governor of Hawaii, in assisting in the entertainment of members of the Press Congress of the World, to be held in Honolulu in the year 1921. It is provided, however, that said sum hereby appropriated shall not be available until and after a like sum of twenty-five thousand dollars (\$25,000.00) has been raised by public or private subscriptions and deposited in a bank or banks in Honolulu to the credit of the person or persons or committee in charge of the entertainment of said members, and provided further, that no greater amount shall be expended from the appropriation hereby made than is expended from the funds subscribed and deposited as aforesaid.

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

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 162

[S. B. No. 117]

AN ACT PROVIDING FOR RENDITION OF DECLARATORY JUDGMENTS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. In cases of actual controversy, courts of record, within the scope of their respective jurisdictions, shall have power to make binding adjudications of right, whether or not consequential relief is, or at the time could be, claimed, and no action or proceeding shall be open to objection on the ground that a judgment or order merely declaratory of right is prayed for. Controversies involving the interpretation of deeds, wills, other instruments of writing, statutes, municipal ordinances, and other governmental regulations, may be so determined, and this enumeration does not exclude other instances of actual antagonistic assertion and denial of right.

SECTION 2. Declaratory judgments may be obtained and reviewed as other judgments, according to the laws of the Territory of Hawaii relating to civil procedure.

SECTION 3. Further relief based on a declaratory judgment may be granted whenever necessary or proper. The application shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaration of right, to show cause why further relief should not be granted forthwith.

SECTION 4. When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether a general verdict be required or not.

SECTION 5. The parties to a proceeding to obtain a declara-

tory judgment may stipulate with reference to the allowance of costs, and in the absence of such stipulation the court may make such an award of costs as may seem equitable and just.

SECTION 6. This Act is declared to be remedial; its purpose is to afford relief from the uncertainty and insecurity attendant upon controversies over legal rights, without requiring one of the parties interested so to invade the rights asserted by the other as to entitle him to maintain an ordinary action therefor; and it is to be liberally interpreted and administered, with a view to making the courts more serviceable to the people.

SECTION 7. This Act shall take effect from and after the date of its approval.

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 163 See 26 Ha. 1921

[H. B. No. 118]

AN ACT TO AMEND SECTIONS 1305 AND 1306 OF THE REVISED LAWS OF HAWAII, 1915, SECTION 1308 OF SAID REVISED LAWS, AS AMENDED BY ACT 157 OF THE SESSION LAWS OF 1917, AND SECTION 1310 OF SAID REVISED LAWS, AS AMENDED BY ACT 25 OF THE SESSION LAWS OF 1919, RELATING TO INCOME TAX.

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

SECTION 1. Section 1305 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 1305. Rate on person's income. There shall be levied, assessed, collected and paid annually upon the gains, profits and income received by every individual residing in the

Territory of Hawaii, from all property owned, and every business, trade, profession, employment or vocation carried on in the territory, and by every person residing without the territory, from all property owned, and every business, trade, profession, employment or vocation carried on in the territory, and by every servant or officer of the territory or any political subdivision thereof, wherever residing, a tax in accordance with the following schedule on the amount so received during the taxation period as herein defined:

Two per cent. on the amount so received when the same shall be five thousand dollars (\$5,000.00) and under;

Two and one-half per cent. on the amount so received in excess of five thousand dollars (\$5,000.00) and not over ten thousand dollars (\$10,000.00);

Three per cent. on the amount so received in excess of ten thousand dollars (\$10,000.00) and not over twenty thousand dollars (\$20,000.00);

Three and one-half per cent. on the amount so received in excess of twenty thousand dollars (\$20,000.00) and not over forty thousand dollars (\$40,000.00);

Four per cent. on the amount so received in excess of forty thousand dollars (\$40,000.00) and not over seventy thousand dollars (\$70,000.00);

Four and one-half per cent. on the amount so received in excess of seventy thousand dollars (\$70,000.00) and not over one hundred thousand dollars (\$100,000.00);

Five per cent. on the amount so received over one hundred thousand dollars (\$100,000.00);

Less the following exemptions:

(a) If single, or if married and not living with husband or wife, an exemption of one thousand dollars (\$1,000.00);

- (b) If married and living with husband or wife or the head of a family with dependents, an exemption of two thousand dollars (\$2,000.00); but in no event shall this larger exemption be deducted by both a husband and a wife having independent income and making a separate return;
- (c) For each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer, if under eighteen years or incapable of self support, an exemption of two hundred dollars (\$200.00);
- (d) Provided that the exemption of two thousand dollars (\$2,000.00) to married persons, and the exemption of two hundred dollars (\$200.00) for each dependent mentioned in this section, shall be allowed only to such persons as shall make and render a list or return to the assessor of the division in which such person resides, setting forth the fact that such person is married, and/or has dependents, giving the number and nature of such dependents for which such exemption is claimed; such list or return shall be rendered in the form and manner, and at the time as provided for in Section 1310 of this Act.

And provided further, that nothing herein shall deprive any income tax payer of an exemption of one thousand dollars (\$1,000.00) such as he would be allowed if unmarried.

The taxation period within the meaning of this chapter shall be the year immediately preceding the first day of January of each year, in which such tax is payable."

SECTION 2. Section 1306 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1306. On corporation income. There shall be levied, assessed, collected and paid annually, except as hereinafter provided, a tax of five per centum on the net profit or income above actual operating and business expenses derived during such taxation period, from all property owned, and every business, trade, employment or vocation, carried on in the Territory of Hawaii, of all corporations doing business for profit in the territory, no

matter where created and organized; provided, however, that nothing herein contained shall apply to corporations, companies or associations conducted solely for charitable, religious, educational or scientific purposes, including fraternal beneficiary societies, nor to insurance companies taxed on a percentage of the premiums under the authority of another law."

SECTION 3. The second and third provisos of Section 1308 of the Revised Laws of Hawaii, 1915, as amended by Act 157 of the Session Laws of 1917, are hereby further amended to read as follows:

"Provided, further, that no deduction shall be made for personal or family expenses, the exemptions for each taxation period mentioned in Section 1305 being in lieu of the same;

Provided, further, that guardians shall be allowed to make a reduction in favor of each and every ward in the said amount of one thousand dollars except where two or more wards are comprised in one family, in which case the aggregate deduction in their favor shall not exceed two thousand dollars for each taxation period."

SECTION 4. Section 1310 of the Revised Laws of Hawaii, 1915, as amended by Act 25 of the Session Laws of 1919, is hereby further amended to read as follows:

"Section 1310. Individual return. It shall be the duty of all persons of lawful age having an income of one thousand dollars (\$1,000.00) or more, for any taxation period, from all sources, and of all corporations made liable to income tax, to make and render a list or return between the first and thirty-first day of January of each year, in such form as the treasurer of the territory may direct, to the assessor of the division in which such persons or corporations reside, locate or do business, of the amount of their or its income, gains and profits as aforesaid; and all guardians, trustees, executors, administrators, agents, receivers, and all corporations or persons acting in a fiduciary capacity, shall make or render a list or return as aforesaid to the assessor of the division in which such person or corporation, acting in a

fiduciary capacity, resides or does business, of the amount of income, gains, and profits of any minor or person for whom they act, and the assessor shall require every list or return to be verified by the oath or affirmation of the person or authorized officer of the corporation making the same.

If any person or corporation refuses or neglects to render such return within the time required as aforesaid, or renders a return which, in the opinion of the assessor, is false and fraudulent, and contains any understatement, it shall be lawful for the assessor to summon such person, or any of the officers of such corporation, or any person having possession, custody or care of books of account containing entries relating to the business of such person or corporation, or any other person he may deem proper, wherever residing or found, to appear before him and produce such books at a time and place named in the summons, and to give testimony or answer interrogations under oath respecting any income liable to tax or the returns thereof. False, wilful testimony given before such assessor shall be deemed perjury and punishable as such.

Provided, however, that the assessor or the deputy assessor may, in his discretion, grant an extension of time of thirty days for the filing of taxation returns; and provided, further, that in any case where the assessor has granted an extension of time to the taxpayer pursuant to the foregoing proviso, such tax assessor shall have and be allowed fifteen days additional time within which to give notice of any raise in the assessment or of any disallowance of exemption claimed."

SECTION 5. This Act shall take effect on January 1, 1922.

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 164

[H. B. No. 394]

**AN ACT PROVIDING AN APPROPRIATION FOR THE SETTLEMENT
OF THE TITLE TO AND LOCATION OF CERTAIN GOVERNMENT
ROADS IN THE DISTRICT OF KOOLAUPOKO, ISLAND OF OAHU.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of one thousand dollars (\$1,000.00) is hereby appropriated from the general revenues of the territory for the payment of expenses incurred in the settlement of title to and establishment and marking of the lines of the following ancient public roads in the District of Koolaupoko, Island of Oahu, to wit:

1. The Mokapu road, starting at the Kaulekola bridge on the Kamehameha highway and running towards and to the piece of government land known as Kuwaaohe.
2. Luluku road, starting at a Pride of India tree on the corner of old school lot at Luluku and running to the Kaluapuhi bridge.

SECTION 2. The money hereby appropriated shall be expended on vouchers approved by the attorney general and the territorial surveyor, who are respectively charged with the duty of settling the title to said roads and the establishment and marking of the lines thereof.

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

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 165

[H. B. No. 399]

AN ACT TO AMEND SECTION 9 OF ACT 114 OF THE SESSION LAWS OF 1915, RELATING TO THE ESTABLISHMENT OF A RETIREMENT FUND FOR PENSIONING RETIRED TEACHERS OF THE PUBLIC SCHOOLS OF THE TERRITORY OF HAWAII, AND TO REGULATE THE COLLECTION, MANAGEMENT AND DISBURSEMENT THEREOF.

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

SECTION 1. Section 9 of Act 114 of the Session Laws of 1915 is hereby amended to read as follows:

"Section 9. If at any time any inspector, principal, teacher or special teacher shall be discharged or shall retire from the service before such person would under this Act be entitled to a pension, then such person shall be paid back one-half, without interest, of the money he or she shall have contributed to this fund. Should any inspector, principal, teacher or special teacher die before such person would under this Act be entitled to a pension, the widow, or children in their minority, shall receive the whole amount, without interest, which shall have been paid into the said pension fund by such person."

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

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 166

[H. B. No. 406]

AN ACT TO REIMBURSE J. B. AGASSIZ FOR LOSSES SUSTAINED IN CARRYING ON THE TERMS OF A CONTRACT ENTERED INTO WITH THE BOARD OF HARBOR COMMISSIONERS OF THE TERRITORY OF HAWAII FOR THE CONSTRUCTION OF A WHARF AT HANA, COUNTY OF MAUI.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon a warrant drawn by the auditor of the territory, the sum of thirteen thousand two hundred dollars (\$13,200.00) to J. B. Agassiz, for the purpose of reimbursing said J. B. Agassiz for the losses sustained in carrying out the terms of that certain contract entered into with the board of harbor commissioners of the Territory of Hawaii, on or about May 7, 1919, for the construction of a reinforced concrete wharf at Hana, County of Maui, Territory of Hawaii.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 167

[H. B. No. 414]

AN ACT APPROPRIATING THE SUM OF ONE THOUSAND TWO HUNDRED AND TWELVE DOLLARS AND FIFTY-SIX CENTS (\$1,212.56) TO PAY THE CLAIM OF KANEHOA MAKĀ, WIDOW OF R. MAKĀ.

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

SECTION 1. The sum of one thousand two hundred and twelve dollars and fifty-six cents (\$1,212.56) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii to pay Kanehoa Maka, widow of Rubena Maka, for land heretofore taken by the Territory of Hawaii for the purpose of widening Beretania street, the said land being a portion of L. C. A. 126 to A. Paka, and being on the Ewa-makai corner of Smith and Beretania streets, and containing an area of 659 square feet.

SECTION 2. The auditor shall issue a warrant in payment of said amount upon the receipt in full being filed therefor.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 168

[H. B. No. 426]

AN ACT TO PROVIDE FOR THE APPROPRIATION OF NINE HUNDRED DOLLARS (\$900.00) FOR THE PURCHASE OF ONE FORD AUTOMOBILE FOR THE USE OF THE PROBATION OFFICER OF THE JUVENILE COURT OF THE FIFTH JUDICIAL CIRCUIT, AND AUTHORIZING AND DIRECTING THE COUNTY OF KAUAI TO PAY THE SAME.

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

SECTION 1. The board of supervisors of the County of Kauai is hereby authorized and directed to appropriate the sum of nine hundred dollars (\$900.00) out of any balance in the general fund of the treasury of the County of Kauai, not otherwise appropriated or contracted for, for the purpose of purchasing one Ford automobile for the use of the probation officer of the juvenile court of the fifth judicial circuit.

SECTION 2. The amount of money appropriated by this Act shall become available upon July 1, 1921, and shall be expended and paid out upon proper claim therefor duly certified to by the juvenile judge of the fifth judicial circuit.

SECTION 3. This Act shall take effect July 1, 1921.

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 169

[H. B. No. 428]

AN ACT PROVIDING FOR THE PENSIONING OF TEACHERS EMPLOYED IN CERTAIN SPECIAL GOVERNMENT SCHOOLS OF THE TERRITORY OF HAWAII.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That all the provisions of Act 114 of the Session Laws of 1915, as now or hereafter amended, relating to the pensioning of teachers employed in the public schools of the territory, shall apply to all teachers employed in Lahainaluna school in the County of Maui, and in the boys' and girls' industrial schools in the City and County of Honolulu, and all teachers so employed in said special schools shall be entitled to be pensioned upon the same terms and to the same extent as though they were particularly mentioned in said Act 114.

SECTION 2. Every such teacher who shall hereafter claim the right to participate in the benefits of this Act shall, in addition to the regular payment provided for in Sections 3 and 4 of said Act 114, pay into said teachers' pension fund an amount equal to the sum of the payments (without interest) which would have been made by such teacher if he or she had been an original beneficiary under said Act 114. At the option of such teacher, which option must be expressed at the time application is made to participate in the benefits of this Act, the payments herein provided for may be made, (a) in a lump sum at the time of and with the next regular payment, or (b) in a number of equal installments at the next regular payment dates, calculated by dividing the total payment due by the number of semi-annual payments between the date of such application and the date at which said teacher, if continuing in such service, would be entitled to receive such pension.

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

Approved this 25th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 170

[S. B. No. 55]

AN ACT TO CONSTRUCT ROADS THROUGH THE KOKOIKI-PUEPA HOMESTEAD TRACT, IN THE DISTRICT OF NORTH KOHALA, COUNTY OF HAWAII, BY MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF PUBLIC LANDS UPON THE ISLAND OF HAWAII.

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 to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards constructing a road or roads through the Kokoiki-Puepa homestead tract, in the District of North Kohala, County of Hawaii.

SECTION 2. The said sum of two thousand dollars (\$2,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the construction of said road, but in no case shall contract for an amount in excess of the sum of two thousand dollars (\$2,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become available and the construction of said road or roads shall be commenced as soon as the contract herein provided for shall be executed. The commissioner of public lands is hereby authorized to enter into contract for the construction of so much of the said roads as the amount of this appropriation will complete.

SECTION 4. The said sum of two thousand dollars (\$2,000.00) or so much thereof as may be used in the construction of said roads shall be repaid into the treasury of the Territory of Ha-

waii by the commissioner of public lands from the proceeds of sale of government lands on the Island of Hawaii.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 171

[H. B. No. 11]

AN ACT TO AMEND ACT 32 OF THE SESSION LAWS OF 1919,
RELATING TO THE CONSTRUCTION OF ROADS THROUGH THE
KAPAA HOMESTEADS, COUNTY OF KAUAI.

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

SECTION 1. Sections 1, 2 and 4 of Act 32 of the Session Laws of 1919 are hereby amended to read as follows:

"Section 1. The sum of seventy thousand dollars (\$70,000.00) is hereby appropriated, to be paid out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, toward macadamizing in whole or in part the two main roads to and through the Kapaa homestead lots on the Island of Kauai, as now laid out, graded and located, as follows:

- | | |
|--|-------------|
| (a) For the Kawaihau road, beginning at the junction of said road with the Hundley road, at the northeast corner of the school park, and running through the fourth, third and first series of the Kapaa homesteads to Lot 70. | \$35,000.00 |
| (b) For the Olehena road, beginning at the junction of the said road with the macadamized portion of the Kapaa town road, and running through government land and the lands of the Makee Sugar Company, to the northwest corner of Lot 135, in said second series of the Kapaa homesteads | 35,000.00 |

"Section 2. The said sum of seventy thousand dollars (\$70,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said roads; provided, however, that the commissioner of public lands and the board of supervisors of the County of Kauai shall immediately upon the passage of this Act enter into a contract with each other for the construction of said roads at cost, pursuant to the provisions of Act 6 of the Special Session Laws of 1918, but in no case shall contract for an amount in excess of the sum of thirty-five thousand dollars (\$35,000.00) for either of the roads specified in Section 1 hereof.

"Section 4. The sum of seventy thousand dollars (\$70,000.00), or as much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands upon the Island and County of Kauai."

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 172

[H. B. No. 12]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY FOR THE CONSTRUCTION OF A ROAD THROUGH THE NEW WAILUA HOMESTEAD LOTS ON THE ISLAND OF KAUAI.

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

SECTION 1. The sum of sixteen thousand dollars (\$16,000.00) is hereby appropriated, to be paid out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, toward macadamizing in whole or in part the main road to and

through the new Wailua homestead lots on the island of Kauai, as now laid out, graded and located, as follows, to wit:

Beginning at the northwest corner of Lot 135, in the second series of the Kapaa homestead lots, and running through the new Wailua homesteads to the northwest corner of Lot 17 of said Wailua homesteads.

SECTION 2. The said sum of sixteen thousand dollars (\$16,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said road; provided, however, that the commissioner of public lands and the board of supervisors of the County of Kauai shall immediately, upon the passage of this Act, enter into a contract with each other for the construction of said road at cost, pursuant to the provisions of Act 6 of the Special Session Laws of 1918.

SECTION 3. The amount hereby appropriated under this Act shall become available, and the construction of said road shall be commenced as soon as the contract herein provided shall be entered into.

SECTION 4. The said sum of sixteen thousand dollars (\$16,000.00) hereby appropriated, or as much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands on the Island of Kauai.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 173

[H. B. No. 77]

AN ACT TO CONSTRUCT ROADS THROUGH THE HOMESTEAD LOTS OF WAIAKEA, IN THE DISTRICT OF SOUTH HILO, COUNTY OF HAWAII, BY MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF PUBLIC LANDS UPON THE ISLAND AND COUNTY OF HAWAII.

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

SECTION 1. The sum of one hundred and fifty thousand dollars (\$150,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards constructing a road or roads through the Waiakea homesteads, in South Hilo; said roads are known and designated on the government maps as Roads Nos. 8, 10, 12 and A.

SECTION 2. The said sum of one hundred and fifty thousand dollars (\$150,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the construction of said roads, but in no case shall contract for an amount in excess of the sum of one hundred and fifty thousand dollars (\$150,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said roads shall be commenced as soon as the contract herein provided for shall be executed. The commissioner of public lands is hereby authorized to enter into a contract for the construction of so much of the said roads as the amount of this appropriation will complete.

SECTION 4. The said sum of one hundred and fifty thousand

dollars (\$150,000.00), or so much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands upon the Island and County of Hawaii.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 174

[H. B. No. 94]

AN ACT TO CONSTRUCT ROADS THROUGH THE KALOPA HOMESTEADS, IN THE DISTRICT OF HAMAKUA, COUNTY OF HAWAII, BY MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF PUBLIC LANDS UPON THE ISLAND AND COUNTY OF HAWAII.

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

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards constructing a road or roads through the Kalopa homesteads, in the District of Hamakua, County of Hawaii.

SECTION 2. The said sum of twenty thousand dollars (\$20,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the construction of said road, but in no

case shall contract for an amount in excess of the sum of twenty thousand dollars (\$20,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said road shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The said sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands upon the Island and County of Hawaii.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 175

[H. B. No. 117]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY FOR THE CONSTRUCTION OF A ROAD OR ROADS THROUGH THE KAAUHUHU HOMESTEADS, DISTRICT OF NORTH KOHALA, COUNTY OF HAWAII.

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

SECTION 1. The sum of thirty thousand dollars (\$30,000.00) is hereby appropriated to be paid out of the moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards the construction of a road or roads through the Kaauhuhu homesteads, in the District of North Kohala, County of Hawaii.

SECTION 2. The said sum of thirty thousand dollars (\$30,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said road or roads.

SECTION 3. The amount hereby appropriated under this Act shall become available, and the construction of said road or roads shall be commenced as soon as the contract herein provided for shall be entered into.

SECTION 4. The said sum of thirty thousand dollars (\$30,000.00) hereby provided for, or so much thereof as may be required, shall be repaid into the general fund of the territorial treasury from the sales of public lands on the Island of Hawaii.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 176

[H. B. No. 226]

AN ACT TO CONSTRUCT ROADS THROUGH THE MANOWAIOPAE HOMESTEAD TRACT, IN THE DISTRICT OF NORTH HILO, COUNTY OF HAWAII, BY MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF PUBLIC LANDS UPON THE ISLAND AND COUNTY OF HAWAII.

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

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated to be paid out of any moneys in the treas-

ury of the Territory of Hawaii, not otherwise appropriated, towards constructing a road or roads through the Manowaiopae homesteads, in North Hilo.

SECTION 2. The said sum of twenty thousand dollars (\$20,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the construction of said road, but in no case shall contract for an amount in excess of the sum of twenty thousand dollars (\$20,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said road or roads shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The said sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be expended, shall be repaid into the general funds of the territorial treasury from the sales of public lands upon the Island and County of Hawaii.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 177

[H. B. No. 262]

AN ACT TO AMEND ACT 142 OF THE SESSION LAWS OF 1919, TO CONSTRUCT A HOMESTEAD ROAD THROUGH THE ALAE HOMESTEAD LOTS, MAKAI OF THE MAIN GOVERNMENT ROAD OF KULA, DISTRICT OF MAKAWAO, COUNTY OF MAUI, BY WAY OF AN ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF SALES OF PUBLIC LANDS, MAUI.

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

SECTION 1. Act 142 of the Session Laws of 1919 is hereby amended to read as follows:

"Section 1. The sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to be expended by way of advancement for the construction, rebuilding, relocating and building of roads, Alae homestead lots, District of Makawao, County of Maui.

"Section 2. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands who shall construct said roads, by contract with the County of Maui as is provided by law; and the amount expended hereunder shall be deemed an advancement out of the general revenues and be reimbursed to the general revenues out of the proceeds of sales of public lands, Maui, when hereafter received."

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 178

[H. B. No. 275]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF ROADS WITHIN THE LEPOLOA-KAUNIHO HOMESTEAD TRACT, IN THE DISTRICT OF NORTH HILO, COUNTY OF HAWAII.

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

SECTION 1. The sum of eighteen thousand dollars (\$18,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards the construction of roads within the Lepoloa-Kauniho homestead tract, in the District of North Hilo, County of Hawaii.

SECTION 2. The said sum of eighteen thousand dollars (\$18,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands, who shall have charge of the construction of said roads. The commissioner of public lands shall contract for the construction of said road or roads, but in no case shall contract for an amount in excess of the sum of eighteen thousand dollars (\$18,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said road or roads shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The said sum of eighteen thousand dollars (\$18,000.00), or so much thereof as may be expended, shall be repaid into the general funds of the territorial treasury from the sales of public lands, County of Hawaii.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 179

[H. B. No. 284]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF ROADS WITHIN THE KIOLAKAA AND KEAA HOMESTEAD TRACT, IN THE DISTRICT OF KAU, COUNTY OF HAWAII.*Be it Enacted by the Legislature of the Territory of Hawaii:**AND ACT 39 S. L. 1923*

SECTION 1. The sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards the construction of roads within the Kiolakaa and Keaa homestead tract, in the District of Kau, County of Hawaii.

SECTION 2. The said sum of fifteen thousand dollars (\$15,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands, who shall have charge of the construction of said roads. The commissioner of public lands shall contract for the construction of said road or roads, but in no case shall contract for an amount in excess of the sum of fifteen thousand dollars (\$15,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said road or roads shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The said sum of fifteen thousand dollars (\$15,000.00), or so much therof as may be expended, shall be repaid into the general fund of the territorial treasury from the sales of public lands, County of Hawaii.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 180

[H. B. No. 306]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF ROADS WITHIN THE WOOD VALLEY HOMESTEAD TRACT, IN THE DISTRICT OF KAU, COUNTY OF HAWAII.

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

SECTION 1. The sum of thirteen thousand dollars (\$13,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards the construction of roads within the Wood valley homestead tract, in the District of Kau, County of Hawaii.

SECTION 2. The said sum of thirteen thousand dollars (\$13,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands, who shall have charge of the construction of said roads. The commissioner of public lands shall contract for the construction of said road or roads, but in no case shall contract for an amount in excess of the sum of thirteen thousand dollars (\$13,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said road or roads shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The said sum of thirteen thousand dollars (\$13,000.00), or so much thereof as may be expended, shall be repaid into the general funds of the territorial treasury from the sales of public lands, County of Hawaii.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 181

[H. B. No. 321]

AN ACT APPROPRIATING THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR THE COMPLETION OF THE ROADS THROUGH THE WAIOHINU TOWN LOTS, IN THE DISTRICT OF KAU, COUNTY OF HAWAII.

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

SECTION 1. The sum of one thousand dollars (\$1,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the completion of the roads through the Waiohinu town lots, in the District of Kau, County of Hawaii.

SECTION 2. The said sum of one thousand dollars (\$1,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands, who shall have charge of the construction of said roads; provided, that the commissioner of public lands shall contract for the construction of said roads, but in no case shall contract for an amount in excess of the sum of one thousand dollars (\$1,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become immediately available and the construction of said roads shall be commenced as soon as the contract herein provided for shall be made.

SECTION 4. The said sum of one thousand dollars (\$1,000.00), or as much thereof as may be expended, shall be repaid into the general funds of the territorial treasury from the sales of public lands upon the County of Hawaii.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 182

[S. B. No. 97]

**AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF
THE SALARY OF THE ADJUTANT GENERAL OF THE NATIONAL
GUARD OF HAWAII.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of eighteen hundred dollars (\$1,800.00) is hereby appropriated from the general revenues of the territory for the payment of the salary of the adjutant general of the National Guard of Hawaii, from February 15, 1921, to June 30, 1921, inclusive, at the rate of four hundred dollars (\$400.00) per month.

SECTION 2. The said sum hereby appropriated shall be paid out on warrants issued by the auditor on vouchers approved by the adjutant general of the National Guard.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 183

[H. B. No. 40]

**AN ACT TO AMEND SECTION 2263 OF THE REVISED LAWS OF
HAWAII, 1915, RELATING TO CIRCUIT JUDGES IN THE FIRST
JUDICIAL CIRCUIT, AND ESTABLISHING A DIVISION OF
DOMESTIC RELATIONS IN SAID FIRST JUDICIAL CIRCUIT.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2263 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2263. First circuit judges. The circuit court of the first circuit shall consist of not more than four judges, who shall be styled first, second and third judges, and the judge of the division of domestic relations, respectively, of the circuit court of the first circuit.

There may be one or more sessions of the court at the same time, and each session may be held by one but not more than one of the judges, the judgments, orders and proceedings of any session held by any one of the judges shall be as effective as if only one session were held at a time."

SECTION 2. Unless a case under any of the following headings shall be especially assigned to one of the other judges, the jurisdiction of all actions included in Chapter 132, Revised Laws of Hawaii, 1915, and the amendments thereof, all cases of divorce, annulment of marriages, separation, separate maintenance, bastardy, desertion and non-support of wife or children, under Act 68 of the Session Laws of 1917, guardianship of minors, including appointment, removal and investigation of accounts, all cases involving alimony, the jurisdiction over delinquent and dependent children and jurisdiction in all cases of contributing to the dependency or delinquency of children, shall be exercised by the judge sitting in the division of domestic relations. This section shall not be a limitation upon the powers of the other circuit judges.

SECTION 3. Besides the power to appoint court officers incident to his duties as a circuit judge, the judge of the division of domestic relations shall appoint six (6) probation officers, as follows:

One chief probation officer, whose salary shall be	\$3,000.00 per annum
Four assistant probation officers, at least two of whom shall be women, whose sal- aries shall be, each	1,920.00 per annum
One recorder and typist, whose salary shall be	1,800.00 per annum

Within the scope of their duties each of the said probation officers shall have the powers and privileges of a police officer.

The said salaries above provided shall be paid by the City and County of Honolulu.

From and after July 1, 1921, and until this Act shall be made fully effective by the appointment of the judge of the court of domestic relations, hereby created and provided for, the judge of the juvenile court of the first judicial circuit, shall have and exercise the power of appointment of all such probation officers, assistant probation officers and other assistants authorized by this section.

SECTION 4. Any of the aforesaid probation officers, if in his judgment public interest requires it, may call upon the attorney general, or other prosecuting officer, to present evidence he may produce in any divorce proceeding, in order to investigate the same, or for the preparation of evidence. Nothing in this section shall be deemed to limit the power of the circuit judges under Section 2933 of the Revised Laws of Hawaii, 1915.

SECTION 5. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 6. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 184

[H. B. No. 287]

AN ACT GRANTING A FRANCHISE FOR THE PURPOSE OF MANUFACTURING AND SUPPLYING GAS AND ELECTRIC CURRENT IN THE DISTRICTS OF WAILUKU AND MAKAWAO, COUNTY OF MAUI, TERRITORY OF HAWAII.

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

SECTION 1. Manufacture and supply of gas, and electricity. D. C. Lindsay, of Kahului, County of Maui, Territory of Hawaii, his associates, successors and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii, and its successors and assigns (he and they being hereinafter referred to as the association), are hereby authorized and empowered to manufacture, sell, furnish and supply electric current for light and power purposes and gas for use as fuel, for illuminating purposes, and other purposes, which the association may deem advisable, in the Districts of Wailuku and Makawao, County of Maui, for the term of fifty years from the date of the approval of this Act by the Congress of the United States, subject to the limitations in this Act contained.

SECTION 2. Erection of buildings, and so forth. The association shall have the right to erect, construct, operate and maintain at such place, within the limits mentioned in Section 1, as the board of supervisors of the County of Maui shall approve, such buildings, machinery and appurtenances and such poles, lines, wires, cables, lamp posts, conductors, and such other appliances as may be necessary for the production, manufacture, and storage and distribution of gas and the transmission, distribution and supply of electric current to the consumer thereof, together with its various by-products, as may be required from time to time during the existence of the rights hereby granted.

SECTION 3. Pipes, wires, poles, lines, conduits, etc., in and over highways. The association, for the purpose of distributing

such gas and electric current shall have the right from time to time to lay pipes or other conduits and erect poles, lines, wires, cables, lamps, lamp posts, conductors and conduits in, under or over the streets, roads, and public places in the said Districts of Wailuku and Makawao, and whenever supply pipes and mains, lines, conduits and conductors shall be laid, connection shall be made and pipes shall be laid from said mains and lines to the property line of the highway for the purpose of supplying gas to the property holders adjoining such street, and each of such connections shall be with stopcocks inside of such property line; provided, that nothing herein shall prevent the laying down of additional branches or connections at any time when future requirements render the same necessary. But the methods by which such streets, roads, and places are to be used shall be subject to rules, regulations and approval of the board of supervisors, and all instructions and directions made by said board shall be strictly followed to the end that the general public shall be inconvenienced as little as possible. And provided likewise, that whenever any street, road, or other place shall be excavated and holes or trenches made therein for laying, maintaining, replacing or repairing such pipes, conduits, or connections, or poles, lines or conductors, such holes or trenches shall be safeguarded and refilled as soon as possible and the pavement, if any, and such street, road, or other place shall be replaced in good order and like condition by the association; provided, that if such repair or restoration shall not be made to the satisfaction of the board of supervisors, within a reasonable time whereof they shall be the judge, they may cause it to be done at the expense of the association; and provided, further, that the association may be required to furnish to the board of supervisors, before making any street excavation or alteration, a good and sufficient bond for a sum to be fixed by the board of supervisors to insure prompt replacement of such portions of the streets and pavements therefor.

SECTION 4. Meter, rates. The association shall also have the right to maintain and use gas and electric meters or other means, for measuring the amount of gas and electric current used from time to time and in such places as may be deemed necessary,

and to operate the same for all purposes connected with the use of such gas and electric current and shall also have the right to charge, receive and collect from all consumers of gas and/or electric current reasonable prices as it may from time to time fix and determine. Provided, however, that the prices charged to all consumers substantially under the same conditions and circumstances shall be equal, and said association shall also have the right to charge consumers or intended consumers of gas and/or electric current for the cost and expense of making connections between the mains and premises where such gas and electric current is to be used, and may also include the price for all connections, pipes, gas fixtures, wires, cables and other materials necessary.

SECTION 5. Cutting off service. The association shall also have the right to cut off the supply of gas and electric current from any consumer who shall refuse or fail to pay amounts due for gas or electric current so supplied by the association within such reasonable time as may be fixed for payment of the same; but such cutting off shall not prevent the association from using any remedies now or which may hereafter be authorized by law for collecting debts.

SECTION 6. The rights and powers hereby granted shall be exercised in such manner as to cause the least inconvenience to the public; and the association shall provide gas of the best quality obtainable, which quality shall be subject to the control of such reasonable rules and regulations as the public utilities commission shall from time to time deem necessary, and current of proper and sufficient voltage and amperage, and the buildings and machinery, with all appurtenances to be erected, and general plant to be maintained in connection therewith, together with the offices, books and accounts of the association, shall be open to examination and inspection at all times by the public utilities commission of the Territory of Hawaii and the board of supervisors, or some one duly authorized by them for that purpose.

SECTION 7. Time of commencing work. It is further pro-

vided that the rights hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing or supplying such gas, or by laying pipes or conduits in any of the streets, roads, or places and installing machinery or making suitable arrangements for the supply of electric current, and purchase, erection and installation of poles, lines, wires and cables, within two years from and after the date of approval of this Act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply gas and electric current, and if gas and electric current is not supplied within two years after such commencement.

SECTION 8. Mortgages, bonds. The association shall have power to mortgage the franchise hereby conferred to secure the payment of bonds or other monetary obligations incurred in the construction of buildings, machinery, pipes, conduits, poles, lines, wires, cables and conductors and appurtenances, and the manufacturing and supplying of gas and electric current as provided by this Act.

SECTION 9. Exemption from taxation. That all property of every kind and nature forming or used as part of such gas and electric system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii, until the expiration of five (5) years from and after the date of approval of this Act by the Congress of the United States; it is provided, however, that if the association shall purchase or otherwise acquire the property and/or franchise of the Maui Electric Company, Limited, an Hawaiian corporation, now carrying on the business of producing and selling electric light and power in the County of Maui, the property so purchased or otherwise acquired, shall not be entitled to the tax exemption herein provided for.

SECTION 10. Payment to the County of Maui. One month after the expiration of each calendar year there shall be payable to the treasurer of the County of Maui, for and on behalf of said county, two and one-half per centum of the gross receipts

of the association for all gas and electric current furnished to consumers under the terms of this Act during the preceding twelve calendar months.

SECTION 11. The association shall, within one month after the expiration of each calendar year, file with the board of supervisors a detailed statement showing all of its receipts and expenditures during the preceding calendar year.

SECTION 12. Right to acquire property, limitations. That the said association shall have the right to acquire, hold, or take over, either by purchase or lease, property both real and personal or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business, but said association shall not have the power or right to purchase the franchise and/or property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 13. This franchise may at any time be amended or repealed by the Congress of the United States or by the legislature of the Territory of Hawaii with the approval of the Congress of the United States; and the rights, privileges and powers by this Act conferred shall not be construed to be exclusive.

SECTION 14. The Territory of Hawaii, the County of Maui, or any political subdivision thereof, within or including the Districts of Wailuku and Makawao, may at any time after the expiration of twenty years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, acquire by purchase all the property of the association, subject to the then existing charges thereon. The amount to be paid to the association for such purpose shall be determined by the public utilities commission; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the fran-

chise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the supreme court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificates shall be accompanied by copies of all papers, documents and evidence upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal the supreme court may in its behálf take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court of appeal.

SECTION 15. Public utilities commission. This franchise, and the person or corporation holding the same, shall be subject as to reasonableness of rates, prices and changes, and in all other respects to the provisions of Chapter 128 of the Revised Laws of Hawaii, 1915, and amendments thereto, creating a public utilities commission in the Territory of Hawaii.

SECTION 16. The public utilities commission of the Territory of Hawaii is hereby granted power to order the company to make extensions of its service lines whenever it shall be made to appear that said extension is a public necessity, and that the total plant of the company, including such extension or extensions, can be made to earn a reasonable profit on the cost and mainte-

nance of the same; provided, that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 17. 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, such approval of Congress to be secured within two years from the date of such approval by the Governor.

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 185

[H. B. No. 408]

AN ACT AUTHORIZING THE CITY AND COUNTY OF HONOLULU
TO PAY CLAIMS INCURRED PRIOR TO JANUARY 1, 1921, OUT
OF THE RECEIPTS OF 1921, AND TO PAY CERTAIN CLAIMS
INCLUDED IN THE YEAR 1921, OUT OF FUNDS REALIZED IN
1922-1923.

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 empowered to pay out of the receipts of 1921 all such claims as were incurred prior to January 1, 1921, for supplies furnished and for labor and services rendered and performed for and on behalf of the said City and County of Honolulu, and as may be found proper and duly approved by the said board of supervisors; provided, however, that the aggregate sum of the said claims shall not exceed two thousand seven hundred thirteen dollars and seventy-six cents (\$2,713.76).

SECTION 2. The board of supervisors of the City and County of Honolulu is hereby authorized and empowered to advance from the general revenues of the City and County of Honolulu during the calendar year 1921 such amount as may be necessary for the purpose of paying the salaries of school janitors and to reimburse the same from the funds in which the advancement was made from the amount provided by Act 154 of the Session Laws of 1921, for the purpose of janitors' salaries; provided, however, that the amount so advanced shall not exceed the sum of six thousand dollars (\$6,000.00).

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 186

[S. B. No. 30]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A STREET RAILWAY OR RAILWAYS IN THE DISTRICT OF HONOLULU, ISLAND OF OAHU," ENACTED BY THE LEGISLATURE OF THE REPUBLIC OF HAWAII, JULY SEVENTH, ONE THOUSAND EIGHT HUNDRED NINETY-EIGHT, AND GRANTING A FRANCHISE TO THE HONOLULU RAPID TRANSIT AND LAND COMPANY TO OPERATE A STREET RAILWAY IN THE DISTRICT OF HONOLULU, PROVIDING FOR THE OPERATION OF THE SAME AND PROVIDING FOR THE PURCHASE OF THE SAME BY THE CITY AND COUNTY OF HONOLULU.

Whereas, the legislature of the Republic of Hawaii did, by an Act enacted on the seventh day of July, one thousand eight hundred ninety-eight, authorize Clinton G. Ballentyne and others, their associates and assigns, or such corporation as

might be organized by them, to construct, maintain and operate a street railway or railways in the District of Honolulu, Island of Oahu; and

Whereas, pursuant to said Act the said Clinton G. Ballentyne and others did organize a corporation as provided in said Act, under the name of the Honolulu Rapid Transit and Land Company, which, since said date, has been exercising said franchise; and

Whereas, an Act of Congress to provide a government for the Territory of Hawaii, approved April thirtieth, one thousand nine hundred, provided by the 73rd section thereof that said franchise, with others, should be ratified and confirmed, subject to the approval of the President of the United States; and

Whereas, such approval was given by William McKinley, President of the United States, on July twenty-fifth, one thousand nine hundred, to said franchise as then held by said Honolulu Rapid Transit and Land Company; now, therefore,

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

That the Act of the Republic of Hawaii enacted July seventh, one thousand eight hundred ninety-eight, entitled "An Act to Authorize and Provide for the Construction, Maintenance and Operation of a Street Railway or Railways in the District of Honolulu, Island of Oahu", approved by the President of the United States under the authority of an Act to provide a government for the Territory of Hawaii, approved April thirtieth, one thousand nine hundred, ratifying and confirming said franchise, subject to said approval, is hereby amended to read as follows:

"SECTION 1. Definitions. Wherever in this Act the following words occur they shall be held to have the force and meaning herein set forth unless the context clearly indicates otherwise:

"Railway" shall refer to and mean the rolling stock, busses or other vehicles of transportation whether operated on rails or not, rails, tracks, roadway, with its appurtenances, appliances and

connections to be placed in the streets, roads or places in the District of Honolulu on the Island of Oahu, and all land, power stations, houses, buildings, structures and machinery, franchises, and all property of every nature whatsoever owned or acquired, used and useful for public utility purposes as by this Act provided.

"Honolulu" or "District of Honolulu" shall refer to and mean all of that portion of the Island of Oahu included in the judicial, educational and taxation district, now defined by law as the "District of Honolulu" or "Honolulu District."

"Company" shall refer to and mean the Honolulu Rapid Transit and Land Company, and its successors and assigns, the holders of the franchise herein granted.

"Commission" shall refer to and mean the public utilities commission of the Territory of Hawaii, or its successors and any commission of similar character that may be hereafter created by the laws of the Territory of Hawaii.

"Board of Supervisors" shall refer to and mean the board of supervisors of the City and County of Honolulu, or its successors, or the corresponding legislative body of the successors of said City and County of Honolulu.

"SECTION 2. Grant—operation of street railway and connecting busses or other vehicles authorized. The right is hereby granted to the Honolulu Rapid Transit and Land Company, an Hawaiian corporation, and to its successors and assigns, for the purpose of transporting passengers, to construct, lay down, maintain and operate a railway, either single or double track, or partly single and partly double, with such curves, switches, turn-outs, poles, wires, underground or overhead conduits, and such other appliances and appurtenances as may from time to time be necessary for the use and operation thereof, along and upon such streets, roads, and places in the District of Honolulu, Territory of Hawaii, as are now occupied by the railway of said company, and along and upon such other streets, roads and places in the District of Honolulu, as may, on the application of the

company, be approved by the commission after investigation and a public hearing had thereon, or as may be ordered by the commission as hereinafter provided; and in connection with said railway to manufacture, construct, operate, repair and maintain such power stations, houses, buildings, structures and machinery, cars, and all and every other appurtenance or appliance required in the construction, equipment, operation and maintenance of said railway, and to purchase, create, maintain and use such electric and other power as is hereinafter provided for as may be required for the use of such railway, its appurtenances and appliances for the purpose of operating said railway, and in connection with said railway along contemplated extensions thereof or from any point thereof to operate such busses or other vehicles not operated on rails for the transportation of passengers as may be approved or ordered by the commission; provided, however, that the board of supervisors under any law now in existence or hereafter passed may set aside streets or boulevards upon which no railway shall be subsequently constructed thereon saving and excepting for crossing purposes only.

Freight may be hauled or carried upon said railway upon such streets at such times and in such manner as may be from time to time designated by the board of supervisors.

The company shall have the right to charge, receive and collect for the transportation of passengers and freight, such reasonable rates as may from time to time be fixed and determined by the company with the approval of the commission, or by the commission, so that the same will be sufficient to meet all reasonable costs of operation, including taxes, plus a fair return on the total property of said company actually used for public utility purposes.

"SECTION 3. Power of eminent domain. The company shall have the right, and is hereby vested with the power and authority to acquire by the exercise of the right of eminent domain such real property, rights of way and interest in, over, across, under, and through any real property which may be necessary for the purposes of the company.

The power of eminent domain, granted by this section, shall be exercised in the same manner and with like procedure as the power of eminent domain may be exercised by a railroad company under the provisions of Section 725 of the Revised Laws of Hawaii, 1915, and otherwise in accordance with all applicable provisions of the general laws of the territory, and only after the company has first obtained the written consent of the commission to the institution of condemnation proceedings, such consent to be given only after investigation by said commission, and notice to the parties in interest and to the public, with an opportunity for said parties and the public to be heard.

“SECTION 4. Motive power. The railway shall be operated by electric power, either through overhead or underground wires or storage batteries, or by internal combustion engines or such other motive power as the company may from time to time adopt, subject to the prior approval of the commission; provided, however, that a part of such railway may be operated by one motive power, while another or other portions thereof may be operated by another or other motive powers, with the prior consent and approval as aforesaid; and provided further, that no steam engine, similar to the steam locomotive commonly in use and no engine, car or other vehicle which emits steam, smoke or offensive odors shall be operated upon the railway on the streets in the District of Honolulu.

“SECTION 5. Construction—equipment. (a) The railway, together with all its branches and connections, shall be thoroughly and substantially constructed and maintained according to the best modern practice, and in such manner as to cause the least obstruction to the free use of the streets, roads and places in which it may be laid.

(b) The cars for carrying passengers shall be of the best modern construction for the comfort, convenience and safety of such passengers, and shall be provided with fenders of the best pattern and with proper brakes, lighting and signalling appliances, and with proper numbers, route-boards or signs, all as approved or required by the commission.

(c) The tracks shall not exceed in width four feet, eight and one-half inches between the rails.

(d) The company shall pay all expenses and damages and save the territory and the City and County of Honolulu harmless and indemnified from all loss, cost, damage and expense in consequence of or arising from the construction and operation of said railway, and pay for all repairs to the streets in which the same may be located, made necessary or advisable by the construction or operation of said railway.

The company shall so provide for its electric currents and provide such conductors thereof, and of return currents that avoidable injury or deterioration shall not occur, nor be done to the water pipes, sewer pipes, gas pipes, or other property of the territory, of the City and County of Honolulu, or of any person or corporation, and shall save the territory or the City and County of Honolulu, or any person or corporation, harmless and indemnified from all loss, cost, damage and expense by reason thereof

(e) The type and style of rail to be employed by the company in constructing and laying down the several railroad tracks, and the manner of laying such rails shall be such as may be approved of or required by the board of supervisors.

(f) In laying down the said tracks not more than one block or in case said block is longer than 1,000 feet not more than 1,000 linear feet of any one street shall be closed to traffic at any one time and the work shall be carried on continuously until completed; provided, however, that a longer distance may be closed with the approval of the board of supervisors.

(g) Trolley wires shall be of a height of not less than 16 feet above the street and shall be provided with proper guard wires. The size and location of such wires, the manner of guarding the same, and the manner of supporting them shall be as approved or required by the board of supervisors; provided,

however, that this paragraph shall not operate to deprive the commission of any authority granted under Section 13 hereof.

(h) Every order, requirement, direction or approval of the board of supervisors shall be just and reasonable.

"SECTION 6. Paving obligations. (a) The rights and privileges hereby granted to the company are granted upon such terms, conditions and restrictions as are now or may hereafter be imposed by the laws of the Territory of Hawaii in relation to the matter of constructing and maintaining street railways, and a strict compliance with such laws is hereby required of the company.

(b) The City and County of Honolulu shall have the right to grade, sewer, pave, macadamize or otherwise improve, alter or repair any or all of the streets or roads upon which said railway is laid or constructed, and such right may not be alienated or impaired; but any work in carrying out and performing such right shall be done in such manner as to obstruct or injure the railway hereby authorized as little as possible. If such work, grade, improvement, alteration or repair upon such streets or roads necessarily interferes with the grade or location of such railway, the company, upon being so ordered by the board of supervisors, shall at its own expense alter said railway and make it correspond with the work, grade improvement, alteration or repair. Such alteration shall be completed within a reasonable time from the date of such order to be fixed by the board of supervisors.

(c) The company, before laying the railway upon any of the streets or roads in the City and County of Honolulu, shall ascertain the lawful grade of such streets or roads from the board of supervisors, and said board shall furnish the required information within a reasonable time. The tracks of the company shall conform to the grades of the streets or roads on which they are laid down as furnished by the board of supervisors, and the company shall not in any way change or alter the same without the written consent of the said board.

The City and County of Honolulu shall have the right to change the lines and grades of its streets or roads at any time whenever required by public convenience, public welfare or public safety; and the company shall, upon being ordered so to do by the board of supervisors, conform to such new lines or grades by reconstructing its tracks or lines. Such order shall be complied with within a reasonable time from the date thereof to be fixed by the board of supervisors.

The City and County of Honolulu shall reimburse the company for all payments made or expenses incurred by it by reason of such reconstruction when ordered within ten years from the construction of the portion of said railway ordered reconstructed.

(d) The company, in laying its tracks on a street or road already paved or macadamized, shall pave or macadamize the entire space between its tracks, or between the outside rails of double tracks if more than one track be laid, and for one foot outside of the outer rails, and such paving or macadamizing shall be flush with the streets or roads and correspond with the paving or macadamizing of the remaining portion of said street or road, and shall be so laid that the rails shall be flush with the streets or roads, and the company shall keep its tracks and its portions of all the said streets or roads in good repair as required by the board of supervisors; and in like manner said company shall pave or macadamize if its tracks are laid on a street or road not paved or macadamized when said street or road is first paved or macadamized, and likewise shall keep its tracks and its portion of said street or road in good repair as required by the board of supervisors; provided, however, that the board of supervisors may approve a type or types of paving which will make such railway accessible for repair. Repairs when ordered by the board of supervisors shall be made by the company within a reasonable time from the date of said order to be fixed by said board.

(e) In all cases of street or road improvements by the City and County of Honolulu, the company shall conform to all such improvements in the kind of pavement and manner of laying the same as directed by the board of supervisors.

(f) The location of the railway in the streets or roads shall be as approved by the board of supervisors. If public convenience, public welfare, or public safety requires a change of the location of said tracks, a relocation may be ordered by the board of supervisors. Such relocation shall be made within a reasonable time from the date of said order to be fixed by the board of supervisors.

(g) Should the company fail or neglect to comply with any of the obligations in this section provided after written notice by the board of supervisors of such failure or neglect, or with any order of the board of supervisors made as in this section provided, the board of supervisors may by resolution find the company in default and at any time after five days after written notice of such finding of default shall have been given to the company by delivery of a copy of such resolution at the principal office of the company, the paving, alterations, relocations, repairs, changes and/or improvements required may be made by the officers, servants, and/or employees of the City and County of Honolulu and the cost thereof recovered from the said company in the courts of the territory.

(h) From every order of the board of supervisors under paragraph (f) of this section except as to initial location, and from any finding of default by said board on account thereof, an appeal shall lie to the commission and every such appeal shall operate as a stay of such order and a stay of any action by the board of supervisors of the City and County of Honolulu under paragraph (g) of this section pending the decision or determination by the commission upon said appeal.

“SECTION 7. Operation. (a) Crossing. Whenever it shall be necessary to cross the tracks of any other railway, the said company is authorized to construct and lay down, at its own expense, proper crossings, removing the rails so crossed for that purpose; but such construction and removal shall be done in such manner as to least interfere with the traffic of such other railway; and after the said crossings are laid, the expense of maintenance shall be borne equally by the company and the owners or lessees of such other railway.

(b) Cars, rolling stock, busses, etc. The company shall at all times maintain a sufficient number of cars, rolling stock, busses or other vehicles of transportation for the carriage of passengers as the commission may approve, require or direct for public convenience, and such other cars designed for the carriage of parcels and goods as the commission may approve or require.

(c) Speed. The rates of speed of the cars, rolling stock and other vehicles of the company shall be such as from time to time may be approved or required by the board of supervisors.

(d) Rules and regulations. The company shall make just and reasonable regulations regarding the maintenance and operation of said railway on and through said streets and roads. All such rules and regulations shall be subject to the approval of the commission.

(e) Special fares for children. The commission may fix special rates of fare for children under such regulations as it may from time to time make; provided, however, that school children under the age of eighteen years on school days shall be entitled to half fare.

(f) Free transportation. There shall be no free transportation provided, except to officers and employees of the company and members of the Honolulu police and fire departments when on duty and in uniform and such free transportation shall be subject to regulation by the commission.

(g) Passage refused certain persons. The person or persons lawfully in charge of any car, bus or other vehicle of transportation may refuse passage to any person or persons who refuse to pay the lawful fare, or to carry drunk or disorderly persons or persons affected with infectious or contagious diseases, and may eject therefrom, forcibly if necessary, any such person or persons.

(h) Right of way. The cars lawfully occupying and using the railway shall have the right of way upon the tracks con-

structed in said streets, roads and places, except that such right shall yield to the police authorities of the said City and County of Honolulu and in case of fire to the apparatus of the fire department of the City and County of Honolulu.

(i) Office in Honolulu—residence of officers. The company shall at all times have and maintain an office for the transaction of the business of the railway at some place in Honolulu convenient of access to the public; and all persons, other than the directors, having charge, management and control thereof and a majority of the directors shall be residents of the City and County of Honolulu, and all of the directors shall be residents of the Territory of Hawaii.

“SECTION 8. Rights to acquire franchises and property of other companies. Subject to the prior approval of the commission as to price, terms and in all other respects, the company shall have the right to take over, either by purchase or lease, all or any part of the property, real and personal, rights, privileges and franchises, of any other railway, or of any power company, or of any company having objects in whole or in part similar to those by this Act authorized, which said property, rights, privileges and franchises are required for the purposes of this Act, and when so acquired shall be held, maintained and operated under and in accordance with the provisions of this Act.

“SECTION 9. Issue and sale of stock. The company may, with the approval of and under rules and regulations prescribed by the commission, increase its capital stock for capital expenditures by the issuance and sale of new common stock at a price not less than par; provided, however, that bonds or notes the proceeds of which have been used for capital expenditures may be redeemed by capital stock of the company, as approved by the commission, at par to the amount of the proceeds received by the company from the sale of such bonds or notes.

“SECTION 10. Mortgages, bonds, notes and loans. The company, subject to prior approval of the commission, in furtherance of the objects by this Act authorized, shall have the power to

and shall, when directed by the commission as hereinafter provided, for the purposes of additions, extensions, increases, betterments and improvements, borrow money and secure the payment thereof with interest by mortgages of all or any portion of its property, which may include the franchise of the company, and for such purpose mortgage bonds may be issued secured by trust deed of such property as aforesaid. Such mortgages or trust deeds may, in addition to the property named above cover also any property or property rights to be acquired after their several dates as well as the income and receipts of the property from whatsoever source derived and may contain such provisions as the commission may deem advisable and proper for the protection of all concerned, relative to payments of interest and principal, possession and operation of said railway or other property, default, remedies, foreclosures, powers of mortgages or trustees in all matters, and all and every other matter which it may deem wise and proper to insert therein. Provided that nothing in this section contained shall operate to prevent the company from obtaining the usual business credits or from making promissory notes without security.

The commission may authorize the issuance of temporary bonds or notes to provide operating funds and prescribe the terms and rate of interest thereof and also authorize a reserve or sinking fund from earnings for the payment of such bonds, notes or other debt on operating account.

“SECTION 11. Additions, extensions, increases, betterments and improvements. Additions, extensions, increases, betterments and improvements of the railway and the equipment and works connected therewith may be made or acquired by the company, with the approval of the commission and shall be made whenever, after notice and an opportunity to be heard at a public hearing, it shall be directed so to do by the commission, and when so made or acquired, or when made or furnished by others, shall thereafter be maintained by it, except as herein provided; and increases and improvements in the service to be rendered by the company shall likewise be made by it when directed so to do by the commission; provided that the commission shall not so direct

unless it shall find after such hearing that the earnings of the company when maintaining and operating such additions, extensions, increases, and improvements whether of railway or service provided for in this section, together with the remainder of its railway and service and considering a possible increase in rate of fares, will be sufficient to meet all the reasonable costs of operation plus a fair return on the total property of the company including such additions, extensions, increases, betterments and improvements actually used for public utility purposes.

Additions and extensions or improvements made or furnished by others shall not be acquired unless the same shall be transferred to the company, and unless the commission shall upon application therefor and after notice to the company and a public hearing thereon, authorize the same, and unless the construction thereof accords with the general standard of construction of the railway.

If, after any additions, extensions, increases or improvements have been made, it shall appear after a trial for a reasonable period that the earnings of the company, considering a possible increase in rate of fares, will be insufficient to meet all the reasonable costs of operation, plus a fair return on the total property of said company including such additions, extensions, increases, betterments and improvements actually used for public utility purposes, the commission may permit the company to cease the maintenance and operation of the whole or such portion thereof as may be necessary in order to make such earnings sufficient for such purposes.

The commission may require that any additions, extensions, betterments or improvements be constructed under contract for which public bids shall be called.

Any additions, extensions, betterments, improvements or increases involving capital expenditures made or acquired by the company shall be paid for out of the proceeds of stock, bonds or notes, whichever may be authorized or directed by the commission, and on such terms as shall be authorized by the commis-

sion, provided, however, that stock shall be sold for not less than par, and provided further that the commission shall not require the issuance of bonds or notes by the company until the company shall have been given six months time within which to finance such additions, extensions, betterments, improvements, or increases by the sale of capital stock, and further provided that if such bonds or notes are sold for less than par, the discount thereon shall be amortized out of the earnings as an expense of operation in such manner as shall be approved by the commission. If bonds or notes are authorized they may be redeemed in capital stock of the company as approved by the commission at par to the amount of the proceeds received by the company from the sale of such bonds or notes.

"SECTION 12. Annual payment to city and county. The company shall, during the month of January of each year, pay to the City and County of Honolulu two and one-half per cent ($2\frac{1}{2}\%$) of its gross income from its railway during the preceding calendar year.

"SECTION 13. Power of commission. The commission is hereby vested with power and jurisdiction by order to regulate, fix and change all rates, fares, charges, classifications, rules and practices made, charged or observed by the company, the manner in which the railway and all other property of the company is operated with reference to the safety or accommodation of the public, its form and method of keeping accounts, books and records, and its accounting system, the return upon its property, the incurring of indebtedness relating to its railway and the disposition of the proceeds thereof and of its railway income, and to regulate all of its financial transactions, its business relations with other persons, companies, or corporations, its compliance with all applicable territorial and federal laws and with the provisions of its franchise and articles of association, its classifications, rules, regulations, practices and service and all matters of every nature affecting the relations and transactions between it and the public and persons or corporations, and to do all things whether herein specifically designated or in addition thereto which are necessary and in the exercise of such power and juris-

diction, all of which as so ordered, regulated, fixed and changed shall be just and reasonable and such as shall provide a fair return on the property of the company actually used for public utility purposes, and such orders may be made after a hearing upon its own motion or upon complaint. Provided, however, there shall be only one fare in the closely built up portion of the District of Honolulu.

The company shall, if so required by the commission, and under such requirements as the commission shall designate, enter into agreements for mutual transfer privileges, joint track, switching, terminal or other agreements with companies or others carrying on a like business.

Should public convenience, public welfare, or public safety require, the commission may order the company to remove the railway from any street or streets, provided, however, that an alternate location shall be designated by the board of supervisors, and provided further that such removal shall not substantially lessen the income of the company, and provided further that the capital investment lost by such removal shall be replaced from earnings as fixed by the commission over a period not exceeding ten years during which time the value of the company's property for rate making purposes shall not be lessened by reason of such loss, and in event of purchase all of such loss not theretofore so recovered shall be added to and considered as part of the purchase price.

This section shall not be held or construed to be a limitation upon any power of the public utilities commission of the Territory of Hawaii under Chapter 128 of the Revised Laws of Hawaii, 1915, creating a public utilities commission or any amendments thereto or any other laws relating to public utilities within the Territory of Hawaii.

"SECTION 14. Appeal from commission. Every order, decision, approval or direction of the commission made under any of the provisions of this Act shall be made in writing and after notice and hearing and from every order, decision, approval or

direction an appeal shall lie to the supreme court of the Territory of Hawaii, in like manner and with like effect as an appeal lies from an order or decision of a circuit judge at chambers. Such appeal shall not of itself stay the operation of the order, decision, approval or direction appealed from, but the supreme court may stay the same, after a hearing upon motion therefor, upon such conditions as it may deem proper.

This section shall not be construed as meaning that the decision of the supreme court of Hawaii shall be final, but either party may appeal in the proper manner from said supreme court in accordance with all general laws now or hereafter enacted relating to appeals in whatever form from the supreme court of Hawaii; provided, however, that no appeal shall lie beyond said supreme court solely upon the ground of construction of a statute of the United States.

"SECTION 15. Penalties. If the company shall violate or neglect or fail in any particular to conform to or to comply with any of the provisions of this Act or any lawful order of the commission or of the board of supervisors, it shall be liable to a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for every such violation, neglect or failure, to be recovered by action brought by either the commission or the board of supervisors in the name of the territory as the case may be. Any recovery under this section shall be a realization of the commission or the City and County of Honolulu as the case may be.

"SECTION 16. Interfering with operations of railway unlawful. Any person wilfully or maliciously doing any of the following acts, to wit: obstructing the free passage of the cars along the railway; defacing, marring or injuring the posts, wires or other appliances used in operating the railway; defacing, marring or injuring the cars or other property of the company; using the posts, fences, houses or other property of the company without consent for advertising purposes; or in any other manner inflicting injury to the property or causing annoyance and embarrassment in the enjoyment of the property rights or franchise rights

of the company, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars (\$100.00) or by imprisonment not exceeding three months, or by both such fine and imprisonment.

"SECTION 17. Should it become necessary in the prosecution of any public work, or desirable in the public interest, to temporarily stop or suspend operation of cars on any track or line of the company, it may be done on order of the commission and in such case the company shall not be liable for any claim for damages to personal property by reason of the suspension of cars, delay to business or service or otherwise during the period in which said operation is suspended as aforesaid; and the company shall likewise not be liable if operation is temporarily suspended by act of God or the public enemy, or strikes or accidents.

"SECTION 18. Police power reserved. This Act shall not be construed to limit the Territory of Hawaii in the exercise of its police powers.

"SECTION 19. Forfeiture. Whenever the company refuses, fails or neglects to do, perform, carry out or comply with any Act, matter or thing requisite or required to be done under the provisions of this Act, or any order, direction or regulation of the commission, and shall continue so to refuse, fail or neglect to do, perform, carry out or comply therewith, after due notice by the commission, the commission may have the franchise granted by this Act, and all rights and privileges granted thereunder, forfeited and declared null and void by appropriate proceedings in the nature of quo warranto before the circuit court of the first judicial circuit at law without a jury.

"SECTION 20. Purchase by City and County of Honolulu. City and county authorized to purchase and operate. At any time after authorization therefor by a majority of the registered voters of the City and County of Honolulu voting thereon at an election held in manner and form and under the terms and conditions as may be hereafter provided for by the legislature of Hawaii

for this purpose, the City and County of Honolulu, or its successors, may, upon not less than six months' notice in writing to the company, acquire the property of the company used and useful for public utility purposes by paying to it the amount herein-after provided, and assuming the bonded and all other debts and liabilities of the company at the date of said purchase.

The amount to be paid to the company for such purchase shall be determined by the public utilities commission; but such amount shall in no case exceed the actual cost of the physical property thereof, or the actual value of the tangible property so purchased; in both cases, less its bonded and all other debts and liabilities. The value of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

The valuation for the purpose of purchase shall be determined by the commission on the request of the board of supervisors prior to the election, provided, however, that such valuation shall be increased or diminished to correspond to the actual physical changes in the property of the company between the date of the valuation and the date of the actual purchase, the same to be determined by the commission.

Either the company or the purchaser may appeal to the supreme court of Hawaii from the decision of the commission by filing a written notice of appeal with the commission within five days after the decision is rendered and served on the company and the City and County of Honolulu. It shall be the duty of the commission immediately to certify up to the supreme court the record of its proceedings showing in such certificate the valuation claimed by the company, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidences upon which the decision was based and a copy of such decision. Upon such appeal the supreme court may in its behalf take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price the same shall be paid to the company, and thereupon the franchise granted hereby shall cease and determine, and all the property of the company so valued shall become the property of the purchaser without any further conveyance or assignment; but the company shall make all such further conveyances and assignments as may be desired by the purchaser and approved by the commission or the said court on appeal.

The City and County of Honolulu or its successors, is hereby given the right under the conditions aforesaid to purchase, hold and operate the street railway system or systems so purchased and said city and county and its successors shall have all powers incidental thereto.

The City and County of Honolulu may finance the purchase of the property of said company by issuing bonds secured by said property and said bonds shall be a first charge on the income therefrom. Said bonds may be issued prior to the time of purchase containing provisions that they will become secured as herein specified as of the date of payment of the purchase price but prior thereto shall be a lien upon the general revenues of the city and county. Said city and county may, at its option, make said bonds a lien on both the income of the railway and the general revenues of the city and county, notwithstanding any limitation as to amount of indebtedness now or hereafter existing and the amount of said bonds shall not be considered to limit the creation of other indebtedness by said city and county as now or hereinafter provided by law. Provided, however, that all revenues derived from time to time from said railway so purchased shall be paid into the treasury of said city and county and there held as a special fund for the following purposes for which alone it shall be expended:

1. The operation and maintenance of said railway.
2. Interest on the bonds issued for such purchase and bonded

or other indebtedness of the company assumed by the City and County of Honolulu at the time of such purchase.

3. A sinking fund for the payment of said bonds and said assumed bonds and said other indebtedness for which purpose there shall be set aside each year not less than such a sum that the aggregate of the sums so set aside with interest thereon compounded annually at the rate of interest specified in the said bonds and said other indebtedness would amount to the par value of the said bonds and said other indebtedness at maturity nor more than such a sum that the aggregate of such sums with such interest would amount to the par value of the said bonds or said other indebtedness when redeemable.

4. The extension and improvement of said railway.

"SECTION 21. Amendment, alterations or repeal. This Act may be amended or altered in whole or in part or repealed by the legislature of the Territory of Hawaii with the approval of Congress.

"SECTION 22. Effective date. This Act shall take effect when the company shall notify the Governor of the Territory of Hawaii in writing that it has accepted the terms hereof by an affirmative vote of the holders of two-thirds of the issued capital stock, provided such notice is so given within six months after the approval of this Act by Congress, otherwise this Act shall become null and void; such approval of Congress to be secured within two years from the approval of this Act by the Governor of the Territory of Hawaii."

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 187

[S. B. No. 66]

AN ACT TO REGULATE THE HOURS OF LABOR OF CHILDREN.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No person shall employ any child under the age of sixteen years more than eight hours in one day or twenty-four hours, or more than forty-eight hours in any one week, or before the hour of five o'clock in the morning or after the hour of nine o'clock in the evening.

SECTION 2. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 188

[S. B. No. 69]

133 G. L. 1920
AN ACT TO AMEND SECTION 3283 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 13 OF THE SESSION LAWS OF 1919, RELATING TO AMENDMENTS OF CHARTERS AND ARTICLES OF ASSOCIATION OF CORPORATIONS.

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

SECTION 1. Section 3283 of the Revised Laws of Hawaii,

1915, as amended by Act 13 of the Session Laws of 1919, is hereby amended to read as follows:

"Section 3283. Amendments, allowance of. The treasurer, with the approval of the Governor, upon the filing in the treasurer's office of a verified 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, showing that a proposed amendment has been approved of by the vote of not less than two-thirds of all of its issued and outstanding stock, or, in the case of a nonstock corporation, by the vote of not less than two-thirds of the members present at a duly called meeting thereof, shall have power to grant and allow amendments to any charter or articles of association of any corporation, now or hereafter existing; provided such amendments confer no other or greater powers and privileges than could be lawfully conferred or obtained in an original charter of incorporation or articles of association."

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 189

[S. B. No. 73]

AN ACT TO AMEND SECTIONS 5 AND 6 OF ACT 114 OF THE SESSION LAWS OF 1915, RELATING TO PENSIONING OF RETIRED TEACHERS.

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

SECTION 1. Section 5 of Act 114 of the Session Laws of 1915 is hereby amended by adding thereto a new paragraph to read as follows:

"Each and every teacher in the public schools who has at any time taught in one or more of the recognized English schools of the Territory of Hawaii shall be allowed for the purpose of this Act one-half of the time spent by said teacher in the service of such private school."

SECTION 2. Section 6 of Act 114 of the Session Laws of 1915 is hereby amended by adding thereto a new paragraph to read as follows:

"Each and every teacher in the public schools who has at any time taught in one or more of the recognized English schools of the Territory of Hawaii shall be allowed one-half of the time spent by said teacher in the service of such private school. Provided, however, that every teacher claiming the right to participate in the benefits of this Act, either under this paragraph or under the last paragraph of Section 5 as herein set forth shall, in addition to the regular payment provided for in Sections 3 and 4 of this Act, pay into said teachers' pension fund an amount equal to the sum of the payments (without interest) which would have been made by such teacher during the years for which credit is allowed at the rate of the salary at which such teacher enters the department. At the option of the teacher, which option must be expressed at the time application is made to participate in the benefits of this Act, the payment herein provided for may be made (a) in a lump sum at the time of and with the next regular payment; or (b) in a number of equal installments at the regular payment dates, calculated by dividing the total payment due by the number of semi-annual payments between the date of the application and the date at which such teacher, if continuing in the service of the department, would be entitled to receive such pension.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 190

[S. B. No. 74]

AN ACT TO AMEND SECTION 1278 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO TAXATION OF COSTS IN TAX APPEALS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1278 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1278. In the event of an appeal or objection being sustained in whole, the costs deposited shall be returned to the appellant; or if the appeal or objection be sustained in part only, or if an agreement or compromise is made between the appellant and the tax assessor or other proper officer of the government, whereby a reduction is made in the total amount of the assessment, then a part of the costs proportionate to the amount for which the appellant shall obtain judgment, or proportionate to the amount of the reduction, as the case may be, shall be returned to the appellant."

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 191

[S. B. No. 90]

AN ACT PROVIDING AN APPROPRIATION FOR THE ESTABLISHMENT AND MAINTENANCE OF AN AGRICULTURAL EXPERIMENT STATION AT WAIAKEA, HILO, HAWAII.*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 out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the purpose of establishing and maintaining an agricultural experiment station, on that certain piece or parcel of land situate within the ahupuaa of Waiakea, District of South Hilo, County of Hawaii, Territory of Hawaii, which is more particularly described in and which was set apart for agricultural experimental purposes by executive order number ninety, or on such other suitable land within said ahupuaa as the Governor of the Territory of Hawaii may designate.

SECTION 2. The said sum hereby appropriated shall be expended, and the said agricultural experiment station shall be established, managed and controlled by the University of Hawaii.

SECTION 3. The moneys hereby appropriated shall be paid out on warrants to be issued by the auditor, upon vouchers approved by the president of the university, or such other person as the board of regents of the university shall designate.

SECTION 4. All moneys received by the said University of Hawaii from the sale of produce grown on said experiment station, or otherwise, for or in behalf of said experiment station shall be paid into the treasury of the territory to the credit of the said experiment station, and all such moneys are hereby appropriated for use by said university in the management of said experiment station and the extension of the experimental work there to be carried on.

SECTION 5. All equipment now at or pertaining to the Glenwood Experiment Station which is the property of the Territory of Hawaii is hereby placed under the control of the University of Hawaii and may be utilized in connection with the Waiakea Experiment Station.

SECTION 6. This Act shall take effect on its approval.

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 192

[S. B. No. 101]

AN ACT TO AMEND SECTION 2 OF ACT 20 OF THE SESSION LAWS OF 1917, RELATING TO THE TERRITORIAL FAIR.

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

SECTION 1. Section 2 of Act 20 of the Session Laws of 1917 is hereby amended to read as follows:

"Section 2. The Governor shall appoint five persons in accordance with the provisions of Section 80 of the Organic Act, two of whom shall be from the City and County of Honolulu, one from the County of Hawaii, one from the County of Maui, and one from the County of Kauai, who shall constitute a commission to be known as the Fair Commission of Hawaii. One of the said commissioners shall be appointed as chairman and shall receive an annual salary of three thousand dollars (\$3,000.00), which salary shall be paid from appropriations made from time to time by the legislature for the defraying of the expenses incurred in carrying on territorial fairs. The other members of the said commission shall serve without pay. The said commissioners shall hold office for four years unless sooner removed for cause.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 193

[S. B. No. 106]

AN ACT APPROPRIATING THE SUM OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) BY WAY OF ADVANCEMENT TO CONSTRUCT THE WAIMANALO BELT ROAD, COMMENCING AT THE COMPLETED PORTION OF SAID ROAD AND CONTINUING TOWARDS AND/OR THROUGH THE WAIMANALO BEACH LOTS, IN THE DISTRICT OF KOOAUPOKO, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. The sum of three hundred thousand dollars (\$300,000.00), or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to be expended by way of advancement, for the construction, rebuilding, relocating and building of a road, commencing at the completed portion of the Waimanalo belt road and continuing towards and/or through the Waimanalo beach lots, District of Koolau-poko, City and County of Honolulu. The said sum hereby appropriated shall be used for the construction of said road when and after the appropriation provided for by item thirty-eight (38) of Act 237 of the Session Laws of 1919, as amended, shall have been exhausted and shall, in conjunction with all other funds appropriated for this purpose, be at all times available for the purpose of letting a contract for the construction of said road, but shall not be actually expended until all moneys available for such construction under item thirty-eight (38) aforesaid, shall have been exhausted.

SECTION 2. The said sum of three hundred thousand dollars (\$300,000.00) hereby appropriated, or so much thereof as may be necessary, 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 City and County of Honolulu, as is provided by law, upon plans and specifications approved by the superintendent of public works.

SECTION 3. The moneys hereby appropriated shall be deemed to be an advancement out of the general fund, to be reimbursed from the proceeds of sales of said Waimanalo beach lots, which lots shall be offered for sale within one year from the approval of this Act, and from the sales of any other public lands in the City and County of Honolulu.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 194

[S. B. No. 110]

Rep. Act. 125 L. 1923

AN ACT TO PROVIDE FOR THE LICENSING AND REGULATING OF
"ITINERANT VENDORS".

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

SECTION 1. It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or for any other person, firm or corporation, or as an officer of any firm or corporation, or otherwise, to engage in or carry on, in any county or city and county, the business or occupation of an itinerant vendor without having first procured from the treasurer of the county or city and county where such business or occupation

is to be carried on, a license for so doing, and the engaging in or carrying on of such business or occupation without having first procured such license shall constitute a separate violation of this Act for each and every day that such occupation or business is so engaged in or carried on.

SECTION 2. Upon application and payment therefor, the treasurer shall issue to an applicant for a license as an itinerant vendor a license, stating thereon the amount of fee paid therefor, the period of time covered thereby, and the name of the person, firm or corporation to whom the same is issued. The license fee for any person engaged in or carrying on the business or occupation of an itinerant vendor shall be one hundred dollars (\$100.00) per day and shall be paid in advance for the full term of the license.

SECTION 3. The words "itinerant vendor" shall be construed to mean and include all persons, both principal and agent, not residents of the territory, who engage in a temporary and transient business in such county or city and county, selling goods, wares and merchandise, and who, for the purpose of carrying on such business, offers for sale or hires, leases or occupies any room, building or structure for the exhibition or sale of such goods, wares or merchandise, and the person or firm so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local person, dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with, or as a part of, or in the name of any local person, dealer, trader, merchant or auctioneer.

The provisions of this section shall not apply to commercial travelers or selling agents selling their goods to dealers, whether selling for present or future deliveries, by sample, catalog or otherwise, nor to hawkers on the street nor peddlers from vehicles, nor to persons selling fruit, fish, vegetables, butter, eggs or other farm or ranch products; provided, however, that whenever the treasurer shall be satisfied from evidence in addition to the affidavit of any persons who would otherwise come within the

designation of an "itinerant vendor" as in this section defined, that such person in good faith intends to become a permanent resident of the Territory of Hawaii, then and in such event such person shall not be required to pay the license provided by this Act, but shall pay such license or licenses as shall be required under any other law or laws applicable to such person.

SECTION 4. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six months, or by both such fine and imprisonment.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 195

[S. B. No. 113]

AN ACT TO PROVIDE FOR THE ACQUISITION FOR CITY HALL PURPOSES OF THE KAPIOLANI PREMISES AND BUILDING AT THE NORTH CORNER OF KING AND ALAKEA STREETS, IN HONOLULU, CITY AND COUNTY OF HONOLULU, AND TO AUTHORIZE AN ISSUE OF BONDS BY THE CITY AND COUNTY OF HONOLULU FOR THE PURCHASE OF THE SAME.

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

SECTION 1. The treasurer of the City and County of Honolulu is hereby authorized, empowered and directed, pursuant to and under the authority and requirements of resolution of the board of supervisors of the city and county, to issue bonds of said city and county to an amount not exceeding one hundred and fifty thousand dollars (\$150,000.00) for the purpose of

yielding the necessary funds to purchase for city hall and other public purposes the property known as the Kapiolani building, situated on the north corner of King and Alakea streets, in Honolulu, City and County of Honolulu, Territory of Hawaii; provided, however, that no such issue of bonds shall be made until approved by the President of the United States in accordance with law. Sections 2180 to 2196, inclusive, of the Revised Laws of Hawaii, 1915, as amended, unless otherwise provided in this Act, shall apply to and govern the bonds issued pursuant to the authority in this Act contained; provided, further, that said bonds may be sold at not less than five per cent (5%) below their par value or may be used at par to pay for the said property.

SECTION 2. The interest of such bonds shall be paid out of the general fund of the City and County of Honolulu, the principal of such bonds shall be paid out of the permanent improvement fund of the city and county; that the board of supervisors of the city and county is hereby authorized and empowered to make appropriations for the purpose of paying the interest and principal as stated in the forepart of this section.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 196

[S. B. No. 114]

AN ACT PROVIDING FOR THE TRANSFER AND DELIVERY TO THE TRUSTEES OF THE BERNICE P. BISHOP MUSEUM OF POLYNESIAN ANTIQUITIES, ETHNOLOGY AND NATURAL HISTORY OF CERTAIN SPECIMENS AND OBJECTS OF NATURAL HISTORY AND OF ETHNOLOGICAL, BOTANICAL, ARCHAEOLOGICAL AND HISTORICAL VALUE OR INTEREST.

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

SECTION 1. Any specimens and objects of natural history and of ethnological or archaeological value or interest now in the possession of the University of Hawaii, or any territorial department, bureau or board, or which may hereafter come into the possession of said university or any such department, bureau or board, if and when the same are no longer needed for scientific investigation, for study, or for any other purpose by said university or such department, bureau or board, and historical flags now in the archives building, may, at the request of the trustees of the Bernice P. Bishop Museum of Polynesian Antiquities, Ethnology and Natural History, be transferred and delivered by and with the consent of such department, bureau or board having possession of any thereof to the said trustees and thereupon the title thereto shall become vested in said trustees and shall be held by them upon the trusts and pursuant to the provisions set forth in that certain deed of trust between Charles R. Bishop and others and Samuel M. Damon and others, dated the 13th day of October, 1896, and of record in the Registry of Conveyances in Volume 164, on pages 387-391, with reference to said museum; provided, that the specimens and objects so transferred and delivered to the said trustees are made available at all reasonable times by the said trustees for study and examination by the officials of said university or any such department, bureau, or board.

SECTION 2. The provisions of Act 154 of the Session Laws of 1917, relating to the disposition of personal property belong-

ing to the Territory of Hawaii, shall not be held to apply to the specimens and objects enumerated in this Act.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 197

[S. B. No. 121]

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF
CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII IN-
CURRED PRIOR TO JUNE 30, 1919.

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

SECTION 1. The following sums, amounting to six thousand one hundred and thirty-nine dollars and nineteen cents (\$6,-139.19), are hereby appropriated from the general revenues of the Territory of Hawaii for the payment of the following claims against the territory, which were incurred prior to June 30, 1919:

Board of Health:

Hilo Electric Light Company, Ltd.	\$ 114.77
Leahi Home	5,801.25

Bureau of Taxes:

Hilo Electric Light Company, Ltd.	12.30
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National Guard of Hawaii:

Hawaii Garage, Ltd., Hilo	163.37
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Public Lands Department:

Hilo Electric Light Company, Ltd.	13.48
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Public Library, Hilo:

Hilo Electric Light Company, Ltd.	34.02
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SECTION 2. The auditor shall not issue warrants in payment

of any of the above claims until receipts in full are filed therefor, signed by the claimants or their proper representatives and approved by the head of the department or bureau which incurred the expense.

SECTION 3. The appropriation under this Act shall lapse upon the thirtieth day of June, 1921.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 198

[S. B. No. 72]

AN ACT TO AMEND SECTION 1228 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 135 OF THE SESSION LAWS OF 1917, TO REPEAL SECTION 1228A THEREOF, AND TO AMEND SECTION 1229 OF SAID REVISED LAWS, RELATING TO TAXATION.

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

SECTION 1. Section 1228 of the Revised Laws of Hawaii, 1915, as amended by Act 135 of the Session Laws of 1917, is hereby further amended to read as follows:

“Section 1228. Motor vehicle tax. All automobiles and other power driven vehicles (all such vehicles being hereinafter referred to as motor vehicles) shall be subject to an annual tax of one cent for each pound in weight of such motor vehicle, to be paid by the owners thereof, which tax shall be collected by the treasurer or his deputy, of the county or city and county, as the case may be, and shall become due and payable on the first day

of January and must be paid before the first day of March in each year. In determining the amount of tax for motor vehicles, the weight taken shall be that of such motor vehicles when in ordinary use and with all its accessories and fittings, including fuel and water. Provided, however, that whenever it shall be made to appear to the treasurer, or his deputy, that any motor vehicles have been acquired subsequent to January first of the current year by the person seeking to register the same, the tax to be paid thereon shall be as herein provided, less eight and one-third per centum of such tax for each month of the then calendar year which shall have elapsed at the date said motor vehicle was acquired. Provided, further, that motor vehicles owned and brought into the territory for temporary use therein by non-residents of the territory shall be exempt from the provisions of this Act relative to the payment of taxes and display of number plates for a period of three months from the date of entry of such vehicle into the territory, if such non-resident has complied with the law of the state or country of his domicile relative to the payment of taxes and registration, and shall display on such vehicle the number plates for the current year required by the law of such state or country. Upon receipt of such tax the treasurer or his deputy shall number and register such motor vehicle in the owner's name in a permanent record or book to be kept by him for this purpose, and shall furnish the owner thereof with a receipt which shall show upon its face the license number of such motor vehicle, and shall state the fact that the tax has been paid thereon for the whole or the remainder of the current year in which the receipt is issued. The said treasurer or his deputy shall also furnish the owner with two number plates for such motor vehicle with the number and year marked thereon, charging therefor in addition to the tax the sum of one dollar. The owner shall attach such number plates to such motor vehicle, one on the front and the other on the rear thereof, which number plates shall be securely fastened to the motor vehicle in such a way as to prevent such number plates from swinging and at a minimum of sixteen inches from the ground. All such number plates shall be so placed that they shall be plainly visible. Provided, however, that motorcycles shall be required to display only one number plate which shall be fastened to the rear thereof.

After the initial payment of the tax herein specified, a motor vehicle shall not be required to be re-weighed in any succeeding year, unless the same has been so altered or changed as to increase or diminish the weight thereof. The treasurer shall immediately notify the sheriff of the said county or city and county of numbers issued by him with a general description of the motor vehicle and the name and address of the owner to whom issued. The sheriff of the said county or city and county shall record such numbers, description of motor vehicles and names and addresses of the owners to whom such numbers are issued in a permanent record or book to be kept by him for this purpose.

All new motor vehicles carried in stock for purposes of sale shall be for a period of three months only, and all publicly owned motor vehicles shall be exempt from the tax herein provided for, and number plates for all such motor vehicles may be issued as now or hereafter provided by ordinances of the counties or city and county.

The number plates hereinabove referred to and as herein-after described shall be uniform throughout the territory and shall be used on all motor vehicles upon which a tax is paid pursuant to this section. All such number plates shall bear the word "Hawaii", shall be of different color or shade each year with a distinct contrast between the color of the plates and the numerals and letters thereon, and shall be of such size, shape and color and with such arrangement of letters and numerals as may, subject to the provisions of this section, be determined by the secretary of the territory. On or before the first day of October, the said secretary shall hereafter annually notify the several treasurers of the counties and city and county of his determination in regard to the size, shape, color and arrangement of letters and numerals of such plates and the numbers to be used in each county or city and county. The numerals on all such number plates shall not be less than four inches in height and the strokes thereof not less than one-half inch in width, except in the case of motorcycles, in which case such numerals shall be not less than one inch in height and the strokes thereof not less than one-eighth inch in width.

It shall be the duty of the boards of supervisors of the several counties and city and county to purchase a sufficient number of such plates for use in such county or city and county.

Any motor vehicle not having the number plates required by this section, or any motor vehicle upon which taxes are delinquent as hereinbefore provided, may be seized wherever found by the treasurer, his deputy or by any sheriff, or deputy sheriff, or by any police officer, or any person acting on behalf of such treasurer, or deputy treasurer; and held for a period of ten days, during which time such motor vehicle shall be subject to redemption by its owner by payment of the taxes due, together with a penalty of one dollar and the cost of storage and other charges incident to the seizure of such motor vehicle. The treasurer, or his deputy, or the sheriff, or deputy sheriff, or police officer, of any county or city and county, or any person acting on behalf of such treasurer, or deputy treasurer, shall be deemed to have seized and taken possession of any motor vehicle as aforesaid, after having securely sealed same where located and having posted a notice upon such property, setting forth the fact that the same has been seized for taxes and warning all persons from molesting same under penalty to be provided. All persons molesting or disturbing the motor vehicle so seized shall be subject to the penalty hereinafter provided. All motor vehicles so seized and sealed as aforesaid shall remain at the place of seizure or at such other place as the treasurer, or his deputy, may direct, at the expense and risk of the owner. If the owner of any such motor vehicle shall fail to redeem the same within ten days after such seizure such motor vehicle may be sold by the treasurer, or his deputy, at public auction to the highest bidder for cash, after giving ten days' public notice thereof in a newspaper of general circulation published in such county or city and county, or by posting notices thereof in at least three public places in the district where such motor vehicle was seized. The amount realized at such sale, less the amount of the tax and penalty due, together with all costs incurred in advertising, storing and selling the same and all other charges incident to such seizure and sale, shall be paid to the owner of such motor vehicle. If no claim for such surplus shall be filed with the treasurer within sixty

days from the date of such sale, such surplus shall be paid into the county or city and county treasury as a governmental realization and all claim to such sum shall thereafter be forever barred.

Any person who shall attach to and use on any such motor vehicle any number plates not furnished in accordance with the provisions of this section, or who shall fraudulently use such number plates upon any other vehicle other than the one for which such number plates were issued, or who shall molest or disturb any motor vehicle, which has been seized pursuant to this section, or any treasurer, or deputy treasurer who shall issue a certificate of registration or number plates to any person who has not paid the tax required by this section, or any person who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00)".

SECTION 2. Section 1228A of the Revised Laws of Hawaii, 1915, as enacted by Act 135 of the Session Laws of 1917, is hereby repealed.

SECTION 3. Section 1229 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1229. Carriage, etc., tax. All carriages, wagons, wagonettes, hearses, omnibuses, drays, carts and other vehicles not herein specified, drawn by horses or mules, and used for the conveyance of persons, freight or merchandise, shall be subject to an annual tax of five dollars each, to be paid by the owners thereof. All brakes and sulkies shall be subject to an annual tax of two dollars each, to be paid by the owners thereof; all ox-carts shall be subject to an annual tax of five dollars each, to be paid by the owners thereof."

SECTION 4. This Act shall take effect on the first day of January, 1922, except as to those provisions hereof relating to

the duties of the secretary of the territory, which shall take effect on October 1, 1921.

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 199

[S. B. No. 317]

AN ACT APPROPRIATING THE SUM OF TWO THOUSAND SIX HUNDRED EIGHTY-TWO DOLLARS AND NINETY-EIGHT CENTS (\$2,682.98) FOR REIMBURSING THE SOCIEDADE LUSITANA BENEFICENTE DE HAWAII AND THE CITY AND COUNTY OF HONOLULU FOR THE COST OF PAVING A PORTION OF ALAPAI STREET.

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

SECTION 1. The sum of two thousand six hundred eighty-two dollars and ninety-eight cents (\$2,682.98) is hereby appropriated out of the general revenues of the Territory of Hawaii for the purpose of reimbursing the Sociedade Lusitana Beneficente de Hawaii for payment made by it on assessments for street improvement on Alapai street and for paying to the City and County of Honolulu the balance unpaid of the assessment against the said Sociedade Lusitana Beneficente de Hawaii.

SECTION 2. The auditor of the Territory of Hawaii is hereby authorized and directed to draw a warrant in the amount of six hundred and eighty-one dollars and forty-eight cents (\$681.48) in favor of the Sociedade Lusitana Beneficente de Hawaii, being the amount paid by it on street assessment for the improvement of Alapai street, and the said Sociedade Lusitana Beneficente de Hawaii is hereby relieved from the necessity of paying any other or further assessment or any amount thereon on account of the street improvement as aforesaid.

SECTION 3. The sum of two thousand and one dollars and fifty cents (\$2,001.50) shall be paid to the treasury of the City and County of Honolulu, by warrant drawn by the auditor of the territory, to be credited against the assessment levied against the property belonging to said Sociedade Lusitana Beneficente de Hawaii for the street improvement as aforesaid.

SECTION 4. Said sum of two thousand six hundred eighty-two dollars and ninety-eight cents (\$2,682.98) shall be reimbursed to the general fund of the territory out of the sales of public lands on the Island of Oahu.

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 200

[H. B. No. 435]

AN ACT TO AMEND SECTION 308 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO PROFITS FROM INDUSTRIAL AND MANUAL TRAINING IN THE PUBLIC SCHOOLS.

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

SECTION 1. Section 308 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 308. Profits to pupils. All net profits arising from agricultural and industrial pursuits, under this chapter, at any school, shall, under the rules of the department of public instruction, be used by said school for the purchase of equipment and material, not otherwise provided for in the school budget, which will be of general benefit to the pupils, or said profits may, in the discretion and under the rules of said department, be distributed among the pupils actually engaged in such pursuits. The

provisions of this section shall not apply to schools otherwise specifically regulated by law. The department of public instruction shall provide for the keeping of simple books of account, showing the source and distribution of the money resulting from the operations carried on pursuant to Sections 304 and 308, and for the auditing of such books of account at least quarterly."

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

Approved this 26th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 201

[H. B. No. 14]

AN ACT TO AMEND SECTION 1 OF ACT 199 OF THE SESSION LAWS OF 1915, AS AMENDED BY ACT 153 OF THE SESSION LAWS OF 1917, RELATING TO THE VACATION OF PUBLIC EMPLOYEES.

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

SECTION 1. Section 1 of Act 199 of the Session Laws of 1915, as amended by Section 1 of Act 153 of the Session Laws of 1917, is hereby further amended to read as follows:

"Section 1. Whenever any employee working under a regular monthly salary in any department of the territorial, county and city and county government shall have been employed continuously for at least one year in the same department, he shall be entitled to at least three weeks' vacation upon full pay for each year thereafter while he remains in the employ of such department; said vacation to be granted to the employee at such time as shall be designated by the head of the department. Said vacation may be cumulative, but shall not exceed a total of six weeks."

SECTION 2. Section 2 of Act 199, Session Laws 1915, is hereby repealed.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 202

[H. B. No. 122]

AN ACT TO AMEND SECTION 1 OF ACT 64 OF THE SESSION LAWS OF 1915, AS AMENDED BY SECTION 1 OF ACT 161 OF THE SESSION LAWS OF 1919, RELATING TO GARNISHMENT.

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

SECTION 1. Section 1 of Act 64 of the Session Laws of 1915, as amended by Section 1 of Act 161 of the Session Laws of 1919, is hereby further amended to read as follows:

"Section 1. Whenever any judgment debtor whose salary, stipend, wages, annuity or pension shall have been garnisheed either under the provisions of Section 2803 of the Revised Laws of Hawaii, 1915, or under the provisions of Section 2827 of the Revised Laws of Hawaii, 1915, shall have been sequestered as therein provided, and twenty-five per cent (25%) of such salary, stipend, wages, annuity or pension shall, by virtue of the provisions of Section 2804 of the Revised Laws aforesaid, or of Section 2827 of said Revised Laws, be directed to be paid by the garnishee to the judgment creditor, and the judgment debtor shall have left the employment of the garnishee before the full amount of the judgment due from the judgment debtor shall have been paid to the judgment creditor, and shall have entered the employment of some person, firm, association or corpora-

tion, or of the Territory of Hawaii or any political or municipal subdivision thereof, other than the original garnishee, then and in that event any salary, stipend, wages, annuity or pension due the said judgment debtor from any person, firm, association or corporation, or the territory or any political or municipal subdivision thereof, other than the original garnishee, may be sequestered upon the filing by the judgment creditor with such person, firm, association or corporation or the auditor of the territory or of any political or municipal subdivision thereof, other than the original garnishee, irrespective of whether the original garnishee be a person, firm, association or corporation or the auditor of the territory or of any political or municipal subdivision thereof, of a certified copy of the judgment rendered against such judgment debtor, from the judge, district magistrate or clerk, of the court in which such judgment has been rendered, accompanied by an affidavit of said judgment creditor, showing the amount due and remaining unpaid on account of said judgment. Upon the filing of such certified copy of said judgment and said affidavit, it shall be incumbent upon such person, firm, association or corporation, or the auditor of the territory or of any political or municipal subdivision thereof, other than the original garnishee, to pay to the judgment creditor a sum equal to twenty-five per cent (25%) of such salary, stipend, wages, annuity or pension, from week to week or from month to month, until the balance due such judgment creditor, with legal interest thereon, shall be fully paid, or until such judgment debtor shall quit the service and dissolve his relation to the said person, firm, association or corporation of the territory or any political or municipal subdivision thereof, other than the original garnishee."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 203

[H. B. No. 137]

AN ACT TO PROVIDE FOR THE INCREASE OF THE SALARIES OF THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT AND OF THE CIRCUIT JUDGES OF THE CIRCUIT COURTS OF THE TERRITORY OF HAWAII, AND MAKING AN APPROPRIATION THEREFOR.

Whereas, the salaries of the judges of the courts of record in Hawaii are far below the compensation paid to judges occupying like positions and holding commissions under the federal government; and

Whereas, it is manifest that no territorial judge can live respectable and in keeping with the dignity of his office upon the inadequate salary which is now being paid; and

Whereas, by recent legislation Congress has liberally increased the salaries of other judges throughout the country but has thus far failed to increase the salaries of the judges of the Territory of Hawaii; and

Whereas, it is of paramount importance to the territory that the salaries of its judges be sufficient to enable them to live independently; now, therefore,

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

SECTION 1. The treasurer of the territory is hereby authorized and directed upon warrants issued by the auditor of the territory to pay to the chief justice and associate justices of the supreme court of Hawaii, and to each of the judges of the several circuit courts of the territory, the following sums:

To the chief justice, a sum each month, which, together with the amount received by him as salary from the government of the United States, shall equal six hundred and twenty-five dollars (\$625.00) per month;

To each of the associate justices, a sum each month, which, together with the amount received by him as salary from the

government of the United States, shall equal five hundred eighty-three dollars and thirty-three cents (\$583.33) per month; and

To each of the judges of the several circuit courts of the territory, a sum each month which, together with the amount received by him as salary from the government of the United States, shall equal five hundred dollars (\$500.00) per month; it being the intention hereby to provide for the chief justice an annual salary of seven thousand five hundred dollars (\$7,500.00), to each of the associate justices an annual salary of seven thousand dollars (\$7,000.00), and to each of the circuit judges an annual salary of six thousand dollars (\$6,000.00), which shall include such portion thereof as shall be payable to each of the above by the government of the United States, and all such sums as may be necessary are hereby appropriated out of any moneys received in the treasury of the territory from the general revenues. Provided, however, that such payments shall in no event continue for a longer period than twenty-four months from the first day of July, 1921.

SECTION 2. This Act shall take effect from and after July 1, 1921.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 204

[H. B. No. 250]

AN ACT TO AMEND SECTION 1531 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO COMPENSATION OF COUNTY OFFICIALS.

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

SECTION 1. Section 1531 of the Revised Laws of Hawaii, 1915, as amended, is hereby further amended to read as follows:

"Section 1531. Compensation. The salaries of the following county officers shall be payable monthly out of the respective county treasuries at the following rates:

	Per Annum.
Chairman and executive officer of the board of supervisors of any county, except in the County of Kauai, wherever such position is established by law	\$4,200.00
Chairman and executive officer, County of Kauai, if such position is established by law.....	3,600.00
Members of the board of supervisors of the County of Hawaii, each	1,200.00
Members of the board of supervisors of the Counties of Maui and Kauai, each.....	900.00

In addition to the foregoing, each member, including the chairman and executive officer, shall receive reasonable traveling expenses or mileage at the rate of not more than forty cents for each mile necessarily traveled each way in going to and returning from meetings of such board.

Sheriff of the County of Hawaii.....	4,200.00
Sheriff of the County of Maui.....	4,200.00
Sheriff of the County of Kauai.....	3,600.00
County clerk of the County of Hawaii.....	3,300.00
County clerk of the County of Maui.....	3,000.00
County clerk of the County of Kauai.....	3,000.00
Auditor of the County of Hawaii.....	3,600.00
Auditor of the County of Maui.....	3,300.00
Auditor of the County of Kauai.....	3,000.00
County attorney of the County of Hawaii.....	4,200.00
County attorney of the County of Maui.....	4,200.00
County attorney of the County of Kauai.....	3,600.00
Treasurer of the County of Hawaii.....	3,300.00
Treasurer of the County of Maui.....	3,300.00
Treasurer of the County of Kauai.....	3,000.00
County of Hawaii:	
Deputy sheriff of the District of South Hilo.....	3,300.00
Deputy sheriff of the District of North Hilo.....	1,680.00

Deputy sheriff of the District of Puna.....	1,800.00
Deputy sheriff of the District of Kau.....	1,800.00
Deputy sheriff of the District of South Kona.....	1,680.00
Deputy sheriff of the District of North Kona.....	1,800.00
Deputy sheriff of the District of South Kohala....	1,320.00
Deputy sheriff of the District of North Kohala....	1,800.00
Deputy sheriff of the District of Hamakua.....	2,100.00
County of Maui:	
Deputy sheriff of the District of Lahaina.....	2,400.00
Deputy sheriff of the District of Wailuku.....	3,000.00
Deputy sheriff of the District of Hana.....	1,680.00
Deputy sheriff of the District of Makawao.....	2,400.00
Deputy sheriff of the District of Molokai.....	1,680.00
County of Kauai:	
Deputy sheriff of the District of Waimea.....	2,100.00
Deputy sheriff of the District of Koloa.....	2,040.00
Deputy sheriff of the District of Lihue.....	2,400.00
Deputy sheriff of the District of Kawaihau.....	2,040.00
Deputy sheriff of the District of Hanalei.....	1,800.00".

SECTION 2. This Act shall take effect on July 1, 1921.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 205

[H. B. No. 285]

AN ACT AUTHORIZING THE CITY AND COUNTY OF HONOLULU
TO BORROW MONEY AND ISSUE AND SELL BONDS THEREFOR
FOR THE PURPOSE OF PROVIDING EXTENSIONS, BETTERMENTS
AND REPLACEMENTS TO THE WATER WORKS AND WATER
SYSTEMS OF SAID CITY AND COUNTY.

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

SECTION 1. The treasurer of the City and County of Hono-

lulu, as directed by the board of supervisors of the said city and county, is hereby authorized and empowered to issue from time to time bonds of the City and County of Honolulu, with interest coupons attached thereto, to an amount not exceeding one million dollars (\$1,000,000.00), for the purpose of extensions, betterments and replacements to the water works and water systems of the said city and county, and secure said bonds, insofar as the same may be done under the Organic Act, by said water works and property belonging to said water works and/or by making said bonds a charge on the income from said water works. The principal and interest of said bonds to be paid in gold coin of the United States of America, or its equivalent, at its present standard of weight and fineness, in the manner, upon the terms and for the purpose of this Act stated; it is provided, however, that the amount of said bonds issued during any one year shall be governed by the provisions of an 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 date of the issue of said bonds. And it is provided, further, that no such issue of bonds shall be made until approved by the President of the United States, and it is provided, further, that the approval of such issue of bonds by the President of the United States 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.

SECTION 2. All bonds issued under the authority of this Act shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest thereof shall, in addition to the manner provided for the payment of the same herein contained, constitute a charge upon the consolidated revenues of the City and County of Honolulu.

SECTION 3. All bonds issued under authority of this Act shall bear interest, payable semi-annually, at the rate of not more than six per cent per annum, and be payable or redeemable and payable at such time or times from the date of issue thereof as will comply with the provisions of an Act of Congress of the United States, approved April 30, 1900, entitled "An Act to

provide a government for the Territory of Hawaii", and any amendments thereof in effect at the date of issue of said bonds; provided, however, that the said bonds may be of a type of bond known in commercial usages as serial bonds.

SECTION 4. The proceeds of the bond so issued shall be exclusively devoted to the purposes for which the same are issued as expressed herein.

SECTION 5. The treasurer of the City and County of Honolulu, may, with the approval of the board of supervisors of said city and county, determine the denominations of such bonds to be issued under the authority of this Act, the place in which the principal and interest of such bonds or any of them shall be payable and the method of their redemption. The said treasurer may make such arrangements as may be necessary or proper for the sale of the whole or any part of the authorized issue. Such arrangement shall provide for the sale of such bonds by the city and county itself, upon a public advertisement for tenders therefor for at least ten days in a newspaper of general circulation, published in Honolulu, but no bond shall be sold at less than two per cent below its nominal par value; provided, that before any sale is made, the treasurer shall first secure the approval of such sale by the board of supervisors; provided, further, that the treasurer may, with the approval of the board of supervisors, accept any bid without public advertisement for tenders, provided such bid shall be even with or above the figure of the last sale made in pursuance of public advertisement for tenders.

SECTION 6. All bonds issued under the provisions of this Act shall be lithographed or steel-engraved, and shall be signed by the treasurer of the city and county, and by the mayor of the said city and county, and be sealed with the seal of the said city and county. Interest coupons shall bear lithographed or engraved facsimile of the signature of the treasurer of the said city and county.

SECTION 7. The board of supervisors of the City and County of Honolulu is hereby directed to so fix the water rates charged

that the income from the water works will yield an amount sufficient to make such water works pay the interest and principal of all indebtedness incurred on its behalf, and all charges on its income as provided by Chapter 115 of the Revised Laws of Hawaii, 1915, as amended, and to make the same self-sustaining; provided, however, that nothing in this Act provided shall relieve the City and County of Honolulu of the obligations imposed by said Chapter 115 as amended.

SECTION 8. In case of any default in the payment of the principal of any bonds authorized by this Act or of any interest thereon, collection of the same may be enforced in the manner provided by Sections 2190 to 2196 inclusive of the Revised Laws of Hawaii, 1915.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 206

[H. B. No. 296]

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF SUITABLE LEVEES OR EMBANKMENTS ALONG THE HIILAWE STREAM, WAIPIO VALLEY, COUNTY OF HAWAII.

Whereas, a report of an investigation upon a public system of levees or embankments along the Waipio river, County of Hawaii, has been made to this legislature in compliance with Act 86 of the Session Laws of 1919; and

Whereas, the superintendent of public works and the commissioner of public lands of the Territory of Hawaii, in the said report, have recommended that the construction of suitable levees or embankments be made along the realignment of the Hiilawe stream in the Waipio valley, County of Hawaii, as shown by Exhibit 5 of the said report; and

Whereas, the construction of said levees or embankments would protect certain lands and provide homes and livelihood for a considerable number of people whose personal property and lives are endangered by floods during periods of heavy rain; now, therefore,

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

SECTION 1. The sum of twenty thousand dollars (\$20,000.00), or as much thereof as may be necessary, is hereby appropriated out of any moneys in the special fund of land sales, County of Hawaii, which amount is at present available in the treasury of the territory, for the construction of suitable levees or embankments along the proposed realignment of the Hiiawae stream in the Waipio valley, County of Hawaii.

SECTION 2. The amount hereby appropriated shall be transferred to a special fund to be known as "construction of levees or embankments, Hiiawae stream, Waipio valley fund", and shall become immediately available for the purposes set forth in Section 1 of this Act.

SECTION 3. The superintendent of public works shall have charge and control of the construction of said levees or embankments, and is hereby authorized and empowered to make such changes and alterations in the plans of the realignment and construction as he may deem necessary.

SECTION 4. All disbursements from the fund shall be on warrants drawn by the auditor of the territory based upon vouchers approved by the superintendent of public works.

SECTION 5. The unexpended balance of the fund, if any, shall be retransferred to the special fund "land sales, County of Hawaii" upon the completion of the work.

SECTION 6. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 207

[H. B. No. 337]

Rep Act 253 S. L. 1923

AN ACT TO AMEND SECTIONS 2 AND 5 OF ACT 100 OF THE SESSION LAWS OF 1917, RELATING TO LAHAINALUNA SCHOOL.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 2 and 5 of Act 100 of the Session Laws of 1917 are hereby amended to read as follows:

"Section 2. Such board shall consist of five members, one of whom shall be the commissioner of public instruction, resident in the County of Maui, who shall be ex officio chairman of said board, one shall be the chairman of the board of supervisors of the County of Maui, and three, who shall be residents of the County of Maui, shall be appointed by the Governor as provided in Section 80 of the Organic Act. At the expiration of the term of the appointed commissioners now holding office, one of the commissioners to be appointed hereunder shall be appointed for one year, one for two years and one for three years, and all appointments to the board thereafter shall be for a term of three years. In case of a vacancy among the commissioners from any cause other than the expiration of the tenure of office, such vacancy shall be filled by appointment, and the term of office of such commissioner shall be the remainder of the term for which his predecessor was appointed. The commissioners shall serve without remuneration, except that they may be allowed their reasonable traveling and other expenses while proceeding to, attending and returning from attendance of meetings of the board or reasonably incurred in the discharge of their duties.

"Section 5. The purpose of the school shall be to give to such students only as can satisfy the board of their ability to speak the English or Hawaiian language, thorough instruction in agriculture, mechanical arts and the natural sciences connected therewith, including all the high school courses and such instruction in other branches of learning as said board of commissioners may from time to time prescribe."

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 208

[H. B. No. 363]

AN ACT TO AMEND SECTIONS 3133 AND 3150 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO LAND REGISTRATION.

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

SECTION 1. Section 3133 of the Revised Laws of Hawaii, 1915, is hereby amended so that the first paragraph shall read as follows:

“A court is hereby established, to be called the land court, which shall have exclusive original jurisdiction of all applications for the registration of title to land and easements or rights in land held and possessed in fee simple within the territory, with power to hear and determine all questions arising upon such applications and also have jurisdiction over such other questions as may come before it under this chapter, subject, however, to the rights of appeal, as hereinafter provided. The proceedings upon such applications shall be proceedings in rem against the land, and the decrees shall operate directly on the land and vest and establish title thereto.”

SECTION 2. Section 3150 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 3150. Application, by whom made. Application for registration of title may be made by the following persons:

The person or persons who claim, singly or collectively, to own the legal estate or easements or rights in land held and

possessed in fee simple, either as a whole or as owner or owners of an undivided part;

The person or persons who claim, singly or collectively, to have the power of appointing or disposing of the legal estate or easements or rights in land held and possessed in fee simple, either as a whole or as owners of an undivided part;

Infants and other persons under disability, by their legally appointed guardians by the proper court of this territory;

A corporation by its proper officer or by an agent duly authorized by the board of directors;

Any executor or administrator duly appointed by the proper probate court of this territory, and duly authorized so to do by an order of said court. For the purpose of registering title, said representative shall be a trustee of any title registered for their heirs of said estate, and be subject to the decree of distribution of said court of probate;

Any municipal corporation by its mayor, chairman of the board of supervisors, or other chief executive officer, after resolution duly passed by its board of supervisors so directing, the Territory of Hawaii by the commissioner of public lands or his successor in office, or the government of the United States of America by any proper officer thereof thereunto duly authorized.

The basis for determining the fees payable in the registration of the easements and rights above stated shall, instead of the assessed valuation, be the value of the same as found by the land court and instead of the fee for examination of title chargeable under the provisions of Section 3241 of the Revised Laws of Hawaii, 1915, such fee shall be the actual amount allowed by the court to the examiner therefor.

The provisions relative to the registration and conveyance of registered land shall apply to the registration and conveyance of such easements and rights."

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 209

[H. B. No. 380]

AN ACT RELATING TO THE COLLECTION OF DELINQUENT TAXES.

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

SECTION 1. As soon as reasonably practicable after the approval of this Act, the several tax assessors throughout the Territory of Hawaii shall prepare and submit to the attorney general a complete report showing the names of delinquent taxpayers, together with the amount of such delinquent taxes, and together with all such other detailed information as the attorney general shall require and upon which actions may be instituted for the collection of such delinquent taxes.

SECTION 2. The attorney general is hereby empowered and directed to employ an additional deputy at a salary not in excess of three hundred and fifty dollars (\$350.00) per month, whose special duty it will be, under the direction of the attorney general, to promptly institute and expeditiously prosecute all necessary actions for the recovery of all such delinquent taxes as are set forth in the report referred to in Section 1 hereof.

SECTION 3. The sum of six thousand dollars (\$6,000.00) or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory for the payment of the salary of such additional deputy and the expenses incurred in instituting and prosecuting said actions, which appropriation shall be expended only on vouchers approved by the attorney general.

All amounts expended under this appropriation shall be repaid into the general revenues of the territory from property tax collections in the several counties and the city and county in the same proportion that the delinquent taxes in such counties or city and county bear to the total amount of delinquent taxes in the territory as shown in the report referred to in Section 1 hereof.

SECTION 4. The attorney general shall prepare and present a report to the legislature of Hawaii at its next succeeding session showing the amounts collected pursuant to this Act, the amounts uncollected and the reasons therefor, and recommending whether any of the amounts shown on the report referred to in Section 1 hereof should be stricken from the tax books and his reasons for such recommendations.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 210

[H. B. No. 384]

Rep. ACT 210 S. L. 1923

AN ACT PROVIDING FOR AN APPROPRIATION FOR SALARIES AND EXPENSES OF TRUANT OFFICERS WITHIN THE DISTRICT OF HONOLULU, CITY AND COUNTY OF HONOLULU.

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 appropriate the following amounts for the payment of salaries and expenses incurred by truant officers within the District of Honolulu, City and County of Honolulu, appointed pursuant to the provisions

of Section 288A of the Revised Laws of Hawaii, 1915, as amended:

1. Salaries of three truant officers, at \$125.00 per month each \$4,500.00
2. Upkeep and expenses of automobiles..... 900.00
3. Purchase of two Ford automobiles, one of which shall be set aside for use of the woman truant officer 1,510.00

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 211

[H. B. No. 388]

AN ACT RELATING TO THE PROTECTION OF FISH AND PLANT LIFE IN THE WATERS OF THE TERRITORY OF HAWAII.

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

SECTION 1. Every person, firm, association or corporation who or which places, or causes to be placed in any of the waters of this territory dynamite, gunpowder or other explosive compound for the purpose of killing or taking fish, or who takes, procures, kills or destroys any fish of any kind by means of explosives, or who has in his possession any fish that have been taken by means of explosives, or who places, or causes to be placed, or who discharges or deposits, or who causes to be discharged or deposited, or suffers or permits to be discharged or deposited, or to pass, or who places where it can pass in or into any of the waters of the territory any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product

of petroleum or carbonaceous material or substance, or any refuse, liquid or solid from any oil refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind, or any sawdust, shavings, slabs, edgings, or any factory refuse, or any lime, any coccus indicus, or any slag, or any other injurious substance or material; in such quantities as shall be deleterious to fish or plant life there existing, is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one hundred and fifty days, or by both such fine and imprisonment, in the discretion of the court; and all fines and forfeitures imposed or collected for any violation of the provisions of this section shall be paid into the territorial treasury to the credit of the fish and game commission and are hereby appropriated for the purposes of said commission. Provided, however, that nothing in this Act contained shall be held or construed to be an amendment or modification of Section 693 of the rules and regulations of the board of harbor commissioners of the territory.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 212

[H. B. No. 395]

AN ACT MAKING AN APPROPRIATION FOR THE RELIEF OF W. S. WOND.

Whereas, W. S. Wond continuously and faithfully served the government of the Territory of Hawaii from the year 1878 up to the year 1892, and was stricken with sickness during the performance of his duties as an employee of the territory; and

Whereas, he has served as second district magistrate of Waialua from 1905 up to the present time, without pay; therefore

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

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants issued by the auditor of the territory the sum of thirty dollars (\$30.00) each month to W. S. Wond, and to continue so to do for the remainder of his life; provided, however, that the beneficiary under this Act shall not be permitted to draw the amount specified herein if said beneficiary is holding any salaried position of the Territory of Hawaii or any political subdivision thereof.

Such payments are hereby appropriated out of the moneys received in the treasury of the territory from the general revenues.

SECTION 2. This Act shall take effect from July 1, 1921.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 213

[H. B. No. 401]

AN ACT TO AMEND SECTION 1251 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 33 OF THE SPECIAL SESSION LAWS OF 1920, RELATING TO TAXATION.

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

SECTION 1. Section 1251 of the Revised Laws of Hawaii, 1915, as amended by Act 33 of the Special Session Laws of 1920, is hereby further amended by adding thereto at the end thereof, a new paragraph to read as follows:

"Under this Act the word 'home' shall include houses where the owner sublets not more than one room to a tenant, and further where an agreement to purchase premises for a home has been duly entered into and recorded prior to January 1st of any year, whereby the purchaser agrees to pay all taxes while purchasing said premises. Further, the husband and wife shall not be permitted exemption of separate homes owned by each of them, unless they are living separate and apart, in which case, they shall be entitled to one exemption, to be apportioned between each of their homes in proportion to the value thereof. And further, no person living on premises, a portion of which is used as a store, shall be entitled to an exemption thereof."

SECTION 2. This Act shall take effect on January 1, A. D. 1922.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 214

[H. B. No. 402]

AN ACT TO AMEND SECTIONS 3164, 3169 AND 3223 OF THE REVISED LAWS OF HAWAII, 1915, AND TO ADD THERETO A NEW SECTION TO BE KNOWN AS SECTION 3224A, RELATING TO LAND REGISTRATION.

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

SECTION 1. Sections 3164, 3169 and 3223 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

"Section 3164. Guardian ad litem. Upon the return of the notice and upon proof of service of all orders of notice issued, the court may appoint a disinterested person to act as guardian ad litem for minors and for all persons under disability, for

persons not in being, unascertained, unknown or out of the territory, who may have an interest. The compensation of the guardian or agent shall be determined by the court and paid as part of the expenses of the court, or may be taxed with the costs of the proceedings as the court shall deem just."

"Section 3169. Dismissal, withdrawal, amendment. If the court finds that the applicant has not title proper for registration, a decree shall be entered dismissing the application and such decree may be ordered to be without prejudice in whole or in part, but unless it is so ordered, it shall bind the parties, their privies, and the land in respect to any issue of fact which has been tried and determined. The applicant may withdraw his application at any time before final decree, upon terms to be determined by the court. The court may in its discretion require the applicant who moves to withdraw his application or to substitute some other person as applicant, to stipulate that he shall be bound by the result of any issue of fact which has been tried and determined, and such stipulation shall bind the parties, their privies and the land itself."

"Section 3223. Procedure upon transfer by descent and devise. Upon the death of a registered owner, his heirs or devisees, or one or the assignee, for the benefit of creditors, or administrators or executors or holders of an involuntary lien or charge against the interest of any such heir or devisee or their heirs or devisees, or an heir, devisee, administrator or executor of a deceased heir or devisee of such heir or devisee of a deceased registered owner, may at any time after the expiration of thirty days from his death, if he died intestate, or from the probate of his will and the election of the relict, if any, thereunder, if he died testate, make application to the court for registration of the title of the deceased in such heirs and devisees according to their respective rights and interests. The application shall be sworn to and shall set forth the lands of which such registered owner died seized, giving reference to the certificate therefor, whether he left a will, and if so a copy of the same; shall state the name in full, residence and post office address of the relict, if any, and of each devisee and heir, and of each relict, heir or

devisee of any deceased heir or devisee, and of each person then having or holding any interest or estate, present or future, vested or contingent, in said lands derived by devise or inheritance from such deceased owner or by descent or devise from any person subsequent to his death, so far as the applicants, after diligent research and inquiry, have been able to ascertain the same, and that to the knowledge, information and belief of the applicants no other person or persons, whether in being or unborn, have any interest or estate, present or future, vested or contingent, in said premises, except as stated. If any persons in interest are under disability of any kind, the nature thereof shall be stated and the name, residence and post office address of their guardian or trustee, if any, given, and if a minor, their age stated. All persons in interest not joining in the application shall be made defendants thereto and may be notified and brought before the court, either in the manner provided for in original registration or by summons or other process as provided by law in civil actions, as the court may direct. In case there should appear, from the application or otherwise, to be any doubt or uncertainty as to persons then holding interests in the land as aforesaid, or if the name or residence of any such person is unknown, then by name if known, and if not, under the designation of "all persons having an interest in the land herein described," all persons whomsoever shall be made parties to the application and served by publication of notice as provided for in original registration, or as provided in civil actions, as the court may direct. A guardian ad litem, in proper cases, shall be appointed by the court with like duties as in cases of initial registration. The decree of registration and certificate thereunder shall be in like form and number and have like force and effect as in original registration, except that the same, in case they are issued before the estate of the deceased owner is finally settled, or before the time for contesting his will has expired, or before the final determination of any suit to contest or set aside his will, shall expressly state that they are entered and issued by transfer from the last registered owner, by descent or devise, subject to final settlement of the estate and right to contest the will of such deceased owner. After the final settlement of the estate in the probate court, and the expiration

of the time for contest of the will or the final determination of suit to contest the will, the heirs at law or devisees or other persons in interest may petition the court for an order to cancel the memorandum upon such certificate, stating that the same is subject to final settlement of the estate and right to contest the will, and the court, after notice and a hearing, may grant the petition; but the liability of heirs of registered land for claims against the estate of the deceased shall not in any way be diminished or changed. No voluntary instrument or deed of an administrator, executor, assignee for the benefit of creditors, sheriff, master, commissioner or other officer purporting to transfer or create a lien or charge upon any estate or interest of such devisee or heir in such registered land or to authorize the same to be done, shall have any effect in law or equity to accomplish such purpose until the title of such heir or devisee is registered as herein provided. An involuntary lien, charge or lis pendens against the interest of a relict, heir or devisee in the lands of a deceased registered owner can, prior to the registration of the title of such relict, heir or devisee, only be obtained by filing the proper papers with the registrar as in other cases, and the registrar making entry thereof as a memorial on the registered certificate of title of such deceased owner, giving the name, residence and post office address of the relict, heir or devisee against whom said lien, charge or lis pendens is to operate.

The provisions of this section shall not in any way affect or impair the jurisdiction of the probate court to authorize an executor or administrator to sell or convey registered land for any purpose for which authority may be granted in the case of unregistered land. The transferee who takes a deed which is executed in pursuance of such authority to sell or convey shall be entitled to a new certificate of title, or memorandum of registration."

SECTION 2. A new section is hereby added to said Revised Laws to be known as Section 3224A and to read as follows:

"Section 3224A. Purchaser acquiring title through executor

may have the same registered. When the will of a deceased registered owner of real property, or any estate, right or interest therein, empowers the executor or executors to sell, encumber or otherwise deal with such property, estate, right or interest, it shall not be necessary for such executor or executors to be registered as the owner or owners thereof; but any person who acquired title, or by virtue of the execution of such power, may have such title registered, by application to and order of the court made after notice to all persons in interest to be given by the clerk by registered mail or otherwise as the court may direct."

SECTION 3. The provisions of Section 3169, as amended above, shall not apply to any issue of fact which has been tried and determined prior to the passage of this Act.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 215

[H. B. No. 410]

AN ACT PROVIDING FOR THE APPOINTMENT OF A FISH AND GAME WARDEN, AND MAKING AN APPROPRIATION FOR THE PAYMENT OF HIS SALARY.

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

SECTION 1. There is hereby created the office of fish and game warden of the Territory of Hawaii, whose duty it shall be, in conjunction with the other executive officers of the government, and on the instruction of the board of fish and game commission of the Territory of Hawaii, to enforce the laws of

the territory, relating to the protecting, taking, killing, hunting, propagating or increasing fish or wild game within the Territory of Hawaii, and the waters subject to its jurisdiction.

SECTION 2. The board of fish and game commissioners of the Territory of Hawaii shall appoint a suitable person, who shall be a citizen of the United States of America and of the Territory of Hawaii, over the age of twenty-one years, to fill the office of fish and game warden hereby created, during the pleasure of said board; and the said person so appointed as aforesaid may be removed from office for reasons satisfactory to said board.

SECTION 3. The fish and game warden shall be paid a monthly salary of one hundred and fifty dollars (\$150.00) and be allowed an expense account not exceeding twenty-five dollars (\$25.00) a month, payable on vouchers approved by the chairman of the board of fish and game commissioners, and the sum of four thousand two hundred dollars (\$4,200.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the payment of said salary and expenses.

SECTION 4. This Act shall take effect from and after the first day of July, 1921.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 216

[S. B. No. 111]

AN ACT TO PROHIBIT THE PUBLICATION, CIRCULATION OR DISTRIBUTION OF ARTICLES OR MATTER OF A NATURE CONTRARY TO THE PUBLIC WELFARE, AND TO PROVIDE REGULATIONS AND PENALTIES.

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

SECTION 1. Any person who shall print, publish, sell, dis-

tribute or circulate in the Territory of Hawaii, any written or printed article or matter, in any form or language which shall advocate or incite or be intended to advocate or incite the commission of any act of violence, such as sabotage, incendiarism, sedition, anarchy, rioting or breach of the peace, or which shall directly or indirectly advocate or incite or be intended to advocate or incite the use or exercise of force, fear, intimidation, threats, ostracism or blackmail, for the purpose of restraining or coercing or intimidating any person from freely engaging in lawful business or employment or the enjoyment of rights of liberty or property, or which by deliberate misrepresentation shall be designed and intended to create or have the effect of creating distrust or dissension between peoples of different races or between citizens and aliens, shall be guilty of a misdemeanor and upon the first conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisoned not more than one year, and upon a second conviction for again violating this section within five years of the first conviction, shall be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment of not more than one year or by both such fine and imprisonment.

SECTION 2. Any person or persons who shall publish in a foreign language any newspaper, or prints of like nature for the dissemination of news or information, shall file a full and true copy of each and every such newspaper or print in the office of the attorney general of the territory forthwith upon the publication thereof.

SECTION 3. Whenever any person shall print, issue or publish in a foreign language in the Territory of Hawaii any book, paper, pamphlet, bulletin, circular, hand bill, dodger or other form of written or printed matter or article not included in Section 2 of this Act, which shall relate or refer to the government or any law of the United States or of the Territory of Hawaii, or any political subdivision thereof, or to any principle of government, or the administration of law, or rights of persons or property, or to any racial, industrial or class question or conditions, or to any of the matters mentioned in Section 1 of

this Act, such person shall in each case include therein a statement of the name or names and places of residence or business of the author or authors thereof, and of the publisher or publishers of the same, and shall also file a full and true copy thereof in the office of the attorney general of the territory, a true and correct English translation thereof, under the oath of its author or publisher.

SECTION 4. If any person shall be convicted of publishing or circulating any article or matter of a nature contrary to any provisions of Section 1 of this Act, and such person shall thereafter publish or circulate in the manner described in Section 2 of this Act, any article or matter in any foreign language which shall relate or refer to the government or any law of the United States or of the Territory of Hawaii or any political subdivision thereof, or to any principle of government, or the administration of law, or the rights of persons or property, or to any racial, industrial or class question or conditions, or to any of the matters mentioned in Section 1 of this Act, he shall file with each such article a true and correct English translation thereof, under oath.

SECTION 5. Any person required under either Section 3 or Section 4 of this Act to file a true and sworn English translation of any article or matter published in a foreign language, who shall knowingly file a false or incorrect translation of such article or matter, or any person who knowing that the translation made by him of such article or matter is to be so filed, shall knowingly make a false or incorrect translation of such article or matter for the purpose of the same being so filed, shall be guilty of perjury and be punished as by law provided in the case of perjury.

SECTION 6. It shall be the duty of the attorney general of the territory to examine the matter so required to be filed in his office to such extent as to him shall seem reasonably necessary or advisable to determine the nature or effect thereof, and to prosecute all offenses under this Act which shall come or be brought to his attention; and any such offenses may also be prosecuted by any county or city and county attorney.

SECTION 7. It shall not be necessary for matter filed in the office of the attorney general under this Act to be preserved for more than one year, and the attorney general may thereafter at any time in his discretion destroy or otherwise dispose of the same.

SECTION 8. All matters filed in the office of the attorney general under either of Sections 2, 3, or 4, of this Act shall be open for public inspection.

SECTION 9. Any person (other than a corporation) who shall be convicted of a violation of any provisions of this Act for which a penalty is not otherwise provided in this Act shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

If any provision of this Act shall be violated by any corporation, such corporation shall be punished by a fine in a sum not more than double the amount of the fine which could be imposed under the preceding terms of this section upon an individual for a like violation.

SECTION 10. Definitions. The word "person" as used in this Act shall also include any persons, company, association or corporation or the officers, agents or employees of such corporation, except where such meaning is expressly excluded.

Any language other than English and Hawaiian shall be deemed to be a foreign language within the meaning of this Act.

SECTION 11. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Act.

SECTION 12. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 217

[S. B. No. 2]

AN ACT TO AMEND SECTIONS 3, 5, 8 AND 9 OF ACT 225 OF THE SESSION LAWS OF 1919, KNOWN AS THE "FARM LOAN ACT OF HAWAII".

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

SECTION 1. Section 3 of Act 225 of the Session Laws of 1919 is hereby amended by adding thereto the following proviso, to wit:

✓ "It is provided, however, that in any case when, in the opinion of the board, the duties required to be performed by any such agent pursuant to this section, are of such an extent as to justify payment, the board may, in its discretion, pay any such agent a salary not to exceed the sum of twenty-five dollars (\$25.00) per month, which salary or salaries shall be paid from the Farm Loan Reserve Fund."

✓ SECTION 2. The words and figures "fifty per centum (50%)" in the first line of paragraph numbered 4 of Section 5 of Act 225 of the Session Laws of 1919, is hereby amended to read "sixty per centum (60%)".

✓ SECTION 3. The words and figures "three thousand dollars (\$3,000.00)" in the first line of paragraph numbered 6 of Section 5 of Act 225 of the Session Laws of 1919 is hereby amended to read "five thousand dollars (\$5,000.00)".

✓ SECTION 4. Section 8 of Act 225 of the Session Laws of 1919 is hereby amended to read as follows:

46 s. L. 1923
"Section 8. Farm loan revolving fund. That there be, and hereby is, appropriated from the general fund of the Territory of Hawaii, the sum of one hundred thousand dollars (\$100,000.00) and from the farm loan surplus fund hereinafter mentioned the additional sum of four hundred thousand dollars (\$400,000.00) to be loaned by the farm loan board of Hawaii

under the provisions of this Act, which fund shall be known as the Farm Loan Revolving Fund."

✓ SECTION 5. The words and figures "two hundred thousand dollars (\$200,000.00)" in line 17 of the second paragraph of Section 9 of Act 225 of the Session Laws of 1919 is hereby amended to read "four hundred thousand dollars (\$400,000.00)".

AMD ACT 46 S. L. 1923

SECTION 6. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 218

[S. B. No. 10]

AMD ACT 91 S. L. 1923

AN ACT TO PROVIDE FOR PUBLIC 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 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 to the extent necessary to yield the amounts herein appropriated:

TERRITORIAL IMPROVEMENTS.

Wharf and Harbor Improvements.

(To be expended under the direction of the Harbor Commission).

Oahu:

- | | |
|--|--------------|
| 1. Completion of Piers 8, 9 and 10..... | \$700,000.00 |
| 2. Construction of Pier 11 and dredging..... | 350,000.00 |
| 3. Lumber wharf and dredging Kewalo basin.. | 300,000.00 |
| 4. Additional pipe line | 40,000.00 |

Hawaii:

- | | |
|---|------------|
| 5. Addition to shed and dredging at Kuhio wharf | 75,000.00 |
| 6. New wharf, dredging and approach, Kawai- | |
| hae | 150,000.00 |
| 7. New wharf, dredging and approach, Kailua.. | 150,000.00 |

Maui:

- | | |
|--|-----------|
| 8. Dredging Kahului | 50,000.00 |
| 9. New wharf, dredging and approach, Molokai | 50,000.00 |
| (Location to be approved by the Harbor Com- | |
| mission). | |

Kauai:

- | | |
|--|------------|
| 10. Nawiliwili, wharf, harbor and terminal im- | |
| provements | 200,000.00 |
| <i>New Buildings, Additions, Equipment and Other</i> | |
| <i>Improvements.</i> | |

- | | |
|--|------------|
| 11. Insane Asylum, additional land and buildings | 150,000.00 |
| 12. Territorial departmental building | 500,000.00 |
| 13. Acquiring and preparing of new site, Girls' | |
| Industrial School at Waialae | 100,000.00 |
| 14. New buildings, Boys' Industrial School..... | 113,000.00 |
| 15. New buildings, Boys' Industrial School..... | 2,426.24 |
| 16. New building, University of Hawaii..... | 180,000.00 |
| 17. Improvements, Oahu Prison | 55,000.00 |
| 18. Purchase of land, Oahu Prison | 30,000.00 |
| 19. Continuation of Volcano concrete road..... | 250,000.00 |
| 20. Continuation of concrete road from Four | |
| Mile bridge toward Hilo, provided the | |
| board of supervisors of the County of Ha- | |
| waii appropriates a like amount..... | 37,500.00 |
| 21. Experiment Station, Waimea, Hawaii..... | 25,000.00 |
| 22. Reclamation of Kapaa swamps, Kauai, in | |
| whole or in part | 60,000.00 |
| 23. Water system and hydro-electric plant, Ka- | |
| laupapa | 125,000.00 |

SECTION 2. The following sums are also hereby appropriated for the following purposes out of any available money 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 to the extent necessary to yield the amount herein appropriated; provided that the sums specified in items 24 to 56 hereof, both inclusive, shall be expended by the boards of supervisors of the respective counties or city and county, in accordance with plans and specifications prepared by the engineer of such county or city and county, subject to the provisions of Section 4 hereof.

Construction, relocation and reconstruction of belt roads and bridges; extensions of pipe lines and completion of reservoirs; purchase of parks and playground sites and installation of water works:

County of Hawaii:

24. Reservoirs, pipe lines and extensions.....	175,000.00
25. Extension, sewer system, Hilo	125,000.00
26. Road, North Kohala, beginning from the completed portion of the asphalt macadam road running towards South Kohala boundary..	250,000.00
27. Belt road, beginning at end of road at Honomalino, South Kona, toward North Kona..	50,000.00
28. Belt road, Honokaa towards Waimea.....	75,000.00
29. Belt road, Maulua gulch	40,000.00
30. Concrete bridges and approaches.....	125,000.00
31. Hospital, Honokaa, Hamakua	30,000.00
32. Hospital, Waiohinu, Kau	30,000.00
33. Hospital, Laupahoehoe, North Hilo	30,000.00
34. Hilo Memorial Hospital and equipment (addition)	150,000.00

City and County of Honolulu:

35. Emergency hospital	30,000.00
36. Water works and pipe line, Waialua.....	30,000.00
37. Acquisition, Pauoa Park	12,000.00
38. Acquisition, Atkinson Park	34,320.00
39. Installation of sewer system, Waipahu.....	110,000.00
40. Water works and pipe line, Waikale home- stead, Ewa	5,000.00

41. Waianae road, beginning at the present intersection of the Waianae and Honouliuli road and building toward Waianae; said road to be constructed on Telford base with any asphaltic surface 200,000.00

(Provided that said construction need not be continuous, but that said sum may be expended on such portion of said road as the board of supervisors may deem advisable.)

County of Maui:

42. Extension and enlargement, Wailuku-Kahului water works	25,000.00
43. Acquiring water rights and installing pipe line, Makawao	25,000.00
44. Water works and pipe line, Hana.....	30,000.00
45. County building	100,000.00
46. Belt road, Kailua towards Kopiliula.....	300,000.00

County of Kauai:

47. Water works, Kapaa	60,000.00
48. Water works, Hanapepe	10,000.00
49. Water works, Kalaheo	10,000.00
50. Water works, Hanalei	5,000.00
51. Water works, Koloa	20,000.00
52. Macadamizing Omao road	35,000.00
53. Macadamizing Ahukini road	30,000.00
54. Macadamizing Haena road extension	15,000.00
55. Macadamizing Piawai road	30,000.00
56. Sea wall, belt road, Wailua towards Kapaa...	20,000.00

In case the amount specified in any item of this section for the construction or reconstruction of the road named in said item shall not be wholly required for such road, the unexpended or unrequired balance may be expended for the road work specified in any of the other items for the same county or city and county.

SECTION 3. Each county or city and county shall pay to the territory, on the interest dates of any bonds that may be issued by the territory, the proceeds of which shall have been expended

for such of the projects referred to in said items 24 to 56, both inclusive, as shall have been expended in such county or city and county, interest upon an amount equal to 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, that the aggregate of such sums annually paid will, compounded annually at such rate of interest, equal, at the expiration of such term, such par value; and the auditor of the territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the treasurer of such county or city and county, such amounts when due as are required by this section, to be paid by such county or city and county, and proper receipts shall thereupon be exchanged between the treasurers of the territory and of such county or city and county; provided, however, that such county or city and 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 said county or city and 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 by Section 1182 of the Revised Laws of Hawaii, 1915, in addition to the amounts required to be deposited by said section.

SECTION 4. No moneys shall be expended under items 24 to 56, both inclusive, except as to items 31 to 35, both inclusive, and items 37 and 38 of this Act, until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of any sewerage system, road or roads intended to be paid for in whole or in part with moneys provided by said items shall first be passed upon and approved by the superintendent of public works. Before approving said methods, materials, plans and specifications, said superintendent shall inspect the locality in which the said work is proposed to be done and

shall familiarize himself with the local conditions affecting the said proposed work.

SECTION 5. This Act shall be known as the Loan Fund Act of 1921-1923.

SECTION 6. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 219

[S. B. No. 14]

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF EXTRA COMPENSATION TO THE GOVERNOR AND SECRETARY OF HAWAII.

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

SECTION 1. The treasurer of the territory is hereby authorized and directed to pay to the Governor of Hawaii, upon warrants issued by the auditor of the territory, a sum each month, which together with the amount received by him as salary from the government of the United States, shall equal eight hundred and thirty-three dollars and thirty-three cents (\$833.33) per month, it being the intention hereby to provide for the Governor of Hawaii an annual salary of ten thousand dollars (\$10,000.00), which shall include such portion thereof as shall be payable to him by the government of the United States; and said treasurer is hereby further authorized to pay to the secretary of Hawaii, upon warrants issued by the auditor of the territory, a sum each month, which together with the amount received by him as salary from the government of the United States, shall equal four hundred and fifty dollars (\$450.00) per month, it being the intention hereby to provide for the secretary of Hawaii an annual salary

of five thousand four hundred dollars (\$5,400.00), which shall include such portion thereof as shall be payable to him by the government of the United States; and all such sums as may be necessary to make such payments are hereby appropriated out of any moneys received in the treasury from the general revenues.

SECTION 2. This Act shall take effect July 1, 1921.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 220

[S. B. No. 37]

AN ACT AUTHORIZING THE PERMANENT CONSTRUCTION OF THE WAIKIKI DRAINAGE CANAL AND PROVIDING FOR THE ISSU- ANCE AND PAYMENT OF BONDS FOR THAT PURPOSE.

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

SECTION 1. The action of the territorial board of health in establishing the Waikiki Drainage District as set forth in a resolution of said board, dated October 14, 1920, and on file in the office of the territorial board of health and the superintendent of public works, is hereby ratified and confirmed and the permanent completion of the Waikiki Drainage Canal (which is now in course of construction) by the construction of permanent side walls and floor, or necessary portions of such floor, is hereby declared to be necessary for the proper drainage and sanitation of the said Waikiki Drainage District.

SECTION 2. The sum of six hundred thousand dollars (\$600,000.00) is hereby appropriated out of any available moneys in the treasury, or hereafter received in the treasury for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount hereby appropriated.

for the purpose of permanently constructing the side walls and floor, or necessary portions of such floor, of the said Waikiki Drainage Canal as hereinafter provided.

SECTION 3. The superintendent of public works is hereby authorized and directed to prepare all necessary plans and specifications for the construction of such permanent side walls and floor, or necessary portions of such floor, of said canal, which plans and specifications shall show in detail the method of construction, the materials to be used, the total estimated cost of the same, and which when approved by the Governor and the territorial board of health shall have the same force and effect as though they had been prepared pursuant to an original resolution of the territorial board of health as provided by Chapter 71 of the Revised Laws of Hawaii, 1915, as amended.

SECTION 4. Immediately upon the completion of said plans and specifications the superintendent of public works shall cause notice to be served upon all property owners or occupants in said Waikiki Drainage District in the manner provided for by Chapter 71 of the Revised Laws of Hawaii, 1915, as amended, notifying them of his intention, pursuant to this Act, to construct the said side walls and floor, or portions of such floor, of the said canal.

SECTION 5. The said notice shall inform the said property owners or occupants of each lot or parcel in a general way of the method of construction decided upon, the approximate assessment to be levied against his lot or parcel of land within said drainage district, and shall specifically refer to the maps, plans and specifications on file in the office of the superintendent of public works showing the details of such construction and estimated cost thereof, and shall notify each such owner or occupant that said maps, plans and specifications are open for his inspection during regular office hours.

SECTION 6. All such property owners or occupants shall, upon the receipt of such notice, have the same right and method of appeal as to the necessity, nature and extent of improvements, and as to the apportionment of the costs as is provided by said Chapter 71, as amended.

SECTION 7. As soon as may be expedient after the digging of the said drainage canal has been commenced, the superintendent of public works shall proceed with the construction of the permanent side walls and floor, or portions of such floor, of said canal in accordance with said plans and specifications.

SECTION 8. The digging of said canal and the construction of said walls and floor, or portions of such floor thereof, are hereby declared to be necessary for the proper drainage and sanitation of the lands heretofore established as a drainage district as aforesaid, and the cost of such digging and construction shall be borne by the property owners within said drainage district and shall be apportioned among all the lots or parcels therein in proportion to their respective areas.

SECTION 9. The cost of the improvements made as in Section 7 hereinabove set forth, and apportioned pursuant to the provisions of this Act, shall constitute a lien upon each such piece or parcel of land; such lien shall have priority over all other liens except the government lien for taxes and the lien provided for by said Chapter 71, as amended, and shall continue in force until the same shall be fully paid and satisfied. Said lien shall be recorded in the manner provided in said Chapter 71, as amended, and may be foreclosed at any time after default in the manner provided in said Chapter 71 as amended.

SECTION 10. In addition to the charges to be assessed against each such lot or parcel of land for the digging of the said canal pursuant to the said resolution of the board of health and to the provisions of Chapter 71 of the Revised Laws of Hawaii, 1915, as amended, each such property owner or occupant shall pay to the territory each year for fifteen years, one-fifteenth of the amount assessed against his lot or parcel of land within said drainage district together with interest on all deferred payments at the rate specified in the bonds issued pursuant to this Act.

SECTION 11. Failure to pay any installment as provided in Section 10 hereof, whether principal or interest, when due, shall cause the whole of the unpaid principal to become due and pay-

able immediately and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of one per cent per month or fraction of a month until the day of sale as hereinbefore provided; but at any time prior to the day of sale the owner may pay the amount of all delinquent installments with interest at one per cent per month or fraction of a month, as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been made. The owner or occupant of any land assessed, not in default as to any installment or payment, may at any time pay the entire unpaid principal with accrued interest.

SECTION 12. All amounts so paid to the territory shall be credited to the territorial sinking fund and such credits when paid shall be deemed to be made under the first paragraph of Section 1182 of the Revised Laws of Hawaii, 1915.

SECTION 13. For the purpose of producing the necessary funds with which to construct the said permanent drainage canal, bonds, to the extent of six hundred thousand dollars (\$600,000.00) shall be issued by the treasurer payable in fifteen years after the date of issuance and bearing interest at a rate not to exceed six per cent (6%) per annum. One-fifteenth of the bonds so issued shall be retired each year and the bonds so to be retired annually shall be determined by drawing or lot.

SECTION 14. Bonds issued pursuant to the provisions of this Act may be used at par by the superintendent of public works, with the approval of the Governor, to pay wholly or in part the contract price of the construction of said permanent drainage canal.

SECTION 15. Any amounts chargeable pursuant to the provisions of this Act against any publicly owned land situate within the said drainage district shall be paid out of any moneys received in the treasury from the sales or leases of public lands;

within the City and County of Honolulu at the time and in the manner specified in Section 6 of this Act.

SECTION 16. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 221

[S. B. No. 38]

AN ACT CREATING THE WAIKIKI IMPROVEMENT DISTRICT AND PROVIDING FOR THE IMPROVEMENT OF THE SAME.

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

SECTION 1. The tract of land situated in the City and County of Honolulu and bounded by Sheridan street, King street, Waialae road, Kapahulu road and the sea, is hereby established as an improvement district within the City and County of Honolulu, to be known as the Waikiki Improvement District.

SECTION 2. A commission to be known as the Waikiki Improvement Commission to consist of the superintendent of public works of the Territory of Hawaii, the mayor of the City and County of Honolulu, the city and county engineer of the City and County of Honolulu, who shall be ex officio members thereof, and two others to be appointed by the Governor, is hereby established and created. The members of said commission shall serve without pay.

SECTION 3. The said commission acting by and with the approval of the board of supervisors of the City and County of Honolulu, may establish sub-improvement districts within the improvement district hereby established.

SECTION 4. The said commission is hereby authorized and di-

rected to prepare and adopt plans for the construction of boulevards on each side of the drainage canal now duly established and located as authorized and directed by Section 2 of Act 14 of the Special Session of 1918, and now in the course of construction, and for the construction of such cross streets as it may deem advisable.

SECTION 5. The said commission is also empowered and authorized to designate for park purposes on said plans such portions of publicly owned land situated within said improvement district as it may deem advisable and as the Governor may be willing to set aside for that purpose.

SECTION 6. The said plan or plans shall show in detail the location of the proposed boulevards, streets and/or parks, the proposed method of construction of the said boulevards and streets, and the estimated cost of the same.

SECTION 7. In the adoption of plans and in deciding upon any other matters under the provisions of this Act, a vote of the majority of the commission shall be decisive.

SECTION 8. The plan or plans adopted by the commission for the construction of any boulevards or streets through the said improvement district or through any sub-district or for the establishment of any park or parks therein, shall be submitted to the board of supervisors of the City and County of Honolulu for approval.

SECTION 9. When and after the said plans for the construction of said boulevards and/or streets in or through the district or sub-districts have been approved by the board of supervisors of the City and County of Honolulu as aforesaid, and when and after the drainage canal has been permanently completed, the said board of supervisors are hereby authorized to construct or cause to be constructed the said boulevards under and pursuant to Chapter 112 of the Revised Laws of Hawaii, 1915, as amended.

SECTION 10. The unexpended balance remaining in the appro-

priation provided by Act 231 of the Session Laws of 1917 is hereby appropriated to the use of said commission to be expended by it on vouchers approved by the chairman thereof in payment of expenses incurred in the performance of its duties under this Act.

SECTION 11. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 222

[S. B. No. 67]

AN ACT TO AMEND CHAPTER 37 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO AGRICULTURE AND FORESTRY, BY AMENDING SECTION 477 THEREOF, AS AMENDED BY ACT 136 OF THE SESSION LAWS OF 1915, AND BY ADDING TO SECTION 481 THREE NEW SUBSECTIONS TO BE KNOWN AS SUBSECTIONS 9A, 9B AND 9C.

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

✓ SECTION 1. Section 477 of the Revised Laws of Hawaii, 1915, as amended by Act 136 of the Session Laws of 1915, is hereby further amended to read as follows:

"Section 477. Executive officer of the board. The powers and duties vested prior to April 25, 1903, in the commissioner of agriculture and forestry and thereafter transferred to and vested in the superintendent of public works, and thereafter transferred to and vested in the president of the board, are hereby transferred to and vested in the executive officer of the board whom the board may, with the approval of the Governor, appoint, and

who shall receive such compensation as shall, from time to time, be prescribed by the legislature. The board may appoint and remove one or more assistant executive officers, who shall receive such compensation out of the funds at the disposal of the board as shall be prescribed by the board and who shall assist and report to the executive officer in board matters on the out-lying islands or otherwise."

SECTION 2. Section 481 of said Revised Laws, as amended, is hereby further amended by adding thereto three new subsections to be known as Subsections 9A, 9B and 9C, and to read as follows:

"9A. The agents of the board may at any time without notice to the owner or owners remove any and all cattle found on any such forest reserve and may hold and care for all such cattle in some convenient place at the expense of the owner or owners, subject to the lien for charges and expenses herein provided for. The owner or owners of such cattle shall pay to the board the sum of five dollars per head for each animal so removed from such forest reserve, together with the pro rata proportion of the expenses incurred in so removing and caring for them, which amounts shall be and constitute a lien on such cattle until the said charges and costs are paid. After such cattle have been removed and held as aforesaid the owner or owners shall be personally notified of this fact, if the owners be known, and shall be notified of the total amount of the charges and expenses to be paid for the release of such cattle. The board shall also in all cases, where the owner is unknown or cannot be found, cause a statement and notice to be published in a newspaper of general circulation published in the county or city and county in which such cattle are held, which statement shall set forth the general description and the brand or brands of all such cattle so removed and held, as aforesaid, and shall notify the owner or owners and the public generally that unless the charges and costs to be specified in said notice shall have been paid on or before the date therein specified, which date shall not be less than two weeks from the date of the last publication of such notice, the

cattle therein described will be sold at public auction for cash to the highest bidder for the purpose of satisfying the lien on the same for the costs and charges in said notice set forth. Said notice shall be published once a week for four consecutive weeks (five insertions). If the said charges and costs, together with such additional expenses that may have been incurred since the first publication of said notice, be not paid before the date stated in said notice, said cattle shall on that date be sold, as aforesaid, and all charges and other expenses shall be satisfied out of the proceeds of such sale and the balance paid to the owner or owners of such cattle. If no claim be made for any such balance within sixty days after the date of sale, the same shall be deposited in the treasury as a governmental realization and all private rights therein and thereto shall be thereafter forever barred."

"9B. Any person, firm or corporation who or which shall receive actual notice from the board of commissioners of agriculture and forestry, or its agent or agents, that one or more cattle belonging to such person, firm or corporation have been found to be and are running on any forest reserve as defined in Subsection 9 hereof, excepting in the case of the owner of the land, and who or which shall fail or neglect within ten days after the receipt of such notice to remove such cattle from any such forest, or to shoot or destroy the same, shall be deemed guilty of a misdemeanor and punished by a fine of ten dollars for each animal belonging to such person, firm or corporation thereafter found on any such forest reservation and proven to have been running thereon at the time of the service of such notice. If any such cattle as to which notice has been served on the owner or owners, as aforesaid, shall, after the expiration of the said ten days' notice, be not removed and shall be found running on any such forest reserve, the said board of commissioners of agriculture and forestry, or its agent, may remove, shoot or destroy the same without compensation to the owner. All cattle found running on any such forest reserve shall be deemed *prima facie* to be the property of the person, firm or corporation whose brand if any it bears."

"9C. All fines, costs and other charges imposed and/or col-

lected pursuant to this section shall be deposited in the treasury of the territory for the use by said board for forestry purposes and all such sums as may be so collected and deposited are hereby appropriated for those purposes."

SECTION 3. This Act shall take effect on its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 223

[S. B. No. 123]

AN ACT CREATING THE HAWAII LEGISLATIVE COMMISSION,
PRESCRIBING ITS DUTIES, AND PROVIDING AN APPROPRIATION
THEREFOR.

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

SECTION 1. A commission to be known as the Hawaii Legislative Commission, to consist of four members, is hereby created, three of which members shall be selected by the Governor from the members of the present legislature and the fourth shall be appointed by the Governor as provided by the Organic Act. One of said members shall be appointed as chairman of said commission.

SECTION 2. The said commission shall, as soon as may be after the adjournment of this legislature, proceed to Washington, D. C., and shall there assist the delegate to congress in the presentation before Congress of the legislative matters which are referred to in Senate Concurrent Resolution No. 8, passed by this legislature and more particularly set forth in the bill attached to said Senate Concurrent Resolution No. 8.

SECTION 3. The sum of sixteen thousand dollars (\$16,000.00)

or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory for the payment of the expenses of the said commission while absent from the territory, which sum shall be expended on vouchers approved by the chairman of said commission. The per diem or other expenses of the members of the said commission shall not be limited by provisions of Joint Resolution No. 3 of the 1917 session of the legislature of Hawaii.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 224

[S. B. No. 126]

AN ACT FOR THE RELIEF OF LIZZIE K. HIRAM.

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

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon a warrant drawn by the auditor of the territory the sum of two hundred and seventy dollars and ninety cents (\$270.90) to Lizzie K. Hiram for the purpose of refunding said Lizzie K. Hiram for taxes wrongfully collected for the years 1901 to and including 1909; such payment is hereby appropriated from any moneys out of the general revenues of the territory.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 225

[S. B. No. 127]

AN ACT APPROVING THE LOCATION AND AUTHORIZING THE CONSTRUCTION OF A BRIDGE OVER THE WAILOA RIVER, IN THE DISTRICT OF SOUTH HILO, COUNTY OF HAWAII.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Authority is hereby granted to the County of Hawaii to erect and construct a bridge across the Waialoa river, in the District of South Hilo, County of Hawaii, on and at the same location as that upon which the present condemned bridge is now situated, said location being approved.

SECTION 2. The plans for the construction of said bridge, consisting of three (3) sheets which are now on file in the office of the county engineer of the County of Hawaii, and identified as provided in Section 3 of this bill, are hereby approved substantially as therein set forth and shown, subject, however, to such modification and/or amendment as may be indicated or provided for under the laws of the United States of America, are hereby approved.

SECTION 3. The Governor of the Territory, the president of the senate and the speaker of the house of representatives are hereby authorized to endorse on sheet one (1) of said plans the approval of the legislature of Hawaii of the location and plans for the construction of said bridge.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 226

[S. B. No. 128]

AN ACT CREATING THE HAWAII EMERGENCY LABOR COMMISSION, PRESCRIBING ITS DUTIES AND PROVIDING AN APPROPRIATION THEREFOR.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A commission to be known as the Hawaii Emergency Labor Commission, consisting of three members who shall be appointed by the Governor, as provided by the Organic Act, is hereby created. One of said members shall be appointed as chairman of the said commission.

SECTION 2. The said commission shall, as soon as practicable after the passage of this Act, proceed to Washington, D. C., and shall there assist the delegate to congress from Hawaii in the presentation before Congress of the matters which are referred to in House Concurrent Resolution No. 38, of this session of the legislature of Hawaii and of urging upon Congress the necessity of speedily enacting such legislation as will remedy the conditions described in said concurrent resolution.

SECTION 3. The sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory for the payment of the expenses of the said commission during its absence from the territory, which sum shall be expended on vouchers approved by the chairman of the said commission. The per diem or other expenses of the members of said commission shall not be limited by the provisions of Joint Resolution No. 3 of the 1917 session of the legislature of Hawaii.

Am. Act. 1925. L. 1923

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

APPROPRIATION FOR PERSONS RELEASED FROM LEPER SETTLEMENT.	[ACT 227]
APPROPRIATION FOR CERTAIN SCHOOL TEACHERS.	[ACT 228]

ACT 227

[S. B. No. 129]

AN ACT FOR THE RELIEF OF PERSONS RELEASED FROM THE LEPER SETTLEMENT AT MOLOKAI.

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

SECTION 1. There shall be and hereby is appropriated the sum of five thousand dollars (\$5,000.00) from the public treasury for the purpose of aiding indigent persons who have been segregated at the Leper Settlement, on Molokai, and who were examined since April 1, 1909, and found free of the disease, known as leprosy, and ordered to leave the Settlement, which shall be drawn upon, from time to time, by the president of the board of health in such amounts as may be allowed by the board of health for the relief of such persons.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 228

[S. B. No. 130]

AN ACT APPROPRIATING THE SUM OF SIX THOUSAND DOLLARS (\$6,000.00) TO BE PAID TO PUBLIC SCHOOL TEACHERS WHO SUFFERED A REDUCTION IN SALARY BY REASON OF ABSENCE FROM DUTY.

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

SECTION 1. The sum of six thousand dollars (\$6,000.00) is

hereby appropriated from the general revenues of the territory, to be expended by the department of public instruction to pay to public school teachers the amounts deducted from their salaries because of the failure of such teachers to report for duty on the opening day of the schools in the month of September in the years 1918 and 1919.

SECTION 2. The department of public instruction shall, at the first meeting of the commissioners after the approval of this Act, consider the claims of all such public school teachers who suffered a reduction in salary by reason of their failure to report for duty on the opening day of the school year, and in every case where the claimant can satisfy the said commissioners that he or she had a reasonable and bona fide excuse or reason for being absent from duty on such opening day, the claim shall be allowed and approved for payment.

SECTION 3. No money shall be paid out under this appropriation until and after the teacher whose claim has been allowed by the commissioners, shall have filed with the auditor of the territory, a full and complete release of all claims against the territory in respect to said deductions.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 229

[H. B. No. 48]

AN ACT MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1923.

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

SECTION 1. The following sums are hereby appropriated for

the objects hereinafter expressed for the biennial period ending June 30, 1923, out of moneys in the treasury received from the general revenues:

THE GOVERNOR.

Expenses, entertainment	\$ 6,000.00
Governor's secretary, in addition to federal salary	800.00
Incidentals	3,000.00
Expenses	1,500.00
Salaries, employees ...	11,160.00
Sugar Expert:	
Salary, sugar expert... 500.00	12,000.00
Traveling and general expenses	3,000.00
Clerk hire and office expenses	2,500.00
Military Department:	
Salary, adjutant general 400.00	9,600.00
Salaries, employees	12,360.00
General and regimental expenses	18,000.00
Athletics	6,000.00
Armory, Kohala, Hawaii	3,000.00
Armory, Honomu, Hawaii	3,000.00
Armory, Kauai	3,000.00
	94,920.00

THE SECRETARY.

Clerks, assistants and stenographers	12,600.00
Expenses	2,500.00
Hawaiian Birth Registration:	
Expenses of	5,000.00
Elections:	
Expenses of	20,000.00
Session Laws:	

Printing, binding, indexing and publishing Session Laws of 1923 in English and Hawaiian		3,500.00
Public Archives:		
Salary, librarian	300.00	7,200.00
Salary, chief clerk.....	200.00	4,800.00
Salaries, clerks and assistants		4,920.00
Expenses, copying, translating, printing and binding	1,000.00	61,520.00

ATTORNEY GENERAL'S DEPARTMENT.

Salary, attorney general	550.00	13,200.00
Salary, first deputy....	400.00	9,600.00
Salaries, clerks, stenographers and assistants		8,500.00
Expenses		12,000.00

High Sheriff and Territorial Prison:

Salary, high sheriff and prison warden	350.00	8,400.00
Salary, deputy high sheriff and prison warden	275.00	6,600.00
Salary, deputy prison warden	200.00	4,800.00
Salaries, guards, lunas and physician		90,600.00
Expenses and maintenance of prisoners...		115,000.00
Furniture, fixtures and equipment		5,537.00
Sewer system and connections	840.00	275,077.00

AUDITING DEPARTMENT.

Salary, auditor	475.00	11,400.00
Salary, deputy auditor.	350.00	8,400.00
Salary, bookkeeper.....	325.00	7,800.00
Salaries, clerks		16,800.00
Expenses		6,000.00
		50,400.00

TREASURY DEPARTMENT.

Salary, treasurer.....	475.00	11,400.00
Salary, registrar, public accounts	400.00	9,600.00
Salary, deputy registrar, public accounts	300.00	7,200.00
Salary, assistant cashier and bookkeeper	225.00	5,400.00
Salary, d e p u t y bank examiner	275.00	6,600.00
Salaries, clerks, stenog- raphers and assistants		13,200.00
Expenses, treasurer's of- fice		5,400.00
Expenses, deputy bank examiner		2,400.00
Expenses, insurance de- partment		5,000.00
Salary, special assistant fire marshal	225.00	5,400.00
Expenses, official bonds		8,400.00
Interest, commissions and expenses, public debt		1,500,000.00
Bureau of Taxes:		
Tax books and blanks..		15,000.00
Taxation maps		12,600.00
Expenses, tax appeals..		4,000.00
First Taxation Division, Oahu:		
Salary, assessor	425.00	10,200.00
Salary, deputy assessor	350.00	8,400.00
Salary, income tax as- sessor	350.00	8,400.00

Salaries, income tax clerk and assistant...		8,400.00
Salaries, deputy assess- ors—		
Honolulu:		
1 at 275.00.....	275.00	6,600.00
5 at 225.00.....	1,125.00	27,000.00
1 at 200.00.....	200.00	4,800.00
2 at 175.00.....	350.00	8,400.00
Ewa	250.00	6,000.00
Waialua and Wa- hiawa	225.00	5,400.00
Koolaupoko and Koolauloa	225.00	5,400.00
Salary, bookkeeper	225.00	5,400.00
Salaries, clerks and as- sistants—		
Honolulu:		
3 at 125.00.....	375.00	9,000.00
Ewa	100.00	2,400.00
Waialua and Wa- hiawa	85.00	2,040.00
Koolaupoko and Koolauloa	65.00	1,560.00
Commissions and ex- penses		15,000.00
Second Taxation Division, Maui:		
Salary, assessor	350.00	8,400.00
Salaries, deputy assessors:		
Wailuku	175.00	4,200.00
Makawao	200.00	4,800.00
Lahaina and Molokai	200.00	4,800.00
Hana	160.00	3,840.00
Salaries, clerks:		
Wailuku	165.00	3,960.00
Makawao	100.00	2,400.00
Additional clerks, Maui	200.00	4,800.00
Commissions and ex- penses		15,000.00

Third Taxation Division, Hawaii:

Salary, assessor	375.00	9,000.00
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Salaries, deputy assessors:

South Hilo	250.00	6,000.00
North Hilo	125.00	3,000.00
Puna	200.00	4,800.00
Kāu	150.00	3,600.00
South Kona	125.00	3,000.00
North Kona	125.00	3,000.00
South Kohala	125.00	3,000.00
North Kohala	225.00	5,400.00
Hamakua	200.00	4,800.00

Salaries, clerks, South
Hilo:

1 at 200.00.....	200.00	4,800.00
2 at 100.00.....	200.00	4,800.00

Salary, janitor, South Hilo	25.00	600.00
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Commissions and ex- penses		12,000.00
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Repairs, replacements, additions, mainte- nance, equipment and buildings		2,000.00
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Fourth Taxation Division, Kauai:

Salary, assessor	325.00	7,800.00
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Salary, clerk	125.00	3,000.00
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Salaries, deputy assess-
ors:

Waimea and Nii- hau	175.00	4,200.00
Koloa	175.00	4,200.00
Lihue	175.00	4,200.00
Kawaihau	175.00	4,200.00
Hanalei	150.00	3,600.00

Salary, clerk, Waimea and Niihau	75.00	1,800.00
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Commissions and ex- penses		7,500.00
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Bureau of Conveyances:		
Salary, registrar	300.00	7,200.00
Salary, deputy registrar	225.00	5,400.00
Salary, expert indexer	175.00	4,200.00
Salary, chief indexer	225.00	5,400.00
Salaries, clerks and stenographers:		
2 at 175.00.....	350.00	8,400.00
6 at 150.00.....	900.00	21,600.00
5 at 140.00.....	700.00	16,800.00
3 at 100.00.....	300.00	7,200.00
Expenses		7,000.00
Clerk, land court.....	125.00	3,000.00
		1,994,700.00

PUBLIC WORKS DEPARTMENT.		
Salary, superintendent of	550.00	13,200.00
Salary, assistant engineer	300.00	7,200.00
Salary, chief clerk.....	275.00	6,600.00
Salary, keeper, mausoleum	100.00	2,400.00
Salary, keeper, powder magazine, Honolulu..	100.00	2,400.00
Salary, keeper, powder magazine, Hilo	75.00	1,800.00
Salaries, clerks, stenographers, engineers and assistants		13,200.00
Salaries, care capitol and judiciary buildings and grounds		32,280.00
Expenses		7,500.00
Water rates, territorial property		7,000.00
Telephone exchange ...		4,500.00
Maintenance, additions, government property		43,000.00
Oahu	30,000.00	

Hawaii, including			
armory	10,000.00		
Maui	2,000.00		
Kauai	1,000.00		
Furnishing capitol, judiciary and Kapuaiwa buildings		6,500.00	
Improvements, judiciary grounds		1,500.00	
Sidewalks, territorial lots		1,000.00	
Improvements, mausoleum grounds and keeper's cottage		1,000.00	
Patriotic emblem, public territorial buildings..		500.00	
Reconstruction, capitol building and grounds		2,500.00	
Recasing well and equipment for furnishing water, capitol grounds		3,000.00	
Pilot lookout house, Diamond Head		750.00	
Powder magazine, Honolulu		10,000.00	
Temporary sanitary inspector's office, board of health, Honolulu..		500.00	168,330.00

BOARD OF HARBOR COMMISSIONERS.

Salary, chief clerk.....	275.00	6,600.00	
Salary, stenographer ..	150.00	3,600.00	
Salary, assistant clerk..	125.00	3,000.00	
Salary, harbormaster...	300.00	7,200.00	
Salary, assistant harbormaster	200.00	4,800.00	
Salaries, employees		30,240.00	
Expenses		6,850.00	
Expenses, harbormaster, Honolulu		1,000.00	

Expenses, fire boat, Honolulu	6,000.00	
Salaries, pilots and employees	47,880.00	
Expenses, pilots, Honolulu	11,500.00	
Expenses, pilots, Hilo.	2,000.00	
Expenses, pilots, Kahului	1,800.00	
New engine, Kahului pilot boat	3,500.00	
Maintenance, additions, landings, wharves and pipe lines, Oahu.....	120,000.00	
Maintenance, landings, and wharves, Hawaii	100,000.00	
Maintenance, landings, wharves and dredging, Maui, Molokai and Lanai	35,000.00	
Maintenance, landings and wharves, Kauai..	5,000.00	
Lease marine railway..	1,000.00	
Dredging, Honolulu harbor	50,000.00	446,970.00

PUBLIC LANDS DEPARTMENT.

Salary, commissioner of	475.00	11,400.00
Salary, chief clerk and sub-agent, 5th land division	300.00	7,200.00
Salary, sub-agent, Hawaii	225.00	5,400.00
Salary, sub-agent, Maui	200.00	4,800.00
Salary, sub-agent, Kauai	225.00	5,400.00
Salaries, clerks and assistants		36,600.00
Expenses		21,000.00

New automobile, Kauai sub-agent		1,500.00
Division of Hydrography:		
Salary, chief hydrogra- pher	250.00	6,000.00
Salaries, officers and em- ployees		20,160.00
New construction and engineering, Maui ..		12,000.00
General Water Investigation and New Construction:		
To be expended in con- junction with federal appropriation of nine thousand dollars		9,000.00
Continuation, Topographic Survey:		
In co-operation with the U. S. geological sur- vey	50,000.00	190,460.00

LAND BOARD.

Salary, secretary	75.00	1,800.00
Expenses		2,000.00

SURVEY DEPARTMENT.

Salary, surveyor	400.00	9,600.00
Salaries, employees ...		59,520.00
General expenses, field parties and office work		24,000.00

BOARD OF AGRICULTURE AND FORESTRY.

Board of Administration:		
Salary, executive officer and superintendent of forestry	450.00	10,800.00
Salaries and wages, em- ployees		13,800.00
Expenses		7,400.00

Division of Forestry:

Salary, assistant superintendent	225.00	5,400.00
Salary, forest nursery-man	225.00	5,400.00
Salaries, rangers and nursery agent		20,400.00
Wages of laborers.....		40,080.00
Expenses		15,000.00
Fencing		15,000.00

Division of Entomology:

Salary, entomologist ..	300.00	7,200.00
Salary, assistant entomologist	200.00	4,800.00
Salaries, assistants		4,000.00
Expenses		4,000.00
Introducing, colonizing and distributing beneficial insects		5,000.00

Division of Animal Industry:

Salary, territorial veterinarian	300.00	7,200.00
Salary, assistant veterinarian	250.00	6,000.00
Salary, livestock inspector	175.00	4,200.00
Salaries, deputy veterinarian and caretakers, quarantine station ...		20,640.00
Expenses		10,000.00

Division of Plant Inspection:

Salary, chief plant inspector	300.00	7,200.00
Salaries, inspectors		23,160.00
Expenses		4,000.00

240,680.00

BOARD OF HEALTH.

Salary, president	500.00	12,000.00
Salary, public health officer	350.00	8,400.00
Salary, secretary	275.00	6,600.00
Salaries, office employees		22,200.00
Expenses, office		14,400.00
Automobile		2,500.00
Printing annual report..		1,000.00
Board of medical examiners		800.00
Bureau of Vital Statistics:		
Salary, registrar general	225.00	5,400.00
Salary, registrar, Honolulu	125.00	3,000.00
Index clerk	95.00	2,280.00
Expenses		7,000.00
Bureau of Sanitary Engineer:		
Salary, sanitary engineer	400.00	9,600.00
Salary, draftsman	150.00	3,600.00
Expenses		2,400.00
Sanitation:		
Salary, chief sanitary inspector, Oahu	250.00	6,000.00
Salaries, clerks, sanitary and mosquito inspectors, Oahu		60,000.00
Salary, chief sanitary inspector, Hawaii ..	375.00	9,000.00
Salaries, sanitary inspectors and clerks, Hawaii		31,440.00
Salary, chief sanitary inspector, Maui	225.00	5,400.00
Salary, chief sanitary inspector, Kauai ...	225.00	5,400.00

Sanitary expenses, territory	30,000.00
Pure Food Bureau:	
Salaries	18,300.00
Expenses and assistants	4,200.00
Bacteriological Bureau:	
Salaries	11,400.00
Expenses and assistants	6,600.00
Government Physicians:	
Salaries	56,640.00
Hawaii	27,240.00
Maui	12,840.00
Kauai	8,160.00
Oahu	8,400.00
(Provided, however, that no salary shall be allowed or paid unless the physicians employed or appoint- ed in the several dis- tricts shall treat the indigent sick free of charge in such dis- trict or districts as the case may be.)	
Medical and Dental Supervision and Treatment of School Children, and Children in t h e Industrial Schools:	
Salaries and traveling expenses:	
Physician director	7,200.00
Traveling dentist, Ha- waii	9,600.00
Traveling dentist, Oahu	7,200.00
Traveling dentist, Maui	7,200.00

Traveling dentist, Kauai		7,200.00
Oculist	250.00	6,000.00
Traveling expenses, oculist		3,600.00
Medical and dental supplies		6,000.00
Salaries and expenses, rat campaign		24,000.00
Quarantine and Medical Service:		
Salaries		24,000.00
Expenses		37,200.00
Automobile truck, Honolulu		2,500.00
Quarantine Stations:		
Repairs, maintenance, equipment and keeper, Honolulu; }		10,000.00
Repairs, maintenance, equipment and salaries, Hilo }		
Mosquito Campaign:		
Expenses		4,800.00
Erection, automobile shed		950.00
Erection and equipment, bacteriological and rat laboratory, Hilo		2,000.00
Erection, concrete fumigating house, Hilo ..		1,200.00
Erection and equipment, new kitchen, at quarantine station, Hilo ..		2,000.00
Care of Lepers and Their Children: (Leper Settlement)		
Salary, superintendent .	450.00	10,800.00
Salary, physician	400.00	9,600.00
Salaries, assistants and attendants		8,760.00
(Kalihi Hospital)		

Salary, matron	175.00	4,200.00
Salary, officer for lepers	140.00	3,360.00
Wages of laborers, nurses and attendants, leper settlement		95,100.00
Kalihi hospital, new buildings and equip- ment		19,000.00
Medical supplies and equipment		34,344.00
Segregation hospitals and maintenance		310,000.00
Allowance, patients, Molokai		50,700.00
Amusements		3,500.00
Sheriff and police.....		4,800.00
Automobile ambulance.		1,750.00
Incidental expenses, ap- proved by superinten- dent		2,000.00
Construction of roads, Kalaupapa		3,600.00
Kapiolani Girls' Home:		
Pay roll		12,720.00
Maintenance		25,226.15
Open air pavilion and equipment		1,500.00
Kalihi Boys' Home:		
Pay roll		12,960.00
Maintenance		18,480.00
Prevention and Cure of Tuberculosis:		
Salaries		57,000.00
Expenses and assistants		27,000.00
Automobile, Honolulu..		1,000.00
Automobiles, Hawaii, four		4,400.00

Cure and treatment of tubercular patients in sanitariums		198,000.00
Oahu, Leahi Home, per month	3,150.00	
Maui, Kula Sanitarium, per month	2,000.00	
Hawaii, Puumaile Home, per month	1,600.00	
Kauai, Samuel Maehona Memorial Hospital, per month.....	1,500.00	
Alteration, extension and equipment, Puumaile Home		20,000.00
Insane Asylum:		
Salary, superintendent..	350.00	8,400.00
Payroll		129,216.00
Maintenance		100,800.00
Amusements		1,500.00
Compensation to patients for labor		1,200.00
New buildings and equipment for violent cases		10,000.00
Upkeep and repairs to buildings		5,500.00
Range closets, female ward		500.00
Sanitarium:		
Salaries, employees ...		19,680.00
Maintenance		16,800.00
		1,741,606.15

JUDICIARY.

Salary, chief clerk.....	275.00	6,600.00
Salary, assistant clerk.	175.00	4,200.00
Salary, stenographer ..	200.00	4,800.00
Salary, bailiff and librarian	130.00	3,120.00

Salary, copyist	110.00	2,640.00
Salary, assistant copyist	80.00	1,920.00
Law books		4,000.00
Expenses		2,000.00
Report, two volumes..		6,000.00
Copying records		4,880.00
Expenses, land court...		12,000.00
Traveling expenses, chief justice		500.00
District Court, Kalawao:		
Salary, magistrate	50.00	1,200.00
Expenses		25.00
		53,885.00

BOARD OF INDUSTRIAL SCHOOLS.

Salary, executive secre- tary	225.00	5,400.00
Expenses		2,000.00
Boys' Industrial School:		
Salary, superintendent..	250.00	6,000.00
Salary, assistant super- intendent	200.00	4,800.00
Salaries, instructors and assistants		73,560.00
Maintenance and upkeep		100,000.00
Livestock, purchase and maintenance		6,000.00
Water supply		10,000.00
Girls' Industrial School:		
Salary, superintendent..	250.00	6,000.00
Salary, assistant super- intendent	150.00	3,600.00
Salaries, instructors, as- sistants, night watch- man, nurse and house mothers		48,750.00
Maintenance and upkeep		50,000.00
		316,110.00

INDUSTRIAL ACCIDENT BOARDS.

Oahu	27,500.00
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Hawaii	3,500.00	
Maui	4,500.00	
Kauai	3,000.00	38,500.00

UNIVERSITY OF HAWAII.

Salaries, instructors and employees	180,000.00	
Maintenance and ex- penses	65,000.00	
Supervision and mainte- nance, athletics	7,500.00	
New construction	65,000.00	
Completion of laboratory building	22,000.00	
Furniture	13,750.00	353,250.00

LAHAINALUNA SCHOOL.

Maintenance, salaries and expenses	75,000.00	75,000.00
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LIBRARY OF HAWAII.

Salaries, librarians and assistants	65,000.00	
Maintenance, expenses and equipment	30,000.00	
Shelves, medical library	1,000.00	96,000.00

FISH AND GAME COMMISSION.

Salaries, expenses, build- ings, equipment, etc..	25,000.00	25,000.00
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HOME FOR FEEBLE-MINDED PERSONS.

Salaries	23,760.00	
Maintenance	34,480.00	
Buildings	24,000.00	82,240.00

PROMOTION.

In support of promo-
tion, which fund may
be expended in equal

monthly contributions to the organization known as "Hawaii Tourist Bureau", four of said members to be appointed by the Governor for terms of one year each or until a successor is appoint- ed, and one of said members to be selected to represent each of the Islands of Hawaii, Oahu, Maui and Kauai, upon nomina- tion of the boards of county supervisors of the respective islands, acting in conjunction with the principal commercial or civic organization of said islands	45,000.00
Hawaii publicity com- mission	7,500.00
PENSIONS.	
Mrs. Emma Barnard...	40.00
Mrs. Mary Stoltz	40.00
Mrs. Olivia Abreu	40.00
Mrs. Juan Rivera	30.00
Frederick K. Cockett...	50.00
Jose Maria Gomes.....	40.00
Jose Pereira Vivella...	30.00
Captain John Macaulay	100.00
Mrs. G. W. R. King...	50.00
Mrs. Matthew Kane ...	60.00
Miss Sadie McLain	60.00
Lani Burns	40.00
	960.00
	960.00
	960.00
	720.00
	1,200.00
	960.00
	720.00
	2,400.00
	1,200.00
	1,440.00
	1,440.00
	960.00
	52,500.00

Mrs. Moses Ulunahele..	50.00	1,200.00
M. M. Scott	150.00	3,600.00
Thos. Aiua	50.00	1,200.00
Charlotte A. Mumford.	50.00	1,200.00
Henry E. Peterson	50.00	1,200.00
John Kai Keliikahi	50.00	1,200.00
		23,520.00

CONTINGENT FUND.

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

	50,000.00	50,000.00
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Grand Total	\$6,527,588.15	

SECTION 2. This Act shall take effect from and after July 1, 1921.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 230

[S. B. No. 13]

AN ACT AUTHORIZING THE TERRITORIAL AUDITOR TO CLOSE OUT CERTAIN APPROPRIATION ACCOUNTS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. In all cases where an appropriation of public money has been or may hereafter be made from the general revenues of the territory, and an unexpended balance remains to the credit of such appropriation on the books of the territorial auditor after the purposes of any such appropriation has been accomplished, or after the time has expired within which those purposes may be accomplished, or after a time when the reasons for such appropriation have ceased to exist, the auditor of the territory, upon the receipt of a certificate from the head of the department or other public officer who is charged with the duty of expending any such appropriation, stating that all outstanding accounts against such appropriation have been fully paid and satisfied, may, with the written approval of the Governor, close out any such appropriation account and transfer such unexpended balance to the credit of the general revenues account.

SECTION 2. This Act shall take effect on its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 231

[S. B. No. 104]

AN ACT MAKING AN APPROPRIATION FOR THE SUPPLY OF WATER TO THE LUALUALEI HOMESTEADS IN THE DISTRICT OF WAIANAE, ISLAND OF OAHU.

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

SECTION 1. The sum of twenty thousand dollars (\$20,000.00), is hereby appropriated from the general revenues of the territory, not otherwise appropriated, for the purpose of supplying the Lualualei homesteads, in the District of Waianae, Island of Oahu, with water for domestic purposes, either by installation of water pipes or by means of such pipes and tanks or reservoirs, or by any other method, which in the opinion of the superintendent of public works will adequately supply the said homesteaders with pure water for domestic purposes.

SECTION 2. The money hereby appropriated shall be expended by the superintendent of public works, who shall have charge of the installation of such pipes and of the construction of such tanks and reservoirs. It is provided, however, that no part of the money hereby appropriated shall be expended for the purposes herein set forth until and after it has been determined, either judicially or otherwise, that there exists on the government lands in the vicinity of Lualualei a quantity of government owned water sufficient to supply said homesteaders with such water for domestic purposes.

SECTION 3. The attorney general is hereby authorized and directed to proceed with all convenient despatch with the investigation of the title to the waters arising in and flowing from the public lands in said vicinity and to promptly institute and prosecute to final judgment all necessary actions for the settlement of the title to said waters.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 232

[S. B. No. 120]

AN ACT TO AMEND CHAPTER 144 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO EVIDENCE, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 2593A, WHICH SECTION RELATES TO THE PROOF OF ORDINANCES OF THE COUNTIES OR CITY AND COUNTY OF THE TERRITORY OF HAWAII.

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

SECTION 1. That Chapter 144 of the Revised Laws of Hawaii, 1915, be amended by adding a new section thereto to be known as Section 2593A, to read as follows:

"Section 2593A. Proof of ordinance. Whenever, in any legal proceedings whatsoever, it shall be necessary to prove any ordinance of any county or city and county of the Territory of Hawaii, a copy of such ordinance bearing the certificate, as to its correctness, of the county or city and county clerk and under the seal of such county or city and county, shall be admitted in evidence as *prima facie* proof of the contents of such ordinance."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 233

[H. B. No. 13]

AN ACT TO AMEND SECTION 2198 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 221 OF THE SESSION LAWS OF 1919, RELATING TO THE SALARIES OF DISTRICT MAGISTRATES AND CERTAIN CLERKS.

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

SECTION 1. Section 2198 of the Revised Laws of Hawaii, 1915, as amended by Act 221 of the Session Laws of 1919, is hereby further amended to read as follows:

"Section 2198. Salaries, district magistrates, etc. The salaries of the several district magistrates and such clerks and other assistants as are provided for in this section shall be paid by the respective counties or city and county within which such magistrates exercise jurisdiction, at the following rates:

	Per Month.	Per Annum.
District magistrate, Honolulu.....	\$350.00	\$4,200.00
Second district magistrate, Honolulu, to be expended according to Section 1753.....	300.00	
Clerks, Honolulu district court, 1st clerk at 250.00, 2nd clerk at 225.00, 3rd clerk at 175.00	650.00	7,800.00
District magistrate, Ewa	135.00	1,620.00
District magistrate, Waianae	85.00	1,020.00
District magistrate, Waialua	115.00	1,380.00
District magistrate, Koolaupoko.....	85.00	1,020.00
District magistrate, Koolauloa	85.00	1,020.00
District magistrate, Lahaina	120.00	1,440.00
District magistrate, Wailuku	175.00	2,100.00
Clerk and stenographer, Wailuku district court	100.00	1,200.00
District magistrate, Makawao	150.00	1,800.00
Second district magistrate, Makawao	25.00	300.00
District magistrate, Hana	100.00	1,200.00
District magistrate, Kipahulu	45.00	540.00

District magistrate, Molokai	100.00	1,200.00
District magistrate, Lanai	35.00	420.00
District magistrate, North Kohala.....	125.00	1,500.00
District magistrate, South Kohala	90.00	1,080.00
District magistrate, North Kona	120.00	1,440.00
District magistrate, South Kona	100.00	1,200.00
District magistrate, Kau	125.00	1,500.00
Clerk and interpreter, district court, South Hilo	150.00	1,800.00
District magistrate, South Hilo	250.00	3,000.00
District magistrate, North Hilo	115.00	1,380.00
District magistrate, Hamakua	150.00	1,800.00
District magistrate, Puna	130.00	1,560.00
District magistrate, Lihue	125.00	1,500.00
District magistrate, Koloa	120.00	1,440.00
District magistrate, Waimea	120.00	1,440.00
District magistrate, Kawaihau	120.00	1,440.00
District magistrate, Hanalei	80.00	960.00

The expenses also of the several district magistrates shall be paid by the counties, including the City and County of Honolulu, within which such magistrates exercise jurisdiction."

SECTION 2. This Act shall take effect July 1, 1921.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 234

[H. B. No. 124]

AN ACT RELATING TO WEIGHTS AND MEASURES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

SECTION 1. The short title of this Act shall be "The Weights and Measures Act of Hawaii".

SECTION 2. Definitions. That wherever the word "sheriff" is used in this Act it shall include and mean the sheriff of the City and County of Honolulu and the sheriff of, in and for the other counties of the Territory of Hawaii.

That wherever the words "scales", "weights", "beams", "weighing machines", "devices", "appliances", "measures" or "instruments" are used in this Act they shall be held to include all mechanical means for the weighing or measuring of any article or commodity whatsoever.

SECTION 3. It shall be the duty of the sheriff to procure and keep a standard set of scales, beams, weights and measures; and he shall semi-annually, or oftener in his discretion, cause all scales, beams, weighing machines, measures—liquid or dry,—devices and appliances used in the ascertainment of weight or of measure, used by any person, firm or corporation in the buying or selling or the transportation, or the receiving for shipment, or in the ascertainment of weight or measure, of goods, wares, merchandise, oils, gasoline, fruits, vegetables or any other commodity, to be tested by such standard scales, beams, weights and measures, and to seal such as shall be found true with the capital letters "T. H."

SECTION 4. Sealing, record of sales. All weighing appliances and measures as mentioned and included in Section 3 of this Act shall be so sealed within two days of the date of purchase and of the acceptance and delivery of such appliance or measure, and notice thereof, by both the buyer and the seller shall, within such two days, be given to the sheriff upon forms as he may provide and which shall be recorded by him:

SECTION 5. Marking unsealed or imperfect weights and measures. If any of the weighing appliances or measures as mentioned and included in this Act are found to be imperfect and not according to standard, the sheriff shall cause them to be tagged, marked and identified with the words "faulty, not to be used until adjusted by sheriff", and, thereafter, such weighing appliances or measures shall not be used until adjusted, repaired and made correct to said standard.

SECTION 6. Identification of owner. Any person presenting such weighing appliance or measure to the sheriff for verification and testing shall give his full name, address, and description of occupation and business and the purpose for which such weighing appliance or measure is to be used; such information shall be recorded by the sheriff.

SECTION 7. Errors permissible in excess or deficiency. The following shall be permissible error, either in excess or in deficiency: platform or counter scales, one ounce in each hundred pounds; wagon or track scales, one pound in each ton; all liquid or dry measure shall be in accordance with standard.

SECTION 8. Inspectors. The sheriff may deputize any one of the employees in his department to aid him in the performance of his duties under this Act.

SECTION 9. Standards. The standards of weights and measures shall be those adopted, and now used, or that may be adopted and used by the United States of America.

SECTION 10. Bushel. Whenever any wheat, rye, Indian corn, barley or oats shall be sold by the bushel, and no special agreement as to the measurement shall be made by the parties, the bushel shall consist of sixty pounds of wheat, and fifty pounds of rye, of fifty-six pounds of Indian corn, of forty-eight pounds of barley and of thirty-two pounds of oats.

SECTION 11. Fees. The charges for testing and certification shall be as follows: beam, fifty cents; scale, fifty cents; measures of extension, twenty-five cents; weight, ten cents; springless or automatic weighing machine or device, twenty-five cents; platform, dead-weight or track scales, two dollars; pump or pumping measure or appliance, one dollar; for every other appliance as used for weighing or measuring and not specifically mentioned herein, twenty-five 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 Act shall be paid into the treasury of the city and county, or county for which the inspection, testing and sealing is made, as municipal realizations.

SECTION 12. Using unsealed weights and measures, etc. If any person, firm or corporation shall use or cause to be used any weighing or measuring machine or appliance as mentioned or necessarily included in the meaning of this Act, for any of the purposes mentioned in Section 3 of this Act, and which weighing machines or appliances have not been duly sealed, he, or it, shall be fined for each such offense a sum not exceeding one hundred dollars, and the court may in its discretion order the confiscation and destruction of such weighing or measuring machine or appliance, and any person who shall be injured or defrauded by the use of any such weighing or measuring machine or appliance may maintain an action against such offender; and, if judgment be rendered for the plaintiff he shall recover double damages and costs of suit.

SECTION 13. Changing, removal of marks, etc. Any person, firm or corporation who shall wilfully or shall fraudulently change any weighing machine, measure or appliance as mentioned herein after the same has been inspected, tested and sealed by the sheriff, or who shall change, remove or destroy any tag, mark or seal which may have been placed in or thereon by the sheriff for the purpose of this Act, shall be liable, upon conviction, to pay a fine of not to exceed one hundred dollars.

SECTION 14. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SECTION 15. This Act shall take effect on the first day of July, A. D. 1921.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 235

[H. B. No. 211]

AN ACT PROVIDING FOR UNIFORM TERRITORIAL LICENSES FOR OPERATORS OF MOTOR VEHICLES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Definitions. The word "chauffeur" when used herein shall mean any person who operates a motor vehicle. The phrase "motor vehicle" shall include any vehicle propelled by steam, gasoline, electricity or other mechanical contrivance whether running on one, two or more wheels, excepting street cars, railway cars or other like conveyances running on rails and whether such conveyances are self-propelled or operated in trains. The word "sheriff" shall refer to the sheriff of a county or city and county as the case may be.

SECTION 2. The sheriffs of the various counties or city and county shall from time to time appoint, subject to the approval of the respective boards of supervisors, one or more persons, residing in the respective county or city and county, at a salary or salaries to be fixed by the respective boards of supervisors, who shall be a competent operator of motor vehicles to be known as the "examiner of chauffeurs" of the respective county or city and county, whose duty it shall be to examine into the qualifications and fitness of any person desiring to secure a license to operate a motor vehicle as hereinafter provided; except that any resident of the territory shall only be examined in the county or city and county where such person has his chief place of residence.

SECTION 3. Application for chauffeur's license. Every person who shall desire a chauffeur's license shall apply to an examiner of chauffeurs upon a blank to be provided by the sheriff for that purpose, setting forth in such application, duly verified upon oath, the facts required to be stated in the application in accordance with this section. The applicant shall state:

1. His or her name, giving both the family name and the christian name;

2. A statement that the applicant is over sixteen years of age, or his actual age;
3. The sex of the applicant;
4. His nationality;
5. His occupation and local address;
6. The experience of the applicant in operating motor vehicles, stating
 - (a) The length of time during which the applicant has operated motor vehicles and whether in the territory or elsewhere;
 - (b) Whether the applicant is an amateur or professional operator;
 - (c) The place or places where the applicant has operated motor vehicles;
 - (d) The kind of machine or machines operated;
 - (e) The motor power of machines which the applicant has operated; and
 - (f) That he knows of no defect of sight, of hearing, of muscular control or other defects physical or mental, which will prevent his operation of a motor vehicle with safety.

If the applicant claims that he is properly able to manage a motor vehicle, notwithstanding some defect, he shall explain how he is able to manage a motor vehicle notwithstanding such defect.

7. He shall state (a) the style of motor vehicle which he wishes to operate, and (b) the kind of power used in propelling the same.

8. He shall state whether or not he has ever been refused a license, and, if so, when, where, and how many times.

SECTION 4. Application to be filed, how. The application made under this Act shall be filed in a book or an index cabinet to be furnished by the sheriff for that purpose. Such record shall be open at all times during reasonable business hours for inspection by the officials of the government, or any subdivision thereof, or any sheriff, deputy or police officer thereof. Such record shall be furnished to the sheriff for preservation by him upon the expiration of the term of office of the examiner of chauffeurs.

SECTION 5. Examination of applicant, duty to examine promptly. Upon receipt of the application, the examiner shall examine promptly the applicant, concerning his knowledge of the type or types of machine which he desires to operate. He shall also determine by practical test that the applicant possesses the qualifications required by this or any law hereafter enacted governing chauffeurs, and shall not grant a license without a bona fide investigation of such qualification.

Provided, however, that if the examiner shall have reason to believe from the application or otherwise that the applicant is subject to any defects hereinafter stated which may disqualify him from operating a motor vehicle with safety, he may require the applicant to furnish a certificate from a physician stating that the applicant has been examined by such physician and that he has found no defects in the applicant which, in his opinion, disqualify said applicant under the provisions hereof.

SECTION 6. Scope of examination. Each applicant for a chauffeur's certificate shall be examined generally upon and pass an examination under which he shall show reasonable familiarity with the description of the various appliances of the type of vehicle which he desires to operate, for starting, turning and stopping the same and the means of operating the same; and must show good knowledge of and acquaintance with the machine to be operated and demonstrate his perception, mental ability and nervous control, so as to take quick and decisive action to meet all usual or reasonable conditions and emergencies to safeguard other persons also using the public highways.

SECTION 7. In addition to the foregoing examination, each applicant shall conform to the following requirements:

1. He shall be no less than fifteen years of age;
2. He shall be reasonably familiar with rules of traffic and speed laws of the territory or ordinances of the various subdivisions thereof as are operative at the time of examination;
3. He shall be free from physical defects such as epilepsy, heart disease, tendency to frequent fainting fits, feebleness, insanity or other similar defects which will prevent operation of a motor vehicle with safety;

4. He shall have sufficiently good vision to pass an examination with Snellen's test types, with or without correcting lenses, in excess of twenty-fortieths;

5. He shall be a person who has not been convicted of being intoxicated by alcoholic liquors within a period of one year prior to such application;

6. He shall be a person who has not been convicted by any court or courts of this territory for heedless driving, or driving under the influence of liquor within a period of three months last past.

SECTION 8. Character of license. All applicants who fulfill the foregoing requirements and have passed a satisfactory examination shall be given a license to operate a motor vehicle propelled by the kind of power described in the application, which license shall be valid anywhere in the Territory of Hawaii, except when suspended by a judge acting upon conviction of the chauffeur for violation of the laws of the territory.

The certificate of license shall be signed by the examiner of chauffeurs and countersigned by the applicant, who shall certify that the person named therein has been examined by the examiner of chauffeurs and found competent (1) to operate a motor vehicle propelled by steam power, or (2) to operate a motor vehicle propelled by gasoline or other power of a similar character, or (3) that such chauffeur is competent to operate motor vehicles of types propelled by two or more of the said enumerated kinds of power.

Such certificate shall contain a description of the person to whom the certificate is granted as will assist in the identification of the person, such as name, nationality, sex, height, complexion, apparent or actual age, and other distinguishing individualities.

SECTION 9. Refusal to grant license. In the event that any applicant fails to fulfill any of the requirements of this Act, the examiner so finding shall, on request, furnish to such applicant a written statement showing wherein the applicant is found to be defective, and the latter shall be entitled to a further examination

if applying after the expiration of thirty days from the date of the prior application.

SECTION 10. Any applicant who has been refused a license after at least three examinations, or who has been refused any examination, and every licensee whose license shall have been suspended or revoked by the sheriff, or by the examiner of chauffeurs, of any county or city and county may appeal from such refusal, suspension or revocation to a circuit judge at chambers of the circuit court of the circuit in which the applicant or licensee resides by filing his petition in such court within twenty days of the date of such refusal, suspension or revocation; provided, however, that such appeal shall not operate as a stay to the order or decision appealed from. Such appeal shall be subject to such procedure and rules as may be prescribed by the court and the decision of such judge shall be final.

SECTION 11. Fee. An applicant for a chauffeur's license shall pay a fee of five dollars (\$5.00) at the time of application to the examiner or other person designated by the sheriff, which fee shall be turned over to the respective treasurer monthly as a county or city and county realization. Such fee shall include all charges for examination and issuance of license.

SECTION 12. All persons to whom have been issued any permanent chauffeur's certificate or license under any county or city and county ordinance prior to the passage of this Act shall be entitled to a license hereunder without further examination upon request and surrender of the former certificate or license within six months from the date of approval of this Act; provided that any fees heretofore paid by those holding temporary certificates, which would have been credited toward the fee for a permanent certificate, shall be so credited upon any fees to be charged under this Act.

SECTION 13. Unlicensed persons. No person shall operate a motor vehicle upon any public street, road, highway, park or other public place within the Territory of Hawaii, unless such person has obtained a license as hereinbefore provided. And it

shall be unlawful for the owner of a motor vehicle or his agents or servants to permit such vehicle to be driven by any person not having such a license, whether for hire or otherwise. Provided, however, that a person who is bona fide learning how to drive while accompanied by a person holding a chauffeur's license shall be permitted so to learn. And provided further, that non-renewable ninety day permits may be issued to persons temporarily residing in the territory upon a showing that they have the equivalent of the license herein required under the laws or ordinances in force at the place of their residence.

SECTION 14. Penalty, punishment for first, second, third and subsequent offense. Any person who shall operate, drive or propel any motor vehicle in violation of any of the provisions of this Act, or otherwise violate any of the provisions hereof, upon conviction for the first offense, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment not to exceed fifteen days, or by both; and, upon conviction for the second offense, within one year from the commission of the first offense, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or by imprisonment not to exceed thirty days, or by both; and, upon conviction of the third offense and for each and every subsequent offense thereto within one year from the commission of the first offense, shall be punished by a fine of one hundred dollars (\$100.00), or by imprisonment for a term not to exceed sixty days, or by both.

Provided, however, that in construing this section the unit of any one year shall be the basis for determining a first, second or third offense, the numerical order changing when succeeding convictions occur, and more than one year has elapsed after an original first, second or third offense.

SECTION 15. All laws or parts of laws inconsistent herewith are hereby repealed, and any ordinance of any county or city and county in conflict herewith is hereby declared null and void, it being hereby declared that the purpose of this Act is to make uniform the requirements for chauffeurs' licenses throughout the

territory. Provided, however, that nothing herein shall prevent any municipal subdivision further regulating rent-service drivers or other persons desiring to operate vehicles conveying passengers for hire, nor from providing for the temporary suspension, not to exceed one year or for the revocation of the license of any chauffeur by any judge or magistrate before whom such chauffeur may be convicted of violating any law or ordinance regulating the matter of speed or safe driving appliances applicable to motor vehicles, nor from providing for the temporary suspension not to exceed one year, by the examiner of chauffeurs, of the license of any chauffeur who has been three times convicted of violating any law or ordinance regulating the matter of speed or the safe driving of motor vehicles.

SECTION 16. This Act shall take effect on approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 236

[H. B. No. 231]

AN ACT TO AMEND SECTION 14 OF ACT 115 OF THE SESSION
LAWS OF 1917, RELATING TO INSURANCE.

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

SECTION 1. Section 14 of Act 115 of the Session Laws of 1917 is hereby amended to read as follows:

"Section 14. Single risk; maximum. Except as otherwise provided by law, the maximum single risk which may be assumed by any company or society, after deducting any reinsurance taking effect simultaneously with the policy, shall be:

"(a) Ten per centum of the paid-in capital and surplus; pro-

vided, however, that for a period of ten years from the passage of this Act, this restriction shall not be held to apply to fidelity and surety bonds issued by any corporation now organized and existing, or which shall be organized and existing during said period under the laws of the Territory of Hawaii, and now doing business in said territory, and that such corporations may assume any such net single risk in excess of ten per centum of their capital and surplus; provided that the said corporation shall deposit with the insurance commissioner a collateral agreement and collateral security, both of which shall have been approved by him, for an amount not less than that proportion of the bond in excess of the foregoing limitation.

"(b) In a mutual corporation it may be a greater amount, not exceeding twenty per centum of the surplus, or three times the average policy, or one-half of one per centum of the insurance in force, whichever is greater".

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 237

[H. B. No. 300]

AN ACT APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR THE PURCHASE OF A MOTOR TRUCK FOR THE USE OF OAHU PRISON.

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

SECTION 1. The sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, is hereby appropriated from the general revenues of the territory for the purchase of

one motor truck for the use of Oahu Prison in transporting prison labor to and from Oahu Prison and for other purposes.

SECTION 2. The sum of five thousand dollars (\$5,000.00), or so much thereof as may be expended, shall be paid out upon vouchers approved by the attorney general.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 238

[H. B. No. 329]

AN ACT TO AMEND CHAPTER 173 OF THE REVISED LAWS OF HAWAII, 1915, BY ADDING A NEW SECTION THERETO, PROVIDING FOR WRITTEN CONSENT BY GUARDIAN OF AN INSANE MARRIED MAN TO THE SALE OR MORTGAGE OF REAL ESTATE BY THE WARD'S WIFE.

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

SECTION 1. A new section is hereby added to Chapter 173 of the Revised Laws of Hawaii, 1915, to be known as Section 3036B, to read as follows:

"Section 3036B. Written consent by guardian of an insane married man to the sale or mortgage of real estate by the ward's wife.

"Whenever a married man shall have been adjudged insane by any court of competent jurisdiction, and a guardian of his estate shall have been appointed as by law provided, during the continuance of such insanity and disability, and until the guardian shall have been discharged, such guardian shall, upon the approval of any circuit judge of the circuit in which real estate owned by

the ward's wife lies, have the power and right to give his written consent to the sale or mortgage of said real estate by the wife of said ward, by affixing his ward's name thereto as such guardian."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 239

[H. B. No. 331]

AN ACT APPROPRIATING THE SUM OF TWO THOUSAND FIVE HUNDRED AND NINETY-EIGHT DOLLARS AND TEN CENTS (\$2,598.10) FOR THE PAYMENT OF ENLISTED MEN OF THE NATIONAL GUARD OF HAWAII, WHILE PARTICIPATING IN A FIFTEEN DAY ENCAMPMENT BY ORDER OF THE COMMANDING OFFICER OF THE MILITARY FORCES OF THE UNITED STATES, IN THE TERRITORY OF HAWAII, DURING THE MONTH OF SEPTEMBER, 1920.

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

SECTION 1. The sum of two thousand five hundred and ninety-eight dollars and ten cents (\$2,598.10) is hereby appropriated to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, by warrants drawn by the auditor of the Territory of Hawaii, upon vouchers approved by the adjutant general of the national guard of Hawaii, for the payment of enlisted men of the national guard of Hawaii who were called into a fifteen day encampment by order of the commanding officer of the military forces of the United States, in the Territory of Hawaii, during the month of September, 1920, for which encampment the men who attended received federal

pay. The said appropriation being in conformity with Section 224 of the Revised Laws of Hawaii, 1915, as amended by Act 86 of the Session Laws of 1917.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 240

[H. B. No. 347]

AN ACT MAKING AN APPROPRIATION OF FIVE THOUSAND DOL-
LARS (\$5,000.00) FOR THE CONSTRUCTION OF A ROAD TO
AND THROUGH THE KAAPAHU AND PAAUILO HOMESTEADS,
IN THE DISTRICT OF HAMAKUA, COUNTY OF HAWAII.

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 to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, towards constructing a road through the Kaapahu and Paauilo homesteads, in the District of Hamakua, County of Hawaii, beginning at the concrete bridge across Hanaipoe-iki gulch towards the mauka road in the Paauilo homesteads.

SECTION 2. The said sum of five thousand dollars (\$5,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the commissioner of public lands in the manner provided by law for the construction of homestead roads. The commissioner of public lands shall contract for the construction of said road, but in no case shall contract for an amount in excess of the sum of five thousand dollars (\$5,000.00).

SECTION 3. The amount hereby appropriated under this Act shall become available and the construction of said road shall be commenced as soon as the contract herein provided for shall be executed.

SECTION 4. The amount hereby appropriated shall be repaid into the treasury of the Territory of Hawaii from the proceeds of sales of public lands upon the Island of Hawaii.

SECTION 5. This Act shall take effect upon the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

And Act...

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ACT 241

[H. B. No. 352]

AN ACT TO AMEND SECTION 5 OF ACT 225 OF THE SESSION LAWS OF 1919, RELATING TO THE FARM LOAN ACT.

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

SECTION 1. Subsection 2 of Section 5 of Act 225 of the Session Laws of 1919 is hereby amended to read as follows:

- ✓ "2. Every mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan, except in the case of short term loans under Class B, as hereinafter classified, by means of a fixed number of semi-annual installments sufficient to cover six per centum interest and such amount to be applied on the principal as will extinguish the debt within an agreed period as hereinafter specified; provided, however, that additional payments in sums not less than twenty dollars (\$20.00), or the payment of the entire principal, may be made on any regular installment date; and provided, further, that the board

shall, for satisfactory cause and in its discretion, extend the time within which the semi-annual installments of principal may be paid for a period not exceeding two years in any case."

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 242

[H. B. No. 386]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION AND MAINTENANCE OF A COUNTY FAIR BUILDING AT HOO- LULU PARK, WAIAKEA-KAI, COUNTY OF HAWAII.

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 to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction and maintenance of a county fair building upon the land set aside for public park and playground purposes at Waiakea-kai, South Hilo, County of Hawaii, by executive proclamation number 51, dated the 1st day of April, 1918, known as Hoolulu Park.

SECTION 2. This appropriation shall be available only when a like sum of twenty-five thousand dollars (\$25,000.00) shall have been raised for said purpose from public or private subscriptions within the County of Hawaii.

SECTION 3. The said county fair building shall be constructed upon plans and specifications approved by the superintendent of public works of the Territory of Hawaii.

SECTION 4. The expenditure of said appropriation of twenty-

five thousand dollars (\$25,000.00), together with the sum of twenty-five thousand dollars (\$25,000.00) to be raised by subscription, as in Section 2 of this Act provided, shall be made by the board of supervisors of the County of Hawaii.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 243

[H. B. No. 419]

AN ACT APPROPRIATING THE SUM OF SIX THOUSAND DOLLARS (\$6,000.00) BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII TOWARD THE CONSTRUCTION OF A ROAD OR ROADS THROUGH THE WAHIKULI BEACH LOT TRACT, LAHAINA, COUNTY OF MAUI.

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

SECTION 1. The sum of six thousand dollars (\$6,000.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury of the territory not otherwise appropriated, to be expended by way of advancement for the construction of a road or roads through the Wahikuli beach lot tract, Lahaina, County of Maui.

SECTION 2. The said sum of six thousand dollars (\$6,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor, based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of said road or roads.

SECTION 3. The said sum of six thousand dollars (\$6,000.00),

or so much thereof as may be expended, shall be repaid into the general fund of the treasury of the Territory of Hawaii from the proceeds of the sales of lots of the above mentioned tract.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 244

AND ACT 17 S. L. 1923

[H. B. No. 431]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 122 OF THE SESSION LAWS OF 1915, ACT 124 OF THE SESSION LAWS OF 1919 AND ACT 17 OF THE SESSION LAWS OF 1921, RELATING TO FIREARMS AND AMMUNITION, BY AMENDING SECTION 2202B.

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

SECTION 1. Chapter 125 of the Revised Laws of Hawaii, 1915, as amended by Act 122 of the Session Laws of 1915, Act 124 of the Session Laws of 1919 and Act 17 of the Session Laws of 1921, is hereby so amended that Section 2202B shall read as follows:

“Section 2202B. Any person, firm or corporation dealing in or keeping for sale firearms, or any other person in possession of firearms, shall not make an individual sale or retail sale of any such firearms, or shall not, in any manner, dispose of the same to another person, unless the person desiring to purchase the same or the recipient thereof shall first have obtained from the sheriff or deputy sheriff of the county or city and county a written permit for such purchase; the person desiring to purchase any such firearms or the recipient thereof shall deliver the said

written permit to the proposed vendor or disposer, and if the sale or disposition is effected, the said vendor or disposer shall indorse on the back of said permit a full and complete description of the particular firearm sold or disposed of under said permit, and immediately transmit the said permit by mail or otherwise to the office or officer issuing the same".

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 245

[H. B. No. 432]

AN ACT TO AMEND SECTION 297 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 114 OF THE SESSION LAWS OF 1917, AND AS FURTHER AMENDED BY ACT 107 OF THE SESSION LAWS OF 1919, RELATING TO MAINTENANCE OF SCHOOLS AND SALARY SCHEDULE.

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

SECTION 1. Section 297 of the Revised Laws of Hawaii, 1915, as amended by Act 114 of the Session Laws of 1917, and as further amended by Act 107 of the Session Laws of 1919, is hereby further amended to read as follows:

205 s. L. 1923 Section 297. Salary schedule. The salary schedule fixing the pay of teachers, principals and supervisors heretofore adopted by the department of public instruction on December 7 and 8, 1920, which was approved by the Governor and duly published, or any amendment made thereto in the Regular Session of 1921, by concurrent resolution, is hereby adopted and approved as the salary schedule for the years 1922 and 1923, and all such teachers, principals and supervisors shall be paid accordingly. The

total number of teachers, exclusive of supervisors, principals of schools with seventeen or more assistants, and vocational teachers who may be continuously employed by the department in any one year, shall not exceed one for every thirty-five pupils of compulsory school age enrolled in the public schools at the time of the highest enrollment during the preceding year, plus an estimated increase of not more than 7.5 per centum in such enrollment after September first of the current year; it is provided, however, that the monthly pay roll of teachers, supervisors and principals shall not exceed \$4.50 per capita of the number of pupils of compulsory school age enrolled, plus those over the school age attending public high schools, as estimated above. And the treasurer of the territory, in making up his estimates of funds necessary to be raised out of the real and personal property taxes to meet such monthly pay roll, shall take into consideration the estimated increase of not more than 7.5 per centum in the enrollment, as aforesaid, after September first of the current year and the consequent increase in the number of teachers and in the amount of said pay roll which will be necessary."

SECTION 2. All laws and parts of laws inconsistent with this Act are hereby repealed.

SECTION 3. This Act shall take effect on January 1, 1922.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 246

[H. B. No. 433]

AN ACT TO AMEND SECTION 2417 OF CHAPTER 138 OF THE REVISED LAWS OF HAWAII, 1915, PROVIDING FOR JURIES AND TRIAL BY JURY, AND PROVIDING FOR THE DRAWING OF ADDITIONAL JURORS.

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

SECTION 1. Section 2417 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2417. Incomplete panel; exhausted panel; procuring additional jurors. Whenever a sufficient number of jurors are not drawn or summoned, or whenever a sufficient number of jurors regularly drawn and summoned, as hereinbefore provided, do not appear or cannot be obtained to form a grand jury panel, or a trial panel, the court shall then and thereafter as often as occasion may arise, direct that from the appropriate jury box may be drawn names sufficient in number to fill said grand jury panel so that the same may then contain not less than thirteen or more than twenty-three grand jurors, or, if the deficiency be in the trial jury panel, that from the appropriate jury box may be drawn names not more than twenty-six in number for the purpose of filling the panel and acting as trial jurors for the residue of the term; whereupon the court shall direct the sheriff to summon the persons whose names have been thus drawn to appear forthwith for the purpose or purposes aforesaid. Provided, however, that in case the trial jury panel for the trial of any case, civil or criminal has been exhausted either by peremptory challenges or by excusing for cause, three additional jurors may be summoned from among the bystanders if no objection is made by any party interested. If more than three additional trial jurors shall be required, or if objection be made to summoning any bystanders, the court shall then direct that from the appropriate jury box may be drawn twelve additional names to act as trial jurors in the case then pending before the court, whereupon the court shall direct the sheriff to summon the per-

sons whose names have thus been drawn to appear forthwith for the purpose aforesaid, and the said court shall continue to draw names in series of twelve in the manner herein specified until the jury for the trial of the case then before the court has been completed. The names of all such specially summoned trial jurors shall be redeposited in the appropriate jury box when the said cause has been completed or when any of said jurors have been excused from service on such jury either by peremptory challenges for cause, or otherwise, and all such jurors shall thereafter be available for further duty during the year for which they have been selected".

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 247

[H. B. No. 484]

AN ACT MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES OF THE TERRITORY FOR THE CONSTRUCTION OF A ROAD FROM THE END OF THE MAKAHAKAI ROAD TOWARD THE JUNCTION OF KEAAU AND OHIKILOLO TRACTS, IN THE DISTRICT OF WAIANAE, CITY AND COUNTY OF HONOLULU.

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 to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, by way of advancement for the construction of a road commencing from the end of the Makaha-kai road and continuing toward the junc-

tion of Keaau and Ohikilolo tracts, in the District of Waianae, City and County of Honolulu.

SECTION 2. The said sum of two thousand dollars (\$2,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers approved by the commissioner of public lands, who shall have charge of the construction of the said road.

SECTION 3. The amount hereby appropriated under this Act shall become available, and the construction of said road shall be commenced as soon as the contract for such construction shall be entered into.

SECTION 4. The said sum of two thousand dollars (\$2,000.00) hereby appropriated, or so much thereof as may be expended under the provisions of this Act, shall be repaid into the general fund of the treasury of the Territory of Hawaii from the sales of public lands in the City and County of Honolulu.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 248

[H. B. No. 61]

AN ACT TO AMEND SECTION 1418 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 6 OF THE SPECIAL SESSION LAWS OF 1918, RELATING TO EXPENDITURES OF PUBLIC MONEY.

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

SECTION 1. Section 1418 of the Revised Laws of Hawaii,

1915, as amended by Act 6 of the Special Session Laws of 1918, is hereby further amended to read as follows:

"Section 1418. Expenditure of public moneys; procedure. No expenditure of public money, except for salaries or pay of officers or employees, or permanent settlements, subsidies or other claims or objects for which a fixed sum or sums must be paid by law, or for other purposes which do not admit of competition, or for the purchase of materials or supplies from any other department, bureau, organization, or municipal or political subdivision of the federal, territorial, municipal or county governments, or for the performance of public work or contracts by any other such department, bureau, organization, or municipal or political subdivision of the federal, territorial, municipal or county governments, where the sum to be expended shall be one thousand dollars or more, shall be made, except under contract let after public advertisement for sealed tenders, in the manner provided by law; and no expenditures for public purposes shall be so divided or parceled as to defeat or evade the provisions of this section; provided, however, that expenditures may be made, with the approval of the board of supervisors, in the case of a county or city and county, or of the Governor, in the case of the territory, in excess of such sum without so contracting, when the work to be done is of such a nature that its extent and character cannot be known or specified beforehand with reasonable certainty or when no tender is received in response to such advertisement; and provided, further, that any county or city and county may, with the approval of its board of supervisors, make expenditures for repairs and for roads and water works either on its own behalf or for the federal or territorial government or any department thereof in excess of such sum without so contracting; provided, that in the case of new road work and water works, it shall first advertise for sealed tenders and shall keep a full and true account of the cost of the work, if done by itself, without awarding a contract therefor, and shall, upon the completion of the work, publish a full and true statement of its cost and of the amounts of rejected tenders, if any; and provided, that any governmental agency actually performing the work shall in no case receive more than the actual cost thereof. And provided,

further, that nothing herein provided shall prevent the board of health, if, after publication of a call for tenders as herein provided for, it received no bids from any responsible bidder or only one bid therefrom, from purchasing at regular market prices, meats, on the hoof or otherwise, and foodstuffs, as may from time to time be required for the leper settlement".

SECTION 2. This Act shall apply as well to the expenditure of any existing and unexpended appropriations, revenues or loans as to the expenditure of subsequent appropriations, revenues or loans.

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

Approved this 27th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 249

[H. B. No. 63]

AN ACT PRESCRIBING THE QUALIFICATIONS OF DEPUTIES, CLERKS AND OTHER EMPLOYEES OF THE CITY AND COUNTY OF HONOLULU, AND AMENDING SECTION 1759 OF THE REVISED LAWS OF HAWAII, 1915.

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

SECTION 1. Section 1759 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1759. Qualifications of deputies, etc. All deputies, clerks, assistants and other employees of the city and county must be citizens of the United States, and must, during their respective term of office or employment, actually reside in the city and county, and must have so resided for one year next preceding their appointment; provided, however, that profes-

sional persons who have resided anywhere within the territory at least one year may be employed by the city and county; provided further that where professional persons with such residential qualifications are not available, the board of supervisors may permit professional persons not possessing such qualification to be employed."

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

Approved this 29th day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 250

[H. B. No. 304]

AN ACT TO AMEND CHAPTER 93 OF THE REVISED LAWS OF HAWAII, 1915, BY AMENDING SECTION 1241 OF SAID REVISED LAWS AS AMENDED BY ACT 222 OF THE SESSION LAWS OF 1917, RELATING TO THE BASIS OF VALUE FOR TAXATION AND BY ADDING A NEW SECTION TO SAID CHAPTER TO BE KNOWN AS SECTION 1283A, RELATING TO APPEALS BY PERSONS UNDER CONTRACTUAL OBLIGATIONS.

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

SECTION 1. Section 1241 of the Revised Laws of Hawaii, 1915, as amended by Act 222 of the Session Laws of 1917, is hereby further amended to read as follows:

"Section 1241. Basis of value for taxation. All real and personal property and the interest of any person in any real or personal property shall be assessed separately as to each item thereof for its cash value.

"Land shall be equally assessed, according to its value for use or occupancy; this value shall be determined in cities and towns.

and wherever else practicable, by the Somer's system or other means of exact computation from central locations.

"Provided, however, that in all cases where real and personal property, or several classes or kinds or parcels or real or personal property, respectively, are combined and made the basis of an enterprise for profit, the combined property forming such basis of such enterprise for profit, shall be assessed as a whole on its fair and reasonable aggregate value.

"Land leased or sub-leased to others and not used by a taxpayer personally as a part of the combined property forming the basis of the enterprise for profit conducted by said taxpayer shall not be considered as a part of the combined property, nor included in the return or assessment of such property as a whole, but shall be separately returned and assessed.

"In estimating the aggregate value of each such enterprise for profit, there shall be taken into consideration the net profits made by the same, also the gross receipts and actual running expenses; and where it is a company, being a corporation whose stock is quoted in the market, the market price thereof, as well as all other facts and considerations which reasonably and fairly bear upon such valuation.

"In ascertaining the aggregate value of the property constituting the basis of an enterprise for profit for the purposes indicated by this section, there shall first be included all property combined and forming the basis of such enterprise, whether within the definition of real or personal property set forth in this chapter or not, and there then shall be deducted therefrom the value of shares in other Hawaiian corporations, held or owned by such enterprise, the value of all property on which specific taxes are levied and the value of all property that would not be taxable if not so combined and made the basis of an enterprise for profit.

"Provided also, that the combined property of every corporation holding a public utility franchise and occupying the public streets or highways of the territory, other than any such corpor-

ation that by the terms of its franchise is required to pay a percentage of its gross income to the territory, or county or city and county, shall be valued and assessed at not less than the total amount of the par value of the capital stock issued by such corporation."

SECTION 2. A new section is hereby added to the Revised Laws of Hawaii, 1915, to be known as Section 1283A, and to read as follows:

"Section 1283A. Appeals by persons under contractual obligations. Whenever any person is under a contractual obligation to pay a tax assessed against another, such person shall have the same rights of injunctions and of appeal to the tax appeal courts and to the supreme court, in his own name, as if the tax were assessed directly against him, provided that the person against whom such tax is assessed shall have a right to appear and be heard on any such appeal."

SECTION 3. This Act shall take effect January 1, 1922.

Approved, this 5th day of May, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

JOINT RESOLUTION NO. 1

[S. J. R. No. 1]

JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A JOINT COMMITTEE OF THE LEGISLATURE, WHICH COMMITTEE IS EMPOWERED TO DESTROY ALL PAID UP WARRANTS OF THE GOVERNMENT OF THE TERRITORY OF HAWAII AND ALL BONDS AND INTEREST COUPONS REDEEMED AND PAID OF DATE PRIOR TO JULY 1, 1915.

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

That the Committee on Ways and Means of the Senate and the Committee on Finance of the House of Representatives, Territory of Hawaii, are hereby appointed a Committee of the Legislature of the year 1921; and such committee is hereby authorized and empowered to burn up or destroy all warrants of the government of the Territory of Hawaii which were paid on or before July 1, A. D. 1915, and all bonds and interest coupons which were redeemed and paid on or before July 1, A. D. 1915; and all actions of said committee relating to the same are hereby approved by the legislature.

Approved this 23rd day of April, A. D. 1921.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

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