

LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
LEGISLATURE
AT ITS
REGULAR SESSION
1917

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ERRATA

- On page 66, in title and body of Act 47, "Chapter 23" should be "Chapter 136."
- On page 248, line 21, word "you" should be inserted after word "Are."
- On page 271, line 18, "surgicial" should be "surgical."
- On page 397, line 21, "industial" should be "industrial."
- On page 419, line 2, "assit" should be "assist."
- On page 443, in title of Act 227, figure "10" inadvertently omitted after "Sections 1."
- On page 481, next to last line, "inds-" should be "indus-".
- On page 511, line 24, "Kapa" should be "Kapaa."

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LAWS

OF THE

TERRITORY OF HAWAII

ACT 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 TER-
RITORY OF HAWAII OF THE YEAR 1917 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 thirty thousand dollars (\$30,000.00) 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 1917.

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

Approved this 28th day of February, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 2. Defraying Expenses Senate.

ACT 2

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 1917.**

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

SECTION 1. There shall be and hereby is appropriated the sum of twenty-three thousand dollars (\$23,000.00) 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 1917.

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

Approved this 28th day of February, A. D. 1917.

**LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.**

Act 3. Amending Primary Law.**ACT 3****AN ACT**

To AMEND SECTION 28 OF THE REVISED LAWS OF HAWAII,
1915, AS AMENDED BY ACT 152 OF THE SESSION LAWS OF
1915, RELATING TO PRIMARY LAW.

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

SECTION 1. Section 28 of the Revised Laws of Hawaii, 1915, as amended by Act 152 of the Session Laws of 1915, is hereby amended to read as follows:

Amd Act 223 S. L. 1915

“SECTION 28. Primary held when; candidates only those nominated. 1. The primary shall be held at the regular polling place in each precinct on the first Saturday of October, in the year 1916, and biennially thereafter; provided that in such county or counties or city and county where an election of county officers has by law been fixed to take place in any month other than November, a primary shall also be held on the third Saturday of the first month preceding such election month, and biennially thereafter for the election of such county officers.

“2. No person shall be a candidate for the ensuing general or county election unless he shall have been nominated at the primary next prior thereto.”

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

Approved this 6th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 4. County Elections.

ACT 4

AN ACT

**To AMEND SECTION 1517 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO GENERAL ELECTIONS.**

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

SECTION 1. Section 1517 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

A. D. ACT. 4 b. S. L. 1923
“Section 1517. Time of election and taking office. All general elections of officers of the counties of Hawaii, Maui and Kauai shall be held on the first Tuesday after the second Monday in the month of June, in the year 1917, and every second year thereafter, and such officers shall take office at 12 o'clock meridian on the first day in the month of July following their election, unless such day be a Sunday, in which case they shall take office on the second day of such month. The officers of said counties elected shall hold office until their successors shall be elected and qualified. The expenses of such elections shall be paid by the respective counties in which they are held.”

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

Approved this 6th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 5. Honolulu Elections.**ACT 5****AN ACT**

**TO AMEND SECTION 1687 OF THE REVISED LAWS OF HAWAII,
1915, AS AMENDED BY ACT 160 OF THE SESSION LAWS OF
1915, RELATING TO THE ELECTION OF CITY AND COUNTY
OFFICERS OF THE CITY AND COUNTY OF HONOLULU.**

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

SECTION 1. Section 1687 of the Revised Laws of Hawaii, 1915, as amended by Act 160 of the Session Laws of 1915, is hereby amended so as to read as follows:

"Section 1687. Date of election. All general elections of officers of the city and county of Honolulu, held after 1915, shall be held on the first Tuesday after the first Monday in the month of June, 1917, and every second year thereafter; and such officers shall take office at 12 o'clock meridian on the first day in the month of July following their election, unless such day be a Sunday, in which case they shall take office on the second day of such month. The officers of the said city and county, elected in 1914, shall hold office until their successors, to be elected in the year 1917, shall be so elected and qualified. The expenses of such elections shall be paid by the city and county of Honolulu."

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

Approved this 6th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 6. Weights and Measures.And Act 91 S. I. 1919**ACT 6****AN ACT**

**RELATING TO WEIGHTS AND MEASURES, AMENDING SECTIONS
2206 AND 2211 OF THE REVISED LAWS OF HAWAII, 1915,
AND AMENDING CHAPTER 126 OF SAID REVISED LAWS
BY ADDING A NEW SECTION TO BE DESIGNATED AS SEC-
TION 2212A.**

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

SECTION 1. Section 2206 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"**SECTION 2206.** Testing, sealing. It shall be the duty of the sheriff of each city and county or county to procure a standard set of beams, weights and measures; and he shall annually, or oftener in his discretion, cause all beams, weights and measures in the city and county or county for which he is sheriff, used by persons selling or buying goods, wares, merchandise, fruits, vegetables or other commodity, to be tested by such beams, weights and measures, and to seal such as shall be found true with the capital letters 'T. H.'."

SECTION 2. Section 2211 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"**SECTION 2211.** Using unsealed weights, etc., penalty. If any person, in buying or selling, shall use or cause to be used, any beams, weights or measures that have not been duly sealed, he shall be fined for such offense a sum not exceeding fifty dollars; and any person who shall be injured or defrauded by the use of any such beams, weights or measures may maintain an action against the offender; and if

Act 6. Weights and Measures.**Act 7. Kidnapping.**

judgment be rendered for the plaintiff, he shall recover double damages, and the costs of suit."

SECTION 3. Chapter 126 of the Revised Laws of Hawaii, 1915, is hereby amended by adding a new section thereto to be designated as Section 2212A and to read as follows:

"Section 2212A. Confiscation. The sheriff of each city and county or county, or any employee in his department deputized to aid in the performance of his duties as inspector of weights and measures for such city and county or county, shall seize and confiscate and destroy all beams, weights and measures in such city and county or county used by persons selling or buying any goods, wares, merchandise, fruits, vegetables or other commodity whatsoever, which are found, on being tested, not to conform to the standard and to be incapable of being made to conform to the standard."

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

Approved this 8th day of March, A.D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 7**AN ACT**

To AMEND SECTION 3888 OF THE REVISED LAWS OF HAWAII,

Act 7. Kidnapping.

Act 8. Tax on Social Clubs.

**1915, RELATING TO THE CRIME OF KIDNAPPING, BY IN-
CREASING THE PENALTY FOR SAID CRIME.**

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

SECTION 1. That Section 3888 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 3888. Kidnapping; punishment. Whoever kidnaps, that is, forcibly or fraudulently and deceitfully, and without authority by law, imprisons, seizes, detains or inveigles away any person, with intent to cause such person to be secreted within this Territory against his will, or sent out of this Territory against his will, or sold or held as a slave, shall be punished by a fine not exceeding one thousand dollars, and be imprisoned at hard labor not more than five years, in the discretion of the court."

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

Approved this 12th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 8

AN ACT

**To AMEND SECTION 1370 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO A TAX ON SOCIAL CLUBS.**

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

SECTION 1. Section 1370 of the Revised Laws of Hawaii,

**Act 8. Tax on Social Clubs.
Act 9. Commitment of Juveniles.**

1915, is hereby amended to read as follows:

"Section 1370. Tax. Any social club, whether incorporated or not, furnishing meals and intoxicating liquors, or intoxicating liquors alone, to its members, shall pay an annual tax in the sum of two hundred dollars (\$200.00), which tax shall be collected by the treasurer of the Territory and by him remitted as a county realization to the county or city and county in which such club is situated."

SECTION 2. This Act shall take effect upon the first day of July, A. D. 1917.

Approved this 14th day of March, A. D. 1917.

**LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.**

ACT 9

AN ACT

**TO AMEND SECTION 2287 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO THE PROCEDURE IN THE JUVENILE
COURTS AND COMMITMENT OF JUVENILES TO THE IN-
DUSTRIAL SCHOOLS.**

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

SECTION 1. Section 2287 of the Revised Laws of Hawaii, 1915, is hereby amended by striking out the words "when deemed advisable" in the proviso thereto, in lines 62 and 63, so that such proviso when so amended shall read as follows:

Act 9. Commitment of Juveniles.
Act 10. Custody of Wills.

"Provided that when a girl is to be conveyed to any institution, the judge shall appoint a suitable woman to accompany such girl."

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

Approved this 14th day of March, A.D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 10

AN ACT

To REPEAL SECTIONS 2505 AND 2506 OF THE REVISED LAWS
OF HAWAII, 1915, RELATING TO CUSTODY OF WILLS.

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

SECTION 1. That Sections 2505 and 2506 of the Revised Laws of Hawaii, 1915, be and are hereby repealed.

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

Approved this 14th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 11. Meetings, Commissioners of Public Instruction.**ACT 11****AN ACT**

**TO AMEND SECTION 255 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO MEETINGS OF THE COMMISSIONERS
OF PUBLIC INSTRUCTION.**

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

SECTION 1. Section 255 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 255. Quorum. The superintendent and three commissioners or, in the absence of the superintendent, four commissioners shall constitute a quorum for the transaction of business. At least one meeting shall be held in Honolulu during the months of December or January, and July or August in each calendar year; such other meetings shall be held as may be necessary for the proper transaction of the business of the department."

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

Approved this 17th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 12. Sale of Lands in Hilo.

ACT 12

AN ACT

PROVIDING FOR THE DISPOSITION OF CERTAIN PUBLIC LANDS KNOWN AS WAIAU, ILI OF PIIHONUA, DISTRICT OF SOUTH HILO, COUNTY OF HAWAII.

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

SECTION 1. The commissioner of public lands, with the approval of the governor of the Territory of Hawaii, shall herewith immediately advertise the sale of the subdivided area of Waiau, Ili of Piihonua, said land being that tract of land lying between the Waiau stream and the Wailuku river, near the city of Hilo, county of Hawaii.

SECTION 2. All lots shall be numbered and shall be appraised in the manner provided by law, and the said lots shall be sold by drawing of numbers.

SECTION 3. That each purchaser shall be entitled to not more than one lot.

SECTION 4. That said lots so sold shall be for cash or time payments. If a purchaser desires to pay for a lot in cash, said purchaser shall pay the full value of said lot at the time of drawing. Time payments shall be made in the following manner: ten per cent. of the purchase price at the time of drawing; ten per cent. at the end of six months; and twenty per cent. annually thereafter until the purchase price is fully paid up; deferred payments to bear interest at the rate of six per cent. annually.

SECTION 5. No titles to the said lots shall be issued until all the conditions imposed by the commissioner of public lands and the governor shall have been faithfully carried out.

Act 12. Sale of Lands in Hilo.
Act 13. Protection of Lobsters, etc.

SECTION 6. This Act shall take effect upon its approval.

Approved this 19th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 13

AN ACT

To PROVIDE FOR THE PROTECTION OF CERTAIN CRUSTACEANS
KNOWN AS LOBSTERS, CRAWFISH OR ULA, AND KUA-
HONU OR CRABS.

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

SECTION 1. It shall be unlawful for any person to catch or take from any bays, harbors or other waters of this Territory, or to expose or offer for sale, or to hold in possession with the intent of exposing or offering for sale, or to kill, any crustacean known as lobster, crawfish, or ula, kuahonu or crab while with egg. If any of said crustaceans be caught, they must immediately be returned to the waters from which they were taken.

SECTION 2. Penalty. Any person violating any of the provisions of this Act shall upon conviction be punished by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment for not less than ten days nor for more than thirty days, or by both such fine and imprisonment in the discretion of the court.

Act 13. Protection of Lobsters, etc.

Act 14. Protection of Food Fishes.

SECTION 3.. One half of the fine imposed and collected in all cases wherein the defendant shall have been convicted for a violation of any of the provisions of this Act, shall be paid to the person or persons giving the information leading to the arrest of the person so convicted, unless said informer is a sheriff, deputy sheriff, police officer, or constable receiving a regular governmental salary.

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

Approved this 19th day of March, A.D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Amend Act 4 S. S. 1918

Amend. Act. No. 76 S. L. 1919

Amend. Act. No. 23 S. L. 1921

ACT 14

AN ACT

To AMEND SECTION 628 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 87 OF THE SESSION LAWS OF 1915, 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, is hereby amended to read as follows:

“Section 628. Prohibited; exceptions. Size of net mesh. No person shall take, catch or kill any fish fit for food, living in the waters of any sea, harbor, bay, inlet or stream within the jurisdiction of the Territory of Hawaii by means of any

Act 14. Protection of Food Fishes.

net, seine, trap or other contrivance of whatever kind or description having a smaller mesh or opening than one and one-half inches square or three inches stretched or by means of any wire fence, wire net or wire obstruction of any size, material or description whatsoever.

Nothing in this section contained shall prohibit the use of nets or other contrivances, except wire fences, wire nets, and wire obstructions as aforesaid, in fishing for, and the taking of a'awa, alaihi, akilolo, ahaaha, alalauwa, aweoweo, awela, aalaheo, aloiloi, aholehole, iao, iheihe, opae, ohua-palemo, ohua-aliko, oopukai, oopu-nopili, oopunakea, opule-laulii, olale, oili, uu, upapalu, uwiwi, uiui, hinalea, hinana, humuhumu, kole, kikakapu, lae-nihi, laipala, lauhau, mai'ii, maomao, manini, malolo, mamamo, maikoiko, nehu, naenae, nunu, puhi, puhi-kii, piha, puili, pakii, pakuikui, pualu, poopa'a, opelu, hahalalu, oama, gold-fish, catfish and mud-fish."

4.5

SECTION 2. This Act shall take effect from and after January 1, 1918.

Approved this 19th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 15. Malicious Conversion.

ACT 15

AN ACT

To **DEFINE THE CRIME OF MALICIOUS CONVERSION, AND TO PROVIDE FOR THE CONVICTION AND PUNISHMENT OF PERSONS GUILTY THEREOF.**

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

SECTION 1. Whoever maliciously and without the consent of the person entitled to the possession thereof, shall move, take, take away, carry away or convert to his own use, any bicycle, tricycle, motorcycle, automobile or any other motor driven vehicle, or any horse, wagon, cart, buggy, surrey or other wheeled vehicle, or any vehicle of any kind whatsoever, or any boat, skiff, canoe, sampan, sailboat, motorboat, launch or vessel of any kind whatsoever shall be guilty of the crime of malicious conversion and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment at hard labor for not more than five years or both, in the discretion of the court.

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

Approved this 19th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 16. Return of Executions.**ACT 16****AN ACT**

To AMEND SECTION 2448 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO TIME WITHIN WHICH EXECUTIONS
SHALL BE RETURNABLE.

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

SECTION 1. Section 2448 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2448. Time within which executions shall be returnable. All executions and alias executions issued by or from any court or district magistrate shall be made returnable within sixty days from the date thereof."

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

Approved this 19th day of March, A.D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 17. Board of Pharmacy.**ACT 17****AN ACT***And Act 237 s. L. 1923*

To AMEND SECTION 1055 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO THE APPOINTMENT OF A BOARD OF
PHARMACY.

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

SECTION 1. Section 1055 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1055. Board, appointment, removal. There shall be appointed by the governor in the manner provided in section 80 of the Organic Act a board of pharmacy which shall consist of three members, namely: one physician and two pharmacists; one pharmacist shall be a resident of the city and county of Honolulu and one shall be a resident of any other county in the Territory of Hawaii, who shall hold office for two years, except in case of appointments made to fill out unexpired terms. The members of such board shall be subject, however, to removal by the governor, in the manner provided in section 80 of the Organic Act, and they shall serve without pay."

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

Approved this 19th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 18. Bonds on Attachment.**ACT 18****AN ACT****To AMEND SECTION 2783 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO ATTACHMENT.**

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

SECTION 1. Section 2783 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2783. Bond. Amount and conditions. Before the writ of attachment shall issue, the plaintiff, or some one in his behalf, shall execute and file with the clerk a bond or undertaking with two or more sureties, in a sum at least double the amount for which the plaintiff demands judgment, and in no case less than fifty dollars in a district court, or three hundred dollars in any other court, conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the amount specified in such bond or undertaking as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out, and in case the defendant be declared a bankrupt, pay all charges, damages and expenses incurred by the high sheriff or his deputy, the sheriff of any county or city and county or his deputy or any police officer by reason of said attachment. With said bond or undertaking, there shall also be filed the affidavits of the sureties, from which it must appear that such sureties are qualified, and that they are, taken together, worth the sum specified in the bond or undertaking over and above all debts and liabilities and property exempt from execution. But no such bond shall be required when the plaintiff is the Territory or any officer or agent of

Act 18. Bonds on Attachment.

Act 19. Honuapo Wharf.

the Territory or any municipality suing for its use or benefit."

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

Approved this 19th day of March, A. D. 1917.

LUCIUS E. PINKHAM,

Governor of the Territory of Hawaii.

ACT 19

AN ACT

MAKING AN ADDITIONAL APPROPRIATION OF TEN THOUSAND DOLLARS. (\$10,000.00) FOR COMPLETING THE CONSTRUCTION AND EXTENSION OF HONUAPO WHARF, ISLAND OF HAWAII.

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 as an additional appropriation out of the general revenues of the Territory for the completion of the construction and the extension of Honuapo wharf, island of Hawaii.

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

Approved this 19th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Am. Act. 70 S. L. 1919
 Am. Act. 138 S. L. 1921
 Am. Act. 192 S. L. 1921

Act 20. Territorial Fair.

ACT 20

AN ACT

MAKING AN APPROPRIATION FOR MECHANICAL, LIVE STOCK, AGRICULTURAL AND HORTICULTURAL FAIRS.

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

SECTION 1. There is hereby appropriated out of the general revenues the sum of six thousand dollars for the purpose of defraying the expenses of mechanical, live stock, agricultural and horticultural 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. 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, one of whom shall be chairman, who shall constitute a commission to be known as the "Fair Commission of Hawaii." Said commissioners shall hold office for four years, unless sooner removed for cause, and shall serve without pay.

SECTION 3. The commission shall cause to be held at some suitable place in the city and county of Honolulu, on a day which they may select, in the year 1917, and annually thereafter, a fair or exhibition for the purpose of showing and exhibiting the mechanical, live stock, agricultural and horticultural products of the Territory.

Act 20. L. 1921

Act 20. Territorial Fair.

SECTION 4. The commission is authorized and empowered to sell concessions and space in the fair grounds, and to charge reasonable admission fees thereto, and all moneys realized from the sale of concessions and space and gate receipts shall be paid by the commission to the territorial treasurer, who shall deposit the same in the special fund mentioned in section 1 hereof for the purposes of this Act.

SECTION 5. The commission is hereby authorized to grant premiums, medals, ribbons and prizes for the best exhibits displayed at any fair held under this Act; and to provide for the accommodation and maintenance of all exhibits during the time said exhibits are kept on exhibition.

SECTION 6. All moneys expended under this Act shall be paid by the territorial treasurer, upon warrants issued by the auditor, upon vouchers approved by the chairman of the fair commission.

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

Approved this 19th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 21. Duties of County Auditors.

ACT 21

AN ACT

**To AMEND CHAPTER 108 OF THE REVISED LAWS OF HAWAII,
1915, BY ADDING THERETO A NEW SECTION TO BE KNOWN
AS SECTION 1570A, RELATING TO THE DUTIES OF
COUNTY AUDITORS.**

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

SECTION 1. A new section is hereby added to the Revised Laws of Hawaii, 1915, to be known as Section 1570A and to read as follows:

"Section 1570A. Examination and report on books of county officials. The auditor shall, at least once in each six months, examine and audit the books and accounts of all county officers holding moneys belonging to the county or which may have come into the possession of such officer by virtue of his office, and shall make a written report of the results of such examination to the board of supervisors."

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

Approved this 19th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 22. Entertainment of Congressmen.

~~See 24 Hr. 187~~ ACT 22

AN ACT

To PROVIDE FOR ENTERTAINMENT AND EXPENSES OF SUCH SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES AND OTHER DISTINGUISHED PERSONS WHO SHALL VISIT THE TERRITORY OF HAWAII PRIOR TO DECEMBER 31ST, 1917, ON INVITATION AND FOR THE DISBURSEMENT OF THE MONEY HEREIN APPROPRIATED.

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

SECTION 1. The sum of forty thousand dollars (\$40,000.00) is hereby appropriated to be paid out of any moneys in the treasury of the Territory received from the general revenues of the Territory for the entertainment and expenses of such senators and members of the house of representatives of the United States and other distinguished persons who may accompany and be included in the party of senators and members of the house of representatives of the United States and also any other distinguished persons whom the delegate to Congress from Hawaii shall designate and invite and who shall visit the Territory of Hawaii on such invitation prior to December 31st, 1917.

SECTION 2. The president of the senate of the Territory of Hawaii shall appoint three members of the senate and the speaker of the house of representatives of the Territory of Hawaii shall appoint three members of the said house of representatives and they with the governor, the president of the senate and the speaker of the house of representatives shall be a joint committee to entertain and provide entertainment for such senators and members of the house of representatives and other distinguished

Act 22. Entertainment of Congressmen.**Act 23. Scattering Poison.**

persons who may accompany and be included in the party of said senators and members of the house of representatives and other distinguished persons as provided in Section 1 of this Act and such committee when formed and appointed shall elect a member thereof as chairman.

SECTION 3. The money hereby appropriated shall be under the control of and expended by the treasurer of the Territory of Hawaii upon and with the approval of the joint committee.

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

Approved this 19th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 23**AN ACT**

To PROHIBIT THE SCATTERING, THROWING, DROPPING OR DEPOSITING OF DEADLY POISON, POISONED MEAT OR POISONED FOOD OF ANY KIND ON ANY HIGHWAY, STREET, ROAD, ALLEY, LANE OR YARD, INCLOSURE, PASTURE OR FIELD IN THE TERRITORY OF HAWAII.

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

SECTION 1. Whoever wantonly or maliciously or for the

Act 23. Scattering Poison.

purpose of revenge or with intent to destroy the life of any domestic animal or fowl scatters, throws, drops or deposits, or causes to be scattered, thrown, dropped or deposited any deadly poison, poisoned meat or poisoned food of any kind, or any vessel or container which shall have contained any deadly poison, poisoned meat or poisoned food of any kind, on any highway, street, road, alley or lane; or wantonly or maliciously or for the purpose of revenge scatters, throws, drops or deposits, or causes to be scattered, thrown, dropped or deposited any deadly poison, poisoned meat or poisoned food of any kind, or any vessel or container which shall have contained any deadly poison, poisoned meat or poisoned food of any kind in and about any yard, inclosure, pasture or field in the Territory of Hawaii, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one hundred nor more than five hundred dollars, or by imprisonment at hard labor 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 upon its approval.

Approved this 20th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 24. Coroners.**ACT 24****AN ACT**

To AMEND SECTION 1561 OF THE REVISED LAWS OF HAWAII,
1915, AS AMENDED BY ACT 49 OF THE SESSION LAWS OF
1915, RELATING TO CORONERS.

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

SECTION 1. Section 1561 of the Revised Laws of Hawaii, 1915, as amended by Act 49 of the Session Laws of 1915, is hereby amended so as to read as follows:

“Section 1561. Act as coroner. The sheriff and his deputies shall be ex-officio county coroners, and as such, shall, within their respective counties and districts, have all the powers and perform all the duties of coroners as provided by law; provided, however, that in the absence, illness, or disqualification of the deputy sheriff of any district, any deputy sheriff within the county, or the captain of police of the particular district, shall act as coroner if so instructed by the sheriff of the county.”

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

Approved this 21st day of March, A. D., 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 25. Expenses Charter Convention.**ACT 25****AN ACT**

To AUTHORIZE THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO MAKE AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE CHARTER CONVENTION HELD UNDER THE PROVISIONS OF ACT 91 OF THE SESSION LAWS OF 1915.

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, empowered and directed to appropriate the sum of nine hundred twenty-two dollars (\$922.00) to be paid out of all moneys in the treasury of the said city and county received from current receipts, for the purpose of defraying the following unpaid claims on account of the expenses incurred by the charter convention created and held pursuant to and by virtue of the provisions of Act 91 of the Session Laws of 1915, to wit:

Claim of the Bank of Hawaii, Limited, for moneys advanced and loaned on note of D. Logan et al. dated Sept. 16, 1915, for \$700.00 with interest at 6 per cent (up to March 16, 1917) or so much thereof as may be required to liquidate said note	\$763.00
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Claim of W. J. Coelho for extra services ren- dered in compiling records of proceed- ings, drawing reports to the legisla- ture, and drawing drafts of necessary legislation or Acts	150.00
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- Act 25. Expenses, Charter Convention.
 Act 26. Electric Franchise, Kapaa, Kauai.

Claim of the Honolulu Star-Bulletin, Limited, for binding three books of report of the charter convention to the legislature of 1917	9.00
\$922.00	

SECTION 2. The auditor of the city and county of Honolulu is hereby ordered and authorized to issue a warrant or warrants to each of the claimants named in the preceding section for the respective amounts set forth in said section, upon a receipt or receipts in full being filed therefor by each of said claimants.

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

Approved this 22nd day of March, A. D. 1917.

LUCIUS E. PINKHAM,
 Governor of the Territory of Hawaii.

Amd. Act 139 S. L. 1919 ACT 26

AN ACT

To AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER, WITHIN THE KAPAA 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. Frederick Elliot Trowbridge, of Lihue, Kapaa

Act 26. Electric Franchise, Kapaa, Kauai.

district of Kawaihau, county of Kauai, Territory of Hawaii, his associates, successors and assigns, or such corporations as he 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 Kapaa district of Kawaihau, on the island of Kauai, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purposes 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 or 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 Kapaa district of Kawaihau, on the island of Kauai, and connect by means of the said lines, wires, and conductors, any manufactory, private or public building, lamps, lamp posts, or other structure or object with the place of supply.

SECTION 2. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time, change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires and apparatus carrying the electric current, and 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 they may

Act 26. Electric Franchise, Kapaa, Kauai.

deem necessary for the public safety and welfare.

SECTION 3. All poles, wires, lines, cables, lamps, lamp posts, conductors, conduits and other appliances 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 Kauai, shall be so constructed, maintained and operated by the association as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. The entire plant, lines, poles and all other apparatus and equipment shall, at all times, be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for that purpose.

SECTION 5. 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 their protection; 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, but such charge shall not at any time exceed twenty cents per kilowatt hour, or one thousand watt hours; and provided however, that the association shall have the right to charge, receive and collect in lieu thereof, from each customer of electricity for lighting, not to exceed the sum of two dollars and fifty cents per month, and from each consumer of electricity for power, not to exceed the sum of one dollar and fifty cents per month per horsepower of apparatus connected to the service, the same to be deemed as a flat rate and in

Act 26. Electric Franchise, Kapaa, Kauai.

lieu of said kilowatt hour charge; provided further, that power is hereby conferred upon the courts of appropriate jurisdiction, or any utility commission or like commission which is, or may be hereafter, created by law of the Territory or of the United States, at all times and upon the petition of any consumer of the said association, or at the instance of said commission, to hear and determine from time to time what rate or rates are reasonable, and otherwise regulate the acts of the association, as provided by law; and to enforce the same by appropriate judgment, order or decree.

SECTION 6. The association shall also have the right to charge consumers, or applicants for the use of electricity, 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; 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 applicants therefor, if required, shall deposit in advance with the association a sum of money sufficient to pay one-half of the actual cost and expense of making and constructing such connections and for current for the period of one month.

SECTION 7. The association shall have the right to acquire, hold or take over, either by purchase or lease, such property, real, personal or mixed, as may be necessary or incidental to its business; but the association shall not have the right or power to purchase any franchise or property of or shares in any other company of like nature.

Act 26. Electric Franchise, Kapaa, Kauai.

SECTION 8. The association shall have power to mortgage the franchise hereby conferred and its other property to secure the payment of bonds or other monetary obligations incurred in the construction of buildings, machinery, poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other appliances, and the manufacturing and supplying of electricity, as provided by this Act.

SECTION 9. 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, any of the streets, roads or other places, for the purpose of conducting electric current for light and power, and shall have actually 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 10. If the association shall fail to do or perform or comply with any of the provisions of this Act, or of the laws of the Territory of Hawaii, or the ordinances of the county of Kauai, or the rules promulgated under section 2 of this Act, and continues to refuse or 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 commission 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 hereby granted, and all rights and privileges thereunder, forfeited and declared null and void.

Act 26. Electric Franchise, Kapa, Kauai.

SECTION 11. 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 utility 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 Kauai, or its successor.

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 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. The association shall within one month after the expiration of the tenth year from and after the commencement of the construction of buildings, or other works, for manufacturing and supplying electricity, and within one month after the expiration of each year thereafter, file with the treasurer of the county of Kauai 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 Kauai, for and on behalf of the 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 year preceding.

SECTION 14. That the Territory of Hawaii, the county

Act 26. Electric Franchise, Kauai, Kauai.

of Kauai, 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 a commission of three persons, one to be appointed by the association, or in case it should fail to do so within thirty days after having been requested to do so by the purchaser, then by the chief justice of the supreme court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within thirty days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard, 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 association, the valuation claimed by the purchaser, and the valuation as determined by the com-

Act 26. Electric Franchise, Kapaa, Kauai.

mission. 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 conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 15. 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 16. The congress of the United States, or the legislature of the Territory of Hawaii, with the approval of the congress, may at any time amend or repeal this Act.

SECTION 17. This Act shall go into 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

Act 26. Electric Franchise, Kapaa, Kauai.
Act 27. Transfer, Hydrography Division.

the congress of the United States, such approval by the congress to be secured within two years from the date of such approval by the governor.

Approved this 23rd day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 27

AN ACT

To TRANSFER THE DIVISION OF HYDROGRAPHY FROM THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY TO THE COMMISSIONER OF PUBLIC LANDS.

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

SECTION 1. The division of hydrography, authorized by and created pursuant to section 483 of the Revised Laws of Hawaii, 1915, is hereby transferred, together with all the materials, equipment and supplies now under the control of the division or of the board of commissioners of agriculture and forestry for the division, to the commissioner of public lands.

SECTION 2. The commissioner of public lands shall have and exercise the same powers, duties and jurisdiction with respect to said division as are now exercised by the board of commissioners of agriculture and forestry.

SECTION 3. All unexpended balances of appropriations

Act 27. Transfer, Hydrography Division.

Act 28. Books for Fourth Circuit Court.

heretofore made for said division, the expenditure of which is now by law vested in the board of commissioners of agriculture and forestry, are hereby transferred to the commissioner of public lands, and the expenditure thereof vested in said commissioner.

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

Approved this 23rd day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 28

AN ACT

To PROVIDE FOR THE APPROPRIATION OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) TO BE IMMEDIATELY AVAILABLE FOR THE PURCHASING OF LAW BOOKS FOR THE USE OF THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized, empowered and directed to appropriate the sum of one thousand five hundred dollars (\$1,500.00) out of any balance in the general fund of the treasury of the county of Hawaii, not otherwise appropriated or contracted for, for the purpose of purchasing law books for the circuit court of the fourth judicial circuit.

Act 28. Books for Fourth Circuit Court.
Act 29. Deficiency Appropriations.

SECTION 2. The amount of money appropriated by this Act shall become available upon the approval of the Act, and shall be expended and paid out upon proper claim therefor duly certified to by the circuit judge of the fourth judicial circuit.

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

Approved this 23rd day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 29

AN ACT

MAKING ADDITIONAL APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1917.

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

SECTION 1. The following sums are hereby appropriated as additional appropriations for the objects hereinafter expressed, for the biennial period ending June 30, 1917, out of any moneys received in the treasury of the Territory of Hawaii from the general revenues:

AUDITING DEPARTMENT.

Expenses	\$600.	\$600.
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Act 29. Deficiency Appropriations.**DEPARTMENT OF PUBLIC WORKS.**

Maintenance, Additions Government Property, Oahu	1,500.	1,500.
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ATTORNEY GENERAL'S DEPARTMENT.

Expenses and maintenance of prisoners..	1,500.	1,500.
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PUBLIC LANDS.

Officers, Employees, Expenses	1,500.	1,500.
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HARBOR COMMISSION.

Hanalei, Warehouse	144.	
Officers, Employees and Expenses	500.	
Expenses, Pilot, Kahului	500.	1,144.

JUDICIARY.

Supreme Court, Expenses	1,400.	1,400.
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BOARD OF HEALTH.

Sanitation Expenses, Territory	500.	
Mosquito Campaign	500.	
Segregation Hospitals and Maintenance	10,000.	
Insane Asylum, Maintenance	3,000.	14,000.

Total	\$21,644.
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SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of March, A. D. 1917.

**LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.**

Act 30. Unpaid Claims.**ACT 30****AN ACT**

**MAKING SPECIAL APPROPRIATIONS FOR THE PAYMENT OF
CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII
INCURRED PRIOR TO JUNE 30, 1915.**

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

SECTION 1. The following sums amounting to one thousand three hundred forty-six dollars and ninety cents (\$1,346.90) 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:

SECRETARY OF THE TERRITORY.

Honolulu Star-Bulletin, Limited	\$689.00
Coyne Furniture Company, Limited	81.78
Arthur G. Smith	125.00
Wade Warren Thayer	3.33

ATTORNEY-GENERAL'S DEPARTMENT.

James McNicoll	50.00
Hilo Tribune Publishing Company, Limited	2.92

TREASURER OF THE TERRITORY.

Hawaiian Trust Company, Limited, July 1, 1914	89.87
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BOARD OF HARBOR COMMISSIONERS.

Castle & Cooke, Limited, agents, March 31, 1915	30.00
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JUDICIARY DEPARTMENT.

Maui Publishing Company, Limited	5.60
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Act 30. Unpaid Claims.**DEPARTMENT OF PUBLIC WORKS.**

Hook On, May 31, 1915	20.00
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GOVERNOR.

W. T. Carden, Trustee, April 30, 1914	64.50
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BOARD OF HEALTH.

Mutual Telephone Company, January 31, 1914..	9.90
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Komokila Shipping Company, June 25, 1915.....	75.00
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H. Hackfeld & Company, Limited, May 7, 1912..	60.00
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Schuman Carriage Company, June 21, 1915	40.00
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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 appropriations under this Act shall lapse upon the 30th day of June, A. D. 1917.

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

Approved this 24th day of March, A. D. 1917.

**LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.**

Act 31. Sales by Guardians.**ACT 31****AN ACT**

To ADD A NEW SECTION TO CHAPTER 173 OF THE REVISED LAWS OF HAWAII, 1915, TO BE NUMBERED SECTION 3059A. RELATING TO SALES BY GUARDIANS OF REAL ESTATE OF VALUE NOT EXCEEDING ONE THOUSAND DOLLARS.

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

SECTION 1. There is hereby enacted and added to Chapter 173 of the Revised Laws of Hawaii, 1915, a new section to be numbered Section 3059A, to read as follows:

AMD ACT 65 L. 1923

“Section 3059A. Where value does not exceed one thousand dollars. Where the petition of any guardian for a license to sell real estate shall allege, and the court shall find that the real estate so sought to be sold does not exceed in value the sum of one thousand dollars, the court or judge having jurisdiction of the matter may grant such license and authorize such sale to be made, either at public or private sale upon the guardian giving the bond and taking the oath provided in Sections 3056 and 3057, and upon giving such notice of the hearing of the petition or of the sale as the court or judge shall prescribe, which notice may be by advertisement in a newspaper, by posting, by mailing or otherwise, as the court or judge shall direct.”

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

Approved this 24th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 32. Gambling.

ACT 32

AN ACT

TO AMEND SECTION 4173 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO GAMBLING.

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

SECTION 1. Section 4173 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 4173. Barricaded place. Every person who shall exhibit or expose to view in any room, house or place barred or barricaded or otherwise built or protected in a manner to make it difficult of access or ingress to police officers, or in any room, house, or place where the doors are locked and the windows closed and screened so as to make it difficult for the police officers to enter into such room, house or place, where three or more persons are present, any cards, dice, dominoes or any gambling table layout, or any part of such layout, or any other gambling implements whatsoever used in any game of faro, monte, roulette, tan, fan tan, or any banking or percentage game played with cards, dice, dominoes, or any device for money, checks, credit or any representative of value, or any other game, in which money or anything of value is lost or won, is guilty of a misdemeanor."

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

Approved this 24th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 33. Hawaiian Dictionary.**ACT 33****AN ACT**

To APPROPRIATE THE ADDITIONAL SUM OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR COMPILING, PRINTING, BINDING AND PUBLISHING A DICTIONARY OF THE HAWAIIAN LANGUAGE.

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

SECTION 1. There is hereby appropriated out of the general revenues and set aside in the treasury as a special fund the sum of five thousand dollars (\$5,000.00), in addition to the sum heretofore appropriated, for compiling, printing, binding and publishing in book form a dictionary of the Hawaiian language.

SECTION 2. This appropriation shall be expended by the board of commissioners of public archives in accordance with the terms of Chapter 198 of the Revised Laws of Hawaii, 1915.

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

Approved this 24th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 34. Books for Third Circuit Court.**ACT 34****AN ACT**

To PROVIDE FOR THE APPROPRIATION OF ONE THOUSAND DOLLARS (\$1,000.00) TO BE IMMEDIATELY AVAILABLE FOR THE PURCHASING OF LAW BOOKS FOR THE USE OF THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT.

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

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized, empowered and directed to appropriate the sum of one thousand dollars (\$1,000.00) out of any balance in the general fund of the treasury of the county of Hawaii, not otherwise appropriated or contracted for, for the purpose of purchasing law books for the circuit court of the third judicial circuit.

SECTION 2. The amount of money appropriated by this Act shall become available upon the approval of the Act, and shall be expended and paid out upon proper claim therefor duly certified to by the judge of the third judicial circuit.

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

Approved this 24th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 35. Co-operative Associations.**ACT 35****AN ACT**

To AMEND ACT 186 OF THE SESSION LAWS OF 1915, RELATING TO COOPERATIVE ASSOCIATION, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 3A.

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

SECTION 1. A new section is hereby added to Act 186 of the Session Laws of 1915 to be known as Section 3A, as follows:

“Section 3A. Any cooperative association formed under this Act shall have power to purchase its own stock from shareholders desiring to withdraw from the association. Stock so purchased shall be subsequently reissued before any more unsold shares of the capital stock shall be issued by said cooperative association.”

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

Approved this 29th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 36. Burning Insured Property.

ACT 36

AN ACT

**RELATING TO THE BURNING OF PROPERTY WITH INTENT TO
INJURE THE INSURER, AMENDING CHAPTER 239 OF THE
REVISED LAWS OF HAWAII, 1915, BY ADDING THERETO
A NEW SECTION TO BE KNOWN AS SECTION 4022A.**

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

SECTION 1. A new section is hereby added to the Revised Laws of Hawaii, 1915, to be known as Section 4022A:

"Section 4022A. Any person who shall wilfully burn any building or any goods, wares, merchandise or other chattels, which shall be at the time insured against loss or damage by fire, with intent to injure the insurer, whether such person be the owner of the property or not, shall, upon conviction, be punished by imprisonment for a term of not more than ten nor less than three years."

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

Approved this 29th day of March, A. D. 1917.

**LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.**

ACT 37**AN ACT****RELATING TO FRAUDS UPON LIFE INSURANCE COMPANIES,
PROVIDING A PENALTY THEREFOR, AND ADDING A NEW
SECTION TO CHAPTER 233 OF THE REVISED LAWS OF
HAWAII, 1915, TO BE KNOWN AS SECTION 3996A.**

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

SECTION 1. A new section is hereby added to chapter 233 of the Revised Laws of Hawaii, 1915, to be known as Section 3996A:

"Section 3996A. Any person who shall effect a policy or certificate of insurance or procure either to be effected on his life, with the intent of absconding or concealing himself for the purpose of procuring for himself or any other person the whole or any part of the money payable pursuant to such policy or certificate; or any person having a policy or certificate of insurance upon his life who shall abscond or conceal himself with the intent to procure for himself or any other person the money so payable, in whole or in part, or any person who shall knowingly aid, assist or abet another whose life is insured in absconding or concealing himself for the purpose of procuring for himself or any other person any insurance moneys, or any person who shall knowingly aid, assist or abet the assured named in any such policy or certificate, who has absconded or concealed himself for the purpose of obtaining from any insurance company any insurance moneys for himself or any other person; or any person who shall knowingly aid, assist or abet the beneficiary or beneficiaries, or either of them, named in any policy or certificate of insurance, or the next of kin, or any person having an insurable interest in the life of

Act 37. Life Insurance.

Act 38. Family Allowance from Estates.

any assured who has absconded or concealed himself for the purpose of obtaining any insurance moneys for himself or any other person, in attempting to procure or procuring such moneys shall, upon conviction, be fined not less than five hundred dollars nor more than three thousand dollars or imprisoned not less than one year nor more than five years."

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

Approved this 29th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 38

AN ACT

To AMEND SECTION 2491 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO FAMILY ALLOWANCE PENDING ADMINISTRATION OF THE ESTATE OF A DECEASED PERSON.

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

SECTION 1. Section 2491 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 2491. Family allowance. Pending the administration of the estate of a deceased person, provision may be made for the maintenance and support of the family of such deceased person as follows:

Act 38. Family Allowance from Estates.

First. When a person dies leaving a widow or child or children, the widow or child or children, until letters are granted and the inventory is returned, are entitled to remain in possession of the homestead, if any, of all the wearing apparel of the family, and of all the household furniture of the decedent, and are also entitled to a reasonable provision for their support, to be allowed by the circuit court, or a judge thereof, having jurisdiction of the matter of such estate;

Second. Any allowance made by the court or judge in accordance with the provisions of this section must be paid in preference to all other charges, except funeral charges and expenses of administration, and any such allowance whenever made, may, in the discretion of the court or judge, take effect from the death of the decedent;

Third. If the amount set apart be insufficient for the support of the widow and children, or either, the court or judge shall make such reasonable allowance out of the estate as shall be necessary for the maintenance of the family according to their circumstances during the progress of the settlement of the estate, which allowance, in case of an insolvent estate, shall not be longer than one year after granting letters testamentary or of administration."

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

Approved this 29th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 39. Teacher's Pensions.

ACT 39

AN ACT

TO AMEND ACT 114 OF THE SESSION LAWS OF 1915, RELATING TO PENSIONS FOR TEACHERS, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 8A.

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

SECTION 1. Act 114 of the Session Laws of 1915 is hereby amended by adding thereto a new section to be known as Section 8A, and to read as follows:

"Section 8A. Any teacher who has been in the service in Hawaii for twenty-five years or more at the time of the passage of this Act and whose salary for five years before retirement has not averaged more than six hundred dollars a year, may, instead of making a cash payment to equal the amount short of the required twenty per cent, as required by Section 8 of this Act, receive half of the pension, until such time as the remaining half equals the amount of the shortage, after which said teacher shall receive the full pension."

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

Approved this 29th day of March, A. D. 1917.

**LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.**

Act 40. Truancy.

ACT 40

AN ACT

To AMEND SECTION 288 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY SECTION 2 OF ACT 92 OF THE SESSION LAWS OF 1915, RELATIVE TO DUTIES OF DEPUTY SHERIFFS.

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

SECTION 1. Section 288 of the Revised Laws of Hawaii, 1915, as amended by Section 2 of Act 92 of the Session Laws of 1915, is hereby amended to read as follows:

"Section 288. Duties of deputy sheriffs. It shall be the duty of each deputy sheriff, or such police officers as he shall designate, to not less than once a week visit each public and private school in which English is the basis of education, within the district of which he is deputy sheriff, to ascertain from the teacher or officer or agent in charge thereof what children, if any, of school age persist in absenting themselves from such school. It shall further be the duty of such deputy sheriffs and police officers to require all children under school age, in accordance with the provisions of Section 287, to attend school whether or not complaint is made by any teacher, officer or agent."

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

Approved this 30th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 41. Fees for Registering Conveyances.

ACT 41

AN ACT

To AMEND SUBDIVISION 1 OF SECTION 3090 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE FEES OF THE REGISTRAR OF CONVEYANCES.

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

SECTION 1. Subdivision 1 of Section 3090 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"1. For the registry of any deed, lease, mortgage, or other instrument required by law to be recorded, or presented for record, fifty cents per one hundred words, provided, however, that no fees shall be required of any county or city and county presenting any document for record, wherein the said county or city and county is the grantee."

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

Approved this 30th day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 42. Amending School Budget.
Act 43. Loan Fund.

ACT 42

AN ACT

To AMEND ACT 132 OF THE SESSION LAWS OF 1915, TO FIX
THE SCHOOL BUDGET FOR THE BIENNIAL PERIOD BE-
GGINING JANUARY 1, 1916, AND ENDING DECEMBER 31,
1917.

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

SECTION 1. Section 1 of Act 132 of the Session Laws of 1915 is hereby amended by deleting item "Pupukea..... \$2,250.00" and inserting in lieu thereof the following:
Pearl City\$610.00; Waialua\$1,640.00".

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

Approved this 30th day of March, 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 43

AN ACT

To AMEND SECTIONS 1 AND 2 OF ACT 166 OF THE SESSION LAWS OF 1911, PROVIDING FOR PUBLIC IMPROVEMENTS, AS AMENDED BY ACT 170 OF THE SESSION LAWS OF 1913 AND ACTS 39 AND 193 OF THE SESSION LAWS OF 1915, AND TO REPEAL SECTION 4 THEREOF.

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

SECTION 1. Section 1 of Act 166 of the Session Laws of

Act 43. Loan Fund.

1911, providing for public improvements, as amended by Act 170 of the Session Laws of 1913 and Acts 39 and 193 of the Session Laws of 1915, is 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.

- | | |
|--------------------------------|--------------|
| 1. Honolulu water works | \$394,505.91 |
| 1a. Honolulu sewers | 150,000.00 |
| 3. To condemn and acquire cer- | |
| tain water shed and water | |
| rights in Palolo valley, and | |
| construction of reservoir and | |
| pipe line thereto | 74,600.00 |
| | \$619,105.91 |

WHARF AND HARBOR IMPROVEMENTS.

(To be expended under the direction
of the Harbor Commission.)

- | | |
|--------------------------------|------------|
| 4. Honolulu, including pur- | |
| chase of marine railway | |
| land | 925,000.00 |
| 5. Hilo, on condition that the | |
| Hilo Railroad Company en- | |
| ters into an agreement sat- | |
| isfactory to the Harbor | |
| Commission to extend its | |
| railroad to such wharf and | |
| thereafter operate it to such | |

Act 43. Loan Fund.

wharf as a common carrier for a term of not less than ten years	325,000.00
6. Hilo wharf approach from Waiakea	38,637.31
7. Napoopoo (wharf and shed)	12,423.95
8. Kihei	14,997.45
9. Waikane	7,498.93
9b. Kailua, North Kona, Ha- waii	10,969.18
9d. Kauai	30,000.00
	\$1,364,526.82

**NEW BUILDINGS, ADDITIONS,
EQUIPMENT AND OTHER IM-
PROVEMENTS, AS FOLLOWS:**

11. Library of Hawaii	25,000.00
12. College of Hawaii	75,000.00
13. Girls' industrial school	39,999.61
15. Boys' industrial school	29,867.41
16. Lahainaluna school	24,040.97
16a. Road, Lahaina to Lahaina- luna school	21,500.00
17. Insane asylum	90,000.00
18. Prison	150,000.00
19. Kalihi hospital	24,618.49
19a. Board of Health building, Hilo	9,939.45
19b. Armory, Honolulu, on con- dition that a suitable site be obtained therefor.....	119,993.64
19c. Armory, Lahaina	9,833.00
19d. Kapiolani Park improve- ments	6,987.20

Act 43. Loan Fund.

Providing a sufficient amount shall be expended for the boring of an artesian well with the consent and advice of the board of supervisors of the city and county of Honolulu.

19e.	Reclamation, Government swamp lands, Lahaina.....	35,000.00
19f.	Addition to South Hilo courthouse	4,090.31
19g.	Marketing division	14,400.00
19h.	Sanitorium	10,000.00
		\$690,270.08

SECTION 2. Section 2 of Act 166 of the Session Laws of 1911, providing for public improvements, as amended by Act 170 of the Session Laws of 1913 and Acts 39 and 193 of the Session Laws of 1915, is hereby amended so as to read as follows:

"Section 2. That 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:

(Upon completion of the projects set forth in this section if there be any balance in any of the appropriations the auditor of the territory shall pay the same over to the treasurer of the county or city and county to whom the appropriation is herein charged.)

Act 43. Loan Fund.*CONSTRUCTION OF BELT ROADS AND BRIDGES.**

20. City and County of Honolulu 200,000.00
21. County of Maui 297,000.00

The unexpended balance of the above appropriation shall be expended as follows: New road from Kihei through homesteads towards Kamaole, \$5,000.00 Improvements, roads in Haiku - Pauwela Kuiaha-Kaupakalua district, \$35,000.00; Kahakuloa road \$10,000.00 Hana bridges .. 10,000.00

22. County of Hawaii 600,000.00

Of which so much as may be necessary not exceeding \$30,000.00 shall be expended on the road from the end of the macadam road to Ookala and running towards Honokaa, in the district of Hamakua. Provided, however, that all unexpended of the above appropriation shall be expended for the construction of the belt road portion of Keamoku between Waimea, South Kohala, and North Kona, Hawaii.

24. County of Kauai..... 100,000.00

————— \$1,197,000.00

Act 43. Loan Fund.**COUNTY AND CITY AND COUNTY
IMPROVEMENTS.**

City and County of Honolulu:

25. Land damages, widening and macadamizing Frog lane, from School street to Kua-kini street 963.73
- 25a. Water works and sewers, Honolulu 105,494.09

County of Maui:

27. Completion of Kula pipe line and its branches, extending the main line from Waiaka-moi to water head in Puohokamoa, the building of reservoirs at Waiakamoi, at or near Paliuli and Keokea 49,496.60
28. Construction of reservoir at or near Olinda, and burying Kula pipe line 50,000.00
29. Other new water works, including extension and improvements of Wailuku-Kahului water works 30,000.00
New buildings and improvements, Kula farm and sanitarium 10,000.00

County of Hawaii:

30. Kau water works, pipe line from Waiohinu springs to Kamaoa homesteads via

Act 43. Loan Fund.

	Kiolakaa and Keaa home- steads and branch lines	4,981.96
31.	Purchase of water sheds, Hilo, from the Hawaiian Board of Missions	7,500.00
32.	Waiohinu	4,975.58
33.	Kamuela water works	2,432.31
		<hr/>
		265,844.27

**SCHOOL BUILDINGS AND
EQUIPMENTS AS FOLLOWS:**

City and County of Honolulu:

35.	Kaimuki	\$60,000.00
36.	Pohukaina	30,000.00
37.	Kauluwela	30,000.00
38.	Kalihi-kai	8,000.00
39.	Kahaluu	2,000.00
		<hr/>
		130,000.00

County of Maui:

40.	Lahaina	29,573.27
41.	Miscellaneous, school buildings and additions	17,818.21
		<hr/>
		47,391.48

County of Hawaii:

42.	Hilo Union	64,992.22
43.	Napoopoo	8,000.00
44.	Keaiwa, Kau	2,859.20
		<hr/>
		75,851.42

County of Kauai:

45.	Eleele	20,000.00
		<hr/>
		\$273,242.90

Act 43. Loan Fund.**COUNTY BUILDINGS.**

City and County of Honolulu:

46. Waialua court-	house, jail and	
	jailor's cottage....	6,000.00
47. Purchase site and		
	new courthouse, jail	
	and jailor's cot-	
	tage, Ewa	9,047.30
		15,047.30

County of Hawaii:

48. Hospital and build-	ing at Popoiaia,	
	Kona	7,419.28
49. Hospital, N. Kohala		4,982.19
		12,401.47

County of Kauai:

50. County building, Lihue	60,000.00	87,448.77
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Total \$4,497,438.75"

SECTION 3. Section 4 of Act 166 of the Session Laws of 1911 as amended by Act 170 of the Session Laws of 1913 and by Acts 39 and 193 of the Session Laws of 1915, is hereby repealed.

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

Approved this 31st day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 44. Hilo Cemetery.

ACT 44

AN ACT

To PROVIDE BY WAY OF ADVANCEMENT FOR THE APPROPRIATION OF EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00) TO BE IMMEDIATELY AVAILABLE FOR THE ACQUISITION OF CERTAIN LANDS SITUATE AT ALAE, DISTRICT OF SOUTH HILO, COUNTY OF HAWAII, FOR CEMETERY PURPOSES.

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

SECTION 1. The sum of eight thousand five hundred dollars (\$8,500.00) is hereby appropriated out of any moneys in the territorial treasury, derived from the sales of public lands situate in the county of Hawaii, for the purpose of acquiring certain lands containing an area of approximately sixteen (16) acres, situate at Alae, district of South Hilo, county of Hawaii, and belonging to the trustees under the will and of the estate of Bernice P. Bishop, deceased, which said lands are required and are to be used for cemetery purposes.

SECTION 2. The amount of money appropriated as aforesaid shall become available upon the approval of this Act and shall be expended and paid out upon proper claim or claims therefor, duly certified by the superintendent of public works.

SECTION 3. Upon the acquisition of the said lands, the same shall be transferred and conveyed by the superintendent of public works in accordance with the provisions of Section 1150 of the Revised Laws of Hawaii, 1915, and the proceeds from such disposition thereof shall be repaid to the fund from which the foregoing appropriation is made.

Act 44. Hilo Cemetery.

Act 45. Appropriations, Public Improvements.

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

Approved this 31st day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 45

AN ACT

To AMEND ACT 90, SESSION LAWS OF 1913, MAKING ADDITIONAL APPROPRIATIONS FOR PERMANENT IMPROVEMENTS AND PURPOSES INCIDENTAL THERETO TO BE IMMEDIATELY AVAILABLE OUT OF THE GENERAL REVENUES.

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

SECTION 1. The following additional sums are hereby appropriated for the following objects out of moneys in the treasury received from the general revenues:

1. Repair and partial remodeling and reconstruction of the Judiciary Building, including the balance, if any, that may be found by the superintendent of public works and approved by the governor, to be justly due for architects' services \$14,385.40
2. Moving and temporary accommodations incidental to said work 8,754.99

Act 45. Appropriations, Public Improvements.

3.	Furnishing said building	35,595.27
4.	Mahukona wharf and wharf shed or warehouse	14,959.95
5.	Hanalei wharf shed or warehouse....	478.31
6.	Buildings and improvements, Girls' Industrial School	6,000.00
7.	Steel floor, stairway and index file, Archives building	2,429.05
8.	Improvement of grounds, Library of Hawaii	1,979.91
9.	Workshop, storehouse, garage, for Health building, Hilo	1,896.67
10.	Tax office, Hilo	3,000.00
11.	Tax office, Hamakua	492.23
12.	Tax office, Kailua	481.27
13.	Jail, of concrete, and jailor's house, Leper Settlement, which may be constructed by the board of health, without contract or advertisement for tenders	62.30
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	Total	\$90,515.35

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

Approved this 31st day of March, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 46. Nehu and Iao.

Ac. 47. Powers of District Court Clerks.

ACT 46

AN ACT

To REPEAL SECTION 632 OF THE REVISED LAWS OF HAWAII,
1915, AS AMENDED BY ACT 69 OF THE SESSION LAWS OF
1915, RELATING TO NEHU ANDIAO.

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

SECTION 1. Section 632 of the Revised Laws of Hawaii, 1915, as amended by Act 69 of the Session Laws of 1915, is hereby repealed.

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

Approved this 2nd day of April, A. D. 1917.

LUCIUS E. PINKHAM,

Governor of the Territory of Hawaii.

ACT 47

AN ACT

RELATING TO THE SIGNING AND CERTIFYING OF JUDGMENTS
OF DISTRICT MAGISTRATES AND OTHER PROCESS IN DIS-
TRICT COURTS, ADDING A NEW SECTION TO CHAPTER 23
OF THE REVISED LAWS OF HAWAII, 1915, TO BE KNOWN
AS SECTION 2337A.

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

SECTION 1. A new section is hereby added to Chapter

Act 47. Powers of District Court Clerks.

Act 48. Emergency Appropriations.

23 of the Revised Laws of Hawaii, 1915, to be known as Section 2337A, to read as follows:

"Section 2337A. The duly appointed clerk of any district court, as well as the magistrate thereof, may sign and certify any judgment rendered in said court and may sign any subpoena and execution."

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

Approved this 2nd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 48

AN ACT

**MAKING ADDITIONAL AND EMERGENCY APPROPRIATIONS OUT
OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD
ENDING JUNE 30, 1917.**

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

SECTION 1. The following sums are hereby appropriated as additional and emergency appropriations for the objects hereinafter expressed, for the biennial period ending June 30, 1917, out of any moneys received in the treasury of the Territory of Hawaii from the general revenues:

THE GOVERNOR.

Military Department.

Salary, adjutant-general, \$1,000.00

Act 48. Emergency Appropriations.

Ac. 49. Terms of Circuit Courts.

Being an addition for four months beginning March 1, 1917, to the specified salary of \$250.00 per month, provided by Act 175, Session Laws of 1915.

Regimental expenses and company expenses ..	8,900.00
Departmental expenses	5,100.00
Naval militia	500.00
<hr/>	
	\$15,500.00

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

Approved this 2nd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

See 24 H.A. 7/2

ACT 49

AN ACT

To AMEND SECTIONS 2268 AND 2270 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE TERMS OF THE CIRCUIT COURTS.

*Am. Act 27
1917-29*
Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2268 of the Revised Laws of Hawaii, 1915, is hereby 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 third Wednesdays of March and October,

Ac. 49. Terms of Circuit Courts.

and at Lahaina on the third Wednesday of June; in the third circuit, at Kailua, on the fourth Wednesdays of April and October, at North Kohala on the fourth Wednesday of July, and at Waiohinu on the fourth 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, is hereby 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 or without day, as follows: In the first, fourth and fifth circuits until the time fixed by law for the commencement of the next succeeding term; in the second and third circuits, for twenty-four days, subject to extension by the presiding judge for not more than twelve days thereafter; provided that Sundays and legal holidays shall be excepted; that any term shall continue so long as necessary for the sole purpose of concluding any trial begun before the time when such term would otherwise expire, and no trial in any term case shall be had in July and August; and that the terms in North Kohala and Waiohinu shall be held 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 terms."

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 50. Rabbits and Belgian Hares.**ACT 50****AN ACT**

To REPEAL SECTION 544 AND TO AMEND SECTIONS 541, 542
AND 543 OF THE REVISED LAWS OF HAWAII, 1915, RE-
LATIN TO RABBITS AND BELGIAN HAES.

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

SECTION 1. Section 544 of the Revised Laws of Hawaii, 1915, is hereby repealed.

SECTION 2. Section 541 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 541. Permit required. The keeping and breeding of rabbits and Belgian hares in the various islands of the Territory of Hawaii is prohibited except upon permit issued by the territorial board of agriculture and forestry and in accordance with the rules and regulations of said board."

SECTION 3. Section 542 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 542. Punishment. Any person who shall keep or shall maintain for breeding any rabbits or Belgian hares in any of the islands of the Territory of Hawaii, except as provided in Section 541, as amended, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars for the first offense, and upon conviction thereof a second time shall be punished by a fine of not exceeding one hundred dollars and imprisonment not exceeding two months."

SECTION 4. Section 543 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

Act 50. Rabbits and Belgian Hares.**Act 51. Injuries to Property in Libraries.**

"Section 543. Destruction of unconfined rabbits and Belgian hares. Any police officer or other person is hereby authorized to destroy any rabbit or Belgian hare found unconfined in this Territory and no officer or other person destroying any rabbits or Belgian hares so found shall be liable for any damages for such destruction to any person claiming the ownership of such animals, provided that no officer or other person shall enter in any inhabited enclosure for the purpose of taking or destroying any rabbits or Belgian hares without authority of law or under a warrant duly issued."

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 51**AN ACT**

To PROHIBIT MALICIOUS INJURY TO, OR UNLAWFUL REMOVAL OF, BOOKS AND OTHER ARTICLES IN LIBRARIES, GALLERIES, MUSEUMS OR EXHIBITS, AND UNLAWFUL DETENTION OF BOOKS, ETC., FROM LIBRARIES.

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

SECTION 1. A new section is hereby added to the Revised Laws of Hawaii, 1915, by adding thereto a new section to be known as Section 4027A, as follows:

"Section 4027A. Unlawful or malicious injury to books

Act 51. Injuries to Property in Libraries.

and other articles in libraries, galleries, museums or exhibits. Any person who unlawfully or maliciously cuts, tears, defaces, disfigures, soils, obliterates, breaks or destroys any book, map, chart, picture, engraving, statue, coin, model, apparatus, specimen, or other work of literature or object of art or curiosity deposited in any public library, travelling library, gallery, museum, collection, fair or exhibition, or deposited in any such collection belonging to any incorporated college, or to any other incorporated institution devoted to educational, scientific, literary, artistic, historical or charitable purposes, shall be guilty of malicious injury and shall be punished by imprisonment for a term of not more than one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment."

Section 2. A new section is hereby added to the Revised Laws of Hawaii, 1915, to be known as Section 4027B, as follows:

"Section 4027B. Unlawful removal of books and other articles from libraries, galleries, museums or exhibits. Any person who removes, or assists in removing, any book, map, chart, picture, engraving, statue, coin, model, apparatus, specimen, or other work of literature, or object of art or curiosity deposited in any public library, travelling library, gallery, museum, collection, fair or exhibition, or deposited in any such collection, belonging to any incorporated college, or to any other incorporated institution devoted to educational, scientific, literary, artistic, historical or charitable purposes, except with the approval of the authorities of such institution, shall be punished by imprisonment for a term of not more than one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment."

Act 51. Injuries to Property in Libraries.
Act 52. County Building, Hilo.

SECTION 3. A new section is hereby added to the Revised Laws of Hawaii, 1915, to be known as Section 4027C, as follows:

"Section 4027C. Penalty for wilfully detaining books. Any person who wilfully and knowingly, without right and without cause, detains a book, newspaper, magazine, pamphlet or manuscript which belongs to any law, city, town or other public or incorporated library for thirty days after notice in writing from the librarian thereof, containing a copy of this section, given after the expiration of the time which by the regulations of such library, such book, newspaper, magazine, pamphlet, or manuscript may be kept, shall be punished by a fine of not more than fifty dollars."

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 52

AN ACT

DECLARING AND DESIGNATING A CERTAIN TRACT OF GOVERNMENT LAND AT PIIHONUA, SOUTH HILO, COUNTY OF HAWAII, TERRITORY OF HAWAII, AS GROUNDS FOR A COUNTY BUILDING.

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

SECTION 1. The tract of land hereinafter described is

Act 52. County Building, Hilo.

hereby declared to be and is dedicated as grounds and the site for the county building, in the district of South Hilo, county of Hawaii.

All that certain tract of government land at Piihonua, South Hilo, county of Hawaii, Territory of Hawaii, being a portion of the lands of Piihonua and more particularly described as follows:

Beginning at the south corner of this piece and at the north corner of Waianuenue and Bridge streets, the co-ordinates of said point of beginning referred to government survey triangulation station "Halai" being 3,405.89 feet north and 2,962.05 feet east, as shown on government survey registered map No. 2544, and running by true azimuths:

1. $148^{\circ} 55' 133.44$ feet along the northeast side of Bridge street;
2. $236^{\circ} 48' 58.80$ feet along Grant 4637 to Henry C. Hapai;
3. $326^{\circ} 48' 33.34$ feet along Grant 4637 to Henry C. Hapai;
4. $236^{\circ} 48' 50.00$ feet along Grant 4637 to Henry C. Hapai;
5. $326^{\circ} 48' 100.00$ feet along Grant 4556 to G. Lycurgus for J. Lycurgus;
6. $56^{\circ} 48' 113.73$ feet along the northwest side of Waianuenue street to the point of beginning.

Area, 13,169 square feet.

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 53. Liliuokalani Garden, Hilo**ACT 53****AN ACT****DECLARING AND DESIGNATING A CERTAIN TRACT OF GOVERNMENT LAND AT WAIAKEA, SOUTH HILO, COUNTY OF HAWAII, TERRITORY OF HAWAII, AS A PUBLIC PARK.**

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

SECTION 1. The tract of land hereinafter described is hereby declared and is dedicated as a public park, to be known as Liliuokalani Garden.

All that certain tract of government land at Waiakea, South Hilo, County of Hawaii, Territory of Hawaii, being a portion of the lands of Waiakea, and more particularly described as follows:

Beginning at a pipe at the east corner of Aalapuna and Kainehe avenues, and at the west corner of Kauikeaouli park (Act 50, Session Laws of 1909), the coordinates of said point of beginning referred to government survey triangulation station "Halai" being 3,814.04 feet north and 10,154.61 feet east, as shown on government survey registered map No. 2537 and running by true azimuths:

1. $107^{\circ} 24' 30''$ 80.3 feet along government land;
2. $360^{\circ} 00'$ 561.0 feet along the west side of a proposed road;
3. $90^{\circ} 00'$ 925.0 feet along the north side of a proposed road;
4. $180^{\circ} 00'$ 150.0 feet, more or less, along government land to a point at high water mark;

Thence along high water mark, the direct azimuths and distances being:

Act 53. Liliuokalani Garden, Hilo.

5. $206^{\circ} 45'$ 606.0 feet;
6. $240^{\circ} 00'$ 250.0 feet;
7. $317^{\circ} 00'$ 220.0 feet;
8. $202^{\circ} 00'$ 180.0 feet;
9. $140^{\circ} 00'$ 220.0 feet;
10. $245^{\circ} 00'$ 290.0 feet;
11. $23^{\circ} 00'$ 180.0 feet;
12. $308^{\circ} 00'$ 190.0 feet;
13. $199^{\circ} 00'$ 380.0 feet;
14. $309^{\circ} 15'$ 180.0 feet, more or less, along government land to the north corner of Kauikeaouli park;
15. $17^{\circ} 24'$ 565.06 feet along the west side of Kauikeaouli park to the point of beginning;

Area 17.0 acres, more or less.

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 54. Pay of Jurors.**ACT 54**Amd. Act ~~124~~ S. L. 1919**AN ACT**

To AMEND SECTION 2430 OF THE REVISED LAWS OF HAWAII,
1915, AS AMENDED BY ACT 108 OF THE SESSION LAWS
OF 1915, RELATING TO THE PAY OF JURORS.

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

SECTION 1. Section 2430 of the Revised Laws of Hawaii, 1915, as amended by Act 108 of the Session Laws of 1915, is hereby amended to read as follows:

"Section 2430. Amount. The pay of jurors in courts of record shall be, for actual attendance at court, and for the time necessarily occupied in going to and returning from the same, three dollars a day during such attendance, and for the distance necessarily travelled from their residence in going to and returning from said court by the shortest practical route, ten cents a mile; provided, however, that jurors residing ten miles or more from the court shall be paid three dollars per day for each day that they shall report in person to the clerk of the court and for the distance necessarily travelled from their residence in going to and returning from said court by the shortest practical route, fifteen cents a mile."

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 55. Receiving Stolen Goods.**ACT 55****AN ACT**

**To AMEND SECTION 3951 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO THE PUNISHMENT FOR THE
RECEIVING OF STOLEN GOODS.**

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

SECTION 1. Section 3951 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3951. Punishment. Whoever is guilty of receiving stolen goods to the amount of one hundred dollars or more, shall be punished by imprisonment at hard labor not more than five years, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment within the aforementioned limits in the discretion of the court; and if it be to an amount less than one hundred dollars, he shall be punished by imprisonment not more than one year, or by fine not exceeding five hundred dollars."

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 56. Powers of Banks.**ACT 56****AN ACT**

To AMEND SECTION 3331 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO BANKING CORPORATIONS.

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

SECTION 1. That Section 3331 of the Revised Laws of Hawaii, 1915, be amended to read as follows:

"Section 3331. Powers. Every corporation formed under the provisions of this chapter shall in addition to the powers conferred upon bodies corporate by the provisions of chapter 181 have the following powers, subject to all the restrictions and provisions in this chapter contained, to carry on the business of a bank of discount and deposit in this Territory, to maintain branch banks for the purpose of carrying on said business of banking at such places in this Territory as the corporation may decide, the taxation district of Honolulu excepted, upon payment of a license fee as required by law, and to make loans of money on cash credit accounts, promissory notes, bills of exchange or letters of credit and other securities of the like nature. And it shall also be lawful for the corporation to deal in money, bullion, specie, precious metal and exchanges of and with all countries and in notes, bills or other securities for money and generally to transact all such other business as is or shall or may at any time hereafter be usual or lawful for establishments carrying on banking in all its branches, except as a bank of issue, to do or transact, also to take security by hypothecation of bills of lading for the payment of any bill or bills of exchange, drawn against any shipment of any description of produce, bullion or merchandise shipped for exportation to foreign ports or from foreign ports to any

Act 56. Powers of Banks.

port in this Territory or to any port in the United States of America or from any port in the United States of America or from one port to another in this Territory. Also to make any advances of money to the proprietors of any sugar mill or sugar or rice plantation on condition of receiving in payment as security only for such money the crops of sugar and other produce of such proprietors, and also to acquire, own and hold such real estate as may be requisite for the convenient transaction of its business or for purposes of investment, not exceeding in value in all, as acquired from time to time, twelve and one-half per centum of the amount of its capital stock, exclusive of such real estate as may be required for the convenient use of such bank as and for the situs or place upon which its banking business shall be conducted; and further, to accept and take such real estate as may be mortgaged to it in good faith by way of security or which may be purchased by it in satisfaction of debts previously contracted, or under sales made under judgments, decrees or mortgages held by it, or to secure debts to it. Provided, that all real estate, except the banking premises, acquired or held in excess of said twelve and one-half per centum of the amount of its capital, whether under foreclosure of mortgage or by sale or purchase to secure any debts, or otherwise, shall be disposed of within five years after the same shall have been so acquired. It may hold and dispose of every kind of personal property, chattels, wares and merchandise, franchises or incorporeal rights and easements which it may have taken in good faith as security in the ordinary course of its business as the interest of the corporation may require. The corporation shall not undertake or be employed in any commercial, agricultural, manufacturing or common carrier business; and its right to hold and dispose of property

Act 56. Powers of Banks.
Act 57. Liquor Licenses.

acquired from securities or in payment of debts shall not be construed to authorize the bank to undertake, engage in or carry on any such business as last above mentioned."

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 57

AN ACT

To AMEND SECTION 2122 OF THE REVISED LAWS OF HAWAII
OF 1915, AS AMENDED BY ACT 211 OF THE SESSION
LAWS OF 1915, RELATING TO PUBLICATION OF NOTICES
OF HEARING FOR LIQUOR LICENSES.

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

SECTION 1. Section 2122 of the Revised Laws of Hawaii of 1915, as amended by Act 211 of the Session Laws of 1915, is hereby amended to read as follows:

"Section 2122. Day of hearing, publication. Upon the filing of the inspector's report upon any application for a license other than of the third class, the board shall fix a day for the public hearing of such application, and shall publish notices of such hearing at least once a week for

Act 57. Liquor Licenses.

Act 58. Claims Against Territory.

four consecutive weeks, in a newspaper published in the English language, and also, in the discretion of the board, in a newspaper published in the Hawaiian language, having a general circulation in the election precinct in which the proposed license is intended to be exercised, the date of the hearing to be not less than four weeks after the first publication, and in such notice shall require that all protests or objections against the issuance of the license applied for shall be filed with the secretary of the board at or before said time of hearing. Before making such publication the board shall collect from the applicant the cost of making such application."

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 58

AN ACT

MAKING SPECIAL APPROPRIATIONS TO PAY CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII.

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

SECTION 1. The following sums of money amounting to \$457.94 are hereby appropriated to be paid out of any

Act 58. Claims Against Territory.

moneys in the treasury of the Territory to pay certain claims against the Territory of Hawaii.

DEPARTMENT OF PUBLIC LANDS.

Claim of D. M. Lonohiwa, of Kaapahu, Hamakua, Hawaii, for improvements on lots 95 and 96, sold by the land agent and deposited in the treasury	\$240.00
Claim of August Botelho, of Piha, N. Hilo, Hawaii, for amount overpaid after the area of lots 24 and 25 were reduced and the price also was reduced	71.35
Claim of Myrtrice S. Leggett for payments made for lots 39, 76 and 77, Manawaiopae homesteads, which were applied for but awarded to a prior applicant	146.59

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

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 59. Relief of Castle and Cooke, Ltd.

ACT 59

AN ACT

**MAKING AN APPROPRIATION FOR THE RELIEF OF CASTLE AND
COOKE, LIMITED, AGENTS.**

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

SECTION 1. The sum of eighty-five and 14/100 dollars (\$85.14) is hereby appropriated for the relief of Castle and Cooke, Limited, agents, of Honolulu, Territory of Hawaii, to be paid out of any moneys received in the treasury of the Territory of Hawaii from the general revenues, the same to constitute a reimbursement for the amount of excess wharfage charges heretofore paid by them on account of the steamers Nippon Maru, Tenyo Maru and Shinyo Maru, during the months of May, June, July and August, 1915.

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

Approved this 3rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 60. Vacancies in County Offices.**ACT 60**

Amd. Act. 36 S. S. 1920

AN ACT

To AMEND SECTION 1553 OF THE REVISED LAWS OF HAWAII,
1915, PERTAINING TO VACANCIES IN COUNTY OFFICES.

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

SECTION 1. Section 1553 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 1553. Vacancies. Any vacancy occurring in any county office shall be filled by appointment by the board of supervisors, unless such vacancy is in the board of supervisors, and in such case, such vacancy shall be filled by appointment by the remaining members of the board of supervisors for the remainder of the unexpired term of such office. Provided, however, that in the event that such vacancy shall occur in the board of supervisors prior to twelve months before the end of the term for which such board was elected, then a special election shall be called by the board of supervisors to fill such vacancy, which election shall be held in the manner required for a general election.”

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

Approved this 4th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act. 61. Witnesses before Board of Health.

ACT 61

AN ACT

GRANTING TO THE BOARD OF HEALTH POWER TO SUBPOENA
AND EXAMINE WITNESSES UNDER OATH.

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

SECTION 1. In all cases of an alleged misconduct, carelessness or incapacity on the part of any holder of a license to practice medicine or surgery, the territorial board of health is hereby vested with the power to subpoena and examine witnesses under oath on such matters as relate to the charge made.

The circuit court of the circuit in which said hearing is held shall have power to enforce by proper proceeding the attendance and testimony of witnesses so subpoenaed.

SECTION 2. If any person called before said board as a witness, under subpoena or otherwise, shall, except as privileged by the laws of the Territory, refuse to answer any question or questions material to the matter pending before the board asked him by said board of health or any of its members, or shall disobey any order of the circuit court relating to the matter pending, the board of health, by its president, shall report the matter in writing to any circuit judge of the circuit in which said hearing is held, and said witness shall be cited to appear before the circuit judge and be required to show cause why he or she should not be punished for contempt of court, as provided by Chapter 245 of the Revised Laws of Hawaii, 1915, and be subject to all penalties in said chapter contained.

SECTION 3. False swearing before said board of health

Act 61. Witnesses before Board of Health.

Act 62. School Budget.

shall be punished as perjury, and whenever the board is satisfied that a witness has sworn falsely in any hearing before said board, it shall report the same to the attorney of the respective county or city and county in which said hearing is held, who shall prosecute said witness for perjury.

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

Approved this 5th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 62

AN ACT

To AMEND SECTION 299 OF CHAPTER 25 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE SCHOOL BUDGET.

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

SECTION 1. Section 299 of Chapter 25 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 299. Revision of budget. Not later than December 15, 1912, and every second year thereafter, such budget shall be submitted by the superintendent of public instruction to a committee of estimates, consisting of the

Act 62. School Budget.

treasurer of the Territory, who shall be chairman, the superintendent of public instruction, the mayor of the city and county of Honolulu and the chairmen of the boards of supervisors of the several counties. Such committee shall meet, in Honolulu, at the call of the chairman, and shall consider such budget. It may, in its discretion, revise or change any item appearing under the general heading "Special Fund," but it shall not change any item appearing under the heading "General Fund." The members of such committee shall serve without pay, but shall be entitled to their actual travelling expenses, to be paid out of funds provided for the general expenses of the department. Not later than January 15, 1913, and every second year thereafter, such budget, as revised by the committee of estimates, shall be submitted to the governor of the Territory, who shall submit the same without change, but with his own recommendations to the legislature within ten days after the opening of its next regular session. In case the committee of estimates fails to act upon the school budget within the time above specified, the superintendent of public instruction shall submit the budget, as prepared by the department, to the governor as aforesaid, and he shall, as aforesaid, submit the same to the legislature. Such budget, when acted upon by the legislature, shall determine the amounts which may be expended for such purposes during the succeeding biennial period."

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

Approved this 5th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 63. Manufacture and Sale of Wine.**ACT 63****AN ACT**

To AMEND DIVISION 4 OF SECTION 2109 OF THE REVISED LAWS OF HAWAII, 1915 AS AMENDED, AND TO REPEAL ACT 118 OF THE SESSION LAWS OF 1915, RELATING TO THE MANUFACTURE AND SALE OF WINE FROM GRAPES GROWN IN THE TERRITORY.

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

SECTION 1. Division 4 of Section 2109 of the Revised Laws of Hawaii, 1915, as amended by Act 118 of the Session Laws of 1915, relating to the manufacture and sale of wine from grapes grown in the Territory, is hereby amended so as to read as follows:

"Fourth: To sell wine manufactured by the licensee from grapes grown in the Territory by the licensee or others. Such wine shall be sold only on the premises where manufactured and shall not be consumed on such premises.

The annual fee for this license shall be five dollars."

SECTION 2. Act 118 of Session Laws of 1915 is hereby repealed.

SECTION 3. This Act shall take effect from and after July 1, A. D. 1917.

Approved this 6th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 64. Salaries, Kauai County Officers.**ACT 64**

Am. Act 120 S. L. 1915

AN ACT

To AMEND SECTION 1531 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO SALARIES OF THE COUNTY OFFICERS.

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

SECTION 1. Lines 11, 14, 17, 20, 23, 41, 42, 43, 44 and 45
of Section 1531 of the Revised Laws of Hawaii, 1915, are
hereby amended to read as follows:

“11. Sheriff of the county of Kauai	\$2,400.00
14. County clerk of the county of Kauai	2,100.00
17. Auditor of the county of Kauai	2,100.00
20. County attorney of the county of Kauai	2,100.00
23. Treasurer of the county of Kauai	2,100.00
41. Deputy sheriff of Waimea	1,800.00
42. Deputy sheriff of Koloa	1,500.00
43. Deputy sheriff of Lihue	1,800.00
44. Deputy sheriff of Kawaihau	1,200.00
45. Deputy sheriff of Hanalei	1,200.00”

SECTION 2. This Act shall take effect from and after the
first day of July, A. D. 1917.

Approved this 6th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 65. Public School Teachers.**ACT 65****AN ACT**

AMENDING SECTION 267 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO TEACHERS IN PUBLIC SCHOOLS.

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

SECTION 1. Section 267 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 267. Principals, teachers. All schools shall be presided over by qualified teachers; provided, however, that the department, in appointing teachers, shall, where the qualifications are equal, give preference to citizens of the Territory of Hawaii. If there shall be more than one teacher in any public school, one of them shall be designated by the department as principal."

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

Approved this 6th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 66. Agriculture and Forestry.**ACT 66****AN ACT**

To AMEND SUB-SECTION 10 OF SECTION 481 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY SECTION 6 OF ACT 136 OF THE SESSION LAWS OF 1915, AND TO AMEND SUB-SECTION 11 OF SAID SECTION 481, RELATING TO AGRICULTURE AND FORESTRY.

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

SECTION 1. Sub-section 10 of section 481 of the Revised Laws of Hawaii, 1915, as amended by section 6 of Act 136 of the Laws of 1915, is hereby amended to read as follows:

"10. Division of plant inspection. To appoint a chief plant inspector, who shall have charge, direction and control (subject to the direction and control of the board) of all matters relating to the quarantine, inspection, disinfection, fumigation, exclusion or destruction of any plant, article or substance injurious, or liable to become injurious to trees, plants or other vegetation of value mentioned in or coming within the scope of this chapter and of such other matters as the board may from time to time direct. The said chief plant inspector shall be a trained and educated entomologist, who has made the subject of entomology as related to agriculture a special study; and, if such a man is available, one who has had practical training and experience in connection with entomology in a tropical country.

To appoint and commission one or more assistant plant inspectors and other employees as may be necessary for the proper carrying into effect of this chapter, and the same at its pleasure to remove, and to fix the compensation of said assistant plant inspectors and other employees."

Act 66. Agriculture and Forestry.

SECTION 2. Sub-section 11 of section 481 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"11. Division of entomology. To appoint an entomologist who shall have charge, direction and control (subject to the direction and control of the board) of all matters relating to the eradication of insects, scales, blight and diseases injurious, or liable to become injurious, to trees, plants or other vegetation of value; relating to the introduction, breeding, colonizing, and distribution of beneficial insects, and of such other matters as the board may from time to time direct. The said entomologist shall be a trained and educated entomologist, who has made the subject of entomology as related to agriculture a special study; and if such a man is available, one who has had practical training and experience in connection with entomology in a tropical country.

To appoint and commission one or more assistant entomologists and other employees as may be necessary for the proper carrying into effect of this chapter, and the same at its pleasure to remove, and to fix the compensation of said assistant entomologists and other employees."

SECTION 3. This Act shall take effect on July 1, 1917.

Approved this 6th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 67. Publication of Summons in Attachment Cases.**ACT 67****AN ACT**

To PROVIDE FOR THE PUBLICATION OF SUMMONS IN ATTACHMENT CASES WHERE PERSONAL SERVICE UPON THE DEFENDANT CANNOT BE MADE.

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

SECTION 1. In all cases where a writ of attachment is issued out of any court of the Territory of Hawaii in accordance with the provisions of Chapter 156 of the Revised Laws of Hawaii, 1915, relating to attachments, if it shall appear to the court, or any judge thereof, that the defendant in attachment was never a resident of the Territory, or has departed from the Territory, or that he secretes himself so that process cannot be personally served upon him, then the court or any judge thereof may order that a notice of the summons may be published in some newspaper of general circulation in the county where the action is brought for such time as the order for publication may direct, but not less than once a week for at least four consecutive weeks, and may by such order fix and determine the form and contents of the notice to be published and the return day of the action. Upon publication of the order so made, and on or after the return dates so fixed by the said order the court or judge may declare to be in default the defendant thus summoned who has not appeared according to the published notice and may proceed to hearing and judgment, and may issue execution against the property of any of the defendants upon which attachment has been levied.

SECTION 2. The judgment rendered in such a cause shall

Act. 67. Publication of Summons in Attachment Cases.

be in form a personal judgment against the defendant or defendants, but shall not be valid, except for the purpose of the issuance of the levy of execution and of sale upon the property so attached.

SECTION 3. The published notice shall be substantially in the following form:

THE TERRITORY OF HAWAII to (naming the defendant or defendants): You are hereby notified that upon a suit now pending in the(name of court) wherein (naming the plaintiff or plaintiffs) has by declaration set forth a cause of action against you wherein judgment is demanded in the sum of dollars (naming the ad damnum) with costs, it appears that for the following reason personal service cannot be had against you (naming the reason); now, therefore, the further hearing of said cause has been continued until the (date for appearance of defendant), on which day at the hour of you are directed to be and appear and then make answer to the plaintiff's declaration, for failure of which you will be declared to be in default and judgment will be taken against you for such amount as the plaintiff shall establish to be due and owing him by you.

And it is further ordered that this notice be published in the (naming some newspaper designated for that purpose) for such publication to appear in said newspaper at least once a week for beginning with the (date).

WITNESS my hand this(date).

.....
Judge.

Act 67. Publication of Summons in Attachment Cases.

Act 68. Aiding in Commission of Sexual Offenses.

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

Approved this 6th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 68

AN ACT

TO AMEND CHAPTER 257 OF THE REVISED LAWS OF HAWAII, 1915, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 4149A, PROVIDING FOR PUNISHMENT FOR AIDING OR ABETTING SEXUAL INTERCOURSE WITH A FEMALE UNDER EIGHTEEN.

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

SECTION 1. A new section is hereby added to Chapter 257 of the Revised Laws of Hawaii, 1915, to be known as Section 4149A, to read as follows:

"Section 4149A. Aiding or abetting the commission of fornication or adultery by a female child under eighteen years of age, by parents, guardians or persons in control of such child. Any parent, guardian or person in control of any female child under the age of eighteen years, who shall aid or abet any such child in the commission of the offense of adultery or fornication or shall knowingly permit such child to commit such offense, or any parent, guardian, or person in control of any such child who shall aid or abet

Act 68. Aiding in Commission of Sexual Offenses.
Act 69. Carrying Freight on Motor Cars.

any person in the commission of the offense of fornication or adultery with such child or shall knowingly permit the commission of such offense with such child shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment at hard labor for a term not exceeding three years."

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

Approved this 9th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 69

AN ACT

To REGULATE THE CARRYING OF BAGGAGE OR FREIGHT UPON
MOTOR CARS OR TRUCKS USED FOR THE TRANSPORTA-
TION OF PASSENGERS.

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

SECTION 1. It shall be unlawful for any person driving, operating, or in charge of any motor car or truck used for the transportation of passengers, to carry or permit to be carried any baggage or freight on such motor car or truck in such manner that the same or any part thereof projects beyond the extreme width of said motor car or truck.

SECTION 2. No person shall carry on the running board of any motor car or truck used for the transportation of

- Act 69. Carrying Freight on Motor Cars.
- Act 70. Support of Industrial Schools, etc.

passengers any baggage, freight or packages which project in any way beyond such running board, or which will cause the doors of such motor car or truck to be blocked so that the passengers therein have not free access to the same.

SECTION 3. Any person violating any of the provisions of this Act shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred and fifty dollars (\$150.00).

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

Approved this 9th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 70

AN ACT

To PROVIDE FOR THE SUPPORT OF INDUSTRIAL SCHOOLS AND DETENTION HOMES.

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

SECTION 1. On or before the fifteenth day of December, 1918, and every second year thereafter, the board of industrial schools shall prepare and submit to the treasurer of the Territory a budget to be known as the industrial school budget, showing the estimated expenses, including the salaries of superintendents and teachers of all such institu-

Act 70. Support of Industrial Schools, etc.
Act 71. Appropriation, Boys' Industrial School.

tions as are or shall hereafter be placed under the control of the said board, and the expenses of said board.

SECTION 2. All appropriations for said board and for the institutions under the control of the board of industrial schools shall be made from and out of any available moneys received from the general revenues of the Territory and not out of the special fund for the maintenance of public schools.

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

Approved this 9th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 71

AN ACT

MAKING AN ADDITIONAL APPROPRIATION OUT OF THE SCHOOL FUND FOR THE BOYS' INDUSTRIAL SCHOOL FOR THE BIENNIAL PERIOD ENDING DECEMBER 31, 1917.

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 as an additional appropriation from the school fund for the Boys' Industrial School for the biennial period ending December 31, 1917:

Maintenance, repairs and livestock	\$9,000.00
Salaries, additional teachers	1,000.00

Act 71. Appropriation, Boys' Industrial School.
Act 72. Advances to Counties.

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

Approved this 9th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 72

AN ACT

AUTHORIZING MONTHLY ADVANCES TO THE SEVERAL COUNTIES AND TO THE CITY AND COUNTY ON ACCOUNT OF TAXES COLLECTED.

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

SECTION 1. Upon the request of any board of supervisors, the treasurer of the Territory of Hawaii may advance to such county, or to the city and county, on the last day of each month a sum equal to one-fifteenth of the amount collected for their use, on account of the real and personal taxes during the preceding calendar year.

SECTION 2. The said sums so advanced shall be made by warrants of the auditor out of any moneys in the general or current funds of the Territory, and the auditor shall make a charge of two per centum per annum as interest on the above advancement from the date of such advance to the date of the semi-annual settlement of the tax collections with the several counties and the city and county.

Act 72. Advances to Counties.

Act 73. Roads through Kalaheo-Lawai Homesteads.

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

Approved this 9th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 73

AN ACT

APPROPRIATING THE SUM OF SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) FOR ROADS THROUGH THE KALAHEO-LAWAI HOMESTEADS, COUNTY OF KAUAI.

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

SECTION 1. The sum of seven thousand five hundred dollars (\$7,500.00) is hereby appropriated, to be paid out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, for the construction of fourteen-foot roads, as at present located and surveyed through the Kalaheo-Lawai homesteads, county of Kauai.

SECTION 2. The said sum of seven thousand five hundred dollars (\$7,500.00) 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 con-

Act 73. Roads through Kalaeo-Lawai Homesteads.

Act 74. Road through Omao Homesteads.

tract for an amount in excess of the sum of seven thousand five hundred dollars (\$7,500.00).

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 therefor shall be made.

SECTION 4. The said sum of seven thousand five hundred dollars (\$7,500.00) 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 island of Kauai.

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

Approved this 11th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 74

AN ACT

To CONSTRUCT A HOMESTEAD ROAD AND BRIDGES THROUGH THE OMAO HOMESTEAD LOTS, DISTRICT OF KOLOA, COUNTY OF KAUAI, BY MAKING AN APPROPRIATION OUT OF THE FUND AVAILABLE FOR HOMESTEAD ROADS.

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

SECTION 1. The sum of two thousand dollars (\$2,000.00), or as much thereof as may be necessary, is hereby appro-

Act 74. Road through Omao Homesteads.
Act 75. Private Schools.

priated out of the fund available for homestead roads, Kauai, for the construction of a road and bridges through the upper section of Omao homestead, district of Koloa, county of Kauai.

SECTION 2. The said sum of two thousand dollars (\$2,000.00) hereby appropriated shall be disbursed on the 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.

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

Approved this 11th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 75

Amd. Act. 27 S. S. 1920

AN ACT

To AMEND SECTION 275 OF THE REVISED LAWS OF HAWAII,
1915, RELATIVE TO PRIVATE SCHOOLS.

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

SECTION 1. Section 275 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 275. Private, how established. Any person or persons desiring to establish a private school within the Territory of Hawaii shall, prior to the establishment thereof, make an application in writing to the department of

Act 75. Private Schools.

public instruction of the Territory, which application shall be signed by the applicant or applicants and shall state in substance (1) the name or names of the persons desiring to establish such school; (2) the proposed location thereof; and (3) the course of instruction and the languages in which such instruction is to be given.

Upon the receipt and approval of such application, the department of public instruction shall issue to the person or persons applying therefor a permit in form to be by it approved, authorizing the establishment of such school; and no private school shall be established within the Territory except in conformity with this chapter.

Attendance at any school established or maintained without complying with the terms of this section shall not be considered attendance at a public or private school within the meaning of this chapter.

All persons conducting schools within the Territory other than public schools shall on or before the first day of October, 1917, file with the department of public instruction a statement in writing signed by the person or persons conducting such school, showing (1) the name or names of the persons in charge thereof; (2) the location; (3) the course of instruction and the languages in which such instruction is given.

Upon the receipt of such statement and approval by the department of public instruction of the course of study and instruction given, the department of public instruction shall issue to the person or persons in charge of said school a certificate, in form to be by said department of public instruction prescribed, recognizing such school as a private school within the meaning of this chapter.

The department may, from time to time, require regu-

Act 75. Private Schools.

Act 76. Interpreters in District Courts.

larly established private schools to submit reports in such form as it may deem proper. Failure to comply with the provision of this Act shall constitute an offense punishable, upon conviction, by a fine not exceeding ten dollars for each offense."

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

Approved this 12th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 76

AN ACT

~~AMD ACT 145~~ S. L. 1923

To AMEND SUBDIVISION 17 OF SECTION 1654 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO POWERS OF THE SUPERVISORS.

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

SECTION 1. Subdivision 17 of Section 1654 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"17. To provide for the payment of compensation to the interpreters appointed by the district magistrates of the city and county of Honolulu to interpret testimony in cases before such magistrates, or upon inquests and examinations. Such compensation shall not be less than one hundred dollars per month for each interpreter."

Act 76. Interpreters in District Courts.

Act 77. Third Clerk, Honolulu District Court.

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

Approved this 14th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 77

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A THIRD CLERK FOR
THE DISTRICT COURT OF HONOLULU.

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

SECTION 1. The district magistrate of Honolulu is hereby authorized to appoint a third clerk for the district court of Honolulu, who shall hold his office subject to the pleasure of said district magistrate. He shall perform all duties necessary for the transaction of the business of said court, subject to the direction and approval of the district magistrate thereof, and shall receive as compensation for his services the sum of one hundred and twenty-five dollars per month.

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

Approved this 14th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 78. Justification of Sureties.**ACT 78****AN ACT**

To AMEND SECTION 1 OF ACT 197 OF THE SESSION LAWS OF
OF 1915, ENTITLED "AN ACT TO PROVIDE FOR THE JUS-
TIFICATION OF SURETIES ON BONDS."

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

SECTION 1. Section 1 of Act 197 of the Session Laws of 1915, entitled "An Act to provide for the justification of sureties on bonds" is hereby amended so as to read as follows:

"Section 1. Whenever by any law, regulation, ordinance, order of court, or any rules of any department of the territorial government or of any subdivision thereof, now or hereafter in force, it shall be required of any person to give any written bond or undertaking for the performance of any contract or the provisions of any license, or for the indemnity or security of any person, party or any officer, there shall be attached to such bond or undertaking an affidavit of each of the sureties thereon, duly verified by oath, from which it shall appear that the sureties taken together have property situated within the Territory subject to execution and that the sureties taken together are worth in property within the Territory the amount of the penalty specified in the bond or undertaking, over and above all of their debts and liabilities; in default of which justification no such bond or undertaking shall be accepted; provided, however, that if any such bond or undertaking shall be executed by the principal and by any corporation, organized for the purpose of becoming surety on such bonds, authorized under the laws of the United States or of the Territory to act as surety, and doing business in the Terri-

Act 78. Justification of Sureties.

Act 79. Kauai County Farm.

tory under the provisions of the laws of the United States and of the Territory, if a foreign corporation, and under the laws of the Territory, if an Hawaiian corporation, may be accepted as surety on such bonds in lieu of the personal sureties hereinafter required, whenever, in the opinion of the officer or officers whose duty it is to approve such bond, the rights of all parties in interest will be fully protected; and further provided, that when the surety on any such bond is such corporation, no other justification shall be required."

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

Approved this 14th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 79

AN ACT

TO APPROPRIATE THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) FOR ADDITIONS AND IMPROVEMENTS TO THE KAUAI COUNTY FARM AND SANITARIUM.

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 out of the general revenues of the Territory for additions and improvements, and purchase of livestock by the Kauai county farm and sanitarium, Kapaa, Kauai.

Act 79. Kauai County Farm.
Act 80. Maui County Farm.

SECTION 2. Said appropriation shall be under the control of the managing committee of the Kauai county farm and sanitarium, and all payments therefor from the sum appropriated by this Act shall be expended on warrants issued by the auditor upon vouchers approved by the chairman of said committee.

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

Approved this 16th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 80

AN ACT

To APPROPRIATE THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) FOR ADDITIONS AND IMPROVEMENTS TO THE MAUI COUNTY FARM AND SANITARIUM.

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 from the general revenues of the Territory for additions and improvements to the Maui county farm and sanitarium.

SECTION 2. Said appropriation shall be under the control of the managing committee of the sanitarium, and all payments therefor from the sum appropriated by this Act shall be expended on warrants issued by the auditor upon

Act 80. Maui County Farm.

Act 81. Salaries of Stenographers.

vouchers approved by the chairman of said committee.

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

Approved this 16th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 81

AN ACT

**To AMEND LINE 13 OF SECTION 2197 OF THE REVISED LAWS
OF HAWAII, 1915, RELATING TO EXPENSES, CIRCUIT
COURTS.**

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

SECTION 1. Line 13 of Section 2197 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"13. Three shorthand reporters (\$200.00) ... \$7,200.00".

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

Approved this 16th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 82. Relief of E. H. F. Wolter.

ACT 82

AN ACT

**MAKING AN APPROPRIATION FOR THE RELIEF OF E. H. F.
WOLTER.**

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, the sum of three hundred eighty-nine dollars and twenty cents (\$389.20) to the said E. H. F. Wolter, and sufficient money to make such payment is hereby appropriated out of the general revenues of the Territory of Hawaii not otherwise specifically appropriated.

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

Approved this 16th day of April, A. D. 1917.

**LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.**

Act 83. Income Tax.

ACT 83

AN ACT

**To AMEND SECTION 1311 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO INCOME TAX.**

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

SECTION 1. Section 1311 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1311. Account books to be kept. It shall be the duty of every person or corporation doing business for profit to keep full, regular and accurate books of accounts upon which all his or its transactions shall be entered from day to day in regular order, which books shall be open to the inspection of the assessor of the division or any person authorized by him to inspect the same, during business hours.

Every person or corporation doing business for profit failing to keep regular and accurate books of accounts as by this section provided shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of ten dollars for the first offense and one hundred dollars for the second and each succeeding offense."

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

Approved this 16th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 84. Stamps on Land Patents.

ACT 84

AN ACT

**To AMEND SECTION 1369 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO SCHEDULE OF STAMP DUTIES.**

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

SECTION 1. Section 1369 of the Revised Laws of Hawaii, 1915, relating to schedule of stamp duties, is hereby amended by inserting after line 109 which reads: "Patents, for land 1.00," the following proviso: "Provided, however, that patents for land given in exchange for land deeded to the Territory of Hawaii shall be exempt."

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

Approved this 16th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 85. License Fees, Fishing Boats.

ACT 85

AN ACT

To AMEND SECTION 2031 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO FISHING BOATS.

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

SECTION 1. Section 2031 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

“Section 2031. Fee. The annual fee for a license for a fishing boat impelled with oars or paddles shall be five dollars; and, for a fishing boat driven by motor power of any kind, shall be ten dollars. The requirements of this chapter regulating boats for hire shall apply to fishing boats so far as the same are applicable. Any boat used for the purpose of fishing for profit that has a beam of thirty inches or more shall be deemed a fishing boat for the purposes of this section. The owner of a licensed fishing boat shall continuously exhibit in a conspicuous place on every such fishing boat a number which shall be supplied at cost, by the treasurer of the county or city and county issuing such license.”

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

Approved this 16th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 86. National Guard.**ACT 86***Amd. Act 209 S. L. 1917***AN ACT**

**AMENDING SECTIONS 186, 189, 193, 196, 197, 202, 204, 215,
223 AND 224, AND REPEALING SECTION 195 OF THE RE-
VISED LAWS OF HAWAII, 1915, RELATING TO THE NA-
TIONAL GUARD OF HAWAII.**

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

SECTION 1. Section 186 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

“Section 186. Consolidating, reorganizing, disbanding, etc. The governor, with the consent of the President under the laws and regulations now in force or which may hereafter be prescribed, may alter, divide, annex, consolidate, reorganize, disband the National Guard, or any part thereof, and create new organizations whenever the efficiency of the Territorial forces would thereby be increased, and he may at any time change the organization of regiments, battalions, squadrons, troops, batteries, companies, signal corps and coast artillery corps, so as to conform to like organizations, system of drill, or instruction now in force, or hereafter adopted for the National Guard of the United States, and for that purpose the number of officers and non-commisioned officers of any grade in regiments, battalions, squadrons, troops, batteries, companies, signal corps and coast artillery corps, may be increased or decreased to the extent thereby made necessary.

SECTION 2. Section 189 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

“Section 189. Staff corps and departments. There shall

Act 86. National Guard.

be the following staff corps and departments which shall consist of the adjutant general's department; quartermaster's corps, inspector general's department, judge advocate general's department, medical department, ordnance department, engineer corps, signal corps and coast artillery corps and such other corps and departments as may be prescribed by the laws of the United States; and the commissioned and non-commissioned officers detailed or appointed thereto shall be of such rank and in such a number as now is, or may hereafter be prescribed by the laws of the United States and regulations of the war department. One officer may be detailed to perform the duties of two or more officers. The adjutant general by virtue of his office shall be the chief of staff."

SECTION 3. Section 193 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 193. Officers, qualifications, appointment, tenure. Commissioned officers must be citizens of the United States and not less than twenty-one years of age. Officers shall be appointed upon the order of the governor and officers may be ordered up for examination for promotion; officers must be selected from the following classes: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard; officers, active or retired, and former officers of the United States army, navy and marine corps; graduates of the United States military and naval academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the regular army, and for the technical branches and staff corps or departments, such other civilians as may be especially qualified for duty therein. Field officers shall be commissioned for four years, line officers, not above the rank of captain,

Act 86. National Guard.

shall be commissioned for three years. Staff corps and department officers now holding commissions and those hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the National Guard of Hawaii. The order of the governor reappointing a field or line officer shall continue the commission of such officer in force for a corresponding term for which such commission was issued. The commissions of all officers shall continue in force until they are regularly relieved from duty, responsibility and accountability in accordance with law."

SECTION 4. Section 196 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 196. Elimination and disposition of officers. At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers, senior in rank to the officer whose fitness for service shall be under investigation, which board shall be appointed by the governor, and if the findings of such board be unfavorable to such officer and be approved by the governor, such officer shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon recommendation of an efficiency board, or pursuant to sentence of a court martial."

SECTION 5. Section 197 of the Revised Laws of Hawaii,

Act 86. National Guard.

1915, is hereby amended so as to read as follows:

"Section 197. Examination of officers. Every officer of the National Guard shall upon his appointment to an office appear before an examining board and successfully pass such tests as to his physical, moral and professional fitness as the President of the United States may prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three officers appointed by the Secretary of War from the regular army or the National Guard, or both. The provisions of this section shall not apply to any person appointed or commissioned an officer of the National Guard of Hawaii prior to June 3, 1916."

SECTION 6. Section 202 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 202. Enlistment. Enlistment in the National Guard shall be in manner and form and for the period of time as now is, or may hereafter be provided by the laws of the United States, and regulations issued from time to time, relating to the National Guard of the United States."

SECTION 7. Section 204 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 204. Discharge of enlisted men. Discharges of enlisted men shall be granted for the same reasons and in like manner as are now or may hereafter be prescribed by the laws and regulations for the National Guard of the United States."

SECTION 8. Section 213 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 215. Right of way on street, violation and penalty. Any portion of the National Guard parading,

Act 86. National Guard.

drilling or performing any military duty when regularly ordered and according to law, shall have the right of way in any street or highway through which they may pass; provided, the carriage of the United States mail or the legitimate functions of the police and the progress and operation of fire engines and fire departments shall not be interfered thereby; any person or persons so wilfully interfering or obstructing such right of way shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding one hundred dollars."

SECTION 9. Section 223 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 223. Pay of enlisted men while on active duty. Enlisted men while on active duty in the service of the Territory, except during periods of encampments, maneuvers and other exercises including outdoor target practice, shall receive pay at the rate of two dollars (\$2.00) per day."

SECTION 10. Section 224 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows: *See 100/23*

"Section 224. Pay of enlisted men. Enlisted men while participating in encampments, maneuvers and other exercises and outdoor target practice when Federal pay is received, shall, except when actually called into the service of the United States by or under the authority of the President, receive pay per day from the Territory as follows: Regimental sergeants major, master signal electricians, battalian sergeants major, color sergeants, regimental supply sergeants, first sergeants, mess sergeants, supply sergeants, stable sergeants, sergeants first class, sergeants, band leaders, assistant band leaders, band sergeants, sergeant buglers, horse-shoers, cooks, musicians first and second class, and enlisted men of similar or higher grade, 70 cents; corporals,

Act 86. National Guard.

Act 87. Courts Martial.

band corporals, musicians third class, saddlers, wagoners, and enlisted men of similar grade, 60 cents; privates first class, privates, buglers, mechanics, and enlisted men of similar grade, 50 cents."

SECTION 11. Section 195 of the Revised Laws of Hawaii, 1915, is hereby repealed.

SECTION 12. This Act shall take effect from and after the date of its approval.

Approved this 16th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 87

AN ACT

AMENDING CHAPTER 23 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO COURTS-MARTIAL BY AMENDING SECTIONS 232, 233, 234, 235, 236, 238, 240 AND 241, AND ADDING THERETO TWO NEW SECTIONS TO BE KNOWN AS SECTION 235A AND SECTION 235B, AND BY REPEALING SECTIONS 231, 242 AND 245.

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

✓ SECTION 1. Section 233 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 233. Military courts. The military courts of the Territory of Hawaii shall be general courts-martial,

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special courts-martial, summary courts-martial, and such other courts and boards as are or may hereafter be provided by the laws and regulations governing the army and national guards of the United States. The constitution, jurisdiction, form and manner of proceedings, records, form of oaths and affirmations, and the proceedings in revision of such courts-martial and boards shall follow the forms and modes of procedure prescribed and shall be governed by the article of war and the law of courts-martial of the United States. The jurisdiction of the courts and boards established by this chapter shall be presumed, and the burden of proof shall rest upon the person or persons seeking to oust such courts or boards of its jurisdiction in any action or proceeding."

✓ **SECTION 2.** Section 234 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 234. General courts-martial. General courts-martial of the National Guard may be convened by order of the Governor of the Territory. Such courts shall have the power to try any person subject to military law for crimes or offenses made punishable by the military laws of the United States and the Territory of Hawaii, to impose fines not to exceed two hundred dollars (\$200.00), to sentence to forfeiture of pay and allowance, to reprimand, to dismiss or dishonorably discharge from the service, to reduction of non-commissioned officers to the ranks; any two or more of such punishments may be combined in the sentences imposed by such courts."

✓ **SECTION 3.** Section 235 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 235. Special courts-martial. The commanding officer of each garrison, fort, post, camp or other place,

Act 87. Courts Martial.

brigade, regiment, detached battalion, or other detached command may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States and the Territory of Hawaii, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such court shall not exceed one hundred dollars (\$100.00)."

✓ SECTION 4. Section 236 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 236. Who and what offenses within jurisdiction. All officers and enlisted men in the service of the Territory of Hawaii shall at all times be subject to trial by court-martial. And all crimes not capital, and all disorders and neglects to the prejudice of good order and military discipline are to be taken cognizance of by general, special or summary courts-martial, according to the nature and degree of the offense and punished at the discretion of such courts."

✓ SECTION 5. Section 238 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 238. Oath of members. Members of general and special courts-martial, before proceeding with any trial, shall take an oath to administer justice without partiality, favor or affection, according to the laws and provisions governing the armed forces of the United States and Territory of Hawaii, and such oath shall be administered by the judge advocate of such court."

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SECTION 6. Section 240 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 240. Securing attendance of parties and witnesses. Presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused together with a copy of such order, and to issue subpoena and subpoenas duces tecum and to enforce by attachment attendance of witnesses and the production of books and papers and to sentence for a refusal to appear or to be sworn or to answer or to produce such books and papers as so ordered as provided in actions before circuit courts.

All processes and sentences of said courts shall be executed by the high sheriff of the Territory of Hawaii or his deputy, or by the sheriff of any county, or city and county of the Territory of Hawaii, or his deputy."

SECTION 7. Section 241 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 241. Sentences to be approved. No sentence of death, dismissal or dishonorable discharge from the service shall be executed until approved by the governor of the Territory."

- ✓ SECTION 8. Sections 231, 242 and 245 of the Revised Laws of Hawaii, 1915, are hereby repealed.
- ✓ SECTION 9. Chapter 23 of the Revised Laws of Hawaii, 1915, relating to courts-martial, is hereby further amended

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by adding two new sections thereto to be known as Section 235A and Section 235B, and to read as follows:

↓ "Section 235A. Summary courts-martial. The commanding officer of each garrison, fort, post or other place, regiment or corps, detached battalion, company or other detachment of the National Guard, may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and to try enlisted men of such place or command for breaches of discipline and violations of laws and regulations governing such organizations; and said court when satisfied of the guilt of such soldier, may impose fines not exceeding twenty-five dollars (\$25.00) for any single offense; may sentence non-commissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowance. The proceedings of such courts shall be informal, and the minutes shall be the same as prescribed for summary courts of the army of the United States.

↓ "Section 235B. Sentences. All courts-martial of the National Guard, including summary courts, shall have the power to sentence to confinement in lieu of fines authorized to be imposed; provided that such sentence of confinement shall not exceed one day for each dollar of fine authorized."

SECTION 10. This Act shall take effect from and after the day of its approval.

Approved this 16th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 88. Additional Income Tax.*Am. Act. 706 S. L. 1919***ACT 88****AN ACT**

To AMEND SECTION 6 OF ACT 117 OF THE SESSION LAWS OF 1915, ENTITLED "AN ACT TO PROVIDE AN ADDITIONAL INCOME TAX OF ONE PER CENT UPON ALL CORPORATION INCOMES AND UPON INDIVIDUAL INCOMES IN EXCESS OF FOUR THOUSAND DOLLARS."

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

SECTION 1. Section 6 of Act 117 of the Session Laws of 1915 is hereby amended so as to read as follows:

"Section 6. This Act shall take effect on January 1, 1916, and shall continue in force to and including December 31, 1919; provided, that all taxes assessed under the provisions of this Act, which shall remain unpaid at the end of said period, shall be subject to collection and enforcement in the same manner as though all the provisions of this Act were still in force with respect thereto."

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

Approved this 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 89. Pay of Teachers.

ACT 89

AN ACT

**To FIX THE MINIMUM PAY OF PERSONS TEACHING IN THE
PUBLIC SCHOOLS OF THE TERRITORY OF HAWAII.**

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

SECTION 1. That the minimum pay for any person teaching in the public schools of the Territory of Hawaii shall be fixed at a rate of not less than forty dollars a month.

SECTION 2. This Act shall take effect from and after the first day of September, 1917.

Approved this 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 90. Release of Dower or Curtesy of Insane Person.**ACT 90****AN ACT****RELATING TO THE RELEASE BY THE GUARDIAN OF AN INSANE
MARRIED PERSON OF HIS WARD'S CURTESY OR DOWER
IN REALTY.**

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 3036A, to read as follows:

"Section 3036A. Release by the guardian of an insane married person of his ward's courtesy or dower in realty. Whenever a married man or a married woman shall have been adjudged insane by any court of competent jurisdiction, and a guardian of his or her estate shall have been appointed as by law provided, during the continuance of such insanity and disability and until the guardian is discharged, such guardian shall, upon the approval of any circuit judge of the circuit in which any of the real property intended to be sold lies, have the power and right to release his ward's courtesy or dower interest and right in real property owned by the other spouse in her or his own right and name, by joining in any conveyance with the competent spouse, and 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 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 91. Administration of Small Estates.Am'd. Act 16, S. L. 1919**ACT 91**Am'd. ACT 92, S. L. 1923**AN ACT**

TO AMEND CHAPTER 141 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO PROBATE JURISDICTION AND PROCEDURE, BY ADDING CERTAIN NEW SECTIONS THERETO TO BE KNOWN AS SECTIONS 2506A, 2506B, 2506C, 2506D, 2506E, 2506F AND 2506G.

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

SECTION 1. Chapter 141 of the Revised Laws of Hawaii, 1915, relating to probate jurisdiction and procedure, is hereby amended by adding seven new sections thereto to be known as Sections 2506A, 2506B, 2506C, 2506D, 2506E, 2506F, and 2506G, and to read as follows:

"Section 2506A. Whenever, by reason of the death of any person, and the want of an executor or administrator for the estate of such person, there are or shall be money or funds due and payable to the estate of such person in a sum not exceeding one hundred dollars, the clerk of the circuit court of the circuit of which such person was or shall be a resident at the time of his death shall have the authority to collect and receive such money or funds.

"Section 2506B. Upon the receipt of such money or funds, it shall be the duty of such clerk to publish such fact by posting a notice thereof at the front entrance of the circuit courthouse of such circuit.

"Section 2506C. All creditors of such deceased person shall present their claims, duly verified under oath, to such clerk within sixty days from and after the day of such publication, and all persons claiming such money or funds, or any balance thereof remaining after deducting the claims

Act 91. Administration of Small Estates.

of creditors, if any, as persons entitled thereto as distributees under the laws of the Territory of Hawai'i, shall also file their claims with such clerk within sixty days after such publication.

“Section 2506D. All claims of creditors and distributees not filed within the said period of sixty days shall be forever barred.

“Section 2506E. After the expiration of sixty days after such publication, such clerk shall pay or distribute such money or funds or any balance thereof, to or among such persons as may be found by the judge of such court sitting at chambers, in probate, to be the persons entitled thereto as such distributees.

“Section 2506F. When no such claim to such money or funds is made, or when any balance remains after the payment of any and all claims made, within the time limited in Section 2506D, such clerk shall immediately deposit the said money or funds, or any such balance, with the treasurer of the Territory of Hawaii as a government realization.

“Section 2506G. All proceedings had under and by virtue of Sections 2506 A to 2506 G, inclusive, shall be free of costs.”

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

Approved this 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 92. Improving Kapiolani Park.**ACT 92****AN ACT****PROVIDING FOR AN APPROPRIATION BY WAY OF ADVANCEMENT FOR BEAUTIFYING AND RECLAIMING CERTAIN LOW LANDS IN KAPIOLANI PARK.**

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, by way of advancement, out of any moneys in the treasury of the Territory received from the general revenues, for a survey and plan for an estimate of cost of beautifying Kapiolani Park, and for the reclamation or filling in of the swamps and low lands in said Kapiolani Park by dredging in front of the beach at the public baths and by other means, the same to be paid, in such amounts and at such times as may be required, by the treasurer of the Territory upon warrants issued by the auditor of the Territory upon requisitions, accompanied by proper vouchers, from the board of supervisors of the city and county of Honolulu, which board shall have charge of said work and the expenditure of said money.

Said city and county shall reimburse the Territory for all moneys so paid, and for that purpose shall pay into the treasury of the Territory all moneys as and when received by it from the Hawaii Polo and Racing Association until such reimbursement is complete.

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

Approved this 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 93. Computation of Time.

ACT 93

AN ACT

To AMEND SECTION 2404 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO CIVIL PROCEDURE.

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

SECTION 1. Section 2404 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 2404. First day excluded; last included, unless Sunday or legal holiday. The time within which an act is to be computed by excluding the first day and including the last. If the last day be Sunday or a legal holiday, it shall be excluded.”

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

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 94. Pay of J. S. Kalakiela.

ACT 94

AN ACT

To COMPENSATE J. S. KALAKIELA.

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 to J. S. Kalakiela, out of any moneys in the treasury of the city and county of Honolulu received from current receipts, the sum of eight hundred and seventy-five dollars (\$875.00) as compensation for services rendered by him as clerk to the deputy sheriff of Honolulu, city and county of Honolulu, for the period of seven months from the 1st day of June to and including the 31st day of December, A. D. 1914.

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

Approved this 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 95. Compensation of Francisco Dina**ACT 95****AN ACT****To COMPENSATE FRANCISCO DINA.**

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

SECTION 1. The sum of three hundred dollars is hereby appropriated out of the treasury of the Territory of Hawaii to compensate Francisco Dina for injuries caused by an explosion during the month of February, 1916, while he was a patient, and confined as such, at the insane asylum at Honolulu, city and county of Honolulu, Territory of Hawaii, said sum to be paid the said Francisco Dina upon his filing with the treasurer of the Territory a full and complete release of any claim for damages, either to his person or property, against the Territory or any officer or employee thereof.

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

Approved this 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 96. Homestead Roads, Waiau Ili, Hilo.

Am'd. Act. 167 S. L. 1919

ACT 96

AN ACT

To CONSTRUCT ROADS TO AND THROUGH THE HOMESTEAD LOTS OF WAIAU ILI OF PIIHONUA, 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 SALE 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 to and through homestead lots at Waiau Ili in Piihonua South 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, who shall have charge of the construction of said road; provided, that 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

Act 96. Homestead Roads, Waiau-Hili, Hilo.
Act 97. Truant Officers, Honolulu.

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 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 97

AN ACT

ADDING A NEW SECTION TO THE REVISED LAWS OF HAWAII, 1915, TO BE KNOWN AS SECTION 288A, RELATING TO THE APPOINTMENT OF TRUANT OFFICERS WITHIN THE DISTRICT OF HONOLULU.

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

SECTION 1. A new section is hereby added to the Revised Laws of Hawaii, 1915, to be designated as Section 288A and to read as follows:

"Section 288A. The sheriff of the city and county of Honolulu shall upon nominations by the judge of the juvenile court of the first judicial circuit, appoint not less than three truant officers who shall act under the direction of said judge, and shall be charged with the enforcement within the district of Honolulu of Sections 286, 287 and 288 of the Revised Laws of Hawaii, 1915, as amended."

Act 97. Truant Officers, Honolulu.

Act 98. Registration of Co-Partnerships.

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

Approved this 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 98

AN ACT

**To AMEND CHAPTER 189 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO THE REGISTRATION OF COPARTNER-
SHIPS, BY AMENDING SECTIONS 3410, 3411, 3412, 3413
AND 3414, AND BY ADDING THERETO A NEW SECTION TO
BE KNOWN AS SECTION 3415 A.**

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

SECTION 1. Section 3410 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 3410. **Statements.** Whenever any two or more persons shall carry on business in this Territory in copartnership, it shall be incumbent on such persons to file, within thirty days after the commencement of such business, and thereafter annually, not later than March 1, in the office of the treasurer, on blanks to be furnished by the treasurer, a statement of:

1. The names and residents of each of the members of such copartnership;
2. The nature of the business of such copartnership;

Act 98. Registration of Co-Partnerships.

3. The firm name of the copartnership.
4. The place or places of business of the copartnership.

Such statement shall be acknowledged by each of the partners before a notary public in the manner provided by law for the acknowledgment of deeds."

SECTION 2. Section 3411 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3411. Statements of changes or dissolution. Whenever any change shall take place in the constitution of any such firm by the death or withdrawal of any member thereof, or by the addition of any member thereto, or by the dissolution thereof, a statement of such change or dissolution shall also be filed in the said office of the treasurer, on blanks to be furnished by the treasurer, within thirty days from such change, death or dissolution, and acknowledged before a notary public in the manner provided by law for the acknowledgment of deeds, as the case may be."

SECTION 3. Section 3412 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3412. Statements to be published. All such statements as are required to be made in the preceding sections, except those required to be filed annually, shall also be published by the members of each copartnership at least twice in the English language, in any newspaper of general circulation published in each county and city and county where said copartnership has a place for the transaction of business."

SECTION 4. Section 3413 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3413. Record of statements. The treasurer shall

Act 98. Registration of Co-Partnerships.

cause a book to be kept in his office, in which shall be recorded the several particulars in this chapter before required to be filed in his office; and which book shall be open for public inspection."

SECTION 5. Section 3414 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3414. Fee for recording. There shall be paid to the treasurer a fee of fifty cents for each name so recorded as aforesaid except as to the annual statement for which a fee of one dollar shall be paid."

SECTION 6. Chapter 189 of the Revised Laws of Hawaii, 1915, is hereby amended by adding thereto a new section to be known as Section 3415A, to read as follows:

"Section 3415A. Penalty for failure to file annual statements. If any copartnership shall have failed or neglected, for a period of two years, to file an annual statement, as required by law, such copartnership shall be considered as dissolved for the purposes of this chapter, and the members thereof shall be liable to all penalties provided by this chapter for failure to register copartnerships."

SECTION 7. This Act shall take effect from and after the date of its approval.

Approved this 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 99. Emergency Appropriation, Wharves, Honolulu.
 Act 100. Lahainaluna School.

ACT 99

AN ACT

MAKING AN EMERGENCY APPROPRIATION OF TEN THOUSAND DOLLARS (\$10,000.00) FOR MAINTENANCE, ADDITIONS, LANDINGS, WHARVES AND OIL PIPE LINE, OAHU.

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 as an emergency appropriation out of the general revenues of the Territory for maintenance, additions, landings, wharves and oil pipe line, Oahu, said sum to become available at once.

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

Approved this 17th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
 Governor of the Territory of Hawaii.

Am. Act. 160 S. L. 1919
 Am. Act. 207 S. L. 1921
 Rep. Act 253 S. L. 1923

ACT 100

AN ACT

To CREATE A TRADE AND VOCATIONAL SCHOOL AT LAHAINA-LUNA, MAUI.

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

SECTION 1. Lahainaluna school, situate at Lahaina, county of Maui, is hereby created and shall hereafter be conducted as a trade and vocational school, and shall be under the charge, management, control and supervision of

Act 100. Lahainaluna School.

the board of commissioners hereinafter provided for and hereby created.

SECTION 2. Such board shall consist of four members, one of whom shall be the commissioner of public instruction of the county of Maui, who shall be ex-officio chairman, 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. One commissioner shall be appointed for a term of two years and two for four years, and at the expiration of the term of the commissioner appointed for two years, all appointments thereafter shall be for a term of four 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 travelling 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 3. All powers now vested in the superintendent of public instruction and the commissioners of education or other governmental authority relative to said Lahainaluna school are hereby transferred to and vested in said board of commissioners hereby created, and all duties now by law devolving upon said superintendent of public instruction and the commissioners of education or other officer relative to said Lahainaluna school are hereby devolved upon and vested in said board of commissioners hereby created.

SECTION 4. The board of commissioners shall have the

Act 100. Lahainaluna School.

power to appoint a treasurer and such other officers as they may deem necessary, and to require such treasurer or other officers to give bonds in such amounts as said board shall from time to time prescribe and in the form prescribed by law for bonds of public officers.

SECTION 5. The purposes of the school shall be to give thorough instruction in agriculture, mechanical arts and the natural sciences connected therewith, and such instruction in other branches of learning as said board of commissioners may from time to time prescribe.

SECTION 6. The faculty of the school shall be under the direction of a principal who shall be appointed by the board of commissioners. The members of the faculty shall be likewise appointed.

SECTION 7. Moneys appropriated by the legislature for Lahainaluna school as hereby constituted shall be payable by the territorial treasurer, upon warrants issued by the territorial auditor, upon vouchers approved by said board of commissioners. Said board of commissioners shall cause to be kept suitable books of account, and shall annually submit to the governor, to be by him submitted to the legislature, a statement showing its receipts from all sources, and expenditures for all purposes.

SECTION 8. Said board of commissioners may adopt rules and regulations not contrary to existing law for the government of all teachers and pupils, for the carrying on of the school and the transaction of its business.

SECTION 9. The salary of the principal, teachers, servants and officers of the school shall be such as may be from time to time appropriated by the legislature.

SECTION 10. All Acts or parts of Acts inconsistent, or in

Act 100. Lahainaluna School.

Act 101. Homestead Road, Puukapu, South Kohala,

conflict with this Act, or with any portion of this Act, either directly or by implication, are hereby repealed.

SECTION 11. This Act shall take effect June 1, A. D. 1917.

Approved this 18th day of April A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 101

AN ACT

APPROPRIATING THE SUM OF NINE THOUSAND DOLLARS
(\$9,000.00) FOR THE CONSTRUCTION OF AN ASPHALT
MACADAM ROAD THROUGH THE HOMESTEAD LOTS OF
PUUKAPU, SOUTH KOHALA, HAWAII.

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

SECTION 1. The sum of nine thousand dollars (\$9,000.00) is hereby appropriated out of the balance of the fund available for homestead roads, Hawaii, for the construction of a road through the Puukapu homesteads, at Waimea, district of South Kohala, county of Hawaii.

SECTION 2. The said road is to begin at the completed portion of the road through the Puukapu homesteads near the two-mile post, thence through the Puukapu homesteads to the Kamuela post office, and is to be constructed with an asphalt macadam type of pavement on a hand-laid sub-base, twelve feet wide, and approximately nine thousand seven hundred feet long.

Act 101. Homestead Road, Puukapu, South Kohala.
Act. 102. Survey of Lands in Honolulu.

SECTION 3. The sum of nine thousand dollars (\$9,000.00) 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.

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

Approved this 18th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 102

AN ACT

APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS
(\$5,000.00) FOR THE COMPLETION OF A SURVEY, MAP
AND PLANS OF CERTAIN LANDS IN HONOLULU.

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

SECTION 1. The superintendent of public works is hereby authorized and instructed to make a complete survey, map and plans of all that district in Honolulu between King street and the sea beach, and between Kapahulu road and Sheridan street.

SECTION 2. Said survey, map and plans shall show the size and location of each parcel or lot of land in said district, and shall contain a list of all known owners, mortgagees, lessees and occupants, and a description of each lot or parcel.

SECTION 3. Any survey, map and plans of the said dis-

Act 102. Survey of Lands in Honolulu.

trict now in the possession or control of the superintendent of public works may, if available, be used as a basis for or a portion of the survey, map and plans herein provided for, and the cost of preparing the same may be paid from the appropriation provided for by this Act.

SECTION 4. In case the board of health shall at any time find all or any portion of said tract deleterious to public health and shall proceed to improve or cause to be improved the same, as provided by chapter 71, Revised Laws of Hawaii, 1915, as amended by Act 190 of the Session Laws of 1915, so much of the cost of the work herein provided for as would be a proper charge against the sanitation revolving fund provided for by said chapter 71, as amended, in case such work were done pursuant to the orders of the board of health under said chapter, as amended, shall be charged to said fund, and repaid therefrom to the general revenues of the Territory. The amount so charged to said revolving fund shall be collected from those liable therefor as is provided in said chapter 71, as amended.

SECTION 5. The sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, is hereby appropriated out of the general revenues of the Territory of Hawaii for carrying out the purposes of this Act. Payments therefrom shall be made on warrants drawn by the auditor upon vouchers approved by the superintendent of public works.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

See 24 Hawai'i Stat.

Act 103. Parole of Prisoners.

ACT 103

AN ACT

To AMEND THE LAW PROVIDING FOR THE PAROLE OF PRISONERS, AS EMBRACED WITHIN CHAPTERS 107 AND 216 OF THE REVISED LAWS OF HAWAII, 1915.

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

SECTION 1. Any prisoner who is now, or may be hereafter confined in any prison within the Territory of Hawaii in execution of any sentence imposed, or which shall be imposed upon such prisoner for a felony, except the crime of murder in the first degree, shall be subject to parole in manner and form as set forth in this chapter.

SECTION 2. That such paroles may be granted at any time after the prisoner shall have served the minimum sentence imposed by the court, with commutation allowed; the intent, plan, and purpose of parole and commutation of any prisoner as in this Act set out and intended, shall apply and be applicable to any sentence, minimum or maximum, which may be imposed by the court; and the proceedings to obtain such parole may be initiated by the written recommendation of the warden of the territorial prison, to the board of prison inspectors for the first judicial circuit; provided, that said board of prison inspectors may, in their discretion initiate such proceedings without such recommendation of said warden. Paroles, as herein provided, shall be granted only by the governor upon the written recommendation of said prison inspectors. The governor shall have an absolute and uncontrolled discretion to either grant, refuse, or defer all applications and recommendations for such parole, and no such parole shall be granted without the initiatory recommendation of such warden, unless said

Act 103. Parole of Prisoners.

board of prison inspectors shall unanimously recommend the same, otherwise said board may act by a majority in respect of all proceedings touching the parole of prisoners. Such board shall present to the governor, with each recommendation for parole, a full and complete brief and history of the case involved, together with all pertinent facts touching the prisoner's antecedents, which may have a bearing upon the question involved.

SECTION 3. The board of prison inspectors of the first judicial circuit of the Territory are hereby empowered and directed to make rules and regulations under which all applications and recommendations for the parole of prisoners shall be considered and disposed of by them, and such rules and regulations shall go into effect when approved by the governor. The warden shall, not later than the tenth day of each month, present to the board a written list of the prisoners whose minimum sentences have expired during the preceding month.

SECTION 4. No parole shall be recommended by any warden or by any board of prison inspectors unless it shall appear to him or to them that there is a strong and reasonable probability that the prisoner concerned will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society; and no felon who has been convicted, in any jurisdiction whatsoever, of a felony other than and different from that for which he is being punished, shall be paroled until he has served the minimum term of imprisonment prescribed by statute for the crime in respect of which he is under sentence. The fact of such prior conviction may be inserted in the indictment and found by the jury, or it may be found by the court, upon an inquiry in that behalf, after the conviction in respect of which such sentence shall be imposed.

Act 103. Parole of Prisoners.

SECTION 5. Any person when on parole shall be and remain in the legal custody and under the control of the board of prison inspectors of the first judicial circuit, subject to all rules and regulations made by such board as provided in this chapter, and further subject to be taken back to the prison or jail from which he has been released, at any time until the expiration of the term for which he was sentenced. The board of prison inspectors of the first judicial circuit is empowered to enforce the rules and regulations made by it as prescribed by this chapter and to re-take and re-imprison any person paroled whenever satisfied that such person has violated any of such rules and regulations. The written order of such board, certified by its secretary, and directed to any sheriff or police officer in the Territory, shall be a sufficient warrant for any such officer to authorize him to take into custody and return to such prison or jail any paroled prisoner; and it is made the duty of all such officers to execute such orders like other ordinary criminal process. Any paroled prisoner so re-taken and re-imprisoned shall be confined according to his sentence for the unexpired portion of his term, and the time during which he has been out on parole shall not be counted as any part of such unexpired portion of his term. Provided, however, that successive paroles may, in the discretion of the governor, and upon such recommendations as are hereinbefore provided for, be granted to a prisoner during the life, and in respect, of any sentence.

SECTION 6. If a prisoner, other than those excepted from the provisions of this chapter, is confined upon more than one sentence, he may, nevertheless, be paroled with like effect as though but one sentence was impending over him; provided, however, that if he be re-taken and returned to prison as provided in the last preceding section hereof, he shall then, unless again paroled as herein provided, be held

Act 103. Parole of Prisoners.

until he has served all sentences which shall then be unserved and unexecuted by him.

SECTION 7. It shall be the duty of said warden to keep in communication, as far as possible, with all prisoners who are on parole, and when, in his opinion, any prisoner who has served not less than one year of his parole, has given such evidence as is deemed reliable and trustworthy that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, the warden shall so report to said board of prison inspectors. Said board shall then consider the case of the prisoner so presented, and if it shall decide that the prisoner is entitled to his final discharge, it shall so certify to said warden, who shall cause a record of the case to be made showing the date of the committal to the prison, the record of the prisoner while detained there, the date of his parole, his record while on parole, and the reasons for recommending his final discharge. Such record shall be signed by the warden, and the secretary of said board, and thereupon, subject to the approval of the governor, the prisoner shall receive from the warden a written discharge from further liability under his sentence.

SECTION 8. That all provisions for the parole of prisoners embraced or expressed in chapters 107 and 216 of the Revised Laws of Hawaii, 1915, as amended by Acts 177 and 195 of the Session Laws of 1915, and all other laws in conflict herewith are hereby repealed.

SECTION 9. This Act shall take effect on its approval.

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act. 104. Payment to James L. Coke.

ACT 104

AN ACT

MAKING APPROPRIATION TO PAY JAMES L. COKE FOR SERVICES RENDERED AND EXPENSES INCURRED IN BEHALF OF THE TERRITORY OF HAWAII AT WASHINGTON CITY DURING THE MONTHS OF JANUARY AND FEBRUARY, 1916.

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

SECTION 1. The sum of one thousand two hundred and fifty dollars (\$1,250.00) is hereby appropriated out of any moneys in the treasury of the Territory not otherwise appropriated for payment to James L. Coke for services rendered and expenses incurred by him in behalf of and for the benefit of the Territory of Hawaii during the months of January and February, 1916, in the matter of the refund of one million seven hundred and fifty thousand dollars (\$1,750,000.00) worth of territorial bonds, and in the matter of H. R. 65, the same being a bill then pending before Congress and having for its object the granting of additional authority, power and jurisdiction to the public utilities commission of the Territory of Hawaii.

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

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 105. Municipal Bonds.

ACT 105

AN ACT

**To AMEND SECTION 2172 OF THE REVISED LAWS OF HAWAII,
1915, AUTHORIZING THE ISSUANCE OF MUNICIPAL
BONDS.**

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

SECTION 1. That Section 2172 of the Revised Laws of Hawaii of 1915 is hereby amended to read as follows:

"Section 2172. Issuance authorized. The treasurer of each county, with the approval of the board of supervisors of such county, is authorized and empowered to issue from time to time bonds of such county, with interest coupons attached thereto, the principal and interest to be payable in gold coin of the United States of America, or its equivalent, at its standard of weight and fineness at the time of the issuance of the bonds, in the manner, upon the terms, and for the purposes in this chapter stated, but the total of such bonded indebtedness which may be incurred by any county, shall not exceed three per centum of the assessed value of the property in such county, as shown by the then last assessment for taxation, nor shall the amount of such indebtedness which may be incurred in any one calendar year exceed one-half of one per centum of such assessed value.

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

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 106. Roads in Piiholo, Makawao.**ACT 106****AN ACT**

MAKING AN APPROPRIATION BY WAY OF ADVANCEMENT OUT OF THE GENERAL REVENUES FOR THE COMPLETION OF ROADS IN AND TO THE HOMESTEAD TRACT IN THE DISTRICT OF MAKAWAO, COUNTY OF MAUI, TO BE REIMBURSED OUT OF THE PROCEEDS OF SALES OF HOMESTEADS IN SAID DISTRICT.

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

SECTION 1. The sum of two thousand dollars (\$2,000.00), or as much thereof as may be necessary, is hereby appropriated out of the general revenues, in addition to that already appropriated by Act 179, Session Laws of 1915, for the purpose of completing the construction of roads in and to the homestead tract at Piiholo, Makawao, county of Maui.

SECTION 2. This money shall be expended, and reimbursed to the general fund in the same manner as that provided in Act 179, Session Laws, 1915.

SECTION 3. The amount hereby appropriated under this Act shall become immediately available upon the approval of the Act.

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 107. Operation of Aircraft.**ACT 107****AN ACT**

REP ACT 109 S. L. 1923

To AMEND SECTION 1 OF ACT 14 OF THE SESSION LAWS OF 1915, PROHIBITING THE OPERATION OF AEROPLANE, BALLOON AND OTHER AIR CRAFT IN THE TERRITORY OF HAWAII WITH CERTAIN RESTRICTIONS.

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

SECTION 1. Section 1 of Act 14 of the Session Laws of 1915 is hereby amended to read as follows:

"Section 1. No person shall, without a license from the governor, operate an aeroplane, balloon, or other air craft in or across the Territory of Hawaii, except a member of the aviation corps of the United States army, United States navy, national guard of Hawaii or naval militia of Hawaii, or a person employed in the United States military or naval services as a pilot."

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

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 108. Eminent Domain.**ACT 108****AN ACT**

To AMEND SECTIONS 666 AND 669 OF CHAPTER 48 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO EMINENT DOMAIN.

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

SECTION 1. Section 666 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 666. Entering and surveying land. Any agent or servant of the Territory or county or city and county, as the case may be, may, for the purpose of locating or surveying land to be condemned in accordance with the provisions of this chapter, enter upon the same and make examinations and surveys, and such entry shall not constitute a cause of action in favor of the owner of the land, except for damages resulting from negligence on the part of such agent."

SECTION 2. Section 669 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 669. Plaintiff. The superintendent of public works acting in his official capacity may institute proceedings on behalf of the Territory of Hawaii for the condemnation of property as provided for in this chapter and the superintendent of public works may be referred to in this chapter as the plaintiff. And any county or city and county may institute proceedings in the name of and on behalf of such county or city and county for the condemnation of property within such county or city and county for any of the purposes as provided in this chapter which are within the powers heretofore granted, or which may hereafter be

Act 108. Eminent Domain.

Act 109. Highways.

granted, to the respective boards of supervisors, and such county or city and county may also be referred to in this chapter as the plaintiff.

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

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 109

AN ACT

TO AMEND SECTION 1881 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO HIGHWAYS.

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

SECTION 1. Section 1881 of the Revised Laws of Hawaii, 1915, is amended to read as follows:

"Section 1881. In charge of the supervisors. The several boards of supervisors or other governing bodies of the several political subdivisions of the Territory have the general supervision, charge and control of all public highways, roads, alleys, streets, ways, lanes, squares, courts, trails, and bridges in the Territory, and shall have the power to determine the terms under which irrigation or drainage ditches, flumes, railroads, including plantation railroads and similar structures, telephone, electric light and power lines, and pipes and other conduits may be maintained upon, under,

Act 109. Highways.**Act 110. Tax Exemption, Water Systems.**

over and across the same, and the said boards or other governing bodies may make all regulations needful for the public convenience and safety in all cases where permission has been or may hereafter be granted to maintain any such ditches, railroads, pipes or other structure across, under, over and upon all public highways, roads, alleys, streets, ways, lanes, squares, courts, trails and bridges in the Territory."

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

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 110**AN ACT**

To EXTEND FOR A PERIOD OF TEN YEARS SECTION 1250 OF THE REVISED LAWS OF HAWAII, 1915, RELATIVE TO EXEMPTION OF PROPERTY FROM TAXATION.

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

SECTION 1. That the provisions of Section 1250 of the Revised Laws of Hawaii, 1915, relative to exemption of property from taxation, be and the same are hereby extended for a term of ten years from the first day of January, A. D. 1918.

Act 110. Tax Exemption, Water Systems.
Act 111. Decisions of Federal Court.

SECTION 2. This Act shall take effect on the first day of January, A. D. 1918.

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 111

AN ACT

TO PROVIDE FOR THE PUBLICATION OF THE DECISIONS OF THE
UNITED STATES DISTRICT COURT FOR HAWAII.

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

SECTION 1. The sum of three thousand five hundred dollars (\$3,500.00), or so much thereof as may be necessary, is hereby appropriated from the treasury of the Territory for the compilation and publication of not more than two hundred and fifty copies of the reports of the decisions of the United States District Court for Hawaii; provided, that the judges of said court shall assign to the Territory all right to publish, sell and distribute the decisions so published and shall prepare and furnish for such publication, free of cost, such decisions, and the syllabi thereof, to the secretary of the Territory, who is hereby authorized to make all contracts and exercise all other powers necessary or proper for carrying out the purposes of this Act. The printing of such decisions in book form or signatures of the requisite number may be begun as soon as the secretary shall deem advisable

Act 111. Decisions of Federal Court.
Act 112. Display of Patriotic Emblems.

and be continued as such decisions are furnished with their syllabi from time to time, and may be bound, together with the index, when a sufficient number of forms or signatures for binding in volume form shall have been printed; and such forms or signatures, either as part of or in addition to the two hundred and fifty copies above specified, as well as the bound volumes, may be sold and distributed by the secretary in the same manner as the session laws of the Territory.

SECTION 2. Act 75 of the Session Laws of 1915, being "An Act to Provide for the Publication of the Decisions of the United States District Court for Hawaii," is hereby repealed.

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

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 112

AN ACT

To PROVIDE FOR THE DISPLAY OF PATRIOTIC EMBLEMS IN THE COURTHOUSES AND COURTROOMS OF THE TERRITORY, AND TO MAKE AN APPROPRIATION, TO BE IMMEDIATELY AVAILABLE, TO CARRY OUT THE PURPOSES OF THIS ACT.

WHEREAS, It is desirable at all times, and particularly so at the present juncture of our foreign relations, that our national emblem or other appropriate emblems and tokens

Act 112. Display of Patriotic Emblems.

of patriotism should be displayed in all courthouses, court-rooms, and other places where the people gather to participate in or to observe the administration of the law; therefore

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

SECTION 1. That the superintendent of public works is hereby authorized and directed, with all convenient celerity, to cause to be suitably placed in every courthouse and court-room within the Territory of Hawaii, wherein the processes of the law are being, or are wont to be, administered by the courts or magistrates, suitable flags, banners, shields, or other emblems indicative of the authority of the governments of the United States and of the Territory of Hawaii, and such as are calculated to express the patriotism of our people, and to inspire patriotic sentiments towards, and reverence for, our flag and government, on the part of all who participate in or witness the proceedings of such courts and magistrates. Such display, in each instance, shall include either a national and a territorial flag, suitably hung or draped, or a shield or other appropriate emblem representative of both the national and territorial governments.

SECTION 2. The sum of eight hundred dollars (\$800.00) is hereby appropriated from any moneys in the treasury, not otherwise specifically appropriated, for the purpose of carrying out the provisions of this Act, and said appropriation shall be immediately available.

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

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 113. Completion of Bay View Home.**ACT 113****AN ACT****MAKING APPROPRIATION FOR THE COMPLETION AND FURNISHING OF THE BAY VIEW HOME AT KALAUPAPA, MOLOKAI.**

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

SECTION 1. The sum of four thousand dollars (\$4,000.00) 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 the completion and furnishing of the Bay View Home at Kalaupapa, Molokai.

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

Approved this 19th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 114. Teachers' Salary Schedule.Amd. Act. 145 S. L. 1921**ACT 114****AN ACT****To AMEND SECTION 297 OF CHAPTER 25 OF THE REVISED LAWS OF HAWAII, 1915, REGARDING MAINTENANCE OF SCHOOLS.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 297 of Chapter 25 of the Revised Laws of Hawaii, 1915, relating to maintenance of schools, is hereby amended so as to read as follows:

Am. Act. 265, 1923
Section 297. Salary schedule. The department of public instruction is authorized, empowered, and directed to prepare a salary schedule to cover the compensation to be paid all teachers, supervisors and principals. Such schedule shall be based upon a classification of schools, classification of teachers' certificates, and length of service; provided, however, that the schedule as to salaries of principals and supervisors shall be based also upon the number of teachers under their direction. Such schedule, when approved by the governor, and published at least three times in some newspaper of general circulation, printed and published in Honolulu, shall have the force and effect of law. Such schedule may from time to time, with like approval and publication, be altered, amended or revised. All salaries of teachers, supervisors and principals shall be paid according to such schedule. The total number of teachers, including supervisors and principals, who may be continuously employed by the department in any one year shall not exceed one for every thirty-five pupils enrolled in the public schools during the preceding year; provided, however, that the monthly pay roll of teachers, supervisors and principals shall not exceed seventy-three thousand five hundred dollars per month

Act 114. Teachers' Salary Schedule.
Act 115. Insurance Law.

plus sixty dollars additional for every thirty-five children of school age above an enrollment of the public schools in excess of thirty thousand."

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

Approved this 20th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
 Governor of the Territory of Hawaii.

See 26 Ha. 116

ACT 115

Am. Act. 236 S. L. 1921

Am. Act. 230 S. L. 1923

AN ACT

*See Act 101
A.D. 1919.*

To PROVIDE AN INSURANCE LAW FOR THE TERRITORY OF HAWAII; TO REGULATE THE ORGANIZATION AND GOVERNMENT OF INSURANCE COMPANIES AND INSURANCE BUSINESS; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT; To PROVIDE FOR A FIRE MARSHAL AND TO DEFINE HIS DUTIES; AND TO REPEAL ALL EXISTING LAWS RELATING TO INSURANCE.

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

SECTION 1. Insurance terms defined. Unless the context of the insurance law requires otherwise:

- (1) "Company" includes all corporations, associations, partnerships or individuals engaged as principals in the business of insurance except a fraternal or mutual benefit society;
- (2) "Domestic company" or "domestic society" design-

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nates those companies or fraternal benefit societies organized in the Territory of Hawaii;

(3) "Foreign company" or "foreign society" designates an insurance company organized under the laws of any state, territory or province of the United States, other than the Territory of Hawaii, or of a foreign government, state or province;

(4) "Commissioner" designates the insurance commissioner of this Territory;

(5) "Authorized company" or "authorized society" designates a company or society authorized to transact the business of insurance in this Territory;

(6) "Unauthorized company" or "unauthorized society" designates a company or society which is not, at the time in question, authorized to transact the business of insurance in this Territory;

(7) "Agent" designates a corporation, firm or individual, or an officer, member or employee of such corporation, firm or individual, who solicits insurance on behalf of an insurance company, or who transmits an application for a policy of insurance, other than for himself, to or from any such company, or makes any contracts for insurance, or collects any premium for insurance, or in any manner aids in transacting the business of insurance;

(8) "Adjuster" designates an agent, or any other person who acts for or on behalf of a company or of the insured, in determining and making settlement of the amount payable to the insured for any loss or damage under the policy;

(9) "Insurance law" designates the body of statute law dealing specifically with the subject of insurance;

Act 115. Insurance Law.

(10) "Direct insurance" designates the insurance effected by the policy or other contract between the company and the insured;

(11) "Re-insurance" designates the insurance ceded and accepted between two companies, one of which has effected the direct insurance;

(12) "Retrocession" includes the insurance ceded and accepted between two companies, neither of which has effected the direct insurance;

(13) "United States" shall be construed to include any state, the district of Columbia, and any territory or possession under the jurisdiction and control of the United States.

SECTION 2. Insurance companies must comply with insurance law. A company, association, partnership or individual engaged in the business of insurance, or of suretyship, or of guaranteeing against liability, loss or damage, or of entering into contracts substantially amounting to insurance, shall be deemed an insurance company and shall not transact such business unless the business is authorized or permitted by the laws of the Territory of Hawaii, and all laws regulating the same and applicable thereto have been complied with.

SECTION 3. Kinds of insurance. The kinds of insurance are classified, and unless the context requires otherwise, each includes insurance as follows:

(1) Fire insurance: Against loss or damage to property and loss of use and occupancy, rents and expected profits, by fire, lightning, hail, tempest, flood, earthquake, frost, or snow, explosion, fire ensuing; explosion, no fire ensuing, except explosion by steam boilers or fly wheels; against loss or damage by water caused by the breakage or leakage of sprinklers, pumps or other apparatus, water pipes, plumb-

Act 115. Insurance Law.

ing, or their fixtures, erected for extinguishing fires, and against accidental injury to such sprinklers, pumps, other apparatus, water pipes, plumbing or fixtures; against the risk of inland transportation and navigation; upon automobiles, whether stationary or operated under their own power against loss or damage by any of the causes or risks specified in this sub-section, including also transportation, collision, liability for damage to property resulting from owning, maintaining, or using automobiles and including burglary and theft, but not including loss or damage by reason of bodily injury to the person;

(2) Marine insurance: Upon vessels, freights, goods, money, effects and money lent on bottomry or respondentia against the perils of the sea and other perils usually insured against by marine insurance;

(3) Life insurance: Upon the lives of persons and every insurance appertaining thereto, and to grant, purchase or dispose of endowments and annuities;

(4) Personal accident and disability insurance: Against bodily injury or death by accident, and against disablement resulting from sickness;

(5) Liability and compensation insurance: Against liability of the insured for the death or disability of another;

(6) Fidelity and surety insurance: To act as surety on bonds and undertakings, and to guarantee: (1) the fidelity of persons holding places of trust; and (2) the performance of contracts and obligations other than insurance policies, mortgages and trust deeds;

(7) Title insurance: Against loss from defective titles;

(8) Plate glass insurance: Upon glass against breakage;

- (9) Steam boiler and fly wheel insurance: Against loss or liability to persons or property resulting from explosions or accidents to steam boilers, engines or machinery connected therewith, and from breakage of fly wheels or machinery, and to make and certify inspection thereof;
- (10) Burglary insurance: Against loss or damage by burglary, theft or housebreaking;
- (11) Live stock insurance: Against loss, or damage by theft, injury, sickness or death of animals, and the furnishing of veterinary services;
- (12) Automobile and vehicle insurance: Against loss, expense and liability resulting from the ownership, maintenance or use of any automobile or other vehicle, provided no policy shall be issued under this sub-section against the hazard of fire alone;
- (13) Use and occupancy and profits insurance: Against loss from interruption of trade or business which may be the result of any accident or casualty;
- (14) Miscellaneous insurance: Against loss or damage by any hazard upon any risk, not provided for in this section, which is not prohibited by law from being the subject of insurance.

SECTION 4. Kinds of insurance which a company may transact. Any company having complied with the provisions of law and authorized to engage in the business of insurance in this Territory, may transact any or all kinds of insurance authorized by law and specified in its articles of association, or incorporation or charter.

When more than one kind of insurance is written by a company in the same policy, the premium for each kind shall be specified separately, and the insurance may be can-

Act 115. Insurance Law.

celled as to any kind separately; provided, however, that this shall not apply to life insurance policies containing both life and disability benefits.

SECTION 5. Insurance department; commissioner; duties.

(1) There shall be a department charged with the execution of the laws relating to insurance, to be known as the insurance department, the chief officer of which shall be the territorial treasurer, who shall be ex-officio insurance commissioner. Neither the insurance commissioner nor any of his deputies or clerks shall be directly or indirectly interested in any insurance corporation or insurance business, except as a policy holder. All necessary forms, circulars and blanks, together with such pamphlet copies of the insurance laws as may be required for distribution to any person at any time by the provisions of this chapter, shall be furnished at the expense of the Territory.

(2) The commissioner shall for the purpose of carrying out the laws relating to insurance, and to the extent of the authority conferred on him by law, supervise all insurance transacted within this Territory, or affecting property situated therein and all business relating thereto, including that of insurance companies and societies, domestic and foreign.

(3) The commissioner, personally or by his special appointees, deputies or clerks, may examine the books, papers and property, and into the affairs of any insurance company, agent, association or bureau for the making of rates, and of any company engaged in or professing to be engaged in organizing, promoting or aiding in the formation of an insurance company, or of any person, firm or corporation who, the commissioner has reasonable grounds to believe, is violating a provision of the insurance law.

(4) The commissioner or his examiners shall have

power to administer oaths, to summon and compel the attendance and examine under oath all persons having information, or believed by him or them to have information, concerning the affairs of such company, agent, association or bureau for the making of rates and of any company engaged in or professing to be engaged in organizing, promoting, or aiding in the formation of an insurance company, or of any person, firm or corporation who the commissioner has reasonable grounds to believe is violating a provision of the insurance law, and to compel such persons to produce any books or papers under their custody or control and relevant to such examination. The commissioner or any party to any such examination, may cause the depositions of witnesses residing within or without the Territory to be taken in the manner prescribed by law for depositions in civil actions in circuit courts of the Territory of Hawaii. The same fees shall be paid for service of process, attendance and travel of witnesses, the taking of depositions and/or the services of stenographers, as are provided for such services in such circuit courts. Payments for all expenses incurred by the commissioner, or his appointees, in an examination other than into the affairs and conditions of an insurance company shall be made out of the territorial treasury upon the warrant of the auditor upon vouchers signed by the commissioner.

(5) The expense of an examination into the affairs and condition of any insurance company or society shall be borne by the company or society examined, unless remitted by the commissioner.

(6) The commissioner may invoke the aid of any court of competent jurisdiction through injunction, mandamus or other process, to enforce any order or action made or taken by him in pursuance of law.

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(7) Any person, firm, corporation, agent, adjuster or company affected, may, by verified petition, and proof of service of a copy of such petition upon the insurance commissioner, appeal in writing to the circuit court of the first judicial circuit to review any order or action made or taken by the commissioner in pursuance of law.

(8) Notice of the making of any order by the commissioner, including any order for a hearing, may be given by serving upon any company, society, person, firm or corporation affected thereby a copy of such order in the same manner as is provided by law for the service of summons in civil actions in circuit courts, or by mailing a copy thereof in a sealed, postpaid, registered envelope to such company, society or person at its last known address. Service by mail as aforesaid may be proved by affidavit and the registry return receipt shall be evidence of the completion of such service.

(9) Within ten days after the service of notice of the making of any order, any company, society or person affected thereby may ask for a rehearing and review thereof before the commissioner, which hearing shall be had within ten days, unless a longer time be granted on the request of such company, society or person. A final order shall be made within five days after the close of such hearing. The evidence presented on any such hearing shall be carefully preserved and when requested shall be transcribed as on appeal from circuit courts. The commissioner shall keep in his office a permanent record book in which shall be entered and recorded every order, when made.

(10) If application therefor be made within ten days after making of such final order the same may be reviewed in the circuit court of the first circuit and an appeal from the decision of said court shall lie to the supreme court. Such review shall be had upon the record and the evidence

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presented before the commissioner and no additional evidence shall be presented before the court. If either party on such appeal shall offer to present material evidence different from or in addition to the evidence presented to the commissioner, the court shall continue the case and immediately return the record to the commissioner for a further hearing or hearings, at which either party may present additional evidence, and thereupon the commissioner shall make such further order as the case may require and make return of such evidence and order to the court.

SECTION 6. Deputy commissioner. The insurance commissioner shall appoint a deputy, and in the absence of the commissioner or his inability from any cause to exercise the powers and discharge the duties of his office, the powers and duties of the office shall devolve on the deputy.

SECTION 7. Report to legislature and governor. (1) The commissioner shall transmit to each legislature at the beginning of its regular session, or within ten days thereafter, a report containing a summary of the statements and reports made to him pursuant to the provisions of this chapter, classified, which report shall also contain:

First: A statement of all the insurance companies or corporations authorized to do business in this Territory during the biennial period ending the thirty-first day of December next preceding, with their names, locations, capital stock, paid-in capital, dates of organization and of the commencement of business in this Territory, and kinds of insurance in which they are engaged respectively;

Second: The receipts and disbursements of the insurance department during the same period;

Third: Any amendments to the insurance law which, in

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his judgment, are demanded for the better protection of the insured and the people.

(2) The commissioner shall annually transmit to the governor at the earliest practicable date, a complete report containing such financial, statistical and other data, information and recommendations as in his judgment are of public interest. There shall be printed and in readiness for distribution one thousand copies of such annual report for the use of the governor, legislature and insurance department, which shall be printed and distributed at the expense of the Territory.

SECTION 8. Name of insurance company or society. No insurance company or society shall be organized in this Territory nor shall any domestic or foreign insurance company or society be granted certificate of authority to transact business therein, if the name of such company or society is so similar to the name of any other insurance company or society in use in this Territory or in the United States as to be likely to confuse, deceive, or mislead, or if, in the case of a domestic mutual company, the name fails to include the word "mutual."

SECTION 9. Commissioner attorney for service of process. (1) Before a certificate of authority to transact business in this Territory is issued to any domestic or foreign insurance company or society, it must file with the commissioner a resolution adopted by its board of directors consenting that service of process upon the commissioner in any action or proceeding against such company or society brought or pending in this Territory upon any cause of action arising in or growing out of business transacted in this Territory, shall be valid service upon such company or society and such consent shall be irrevocable, so long as a policy of insurance of such company shall remain in force

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in the Territory of Hawaii, or any loss remains unpaid therein.

(2) All domestic or foreign insurance companies or societies transacting business in this Territory shall at all times have one or more known places of business therein and an authorized agent present upon whom process may be served in all cases.

(3) Service may be had on either the authorized agent or the commissioner.

(4) Every process left with the commissioner shall be in triplicate. He shall return the original or one copy with his certificate of service, which shall be accepted as proof of service of such process. One copy he shall forward at once by mail to the company or society addressed to its principal office and the remaining copy he shall file in his office.

(5) Where service is had on the commissioner, no proceeding shall be had within sixty days after such service.

(6) The provisions of chapters 186 and 187 of the Revised Laws of Hawaii, 1915, shall have no application to service of process on insurance corporations.

SECTION 10. Companies must obtain certificate of authority; business to be done only through licensed agents. No domestic or foreign company shall transact or attempt to transact any business of insurance upon risks in this Territory unless it shall first obtain from the commissioner of insurance a certificate of authority to transact such business, nor shall it transact such business except through licensed agents. This provision as to licensed agents shall not apply to re-insurance nor to policies issued from the home office of any domestic company.

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SECTION 11. Conditions governing the issuing of certificates of authority to companies and societies. Any company or society, domestic or foreign, shall be entitled to a certificate of authority from the commissioner to transact insurance in this Territory as authorized by the insurance law whenever and during the time such company or society is solvent and can furnish to the people of this Territory safe and satisfactory insurance and shall fully comply with other provisions of law and with the following provisions so far as applicable to such company or society, namely:

(1) Domestic and foreign stock and mutual insurance corporations shall:

(a) File with the commissioner a copy of its charter or articles of incorporation and of its by-laws and of any amendments to either and all certified to by its secretary;

(b) File a verified statement of financial condition, in such form and with such papers and information as is required by the commissioner;

(c) Submit to a personal examination of its affairs by the commissioner which he may waive if there is filed with him a certified copy of an examination made within two years by some insurance department of the United States;

(2) In addition, foreign stock and mutual insurance corporations and foreign societies shall:

(a) File a certificate, satisfactory to the commissioner, made by the insurance department of the state, district or territory where such corporation is organized, that said corporation is there organized and authorized to transact the kind of insurance that it seeks to transact in this Territory;

(b) Or if organized outside of the United States file a

certificate, satisfactory to the commissioner, made by the proper officer of some insurance department of the United States, that said corporation has deposited with said department in trust for the benefit of all policy-holders in the United States securities having a market value of at least one hundred thousand dollars and in which its assets may be invested under the law of the state, territory, district or possession in which such deposit is made. The securities so deposited shall always be in such amount that the market value equals or exceeds the said sum of one hundred thousand dollars. Subject to the same condition that its market value shall always be not less than one hundred thousand dollars, such deposit may be made with the treasurer of this Territory in securities prescribed by law for the investments of domestic insurance companies. No deposit in the United States shall be withdrawn until all liabilities secured by such deposit shall have been fully paid or shall have been reinsured in companies or societies authorized to transact the same kinds of business in the states, districts or territories where such liabilities exist;

(3) In addition, foreign stock insurance corporations shall:

(a) Have the paid-in capital and surplus required of domestic insurance companies organized and authorized to transact business in this Territory on and after the first day of July, 1917;

(4) In addition, domestic and foreign mutual insurance corporations shall:

(a) Hold bona fide applications for, or have outstanding a minimum of twenty policies to a minimum of twenty members for the same kind of insurance upon a minimum of

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two hundred separate risks each within the maximum single risk prescribed by section 14, of the insurance law;

(b) Have collected a cash premium deposit upon each application, and hold admitted assets for each kind of insurance not less than five times the maximum single risk nor less than ten thousand dollars;

(c) In case of liability and compensation insurance, insure at least fifteen hundred employees, each employee being considered a separate risk for determining the maximum single risk;

(5) Domestic and foreign Lloyd's associations and inter-insurers shall:

(a) File with the commissioner an application signed and sworn to by the duly authorized attorney or attorneys in fact setting forth:

1. The name or title under which business is to be conducted, together with location of principal office and other offices at which business is to be conducted or from which contracts or agreements are to be issued;

2. The kind or kinds of insurance to be written, effected or exchanged;

3. A copy of the form of agreement between the subscribers or underwriters and power of attorney or other authority of the attorney or attorneys in fact;

4. A copy of each form of policy, contract or agreement under or by which insurance is to be effected;

(6) In addition, domestic and foreign Lloyd's associations shall:

(a) Provide and maintain for the protection of policy

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holders within the United States a fund equal to the minimum paid-in capital and surplus required by the insurance law for the transaction of the same kinds of insurance by domestic stock corporations, which fund shall be held by its attorney or attorneys in fact or a committee for such underwriters in cash or securities authorized to be used for deposits by insurance corporations transacting similar kinds of insurance in the state or territory where the principal office of the underwriters is located;

(b) Furnish the names and addresses of the underwriters, who shall not be less in number than twenty-five, each underwriter being worth in his own right not less than twenty thousand dollars over and above all his debts and liabilities;

(c) Furnish a statement showing all cash and invested assets owned by said associated underwriters, as such, and their estimated value, and such other information as the commissioner may require.

(7) In addition foreign Lloyd's associations and domestic and foreign interinsurers shall:

(a) Provide and maintain with the territorial treasurer, and for the protection of policy holders or subscribers within the Territory of Hawaii, a deposit of securities having a market value of not less than twenty-five thousand dollars or certificate of deposit of cash in some local bank in the sum of twenty-five thousand dollars, provided, however, that this deposit shall not be required if such Lloyd's association or interinsurer shall file a certificate satisfactory to the commissioner and made by the proper officer of some insurance department of the United States, that said association or interinsurer has deposited with said department in trust for the benefit of all policy holders in the United

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States securities having a market value of at least fifty thousand dollars and in which its assets may be invested under the law of the state, territory, district or possession in which such deposit is made or a certificate of deposit of cash in some mainland or foreign bank in the sum of fifty thousand dollars.

(b) Securities deposited with the territorial treasurer under the provisions of this subsection shall conform to the requirements of law governing the investments of domestic insurance companies.

(8) In addition, domestic and foreign interinsurers shall:

(a) Hold applications or have outstanding contracts for indemnity upon a minimum of seventy-five separate risks, or risks aggregating a minimum of one and one-half million dollars covering a minimum of fifty separate risks, which shall become or are concurrently effective, or, in case of liability or compensation insurance, covering a total minimum pay-roll of one and one-half million dollars;

(9) In addition, foreign Lloyd's associations and interinsurers shall:

(a) File a certificate, satisfactory to the commissioner, made by the insurance department of the place where such company is organized showing that said company is there organized and authorized to transact the kinds of insurance it seeks to transact in this Territory.

SECTION 12. Annual renewal of certificates of authority of domestic and foreign insurance companies and societies. Every certificate of authority granted to any domestic or foreign company or domestic or foreign society shall expire on the following fifteenth day of April, unless extended by

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the commissioner for a period of not exceeding sixty days. Such certificate shall be renewed annually unless such company or society has failed to comply with the provisions and requirements of law.

SECTION 13. Suspension and revocation of certificates of authority for all domestic and foreign companies and societies. (1) The certificate of authority of any insurance company or society transacting business in this Territory may be suspended or revoked by the commissioner after a hearing for any of the following causes:

(a) Violation of the insurance law or refusal or failure to comply with any lawful order made by the commissioner;

(b) Insolvency or unsafe condition of company or society which, in the judgment of the commissioner, renders the insurance furnished to the people of this Territory unsafe or unsatisfactory.

(2) The commissioner shall give notice of suspension or of revocation of certificate of authority by mailing a copy of such notice in a sealed postpaid registered envelope to each licensed agent of the company in this Territory and of a revocation by publication four times in some daily newspaper of general circulation published in this Territory.

(3) After revocation of certificate of authority such company or society shall not again be granted a certificate of authority until it shall have paid into the treasury of this Territory the sum of five hundred dollars as a fee for receiving a new certificate.

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

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reinsurance taking effect simultaneously with the policy, shall be:

(a) Ten per centum of the paid-in capital and surplus; provided, however, that for a period of five years from the passage of this Act this restriction shall not be held to apply to any corporation now organized and existing under the laws of the Territory of Hawaii and now doing business in the Territory of Hawaii, and that such corporations may assume any such net single risks in excess of ten per centum of their capital stock and surplus if they first secure the written approval of the insurance commissioner;

(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 15. No agent to transact business without a license. No corporation, firm or individual shall do or perform any act as agent or advertise or hold himself out as an agent for any kind of insurance with respect to risks located within this Territory and required to be transacted through licensed agents, without holding a license then in force, but a license issued to a corporation, firm, or individual shall be sufficient for all employees thereof, except those employees who receive a compensation of commission only.

SECTION 16. Licensing agents of authorized domestic and foreign insurance companies. Any corporation, firm or individual having a place of business in this Territory may be licensed by the commissioner as agent to solicit, accept applications, write, issue, deliver or place policies or contracts of direct insurance upon risks located within this Territory for a company authorized to transact business therein, during the time he shall conform to the agreements and re-

quirements of this section and other provisions of the insurance law, when:

(a) The company shall file with the commissioner an application for such agent's license accompanied by a statement signed by the proposed agent on a form prescribed by the commissioner in which he shall agree that: He will not rebate any part of the premium or commission or offer any valuable consideration as an inducement to take insurance other than that clearly expressed in the policy; if he signs policies, he will maintain an office within this Territory and keep therein at all times a complete record of all applications for and policies of insurance placed by or through him and will not sign any policies in blank to be issued outside of his office; will acquaint himself with the insurance law of this Territory relating to such agent and faithfully conform to the same; and if he employs an agent or sub-agent, he will be responsible for the actions and representations of such agent or sub-agent;

(b) The commissioner is satisfied that such proposed agent intends to hold himself out in good faith as an insurance agent, is a person of good moral character and is a proper person to be licensed.

SECTION 17. Annual renewal agents' licenses. Every such agent's license shall expire on the fifteenth day of April next following its date unless extended by the commissioner for a period not exceeding sixty days in case the certificate of authority of the company has been likewise extended. Such license shall be renewed annually on application by the company, unless such agent has failed to comply with the insurance laws. After the year 1917, no license shall be renewed unless the agent shall have filed with the commissioner a statement conforming to section 16 of this Act, and

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one such statement shall serve for a renewal of all licenses held by him.

SECTION 18. Suspension or revocation of agents' licenses. The license of any agent may be suspended by written order of the commissioner for a period of ninety days if, after notice and hearing, he shall find such agent guilty of any wilful violation of the insurance law. If any such agent, after notice and hearing, be found guilty of a second violation, the commissioner shall by his written order revoke all licenses held by such agent, and no further license shall be issued to such agent save under such restrictions as the commissioner may impose. The forbidden practices and acts above referred to are:

- (1) Wilful over-insurance of any property in this Territory;
- (2) Wilful misrepresentation of any policy of insurance;
- (3) Wilful deception of or unjust dealing with any person with regard to any insurance policy;
- (4) Wilful failure or refusal upon demand to pay over to any company which he represents or has represented any money coming into his hands belonging to such company;
- (5) Wilful failure to conform to representations made in the signed statement filed with his application for license;
- (6) Wilful offer of any valuable consideration as an inducement to take insurance, other than that clearly expressed in the policy;
- (7) Wilful violation of any provision of the insurance law.

SECTION 19. Contract outside of policy and rebating prohibited. (1) No insurance company or any agent thereof shall make any contract or agreement with reference to any insurance other than is plainly expressed in the policy.

(2) In writing or attempting to write insurance on any risk in this Territory no insurance company or any agent, with or without the knowledge of the company, shall, as an inducement to securing such business or after the obligation has been incurred, pay, allow or give, or offer to pay, allow or give, nor shall any person receive, any rebate of premium payable on a policy or any special advantage in dividends or other benefits, paid employment or contract for services or any valuable consideration or inducement of any kind not specified in policies of like class, or give, sell or purchase, or offer to give, sell or purchase anything of any value whatsoever, not specified in policies of like class.

(3) Nothing in this section shall prevent:

(a) A licensed agent of this Territory from dividing commissions with any other agent of this Territory licensed to write the same kind of insurance;

(b) A licensed agent of this Territory from writing insurance on his own property or person, and receiving commissions from the writing of such insurance;

(c) The distribution of savings, earnings or surplus equitably among a class of policy-holders;

(b) The furnishing of information, advice or services for the purpose of reducing the loss or liability to loss.

(4) Notwithstanding any violation of this section, the policy shall be valid, but any company or agent or other person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction there-

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of shall be sentenced to pay a fine of one hundred dollars for each and every violation, or in the discretion of the court, to imprisonment for a period of not less than ninety days nor more than six months.

SECTION 20. Policy provisions. No policy or contract of insurance shall be made, issued or delivered in this Territory containing any provision:

- (1) Incorporating into the policy or contract any matter not fully set forth therein, or in a copy of any application, or any other matter attached to and made a part of such policy or contract at the time of its delivery;
- (2) Incorporating into the policy or contract any provision prescribing in what court any action may be brought thereon or that no action shall be brought thereon.

SECTION 21. Annual statement. Every insurance company or society doing business in this Territory shall on or before the fifteenth day of April, annually file with the commissioner its annual statement.

Such statement shall disclose the condition, standing, business and affairs of the company or society within the United States, and as to each kind of company or society be in such form as prescribed by the commissioner, which shall be uniform as nearly as possible with the form of statement required of like companies and societies throughout the United States. Such statement shall be verified by two of the principal officers, the United States manager, or the attorney-in-fact, of such company or society, as the case may be. The time for the filing of such statement may, on application of the company, be extended by the commissioner for not exceeding sixty days.

SECTION 22. Publication of assets and liabilities. When

any insurance company shall publish or advertise its assets, it shall in the same connection and with equal conspicuousness publish its liabilities, both as shown by its last annual statement and a company from without the United States, which shall desire to make any publication or statement including assets or liabilities other than those within the United States as shown by its last annual statement, shall file an additional statement of its home office assets, liabilities and affairs, on such form as the commissioner shall prescribe. A publication purporting to show the capital of any insurance company shall state separately the amount of paid-in and subscribed capital.

SECTION 23. Reserves, unearned premium, loss reserves. The reserve liability of every insurance company shall be determined on such basis, method and plan, as shall be fixed by the written order of the commissioner to fully provide for and meet all its contract liabilities, and except as to life insurance companies, shall not be less than fifty per centum of the annual premiums written in the policy and pro rata for longer periods except where the commissioner shall permit the use of a pro rata reserve on the premiums for shorter periods than one year. Unearned premium and loss and claim reserves shall be reported separately. The basis, method and plan for calculating such reserves shall conform as nearly as may be to those in general use throughout the United States.

SECTION 24. Over-insurance and over-payment of loss prohibited. No insurance company or any agent thereof shall knowingly and wilfully make or effect any insurance against loss or damage to property in this Territory, which, together with any insurance of the same kind already in force upon such property, shall be in excess of the cash value of the property insured. This provision shall not

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apply to any insurance against liability or to any insurance against loss or damage other than to property. No insurance company, agent or adjuster shall knowingly and wilfully adjust, allow or pay for any loss or damage to property any sum in excess of the actual loss and damage ascertained or estimated according to such actual cash value. Any company, agent or adjuster violating this section shall forfeit a sum of not less than twice, nor more than ten times, that portion of the premiums paid or agreed to be paid for the excess of insurance over the cash value, or the amount adjusted or paid in excess of such cash value, which sum shall be sued for and collected as in case of other forfeitures, and be paid into the territorial treasury.

SECTION 25. Organization of domestic insurance companies. (1) Except as otherwise provided, domestic insurance companies shall be subject to the provisions of the insurance law, and except those companies formed on the interinsurer or Lloyd's plan, shall be organized in the manner provided by law for the organization of joint stock companies.

(2) Insurance companies organized under the laws of this Territory and authorized to transact business herein prior to the first day of July, 1917, may continue to transact business under the laws theretofore in force as to capital stock and kinds of insurance which may be transacted.

(3) Any domestic insurance corporation, other than mutual, organized after July 1, 1917, shall have a minimum capital of one hundred thousand dollars, except that to transact personal accident and disability insurance, it shall have a minimum capital of twenty-five thousand dollars. For each additional kind of insurance transacted there shall be an additional minimum capital of fifty thousand dollars, but any company having a capital of three hundred and

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fifty thousand dollars may transact any or all kinds of insurance authorized by the insurance law.

(4) The stock of any domestic insurance corporation, other than mutual, organized after July 1, 1917, shall be sold for a sum sufficient to defray the expenses of such sale of stock, and to leave paid-in and unimpaired the amount of minimum capital required of such company, and a surplus of twenty-five per centum of such paid-in capital.

SECTION 26. Supervision of domestic insurance companies.

(1) The commissioner shall annually and may oftener visit each domestic insurance company and society and make a detailed examination into the affairs and condition of such company or society.

(2) Every domestic company and society shall keep its books, records, accounts and vouchers in such manner that its financial condition can be ascertained, and so that its financial statements filed with the commissioner can be readily verified and its compliance with the law determined.

SECTION 27. Disbursement of assets; dividends. No dividends shall be made to the stockholders of any domestic insurance company except from the bona fide profits arising from the business after providing fully for all liabilities, and no such company shall reduce its capital or divide any portion of its assets among its stockholders, except bona fide profits as aforesaid, until it shall have performed or cancelled its policy obligations and the written approval of the insurance commissioner shall have been first obtained.

SECTION 28. Impairment of capital; reduction, winding up; receiver. (1) When the paid-in capital of any domestic insurance company is impaired it may, voluntarily, and

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shall, upon the order of the commissioner, fully correct such condition, either by making good such impairment, or by reducing the capital and par value of the shares, so that the assets are at least equal to the then par value of the paid-in capital, but no part of its assets shall be distributed to the stockholders. No reduction shall be made which would reduce the par value of the paid-in capital and surplus of such company below the minimum capital and surplus required for transacting the kind or kinds of insurance in which it is engaged, nor shall such reduction be made except upon vote of not less than three-fourths of all the shares of stock, or if two or more classes of stock have been issued, of three-fourths of each class of stock outstanding and entitled to vote, which shall be certified by the secretary to the commissioner at or before the filing of the amendment to the capital stock. The directors, after such reduction, may require each stockholder to exchange his certificate for a new certificate for the number of shares of the par value to which he shall be entitled.

(2) During the time that the paid-in capital is impaired twenty-five per centum or more or is below the minimum capital then required for such company, its certificate of authority to issue policies and effect insurance shall be automatically suspended.

(3) If within sixty days after order of the commissioner to fully correct any such condition it shall not have been done, the commissioner shall revoke the certificate of authority of such company and shall apply to any court having jurisdiction for an order upon such company to show cause why its charter or articles should not be revoked and a receiver appointed to wind up its affairs.

(4) No company organized under any law of this Ter-

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ritory shall in winding up make distribution of its assets among its stockholders, until all its risks have ceased, by cancellation or expiration, or have been replaced by the policies of some other solvent company authorized to do business in this Territory, and all claims against the company have been settled; and no company shall contract to reinsure its risks for the aforesaid purpose without first obtaining the consent and approval of the commissioner thereto.

(5) Whenever any receiver shall be appointed for any domestic insurance company, he shall make to the commissioner annually the reports required to be made by domestic insurance companies and furnish to the commissioner such other information as he may require. All accounts rendered by such receiver to the court having jurisdiction shall be referred to the commissioner, who shall carefully examine the same and report thereon to the court. The commissioner may in any such case be appointed receiver.

SECTION 29. Increase; procedure. Any domestic insurance company or corporation may increase the amount of its capital after giving notice once a week for four consecutive weeks in any newspaper having a general circulation, published in the Territory of Hawaii, of such intention, and by filing with the insurance commissioner a copy of such advertisement subscribed and sworn to by the publisher or manager of said paper as having been so advertised, together with a declaration under its corporate seal, signed by stockholders representing three-fourths of its capital, of their desire so to increase the capital; provided that said increase in capital shall be fully paid in legal tender money of the United States.

SECTION 30. Investments of domestic insurance companies.

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(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 for the convenient accommodation of its business, but in no case to exceed ten per centum of the admitted assets of such company or society. 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 under deeds of trust or on judgments obtained for such loans or debts; 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 requisite for the accommodation of such company or society in the transaction of its business 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, executed, conveyed or assigned to and held by the company or society, or unencumbered real estate worth fifty per centum more than the amount loaned thereon, 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 and shall be kept in force as long as the loan continues;

(c) Bonds which are a direct obligation of the United

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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 more than one hundred thousand inhabitants, or whose indebtedness, deducting sinking funds available for the payment of its bonds, does not exceed five 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 five years preceding the date of such investment has regularly paid all interest charges on such funded indebtedness and for such period has regularly paid dividends upon all its issues of 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 are 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:

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(a) In the 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, in which said company or society shall be doing business at the time of such investment, 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 material-men's liens, nor unless all the outstanding stock of such corporation has for five years next preceding the date of such investment regularly paid dividends annually or oftener, 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

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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 other than those described in paragraph (b) of subsection 2 of this section, which shall not exceed three-fourths of such admitted assets.

SECTION 31. Organization of domestic mutual insurance corporations. Except as otherwise provided by the insurance law, mutual insurance corporations shall be organized in the manner provided by law for the organization of joint stock companies.

SECTION 32. Amendments to articles of mutuals. The articles of association of any domestic mutual insurance corporation may provide the manner of their amendment. In any case where no provision is made the article may be amended at any regular or special meeting by a vote of three-fourths of the members present and voting at such meeting, provided the proposed amendment has been filed with the commissioner and with the secretary of the company and a notice with a copy of the proposed amendment has been mailed to each member at least thirty days before such meeting.

SECTION 33. Members of mutual corporations; voting; policy without contingent liability, surplus required; assessments; taxes. (1) Every policy holder of a domestic mutual insurance company shall be a member of the company and shall be entitled to one or more votes, based upon the insurance in force, the number of policies held, or the amount of premiums paid, as may be provided in the by-laws, and such members may vote in person or by proxy.

(2) The by-laws of such companies shall provide for a

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cash premium, or a cash premium deposit and may limit the contingent liability of the members to an amount not less than one or more than ten times the cash premium or cash premium deposit expressed in the policy. The maximum contingent liability of the holder of each policy shall be plainly stated as a part of each policy.

(3) Such by-laws may also provide for policies to be issued for cash premiums or cash premium deposits without contingent liability of policy holders, provided the company possesses a surplus equivalent to the minimum capital and surplus required of a domestic stock insurance company transacting the same kind of insurance.

(4) Every such company not possessed of assets at least equal to the unearned premium reserve and other liabilities shall make an assessment upon its members liable to assessment to provide for the deficiency, such assessment to be against each such member in proportion to such liability as may be expressed in his policy; provided, the commissioner may, by written order, relieve the company from an assessment or other proceedings to restore such assets during the time fixed in such order.

(5) Any director, officer or member of any such company or any other person, may advance to such company any sum or sums of money necessary for the purpose of its business, or to enable it to comply with any of the requirements of the law. Such moneys and such interest thereon as may have been agreed upon, not exceeding ten per centum per annum, shall not be a liability or claim against the company or any of its assets except as herein provided and shall be repaid only out of the surplus earnings of such company. No commission or promotion expenses shall be paid in connection with the advance of any such money to

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the company. The amount of such advance shall be reported in each annual statement.

(6) Each such mutual insurance corporation shall pay such taxes and fees for the transaction of its business, as are prescribed by law for the transaction of the same kinds of insurance by other insurance companies.

SECTION 34. (1) Organization of Lloyd's: Individuals, partnerships or associations of individuals hereby designated "underwriters" are authorized to engage in the business of insurance in this Territory as insurers on the Lloyd's plan upon compliance with the insurance law.

(2) Alien underwriter deposit. If any of the underwriters applying for certificate of authority hereunder is not a citizen of the United States, each such alien underwriter shall, at the time of the making of the aforesaid application, deposit with the territorial treasurer through the commissioner the sum of five thousand dollars in cash or in securities such as are now required for the investment of the capital of insurance companies authorized to transact similar kinds of insurance in this Territory. Provided, that the provisions of this section as to deposits shall not apply if such alien underwriter is one of an association of underwriters having on deposit with the insurance department of any state of the United States, or in the hands of a bank or trust company as trustee, a cash deposit or approved securities worth not less than one hundred thousand dollars, held in trust for the benefit of all their policy-holders in the United States. Provided, further, that the provisions of this section as to deposits shall not apply if such alien underwriter is one of an association of underwriters, nine-tenths of whom are at all times citizens of the United States, and who have complied with all other provisions of the insurance law.

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(3) Return of deposit. After the conditions of any deposits made under the provisions of this section have been fulfilled, and no policy of such underwriters remains in force in this Territory, the territorial treasurer and commissioner shall return to said underwriters, or their duly authorized representative for this purpose, specifically designated by them, or their principal attorney or attorneys in fact, all securities and cash so deposited in this Territory.

(4) Additional underwriters. Whenever underwriters, applying for certificate hereunder, after the issue of such certificate, are joined by other underwriters, additional or substituted, such additional or substituted underwriters must comply with the provisions of this section, and shall be held to be bound by the documents on file with the commissioner concerning such authorized underwriters, in the same manner and to the same extent as though they had been original applicants for the certificate.

(5) Changes in name and membership to be filed. Any changes in the name under which said business is done, the establishment of branch offices and their location and any change in the membership of the underwriters and their attorney or attorneys in fact, including any amendment to the power of attorney, agreements, or articles of association of underwriters shall be promptly filed with the commissioner.

(6) Single risk, limit. No association of underwriters, authorized to do business in this Territory under the terms hereof, shall expose themselves to loss on any one risk to an amount in excess of one-fifth of their cash and invested assets, including therein the underwriting liability of the individual underwriters, unless any excess shall be reinsured at the same time by said underwriters.

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(7) Supervision, taxes and license fees. All associations of underwriters shall pay the same taxes and license fees as are required to be paid by foreign stock insurance companies transacting the same or similar kinds of insurance in this Territory.

(8) Nothing herein contained shall apply to inter-insurers or reciprocal underwriters.

SECTION 35. (1) Inter-insurance authorized; attorney; information; single risk; reserves; taxes. Individuals, partnerships and corporations of this Territory hereby designated "subscribers," are authorized to exchange reciprocal or interinsurance contracts with each other or with individuals, partnerships and corporations of other territories, states and countries, providing indemnity among themselves from any loss which may lawfully be insured against, except life insurance.

(2) Attorney-in-fact. Such contracts may be executed by an attorney, agent, or other representative, herein designated "attorney," duly authorized and acting for such subscribers, and such attorney may be a corporation. The office or offices where such contracts are issued may be located at such place or places as may be designated in the power of attorney.

(3) Information required; single risk limit. There shall be filed with the commissioner by such attorney a statement under oath showing the maximum amount of indemnity upon any single risk, and such attorney shall, whenever and as often as the same shall be required, file with the commissioner a verified statement to the effect that he has examined the commercial rating of such subscribers as shown by the reference book of a commercial agency having at least one million commercial ratings, and that from such

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examination or from other information in his possession it appears that no subscriber has assumed on any single risk an amount greater than ten per centum of the net worth of such subscriber.

(4) Reserve required. Every such attorney shall create and maintain a reserve fund equal to fifty per cent of the amount of advance premiums or deposits received and receivable on unexpired contracts of indemnity, running one year or less from date of issue, and a pro rata amount of premiums or deposits received or receivable on unexpired contracts of indemnity running more than one year from date of issue. If at any time the assets so held in cash and such securities shall be less than twenty-five thousand dollars, the subscribers, or their attorney for them, shall make up the deficiency.

(5) Unauthorized interinsurance prohibited; organization permitted. No attorney or other person shall solicit or accept subscriber's contracts or do any act in the organization of any such exchange until he shall first have filed with the commissioner a copy of the form of subscriber's contract and power of attorney with the statement of the plan of organization, and except as aforesaid no attorney or other person shall solicit or accept any such subscriber's contract or application therefor, and no attorney shall put into effect or exchange any contract of indemnity or transact any business of insurance mentioned in this section without first complying with all provisions of this section.

(6) Taxes. Such attorney shall pay such taxes and fees for the transaction of such business of insurance as prescribed by law for the transaction of the same kinds of insurance by other insurance companies.

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SECTION 36. Public or private corporations may take mutual insurance or be interinsurers. Any public or private corporation, board or association heretofore or hereafter organized in this Territory or elsewhere may make application, enter into agreements for and hold policies in any mutual insurance company and shall have full power and authority to exchange insurance contracts as provided by law. Such right is hereby declared to be incidental to the purposes for which such corporations are organized. Any officer, stockholder, trustee or legal representative of any corporation, board, association or estate may act for or on its behalf for the purposes aforesaid, but shall not be personally liable by reason of acting in such representative capacity.

SECTION 37. Standard fire insurance policy. (1) From and after the first day of January, 1918, the Standard Fire Insurance Policy of the State of New York, as now or may be hereafter constituted, is hereby established as the standard form of fire insurance policy for the Territory of Hawaii, and after said date, no fire insurance policy shall be issued in the Territory of Hawaii in any other than such standard form with such additions as are allowed by the terms of this Act, provided that nothing herein shall affect the validity of any policy otherwise valid or of any claim thereunder against an insurance company, and provided further, that this subsection shall not refer to or include policies written upon automobiles.

(2) The insurance commissioner shall at the earliest practicable date procure from the superintendent of insurance for the state of New York a certified copy of said standard form as constituted at the date when said certified copy is procured, and shall from time to time procure certified copies of such amendments as are made to said standard

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form in the state of New York, all of which he shall file in his office.

(3) Each fire insurance company shall prior to the first day of January, 1918, submit to the commissioner a copy of the fire insurance policy which it will issue in the Territory of Hawaii after said date, and shall secure his approval thereof. Before approving any such policy, and before issuing a certificate of authority to a company entering the Territory of Hawaii after said date, the commissioner shall ascertain and if necessary, order, that the policy which such company will issue shall:

(a) Be plainly printed, and

(b) Conform to the wording of the standard form and amendments thereto, on file in his office, except as follows:

1. A company may print on or in its policies its name, location of its principal office and date of incorporation, the amount of its paid-in capital stock, the amount of subscribed capital if separately stated, the names of its officers and agents, the number and date of the policy, and if it be issued through an agent, the words: "This policy shall not be valid until countersigned by the duly authorized manager or agent of the company at

2. A company may use in its policies written, typewritten or printed forms of description and specifications of the property insured.

3. A company may write or print upon the margin or across the face of a policy, or write or print in type not smaller than long primer or ten-point roman-faced, upon separate slips or riders to be attached thereto, provisions adding to or modifying those contained in the standard form, which shall not be in conflict with the provisions of

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such standard form, and all such slips, riders and provisions must be signed by the officers or agents of the company so using them.

4. Every mutual company shall cause to appear in the body of its policy the total amount for which the assured may be liable under the charter or articles of association of the company.

5. The company may print on or in its policy with the approval of the commissioner, if the same is not already included in such standard form, any provision which any such corporation is required by law to insert in its policies not in conflict with the provisions of such standard form. Such provision shall be printed apart from the other provisions, agreements or conditions of the policy under a separate title as follows: "Provisions required by law to be inserted in this policy."

6. A rider or riders may be attached to a standard policy already in force, insuring against any or all additional hazards which may by law be the subject of insurance, on the condition that such rider state separately the premium, if any, for the hazards specified in the rider, and provide for cancellation as to said hazards if actually removed, without prejudice to the remaining insurance.

7. A company shall print or stamp upon policies issued in compliance with the preceding provisions the words "New York Standard Form."

8. If the policy be made by a company operating on the plan known as "Lloyd's," it shall have the name and address of each underwriter on the back of the policy.

9. Unless otherwise defined in the policy, the word "noon" shall be construed to mean the noon of standard

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time of the place where the property covered by the policy is situated.

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SECTION 38. Surplus lines license; taxes; violations. (1) A "surplus lines" license, expiring on the fifteenth day of April next following its date, shall be issued by the commissioner to any regularly licensed agent, authorizing him in accordance with the provisions of this section to act as agent for any foreign fire insurance company or companies, not authorized to transact business in this Territory, in issuing policies of fire insurance on property therein, when:

- (a) Such agent has executed and delivered to the commissioner a bond in the penal sum of two thousand dollars, in such form and with such sureties as the commissioner shall approve, conditioned that he will fully comply with all requirements of this section;
- (b) The annual fee of twenty-five dollars has been paid to the commissioner.

(2) Before the person named in such license shall procure, effect or issue any such insurance, he shall in every case execute and file with the commissioner his affidavit that the insured is unable to procure in any companies admitted to do business in this Territory the amount of insurance necessary to protect the property of the insured described in such an affidavit.

(3) Such surplus line insurance shall only be issued after the insured has procured insurance in companies admitted to do business in this Territory to the full amount which such companies are willing to write on such property. Every policy issued under this section shall be indorsed "Issued in an unauthorized company, under agent's license No.," which indorsement shall be properly filled in and signed by the agent.

(4) Every such agent shall keep a separate account of the business done under his surplus line license and on or before the fifteenth day of April in each year shall file with the commissioner a statement for the calendar year preceding, giving the name of the insured to whom each policy, granting such unauthorized insurance has been issued, the name and home office of each company issuing any such policy, the amount and character of such insurance, the gross premium charged therein, the date and term of the policy, the location of the insured property, and the amount of premium returned on each policy cancelled or not taken, with such other information and upon such form as required by the commissioner; and pay to the treasurer, through the commissioner, an amount equal to four per centum of such gross premiums, less such return premiums so reported, and, in default of payment the commissioner shall sue for the amount due in any court of record in this Territory.

(5) For the purpose of the insurance law, insurance written under this section shall not be held or considered unauthorized insurance.

(6) Any such "surplus line" licenses may be suspended or revoked in the same manner and for the same causes as ordinary agent's licenses and with the same effect and consequences.

SECTION 39. Statement from insured, of policies placed with unlicensed companies; fee; tax. (1) Whenever any corporation, firm or individual shall insure any property located in this Territory against fire, with an insurance company not licensed to do business in this Territory, it shall be the duty of such corporation, firm or individual to deduct from the premium charged on the policy issued for such insurance, five per centum of said premium and remit the

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same to the insurance commissioner of the Territory, at the same time reporting to the insurance commissioner the name of the company or companies issuing the policy or policies, the location of the property insured, and the premium charged; provided that if such report is not made on or before the fifteenth day of April next following the date when such policy or policies were written, there shall be added to the amount of said tax one per centum per month until paid.

(2) Each such report shall be kept as the private information of the insurance department and shall not be a public record.

(3) As filing fee for each policy so reported, the insured shall pay the sum of one dollar.

SECTION 40. Adjuster's license; fee; revocation; compensation. (1) No person other than a licensed agent shall make any adjustment of loss or damage by fire unless he shall hold a license from the commissioner under this section or after making the first adjustment within any license year, apply for such license as provided in this section.

(2) Such a license, expiring on the fifteenth day of April next following its date, may be issued to any person filing an application on a form prescribed and furnished by the commissioner and upon the payment of a license fee of one dollar.

(3) Such license shall be revoked by the commissioner if, after due investigation and hearing, he determine that the holder of such license has dealt unjustly with or wilfully deceived any insured or insurer or has violated any provision of the insurance law. No person whose license is so revoked, shall be granted any other such license under this section for a period of one year thereafter, nor shall he un-

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til again so authorized act as an employee or participate in the profits of any fire insurance adjuster.

(4) A person shall not be held to violate this section by making his first adjustment during a license year prior to obtaining such license, provided that he shall, within two days after entering upon such adjustment, make application therefor, and shall in all other respects comply with this section.

(5) This section shall apply to and include all persons who act in the capacity specified in subsection 1 of this section for any insurance company or insured and to all persons who act as advisers to or adjusters for the insured for compensation in case of loss or damage by fire, excepting persons acting as attorneys in the ordinary relation of attorney and client, and excepting appraisers acting with an adjuster.

(6) No fire insurance adjuster for the insured shall receive a compensation in excess of five per centum of the amount recovered from an insurance company, or fifteen dollars per day for time actually spent in adjusting the loss, plus transportation charges and expenses, and any contract in violation of this subsection shall be void.

SECTION 41. Fire insurance rating bureaus; membership; vote; office; records; expenses. Every insurance company authorized to effect fire insurance, herein called insurer, shall be a member of, or maintain, a rating bureau. No insurer shall be a member of more than one rating bureau for the purpose of rating the same risk against the same hazard. A rating bureau may consist of one or more insurers and when consisting of two or more insurers shall admit to membership any insurer applying therefor, upon payment by such insurer of a reasonable fee not exceeding fifty dol-

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lars. The expenses of the bureau shall be shared in proportion to the gross premium received by each member during the preceding year in this Territory upon the business rated by such bureau, deducting premiums upon policies not taken or cancelled and returns or dividends on mutual or participating policies. Each member shall have one vote. Every bureau shall maintain an office within the Territory of Hawaii, in which shall be kept a permanent record of all schedules, surveys and rates used or made by such bureau. Within sixty days after the taking effect of this Act, and with each annual report thereafter, every insurer shall notify the commissioner of each rating bureau making rates upon property in this Territory, of which it is a member and during the year file written notice of every other such rating bureau of which it shall become a member.

SECTION 42. Inspection of risks; rates upon schedule. Every rating bureau engaged in making rates or estimates for rates for fire insurance on property in this Territory shall inspect every risk specifically rated by it upon schedule and make a written survey of such risk. This section shall not prevent a member of a bureau or an agent of such bureau or member, from filing a tentative survey of a risk not rated, and the issuance by the bureau of a rate based upon such tentative survey, upon condition that corrected survey and rate shall be made by such bureau at the earliest practicable date.

SECTION 43. Commissioner may attend meetings of bureaus; secure information; notice of meetings. (1) The commissioner may address inquiries to any individual, association or bureau, which is, or has been, engaged in making rates or estimates for rates for fire insurance upon property in this Territory, in relation to the organization, maintenance or operation, or any other matter connected

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with its transactions, and may require the filing of schedules, rates, forms, rules, regulations and such other information as he may require, and it shall be the duty of every such individual, association, or bureau, or some officer thereof, promptly to make such filing and reply to such inquiries in writing.

(2) The commissioner shall have power to examine into the affairs of each such bureau or association for the making of rates as often as he deems it expedient to do so, and shall do so not less than once every three years. A statement covering each such examination shall be filed in his office, and a copy thereof included in his annual report.

(3) The commissioner shall have power to attend all meetings of each such bureau or committees thereof.

(4) At least twenty-four hours before the time for holding a meeting of any such bureau or committee thereof, the secretary of such bureau, or in the absence of the secretary, his assistant, shall notify the commissioner of the time when and place where such meeting will be held, and the purpose for which such meeting is called.

SECTION 44. Discrimination in rates prohibited; hearing before commissioner; order; review. (1) No insurer or rating bureau shall fix or charge any rate for fire insurance upon property in this Territory which discriminates unfairly between risks in the application of like charges and credits, or which discriminates unfairly between risks of essentially the same hazards, and having substantially the same degree of protection against fire.

(2) Whenever it is made to appear to the satisfaction of the insurance commissioner that discrimination in rates exists, he may, after a full hearing either before himself, or before any salaried employee of the insurance department,

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whose report he may adopt, order such discrimination removed, and all such persons, corporations, associations or bureaus affected thereby shall immediately comply therewith; nor shall such persons, corporations, associations or bureaus remove such discrimination by increasing the rates of any risks affected by such order unless it is made to appear to the satisfaction of the insurance commissioner that such increase is justifiable; provided, however, that the findings and orders of the commissioner shall in all such cases be subject to review before the circuit court of the first judicial circuit in the manner prescribed in the insurance law, and during such review, the operation of the commissioner's order shall be suspended; but in the event of a final determination against any insurer, any over-charges during the pendency of such proceedings shall be refunded to the persons entitled thereto.

SECTION 45. Variations allowed if new schedules filed. No variation shall be made by any insurer from its bureau rates unless it be uniform in application to all risks in the class for which made and unless notice and amended and corrected schedules for such class shall have been filed with the bureau and the commissioner at least fifteen days before such variation is in effect.

SECTION 46. Agreements prohibited. Except as contained in the policy and the usual contract for other insurance, no insurance company or insurer or rating bureau shall make any contract or agreement with any person insured or to be insured that the whole or any part of the insurance shall be written by, or placed with any particular company, insurer, agent or group of companies, insurers or agents.

SECTION 47. Persons may have hearing on rates. Every such bureau shall provide such means as may be approved by the insurance commissioner whereby any person or per-

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sons affected by a rate or rates issued by such bureau may be heard, either in person or by agent, before the governing or rating committee or other proper executive of such rating organization, on an application for a change in such rate or rates.

SECTION 48. Information to be given at request of insured; delivery of notice. (1) Each fire insurance agent shall, upon request of a client or his authorized representative, furnish to such client or his representative the information specified in this section.

(2) With every fire insurance policy covering property situate in the Territory of Hawaii there shall be delivered a separate notice or letter containing substantially the following:

Upon request made to the agent issuing this policy the insured under this policy, or his representative, may obtain:

(a) A detailed statement of the rate or rates at which this policy is written;

(b) Suggestions, if any, whereby the rate or rates charged in said policy may be decreased; and

(c) A copy of a survey of the property covered by this policy, if such a survey is on file either in the office of the agent issuing this policy, or of a rate making bureau of which such agent is a member.

SECTION 49. Commissioner ex-officio territorial fire marshal. (1) The commissioner shall be ex-officio territorial fire marshal, herein designated fire marshal. He shall appoint one of his assistants as chief deputy and may appoint such clerks as he shall find necessary and he shall fix their duties and compensation. All salaries and expenses of the

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fire marshal department shall be paid out of the treasury of the Territory.

(2) Enforcement of laws and ordinances. The fire marshal, in conjunction with or through other public officers upon whom any such duties are imposed, if any, shall enforce all laws and ordinances of the Territory and political subdivisions thereof relating to:

- (a) The prevention of fires, and the inspection of property, periodically or otherwise, or any other regulations or methods adopted for the prevention of or reduction of loss by fire, or to promote the safety of persons in case of fire;
- (b) The manufacture, storage, sale and use of combustibles and explosives;
- (c) The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;
- (d) Fire escapes and other means of exits from or access to buildings or parts of buildings or other property, in case of fire;
- (e) The investigation of the cause, origin and circumstances of fire and the detection and suppression of arson.

(3) Powers and duties. The fire marshal, in conjunction with or through other public officers upon whom such duties are imposed, if any, shall have power, and it shall be his duty:

- (a) To supervise and make or cause to be made periodically a thorough inspection of all property within the cities and towns having fire departments, and so far as practicable all other property within the Territory of Hawaii;
- (b) To call to his aid individuals, or committees of com-

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mercial, industrial, labor, civic or public organizations or bodies, for formulating regulations to require that all buildings, structures and other premises be constructed, made and kept safe from loss or damage or loss of life or injury to persons by fire; to make and put in force such regulations; and to enforce the same as provided by law;

(c) To investigate the cause, origin and circumstances of every fire occurring within this Territory by which property has been destroyed or damaged;

(d) To summon and compel the attendance of witnesses and production of testimony and to hold hearings and make orders in any and all matters under his jurisdiction;

(e) To cooperate with any and all other territorial and all county, city and other government agencies having jurisdiction in any such matters;

(f) To cause fire prevention to be taught in all public and private schools at least once each week and fire drills to be held in said schools at least once each month and to require that all doors and exits in school and public buildings open outward and be kept unlocked while such buildings are occupied for school or public purposes.

(4) Appeals to courts, procedure. All provisions of section 5 of this Act shall apply to the powers, duties and manner of procedure of the fire marshal as to all matters within his jurisdiction, including appeals to the circuit court of the first circuit and to the supreme court.

(5) Chief deputy. The chief deputy shall possess the powers and perform the duties of the fire marshal in case of vacancy or during the absence or disability of the latter. The fire marshal, his deputies and assistants appointed by him shall be paid their actual and necessary expenses incurred in the performance of their duties.

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(6) Fire chiefs and sheriffs made deputies. The chief of the fire department in each city or town having a fire department, and the sheriff of each county, for the territory outside of the corporate limits of cities and towns in said county having fire departments, by virtue of their respective offices, shall be deputy fire marshals for their respective counties, cities or towns.

(7) Instructions to deputies. The fire marshal shall from time to time prepare instructions to all his deputies and assistants, for their use in the reports required by this section, and cause the same to be printed and sent to each such deputy and assistant.

(8) Investigation of fires by local deputy. The deputy for any city, town or other territory in which any fire shall occur shall immediately investigate the cause, origin and circumstances of such fire by which property has been destroyed or damaged and so far as possible determine whether the fire was the result of carelessness or design. If it shall appear to the officer making such investigation that such fire is of suspicious origin, he shall immediately notify the fire marshal. Every fire occurring in this Territory shall be reported within ten days by such deputy to the fire marshal upon the forms prescribed by him.

(9) Investigation of fires by fire marshal. The fire marshal or any deputy appointed by him shall from time to time make such additional investigations as he may deem necessary, and shall have the power to summon witnesses and compel them to attend and testify and may require the production of books, papers, documents and other testimony. He shall have the power to administer oaths and affirmations to any person appearing as a witness, and false swearing shall be prosecuted as such. The fees to be paid for the service of summons and attendance of witnesses shall

be the same as in district courts and paid out of the treasury of the Territory. Such examination may be public or private, as the officers conducting the investigation may determine, and persons other than those required to be present may be excluded from the place where such examination is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(10) Arson. If after any such investigation or examination the fire marshal or the deputy conducting the same is of the opinion that the evidence in relation to such fire indicates that a crime has been committed, he shall present the testimony taken on examination with any other data in his possession to the county attorney of the county in which the supposed offense was committed, with the request that he institute such criminal proceedings as such testimony or data may warrant. Upon the request of the fire marshal, it shall thereupon be the duty of the attorney general in person or by a deputy, to assist the county attorney for such county in such prosecution in all courts of this Territory, and in any appearance before the grand jury. The attorney general or his deputies may in his discretion appear before the grand jury in the same capacity as the county attorney and may assume the control and direction of any such action or proceedings.

(11) Record, compilations, statistics. The fire marshal shall keep in his office a record of all fires occurring in this Territory and of all facts concerning the same, and shall make such compilations and statistical investigations as he may deem proper, all of which shall be kept as permanent records in his office. Such record of fires shall be made daily from the reports made to him by his deputies and assistants. All such records shall be public, except that any

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testimony taken in any investigation or examination, may, in the discretion of the fire marshal, be withheld from the public.

(12) Inspections by fire department required. (a) In addition to the powers and duties of other deputy fire marshals, the chief of the fire department is required, in person or by officers or members of his fire department designated by him for that purpose, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violation of any law or ordinance relating to the fire hazard or to the prevention of fires.

(b) Periodical inspection. Such inspection shall be subject to the supervision and direction of the fire marshal and shall be made at least once in six months in all of the territory served by such fire department, and not less than once in three months within the fire limits or the congested district subject to conflagration as the board of supervisors or other proper legislative body shall have designated or shall thereafter designate, and oftener as the chief of the fire department may order. Each six months' period shall begin on the first days of January and July, and each three months' period on the first days of January, April, July and October, of each year.

(c) Reports to be written. A written report of each such inspection shall be made and kept on file in the office of the chief of the fire department in the manner and form required by the fire marshal.

(d) Information to rating bureau. A copy of any report showing a change in the hazard, or any violation of law or ordinance relating to the fire hazard upon any risk, shall be

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given by the fire marshal to any rating bureau making written request of him therefor.

(e) Dangers, conditions, order to correct. Whenever any of said officers shall find a building or other structure which, for want of repairs, lack of sufficient fire escapes, or by reason of age, dilapidated conditions, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property, and whenever such officer shall find in any building combustible or explosive matter or inflammable conditions dangerous to the safety of such building, he or they shall order the same to be remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings.

(f) Fire marshal to review order of deputy. If such order is made by any deputy, such owner or occupant may, within five days, appeal to the fire marshal, who shall, within ten days, review such order and file his decision thereon, and unless by his authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order.

(g) Dangerous buildings, repair or removal. If any person fail to comply with the order of any officer under this section, or with the order as modified on appeal herein provided, and within the time fixed, then such officer is hereby empowered and authorized to cause such buildings or premises to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied as the case may be, at the expense of such person, and if such person within thirty days thereafter fail, neglect or refuse to pay said officer the expense incurred thereby by him, such officer and those employed to do the work shall have a prior lien on the real estate on which said building was located for said expense.

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(h) Entry upon premises for investigation. The fire marshal or any deputy may at all reasonable hours enter any buildings, structures or premises within his jurisdiction, to make any inspection, investigation or examination which is authorized to be made under this section, provided that this shall not apply to the interior of private dwellings, except when a fire has occurred or when such officer shall have reason to believe that dangerous conditions exist in such dwelling. No person shall obstruct, hinder or delay any such officer in the performance of such duty.

(13) Owners duty to keep premises safe. Every owner or other person having charge of or control over any building, structure or other premises, in this section designated "owner", shall construct, keep and make such building, structure or other premises, in this section designated "building", safe from loss or damage to property or loss of life, or injury to persons by fire, in this section designated "fire loss".

(14) Premises to be safe for employees and the public. No such owner shall require, permit or suffer the public or any employee to go or be in any such place which is not safe, and no such owner shall fail to furnish, provide and use reasonably adequate protection and safeguards against fire or fail to adopt and use processes and methods reasonably adequate to render such places safe, and no such owner or other person shall fail or neglect to do every other thing reasonably necessary to prevent a fire loss in such building so under his charge or control.

(15) Supervision for safety from fire. The fire marshal is vested with the power and jurisdiction over, and shall have such supervision of every such building in this Territory as may be necessary to enforce all laws, ordinances and

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all lawful orders requiring any such place to be safe, and requiring protection from such fire loss.

(16) Cooperation in formulating order, information to public. The fire marshal shall have power and authority:

(a) To appoint advisers and to promote and secure the appointment and service of committees of commercial, industrial, labor, civic and other organizations, who shall, without compensation, assist the fire marshal in establishing standards of safety, and the fire marshal may adopt and incorporate in his general orders such safety recommendations as he may receive from such advisors and committees;

(b) To establish and maintain museums and exhibits of safety and fire prevention, in which shall be exhibited equipment, safeguards and other means and methods for protection against fire loss, and to publish and distribute bulletins on any phase of this general subject;

(c) To cause lectures to be delivered, illustrated by stereopticon or other views, diagrams or pictures, for the information of such owners or other persons, and the general public, in regard to the causes and prevention of fires and related subjects.

(17) Safety orders, powers of fire marshal. The fire marshal shall have power, after a hearing had upon his own motion or upon complaint, by general or special orders or otherwise:

(a) To declare and prescribe what protection, safeguards or other means or methods will be best adapted to render any such building safe as required by law, ordinances or lawful orders;

(b) To fix such reasonable standards, and prescribe,

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modify and enforce such reasonable orders for the adoption, installation and maintenance of equipment, safeguards and other means or methods of protection as nearly uniform as possible, as shall be necessary to carry out all laws, ordinances and lawful orders relative to the prevention of such fire loss;

- (c) To fix and order such reasonable standards for the construction and maintenance of such buildings as shall render them safe from such fire loss;
- (d) To require the performance of any other act necessary for the prevention of such fire loss.

(18) Hearings for safety, orders, notice. Upon the fixing of a time and place for holding a hearing for the purpose of considering and issuing a general order or orders as authorized by subsection 17 of this section the fire marshal shall cause a notice of such hearing to be published in two or more daily newspapers of general circulation published and circulated in this Territory, such newspapers to be designated by him for that purpose. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the fire marshal after hearing had.

(19) Special orders for safety of buildings. Whenever the fire marshal, after a hearing had upon his own motion or upon complaint, shall find that any building is not safe or that the practices or means or methods of operation or processes employed or used in connection therewith are unsafe, or do not afford adequate protection against such fire loss, in any such place, the fire marshal shall make and serve such order relative thereto as may be necessary to render such place safe from such fire loss, and may in said order direct that such additions, repairs, improvements or

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changes be made and such equipment and safeguards be furnished, provided and used, as are reasonably required to render such place safe, in the manner and within the time specified in said order.

(20) Time to comply with order, extension. The fire marshal may fix the time within which any general or special order shall take effect or shall be complied with by any person affected thereby; and may on his own motion or upon application of any owner or any other person affected thereby grant such time as may reasonably be necessary for compliance with such order.

(21) Orders to be complied with. Every such owner and every other person shall obey and comply with each and every requirement of every general or special order made by the fire marshal under this section, and shall do everything necessary and proper to secure compliance with and observance of every such general or special order.

(22) City ordinances, minimum requirements. Nothing contained in this Act shall be construed to deprive the authorities of any county, city or any other municipality, of any power or jurisdiction over or relative to any such building, provided, that whenever the fire marshal shall, by order, fix a standard of safety from fire loss, such order shall establish a minimum requirement concerning the matters covered by such order and shall be construed in connection with any local order relative to the same matter. A copy of every such order shall be filed by the fire marshal in each county, city or other municipality, with the officer or board having jurisdiction over such matters.

(23) Record of orders, presumption. The fire marshal shall enter all orders, general or special, in a permanent record as orders of the commissioner are entered. Every order,

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general or special, of the fire marshal made and entered under this section shall be admissible as evidence in any prosecution for the violation of any of its provisions. Unless proceedings for a rehearing upon such order or a review thereof shall have been instituted and be pending and it shall not then have been finally determined, the provisions of such order shall be presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety from such fire loss.

(24) **Penalty.** Any owner, occupant or other person having control over or charge of any building, structure or other premises, and any other person required to do or perform any act under this section, or any other law relating to the fire marshal, who shall violate any provision of such laws or any part thereof, or who shall fail or refuse to comply with any such provision or any part thereof or who shall violate or fail or refuse to comply with any lawful order made under such laws, or who, directly or indirectly, knowingly induces another to do so, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment. In any prosecution under this subsection it shall be deemed *prima facie* evidence of a violation, that the accused has failed or refused to comply with any order, rule, regulation or requirement of the fire marshal relative to the safety of any building, structure or premises, and the burden of proof shall thereupon rest upon the accused to show that he has complied with such order, rule, regulation or requirement. Every violation of the provisions contained in subsection 13, 14 and 21 of this section or any part or portion thereof by any person or corporation is a separate and distinct offense, and, in the case of a continuing violation

thereof, each day's continuance thereof shall constitute a separate and distinct offense.

SECTION 50. Standard life insurance provisions required, industrial excepted. From and after the first day of January next following the passage and approval of this Act no policy of life insurance other than industrial insurance annuities and pure endowments with or without return of premiums shall be issued or delivered in this Territory or be issued by a life insurance company organized under the laws of this Territory, unless the same shall contain in substance the following provisions:

(1) A provision that all premiums after the first shall be payable in advance, either at the home office of the company or to an agent of the company, upon delivery of a receipt signed by one or more of the officers who shall be designated in the policy.

(2) A provision that the insured is entitled to a grace either of thirty days or of one month within which the payment of any premium after the first year may be made, subject at the option of the company to an interest charge not in excess of six per centum per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in full force, but in case the policy becomes a claim during the said period of grace before the overdue premium or the deferred premiums, of the current policy year, if any, are paid, the amount of such premiums, with interest on any overdue premium, may be deducted from any amount payable under the policy in settlement.

(3) A provision that the policy shall constitute the entire contract between the parties and shall be contestable not later than two years from its date, except for non-pay-

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ment of premiums and except for violations of the conditions of the policy relating to naval or military service in time of war; that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties; and that no such statement or statements shall be used in defense of a claim under the policy unless contained in a written application and unless a copy of such statement or statements be endorsed upon or attached to the policy when issued.

(4) A provision that if it shall be found out at any time before final settlement under a policy that the age of the insured has been misstated, the amount payable under the policy shall be such as the premium would have purchased at the correct age, or a provision that the premium may be adjusted and credit given to the insured or to the company according to the company's published rate at date of issue.

(5) A provision that the policy shall participate in the surplus of the company, and any policy containing provision for participation at the end of the first policy year, and annually thereafter, may also provide that each dividend shall be paid subject to the payment of the premium for the next ensuing year; and the insured under any annual dividend policy shall have the right each year to have the dividend arising from such participation paid in cash, and if the policy shall provide other dividend options, it shall further provide which of said options shall be effective if the insured shall not elect any such other option on or before the expiration of the period of grace allowed for the payment of the premium.

This provision shall not apply to any form of paid-up insurance or temporary insurance or pure endowment in-

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surance, issued or granted in exchange for lapsed or surrendered policies, or to non-participating policies.

(6) A provision that after the policy has been in force three full years, the company at any time, while the policy is in force, will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a specified rate of interest, a sum equal to, or at the option of the insured less than the reserve at the end of the current policy year on the policy and on any dividend additions thereto, less a sum of not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto (the policy to specify the mortality table and rate of interest adopted for computing such reserve); and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year, and may collect interest in advance on the loan to the end of the current policy year; which provision may further provide that such loan may be deferred for not exceeding six months after the application therefor is made. A company may, in lieu of the provision hereinabove permitted for the deduction from a loan on the policy of a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto, insert in the policy a provision that one-fifth of the entire reserve may be deducted in case of a loan under the policy, or may provide therein that the deduction may be the said two and one-half per centum or the one-fifth of the said entire reserve at the option of the company. This provision shall not be required in term insurance, nor shall it apply to temporary insurance or pure endowment insurance, issued or granted in exchange for lapsed or surrendered policies.

(7) A provision that in event of default in premium

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payments, after premiums shall have been paid for three years, the insured shall be entitled to a stipulated form of insurance the net value of which shall be at least equal to the reserve at the date of default on the policy and on dividend additions thereto, if any (the policy to specify the mortality table and rate of interest adopted for computing such reserve), less a specified percentage (not more than two and one-half) of the amount insured by the policy and of existing dividend additions thereto, if any, and less any existing indebtedness to the company on or secured by the policy. Provided that the policy may be surrendered to the company at its home office within one month of date of default for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid; and provided, further, that the company may defer payment for not more than six months after the application therefor is made. This provision shall not be required in term insurance of twenty years or less.

(8) A provision specifying the options to which the policy-holder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid. This provision shall not be required in term insurance of twenty years or less. A provision may also be inserted in the policy that in event of default in a premium payment before such options become available the reserve on any dividend additions then in force may at the option of the company be paid in cash or applied as a net premium to the purchase of paid-up term insurance for any amount not in excess of the face of the original policy.

(9) A table showing in figures the loan values and the options available under the policy each year upon default in premium payments, during at least the first twenty

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years of the policy or during the premium paying period if less than twenty years.

(10) A provision that if in event of default in premium payments the value of the policy shall have been applied to the purchase of other insurance as provided for in this section, and if such insurance shall be in force and the original policy shall not have been surrendered to the company and cancelled, the policy may be reinstated within three years from such default, upon evidence of insurability satisfactory to the company and payment of arrears of premiums and the payment of reinstatement of any other indebtedness to the company upon said policy, with interest at the rate of not exceeding six per centum per annum.

(11) A provision that when a policy shall become a claim by the death of the insured, settlement shall be made upon receipt of due proof of death and of the interest of the claimant, and not later than two months after the receipt of such proof.

(12) A table showing the amount of installments, if any, in which the policy may provide its proceeds may be payable.

(13) Title on the face and on the back of the policy, briefly describing the same.

Any of the foregoing provisions or portions thereof not applicable to single premium or non-participating or term policies shall to that extent not be incorporated therein; and any such policy may be issued or delivered in this Territory which in the opinion of the insurance commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the policy-holder than hereinbefore required. The provisions of this section shall not apply to policies of re-insurance.

Act 115. Insurance Law.**SECTION 51. Life insurance provisions; optional.**

(1) Any policy of life insurance may contain a provision that, upon the nonpayment of any premium when due, after payment of premiums for not exceeding three full years; the same shall be paid by being charged as a loan against the policy, provided the reserve thereon after deducting all outstanding loans and interest against a policy shall be sufficient to cover the amount of such premium, together with such charges and subject to such conditions as shall be stipulated in the policy and duly approved by the insurance department of the domicile of the company issuing it, anything in this Act to the contrary notwithstanding.

(2) Any policy of life insurance containing privileges to the insured in addition to those enumerated in this section may be issued in this Territory, provided only that the form thereof has been filed with and duly approved by the insurance department of the domicile of the company issuing it, anything in this Act to the contrary notwithstanding.

SECTION 52. Life insurance provisions prohibited. From and after the first day of January next following the passage and approval of this Act no policy of life insurance other than industrial insurance, annuities and pure endowments with or without return of premiums shall be issued or delivered in this Territory or be issued by a life insurance company organized under the laws of this Territory if it contain any of the following provisions:

(1) A provision limiting the time within which any action at law or in equity may be commenced to less than three years after the cause of action shall accrue.

(2) A provision by which the policy shall purport to be

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issued to take effect more than six months before the original application for the insurance was made.

(3) A provision for any mode of settlement at maturity after the expiration of the contestable period of the policy of less value than the amount insured on the face of the policy plus dividend additions, if any, less any indebtedness to the company on or secured by the policy, and less any premium that may by the terms of the policy be deducted. This paragraph shall not apply to any non-forfeiting provision which employs the cash value less indebtedness, if any, to purchase automatic paid-in or extended insurance or to sub-standard policies.

(4) A provision for forfeiture of the policy for failure to repay any loan on the policy, or to pay interest on such loan, while the total indebtedness on the policy is less than the loan value thereof.

SECTION 53. Life insurance policies, valuation.

(1) No life insurance company shall issue any policy in this Territory at any time when its assets shall not equal all its reserves and other liabilities including its outstanding capital stock.

(2) The reserve liabilities of a life insurance company shall be determined on the basis and method assumed and adopted in determining the benefits and rates for the policies:

(a) As to outstanding policies in companies now or heretofore authorized in this Territory, the basis method heretofore used for that purpose shall continue to be so used;

(b) As to policies hereafter issued and all policies of companies not now or heretofore authorized in this Territory, the minimum basis for such determination shall be the

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American Experience Table of Mortality and a rate of interest assumed not to be more than four per centum per annum, and the net premium method of valuation shall be used, provided that, at the option of the company, when clearly set out and authorized in the policy, a modified term method of valuation may be used whereby the reserve for the first year of insurance shall be reduced by an amount not exceeding the net level premium reserve at the end of such first year on a twenty payment life policy issued at the same age and on the same basis, and the reserves for subsequent years shall be adjusted accordingly.

(3) Policies of disability, old age or annuity insurance or providing for any other benefit shall be valued to require reserves providing fully for all liabilities created by the promise of such benefits.

(4) If the actual premium is less than the net premium required for the insurance as aforesaid the reserves shall be increased by the present value of the deficiency in the actual premiums.

(5) The commissioner shall make such valuations annually on or before the first day of March for the end of the calendar year preceding and reserves providing fully for all liabilities shall be carried as liabilities in the annual statement of such company.

(6) Every such company shall pay a fee of one cent per thousand dollars of insurance so required to be valued, provided that the commissioner may in lieu of making such valuation and receiving such fee accept a certificate of valuation made by the proper officer of some insurance department of the United States.

SECTION 54. (1) Fidelity bonds; acceptance authorized; execution of authorized. Whenever any bond, recognizance,

obligation, stipulation or undertaking is by law or the rules or regulations of any board, body or organization required or permitted to be made, given, tendered or filed for the security or protection of any person, persons, corporation, territory, county, municipality or other organization whatsoever, conditioned for the doing or not doing of anything in any such instrument specified, any and all heads of departments, public officers, of the Territory or any political subdivision thereof, and any and all boards, municipalities, committees thereof, courts and judges now or hereafter required or permitted to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking may accept and approve the same whenever the same is executed or the conditions thereof are guaranteed solely by a corporation duly authorized by the commissioner to guarantee the fidelity of persons holding places of public or private trust and the performance of contracts, other than of insurance, and to execute and guarantee bonds and undertakings required or permitted in actions or proceedings or by law allowed; and whenever any such bond, recognizance, obligation, stipulation or undertaking is so required or permitted to be made, given, tendered or filed with one surety or with two or more sureties the execution of the same or the guaranteeing of the performance of the conditions thereof shall be sufficient when executed or guaranteed solely by such corporation so authorized, and shall be in all respects a full and complete compliance with every requirement of every law, ordinance, rule or regulation that such bond, undertaking, recognizance, obligation or stipulation shall be executed or guaranteed by one or more sureties, or that such sureties shall be residents, householders or freeholders; and any and all heads of departments, courts, judges, boards, municipalities or committees thereof, and any and all public officers

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of this Territory or any political subdivision thereof, whose duty it may be to accept or approve the sufficiency of any such instrument, may accept and approve the same when executed or guaranteed solely by such a corporation; and all such corporations may execute or guarantee such bonds, recognizances, stipulations, obligations or undertakings, whether given under the laws of this Territory or of the United States, or of any other territory, state or country.

(2) Fidelity bond, premium, chargeable as acts or disbursements. Any receiver, assignee, guardian, committee, trustee, executor, administrator or other fiduciary, required by law or the order of any court or judge to give a bond or other obligation as such, may include as a part of the lawful expense of executing his trust such reasonable sum paid a corporation authorized by law so to do for becoming his surety on such bond or obligation as may be allowed by the court in which or the judge before whom he is allowed or required to account, not exceeding one per centum per annum on the amount of such bond or obligation by such surety executed; and in all actions or proceedings the party entitled to recover costs may include therein such reasonable sum as may have been paid by him to such corporation for executing or guaranteeing any bond or obligation therein, not exceeding two per centum of the amount of such obligation.

(3) Fidelity bond, expense, limitation. The Territory or any political subdivision thereof may pay the cost of any official bond furnished by an officer thereof, pursuant to law or any rules or regulations requiring the same, if said officer shall furnish a bond with a surety company or companies authorized to do business in this Territory, said cost not to exceed three-fifths of one per centum per annum

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on the amount of said bond or obligation by said surety executed.

(4) Fidelity bond; release from liability; estoppel. Any corporation executing any such fidelity bond may be released from its liability thereon on the same terms and conditions as are or may be by law prescribed for the release of individuals upon the same, and any corporation which shall execute any bond, recognizance, obligation, stipulation or undertaking as surety shall be estopped, in any proceeding to enforce the liability which it shall have assumed to incur, to deny its power to execute the same or assume such liability. ~~Sec 26 H.A. 2-36~~

SECTION 55. (1) General penalty for violation of insurance law. Any company, corporation, Lloyd's association, interinsurer, or other organization violating any provision of the insurance law in the transaction of the business of insurance or in any manner relating thereto, shall be punished by a fine of not less than twenty-five dollars, nor more than one thousand dollars and in addition, the court may in its discretion revoke any license held by such company or organization for the transaction of the business of insurance.

(2) Any officer, director, United States manager, employee, attorney in fact, agent, adjuster, inspector or other person violating any provision of the insurance laws in the transaction of the business of insurance or in any matter relating thereto, or any person other than the insured who shall represent an unauthorized insurance company in the adjustment of a loss arising out of a contract made or accepted within the Territory of Hawaii or affecting a risk or risks situate therein except as provided in sections 38 and 39 of this Act, shall be punished by a fine of not less than ten

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dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than thirty days or by both such fine and imprisonment, and in addition thereto, the court may in its discretion revoke any license held by such person for the transaction of the business of insurance or any business relating thereto. No insurer shall pay the fine imposed upon any natural person under this or any other provision of the insurance law.

(3) The several penalties imposed by this section shall be in addition to, and not in lieu of, other penalties prescribed by law.

SECTION 56. Penalties, false entries or reports. Any officer, director, attorney in fact, manager or employee of any insurance company, corporation, Lloyd's association, interinsurer, fraternal benefit society, or other organization for transacting the business of insurance, who shall knowingly and wilfully subscribe to, make or cause to be made any false entry in the books thereof, or shall knowingly subscribe to or exhibit false papers or make any false show of deposits, securities or other property with the intent to deceive any person or persons authorized to examine into its affairs, or shall knowingly make, state or publish any false report or statement of any such insurance company, corporation, Lloyd's association, interinsurer, fraternal benefit society, or other organization for transacting the business of insurance, shall be punished by a fine of not less than twenty-five dollars nor more than five thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SECTION 57. Penalty, false statements. Any solicitor,

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agent, policy-holder, physician or other person who shall knowingly make a false or fraudulent statement of any material fact or thing in a certificate or sworn statement, as to the death or disability of a certificate holder or policy-holder of any company, corporation, association, order or society, transacting the business of insurance, for the purpose of procuring payment of an indemnity or benefit named in the certificate or policy of such holder, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than one month nor more than one year, and if said person convicted be an agent or physician, his license to solicit or practice in this Territory may be revoked in the discretion of the court.

SECTION 58. Fees and taxes. The commissioner shall require payment in advance of the following fees:

For filing articles of incorporation, or certified copies of articles, by-laws, or other certificates required to be filed in his office	\$25.00
For issuing certificates of authority	10.00
For each renewal certificate of authority	10.00
For filing the annual statement of condition	10.00
For filing each annual statement of business transacted in the Territory	10.00
For filing any other paper	1.00
For furnishing copies of papers filed in the office, per folio25
For certifying copies, each	1.00
For agent's license for each company represented ..	2.00

All moneys collected under this section shall be paid into the treasury of the Territory as a government realization.

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SECTION 59. Business and taxation statement; taxes; penalty. All insurance companies or corporations doing business in this Territory must file with the commissioner annually, on or before the fifteenth day of April in each year hereafter, a statement, under oath, setting forth the total business transacted and the amount of gross premiums received by said companies or corporations, during the year ending December 31 next preceding from all risks located in, and all business done within this Territory. All such insurance companies or corporations except life insurance companies shall pay to the treasurer, through the insurance commissioner, a tax of two per centum on the gross premiums received from all risks located in, and from all business done within this Territory, during the year ending on the preceding 31st day of December, less return premiums, re-insurance in companies or corporations authorized to do business in this Territory when such re-insurance is placed through or with local agents; and all life insurance companies shall pay to the treasurer, through the insurance commissioner, a tax of two per centum on the gross premiums received from all business done within this Territory, during the year ending on the preceding 31st day of December, less return premiums, re-insurance in companies or corporations authorized to do business in this Territory, when such re-insurance is placed through or with local agents, and operating and business expenses, which taxes, when paid shall be in settlement of all demands of any taxes or licenses or fees of every character imposed by the laws of the Territory, excepting property taxes, and the fees set forth in section 58 of this Act for conducting said business of insurance in said Territory. Said taxes shall be due and payable on the thirtieth day of June, succeeding the filing of the statement provided for in this section. Any organization failing or refusing to ren-

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der such statement and to pay the required taxes above stated, for more than thirty days after the time so specified, shall be liable to a penalty of twenty-five dollars for each day of delinquency, and the taxes may be collected by restraint, and the penalty recovered by an action to be instituted by the commissioner in the name of the Territory, in any court of competent jurisdiction, and the commissioner shall revoke and annul the certificate of authority of such delinquent organization until such taxes and fine, should any be imposed, are fully paid.

SECTION 60. Return of unearned premiums; insurance on building. In the event of the total destruction of any insured building, on which the amount of the appraised or agreed loss shall be less than the total amount issued thereon, the fire insurance company or companies shall return to the insured the unearned premiums on the policies involved in the loss for the excess of insurance over the appraised or agreed loss, to be paid at the same time and in the same manner as the loss shall be paid.

SECTION 61. The provisions of this Act shall not apply to rights acquired prior to the taking effect hereof.

SECTION 62. Chapter 183 of the Revised Laws of Hawaii, 1915, and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed.

SECTION 63. This Act may be cited as the "Insurance Law".

SECTION 64. If any part or section of this Act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole, or any

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part thereof which can be given effect without the part so decided to be unconstitutional or invalid.

SECTION 65. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 116

AN ACT

To AMEND SECTION 1024 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO THE REVOCATION OF LICENSES TO
PRACTICE MEDICINE AND SURGERY.

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

SECTION 1. Section 1024 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

“Section 1024. Revocation of licenses. Licenses to practice medicine and surgery may be revoked by the treasurer at any time for the following causes:

1. Procuring or aiding or abetting in procuring a criminal abortion;
2. Employing what are popularly known as “cappers” or “steerers”;
3. Obtaining any fee on the assurance that a manifestly incurable disease can be permanently cured;

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4. Wilfully betraying a professional secret;
5. All advertising of one's medical business in which untruthful and improbable statements are made;
6. All advertising of any medicine, or of any means, whereby the monthly periods of women can be regulated, or the menses reestablished if suppressed;
7. Conviction of any offense involving moral turpitude;
8. Habitual intemperance;
9. Habitual use of habit forming drugs, such as opium or any of its derivatives, morphine, heroin, cocaine, etc.;
10. Gross carelessness and manifest incapacity; any one or more of said causes having been proven to the satisfaction of the board of health, and by that body reported in writing to said treasurer. In case any license is revoked for any of the causes named in this section, the holder thereof shall be immediately notified of such revocation, in writing, by the treasurer.

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

Approved this 21st day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 117. Pay of Second District Magistrates.Amd. Act ~~116~~ S. L. 1915**ACT 117****AN ACT**

RELATING TO THE PAY OF, AND SERVICES RENDERED BY, SECOND DISTRICT MAGISTRATES, AND REPEALING SECTIONS 1753 AND 1754 OF THE REVISED LAWS OF HAWAII, 1915.

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

SECTION 1. Pay second district magistrates. In all cases of temporary disqualification, illness or absence of the district magistrate of Honolulu, city and county of Honolulu; South Hilo, county of Hawaii; Wailuku, county of Maui; or Lihue, county of Kauai; which absence shall be approved by a justice of the supreme court as to the district magistrate of Honolulu and by the circuit judge of the circuit as to the other district magistrates; the second district magistrate of Honolulu shall receive compensation for his services during such disqualification, illness or absence of the district magistrate the sum of seven dollars per diem. The second district magistrate of South Hilo, Wailuku and Lihue, as the case may be, shall receive for compensation for his services during such disqualification, illness or absence of the district magistrate the sum of five dollars per diem.

SECTION 2. Services certified to by whom. Such services rendered by any such second district magistrate shall be certified to the auditor by the district magistrate of the district in which such services were rendered or by a justice of the supreme court or the circuit judge of the circuit.

SECTION 3. That Sections 1753 and 1754 of the Revised Laws of Hawaii, 1915, be and the same are hereby repealed.

Act 117. Pay of Second District Magistrates.

Act 118. Protection of Frogs and Tadpoles.

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

Approved this 21st day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 118

AN ACT

To PROVIDE FOR THE PROTECTION OF FROGS AND TADPOLES.

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

SECTION 1. It shall be unlawful for any person to catch, take or kill for the purpose of consumption or sale, or to have in possession for the purpose of consumption or sale, or to sell, expose or offer for sale, any frog, the length of which is less than nine inches, said length to be determined by measuring from the tip of the nose to the tip of the hind feet, both hind legs being drawn together so that the tips of said hind feet shall be even, one with the other.

SECTION 2. It shall be unlawful for any person to have in his possession any dressed frog, the hind legs of which measure less than four inches in length, said length to be determined by measuring from the hip joint to the first joint above the foot.

SECTION 3. It shall be unlawful for any person to catch, take, kill, expose or offer for sale, any tadpole.

Act 118. Protection of Frogs and Tadpoles.

SECTION 4. For the purpose of this Act, any species of edible frog or part thereof found in any hotel, restaurant, eating house or cold storage plant shall be deemed to be in the possession of the person in charge of such hotel, restaurant, eating house or cold storage house.

SECTION 5. It shall be unlawful for any person to export from the Territory of Hawaii any tadpole, frog, or any part thereof smaller than described in sections 1 and 2 hereof.

SECTION 6. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than fifty dollars.

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

Approved this 21st day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 119. Reimbursement of Capt. Neilson.

ACT 119

AN ACT

MAKING AN APPROPRIATION FOR REIMBURSEMENT TO CAPTAIN N. C. NEILSON.

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 and, upon approval by the board of harbor commissioners, the sum of seventy-five dollars (\$75.00); said payment being for the purpose of reimbursing Captain N. C. Neilson for the employment of a substitute pilot watchman, Diamond Head, on account of illness of said Captain N. C. Neilson during the month of March, 1915.

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

Approved this 21st day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 120. Game and Fisheries Commission.

ACT 120

AN ACT

To PROVIDE FOR THE APPOINTMENT OF A COMMISSION ON
GAME AND FISHERIES.

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

SECTION 1. The governor is hereby authorized and directed to appoint, as soon as practicable after the approval of this Act, a commission of five members, one each from the counties of Hawaii, Maui and Kauai, and two from the city and county of Honolulu, which shall serve without pay, to be known as the commission on game and fisheries.

SECTION 2. Said commission shall thoroughly examine and investigate the question of the protection and propagation of game and fish in the Territory of Hawaii, and shall ascertain what steps are necessary to secure federal aid in the protection and propagation of game and fish, and the establishment of fish hatcheries within the Territory, the places most suited for the locations of such hatcheries on the several islands, and the means by which the Territory may secure the same for such purposes. The commission shall make a report of their work to the governor not later than December 31, 1918, with their recommendations pertaining thereto, and shall submit proposed legislation deemed necessary to secure the same.

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

Approved this 21st day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 121. Bovine Tuberculosis.

ACT 121Rep. Act July S. L. 1919

AN ACT

To PREVENT, SUPPRESS AND ERADICATE BOVINE TUBERCULOSIS AND TO PROVIDE FOR THE INDEMNIFICATION OF OWNERS OF CATTLE DESTROYED UNDER THE PROVISIONS OF THIS ACT.

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

Bovine tuberculosis, a disease transmissible to human beings, and especially to children, through the consumption of milk from tuberculous cows, being prevalent in the Territory of Hawaii, the board of commissioners of agriculture and forestry is hereby authorized and empowered to take the following measures for the prompt prevention, suppression and eradication of bovine tuberculosis:

SECTION 1. All dairy cattle within this Territory more than six months old, shall be tuberculin-tested, and when found to be affected with bovine tuberculosis, either upon physical examination or by means of the tuberculin test shall be branded on the left cheek with the registered brand "T R", and segregated in a manner satisfactory to the said board, and shall be slaughtered within a time and at a place designated by an officer of the board, under the supervision of the territorial veterinarian, his assistant or deputy; and the carcass of any such animal shall be disposed of according to the meat inspection regulations of the U. S. Bureau of Animal Industry.

SECTION 2. All such cattle shall be appraised before being slaughtered, the owner to be indemnified as hereinafter provided for.

SECTION 3. The president of the board of agriculture and forestry shall designate an appraiser who by and with the

Act 121. Bovine Tuberculosis.

advice of the territorial veterinarian, his assistant or deputy shall appraise each tuberculous animal within five days prior to the date of slaughter, basing the amount upon the class and market value of the animal at the time of the appraisal, whether for breeding purposes or for meat 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.

SECTION 4. The amount of indemnification shall in no case exceed one hundred and fifty dollars for each animal, and all payments thereof shall be made upon vouchers approved by the president of the board of agriculture and forestry; provided, that no payment shall be made for an animal which has been in the Territory for a period of less than six months prior to the date of slaughter.

SECTION 5. If the amount of appraisal of any animal, as determined by the appraiser designated, is not satisfactory to the owner, he may protest against the same, whereupon a board of three appraisers is to be formed, one of whom shall be designated by the president of the board of agriculture and forestry, one to be selected by the owner, and the third to be selected by these two. The value of the animal to be appraised decided upon by these three appraisers, or by two of them, shall be regarded as final.

SECTION 6. Compensation for all appraisers appointed or selected pursuant to this Act shall not exceed five dollars per diem, and such compensation and their necessary travelling expenses shall be paid upon vouchers approved by the president of the board of agriculture and forestry.

SECTION 7. Following the appraisal of the tuberculous animals the amount of reimbursement shall be determined

Act 121. Bovine Tuberculosis.

in accordance with the results of the post mortem inspection as follows:

- (a) If any animal is found upon post mortem examination not to be affected with tuberculosis, the carcass and other edible portions shall be passed for food and the owner shall sell the same including all accompanying parts at a fair market price which price shall be deducted from the amount of appraisal and the balance, if any thus remaining, shall be paid as hereinafter provided.
- (b) If any animal is found upon post mortem examination to be affected with tuberculosis and the lesions are such that the carcass and parts are passed for food, the owner shall sell the same at a fair market price which price shall be deducted from eighty per cent of the appraised value and the balance, if any thus remaining, shall be paid as hereinafter provided for.
- (c) If any animal upon post mortem examination is condemned for offal the owner shall sell the hide at a fair market price which price shall be deducted from fifty per cent of the appraised value and the balance, if any thus remaining, shall be paid as hereinafter provided for.

SECTION 8. 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 9. The sum of twenty thousand dollars (\$20,000.00) is herewith appropriated for the purpose of this Act.

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

Approved this 23rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 122. Licenses for Peddlers.**ACT 122****AN ACT**

~~AND ACT 111~~ S. L. 1923

To AMEND SECTION 2068 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO PEDDLERS.

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

SECTION 1. Section 2068 of the Revised Laws of Hawaii,
1915, is hereby amended so as to read as follows:

“Section 2068. Fees. The fees for licenses to peddle
merchandise shall be as follows, to wit:

The fee for an annual license shall be\$50.00; and

The fee for a quarterly or three months'
license or period less than three months shall
be\$15.00;

provided, that no license shall be required of persons ped-
dling fish, fresh fruit, flowers or vegetables.

A license to peddle merchandise shall authorize the holder
thereof to peddle only in the county or city and county which
is named in the license.”

SECTION 2. This Act shall take effect from and after the
first day of July, A. D. 1917.

Approved this 23rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 123**AN ACT**

To APPROPRIATE THE SUM OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR REPAIRING AND WIDENING THE PALI TRAIL LEADING TO AND ROADS WITHIN THE LEPER SETTLEMENT AT KALAUPAPA, COUNTY OF KALAWAO, MOLOKAI.

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 of Hawaii, to be immediately available, for the purpose of repairing and widening the Pali trail to and roads within the leper settlement at Kalaupapa, county of Kalawao, Molokai, Territory of Hawaii, the construction of said trail to be under the charge and direction of the territorial board of health.

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

Approved this 23rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 124. Process in Garnishment Cases.

ACT 124

AN ACT

To AMEND SECTION 2801 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO GARNISHMENT.

(AMENDMENT 5)
*No. 157
as of 1919
p. 213*
Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2801 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2801. Process. Whenever the goods or effects of a debtor are concealed in the hands of his attorney, agent, factor, or trustee, so that they cannot be found to be attached or levied upon, or when debts are due from any person to a debtor, any creditor may bring his action against such debtor, and in his petition for process may request the court to insert therein a direction to the officer serving the same, to leave a true and attested copy thereof with such attorney, agent, factor or trustee, or at the place of his or their usual place of abode, and to summon such attorney, agent, factor or trustee to appear personally upon the day or term mentioned and appointed in said process for hearing the said cause, and then and there on oath to disclose whether he has, or at the time said copy was served, had any of the goods or effects of the defendant in his hands, and if so, the nature, amount and value of the same, or is indebted to him, and the nature and amount of such debt; which summons and direction shall be signed and issued in the same manner as summonses are usually issued in civil actions, and shall be served by the officer according to such direction, and from the time of leaving such copy all the goods and effects in the hands of such attorney, agent, factor or trustee, and every debt due from such

Act 124. Process in Garnishment Cases.

debtor to the defendant, shall be secured in his hands to pay such judgment as the plaintiff shall recover, and may not be otherwise disposed of by such attorney, agent, factor or trustee, and such notice shall be sufficient notice to the defendant to enable the plaintiff to bring his action to trial, unless the defendant be an inhabitant of this Territory, or has some time resided therein, and then a like copy shall be served personally upon him, or left at his last and usual place of abode.

Provided, however, that any person so summoned as an attorney, agent or debtor of any defendant may file in the court issuing the summons, on or before the return day thereof, a return under oath which shall set out fully what goods, moneys or chattels, if any, of the defendant are in his hands, and what debts, if any, are due from him to the defendant, and whether the defendant is in receipt from him of any salary, stipend, wages, annuity or pension, and the amount or rate thereof, if any. A copy of such return shall be served on the plaintiff or his attorney on or before such return day. The filing of such return shall be deemed, *prima facie*, a compliance with the summons, provided that at any time thereafter before the conclusion of the trial of such action either party thereto may upon written notice served upon the garnishee require such garnishee to appear and be examined orally under oath as to such disclosure or as to his liability as such garnishee.

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

Approved this 23rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 125. Enrollment for Military Duty.**ACT 125***Asd. Act. 11 S. S. 1916***AN ACT**

To AMEND SECTIONS 226 AND 228 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE ENROLLMENT OF PERSONS SUBJECT TO MILITARY DUTY.

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

SECTION 1. Section 226 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 226. Rolls prepared by tax assessors. The tax assessor of each taxation division of the Territory of Hawaii shall at such times as he may be ordered so to do by the governor prepare a roll containing the names of all the male inhabitants of his taxation division over sixteen years of age, two copies of which roll shall be sworn to by him before some person authorized by law to administer oaths and shall be delivered by him to the adjutant general of the Territory of Hawaii. Such roll shall set forth answers to the following for each of the persons enrolled:

Date.....

Name..... Residence..... Telephone number..... Occupation, vocation or profession.....

Any special knowledge

What is your age?..... Weight?..... Height?
..... Are you married?..... Single?..... Widower?.....

How many persons are dependent upon you
for support, stating age, sex and relationship?.....

Are a citizen of the United States?.....

If not a citizen of the United States have you taken out
your first papers?..... What languages do you speak?

..... Have you ever performed

Act 125. Enrollment for Military Duty.

any military or naval service or had any military training in this or any other country?..... Where?..... How long?..... What branch?..... Rank?..... Have you any serious physical disability?..... If so, name it..... Can you do any of the following: Ride a horse?..... Handle a team?..... Drive an automobile?..... Ride a motorcycle?..... Operate a wireless?..... Understand telegraphy?..... Handle a boat, power or sail?..... Milk a cow?..... Any experience with a steam engine?....., with electric machinery, with high speed marine gasoline engines?..... In simple coastwise navigation?..... As interpreter?..... Cook?..... or Butcher?..... Are you a good swimmer?..... If you have intimate knowledge of any part of the mountains of the Territory, name the region.....

If the governor shall so direct, and as often as he shall so direct such enrollment shall further show separately the names of all seafaring men of whatever calling or occupation, the names of all men engaged in the construction and management of all ships and crafts, together with the names of shipowners and their employees, yacht owners, members of yacht clubs, and all other associations for aquatic pursuits. For the purpose of expediting the securing of the above information the governor is empowered to appoint and commission with all the powers vested in tax assessors in this chapter, as military census agents such citizens as he may designate; provided, that the services of such citizens so appointed shall be performed without pay or remuneration of any kind."

SECTION 2. Section 228 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 228. Compensation of assessors. The assessors shall receive compensation for preparing the military roll

Act 125. Enrollment for Military Duty.

Act 126. Relief of Residents of Kewalo.

aforesaid at such rate not to exceed five dollars for each one hundred names of persons enrolled by them as required by section 226 as the governor may order, to be paid out of any appropriations which may be made by the legislature for expenses of the National Guard."

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

Approved this 23rd day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Am'd. Act. 10 S.S. 1918

ACT 126

AN ACT

To PROVIDE FOR THE ASCERTAINMENT, ADJUDICATION AND PAYMENT OF CLAIMS BY PERSONS WHOSE PROPERTY WAS DESTROYED OR INJURED AS A CONSEQUENCE OF THE FILLING OF UNSANITARY LAND IN KEWALO DISTRICT, CITY AND COUNTY OF HONOLULU, AND MAKING AN APPROPRIATION OF TEN THOUSAND SEVEN HUNDRED DOLLARS (\$10,700.00) THEREFOR.

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

SECTION 1. A commission of three disinterested and competent citizens of the Territory of Hawaii shall be appointed by the governor of the Territory of Hawaii, to hear, investigate and adjudicate all claims for damages by persons who have suffered a loss or injury to property occasioned by the Lord-Young Engineering Company, Limited, in its attempt to carry out the terms of that certain contract entered into with the Territory of Hawaii on or about the 20th day of May, A. D. 1912, for filling certain lands in said Kewalo district.

Act 126. Relief of Residents of Kewalo.

SECTION 2. Said commission shall be appointed in the manner prescribed in section 80 of the Organic Act. One of said commissioners shall be designated chairman of the commission by the governor.

SECTION 3. The commissioners, upon appointment, shall forthwith meet and organize, and give public notice in newspapers of general circulation, printed and published in the city and county of Honolulu in the English, Hawaiian, Portuguese, Chinese and Japanese languages, of the time and place of the first meeting of the commission, of the times and places of subsequent meetings of the commission, and of the statutory provision that all such claims shall be filed with the commission within thirty days after the date of such first meeting or be forever barred.

The commission shall hold public meetings in Honolulu, in the city and county of Honolulu, and shall hear, investigate and determine the claims so submitted to it, and render its judgment thereon allowing, modifying or disallowing such claims.

SECTION 4. The commission shall have the same power as conferred on the circuit courts of the Territory of Hawaii, to compel the attendance of witnesses and the production of books, papers and accounts; to punish persons guilty of contempt; and make all necessary rules and regulations for conducting its business. Each commissioner and the clerk of the commission shall have power to administer oaths and to take affirmations.

SECTION 5. The commission, after rendering its judgment upon the claims submitted to it shall cause said judgments to be entered in a record of judgments, which judgment shall be signed by a majority of the commissioners; such judgments shall be final and no appeal allowed therefrom.

Act 126. Relief of Residents of Kewalo.

SECTION 6. No claim for speculative or consequential damage, or for loss of any kind whatever except for the destruction and injury to property shall be considered by the commission; nor shall any claim be considered upon which a settlement was made by the superintendent of public works and accepted by the claimant, acting under the powers and provisions of Act 163 of the Session Laws of 1915; nor shall any claim be considered unless presented in writing and sworn to by the claimant or someone in his behalf and filed with the superintendent of public works prior to the 31st day of December, 1915.

SECTION 7. The commission may allow or require the claimants to amend the original claims filed by them when in the interest of justice and equity it may be deemed proper so to do.

SECTION 8. There is hereby appropriated the sum of seven hundred dollars (\$700.00), payable out of the general revenues of the Territory of Hawaii, to defray expenses of the commission.

SECTION 9. The sum of ten thousand dollars (\$10,000.00) out of the general revenues of the Territory of Hawaii is hereby appropriated to pay the judgments rendered by the commission upon the claims presented to it. The auditor of the Territory, upon presentation to him of a certified copy of the judgment or award made by the commission shall issue his warrant to the treasurer of the Territory for the amount of the judgment or award given, payable to the person named in said judgment or warrant.

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

Approved this 24th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 127. Salaries of County Officials.**ACT 127****AN ACT****To AMEND SECTION 1531 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO SALARIES, COUNTY OFFICIALS.**

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

SECTION 1. Lines 9, 12, 15, 18, 21, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of Section 1531 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

- | | | |
|-------|--|---------|
| (9) | "Sheriff of the County of Hawaii | \$2,880 |
| (12) | County Clerk of the County of Hawaii | 2,280 |
| (15) | Auditor of the County of Hawaii | 2,400 |
| (18) | County Attorney of the County of Hawaii .. | 3,000 |
| (21) | Treasurer of the County of Hawaii | 2,280 |
| (25) | Deputy Sheriff of the District of South Hilo . | 2,100 |
| (26) | Deputy Sheriff of the District of North Hilo.. | 1,140 |
| (27) | Deputy Sheriff of the District of Puna | 1,200 |
| (28) | Deputy Sheriff of the District of Kau | 1,140 |
| (29) | Deputy Sheriff of the District of South Kona | 1,020 |
| (30) | Deputy Sheriff of the District of North Kona | 1,200 |
| (31) | Deputy Sheriff of the District of South Kohala | 960 |
| (32) | Deputy Sheriff of the District of North Kohala | 1,260 |
| (33) | Deputy Sheriff of the District of Hamakua.. | 1,320" |

SECTION 2. This Act shall take effect from and after the first day of July, A. D. 1917.

Approved this 24th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 128. Promulgation of Laws.

ACT 128

AN ACT

To AMEND SECTION 2 OF CHAPTER 2 OF THE REVISED LAWS
OF HAWAII, 1915, RELATING TO THE PROMULGATION
OF LAWS.

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

SECTION 1. Section 2 of Chapter 2 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 2. Published by secretary. The secretary of the Territory of Hawaii shall promulgate all the laws enacted by the legislature by publishing the same in the English and Hawaiian languages; the English version to be published in a newspaper published daily in the English language, and the Hawaiian version in a newspaper published weekly in the Hawaiian language; both being newspapers of general circulation published in Honolulu. And after the publication as aforesaid of all the laws enacted at any session of the legislature, the secretary shall cause the same to be printed and bound in book form."

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

Approved this 25th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 129. Salaries, Kauai District Magistrates.**ACT 129****AN ACT**

To AMEND SECTION 2198 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO SALARIES OF THE DISTRICT MAGIS-
TRATES.

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

SECTION 1. Lines 36, 37, 38 and 39 of Section 2198 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

- "36. District Magistrate of Koloa (\$80.00) ...\$ 960.00
- 37. District Magistrate of Waimea (\$100.00). 1,200.00
- 38. District Magistrate of Kawaihau (\$70.00) 840.00
- 39. District Magistrate of Hanalei (\$70.00) ... 840.00"

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

Approved this 25th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 130. Completion Palolo Belt Road.

ACT 130

AN ACT

**To PROVIDE AN APPROPRIATION OF THREE THOUSAND DOL-
LARS (\$3,000.00), BY WAY OF ADVANCEMENT, FOR THE
COMPLETION OF THE PALOLO BELT ROAD.**

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

SECTION 1. The additional sum of three thousand dollars (\$3,000.00), or so much thereof as may be necessary, is hereby appropriated out of the general revenue of the Territory of Hawaii, not otherwise appropriated, for the purpose of completing the Palolo belt road, which said road was begun by an appropriation of the Territory of Hawaii in the year 1905.

SECTION 2. The said sum of three thousand dollars (\$3,000.00), hereby appropriated, shall be disbursed on warrants drawn by the auditor, based on vouchers drawn by the commissioner of public lands, who shall have charge of the construction of said road.

SECTION 3. The said sum of three thousand dollars (\$3,000.00), or so much thereof as may be expended, shall be repaid into the general funds of the territorial treasury from sales of public lands, island of Oahu.

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

Approved this 25th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 131. Application of Taxes to Road Work.

ACT 131

AN ACT

**REQUIRING THE EXPENDITURE OF CERTAIN TAXES ON THE
CONSTRUCTION, MAINTENANCE AND REPAIRS OF PUBLIC
ROADS.**

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

SECTION 1. All taxes collected under the provisions of sections 1228, 1229 and 1230 of the Revised Laws of Hawaii, 1915, shall be expended on the construction, maintenance and repairs of public roads and highways of the county or city and county in which the same are collected.

SECTION 2. This Act shall take effect from and after the 1st day of January, A. D. 1918.

Approved this 25th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 132. Fees of Notaries.**ACT 132****AN ACT**

To AMEND SECTION 3131 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO FEES OF NOTARIES PUBLIC.

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

SECTION 1. Section 3131 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3131. Fees. Every notary public shall be entitled to demand and receive the following fees, viz:

1. For noting the protest of mercantile paper, two dollars;
2. For each notice and certified copy of protest, two dollars;
3. For noting any other protest, three dollars;
4. For every notice thereof, and certified copy of protest, three dollars;
5. For every deposition, or official certificate, two dollars;
6. Administration of an oath, including the certificate of such oath, twenty-five cents;
7. For taking any acknowledgment, one dollar for each party signing."

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

Approved this 25th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 133. School for Defective Children.**ACT 133****AN ACT**

PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF A SCHOOL FOR THE TRAINING AND INSTRUCTION OF THE BLIND AND OTHER DEFECTIVE CHILDREN, AND MAKING AN APPROPRIATION OF THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00) THEREFOR.

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

SECTION 1. The sum of thirty-five thousand dollars (\$35,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to be expended by the department of public instruction for the purpose of the construction of a school and other buildings and of providing instruction, maintenance, transportation and other necessities arising in connection with the training and instruction of blind, deaf, dumb and other defective or mentally defective children as the department of public instruction may deem proper.

SECTION 2. The commissioner of public lands is hereby instructed to secure and to turn over to the department of public instruction a piece of land in the vicinity of the city of Honolulu, and in such localities as shall be deemed suitable by the superintendent of public instruction, and the same land shall be used for the purposes of constructing thereon a school and other buildings for the purpose hereinabove mentioned.

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

Approved this 25th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 134. Electric Franchise, Hamakua.

Amd. Act 127 S. L. 1919
Amd. Act 44 S. L. 1921

ACT 134**AN ACT**

To AUTHORIZE AND PROVIDE FOR 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, TERRITORY OF HAWAII.

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

SECTION 1. Franchise. John Payne of Honokaa, district of Hamakua, 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 herein-after 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 Hamakua, 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 Hamakua on said island of Hawaii, and to connect the said wires, lines, and conductors, with any

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manufactory, private or public buildings, lamps, lamp posts, or other structure or object with the place of supply.

SECTION 2. Rules and regulations. The officials or boards having charge of said streets or roads are hereby authorized to make, from time to time, change, amend or add to, reasonable rules regulating the placing of poles, 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 generally, concerning the manufacture and supply of electricity which may be necessary for the safety and welfare.

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. The entire plant, lines, poles, and all other apparatus, and equipment shall, at all times, be subject and open to the inspection of the officials of boards having charge of said streets, or roads, or any officer appointed by them for that purpose.

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 their protection; and also to charge, receive, and collect from all consumers of electricity,

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such reasonable prices as may be from time to time fixed and determined by the association, provided however, that power is conferred upon the courts of appropriate jurisdiction, or any utility commission which is, or may hereafter be, created by law of the Territory of Hawaii or of the United States, at all times and upon the petition of any consumer of electric power or lights from the said association, to hear and determine from time to time whether an existing rate or rates are unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

SECTION 6. Charges for making connections. The association shall also have the right to charge consumers, or applicants for the use of electricity, for one-half of the costs 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 applicants 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.

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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 utility 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

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continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works, 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 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.

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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 have actually 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 a commission of three persons, one to be appointed by the association, or in case it should

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fail to do so within thirty days after having been requested to do so by the purchaser, then by the chief justice of the supreme court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within thirty days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard, 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 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

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all such further conveyances 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 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
 Governor of the Territory of Hawaii.

ACT 135

Amd. Act 198 S. L. 1921

AN ACT

To AMEND CHAPTER 93 OF THE REVISED LAWS OF HAWAII, 1915, BY AMENDING SECTION 1228 OF SAID CHAPTER AND BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 1228A, 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, is hereby amended to read as follows:

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"Section 1228. Brake, sulky, ox-cart, automobile, etc., tax. 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; all automobiles and other power-driven vehicles shall be subject to an annual tax of one cent for each pound in weight of such vehicle, to be paid by the owners thereof. In determining the amount of tax for automobiles and other power-driven vehicles, the weight taken shall be that of such vehicle when in ordinary use and with all its accessories and fittings, including fuel and water. Provided, however, that whenever it shall appear to the assessor that any automobile or other power-driven vehicle shall have been acquired subsequent to January 1st of the then calendar year by the person seeking to register same, the tax to be paid by such person shall be the same as hereinbefore provided, less 8 1-3% of such tax for each month or fraction of a month of the then calendar year which shall have elapsed at the date said vehicle was acquired. Upon receipt of such tax the assessor shall number and register such automobile or other power-driven vehicle, for which said tax is paid, in the owner's name, and shall furnish the owner with a receipt which shall show upon the face thereof the number of such automobile, or other power-driven vehicle, and shall state the fact that the tax has been paid upon said automobile, or other power-driven vehicle, for the whole or the remainder, as the case may be, of the current year in which the receipt is issued, and shall also furnish the owner with a metallic tag for such automobile, or other power-driven vehicle, with the number and year marked thereon, charging therefor, in addition to the tax, the sum of twenty-five cents. The owner shall attach such tag upon the license number of such automobile or other power-driven vehicle.

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Any automobile or other power-driven vehicle having no tags as required herein or upon which taxes are delinquent may be seized wherever found by any assessor or deputy assessor, or by any police officer or other person acting on behalf of such assessor or deputy assessor and held for a period of ten days, during which time it shall be subject to redemption by its owner on payment of the taxes due, together with a penalty of one dollar and cost of storage or other charges incident to the seizure of such power-driven vehicle. The assessor or deputy assessor of any district, or any person acting under them, shall have been deemed to have seized and taken possession of any property upon which a specific tax is due under this section, after having securely sealed same where located and having posted a notice upon such property, setting forth the fact that same has been seized for taxes and warning all persons from molesting same under penalty to be provided. Property so sealed and seized shall remain at the place of seizure or at such other place as the person making the seizure shall direct at the expense and risk of the owner. If not so redeemed within ten days such power-driven vehicle shall be sold by the officer authorized to seize the same at public auction to the highest bidder for cash, after giving five days' public notice thereof in a newspaper published in such district, or by posting notice thereof in at least three public places in the district where such power-driven vehicle was seized. The amount realized at such sale shall, after deducting therefrom the amount of the tax and penalty due, together with the costs of advertising, storage, auctioneer's fees, and other charges incident to such seizure and sale, if any, be paid to the owner of such power-driven vehicle. If no claim for such surplus shall have been filed with such assessor or deputy assessor within sixty days from the date of sale, such surplus shall be paid into the territorial treasury as a

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government realization, and all claim to such sum shall be barred.

Any person who shall use a tag not furnished in accordance with the provisions of this section, or who shall counterfeit any such tag, or who shall fraudulently use such upon a power-driven vehicle other than the one for which such tag was issued, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars."

SECTION 2. A new section is hereby added to chapter 93 of the Revised Laws of Hawaii, 1915, to be known as Section 1228A to read as follows:

"Section 1228A. Taxes to be paid before issuance of registration certificate. No certificate of registration for the operation of an automobile, or other power-driven vehicle, shall be issued to an applicant for the same by any sheriff or deputy within the Territory of Hawaii, unless such applicant shall have filed with such sheriff or deputy a certificate from the assessor or deputy assessor of the district in which power-driven vehicle is located, showing the payment in full of all taxes provided for by section 1228.

Any sheriff or deputy who shall issue a certificate of registration without receiving such certificate, showing payment in full of all taxes provided for by section 1228, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars."

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

Approved this 26th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 136. Practice of Dentistry.

ACT 136

AN ACT

Amd. Act. *52* S. L. 1919
Amd. Act. *19* S. S. 1920

To AMEND CHAPTER 79 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO THE PRACTICE OF DENTISTRY.

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

SECTION 1. Section 1035 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1035. For the purposes of this chapter the practice of dentistry shall be held to include the performance of any operation or parts of operation of any kind in the treatment of diseases or lesions of the human teeth or jaws or the extraction of teeth or in the correction of the malformation thereof. The maintenance or operation of any office or apartment by any person, firm or corporation, in which office and apartment instruments, materials and equipment used by dental surgeons and practitioners shall be on display, shall be *prima facie* evidence that such person, firm or corporation is practicing dentistry within the terms of this act; provided that nothing in this section contained, shall apply to dealers in dental instruments or supplies, and provided further, that nothing herein contained shall apply to regularly licensed physicians or surgeons performing surgical operations."

SECTION 2. Section 1036 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1036. No person shall practice dentistry or dental surgery in the Territory of Hawaii, either gratuitously or for pay, or shall offer to so practice or shall advertise or announce himself, either publicly or privately as

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prepared or qualified to so practice, or to append the letters "D. D. S.", "D. M. D.", "L. D. S.", or any other dental degree to his or her name with intent thereby to imply that he or she is a practitioner of dentistry or a dental surgeon, without having a valid, unrevoked license from the board of dental examiners as hereinafter provided.

SECTION 3. A new section is hereby added to said Chapter 79 of the Revised Laws of Hawaii, 1915, as follows:

"Section 1036A. No person who manages or conducts as manager, proprietor, conductor or otherwise a place where dental operations are performed, shall employ any person as operator in dental surgery or as a practitioner, or cause to permit any person to so act, who is not duly licensed to practice dentistry as hereinafter provided; provided, however, that nothing in this Act shall prohibit any unlicensed person from performing merely mechanical work upon inert matter in a dental laboratory.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished, for the first offense, by a fine not exceeding \$100.00, and for the second offense shall in addition to such fine forfeit his license to practice dentistry as in this chapter provided."

SECTION 4. A new section is hereby added to said Chapter 79 of the Revised Laws of Hawaii, 1915, as follows:

"Section 1036B. No person, firm or corporation shall circulate or advertise fraudulent or misleading statements as to the skill of any operator, the quality of any materials, drugs or medicines used, or the methods used by him, they or it, in the practice of dental surgery.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof,

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shall be punished for the first offense by a fine not exceeding \$100 and for the second offense, shall in addition to such fine, forfeit his license to practice dentistry as in this chapter provided."

SECTION 5. Section 1037 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1037. Appointment; Tenure. The governor shall appoint, in the manner prescribed in Section 80 of the Organic Act, and for neglect of duty, incompetency or dishonorable conduct, may remove the board of dental examiners, which shall consist of three practicing dentists, who shall have been engaged in the continuous practice of dentistry in the Territory of Hawaii for a period of three years preceding their several appointments. The members of such board shall hold office for the term of three years and until their successors are appointed."

SECTION 6. Section 1039 of said Chapter 79 is hereby amended to read as follows:

"Section 1039. Expenses. All expenses of the board, including the expenses of the enforcement of the provisions of this chapter, shall be paid from the fees received by the board under the provisions of this chapter, and no salary or other expenses shall be paid out of the treasury of the Territory, but all moneys received by the board shall be held by the treasurer thereof as a special fund for such purposes. And to provide a further fund for the enforcement of the provisions of this chapter every person holding a license to practice dentistry in this Territory shall pay to the treasurer of the board of dental examiners, on or before the first day of January of each year hereafter, an annual registration fee in the sum of two dollars. The failure, neglect or refusal of any duly licensed dentist or

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doctor of dental surgery to pay such annual tax during the time his or her license shall remain in force, shall constitute a forfeiture of his or her license. Such license may be restored upon written application therefor and the payment to said treasurer of said board of the sum of \$25.00."

SECTION 7. Section 1046 of the Revised Laws of Hawaii, 1915, is hereby repealed.

SECTION 8. Section 1050 of the Revised Laws of Hawaii, 1915, is amended to read as follows:

"Section 1050. Violating provisions, penalty. Any person, firm or corporation who shall violate any of the provisions of this chapter, or who shall fail to comply with any of the requirements or provisions of this chapter, penalty for which is not otherwise provided, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not more than five hundred dollars, and each day's violation or failure to comply with the provisions hereof shall be deemed a separate offense."

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

Approved this 26th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 137. Labor by Misdemeanants.

ACT 137

AN ACT

To AMEND SECTION 3 OF ACT 165 OF THE SESSION LAWS OF 1915, RELATING TO COMMUTATION OF PUNISHMENT OF PRISONERS.

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

SECTION 1. Section 3 of Act 165 of the Session Laws of 1915 is hereby amended to read as follows:

"Section 3. Whenever a prisoner convicted of a misdemeanor shall make the request referred to in the foregoing section, it shall be the duty of the officer under whose control or in whose custody he may be to place the said prisoner upon such public work as may be designated or determined upon by the board of supervisors or by the chairman and executive officer or mayor thereof respectively, of the county or city and county where the said prisoner is confined.

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

Approved this 26th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 138. Premiums on Bonds.

ACT 138

AN ACT

To AMEND SECTION 147 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO PREMIUMS ON OFFICIAL BONDS.

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

SECTION 1. Section 147 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 147. Premium and stamps paid by government, when. When any corporation as hereinbefore designated shall be surety on any official bond required or authorized by this chapter, the premium due such corporation for acting as such surety, and all stamps required by law to be paid thereon, shall be paid by the Territory. The treasurer of the Territory may contract for the best possible premium rate therefor and may contract for premium rates for more than one bond at the same time; provided, that such stamps and premiums on official bonds of license commissioners, circuit or district court officers, and all other officers whose expenditures are paid by the city and county or the several counties, shall be deemed to be included in such expenditures and shall be paid by the city and county and the several counties.”

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

Approved this 26th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 139. Territorial Insurance Fund.

ACT 139**AN ACT**

To AMEND ACT 174 OF THE SESSION LAWS OF 1915, PROVIDING FOR A TERRITORIAL INSURANCE FUND.

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

SECTION 1. The title of Act 174 of the Session Laws, 1915, is hereby amended to read as follows:

"An Act Providing for an Insurance Fund to Repair or Replace Property of the Territory of Hawaii That May be Damaged or Destroyed by Fire or Other Casualty and to Pay any Claims against the Territory Due Under the Workmen's Compensation Act, Act 221 of the Session Laws of 1915."

SECTION 2. Section 2 of Act 174 of the Session Laws, 1915, is hereby amended to read as follows:

"Section 2. The treasurer of the Territory shall, with the approval of the governor, invest the 'Territorial Insurance Fund,' or so much thereof as may be deemed advisable, in interest-bearing securities issued by the Federal government, the territorial government, or any sub-division thereof, or deposited in any savings bank or savings banks doing business in the Territory. The interest upon such securities shall be credited to the 'Territorial Insurance Fund,' provided, however, that whenever said 'Territorial Insurance Fund' exceeds three hundred thousand dollars (\$300,000.00), all excess shall be placed in the general funds of the Territory."

SECTION 3. Section 3 of Act 174 of the Session Laws, 1915, is hereby amended to read as follows:

"Section 3. The 'Territorial Insurance Fund,' or so much thereof as may be necessary, is hereby appropriated and

Act 139. Territorial Insurance Fund.

Act 140. Reimbursing Kahului Railroad Co.

shall, with the approval of the governor, be expended by the head of the proper department to repair or replace any buildings or other property of the Territory that may be injured or destroyed by fire or other casualty, or to pay any claims against the Territory which may be found to be due under Act 221 of the Session Laws of 1915, known as the 'Workmen's Compensation Act'."

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

Approved this 26th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 140

AN ACT

To REIMBURSE THE KAHULUI RAILROAD COMPANY FOR EXPENSES INCURRED ON ACCOUNT OF PILOT SERVICE AT KAHULUI, MAUI, FROM THE GENERAL REVENUES OF THE TERRITORY.

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

SECTION 1. The sum of seven hundred twenty-two and 41-100 dollars (\$722.41) is hereby appropriated from the general revenues of the Territory as an emergency appropriation for the purpose of reimbursing the Kahului Railroad Company for expenses incurred in connection with pilot service at Kahului, Maui.

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

Approved this 26th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 141. Exemptions from Execution.**ACT 141****AN ACT**

To AMEND SECTION 2469 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO EXEMPTIONS.

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

SECTION 1. Section 2469 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 2469. Housekeeper and family. The following property, when owned by any person being a housekeeper, and having a family, shall be exempt from levy and sale on execution;

One piece of land not to exceed one acre, and the dwelling house and other buildings thereon situated, provided the value thereof shall not exceed one thousand dollars. But this exemption shall not apply to mechanics and material men for labor performed and material furnished in the erection of such buildings."

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

Approved this 26th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 142. Salaries, District Magistrates, Maui.**ACT 142****AN ACT**

To AMEND SECTION 2198 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO SALARIES OF DISTRICT MAGISTRATES.

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

SECTION 1. Lines 16, 17, 20, 21 and 23 of Section 2198
of the Revised Laws of Hawaii, 1915, are hereby amended
to read as follows:

- | | |
|---|------------|
| “16. District magistrate, Lahaina | \$1,320.00 |
| 17. District magistrate, Wailuku | 1,920.00 |
| 20. District magistrate, Makawao | 1,320.00 |
| 21. District magistrate, Hana | 1,020.00 |
| 23. District magistrate, Molokai | 720.00” |

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

Approved this 26th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 143**AN ACT**

To AMEND SECTION 342 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO LAND TRANSFERS.

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

SECTION 1. Section 342 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 342. Transfers; public auction, notice. Except as otherwise provided, all transfers of government lands shall be made at public auction after not less than thirty days' notice by advertisement in two newspapers published, one in the English and one in the Hawaiian languages. All such transfers may, in the discretion of the commissioner of public lands, be made at the door of the office of the land agent at the county seat in which the land is located and shall be cried by the commissioner of public lands, or by one of his clerks or agents under his direction, who shall perform this service without extra compensation. Notice of any auction as above required shall contain a full description of the land to be sold as to locality, area and quality with reference to the survey, which shall in all cases be kept in the office of the commissioner or his agents. Such surveys shall be open to inspection to all who may desire to examine the same, without charge, during the whole period of the advertisement of the said auction. In case application has been made for the purchase of government land and a price has been offered for the same, the price offered shall be published in the auction advertisement as the upset price for which the land shall be offered."

Act 143. Sales of Public Lands.
Act 144. Sidewalks and Curbs.

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

Approved this 26th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 144

AN ACT

To AMEND SECTIONS 1897, 1898, 1899 AND 1900 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO SIDEWALKS, INCLUDING CURBS.

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

SECTION 1. Section 1897 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 1897. Sidewalks, including curbs. Regulations. In all cases the construction, maintenance and repair of sidewalks (including curbs) shall be subject to such regulations regarding grades, width, height, material and method of construction, as may be from time to time promulgated by the board of supervisors.”

SECTION 2. Section 1898 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

“Section 1898. Abutter to pay costs. All sidewalks (including curbs) shall be constructed, maintained and repaired at the expense of the adjoining owner or abutter subject to the provisions of section 1899.”

Act 144. Sidewalks and Curbs.

SECTION 3. Section 1899 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1899. Honolulu, Hilo. After the establishment of the grades of streets in Honolulu and Hilo, as by law prescribed, the said board of supervisors may require the owners of the land adjoining any street, the grade of which has been established, to construct, maintain and repair sidewalks (including curbs) in accordance with the grade of the street and to comply with the regulations regarding the material and construction of the same."

SECTION 4. Section 1900 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1900. Procedure on owner failing to build, maintain or repair. Lien. If any such owner, after receiving notice to construct, maintain or repair his sidewalk or sidewalks (including curbs), as provided in section 1899, shall neglect or refuse to comply with such order or direction for sixty days after notice, the board of supervisors may proceed to construct, maintain or repair the same at the expense of such owner. Such expense shall be a lien on the property in front of which the same is constructed, maintained or repaired and the board may, in the name of the county or city and county, recover the amount of such lien and the expense and costs of the same, by action at law in assumpsit, or by any action allowed by law and equity, or that may be prescribed by statute, including any proceeding allowed for the foreclosure of tax liens."

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

Approved this 27th day of April A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 145. School Improvements.

ACT 145

AN ACT

AUTHORIZING THE BOARD OF SUPERVISORS OF ANY COUNTY OR CITY AND COUNTY TO MAKE CERTAIN ADVANCES FROM THE CURRENT FUNDS OF THE COUNTY OR CITY AND COUNTY FOR SCHOOL IMPROVEMENTS, AND REPEALING ACTS 38 AND 54 OF THE SESSION LAWS OF 1913.

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

SECTION 1. Wherever appropriations have been made by the legislature for new buildings, repairs and maintenance of buildings and grounds and new grounds, furniture and fixtures, for any county or city and county, pursuant to the heading known as "special fund" of the school budget as provided by Chapter 25 of the Revised Laws of Hawaii, 1915, and no moneys for such purposes are immediately available in said county or city and county, the supervisors of said county or city and county may advance the funds required for such purposes from the current funds in the treasury of said county or city and county, either on special or general deposit, in which case such general or special accounts from which said funds have been so advanced, shall, on receipt of taxes, be reimbursed.

SECTION 2. Acts 38 and 54 of the Session Laws of 1913 are 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. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 146. Unsettled Claims, Board of Health.

ACT 146**AN ACT**

MAKING A SPECIAL APPROPRIATION FOR THE PAYMENT OF ALL UNSETTLED CLAIMS AWARDED BY THE COMMISSION APPOINTED UNDER THE PROVISIONS OF ACT 55 OF THE LAWS OF THE PROVISIONAL GOVERNMENT, ENTITLED "AN ACT TO AUTHORIZE THE MINISTER OF THE INTERIOR TO TAKE POSSESSION OF AND ACQUIRE ON THE ISLAND OF MOLOKAI FOR THE USE OF THE GOVERNMENT, LAND AND PROPERTY THAT MAY BE REQUIRED BY THE BOARD OF HEALTH," APPROVED OCTOBER 5, 1893.

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

SECTION 1. The following sums amounting to three hundred and fifty-one dollars and thirty-three cents (\$351.33) are hereby appropriated to be paid out of any moneys in the treasury received from the general revenues of the Territory for the payment of the unsettled claims against the board of health as awarded by the commission appointed under the provisions of Act 55 of the Laws of the Provisional Government, entitled "An Act to Authorize the Minister of the Interior to Take Possession of and Acquire on the Island of Molokai for the Use of the Government, Land and Property that may be required by the Board of Health," approved October 5, 1893, which said claims have not heretofore been paid for want of an appropriation, viz.:

Act 146. Unsettled Claims, Board of Health.

Claim of the Dowsett Co., Ltd., the assignees of D. Kahanu, the said D. Kahanu having, be- fore his death, conveyed all of his right, title and interest in the property concerned and claimed by him to James I. Dowsett, from whom The Dowsett Co., Ltd., obtained title thereto	\$120.00
Heirs of Kalua	68.00
Kalaeone	44.16
Makaiwi	54.17
Kela (also known as Kila)	65.00
	<hr/>
	\$351.33

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 assignees, and the same are approved by the president of the board of health.

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 147. Hawaii Building, P. P. I. E.

ACT 147

AN ACT

To AUTHORIZE THE SECRETARY OF HAWAII TO MAKE FINAL
DISPOSITION OF THE HAWAII BUILDING AT THE PANAMA-
PACIFIC EXPOSITION.

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

SECTION 1. The secretary of Hawaii is hereby authorized to execute a deed of gift of the Hawaii building and its contents, upon the grounds of the Panama-Pacific Exposition at San Francisco, California, to the Exposition Preservation League or to such other organization, corporation or individual as may seem proper, in trust for the city and county of San Francisco.

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 148. Salary, Clerk Wailuku District Magistrate.

ACT 148

AN ACT

To AMEND SECTION 2198 OF THE REVISED LAWS OF HAWAII,
1915, AS AMENDED BY ACT 207 OF THE SESSION LAWS
OF 1915, RELATING TO THE SALARIES OF DISTRICT MA-
GISTRATES 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 207 of the Session Laws of 1915, is hereby amended by deleting therefrom the figures "60.00" and "720.00" opposite the words "clerk and stenographer, Wailuku district court," and inserting in lieu thereof the figures "75.00" and "900.00."

SECTION 2. This Act shall take effect upon July 1, A.D. 1917.

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 149. Bail.

ACT 149**AN ACT**

To AMEND SECTION 3732 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO BAIL.

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

SECTION 1. Section 3732 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 3732. Defined. Bail, or the giving of bail, is the signing of the recognizance by the person and his surety or sureties, conditioned for the appearance of the prisoner at the session of a court of competent jurisdiction, to be named in the condition, and to abide the judgment of such court. It is provided, however, that the prisoner, or any person in his behalf, at any time after the amount of the bail has been fixed by competent authority, instead of giving bail with sureties as above provided, may deposit with the clerk of the court, or with such other authority having jurisdiction to fix the amount of the bail as in this chapter provided, an amount of money equal to the amount of bail so fixed by such authority, and such sum of money so deposited shall be held and dealt with, by the court having jurisdiction thereof, as security for the appearance of the said prisoner for trial in the same manner as though the said prisoner had entered into a recognizance for his appearance as in this chapter provided."

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 150. Heedless Driving.

File No. 26-2a35

ACT 150

Aug. 1920 N. 113

AN ACT

To AMEND SECTION 4101A, REVISED LAWS OF HAWAII, 1915,
AS ENACTED BY ACT 50, SESSION LAWS OF 1915, PRO-
VIDING FURTHER PENALTIES FOR HEEDLESS DRIVING.

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

SECTION 1. Section 4101A, Revised Laws of Hawaii, 1915, as enacted by Act 50, Session Laws of 1915, is hereby 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, impose a sentence of imprisonment for a term not exceeding one year, and shall suspend the use and operation of any license to operate motor vehicles by any person or persons so convicted for any period, not less than three months nor more than one year."

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 151. Substitutes for Soldiers.**ACT 151****AN ACT**

To APPROPRIATE THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THE PURPOSE OF EMPLOYING THE NECESSARY TEMPORARY SUBSTITUTES IN ALL DEPARTMENTS OF THE TERRITORY FROM WHICH OFFICIALS, SUBORDINATES OR EMPLOYES, MEMBERS OF THE NATIONAL GUARD, SHALL BE CALLED INTO ACTIVE SERVICE.

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

SECTION 1. The head of any department or bureau of the Territory is hereby authorized to employ such temporary assistants, subordinates or employes as may be necessary in case any such head or any assistants, subordinates or employes shall be called into active service as members of the regular army of the national guard.

SECTION 2. The sum of fifty thousand dollars (\$50,000.00) is hereby appropriated out of the general revenues of the Territory to carry out the purpose of this Act; provided, however, that in no case shall the salary or compensation paid to such substitutes be greater than that usually paid for the same position or class of employment.

SECTION 3. Any appointment or employment under this Act shall be made only after consultation by the head of the department or bureau with the governor and only with the approval of the governor.

SECTION 4. The said sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, shall become immediately available when any of the aforesaid

Act 151. Substitutes for Soldiers.

Act 152. Registration of Vessels.

heads, assistants, subordinates or employes shall be called into active service.

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 152

AN ACT

PROVIDING FOR THE REGISTRATION OF CERTAIN VESSELS
OPERATED IN THE WATERS OF THE TERRITORY OF
HAWAII.

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

SECTION 1. Registration. No vessel of fifteen gross tons or less propelled in whole or in part by steam, gas, gasoline, petroleum, kerosene, naphtha, fluid or electricity shall be operated in any waters of the Territory of Hawaii unless the same shall have been registered in accordance with the requirements of this Act.

SECTION 2. Application for registration. The owner or person in control of any such vessel is required to make written application to the board of harbor commissioners for the registration or re-registration thereof.

SECTION 3. Application to contain statement. The ap-

Act 152. Registration of Vessels.

plication to be made by the owner or person in control of such vessel shall contain the following statement:

1. The full name and address of the owner of such vessel;
2. Home port of vessel;
3. Purpose for which vessel is operated;
4. Tonnage and general dimensions of vessel;
5. Type and power of engine and kind of fuel used; if steam, type of boiler;
6. Cruising radius;
7. Capacity of vessel as to cargo and passengers.

SECTION 4. Registration number. Upon being satisfied that the statement set forth in the application is true, the board of harbor commissioners shall cause to be registered in a book or card index system to be kept for that purpose the vessel described in the application, and shall give to the applicant a distinguishing registration number. So far as practicable, the applicant shall be assigned a number hitherto assigned to him upon request so to do. Such registration number shall be attached in a conspicuous place on both sides of such vessel.

SECTION 5. Re-registration. The re-registration of such vessel shall be required whenever there is a change of ownership or a change in the method of propelling such vessel so as to indicate the change in the name of the owner or a change in the method of propelling such vessel. The re-registration may be made under the original number.

SECTION 6. Time of registration. Such vessel shall be registered on or before June 1, 1917, and such registration shall continue to January 1, 1918. Thereafter, such vessel

Act 152. Registration of Vessels.

shall be registered annually, such annual registration to continue in force until January 1 of the following year. The annual registration shall be made between the fifteenth and thirty-first of December of each year.

SECTION 7. Fees. The fee for original registration shall be two dollars and fifty cents (\$2.50). The fee for annual registration and re-registration shall be one dollar (\$1.00).

SECTION 8. Any person who shall operate or cause to be operated or who shall participate in operating or in causing to be operated in any waters of the Territory of Hawaii any such vessel not registered in accordance with the provisions of this Act, shall be guilty of a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00).

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 153. Vacations of Public Employees.

ACT 153Amd. Act. 201 S. L. 1921Amd. Act. 82 S. L. 1923**AN ACT**

To AMEND SECTION 1 OF ACT 199 OF THE SESSION LAWS OF 1915, 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, is hereby 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 two weeks vacation, upon full pay, for each year thereafter while he remains in the employ of such department, the said vacation to be granted to the employees at such time as shall be designated by the head of the department."

SECTION 2. The provisions of this Act shall not apply to school teachers or school principals employed in the public schools of the Territory of Hawaii.

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 154. Disposition of Territorial Personal Property.

ACT 154

AN ACT

**RELATING TO THE DISPOSITION OF PERSONAL PROPERTY BE-
LONGING TO THE TERRITORY OF HAWAII.**

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

SECTION 1. No personal property belonging to the Territory of Hawaii shall be sold, exchanged or otherwise disposed of except in accordance with the provisions of this Act.

SECTION 2. Whenever any officer or employee of the Territory of Hawaii having the control of any such property is desirous of selling, exchanging or otherwise disposing of the same, he shall make written application to the auditor, the treasurer and the superintendent of public works, who are hereby constituted a board of disposal, for permission to make such sale, exchange or other disposition of such property, which application shall contain the following statement, verified by oath:

1. Name and official position of applicant;
2. Kind of property and full description thereof;
3. Purposes for which such property is used;
4. Estimated value of such property;
5. Reasons for selling, exchanging or otherwise disposing of such property;
6. What offer, if any, has been made for such property.

SECTION 3. Upon the receipt of such application, such board of disposal shall consider the same and may call for further statements in connection therewith. It shall have

Act 154. Disposition of Territorial Personal Property.

power in its discretion to grant or refuse the permission sought for. In case permission is granted, it shall have power to determine the manner and method by which any sale, exchange or other disposition shall be made.

SECTION 4. All moneys received from the sale or other disposition of any personal property shall be credited as a realization of the office, board or department having the control of such property.

SECTION 5. The records of all proceedings of the board of disposal shall be kept in the office of the auditor.

SECTION 6. The auditor shall be the chairman of the board of disposal and he shall have authority to sign such orders, instruments and other documents as may be adopted by such board.

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 155. Kuiaha Homestead Road.

ACT 155

AN ACT

To REIMBURSE THE COUNTY OF MAUI IN THE SUM OF NINE THOUSAND FOUR HUNDRED SIXTY-EIGHT DOLLARS (\$9,468.00) ADVANCED BY THE COUNTY OF MAUI TO CONSTRUCT A HOMESTEAD ROAD THROUGH THE KUIAHA TRACT, DISTRICT OF MAKAWAO, COUNTY OF MAUI, BY MAKING AN APPROPRIATION BY WAY OF ADVANCES OUT OF THE GENERAL REVENUES OF THE TERRITORY OF HAWAII, THE SAME TO BE REIMBURSED OUT OF THE PROCEEDS OF THE SALES OF ANY PUBLIC LANDS IN SAID COUNTY.

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

SECTION 1. The sum of nine thousand four hundred sixty-eight dollars (\$9,468.00) is hereby appropriated out of any moneys in the treasury received from general revenues for reimbursement of the county of Maui, in said sum of nine thousand four hundred sixty-eight dollars (\$9,468.00), advanced by the county of Maui for the construction of a homestead road through the Kuiaha Tract, District of Makawao, county of Maui; the amount expended hereunder to be deemed an advancement out of general revenues to the fund provided for in Section 374 of the Revised Laws of Hawaii, 1915, and to be reimbursed to the general revenues out of the proceeds of the sales of any public lands on the island of Maui.

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 156. Artesian Wells.**ACT 156****AN ACT****RELATING TO THE USE OF WATER FROM ARTESIAN WELLS.**

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

SECTION 1. An artesian well, for the purposes of this Act, is hereby defined to be an artificial well or shaft which is sunk or driven to an artesian stratum or basin, and through which water is raised or carried to or above the surface of the ground by natural pressure or gravity, or through which water is or may be raised or carried to or above the surface of the ground by artificial means.

SECTION 2. An artesian well which is not capped, cased, equipped or furnished with such mechanical appliance as will readily and effectively arrest and prevent the flow of any water from such well, is hereby declared to be a public nuisance. The owner, tenant, or occupant of the land upon which such well is situated, or any person in charge of such well, who causes, suffers, or permits such public nuisance, or suffers or permits it to remain or continue, is guilty of a misdemeanor; and any person owning, possessing or occupying any land upon which is situated an artesian well, or any person in charge of such well, who causes, suffers, or permits the water to unnecessarily flow from such well, or to go to waste, is guilty of a misdemeanor.

SECTION 3. For the purposes of this Act, waste is defined to be causing, suffering or permitting the water in any artesian well to reach any porous substratum before coming to the surface of the ground, or to flow from such well upon any land, or directly into any stream, or other natural water-course or channel, or into the sea or any bay, lake, or pond,

Act 156. Artesian Wells.

or into any street, road or highway, unless to be used for beneficial purposes; provided, that this section shall not be so construed as to prevent the beneficial use of such water by direct flow, or from storage reservoirs served by such wells, for irrigation, domestic and other useful purposes, except for driving machinery, provided, however, that such water may be used for driving machinery in case it be utilized afterwards for irrigation or other useful purposes.

And Act 224 S. L. 1823
SECTION 4. Each day's continuance of such waste after notice by or under authority of the board of supervisors or other constituted authority of any city, county, or city and county, shall constitute a new offense under this Act.

And Act 224 S. L. 1823
SECTION 5. Any person boring, or causing to be bored, an artesian well shall keep a complete and accurate record of the depth and thickness of the different strata penetrated and within ninety days after the last day of boring, shall file such record in the office of the superintendent of hydrography of the Territory of Hawaii.

And Act 224 S. L. 1823
SECTION 6. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and shall, for each offense, upon conviction thereof, be fined not more than fifty dollars (\$50.00).

And Act 224 S. L. 1823
SECTION 7. For the more effectual carrying out of this Act, the high sheriff and deputy high sheriff of the Territory, the sheriff and deputy sheriff of any county or city and county, all police officers, and any authorized representative of any city, or county, or city and county, or of the superintendent of hydrography of the Territory may at all times enter without warrant the premises where an artesian well is situated or whereon or wherein artesian water is used in order to procure such information or for such other purpose as may be necessary.

Act 156. Artesian Wells.

SECTION 8. Chapter 269 of the Revised Laws of Hawaii, 1915, relating to artesian wells, Oahu, is hereby repealed.

SECTION 9. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed this Act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 10. This Act shall take effect from and after July 1, A. D. 1917.

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 157. Income Tax.

See 26 HAWAII ACT 157

AN ACT

To AMEND SECTION 1308 OF THE REVISED LAWS OF HAWAII,
1915, PROVIDING FOR THE COMPUTATION OF INCOMES
FOR TAXATION.

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

SECTION 1. Section 1308 of the Revised Laws of Hawaii, 1915, is hereby amended as follows:

"Section 1308. Income, how computed. The net profits or income of all corporations shall include the amounts paid or payable to, or distributed or distributable among shareholders from any fund, or used for construction, enlargement of plant, or any other expenditure or investment, paid from the net profits, made or acquired by said corporation, during the taxation period next preceding.

In computing incomes the necessary expenses actually incurred in carrying on any business, trade, profession or occupation, or in managing any property, shall be deducted, and also all interest paid by such person or corporation on existing indebtedness. And all government taxes, and license fees, paid within the taxation period next preceding shall be deducted from the gains, profits or income of the person who, or the corporation which, has actually paid the same, whether such person or corporation be owner, tenant or mortgagor; also all losses actually sustained during the taxation period next preceding incurred in trade, or arising from losses by fire not covered by insurance, or losses otherwise actually incurred, and including a reasonable allowance for the exhaustion, wear and tear of property arising out of its use or employment in a business or trade; provided, however, that in no case shall such depreciation ex-

Act 157. Income Tax.

ceed the amount actually shown by and as written off the books.

Provided, that no deduction shall be made for any amounts paid out for new buildings, permanent improvements or betterments, made to increase the value of any property or estate.

Provided, further, that no deduction shall be made for personal or family expenses, the exemption of fifteen hundred dollars for each taxation period, mentioned in Section 1305, being in lieu of the same.

Provided, further, that where allowable under this chapter, only one deduction of fifteen hundred dollars for each taxation period shall be made from the aggregate annual income of all the members of one family, composed of one or both parents and one or more minor children, or husband and wife; that guardians shall be allowed to make a deduction in favor of each and every ward, except where two or more wards are comprised in one family, in which case the aggregate deduction in their favor shall not exceed fifteen hundred dollars for each taxation period.

Provided, further, that in assessing the income of any person or corporation there shall not be included the amount received from any corporation as dividends upon the stock of such corporation if the tax of two per centum has been assessed upon the net profits of such corporation as required by this chapter, nor any bequest or inheritance otherwise taxed as such."

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 158. License to Slaughter Beef.

ACT 158

AN ACT

To AMEND SECTION 2007 OF THE REVISED LAWS OF HAWAII OF 1915, AS AMENDED BY ACT 26 OF THE SESSION LAWS OF 1915, RELATING TO LICENSE TO SLAUGHTER CATTLE AND SELL BEEF.

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

SECTION 1. Section 2007 of the Revised Laws of Hawaii of 1915, as amended by Act 26 of the Session Laws of 1915, is hereby amended so as to read as follows:

"Section 2007. Fee to slaughter and sell. The annual fee for a license to slaughter cattle and sell beef shall be one hundred dollars (\$100.00) for the district of Honolulu, and twenty dollars (\$20.00) for each of the other districts; provided, however, that any person may slaughter up to twelve head of cattle per year and sell such beef without a license therefor, provided such beef shall be of his own raising, and slaughtered on his own premises; but such person must comply with any city and county ordinance or county ordinance, relating thereto; and provided, also, such person must comply with such rules and regulations of the board of health as may apply; and provided, further, that any person so slaughtering and selling beef without a license shall keep a full and accurate record concerning every animal killed, as provided by Section 2008 of the Revised Laws of Hawaii of 1915."

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 159. License to Slaughter Swine.**ACT 159****AN ACT**

To AMEND SECTION 2011 OF THE REVISED LAWS OF HAWAII OF 1915, AS AMENDED BY ACT 18 OF THE SESSION LAWS OF 1915, RELATING TO LICENSE TO SLAUGHTER SWINE AND SELL PORK.

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

SECTION 1. Section 2011 of the Revised Laws of Hawaii of 1915, as amended by Act 18 of the Session Laws of 1915, is hereby amended so as to read as follows:

“Section 2011. Fee to slaughter and sell. The annual fee for a license to slaughter swine and sell pork shall be forty dollars (\$40.00) for the district of Honolulu, and twenty dollars (\$20.00) for each of the other districts; provided, however, that any person may slaughter up to twelve swine per year and sell the pork without a license therefor; provided, such swine shall be of his own raising and slaughtered on his own premises; but such person must comply with any city and county ordinance or county ordinance relating thereto; and provided, also, such person must comply with such rules and regulations of the board of health as apply.”

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 160. Salaries, Clerks, Second Circuit Court.

ACT 160

AN ACT

To AMEND SECTION 2197 OF THE REVISED LAWS OF HAWAII,
1915, AS AMENDED BY ACT 83, SESSION LAWS OF 1915,
RELATING TO SALARIES AND EXPENSES, CIRCUIT COURTS.

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

SECTION 1. Lines 24 and 25 of Section 2197 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

	A year
(24) Clerk (\$166.66)	\$2,000.00
(25) Stenographer and Clerk (\$166.66)	\$2,000.00

SECTION 2. This Act shall take effect on and after July 1, 1917.

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 161. National Guard Recruiting Campaign.

ACT 161

AN ACT

APPROPRIATING THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR THE PURPOSE OF CARRYING ON A PUBLICITY CAMPAIGN IN THE INTEREST OF SECURING VOLUNTEERS TO THE HAWAIIAN NATIONAL GUARD PURSUANT TO THE POLICY OF THE WAR DEPARTMENT AND PROCLAMATION OF THE GOVERNOR 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 out of the moneys in the treasury of the Territory, received from general revenue not otherwise appropriated, to be expended under the supervision of the governor of Hawaii and the adjutant general of the Hawaiian national guard, for expenses necessary to carry on a campaign of publicity in the interest of securing volunteers to the Hawaiian national guard in accordance with the policy of the War Department and proclamation of the governor of Hawaii.

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 162. Eradication of Anthrax, etc.

ACT 162

AN ACT

**MAKING AN APPROPRIATION FOR THE CONTROL, SUPPRESSION
AND ERADICATION OF THE DISEASES KNOWN AS AN-
THRAX AND HEMORRHAGIC SEPTICEMIA.**

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

SECTION 1. The sum of twenty-five thousand dollars (\$25,000.00) or so much thereof as may be necessary is hereby appropriated from any funds available in the Territorial treasury for the purpose of controlling, suppressing and eradicating in the Territory of Hawaii the acute, infectious and contagious diseases of men and beasts known as anthrax and hemorrhagic septicemia.

SECTION 2. The amount hereby appropriated shall be immediately available and shall be under the control of and expended by the board of commissioners of agriculture and forestry.

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

Approved this 27th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 163. Registration of Nurses.**ACT 163**

Am. Act. 14 S. L. 1919

AN ACT**To PROVIDE FOR THE REGISTRATION OF NURSES.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Within sixty days after the passage of this Act, the governor shall appoint a board of registration of nursing to be constituted as follows: three members of said board shall be nurses holding diplomas from different training school for nurses, giving at least a two years' course in the theory and practice of nursing in a hospital, and who shall have had five years' experience in nursing the sick; one member shall be a physician who is on the consulting staff of a hospital having a training school for nurses, and the remaining member shall be the secretary of the board of medical examiners.

Said board shall be appointed as follows: one member for one year; one for two years; one for three years; one for four years; and one for five years, from the first day of July, 1917, and until their respective successors are appointed; and thereafter the governor shall, before the first day of July in such year, appoint in the manner aforesaid one person qualified as aforesaid to hold office for five years from the first day of July next ensuing. Vacancies in said board shall be filled in accordance with the provisions of this Act for the appointment of the original board, and a person appointed to fill a vacancy shall hold office during the unexpired term of the member whose place he or she fills.

SECTION 2. The members of said board shall meet on the second Tuesday of July, 1917, and annually thereafter,

Act 163. Registration of Nurses.

and shall proceed to organize by electing a chairman who shall hold office for the term of one year. The secretary of the board of medical examiners shall be secretary of the board of registration of nursing. The said board shall hold four regular meetings in each year—one on the second Tuesday of January, one on the second Tuesday of April, one on the second Tuesday of July, and one on the second Tuesday of October, and additional meetings at such times and places as it may determine.

SECTION 3. It shall be the duty of said board, immediately upon its organization, to notify all persons engaged in the practice of nursing the sick in this Territory of the times, places, and subjects of the examinations for registration, by publication in one newspaper of general circulation in each county or city and county. Application for registration shall be made upon blanks to be furnished by the board, and shall be signed and sworn to by the applicants. Each applicant for registration who shall furnish satisfactory proof that he or she is at least eighteen years of age, and of good moral character, shall, upon payment of a fee of five dollars, be examined by the said board; and upon such examination, if the applicant shall be found qualified, he or she shall be registered, with the right to use the title registered nurse, and shall receive a certificate thereof from the board signed by the chairman and secretary. An applicant who fails to pass an examination satisfactory to the board, and is therefore refused registration, shall be entitled, within one year after such refusal, to a re-examination at a meeting of the board called for the examination of applicants, without the payment of an additional fee. Said board, after hearing, may, by a vote of a majority of its members, revoke any certificate issued by it, and cancel the registration of any nurse who has been guilty of any felony or

Act 163. Registration of Nurses.

of any crime or misdemeanor in practice of his or her profession. All expenses of the board shall be paid from the fees received by the board under the provisions of this Act, and no salary or other expenses shall be paid out of the treasury of the Territory, and all moneys received by the board shall be held by the treasurer as a special fund for meeting the expenses of the board.

SECTION 4. Examinations shall be in part in writing and in part in practical work, and shall include the principles and methods of nursing. Due credit shall be given for examinations in special branches.

SECTION 5. Any resident of this Territory who shall make application for registration within one year from the passage of this Act, and who shall show to the satisfaction of the board, by affidavit or otherwise, that he or she has actually engaged for three years next prior to the date of application in nursing the sick in a competent manner, or to have had such experience in hospital or training school as in the opinion of the board to justify registration, shall be registered without examination on the payment of a fee of five dollars.

SECTION 6. The board shall have the power to register in like manner, without examination, any person who has been registered as a professional nurse in any state under laws, which, in the opinion of the board, maintain a standard substantially similar to that of this Act.

SECTION 7. The board shall investigate all complaints of the violations of the provisions of this Act, and report the same to the proper prosecuting officer.

SECTION 8. The board shall keep a record of the names of all persons registered hereunder, and of all moneys received and disbursed by it. Said board shall annually on

Act 163. Registration of Nurses.

Act 164. Adulteration of Food.

or before the first day of July, make a report to the governor of the condition of professional nursing in this Territory, of all its official acts during the preceding year, and of its receipts and disbursements.

SECTION 9. The provisions of this Act shall not be held to apply to gratuitous nursing of the sick by friends, or members of the family, or any person nursing the sick for hire who does not assume to be a registered nurse.

SECTION 10. The board may make such rules and regulations with reference to procedure hereunder as they may deem wise; not, however, inconsistent with the terms hereof or the laws of the Territory.

SECTION 11. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Amd. Act. 136 S. L. 1919

ACT 164

AN ACT

To AMEND SUB-SECTION (b) OF SECTION 992 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO FOOD.

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

SECTION 1. Sub-section (b) of Section 992 of the Revised

Act 164. Adulteration of Food.

Laws of Hawaii, 1915, is hereby amended to read as follows:

“(b) In the case of food:

1. If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity;
2. If any inferior or cheaper substance or substances have been substituted wholly or in part for it;
3. If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it;
4. If it is an imitation of, or is manufactured, sold, kept for sale or offered for sale under the name of another article;
5. If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance, whether manufactured or not;
6. In the case of milk, if it is the produce of a diseased animal, or if it contains less than eleven and a half per centum of total solids or two and a half per centum of butter fat, or if it contains any preservative or antiseptic;
7. In the case of cream, if it contains less than eighteen per centum of butter fat, or if it contains any preservative or antiseptic;
8. In the case of ice cream, if it contains less than fourteen per centum of butter fat, except in the cases of fruit or nut ice cream, in which cases it shall contain not less than twelve per centum of butter fat; ice cream is a frozen product made from pure milk substances and sugar, with or without a natural flavoring and there may be permitted in its manufacture fresh eggs and not exceeding one per centum of pure gelatin, gum tragacanth or vegetable gum,

Act 164. Adulteration of Food.

(the milk substances permitted are milk, cream, butter, condensed milk and skimmed milk. The use of an homogenizer, an emulsifier, or other apparatus intended for the better mixing of the product is permitted. Any wholesome frozen dairy product made in the semblance of ice-cream, but containing less than fourteen per centum butter fat, may be sold, but not as ice-cream);

9. In the case of poi, if it contains less than thirty per centum of total solids;

10. If it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is;

11. If it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture; provided that the provisions of this chapter shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredient not necessary to the preparation of a genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated."

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

Approved this 28th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 165. Public Utilities Commission.**ACT 165****AN ACT**

To AMEND SECTION 2221 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 170 OF THE SESSION LAWS OF 1915, 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 by Act 170 of the Session Laws of 1915, is hereby 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. The members of such commission shall serve without remuneration, except that they may be allowed their reasonable travelling and other expenses while proceeding to, attending and returning from attendance at meetings of the commission, or reasonably incurred in the discharge of their duties. 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.”

Act 165. Public Utilities Commission.

SECTION 2. This Act shall take effect from and after July 1, A. D. 1917.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII.

Honolulu, T. H., April 28, 1917.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii this 28th day of April, A. D. 1917.

H. L. HOLSTEIN,
Speaker, House of Representatives.

EDWARD WOODWARD,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., April 28, 1917.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-thirds' vote of all of the elective members of the Senate of the Territory of Hawaii this 28th day of April, A. D. 1917.

CHAS. F. CHILLINGWORTH,
President of the Senate.

O. P. SOARES,
Clerk of the Senate.

Act 166. Completion of Oahu Prison.

ACT 166

AN ACT

MAKING AN ADDITIONAL APPROPRIATION FOR THE COMPLETION OF OAHU PRISON.

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

SECTION 1. The following amount is hereby appropriated out of any moneys in the loan fund as an additional appropriation for the completion of Oahu Prison, to-wit:

Oahu Prison \$50,000.00.

SECTION 2. The above appropriation shall be subject to all of the conditions mentioned in Section 3, Act 166, S. L. 1911.

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

Approved this 30th day of April A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 167. Removal of Warehouse, Esplanade Lots.**ACT 167****AN ACT**

**APPROPRIATING TWENTY THOUSAND DOLLARS (\$20,000.00)
FOR THE EXPENSES CONNECTED WITH THE REMOVAL
OF THE WAREHOUSE NOW SITUATED ON LOT 44, GOV-
ERNMENT ESPLANADE LOTS, FROM SAID LOT TO LOT 31,
ESPLANADE LOTS, HONOLULU.**

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 to be expended under the direction of the superintendent of public works, for the purpose of moving the warehouse situated on lot numbered 44 of the government esplanade lots, Honolulu, to lot numbered 31 of the government lots; and for all expenses connected with the removal and temporary storage of any goods, wares and merchandise stored in said warehouse that may be necessary on account of the moving of the said warehouse. Provided, however, the superintendent of public works shall not be required to call for tenders for the work contemplated to be done under this Act.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 168. Salaries, Maui County Officers.

ACT 168

AN ACT

Amd. Act. 78 S. L. 1919

To AMEND SECTION 1531 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO SALARIES OF COUNTY OFFICERS.

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

SECTION 1. Lines 10, 13, 16, 19, 22, 35, 36, 37, 38 and 39 of Section 1531 of the Revised Laws of Hawaii, 1915, are hereby amended to read as follows:

- (10) "Sheriff of the County of Maui ..\$2,580.00 a year
- (13) County clerk of the county of Maui 1,980.00 a year
- (16) Auditor of the county of Maui .. 2,280.00 a year
- (19) County attorney of the county of Maui 3,000.00 a year
- (22) Treasurer of the county of Maui. 2,280.00 a year
- (35) Deputy sheriff of the district of Lahaina 1,500.00 a year
- (36) Deputy sheriff of the district of Wailuku 1,800.00 a year
- (37) Deputy sheriff of the district of Hana 1,200.00 a year
- (38) Deputy sheriff of the district of Makawao 1,620.00 a year
- (39) Deputy sheriff of the district of Molokai 900.00 a year"

SECTION 2. This Act shall take effect on and after July 1, A. D. 1917.

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 169. Additional Appropriation, House Expenses.

ACT 169

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 1917 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 further sum of six thousand dollars (\$6,000.00) 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 1917.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 170. Pay of Territorial Employees.

ACT 170**AN ACT**

RELATING TO THE EMPLOYMENT AND PAY OF OFFICERS AND EMPLOYEES OF THE TERRITORY OF HAWAII, THE SEVERAL COUNTIES OR CITY AND COUNTY, WHILE ON ACTIVE SERVICE IN THE NATIONAL GUARD OR NAVAL MILITIA OF THE TERRITORY OF HAWAII.

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

SECTION 1. That all officers and employees of the Territory of Hawaii, the several counties or city and county, shall have deducted from the salaries or wages received by them while on active duty as members of the national guard or the naval militia under call either of the president of the United States or the governor of the Territory of Hawaii, such amounts only as they shall receive for such active service.

SECTION 2. No officer or employee of the Territory of Hawaii, the several counties or city and county, shall be held to have forfeited his position by reason of absence from the performance of the duties thereof while in such active service as member of the national guard or naval militia.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 171. Pension for George Waipa.

ACT 171

AN ACT

**MAKING APPROPRIATION FOR THE BENEFIT OF GEORGE
WAIPA.**

WHEREAS, George Waipa has for a period of more than forty-two years served as police officer for the district of Honolulu; and

WHEREAS, during the said period, the said George Waipa has been faithful to the duties of the said office; and

WHEREAS, the said George Waipa is contemplating upon an early retirement from the said office; 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 to be issued by the auditor of the Territory of Hawaii, the sum of fifty dollars (\$50.00) each and every month to George Waipa, the said payment to begin from and after the retirement of the said George Waipa from public office, and to continue for and during the remainder of his natural life.

SECTION 2. Such payments are hereby appropriated from and out of moneys received in the treasury of the Territory of Hawaii from the general revenue.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 172. Improvement of Ponahawai Lots, Hilo.

ACT 172

AN ACT

APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR THE FILLING OF PUBLIC LANDS AND PROPOSED ROADWAYS IN THE PONAHAWAI LOTS, DISTRICT OF SOUTH HILO, 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 from such moneys as may be derived from the sales of public lands in Hawaii for the filling of the public lands and proposed roadways in the Ponahawai tract, district of South Hilo, county of Hawaii, to proper grade.

SECTION 2. The sum hereby appropriated shall be expended by and under the authority of the commissioner of public lands.

SECTION 3. Upon the final disposition of the said Ponahawai lots, the moneys derived therefrom, or so much thereof as may be necessary, shall be credited to the fund from which the foregoing appropriation is made.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 173. Pension for Captain Lorenzen.

ACT 173

AN ACT

Act. No. 39, 1921 Pg. ✓

**MAKING AN APPROPRIATION FOR THE BENEFIT OF CAPTAIN
JOHN C. LORENZEN.**

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, the sum of seventy-five dollars (\$75.00) each 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 from and after the date of its approval.

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 174. Salaries, Magistrates and Clerks, Oahu.

ACT 174

AN ACT

To AMEND SECTION 2198 OF THE REVISED LAWS OF HAWAII,
1915, AS AMENDED BY ACT 207 OF THE SESSION LAWS
OF 1915, RELATING TO THE SALARIES OF DISTRICT MA-
GISTRATES 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 207 of the Session Laws of 1915, is further amended so that the salaries of the following district magistrates and clerks shall be as follows:

	Per month.	Per annum.
District magistrate of Honolulu	\$285.00	\$3,420.00
District magistrate of Ewa	110.00	1,320.00
District magistrate of Waianae	60.00	720.00
District magistrate of Koolaupoko .. .	60.00	720.00
First clerk, Honolulu district court.. .	170.00	2,040.00
Second clerk, Honolulu district court.	145.00	1,740.00

SECTION 2. This Act shall take effect July 1, A. D. 1917.

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 175. Salaries, Deputy Sheriffs, Oahu.

ACT 175

AN ACT

To AMEND SECTION 1678 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 138 OF THE SESSION LAWS OF 1915, RELATING TO 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 by Act 138 of the Session Laws of 1915, is further amended so that the salaries of the following city and county officers shall be payable monthly out of the city and county treasury at the following rates:

	Per annum.
Deputy sheriff of Ewa	\$1,620.00
Deputy sheriff of Waianae	840.00
Deputy sheriff of Waialua	1,320.00
Deputy sheriff of Koolauloa	840.00
Deputy sheriff of Koolaupoko	840.00

SECTION 2. This Act shall take effect July 1, A. D. 1917.

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 176. Pension for E. P. Aikue.

ACT 176

AN ACT

**MAKING AN APPROPRIATION FOR THE BENEFIT OF
E. P. AIKUE.**

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, the sum of fifty dollars (\$50.00) each month to E. P. Aikue, and to continue to do so for and during the remainder of the life of the said E. P. Aikue. 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 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 177. Identification of Criminals.

ACT 177

AN ACT

To EMPOWER THE WARDEN OF THE TERRITORIAL PRISON
AND THE SHERIFFS OF THE POLITICAL SUBDIVISIONS OF
THE TERRITORY TO CARRY INTO EFFECT IDENTIFICATION
SYSTEMS OF CRIMINALS AND CRIMINAL SUSPECTS.

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

SECTION 1. The warden of the territorial prison and the sheriffs of the political subdivisions of the Territory are hereby empowered to employ and to put into force and effect such systems of identification of prisoners, and those persons suspected of crime and of criminal intent, as the board of identification may inaugurate and sanction.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 178. Identification of Criminals.

ACT 178

AN ACT

To PROVIDE FOR THE ESTABLISHMENT OF SYSTEMS FOR THE IDENTIFICATION OF CRIMINALS AND THOSE PERSONS SUSPECTED OF CRIMINAL ACTS, AND FOR THE APPROPRIATION OF THE SUM OF THREE THOUSAND DOLLARS (\$3,000.00) FOR THE INAUGURATION OF SUCH SYSTEMS.

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

SECTION 1. There is hereby appropriated the sum of three thousand dollars (\$3,000.00) from the funds and current revenues of the Territory of Hawaii for the purpose of the establishment of the finger print system and the Bertillon system in and at the territorial prison and such other of the various jails and places of detention as may be in and under the control of the several counties and city and county of and in said Territory.

SECTION 2. The attorney general of the Territory, the warden of the territorial prison and the board of prison inspectors of the first judicial circuit of the Territory are hereby made, ex-officio, members of the board of identification which shall carry out, control and have the management and selection of such systems of identification as are in this Act mentioned; said board shall select and employ a competent and efficient person who shall be thoroughly versed in the said systems of identification as used in the prisons and places of detention in the United States, and shall fix the pay, compensation and expenses of such expert during the time he is engaged and employed in the Territory by such board; said expert, under the direction and control of said board, shall instruct such employees of

Act 178. Identification of Criminals.

the prisons, places of detention, police officers and such other persons who are charged with the preservation of the peace and well-being of society, in such systems of identification as said board may direct; the several counties and city and county of Honolulu shall be at and bear the cost of the necessary appliances and paraphernalia requisite to install and carry out the work of such systems of identification in their respective jurisdictions; such systems of identification as may be established by such board shall be uniform and identical throughout said Territory, and shall be continuous in operation.

SECTION 3. The warden of the territorial prison and all sheriffs of the municipal subdivisions of the Territory are charged and hereby ordered and compelled to furnish to each municipal subdivision, and to the Territory of Hawaii, copies, duplicates and records taken by them, or under their direction, of such matters and things as are in this Act contemplated and included.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 179. Roads through Kawaihoa Beach Lots, Oahu.**ACT 179****AN ACT**

To CONSTRUCT HOMESTEAD ROADS THROUGH THE KAWAILOA BEACH LOTS, DISTRICT OF KOOLAUPOKO, CITY AND COUNTY OF HONOLULU, NAMELY, BEACH ROAD, MO-KOLEA ROAD AND KAINALU ROAD, BY MAKING AN APPROPRIATION OUT OF THE FUND AVAILABLE FOR HOMESTEAD ROADS.

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

SECTION 1. The sum of three thousand five hundred dollars (\$3,500.00), or as much thereof as may be necessary, is hereby appropriated out of the fund available for homestead roads, Oahu, for the construction of roads through the Kawaihoa Beach Lots, District of Koolaupoko, city and county of Honolulu.

SECTION 2. The sum of three thousand five hundred dollars (\$3,500.00), hereby appropriated, shall be disbursed on the 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.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 180. Relief of Captain Mosher.

Act 181. Payments to Prisoners.

ACT 180

AN ACT

MAKING AN APPROPRIATION FOR THE RELIEF OF CAPTAIN F. MOSHER.

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, under warrant issued by the auditor of the Territory of Hawaii, the sum of one hundred and eighty-two dollars (\$182.00) to Captain F. Mosher or his order; such payment is hereby appropriated out of the moneys received in the treasury of the Territory of Hawaii from the general revenues.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Am. Act... 95 S. L. 1921

ACT 181

AN ACT

TO PROVIDE FOR THE INSTITUTION OF CERTAIN PAYMENTS TO PRISONERS FOR WORK DONE BY THEM AND TO APPROPRIATE MONEYS THEREFOR.

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

SECTION 1. The attorney general, the warden of the Oahu

Act 181. Payments to Prisoners.

prison, and the board of prison inspectors of the first judicial circuit of the Territory of Hawaii, are hereby empowered, under the name and designation of the "prisoners' compensation board", to classify, grade and fix payments to be made to prisoners who may be confined in Oahu prison, under or by sentence from any court in the Territory of Hawaii.

SECTION 2. Such prisoners who may be employed on and in such work as the warden of said prison shall decide, may be, by said board, paid such graduated sum and sums of money, per day, or such other period during which such prisoner may be employed, as said board may determine to be just under this Act; provided, however, that payments shall in no case exceed the sum of twenty-five cents (25c) per day for each prisoner.

SECTION 3. All claims arising under the authorization of section 2 of this Act shall be presented monthly on pay rolls, properly certified by the warden of Oahu prison, and paid by the auditor of the Territory, by warrant to the said warden as trustee.

SECTION 4. The warden shall deposit in a bank all sums collected as above, and shall open individual ledger accounts in his office with each prisoner, crediting the same with all sums collected from time to time, and shall charge the accounts of each prisoner for all monies as may be drawn under the provisions of section 5 of this Act. And the said warden shall issue to each prisoner a pass book showing the credits and debits as they are made from time to time.

SECTION 5. The board may, in its discretion, allow the prisoner, under, its direction, to draw from the moneys to his credit account in the hands of the warden, to such amount and for such purposes as it may deem proper; pro-

Act 181. Payments to Prisoners.

vided, however, that if such prisoner be of bad conduct, break the rules and regulations, or in any way does not conform to the discipline of the prison, the board may, in its discretion, declare forfeited the whole or any portion of said moneys standing and held for him and to his credit, and all sums so forfeited shall be deposited with the treasurer of the Territory as a realization.

SECTION 6. The provisions of this Act shall not apply to any prisoner who may be held in said prison until and after he has served at least three months of the term of his sentence.

SECTION 7. No moneys earned by such prisoner and held by the warden shall, to any amount whatsoever, be subject to garnishment, levy or any like process of attachment for any cause or claim against said prisoner.

SECTION 8. The warden shall, on the 31st day of December, and the 30th day of June, of each year, make full and complete report to the attorney general of all payments made to each prisoner, the amounts held to his credit, and of such other things pertaining to the working of this Act as the attorney general may direct.

SECTION 9. There is hereby appropriated from the general revenues of the Territory of Hawaii, the sum of fifteen thousand dollars (\$15,000.00) for the purposes of this Act.

*84-6495
S.R. 1921* **SECTION 10.** This Act shall be in force and take effect from and after the 1st day of July, A. D. 1917.

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 182. Circuit Court Expenses, etc.**ACT 182****AN ACT**

To AMEND SECTION 2197 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 206 OF THE SESSION LAWS OF 1915, AND SECTION 2198 OF SAID REVISED LAWS, RELATING TO SALARIES AND EXPENSES, CIRCUIT COURTS, AND SALARIES, DISTRICT MAGISTRATES.

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

SECTION 1. Lines 30, 31, 32, 34, 36, 38, 39, 40 and 41 of section 2197 of the Revised Laws of Hawaii, 1915, as amended by Act 206 of the Session Laws of 1915, are hereby amended so as to read as follows:

"Third Circuit Court:

30. Clerk (\$135.00)	\$1,620.00
31. Stenographer (\$135.00)	1,620.00
32. Court expenses	6,500.00
34. Support, juvenile court dependents	350.00

Fourth Circuit Court:

36. Clerk (\$160.00)	1,920.00
38. Assistant clerk, interpreter, messenger (\$135.00)	1,620.00
39(a). Probation officer for boys (\$100.00) ..	1,200.00
(b). Probation officer for girls (\$50.00) ...	600.00
40. Court expenses	10,000.00
41. Support, juvenile court dependents	1,500.00"

SECTION 2. Lines 25, 27, 28, 29, 30, 31, 32, 33 and 34 of section 2198 of the Revised Laws of Hawaii, 1915, are hereby amended so as to read as follows:

Act 182. Circuit Court Expenses, etc.

"25. District magistrate, North Kohala (\$100.00) \$1,200.00.
27. District magistrate, North Kona (\$100.00) 1,200.00
28. District magistrate, South Kona (\$80.00) .. 960.00
29. District magistrate, Kau (\$100.00) 1,200.00
30. Clerk and interpreter, district court, South
Hilo (\$115.00) 1,380.00
31(a). District magistrate, South Hilo (\$175.00) 2,100.00"
(b). Second district magistrate, South Hilo,
\$5.00 a day while acting 300.00
32. District magistrate North Hilo (\$85.00) ... 1,025.00
33(a). District magistrate, Hamakua (\$110.00) 1,320.00
(b). Second district magistrate, Hamakua,
\$5.00 per day while acting 300.00
34(a). District magistrate, Puna (\$110.00) ... 1,320.00
(b). Second district magistrate, Puna, \$5.00
a day while acting 300.00"

SECTION 3. This Act shall take effect from and after July 1, A. D. 1917.

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 183. Salary, Chairman of Supervisors, Maui.

ACT 183

Amd. Act 77 S. L. 1919

AN ACT

To AMEND SECTION 1510 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE SALARY OF THE CHAIRMAN AND EXECUTIVE OFFICER OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI.

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

SECTION 1. Section 1510 of the Revised Laws of Hawaii, 1915, is hereby amended by deleting therefrom the words "twenty-four hundred", in line 3, and inserting in lieu thereof the following words "two thousand five hundred and eighty".

SECTION 2. This Act shall take effect upon July 1, A. D. 1917.

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 184. Regulation of Smoke Nuisance.

ACT 184

AN ACT

AUTHORIZING THE VARIOUS COUNTIES AND CITY AND COUNTY, BY ORDINANCE, TO REGULATE AND PRESCRIBE THE CONSTRUCTION OF CHIMNEYS AND SMOKE-STACKS AND TO COMPEL THE BUILDING AND CLEANING OF SAME, AND TO REGULATE AND PREVENT THE EMISSION OF DENSE SMOKE OR POISONOUS GASES THEREFROM, AND TO DECLARE THE SAME A NUISANCE.

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

SECTION 1. The various counties and city and county within the Territory of Hawaii are hereby authorized and empowered, by ordinance, to regulate and prescribe the construction of chimneys and smoke-stacks and to compel the building and cleaning of same, and to regulate and prevent the emission of dense smoke or poisonous gases therefrom and to declare the same a nuisance.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 185. Improvement, Waimea River.

ACT 185**AN ACT**

To APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF BUILDING, REPAIRING AND RECONSTRUCTION OF THE EMBANKMENT OF THE WAIMEA RIVER, ISLAND OF KAUAI.

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

SECTION 1. There shall be and there is hereby appropriated the sum of fifty thousand dollars (\$50,000.00), from the treasury of the Territory of Hawaii, not otherwise appropriated, for the purpose of building, repairing and reconstruction of the embankment of the Waimea river, island of Kauai.

SECTION 2. The said sum of fifty thousand dollars (\$50,000.00) hereby appropriated shall be disbursed on warrants drawn by the auditor based upon vouchers drawn by the superintendent of public works, who shall have charge of the building, repairing and reconstruction of said embankment; provided, that the superintendent of public works shall contract for the construction of said embankment, but in no case shall contract for an amount in excess of the sum of fifty thousand dollars (\$50,000.00).

AMD ACT 44 S. L. 1923

SECTION 3. The said sum of fifty thousand dollars (\$50,000.00), 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 in the district of Waimea, upon the island of Kauai, for other than homestead purposes.

SECTION 4. The amount appropriated by this Act shall become available whenever agreements for the sale of such lands, amounting to the total sum required, have been en-

Act 185. Improvement, Waimea River.

Act 186. Acquisition of School Lands.

tered into, and the construction of said embankment shall be commenced as soon as the said amount shall become so available.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 186

Amd. Act 9 S. S. 1918
Amd. Act S. S. I

AN ACT

PROVIDING SIXTY THOUSAND DOLLARS (\$60,000.00) FOR THE ACQUISITION OF ADDITIONAL PROPERTY EITHER BY PURCHASE OR EXCHANGE FOR THE CENTRAL GRAMMAR, THE NORMAL, THE ROYAL AND THE KALIHIWAENA SCHOOLS IN HONOLULU, OAHU.

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

SECTION 1. The sum of sixty thousand dollars (\$60,000.00) or as much thereof as may be necessary, is hereby appropriated to be paid out of any money from the general revenues of the Territory not otherwise appropriated for the purpose of acquiring the following named properties:

(1) The lots lying between the property of the Normal school and Alapai streets, and containing a total area of 21,977 square feet more or less 10,000.00;

(2) The property lying between the Royal school premises and Emma street and Punchbowl street, where

Act 186. Acquisition of School Lands.

these streets effect a junction, and containing an area of 13,110 square feet more or less; and also the premises lying between the said Royal school lot and Punchbowl street and comprising 30,891 square feet more or less ..31,000.00;

(3) The premises lying between the Central Grammar school property and Fort street and Vineyard street, where they effect a junction, and containing an area of 15,225 square feet more or less 14,000.00;

(4) The premises lying mauka of the Kalihawaena school property, between Gulick avenue and the gulch, and containing an area of 36,314 square feet more or less 5,000.00.

SECTION 2. The land commissioner is hereby instructed to proceed forthwith to take steps to acquire these properties either by purchase, exchange or condemnation proceedings and to turn the same over to the department of public instruction, to be used for school purposes.

SECTION 3. It is further provided that any moneys received by the land commissioner from the sale of structures on these properties or any balances 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 properties acquired as directed above.

SECTION 4. It is further provided, that the said sum of sixty thousand dollars (\$60,000.00), or as much thereof as shall be expended, as herein provided from the general funds of the Territory of Hawaii, be reimbursed from the sales of government lands, island of Oahu.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 187. Optometry.

ACT 187

AN ACT

To REGULATE THE PRACTICE OF OPTOMETRY AND FOR THE APPOINTMENT OF A BOARD OF EXAMINERS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

SECTION 1. The practice of optometry is defined to be the employment of any means, other than the use of drugs, for the measurement of the powers of vision and the adaptation of lenses for the aid thereof.

SECTION 2. That a board to be known as the board of examiners in optometry, for the Territory of Hawaii is hereby established. Said board shall consist of three members who shall possess sufficient knowledge of theoretical and practical optics to practice optometry and who shall have been residents of this Territory actually engaged in the practice of optometry for at least one year. The term of office of each member of the said board shall be three years, or until his successor is appointed and qualified, and vacancies shall be filled for the unexpired term only; but in the original appointment of the members of the board, one shall be appointed for the term of one year, one for the term of two years, and one for three years, from July 1, 1917. Said board shall be appointed by the governor of the Territory in accordance with the provisions of section 80 of the Organic Act. After the first board has been appointed, only licensed optometrists shall be eligible to appointment. No member of said board shall be a stockholder, member of the faculty or on a board of trustees of any school of optometry.

SECTION 3. The members of said board shall qualify by

taking oath of office before a notary public, or other officer empowered to administer oaths in the Territory of Hawaii. At the first meeting of said board after each annual appointment, the board shall elect a president, vice-president and secretary-treasurer. Regular meetings shall be held at least once a year, at such time and place as shall be deemed most convenient for applicants. Due notice of such meetings shall be given by publication in a newspaper of general circulation in the Territory. Special meetings may be held upon a call of two members of the board or upon notice from the secretary-treasurer that an application for examination is on file. The board shall prescribe rules, regulations and by-laws, in harmony with the provisions of this Act, for its own proceedings and government and for the examination of applicants for the practice of optometry. Such rules and regulations shall be published and furnished free of charge to and for the use and convenience of applicants for examination. Provided, however, that no examination of applicants shall be held except by the full board.

SECTION 4. The board of examiners shall preserve a record of all its proceedings in a book kept for that purpose, showing name, age, place and duration of residence of each applicant, the time spent in schools of optometry, and in the study and practice of same, and the year and school from which degrees were granted. Said register shall also show whether applicants were rejected or licensed, and, if rejected, the reasons therefor.

SECTION 5. Every person desiring to commence or to continue the practice of optometry after July 1, 1917, except as hereinafter provided, upon presentation of satisfactory evidence, verified by oath, that he is more than 21 years of age, of good character, has a preliminary education equivalent to at least two years in a public high school, and

Act 187. Optometry.

has also studied at least three years in a registered optometrist's office, or has graduated from a reputable school of optometry, shall take an examination before said board of examiners in optometry to determine his qualifications therefor. Every candidate who shall pass an examination satisfactory to the board, shall be registered as possessing the qualifications required by this Act, and shall receive from said board a proper certificate of such registration, provided, however, that any person who shall submit to said board of examiners in optometry satisfactory proof as to his character, competency and qualifications and that he has been engaged in the practice of optometry in the Territory of Hawaii before the passage of this Act, shall receive from the said board of examiners in optometry a certificate of exemption from such examination, which certificate shall be registered and entitle him to practice optometry under this Act. Every person entitled to a certificate of exemption as herein provided, must make application therefor and present the evidence to entitle him thereto on or before October 1, 1917, or he shall be deemed to have waived his right to such certificate. Before any certificate is issued it shall be numbered and recorded in a book kept by the secretary of the board of examiners in optometry, and on forms prepared by said board, accompanied by the necessary fee. Such applicants shall be given due notice of the date and place of examination. In case any applicant, because of his failure to pass examination, be refused a license, he or she shall within a year be permitted to take a second examination without additional fee. The fee for issuing a certificate of exemption shall be \$1.00, for examination, \$20.00.

SECTION 6. All expenses of the board shall be paid from the fees received by the board under the provisions of this

Act 187. Optometry.

Act, and no salary or other expenses shall be paid out of the treasury of the Territory, and all moneys received by the board shall be held by the treasurer as a special fund for meeting the expenses of the board. An appeal to any circuit court may be taken from any decision of the board by any applicant who is refused a certificate.

SECTION 7. The secretary of the board shall make a report of its proceedings to the governor of the Territory, with an account of all moneys received and expended by the board on or before the 1st of January of each year.

SECTION 8. Examinations may be conducted in writing or in such manner as the board may determine. All certificates shall be attested by an official seal and signed by all members of the board.

SECTION 9. The territorial board of examiners in optometry may refuse to admit persons to its examinations or to issue the certificates provided for in this Act for any of the following causes:

First. The presentation to the board of any certificate or testimony which was illegally or fraudulently obtained, or when fraud or deceit has been practiced in passing an examination.

Second. Conviction of a crime of the grade of a felony, or one which involves moral turpitude.

Third. Other grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public; or for habits of intemperance of/or drug addiction, calculated to destroy the accuracy of the work of an optometrist.

SECTION 10. The right herein to practice optometry in this Territory may be revoked by the board of examiners in optometry upon proof of the violation of the law in any

Act 187. Optometry.

respect in regard thereto; or for any cause for which the board of examiners in optometry is authorized to refuse to admit persons to its examinations, as provided in Section 9 of this Act.

SECTION 11. Any person practicing optometry in this Territory in violation of the provisions of this Act, shall, upon conviction thereof, be fined not less than \$50 nor more than \$500, or by imprisonment for a term not less than two months nor exceeding six months, or both, and each day of such violation shall constitute a separate offense.

SECTION 12. Nothing in this Act shall be construed to apply to duly licensed physicians authorized to practice medicine under the laws of the Territory of Hawaii, nor to the commissioned officers of the U. S. army medical corps on duty in the Territory of Hawaii.

SECTION 13. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 188. Notice to Creditors of Decedents.**ACT 188****AN ACT**

To AMEND SECTION 2493 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO ADVERTISEMENT OF NOTICE TO
CREDITORS OF DECEDENTS.

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

SECTION 1. Section 2493 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2493. Creditors' claims, advertisement, barred when. Immediately after the appointment of any executor or administrator of any estate, he shall advertise in such newspaper or newspapers as the court shall direct, for as long a time as the court may order, at least once a week for four weeks, a notice to all creditors of the deceased to present their claims with proper vouchers or duly authenticated copies thereof, even if the claim is secured by mortgage upon real estate, to him, either at his residence or place of business, within six months from the first day of such publication. And if such claims be not presented within six months from the first publication of the notice, they shall be forever barred, and the executor or administrator shall not be authorized to pay them."

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 189. Marriage Licenses.**ACT 189****AN ACT**

To AMEND CHAPTER 166 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO MARRIAGE LICENSES, BY AMENDING SECTION 2908 AND BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2909A.

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

SECTION 1. Section 2908 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 2908. Agents to grant; fee. It shall be the duty of the treasurer to appoint one or more agents in the several districts of the Territory, whose duty it shall be to grant marriage licenses, agreeably with the laws; which 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 a bribe for the same, shall be liable to a fine not exceeding fifty dollars, upon conviction before any district magistrate.

SECTION 2. A new section is hereby added to chapter 166 of the Revised Laws of Hawaii, 1915, to be known as section 2909A and to read as follows:

"Section 2909A. To persons apparently under age. Upon the application of any person who appears to be under the age of eighteen, if a female, or under twenty, if a male, to any agent authorized to grant marriage licenses, for a license to marry, such agent may, before granting such person a license to marry, require a sworn statement or affidavit signed by such applicant or by the parents of such applicant relative to the age of such applicant.

Act 189. Marriage Licenses.
Act 190. Distribution of Seeds.

Every such agent or his deputy is hereby given power to administer oaths in all cases in which oaths are authorized or required to be taken or administered and false swearing before such agent or his deputy shall be punishable as perjury."

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 190

AN ACT

AUTHORIZING THE SUPERINTENDENT OF THE TERRITORIAL MARKETING DIVISION TO DISTRIBUTE SEEDS FOR FOOD PRODUCTS AND APPROPRIATING THE SUM OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) FOR THE PURCHASE OF THE SAME.

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

SECTION 1. The superintendent of the territorial marketing division is hereby authorized to purchase such seeds as he may deem advisable for distribution among homesteaders for the purpose of raising food products for the territorial marketing division.

SECTION 2. Any person making application for any seeds shall be furnished the same at cost price.

Act 190. Distribution of Seeds.

Act 191. Relief of Families of Guardsmen.

SECTION 3. The amount of two thousand five hundred dollars (\$2,500.00) is herewith appropriated out of any moneys that may be available from the general fund of the treasury of the Territory of Hawaii.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 191

AN ACT

To APPROPRIATE ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) AS A SPECIAL FUND FOR THE BENEFIT OR RELIEF OF THE FAMILIES OF CERTAIN MEMBERS OF THE NATIONAL GUARD OF HAWAII.

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

SECTION 1. The sum of one hundred thousand dollars (\$100,000.00) is hereby appropriated out of the general funds of the Territory of Hawaii as a special fund for the relief of dependent families of members of the national guard of Hawaii called to the colors. Said fund shall be administered by and under the direction of the territorial relief commission, or, in case no such commission is appointed, by the treasurer of the Territory, and shall be devoted solely to the benefit and relief of such families of those members of the guard called into active service as

Act 191. Relief of Families of Guardsmen.
Act 192. Territorial Relief Commission.

otherwise will be left in destitute or partially destitute circumstances, full discretion being hereby given to the said commission or treasurer to determine the necessities and need in any given case; provided, however, that no allotment in excess of \$50.00 per month shall be made to any one family.

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

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 192

AN ACT

CREATING A COMMISSION TO ADMINISTER FUNDS FOR RELIEF OF DEPENDENTS OF MEMBERS OF THE NATIONAL GUARD WHO HAVE BEEN CALLED INTO SERVICE.

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

SECTION 1. The governor of the Territory of Hawaii is hereby authorized and directed to appoint a commission of seven citizens of the Territory which commission shall be known as the territorial relief commission. The seven members shall be appointed as follows: three from the city and county of Honolulu, two from the county of Hawaii, one from the county of Maui and one from the county of Kauai; the governor shall be ex-officio chairman of this commission.

Act 192. Territorial Relief Commission.

SECTION 2. The duties of this commission shall be to administer any funds appropriated or otherwise obtained for the relief of families or dependents of members of the national guard who may be called to the colors.

SECTION 3. The members of this commission shall serve without pay but shall be allowed their reasonable traveling expenses, and expenses incidental to the proper administration of funds mentioned in Section 2 hereof which said expenses shall be payable from said funds. They shall meet at the direction of the governor and other meetings shall be called by the governor upon the request of four members of the commission.

SECTION 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

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

Approved this 1st day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 193. Improvements, Auwaiolimu District.**ACT 193****AN ACT**

MAKING AN APPROPRIATION OF EIGHT THOUSAND FIVE HUNDRED DOLLARS TO COMPLETE IMPROVEMENTS ON CERTAIN STREETS IN THE AUWAIOLIMU DISTRICT, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. The sum of five thousand five hundred and fifty dollars (\$5,550.00), or so much thereof as may be necessary, is hereby appropriated out of the general revenues of the Territory of Hawaii, not otherwise appropriated, for the grading and construction of pavements and other improvements on Puowaina drive, Upper Frear street and Upper Perry street, in the Auwaiolimu district, city and county of Honolulu.

SECTION 2. The sum of two thousand nine hundred fifty dollars (\$2,950.00), or so much thereof as may be necessary, is hereby appropriated out of the general revenues of the Territory of Hawaii, not otherwise appropriated, to be held in escrow by the commissioner of public lands until such time as improvement districts are created on Alapai street and Miller street, or either, by the city and county of Honolulu, at which time it shall be used to pay the improvement district assessments on those lots, fronting on these streets, which were purchased from the government as portions of the Auwaiolimu tract, subject to street improvements.

Act 193. Improvements, Auwaiolimu District.

SECTION 3. The moneys appropriated by sections 1 and 2 shall be deemed to be advancements out of the general fund, to be reimbursed, insofar as possible, by the proceeds of sales of lots in the Auwaiolimu tract. For this purpose all moneys now in the treasury derived from the sale of lots in this tract and all moneys derived from this source in the future shall be transferred to the general revenues, not to exceed the amount of this appropriation.

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

Approved this 1st day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 194. Pay of Laborers.

ACT 194

AN ACT

To AMEND SECTION 164 OF THE REVISED LAWS OF HAWAII,
1915, AS AMENDED BY ACT 9 OF THE SESSION LAWS OF
1915, RELATING TO PAY OF LABORERS, AND REPEALING
ALL LAWS IN CONFLICT THEREWITH.

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

SECTION 1. Section 164 of the Revised Laws of Hawaii, 1915, as amended by Act 9 of the Session Laws of 1915, is hereby amended so as to read as follows:

"Section 164. Wages of laborers on public works. The daily pay for each working day of each laborer engaged in constructing or repairing roads, bridges or streets, water works or other works, either by contract or otherwise, for the Territory of Hawaii, or for any political subdivision thereof, shall not be less than two dollars (\$2.00), provided, however, that said minimum of two dollars (\$2.00) shall not apply to the county of Kalawao."

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 from and after the first day of July, A. D. 1917.

Approved this 1st day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 195. Investigation of Hawaiian Plants.

ACT 195

AN ACT

**APPROPRIATING THE SUM OF THREE THOUSAND DOLLARS
(\$3,000.00) FOR THE PURPOSE OF INVESTIGATING THE
MEDICINAL PROPERTIES AND VALUE OF HERBS AND
PLANTS GROWN IN THE TERRITORY OF HAWAII.**

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

SECTION 1. The sum of three thousand dollars (\$3,000.00) is hereby appropriated out of any moneys in the treasury of the Territory, received from general revenues not otherwise appropriated, to be expended under the supervision and direction of the territorial board of health for salaries and expenses of investigating the medicinal properties and value of herbs and plants grown in the Hawaiian Islands; and for enabling the territorial board of health to publish a report of such investigation before the convening of the next legislature of Hawaii.

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

Approved this 1st day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 196. Relief of C. D. Pringle.

ACT 196

AN ACT

FOR THE RELIEF OF CLARENCE D. PRINGLE.

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 to Clarence D. Pringle the sum of four hundred sixty-two dollars and fifty cents (\$462.50) out of any money in the treasury of the city and county of Honolulu, received from current receipts, as compensation for services rendered by him as second clerk in the third division of the first circuit court of the Territory of Hawaii from the 7th day of December, A. D. 1914, to and including the 30th day of March, A. D. 1915.

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

Approved this 1st day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 197. Voting by Guardsmen on Active Service.

See 24 H.A. 197

ACT 197

AN ACT

To PERMIT REGISTERED VOTERS, WHILE ON MILITARY SERVICE WITHIN THE TERRITORY OF HAWAII, TO EXERCISE THE RIGHT OF SUFFRAGE WHEN ABSENT FROM THE PRECINCT IN WHICH THEY ARE REGISTERED.

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

SECTION 1. That no registered voter shall be deprived of his right to vote at any primary, county, city and county, or general election by reason of his absence from the precinct in which he otherwise would have the right to vote, provided such absence at the time such election is held is caused by being called into the service of the Territory or the United States by virtue of orders issued by either the governor of the Territory of Hawaii, or the president of the United States of America.

SECTION 2. In order to carry into effect the provisions of this Act, all mobilization grounds of the national guard of the Territory of Hawaii, or all places where such national guard may be congregated on active service, are hereby, for the purposes of any primary, county, city and county, or general elections, declared to be polling places within the meaning of all laws of the Territory of Hawaii relative to elections; and in determining the result of any given election, all votes cast for candidates at such election, in the manner hereinafter authorized, shall be counted notwithstanding the fact that the registered voters casting such votes may have cast them at a precinct or place other than that in which they may be registered.

SECTION 3. Whenever the national guard of the Territory

Act 197. Voting by Guardsmen on Active Service.

of Hawaii shall have been called into active service, or whenever volunteers have been called into service through proclamation of the president of the United States, it shall be the duty of the governor of the Territory of Hawaii to ascertain the places at which said national guard or such troops at the date of any primary, county, city and county, or general election provided for by the laws of the Territory will be stationed. It shall be the further duty of the said governor, upon the ascertainment of such facts, to appoint for each place at which troops are stationed, or may be stationed, three special inspectors of election for each subdivision of the Territory of Hawaii authorized at such election to choose candidates for office or to elect officers. The special inspectors of election thus appointed by the governor, shall be appointed in the manner provided by the general election laws of the Territory of Hawaii for the appointment of regular inspectors of election, except that said inspectors may be appointed at any time. Said inspectors shall possess, insofar as possible, the same qualifications as provided by law for the regular inspectors of election as now provided. The special inspectors thus appointed shall possess, and are hereby invested with, all of the powers now provided by law for the regular inspectors of election.

SECTION 4. It shall be the duty of the adjutant-general's office of the Territory of Hawaii to transmit to the county clerks of the several counties, and of the city and county of Honolulu, at least ten days prior to the time when any primary, county, city and county or general election is to be held, lists of names of members of the national guard who are registered voters of the Territory of Hawaii, who have been called into and reported for active service; and also full information as to the voting precincts and districts of the persons thus called into and reporting for active ser-

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vice, and the places where such persons will probably be mobilized or serving at the date of such election.

SECTION 5. It shall be the duty of the board of supervisors of the city and county of Honolulu, and the boards of supervisors of the various counties of the Territory, to provide temporary election booths for such elections on such mobilization grounds.

SECTION 6. Within three days of the time when an election as herein provided is to be held, it shall be the duty of each county clerk to transmit to the special inspectors of election appointed under the provisions hereof, official lists of registered electors who have been called into and reported for active service, the said lists to contain the names of such registered electors together with their places of residence and precinct and district in which they reside, as shown by the great register, and which lists shall contain certificates that the same contain the names of all members of the national guard who have been called out and reported for duty.

SECTION 7. It shall be the duty of the county clerks of the respective counties to forward to the special inspectors of election ballot boxes, official ballots, and records necessary for the proper conduct of elections as provided by the present election laws of the Territory of Hawaii; provided, however, that in furnishing such ballot boxes, official ballots, and records necessary for the proper conduct of elections, each subdivision of the Territory of Hawaii authorized at such election to nominate candidates or to elect candidates, shall be treated in all respects as but one precinct, and the ballot boxes, official ballots, and records necessary for such proper conduct of elections shall be prepared accordingly.

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SECTION 8. Immediately upon the closing of the polls, the said special inspectors shall count the votes cast. They shall, on separate sheets or blanks provided for that purpose, make full and accurate returns of the votes cast. In forwarding said returns of the votes thus cast, the said special inspectors of election shall be governed by all rules as now provided for the forwarding of returns by regular inspectors of election.

SECTION 9. It shall be the duty of the county clerk of each county to tabulate the result of the election as transmitted to him by the special inspectors of election, and to add to the votes received by each candidate as shown by the result of votes forwarded to him by the regular inspectors of election the votes received by each such candidate as shown by the returns received from said special inspectors of election.

SECTION 10. Should any registered voter of the Territory of Hawaii called into and reporting for service as hereinbefore set forth, be actually present on the day of any election in the precinct in which he resides, then and in that event his vote at such election may be received in such precinct; provided, however, that if any such registered voter shall vote, or attempt to vote, by reason of the provisions hereof, at both the mobilization grounds and the precinct in which he resides, he shall be held guilty of a felony, and upon conviction thereof punished by imprisonment for not less than two years and by a fine of not less than one hundred dollars.

SECTION 11. Save as herein otherwise provided, all of the laws of the Territory of Hawaii relative to elections shall remain in full force and effect, and held to govern the conduct of elections herein provided for.

SECTION 12. The provisions of section 99 of the Revised Laws of Hawaii, 1915, providing that no soldier shall go to

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the polling place for any purpose in uniform, shall not be held to apply to members of the national guard on active service at the time of any election, but the provisions of said section that no military or other organization march or go to such polling place in a body, shall be and remain in full force and effect.

SECTION 13. This Act shall not apply to persons without the limits of the Territory of Hawaii.

SECTION 14. This Act shall take effect upon its approval.

Approved this 1st day of May A.D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 198

AN ACT

To FORBID THE SELLING OR DEALING IN THE CAPITAL STOCK OR OTHER SECURITIES OF FOREIGN CORPORATIONS BY PERSONS NON-RESIDENT WITHIN THIS TERRITORY, OR BY THEIR BROKERS OR AGENTS, UNTIL SUCH NON-RESIDENT PERSONS SHALL HAVE SUBJECTED THEMSELVES TO THE JURISDICTION OF HAWAIIAN COURTS AND LAWS; TO PROVIDE FOR THE SERVICE OF LEGAL PROCESS AND NOTICES UPON SUCH NON-RESIDENT PERSONS; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT.

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

SECTION 1. Broker and dealer defined. A "broker" or

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"stock-broker," as contemplated by this Act, is any person, association, partnership or corporation engaged, or who shall engage, for commission or other compensation, by whomsoever paid or to be paid, in selling or negotiating the sale of shares in the capital stock of foreign corporations, and irrespective of whether such proposed sales contemplated a delivery in this Territory of the certificates or other evidence of the ownership of such shares, and also irrespective of whether such sales or contemplated sales are, or are intended to be for cash, or upon credit, either in whole or in part, upon margin, or whatsoever form may be assumed, or proposed by or for such sales. Provided, that the sale of the shares or bonds of a foreign corporation whose principal property, factory, plantation or industry is located and conducted within this Territory, shall not be subject to, nor affected by this Act. A "dealer," as herein contemplated, is any person, association, partnership or corporation who or which shall sell, offer, or expose for sale, attempt to sell, or hold himself or itself out as dealing in such shares of capital stock or the bonds or other securities of such foreign corporations, irrespective of the time or place contemplated for the delivery thereof.

SECTION 2. Residents and non-residents defined. For the purpose of this Act, a "resident" of or within this Territory shall be a person who has acquired and, at the time in question, possesses such a residence as is contemplated by the laws of this Territory as a qualification for registering and voting at general or special elections herein, and who actually and physically resides and lives within the Territory. As applied to a firm or partnership, at least one of its partners or members shall be resident as above defined. As applied to corporations, only such as have been or shall be organized or shall exist under the laws of this Territory or

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some of its political predecessors shall be deemed residents of the Territory, and all others shall be deemed non-resident herein.

SECTION 3. Foreign corporation defined. For the purposes of this Act, a "foreign corporation" shall be any corporation organized or created elsewhere than in this Territory. And it shall not be necessary, in any proceeding under or by virtue of this Act, to make affirmative proof of the actual, formal or legal corporate character of any body, person or thing pretending or assuming to be a foreign corporation. But in any case where the person, body or thing proceeded against, and whose corporate or incorporate character shall come in question, it shall be sufficient to show that any person assuming or who shall assume or pretend, within this Territory, to act for, represent or sell or offer for sale any of the shares of the capital stock or other securities of such putative foreign corporation has, in connection therewith, referred to or described such putative foreign corporation as being a corporation, and also in all cases where the word "company," or the abbreviation "co.", or the word "association" or any other words shall be commonly used as naming or describing such putative corporation indicating or obviously intended to indicate the corporate character thereof, or of the body, person or thing whose corporate or incorporate character shall come in question, its character and status as a foreign corporation shall be presumed, but subject to rebuttal by competent evidence.

SECTION 4. Non-residents forbidden to deal, except, etc. It shall be unlawful for any non-resident broker, or dealer as herein defined, whether acting directly, or by and through any agent or agents, to act, within this Territory, as a broker or dealer of or in the capital stock or other securities

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of any foreign corporation subject to the provisions of this Act, unless and until such non-resident broker or dealer shall have filed with the treasurer of the Territory his, their or its consent in writing, to be bound by all the provisions of this Act, and shall, in and by such written document, nominate some permanent resident of the judicial circuit in which such non-resident broker or dealer proposes to do business, as and for the agent and representative of such non-resident broker or dealer upon whom service of any and all legal process or notice emanating from any court within this Territory, or concerning any suit or proceeding which shall be pending in such court may be made; and service of such process or of such notice upon the person so nominated shall be as valid and effectual to all intents and purposes, as though the same had been served and made upon such non-resident broker or dealer in person and within this Territory.

SECTION 5. Agents forbidden to deal as representatives of non-resident until act complied with, etc. Any person who shall, within this Territory, transact or conduct business for, or assume or hold himself or itself out as the agent or representative of, or as prepared or willing to do business for such non-resident broker or dealer, before or until such non-resident broker or dealer shall have complied with the provisions of section 4 of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars (\$500.00), or by imprisonment not more than three months, and shall be personally and civilly liable to all parties concerned, upon any and all contracts he or it shall make as the purported agent or representative of such non-resident broker or dealer, prior to compliance by the latter with the provisions of said Section 4 hereof.

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SECTION 6. Service upon treasurer, in absence of agent. If the agent or representative who shall be nominated as provided in section 4 hereof cannot be found in the circuit wherein any suit shall be brought or is pending against such non-resident broker or dealer, and such fact shall appear by the return of any police officer upon the court process involved, or by affidavit attached to any notice concerning such suit, service of either thereof may be made upon said treasurer, either in person, by or through any officer or clerk in his office, or by United States mail, and service so made shall be equally effectual as though made in the manner prescribed in section 4 hereof. Where such service is made upon the treasurer, it shall be his duty to make a record thereof in a book to be kept for that purpose, and he shall indorse on each document so served the date and hour of service thereof, and shall forthwith thereafter mail the same to the nominated agent or representative of the principal named or interested therein.

SECTION 7. This Act shall take effect from and after the first day of July, A. D. 1917.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 199. Pension for J. M. Gomes.

ACT 199**AN ACT****MAKING APPROPRIATION FOR THE BENEFIT OF JOSE MARIA GOMES.**

WHEREAS, Jose Maria Gomes has since September 1, 1879, served continuously as a member of the Hawaiian band; and

WHEREAS, the services of said Jose Maria Gomes as a member of said Hawaiian band have always been faithfully and satisfactorily rendered; and

WHEREAS, the said Jose Maria Gomes is required, by reason of his old age and failing condition of health, to retire from active service in said Hawaiian band as a member aforesaid; 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 to be issued by the auditor of the Territory of Hawaii, the sum of forty dollars (\$40.00) each month to Jose Maria Gomes, and to continue so to do for a period of two years, after the passage of this Act.

SECTION 2. The payments required to be made according to section 1 of this Act are hereby appropriated out of moneys received in the treasury of the Territory of Hawaii from the general revenues.

SECTION 3. This Act shall take effect from and after July 1, A. D. 1917.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 200. Pay of Guardsmen on Active Service.

ACT 200

AN ACT

APPROPRIATING THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) FOR THE PAY AND SUBSISTENCE OF OFFICERS AND ENLISTED MEN OF THE NATIONAL GUARD WHEN ORDERED FOR SPECIAL DUTY.

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 out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated to be expended for the pay and subsistence of officers and enlisted men of the national guard while on active service under orders to guard public property; provided, however, that no money shall be expended from this appropriation for any pay or subsistence of any member of the national guard while such member is under orders of and receiving pay and subsistence from the federal government. This appropriation shall be expended by and under the authority of the adjutant general, with the approval of the governor.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 201. Life-Saving Patrol, Waikiki.**ACT 201****AN ACT***Act. No. 16-1920 P. 24***ESTABLISHING A LIFE-SAVING PATROL FOR WAIKIKI BEACH.***Be it Enacted by the Legislature of the Territory of Hawaii:*

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 two members, ^{age,} who 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 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 seventy-five dollars per month each, 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 neces-

Act 201. Life-Saving Patrol, Waikiki.
 Act 202. School Budget.

sary for carrying out the provisions of this Act, and shall furnish such boats and pulmoters, or other life saving appara-ta as may be necessary.

SECTION 6. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
 Governor of the Territory of Hawaii.

Amd. Act. 106 S. L. 1919

ACT 202

AN ACT

To FIX THE SCHOOL BUDGET FOR THE BIENNIAL PERIOD BE-GINNING JANUARY 1, 1918, AND ENDING DECEMBER 31, 1919.

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, 1918, and ending December 31, 1919:

GENERAL FUND.

Salary of superintendent	\$8,400
Salaries of office force	23,640
Statistician	\$4,800
Clerk	3,600
Secretary	4,200
Assistant secretary and bookkeeper ..	3,600

Act 202. School Budget.

Stenographer	3,000	
Head clerk	3,000	
Shipping clerk	1,440	
General expenses	15,000	
Stationery, postage and incidentals ..	\$10,000	
Traveling expenses, commissioners and committee of estimates....	1,500	
Traveling expenses, superintendent ..	1,500	
Expenses, Federal survey of schools ..	2,000	
Supplies	22,500	
Libraries and books	8,000	
Industrial and manual training	50,000	
Special schools	92,000	
Lahainaluna	50,000	
Normal and training school:		
Maintenance and repairs	4,000	
New buildings, furniture, etc.	35,000	
Summer school	3,000	—
Total	\$219,540	

SPECIAL FUND.

County or City and County.

Hawaii. Maui. Honolulu. Kauai.

New buildings, ad-				
ditions and im-				
provements	\$149,500	\$70,000	\$219,000	\$68,000
Repairs and main-				
tenance	40,000	30,000	30,000	16,000
Janitors, etc.	14,000	12,000	40,000	3,000
Furniture	8,500	10,000	20,000	10,000
New grounds	6,500	1,000	2,700
	\$218,500	\$122,000	\$310,000	\$99,700

Act 202. School Budget.

The total sum of \$506,500.00 as set forth above for new buildings, additions and improvements shall be allotted by districts during the biennial period ending December 31, 1919, as follows:

County of Hawaii:

Hilo high school	\$40,000
Hilo union school, provided additional grounds are obtained	35,000
Hilo district	25,000
Puna district	6,000
Hamakua district	17,500
Kona district	8,000
Kau district, land and building	5,000
Kohala district	13,000
Total	\$149,500

County of Maui:

Lahaina district	10,000
Wailuku district	20,000
Makawao district	32,500
Hana district	2,500
Molokai and Lanai	5,000
Total	\$70,000

City and county of Honolulu:

Honolulu district	\$90,000
Koolaupoko district	7,500
Koolauloa district	4,500
Waialua district	15,000
Ewa district	40,000
Waianae district	2,000
McKinley high school	60,000
Total	\$219,000

Act 202. School Budget.

County of Kauai:

Lihue school (in addition to the \$40,000 appropriated for this pur- pose by Act 132, S. L. 1915).....	\$25,000
Kauai high school	5,000
Lihue district	7,500
Waimea district	4,200
Koloa district	12,800
Kawaihau district	6,500
Hanalei district	7,000- -----
Total	\$68,000
Total of general fund	\$219,540
Total of special fund	750,200 -----
Total of general and special funds	\$969,740

SECTION 2. It is provided, however, that the salary changes provided for under the heading of "general fund," shall become and be effective on and after July 1, 1917, the differences in the amounts to be provided from whatever balances remain to the credit of the school fund.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 203. Revolving Fund, Marketing Division.

ACT 203

AN ACT

To AMEND ACT 189 OF THE SESSION LAWS OF 1915, ENTITLED "AN ACT TO PROVIDE A REVOLVING FUND FOR THE OPERATION AND MAINTENANCE OF THE TERRITORIAL MARKETING DIVISION."

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

SECTION 1. Section 1 of Act 189 of the Session Laws of 1915 is hereby amended to read as follows:

"Section 1. To provide a working capital for the operation and maintenance of the territorial marketing division, the sum of fifteen thousand dollars (\$15,000.00) is hereby appropriated from the general revenues of the Territory, to be immediately deposited with the treasury as a continuing deposit to be known as the "marketing division revolving fund."

SECTION 2. Section 2 of Act 189 of the Session Laws of 1915 is hereby amended to read as follows:

"Section 2. Withdrawals may be made from time to time from the marketing division revolving fund by the superintendent of the marketing division, for the purchase of seeds, crates and supplies to be sold to persons applying for the same, and for the purpose of making advances or settlements in full consignments sold on credit or otherwise.

All withdrawals shall be paid by warrant of the auditor of the Territory of Hawaii on vouchers, properly approved by the superintendent of the marketing division and the board of commissioners of agriculture and forestry.

SECTION 3. All receipts on account of withdrawals from the marketing division revolving fund, authorized by sec-

Act 203. Revolving Fund, Marketing Division.
Act 204. Puu o Hawaii Cemetery.

tion 2 of this Act, shall be deposited, with the treasurer of the Territory of Hawaii, monthly, to the credit of the marketing division revolving fund.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 204

AN ACT

FOR THE PROTECTION AND PRESERVATION OF THE PREMISES
KNOWN AS PUU O HAWAII AND OTHER PREMISES FOR
CEMETERY PURPOSES.

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

SECTION 1. The superintendent of public works and the attorney general of the Territory are herewith instructed to take such action as may be necessary to preserve the premises known as Puu o Hawaii and two small pieces of land lying adjacent to the Puu o Hawaii, which have been used for burial purposes, containing an area of approximately 35,500 square feet; one piece being the place where the indigent insane are buried; the other being known as Hoomana Naauao, designated as leases 884 and 919, designated and bounded on a registered map known as section C, McInerny park tract, either by injunction, condemnation or any other proceeding that may be appropriate; that the properties are hereby declared dedicated as cemeteries for the use of Ha-

Act 204. Puu o Hawaii Cemetery.
Act 205. Reports of Auditors.

waiian familes and others; and that the president of the board of health may make such rules and regulations which may be necessary for conducting the same.

SECTION 2. The sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, is hereby appropriated from the funds of the Territory of Hawaii not otherwise appropriated, to carry out the purpose of this Act.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 205

AN ACT

To AMEND SECTION 2213 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO REPORTS OF THE CITY AND COUNTY, AND OF COUNTY, AUDITORS.

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

SECTION 1. Section 2213 of the Revised Laws of Hawaii, 1915, relating to reports of the city and county and county auditors, be amended to read as follows:

“Section 2213. It shall be the duty of the auditor of the city and county of Honolulu and of each of the counties of the Territory to prepare and submit to the board of supervisors, transmit to the auditor of the Territory, and publish

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in a newspaper of general circulation, in the months of January and July, respectively, of each year, a statistical report showing under proper headings all financial transactions of the city and county or of the county, as the case may be, for the preceding six calendar months, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution and service or work, and classifying the items of income and of expenditures so as to show the receipts from any particular source, and the expenditures made through, by or for any office, commission, institution or other division of public service.

It shall also be the duty of each such auditor to submit to the board of supervisors, transmit to the governor, and to publish in a newspaper of general circulation in the month of January in each year, a similar report for the preceding calendar year, and the governor shall transmit such report to the legislature."

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 206. Territorial Marketing Division.**ACT 206**

Amd. Act. 75 S. S. 1918
Rep. Act. 39 S. L. 1920

AN ACT

**TO PROVIDE FOR THE ORGANIZATION OF THE TERRITORIAL
MARKETING DIVISION UNDER THE CONTROL OF THE
BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY.**

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

SECTION 1. The board of commissioners of agriculture and forestry is hereby authorized to create and organize a division to be known as the "territorial marketing division" to be conducted under the control and supervision of the board for the following purposes to wit:

1. To carry on the business of receiving from the producers thereof, the agricultural, fishery, dairy and farm products of the Territory of Hawaii and the selling and disposing of the same on commission as herein provided.
2. To gather and disseminate information concerning supply, demand, prevailing prices and commercial movements, including common and cold storage, of territorial products.
3. To promote, assist, and encourage the organization and operation of cooperative and other associations and organizations for improving the relations and service among producers, distributors and consumers of territorial products.
4. To foster and encourage cooperation between producers and distributors of territorial products, in the interest of the general public.
5. To foster and encourage the standardizing, grading,

Act 206. Territorial Marketing Division.

inspection, labelling, handling, storage and sale of territorial products.

6. To act as a mediator or arbitrator when invited, in any controversy or issue, that may arise between producers, manufacturers and distributors.

7. To act on behalf of the consumers in conserving and protecting their interests in every practicable way against excessive prices.

8. To act as market advisor for producers and distributors, assisting them in economical and efficient distribution of territorial products at fair prices.

9. To improve, broaden and extend in every practicable way, the distribution and sale of territorial products.

SECTION 2. It is hereby declared to be the purpose of this Act to promote in the interest of the producer, the distributor and consumer, economical and efficient distribution and marketing, of all agricultural, fishery, dairy and farm products of the Territory of Hawaii; to reduce in every practicable way, the expense and cost of marketing said products, that the producer may secure more adequate returns and the consumer a lower cost; to provide for the organization of the territorial marketing division; to define its duties and powers; to create the position of superintendent of the territorial marketing division.

SECTION 3. The following terms used in this Act shall, unless a different meaning is plainly required by the context, be construed as follows:

The "superintendent" shall be understood to be the superintendent of the territorial marketing division, himself personally or his duly appointed and authorized representative.

The "territorial marketing division" shall be understood

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to be the places of business established by the superintendent for the sale of territorial products.

The word "products" shall be understood to refer to the agricultural, fishery, dairy and farm products of the Territory of Hawaii, or products manufactured or processed therefrom within the Territory.

The term "organizations of producers and distributors" shall be understood to include all corporations, societies, association and organizations of producers, of producers and distributors, or of distributors, cooperative or otherwise, formed for the purpose of facilitating the marketing of territorial products.

SECTION 4. The production and marketing of all agricultural, fishery, dairy and farm products of the Territory of Hawaii is hereby declared to be a matter of public interest and a proper subject for investigation, encouragement, and development by the Territory.

SECTION 5. The board shall maintain in Honolulu, city and county of Honolulu, and in such other place or places as it may deem necessary proper branches of the territorial marketing division, for the receiving, care, sale and distribution of the agricultural, fishery, dairy and farm products of the Territory of Hawaii, and the board shall establish and maintain an executive office or headquarters at Honolulu aforesaid.

SECTION 6. The board shall make all necessary rules and regulations, and change the same when necessary, for carrying out the purposes of this Act, and any other Act pertaining to the territorial marketing division, and for the conduct of the business of said division and shall print the rules proper for free distribution to all persons who wish to avail themselves of the privileges of the market, whether buyers or sellers, and all buyers and sellers shall conform to such

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rules and regulations in order to claim any right under this Act.

SECTION 7. All producers of agricultural, fishery, dairy or farm products, or products manufactured or processed therefrom, or fishery products, which shall have been grown, raised, produced, processed or manufactured within the Territory of Hawaii, or caught in the territorial waters thereof, shall have the right to consign and deliver such products to the territorial marketing division at any of its places of business for sale and distribution.

SECTION 8. The territorial marketing division shall receive and care for all products consigned and delivered to it under the provisions of this Act, and shall sell and distribute to dealers, consumers and all buyers such products to the best possible advantage of the producer; and, to the end that the territorial marketing division may be self-supporting, it shall charge a commission for the handling of all products in an amount which in the judgment of the board is just and reasonable. All settlements with producers shall be made once a month or oftener, and the territorial marketing division shall retain the commission charged.

SECTION 9. The board shall have power to rent, lease, occupy and use for the division all such lands and buildings as may be needed in the business of the division or any of its branches, and may provide the same with a sufficient force of officers, clerks, and other employees, as may be deemed necessary to carry out the provisions of this Act, and shall rent or purchase, and use all equipment, appliances, horses, mules, trucks or wagons, and all supplies necessary for the carrying on of said business.

SECTION 10. The division shall gather and disseminate information on all subjects relating to the marketing of Hawaiian products, and shall issue reports thereon, and by

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every practicable means keep the producers informed of the supply and demand and at what market their products can best be handled.

SECTION 11. The salary or compensation of the superintendent and all other persons holding office or employment in the division under the board, at the head office or elsewhere, shall be fixed by the board and may be paid monthly from the territorial marketing division expense appropriation after being approved by the chairman of the board upon voucherized claims therefor.

SECTION 12. There is hereby created a fund to be known as the "territorial marketing division fund". All fees, charges and costs collected by said territorial marketing division under this Act shall be deposited by the superintendent of said territorial marketing division to the credit of such fund in one or more local banks. Any expenses of whatsoever nature, incurred by the territorial marketing division under the provisions of this Act, may be paid by cash from the said territorial marketing division fund.

SECTION 13. All payments made under this Act, except those from the "territorial marketing division fund", shall be by warrants issued by the auditor of the Territory upon vouchers approved by the board of commissioners of agriculture and forestry.

SECTION 14. This Act shall be known as the "territorial marketing division act".

SECTION 15. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 16. This Act shall take effect July 1, A. D. 1917.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 207. Repeal of Stamp Duties.

ACT 207

Act 38 of 1915 pg 50

AN ACT

To REPEAL CHAPTER 97 OF THE REVISED LAWS OF HAWAII,
1915, ENTITLED "STAMP DUTIES", AS AMENDED BY ACT
38 OF THE SESSION LAWS OF 1915.

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

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.,, Provided, however, that hereafter, in all cases of instruments executed between September 27, 1876, and the date of the taking effect of this Act, to which stamps ought to have been affixed, shall be subject to the same stamp-tax and obligations as heretofore called for by the provisions of said chapter 97 and any amendments thereto.

SECTION 2. This Act shall take effect on July 1, A. D. 1917.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 208. Public Hospital on Molokai.

ACT 208

AN ACT

**AUTHORIZING AND EMPOWERING THE COUNTY OF MAUI IN
THE ERECTION AND EQUIPPING OF A PUBLIC HOSPITAL
AT UALAPUE, MOLOKAI, 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 and empowered to pay out of its funds and its current revenue the sum of three thousand dollars (\$3,000.00) for the erection and completion of a hospital building, at Ualapue, Molokai, county of Maui, and for the necessary furniture and equipment for such hospital.

SECTION 2. The said sum of three thousand dollars (\$3,000.00) shall be expended, laid out and provided for the following items in connection with said hospital:

- | | |
|---|------------|
| 1. For the erection and completion of hospital
building | \$2,000.00 |
| 2. For the necessary furniture and equipment
of hospital | 1,000.00 |

SECTION 3. The said hospital should be erected, completed and in readiness to receive patients within ten (10) months from the date of the approval of this Act.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 209. National Guard.

ACT 209

AN ACT

AMENDING SECTIONS 186 AND 193 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 86 OF THE SESSION LAWS OF 1917, RELATING TO THE NATIONAL GUARD OF HAWAII.

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

SECTION 1. Section 186 of the Revised Laws of Hawaii, 1915, as amended by Act 86 of the Session Laws of 1917, is hereby amended to read as follows:

“Section 186. Consolidating, reorganizing, disbanding, etc. The governor under the laws and regulations now in force or which may hereafter be prescribed may alter, divide, annex, consolidate and reorganize the national guard or any part thereof and create new organizations whenever the efficiency of the territorial forces would thereby be increased and he may at any time change the organization of regiments, battalions, squadrons, troops, batteries, companies, signal corps and coast artillery corps so as to conform to like organizations, system of drill or instruction now in force or hereafter adopted for the national guard of the United States and for that purpose the number of officers and non-commissioned officers of any grade in regiments, battalions, squadrons, troops, batteries, companies and signal corps may be increased or decreased to the extent thereby made necessary; provided that no organization shall be disbanded without the consent of the president of the United States, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the minimum that shall be prescribed therefor by the President.”

Act 209. National Guard.

SECTION 2. Section 193 of the Revised Laws of Hawaii, 1915, as amended by Act 86 of the Session Laws of 1917, is hereby amended to read as follows:

"Section 193. Officers, qualification, appointment, tenure. Commissioned officers must be citizens of the United States or those who have declared their intention to become citizens of the United States and must not be less than twenty-one years of age. Officers shall be appointed upon the order of the governor and officers may be ordered up for examination for promotion; officers must be selected from the following classes: Officers or enlisted men of the national guard; officers on the reserve or unassigned list of the national guard; officers, active or retired, and former officers of the United States army, navy and marine corps; graduates of the United States military and naval academies, and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the regular army, and for the technical branches and staff corps or departments, such other civilians as may be especially qualified for duty therein. Field officers shall be commissioned for four years, line officers, not above the rank of captain, shall be commissioned for three years. Staff officers hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the national guard of Hawaii. The order of the governor reappointing a field or line officer shall continue the commission of such officer in force for a corresponding term for which such commission was issued. The commissions of all officers shall con-

Act 209. National Guard.

Act 210. Pension for F. K. Cockett.

tinue in force until they are regularly relieved from duty, responsibility and accountability in accordance with law."

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 210

Amd. Act No. 16 S. L. 1919

AN ACT

MAKING AN APPROPRIATION FOR THE BENEFIT OF FREDERICK
K. COCKETT.

WHEREAS, Frederick K. Cockett has retired from the position of messenger in the office of the governor of Hawaii by reason of blindness after serving in that position for thirteen years; and

WHEREAS, the causes leading to the injuries to his eyes were commenced while in the performance of his duties as such messenger; and

WHEREAS, the best oculists in Honolulu confined and treated him in the Queen's hospital for a period of about four months and have given up his case as incurable; and

Act 210. Pension for F. K. Cockett.

WHEREAS, the condition of his eyes is so that he is totally disabled from earning a livelihood for himself and family; Now, 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 fifty dollars (\$50.00) each month to Frederick K. Cockett and to continue so to do for the period of two years from the passage of this Act; such payment is hereby appropriated 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 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 211. Hanalei Waterworks.

ACT 211

AN ACT

To AUTHORIZE AND DIRECT THE BOARD OF SUPERVISORS OF THE COUNTY OF KAUAI TO MAKE AN APPROPRIATION FOR THE PURPOSE OF ESTABLISHING A WATER WORKS SYSTEM.

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, empowered and directed to make an appropriation not exceeding the sum of three thousand dollars (\$3,000.00) for the purpose of establishing a water works system in the district of Hanalei, county of Kauai.

SECTION 2. This Act shall take effect from and after the first day of July, A. D. 1917.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 212. Fire Limits.

ACT 212

AN ACT

To AMEND SUBDIVISION 6 OF SECTION 1554 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE POWERS AND DUTIES OF THE BOARD OF SUPERVISORS.

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

SECTION 1. Subdivision 6 of section 1554 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"6. To regulate by ordinance the limits within which wooden and other inflammable buildings and structures shall not be erected, placed or maintained, which limits, when once established, shall not be changed except by extension; and to regulate also by ordinance, as to location, methods and materials of construction and otherwise, the erection, moving, repairing, placing and maintenance of buildings and other structures within or without such limits, so far as may be necessary or proper for the protection and safeguarding of life, health and property, and to fix penalties for violations of such ordinances, and all such ordinances shall apply to and be binding upon the Territory of Hawaii, its several departments, and any political subdivision thereof."

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 213. Salaries, First Circuit Court.

ACT 213

AN ACT

Am. L. 153 S. L. 1919

To AMEND SECTION 2197 OF THE REVISED LAWS OF HAWAII,
1915, RELATING TO SALARIES AND EXPENSES, CIRCUIT
COURTS.

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

SECTION 1. That portion of Section 2197 of the Revised Laws of Hawaii, 1915, from line 9 up to and including line 22 of said section, is hereby amended to read as follows:

"First Circuit Court: A year

9.	Chief clerk, cashier and bookkeeper (\$225.00)	\$2,700.00
10.(a)	Assistant chief clerk (\$150.00)	1,800.00
	(b) Second assistant chief clerk and stenographer (\$75.00)	900.00
	(c) Bailiff and messenger (\$50.00)	600.00
11.	Three clerks (\$175.00 each)	6,300.00
12.	Three clerks and stenographers (\$150.00 each)	5,400.00
13.	Three shorthand reporters (\$200.00 each)	7,200.00
14.	Probation officer (\$150.00)	1,800.00
15.	Probation officer for girls (\$100.00) ...	1,200.00
16.	Court expenses	20,000.00
17.	Hawaiian interpreter (\$160.00)	1,920.00
18.	Japanese interpreter (\$160.00),	1,920.00

Act 213. Salaries, First Circuit Court.

19.(a)Chinese interpreter (\$160.00) 1,920.00
(b)Other interpreters to be paid as ordered
by the court 1,500.00

Juvenile Court:

21. Matron of shelter home (\$90.00) 1,080.00
22.(a)Maintenance of shelter home 3,000.00
(b)Care of dependent children 6,000.00
(c)Automobile for use of probation officer
and expenses 1,000.00"

SECTION 2. This Act shall take effect from and after July 1, A. D. 1917.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 214. Protection of Bird Life, etc.

ACT 214

AN ACT

To AUTHORIZE THE BOARD OF AGRICULTURE AND FORESTRY TO PROMULGATE RULES AND REGULATIONS FOR THE PROTECTION OF BIRD, ANIMAL AND VEGETABLE LIFE ON CERTAIN ISLANDS AND TO PRESCRIBE A PENALTY FOR THE VIOLATION THEREOF.

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

SECTION 1. The board of agriculture and forestry shall have power to promulgate and enforce all necessary rules and regulations for the protection of bird, animal and vegetable life on the islands of Moku Manu, Moku Lua, Popoia, Manana, Kaohikaipu, Mokuhooniki and Kapapa. The violation of any such rules and regulations shall be subject to the penalties provided by Section 529 of the Revised Laws of Hawaii, 1915."

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 215. Loan Fund.

ACT 215**AN ACT****To PROVIDE FOR PUBLIC IMPROVEMENTS.**

*See 25 H.A. 72
Amd. Act. 15 S.S. 1918
Amd. Act. 224 S.L. 1919*

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.)

1. Oahu \$400,000.00

(Provided, however, that no money from this item shall be expended for the Waikiki beach walk project.)

2. Hawaii 85,000.00

2a. New pier, Kuhio bay 150,000.00

(Provided, however, that no portion of this item shall be expended until the board of harbor commissioners has se-

Act 215. Loan Fund.

cured 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 (5) years at such wharfage rates as established by the said board of harbor commissioners.)

3. Maui 175,000.00

(Provided, however, that any portion of this item expended for Lahaina, shall be in the nature of a first unit in what is to be eventually a wharf at which deep sea going vessels may berth.)

4. Kauai 18,000.00 828,000.00

New buildings, additions, equipment and other improvements, as follows:

(To be expended under the direction of the superintendent of public works.)

5. New buildings and furnishings, insane asylum.. 50,000.00

Act 215. Loan Fund.

6.	3 cottages and dining room, insane asylum (sanatorium)	28,000.00
7.	New building and furnishings, Kalaupapa	20,000.00
8.	Fire-fighting apparatus, Kalaupapa	15,000.00
9.	New building and furnishings Kalihi hospital ...	5,000.00
10.	Building, girls' detention home	2,000.00
		120,000.00
12.	Armories: (Provided that no appropriations under this heading be expended until the sites for such armories be acquired by the Territory either in fee or by long term leases at a nominal rental.)	

Oahu:

Addition to armory building, Honolulu	15,000.00
Fort de Russy	5,000.00

Hawaii:

Hilo	5,000.00
Pahoa	3,500.00
Laupahoehoe	3,500.00
Paauhau	3,500.00
Honokaa	3,500.00
Makapala	3,500.00
Hawi	3,500.00

Act 215. Loan Fund.

Pahala	3,500.00
Waiakea-kai	3,500.00
Waiakea Mill	3,500.00
Napoopoo	3,500.00
Olaa	1,000.00
Honomu	3,500.00 44,500.00

Maui:

Lahaina	5,000.00
Kahului	5,000.00
Haiku	3,500.00
Wailuku	3,000.00
Kaanapali	3,500.00 20,000.00

Kauai:

Waimea	3,500.00
Kealia	3,500.00
Hanamaulu	3,500.00
Eleele	3,500.00
Koloa	3,500.00
Kilauea	3,500.00
Makaweli	3,500.00 24,500.00

- | | |
|--|--------------------------|
| 13. Boys' industrial school, buildings, reconstruction and gymnasium | 31,000.00 |
| 14. Addition tax office, Hilo ... | 15,000.00 |
| 16. Girls' industrial school, buildings, reconstruction and grounds | 25,000.00 71,000.00 |

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

Act 215. Loan Fund.

provided by law to the extent necessary to yield the amount herein appropriated; provided that the sums specified in items 18 to 25 hereof, both inclusive, and 27 and 29 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, also provided that the sums specified in items 26 and 28 hereof shall be expended by the loan fund commissioners of the county of Maui.

CONSTRUCTION, RELOCATION AND RECONSTRUCTION OF BELT ROADS AND BRIDGES; EXTENSION OF PIPELINES AND COMPLETION OF RESERVOIRS; PURCHASE OF PARKS AND PLAYGROUND SITES AND INSTALLATION OF WATER WORKS.

County of Hawaii:

17. Belt road, Keamoku 70,000.00 70,000.00

(To be expended under the supervision of the loan fund commission of the county of Hawaii who are hereby authorized to employ prison labor.)

18. Belt road, North Kona 50,000.00

19. Belt road, Kau, South Kona 50,000.00

(Beginning from the completed portion of the asphalt macadam road about three miles from the Kona-Kau boundary, and running towards Kona.)

Act 215. Loan Fund.

19a. Belt road, North Kohala .	50,000.00
Beginning from the completed portion of the asphalt macadam road at the junction of the Waimea - Kohala road in North Kohala and running towards South Kohala boundary).	
20. Volcano road	200,000.00
(A concrete road beginning at the new concrete bridge about 4 miles from Hilo, and running towards the Kilauea park.)	
20a. Belt road, Kukaiau	40,000.00
(Provided, however, that no money shall be expended on roads specified in items 18, 19, 19a and 20a, unless same be built of either concrete, asphalt macadam, or of a type to insure permanency.)	
20b. Kau waterworks pipe lines extension to the Kamaoa homesteads and tank	3,500.00
20c. Extension of Waiohinu pipeline to Waiohinu town lots	1,500.00
20d. Honokaa water works	35,000.00
	500,000.00

Act 215. Loan Fund.

City and county of Honolulu:

21. Belt road, Koolaupoko and Koolauloa	500,000.00
(Said road shall be built of a suitable concrete base and a high quality of wearing surface to in- sure permanency.)	
21a. Purchase of Pauoa park ..	12,000.00
21b. Purchase of Atkinson park	34,320.00
21c. Purchase of Kaimuki park	12,000.00 558,320.00

County of Maui:

22. Belt road, Pauwela, depot to Kakipi gulch	75,000.00
23. Road and bridge, Alelele, Makawao	15,000.00
24. Iao valley road	20,000.00
25. Belt road, Kailua eastward.	100,000.00
26. Kahakuloa road	5,000.00 215,000.00
27. Kula pipeline extension to Keokea-Waiohuli beach lots	5,000.00
28. Completion Olinda reservoir	30,000.00 35,000.00

County of Kauai:

29. Water distribution system for Kapaa homestead district	20,000.00 20,000.00
Total	\$2,456,320.00

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 un-

Act 215. Loan Fund.

expended 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 17 to 29, 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

Act 215. Loan Fund.

Hawaii, 1915, in addition to the amounts required to be deposited by said section.

SECTION 4. No moneys shall be expended under items 18 to 25, both inclusive, except as to items 21a, 21b and 21c of this Act until the methods, materials, plans and specifications proposed to be used for the construction or reconstruction of any 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 1917-1919.

SECTION 6. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 216. Road from Napoopoo to Honaunau.**ACT 216****AN ACT**

To APPROPRIATE SIX THOUSAND DOLLARS (\$6,000.00) FOR THE PURPOSE OF CONSTRUCTING A ROAD FROM NAPOOPOO TO HONAUNAU, IN THE DISTRICT OF SOUTH KONA, COUNTY OF HAWAII.

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

SECTION 1. The sum of six thousand dollars (\$6,000.00), or as much thereof as may be necessary, is hereby appropriated from such moneys as may be derived from the sale of public lands in Hawaii, for constructing a road from Napoopoo to Honaunau, in the district of South Kona, county of Hawaii.

SECTION 2. The sum hereby appropriated shall be expended by and under the authority of the commissioner of public lands, who is authorized to construct said road in cooperation with the board of supervisors of the county of Hawaii.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 217. Aiea Homestead Road.

ACT 217

AN ACT

To CONSTRUCT A HOMESTEAD ROAD THROUGH THE AIEA HOMESTEAD LOTS, DISTRICT OF EWA, CITY AND COUNTY OF HONOLULU, 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 SALES OF PUBLIC LANDS, OAHU.

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

SECTION 1. The sum of twelve thousand dollars (\$12,000.00), or so much as may be necessary, is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, to be expended by way of advancement for the construction, rebuilding, relocating, repairing and building of that certain road, Aiea homestead lots, district of Ewa, city and county of Honolulu.

SECTION 2. The said sum of twelve thousand dollars (\$12,000.00), or so much thereof as may be necessary, hereby appropriated, 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; 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, Oahu, when hereafter received.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 218. Nawiliwili Breakwater.

ACT 218

AN ACT

Am. Act. 50 S. L. 1919Am. Act. 123 S. L. 1923

To PROVIDE FOR PUBLIC IMPROVEMENTS.

See L 1925

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

e. 19 e. 1

See L 1925

e. 20 e. 1

SECTION 1. The sum of two hundred thousand dollars (\$200,000.00) is hereby appropriated out of any available money now in the treasury or hereafter received by the treasurer for and on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amount herein appropriated, for the purpose of building a breakwater at Nawiliwili, island of Kauai, Territory of Hawaii, to afford shelter and anchorage for shipping at Nawiliwili, Kauai; provided, however, that the county of Kauai 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 appropriated for this purpose, 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 dates 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 so 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 the county of Kauai, such amounts when due as are required by this section, to be paid by said county of Kauai, and proper receipts shall thereupon be exchanged between the treasurers of the Territory and the county of Kauai; provided, how-

Act 218. Nawiliwili Breakwater.

ever, that said county of Kauai 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 obligations of the county of Kauai 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, Revised Laws of Hawaii, 1915, in addition to the amounts required to be deposited by said section.

SECTION 2. The sum hereby appropriated shall be used
Am. Act in conjunction with an appropriation made by the Congress
of the United States for the purpose of constructing the
breakwater at Nawiliwili, Kauai, Territory of Hawaii, but
shall not be used in the absence of an appropriation of a
similar amount for said purpose by the Congress of the
United States. Should such appropriation be made by the
Congress of the United States, the sum hereby appropri-
ated shall be expended in accordance with the plans and
specifications submitted and provided by the United States
government through its engineers; and said sum shall be
expended under the supervision of the United States govern-
ment. Provided, however, that in the event the United
States Congress does not appropriate or set aside an amount
equal to the sum above named, then on the first day of
July, A. D. 1919, said appropriation shall lapse.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 219. Topographical Survey.**ACT 219****AN ACT****APPROPRIATING TWENTY THOUSAND DOLLARS (\$20,000.00)
FOR COMPLETING THE TOPOGRAPHICAL SURVEY OF THE
ISLAND 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 for the biennial period ending June 30th 1919, from the moneys in the treasury received from general revenues for the purpose of continuing the topographical survey of the island of Hawaii, heretofore begun, subject to the following conditions:

(a) Said sum shall be placed to the credit of the commissioner of public lands of the Territory to be paid out at the rate of not more than ten thousand dollars (\$10,000.00) per annum upon receipt of proper vouchers for labor and/or material actually furnished and for services actually rendered on account of said survey, said appropriation to be available only in the event that the United States geological survey, or the Federal government in its behalf, on or before the 1st day of July, 1917, sets aside or appropriates a similar amount for said purpose and within two months thereafter actually begins work upon said survey in the field;

(b) In the event that the United States geological survey, or the Federal government in its behalf, does not appropriate or set aside the amount above-named and does not begin work as hereinabove set forth, then, on the 1st day of December, 1917, said appropriation shall lapse and

Act 219. Topographical Survey.

Act 220. Pension Fund.

the amounts above set forth shall be transferred to the treasury.

SECTION 2. This Act shall take effect on the 2nd day of July, 1917.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 220

AND ACT 99 S. L. 1923

AN ACT

To ESTABLISH A FUND FOR PENSIONING RETIRED POLICE OFFICERS, FIREMEN, BANDSMEN, OF THE COUNTIES AND CITY AND COUNTY, AND CERTAIN PERSONS DEPENDENT UPON THEM, AND TO REGULATE THE COLLECTION, MANAGEMENT AND DISBURSEMENT THEREOF.

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

SECTION 1. Pension fund. Trustees, powers. There shall be and is hereby created in every county and city and county of the Territory of Hawaii a pension fund which shall be governed and managed by a board of trustees. Such board of trustees for each county shall consist of the chairman of the board of supervisors, the treasurer and auditor thereof, and for each city and county, the mayor, the treasurer and the auditor thereof. The chairman of the board of supervisors shall be the chairman of the board of trustees of the county and the mayor shall be the chairman of the

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board of trustees of the city and county. The county or city and county clerk shall be the secretary of the board of trustees and shall keep in a separate book a true and correct account of the proceedings of such board of trustees. The county attorney or the city and county attorney, as the case may be, shall be the legal adviser of the board of trustees. The treasurer of the county or city and county shall be the treasurer of the board of trustees. The auditor of the county or city and county shall audit all accounts of the pension fund and shall draw all warrants payable therefrom, which warrants shall be drawn only upon the order of a majority vote of the board of trustees, which order shall be certified to by the chairman and secretary of the board of trustees. It shall be the duty of the treasurer to collect all moneys belonging to such funds; to have the custody of all its notes, bonds and other securities, if any, and to collect the principal and interest of the same, and he shall be liable on his bond as treasurer of the county or city and county, for the faithful accounting of all moneys and securities which may come into his hands belonging to the fund. He shall keep a full and accurate account which shall show at all times the true condition of such fund. Such treasurer shall, upon the expiration of his term of office, account to such board for all moneys, notes, bonds and other securities coming into his hands and the proceeds of the same, and turn over to his successor in the office of the treasurer of the county or city and county all moneys, notes and other securities belonging to such fund remaining in his hands.

SECTION 2. Moneys of fund. The pension fund shall be derived from the following sources:

1. All moneys that may be given to such board of trustees for the use of the pension fund by any person or

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persons. The board of trustees may take by gift, grant, devise or bequest any money, choses in action, personal property, real estate, or any interest in anything of value, under the name and style of "The board of trustees of the pension fund" of the county or city and county in which such board of trustees shall be created, and to hold the same or assign, transfer or sell the same whenever proper or necessary under and by such name;

2. A sum equal to one per centum of the total amount collected on account of the general fund of the county or city and county for the year previous shall be set aside annually from the general fund of the county or city and county, which sum shall be placed by the treasurer of such county or city and county to the credit of the said pension fund in two equal semi-annual installments, namely on the last day of June and December, respectively, of each year, and shall be used or devoted solely for the purposes of such pension fund.

SECTION 3. Investment of funds. Beneficiaries. The board of trustees shall determine how much of the pension fund may be safely invested and how much shall be retained for the needs, demands and exigencies of such pension fund. Such investment shall be made in interest bearing bonds of the United States or of the Territory of Hawaii, or any bonds lawfully issued by any county or city and county of the Territory, or any street, sewer or other improvement district within the Territory or any county or city and county; and such bonds shall be deposited with and remain in the custody of the treasurer of such board who shall collect the interest due thereon as the same becomes due and payable. Such pension fund shall be used and devoted to the following purposes:

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First. Whenever any member of the police force, fire department or band of the county or city and county shall, on examination by such surgeon or surgeons as may be appointed by the board of trustees, be found to be disabled, physically or mentally, because of any injury received or disease contracted while in the performance of his duty so as to render necessary his retirement from the service on the police force, fire department or band of such county or city and county, then such board of trustees shall authorize a monthly payment to such person from said pension fund of a sum equal to not less than one-quarter nor more than three-quarters of his monthly salary. After any member of such police force, fire department or band shall have been retired upon pension by reason of disability, the board of trustees shall have the right at any time to cause such retired member again to be brought before it and examined by the surgeon or other surgeon appointed by such board of trustees, and shall have also the right to examine other witnesses for the purpose of discovering whether such disability still continues, and whether such retired member should remain on the pension roll; but he shall be retained on the pension roll until reinstated in the service of the police force, fire department or band, except in case of dismissal or resignation. Such retired member shall be entitled to notice, and to be present at the hearing of such evidence, shall be permitted to propound any question pertinent or relevant to such matter and shall also have the right to introduce evidence upon his own behalf. All witnesses so produced shall be examined under oath and any member of such board of trustees is hereby authorized to administer such oath. Should such retired member recover from his disability and be, in the opinion of the surgeon or surgeons appointed by such board of trustees, again fit for active duty, then such member shall again be put on active duty

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and full pay, and from the time such board of trustees shall decide that such member is fit for active duty, he shall cease to be entitled to any payments out of such pension fund because of the disability for which he was retired.

Second. Any member of such police force, fire department or band who shall have been in the service of the county or city and county as a member of such police force, fire department or band for twenty (20) years and less than twenty-five (25) years, upon his written application to such board of trustees to be retired, shall be retired from such police force, fire department or band, and such member shall thereafter receive from such pension fund a monthly payment equal to forty per centum (40%) of the salary such person was receiving at the time of his retirement; and any member of such police force, fire department or band who shall have been in the service of such county or city and county as a member of such police force, fire department or band for twenty-five (25) years or over, upon his written application to such board of trustees to be retired, shall be retired from such police force, fire department or band and such member shall thereafter receive from such pension fund a monthly payment equal to fifty per centum (50%) of the salary such person was receiving at the time of his retirement. To entitle anyone to be retired because of time of service only the time served by such person upon the regularly constituted police force, fire department or band on which he shall then be serving, or of the Territory of Hawaii or the Republic of Hawaii its predecessor, shall be computed; but all times so served by such person before, as well as after, the taking effect of this Act, shall be included in such computation. No time served by any person as a special police officer or a police officer solely paid by any private person, firm, corporation or as a merchant policeman shall be considered in comput-

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ing the length of such service of such person in such police force.

Third. Upon the death of any member of such police force, fire department or band while in the line of duty or as a result of the performance of his duty, there shall be paid for funeral expenses a sum not to exceed one hundred dollars (\$100.00); and should such deceased member leave a dependent widow or leave a child or children under the age of sixteen years or both, then there shall be paid to such widow out of such fund twenty-five dollars (\$25.00) per month until her death or remarriage and to such children each five dollars (\$5.00) per month until they arrive at the age of sixteen years, respectively, to be paid to the mother of such children, if living, for their benefit, so long as such children shall reside or be supported by her.

Fourth. If any member of such police force, fire department or band, shall die not leaving a widow or child under sixteen years of age, but leaving a father or mother dependent upon him, such father or mother (but not both) shall, upon satisfactory proof of such dependency being made to such board of trustees, receive from such fund a sum not exceeding thirty-five dollars (\$35.00) per month. The said board of trustees shall determine whether such father or mother is dependent and when he or she may cease to be dependent and how much of the amount herein provided for shall be paid to him or her respectively; provided, that if there be no widow and no child and no father or mother, but dependent brothers or sisters, then such pension shall be paid to them in such sums as shall not exceed the aggregate amount of thirty dollars (\$30.00) per month. On the remarriage of any widow entitled to the benefits of such sum, or in the event of such father or mother, brothers or sisters ceasing to be dependent, then

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such payments to them shall cease. Any pension authorized as provided in this section shall be subject to reduction by the board of trustees whenever, in its judgment, the condition of the pension fund or any other circumstance makes it reasonable, fair or necessary. Any pension so reduced may thereafter be restored or further reduced as the board of trustees may deem best.

Provided, however, that the benefits hereinbefore set forth shall be in lieu of any or other compensation payable to said member of such police force, fire department, or band or any of his dependents under or on account of Act 221, Session Laws of Hawaii, 1915, as amended, or any other claim or demand against the county or city and county by whom said member is employed.

Provided further, however, that said member of such police force, fire department or band or his dependents may at his or their election waive the benefit provided for in this Act and in lieu thereof claim any compensation or benefits that would otherwise be payable to said member or his dependents under said Act 211, Session Laws of Hawaii, 1915, as amended or in any manner authorized by law.

SECTION 4. Orders, discipline, medical examination, etc. Any member of such police force, fire department or band placed on the retired list, except such as have served on such force for twenty (20) years or more and have retired for that reason, shall report for duty to the head of such police force, fire department or band, respectively, from time to time as may be ordered by said board of trustees or may be provided for in the by-laws of the board of trustees and shall be subject to the orders and discipline of the head of such police force, fire department or band, respectively, and shall perform such duties as may be required of him

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and for which, in the opinion of the surgeon or surgeons appointed by the board of trustees, he may be fit, and for which he shall be allowed full pay; and for any refusal to obey such orders and for a breach of such discipline, the head of such police force, fire department or band, as the case may be, shall report such member at once to the civil service commission in any county or city and county having a civil service commission, otherwise to the board of supervisors, for such action as by it may be deemed proper for the good of the service; and such member shall be subject to punishment and dismissal in the same manner as those in active service. Any pension such retired member may have received shall cease in case of his expulsion, and such pension for any refusal to obey orders and all other breach of discipline as aforesaid shall be subject to whatever orders may be deemed proper by such civil service commission or the board of supervisors as the case may be. It shall be the duty of the surgeon or surgeons appointed by the board of trustees to make all examinations of the members of the police force, fire department or band of such county or city and county whenever requested by such board of trustees or whenever requested by any such member to do so, for the purpose of certifying to his physical or mental condition to such board of trustees.

SECTION 5. Payments of pensions. If at any time there should not be sufficient money to the credit of such pension fund to pay all claims against it in full, claims on account of the death of members of such police force, fire department or band, if there be any such death, shall be first paid in full with as little delay as possible, after which an equal percentage shall be paid upon all other claims to the full extent of the funds on hand until such funds be replenished so as to pay them in full. All pensions herein provided for

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shall be paid by the treasurer of such board at his office at the same time and in such installments as the members of the police force, fire department or band of such county or city and county are paid. All pensions granted and payable out of such pension fund shall be exempt from seizure or levy upon attachment, execution, supplemental process and all other process whether mesne or final and shall not be subject to sale, assignment or transfer by any beneficiary.

SECTION 6. Forfeiture of pension. Whenever any person who shall have received any pension from the pension fund shall be convicted of any felony or shall become a habitual drunkard, or shall become a non-resident of this Territory, or shall fail to report himself for examination for duty (unless excused by the board of trustees), or shall disobey the requirements of the board of trustees in respect to such examination, or shall fail to perform such duty as may be required of him if found able to perform such duty, then the board of trustees shall order that the pension allowed and paid to him shall cease permanently or temporarily.

SECTION 7. Dismissal after twenty years' service. Pension. Any member of such police force, fire department or band who shall be dismissed therefrom for any cause other than for being convicted of a felony, after he shall have been in actual service for twenty (20) years or more, shall receive from the pension fund a monthly payment equal to forty per centum (40%) of the salary such person was receiving at the time of his dismissal.

SECTION 8. Dismissal after ten years' service. Pension. Any member of such police force, fire department or band in any county or city and county not having a civil service commission, who shall be dismissed from service without cause after he shall have been in actual service for ten

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(10) years or more, but not exceeding twenty (20) years and who shall be unable through sickness or other disability to support himself and his dependents, shall receive from the pension fund a monthly payment equal to twenty-five per centum (25%) of the salary such person was receiving at the time of his dismissal so long as so disabled.

SECTION 9. No member of the police force, fire department or band who is now receiving a pension from the Territory shall be a beneficiary under the provisions of this Act.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Amd. Act. 13 S. S. 1918 ACT 221

See 24 Ha.

AN ACT

CREATING A COMMISSION TO INCREASE, CONSERVE, REGULATE AND CONTROL THE FOOD SUPPLIES OF THE TERRITORY OF HAWAII, AND DEFINING ITS POWERS AND DUTIES AND MAKING AN APPROPRIATION FOR THE PURPOSES THEREOF.

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

SECTION 1. Appointment of commissioners. There is hereby created a food commission of not to exceed nine members to be appointed for terms of two years in the

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manner prescribed by section 80 of the Organic Act. The members shall select a chairman from among their own number and shall serve without compensation.

SECTION 2. Organization and appointment of assistants. The commission shall have discretion with regard to the manner in which it shall organize and carry out its duties. It may appoint such committees, composed of its own members or partly of its own members and partly of others, as it may deem best, and may define the powers and duties of such committees. The commission may appoint or employ all such agents, clerks and other assistants as may be necessary and may define their duties and fix their compensation. The commission may call upon the attorney general, or any county or city and county attorney, or their respective deputies for legal assistance or in its discretion secure other legal counsel.

SECTION 3. Definitions. The word "food" as used in this Act shall mean and include all products, materials or articles used or which may be used to nourish or sustain human or animal life. The word "person" as used in this Act shall wherever the context intends or requires mean and include a partnership or corporation.

SECTION 4. General duties. During the period that the United States shall be at war and for such further period as shall be reasonably necessary, it shall be the general duty of the commission to encourage and in every practicable manner to seek to increase the production of food within the Territory both for shipment to the mainland and so that there may be produced within the Territory, as nearly as may be, sufficient food to supply all local needs; also in every practicable manner to conserve and prevent the waste of food whether direct or indirect, including the improper or uneconomic use thereof.

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SECTION 5. General powers. In furtherance of its general duties, the commission shall have power to assist financially or otherwise producers of food; to cultivate or otherwise utilize any land, whether public or private, placed under its control or made available for its use; to require land formerly used for the cultivation of rice or taro and being used for other purposes to be again utilized for rice or taro, if in the opinion of the commission such action is necessary to produce and maintain a sufficient supply of such foods for local needs; to further and increase the production of food by all appropriate means; to use, handle and disburse, either directly or otherwise, within its discretion, all funds contributed or in any manner made subject to its control; to arrange for, promote and assist in the distribution and sale of food within the Territory; to control the distribution of food throughout the Territory and to insure as nearly as may be an equitable distribution and an economic use thereof; to control and enforce the conservation of food and to prevent waste thereof with full power to declare and define what shall constitute waste within the meaning of this Act; to prevent the slaughtering of live-stock when in the opinion of the commission the public interest so requires; to provide maintenance for live-stock when an owner is unable to make sufficient provision therefor; to control and direct the use to which food may be put within the Territory and to forbid the use of rice, grain or other food for the manufacture of intoxicating liquor as defined in section 2101 of the Revised Laws of Hawaii, 1915; and in addition to have and exercise all such further powers whether general incidental or otherwise as are necessary to effectively carry out the general purposes of this Act.

SECTION 6. Rules and regulations. The commission may make and amend such rules as it may deem expedient re-

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garding the time and manner of calling and holding meetings, its procedure, the number which shall constitute a quorum and the number necessary to determine any matter which may come before it. The commission may also make and amend all such regulations as it shall deem necessary to effectively carry out in the public interest the purposes of this Act. Such regulations shall be published at least three times in some one newspaper of general circulation within the Territory, and when so published shall have the force and effect of law.

SECTION 7. Power to bring suits. Whenever in the opinion of the commission such action is required, it shall institute and prosecute all such appropriate proceedings to enforce the provisions of this Act before any court or other body whether in its own name or in the name of the Territory or in the name or names of any complainant or complainants, as it shall deem best.

SECTION 8. Regulation of prices. Whenever in the opinion of the commission the circumstances justify and the public interest requires such action, it shall investigate, and, in so far as it is not prevented by the constitution or laws of the United States, may by regulation fix or control the price or prices at which any food or foods shall be sold within the Territory so that the same shall be reasonable, and to prevent unreasonable discrimination between localities or between users or consumers under substantially similar conditions.

SECTION 9. Powers to compel attendance of witnesses, etc. In the performance of its duties and the exercise of its powers, the commission and each commissioner shall have the same powers respecting administering oaths, compelling the testimony of witnesses and the production of

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documentary evidence, examining witnesses and punishing for contempt, as are possessed by circuit judges at chambers. In case of disobedience by any person or persons to any order of the commission or of any commissioner or any subpoena issued by it or him, or of any refusal of any witness to testify to any matter regarding which he may be questioned lawfully, it shall be the duty of any circuit judge, on application by the commission or a commissioner to compel obedience as in case of disobedience of the requirements of a subpoena issued from a circuit court, or a refusal to testify therein. No person shall be excused from testifying or from producing any book, document or paper or account in any investigation or inquiry by the commission or any commissioner when ordered to do so, upon the ground that the testimony or book, document, paper or account required may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence. The fees and traveling expenses of witnesses shall be the same as allowed witnesses in the circuit courts, and shall be paid out of any monies available for the use of the commission.

SECTION 10. Penalties. Any person violating any regulation of the commission published as aforesaid or any order made in writing by the commission or by any commissioner shall be guilty of a misdemeanor and on conviction punished by a fine not exceeding five thousand dollars or by imprisonment for not exceeding one year or by both such fine and imprisonment.

SECTION 11. Perjury. Any person who shall wilfully and knowingly make under oath any false statement in connec-

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tion with any investigation or inquiry by the commission or a commissioner shall be guilty of perjury and, upon conviction, shall be subject to the penalty prescribed by law for such offense.

SECTION 12. Validity. If any section, sentence clause or phrase of this Act shall for any reason be held to be invalid as to any or all matters within its terms, such decision shall not affect the validity of the remaining portions of this Act, or the validity of such portion as to any other matter within its terms.

SECTION 13. Finances. The sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated out of the general revenues of the Territory for the use of the commission in carrying out the purposes of this Act. All warrants drawn against said fund shall be issued upon vouchers approved by the chairman of the commission.

SECTION 14. Time of taking effect. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

AND ACT 233, S. L. 1923

ACT 222

AN ACT

Act 222. Taxation.
 See 25 Ha. 286
 See 25 Ha. 70
 Amd. Act 24 S. S. 1920
 Amd. Act 73 S. L. 1924
 Amd. Act 250 S. L. 1921
 Amd. Act 177 S. L. 1919

To AMEND SECTION 1207, 1223 AND 1236, AS AMENDED BY
 ACT 90 OF THE SESSION LAWS OF 1915, AND SECTIONS
 1240, 1241, 1242, 1243, 1246, 1252, 1253, 1260, 1266,
 1268 AND 1275 OF THE REVISED LAWS OF HAWAII, 1915,
 RELATING TO TAXATION.

AND ACT 61, S. L. 1923AND ACT 153, S. L. 1923AND ACT 187, S. L. 1923

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

SECTION 1. Section 1207 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1207. Dates. All taxes shall be assessed as of, and be due and payable on and after January 1 in each year, except as otherwise provided by law.

All taxpayers shall make returns of their property and the value thereof between January 1 and January 31, both inclusive, in each year.

All personal taxes and all specific taxes and one-half of all other property taxes remaining unpaid after May 15 of each year shall thereby and thereupon become delinquent.

The balance of the property taxes remaining unpaid after November 15 of each year shall thereby and thereupon become delinquent.

Notice of raise or disallowance of exemption claimed shall be mailed by the assessor to the taxpayer affected not later than April 10.

In order to be entitled to appeal, any person desirous and otherwise entitled to appeal from any assessment shall file a notice of appeal at any time from April 10 to May 10,

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both inclusive, of the year in which the assessment is made.:

The assessment books shall be made up on or before May 1, and shall be open to inspection from May 1 to May 10, both inclusive, of each year; notice of which shall be given.

The tax appeal court shall commence to sit for the hearing of tax appeals during the month of June in each year.

From January 1 to December 31, both inclusive, of each year, assessors shall attend at an advertised place for the collection of taxes, the advertisement to contain notice that taxes will be delinquent after May 15 and November 15.

During December of each year each assessor shall advertise for tax returns to be made during the following January."

SECTION 2. Section 1223 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1223. Definition of specific taxes. The term 'specific taxes,' for the purposes of this chapter, shall mean and include, all brake tax, sulky tax, ox-cart tax, automobile and other power-driven vehicle tax, cart tax, dray tax, wagon tax, wagonette tax, omnibus tax, hearse tax, carriage tax, bicycle tax and dog tax."

SECTION 3. Section 1236 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1236. General property taxes. Except as exempted or otherwise taxed, all real property and all personal property, within each taxation division, shall be subject to a tax each year of such rate per cent upon the full cash value thereof as shall be fixed for that year in the following manner:

As soon as practicable after the first Monday following

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the first day of January in each year, the board of supervisors of each county and city and county shall prepare, and transmit to the assessor of the taxation division in which such county or city and county is included, estimates of the amounts of money required to be raised from this tax during that year for such county or city and county for the following purposes, respectively (in estimating which amounts there shall be taken into consideration, among other things outstanding obligations, cash on hand and expected receipts from other sources) :

1. For current expenses other than for the purposes specified in subdivisions 3, 4, 5 and 6 of this section;
2. For permanent improvements;
3. For interest and sinking fund for county or city and county bonds, if any;
4. Beginning with the year 1918, and every two years hereafter, a statement showing the balance unexpended and uncontracted for remaining at the end of the school budget period from the amount collected during the preceding two years for school buildings and grounds; and
5. The treasurer of the Territory shall similarly prepare and transmit to such assessor, an estimate of the amount of money required for that year to be raised from this tax and paid to the treasurer of such county or city and county for school buildings and grounds under chapter 25, which amount shall be one-half of the sums specified for such purposes for such county or city and county in the biennial school budget operative under said chapter at the time such estimate is made.
6. The treasurer of the Territory shall similarly prepare and transmit to the assessor, an estimate of the amount, if

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any, payable to or retainable by the Territory out of the proceeds of this tax during such year in respect of such county or city and county for school, interest, sinking fund and other purposes, including the cost of assessing and collecting taxes in such county or city and county. The amount for school purposes, under this subdivision, shall be an amount which shall bear the same ratio to one-half of the amount specified for all school purposes in said biennial budget, plus the amount estimated to be required for that year in accordance with the salary schedule provided for in the chapter referred to in subdivision 5 of this section, less the amount reported under the provisions of subdivision 4 of this section, also less the amount estimated for school buildings and grounds under said subdivision 5 and less the amount of school taxes (provided for in section 1225) collected during the preceding year, that the aggregate value of property in such county or city and county as assessed for the purposes of this tax during the preceding year bears to the aggregate value of property in the Territory, as similarly assessed, exclusive of the property mentioned in the proviso of this section.

The assessor shall thereupon estimate the rate per cent, at which the property, subject to be taxed under this section for the benefit of such county or city and county, shall be taxed in order to yield, during that year, the amount so estimated to be required for the purposes specified in each of the above subdivisions 1, 2, 3, 4, 5 and 6 of this section. In estimating such rates the aggregate value of property, as assessed for the purposes of this tax for the preceding year, shall be taken as a basis. If the rate so estimated for the purposes specified in subdivision 1 shall exceed three-fifths of one per cent., it shall be reduced to three-fifths of one per cent. If the rate so estimated for the purposes specified

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in subdivision 2 shall be such that the sum of that rate with the rate estimated for the purposes specified in subdivision 1 shall exceed one per cent., it shall be reduced so that such sum shall be one per cent. If the estimates of the amount required for the purposes specified in subdivision 1 and 2 shall not be transmitted to the assessor on or before the last day of January in that year, the assessor shall estimate the rate for the purposes specified in subdivision 1 at three-fifths of one per cent., and the rate for the purposes specified in subdivision 2 at two-fifths of one per cent. The sum of the rates so finally estimated or determined for the purposes specified in said six subdivisions shall be the rate at which property shall be taxed for that year under this section in the taxation division in which such county or city and county is included.

Provided, however, that all real property and all personal property within the Territory (not specifically taxed or exempted) which is used or operated in or in connection with the business of transmitting intelligence by electricity or otherwise, or transporting passengers, mail or freight from one island to another or to vessels at sea or to other lands, shall be subject to a tax each year, at the rate of the general property tax in the city and county of Honolulu for that year, upon the full cash value thereof, for the sole benefit of the Territory, and that all taxes, if any, collected in respect of persons or property in the county of Kalawao shall be for the sole benefit of the Territory."

SECTION 4. Section 1240 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1240. Personal property defined. The term 'personal property,' for the purposes of this chapter, shall mean and include all household furniture and effects, jewelry, watches, goods, chattels, wares and merchandise, ma-

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chinery, ships or vessels, whether at home or abroad, all moneys in hand, (rights of piscary) (leasehold and chattel interests in land and real property solely acquired prior to the passage of this Act), franchises, patents, contracts, growing crops and all animals not in this chapter specifically taxed."

SECTION 5. Section 1241 of the Revised Laws of Hawaii, 1915, is hereby amended so as 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 full cash value.

Land shall be equally assessed, according to its value for use or occupancy; this value shall be determined in cities and towns 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 of 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.

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 purpose

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 corporation 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 6. Section 1242 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1242. Each person's interest assessed separately. The interest of every person in any property shall be separately assessed (except as in this chapter provided in respect to shareholders in or members of companies), and every person shall be liable to taxation in respect of the full value of his interest in such property.

The interest of any person as tenant, lessee or occupier of any real property that is exempt from taxation, or the owner of which is exempt from taxation, shall be assessed to such tenant, lessee or occupier in respect of the value of his interest therein provided such interest was acquired prior to the passage of this Act, but not otherwise; it being the intent to cease assessing the leasehold interest in land of

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all property demised subsequent to the approval of this Act."

SECTION 7. Section 1243 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1243. Persons exempt; clergymen, members fire department, national guard and naval militia. The following persons shall be exempt from personal taxes; all clergymen of any Christian denomination regularly engaged in their vocation, regular members of a volunteer fire department, all officers and soldiers of the national guard, and all officers and sailors of the naval militia; provided, however, that in order to secure such exemption the commanding officer of such soldiers or sailors shall, on or before January 1 in each year, deliver under oath to the assessor of the division, a statement showing the names of such soldiers or sailors who are entitled to exemption.

A person whose tax has been wholly exempted or abated shall be entitled to a certificate thereof from the assessor upon demand therefor."

SECTION 8. Section 1246 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

AND ACT 153 S.L. 1923
 "Section 1246. Property exempt; public, education, religious, eleemosynary. The following real and personal property shall be exempt from taxation: real and personal property belonging to the Territory; to the department of public instruction; to any county or city and county; to incorporated or private schools and in the actual use of such schools, the land of such schools exempt from taxation being limited to such area of land as may be used for building and campus ground with not more than twenty additional acres for agricultural or dairying purposes; to the Queen's Hospital; to the Kapiolani Maternity Home; to the Leahi

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Home, to any other public hospital which maintains a free ward, the property of all hospitals exempt from taxation being limited to that actually in use for hospital purposes; to religious societies and in actual use of such societies, the land of such societies exempt from taxation being limited to church sites and burying grounds, such sites and burying grounds not to exceed twelve acres each in extent, and to the Lunalilo Home and in the actual use of such home.

All property both real and personal of public library associations shall be exempt from taxation.

All property both real and personal belonging to and actually used by any young men's or young women's Christian association which is used exclusively for the moral, physical, intellectual and religious improvement of men or women.

All property both real and personal belonging to and actually used by the Kaiulani Home for girls shall be exempt from taxation.

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

All property both real and personal belonging to and actually used by the Palama Settlement, shall be exempt from taxation.

All property both real and personal belonging to and actually used by the Lanakila Hale shall be exempt from taxation.

All property both real and personal belonging to and actually used by the Cluett Home shall be exempt from taxation.

All property both real and personal belonging to the

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Boys' Detention Home, Hilo, shall be exempt from taxation."

SECTION 9. Section 1252 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1252. Public notice to make. It shall be the duty of the assessor of each division, or of his deputies, to give public notice during the month of December of each year, by written or printed advertisement or posters, to the taxpayers of each district in his division, fixing a time and place during the month of January following of each year, at which such taxpayers shall render to such assessor or his deputies a statement, list or return upon forms approved by the treasurer of the Territory, and in the manner required by said forms, of all property, real or personal, belonging to them or of which they had possession or control on January 1 of that year, and of all animals subject to taxation in their possession on that day, and of all persons in their employ on that day. No such list or return shall be available for inspection by others than officers of the Territory, or of any county, or the city and county of Honolulu, or by the officers or stockholders of the corporation which made the list or return, or by any bona fide creditor of such corporation, provided, that the treasurer may permit the inspection of any such list or return by any other person upon being satisfied that such inspection is desired for some lawful and proper purpose."

SECTION 10. Section 1253 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1253. Time, contents. Each person liable to pay taxes and every owner or possessor of any property, real or personal, whether entitled to exemption or not, shall in the month of January of each year give in to the assessor

or the deputy assessor of the district in which said property is located a written or printed taxation return, signed and sworn to by him, enumerating the following facts, viz:

1. The description, situation and value of the real and personal property subject to taxation belonging to such person, including moneys deposited with trustees, agents or other persons of every kind and from every source, or of which such person had the possession, custody or control on January 1 then being or immediately preceding;
2. All leases, mortgages, incumbrances and charges secured thereon respectively, with the names and residences of the persons to whom such leases, mortgages, incumbrances or charges are made or owing;
3. All animals subject to taxation which were in the possession, custody or control of the person making the return on January 1;
4. The names and nationalties of all persons subject to taxation in the employ of such persons on January 1.

Provided, however, that the assessor or the deputy assessor may, in his discretion, grant an extension of time, not to exceed thirty days, for the filing of taxation returns."

SECTION 11. Section 1260 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1260. Failure to make return; penalty. If any person shall refuse or neglect to make said return, or shall decline to take oath to the accuracy thereof, the assessor may make such assessment according to the best information within his reach, and the same shall be binding and conclusive upon all parties, and shall not be subject to appeal. Provided, however, that any taxpayer who may have

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failed as aforesaid to make a return or shall have declined as aforesaid to take oath to the accuracy thereof and who shall feel aggrieved at the assessment made by the assessor, shall have the right, within ten days after May 1 of the assessment year, if such assessment was made prior to May 1, or if such assessment was made after May 1 in such assessment year, within thirty days after the depositing by the assessor in the post office in a sealed postpaid, registered envelope marked "return receipt required," a notice of such assessment addressed to the last known place of residence of the person against whom the assessment was made, upon depositing with the assessor or deputy assessor ten per cent. of the amount of the taxes on such assessment, to bring suit to enjoin the collection of taxes based on such assessment, and the circuit judge at chambers shall have jurisdiction in such suit to assess and revalue the property assessed for the purpose of taxation and to adjudge the amount of taxes due, subject to appeal as by law provided. The ten per cent. deposit herein provided for shall be subject to the provisions of section 1278."

SECTION 12. Section 1266 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1266. Record open to public. It shall be the duty of each assessor to gather and tabulate under appropriate heads and in proper books, all information necessary or proper for the ascertaining of value of property in their respective divisions; such information and all maps and records made, obtained or received by such assessor shall be public records, and in case of his death, removal or resignation, shall immediately pass to the care and custody of his successor; such information and all maps and records connected with the assessment and collection of taxes shall, during business hours, be open to the inspection of the pub-

lic, subject, however, to the provisions of section 1252."

SECTION 13. Section 1268 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1268. Notice of raise in value. In case any assessor shall raise the valuation of any property above the value stated in the assessment return in this chapter provided for, or shall refuse to allow a claim for exemption, such assessor shall, on or before April 10 in each year, send a written or printed notice by depositing the same in the post office in a sealed, postpaid, registered envelope marked "Return receipt required," addressed to the last known place of residence of the person making the return or claiming the exemption, describing the property, the valuation of which has been so raised, and stating the proposed assessment thereof, or stating the exemption refused, as the case may be."

SECTION 14. Section 1275 of the Revised Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1275. Sessions. The said court shall commence to hold sittings during the month of June in each year, in each judicial circuit in which the property is situated, on the value of which an appeal may have been taken, at such times as the presiding officers thereof may appoint, and may adjourn from time to time as may be necessary."

SECTION 15. This Act shall take effect on January 1, A. D. 1918.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 223. Inheritance Tax.

See 25 H.A. 141

ACT 223

AN ACT

To AMEND SECTION 1323 OF CHAPTER 95 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO INHERITANCE TAX.

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

SECTION 1. Section 1323 of chapter 95 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1323. Imposed when, rate. All property which shall pass by will or by the intestate laws of this Territory, from any person who may die seized or possessed of the same while a resident of this Territory, or which, being within this Territory, shall pass, whether by the laws of this Territory or otherwise, from any person who may so die while not a resident of this Territory, or which or any interest in or income from which, shall be transferred by deed, grant, sale or gift, made in contemplation of the death of the grantor, vendor, or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, shall be and is subject to a tax hereinafter provided for, to be paid to the treasurer of the Territory of Hawaii as hereinafter directed, for the use of the Territory; and such tax shall be and remain a lien upon the property passed or transferred until paid, and all administrators, executors, and trustees of every estate so transferred and the person to whom the property passes or is trans-

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ferred or passed shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. The tax so imposed shall be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemption hereinafter granted.

Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after April 28, 1909, such appointment when made, shall be deemed a transfer taxable under the provisions of this chapter in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this chapter shall be deemed to take place to the extent of such omissions or failures in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

When the beneficial interest to any property or income therefrom shall so pass to or for the use of his or her father, mother, husband, wife, child, grandchild, or any child adopted as such in conformity with the laws of the Territory of Hawaii, the rate of the tax shall be at the following percentage rate of the market value of such property, received by each person, except aliens and non-residents of the United States, in excess of five thousand dollars, viz:

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1½ per cent. on amounts between \$	5,000.	and \$	20,000.
2 " " "	20,000.	"	50,000.
2½ " " "	50,000.	"	100,000.
3 " " "	100,000.	"	250,000.
3½ " " " over	250,000.		

In all other cases, except aliens and non-residents of the United States, the rate of tax of the market value of such property in excess of five hundred dollars shall be as follows, viz:

3 per cent. on amounts between \$	500.	and \$	5,000.
5 " " "	5,000.	"	20,000.
5½ " " "	20,000.	"	50,000.
6 " " "	50,000.	"	100,000.
6½ " " " over	100,000.		

When the beneficial interest to any property or income therefrom shall so pass to an alien or non-resident of the United States, the rate of tax shall be 10 per cent. of the market value of such property received by each person, in excess of five hundred dollars (\$500.00). All property so passing for which such exemption of five thousand dollars (\$5,000.00) can be maintained shall not be taxable as income under the provisions of any other law.

When property passes as provided herein in trust or otherwise, and the rights, interest or estates of the donees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this Act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred."

Act 223. Inheritance Tax.

Act 224. Appointment of District Magistrate.

SECTION 2. This Act shall take effect on July 1, A. D. 1917.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 224

Am. Act. 108 S. L. 1915

AN ACT

RELATING TO THE APPOINTMENT OF DISTRICT MAGISTRATES
AND AMENDING SECTION 2295 OF THE REVISED LAWS
OF HAWAII, 1915, AS AMENDED BY ACT 203 OF THE SES-
SION LAWS OF 1915.

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

SECTION 1. Section 2295 of the Revised Laws of Hawaii, 1915, as amended by Act 203 of the Session Laws of 1915, is hereby amended so as to read as follows:

"Section 2295. District magistrates. There shall be appointed one or more district magistrates for each judicial district of the Territory; such appointment shall be made by the governor of the Territory, with the approval of the Senate. Each district magistrate shall reside in the district for which he is appointed, and such magistrate shall have passed an examination for admission to practice in the district courts of this Territory at least six months prior to the time of his appointment."

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 225. Delinquent Tax Commission.**ACT 225****AN ACT**

TO CREATE IN EACH OF THE SEVERAL COUNTIES OF THE TERRITORY OF HAWAII A COMMISSION TO BE KNOWN AS THE DELINQUENT TAX COMMISSION.

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

SECTION 1. Commissioners, appointment, tenure. There shall be a commission to be known as the delinquent tax commission to consist of five members in each of the several counties of the Territory who shall be appointed by the governor by and with the advice and consent of the senate.

The auditor and treasurer of the Territory shall be ex-officio members of all said commissions; likewise the assessor of each tax division shall be ex-officio member of said commission for his said county; and all of said ex-officio members shall have the same powers and duties herein prescribed for the other members of said board, except as herein provided; the remaining two commissioners shall be citizens of the county in which the commission they are to serve upon shall act. Said commission shall be appointed to hold office not longer than one year from July 1, 1917. Upon a vacancy occurring in said commission, a commissioner shall be appointed to fill said vacancy for the remainder of the unexpired term.

SECTION 2. Organization of commission. Immediately upon their appointment, the commissioners shall elect one of their members secretary of the commission. The treasurer of the Territory shall act as chairman of the commission in each instance. A majority of the members of said

Act 225. Delinquent Tax Commission.

commission shall constitute a quorum thereof, with powers to transact any business within the powers of jurisdiction of the commission.

SECTION 3. Expenses of commission. All ex-officio members of the commission appointed under this Act shall serve without pay. The two citizen members of each commission shall be paid for their services not more than ten dollars (\$10.00) per diem for each actual day of service rendered, which compensation shall be paid out of the expense account of the taxation division wherein said commission is acting. The traveling expenses of each commission shall likewise be paid out of the expense account of the taxation division wherein said commission is acting.

SECTION 4. Duties of the commission. It shall be the duty of each commissioner to thoroughly examine all delinquent tax accounts in its respective tax division, and determine, as nearly as may be, the possibility of collecting such delinquent tax. They shall cause to be prepared a complete list of such delinquent tax accounts as are, by them, considered uncollectable and shall endorse at the foot of said list a statement to the effect that the commission has considered all of said accounts and that said accounts are by them declared uncollectable. They shall forthwith transmit a certified copy of said list to the assessor of the county wherein said commission is acting and take his receipt therefor. Said assessor thereupon shall cause an entry to be made against each and every account in said list as said account appears in his assessment book to the following effect and manner:

The account upon which this entry is made, standing in the name of for the amount of has been declared uncollectable by the

Act 225. Delinquent Tax Commission.

Act 226. Tantalus Road.

Territorial delinquent tax commission, and said account is hereby canceled. Which entry shall be signed by the assessor of the division wherein said commission is acting.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 226

AN ACT

AUTHORIZING AND DIRECTING THE SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO FURNISH MATERIAL AND EQUIPMENT FOR THE RECONSTRUCTION AND MAINTENANCE OF THE TANTALUS ROAD.

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

SECTION 1. The supervisors of the city and county of Honolulu are hereby authorized and directed, upon the earliest date possible, after the passage of this Act, to furnish the necessary materials and equipment for putting in repair and rendering fit for travel by ordinary vehicles the road generally known as the Tantalus road, running from the back of Punchbowl hill, along the ridge above Makiki and up to and around the base of the hill called Tantalus, to its point of connection with the new Round Top road.

SECTION 2. Labor for the repairing and reconstruction of

Act 226. Tantalus Road.

Act 227. Workmen's Compensation.

the Tantalus road as above set forth may be furnished by the attorney-general and the high sheriff of the Territory of Hawaii, upon such terms and conditions as may be deemed fit and proper.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 227 See 24 H. 763

AN ACT

AND ACT 249 S. L. 1923

To AMEND ACT 221 OF THE SESSION LAWS OF HAWAII, 1915,
ENTITLED "AN ACT RELATING TO COMPENSATION TO
EMPLOYEES FOR PERSONAL INJURIES SUSTAINED IN THE
COURSE OF THEIR EMPLOYMENT," BY AMENDING SEC-
TIONS 1, 12, 13, 14, 30, 31, 34, 39, 45, 47, 49 AND 60
THEREOF.

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

SECTION 1. Section 1 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 1. Employments covered. This Act shall apply to any and all industrial employment, as hereinafter defined. If a workman received personal injury by accident arising out of and in the course of such employment or by disease proximately caused by such employment, or resulting from the nature of such employment, his employer or

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the insurance carrier shall pay compensation in the amounts and to the person or persons hereinafter specified."

SECTION 2. Section 10 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 10. Certain words defined. As used in this Act the term 'child' includes step-children, adopted children, posthumous children, and illegitimate children, acknowledged previous to the injury, but does not include married children unless dependent. The terms 'brother' and 'sister' include step-brothers and step-sisters, half-brothers and half-sisters, and brothers and sisters by adoption, but do not include married brothers nor married sisters unless dependent. The term 'grand-child' includes children of adopted children and children of step-children, but does not include step-children of children, step-children of step-children, step-children of adopted children, nor married grand-children unless dependent. The term 'parent' includes step-parents and parents by adoption. The term 'grand-parent' includes parents of parents by adoption, but does not include parents of step-parents, step-parents of parents, nor step-parents of step-parents."

SECTION 3. Section 12 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

AHD ACT 249 S.L. 1915
"Section 12. Medical attendance. During the disability the employer shall furnish reasonable surgical, medical and hospital services and supplies not exceeding the amount of one hundred and fifty dollars (\$150.00). The pecuniary liability of the employer for the medical, surgical and hospital service herein required shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living when such treatment is paid for by the injured person.

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In the event of the failure of the employer promptly to provide such physician or surgeon or such medical, surgical or hospital services, the injured employee may provide the same at the expense of the employer.

If it shall appear to the board that the injured employee has refused to accept the services of a competent physician or surgeon, or has refused the reasonable surgical, medical or hospital services provided by the employer, the board may in its discretion reduce the amount provided for medical attendance to which said employee might otherwise be entitled or consider such refusal on the part of the employee to be a waiver by him of any right to medical attendance hereunder."

SECTION 4. Section 13 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

AMD ACT 149 S. L. 1923

"Section 13. Total disability. Where the injury causes total disability for work the employer during such disability, but not including the first seven days thereof, shall pay the injured employee a weekly compensation equal to sixty per centum of his average weekly wages, but not more than eighteen dollars (\$18.00), nor less than three dollars (\$3.00) a week. In no case shall the weekly payments continue after the disability ends, nor longer than three hundred and twelve weeks, nor shall the amount of compensation paid in any case exceed in the aggregate the sum of five thousand dollars (\$5,000.00). But no adjudication of permanent disability shall be made until after two weeks from the date of injury.

In case of an employee whose average weekly wages are less than three dollars (\$3.00) a week the weekly compensation shall be the full amount of such average weekly

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wages, but where the disability is permanent the weekly compensation in such cases shall be three dollars (\$3.00). In case the total disability begins after a period of partial disability, the period of partial disability shall be deducted from such total period of three hundred and twelve weeks.

In case of the following injuries the disability caused thereby shall be deemed total and permanent, to wit:

1. The total and permanent loss of sight in both eyes;
2. The loss of both feet at or above the ankle;
3. The loss of both hands at or above the wrist;
4. The loss of one hand and one foot;
5. An injury to the spine resulting in permanent and complete paralysis of both legs or both arms or of one leg and one arm;
6. An injury to the skull resulting in incurable imbecility or insanity.

The above enumeration is not to be taken as exclusive."

SECTION 5. Section 14 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

AND ACT 2249 S.L. 1923

"Section 14. Partial disability. (a) Where the injury causes partial disability for work, the employer, during such disability and for a period of three hundred and twelve weeks beginning with the first day of disability, shall pay the injured workman a weekly compensation equal to fifty per centum of the difference between his average weekly wages before the accident and the weekly wages he will most probably be able to earn thereafter, but not more than twelve dollars (\$12.00) a week. In no case shall the weekly payments continue after the disability ends, and

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in case the partial disability begins after a period of total disability the period of total disability shall be deducted from such total period of three hundred and twelve weeks, nor shall the amount of compensation paid in any case exceed in the aggregate the sum of five thousand dollars (\$5,000.00). But no adjudication of disability shall be made until after two weeks from the date of injury.

(b) Permanent partial disability. In case of disability partial in character but permanent in quality the compensation shall be fifty per centum of the average weekly wages and shall be paid to the employee for the period named in the schedule as follows:

Thumb. For the loss of a thumb, sixty weeks;

First finger. For the loss of a first finger, commonly called index finger, forty-six weeks;

Second finger. For the loss of a second finger, thirty weeks;

Third finger. For the loss of a third finger, twenty-five weeks;

Fourth finger. For the loss of a fourth finger, commonly called the little finger, fifteen weeks;

Phalange of thumb or finger. The loss of the first phalange of the thumb or finger shall be considered to be equal to the loss of one-half of such thumb or finger, and compensation shall be one-half of the amount above specified. The loss of more than one phalange shall be considered as the loss of the entire thumb or finger; provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

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Great toe. For the loss of a great toe, thirty-eight weeks;

Other toes. For the loss of one of the toes other than the great toe, sixteen weeks;

Phalange of toe. The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of said toe, and the compensation shall be one-half of the amount specified. The loss of more than one phalange shall be considered as the loss of the entire toe;

Hand. The loss of a hand, two hundred and forty-four weeks;

Arm. For the loss of an arm, three hundred and twelve weeks;

Foot. For the loss of a foot, two hundred and five weeks;

Leg. For the loss of a leg, two hundred and eighty-eight weeks;

Eye. For the loss of an eye, one hundred and twenty-eight weeks;

Ear. The permanent and complete loss of hearing in both ears, three hundred and twelve weeks. The permanent and complete loss of hearing in one ear, sixty weeks. The loss of both ears, one hundred and twenty-eight weeks. The loss of one ear, sixty weeks;

Loss of use. Permanent loss of the use of hand, arm, foot, leg, eye, thumb, finger, toe, or phalange, shall be considered as the equivalent of the loss of such hand, arm, foot, leg, eye, thumb, finger, toe or phalange;

Amputation. Amputation between the elbow and the wrist shall be considered as the equivalent of the loss of hand. Amputation between the knee and the ankle shall

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be considered as the equivalent of the loss of a foot. Amputation at or above the elbow shall be considered as the loss of an arm. Amputation at or above the knee shall be considered as the loss of the leg.

The compensation for the foregoing specific injuries shall be in lieu of all other compensation, except the benefits provided in section 13 of this Act.

In case of an injury resulting in serious facial or head disfigurement the board may, in its discretion, make such award or compensation as it may deem proper and equitable, in view of the nature of the disfigurement, but not to exceed five thousand dollars (\$5,000.00).

Other cases. In all other cases in this class of disability, the compensation shall be fifty per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, payable during the continuance of such partial disability, but subject to reconsideration of the degree of such impairment by the board on its own motion or upon application of any party in interest."

SECTION 6. Section 30 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 30. Agreements. If the employer and the injured employee reach an agreement in regard to compensation under this Act, a memorandum of the agreement shall be filed with the board, and, if approved by it, thereupon the memorandum shall for all purposes be enforceable under the provisions of section 39, unless modified as provided in section 37.

Such agreement shall be approved by the board only

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when the terms conform to the provisions of Act 221 of the Session Laws of Hawaii, 1915, as amended.

No agreement between the parties for a lesser sum than that which may be determined by the board to be due shall operate as a bar to the determination of the controversy upon its merits, or to the award of a larger sum, if it be determined by the board that the amount agreed upon is less than the injured employee or his dependents are properly entitled to receive."

SECTION 7. Section 31 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 31. Award. Committee on arbitration. If the compensation is not settled by agreement, the board shall upon the filing with the board of a copy of the claim for compensation allow a full trial and shall make an award which shall be filed with the record of proceedings, and shall state its conclusions of fact and rulings of law and shall immediately send to the parties a copy of the award.

Provided, however, that at any time prior to the filing with the board of a copy of the claim for compensation, either party may make application to the board for the formation of a committee of arbitration. Such committee shall consist of three members, one of whom shall be a member of the industrial accident board, or appointed by it, who shall act as chairman. The other two members shall be named, respectively, by the parties. If a vacancy occurs, it shall be filled in the same way as the original appointment."

SECTION 8. Section 34 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 34. Examination by physician. Each industrial

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accident board may appoint a duly qualified impartial physician to examine the injured employee and to report."

SECTION 9. Section 39 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 39. Enforcement of award. Any party in interest may file in the circuit court in the jurisdiction of which the injury occurred a certified copy of a decision of the board awarding compensation, from which no appeal has been taken, within the time allowed therefor, or a certified copy of a decision of the board awarding compensation from which decision an appeal has been taken but as to which decision neither the board nor the court has ordered that the appeal therefrom shall operate as a supersedeas or stay, or a certified copy of a decision of an arbitration committee awarding compensation from which no claim for review has been filed within the time allowed therefor, or a certified copy of a memorandum of agreement approved by the board, whereupon said court shall render a decree or judgment in accordance therewith and notify the parties thereof. Such decree or judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said decree or judgment had been rendered in a suit duly heard and determined by said court, except that there shall be no appeal therefrom.

Provided, however, that in all cases where an appeal from the decision of the board has been taken within the time provided therefor, but where neither the board nor the court has ordered that such appeal shall operate as a supersedeas or stay, the decree or judgment of said circuit court shall provide that said decree or judgment shall become null and void in the event that the court shall set aside the decision or award of the board."

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SECTION 10. Section 45 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 45. Assignment; fees. No claims for compensation under this Act shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors. Claims of attorneys and of physicians for services under this Act shall not be a valid claim against the person to or for whom said services were rendered unless and until approved by the board."

SECTION 11. Section 47 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 47. Notice of insurance. If the insurance so effected is not under subdivision 3 or 4 of section 46 the employer shall forthwith file with the board in form prescribed by the board a notice of his insurance, together with a copy of the contract or policy of insurance."

SECTION 12. Section 49 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 49. The insurance contract. Every policy of insurance and every guarantee contract covering the liability of the employer for compensation, whether issued by a stock company, or by a mutual association authorized to transact workmen's compensation or guarantee insurance in this Territory shall cover the entire liability of the employer to his employees covered by the policy or contract, and also shall contain a provision setting forth the right of the employees to enforce in their own names either by at any time filing a separate claim or by at any time making the insurance carrier a party to the original claim, the liability of the insurance carrier in whole or in part for the payment of such compensation; provided, however, that payment in whole or in part of such compensation by

Act 227. Workmen's Compensation.

either the employer or the insurance carrier shall, to the extent thereof, be a bar to the recovery against the other of the amount so paid.

From and after the thirtieth day of June, 1918, all insurance policies shall be of a standard form, said form to be designated by and approved by the commissioner of insurance of the Territory of Hawaii. No policy of insurance different in form from said designated and approved form shall be approved by the board."

SECTION 13. Section 60 of Act 221 of the Session Laws of Hawaii, 1915, is hereby amended so as to read as follows:

"Section 60. Definitions. In this Act, unless the context otherwise requires:

(a) 'Employer'; unless otherwise stated, includes any body of persons, corporate or unincorporated, public or private, and the legal representative of a deceased employer. It includes the owner or lessee of premises, or other person who is virtually the proprietor, or operator of the business there carried on, but who, by reason of there being an independent contractor, or for any other reason, is not the direct employer of the workmen there employed. If the employer is insured it includes his insurer as far as applicable.

(b) 'Workman' is used as synonymous with 'employee', and means any person who has entered into the employment of, or works under contract of service or apprenticeship with, an employer. It does not include a person whose employment is purely casual or not for the purpose of the employer's trade or business, or whose remuneration from any one employer, excluding pay for over-time, exceeds thirty-six dollars (\$36.00) a week. Any reference to a workman who has been injured shall, where the work-

Act 227. Workmen's Compensation.

man is dead, include a reference to his dependents as herein defined, if the context so requires, or, where the employee is a minor or incompetent, to his guardian or next friend.

(c) 'Injury' or 'personal injury' includes death resulting from injury within six months.

(d) The words 'personal injury by accident arising out of and in the course of such employment' shall include an injury caused by the wilful act of a third person directed against an employee because of his employment.

(e) 'Industrial employment', in the case of private employers, includes employment only in a trade, occupation or profession which is carried on by the employer for the sake of pecuniary gain.

'Public employment' means employment by the Territory, or by a county, or by any political subdivision of the Territory now existing or which may hereafter be created.

It does not include the employment of public officials who are elected by popular vote or who receive salaries exceeding eighteen hundred dollars (\$1800.00) a year.

(f) The word 'board' or words 'industrial accident board'; whenever used in this Act, unless the context shows otherwise, shall be taken to mean the industrial accident board of the respective county.

(g) 'Partial disability'. Diminished ability to obtain employment owing to disfigurement resulting from an injury may be held to constitute partial disability.

(h) 'Wages' shall include the market value of board, lodging, fuel and other advantages which can be determined in money which the employee receives from the employer as a part of his remuneration.

Act 227. Workmen's Compensation.
Act 228. Public Loans.

'Wages' shall not include any sums which the employer has paid to the employee to cover any special expenses entailed on him by the nature of his employment.

(i) 'Insurance carrier' shall include stock corporations or mutual associations from any of which employers have obtained workmen's compensation insurance or guaranty insurance in accordance with the provisions of this Act.

(j) The word 'county' includes the city and county of Honolulu.

(k) Any term shall include the singular and plural and both sexes where the context so requires."

SECTION 14. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 228

Amd. Act 707 S. L. 1919

AND ACT 86 S. L. 1923

AN ACT

A.M. L. 1925

457-1

To AMEND SECTION 1 OF ACT 42 OF THE LAWS OF 1903, AS AMENDED BY ACT 89 OF THE LAWS OF 1911, AND ACT 134 OF THE LAWS OF 1913, PROVIDING FOR PUBLIC LOANS.

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

SECTION 1. Section 1 of Act 42 of the Laws of 1903, as amended by Act 89 of the Laws of 1911 and Act 134 of the

Act 228. Public Loans.

Act 229. Relief of E. M. Watson.

Laws of 1913, providing for public loans, is hereby amended so as 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 eleven million dollars, 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 in this Act stated."

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 229

AN ACT

MAKING SPECIAL APPROPRIATION FOR THE RELIEF OF E. M.
WATSON.

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

SECTION 1. There shall be, and hereby is, appropriated the sum of seven hundred and fifty dollars (\$750.00) to be paid out of any moneys in the treasury received from the general revenues of the Territory, as compensation to E. M. Watson for the damages suffered by him, by reason of

Act 229. Relief of E. M. Watson.
Act 230. Relief of H. E. Petersen.

the defective title of land attempted to be conveyed to his predecessor in title, by royal patent (grant) No. 255 to Maluai.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 230

AN ACT

**MAKING AN APPROPRIATION FOR THE BENEFIT OF HENRY
E. PETERSEN.**

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 upon warrants issued by the auditor of the territory, the sum of fifty dollars (\$50.00) each month to said Henry E. Petersen and to continue so to do for and during the period of two years from and after the date of the approval of this Act; 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 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 231. Waikiki Reclamation.

ACT 231

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO
PREPARE A SCHEME FOR THE SANITATION, RECLAMA-
TION AND IMPROVEMENT OF CERTAIN LANDS AT WAI-
KIKI, HONOLULU, AND MAKING AN APPROPRIATION
THEREFOR.

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

SECTION 1. The governor is hereby authorized to appoint a commission consisting of the superintendent of public works, the city and county engineer, the commissioner of public lands and two others, one of whom shall represent the owners of the shore or beach lots which will or may be affected by the sanitation, reclamation and improvement project hereinafter referred to, and the other of whom shall represent the owners of the lands situated within the area covered by, and which will or may be affected by such project.

SECTION 2. Said commission shall be known and designated as "The commissioners of the Waikiki sanitation, reclamation and improvement district No. 1", and may, on behalf of the territory enter into and execute all necessary contracts and agreements under said designation. The superintendent of public works shall be the chairman thereof and all expenditures of said commission shall be upon vouchers approved by him. The members of the commission shall serve without pay.

SECTION 3. Said commission shall devise a system or plan for the sanitation, reclamation and improvement of that area of land in Honolulu, lying between King street

Act 231. Waikiki Reclamation.

and the seabeach, and between Kapahulu road and Sheridan street, which scheme shall provide for the necessary fill and drainage of said area and a comprehensive system of streets, sidewalks and sewers therefor. Said drainage system shall include one main lagoon or canal through said area extending from Kapiolani Park to the sea at the Ewa end of said area, of sufficient width and depth to receive and take care of the natural and flood waters of said area. Said commission shall prepare and make a complete survey and maps and plans of said area which shall show the size, and location of each parcel or lot of land therein, and a description of each and shall contain a list of all known owners, mortgagees, lessees and occupants thereof; the lots or parcels, either within or without such area through which rights of way for canals, drains, ditches, streets, sidewalks or sewers are necessary, the amount of land necessary to be taken therefor, description of the same, an estimate of the value of said lands so required for such rights of way and all damage that will be sustained by any person or corporation by reason of the acquisition of such rights of way, irrespective of any benefit to be derived by such person or corporation by reason of the construction of said improvements, which estimates shall be made respectively as to each person or corporation through whose land said rights of way shall be required. A separate estimate shall be made by the commission of the benefits to accrue to each lot or parcel by reason of the said improvements. Said commission shall prepare all necessary maps, plans, details and specifications showing the exact location of all necessary canals or lagoons, drains or ditches, the width, depth and slope of the sides thereof, an estimate of the total cost of the system of drainage and fill in and for said area; the exact location of all streets, sewers and sidewalks and the method of construction of each, together with the cost

Act 231. Waikiki Reclamation.

thereof; and the amount to be assessed against each lot for each and all of said improvements.

SECTION 4. Said commission, with the approval of the governor, may enter into all necessary contracts and agreements for the acquisition by exchange or otherwise of the lands necessary for the construction of the main canals and boulevards, and such other agreements as shall be necessary to secure the cooperation of the property owners to the completion of the project.

SECTION 5. The commission shall, on or before February 1, 1919, prepare a report which shall be submitted to the legislature at its session of 1919. Said report shall include all the data hereinabove provided for, together with a recommendation of such legislation as the commission shall consider necessary to carry into effect the sanitation, reclamation and improvement of said area.

SECTION 6. There is hereby appropriated out of the general revenues of the territory the sum of twenty thousand dollars (\$20,000.) for defraying the expense of said commission, which sum or so much thereof as shall be necessary shall be disbursed on warrants of the auditor issued on vouchers approved by the chairman of said commission. The said twenty thousand dollars (\$20,000.) or any part thereof that may be expended shall be assessed by the commission against the land within the district to be reclaimed or improved and the tax assessor is directed to collect the assessments and place to the credit of the general fund of the territory.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 232. Agriculture and Forestry.

ACT 232

AN ACT

To AMEND SUBSECTION 4 OF SECTION 481, REVISED LAWS OF HAWAII, 1915, RELATING TO THE DUTY OF THE BOARD OF AGRICULTURE AND FORESTRY TO MAKE RULES AND REGULATIONS.

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

SECTION 1. Subsection 4 of section 481 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"4. Rules and regulations. To make rules and regulations, and to amend the same from time to time, in its discretion, subject to the approval of the governor, for and concerning the introduction, transportation and propagation of trees, shrubs, and plants, and the preservation, protection, extension and utilization of forests and forest reserves, both natural and artificial; for the quarantine, inspection, fumigation, disinfection, exclusion or destruction, either upon introduction into this territory, or at any time or place within the territory, or any soil, nursery stock, tree, sugar cane, shrub, plant, flower, vine, cutting, graft, scion, bud, seed, root, fruit pit, fruit, vegetable, leaf, nut or other vegetable growth, or other substances, and any box, barrel, package, or packing material or containers in which said articles or any of them have been transported or contained, which is or may be infected with, or liable to assist in the transmission or dissemination of any insect, blight, scale or disease injurious, or liable to become injurious to trees, plants, or other vegetation of value, or which is or may be in itself injurious, or liable to become injurious to trees, plants or other vegetation of value. Included therein may

Act 232. Agriculture and Forestry.

be rules and regulations governing the shipping between the different localities on the same island of any or all of the nursery stock, trees and other articles in this subsection above enumerated.

"And also to prohibit the importation into the Territory from any or all foreign countries, or other parts of the United States, or the shipment from one island within the Territory to another island therein, or the transportation from one part or locality of any island to another part or locality of the same island, of any specific article or class of articles above enumerated, which is liable to introduce or disseminate, or assist in the introduction or dissemination of any insect, blight, scale or disease, injurious or liable to become injurious to trees, plants or other vegetation of value, or which is or may be in itself injurious or liable to become injurious to trees, plants or other vegetation of value. All 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 2nd day of May, A. D. 1917:

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 233. Cantonier System.**ACT 233****AN ACT****RELATING TO THE MAINTENANCE AND UPKEEP OF ROADS
CONSTRUCTED OR RECONSTRUCTED IN WHOLE OR IN
PART FROM MONEYS PROVIDED BY THE LOAN FUND ACT
OF 1917-1919.**

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

SECTION 1. All roads constructed or reconstructed in whole or in part with moneys provided by the Loan Fund Act of 1917-1919, shall be divided into sections by the engineer of the county or city and county in which said money is expended, for the purpose of keeping the same in good condition and repair under the sectional upkeep or cantonier system, and a competent section man or cantonier shall be appointed and continuously maintained in charge of each such section by the said county or city and county at the expense of such county or city and county: Provided, that such section man may be temporarily employed elsewhere in case of emergency, and that nothing herein contained shall be construed as preventing other expenditures on said roads which may, from time to time, be found necessary or proper. The country or city and county shall also furnish and keep at convenient locations along each of said sections, property, tools and materials for keeping said roads in good repair and condition.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 234. Biennial Appropriations.

Amd. Act 27 S. S. 1918

Amd. Act 28 S. S. 1918

ACT 234

AN ACT

MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES
FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1919.*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, 1919, out of moneys in the treasury received from the general revenues:

THE GOVERNOR.

Expenses, entertainment \$5,000.00

Military department:

Salary, commanding general and the adjutant general	\$500.00	12,000.00
Salaries, officers and employees..	24,840.00	
Assistant to the adjutant		
general	250.00	
Assistant to the property officer	150.00	
Chief clerk	125.00	
Stenographer	100.00	
Clerk	100.00	
Messenger	60.00	
Property clerk	85.00	
Armorer	90.00	
Janitor and in charge of quartermaster store-house	75.00	

Act 234. Biennial Appropriations.

General Expenses	40,000.00
Regimental and company expenses	68,000.00
Pay of officers and enlisted men	47,580.00
Hospital expenses and aid, militia	2,500.00

Naval Militia:

Salary, commanding officer	200.00	4,800.00
Salary of yeoman on permanent duty	100.00	2,400.00
Pay of enlisted men on cruises....		5,040.00
Subsistence on practice cruises...		5,000.00
Maintenance and expenses.....		11,000.00

Provided, however, that none of the above salaries shall be paid to officers while actually in the service of the United States, and receiving pay from the United States, except in such amounts as are necessary to cover any deficiency in the pay received from the United States and the salaries hereby appropriated; and further provided that no pay shall be allowed officers or enlisted men, as hereinabove provided while said officers or enlisted men are actually in the service of the United States, and receiving pay from the United States, except in such amounts as are necessary to cover any deficiency in the pay received from the United States and the pay allowed by sections 222, 223, and 224 of the Revised Laws

Act 234. Biennial Appropriations.**EMERGENCY FUND.**

From which expenditures may be made only by the treasurer of the Territory and only for urgent needs for which no specific appropriation, or an insufficient appropriation, is made herein. 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. And provided further, that the term "urgent needs" shall be held to include only cases where the public health or public safety are imperiled, and there exists no specific appropriation, or an insufficient appropriation, for the purpose of meeting such emergency 50,000.00 278,160.00

THE SECRETARY.

Clerks, assistants, stenographers, messengers, governor's and secretary's offices	10,800.00
Clerk hire, secretary's office (to be employed when necessary)	2,160.00
Expenses, governor's and secretary's offices	4,800.00
Hawaiian birth registration:	
Expenses of	5,000.00

Act 234. Biennial Appropriations.

Elections:

Expenses of	17,500.00
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Public archives:

Librarian (\$200.00) ..	4,800.00
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Salaries, clerks and assistants	6,600.00
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Expenses, copying, translating, printing, binding	2,000.00	13,400.00	53,660.00
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ATTORNEY GENERAL'S DEPARTMENT.

Salary, attorney general	375.00	9,000.00
Salary, first deputy	325.00	7,800.00
Salary, second deputy ..	300.00	7,200.00
Salaries, clerks, stenographers and assistants ..		7,000.00
Expenses		7,500.00

High sheriff and Territorial prison:

High sheriff and prison warden	250.00	6,000.00
Deputy high sheriff and prison warden	175.00	4,200.00
Deputy prison warden ..	137.50	3,300.00
Salaries, guards, lunas and physician		60,000.00
Expenses and maintenance of prisoners ..		90,000.00
Furniture, fixtures and equipment, Territorial prison	10,000.00	212,000.00

Act 234. Biennial Appropriations.**AUDITING DEPARTMENT.**

Salary, auditor	350.00	8,400.00
Salary, deputy auditor ..	250.00	6,000.00
Salaries, clerks		9,900.00
Expenses		3,600.00

TREASURY DEPARTMENT.

Salary, treasurer	350.00	8,400.00
Salary, registrar public accounts	300.00	7,200.00
Salary, deputy bank ex- aminer and clerk	225.00	5,400.00
Salaries, clerks, stenogra- phers and assistants ..		11,040.00
Expenses, treasurer's of- fice		4,500.00
Expenses, deputy bank examiner and clerk ...		1,500.00
Expenses, insurance de- partment		3,000.00
Expenses, official bonds .		7,500.00
Interest, commissions and expenses, public debt .		730,000.00

Bureau of taxes:

Tax books and blanks ..		10,000.00
Taxation maps		10,000.00
Expenses, tax appeals ..		3,000.00

First taxation divi-
sion, Oahu:

Salary, assessor	300.00	7,200.00
Salary, deputy assessor ..	225.00	5,400.00

Act 234. Biennial Appropriations.

Salaries, deputy assessors, collectors and clerks ..	54,960.00
Commissions and ex- penses	12,740.00
Second taxation divi- sion, Maui:	
Salary, assessor	250.00 6,000.00
Salaries, deputy assessors, collectors and clerks ..	17,400.00
Commissions and ex- penses	7,500.00
Third taxation divi- sion, Hawaii:	
Salary, assessor	250.00 6,000.00
Salaries, deputy assessors, collectors and clerks ..	31,440.00
Commissions and ex- penses	6,560.00
Fourth taxation divi- sion, Kauai:	
Salary, assessor	250.00 6,000.00
Salaries, deputy assessors, collectors and clerks ..	15,840.00
Commissions and ex- penses	4,320.00
Bureau of convey- ances:	
Salary, registrar	275.00 6,600.00
Salary, deputy registrar ..	175.00 4,200.00
Salary, expert indexer ..	125.00 3,000.00

Act 234. Biennial Appropriations.

Salaries, clerks and stenographers	30,120.00
Expenses	6,000.00
	1,032,820.00

PUBLIC WORKS DEPARTMENT.

Salary, superintendent of public works	400.00	9,600.00
Salary, assistant engineer	200.00	4,800.00
Salary, chief clerk	200.00	4,800.00
Salaries, clerks, stenographers and assistants		15,240.00
Expenses		10,000.00
Care capitol and judiciary buildings and grounds.		24,840.00

Salaries:

Superintendent	90.00	
Guards, 3 at	65.00	
Janitors, 6 at	55.00	
Laborers, 6 at	50.00	
Elevator operator	60.00	
Telephone operator	60.00	
Keeper of Mausoleum	70.00	1,680.00
Keeper of powder magazine, Honolulu	80.00	1,920.00
Keeper of powder magazine, Hilo	50.00	1,200.00
Water and sewer rates		7,500.00
Telephone exchanges		3,000.00
Maintenance, additions, government property, Oahu		15,000.00

Act 234. Biennial Appropriations.

Maintenance, additions, government property, Hawaii	5,000.00
Maintenance, additions, government property, Maui	1,500.00
Maintenance, additions, government property, Kauai	1,000.00
Furnishing judiciary building	2,000.00
Improvement judiciary grounds	2,500.00
Sidewalks, Territorial lots	1,000.00
Furniture, archives build- ing	3,000.00
Improvement mausoleum and grounds	1,500.00
	117,080.00

Board of Harbor Com-
missioners:

Salaries:

Chief clerk	212.50	5,100.00
Stenographer and clerk	125.00	3,000.00
Assistant clerk	75.00	1,800.00
Harbor master	250.00	6,000.00
Assistant harbor master	160.00	3,840.00
Salaries, employees		19,200.00
Expenses, harbor com- mission		5,000.00
Expenses, harbor master, Honolulu		500.00
Salaries, pilots and em- ployees		38,260.00

Act 234. Biennial Appropriations.

Pilots, Honolulu, 3 at .	235.00
Pilot, Hilo	235.00
Pilot, Kahului	235.00
Pilot's watchman, Honolulu	90.00
Pilot's watchman, Honolulu	55.00
Pilot's watchman, Diamond Head	85.00
Pilot boy, Hilo	60.00
Watchman, Kuhio wharf	55.00
Sweeper, Kuhio wharf	55.00
Pilot boy, Kahului ...	40.00
Expenses, pilots, Honolulu	9,000.00
Expenses, pilot, Hilo ...	1,500.00
Expenses, pilot, Kahului	1,680.00
Maintenance, landings and wharves, Oahu ...	125,000.00
Maintenance, landings and wharves, Hawaii .	41,340.00
Maintenance, landings and wharves, Maui, Molokai and Lanai ...	10,000.00
Maintenance, landings and wharves, Kauai ..	8,000.00
Lease, marine railway ..	1,000.00
	280,220.00

PUBLIC LANDS DEPARTMENT.

Salary commissioner of public lands	350.00	8,400.00
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Act 234. Biennial Appropriations.**Salaries:**

Chief clerk (and sub-agent fifth land division)	200.00	4,800.00
Assistant clerk	165.00	3,960.00
Clerks and assistants		10,680.00
Sub-agents, clerks and rangers		11,640.00
Translator, L. C. A.	150.00	3,600.00
Surveyor and title searcher	200.00	4,800.00
Expenses		12,000.00

Division of hydrography:**Salaries:**

Chief hydrographer and engineer	250.00	6,000.00
Officers and employees		20,160.00
Gauge observers		1,800.00
Expenses, water investigation		1,200.00

General water investigation: To be expended in conjunction with Federal appropriation of nine thousand dollars	9,000.00	98,040.00
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SURVEY DEPARTMENT.

Salary surveyor	300.00	7,200.00
Salary, assistant	240.00	5,760.00

Act 234. Biennial Appropriations.

Salaries, clerks and assistants	25,960.00
General expenses and for additional surveys and monuments, publishing maps, rebinding records, temporary assistants	10,980.00
Fireproof furniture	8,000.00

57,900.00

BOARD OF AGRICULTURE AND FORESTRY.

Board of administration:

Salary, executive officer and superintendent of forestry	350.00	8,400.00
Salaries and wages, employees		9,840.00
Expenses		5,520.00

Division of forestry:

Salaries:

Forest nurseryman ...	185.00	4,440.00
Rangers and nursery agent, Hilo		9,240.00
Wages of laborers		31,600.00
Expenses		20,000.00

Division of entomology:

Salary, entomologist ...	250.00	6,000.00
Salaries, assistants		3,480.00
Expenses		5,000.00
Collecting and introducing parasites		10,000.00

Act 234. Biennial Appropriations.

Division of plant inspection:

Salary, chief plant in-	
spector	250.00 6,000.00
Salaries, inspectors	11,400.00
Expenses	5,000.00

Division of animal industry:

Salary, Territorial veter-	
inarian	250.00 6,000.00
Salary, assistant veterin-	
arian	200.00 4,800.00
Salary, livestock inspector	130.00 3,120.00
Salaries, deputy veterini-	
arians and caretakers,	
quarantine stations ..	10,080.00
Expenses	8,000.00 167,920.00

Territorial marketing division:

Salaries:

Superintendent	250.00 6,000.00
Employees and ex-	
penses	24,000.00

For salaries, wages and expenses of food crop production. Demonstrators for the purpose of stimulating farm gardening in rural communities, and for the printing, publishing and distribution of practical printed instructions for the growing of food crops, said demon-

Act 234. Biennial Appropriations.

strators to be appointed by the superintendent of the territorial marketing division with the approval of the agronomist in charge of the Hawaii agricultural experiment station, all vouchers for said salaries, wages and expenses to be approved by the superintendent of the territorial marketing division 5,000.00 35,000.00

Glenwood Experiment Station:

(To be expended on vouchers approved by the agronomist in charge of the United States agricultural experiment station in Hawaii.)

Salary, superintendent ..	3,600.00
Expenses and assistant ..	2,400.00
Travelling expenses, superintendent on demonstrating trips, Hawaii	1,200.00
	7,200.00

BOARD OF HEALTH.

Salary, president	375.00	9,000.00
Salary, sanitary engineer	250.00	6,000.00
Salary, secretary	225.00	5,400.00
Salaries, office employees	16,400.00	

Act 234. Biennial Appropriations.

Expenses, office		12,000.00
Salary, chief sanitary in- spector, Oahu	225.00	5,400.00
Salaries, sanitary inspect- ors, Oahu		31,440.00
Salary, chief sanitary in- spector, Hawaii	250.00	6,000.00
Salaries, sanitary inspect- ors and clerk, Hawaii .		18,120.00
Salary, chief sanitary in- spector, Maui	175.00	4,200.00
Salary, sanitary inspect- or, Kauai		3,600.00
Sanitation expenses, Ter- ritory		15,000.00
Salaries, pure food bureau		13,200.00
Expenses and assistants, pure food		2,400.00
Salaries, bacteriological bureau		4,200.00
Expenses and assistants bacteriological bureau.		1,440.00

Salaries, government physicians:

Provided, however, that no salary shall be allowed or paid unless the physicians employed or appointed in the several districts to which they are appointed shall treat the indigent sick free of charge, in such district or

Act 234. Biennial Appropriations.

districts as the case may be to which they are appointed:

Hawaii	20,000.00
Maui and Molokai ...	11,040.00
Kauai	6,960.00
Oahu	8,400.00
Medical and dental supervision and treatment of school children	19,000.00
Salaries and expenses,	
Hawaii	6,000.00
Salaries and expenses,	
Maui	4,000.00
Salaries and expenses,	
Oahu	6,000.00
Salaries and expenses,	
Kauai	3,000.00
Salaries, quarantine and medical service	19,000.00
Expenses, quarantine and medical service	26,000.00
Salaries and expenses, rat campaign	20,000.00
Salaries and expenses, mosquito campaign ..	27,500.00
Salaries, prevention and cure of tuberculosis ...	30,720.00
Expenses and assistants, prevention and cure of tuberculosis	14,400.00
Cure and treatment of tuberculosis patient in sanitariums, all islands	109,880.00

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Pay roll and maintenance sanitarium, Kauai	10,000.00
Quarantine stations:	
Repair, maintenance and equipment, Honolulu	1,000.00
Repair, maintenance and equipment, Hilo	3,000.00
Care of lepers and their children:	
Salaries, superintendent, physician and assistants	33,000.00
Wages of laborers, nurses and attendants	66,000.00
Medical supplies and equipment	28,000.00
Segregation, hospitals and maintenance	240,000.00
Additional weekly 50c rati- on allowance, patients Molokai	36,000.00
Amusements	2,400.00
Sheriff and police	2,880.00
Auto truck	2,500.00
Contingent fund	2,000.00
Kapiolani girls' home:	
Pay roll	6,000.00
Maintenance	16,500.00
Nurses' cottage and fur- nishing	1,000.00
Kalihi Boys' Home:	
Pay roll	7,000.00
Maintenance	14,400.00

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Workshop	2,000.00
Insane asylum:	
Salary, superintendent ..	250.00
Pay rolls	6,000.00
Maintenance	60,840.00
Maintenance	68,400.00
Sanitorium:	
Pay roll	13,640.00
Maintenance	13,200.00
	1,102,460.00

JUDICIARY.

Supreme Court:	
Salary, chief clerk	200.00
Salary, assistant clerk ...	137.50
Salary, stenographer and clerk	150.00
Salaries, employees	4,800.00
Law books	5,760.00
Compiling, publishing and binding reports, 2 vol.	2,200.00
Expenses, supreme court	1500.00
Copying records	4,400.00
Expenses land registration court	4,880.00
Expenses land registration court	6,000.00
District court, Kalawao:	
Salary, magistrate	25.00
Expenses	600.00
	25.00
	37,065.00

Act 234. Biennial Appropriations.**MISCELLANEOUS.****PROMOTION.**

In support of promotion which fund may be expended in equal monthly contributions to the organization known as "Hawaii Promotion Committee," four of said members to be appointed by the governor for terms of one year each or until a successor is appointed, and one of said members to be selected to represent each of the islands of Hawaii, Oahu, Maui and Kauai, upon the nomination of the board of county supervisors of the respective islands, acting in conjunction with the principal commercial or civic organization of said islands

12,000.00

BOARD OF INDUSTRIAL SCHOOLS.

Clerk, board of industrial schools	100.00	2,400.00
Expenses, board of industrial schools	1,000.00	3,400.00

Act 234. Biennial Appropriations.

Boys' Industrial schools:

Salary, superintendent ..	200.00	4,800.00
Salary, assistant superintendent	150.00	3,600.00
Salaries, instructors and assistants		29,900.00
Maintenance, repairs and livestock		56,700.00 95,000.00

Girls' Industrial School:

Salary, superintendent ..	175.00	4,200.00
Salary, assistant superintendent	100.00	2,400.00
Salaries, instructors and assistants		25,320.00
Salary, night watchman ..		1,440.00
Maintenance		36,000.00
Improvements		2,500.00 71,860.00

BOARD OF IMMIGRATION, LABOR AND STATISTICS.

Salaries, officers and employees		2,400.00
Expenses		2,400.00
Hospital expenses and aid to indigent and unemployed immigrants brought into the Territory under the auspices of this board		5,000.00
Expenses, detention and repatriation of immigrants brought into the Territory under the auspices of this board		20,000.00 29,800.00

Act 234. Biennial Appropriations.

INDUSTRIAL ACCIDENT BOARDS.

Salaries and expenses		15,000.00
Oahu	7,500.00	
Hawaii	3,500.00	
Maui	2,000.00	
Kauai	2,000.00	

COLLEGE OF HAWAII.

Salaries, instructors and employees	32,500.00	
Maintenance and expenses	9,500.00	
Buildings, grading and improvements	12,000.00	54,000.00

LIBRARY OF HAWAII.

Salaries, librarian and assistants	23,400.00	
Expenses, Library of Hawaii	12,900.00	36,300.00

HILO PUBLIC LIBRARY.

Salaries, librarian and assistants	2,760.00	
Expenses, Hilo public library	5,240.00	8,000.00

PENSIONS.

Mrs. Emma Barnard (\$20.00)	480.00	
Mrs. Mary Stoltz (\$20.00)	480.00	
Mrs. Olivia Abreu (\$20.00)	480.00	
Mrs. Juan Riverra (\$15.00)	360.00	1,800.00

Act 234. Biennial Appropriations.**LAND BOARD.**

Salary,, secretary land board (\$50.00)	1,200.00
Expenses, Land Board	2,000.00
	3,200.00

DEPARTMENT OF PUBLIC INSTRUCTION.

Pay of teachers	50,000.00	50,000.00
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To meet the increase in pay and number of teachers for the months of September, October, November and December, 1917, the same to be inserted in the tax levy for 1918 and repaid to the current fund of the Territory as collected.

Grand total	\$3,887,785.00
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SECT.ON 2. This Act shall take effect on the first day of July, A. D. 1917.

Approved this 2nd day of May, A. D. 1917, except as to the item:

"EMERGENCY FUND.

From which expenditures may be made only by the treasurer of the Territory and only for urgent needs for which no specific appropriation, or an insufficient appropriation, is made herein. A detailed account of all of which expenditures shall be submitted to the next legislature. Provided, however, that no ex-

Act 234. Biennial Appropriations.

penditure shall be made out of this fund to increase any salary. And provided further that the term 'urgent needs' shall be held to include only cases where the public health or public safety are imperiled, and there exists no specific appropriation, or an insufficient appropriation, for the purpose of meeting such emergency \$50,000.00"

which I do not approve and hereby veto.

**LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.**

We hereby certify that the following item of Senate Bill No. 52, after reconsideration on the veto of the governor, was, upon votes taken by ayes and noes, approved by a two-thirds vote of all of the elective members to which each house of the legislature of the Territory of Hawaii is entitled, this 2nd day of May, A. D. 1917.

"EMERGENCY FUND

From which expenditures may be made only by the treasurer of the Territory and only for urgent needs for which no specific appropriation, or an insufficient appropriation, is made herein. 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. And provided further that the term 'urgent needs' shall be held to include only cases where the public health or public

Act 234. Biennial Appropriations.

Act 235. Permanent Improvements, Honolulu.

safety are imperiled, and there exists no specific appropriation, or an insufficient appropriation, for the purpose of meeting such emergency \$50,000.00"

CHAS. F. CHILLINGWORTH,
President of the Senate.

O. P. SOARES,
Clerk of the Senate.

H. L. HOLSTEIN,
Speaker, House of Representatives.

EDWARD WOODWARD,
Clerk, House of Representatives.

Amd. Act 17 S. L. 1916 ACT 235
Rep. Act 17 S. L. 1919

AN ACT

To PROVIDE ADDITIONAL FUNDS FOR THE MAINTENANCE AND PERMANENT IMPROVEMENT OF ROADS AND FOR FREE SEWER SERVICE AND CESSPOOL PUMPING IN THE CITY AND COUNTY OF HONOLULU AND THE PAYMENT OF THE BONDED DEBT OF THE SEWER DEPARTMENT AND FOR OTHER PERMANENT IMPROVEMENTS BY ADDITIONAL TAXES UPON REAL AND PERSONAL PROPERTY THEREIN.

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

SECTION 1. Within the city and county of Honolulu the estimate of the amount of money to be raised from the

Act 235. Permanent Improvements, Honolulu.

general property tax from the item "for permanent improvements" during each year shall include an amount for road maintenance. Within the city and county if the rate estimated by the tax assessor of the division including such city and county as the rate for the purposes specified in subdivision 2 of section 1236 of the Revised Laws of Hawaii, 1915, as amended, including road maintenance, shall be such that the sum of that rate and the rates estimated for the purposes specified in subdivisions 1, 3, 4, 5 and 6 of said section shall exceed 1.8% plus such amount as may be necessary to meet interest and sinking fund payment upon the amount, if any, payable to or retainable by the Territory to meet interest and sinking fund payments upon such amounts as shall be appropriated from loan funds by the legislature of 1917 for the construction of roads in said city and county, it shall be reduced so that such sum shall be 1.8% plus such interest and sinking fund requirement.

SECTION 2. Within the city and county of Honolulu the amount collected for the purposes specified in subdivision 2 of said section 1236 of the Revised Laws of Hawaii, 1915, as amended shall be divided as follows and used only as herein designated:

One-third for replacements and extensions of the water and sewer systems, to be available in addition to all revenues derived from these utilities; and for the support of free sewer and cesspool pumping system and for improving, operating and maintaining the Honolulu sewer works and cesspool pumping system and payment of the interest and sinking fund amount due the Territory on outstanding bonds of the sewer works department.

One-twelfth for road maintenance, to be used for this

Act 235. Permanent Improvements, Honolulu.

purpose only, and to be in addition to other special funds available by law for the same purpose.

One-half for new road construction of permanent character, such work to be either of concrete or on a concrete base.

One-twelfth for permanent improvements other than those specified above, this fund, however, to be available if desired, either in whole or in part for use in connection with any one of the funds above designated.

SECTION 3. Nothing herein shall operate to prevent the board of supervisors of said city and county from appropriating moneys out of any other fund or funds in the hands of the treasurer of such city and county for the construction, maintenance or repair of any highways, bridges or storm drainage systems in said city and county.

SECTION 4. All laws or parts of laws in conflict or inconsistent with this Act shall, to the extent of such conflict or inconsistency, be amended or repealed as the case may be, and this Act shall be to its extent an amendment of section 1236 of the Revised Laws of Hawaii, 1915, as amended.

SECTION 5. This Act shall take effect upon January 1, A. D. 1918.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 236. Appropriations from Cash Basis Fund.**ACT 236****AN ACT**

To AUTHORIZE THE APPROPRIATION BY THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU OF CERTAIN MONEYS IN THE CASH BASIS FUND PROVIDED FOR BY SECTION 1728 OF THE REVISED LAWS OF HAWAII, 1915, FOR CERTAIN PERMANENT IMPROVEMENTS.

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 from all moneys in the hands of the treasurer of the city and county of Honolulu as part of the cash basis fund provided for by section 1728 of the Revised Laws of Hawaii, 1915, the following specific sums for the following specific purposes:

Permanent improvement, Beretania street from Alapai to Punahou	\$52,000.00
Widening Hotel street	18,000.00
Permanent improvement, Pali road and con- struction of Pali road wall	12,000.00
Permanent improvement, Liliha street	10,000.00
Sewer extension, Kalihi district; to extend and complete the sewer system in the area bound- ed by Kalani street below King street, mau- ka by Leilani, Lakaku and Fernandez streets, on the Ewa side by Puuhale and Bannister streets and Gulick avenue, and on the Wai- kiki side by Kalihi street	45,000.00

SECTION 2. The treasurer of the city and county of

Act 236. Appropriations from Cash Basis Fund.

Act 237. Homestead Roads.

Honolulu is hereby authorized to pay out of said cash basis fund warrants duly drawn by direction of the board of supervisors of the city and county of Honolulu against said cash basis fund up to the said specified amounts for the said specified purposes.

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 237

Am. Act. 119 S. L. 1919

AN ACT

To AMEND SECTIONS 374 AND 375 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE CONSTRUCTION OF ROADS TO AND THROUGH HOMESTEADS AND LANDS OPENED FOR RESIDENCE OR BUSINESS PURPOSES.

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

SECTION 1. Section 374 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 374. Construction of roads to and through homesteads. The proceeds, or so much thereof as may be deemed necessary, of any public lands opened for homestead purposes, including interest on deferred payments and rents under right of purchase leases, may be desig-

Act 237. Homestead Roads.

nated by the commissioner of public lands, with the approval of the governor, as required for the construction of roads to and through any public lands opened for homestead purposes within the county or city and county from which such proceeds have been derived, and when so designated, shall be deemed to be and are hereby appropriated for the construction of such roads. Such appropriation shall be expended by and under the authority of the commissioner of public lands or may be ordered by him to be transferred to such county or city and county to be expended by and under the authority of the board of supervisors of such county or city and county. The commissioner of public lands or the board of supervisors, as the case may be, with the approval of the governor, may at any time or times designate any unexpended part of the moneys so appropriated as no longer required for such purposes, and thereupon the appropriation shall lapse as to such part which shall then be applied in the same manner as such proceeds not so appropriated."

SECTION 2. Section 375 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 375. Construction of roads to and through lands opened for residence or business purposes. The proceeds, or so much thereof as may be deemed necessary, of any public lands opened for residence or business purposes, including interest on deferred payments, may be designated by the commissioner of public lands, with the approval of the governor, as required, for the construction of roads to and through the lands from which such proceeds may be derived, and when so designated, shall be deemed to be and are hereby appropriated for the construction of such roads. Such appropriations shall be dis-

Act 237. Homestead Roads.

Act 238. Public Utilities Commission.

bursed and shall lapse in like manner and upon like conditions as set forth in section 374 of the Revised Laws of Hawaii, 1915, as amended by this Act."

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

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

ACT 238

AN ACT

CONFERRING ADDITIONAL POWERS UPON THE PUBLIC UTILITIES COMMISSION OF THE TERRITORY OF HAWAII.

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

SECTION 1. That in addition to the powers already conferred by law upon the public utilities commission of the Territory of Hawaii, the said commission is hereby authorized and directed to investigate charges made by all corporations, copartnerships or persons for water supplied to consumers for domestic uses and purposes, in cases where the water thus supplied is secured by virtue of a lease or leases from the Territory of Hawaii, requiring rates to be fixed by the licensee with the approval of the commissioner of public lands of the Territory of Hawaii. And in the event it shall appear upon such investigation that the water thus supplied to consumers for domestic uses and purposes is by virtue of a lease or leases requiring

Act 238. Public Utilities Commission.

rates to be fixed by the licensee, with the approval of the commissioner of public lands of the Territory of Hawaii, then and in that event the said commission shall report to the said commissioner of public lands the result of such investigation, and whether the rates charged to consumers are reasonable or not.

SECTION 2. In the event said commission, investigating as hereinbefore provided, shall report that in its judgment the rates charged to consumers for water supplied to consumers for domestic uses and purposes, are not reasonable, it shall be the duty of the attorney general of the Territory of Hawaii to take appropriate action to secure for such consumers reasonable rates for such water, or, should he be so advised, to proceed to cancel the licenses and leases of the corporations, copartnerships or persons charging such unreasonable rates.

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

Approved this 7th day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 239. Highway Improvements.

Am. Act. 75 S. L. 1921
Am. Act. 54 S. L. 1923

**ACT 239 See 24 Ha. 334
See 25 Ha. 334**

AN ACT

To AMEND SECTIONS 1793, 1794, 1795, 1796, 1798, 1799, 1800, 1801, 1805, 1806 AND 1807 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 164 OF THE SESSION LAWS OF 1915, RELATING TO THE OPENING AND THE IMPROVING OF NEW OR EXISTING HIGHWAYS IN THE DISTRICT OF HONOLULU, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Section 1793 of the Revised Laws of Hawaii, 1915, as amended by Act 164 of the Session Laws of 1915, is hereby amended to read as follows:

"Section 1793. Method. Whenever in the opinion of the board of supervisors of the city and county of Honolulu it is desirable to establish, open, extend, widen or alter any street, alley or other highway in the district of Honolulu, or to grade, pave, curb, or macadamize or otherwise improve the whole or any part of any existing public street, alley or other highway in the district of Honolulu, including the construction of a storm drainage system, or otherwise to improve the same to an extent exceeding maintenance and repair thereof, such betterments or improvements shall be made and done under the provisions of sections 1793 to 1813, inclusive, of this chapter; and the cost thereof, including the cost of acquiring any new land therefor, shall be assessed against the land specially benefitted, either on a frontage basis or according to area of the land within an improvement district; and the city and county of Honolulu may issue and sell bonds to provide the funds for such improvements, which bonds shall be se-

Act 239. Highway Improvements.

cured by such assessments as a lien upon the lands assessed; and for such purpose the board of supervisors is hereby invested with power and is hereby authorized to create, define and establish frontage improvements or improvement districts; all according to the provisions of sections 1793 to 1813, inclusive, of this chapter.

Provided, that whenever any public land, or any land by law exempted from assessments of the character provided for in this Act, or exempted by law from payment of property taxes, forms part of any improvement district or fronts upon any street, alley, or other highway to be opened or improved, and would, if privately owned or not exempt from such assessment, be subject to assessment, the board shall, nevertheless, without assessing such public or exempted land for any part of the cost of such improvements, by general ordinance appropriate and pay toward such improvements out of general revenues the portion of the cost thereof which would otherwise be assessable against the same; and with respect to any such proposed improvement where any part of the cost is thus to be borne by the city and county, the board shall have the same right of approval or protest as though the city and county were the private owner of the public or exempted land so involved.

And the board shall cause a statement to be prepared and filed with the legislature of the Territory of Hawaii at each session thereof, showing in detail the amount or amounts actually expended by the city and county of Honolulu as the proportionate share that would have been assessed against any land belonging to the Territory of Hawaii, exclusive of street areas; so much of such expenditure as shall be approved by the legislature shall be re-

Act 239. Highway Improvements.

funded to the city and county of Honolulu from the treasury of the Territory.

The city and county of Honolulu shall pay out of general revenues the entire cost of engineering, incidentals and inspection, shall also pay the cost assessable against the frontage or frontages of any adjoining or cross street or the area common to both streets at the intersection of any cross street or one-half the area opposite the intersection of any adjoining street, and further shall appropriate out of the general revenue an amount of money equal to 33 1-3 per centum of the total cost of general improvements, (excluding engineering, incidentals and inspection and the cost of new curbing), upon all main or general thoroughfares, as hereinafter defined, and upon all other streets or highways, except where improvements are initiated under section 1797. A main or general thoroughfare within the meaning hereof shall be any street or highway as is subjected to more than ordinary traffic and travel by the general public, or which serves as a generally necessary connecting thoroughfare between substantially different or naturally separated localities or sections of Honolulu. And it shall be lawful for the city and county of Honolulu to assume and pay out of general revenues all or any part of the cost of acquiring any new land required for any such improvement.

And provided further that nothing herein shall prevent the city and county, through its proper officials, from compelling abutting property owners at their own expense to construct, maintain and repair sidewalks and curbs in front of the abutting property under any statute or ordinance now existing or hereafter to be promulgated."

SECTION 2. Section 1794 of the Revised Laws of Hawaii,

Act 239. Highway Improvements.

1915, as amended by Act 164 of the Session Laws of 1915, is hereby amended to read as follows:

"Section 1794. Initial procedure. The board shall by resolution requiring not more than one reading for its adoption, direct the city and county engineer to investigate and report to said board preliminary data concerning the highway or highways proposed to be opened or improved, the general character and the extent of any improvement to be proposed, whether such improvement should be proposed on a frontage or on an area basis, whether any new land will be necessary to be acquired, and the estimated cost thereof and the proportion of such cost which should be borne by the city and county, the material or materials recommended to meet the conditions of such improvement, the boundaries of the improvement to be proposed and any subdistricts or zones therein as to which different portions of cost should be charged, the estimated cost of such improvement, the portions of such cost to be borne by the city and county and the portions of cost to be specifically assessed against the lands specially benefited with the maximum unit of assessment to be made against the property to be assessed according to the method of assessment to be proposed, and to prepare and furnish all necessary preliminary surveys, maps, plans, drawings, and other data, details and specifications for such improvements and any other matters or details intended to apply thereto. Such report, when so furnished and filed with the board, shall not be acted upon until one week has elapsed from the date of the filing of the same.

Thereafter the board may, by resolution requiring one reading for its adoption, propose the making of an improvement or improvements specifying: the streets to be improved; the area, owner (so far as known) and general

Act 239. Highway Improvements.

description and location of new land to be acquired (if any); the materials proposed to be used; the proposed method of assessment including the minimum number of installment payments to be proposed; the general boundaries of the district or frontage, sub-districts and zones to be assessed; the maximum estimated unit of assessment. Such resolution shall refer to and incorporate by reference such surveys, plans, maps and other data reported by the engineer as shall be approved by the board. Such resolution shall also fix a date of public hearing upon such proposed improvement, which date shall be not less than fifteen days after the first publication of notice thereof in a newspaper of general circulation in the district of Honolulu.

After the adoption of said resolution, the city and county clerk shall cause a notice of such public hearing to be published twice a week for two successive weeks (4 publications in all) in a newspaper of general circulation in the district of Honolulu, giving notice generally to all owners, lessees and occupants of land proposed to be assessed or acquired and to all others interested in the general details of the proposed improvement as adopted by the board and stating the time and place of public hearing and where the resolutions and reports and other data may be seen and examined prior to said hearing. Like notices shall be posted conspicuously at least ten days prior to said hearing approximately every 250 feet along the highway or highways proposed to be improved. Affidavits of publication both in the newspaper and along the route of improvement respectively shall be filed with the board at the hearing."

SECTION 3. Section 1795 of the Revised Laws of Hawaii, 1915, as amended by Act 164 of the Session Laws of 1915, is hereby amended to read as follows:

Act 239. Highway Improvements.

"Section 1795. Protests, objections, suggestions. Any owner of property proposed to be assessed may at any time prior to or at the public hearing file in writing with the board any protest, objection or suggestion as to the proposed improvement, stating briefly his reason therefor, or present the same in person, orally, at the public hearing. If the owners of fifty-five per centum of the total frontage or area to be assessed for such improvements shall at the hearing or prior thereto file with the board written protests, duly acknowledged by such owners, against the making of such improvements or against any part of the plan therefor, the same shall not be made contrary to such protest. If the protest is against the making of any improvement, the same shall not be made, and the proceedings shall not be renewed within six months from the date of closing the public hearing, unless each and every owner protesting shall sooner withdraw his protest.

Provided, that any lessee of any property to be assessed under this chapter, who by the express terms of his lease must pay the kind of assessments contemplated by this chapter shall be subrogated to all the rights of such owner to protest by filing with the board prior to or at the hearing a certified copy of his lease, together with a citation of the book and page of the public record of the same if it be recorded.

Provided, however, that any lessor of such lessee aforesaid, or any owner of such property to be assessed, may, at any time before the closing of the public hearing, make void the protest or the right of protest of any such lessee of such property on consideration of filing with the board a duly acknowledged waiver of the stipulation in such lease which requires the lessee to pay such special assessment, and a written undertaking by such lessor or owner

Act 239. Highway Improvements.

to pay the special assessment to be made under such proposed improvement."

SECTION 4. Section 1796 of the Revised Laws of Hawaii, 1915, as amended by Act 164 of the Session Laws of 1915, is hereby amended to read as follows:

"Section 1796. Determination by supervisors. After the hearing provided in section 1794 of this chapter, the board shall consider any protests, objections or suggestions which may have been made or filed and whether sufficient valid protests have been filed to compel it to abandon any part or all of the proposed improvement. If the board still has jurisdiction to continue it shall then proceed, determine whether or not the proposed improvements shall be made as proposed, or made with modifications, and in the latter event modifications or changes not substantially reducing the frontage or area to be assessed, and not increasing the maximum estimated unit of assessment, or lessening the unit cost per front foot or square foot may be made without again giving notice of a hearing as provided in section 1794, provided, such modifications or changes shall not materially alter the general character or plan so advertised. If, after such initial or further advertisement and hearing when no changes are made which will require further advertisement or hearing, the board shall have determined to proceed with the improvements, they shall, by resolution requiring not more than one reading for its adoption, create, define and establish the extent of the frontage improvement or the improvement district to be assessed, as the case may be, and define the kind, extent and general details of the proposed improvements, describe each parcel of land to be acquired, if any, declare the part or proportion of the cost of the improvement which is to be borne by the city and county as aforesaid, the method

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of assessment, and the kind or kinds of materials to be used, and by such resolution further direct the city and county engineer to prepare a corrected map of the highway or highways to be improved showing the abutting lands, or of the improvement district showing the highways therein to be improved, as the case may be, and showing the exact location of the improvements, together with final details, plans and specifications for the work; all in such form as will readily permit and encourage genuine competition between contractors insofar as the materials specified will permit of such competition; and the same, when by resolution similarly approved and adopted by the board, shall be used as the basis for the calling of bids and awarding of a contract or contracts for the work as hereinafter provided.

In case such improvements so determined upon shall require the acquisition of any new land therefor, the board of supervisors shall acquire the same before final award of the contract, either by deed, or other voluntary conveyance from the owners thereof, or they may, at their option, and in the name of the city and county of Honolulu cause condemnation proceedings to be brought to acquire the same in like manner as by law now or hereafter provided for like proceedings when brought by the superintendent of public works. If the cost of acquiring such land shall exceed the estimate therefor, the board may provide for such excess cost by general appropriation."

Act 71, 1921, pg. 95 *And Act 54, S. L. 1923*
SECTION 5. Section 1798 of the Revised Laws of Hawaii, 1915, as amended by Act 164 of the Session Laws of 1915, is hereby 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

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let to the lowest responsible and reliable bidder therefor after public advertisement by the supervisors in some newspaper of general circulation, 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 in and in favor of the city and county, for not less than ten per centum of the amount of the bid; which check, or 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 cost 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 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 a judge of the first circuit court; 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

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with sufficient sureties shall be filed by the successful bidder within the time specified and allowed by the court, or the contract shall not be awarded 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."

SECTION 6. Section 1799 of the Revised Laws of Hawaii, 1915, as amended by Act 164 of the Session Laws of 1915, is hereby amended to read as follows:

"Section 1799. Notice of improvement authorized. The board shall cause to be prepared by the city and county engineer a corrected map similar to that required under section 1794, and a preliminary assessment roll and description of properties to be assessed showing in detail the proportionate amount per front foot, if the assessment is to be made on such basis, or per square foot, if the assessment is to be made according to area, proposed to be assessed against the property in the benefited district or in the several sub-districts or zones thereof, if any, and a list of all known owners, lessees and occupants of the land fronting upon such highway or highways or situate within the improvement district, and shall thereupon by advertisement in the same manner as that provided in said section 1794, give notice of the total amount of the cost of the improvement based upon the bid of the lowest responsible and reliable bidder, the maximum share per front foot or per square foot, as the case may be, proposed to be charged to the benefited district or sub-districts or zones, if any, and that the corrected map, preliminary assessment roll and description of properties may be seen and examined at the office of the city and county engineer during business hours at any time prior to and including the date fixed for hear-

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ing; such notice shall also fix a date and place when a public hearing will be had and the supervisors will sit as a board of equalization to receive complaints or objections respecting the total amounts of the proposed several assessments, which date shall not be less than ten days nor more than three weeks after the date of the first newspaper publication of the notice."

SECTION 7. Section 1800 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1800. Assessments fixed by ordinance. After such hearing, the board shall forthwith proceed to make such modifications or changes as to them may seem equitable or just in, or shall confirm, the first proposed assessment, and upon reaching a final decision shall thereupon, by ordinance, fix the portions of such cost to be assessed against the benefited properties and against the owners thereof respectively, which said ordinance shall incorporate by reference the assessment roll as approved by the board, and after the final enactment of such ordinance the amounts of the several assessments so listed, advertised and incorporated and not previously objected to shall be conclusively presumed to be just and equitable and not in excess of the special benefits accruing or to accrue by reason of the improvement to the specific property assessed."

SECTION 8. Section 1801 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1801. Notice and collection of assessments. It shall be the duty of the treasurer of the city and county of Honolulu to proceed forthwith to notify, by letter and by posting upon the land assessed, the several owners, lessees and occupants respectively so far as known of the several amounts assessed on the respective properties, and of the

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date when such assessments are payable. It shall also be his duty to collect said assessments and to set aside all moneys so collected in a special fund or funds for the frontage improvement or improvement district as the case may be."

SECTION 9. Section 1805 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1805. Effect of failure to pay instalment. Failure to pay any instalment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately and the whole amount of unpaid principal and accrued interest shall thereafter draw interest at the rate of one per centum per month or fraction of a month until the day of sale as hereinafter provided; but at any time prior to the day of sale the owner may pay the amount of all delinquent instalments with interest on the whole amount of the unpaid assessment at one per centum 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 instalments in the same manner as if default had not been made. The owner of any land assessed, not in default as to any instalment or payment, may at any time after the expiration of the first thirty-day period pay the entire unpaid principal with interest thereon to the next subsequent annual date for the payment of instalments."

SECTION 10. Section 1806 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1806. Owner of undivided interest. The owner of any undivided interest in any land may pay the whole assessment and may have a joint or severable right of action

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at law in assumpsit against the other owners of any interest in such land for their proportionate share of said assessment."

SECTION 11. Section 1807 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1807. Sale for default. In case of default in the payment of any instalment of principal and interest when due, the treasurer of the city and county shall advertise and sell the property concerning which default is made, for the whole of the unpaid assessment thereon, interest and costs; such sale and advertisement shall be made by said treasurer in the same manner, under the same conditions and penalties and with the same effect as are provided by general law for sales of real property by the tax assessor for default in payment of property taxes."

SECTION 12. Sections 1 to 5 of this Act, both inclusive, shall not apply to any frontage improvement or improvement district as to which a public hearing under sections 1793 to 1813 of the Revised Laws of Hawaii, 1915, as amended by Act 164 of the Session Laws of 1915, has been finally held.

SECTION 13. This Act shall take effect on its approval.

Approved this 8th day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 240. Prison Labor, Kapiolani Park and Tantalus Road.

ACT 240

AN ACT

To PROVIDE PRISON LABOR FOR PUBLIC WORK IN KAPIOLANI PARK AND TANTALUS ROAD, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Whenever requested by resolution of the board of supervisors of the city and county of Honolulu, the high sheriff and the attorney general of the Territory shall detail for labor for the public benefit in Kapiolani park or Tantalus road, city and county of Honolulu, not less than ten and not more than seventy-five territorial prisoners. Said resolution shall fix the number of prisoners desired who shall be detailed for a period not greater than six months under any one resolution.

SECTION 2. The overseers for such prison labor shall be as appointed by the high sheriff with the approval of the attorney general and shall be paid for by appropriation by the board of supervisors; said prisoners shall be under the care of such overseers and subject to the board of supervisors only so far as regards the mode of their employment.

SECTION 3. This Act shall take effect on approval.

Approved this 8th day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Act 241. Relief of Auwaiolimu Land Owners.**ACT 241****AN ACT****APPROPRIATING THE SUM OF TEN THOUSAND TWENTY-TWO DOLLARS AND TWENTY-NINE CENTS (\$10,022.29) FOR THE RELIEF OF PROPERTY OWNERS IN THE AUWAIOLIMU TRACT, HONOLULU.**

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

SECTION 1. The sum of ten thousand twenty-two dollars and twenty-nine cents (\$10,022.29), or as much thereof as may be necessary, be and the same is hereby appropriated to be paid out of the general revenue, upon warrants drawn by the auditor, for the purpose of reimbursing such of the property owners in the Auwaiolimu tract as have paid assessment or assessments, made by the board of supervisors of the city and county of Honolulu, for the construction of roads in said tract.

SECTION 2. The property owners in said tract are hereby relieved from the necessity of paying any other or further assessments levied by said supervisors as aforesaid.

SECTION 3. So much of the said sum of ten thousand twenty-two dollars and twenty-nine cents (\$10,022.29) as shall remain after reimbursing the property owners for assessments paid by them as aforesaid, shall be paid to the treasurer of the city and county of Honolulu, on account of said assessment.

SECTION 4. Said sum of ten thousand twenty-two dollars and twenty-nine cents, or so much thereof as may be paid as aforesaid, shall be reimbursed to the general fund of the

**Act 241. Relief of Auwaiolimu Land Owners.
Joint Resolution 1. Federal School Survey.**

Territory out of sales of public lands on the island of Oahu.

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

Approved this 10th day of May, 1917.

**LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.**

JOINT RESOLUTION NO. 1

JOINT RESOLUTION

**AUTHORIZING AND DIRECTING THE GOVERNOR AND THE
SUPERINTENDENT OF PUBLIC INSTRUCTION TO REQUEST
THE COMMISSIONER OF EDUCATION OF THE UNITED
STATES OF AMERICA TO UNDERTAKE A FEDERAL SURVEY
OF THE SCHOOLS OF THE TERRITORY OF HAWAII.**

WHEREAS, the government of the United States of America, through its department of the interior and under the direction of its commissioner of education, has offered to every community of the nation an opportunity to put its local problem of schools before the national leaders in education that, after first-hand study of local conditions, such leaders may advise with local authorities to the end that the children of all the people may be prepared for national life; and

WHEREAS, Hawaii through its entire history has devoted itself to popular education and today faces conditions of peculiar difficulty and responsibility not affecting ourselves alone, but also affecting the life of the nation, and

Joint Resolution 1. Federal School Survey.

Joint Resolution 2. Water for Kauai Sanitarium.

would bring to its problem all of its own resources and also such added wisdom as might come from national leaders after their study of local conditions; Therefore,

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

That the governor and the superintendent of public instruction be and are hereby authorized and directed to invite the commissioner of education of the United States of America to undertake a federal survey of the schools of Hawaii, acting in conjunction with the department of public instruction of the territory of Hawaii, and to make such recommendations to the said department of public instruction as may seem to the commissioner of education will aid our schools to prepare our children for true American life.

Approved this 11th day of April, 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

JOINT RESOLUTION NO. 2

JOINT RESOLUTION

DIRECTING THE GOVERNOR AND THE COMMISSIONER OF PUBLIC LANDS OF THE TERRITORY OF HAWAII TO SET ASIDE WATER FOR THE USE OF THE COUNTY FARM AND SANITORIUM, ON THE ISLAND OF KAUAII, WITHOUT CHARGE.

Whereas, by Act 55 of the Session Laws of 1915, the governor of the Territory of Hawaii was duly authorized and

Joint Resolution 2. Water for Kauai Sanitarium.

empowered to set aside by executive to the county of Kauai a certain tract of land containing an area of one hundred and twenty acres, little more or less, situate at Kapaa, county of Kauai, for the purpose of establishing thereon a county farm and sanitorium for the care and treatment of persons afflicted with tuberculosis; and

WHEREAS, the governor has, pursuant to the provisions of the said Act, set aside, by executive order, the land above referred to; and

WHEREAS, there have since been erected on the said land buildings for the purposes of the said county farm and sanitorium, out of moneys, to-wit, the sum of twenty-five thousand dollars (\$25,000.00) donated by the Honorable A. S. Wilcox; and

WHEREAS, it is desirable that the said county farm and sanitorium should receive such further aid from the Territory of Hawaii as would enable it to operate successfully,

THEREFORE, BE IT RESOLVED by the legislature of the Territory of Hawaii, that the governor and the commissioner of public lands of the Territory of Hawaii be and they are hereby directed to reserve and set aside for the use of the said county farm and sanitorium, without charge, such amount of water from the Kapahi ditch, situate at said Kapa, island of Kauai, as shall be sufficient for all of its purposes, including the irrigation of the tract of land which was set aside as aforesaid.

Approved this 30th day of April, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

Joint Resolution 3. Traveling Expenses, Territorial Officials.

JOINT RESOLUTION NO. 3

JOINT RESOLUTION

REGULATING THE PAYMENT OF THE PERSONAL EXPENSES OF TERRITORIAL OFFICIALS WHILE TRAVELING ABROAD ON OFFICIAL TERRITORIAL BUSINESS.

WHEREAS, the auditor of the Territory must be furnished with itemized vouchers for all accounts against the Territory before issuing a warrant in payment of same; and

WHEREAS, it is impossible in many cases while traveling to procure such vouchers; Therefore, be it

RESOLVED, by the senate and house of representatives of the territory of Hawaii, that territorial officials while traveling abroad on official territorial business be allowed the sum of ten dollars per day, which amount is to cover all personal expenses, such as board and lodging, etc., but not to include steamer and railroad fares, and the auditor of the territory is hereby directed to issue warrants payable to such officials for such purpose, at the above rate from the date of their departure from and until the day of their return to this Territory, upon being furnished by such official with a voucher setting forth the time covered by this resolution.

Approved this 2nd day of May, A. D. 1917.

LUCIUS E. PINKHAM,
Governor of the Territory of Hawaii.

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