

LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
LEGISLATURE
AT ITS
REGULAR SESSION
1911

PUBLISHED BY AUTHORITY

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ERRATA.

On page 148, line 6 of section 1 of Act 110, strike out the first "to" after "sale."

On page 216, line 12 of section 1, change "unpail" to "unpaid."

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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 SENATE
OF THE LEGISLATURE OF THE TERRITORY OF HAWAII FOR
THE YEAR 1911.

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 1911.

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

Approved this 20th day of February, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 2.

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 1911 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 Twenty-Six Thousand Dollars (\$26,000.00) 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 1911.

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

Approved this 20th day of February, A. D. 1911.

WALTER F. FREAR,
Governor of Hawaii.

ACT 3.

AN ACT

TO REPEAL SECTION 55 OF ACT 118 OF THE LAWS OF 1907,
RELATING TO CITY AND COUNTY INSPECTORS OF ELEC-
TION.

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

SECTION 1. Section 55 of Act 118 of the Laws of 1907 is hereby repealed.

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

Approved this 28th day of February, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 4.

AN ACT

RELATING TO FORMS FOR USE IN THE SEVERAL COURTS OF THE TERRITORY, AMENDING SECTION 1636 OF THE REVISED LAWS OF HAWAII.

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

SECTION 1. Section 1636 of the Revised Laws of Hawaii is hereby amended by adding thereto the following:

“The Supreme Court may prepare and recommend for use in the several courts of the Territory such forms as it may deem convenient and sufficient. The forms so recommended shall be as valid as if authorized by statute. If printed at public expense they shall be sold at such prices as will pay their cost.”

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

Approved this 28th day of February, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 5.**AN ACT**

**TO AMEND SECTIONS 1, 4 AND 5 AND REPEAL SECTION 2 OF
ACT 45 OF THE LAWS OF 1909, RELATING TO INDETERMI-
NATE SENTENCES.**

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

SECTION 1. Section 1 of Act 45 of the Laws of 1909 is hereby amended by substituting the word "shall" for the word "to" before the word "suspend" in said Section.

SECTION 2. Section 4 of said Act is hereby amended by substituting "Warden, with the approval of the Attorney General" for "Board of Prison Inspectors as by law provided."

SECTION 3. Section 5 of said Act is hereby amended to read as follows:

"Section 5. It shall be the duty of the 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 six months 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 the Attorney General. The Attorney General shall then consider the case of the prisoner so presented and if he decides that the prisoner is entitled to his final discharge, the Warden shall cause a record of the case to be made showing the date of 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 Attorney General, 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 4. Section 2 of said Act is hereby repealed.

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

Approved this 28th day of February, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 6.

AN ACT

TO PROVIDE FOR THE PAYMENT OF A CERTAIN JUDGMENT FOR THE SUM OF FIFTEEN THOUSAND DOLLARS (\$15,000.00), TOGETHER WITH INTEREST THEREON, RENDERED BY THE SUPREME COURT OF SAID TERRITORY IN FAVOR OF FREDERICK J. LOWREY, GEORGE P. CASTLE, AND WILLIAM O. SMITH, TRUSTEES, AGAINST THE TERRITORY OF HAWAII.

WHEREAS, on the 30th day of March, 1910, in an action before the Supreme Court of the Territory of Hawaii, wherein Frederick J. Lowrey, George P. Castle, and William O. Smith, Trustees, were parties Plaintiff, and the Territory of Hawaii was party Defendant, judgment was rendered in favor of said Plaintiffs and against said Defendant, for the sum of Fifteen Thousand Dollars, (\$15,000.00) together with costs taxed at One Hundred Eleven and 20-100 Dollars (\$111.20);

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

SECTION 1. That there is hereby appropriated, and the Treasurer of said Territory is hereby authorized and directed to pay to the order of said Frederick J. Lowrey, George P. Castle, and William O. Smith, Trustees, from and out of any moneys in the Territorial Treasury which are not otherwise specifically appropriated, the sum of Fifteen Thousand One

Hundred and Eleven and 20-100 Dollars, together with interest thereon at the rate of 6% per annum from said 30th day of March, 1910, to the date of the passage of this Act, in full satisfaction and release of any and all claims of them, the said Frederick J. Lowrey, George P. Castle and William O. Smith, Trustees, against the Territory of Hawaii, arising out of or founded upon the judgment aforesaid; Provided, however, that before making payment as in this Act provided, the Treasurer shall exact and receive from said Frederick J. Lowrey, George P. Castle and William O. Smith, a written satisfaction of said judgment, and shall cause the same to be filed in said Supreme Court.

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

Approved this 3rd day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 7.

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 Two Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated from the Treasury of the Territory for the compilation and publication of not less than five hundred 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 Terri-

tory 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 forms or signatures of the requisite number may be begun as soon as the Secretary shall deem advisable 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 five hundred 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. This Act shall take effect from and after the date of its approval.

Approved this 4th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 8.

AN ACT

MAKING ADDITIONAL APPROPRIATIONS FOR THE BOARD OF
HEALTH FOR THE BIENNIAL PERIOD ENDING JUNE 30,
1911.

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

SECTION 1. The following additional sums are hereby appropriated, for the objects hereinafter expressed, for the bien-

nial period ending June 30, 1911, out of moneys in the Treasury received from the general revenues:

BOARD OF HEALTH:

Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies, Prevention and Cure of Tuberculosis and Suppression of Contagious Diseases	\$20,000.00
Morgue Building and Furnishings	5,000.00

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

Approved this 6th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 9.

AN ACT

**TO REPEAL CHAPTER 50 OF THE REVISED LAWS, RELATING TO
ROAD SUPERVISORS AND ROAD BOARDS.**

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

SECTION 1. Chapter 50 of the Revised Laws of Hawaii relating to road supervisors and road boards is hereby repealed.

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

Approved this 7th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 10.

AN ACT

TO REPEAL CHAPTER 51 OF THE REVISED LAWS, RELATING TO
CANTONIERS.

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

SECTION 1. Chapter 51 of the Revised Laws of Hawaii relating to cantoniers is hereby repealed.

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

Approved this 7th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 11.

AN ACT

TO PROVIDE FOR SERVICE OF PROCESS UPON THE CITY AND
COUNTY OF HONOLULU AND THE SEVERAL COUNTIES.

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

SECTION 1. Service of any notice or process authorized by law issued against any county by any magistrate, court, judicial or administrative officer or board may be made by any officer authorized to make service of process, and may be made upon the county attorney or the deputy county attorney for such county, and in default of finding such county attorney or deputy county attorney, upon the county clerk, and in default of finding such county clerk, then upon the auditor, treasurer or any of

the supervisors of the county, and any such service upon any such officer shall be binding upon the county. The word County as herein used shall include the City and County of Honolulu.

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

Approved this 7th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 12.

AN ACT

ACCEPTING THE GIFT OF WILLIAM G. IRWIN TO THE TERRITORY OF HAWAII OF CERTAIN LANDS SITUATE AT WAIKIKI, OAHU, AS AN ADDITION TO KAPIOLANI PARK.

WHEREAS, William G. Irwin did by deed dated the 8th day of July, 1910, recorded in the Registry of Conveyances in Liber 332 on pages 160-162, convey to the Honolulu Park Commission, certain parcels of land described in said deed, upon condition that the Territory of Hawaii add the said parcels of land to the Kapiolani Park; Now Therefore:

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

SECTION 1. The Territory of Hawaii hereby accepts the gift of William G. Irwin of said lands upon the terms and under the conditions expressed in said deed.

SECTION 2. The said parcels of land are hereby declared and dedicated as a public park and are hereby declared to be a part of Kapiolani Park, and shall be under the control and management of the Honolulu Park Commission.

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

Approved this 7th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 13.

AN ACT

TO AMEND CHAPTER 53 OF THE REVISED LAWS, RELATING TO SIDEWALKS.

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

SECTION 1. Chapter 53 of the Revised Laws of Hawaii is hereby amended by striking therefrom the words "Superintendent of Public Works" wherever they occur in said Chapter, and inserting in lieu thereof the words "Supervisors of the County or City and County in which the sidewalks are located," and by striking therefrom the word "Superintendent" wherever it occurs in said Chapter and inserting in lieu thereof the word "Supervisors," and by striking out the word "his" in line 9 of Section 731 of said Chapter and inserting in lieu thereof the word "their."

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

Approved this 8th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 14.

AN ACT

**To AMEND SECTION 1 OF ACT 41 OF THE SESSION LAWS OF
1905, RELATING TO PRISON INSPECTORS.**

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

SECTION 1. Section 1 of Act 41 of the Session Laws of 1905 is hereby amended to read as follows:

“Section 1. The Governor shall appoint, in the manner prescribed by Section 80 of the Organic Act, a Board of Prison Inspectors for each Judicial Circuit of the Territory. Each Board shall consist of three members, who shall be appointed for terms of two years and be residents of the Judicial Circuits for which they are appointed.”

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

Approved this 10th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 15.**AN ACT**

TO LIMIT THE TIME WITHIN WHICH WARRANTS UPON THE TERRITORIAL TREASURY MAY BE PAID, ADDING A SECTION TO BE KNOWN AS SECTION 1542A TO THE REVISED LAWS.

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

SECTION 1. A new section to be known as Section 1542A is hereby added to the Revised Laws as follows:

“Section 1542A. *Warrants Barred When.* No warrant upon the Territorial Treasury shall be paid unless presented at the Treasury for payment before the close of the biennial period next after the biennial period in which it shall have been issued. All warrants not so presented within such time shall be deemed to have been paid, and any moneys held at the expiration of such time in a special fund or account for the payment of such warrants shall thereupon be transferred to the general funds.”

SECTION 2. This Act shall take effect on July 1, 1912.

Approved this 10th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 16.**AN ACT**

MAKING APPROPRIATIONS FOR THE REPAIR, PARTIAL REMODELING AND RECONSTRUCTION, AND FURNISHING OF THE JUDICIARY BUILDING AND FOR MOVING AND TEMPORARY ACCOMMODATIONS INCIDENTAL THERETO.

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

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

Repair and partial remodeling and reconstruction of the Judiciary Building.....	\$100,000.00
Furnishing said Building.....	10,000.00
Moving and temporary accommodations incidental to said work.....	5,000.00
	<hr/>
	\$115,000.00

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

Approved this 10th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 17.**AN ACT**

TO AMEND SECTION 1272 OF THE REVISED LAWS OF HAWAII
RELATING TO PROCEDURE FOR ENFORCING PAYMENT OF
DELINQUENT TAXES ASSESSED AGAINST UNKNOWN OR
NON-RESIDENT PERSONS.

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

SECTION 1. Section 1272 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1272. In all cases where taxes assessed to persons unknown or to non-residents of the taxation division are delinquent and unpaid when due, action may be brought by the Assessor of such division or his deputy in the District Court of the District in which the assessment was made and the defendant may be named as unknown or by name if known and a non-resident, as the case may be. In any such case, it shall be a good and sufficient service of summons, binding on all parties in interest, if under the order of the Magistrate of the District Court the title and the substance of the action and summons, including a return day not less than three weeks from the date of the issuance of such summons and calling on all parties in interest to appear and defend, shall be published once a week for three consecutive weeks in some newspaper of general circulation in the Territory, and the Magistrates of the District Courts of the Territory are given jurisdiction to order such service. In actions against non-resident delinquents, a certified copy of the published notice shall be deposited in the mail, postage prepaid, to the last known address of such person. In such summons and in the notice published, where the defendant is named as unknown, a brief description of the property assessed shall be given. All such actions shall be heard and determined in the same manner as though personal service was obtained and judgment may be entered and execution issued and levied upon

property for which the tax was assessed or upon any property of such unknown or non-resident delinquent as may be found within such District."

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

Approved this 13th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 18.

AN ACT

TO AMEND SECTION 1381 OF THE REVISED LAWS OF HAWAII,
RELATING TO HOTEL, BOARDING HOUSE AND RESTAURANT
LICENSES.

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

SECTION 1. Section 1381 of the Revised Laws of Hawaii, is hereby amended so as to read as follows:

"Section 1381. *Fee, hotels, boarding houses, restaurants.*
The annual fee for a license to keep a hotel, boarding house, or restaurant shall be as follows:

In the Districts of Honolulu and Hilo..	\$50.00
All other places.....	25.00

SECTION 2. This Act shall take effect July 1, 1911.

Approved this 13th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 19.**AN ACT****MAKING AN ADDITIONAL APPROPRIATION FOR NEW BUILDINGS AND FURNISHINGS FOR THE KAPIOLANI GIRLS' HOME.**

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

SECTION 1. The sum of \$10,000 is hereby appropriated out of moneys in the Treasury received from the general revenues for new buildings and furnishings for the Kapiolani Girls' Home, in addition to the sum of \$15,000 appropriated for this purpose by Act 150 of the Laws of 1909. This appropriation shall not lapse upon the expiration of the biennial period ending June 30, 1911.

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

Approved this 13th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 20.**AN ACT****TO AMEND SECTION 2381 OF THE REVISED LAWS OF HAWAII RELATING TO THE RECORDING OF CERTAIN INSTRUMENTS, AND ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2381A.**

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

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

SECTION 2381. All indentures of apprenticeship, articles of marriage settlement, powers of attorney for the transfer of real estate within this Territory and agreements of adoption shall be recorded in the Office of the Registrar of Conveyances in default of which no such instrument shall be binding to the detriment of third parties and conclusive upon their rights and interests.

SECTION 2. A new section is hereby added to the Revised Laws of Hawaii to be known as Section 2381A and to read as follows:

"SECTION 2381A. Every mortgage or other conveyance of personal property, not accompanied by immediate possession and followed by an actual and continued change of possession of the things mortgaged or conveyed, shall be void as against creditors of the mortgagor, and as against subsequent purchasers or mortgagees, in good faith and for a valuable consideration, unless such mortgage or other conveyance shall be recorded in the Office of the Registrar of Conveyances."

SECTION 3. This Act shall take effect on July 1, 1911

Approved this 17th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 21.

AN ACT

TO PROVIDE FOR FINANCIAL REPORTS OF THE CITY AND COUNTY OF HONOLULU AND THE SEVERAL COUNTIES.

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

SECTION 1. 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, submit to the Board of Supervisors, transmit to the Auditor of the Territory, and publish in a newspaper of general circulation, in the months of January, April, July and October, respectively, in each year, a statistical report showing in compendious form all financial transactions of the City and County or the County, as the case may be, for the preceding three 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 expenditure according to a plan to be approved by the Auditor of the Territory.

It shall also be the duty of each such Auditor to prepare, submit to the Board of Supervisors, and transmit to the Governor, 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. Section 84 of Act 39 of the Laws of 1905, Section 93 of Act 118 of the Laws of 1907, and Act 24 of the Laws of 1909, are hereby repealed.

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

Approved this 17th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 22.

AN ACT

TO ESTABLISH A COMMISSION TO PROMOTE UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

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

SECTION 1. There is hereby created a commission for Hawaii, to promote uniformity of legislation in the United States,

to be composed of three commissioners, who shall be appointed by the Governor, in the manner prescribed in Section 80 of the Organic Act, for terms or three years or the unexpired periods thereof, so that the term of one commissioner shall expire on the thirtieth day of April of each year beginning with the year 1912.

SECTION 2. It shall be the duty of the commissioners to examine all subjects upon which uniformity of legislation in the several States and Territories is desirable; to ascertain and recommend the best means to effectuate such uniformity and to represent the Territory in conventions of like commissioners of the several States and Territories for the consideration and recommendation of uniform laws to be submitted to the several State and Territorial Legislatures for action; and, generally, to devise and recommend such other course of action as may tend to accomplish the purposes of this Act.

SECTION 3. The commissioners shall serve without pay.

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

Approved this 17th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 23.

AN ACT

To AMEND SECTION 2214 OF THE REVISED LAWS OF HAWAII,
RELATING TO RECORDS AND CERTIFICATES OF MARRIAGE.

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

SECTION 1. Section 2214 of the Revised Laws of Hawaii is hereby amended by adding to the first paragraph of said section

the following sentence: "Such certificate shall be *prima facie* evidence of the fact of marriage in any proceeding in any court."

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

Approved this 17th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 24.

AN ACT

TO AMEND SECTIONS 1781 AND 1782 OF THE REVISED LAWS AS
AMENDED, RELATING TO THE SUMMONING OF JURORS.

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

SECTION 1. Section 1781 of the Revised Laws is hereby amended by inserting after the word "sheriff" in line 6 thereof the words, "either personally or through any deputy sheriff or any police officer."

SECTION 2. Section 1782 of the Revised Laws, as amended by Section 6 of Act 74 of the Laws of 1905, and by Section 3 of Act 80 of the Laws of 1907, is hereby amended by inserting after the word "sheriff" in line 6 thereof, the words "or any deputy sheriff or police officer."

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

Approved this 17th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 25.**AN ACT**

TO AMEND SECTION 1418G OF THE REVISED LAWS OF HAWAII,
RELATING TO LICENSES, AS ENACTED BY ACT 96 OF THE
SESSION LAWS OF 1907.

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

SECTION 1. Section 1418G of the Revised Laws of Hawaii, as enacted by Act 96 of the Session Laws of 1907, is hereby amended to read as follows:

"SECTION 1418G. *Merchandise.* The annual fee for a license to sell goods, wares and merchandise shall be as follows, to-wit:

In case the business sought to be licensed shall have received in gross receipts a sum less than twenty-five thousand dollars during the fiscal year prior to July first, or in case the business sought to be licensed has not been conducted one full year prior to the first day of July, the fee shall be twenty-five dollars.

In case the business sought to be licensed shall have received in gross receipts more than twenty-five thousand dollars and less than fifty thousand dollars during the fiscal year prior to July first, the fee shall be fifty dollars.

In case the business sought to be licensed shall have received in gross receipts more than fifty thousand dollars during the fiscal year prior to July first, the fee shall be one hundred dollars. Provided, however, that no license fee shall be required for the sale of fresh fruit, vegetables, fresh flowers or greens for wreaths or of wreaths for decorative purposes (including paper, shell or seed leis.)

No license shall issue under this Section unless at the time of application therefor, the applicant shall present therewith an

affidavit setting forth the gross receipts from the business during preceding fiscal year, or that the business has not been conducted for one full year as the case may be. Such affidavit shall be signed and sworn to by the person owning such business or managing such business or, if the same is a corporation, by an officer thereof authorized by said corporation to sign and acknowledge its instrument in its behalf.

No person holding a merchandise license shall be permitted by virtue thereof to sell or furnish opium or any preparation thereof, any poisonous drug, alcohol, spirituous or other intoxicating liquors, cigars, cigarettes or tobacco or any other articles for the sale of which a license is provided and required by law.

Any person who shall sell goods, wares, or merchandise without a license under this Act, or who, holding such a license, shall sell any article not permitted by such license to be sold, or who shall falsely state the gross amount of sales in making application for a license under Section 1418G, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding two hundred and fifty dollars."

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

Approved this 17th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 26.**AN ACT**

MAKING APPROPRIATIONS FOR THE CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT AND EXTENSION OF THE WHARVES AND WHARF SHEDS AT MAHUKONA, HAWAII, AND HANALEI, KAUAI, AND FOR THE CONSTRUCTION OF APPROACHES THERETO.

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

SECTION 1. The sum of Fourteen Thousand Four Hundred (\$14,400.00) Dollars is hereby appropriated out of moneys in the Treasury, received from general revenues, for the construction, improvement and extension of the wharf and wharf shed at Mahukona, County of Hawaii, and for the construction of adequate approaches thereto; and the sum of Ten Thousand Seven Hundred and Eighty (\$10,780.00) Dollars is hereby appropriated out of moneys in the Treasury, received from general revenues, for the construction of the wharf and wharf shed at Hanalei, County of Kauai, and for the construction of adequate approaches thereto.

SECTION 2. The expenditure of such money shall be under the direction of the Superintendent of Public Works, subject, however, to the provisions of Act 62 of the Session Laws of 1909, and any amendments thereto, to the same extent as if such provisions were a part of this Act, and further provided that extensions or additions to the present wharf at Mahukona shall be of concrete construction.

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

Approved this 17th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 27.**AN ACT****TO APPROPRIATE MONEY FOR THE RELIEF OF THE HAWAIIAN DEVELOPMENT COMPANY, LIMITED.**

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

SECTION 1. The sum of Four Hundred Twenty-Eight Dollars (\$428.00) is hereby appropriated to be paid out of all moneys in the Treasury received from current revenues of the Territory of Hawaii, for the relief of the Hawaiian Development Company, Limited, the same constituting a refund to said Hawaiian Development Company, Limited, for stamp duties paid to the Registrar of Public Conveyances at Honolulu, February 24, 1909, upon a duplicate copy of a certain mortgage from the Hawaiian Mahogany Company, Limited, to the Hawaiian Development Company, Limited, which mortgage had been duly stamped on the 13th day of July, 1908, and recorded in Liber 309, pages 78-88.

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

Approved this 20th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 28.**AN ACT**

TO AUTHORIZE THE APPOINTMENT OF THE SANITARY COMMISSION OF HONOLULU AND TO APPROPRIATE MONEY FOR THE EXPENSES OF SUCH COMMISSION.

WHEREAS, owing to local conditions and its commercially central position in the Pacific, the City of Honolulu and through it the Territory of Hawaii are in grave and increasing danger of the introduction and spread of contagious and infectious diseases from the Orient and Mexican and Central American ports;

AND WHEREAS, owing to the large military and naval plans of the United States for said City and its surroundings and the position of Hawaii as a health outpost as well as a military and naval outpost for the protection of the mainland of the United States, it is of the greatest importance to the people of the Pacific Coast and the entire nation, as well as to the people of Hawaii, that timely and suitable action be taken to render said City proof against such diseases;

AND WHEREAS, owing to the possible extent and character of the work required for this purpose, plans based on a thorough investigation on the ground should first be formulated by experts; therefore,

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

SECTION 1. That a Commission of five persons to be designated as the Sanitary Commission of Honolulu be and is hereby constituted to investigate the sanitary conditions of Honolulu with reference to present and future dangers and requirements and to report the result of such investigation with its recommendations of what work should be done and the necessary plans and specifications for doing it.

SECTION 2. One member of the Commission shall be a civil engineer, one a physician and one an attorney at law. The members shall be appointed and commissioned by the Governor by and with the advice and consent of the Senate. The report of the Commission shall be made to the Governor on or before December 31, 1911.

SECTION 3. The sum of Five Hundred Dollars (\$500) or as much thereof as may be necessary, is hereby appropriated from the Treasury of the Territory for the expenses of the Commission, for transportation, clerical assistance, printing and such other expenses as the members thereof shall determine to be necessary. The members of the Commission shall serve without pay.

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

Approved this 20th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 29.

AN ACT

Amended by
Act.....*157*
Laws...*1911*

TO AMEND CHAPTER 83 OF THE REVISED LAWS OF HAWAII AND
TO APPROPRIATE MONEY TO MAKE SAID CHAPTER EF-
FECTIVE.

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

SECTION 1. Chapter 83 of the Revised Laws is amended by adding thereto a section, to be known as Section 1034A, as follows:

"SECTION 1034A. To enable the Superintendent of Public Works to carry out the provisions of this Chapter, the sum of Fifty Thousand Dollars (\$50,000) is hereby appropriated as a special fund to be deposited in the Territorial Treasury and to be a continual deposit, subject to the control of the Superintendent of Public Works to be used by him from time to time in making the improvements contemplated and required by this Chapter. All moneys withdrawn from the fund for such improvements shall be returned by the Superintendent of Public Works to the fund when and as often as the same are repaid or collected as provided in this Chapter and shall then be available for further use."

SECTION 2. Said Chapter is hereby further amended by adding thereto a section to be known as Section 1034B, as follows:

"SECTION 1034B. Whenever property shall be improved under this Act and the Superintendent of Public Works shall sell the property so improved to satisfy the lien established in consequence of such improvement, the owner shall be paid out of the proceeds of such sale an amount not less than the assessed value of the property before its improvement."

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

Approved this 20th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 30.**AN ACT**

TO AMEND SECTION 13 OF ACT 39 OF THE SESSION LAWS OF 1905 AS AMENDED BY SECTION 1 OF ACT 54 OF THE SESSION LAWS OF 1905 AND AS AMENDED BY SECTION 1 OF ACT 58 OF THE SESSION LAWS OF 1909, RELATIVE TO DEPUTY SHERIFF.

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

SECTION 1. Section 13 of Act 39 of the Session Laws of 1905 as amended by Section 1 of Act 54 of the Session Laws of 1905 and as amended by Section 1 of Act 58 of the Session Laws of 1909 is hereby amended so as to read as follows:

“SECTION 13. Within each and every district of the Counties of Hawaii, Maui and Kauai, the sheriff shall appoint a deputy sheriff and may remove any such deputy sheriff for cause. Every deputy sheriff shall be a duly qualified elector of the Territory of Hawaii, and shall have resided within the district for which he is appointed for a period of not less than one year previous to the date of his appointment. The deputy sheriff of the district of South Hilo of the County of Hawaii shall, ex-officio, be the deputy sheriff of the County of Hawaii. The deputy sheriff of the district of Wailuku, County of Maui shall, ex-officio, be the deputy sheriff of the County of Maui.”

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

Approved this 23rd day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 31.**AN ACT**

TO AMEND SECTION 28 OF CHAPTER 9 OF ACT 39 OF THE SESSION LAWS OF 1905, ENTITLED "AN ACT CREATING COUNTIES WITHIN THE TERRITORY OF HAWAII."

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

SECTION 1. Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, is hereby amended so that the following lines:

"Deputy Sheriff of the District of South Hilo \$1,620.00 a year"
 "Deputy Sheriff of the District of Puna \$ 720.00 a year"
 may read as follows:

"Deputy Sheriff of the District of South Hilo \$1,800.00 a year"
 "Deputy Sheriff of the District of Puna \$ 960.00 a year."

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

Approved this 23rd day of March, A. D. 1911.

WALTER F. FREAR,
 Governor of the Territory of Hawaii.

ACT 32.**AN ACT**

TO AMEND SECTION 2916, CHAPTER 188 OF THE REVISED LAWS OF HAWAII, RELATING TO ASSAULT AND BATTERY.

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

SECTION 1. Section 2916 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"SECTION 2916. *Slight Corporal Injuries.* Whoever inflicts a slight corporal injury upon another, as by striking him with his fist, spitting in his face, inciting and causing a dog to bite him, or any injury of a like gravity, however slight, is guilty of an assault and battery, and shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, in the discretion of the court."

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

Approved this 23rd day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 33.

AN ACT

TO AMEND SECTION 2794, CHAPTER 181 OF THE REVISED LAWS OF HAWAII, RELATING TO BONDS TO KEEP THE PEACE.

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

SECTION 1. Section 2794 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"SECTION 2794. *Bond Not Executed.* If the bond be not executed according to the order of the magistrate, the prisoner shall be committed to prison, and shall remain in custody until the bond be so executed, such custody not to exceed the term for which the bond is required, by the court or magistrate."

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

Approved this 23rd day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 34.

AN ACT

TO AMEND SECTION 2977, CHAPTER 196 OF THE REVISED LAWS OF HAWAII, RELATING TO RECEIVING STOLEN GOODS.

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

SECTION 1. Section 2977 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"SECTION 2977. *Defined.* The receiving of stolen goods is, in contract or otherwise, the fraudulently taking, accepting of, detaining, keeping, concealing, or disposing of, the goods of another, stolen, embezzled, illegally extorted or otherwise illegally obtained by any one or aiding therein, whether the same were so stolen, embezzled, extorted or otherwise illegally obtained within or without this Territory."

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

Approved this 23rd day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 35.

AN ACT

TO AMEND SECTION 2966 OF THE REVISED LAWS OF THE TERRITORY OF HAWAII, RELATING TO EMBEZZLEMENT.

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

SECTION 1. Section 2966 of the Revised Laws of the Territory of Hawaii is hereby amended so as to read as follows:

“SECTION 2966. *Embezzlement of Public Property. Punishment.* If any officer or other person who, by any law, regulation, appointment, or employment, now is or hereafter shall be charged or entrusted, directly or indirectly, with the safekeeping, transfer or disbursement, or otherwise has the possession, control or custody, of any money, note, or other effects or property belonging to the Territory of Hawaii or to any political or municipal corporation or subdivision thereof shall convert the same to his own use or benefit or to the use and benefit of another than the owner or person entitled thereto, or shall loan with or without interest or shall deposit in his own name, or otherwise than in the name of the Territory of Hawaii or in the name of any political or municipal corporation or subdivision thereof, in banks or with any person or persons, or change for other funds or property, any such money or property, except in the manner by law prescribed, he shall be deemed guilty of embezzlement and any such officer or person, upon conviction thereof, shall be punished at hard labor for a period of not to exceed ten years or by fine not to exceed five times the value of the thing or property embezzled; and any failure by such officer or person to pay over or produce or legally account for the whole or any part of such money or other property as required by law, regulation, appointment, employment or direction, on demand, shall be taken and held to be *prima facie* evidence of such embezzlement.”

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

Approved this 23rd day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 36.

AN ACT

To PROVIDE ASSISTANCE FOR DISCHARGED PRISONERS, AMENDING CHAPTER 110 OF THE REVISED LAWS OF HAWAII BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 1614A.

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

SECTION 1. Chapter 110 of the Revised Laws of Hawaii is hereby amended by adding thereto a new section to be known as Section 1614A, to read as follows:

“SECTION 1614A. Upon the discharge of any prisoner who has undergone a sentence of one year or more at hard labor in the territorial prison, in case said person has not funds sufficient for present purposes, he shall be furnished by the warden with five dollars in money, and clothes costing not more than ten dollars. The said expenditures so made by the warden shall be included by him among the accounts for cost and maintenance of prisoners.”

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

Approved this 23rd day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 37.**AN ACT**

TO AMEND ACT 65 OF THE SESSION LAWS OF 1909, RELATING TO EARNINGS AT CERTAIN INDUSTRIAL SCHOOLS.

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

SECTION 1. Section 1 of Act 65 of the Session Laws of 1909 is hereby amended to read as follows:

“**SECTION 1.** All moneys arising from agricultural and industrial pursuits at the Lahainaluna school and the Boys’ and Girls’ Industrial schools respectively, except such moneys as go to the pupils earning the same, shall, upon receipt thereof, be paid into the Territorial Treasury, and equal amounts are hereby appropriated out of the moneys in the Treasury for the use of the Department of Public Instruction to be expended by it in the care, maintenance and operation of such schools respectively.”

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

Approved this 23rd day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 38.**AN ACT**

TO PROHIBIT THE TAKING OF FISH WITH NETS IN THE WATERS OF THE HARBOR OF HONOLULU.

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

SECTION 1. The taking or killing of fish by means of any draw, drag or seine net in the waters of the Harbor of Hono-

lulu is hereby prohibited. Any person who shall violate the provision of this section shall, upon conviction, be punished by a fine of not more than Two Hundred and Fifty (\$250.00) Dollars or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

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

Approved this 23rd day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 39.

AN ACT

TO AMEND SECTION 1831 OF CHAPTER 120 OF THE REVISED LAWS OF HAWAII, RELATING TO THE EXEMPTION OF PERSONAL PROPERTY FROM ATTACHMENT, EXECUTION, DISTRESS AND FORCED SALE.

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

SECTION 1. Section 1831, paragraph four thereof, of the Revised Laws of Hawaii is hereby amended to read as follows:

"Two horses or two mules and their harness, one cart or wagon or stage, one dray or truck, one coupe or hack or carriage for one or two horses, one automobile, one motorcycle or other vehicle, by the use of which a cartman, drayman, truckster, huckster, peddler, hackman, teamster, chauffeur, driver or other laborer actually earns his living; and two horses and harness and one vehicle or one automobile or motorcycle used by a physician, surgeon, or minister of the gospel, in the practice of his business or profession."

SECTION 2. This Act shall take effect on the 1st day of January, A. D. 1912.

Approved this 24th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 40.

AN ACT

TO PROVIDE FOR WRITS OF ERROR IN CERTAIN INSTANCES IN CRIMINAL CASES.

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

SECTION 1. A writ of error may be taken by and on behalf of the Territory from the district or circuit courts direct to the Supreme Court of the Territory in all criminal cases, in the following instances, to-wit:

From a decision or judgment quashing, setting aside, or sustaining a demurrer to, any indictment or any count thereof or any criminal charge, where such decision or judgment is based upon the invalidity or construction of the statute upon which the indictment or charge is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment or charge, where such decision is based upon the invalidity or construction of the statute upon which the indictment or charge is founded.

From a decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

SECTION 2. The writ of error in all such cases shall be taken within ten days after the decision or judgment has been rendered

and shall be diligently prosecuted and shall have precedence over all other cases; provided, that no writ of error shall be taken by or allowed the Territory of Hawaii in any case where there has been a verdict in favor of the defendant.

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

Approved this 29th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 41.

AN ACT

TO AMEND SECTION 1 OF ACT 122 OF THE SESSION LAWS OF 1909 RELATING TO THE PAYMENT OF THE EXPENSES OF THE SEVERAL DISTRICT COURTS.

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

“Section 1. Section 1 of Act 122 of the Session Laws of 1909, is hereby amended so as to read as follows:

“Section 1. The salaries of the several district magistrates and such clerks and other assistants as are provided for in this Section shall be paid by the counties, including the City and County of Honolulu, within which such magistrates exercise jurisdiction, at the following rates, per annum:

District Magistrate, Honolulu (\$250.00)	\$3,000.00
Second District Magistrate, Honolulu to be expended according to Act 57 of the Session Laws of 1907	300.00

Clerks, Honolulu District Court, 1st Clerk at \$135.00, 2nd Clerk at \$110.00 (\$245.00)	2,940.00
District Magistrate, Ewa (\$100.00)	1,200.00
District Magistrate, Waianae (\$40.00)	480
District Magistrate, Waialua (\$90.00)	1,080.00
District Magistrate, Koolauloa (\$50.00)	600.00
District Magistrate, Koolaupoko (\$50.00)	600.00
District Magistrate, Lahaina (\$90.00)	1,080.00
District Magistrate, Wailuku (\$135.00)	1,620.00
Second District Magistrate, Makawao, at IIonuaula (\$25.00)	300.00
District Magistrate, Makawao (\$100.00)	1,200.00
District Magistrate, Hana (\$50.00)	600.00
District Magistrate, Kipahulu (\$30.00)	360.00
District Magistrate, Molokai (\$40.00)	480.00
District Magistrate, Lanai (\$20.00)	240.00
District Magistrate, North Kohala (\$90.00)	1,080.00
District Magistrate, South Kohala (\$60.00)	720.00
District Magistrate, North Kona (\$90.00)	1,080.00
District Magistrate, South Kona (\$70.00)	840.00
District Magistrate, Kau (\$80.00)	960.00
Clerk and Interpreter, District Court, South Hilo (\$100.00)	1,200.00
District Magistrate, South Hilo (\$150.00)	1,800.00
District Magistrate, North Hilo (\$75.00)	900.00
District Magistrate, Hamakua (\$100.00)	1,200.00
District Magistrate, Puna (\$90.00)	1,080.00
District Magistrate, Lihue (\$100.00)	1,200.00
District Magistrate, Koloa (\$70.00)	840.00
District Magistrate, Waimea (\$90.00)	1,080.00
District Magistrate, Kawaihau (\$55.00)	660.00
District Magistrate, Hanalei (\$50.00)	600.00"

SECTION 2. This Act shall take effect upon July 1, 1911.

Approved this 29th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 42.**AN ACT**

RELATING TO EXPENSES OF DISTRICT MAGISTRATES, AMENDING ACT 122 OF THE LAWS OF 1909.

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

SECTION 1. Section 1 of Act 122 of the Laws of 1909 is hereby amended by adding thereto, at the end thereof, the following:

"The expenses also of the several District Magistrates shall be paid by the Counties, including the City and County of Honolulu, within which such Magistrates exercise jurisdiction."

SECTION 2. This Act shall take effect on July 1, 1911.

Approved this 30th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 43.**AN ACT**

MAKING APPROPRIATIONS FOR THE BENEFIT OF QUEEN LILIUOKALANI.

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 twelve hundred and fifty dollars (\$1,250.00) each month to Queen Liliuokalani, and to con-

tinue so to do for and during the remainder of her life; such sums as may be necessary to make such payments are hereby appropriated out of moneys received in the Treasury from the general revenues.

SECTION 2. This Act shall take effect on July 1, 1911.

Approved this 30th day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 44.

AN ACT

TO AMEND THE TITLE, SECTIONS 1 AND 2, SECTION 3, AS AMENDED BY ACT 127 OF THE SESSION LAWS OF 1909, AND SECTION 9 OF ACT 24 OF THE SESSION LAWS OF 1907, RELATING TO THE COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

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

SECTION 1. The title of Act 24 of the Session Laws of 1907 is hereby amended to read as follows: "An Act to Establish a College of Agriculture and Mechanic Arts, to be known as the College of Hawaii, and to Provide for the Government and Support thereof."

SECTION 2. Section 1 of said Act is hereby amended to read as follows:

"SECTION 1. There is hereby established a college of agriculture and mechanic arts, to be known as the College of Hawaii, which shall be under the general charge of a board of

regents, appointed in the manner prescribed in Section 80 of the Organic Act."

SECTION 3. Section 2 of said Act is hereby amended to read as follows:

"SECTION 2. The regents shall be residents of the Territory of Hawaii, and shall be appointed for terms of five years, or the unexpired periods thereof, in such manner that the term of one regent shall expire each year. Such terms shall begin on the first day of May in each year, and the terms of the present regents, in the order of their appointments, shall continue to and expire immediately preceding such day in each of the five years beginning with 1912."

SECTION 4. Section 3 of said Act, as amended by Act 127, Session Laws of 1909, is hereby amended to read as follows:

"SECTION 3. The board of regents shall have the general management and control of the affairs of the college. They shall have power to appoint a treasurer and such other officers as they deem necessary, and to require them to give bonds in such amounts as they may prescribe and in the form prescribed by law for bonds of public officers. They shall have power to purchase or otherwise acquire lands, buildings, appliances and other property for the purpose of the college, and expend such sums of money as may be, from time to time placed at the disposal of the college from whatever source. All lands, buildings, appliances and other property so purchased or acquired shall be and remain the property of the Territory of Hawaii to be used in perpetuity for the benefit of the college.

The grants of moneys and the purposes of said grants authorized by the Acts of Congress, approved March 2, 1887, August 30, 1890, and March 16, 1906, respectively, known as the Hatch Act, the Second Morrill Act, and the Adams Act, respectively, providing for agricultural experiment stations in connection with colleges of agriculture and mechanic arts, and

by any other Act or Acts of Congress, for similar purposes, are hereby assented to."

SECTION 5. Section 9 of said Act is hereby amended to read as follows:

"SECTION 9. Moneys appropriated by the Legislature for the college of Hawaii shall be payable by the territorial treasurer, upon warrants issued by the territorial auditor, upon vouchers approved by the board of regents. All moneys received by or on behalf of the board or college, other than those received from the United States government, shall be paid into the territorial treasury, and all such moneys are hereby appropriated for the use of the college. The board of regents 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 6. This Act shall take effect from and after the date of its approval.

Approved this 31st day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 45.

AN ACT

TO AMEND ACT 116 OF THE SESSION LAWS OF 1907, RELATING
TO HUNTING WITH FIRE-ARMS.

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

SECTION 1. Section 4 of Act 116 of the Session Laws of 1907 is hereby amended so as to read as follows:

"SECTION 4. All fees collected under this Act shall be paid into the treasury of the county or city and county wherein collected by the treasurer thereof, such fees to be used for the preservation and importation of game birds within said county or city and county."

SECTION 2. Section 5 of Act 116 of the Session Laws of 1907 is hereby amended so as to read as follows:

"SECTION 5. Any person who shall hunt with fire-arms within any county or city and county, without having a permit under this Act allowing him so to do, shall be deemed guilty of a misdemeanor, and shall be punished upon conviction by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment for not less than ten days nor more than three months, for each offence."

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

Approved this 31st day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 46.

AN ACT

To PROVIDE FOR THE COMPULSORY FILING OF PLANS OF SUB-DIVISIONS OF TRACTS OF LAND FROM WHICH LOTS ARE TO BE SOLD, OR LEASED, BY LOT NUMBER AND BLOCK NUMBER.

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

SECTION 1. Whoever shall lay out or sub-divide a tract of land into lots or blocks and shall sell by lot number or block

number or lease by lot number and block number any lot or block in any such sub-division without first having filed in the Office of the Registrar of Conveyances a plan thereof, drawn in accordance with the provisions of Act 23 of the Session Laws of 1905, or any amendment thereto, shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars for each lot or block or part thereof so sold or leased.

SECTION 2. Whenever it shall come to the knowledge of the Registrar of Conveyances that any of the provisions of this Act have been violated, it shall be his duty to notify the Attorney General of the fact.

SECTION 3. This Act shall take effect on October 1, 1911.

Approved this 31st day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 47.

AN ACT

RELATING TO EXPENDITURES OF PUBLIC MONEY, AMENDING
SECTION 1 OF ACT 62 OF THE LAWS OF 1909, AND ADDING
A NEW SECTION THERETO.

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

SECTION 1. Section 1 of Act 62 of the Laws of 1909 is hereby amended to read as follows:

“SECTION 1. No expenditure of public money, except for salaries or pay of officers or employees, or for permanent settlements, subsidies or other claims or objects for which a fixed sum or sums must be paid by law, or for other purposes which

do not admit of competition, (where the sum to be expended shall be One Thousand Dollars (\$1,000.00) or more, shall be made, except under contract let after public advertisement for sealed tenders, in the manner provided by law;) and no expenditure for public purposes shall be so divided or parcelled as to defeat or evade the provisions of this Section. Provided, however, that expenditures may be made, with the approval of the Board of Supervisors, in the case of a County or City and County, or of the Governor, in the case of the Territory, in excess of such sum without so contracting, when the work to be done is of such a nature that its extent and character cannot be known or specified beforehand with reasonable certainty, or when no tender is received in response to such advertisement; and provided, further, that any County or City and County may, with the approval of its Board of Supervisors, make expenditures for repairs and for road work in excess of such sum without so contracting, provided that, in the case of new road work, it shall first so publicly advertise for sealed tenders and shall keep a full and true account of the cost of the work, if done by itself, without awarding a contract therefor, and shall, upon the completion of the work, publish a full and true statement of its cost and of the amounts of rejected tenders, if any. And provided, further, that nothing herein provided shall prevent the Board of Health, if, after publication of a call for tenders as herein provided for, it receives no bids from any responsible bidder or only one bid therefrom, from purchasing at regular market prices, meats on the hoof or otherwise, and food stuffs, as may from time to time be required for the Leper Settlement."

SECTION 2. A new Section is hereby added to said Act, in place of the repealed Section 8, as follows:

"SECTION 8. The Auditor is hereby authorized to make, alter and repeal rules, not inconsistent with law, further controlling and regulating the expenditure of Territorial moneys, which rules, when approved by the Governor and published,

shall have the force of law, and violations thereof shall be subject to the penalties prescribed in Section 7 of this Act."

SECTION 3. This Act shall take effect July 1, 1911.

Approved this 31st day of March, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 48.

AN ACT

TO DEFINE, REGULATE AND LICENSE EMIGRANT AGENTS.

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

SECTION 1. Any person who individually or acting through or for another or others, is engaged in soliciting, inducing, procuring or in hiring laborers to go beyond the limits of the Territory of Hawaii, whether under promise of employment or otherwise, shall be deemed an emigrant agent within the meaning of this Act.

SECTION 2. No person shall engage in business as an emigrant agent without first obtaining a license from the Treasurer of each county or city and county in which such business is entered into or carried on. No such license shall be issued until the applicant therefor shall have complied with the following conditions:

First: He shall file with said Treasurer a sworn statement of the person or persons employing him and the place to which it is proposed that laborers shall be sent or taken and of the nature, terms and conditions of the employment or inducements to be given laborers he may recruit.

Second: He shall file with said Treasurer a bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) running to said Treasurer, and his successors in office conditioned that he will in all respects comply with the provisions of this Act and that he will satisfy any judgments which may be rendered against him in any action either at common law or under statute for enticing, inducing or persuading laborers from their employers or for inducing laborers to break their contract of employment.

Third: He shall pay an annual license fee of Five Hundred Dollars (\$500.00).

Every such license shall be issued subject to all rules, regulations, conditions and restrictions which may be subsequently imposed by law.

SECTION 3. Every emigrant agent shall, before any laborer recruited by him leaves the Territory of Hawaii, register in the Office of the Treasurer the name, age, nationality of each laborer recruited by him, the name and address of the last employer of such laborer, and the date and cause of his leaving his employment, together with a statement of the proposed place of employment, if any, the nature, terms and conditions of the employment promised and inducements offered to said laborer, together with the certificate of some person qualified as an interpreter that such statement has been by him read to such laborer in the language of his nationality. A charge of fifty cents (50) shall be made for each name so registered.

SECTION 4. Every emigrant agent shall give a bond in the sum of One Hundred Dollars (\$100.00) to each and every laborer recruited by him conditioned for the faithful performance of any contract or promise made with or given to any laborer so recruited. A duplicate original of each and every bond shall be filed in the Office of said Treasurer before said laborer leaves the Territory of Hawaii, together with a receipt of the laborer showing that said bond has been delivered to him.

SECTION 5. No emigrant agent shall recruit and take away from the Territory of Hawaii any minor without the written consent of the parents or guardian of said minor, and in case said minor has no parent or guardian, then of the Attorney General of the Territory, and said emigrant agent shall file said written consent in the Office of said Treasurer.

SECTION 6. No emigrant agent shall induce, entice or persuade or attempt to induce, entice or persuade, any servant or laborer who shall have contracted either orally or in writing to serve his employer for a specific length of time, to leave the service of said employer during the term thereof, without the consent of said employer, nor shall he aid or abet any such servant or laborer in leaving said service during the term thereof, without the consent of said employer.

SECTION 7. Any bonds given or required under the provisions of this Act shall be subject to approval both as to form and sufficiency by said Treasurer, but no such bond shall be approved unless there shall be at least two sureties upon the same, each of whom shall be a resident and freeholder within such county and shall justify before the Treasurer as worth in real estate situate in such county the amount of such bond over and above all sums for which such surety is liable. For the purpose of inquiring into the sufficiency of such sureties, said Treasurer is hereby authorized to administer oaths and to examine under oaths persons offering themselves as such sureties.

SECTION 8. In case of any breach of condition of any bond given under the provisions of this Act, it shall be the duty of the Treasurer, upon demand, to enforce said bond either in his own name or in the name of any person as obligee therein by appropriate proceedings in any court of competent jurisdiction for the use and benefit of the person injured by such breach.

SECTION 9. Any person who shall engage in business as an emigrant agent, without first obtaining a license as in this Act provided, or who shall violate any provision of this Act, shall

be guilty of a misdemeanor, and upon conviction shall forfeit his license, if he has one, and shall be punished by a fine not exceeding One Thousand Dollars (\$1000.00) or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 10. Act Fifty-seven of the Laws of 1905 is hereby repealed, except as to the offenses committed, acts done in violation of, or rights accrued or established under the provisions of said Act, and causes whether civil or criminal either pending at the time this Act shall go into effect, or subsequently brought to enforce any of the provisions of said Act; and as to every such offense, act, and right, and actions to enforce the same, said Act above specified shall continue and remain in full force.

SECTION 11. Every emigrant agent holding a license as such under existing law shall comply with the provisions of this Act except that all vested or contract rights, if any, shall be preserved to him, and that the license fee hereinabove required shall not be payable by him during the unexpired term of his license.

SECTION 12. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 49.

AN ACT

To FURTHER AMEND SECTION 3190 OF THE REVISED LAWS OF HAWAII AS AMENDED BY SECTION 1 OF ACT 15 OF THE SESSION LAWS OF 1905, REGULATING THE OBSERVANCE OF SUNDAY.

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

SECTION 1. Section 3190 of the Revised Laws of Hawaii,

as amended by Section 1 of Act 15 of the Session Laws of 1905, is hereby further amended so as to read as follows:

“SECTION 3190. All labor on Sunday is forbidden, excepting works of necessity or mercy, in which are included all labor that is needful for the good order, health, comfort or safety of the community, or for the protection of property from unforeseen disaster, or danger of destruction or injury, or which may be required for the prosecution of or attendance upon religious worship, or for the furnishing of opportunities of reading or study; provided, however, that this Section shall not apply to newspaper printing offices, steamship companies, railroads, telegraph and telephone companies, hotels, inns, restaurants, cigar stores, ice cream parlors, soda water stands, drug stores, livery stables, garages, hackmen, owners and operators of licensed shore boats, operators and owners of licensed automobiles, news depots, graziers and ranchmen, electric light plants, gas works and slaughter houses; and provided, further, that personal baggage may be conveyed to and from vessels leaving and arriving at port on that day, and to and from any railroad stations; that on Sunday the loading and unloading of vessels engaged in inter-island, interstate or foreign commerce shall be permitted, but no freight, except live stock and goods of a perishable nature, shall be drayed or conveyed from the dock, pier, wharf, or landing upon which it is unloaded; that during the entire day, milk, bread, fruit, and ice may be sold and delivered; that until 10 o'clock in the forenoon, fresh meat, fresh fish, and fresh vegetables may be sold and delivered, and laundry men and laundries may deliver and collect laundry or washing.”

SECTION 2. Nothing in this Act contained shall be construed to repeal or amend any other Section of Act 15 of the Session Laws of 1905.

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

Approved this 4th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 50.**AN ACT**

To AMEND SECTIONS 1354 AND 1355 OF THE REVISED LAWS
OF HAWAII, RELATING TO BILLIARDS AND BOWLING
ALLEYS.

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

SECTION 1. Section 1354 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“SECTION 1354. *Fees.* The annual fee for a license to keep a billiard table or a bowling alley, to be used for hire or pay, shall be twenty-five dollars for each table or alley; provided, however, that no license to keep a billiard table shall be issued to any minor or female or to any person who has been convicted for gambling.”

SECTION 2. Section 1355 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“SECTION 1355. *Regulations; Forfeiture.* No minor or female person shall be permitted to be or remain in or about any premises where licensed billiard tables are had and operated, and no intoxicating liquor shall be allowed, furnished or possessed in such premises.

In addition to these conditions, the treasurer of each county or city and county shall have power to prescribe other regulations for the keeping of billiard tables and bowling alleys as he may deem necessary for the public good.

The violation of the above conditions or of any of the regulations so prescribed shall, in the discretion of the court, work a forfeiture of the license.”

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

Approved this 4th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 51.

AN ACT

**TO AMEND SECTION 2356 OF THE REVISED LAWS OF HAWAII,
RELATING TO FEES OF THE REGISTRAR OF CONVEYANCES.**

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

SECTION 1. That Section 2356 of the Revised Laws of Hawaii is hereby amended by adding thereto after subdivision 4 thereof the following:

“5. For the filing of an attachment, One Dollar.”

“6. For the filing of a discharge of an attachment, Twenty-five Cents.”

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

Approved this 4th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 52.**AN ACT****TO PREVENT PUBLIC OFFICERS AND EMPLOYEES FROM BEING
OR BECOMING INTERESTED IN PUBLIC CONTRACTS.**

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

SECTION 1. No officer or employee of the Territory or of any municipal or political subdivision thereof shall in any way, directly or indirectly, individually or in combination with others, make or authorize, or participate in making or authorizing, any contract or agreement, oral or written, express or implied, for the purchase or sale of any property or the performance of any work by, to or for the Territory or any such subdivision, in which contract, agreement, purchase, sale, property, performance, or work, or in any payment or consideration therefor or proceeds thereof he is or shall be in any way, directly or indirectly, as a subcontractor or otherwise, pecuniarily interested. Nor shall any such officer or employee voluntarily become interested in any way, directly or indirectly, as a subcontractor or otherwise, in any such contract or agreement or in any payment or consideration therefor or thereunder or performance or proceeds thereof, after he or any board or other body, of which he was at the time of making the contract or agreement or during the period of negotiations therefor a member, has made or authorized, or participated in making or authorizing, such contract or agreement. Provided, that in case such contract or agreement is made with a corporation, the ownership of not more than five per cent of the capital stock of such corporation shall not be a disqualifying or prohibiting interest within the meaning of this section unless the owner of such stock shall have made or authorized, or participated in making or authorizing, such contract or agreement on behalf of such corporation as an officer, agent or employee thereof.

SECTION 2. A violation of any provision of Section 1 of this

Act shall render the contract or agreement in respect of which such violation occurs null and void.

SECTION 3. Any person who violates any provision of Section 1 of this Act shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

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

Approved this 4th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 53.

AN ACT

TO PROVIDE FOR THE GEOGRAPHICAL LIMITS OF THE CITY
OF HILO.

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

SECTION 1. The city of Hilo shall consist of all of that portion of the district of South Hilo, county of Hawaii, Territory of Hawaii, which is described as follows:

Beginning at the middle of the Mahiulu gulch where it enters into the ocean just north of Alealea point, the coordinates of said point of beginning referred to government survey trig. station "Halai" being: 7820.0 feet north and 2235.0 feet east, as shown on government survey registered map No. 2401, and running by true azimuths:

1. Up the middle of the gulch to a point due north of "Halai" trig. station, the direct azimuth and distance being $104^{\circ} 04'$ 2304.1 feet;

2. $50^{\circ} 02' 13,047.7$ feet across the Hilo Sugar Company's lands to a point south of the Wailuku river;
3. $360^{\circ} 00'$ 5,000.00 feet;
4. $270^{\circ} 00'$ 25,872.2 feet;
5. $180^{\circ} 00'$ 10,692.7 feet to the shore point of the Hilo breakwater;
6. Thence along the sea shore in a general westerly direction to the point of beginning, together with the waters of Kuhio bay and Hilo bay, adjoining the sea shore for a distance of one marine league from the sea shore.

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

Approved this 4th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 54.

AN ACT

TO AMEND SECTION 1 OF ACT 31 OF THE SESSION LAWS OF 1905, RELATING TO LICENSES FOR DEALERS IN SECOND-HAND GOODS, AND TO ADD A NEW SECTION THERETO, TO BE KNOWN AS SECTION 2A.

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

SECTION 1. That Section 1 of Act 31 of the Session Laws of 1905 is hereby amended to read as follows:

"SECTION 1. The Treasurer of the City and County of Honolulu and of the various counties may grant licenses to suitable persons to be dealers and traders in second-hand articles, and may revoke such licenses for cause satisfactory to him; such licensee shall pay to said Treasurer an annual fee of Twenty-five Dollars (\$25.00).

"Every license granted under this Section shall designate the place where such business shall be carried on and shall continue for one year unless sooner revoked. Every such dealer shall keep a book in which shall be written a description of every article received, the name, residence and a general description of the person from whom; and the time and hour when such article was received; such book, the place where such business is carried on and the articles of property therein, may be examined at any time by said Treasurer, or by any sheriff or deputy sheriff in the Territory, or by any person presenting to such dealer a written authorization so to do from said Treasurer, or any sheriff or deputy sheriff."

SECTION 2. A new section is hereby added to said Act to be known as Section 2A, and to read as follows:

"SECTION 2A. If any licensee under this Act shall close out, transfer, or assign the business for which a license is held, during the term for which the same was issued, he shall, within thirty days from the date of such closing out, transfer or assignment, notify the Treasurer of such fact in writing, and return said license to the Treasurer for cancellation, under a penalty for failure so to do of One Hundred Dollars (\$100.00)."

SECTION 3. This Act shall take effect on and after the first day of July, 1911.

Approved this 4th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 55.**AN ACT**

TO DECLARE CERTAIN LANDS 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 to be a public park:

"All that certain tract of land situated in Waimea, District of Waimea, in the County of Kauai, bordering on the beach, and known as Keone Poko, bounded on the east by kuleana owned by Mrs. Hannah Cook, on the north by the Hawaiian church premises, on the west by kuleana known as the Kalaweola property, and on the south by the sea, subject to existing leases, and excepting such portions as are now the property of private parties."

SECTION 2. This Act shall become law from and after its approval.

Approved this 4th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 56.**AN ACT**

TO AMEND SECTION 1320, REVISED LAWS OF HAWAII, RELATING TO SCHEDULE OF STAMP DUTIES

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

SECTION 1. Lines 31, 32, 33 and 34 of Section 1320, Re-

vised Laws of 1905, are hereby amended so as to read as follows:

"Conveyance upon the sale of any property, real or personal, or rights therein, upon the principal or only deed or instrument, when the purchase or consideration money therein expressed shall not exceed \$1,000.....exempt."

Line 35 of said Section 1320 is hereby deleted.

Lines 36 to 41, inclusive, are hereby amended so as to read as follows:

"And when exceeding \$1,000, and not exceeding \$10,000, for every \$1,000, or fractional part thereof, exceeding \$1,0003 00

And when exceeding \$10,000, and not exceeding \$50,000, for every \$1,000, or fractional part thereof, exceeding \$1,0004 00

And when exceeding \$50,000, for every \$1,000, or fractional part thereof, exceeding \$1,000.....5 00"

Lines 48 to 53, inclusive, are hereby amended so as to read as follows:

"Exchange deed, whereby any lands or other hereditaments are conveyed in exchange for others; if no sum, or a sum not exceeding \$1,000, is paid, or to be paid, for equality of exchange exempt

If above \$1,000, ad valorem, duty as on sale on money to be paid."

Lines 84 to 87, inclusive, are hereby amended so as to read as follows:

"Where respectively as a security for payment of any defin-

ite and certain sum of money advanced, or lent at the time, or previously due and owing, or forborne to be paid, being payable, not exceeding \$1,000exempt."

Lines 104, 105 and 106 are hereby amended so as to read as follows:

"If a sum exceeding \$1,000 is paid or agreed to be paid for equality of partition, ad valorem duty as on sale.

If less than \$1,000.....exempt."

SECTION 2. This Act shall take effect upon the first day of July, 1911.

Approved this 5th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 57.

AN ACT

To APPROPRIATE FIFTEEN THOUSAND DOLLARS (\$15,000.00) FOR THE PURCHASE OF PRIVATE LANDS IN NORTH KONA AND SOUTH KONA, ISLAND OF HAWAII, FOR HOMESTEAD PURPOSES, AND TO DETERMINE THE PRICE OF SUCH HOMESTEADS.

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

SECTION 1. That there is hereby appropriated out of any funds in the Treasury not otherwise appropriated, the sum of Fifteen Thousand Dollars (\$15,000.00), or so much thereof as may be necessary, which sum is hereby directed to be expended by the Commissioner of Public Lands, with the approval of the Governor, in the purchase of lands, privately

owned, and situated in the Districts of North Kona and South Kona, respectively, in the Island of Hawaii, for homestead purposes, provided, suitable lands for such purposes, as hereinafter set forth, may be so purchased by the Commissioner upon terms satisfactory to him.

SECTION 2. That any land so purchased shall be laid out and sold, for cash, to citizens of the Territory, preference, if any, to be determined by lot, at such prices per lot as will, in the aggregate, return into the Territorial Treasury the sum hereby appropriated.

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

Approved this 5th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 58.

AN ACT

TO AMEND SECTION 419 OF THE REVISED LAWS OF HAWAII,
RELATING TO BRANDS.

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

SECTION 1. Section 419 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 419. Every owner of live stock shall, in order to its validity, have his brand or mark recorded in a book kept for that purpose by the sheriff of the City and County or County within which his animals are. Upon the payment of the sum of One Dollar, the said sheriff shall issue to such owner a certificate, showing that such brand or mark has been duly re-

ordered. All moneys so received shall be paid into the Treasury of the City and County or County, as the case may be. No brand or mark shall be recorded which may be similar or approximate in design to any brand or mark which shall have been previously recorded, and no record shall be made of any mark which shall involve the cutting off of one or both ears of an animal."

SECTION 2. All records of brands or marks now in the possession of the Superintendent of Public Works shall be forthwith transmitted to the Sheriff of the City and County of Honolulu.

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

Approved this 5th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 59.

AN ACT

To AMEND SECTION 2359 OF THE REVISED LAWS OF HAWAII,
AS AMENDED BY ACT 7 OF THE LAWS OF 1905, RELATING
TO THE DUTIES OF THE REGISTRAR OF CONVEYANCES.

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

SECTION 1. Section 2359 of the Revised Laws of Hawaii, as amended by Section 2 of Act 7 of the Laws of 1905, is hereby amended so as to read as follows:

"Section 2359. Every instrument entitled by law to be recorded, shall be recorded in the order and as of the time when

the same is delivered to the Registrar of Conveyances for that purpose, and shall be considered as recorded from the time of such delivery; provided, however, that it shall not be lawful for said Registrar to accept or enter for record and record any such instrument or other paper on any Sunday or legal holiday, or on any Saturday except between the hours of 8:30 a. m. and 12 noon, or on any other day except between the hours of 8:30 a. m. and 4:30 p. m."

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

Approved this 5th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 60.

AN ACT

TO AMEND SECTION 1721 OF THE REVISED LAWS OF HAWAII,
RELATING TO SERVICE OF SUMMONS ISSUED UNDER THE
SEAL OF A COURT OF RECORD.

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

SECTION 1. Section 1721 of the Revised Laws of Hawaii is amended so as to read as follows:

"Section 1721. *On person, agent or at abode.* Every summons issued under the seal of a court of record, shall be served by the high sheriff or his deputy, or a sheriff or deputy sheriff, or any police officer, upon the defendant, by the delivery to him of a certified copy thereof, and of the plaintiff's petition, to which petition shall always be annexed a literal copy of the voucher upon which it is predicated, (if any there be), or in

case the defendant cannot be found, by leaving such certified copy with some agent or person transacting the business of the defendant, or at the defendant's last place of residence."

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

Approved this 5th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 61.

AN ACT

TO AMEND CHAPTER 217 OF THE REVISED LAWS OF HAWAII,
RELATING TO GAMBLING, AND ADDING A NEW SECTION
THERETO TO BE KNOWN AS SECTION 3180A.

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

SECTION 1. Section 3180 of Chapter 217 of the Revised Laws of Hawaii, relating to gambling, is hereby amended so as to read as follows:

"Section 3180. *Forfeiture of property.* All moneys or other personal property offered for sale or distribution, or used, in violation of any of the provisions of Sections 3172-3182 of the Revised Laws of Hawaii, are forfeited to the County or City and County, as the case may be, in which the offense is committed, and may be recovered by information filed or by action brought by the County Attorney or City and County Attorney, as the case may be, or his deputy."

SECTION 2. Chapter 217 of the Revised Laws of Hawaii,

relating to gambling, is hereby amended by adding thereto the following section:

"Section 3180A. *Seizure of property. Evidence.* All monies or other personal property offered for sale or distribution, or used, in violation of any of the provisions of Sections 3172-3182 of the Revised Laws of Hawaii, shall be subject to seizure by the police officer or officers making arrests of offenders under this Chapter, and may be used as evidence on the trial of such offenders."

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

Approved this 5th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 62.

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF ROADS TO AND UPON PUBLIC LANDS OPENED FOR HOMESTEAD, RESIDENCE AND OTHER PURPOSES.

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

SECTION 1. 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 designated 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 de-

rived, and when so designated, shall be deemed to be and are hereby appropriated for the construction of such roads. Such appropriations shall be disbursed on warrants drawn by the Auditor, based upon vouchers approved by the Superintendent of Public Works, who shall have charge of the construction of such roads; provided, however, that he shall contract for such construction, giving the preference in letting such contracts to settlers on such lands, and in no case shall contract for an amount in excess of the sum of money then so designated and appropriated and uncontracted for. The Superintendent, 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 appropriations shall lapse as to such part, which shall then be applied in the same manner as such proceeds not so appropriated.

SECTION 2. 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 disbursed and shall lapse in like manner and upon like conditions as set forth in Section 1 of this Act.

SECTION 3. Act 99 of the Session Laws of 1905, as amended by Act 80 of the Session Laws of 1909, is hereby repealed, and all moneys now set apart thereunder shall be deemed to be government realizations and are hereby appropriated as if designated and appropriated under the provisions of Section 1 of this Act.

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

Approved this 5th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 63.

AN ACT

DECLARING AND DESIGNATING A CERTAIN TRACT OF GOVERNMENT LAND AT KALAMA 5, NAPOOPOO, SOUTH KONA, 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 dedicated as a Public Park.

All that certain tract of Government land at Kalama 5, Napoopoo, South Kona, Hawaii, more fully described as follows, to-wit:

Beginning at the Government Survey Trig, Station "Kahauloa" on the boundary between the lands of Kalama 5 and Kahauloa 1, the true azimuth to "Cook's Monument" being: $136^{\circ} 25'$, as shown on Government Survey Registered Map No. 1605, and running by true azimuths:

1. $79^{\circ} 30' 50.0$ feet to the shore line;

Thence along the shore, the direct azimuths and distances being:

2. $194^{\circ} 10' 245.0$ feet;

3. $225^{\circ} 45' 175.0$ feet;

4. $255^{\circ} 15' 195.0$ feet;

5. $359^{\circ} 40'$ 217.0 feet along the land of Kalama 5 and L. C. A. 5377 to Luahine;
6. $262^{\circ} 40'$ 97.0 feet along L. C. A. 5377 to Luahine;
7. $352^{\circ} 30'$ 115.5 feet along L. C. A. 9502 to Kekau;
8. $79^{\circ} 30'$ 444.0 feet along the land of Kahauloa 1 to the point of beginning.

Area 2 75-100 Acres.

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

Approved this 6th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 64.

AN ACT

RELATING TO THE RECORDS IN THE OFFICE OF THE CLERK OF THE SUPREME COURT.

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

SECTION 1. The Clerk of the Supreme Court, under the supervision of said Court, is hereby authorized, empowered and directed to prepare and certify, as true and correct, copies of all of the records of cases of any and all kinds now contained in the office of said Clerk.

SECTION 2. Whenever, in any legal proceeding, it shall be necessary to offer or produce in evidence any record of any case, or any portion of any such record, now contained in the Office

of the Clerk of the Supreme Court, it shall not be necessary to produce the original or originals thereof, but a copy or copies of such record, or portion thereof, shall be received as evidence in any court with the same effect and weight as the original or originals themselves, when certified as true and correct, as provided in this Act.

SECTION 3. The sum of Ten Thousand Dollars (\$10,000.00) is hereby appropriated to be paid out of any moneys in the Treasury of the Territory received from the general revenue of the Territory, for the purposes of carrying out the provisions of this Act.

SECTION 4. The money hereby appropriated shall be under the control of and expended by the Justices of the Supreme Court of Hawaii.

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

Approved this 6th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 65.

AN ACT

AMENDING SECTION 2621 OF CHAPTER 159 OF THE REVISED LAWS OF HAWAII, AS AMENDED BY ACT 77 OF THE SESSION LAWS OF 1905, ACT 124 OF THE SESSION LAWS OF 1907, AND ACT 126 OF THE SESSION LAWS OF 1909, RELATING TO INSURANCE CORPORATIONS AND COMPANIES.

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

SECTION 1. Section 2621 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2621. Taxes; penalty. All insurance companies or corporations doing business in this Territory must file with the Commissioner annually, on or before the first day of June, in each year hereafter, a statement, under oath, setting forth 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 cent. 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 cent. 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 2620, for conducting said business of insurance in said Territory. Said taxes shall be due and payable on the first day of July, succeeding the filing of the statement provided for in this chapter. Any organization failing or refusing to render 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 \$25.00 for each day of delinquency, and the taxes may be collected by distress, 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 Com-

missioner 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 2. This Act shall take effect as of January 1st, 1911.

Approved this 6th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 66.

AN ACT

GRANTING A FRANCHISE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A STREET RAILWAY SYSTEM IN THE DISTRICT OF SOUTH HILO, COUNTY OF HAWAII.

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

SECTION 1. Wherever in this Act the following words and phrases appear, or are used, they shall be held to have the following meaning unless the context clearly indicates otherwise:

(a) "Association" shall mean and include Leland S. Conness, W. H. Johnson, and their associates and assigns, or such corporation as may be organized by them to take over and exercise the rights and privileges conferred by this Act;

(b) "Governor" shall mean the governor designated as such in the Organic Act;

(c) "Superintendent" shall mean the person from time to time acting as the superintendent of public works of the Territory of Hawaii referred to in the Organic Act, or any lawful successor in power or duty;

(d) "Railway" shall mean the rails, tracks, roadway, with its appurtenances, appliances and connections and the poles and underground or overhead equipment, which may be placed in, along, or upon the highways, streets, roads, thoroughfares and places on the Island of Hawaii under the provisions of this Act;

(e) "District" shall mean that portion of the Island of Hawaii which is included in the political subdivision known as the South Hilo District as now defined in Act 84 of the Session Laws of 1909;

(f) "Board" shall mean the Board of Supervisors elected for the County of Hawaii and acting under the provisions of Act 39 of the Session Laws of 1905 and all amendments thereto, or any lawful successor in power or duty.

SECTION 2. Subject to the provisions, conditions, requirements and limitations in this Act contained, the right and authority is hereby granted to the Association to take over and exercise the rights and privileges conferred by this Act; to construct, maintain and operate a railway and railway system, for the transportation of passengers, freight, mail and for other purposes, upon and along the streets, roads and places herein-after described and indicated, either of single or double track, or partly single and partly double track, with such curves, switches, turnouts, spurs, poles, wires, with underground or overhead conductors of power, and all equipment, appliances and appurtenances as may from time to time be necessary or suitable for the efficient use and operation of a street railway system. The railway shall be laid, constructed, maintained and operated upon and along the following streets, roads and places in said district, namely:

(a) From a point on Front Street Extension not over two miles from the County bridge across the Wailoa River along said Front Street Extension, and along Front Street to its in-

tersection with Waianuenue Street; thence mauka along Waianuenue Street and the extension thereof for a distance of three and one-half miles; and along any road, street or highway hereafter laid out or constructed between said Front Street Extension and the waterfront;

(b) From a point on said Front Street Extension over, across and through the government land of Waiakea, subject to existing leasehold rights therein, to any wharf or wharves hereafter constructed in Kuhio Bay, upon such exact location as may be approved by the Superintendent;

(c) From the intersection of Cocoanut Island Road with Front Street Extension along said Cocoanut Island Road to Wharf Street and along any road or street now or hereafter laid out or constructed and leading from said Cocoanut Island Road;

(d) Along Wharf Street from its junction with Cocoanut Island Road to its junction with Front Street, and along the unnamed street leading from Wharf Street to Front Street Extension parallel with the Wailoa River;

(e) From a point on the Volcano Road not exceeding one mile on the Puna side of the Waiakea Mill, along said Volcano Road to Volcano Street and along said Volcano Street to its junction with Bridge Street; thence along Bridge Street to its intersection with Waianuenue Street;

(f) From the intersection of Waianuenue and Pitman Streets, along said Pitman Street to Wailuku Street, thence mauka along Wailuku Street, to the junction therewith of Wainaku Road; thence along said Wainaku Road to Honolii Gulch;

(g) Whenever the majority of adult persons who are *bona fide* residents within a distance of five hundred feet from any street or road, or section of any street or road, in said district shall, in writing, petition the Association to construct a railway

upon or along said street or road, or section of street or road, and the Governor shall approve thereof, such railway may be constructed thereon and thereafter maintained during the unexpired term of this franchise.

SECTION 3. The motive power for the operation of said railway, for any and all purposes, shall be electricity, applied either by the overhead trolley system or the underground conduit system, or by storage batteries, or by such other method or methods as may be an improvement upon either; or the motive power may be supplied by compressed air or such other motive power as the Association may from time to time elect, subject always to the prior consent and approval of the Governor; and provided also, that the railway may be operated in part by one motive power and in part by another or others, with the consent and approval aforesaid; and provided, further, that no car, engine or other vehicle emitting smoke, steam, or offensive odors to such a degree as to be a public nuisance, or with animals attached, shall be operated or used upon the tracks of the railway;

SECTION 4. (a) The railway, together with all its branches, parts and connections, shall be thoroughly and substantially constructed according to the best modern practice, with rails level with the surface of the street where laid, and in such manner as to cause the least obstruction to the free use of the streets, roads and places where laid; and the location in the streets shall be such as may be directed or approved by the Board, subject to the provisions of this Act.

(b) All passenger cars shall be of approved and modern construction for the comfort, convenience and safety of passengers, and be provided with fenders and brakes, and in the case of cars weighing more than 30,000 pounds, with air brakes, of the best pattern, with proper lighting and signaling appliances, and with proper numbers, route boards or signs, all as shall be approved by the Governor, which approval may from time to

time be modified in accordance with the best engineering practice.

(c) The Association shall pay all expenses and damages and save the Territory and any sub-division thereof harmless and indemnified from all loss, cost, damage and expense occasioned by or arising from the construction, maintenance, use and operation of the railway; and shall also make and pay for all grading, filling, paving, repairing and other work occasioned by or required for the construction, alteration, maintenance, use or operation of the railway and every part thereof.

And the Association shall so provide for their electric current and provide such conductors thereof, and of return currents that avoidable injury or deterioration shall not occur, nor be done to the water pipes, sewer pipes, gas pipes, or other property of the Territory or of any political sub-division thereof or of any person or corporation and shall save the Territory and any such sub-division or any person or corporation, harmless and indemnified from all loss, cost, damage and expenses by reason thereof.

(d) In constructing or repairing said railway, not more than one block shall be closed to traffic at any one time, and all established crossings shall be maintained or substitute crossings provided during the progress of the work, and the work in any block shall be carried on continuously until completed;

Whenever any road or street shall be less than eighteen feet in width in surfaced roadway, the track of the railway (except switches or turnouts) shall be laid as nearly as possible parallel with but not upon said surfaced roadway.

(e) The construction of the railway shall be commenced and at least the sum of Twenty Thousand Dollars (\$20,000.00) shall have been expended or contracted to be expended within two years after the approval of this franchise by the Congress

of the United States, and at least two miles shall be completed, equipped and ready for the transportation of passengers within two years after such commencement.

Within ninety days after the approval of this Act by the Congress of the United States, the Association shall execute and deliver a bond to the County of Hawaii in the sum of Five Thousand Dollars (\$5,000.00), to be approved by the Governor as to form and sufficiency, conditioned for such completion, equipment and complete operation of at least two miles of said railway within said two years; and in case of a failure to comply with these requirements, this franchise shall cease and be null and void.

At least two additional miles of the railway shall be completed, equipped and ready for operation within six years from the approval of this franchise by the Congress of the United States, and in case of failure to comply with such requirement the privileges granted by Section 2 of this Act shall cease as to any streets, roads, thoroughfares or places not then occupied.

Provided, that if there is any period during which work shall be suspended by reason of actions, suits or injunctions, impeding or delaying construction or use, the time so lost shall not be counted as part of the periods of limitation above specified.

(f) The tracks shall not exceed four feet, eight and one-half inches in width between the rails, and the style of rail to be used, the manner and detail of track foundations, substructure and construction shall be subject to the approval of the Board; provided, however, that the weight of such rails shall not be less than fifty-six pounds per yard and that the tracks shall be laid flush with the streets, and the paving, grade and macadamizing of the entire space between the tracks, and between the outside rails of double tracks, if more than one track be laid, and for one foot outside of the outer rails, and switches, turn-outs and sidings, and outside the rails wherever occupied by

the track or substructure, shall correspond and be maintained at all times with the grade and character of paving, or macadam of the remaining portion of the street, except as otherwise directed by the Board; provided, however, that when the tracks shall be laid parallel to but not upon any surfaced roadway, the above provision relating to paving and macadamizing shall not apply. The Board may in writing require any work to be done or repairs made to conform to the requirements of this Section, and the same shall be made by the Association within a reasonable time from the receipt of such order.

(g) Whenever it shall be necessary to cross the tracks of any other railway or railroad, the Association may construct and lay down, at their own expense, proper crossings and intersecting tracks, laid in a substantial and workmanlike manner and according to the best engineering practice, removing the rails so crossed for that purpose; but such removal and construction shall be so done as to interfere as little as possible with the traffic of such other railway or railroad; and after such crossings are laid the expense of maintenance thereof shall be borne equally with the owners of said track.

(h) Trolley wires shall be of a height of not less than 16 feet above the street. All guard wires, above and on both sides of the trolley wire, shall be such as the Board may deem expedient or necessary. The size and location of such wires, and the manner of supporting them, shall be subject to the approval of the Board.

SECTION 5. The Association at all times shall maintain and operate such number of cars upon the railway for the carriage of passengers as the public convenience may require.

SECTION 6. The Board, with the approval of the Governor, from time to time may make reasonable general rules governing the speed at which cars may be operated, and with like approval may make reasonable special rules of similar character

for particular sections of the district; for each violation of any such rule the Association shall be subject to a fine of not more than One Hundred Dollars, to be recovered in the District Court of South Hilo, at the suit of the County Attorney of the County of Hawaii, or its successor, or any other person to the use of the County of Hawaii, or its successor;

Provided, however, that nothing herein contained shall be construed as exempting the Association from liability for loss, damage or injury to persons or property occasioned by the Association in operating its railway, whether the rate of speed of cars shall or shall not be in excess of the limits prescribed in such rules.

SECTION 7. The Association may charge, as rates of fare for transportation of passengers upon the cars of the railway, the following: For a continuous trip anywhere between any two extreme points within a radius of three miles from the intersection of Front and Waianuenue Streets, not to exceed the sum of five (5) cents; provided, that children under seventeen years of age, going to and from school, shall not be required to pay over half fare, for which purpose tickets shall be sold; and provided, further, that children under four years of age, accompanied by a person paying fare, shall be allowed to ride free. Rates of fare outside of such radius may be fixed from time to time by the Association, subject to the approval of the Governor.

Upon a continuous trip, persons riding upon the cars shall be entitled to receive transfers from one car to another within the radius above mentioned, at any point or points where one line of the railway connects with, crosses or intersects any other line thereof, without the payment of extra fare for such transfer; provided that such passenger shall take the first available car passing the transfer point for which such transfer has been issued.

Policemen, firemen and letter carriers, when on duty, and in

full uniform; shall be entitled to free passage over any of the lines of the railway.

The Association, its agents and employees in charge of any car may refuse passage to any person or persons who refuse to pay the lawful fare, to any drunken, disorderly or diseased person or persons, or vagrants or criminals, and may eject with force, if necessary, any such person or persons from the car.

If the Association, or any agent or employee thereof, shall demand or charge a greater sum of money for fare on the cars of the Association than that fixed by this Act, the Association, such agent or employee shall forfeit to the person thus overcharged the sum of not more than One Hundred Dollars nor less than Twenty-five Dollars, to be recovered in a civil action in any Court having jurisdiction thereof.

Upon the trial of an action for any of the sums forfeited as provided above, proof that the person demanding or receiving the money as fare or for the sale of a ticket was at the time of making the demand or receiving the money, engaged in an office of the Association, or on any vehicle belonging to it, shall be *prima facie* evidence that such person was the agent, servant or employee of the Association to receive the money and the ticket mentioned.

SECTION 8. The Association, with the approval of the Governor, shall make reasonable and just regulations regarding the operation of the railway and on failure of the Association to make the same within a reasonable time after the receipt of written notice from the Governor so to do, the Board, with the approval of the Governor, may make such regulations. All regulations may be changed from time to time as the public interests may demand, at the discretion of the Governor.

The cars lawfully occupying and using the railway shall have the right of way upon its tracks, with due regard and warning to other vehicles and to pedestrians, except that in case

of fire, such right shall yield to fire engines and patrol, and in cases of emergency, to the police authorities.

SECTION 9. The entire plant, system, tracks, rolling stock, poles, wire, conduits and other apparatus of the Association shall at all times be subject to inspection by the Board or its representative designated for that purpose.

SECTION 10. The Association shall also have the power to acquire, construct, maintain and operate at such place or places as may from time to time be deemed necessary, adequate power stations or houses and such other buildings and structures as may be convenient, necessary and desirable for the conduct of its business, and may install and use therein machinery for such purpose.

SECTION 11. The Association may acquire, take, hold, sell or otherwise dispose of any property, real, personal or mixed, deemed necessary, convenient, desirable or incidental to the proper conduct of its business and shall have the power to borrow money when deemed expedient, and secure the payment thereof, with interest, by mortgage or by the issuance of bonds secured by deed of trust, of all or any portion of its property and the franchises and privileges granted or obtained by virtue of this Act or otherwise, together with all future acquired property, as well as income and receipts from whatsoever source derived, in such form and under such terms as may be deemed advisable. Nothing herein contained, however, shall operate to prevent the Association from obtaining the usual business credits and making promissory notes without security.

SECTION 12. The Association shall have the right to condemn lands, leaseholds and other property for sites for power stations or houses, and buildings, and for rights of way for poles, lines, wires, cables, conduits, pipe lines, flumes and other appliances for the generation, transmission, distribution and supply of electricity, railways, tracks and other like purposes

necessary for the full enjoyment, operation, construction and maintenance of the railway system authorized or permitted under the terms of this Act and all proceedings, therefor shall be as near as may be in accordance with the provisions of Chapter 64 of the Revised Laws of Hawaii, and all amendments thereto now or hereafter made.

SECTION 13. Any person who shall wilfully or intentionally injure, molest or destroy any of the poles, lines, wires or other appliances, railway, tracks, or the material or property belonging thereto, or shall without permission or authority of the Association connect or cause to be connected by poles, wires or any device, anything with the wires, cables or conductors of the Association, for the purpose of obtaining current for light, heat or power, shall be guilty of a misdemeanor, and upon conviction thereof in any court having jurisdiction thereof, shall be punished by a fine not exceeding One Hundred Dollars or by imprisonment not exceeding six months; provided, however, that nothing herein contained shall be deemed to affect the right of the Association to recover by action at law, damages for any injury done by such unlawful action.

SECTION 14. Whenever the Association refuses or fails to do or perform or comply with any act, matter or thing requisite or required to be done under the terms of this Act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the Governor to comply therewith, unless other provision is herein specifically made, the Board shall, with the consent of the Governor and the Attorney General, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this Act, and all rights and privileges granted thereunder, forfeited and declared null and void.

SECTION 15. The rights, privileges and franchises hereby granted to the Association shall continue until the expiration of the term of fifty years from the date of the approval of this

Act by the Congress of the United States, subject only to the limitations in this Act contained.

SECTION 16. All property of every kind and nature forming or used as a part of the railway and power system of the Association, including this franchise, shall be exempt from any and all taxation under the laws of the Territory of Hawaii until the expiration of ten years from and after the approval of this Act by the Congress of the United States.

SECTION 17. The Association shall within one month after the expiration of each calendar year file with the Board a detailed statement showing all of its receipts and expenditures during the preceding calendar year; and all of its books, papers, records and accounts shall, at all reasonable times, be open to inspection by the Governor, the Board and their respective agents appointed for such purpose.

The Association shall not issue stock, nor shall it incur indebtedness, to an amount in excess of the actual cost of its property and ten per cent. in addition thereto.

The Association shall pay each year to the County of Hawaii or such other political division as the Legislature shall from time to time indicate, an amount equal to the amount, if any, which it shall pay in dividends in excess of eight per cent. for that year upon its capital stock and, in any event, shall so pay each year, after ten years from the approval of this Act by Congress, not less than one per cent. of its gross receipts.

SECTION 18. This franchise may at any time be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States, and the rights, privileges and powers by this Act conferred shall not be construed to be exclusive.

SECTION 19. The Territory of Hawaii, the County of Hawaii, or any political sub-division thereof within or including

the District of South Hilo may, at any time after the expiration of twenty years from the date of the approval of this Act by the Congress of the United States, and upon six months' notice in writing to the Association given pursuant to proper authority, acquire by purchase, all the property of the Association, subject to the then existing charges thereon. The amount to be paid to the Association for such 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 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, but such amount shall in no case exceed the actual cost of the property and twenty per cent. in addition thereto less the charges thereon.

Either the Association, or the purchaser may, appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the Supreme Court the record of its proceedings, showing in such certificate the valuation claimed by the Association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such 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.

SECTION 20. This Act shall go into effect and be law from and after the date of its approval by the Governor of the Terri-

tory of Hawaii; subject, however, to the approval of the Congress of the United States, such approval to be secured within four years from the date of this Act becoming law.

Approved this 6th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 67.

AN ACT

To AMEND SECTION 69 OF CHAPTER 7 OF THE REVISED LAWS
OF HAWAII, RELATING TO ELECTIONS.

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

SECTION 1. Section 69 of Chapter 7 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 69. A ballot shall contain the name or names of the person or persons to be voted for, the office or offices for, and the district in which the election is being held, and the term or terms of the respective offices being voted for. The name or names of the candidate or candidates shall be printed with the Hawaiian or English equivalent, if such there be, if the candidate shall so request the Secretary of the Territory in writing at the time his nomination is filed with the Secretary of the Territory, and such candidate shall, at the time of filing his nomination papers, state by what political party he is nominated or his non-partisanship, as the case may be, in order that such party affiliation or non-partisanship may be printed on the ballot in front of the name of such candidate. A ballot shall bear no word, motto, device, sign or symbol other than allowed in this

Chapter, and shall be so printed that the type shall not show a trace on the back."

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

Approved this 6th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 68.

AN ACT

TO PROVIDE FOR THE REGISTRATION OF VOTERS.

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

SECTION 1. No person shall be permitted to vote at any general election without first having been registered as a voter according to the provisions of this Act.

SECTION 2. As soon as may be after the passage of this Act, the clerk of each county shall proceed to register all the electors in his county in the general county register. Such register shall consist of one or more volumes for each county large enough to contain the names of all the electors in the county, together with blank pages for a general alphabetical index of the names of such electors. The clerk shall, before proceeding to register electors, suitably divide the general county register into as many parts as there are election precincts in the representative district or districts in his county and properly index the various precincts. The general county register shall, at all times during business hours, be open to public inspection, and shall be a public record. Such register shall be ruled and printed in substantially the following form:

OFFICIAL REGISTER OF ELECTORS FOR THE
 COUNTY OF TERRITORY
 OF HAWAII. REPRESENTATIVE DISTRICT
 NO. PRECINCT NO.

No. of Affidavit	Date	Name in Full	Occupation	Age	Nativity

Date of Naturalization	Residence	Signature	Clerk's Signature

SECTION 3. Any qualified elector of a county desiring to register as an elector, may present himself at any time during business hours to the clerk of the county, then and there to be examined under oath as to his qualifications as an elector. Each applicant shall make and subscribe to an application in substantially the following form:

AFFIDAVIT ON APPLICATION FOR REGISTRATION. No....

Territory of Hawaii, } ss.
 County of }

My full name is

I was born at

My age is years. I reside at

I am a male citizen of the United States of America.

I was naturalized as a male citizen of the United States of America at { State } or
on the day of, A. D. by
the Court of

I have resided in the Territory of Hawaii not less than one year preceding and in the representative district, not less than three months immediately preceding this date, on which I now offer to register, to-wit: this day of, A. D. 19.....

I am able to speak, read and write the { English } language.
{ Hawaiian }

I am not in the Territory by reason of being in the Army or Navy of the United States, or by reason of being attached to troops in the service of the United States.

I have not in due course of law been convicted of any criminal offense punishable by imprisonment for a term exceeding one year without having been pardoned therefor and restored to my civil rights.

I have a physical disability which is It will prevent me from voting without assistance.

I solemnly swear that the foregoing statements are true, so help me God.

.....
Subscribed to and sworn to before me this day of, A. D. 19....

.....

The applicant shall swear to the truth of the allegations in his application before such clerk, who is hereby authorized to administer such oaths. In any case where the clerk shall so desire or believe the same to be expedient, he may demand that the applicant produce a witness or witnesses to further substantiate the allegations of his application. If the clerk is satisfied that the applicant is entitled to be registered as an elector, the clerk shall number the affidavit consecutively, as approved by him, and shall enter in the general county register, the following facts:

1. Number of affidavit,
2. Date of registration,
3. Name of applicant in full,
4. Occupation,
5. Age,
6. Nativity,
7. If naturalized, the date of such naturalization.
8. Residence.

The applicant shall then affix his signature to the register and the clerk shall affix his signature on the same line of the register. The clerk shall also forthwith enter the name so registered in its proper place in the general index, together with a reference to the page on which the registration appears. An elector having once been registered shall not be required to register again for any succeeding election, except as hereinafter provided. The affidavits so approved or accepted by the clerk shall thereupon be filed consecutively according to their respective numbers, and kept in some convenient place so as to be open to public inspection and examination.

SECTION 4. Any qualified elector may challenge the right
~~ended~~ of a person to be registered as a voter in the general county regis-
ter at any time up to the next sitting of the board of registra-

tion. Notice of such challenge shall be forthwith given to the party challenged. Such challenge shall be in writing setting forthwith the grounds upon which the challenge is based and shall be signed by the party challenging. In case a challenge is denied or in case of the refusal of the clerk to register the applicant, the party ruled against may appeal from such ruling to the board of registration for his district. The several boards of registration shall sit at the following places within their respective districts: Hilo, Kailua, Wailuku, Honolulu and Lihue, on the second Wednesday of October of each general election year, to hear such appeals, and shall continue their sittings from day to day until all appeals noted have been heard. Said boards shall also thereafter sit at the following places within their respective districts: Kapoho, Honokaa, Waimea, Waiohinu, Lahaina, Makawao, Hana and Pukoo, to hear appeals, provided there be any, from the districts of Puna, Hamakua, North and South Kohala, Kau, Lahaina, Makawao, Hana, and the Island of Molokai, respectively, and shall continue their sittings until all such appeals have been heard. If the appeal be sustained, the board shall immediately certify such finding to the clerk, who shall thereupon alter the register to correspond to the findings of the board, and when necessary, the clerk shall notify the inspectors of election of such change in the register. Said several boards shall also have power to order a change in said register in case at any time it shall be manifest to the board that the name of a person admitted to registration has been accidentally misspelled, or that he has been misnamed therein, or that he has been accidentally registered under the wrong precinct. In any such case the register shall be changed only upon the written order of the board of registration, setting forth the reasons for the change, directed to the clerk or to the inspectors of election of the election precinct where such elector is entitled to vote in case the register has been closed. The inspectors of election shall thereupon correct the list of voters furnished them according to the terms of said order, noting on said list the reasons for such correction, and shall send the orig-

inal order to the clerk as soon as may be after the close of the polls. The clerk, upon receipt of any such order from the board of registration or from the inspectors, as the case may be, shall proceed to correct the register according to the terms of the order, making on the register a reference to said order, which order shall thereafter be given the same number as the affidavit of the elector registered and filed with such affidavit in some convenient manner so as to be open to public inspection.

SECTION 5. Any qualified elector unable from any cause to present himself in person before the clerk for registration may secure from such clerk a blank to be filled out by such elector and sworn to before a notary public, district magistrate, free of charge, or any officer authorized by law to administer oaths. Such blank shall be signed by the applicant in two separate places in such manner that one of such signatures may be cut from such blank and pasted by the clerk in the general county register. Such blank shall be in the form required in Section 3 of this Act, and shall be supported by the affidavits of at least three (3) electors that they know the applicant, that his signature to said application is genuine, and that the residence stated is correct, and that each of them believes that the statements made in said application are true. The county clerk shall prepare and furnish, upon application, blank forms of such affidavits. Upon receipt of such application properly made out, the clerk shall proceed to number the same and register the name of the elector in the general county register as provided in Section 3 of this Act, except that he shall place the signature of the elector cut from the application in the space provided in the general county register for the signature of the applicant, and the clerk shall sign such register so that a portion of his signature shall be upon the piece cut from the application.

SECTION 6. Any elector changing his residence from one pre-
~~hended p~~inect to another after registration in the general county register
~~.....1910.....~~shall, before the close of the general county register as herein-
~~ws 1911~~

after provided, register again in the general county register under the proper precinct, and the clerk shall erase the former registration by drawing one or more lines through such name and signature with red ink and enter over his signature the date of such erasure. The clerk shall, in like manner, erase the name of any elector known to him to be dead or to have permanently removed from the county, or whose death or permanent removal is suggested to him in writing by any elector, after first having given notice of his intention to so change the register by publication of a notice thereof containing the names which it is proposed to erase in some newspaper of general circulation in the county, at least once each week for four successive weeks, the last publication to be not less than seven days prior to the erasure and by posting such notice in at least three public places in the county for the same period of time.

SECTION 7. If it shall appear from the affidavit on application for registration that the applicant is not of the full age legally required of voters, his name shall, notwithstanding, be entered upon the general county register, if it shall also appear to the county clerk (subject to appeal as in other cases) that the applicant will reach his legal age prior to the day of election.

SECTION 8. On the second Wednesday of October prior to the day of any general election, the general county register of each county shall be closed to registration, and shall remain closed until after such general election. Immediately upon the closing of the general county register, the clerk shall proceed to prepare a list of all electors in each precinct separately. Such list shall contain in alphabetical order the names of all electors in each precinct and the residence of each. Such lists, when completed, shall at least three days before the day of any general election, be transmitted by the clerk to the chairman of the inspectors of election of the appropriate precincts.

SECTION 9. The words "county clerk" as used in this Act

shall mean the clerk of any county and the clerk of the city and county of Honolulu, and the word "county" shall include the city and county of Honolulu.

SECTION 10. Sections 38, 39, 43, 44, 45, 46, 47, 48, 54, 55, 56, 57 and 58 of the Revised Laws of Hawaii, and Act 78 of the Session Laws of 1907, and all laws and parts of laws in conflict herewith are hereby repealed.

Section 42 of the Revised Laws of Hawaii is amended by striking out the word "Provided" in line 6 thereof and all the words following.

SECTION 11. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 69.

AN ACT

DECLARING, ESTABLISHING AND DEFINING LEGAL AND EQUITABLE REMEDIES FOR INDUCING, ENTICING OR PERSUADING, OR ATTEMPTING TO INDUCE, ENTICE OR PERSUADE, SERVANTS OR LABORERS TO LEAVE THEIR EMPLOYMENT, OR AIDING, ABETTING OR ATTEMPTING TO AID OR ABET SUCH LEAVING.

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

SECTION 1. Inducing, enticing or persuading by promise of employment outside the Territory of Hawaii, or attempting to so induce, entice or persuade, any servant or laborer who shall have contracted, either orally or in writing, to serve his employer

a specific length of time, to leave the service of said employer during such time, without the consent of said employer, or aiding or abetting, or attempting to aid or abet, any such servant or laborer in leaving said service during the term thereof, for the purpose of leaving the Territory of Hawaii, without the consent of said employer, is hereby declared actionable and damages may be recovered of any person or persons or corporation committing any of the acts aforesaid.

SECTION 2. Any person or persons or corporation shall be entitled to an injunction in equity against any other person, persons or corporation who shall endeavor or threaten, by promise of employment outside the Territory of Hawaii, to induce, entice or persuade servants or laborers to leave their employment as aforesaid or to aid or abet such leaving, whenever it shall appear that the person, persons or corporation against whom the injunction is sought are without sufficient property liable to execution within the Territory of Hawaii to respond in damages for said inducing, enticing or persuading servants or laborers to leave their employment as aforesaid or for aiding or abetting such leaving as aforesaid or otherwise that the complainant is without a plain, adequate and complete remedy at law.

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

Approved this 6th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 70.**AN ACT**

TO PREVENT THE INDUCING, ENTICING OR PERSUADING OF SERVANTS OR LABORERS TO LEAVE THEIR EMPLOYMENT.

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

SECTION 1. Any person who, by promise of employment outside the Territory of Hawaii, shall induce, entice or persuade, or attempt to induce, entice or persuade, or aid or abet in inducing, enticing or persuading, any servant or laborer who shall have contracted, either orally or in writing, to serve his employer for a specific length of time, to leave the service of said employer during such time, without the consent of said employer, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

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

Approved this 6th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 71.**AN ACT**

TO REGULATE THE PRACTICE OF VETERINARY MEDICINE, SURGERY AND DENTISTRY IN THE TERRITORY OF HAWAII.

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

SECTION 1. No person shall practice veterinary medicine, surgery or dentistry in the Territory of Hawaii, either gra-

tuitously or for pay, or shall offer to so practice, or shall advertise or announce himself publicly or privately, as prepared or qualified to so practice, without having first obtained from the Treasurer, under the seal of his Department, a license in form and style substantially as in this Chapter set forth.

Provided, however, that nothing in this Act shall be construed to prevent the medical, surgical or dental treatment of stock by the owners or the regular employees of owners, or by neighbors who do not assume to be practitioners of veterinary medicine, surgery or dentistry, or by members of the medical profession, in cases of emergency, and provided, further, that this Act shall not apply to commissioned veterinary surgeons of the United States Army.

SECTION 2. No applicant shall be given such a license by the Treasurer except upon the written report of the Board of Veterinary Examiners, to be appointed and constituted as in this Act provided, setting forth that the applicant named has been duly examined and found to be possessed of the necessary qualifications.

SECTION 3. For the purpose of carrying out the provisions of this Act the Governor is authorized and directed to appoint, in the manner prescribed in Section 80 of the Organic Act, a Board of Veterinary Examiners, whose duty it shall be to examine all applicants for license to practice veterinary medicine, surgery and dentistry and to report the result of such examination to the Treasurer.

Such Board of Veterinary Examiners shall consist of three (3) persons, all of whom shall be licensed veterinaries under the laws of the Territory. The appointments, unless to fill an unexpired term, shall be for three (3) years, subject, however, to removal by the Governor in the manner prescribed by Section 80 of the Organic Act. The members of the Board of Veterinary Examiners shall serve without pay. The Treasurer

is authorized and directed to issue licenses to the members of the Board of Veterinary Examiners as first constituted, notwithstanding the provisions of this Act.

SECTION 4. No applicant for a license to practice veterinary medicine, surgery and dentistry shall be examined unless he shall have paid to the Treasurer a fee of Ten Dollars (\$10.00).

SECTION 5. The form of license to practice veterinary medicine, surgery and dentistry shall be substantially as follows:

TERRITORY OF HAWAII, DEPARTMENT OF THE
TREASURY.

LICENSE TO PRACTICE VETERINARY MEDICINE,
SURGERY AND DENTISTRY.

..... a native of age
..... years, having been duly examined by the Board of Veterinary Examiners and having been recommended by them as possessed of the necessary qualifications, is hereby licensed to practice veterinary medicine, surgery and dentistry in the Territory of Hawaii.

This license is granted and accepted on the express condition that it may be revoked at any time for professional misconduct, gross carelessness or manifest incapacity; such misconduct, gross carelessness or manifest incapacity having been proven to the satisfaction of the Board of Veterinary Examiners and by that body reported to the Treasurer.

Given under my hand and seal of the Department of the Treasury, this day of,
A. D.

.....
Treasurer.

SECTION 6. Any person who shall practice veterinary medicine, surgery or dentistry in the Territory of Hawaii, or who shall offer or attempt to so practice, or shall advertise or announce himself either publicly or privately as prepared or qualified to so practice, contrary to the provisions of Section 1 of this Act, shall be guilty of a misdemeanor and shall be liable, on conviction, to a fine of not more than Two Hundred and Fifty Dollars (\$250.00) in the discretion of the Court.

SECTION 7. Licenses to practice veterinary medicine, surgery and dentistry may be revoked by the Treasurer at any time for professional misconduct, gross carelessness or manifest incapacity, such misconduct, gross carelessness or manifest incapacity having been proven to the satisfaction of the Board of Veterinary Examiners, and by that body reported, in writing, to the Treasurer. In case any license is revoked for any of the causes named in this Section, the holder thereof shall be duly notified of such revocation, in writing, by the Treasurer.

SECTION 8. In case of an alleged misconduct, carelessness or incapacity on the part of any holder of a license to practice veterinary medicine, surgery and dentistry, the person so charged shall be notified in writing, of the charge or charges that have been made and of the time and place when and where evidence in support of the same will be heard, and shall have the opportunity to present evidence and be heard in his own defense.

SECTION 9. This Act shall take effect sixty (60) days from and after the date of its approval.

Approved this 7th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 72.**AN ACT**

TO PREVENT EXCESSIVE COUNTY OR CITY AND COUNTY EXPENDITURES, LIABILITIES AND OBLIGATIONS.

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

SECTION 1. No Board of Supervisors or other board, committee, department, bureau, officer or employee of any county or city and county shall expend, or aid or participate in expending, during any period of time for any purpose, any sum in the absence of an appropriation for such purpose for such period, or any sum in excess of an appropriation, if any, for such purpose for such period, or incur, authorize or contract, or aid or participate in incurring, authorizing or contacting, during any fiscal year, liabilities or obligations, whether payable during such fiscal year or not, for any or all purposes, in excess of the amount of money available for such purposes for such county or city and county during such year, and any person who shall violate any provision of this Section shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than one year, or by both such fine and imprisonment.

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

Approved this 7th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 73.**AN ACT**

To REPEAL CHAPTER 73 OF THE REVISED LAWS OF HAWAII,
RELATING TO BUILDING AND MOVING PERMITS.

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

SECTION 1. That Chapter 73 of the Revised Laws of Hawaii is hereby repealed.

SECTION 2. This Act shall take effect from and including the first day of July, A. D. 1911.

Approved this 7th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 74.**AN ACT**

To AMEND ACT 39 OF THE SESSION LAWS OF 1905, ENTITLED
“AN ACT CREATING COUNTIES WITHIN THE TERRITORY
OF HAWAII AND PROVIDING FOR THE GOVERNMENT
THEREOF.”

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

SECTION 1. Section 28 of Act 39 of the Session Laws of 1905 is hereby amended by striking out the figures “900” after the words “Deputy Sheriff of Koloa” in line 54 of said section, and inserting in lieu thereof the figures “1,200.”

SECTION 2. This Act shall take effect from and after the first day of July, A. D. 1911.

Approved this 7th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

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ACT 75.

AN ACT

**RELATING TO INSANE PERSONS, AMENDING SECTIONS 4, 8 AND
10 OF ACT 149 OF THE LAWS OF 1909, AND ADDING
THERETO THREE NEW SECTIONS TO BE KNOWN AS SEC-
TIONS 5A, 9A AND 10A.**

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

SECTION 1. Section 4 of Act 149 of the Laws of 1909 is hereby amended by inserting therein the words, "and a copy thereof to the Superintendent of the Insane Asylum" after the word "Insanity."

SECTION 2. A new section is hereby added to said Act to be known as section 5A, as follows:

"Section 5A. Whenever any person indicted for any crime shall be acquitted by reason of insanity or mental derangement, the court before whom such trial has been had shall forthwith, without other or further proceedings, commit such person to the Insane Asylum, there to be confined as an insane person until discharged as in this Act provided."

SECTION 3. Section 8 of said Act is hereby amended by striking therefrom the word "Treasurer" and inserting in lieu thereof the word "Clerk."

SECTION 4. A new section is hereby added to said Act to be known as Section 9A, as follows:

"Section 9A. Said Commissioners shall have power to administer oaths, to punish for contempts, to grant adjournments, to subpoena and compel the attendance of witnesses and the production of books and papers, and generally to exercise the same authority with regard to their special jurisdiction as is by law conferred upon district magistrates."

SECTION 5. Section 10 of said Act is hereby amended by inserting therein the words "or upon application by the Superintendent" before the words "be examined."

SECTION 6. A new section is hereby added to said Act to be known as Section 10A, as follows:

"Section 10A. The Commissioners may, under such restrictions and conditions and for such time as they may deem proper consistently with the safety of the public, permit any inmate of the Insane Asylum temporarily to leave said institution upon parole, in charge of his or her guardian, relatives, friends, or alone. In every such case, such person shall be subject always to recall by the Commissioners at any time, or may be returned to the Asylum at any time by his or her guardian, or other person in whose care he or she may have been paroled. The original order of commitment of every such person shall remain in force and effect, except only as temporarily suspended by the terms of such parole, until such person shall be officially discharged. Upon any failure or refusal of any person so admitted to parole to conform to the terms of such parole, or to return to the Asylum, upon the expiration of the period of parole, or to return upon recall by the Commissioners at any time before he or she shall have been officially discharged from the Asylum, it shall be the duty of any sheriff, deputy sheriff or police officer, upon the written direction of the Commissioners of Insanity or the Chairman thereof, to forthwith arrest such person without other or further warrant or proceedings and return him or her to the custody of the Superintendent of the Insane Asylum.

Nothing in this section contained shall be construed to apply to the criminally insane or to persons against whom criminal proceedings may be pending, or who have been acquitted of any felony upon a plea of insanity."

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

Approved this 7th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 76.

AN ACT

To ENCOURAGE CERTAIN INDUSTRIES.

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

SECTION 1. For three years from and after January 1, 1911, all property, real and personal, actually used in the production of cotton, tobacco, sisal, rubber and copra for commercial purposes, shall be exempt from taxation.

SECTION 2. Whenever in any lease of premises used for the cultivation of cotton, tobacco, sisal, rubber and copra, it is provided that the taxes on the realty shall be refunded by the lessee to the lessor, then and in all of such cases, so much of said taxes as is assessed on the premises actually used for such cultivation and for the purposes thereof shall be remitted.

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

Approved this 10th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 77.**AN ACT**

RELATING TO ADULTERATED FOODS AND DRUGS, AMENDING
SECTIONS 1041 AND 1043 OF THE REVISED LAWS OF HA-
WAIL, AND ADDING A NEW SECTION TO BE KNOWN AS
SECTION 1042A.

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

SECTION 1. Section 1041 of the Revised Laws of Hawaii is hereby amended by inserting therein after the word "adulterated" the words "or misbranded."

SECTION 2. A new section is hereby added to the Revised Laws of Hawaii, to be known as Section 1042A, as follows:

"Section 1042A. *Misbranding defined.* Any drug or article of food or article which enters into the composition of food shall be deemed to be misbranded within the meaning of this Chapter if the package or label containing or marking the same shall have thereon, or contain any statement, design or device regarding such drug or article, or the ingredients or substances therein contained, which is false or misleading in any particular, and if any such drug or article is falsely branded or labeled as to the state, territory or country in which it is manufactured or produced."

SECTION 3. Section 1043 of the Revised Laws of Hawaii is hereby amended by inserting therein before the figure "(7)" in line 30 thereof the following: "(6a) in the case of cream, if it contains less than eighteen per cent of butter fat, or if it contains any preservative or antiseptic; (6b) in the case of ice cream, if it contains less than fourteen per cent of butter fat, except in the cases of fruit or nut ice cream, in which cases it shall contain not less than twelve per cent of butter fat; (6c)

in the case of poi, if it contains less than thirty per cent of total solids."

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

Approved this 10th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 78.

AN ACT

MAKING AN ADDITIONAL APPROPRIATION FOR THE USE OF THE
BOYS' INDUSTRIAL SCHOOL FOR THE BIENNIAL PERIOD
ENDING THE THIRTIETH DAY OF JUNE, 1911.

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

SECTION 1. The sum of Three Thousand Dollars is hereby appropriated to be paid out of any moneys in the Treasury received from the general revenues of the Territory for the current expenses of the Boys' Industrial School, for the period ending the thirtieth day of June, 1911.

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

Approved this 10th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 79.**AN ACT**

TO REPEAL CHAPTER 74 OF THE REVISED LAWS OF HAWAII,
RELATING TO FIRE LIMITS.

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

SECTION 1. Chapter 74 of the Revised Laws of Hawaii, relating to fire limits in Honolulu, is hereby repealed.

SECTION 2. This Act shall take effect on July 1, 1911.

Approved this 11th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 80.**AN ACT**

TO AMEND SUBDIVISION 4A OF SECTION 9, ACT 39 OF THE SESSION LAWS OF 1905, RELATING TO THE GENERAL POWERS, LIABILITIES AND LIMITATIONS OF COUNTIES, AS AMENDED BY ACT 100 OF THE SESSION LAWS OF 1909.

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

SECTION 1. Subdivision 4A of Section 9, Act 39 of the Session Laws of 1905, relating to the general powers, liabilities and limitations of counties, as amended by Act 100 of the Session Laws of 1909, is hereby amended so as to read as follows:

“4A. To establish and maintain water works and sewer works; to collect rates for water supplied to consumers and for the use of sewers, and for the placing of signs on bridges as

required by law. To install water meters whenever deemed expedient, provided, that owners of premises having vested water rights under existing laws appurtenant to such premises shall not be charged for the installation or use of such water meters on such premises. To take over from the Territory existing water works systems, including water rights, pipe lines and other appurtenances belonging thereto, and sewer systems, and to enlarge, develop and improve the same. To build, rebuild, equip, maintain and regulate hospitals, school houses, court houses, jails and houses of detention, punishment, confinement and reformation, and to give aid to hospitals. Each county shall provide for the maintenance and repair of all existing public school houses other than the Lahainaluna Seminary, court houses, water works and sewer systems and jails within its boundaries."

SECTION 2.. This Act shall take effect from and after the first day of July, A. D. 1911.

Approved this 11th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 81.

AN ACT

TO AMEND SECTIONS 2687 AND 2688 OF THE REVISED LAWS
OF HAWAII, RELATING TO WEIGHTS AND MEASURES.

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

SECTION 1. Section 2687 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2687. *Testing, sealing.* It shall be the duty of

the sheriff of each city and county or county to procure a standard set of 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 goods, wares, merchandise, fruits, vegetables or other commodity, to be tested by such standard weights and measures, and to seal such as shall be found true with the capital letters T. H."

SECTION 2. Section 2688 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2688. *Fees.* The charge for testing any beam, weight or measure, shall be as follows: For sealing and marking every beam, fifty cents; for sealing and marking every measure of extension, twenty-five cents; for sealing and marking every weight, ten cents; and a reasonable compensation for making weights and measures conform to the standard; provided, however, that no charge shall be made for more than two inspections of the same beam, weight or measure, in one year. All fees collected under this Section shall be paid into the treasury of the city and county or county for which such an inspection is made, as county realizations."

SECTION 3. The sheriff may deputize any one of the employees in his department, to aid him in the performance of his duties as inspector of weights and measures for such city and county or county.

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

Approved this 11th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 82.

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 AS MAY VISIT THE TERRITORY OF HAWAII PRIOR TO JUNE 30, 1913.

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

SECTION 1. The sum of Twenty Thousand (\$20,000.00) Dollars 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 entertainment and expenses of such Senators and Members of the House of Representatives of the United States and other distinguished persons as may visit the Territory of Hawaii prior to June 30, 1913.

SECTION 2. The money hereby appropriated shall be under the control of and expended by the Secretary of Hawaii.

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

Approved this 11th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 83.**AN ACT**

TO AMEND SECTIONS 6 AND 8 OF ACT 48 OF THE SESSION LAWS OF 1911, ENTITLED "AN ACT TO DEFINE, REGULATE AND LICENSE EMIGRANT AGENTS."

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

SECTION 1. Section 6 of Act 48 of the Laws of 1911 is hereby amended to read as follows:

"Section 6. No emigrant agent shall induce, entice or persuade or attempt to induce, entice or persuade any servant or laborer who shall have contracted, either orally or in writing, to serve his employer for a specific length of time, to leave the service of said employer for the purpose of leaving the Territory during the term of such service, without the consent of said employer, nor shall he aid or abet any such servant or laborer in leaving said service and the Territory during the term thereof, without the consent of said employer."

SECTION 2. Section 8 of Act 48 of the Laws of 1911 is hereby amended to read as follows:

"Section 8. In case of any breach of condition of any bond given under the provisions of this Act, the Treasurer may, and upon demand and the receipt of satisfactory assurances for payment of costs, shall enforce said bond either in his own name or in the name of any person as obligee therein by appropriate proceedings in any court of competent jurisdiction for the use and benefit of any person injured by such breach."

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

Approved this 11th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 84.**AN ACT**

To AMEND SECTIONS 1680, 1681, 1684 AND 1886, AND REPEAL SECTIONS 1682, 1685, 1686 AND 1687 OF THE REVISED LAWS OF HAWAII, RELATING TO SUPREME AND CIRCUIT COURT CLERKS.

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

SECTION 1. Section 1680 of the Revised Laws of Hawaii, as amended by Act 54 of the Session Laws of 1907, is hereby amended to read as follows:

“Section 1680. There shall be a clerk of the Supreme Court and as many deputy clerks and assistant clerks as the business of the Supreme Court shall require, appointed and removable by the Justices of the Supreme Court. The clerk of the Supreme Court shall be ex-officio clerk of all the courts of record of the Territory, and as such may issue process returnable in all such courts.

There shall be as many clerks of the Circuit Courts as may be necessary, appointed and removable by the judge or judges thereof, as the case may be.”

SECTION 2. Section 1681 of said Revised Laws is hereby amended to read as follows:

“Section 1681. In case of the temporary absence or disability of any clerk or when the business of any court demands, an assistant clerk may be appointed in the manner provided in Section 1680 for such temporary duty as may be required and the salary of such assistant at a rate not to exceed \$100 per month and for a period not to exceed three months may be paid out of any appropriation available for the expenses of the court.”

SECTION 3. Section 1684 of said Revised Laws is hereby amended to read as follows:

"Section 1684. *Custody.* The clerks of the Supreme and Circuit Courts shall have the custody of all records, books, papers, moneys and other things pertaining to their respective courts."

SECTION 4. Sections 1682, 1685, 1686 and 1687 of said Revised Laws are hereby repealed.

SECTION 5. Section 1886 of said Revised Laws is hereby amended to read as follows:

"Section 1886. *Obligee; condition.* The bond required in Section 1884 shall in all cases run to the clerk of the Supreme Court and to his successors in office. It shall be conditioned for all costs to arise subsequent to its filing and against the removal or disposal of property."

SECTION 6. This Act shall take effect on July 1, 1911.

Approved this 12th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 85.

AN ACT

TO ENCOURAGE THE PRODUCTION OF GRAPES FOR CERTAIN PURPOSES.

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

SECTION 1. For one year from and after the first day of January, A. D. 1913, all property solely and actually used in

the production of grapes for the manufacture of wine for commercial purposes shall be exempt from property taxes, but such exemption shall be allowed only to any person, firm or corporation in respect of land in actual vine cultivation, not exceeding twenty acres in the case of any one holding, or to the extent of twenty acres where any holding exceeds twenty acres.

In order to secure such exemption, the land in respect whereof such exemption is claimed, must be fenced and actually under cultivation prior to the first day of January of the year in which such exemption is claimed.

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

Approved this 12th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 86.

AN ACT

To AMEND SECTION 1335 OF THE REVISED LAWS OF HAWAII,
AS AMENDED BY ACT 90 OF THE SESSION LAWS OF 1907,
RELATING TO LICENSES.

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

SECTION 1. Section 1335 of the Revised Laws of Hawaii, as amended by Act 90 of the Session Laws of 1907, is hereby amended so as to read as follows:

“Section 1335. The annual fee for a license to sell Awa shall be Three Hundred Dollars (\$300.00) for the District of Honolulu, Fifty Dollars (\$50.00) for each of the Districts of

South Hilo, Wailuku and Lahaina, and Twenty-five Dollars (\$25.00) for each of the other taxation districts of the Territory."

SECTION 2. This Act shall be effective from and after the first day of July, A. D. 1911.

Approved this 12th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 87.

AN ACT

To AMEND SECTION 28 OF ACT 39 OF THE SESSION LAWS OF 1905, ENTITLED "AN ACT CREATING COUNTIES WITHIN THE TERRITORY OF HAWAII AND PROVIDING FOR THE GOVERNMENT THEREOF AS AMENDED."

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

SECTION 1. Section 28 of Act 39 of the Session Laws of 1905, entitled "An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof" as amended is hereby amended in manner as follows:

1. Strike out the figures "1800" in line 7 and insert in lieu thereof the figures "2400" so that the line as amended will read:

"Sheriff of the County of Maui 2400 a year."

2. Strike out the figures "1200" in line 11 and insert in lieu thereof the figures "1800" so that the line as amended will read:

"County Clerk of the County of Maui..... 1800 a year."

3. Strike out the figures "1500" in line 15 and insert in lieu thereof the figures "2100" so that the line as amended will read:

"Auditor of the County of Maui 2100 a year."

4. Strike out the figures "1800" in line 27 and insert in lieu thereof the figures "2400" so that the line as amended will read:

"County Attorney of the County of Maui.. 2400 a year."

5. Strike out the figures "1500" in line 31 and insert in lieu thereof the figures "2100" so that the line as amended will read:

"Treasurer of the County of Maui 2100 a year."

6. Strike out the figures "960, 1200, 960, 960" and "600" in lines 51, 52, 53, 54 and 55, and insert in lieu thereof, consecutively, the figures "1200, 1500, 960, 1500" and "720" so that the lines so amended will each read as follows:

"Deputy Sheriff of the District of Lahaina. 1200 a year."

"Deputy Sheriff of the District of Wailuku. 1500 a year."

"Deputy Sheriff of the District of Hana... 960 a year."

"Deputy Sheriff of the District of Makawao 1500 a year."

"Deputy Sheriff of the District of Molokai. 720 a year."

SECTION 2. This Act shall take effect from and after July 1, 1911.

Approved this 12th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 88.**AN ACT**

TO PROVIDE FOR THE MAINTENANCE OF THE PUBLIC SCHOOLS.

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

SECTION 1. The Department of Public Instruction is hereby 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. Hereafter 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 (35) 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 Forty-five Thousand Dollars (\$45,000.00) per month plus Fifty Dollars (\$50.00) additional for every thirty-five (35) children of school age added to the enrollment of the public schools after June 30, 1911.

SECTION 2. Prior to December 15, 1912, and every second year thereafter, the Department of Public Instruction shall prepare a budget, to be known as the School Budget, showing the estimated expenses, other than salaries of teachers, super-

visors, and principals, of the Public Schools and of such Department for the next ensuing biennial period. Such budget shall be in the following form:

GENERAL FUND.

Salary of Superintendent.

Salaries of Office Force.

General Expenses.

Supplies.

Libraries and Books.

Industrial and Manual Training.

Maintenance of Special Schools.

SPECIAL FUND.

New buildings (school houses, cottages and outbuildings).

Repairs and maintenance of buildings and grounds and new grounds.

Janitor service.

Furniture and fixtures.

SECTION 3. 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 Secretary 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 traveling expenses, to be paid out of the 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 4. All revenues, derived from time to time from the collection of the school tax levied under the provisions of Section 1200 of the Revised Laws of Hawaii, shall be deemed to be and are hereby appropriated for the payment of the salaries of teachers, supervisors and principals as determined by the salary schedule, and for the support and maintenance of the public schools within the county or city and county where such taxes are collected for the objects and in the manner designated in the school budget approved by the Legislature, which are hereby made the first charge upon such revenues.

SECTION 5. Out of the revenues, derived from time to time from the taxes on real property and personal property, there shall be deemed to be and is hereby appropriated, such an amount as shall be necessary to provide sufficient additional funds to meet the requirements of the aggregate of the salaries of teachers, supervisors and principals as fixed by said schedule and of said school budget, which are hereby made the first

charge upon such revenues. In order to determine the amounts to be added under this Section, the Superintendent of Public Instruction shall notify the Treasurer, in writing, not later than September 1 in each year, of the total number of teachers, supervisors and principals engaged for the ensuing year and the aggregate of the salaries to be paid them under the salary schedule.

SECTION 6. The Treasurer of the Territory shall, from time to time as may be necessary, pay over to the Treasurer of the several counties, and the Treasurer of the City and County of Honolulu, as the case may be, the amounts approved by the Legislature for the items of the "Special Fund" of the budget for "New Buildings (school houses, cottages and outbuildings)" and for "Repairs and maintenance of buildings and grounds and new grounds." Such amounts shall constitute and be held as special funds in the treasuries of the said several counties and the City and County of Honolulu and shall be expended by their respective Boards of Supervisors only for the purposes approved by the Legislature. New buildings shall be erected in accordance with plans and specifications approved by the Department of Public Instruction, only as to size, arrangement, dimensions, lighting of rooms and sanitary conveniences. The other items constituting the school budget shall be expended from time to time on vouchers approved by the Superintendent of Public Instruction.

SECTION 7. Pending the preparation of the school budget as in this Act required and for the next ensuing biennial period, the school budget shall, for all purposes, be the following:

GENERAL FUND.

BIENNIAL PERIOD JULY 1, 1911—JUNE 30, 1913.

Salary of Superintendent	\$ 7,200
Salary of Inspector of Schools	4,800
Salaries of Office Force and General Expenses	23,200

Salary of Secretary	\$ 3,600
Salary of Assistant Clerk and Book- keeper	3,600
Salary of 2 stenographers	4,800
Salary of 1 messenger	1,200
General expenses and Summer Schools	10,000
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Traveling Expenses, Inspector of Schools.....	1,500
School Supplies	40,600
Equipment and material for Industrial training	15,000
General school supplies	12,000
School books for sale	10,000
Libraries	3,600
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Special Salaries	13,200
Matron Girls' Industrial School	2,400
Three house mothers at \$50.00 a month	3,600
Superintendent Boys' Industrial School	3,600
Three night Watchmen	3,600
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Maintenance Special Schools	58,800
Lahainaluna	20,000
Territorial Normal School	1,800
Boys' Industrial School	25,000
Girls' Industrial School	12,000
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	\$149,300

SPECIAL FUND.

Repair and maintenance of buildings and grounds, labor on repair work, material, maintenance and janitor service, of

Schools of Hawaii	\$ 40,000
“ “ Maui	18,000
“ “ Oahu	35,000
“ “ Kauai	10,000
	<hr/>
Furniture and fixtures	18,127
	<hr/>
	\$116,127
Total of General and Special Fund	\$265,427

SECTION 8. Nothing in this Act contained shall be so construed as to impair the obligation of the Territory to provide for the payment of any bonds or the interest thereon, or for the creation of sinking funds.

SECTION 9. All other laws and parts of laws are hereby amended or replaced in so far as necessary to conform herewith.

SECTION 10. This Act shall take effect on and after the first day of July, A. D. 1911.

Approved this 13th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 89.

AN ACT

To AMEND SECTION 1 OF ACT 42 OF THE SESSION LAWS OF 1903, RELATING TO PUBLIC LOANS.

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

SECTION 1. Section 1 of Act 42 of the Session Laws of 1903 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 Seven Million Five Hundred Thousand 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 14th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 90.

AN ACT

TO PROTECT AND SAFEGUARD THE INTERESTS OF NEWLY ARRIVED IMMIGRANTS INTO THIS TERRITORY.

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

SECTION 1. To aid in preventing newly arrived immigrants into this Territory from being misled by false and mischievous representations of emigrant agents seeking to withdraw such immigrants from the Territory, thereby discouraging the efforts of the Territory and its citizens, made at great expense, to introduce desirable population; the hiring for employment out of this Territory of any immigrant coming into this Territory, or the inducing, abetting and enticing of such immigrant to leave the Territory by any licensed emigrant agent is hereby forbidden for the period of thirty days following the date of

the arrival of such immigrant into the Territory, except with the consent and approval of the Board of Immigration, or any legal successor in powers and duties to such Board.

SECTION 2. It shall be the duty of the Territorial Board of Immigration, or any legal successor in powers and duties to such Board, to keep an accurate record open to public inspection of all immigrants subject to the provisions of this Act, showing among other things the date of the arrival of such immigrant into this Territory.

SECTION 3. Any one violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit his license and be subject to a fine not to exceed One Thousand Dollars, or imprisonment for not more than six months, or by both such fine and imprisonment.

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

Approved this 14th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 91.

AN ACT

TO AMEND SECTIONS 17 AND 19, AND SECTION 121, AS AMENDED BY ACT 118 OF THE SESSION LAWS OF 1909, AND PARAGRAPH 9 OF SECTION 23 OF ACT 118 OF THE SESSION LAWS OF 1907, BEING "AN ACT INCORPORATING THE CITY AND COUNTY OF HONOLULU."

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

SECTION 1. That Section 17 of Act 118 of the Session Laws

of 1907 is hereby amended by striking therefrom the word "five" and inserting in lieu thereof the word "three."

SECTION 2. That Section 19 of said Act is hereby amended to read as follows:

"Section 19. No ordinance shall take effect until after its third day of publication, unless otherwise provided in such ordinance. Every ordinance shall be published for three days after its approval."

SECTION 3. That Paragraph 9 of Section 23 of said Act is hereby amended to read as follows:

"9. Except as otherwise provided in this Charter, to regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic and telegraphic service to the City and County; to construct, purchase, lease or otherwise acquire buildings for the City and County purpose; to construct, purchase, lease or otherwise acquire plants, apparatus and appliances for lighting streets and public buildings, and to manage, regulate and control the same, and to acquire, regulate and control any and all appliances for the sprinkling and cleaning of the streets of the City and County and for flushing the sewers therein."

SECTION 4. Section 121 of Act 118 of the Session laws of 1907, as amended by Act 118 of the Session Laws of 1909, is hereby further amended to read as follows:

"Section 121. The City and County Clerk may appoint a Deputy City and County Clerk who shall possess the qualifications required of the City and County Clerk. The City and County Clerk may also appoint such clerks as may be necessary for the proper discharge of his official duties, whose compensation may be appropriated by the Board of Supervisors."

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

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 92.

AN ACT

**TO REPEAL CHAPTERS 71 AND 72 OF THE REVISED LAWS OF
HAWAII, RELATING TO FIRE DEPARTMENTS.**

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

SECTION 1. Chapters 71 and 72 of the Revised Laws of Hawaii are hereby repealed.

SECTION 2. This Act shall take effect on July 1, 1911.

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 93.

AN ACT

**TO AMEND SECTION 62 OF ACT 39 OF THE SESSION LAWS OF
1905, RELATING TO THE POWERS AND DUTIES OF COUNTY
SUPERVISORS.**

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

SECTION 1. Section 62 of Act 39 of the Session Laws of 1905 is hereby amended by adding thereto to new subdivision, to be known as subdivision 5A, as follows:

"5A. 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."

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

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 94.

AN ACT

TO AMEND SECTIONS 391 AND 392 OF THE REVISED LAWS OF HAWAII, RELATING TO FENCES.

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

SECTION 1. Section 391 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 391. The Governor shall, when he deems it necessary, or upon the petition of twenty-five owners of land, in any taxation district of this Territory, appoint, in the manner prescribed in Section 80 of the Organic Act, three persons residing on the island where such district is situated to be Commissioners of Fences for that district. The Governor shall, in like manner, fill all vacancies occurring in their number from death, resignation or otherwise."

SECTION 2. Section 392 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 392. It shall be the duty of such commissioners when requested in writing by any person or persons desirous of fencing their lands, or who, having fenced their lands, desire to provide for the maintenance of the fence; to give public notice of the same in a public newspaper published and circulated in the county where such lands are situated, said notice to be published ten days previous to the meeting hereinafter provided for, and to appoint a day to be named in said notice upon which they will meet all parties interested, or their agents, upon the land; to pass over and view the line of such fence; to decide equitably on the kind of fence to be built by the owners of adjoining lands, and the share which each owner shall give or maintain, designating the time within which the work shall be done, and to decide all disputes arising between the parties interested, in relation to the fence.

It shall also be the duty of the said commissioners to cause notice of such meeting to be given to all persons interested, by the same officers, and in the same manner, as is provided by Sections 1721, 1722 and 1724 of the Revised Laws of Hawaii, and as provided by Section 1723 of the Revised Laws of Hawaii, as amended by Act 34 of the Session Laws of 1909, for service of summons issued under the seal of a court of record. All expenses and fees in connection with the proceedings brought hereunder shall be taxed by the commissioners as costs against the losing party or parties, or against all parties to the proceeding, in such proportion as to the commissioners shall seem equitable."

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

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 95.**AN ACT**

FOR THE RELIEF OF PERSONS RELEASED FROM THE LEPER
SETTLEMENT AT MOLOKAI.

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

SECTION 1. There shall be and hereby is appropriated the sum of Five Thousand Dollars (\$5,000.00) from the Public Treasury for the purpose of aiding indigent persons who have been segregated at the Leper Settlement, on Molokai, and who were examined since April 1, 1909, and found free of the disease, known as leprosy, and ordered to leave the Settlement, which shall be drawn upon, from time to time, by the President of the Board of Health in such amounts as may be allowed by the Board of Health for the relief of such persons.

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

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 96.**AN ACT**

To PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF
HAWAIIAN BIRTH.

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

SECTION 1. The Secretary of Hawaii may, whenever satisfied that any person was born within the Hawaiian Islands,

cause to be issued to such person a certificate showing such fact. The Secretary, with the approval of the Governor, may make such regulations respecting the form of application and certificates, the method of proof, kind of evidence, and time, place and manner of hearing, and all other matters and circumstances connected with such application, proof and hearing as to him may appear necessary, and such regulations, when so approved and published once a week for three successive weeks in a newspaper of general circulation published in the Territory, shall have the force of law, and such publication shall be deemed legal notice to all persons. The Secretary may furnish the form of such applications and certificates. All applications shall be by sworn petition, in which the party shall set forth circumstantially all the facts upon which his application rests, and shall be accompanied by sworn affidavits of witnesses. The Secretary and such persons as he may designate and appoint may examine, under oath, any applicant or person cognizant of the facts regarding any application and for that purpose he and they are hereby authorized and empowered to administer oaths, subpoena and compel the attendance of witnesses and the production of books and papers, punish for contempts and, generally, to exercise the same authority with regard to their special jurisdiction as is by law conferred on District Magistrates.

SECTION 2. Any applicant or any person, who shall give or offer any false testimony, oral or written, under oath, in support or respect of any application for a certificate under the provisions of the foregoing Section, shall be deemed guilty of perjury and shall be punishable accordingly.

SECTION 3. Any certificate of Hawaiian Birth heretofore issued under or by virtue of any law of the Territory, or which may be issued in conformity with the provisions of this Act, shall be *prima facie* evidence of the facts therein stated.

SECTION 4. A fee of Five Dollars (\$5.00) shall be charged by the Secretary before issuing any such certificate; all such

fees received shall be paid by the Secretary, to the Treasurer of the Territory, as a government realization.

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

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 97.

AN ACT

TO AMEND SECTION 23 OF ACT 118 OF THE SESSION LAWS OF 1907, RELATING TO THE POWERS AND DUTIES OF THE SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Section 23 of Act 118 of the Session Laws of 1907 is hereby amended by adding thereto a new subdivision, to be known as subdivision 4A, as follows:

“4A. To regulate, as to location, methods and materials of construction and otherwise, the erection, moving, repairing, placing and maintenance of buildings and other structures, whether within or without the fire limits, so far as may be necessary or proper for the protection and safeguarding of life, health and property.”

SECTION 2. Said Section 23 is hereby further amended by adding thereto a new subdivision, to be known as subdivision 4B, as follows:

"4B. To create fire departments and to provide for the acquisition, maintenance and use of apparatus for extinguishing fires."

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

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 98.

AN ACT

To REIMBURSE Wm. P. THOMAS AND CHUNG AH GET, HOLDERS OF LOTS 18 AND 19 RESPECTIVELY, OF THE PUPUKEA-PAUMALU TRACT, FOR THE REDUCTION IN THE AREA OF THEIR LOTS CAUSED BY THE SETTLEMENT OF BOUNDARIES.

WHEREAS, in the settlement of the Pupukea-Paumalu boundary, Lot 18, held by Wm. P. Thomas, was reduced 29.35 acres in area, and Lot 19, held by Chung Ah Get, was reduced 97.44 acres in area; now, therefore,

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

SECTION 1. That the sum of Four Hundred Six Dollars and Seventy-eight Cents (\$406.78) be and hereby is appropriated to reimburse said Wm. P. Thomas and Chung Ah Get, as follows:

Wm. P. Thomas	\$ 88.38
Chung Ah Get	318.40 \$406.78

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

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 99.**AN ACT**

TO PROVIDE FOR THE SALE BY COMMON CARRIERS OF UNCLAIMED ARTICLES AND FOR THE DISPOSITION OF THE PROCEEDS OF SUCH SALE.

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

SECTION 1. Any person, firm or corporation carrying on business in the Territory as a common carrier, who shall have in his or its possession for six months, any unclaimed baggage, goods, merchandise, packages, parcels or other articles not perishable in their nature, may sell the same at public auction, and out of the proceeds retain the charges of transportation, storage, advertising and sale. Before any such sale is made, the common carrier shall publish a notice of the time and place of sale, at least once each week for four successive weeks, in some newspaper of general circulation printed and published in the county in which the place is located to which such unclaimed article or articles are consigned or addressed; said notice shall contain a brief description of such articles, the marks of identification thereon, the name of the person, if known, to whom, and the name of the place to which the same were directed. The expense of advertising and of sale shall be a lien upon the articles advertised in a ratable proportion according to the amount received for each article.

SECTION 2. If any such unclaimed article is in its nature perishable, it may be sold by such common carrier, either at public or private sale, as soon as its condition makes a sale necessary, and without the notice required by Section 1.

SECTION 3. After any such sale, any such common carrier shall record in a suitable book open to the inspection of claimants, in which the articles sold shall be correctly designated, the charges of transportation, storage, advertising and sale, the

price at which the articles were sold, and shall credit therein the balance remaining to the person, if known, to whom the article was directed. At any time within five years thereafter, such carrier shall on demand pay said balance to the owner of such article. If such balance shall not be claimed by the owner within five years after the date of sale, it shall thereupon escheat to the Territory of Hawaii and be paid over by said carrier to the Treasurer of said Territory.

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

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 100.

AN ACT

TO PROVIDE FOR THE MAINTENANCE OF PUBLIC PARKS, AND
TO REPEAL SECTIONS 772 AND 778 OF THE REVISED LAWS
OF HAWAII.

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

SECTION 1. That all public parks and public recreation grounds in this Territory, other than Kapiolani Park and the Makiki Park or Reservation, are hereby transferred to and placed in charge of the boards of supervisors of the county or city and county in which the same may be located, to be maintained by them. All lands hereafter set apart for such purposes shall likewise be placed in charge of and maintained by the several boards of supervisors.

SECTION 2. Sections 772 and 778 of the Revised Laws of Hawaii are hereby repealed.

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

Approved this 17th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 101.

AN ACT

To REGULATE THE MANUFACTURE OF POI FOR SALE.

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

SECTION 1. No shop or building for the manufacture or sale of poi or paiai shall be erected, maintained, used or operated except as hereinafter provided.

SECTION 2. Every such shop or building shall be laid with cement floors, with cement side walls to a height of at least two feet and draining to a trap connected with a cesspool, sewer, or such other means for the proper disposal of drainage, as may be approved by the Board of Health. No such shop or building shall be maintained, used or operated in any place where there is not available an adequate supply of pure water, or which is incapable of proper drainage, or which is so situated that the poi or paiai manufactured thereat might, in the opinion of said Board, be contaminated or infected by reason of proximity to any stable, laundry, abattoir or other place at which any business or process is carried on or condition maintained which, in such opinion, might be a source of such contamination or infection; nor, while any such shop or building is being so used, shall any such stable, laundry, abattoir or other place be permitted to be established in such proximity thereto as to be, in the opinion of said Board, a source of contamination or infec-

tion to the poi or paiai manufactured thereat. No such shop or building shall be maintained, used or operated for any other purpose than the manufacture of poi or paiai; nor unless only pure water shall be used thereat and proper drainage maintained therefor; nor unless it shall be kept so screened as to prevent flies and insects from entering therein; nor unless all implements, tools, machinery, containers, and all other utensils used for or in connection with the manufacture, distribution or storage of poi or paiai shall be sterilized each time before being so used; nor if any person, or individual is employed or engaged in or about such shop or building who is afflicted with any contagious or infectious disease or any disease which, in the opinion of the Board of Health, may contaminate or infect the poi or paiai.

SECTION 3. The Board of Health is hereby authorized to direct the cancellation of any permit for a shop or building where poi or paiai is manufactured for sale, issued by any County or City and County officer, or otherwise, and to close and keep closed any such shop or building which in any respect fails to meet the requirements and conditions of this Act.

SECTION 4. Any person who violates any provision of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Five Dollars (\$5.00), nor more than Two Hundred Dollars (\$200.00), or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

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

Approved this 18th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 102.**AN ACT**

TO AMEND CHAPTER 28 OF THE REVISED LAWS OF HAWAII,
RELATING TO AGRICULTURE AND FORESTRY, BY ADDING A
NEW SECTION THERETO TO BE KNOWN AS SECTION 386A.

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

SECTION 1. Chapter 28 of the Revised Laws of Hawaii is hereby amended by adding thereto a new section to be known as Section 386A, and to read as follows:

“Section 386A. No soil, nursery stock, tree, sugar cane, shrub, plant, flower, vine, graft, scion, bud, seed, root, fruit, fruit pit, vegetable, leaf, nut, or moss, known to be infected with any scale, fungi, parasite or disease, injurious or liable to become injurious to trees, plants or other vegetation of value shall be transported from one Island within the Territory to another Island therein, or to one locality from another locality on the same Island or along the highways thereof.”

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

Approved this 18th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 103.**AN ACT**

TO AMEND SECTION 26 OF ACT 119 OF THE SESSION LAWS OF 1907, ENTITLED "AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS, REPEALING ACT 67 OF THE SESSION LAWS OF 1905."

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

SECTION 1. Section 26 of Act 119 of the Session Laws of 1907, entitled "An Act to regulate the Sale of Intoxicating Liquors, repealing Act 67 of the Session Laws of 1905," is hereby amended so as to read as follows:

"Section 26. All license fees shall be paid to the Secretary of the Board in the County wherein the licenses upon which the same are paid are issued. Such secretary shall keep a book wherein he shall enter an account of all such fees received by him, and he shall, at the end of each calendar month, forward to the Treasurer of the county or city and county wherein the business so licensed is conducted all such fees received by him during such month as county or city and county realizations. And the expenses of the Board in each county or city and county and the salaries, to be fixed by the Board, of all officers appointed by it, shall be paid by the treasurer of such county or city and county, upon warrants issued by the Auditor thereof, upon requisitions therefor made by the Chairman of the Board, to an amount not exceeding the following in any year:

City and County of Honolulu	\$7,500.00
County of Hawaii	2,500.00
County of Maui	1,250.00
County of Kanai	1,250.00"

SECTION 2. This Act shall take effect from and after the first day of July, A. D. 1911.

Approved this 19th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 104.

AN ACT

RELATING TO CIRCUIT COURT RECEIPTS AND EXPENSES.

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

SECTION 1. All moneys paid as fines, costs or forfeited bail in Circuit Court cases shall be paid into the treasury of the county or city and county in which such court has jurisdiction.

SECTION 2. The several counties and city and county shall pay the expenses of their respective circuit courts and the salaries of the following officers of such courts at the following rates and of such other officers thereof and at such rates as the supervisors shall from time to time determine:

First Circuit Court:	A year.
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Chief Clerk, Cashier and Bookkeeper	\$ 2,400.00
Three Clerks (\$150.00)	5,400.00
Three Clerks (\$100.00 each)	3,600.00
Three Stenographers (\$175.00 each)	6,300.00
Probation Officer (\$125.00)	1,500.00
Probation Officer for Girls (\$85.00)	1,020.00
Court Expenses	14,500.00
Support, Juvenile Court Dependents	1,000.00
2 Hawaiian Interpreters (\$125.00)	3,000.00
Japanese Interpreter (\$125.00)	1,500.00
Chinese Interpreter (\$125.00)	1,500.00
Portuguese Interpreter (\$125.00)	1,500.00

Second Circuit Court:

Clerk (\$150.00)	1,800.00
Stenographer and Clerk	1,800.00
Court Expenses	6,000.00
Support, Juvenile Court Dependents	250.00
Law Books	250.00

Third Circuit Court:

Clerk (\$100.00)	1,200.00
Stenographers	1,000.00
Law Books	500.00
Court Expenses	6,000.00

Fourth Circuit Court:

Clerk (\$150.00)	1,800.00
Stenographer (\$140.00)	1,680.00
Assistant Clerk, Interpreter and Mes- senger (\$115.00)	1,380.00
Court Expenses	7,000.00
Law Books	150.00
Support, Juvenile Court Dependents	500.00

Fifth Circuit Court:

Clerk (\$125.00)	1,500.00
Law Books	250.00
Court Expenses	5,000.00

SECTION 3. This Act shall take effect on July 1, 1911.

Approved this 19th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 105.**AN ACT**

**RELATING TO REGISTRATION OF VOTERS, AMENDING SECTIONS
4, 6 AND 8 OF ACT 68 OF THE SESSION LAWS OF 1911, AND
REPEALING SECTION 30, AND AMENDING SECTIONS 37,
41, 50, 52 AND 53 OF THE REVISED LAWS OF HAWAII.**

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

SECTION 1. Section 4 of Act 68 of the Session Laws of 1911 is hereby amended by substituting the following for the portion thereof before the words "If the appeal be sustained:"

"Any qualified elector may at any time, for any cause not previously decided by the board of registration or the supreme court in respect of the same person, challenge the right of any person to be or remain registered as a voter in any precinct. Such challenge shall be in writing, shall set forth the grounds upon which it is based, be signed by the party challenging and addressed to the clerk, who shall forthwith serve notice thereof upon the party challenged. In case the clerk denies a challenge or refuses to register an applicant, the party ruled against may appeal from the ruling to the board of registration for his district or county. The several boards of registration shall sit in the following places within their respective districts: Hilo, Kailua, Wailuku, Honolulu and Lihue, on the third Wednesday before each general election, and the second Wednesday before each special election, to hear such appeals, and shall continue their sittings from time to time until all appeals noted have been heard. Said boards shall also thereafter, before each general election, sit at the following places within their respective districts or counties: Kapoho, Honokaa, Waimea, Waiohinu, Lahaina, Makawao, Hana, Kalaupapa and Pukoo, to hear appeals, provided there be any, from the districts of Puna, Hamakua, North and South Kohala, Kau, Lahaina, Makawao, Hana

and the Island of Molokai, respectively, and shall continue their sittings until all such appeals have been heard.. For the purposes of this Act, the County of Kalawao shall be deemed to be included in the County of Maui. Reasonable notices of the sitting of such boards shall be given by publication in newspapers of general circulation in their respective districts or counties.”

SECTION 2. Section 6 of said Act is hereby amended to read as follows:

“Section 6. Any elector who changes his residence from one precinct to another, (after registration in any general county register,) may register again in such register under the proper precinct,) and the clerk shall erase the former registration by drawing one or more lines through the name and signature of such elector as previously registered and enter his own signature and the date of such erasure with red ink on the same line; provided, that no such re-registration shall be allowed on account of any change of residence made within three months before an election unless from one precinct to another within the same representative district. The clerk shall, in like manner, erase the name and signature of any elector known to him to be dead or to have permanently removed from the precinct, or to have become disqualified to vote, or whose death or permanent removal or disqualification is suggested to him in writing by an elector, after first having given notice of his intention to so change the register by publication of a notice thereof containing the names which it is proposed to erase, in some newspaper of general circulation in the county, at least once each week for four successive weeks, the last publication to be not less than seven days prior to the erasure and by posting such notice in at least three public places in the county for the same period of time.”

SECTION 3. The first sentence of Section 8 of said Act is hereby amended to read as follows:

"At midnight immediately preceding the third Wednesday before each general election, and the second Wednesday before each special election, the general county register shall be closed to registration and remain closed until after such election, subject to change only as provided in Section 4 of this Act."

SECTION 4. Section 30 of the Revised Laws is hereby repealed.

SECTION 5. Section 37 of the Revised Laws is hereby amended by striking therefrom the words "For the purpose of examining applicants for registration as voters and determining their eligibility."

SECTION 6. Section 41 of the Revised Laws is hereby amended by striking therefrom the words "In addition to the register of voters herein provided to be kept," and also subdivision 3 of said Section.

SECTION 7. Section 50 of the Revised Laws is hereby amended by striking therefrom the words "If any board shall refuse to register the name of any person applying to be registered, the person refused, and, in case any name has been registered."

SECTION 8. Section 52 of the Revised Laws is hereby amended by striking therefrom the word "cause" and inserting in lieu thereof the word "order."

SECTION 9. The first sentence of Section 53 of the Revised Laws is hereby amended to read as follows:

"In case of an appeal from a decision of any board holding any person to be entitled to registration, the name of such person shall be placed or remain upon the register pending the decision of the supreme court concerning the same."

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

Approved this 19th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 106.**AN ACT**

TO PREVENT THE DESTRUCTION, DEFACING OR REMOVAL OF SURVEY MONUMENTS.

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

SECTION 1. It shall be unlawful, without the written consent of the Territorial Surveyor, for any person to destroy, deface, change or remove to another place, any trigonometrical survey station, boundary line mark or monument, corner post, or any other government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a government survey, or any bench mark in any government survey. 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 more than Five Hundred Dollars (\$500.00), or by imprisonment for a period of not more than four months, or by both such fine and imprisonment.

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

Approved this 19th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 107.**AN ACT**

TO REGULATE THE IMPORTATION AND SALE OF SEED INTO AND WITHIN THE TERRITORY OF HAWAII.

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

SECTION 1. That the importation for seeding purposes into the Territory of Hawaii of seeds of alfalfa, barley, Canadian

blue grass, Kentucky blue grass, brome grass (awnless), buckwheat, alsike clover, crimson clover, red clover, white clover, field corn, Kafir corn, meadow fescue, flax, millet, oats, orchard grass, rape, red top, rye, sorghum, timothy, vetch, and wheat which are adulterated or unfit for seeding purposes within the meaning of this Act is hereby prohibited, and the Board of Commissioners of Agriculture and Forestry is hereby authorized and empowered to make such rules and regulations, subject to the approval of the Governor of the Territory, as will provide for the exclusion of such seeds from the Territory of Hawaii.

SECTION 2. That seed shall be considered adulterated within the meaning of this Act: First, when seed of red clover contains more than three per centum of seed of yellow trefoil or any other seed of similar appearance to and of lower market value than seed of red clover; second, when seed of alfalfa contains more than three per centum of seed of yellow trefoil, burr clover, or sweet clover, singly or combined; third, when any kind or variety of the seeds named in Section 1 of this Act contains over five per centum of seed of another kind or variety of lower market value and of similar appearance. Provided, that the provisions of this paragraph shall not apply to mixtures of white and alsike clover, red and alsike clover, alsike clover and timothy.

SECTION 3. That seed shall be considered unfit for seeding purposes within the meaning of this Act: First, when any kind or variety of clover or alfalfa seed contains more than one seed of dodder to five grams of clover or alfalfa; second, when any kind or variety of the seeds named in Section 1 of this Act contains more than three per centum, by weight, of seeds of weeds.

SECTION 4. That each and every package or lot of agricultural seeds of the kinds named in Section 1, containing one pound or more, whether in package or bulk, which is sold, of-

ferred or exposed for sale by any person, firm or corporation in the Territory of Hawaii shall be plainly, legibly and indelibly labeled in English upon the exterior of the container, with a written or printed label. Such label shall show:

First: The commonly accepted name of the kind and variety of seed;

Second: The full name and address of the person, firm or corporation selling, offering or exposing the seed for sale.

SECTION 5. That in case of sale, offering or exposure for sale of mixed seeds, the package or containers shall be plainly labeled upon the exterior of the container with correct common name of the kinds or varieties of seed composing the mixture.

SECTION 6. That no person, firm or corporation shall sell, offer or expose for sale in the Territory any agricultural or garden seeds, excepting only garden seeds in a packet or a package of one pound or less, which contain in greater numbers than one to two thousand of the seeds under examination the seeds of the following named noxious weeds:

Canada thistle (*Carduus arvensis*), Russian thistle (*Salsola tragus*), couch, quack or quitch grass (*Agropyron repens*), clover dodder (*Cuscuta epithymum*), field dodder (*Cuscuta arvensis*), sow thistle (*Sonchus arvensis*); and the sale of agricultural or garden seeds containing more than a reasonable trace of the seeds of wild oat (*Avena farta*), bur-grass (*Cenchrus tribuloides*), witch grass (*Panicum capillare*), porcupine grass (*Stipa spartea*), knot-grass (*Polygonum aviculare*), sorrel (*Rumex Acetosa*), Mexican tea (*Chenopodium ambrosioides*), charlock (*Brassica arvensis*), hedge mustard (*Sisymbrium officinale*), black mustard (*Brassica nigra*), Shepherd's purse (*Capsella Bursapastoris*), wild pepper-grass (*Lepidium Virginicum*) Jimson weeds (*Datura Stramonium & D. Tatula*), rib-grass (*Plantago lanceolata*), ragweed (*Ambrosia artemisiifolia*), may-weed (*Anthemis Cotula*), burdock (*Arctium Lappa*),

ox-eye daisy (*Chrysanthemum Leucanthemum*), chicory (*Chichorium Intybus*), bull-thistle (*Carduus lanceolatus*), black-eyed Susan (*Rudbeckia hirta*), broad cocklebur (*Xanthium strumarium*), or the seeds of any other plants which may, from time to time, be specified in rules and regulations to be issued by the Board of Commissioners of Agriculture and Forestry as noxious weeds, is unlawful.

SECTION 7. That it shall be unlawful for any person, either for himself or while acting as agent or servant of any other person, firm or corporation, to sell, offer or expose for sale, or to deliver within the Territory of Hawaii any seeds that are misbranded within the meaning of this Act. Seed or seeds shall be deemed to be misbranded if the contents of any sack or lot of seeds, whether in package or in bulk containers, is not labeled in accordance with the requirements of Sections 4, 5 and 9 of this Act, or if such seed or seeds is falsely labeled in any respect.

SECTION 8. Whoever sells, offers or exposes for sale in the Territory of Hawaii any seeds without complying with the requirements of Sections 4 and 5 of this Act, or in violation of Sections 6 and 9 of this Act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than Ten Dollars (\$10.00) and the costs, nor more than One Hundred Dollars (\$100.00) and the costs of the prosecution for the first offense, and not less than One Hundred Dollars (\$100.00) and costs, nor more than Five Hundred Dollars (\$500.00) and costs of prosecution for the second and subsequent offenses.

SECTION 9. The provisions of this Act shall not apply to any person, firm or corporation growing or selling or exposing for sale cereals or other seeds for manufacturing purposes, for food or forage. Provided, that the provisions of this Act shall not apply to the sale or exposure for sale of uncleaned seed, provided each package, lot or bulk of such uncleaned seed sold, exposed or offered for sale be plainly labeled with the words

"Uncleaned Seed," and provided, further, that in case of large quantities of such unclean seeds stored in an elevator, granary or warehouse, they shall be labeled, the bins or subdivisions, "Uncleaned Seeds," and no such uncleaned seed shall be sold or delivered within the Territory for sowing purposes without the consent of the purchaser. This Act shall not apply to seeds or grains in transit.

SECTION 10. The Board of Commissioners of Agriculture and Forestry may inspect, examine and make analysis of, or test seed sold, offered or exposed for sale in the Territory at such times and places and to such extent as it may determine. The said Board is hereby authorized and empowered to appoint a Territorial seed inspector and such other agents as it may deem necessary to carry out the provisions of this Act, and said inspector or agents shall have free access at all reasonable hours upon and into any premises or structures to make examinations of any seeds, whether such seeds are upon the premises of the owner of such seeds or on other premises; and may take from any person, firm or corporation any sample or samples of such seeds.

SECTION 11. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 108.**AN ACT**

TO AMEND SECTION 2161 OF THE REVISED LAWS OF HAWAII,
RELATING TO NOTICES OF FORECLOSURE OF MORTGAGES
UNDER POWER OF SALE.

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

SECTION 1. Section 2161 of the Revised Laws of Hawaii is hereby amended by striking out in the sixth line of said section the words "the Hawaiian and," and by substituting for the word "languages," in the same line the word "language."

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

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 109.**AN ACT**

MAKING SPECIAL APPROPRIATION TO COMPENSATE YEE YAP
FOR THE DAMAGES SUFFERED BY HIM BY REASON OF THE
DEFECTIVE TITLE OF LAND CONVEYED TO HIM BY LAND
PATENT (GRANT) NUMBER 61, DEPARTMENT OF PUBLIC
WORKS.

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

SECTION 1. There shall be, and hereby is, appropriated the sum of Twelve Hundred and Fourteen Dollars (\$1214.00) to be paid out of any moneys in the Treasury received from the general revenues of the Territory, as compensation to Yee Yap

for the damages suffered by him, by reason of the defective title of land attempted to be conveyed to him by Land Patent (Grant) Number 61, Department of Public Works.

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

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 110.

AN ACT

TO PROVIDE A CLOSE SEASON FOR THE PROTECTION OF THE FISH KNOWN AS AMAAMA.

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

SECTION 1. That it shall be unlawful for any person to fish for or take, or be engaged in the fishing for or taking from any of the waters within said Territory, except as hereinafter provided, Amaama, during any time from December 1st to March 1st inclusive in any year. And it shall be likewise unlawful for any person to expose or offer for sale, to have in possession for the purpose of exposing or offering for sale any Amaama, during or within any of the times stated in this section; provided, however, that the prohibition of this section against the fishing for or taking of Amaama, shall not extend or be applicable to the owners or lessees of enclosed fish ponds privately owned.

The word Amaama as used in this Act shall be construed to include Anae and all other terms used to designate the various sizes of fish of which Amaama is the common name.

SECTION 2. Any person offending against any of the provisions of this Act shall, for the first offense, be punished by a fine of not less than Ten Dollars nor more than One Hundred Dollars, or by imprisonment not less than ten days nor more than twenty-five days, in the discretion of the court, or by both; and upon a subsequent conviction of such offense, at any time within one year after a former conviction thereof, the person so convicted such subsequent time shall be punished by a fine of not less than Fifty Dollars, nor more than Five Hundred Dollars, or by imprisonment not less than fifty days nor more than one hundred days, in the discretion of the court, or by both.

SECTION 3. Any and all Amaama which shall be exposed or offered for sale or held in possession with the intent of exposing or offering the same for sale, contrary to the provisions of this Act, shall be seized by any officer of the Board of Health or any police officer, and shall be by him forthwith sold, (if fit for food), and the proceeds of such sale shall be reported to the District Court having jurisdiction of such offense, and if said court shall find that such seizure and sale was justified under this Act, such said proceeds shall be adjudged forfeited to the county in which such court is located, and shall be paid over to the County Treasurer thereof, in like manner as fines and costs realized in such District Court are now authorized to be paid; but if such court shall find such seizure and sale to have been unjustified under this Act, such proceeds shall be paid over to any claimant thereof who shall establish his right thereto before such District Court.

SECTION 4. Appeals from the decisions and judgments of said District Courts, under the provisions of this Act, may be taken to the Supreme Court or to the appropriate Circuit Court, in like manner as appeals from such District Courts are now provided to be taken.

SECTION 5. This Act shall take effect upon and from the

date of its approval, and shall continue in force for and during a period of six years.

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 111.

AN ACT

RELATING TO ABATEMENT OF NUISANCES, AMENDING SECTIONS 994, 995, 997 AND 1000 OF THE REVISED LAWS, ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 995A, AND REPEALING SECTIONS 996, 1001 AND 1002 THEREOF.

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

SECTION 1. Section 994 of the Revised Laws is hereby amended to read as follows:

“Section 994. The Board of Health and its agents shall examine into all nuisances, foul or noxious odors, gases or vapors, water in which mosquito larvae breed, sources of filth and all causes of sickness or disease, on shore, and in any vessel, which may be known to them or brought to their attention, which in their opinion are dangerous or injurious to health, and shall cause the same to be abated, destroyed, removed, or prevented.”

SECTION 2. Section 995 of the Revised Laws is hereby amended to read as follows:

“Section 995. Whenever any such nuisance, foul or noxious odors, gases or vapors, water in which mosquito larvae breed, source of filth, or cause of sickness or disease, shall be found on private property, the said Board shall cause notice to be given to the owner or owners to remove and abate the

same at his or their own expense within such reasonable time as the Board may deem proper; a duplicate of the notice so given shall be left with one or more of the tenants or occupants of the premises; if the owner resides out of the Territory or cannot be reached with notice speedily, notice left at the house or posted on the premises shall be deemed sufficient, and if the owner or owners thus notified shall not comply with such notification or order of the Board of Health, or its agent, within the time specified, the Board, or its agent, shall proceed to abate such nuisance and remove, destroy or prevent the cause of such foul or noxious odors, gases or vapors, water in which mosquito larvae breed, source of filth, or cause of sickness or disease, or other thing detrimental to public health, and said Board shall have a right to recover by action the expenses incurred by it in such abatement, removal, destruction or prevention, from any person or persons who shall have caused or allowed such nuisance, source of foul or noxious odors, gases or vapors, water in which mosquito larvae breed, source of filth or cause of sickness or disease, or other thing detrimental to the public health, and from any owner, tenant or occupant of the premises, who, after notice as aforesaid, shall have failed to abate, remove, destroy or prevent such nuisance, source of foul or noxious odors, gases or vapors, water in which mosquito larvae breed, source of filth, or cause of sickness or disease, or other thing detrimental to the public health within the time specified in such notice."

SECTION 3. A new section is hereby added to the Revised Laws, to be known as Section 995A.

"Section 995A. Whenever any such nuisance, foul of noxious odors, gases or vapors, water in which mosquito larvae breed, source of filth, cause of sickness or disease, shall be found on public property or on a public highway, street, lane, alley, or other public place, notice shall be given by said Board, or its agent, to the person or persons officially in charge thereof, and such person or persons shall be notified to abate, de-

stroy, remove or prevent the same; and in case of failure to comply with such notice, the mode of procedure shall be the same as hereinbefore provided in case of private persons in Section 995."

SECTION 4. Section 997 of the Revised Laws is hereby amended to read as follows:

"Section 997. Whenever any member of the Board of Health, or its agent, shall deem it necessary for the preservation of the lives or health of the public to enter any land, building or vessel for the purpose of examining into, abating, destroying, removing or preventing any nuisance, source of foul or noxious odors, gases or vapors, water in which mosquito larvae breed, source of filth, or cause of sickness or disease, or other thing detrimental to the public health, and shall be refused such entry, such member or agent may make complaint to the district magistrate in whose district such nuisance, source, place, or cause is, and such district magistrate may thereupon issue a warrant, directed to any sheriff, deputy sheriff or police officer of said district, commanding him to take sufficient aid, and, being accompanied by such member of said Board or agent, between the hours of sunrise and sunset, to repair to the place described in said complaint, and to abate, destroy, remove or prevent, under the directions of such member or agent, such nuisance, source or cause."

SECTION 5. Section 1000 of the Revised Laws is hereby amended to read as follows:

"Section 1000. Any person who shall violate any of the provisions of this Chapter, or who shall violate any order made by said Board in pursuance of the provisions of this Chapter, shall, upon conviction, be fined not more than One Hundred Dollars (\$100.00), and the court may, in its discretion, order the defendant, under the supervision of said Board or its agent, to carry out at his own expense the provision or order violated, and no appeal shall suspend or affect such order pending the appeal."

SECTION 6. Sections 996, 1001 and 1002 of the Revised Laws are hereby repealed.

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

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 112.

AN ACT

TO AMEND CHAPTER 83 OF THE REVISED LAWS OF HAWAII, RELATING TO INSANITARY LAND, BY AMENDING SECTIONS 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 AND 1033, AND ADDING A NEW SECTION TO BE KNOWN AS 1029A.

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

SECTION 1. Section 1025 of the Revised Laws of Hawaii is hereby amended by striking therefrom the words "District of Honolulu, island of Oahu" and inserting in lieu thereof the words "Territory of Hawaii."

SECTION 2. Section 1026 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1026. Notice to owners to improve. It shall be the duty of the Superintendent of Public Works, upon the receipt of such notice, to cause a copy of the same to be served in the manner prescribed in Section 1027 upon the owner or occupant of such land. Said Superintendent shall at the same time and in the same manner serve notice that, in case of failure to begin work upon such improvements within twenty days, or

such further time in special cases as to said Superintendent may seem reasonable, and to complete such work within a reasonable time in such notice designated, such work or so much thereof as may remain undone will be done by the Territory at the cost of the lands benefited thereby."

SECTION 3. Section 1027 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1027. Service of notice. Service of such notice upon an owner in person, if within the Territory, or upon his agent if without the Territory, or upon the occupant of such land if the owner is unknown, or upon the guardian if the owner is a minor or person under guardianship, or by mail or personal deliverly to the owner if without the Territory, shall be deemed good and sufficient service. If such land is unoccupied and the owner or his place of residence is unknown, or if he is without the Territory and his address is unknown and he has no known agent within the Territory, or if he is under age or incompetent, having no guardian in the Territory, such notice shall be published for five consecutive days in some newspaper of general circulation published in the county or city and county where the land is situated. The notice in all cases may be general in terms and addressed to all persons whom it may concern."

SECTION 4. Section 1028 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1028. Appeal. During the period of twenty days, or such further time in special cases as is specified in the notice given pursuant to the provisions of Section 1026, any owner or occupant of the land sought to be improved, his attorney or agent, may file an appeal from the decision of the board of health condemning the land as deleterious to the public health, or from its decision as to the nature and extent of the improvements to be made, with the Superintendent of Public Works,

whereupon the Superintendent shall transmit the appeal to the Circuit Court of the Circuit wherein the land is situated."

SECTION 5. Section 1029 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1029. Hearing, Decision. Said court shall thereupon appoint three disinterested persons, who shall sit as a board to hear and determine whether or not the land is deleterious to the public health and whether improvements of the nature designated in such notice are required, and if such improvements are not required, what, if any, improvements are required in order to render such land sanitary. The decision of a majority of the board as to the necessity and nature and extent of the improvements shall be final and conclusive upon all parties in interest. The board shall appoint a time and place for hearing, first giving reasonable notice thereof to the President of the Board of Health, the Superintendent of Public Works, and to the owner or occupant of the land in question. Service of such notice shall be as provided in Section 1027. As compensation for their services each member of the board shall be entitled to receive five dollars for each day of actual service."

SECTION 6. A new section is hereby added to the Revised Laws of Hawaii, to be known as Section 1029A, as follows:

Section 1029A, Plans, etc. The Superintendent of Public Works shall transmit to the board with such appeal a plan of the lands to be improved, showing, so far as practicable, the names of the owners and occupants thereof, together with a statement showing the extent and nature of the contemplated improvements, and an estimate of the cost thereof.

SECTION 7. Section 1030 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1030. Superintendent to make improvements,

when. The board shall transmit a copy of its decision to the Superintendent of Public Works and to the other persons affected thereby, so far as practicable, and in case the owner or owners of the land shall not within ten days after the receipt of such decision begin work upon such improvements, or in case the work shall not be completed within such additional time as shall have been specified as provided in Section 1026, the Superintendent may proceed to make or complete such improvements according to the decision of the board. In case no appeal shall be taken from the decision of the Board of Health as above provided, or work shall not be begun and completed within the times prescribed as aforesaid, the Superintendent of Public Works may proceed to make or complete the improvements."

SECTION 8. Section 1031 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1031. Lien. The cost of the improvements made or completed by the Superintendent of Public Works shall constitute a lien upon said land, which lien shall have priority over all other liens."

SECTION 9. Section 1032 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1032. Notice and Recording of Lien. Whenever work or improvement is done or completed by the Superintendent of Public Works, he shall record in the Office of the Registrar of Conveyances a notice of the cost of the work so done or completed and a brief description of the land on which the same is a charge, together with the name of the last known owner or owners, and shall also serve a copy of such notice upon such owner or owners in the manner provided in Section 1027."

SECTION 10. Section 1033 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1033. Foreclosure. Said lien may be foreclosed at any time after six months and within two years from the

date of the recording required by the preceding Section, by suit in equity or without suit by public sale by such Superintendent in the name of the Territory. Foreclosure by public sale shall be preceded by the publication of a notice, setting forth the time and place of such sale, the amount of such lien, and a brief description of such land, for at least three times, in a weekly paper published in the county or city and county where the land is situated. Said land shall be offered for sale at public auction at an upset price equal to the amount of said lien, and the cost of all advertising and other costs incurred, and if no higher price is bid, shall be knocked down to the Territory of Hawaii, which in such case shall be deemed to be the purchaser at the upset price. Such sale shall be effectual to convey the title to the purchaser, and a conveyance of the land to the purchaser may be executed in the name of the Territory by said Superintendent. Only the balance of the purchase price after deducting the amount of such lien and costs, or, in case there is no balance or an insufficient balance, only an amount equal to the value of the land as last previously assessed for taxation, shall be subject to claims against the Territory. In case the Territory shall be the purchaser as aforesaid, the amount of such assessed value shall be payable out of the fund provided for in Section 1034A, and the land may be sold at any time thereafter at public auction after due notice at an upset price equal to the value of the land as determined by three disinterested appraisers appointed by said Superintendent, and the proceeds of such sale turned into the fund provided for in said Section 1034A. In case of uncertainty as to the person or persons to whom such balance or assessed value should be paid or its apportionment among two or more persons, it may be deposited in the circuit court for the benefit of whom it may concern."

SECTION 11. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 113.**AN ACT**

TO PROVIDE FOR THE CARE AND MEDICAL TREATMENT OF PERSONS AFFLICTED WITH LEPROSY.

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

SECTION 1. The Board of Health shall have full authority when in its opinion it shall deem such course advisable to permit or direct any person detained at the Kalihi Hospital or at the settlement at Molokai to go therefrom to such other place or places and for such time or times as the board may designate, but no such direction or permission shall be construed as a discharge of said person under the provisions of Act 81 of the Session Laws of 1909. All such persons shall have all the rights and privileges, and be subject to all the obligations of said Act 81 except only as otherwise expressly provided herein.

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

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 114.**AN ACT**

TO AUTHORIZE THE REDUCTION OF CAPITAL AND OF CAPITAL STOCK OF CORPORATIONS.

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

SECTION 1. Any corporation, including joint stock companies (but excepting banking, trust and insurance companies),

upon complying with the requirements of this Act, may, by vote of not less than three-fourths of all of the shares of stock, or if two or more classes of stock have been issued, of three-fourths of each class of stock outstanding and entitled to vote, at any meeting heretofore or hereafter duly called and held for the purpose, effect a reduction of its capital and or capital stock by retiring or reducing any class or number of shares of stock, or by reducing the par value of its shares of stock; and may thereupon withdraw, and distribute among its stockholders who may be entitled to participate therein, any assets in excess of an amount which in the opinion of the Treasurer of the Territory shall equal in value the total par value of all shares of the remaining capital stock.

If reduction is made by the surrender and retirement of a portion of the outstanding stock, unless the resolution providing therefor shall with the consent of all of the stockholders or the subsequent approval of the Treasurer specify the particular shares to be retired, each stockholder shall be entitled to participate *pro rata* in the surrender of certificates of stock for cancellation and retirement. If any stockholder shall fail to exercise his option so to do within thirty days after written notice mailed to him by the treasurer of the corporation, the corporation may accept any other shares in lieu thereof and retire the same.

A sworn certificate shall be signed by the presiding officer and secretary of the meeting and presented to the Treasurer of the Territory setting forth therein the action taken, and certifying that at the time such vote was taken the corporation was not and has not since become indebted in any manner over and above half of the amount of its remaining capital stock. The Treasurer shall record thereon the date of its receipt in his office and shall publish a notice of the same in some suitable newspaper in Honolulu at least once a week for four successive weeks, the first publication to be not more than ten days after the receipt of said certificate.

Upon the expiration of thirty days after the first publication of said notice, if no protest or objection to the proposed reduction of capital stock shall have been filed with the Treasurer by any person claiming to be a stockholder or creditor of such corporation, the Treasurer shall enter such decrease of capital stock of record, upon payment of the fee required by law, and the same shall thereupon stand effected as of the date of the original filing of said certificate. Otherwise the Treasurer shall proceed to consider any objection made, and if he shall thereupon be satisfied that the vote certified has been truly taken, and that the corporation was not at the time of filing said certificate indebted beyond the limit aforesaid, he shall enter such reduction of capital stock of record in manner aforesaid.

In case any distribution of assets in excess of the remaining capital stock is intended, if no objection thereto has been made by any stockholder or creditor, the Treasurer shall approve such distribution; but if any objection is made thereto he shall also satisfy himself that such distribution is for the best interests of the corporation.

SECTION 2. All laws and parts of laws inconsistent herewith are hereby repealed.

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

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 115.**AN ACT****TO AMEND SECTIONS 2196 AND 2198 OF THE REVISED LAWS
OF HAWAII, RELATING TO ARBITRATION.**

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

SECTION 1. Section 2196 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 2196, Award entered as judgment, when. Upon the coming in of the award, either party may, after four days’ notice to the other party, move the district magistrate or any judge of the court of record, as the case may be, to cause the award to be entered up as a judgment of court; and unless the other party shall satisfy the judge that the award has not been made in accordance with the terms of the submission, or that it has been made by collusion or fraud, he shall cause the same to be entered up as a judgment of court; but if the opposing party sustains his objections to the satisfaction of the judge, he shall declare the award null and void, or may recommit the award, and, in case provision to that effect has been made in the agreement of submission, may reserve matters of law arising in the award for the consideration of the Supreme Court in the same manner as is provided in case of a trial or other proceeding in Section 1862 and Section 1863.”

SECTION 2. Section 2198 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 2198. Appeal. Any party deeming himself aggrieved, by the decision of the judge before whom motion is made for judgment upon the award, or by the award of the arbitrators in case the parties in their submission have agreed that there may be an appeal to the Supreme Court from said award, may take an appeal to the Supreme Court, upon filing

written notice of his intention so to appeal, within five days after the rendition of such decision.

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

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 116.

AN ACT

To LICENSE AND REGULATE BILLBOARDS AND OUTDOOR ADVERTISING.

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

SECTION 1. The term "outdoor advertising" as used in this Act shall include all advertising so displayed as to attract the attention of persons on any public highway or while in a vehicle of a common carrier, or in any station, public building, park or other public place, whether such advertising be by means of printing, writing, painting, pictures or a combination thereof, and whatever be the means of display, except that it shall not include advertising located upon private property and relating exclusively to the business conducted on such property or the sale or rental thereof.

SECTION 2. Every individual, firm, corporation or association of individuals engaging in outdoor advertising in the City and County of Honolulu or in any county shall pay into the County Treasury thereof an annual license fee in accordance with the following schedule:

City and County of Honolulu,.....	\$250.00
County of Hawaii	100.00
County of Maui	100.00
County of Kauai	100.00

Such license shall be conditioned upon the maintenance of all advertising devices in a safe condition, and the keeping and observing of the provisions of this Act, and may be revoked by the Treasurer for a violation thereof.

SECTION 3. No person, firm or corporation shall display any outdoor advertising except upon billboards or sign and bulletin boards or walls erected, owned or leased by him or them, and no person shall paste, post, paint, print, nail or otherwise fasten any handbill, sign, poster, advertisement or notice of any kind whatsoever or cause the same to be done on any curbstone, block, stone or portion or part of any sidewalk or street, upon any tree, lamp post, hitching post, telegraph, telephone or electric light pole, hydrant, bridge, pier, or upon any public structure in the Territory, and no person shall so paint or affix any outdoor advertising upon any private wall, window, door, gate, fence or other private structure or building unless he is the owner thereof, without the written consent of the owner or other person in control thereof first obtained. These restrictions, however, shall not apply to any order, decree or writing by law or by order of any court required to be posted on any place whatsoever. The finding of any bill, sign, poster, advertisement or notice in any way advertising any person, firm or corporation so painted or affixed to any public or private structure or building, shall be *prima facie* evidence that the same was affixed by the person, firm or corporation so advertised.

SECTION 4. No person, firm or corporation shall display any outdoor advertising giving or purporting to give information from whom or where medicines may be obtained for the cure, prevention or treatment of diseases peculiar to females, venereal diseases or impotence, sterility, gonorrhea, gleet, stricture, syphilis, abortion or miscarriage, or articles or means of preventing conception, or containing pictures or illustrations of an immoral character.

SECTION 5. All billboards, sign boards and structures of any

kind hereafter erected or maintained for the posting, painting or affixing thereon of outdoor advertising shall be so constructed that the same shall be reasonably secure; and shall otherwise conform to such regulation as may be imposed by ordinances of the respective counties.

SECTION 6. Any person, firm or corporation who shall violate or fail to observe any of the terms of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not less than \$50.00 or more than \$250.00 for each such offense.

SECTION 7. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 117.

AN ACT

To PROVIDE FOR THE ISSUANCE OF LICENSES FOR THE MANUFACTURE, COMPOUNDING AND PREPARATION OF CERTAIN Food Products.

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

SECTION 1. No person shall manufacture, compound or otherwise prepare any confections, cakes, bread stuffs or other food products intended for sale, and for human consumption in any shop or premises without first obtaining from the treasurer of the county or city and county where such shop, building or other premises are located, a license. No such license shall be granted to any person by the Treasurer until he shall have

first received a certificate from the Board of Health stating that, after an examination made, it appears that said shop, building or other premises are in a sanitary and fit condition for the manufacture, compounding or otherwise preparing such food products; and when issued such license shall contain, among other things, a condition that the shop, building and premises shall be kept in a good sanitary condition in accordance with the law and with the orders of the agent of the Board of Health, and that such agents of the Board of Health may have at all times access thereto for the purposes of inspection.

SECTION 2. Any person who shall have, keep or maintain any such shop, building or other premises, or shall manufacture, compound or otherwise prepare upon any such shop, building or other premises any such confection, cake, bread stuff, or other food products without first obtaining a license under this Act, or who, holding a license, shall violate or fail to observe any of the requirements or conditions of this Act or of his license shall, upon conviction, be fined not less than Ten (10) or more than One Hundred Dollars (\$100.00), and the court having jurisdiction thereof may cancel his license.

SECTION 3. The annual fee for such license shall be the sum of Ten Dollars (\$10.00).

SECTION 4. Nothing in this Act contained shall be construed to include the manufacture and sale of poi or paiai.

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

Approved this 21st day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 118.

AN ACT

TO PREVENT TUBERCULOSIS AND THE SPREAD THEREOF.

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

SECTION 1. *Cuspidors.* Any person or persons who may be the proprietor or proprietors, or manager or managers, of a store, factory, shop, office, hotel, theatre, or any other kind of a building, wherein business with the public is conducted, shall provide cuspidors or spittoons within such place or places of business in sufficient number, and shall keep the same disinfected and in a sanitary condition to meet the approval of the Board of Health of the Territory.

SECTION 2. *Prohibiting spitting.* No person shall spit or expectorate upon any railway passenger coach, street car, sidewalk, or any building, mentioned in Section 1 of this Act, or any part thereof.

SECTION 3. *Railways provide cuspidors.* Any person or persons who may be proprietors or managers, or any corporation which may be the owner of any steam railway passenger coach operated in this Territory, shall provide cuspidors or spittoons within such coach in sufficient number and shall keep the same disinfected and in a sanitary condition to meet the approval of the Board of Health of the Territory.

SECTION 4. *Common drinking cup prohibited.* The use of a common drinking cup is prohibited in all public places within the Territory.

SECTION 5. *Posting notices required.* The proprietors, managers and owners hereinbefore mentioned shall keep a copy of Sections 1, 2, 3 and 4 of this Act conspicuously posted in each department of such place of business, and in any street car or steam railway passenger coach, and, on application, the

Board of Health shall furnish said proprietors or managers with a printed copy of Sections 1, 2, 3 and 4 of this Act.

SECTION 6. *School teachers.* No person who shall have contracted tuberculosis shall, while afflicted with such disease, be allowed to teach in any public or private school.

SECTION 7. *Reports by physicians and others.* It shall be the duty of every physician in the Territory to report in writing the name, age, sex, nationality, occupation, place where last employed, if known, and address of every person known by said physician to have tuberculosis, to the Board of Health, or its nearest agent, within twenty-four hours after such fact comes to the knowledge of said physician. It shall also be the duty of the superintendent in charge of any hospital, dispensary, asylum or other similar private or public institution to report in like manner the name, age, sex, nationality, occupation, place where last employed, if known, and previous address of every patient having tuberculosis who comes into his care or under his observation, within twenty-four hours thereafter.

SECTION 8. *Examination of sputum.* It shall be the duty of the bacteriologist of the Board of Health, when so requested by any physician, or by the authorities of any hospital or dispensary, to make, or cause to be made, a microscopical examination of the sputum forwarded to said bacteriologist as that of a person having symptoms of tuberculosis, which shall be forwarded to such officer accompanied by a blank giving name, age, sex, nationality, occupation, place where last employed, if known, and address of the person whose sputum it is. It shall be the duty of said bacteriologist promptly to make a report of the results of such examination, free of charge, to the physician or person upon whose application the same is made.

SECTION 9. *Protection of record.* It shall be the duty of the Board of Health to cause all reports made in accordance with the provisions of Section 7 of this Act, and also all results

of examinations showing the presence of the bacilli of tuberculosis, made in accordance with the provisions of Section 8 of this Act, to be recorded in a register. Such register shall remain in the care, custody and control of the Board of Health and shall not be open to inspection by any person other than the health authorities, and said health authorities shall not permit any such report or record to be divulged so as to disclose the identity of the person to whom it relates, except as may be necessary to carry into effect the provisions of this Act.

SECTION 10. *Disinfection of premises.* In case of the vacation of any apartment or premises by the death or removal therefrom of a person having tuberculosis, it shall be the duty of the attending physician, or if there be no such physician, or if such physician be absent, of the owner, lessee, occupant, or other person having charge of the said apartments or premises, to notify the Board of Health or its nearest agent of said death or removal within twenty-four hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly disinfected, cleansed or renovated as hereinafter provided.

SECTION 11. *Board of Health or its agents to direct disinfection, cleansing, or renovation, and prohibit occupancy.* When notified of a vacation of any apartments or premises as provided in Section 10 hereof, the Board of Health shall, within twenty-four hours thereafter, cause one of its agents to visit said apartments or premises, and shall order and direct that, except for purposes of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed or disinfected, and the Board of Health or its agent shall determine the manner in which such apartments or premises shall be disinfected, cleansed or renovated in order that they may be rendered safe and suitable for occupancy. If the Board of Health or its agent determines that disinfection is sufficient to render them safe and suitable for occupancy, such apartments or premises, together with all infected articles there-

in, shall immediately be disinfected by the Board of Health or its agent at public expense, or, if the owner prefers, by the owner at his expense, to the satisfaction of the Board of Health or its agent. Should the Board of Health or its agent determine that such apartments or premises are in need of thorough cleansing and renovation, said board or its agent shall cause a notice in writing to this effect to be served upon the owner or agent of said apartments or premises, to renovate and cleanse the same at his or their own expense, within such reasonable time as the Board may deem proper; a duplicate of the notice so served shall be left with one or more of the tenants or occupants, if any, of the apartments or premises; if the owner resides out of the Territory or cannot be reached speedily, notice left at the apartments or posted on the premises shall be deemed sufficient; and if the owner or owners thus notified shall not comply with such notification or order of the Board of Health or its agent within the time specified, the board or its agent shall proceed to renovate and cleanse the same and shall have a right to recover by action the expenses incurred by it in such renovation and cleansing from the owner or owners, tenants or occupants of such apartments or premises who, after notice as aforesaid, shall have failed to renovate and cleanse the same in the manner and within the time specified in such notice; and the board or its agent may cause a placard in words and form, substantially as follows, to be placed upon the door of the infected apartment or premises:

"Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the Board of Health or its agent directing their disinfection or renovation has been complied with. This notice must not be removed under the penalty of the law, except by the agents of the Board of Health."

SECTION 12. *Prohibiting carelessness of a person having tuberculosis.* Any person having tuberculosis who shall dispose

of his sputum, saliva or other bodily secretion or excretion so as to cause offense or danger to any person or persons occupying the same room or apartment, house, or part of a house, shall, on complaint of any person or persons subjected to such offense or danger, be deemed guilty of a misdemeanor, and any person subjected to an offense may make complaint in person or in writing to the Board of Health or its nearest agent. It shall be the duty of the Board of Health or its agent on receiving such complaint to investigate, and if it appears that the offense complained of is such as to cause offense or danger to any person occupying the same room, apartment, house, or part of a house, said Board of Health or agent shall serve notice upon the person so complained of, reciting the alleged cause of offense or danger and requiring him to dispose of his sputum, saliva or other bodily secretion or excretion in such manner as to remove all reasonable cause of offense or danger. Any person failing or refusing to comply with orders or regulations of the Board of Health or its agent requiring him to cease to commit such offense, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than Ten Dollars (\$10.00).

SECTION 13. Physicians; precautions; instructions. It shall be the duty of a physician attending a patient having tuberculosis to take all proper precautions and to give proper instructions to provide for the safety of all individuals occupying the same house or apartment.

SECTION 14. Providing that physicians shall make a complete statement of procedure and precautions on a blank to be furnished by the Board of Health. It shall be the duty of the Board of Health to transmit to a physician reporting a case of tuberculosis, as provided in Section 7 of this Act, a printed statement and report, in a form approved by the Board of Health, naming such procedure and precautions as in the opinion of the Board of Health are necessary or desirable to be taken on the premises of a tuberculosis patient. It shall be

the duty of the Board of Health to keep on hand an ample supply of such statements and reports and to furnish the same in sufficient numbers to all physicians. Upon the receipt of such statement and report, the physician shall carry into effect all such procedures and the precautions as are therein prescribed, and shall thereupon sign and date the same and return it to the Board of Health or its nearest agent.

SECTION 15. *Reporting recovery of patient.* Upon the recovery of any person having tuberculosis, it shall be the duty of the attending physician to make a report of this fact to the Board of Health or its agent, who shall record the same, and shall relieve said person from further liability to any requirement imposed by this Act.

SECTION 16. *Violations; penalty.* Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished, except as herein otherwise provided, by a fine of not more than One Hundred Dollars (\$100.00).

SECTION 17. For the purpose of carrying out the provisions of this Act, the Board of Health, with the consent of the Governor, may make such regulations as it shall deem necessary which, when published in accordance with Section 992 of the Revised Laws, shall have the force of law and shall be deemed notice to all persons.

SECTION 18. This Act shall take effect upon the date of its approval.

Approved this 21st day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 119.

AN ACT

TO AMEND SECTION 39 OF ACT 118 OF THE SESSION LAWS OF 1907, AS AMENDED BY ACT 128 OF THE SESSION LAWS OF 1909.

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

SECTION 1. That Section 39 of Act 118 of the Session Laws of 1907, as amended by Act 128 of the Session Laws of 1909, is hereby amended so as to read as follows:

"Section 39. The salaries of the several City and County officers shall be payable monthly out of the City and County Treasury at the following rates:

	Per Annum
Mayor	\$3,000.00
Members of the Board of Supervisors	600.00
Sheriff	3,000.00
City and County Clerk	2,400.00
Auditor	2,400.00
City and County Attorney	3,600.00
Treasurer	2,400.00
Deputy Sheriff of the District of Honolulu....	2,400.00
Deputy Sheriff of the District of Ewa	1,500.00
Deputy Sheriff of the District of Waianae ...	720.00
Deputy Sheriff of the District of Waialua.....	1,200.00
Deputy Sheriff of the District of Koolauloa....	720.00
Deputy Sheriff of the District of Koolauapoko..	720.00."

SECTION 2. This Act shall take effect from and including the first of May, A. D. 1911.

Approved this 21st day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 120.**AN ACT**

TO AMEND CHAPTER 13 OF THE REVISED LAWS OF HAWAII, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 118A, PROVIDING FOR THE COLLECTION OF CERTAIN DEBTS DUE THE TERRITORY OR ANY POLITICAL OR MUNICIPAL SUBDIVISION THEREOF BY PUBLIC OFFICERS AND EMPLOYEES.

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

SECTION 1. Chapter 13 of the Revised Laws of Hawaii is hereby amended by adding a new section thereto to be known as Section 118A, as follows:

“Section 118A. In case any officer, agent, employee or other person in the service of the Territory or any political or municipal subdivision thereof, shall be indebted to the Territory or to any political or municipal subdivision thereof for delinquent taxes, water rates or sewer rates, the Auditor or officer charged with the duty of paying such person, shall, upon demand of the officer charged with the duty of collecting such indebtedness, and after notice to such person so indebted, withhold one-quarter of the salary or wages of such person and transfer such amount, from time to time as the same shall become due, to the officer making demand therefor, until the full amount of such delinquent taxes, water rates and sewer rates, together with interest thereon, shall be paid.”

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

Approved this 21st day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 121.**AN ACT**

PROVIDING FOR THE SALE OF REAL PROPERTY BY EXECUTORS AND ADMINISTRATORS, AMENDING SECTION 1855 OF THE REVISED LAWS OF HAWAII, AND ADDING TO SAID REVISED LAWS TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 1855A AND 1855B.

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

SECTION 1. Section 1855 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 1855. Whenever it shall appear to be for the best interests of the estate and not inconsistent with the will, if any, of the decedent, to sell real property before exhausting the personal property for the payment of debts, the executor or administrator may sell the real property, or so much thereof as may be necessary, for the purpose of paying debts due by the estate, and shall apply the proceeds thereof, so far as may be necessary, to said purpose, upon obtaining a license therefor and proceeding in the manner hereinafter provided. In every such case the residue of the proceeds, if any, shall be considered as real property, and together with personal property of the estate equal, so far as the same is sufficient, in inventoried value to the amount of the proceeds so expended in the payment of debts, shall be distributed among the same persons and in the same proportions as the real property would have been, if it had not been sold, so that the value of the portions of the estate received by the persons entitled to share therein shall, as near as possible, amount to the same as if personal, instead of real property, had been sold.

SECTION 2. A new section is hereby added to said Revised Laws, to be known as Section 1855A, as follows:

"Section 1855A. The executor or administrator shall present to the judge having jurisdiction of the estate a petition setting forth the condition of the estate, and the facts and circumstances on which the petition is founded, tending to show the necessity or expediency of the sale; and if it shall appear to the judge, either that it is necessary, or that it would be for the benefit of the estate that the real property, or any part thereof, should be sold, the judge may grant a license therefor. No such license shall be granted until notice by public advertisement or otherwise, as the judge shall order, shall have been given to the next of kin of the deceased, and to all persons interested in the estate, to appear and show cause why the same should not be granted."

SECTION 3. A new section is hereby added to said **Revised Laws**, to be known as Section 1855B, as follows:

"Section 1855B. Every executor or administrator so licensed to sell real property shall give bond to the judge, with sufficient sureties, conditioned to sell the same and dispose of the proceeds in the manner provided by law. He shall use his best judgment in fixing the time and place of sale, and shall use his utmost endeavors to dispose of the property in such manner as will be most for the advantage of the estate. He shall post a notice of the time and place of sale on the property to be sold, and shall cause a like notice of the time and place of such sale to be published in a newspaper of general circulation on the island where the property is situate, once a week for each of three successive weeks, the last publication to be not less than one day previous to the day of sale. All such sales shall be at public auction to the highest bidder, subject to confirmation as hereinafter provided. Upon return of any such sale the executor or administrator shall obtain from the judge an order of confirmation of the sale before making conveyance of the real property sold. The order confirming the sale shall be given upon affirmative proof that the license has been fully carried out, and that the highest bid was a fair and just price for the property sold."

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

Approved this 21st day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 122.

AN ACT

TO AMEND CHAPTER 147 OF THE REVISED LAWS OF HAWAII,
BY ADDING THERETO A NEW SECTION, TO BE KNOWN AS
SECTION 2284A, AND TO REPEAL SECTION 2 OF ACT 43 OF
THE SESSION LAWS OF 1905, RELATING TO THE WIDOW'S
ELECTION OF DOWER.

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

SECTION 1. Chapter 147 of the Revised Laws of Hawaii is hereby amended by adding thereto a new section, to be known as Section 2284A, as follows:

"Section 2284A. If the widow fail to make her election within the time hereinabove specified, the executor of said will shall immediately apply to the said Probate Court for an order citing the widow to appear and make her said election within a time fixed by the Court. If the widow, having been so cited, fail to make her said election in writing filed in the court within the time fixed by the court, or if, whether she has been so cited or not, she fail to make her said election in writing filed in the court before the administration of the said estate has been closed and the said executor discharged, she shall be conclusively presumed to have reserved her dower."

SECTION 2. Section 2 of Act 43 of the Session Laws of 1905 is hereby repealed.

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

Approved this 21st day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 123.

AN ACT

TO CREATE A DEPARTMENT OF IMMIGRATION, LABOR AND STATISTICS, REPEALING ACT 49 OF THE SESSION LAWS OF 1905, RELATIVE TO THE BOARD OF IMMIGRATION, AND AMENDING SECTION 5 OF ACT 33 OF THE SESSION LAWS OF 1909, RELATIVE TO A TAX ON INCOMES FOR IMMIGRATION PURPOSES.

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

SECTION 1. There is hereby established within and for the Territory of Hawaii a Department of Immigration, Labor and Statistics, which shall be in charge of a Board of Immigration, Labor and Statistics.

SECTION 2. The Board shall be composed of five members, who shall be appointed by the Governor in the manner prescribed in Section 80 of the Organic Act, for terms of five years or the unexpired periods thereof, so that the term of one member shall expire on April 30 in each year, beginning with 1912.

SECTION 3. One of the members shall be President of the Board and shall be so designated in his appointment. The

members shall be entitled to reimbursement for their actual expenses in attending meetings of the board. The board may, with the approval of the Governor, appoint a Commissioner of Immigration, Labor and Statistics, who shall receive such compensation out of the funds at the disposal of the board, as shall be prescribed by the board, with the approval of the Governor. The board may appoint such other officers, agents and servants as it may deem necessary, and regulate their powers and duties consistently with law, and may procure for its use necessary offices. It may remove such commissioner and any of its other officers, agents and servants.

SECTION 4. The Board may make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of all immigrants and settlers arriving or being within the Territory. It may also collect information with respect to the need and demand for labor by the several agricultural, industrial and other productive activities throughout the Territory; gather information with respect to the supply of labor afforded by such immigrants and settlers as shall from time to time arrive or be within the Territory; ascertain the occupations for which such persons may be best adapted and bring about intercommunication between them and those requiring labor; investigate the treatment accorded them; co-operate with public and philanthropic agencies designed to aid in the distribution and employment of labor, and devise and carry out such other suitable methods as will tend to prevent or relieve unemployment.

SECTION 5. The Board may make all contracts and do all acts necessary or proper for securing low rates of fare to immigrants, for paying their passage money and otherwise facilitating their transportation, and for their reception and temporary accommodation.

SECTION 6. The Board shall, as far as possible, keep a record showing the places of residence and the occupations followed by

every immigrant brought to Hawaii at the expense of the Territory, for at least a year next preceding the embarkation of said immigrant for Hawaii.

SECTION 7. The Board shall procure complete lists, giving the names, ages and destination within the Territory of all immigrant children of school age, as soon as may be after their arrival, and such other facts as will tend to identify them, and shall forthwith deliver copies of such lists to the Superintendent of Public Instruction to aid in the enforcement of the provisions of the laws relating to the compulsory attendance at school of children of school age.

The Board may inspect all labor camps within the Territory, and all employment and contract labor agencies.

The Board shall investigate complaints with regard to fraud or extortion practised against alien and other immigrants introduced under its auspices, or otherwise, and shall present to the proper authorities the results of such investigation, for action thereon; and shall investigate and study the general social and economic conditions of alien and other immigrants and settlers within the Territory for the purpose of promoting their welfare and that of the Territory, and inducing remedial action by appropriate public and private agencies.

SECTION 8. The Board shall promote the permanent settlement within Hawaii of citizens and persons likely and eligible to become desirable citizens of the United States.

It shall co-operate with other departments of the Territorial Government to promote the settlement of farmers upon the public lands of the Territory.

It may, as trustee or agent or otherwise, receive, hold and dispose of private lands and make all contracts and do all acts necessary or proper for the purpose of facilitating the occupation and settlement of such and other lands; and shall intervene,

at its discretion and with the consent of the owners, to secure the sub-division of large tracts of private lands in the Territory and the settlement of farmers upon such tracts. But the board shall not use any of its funds in the purchase of any such private lands or in the development of either private or public lands, and in the settling of farmers on land, it shall make private lands secondary to public lands, to the end that the inducing of farmers to take up undeveloped public lands be made the first care of the board in the permanent settling of farmers in the Territory.

SECTION 9. The Board may establish and maintain a marketing division, under the charge of a competent marketing superintendent, to promote the profitable sale of the produce of the Territory. It may employ persons to receive, and to promote a market for, agricultural and other produce, the produce of the farmers and manufacturers of Hawaii, to grade, sort, pack and store such produce, to instruct the farmers and settlers of the Territory in methods of raising, protecting, packing and marketing their crops, to secure favorable rates and conditions for the transportation of the same, and to do all other things thereunto related necessary or proper to promote the settlement in Hawaii of small farmers and the prosperity of the farming industries of the Territory. It may charge a reasonable commission on the amounts realized from sales of produce made by it or through its agency; all moneys so received as commissions shall be paid into the Territorial Treasury, and all such moneys are hereby appropriated for the use of said board.

SECTION 10. It shall be the duty of the Board to make an annual report to the Governor, to be by him laid before the Legislature. Such report shall give an itemized statement of all moneys received by the board and from what source received, and to whom and for what purpose paid, during the preceding fiscal year. It shall show also the number of immigrants brought to Hawaii at the expense of the Territory during such year, together with the race, nationality, age, sex, conjugal

condition, literacy, and the residence and occupation, so far as possible, for at least one year preceding the embarkation of every such immigrant. It shall also show the per capita cost of introducing such immigrants to Hawaii. It shall also show other matters which the board is empowered to investigate or to act upon under this Act, and such statistics relating to the Territory of Hawaii as the Legislature, or the Governor, may from time to time direct to be gathered.

SECTION 11. The Board, in its official name, may sue and may be sued only as provided for suits against the Territory.

SECTION 12. Act 49 of the Session Laws of 1905, entitled "An Act to provide for a Board of Immigration and defining its Duties" is hereby repealed.

SECTION 13. Section 5 of Act 33 of the Session Laws of 1909, entitled "An Act to promote the Conservation and Development of the Natural Resources of the Territory through Immigration and Other Means by imposing a tax on Incomes and appropriating the Proceeds for such Purpose" is hereby amended by substituting the words "Board of Immigration, Labor and Statistics" for the words "Board of Immigration" wherever they occur.

SECTION 14. This Act shall take effect on the first day of May, 1911.

Approved this 21st day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 124.**AN ACT**

To GIVE CERTAIN RIGHTS AND POWERS OF EMINENT DOMAIN
TO CORPORATIONS ORGANIZED FOR THE PURPOSE OF DEVELOPING,
STORING, CONVEYING, DISTRIBUTING AND
TRANSMITTING WATER FOR IRRIGATION.

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

SECTION 1. That corporations now or hereafter organized to develop, store, convey, distribute and transmit water for irrigation, and which shall have at least Fifty Thousand Dollars (\$50,000.00) of fully paid in capital represented by cash or by tangible property of a market value equal to the amount at which such property is entered as assets on the books of the company, are hereby given the right to exercise the power of eminent domain as hereinafter provided.

SECTION 2. Such corporation shall have the right to condemn rights of way over lands and property for ditches, tunnels, flumes and pipe-lines necessary or proper for the construction and maintenance of a system for conveying, distributing and transmitting water for irrigation; provided, however, that no such corporation shall exercise such right of condemnation in more than one county.

SECTION 3. That in the exercise of such powers of eminent domain, the procedure shall be, as near as may be, in accordance with the provisions of Chapter 64 of the Revised Laws of Hawaii as now or hereafter amended.

SECTION 4. Any right of way which shall be obtained under the provisions of this Act shall lapse and immediately revert to the previous owner, or owners thereof, in either of the following events, viz.:

- (1) If such corporation shall fail during a period of one year, at any time after acquiring the same, to use such right of way for the purposes herein set forth;
- (2) If such corporation shall use or divert any of the water which shall be conducted through such right of way for any purposes other than irrigation and domestic purposes.

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 125.

AN ACT

TO AMEND SECTIONS 1004, 1005 AND 1006, CHAPTER 80, OF THE REVISED LAWS, AND ADDING A NEW SECTION THERETO, TO BE KNOWN AS SECTION 1005A, RELATING TO INFECTIOUS DISEASES.

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

SECTION 1. Section 1004 of the Revised Laws is hereby amended to read as follows:

“Section 1004. *Physicians to report.* It shall be the duty of every physician having a patient infected with cerebro-spinal meningitis, cholera asiatic, conjunctivitis follicular, diphtheria, dysentery amoebic, enteric (or typhoid) fever, fever para-typhoid, leprosy, measles, dengue, paralysis infantile, pertussis, plague, scarlet fever (or scarlatina), tetanus, trachoma, tuberculosis, typhus fever, varicella, variola, varioloid, yellow fever,

or any other infectious or communicable or other disease dangerous to the public health, to give immediate notice thereof to the Board of Health, or its nearest agent, in writing, and in like manner to report to said board, or its agent, every case of death which takes place in his practice from any such disease; provided, however, that whenever a physician has a patient infected with variola, varioloid, scarlet fever, diphtheria, plague, cholera, yellow fever, typhus fever, cerebro-spinal meningitis or amoebic dysentery, such physician, in addition to the notice in writing required to be given as above, shall immediately notify the Board of Health, or its nearest agent, either by telephone or by direct oral communication. Every physician who shall refuse or neglect to give such notice, or make such report, shall be fined for each offense a sum not less than Ten (10) nor more than One Hundred Dollars (\$100.00)."

SECTION 2. Section 1005 of the Revised Laws is hereby amended to read as follows:

"Section 1005. *Others to report.* It shall be the duty of every householder, keeper of a boarding or lodging house, or master of a vessel, to report immediately to the Board of Health, or its nearest agent, any person in or about his house, or vessel, whom they shall have reason to believe to be sick, or to have died, of any infectious, communicable or other disease dangerous to the public health; and all police officers who are aware of any person suffering from any infectious, communicable or other disease dangerous to the public health, shall immediately report the same to the Board of Health, or its nearest agent. Any such householder, keeper of a boarding or lodging house, master of a vessel, or police officer who shall refuse or neglect to so report immediately to the Board of Health, or its nearest agent, shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred Dollars (\$100.00) for each offense."

SECTION 3. A new section is hereby added to the Revised Laws to be known as Section 1005A, as follows:

"Section 1005A. *Diseases declared infectious and communicable.* Cerebro-spinal meningitis, cholera asiatic, conjunctivitis follicular, diphtheria, dysentery amoebic, enteric (or typhoid) fever, fever para-typhoid, leprosy, measles, dengue, paralysis infantile, pertussis, plague, scarlet fever (or scarlatina), tetanus, trachoma, tuberculosis, typhus fever, varicella, variola, varioloid, yellow fever, are hereby declared to be infectious and communicable diseases dangerous to the public health, but this enumeration shall not be held to exclude any other disease that is infectious, communicable, or dangerous to the public health, though not specifically named herein."

SECTION 4. Section 1006 of the Revised Laws is hereby amended to read as follows:

"Section 1006. *Removal and Quarantine.* When any person shall be infected with any infectious, communicable or other disease dangerous to the public health, the Board of Health or its agent, may, for the safety of the public, remove such sick or infected person to a separate house or hospital, and provide him with nurses and other necessaries, which shall be at the charge of the person himself, his parents, guardian or master, if able, otherwise at the charge of the Territory."

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 126.**AN ACT**

RELATING TO TERMS OF CIRCUIT COURTS, AMENDING SECTIONS 1644 AND 1646 OF THE REVISED LAWS OF HAWAII, AS AMENDED BY ACTS 34, 37, AND 56 OF THE SESSION LAWS OF 1905, AND AS FURTHER AMENDED BY ACT 50 OF THE SESSION LAWS OF 1907.

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

SECTION 1. Section 1644 of the Revised Laws of Hawaii, as amended by Act 34 of the Session Laws of 1905, amended by Act 56 of the Session Laws of 1905, and as further amended by Act 50 of the Session Laws of 1907, is hereby further amended to read as follows:

“Section 1644. The terms of the circuit courts shall be held 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, 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 first Wednesdays of March, July and November.”

SECTION 2. Section 1646 of the Revised Laws of Hawaii, as amended by Act 37 of the Session Laws of 1905, and as further amended by Act 50 of the Session Laws of 1907, is hereby further amended to read as follows:

"Section 1646. 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 and Fourth Circuits, until the time fixed by law for the commencement of the next succeeding term;

In the Second, Third and Fifth 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 as long as necessary for the sole purpose of concluding any trial begun before the time when such term would otherwise expire; that in the First and Fourth Circuits, unless by consent, no jury trial in any civil case shall be begun in March, June, or November and no trial in any term case in July and August; and that the terms at 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 from and after January 1, 1912.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 127.

AN ACT

To REPEAL SECTIONS 1676, 1689, 1690 AND 1691, AND TO AMEND SECTION 1688 OF THE REVISED LAWS OF HAWAII, RELATING TO THE DUTIES OF CLERKS OF COURTS OF RECORD,

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

SECTION 1. Sections 1676, 1689, 1690 and 1691 of the Revised Laws of Hawaii be and are hereby repealed.

SECTION 2. Section 1688 of said Revised Laws is hereby amended by striking therefrom the words "tax costs."

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 128.

AN ACT

To AMEND CHAPTER 190 OF THE REVISED LAWS OF HAWAII, BY AMENDING SECTION 2929 THEREOF, AND BY ADDING TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 2929A AND 2929B.

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

SECTION 1. Section 2929 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 2929. *Assault with intent to ravish. Punishment.* Whoever maliciously assaults any female with an intent to commit the crime of rape or maliciously assaults any female child under the age of twelve years with intent to ravish or carnally abuse and know such child, shall be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for not more than five years or both."

SECTION 2. A new section, to be known as Section 2929A, is hereby added, said section reading as follows:

"Section 2929A. Whoever takes indecent and improper liberties with the person of a female child under the age of twelve years without committing or intending to commit the crime of rape shall be deemed guilty of indecent assault and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for not more than five years or both."

SECTION 3. A new section, to be known as Section 2929B, is hereby added, said section reading as follows:

"Section 2929B. Under an indictment charging a defendant with rape or with carnal abuse of a female child under the age of twelve years or with assault with intent to commit either of said offenses, the jury may find the defendant guilty of an indecent assault if the facts so warrant."

SECTION 4. Nothing herein contained shall be construed to repeal Section 2873 of the Revised Laws relating to rape, sodomy, etc.

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 129.**AN ACT**

TO AMEND ACT 55 OF THE LAWS OF 1909, RELATING TO THE ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES.

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

SECTION 1. Section 1 of Act 55 of the Laws of 1909 is hereby amended to read as follows:

"Section 1. When private property is required for a public use and no special provision is made for the acquisition thereof, the proceeds, or so much thereof as may be necessary, derived from the sale of any public land sold for other than homestead purposes may, with the approval of the Governor, be designated as required for the acquisition of such private property, and shall thereupon be deemed to be and is hereby appropriated for such purpose. Any unexpended part of such appropriation may at any time or times be similarly designated as no longer required for such purpose, and thereupon the appropriation shall lapse as to such part, which shall then be applied in the same manner as proceeds of such sales not so appropriated. Provided, that the property so required shall be in the same county or city and county as the property so sold; and provided further, that no such property shall be sold for a sum less than the value fixed by three disinterested persons acting as appraisers, nor purchased for a sum greater than the value fixed by three disinterested appraisers, said appraisers to be appointed by the Governor of the Territory of Hawaii."

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 130.

AN ACT

RELATING TO INHERITANCE TAX, AMENDING SECTIONS 5 AND
12 OF ACT 102 OF THE SESSION LAWS OF 1905, AS
AMENDED BY SECTIONS 2 AND 3, RESPECTIVELY, OF ACT
147 OF THE SESSION LAWS OF 1909.

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

SECTION 1. Section 5 of Act 102 of the Session Laws of 1905, as amended by Section 2 of Act 147 of the Session Laws of 1909, is hereby amended to read as follows:

"Section 5. All taxes imposed by this Act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid interest at the rate of ten per cent per annum shall be charged and collected from the date of death; provided that if said tax is paid within twelve months from the date of death, a discount of five per cent shall be allowed and deducted from said tax, and in all cases where the executors, administrators or trustees do not pay such tax within eighteen months from the date of the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in Section 3 of this Act for the payment of said tax together with interest."

SECTION 2. Section 12 of Act 102 of the Session Laws of 1905, as amended by Section 3 of Act 147 of the Session Laws of 1909, is hereby amended by adding thereto a paragraph to read as follows:

"All property, the transfer of which is subject to tax under the provisions of this Act, shall be appraised at its full cash

value as of the date of death. Whenever, by reason of the provisions of this Act, it shall become necessary to appraise or ascertain the value of any stocks, bonds or securities, such as are customarily bought or sold in open market in the City of Honolulu or elsewhere, the value of such stocks, bonds or securities shall be ascertained by taking the price for which such stocks, bonds or securities were bought and sold upon the date of death, or if there were no sales upon such day, then by ascertaining the range of the market and the average of prices as thus found running through a reasonable period of time before and after the date of death."

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 131.

AN ACT

TO AMEND SECTIONS 1 AND 3 OF ACT 123 OF THE SESSION LAWS OF 1909, RELATING TO THE DEPOSIT OF TERRITORIAL MONEYS IN BANKS IN THIS TERRITORY.

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

SECTION 1. Section 1 of Act 123 of the Session Laws of 1909 is hereby amended by striking therefrom, in lines three and four thereof, the words "other than moneys which by law are held as special deposits and not immediately required for territorial purposes," and beginning, in line twenty-two, the words:

"And provided that moneys held in the treasury to the credit of any special deposit may, with the approval of the Governor,

be deposited by the treasurer in any savings bank or savings department of any bank, to draw such interest thereon as may be paid by the depositary for deposits of like nature."

SECTION 2. Section 3 of said Act 123 is hereby amended by striking therefrom, beginning in line twelve thereof, the words:

"Provided, however, that moneys held in the treasury to the credit of any special deposit or deposits may be deposited in any savings bank or savings department of any bank to an amount not to exceed five thousand dollars without requiring security therefor."

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 132.

AN ACT

TO AMEND SECTION 988 AND SECTION 991, AS AMENDED BY ACT 42 OF THE LAWS OF 1905, OF THE REVISED LAWS, AND TO ADD A NEW SECTION THERETO, TO BE KNOWN AS SECTION 992A, RELATING TO THE BOARD OF HEALTH.

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

SECTION 1. The second paragraph of Section 988 of the Revised Laws is hereby amended to read as follows:

"The board shall have the general charge, oversight and care of the health and lives of the people of the Territory. It shall have authority in matters of quarantine and other health

matters and may declare and enforce quarantine when none exists and modify or release quarantine when it is established. It shall be the duty of all county and city and county health authorities, sheriffs and police officers, and all other officers and employees of the Territory, and every county or city and county thereof, to enforce the rules and regulations of the Board of Health. Such powers in health matters as have been or may be conferred upon any county or city and county, shall be concurrent with those of the Board of Health. It shall make, through its president, an annual report to the Governor, showing in detail all its expenditures and transactions, and such other information regarding the public health as it may deem of special interest."

SECTION 2. Section 991 of the Revised Laws as amended by Act 42 of the Session Laws of 1905 is hereby amended to read as follows:

"Section 991. *Regulations.* The Board of Health, with the approval of the Governor, may make such regulations respecting nuisances, foul or noxious odors, gases or vapors, water in which mosquito larvae breed, sources of filth, causes of sickness or disease, within the respective districts of the Territory, and on board of any vessels; as also respecting adulteration and false branding of food; drainage, location, air space, ventilation and sanitation of buildings, courts, areas and alleys; privy vaults and cesspools; fish and fishing; interments and dead bodies; laundries, stables, bakeries, poi shops, abattoirs, fish, meat or vegetable stores or markets, hotels, lodging houses, tenements, or any place or building where noisome or noxious trades or manufactures are carried on, or intended to be carried on; milk; poisonous drugs; pig and duck ranches, as it shall deem necessary for the public health and safety.

Said board shall, with the approval of the Governor, also make such regulations as it may deem necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or of cre-

ating any sickness, when such articles shall be brought into or conveyed from any district, or into or from any vessel."

SECTION 3. A new section is hereby added to the Revised Laws, to be known as Section 992A, as follows:

"Section 992A. No permit or license shall be issued by any county or city and county officer for the erection, maintenance, use or operation of any building for which a permit or license may be issued by such county or city and county officer under the provisions of Act 97 of the Session Laws of 1911, or under the provisions of any ordinance made in pursuance of said Act, nor for the erection, maintenance, use or operation of any bakery, laundry, poi shop, abattoir, stable, fish, meat or vegetable store or market, hotel, tenement, lodging house or any place or building where noisome and noxious trades or manufactures are carried on, or intended to be carried on, for which a permit or license may be issued by such county or city and county officer, except upon a certificate of the Board of Health, setting forth that an agent of said board has examined the place at which it is proposed to erect or move said building, or to erect, maintain, use or operate said building, bakery, laundry, poi shop, abattoir, stable, fish, meat or vegetable store or market, hotel, tenement, lodging house, or place or building where noisome or noxious trades or manufactures are carried on, or intended to be carried on, and that such place or building is in a fit and sanitary condition, and suitable for the purpose for which it is intended. The Board of Health is hereby authorized to direct the cancellation of such permit or license issued by any county or city and county officer, where any such building or place fails in any respect to meet the requirements of the general health laws and regulations."

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 133.**AN ACT**

TO REPEAL CHAPTERS 46 AND 47 OF THE REVISED LAWS OF HAWAII, RELATING TO WATER WORKS AT WAILUKU, KA-HULUI AND NORTH KOHALA.

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

SECTION 1. Chapters 46 and 47 of the Revised Laws of Hawaii are hereby repealed.

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 134.**AN ACT**

TO AMEND SECTION 3 AND TO REPEAL SECTION 7, CHAPTER 2 OF ACT 39 OF THE SESSION LAWS OF 1905 CREATING COUNTIES WITHIN THE TERRITORY OF HAWAII AND PROVIDING FOR THE GOVERNMENT THEREOF.

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

SECTION 1. Section 3 of Chapter 2 of Act 39 of the Session Laws of 1905 is hereby amended to read as follows:

“Section 3. There shall be no county officer in said County other than a Sheriff, who shall be a resident of and be appointed in said county by the Board of Health and who shall hold office at the pleasure of said Board or until his successor is appointed by said Board.”

SECTION 2. Section 7 is hereby repealed.

SECTION 3. This Act shall be in effect from January 1, 1913.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 135.

AN ACT

TO AMEND SECTION 188 OF THE REVISED LAWS, AS AMENDED BY SECTION 3 OF ACT 42 OF THE SESSION LAWS OF 1909.

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

SECTION 1. Section 188 of the Revised Laws, as amended by Section 3 of Act 42 of the Session Laws of 1909, is hereby amended to read as follows:

“Section 188. *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 January or February, and June or July 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 upon its approval.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 136.

AN ACT

**TO AMEND SECTION 2235 OF THE REVISED LAWS OF HAWAII,
RELATING TO DIVORCE.**

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

SECTION 1. Section 2235 of the Revised Laws of Hawaii is amended so as to read as follows:

“Section 2235. *Decree.* If, after a full hearing, the court or judge shall be of opinion that a divorce ought to be granted, either from the bonds of matrimony or from bed and board, a decree shall be signed, filed and entered, which shall take effect from and after such time as may be fixed by the court or judge in such decree, but in case of a decree dissolving the bonds of matrimony, such time so fixed shall not be more than one month from and after the date of said decree.”

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 137.

AN ACT

FOR THE RELIEF OF CAPTAIN A. N. TRIPP.

* WHEREAS, It appears that Captain A. N. Tripp has paid certain claims for damages resulting from accidents caused by the moving and docking of vessels in the Harbor of Honolulu,

within one year last past; aggregating to the sum of Two Hundred and Two Dollars and Fifty-six Cents (\$202.56), Therefore:

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

SECTION 1. The sum of Two Hundred and Two Dollars and Fifty-six Cents (\$202.56) be and hereby is appropriated to be paid out of moneys in the Treasury of the Territory of Hawaii not otherwise appropriated for the purpose of refunding to said Captain A. N. Tripp the said amount.

SECTION 2. The Auditor of the Territory of Hawaii shall not issue a warrant in payment of the above amount unless receipt in full is filed therefor.

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 138.

AN ACT

APPROPRIATING NOT TO EXCEED NINE THOUSAND FIVE HUNDRED DOLLARS AND THIRTY-ONE CENTS TO REIMBURSE THE COUNTY OF MAUI FOR EXPENDITURES MADE IN ASSISTANCE OF THE BOARD OF HEALTH.

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

SECTION 1. There is hereby appropriated, and the Treasurer of the Territory of Hawaii is hereby authorized and directed to pay to the County of Maui out of any moneys in the Territorial Treasury, such sum not to exceed Nine Thousand Five

Hundred Dollars and Thirty-one Cents, as may be found to have been expended by the County of Maui between December 6, 1910, and February 28, 1911, on behalf and at the request of the Board of Health in quarantining, caring for, feeding, policing and giving medical assistance to persons afflicted or suspected of being afflicted with diphtheria, scarlet fever and smallpox.

Vouchers showing the details of such expenditures fully itemized shall be presented by the Auditor of the County of Maui to the Board of Health, and upon being certified by the Board of Health as having been made on its behalf and at the request of its authorized agent, shall be presented to the Auditor of the Territory of Hawaii, who shall draw a warrant against the Treasurer of the Territory in favor of the County of Maui for the aggregate amount of such expenditures in any sum not exceeding Nine Thousand Five Hundred Dollars and Thirty-one Cents, charging the same to the appropriation hereby made.

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 139.

AN ACT

MAKING ADDITIONAL APPROPRIATIONS FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1911.

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

SECTION 1. The following additional sums are hereby appropriated, for the objects hereinafter expressed, for the bien-

nial period ending June 30, 1911, out of moneys in the Treasury received from the general revenues:

Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies, Prevention and Cure of Tuberculosis and Suppression of Contagious Diseases	\$25,000.00
Expenses, First Circuit Court	5,000.00

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 140.

AN ACT

TO AMEND SECTION 1221 OF THE REVISED LAWS OF HAWAII
AS AMENDED BY ACT 141 OF THE SESSION LAWS OF 1909,
RELATING TO PROPERTY EXEMPT FROM TAXATION.

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

SECTION 1. That Section 1221 of the Revised Laws as amended by Act 141 of the Session Laws of 1909 be and the same is hereby amended to read as follows:

“Section 1221. *Property exempt; public, educational, religious, eleemosynary.* The following 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, to the Queen’s Hospital, to the Kapiolani Maternity Home, to the Leahi 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 five acres each in extent, and 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.

"The real and personal property exceeding One Hundred Thousand Dollars in value belonging to any Young Men's or Women's Christian Association which is used exclusively for the moral, physical, intellectual and religious improvement of men or women or for religious, missionary, hospital, dormitory and recreative-purposes, as aids to moral and mental improvement, shall be exempt from taxation."

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

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 141.

AN ACT

To PROHIBIT TRESPASSING UPON THE RIGHTS-OF-WAY OF
RAILROADS WITHIN THE TERRITORY OF HAWAII.

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

SECTION 1. No person, other than those connected with or employed by the owner or operator of any railroad, shall walk

along or be upon the right-of-way, or walk or be upon or in the bridges, cuts, fills or tunnels of such railroad; provided, however, that this Act shall not apply to any persons using public highways or crossings, or their own private rights-of-way which they have acquired over or through said railroad rights-of-way, bridges, cuts, fills or tunnels.

SECTION 2. Any person violating any provision of this Act shall be guilty of a misdemeanor and punished by a fine of not exceeding Ten Dollars (\$10.00).

SECTION 3. No owner or operator of any railroad shall be liable in damages for the death of or injury to any person arising out of a violation of the provisions of this Act.

SECTION 4. The term "railroad" as used in this Act, shall include temporary or portable steam railroads, as well as steam railroads operating upon a permanent right-of-way; but shall not include street railroads.

SECTION 5. A copy of this Act shall be posted in conspicuous places in all railroad stations, and at permanent railroad crossings.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 142.**AN ACT****To PROTECT PURCHASERS FROM FRAUDULENT CONVEYANCES
OF PERSONAL PROPERTY.**

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

SECTION 1. Whoever with a fraudulent intent to place personal property which is subject to a mortgage, beyond the control of the mortgagee, removes or conceals or aids or abets in removing or concealing the same, and a mortgagor of such property who assents to such removal or concealment, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

SECTION 2. A mortgagor of personal property who sells or conveys the same or any part thereof without the consent of the mortgagee in writing, and without informing the vendee or grantee that the same is mortgaged shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year.

SECTION 3. A hirer or lessee of personal property who sells or conveys the same or any part thereof without the consent in writing of the owner or lessor, and without informing the vendee or grantee that it is so hired or leased shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year.

SECTION 4. Whoever, holding collateral security deposited with him for the payment of a debt which may be due to him, sells, pledges, lends or in any way disposes of the same before such debt becomes due and payable, without the authority of the depositor thereof, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than two years.

SECTION 5. Whoever with intent to defraud, buys, receives or aids in concealing personal property, knowing it to be hired or leased or held as collateral security, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year.

SECTION 6. Whoever being in possession of personal property received upon a written and conditional contract of sale, with intent to defraud, sells, conveys, conceals or aids in concealing the same before the performance of the conditions precedent to acquiring the title thereto, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year.

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

Approved this 25th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 143.

AN ACT

APPROPRIATING TWENTY THOUSAND DOLLARS FOR THE PURPOSE OF REPAYING MONEYS WRONGFULLY COLLECTED AS MERCHANDISE LICENSE TAX UNDER SECTIONS 764 TO 768 OF THE PENAL LAWS OF 1897.

WHEREAS, certain persons, firms and corporations doing business in the Territory of Hawaii were required to and did pay into the Treasury of the Territory of Hawaii certain amounts as license tax imposed by Sections 764 to 768 of the Penal Laws of 1897, and

WHEREAS, said Sections 764 to 768 of the Penal Laws were

on January 26, 1901, declared by the Supreme Court of the Territory of Hawaii to be unconstitutional; Therefore,

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

SECTION 1. The sum of Twenty Thousand Dollars is hereby appropriated out of any money in the Treasury received from the general revenue, for the purpose of paying back the amounts collected as license tax under Sections 764 to 768 of the Penal Laws of 1897.

SECTION 2. All persons, firms and corporations, or their executors, administrators, assignees or successors, as the case may be, shall within three months from the passage of this Act present to the Treasurer of the Territory of Hawaii, verified by oath, detailed statements of the amount or amounts paid by them in accordance with the requirements of Sections 764 to 768 of the Penal Laws of 1897, and the Treasurer of the Territory shall, after having verified such statements of the amounts so paid, and upon being satisfied that no part thereof has been repaid to such persons, firms or corporations, repay to such persons, firms or corporations, or their executors, administrators, assignees or successors as the case may be, the amounts paid by them, and shall obtain and file proper receipts for such payments.

SECTION 3. In case such statement as is required by Section 2 of this Act shall not be made and presented on or before the 30th day of June, A. D. 1911, such claim shall be forever barred.

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

We hereby certify that the foregoing Bill, after reconsideration on 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 25th day of April, A. D. 1911.

H. L. HOLSTEIN,
Speaker, House of Representatives.

EDWARD WOODWARD,
Clerk, House of Representatives.

We hereby certify that the foregoing Bill, after reconsideration on 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 Senate of the Territory of Hawaii, this 25th day of April, A. D. 1911.

ERIC A. KNUDSEN,
President of the Senate.

JOHN H. WISE,
Clerk of the Senate.

ACT 144.

AN ACT

FOR THE RELIEF OF JOHN A. CUMMINS.

WHEREAS, it appears that John A. Cummins, a descendant of one of the High Chief families of Hawaii, and a man who has occupied honorable positions under the late Hawaiian Monarchy, was arrested on the 16th day of January, A. D. 1895, and charged before a Military Commission with the crime of Treason; and

WHEREAS, it further appears that owing to inadvertence and a non-comprehension of the gravity of the plea, he plead guilty to the said charge of Treason; and

WHEREAS, the seven judges presiding at the Military Commission before which he was charged, although recognizing the fact that he was not guilty of the crime of Treason, were powerless under the law to do other than impose a sentence of "five years hard labor and a monetary fine of Five Thousand Dollars;" and

WHEREAS, the reviewing authorities, acting on the recommendation of the said Military Commission, did mitigate and modify the said sentence by striking out the "five years hard labor," but retaining the said monetary fine of Five Thousand Dollars, which sum the said John A. Cummins was compelled to borrow at a high rate of interest in order to pay the said fine and thereby obtain his liberty; now, therefore,

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

SECTION 1. The sum of Five Thousand Dollars (\$5,000.00) is hereby appropriated to be paid out of any moneys in the Treasury of the Territory of Hawaii not otherwise appropriated, for the purpose of refunding to said John A. Cummins the fine hereinabove set forth.

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

THE SENATE OF THE TERRITORY OF HAWAII,

Honolulu, T. H., April 25, 1911.

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 day.

ERIC A. KNUDSEN,
President of the Senate.

JOHN H. WISE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII,

Honolulu, T. H., April 26, 1911.

We hereby certify that the foregoing Bill, after reconsideration on 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 House of Representatives of the Territory of Hawaii, this day.

H. L. HOLSTEIN,
Speaker, House of Representatives.

EDWARD WOODWARD,
Clerk, House of Representatives.

ACT 145.

AN ACT

RELATING TO PERSONAL, INCOME AND PROPERTY TAXES AND
THE DISPOSITION OF THE PROCEEDS THEREOF, AMEND-
ING CERTAIN LAWS AND REPEALING OTHERS.

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

SECTION 1. Section 1182 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 1182. *Taxation divisions.* For the purpose of taxation, the Territory is divided into four divisions, viz.:

1. The City and County of Honolulu, to be called the First Division;

2. The Counties of Maui and Kalawao, to be called the Second Division;

3. The County of Hawaii, to be called the Third Division;
4. The County of Kauai, to be called the Fourth Division."

SECTION 2. Section 1184 of said Revised Laws is hereby amended to read as follows:

"Section 1184. *Assessors, appointment, removal.* The Treasurer, with the approval of the Governor, shall appoint and may remove, for each taxation division, an assessor and collector of taxes, to be known as the 'Assessor.' "

SECTION 3. Section 1185 of said Revised Laws is hereby repealed.

SECTION 4. Section 1206 of said Revised Laws, as amended by Section 5 of Act 89 of the Laws of 1905, is hereby repealed.

SECTION 5. Section 1212 of said Revised Laws is hereby amended to read as follows:

"Section 1212. *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 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 in 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 and 5 of this Section;

2. For permanent improvements;
3. For interest and sinking fund for county or city and county bonds, if any; and
4. 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 "An Act to Provide for the Maintenance of the Public Schools," and any other act or acts, 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 act or acts at the time such estimate is made.
5. The Treasurer of the Territory shall similarly prepare, and transmit to the assessor, an estimate of the amount, if 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 act or acts referred to in subdivision 4 of this Section, less the amount estimated for school buildings and grounds under said subdivision 4 and less the amount of school taxes (provided for in Section 1200) 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 and 5 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 one-half of one per cent, it shall be reduced to one-half of one per cent. If the rate so estimated for the purposes specified in subdivision 2 shall be such that the sum of that rate and the rate estimated for the purposes specified in subdivision 1 shall exceed two-thirds of one per cent, it shall be reduced so that such sum shall be two-thirds of one per cent. If the estimates of the amount required for the purposes specified in subdivisions 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 one-half of one per cent and the rate for the purposes specified in subdivision 2 at one-sixth of one per cent. The sum of the rates so finally estimated or determined, for the purposes specified in said five 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 6. A new section is hereby added to said Revised Laws, to be known as Section 1272A, as follows:

"Section 1272A. *Disposition of proceeds of personal and property taxes.* All personal and property taxes collected under this Chapter shall be paid into the Territorial Treasury at such times as the Treasurer shall direct.

All road taxes, including all taxes specified in Sections 1201 to 1205, both inclusive, paid in from each district shall be kept in a special account in the Treasury to the credit of such district, and shall be paid on the last legal day of each month by the Territorial Treasurer to the treasurer of the county or city and county within which such district is included, and shall be expended only in making, maintaining and repairing public roads in such district, as authorized by the Supervisors of the county or city and county from time to time. The county or city and county treasurer shall likewise keep such taxes so paid to him in a special account to the credit of such district and shall under no circumstances allow any part thereof to be used for any other purpose.

All other personal and specific property taxes paid in from each county or city and county, other than the County of Kalawao, except such as are payable to or retainable by the Territory as provided by law, shall be paid by the Territorial Treasurer to the treasurer of such county or city and county on the last legal day of each month.

Out of the property taxes, other than those specified in the proviso of Section 1212, paid into the Territorial Treasury from each county or city and county, the treasurer shall retain from time to time, in a special account, sufficient for the purposes specified in subdivision 5 of said Section 1212, and shall

pay the balance thereof to the treasurer of such county or city and county on the last legal day of each month for the purposes specified in subdivisions 1, 2, 3 and 4 of said section. The county or city and county treasurer shall, from time to time, allot from such balance sufficient for the purposes specified in said subdivisions 2, 3 and 4 respectively, and shall keep such allotments in special accounts for use for such purposes only and shall under no circumstances allow any part thereof to be used for any other purpose, nor shall the Territorial Treasurer allow any moneys so retained for the purposes specified in subdivision 5 to be used for any other purpose, provided that, if at any time, there shall be insufficient money in the special account for the purposes specified in subdivisions 2, 3, 4 or 5 respectively, moneys in the general account of the county, city and county or territory, as the case may be, may be used for such purposes, in which case such general account may afterwards be reimbursed by transfers from such special account.

All such payments by the Territorial Treasurer shall be made upon warrants issued by the Auditor."

SECTION 7. Act 93 of the Laws of 1905, as amended by Acts 15 and 141 of the Laws of 1907 and by Act 151 of the Laws of 1909, is hereby repealed.

SECTION 8. This Act shall take effect on July 1, 1911, except as to Section 5 thereof, which shall take effect on January 1, 1912, provided, however, that warrants shall thereafter be issued and paid to the treasurers of the counties and city and county for the balance due them for the then last preceding six months, as provided in Section 1 of said Act 93 of the Laws of 1905 as so amended; and further provided that, except as hereinafter specified, all taxes now or hereafter delinquent, and collected after June 30, 1911, shall be disposed of as required by the law in force at the time they became delinquent; and further provided that all general property taxes collected after said June 30, 1911, and which, if not paid, would become delin-

quent during the following half year, except those referred to in the proviso of Section 1212 of the Revised Laws as amended by this Act, shall be disposed of as follows: one-half to the respective counties and city and county, other than the County of Kalawao, in which they were collected, for the purposes specified in subdivision 1 of said Section 1212; one-sixth to such counties and city and county, for the purposes specified in subdivision 2 of said Section 1212; such amounts to such counties and city and county, for the purposes specified in Subdivision 4 of said Section 1212, as shall equal one-fourth of the amounts specified for such purposes for the biennial period in Section 7 of "An Act to Provide for the Maintenance of the Public Schools;" and the remainder, together with all school taxes collected after said June 30, 1911, to the Territory, for the purposes specified in Subdivision 5 of Said Section 1212; and the provisions of the fourth paragraph of Section 1272A of the Revised Laws shall apply as near as may be in respect of the allotments made in this Section for the respective purposes specified in said subdivisions 2, 4 and 5, and the Territory shall advance to such counties and city and county monthly during the half-year ending December 31, 1911, so much as may be necessary for the purposes specified in said subdivision 1, not exceeding in any one month one-twelfth of the estimated amount which such general property taxes will yield during such half year, and may reimburse itself for the amounts so advanced out of the half of such property taxes when collected which would otherwise be payable to such counties and city and county as above provided.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 146.**AN ACT**

RELATING TO TAXATION, AMENDING, REPEALING AND ADDING
TO CERTAIN LAWS RELATING THERETO.

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

SECTION 1. Section 1183 of the Revised Laws, as amended by Section 1 of Act 89 of the Laws of 1905, is hereby amended to read as follows:

“Section 1183. *Dates.* All taxes shall be assessed as of, and be due and payable on and after January 1 in each year.

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 1.

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 1 to May 1, 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 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 1186 of the Revised Laws is hereby amended to read as follows:

"Section 1186. *Bond, oath.* Each assessor shall, within fifteen days after his appointment and before entering upon the duties of his office, give to the treasurer a good and sufficient bond, in a sum to be fixed by the treasurer, but not less than Ten Thousand Dollars (\$10,000.00). Said bond shall be executed under, and in accordance with, and in the form provided by law for the bonding of public officers; and each assessor shall take and subscribe an oath before any person authorized to administer oaths, that he will faithfully, honestly and impartially perform and discharge the duties of his office to the best of his ability; such oath shall be filed with the treasurer. No assessor shall enter upon his duties until his bond and oath of office shall have been filed with and accepted by the treasurer."

SECTION 3. Section 1188 of the Revised Laws is hereby amended to read as follows:

"Section 1188. *Bond, oath.* Each assessor shall exact from each of his deputies a bond, approved by the treasurer, in a sum to be fixed by the assessor, but not less than Two Thousand Dollars (\$2,000.00), executed under, and in accordance with, and in the form provided by law for the bonding of public officers. Each of the deputy assessors shall take and subscribe

an oath before any person authorized to administer oaths, that he will faithfully, honestly and impartially perform the duties of his office to the best of his ability. No deputy assessor shall enter upon his duties until his bond and oath of office shall have been filed with and accepted by the assessor who appointed him."

SECTION 4. Section 1195 of the Revised Laws, as amended by Section 2 of Act 89 of the Laws of 1905, is hereby amended to read as follows:

"Section 1195. *Compensation.* Each assessor shall receive such compensation as the Legislature from time to time appropriates. Each deputy assessor shall receive such compensation as may be fixed by the assessor of his division, with the approval of the treasurer."

SECTION 5. Section 1203 of the Revised Laws, as amended by Section 3 of Act 89 of the Laws of 1905, and by Section 1 of Act 136 of the Laws of 1909, is hereby further amended to read as follows:

"Section 1203. *Brake, sulky, ox-cart, automobile, etc., tax.* All brakes and sulkies shall be subject to an annual tax of Two Dollars (\$2.00) each, to be paid by the owners thereof; all ox-carts shall be subject to an annual tax of Five Dollars (\$5.00) 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. 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 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.

Any automobile or other power-driven vehicle, any taxes for which are delinquent or which has not been tagged as required herein, may be seized by any assessor or deputy assessor or by any police officer 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 tax due and a penalty of One Dollar (\$1.00), together with costs for any storing of such power-driven vehicle. 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, costs of advertising, costs of storage and auctioneer's fees and charges, 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 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 tag 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 to exceed Five Hundred Dollars (\$500.00)."

SECTION 6. Section 1218 of the Revised Laws is hereby repealed.

SECTION 7. Section 1221 of the Revised Laws, as amended by Act 141 of the Laws of 1909, is hereby further amended by adding thereto the following:

"All institutions, corporations or persons, in order to secure exemption from property taxation, shall make return of their property in manner and form as by law provided, and shall note thereon the claim for exemption. Failure to make such return, or to note such claim, shall be a waiver of right to exemption for the current assessment. Provided, however, that nothing in this Section shall affect exemptions set forth in Sections 1222 and 1225 of the Revised Laws, and Act 93 of the Laws of 1907."

SECTION 8. Section 1222 of the Revised Laws is hereby amended to read as follows:

"Section 1222. *Forest land.* In all cases where forest land is fenced for the purpose of protecting the forest or springs or streams of water rising on such land or flowing through the same, and all live stock are excluded from the same, and no other use of such land or its products is made, such land, so long as such conditions exist, shall be exempt from taxation.

In order to secure such exemption the person claiming it shall annually between the first and thirty-first days of January make a sworn written statement to the local tax assessors describing the land in detail and setting forth the facts upon which exemption is claimed, including an agreement that in consideration of the exemption from taxes he will during the ensuing year keep such land properly fenced, will not allow any live stock upon it, and will not use such land or its products except upon the approval of the Board of Agriculture and Forestry, during such year without first paying the taxes on such land.

* Any person who shall have secured such exemption who shall

violate the terms of such agreement shall be liable to be fined twice the amount of the tax which would be assessed upon such land but for such exemption."

SECTION 9. Section 1242 of the Revised Laws is hereby amended to read as follows:

"Section 1242. *Addition of unreturned property.* Each assessor shall at any time add to his assessment or tax list for the year or years when omitted, any person or property theretofore omitted from assessment and taxation; notice thereof shall be given to the owner, if known, within ten days after such addition; and any such notice addressed to him at his last known place of residence and sent by mail, postage prepaid, shall be a sufficient notice."

SECTION 10. Section 1244 of the Revised Laws, as amended by Section 8 of Act 89 of the Laws of 1905, is hereby amended to read as follows:

"Section 1244. *Tax list open to public.* It shall be the duty of each assessor or his deputy to attend on all days except Saturdays, Sundays and holidays, between the hours of 8:30 o'clock A. M. and 4:00 o'clock P. M., and on Saturdays, between 8:00 o'clock A. M. and 12 o'clock noon, between May 1 and May 10, both inclusive, of each year, at some convenient place or places in his division or district, with his assessment or tax list, which shall during such times be open for the inspection of all persons liable to taxation in the division or district, without fee or reward.

Written or printed notice of such places shall be given by advertisement once a week for three successive weeks prior to May 1 in some newspaper of general circulation, and by posting a notice in at least three conspicuous places in such district of the times and places at which such tax list shall be open for inspection in such district."

SECTION 11. Section 1245 of the Revised Laws, as amended by Section 9 of Act 89 of the Laws of 1905, and as further amended by Act 18 of the Laws of 1909, is hereby further amended by striking therefrom the words and figures "May 15" and inserting in lieu thereof the words and figures "May 1."

SECTION 12. Section 1259 of the Revised Laws, as amended by Section 12 of Act 89 of the Laws of 1905, is hereby amended to read as follows:

"Section 1259. *Deputy assessor's lists.* In each year on or before May 1, each deputy assessor, except the deputy assessors for the districts in which the assessors have their offices, shall make two copies of the assessment of the district, which shall be signed and sworn to by him. One of such copies shall be filed with the assessor of the division. Such list shall, subject to any changes made by any court having jurisdiction, be the list in accordance with which taxes shall be collected. No changes in or additions to such assessments shall thereafter be made, except to add thereto property or taxes that may have been omitted therefrom."

SECTION 13. Section 1263 of the Revised Laws, as amended by Section 13 of Act 89 of the Laws of 1905, is hereby amended to read as follows:

"Section 1263. *When taxes payable.* All poll, road, school, specific and property taxes, shall be due and payable on and after January 1 in each year."

SECTION 14. Section 1264 of the Revised Laws, as amended by Section 14 of Act 89 of the Laws of 1905, is hereby amended to read as follows:

"Section 1264. *Delinquency.* All personal and specific taxes remaining unpaid after May 15 of each year shall thereby and thereupon become delinquent. All real and personal property taxes remaining unpaid after May 15 of each year shall thereby and thereupon become delinquent as to one-half the

amount due. And the balance of such real and personal property taxes remaining unpaid after November 15 of each year shall thereby and thereupon become delinquent."

SECTION 15. Section 1265 of the Revised Laws, as amended by Section 15 of Act 89 of the Laws of 1905, is hereby amended to read as follows:

"Section 1265. *Penalty.* A penalty of ten per cent shall be added by the assessor to the amount of all delinquent taxes in excess of Twenty Dollars (\$20.00), which penalty shall be and become a part of such tax and be collected as a part thereof. All delinquent taxes shall bear interest at the rate of ten per cent from the expiration of fifteen days from the date of delinquency until paid, which interest shall be and become a part of such tax and be collected as a part thereof.

No taxpayer shall be exempt from delinquent penalties by reason of having made an appeal on his assessment; but no delinquent penalty shall attach to the amount of the tax on the actual amount in dispute until ten days after such appeal shall be finally decided, the amount in dispute being the exemption claimed or the difference between the amount returned by the taxpayer and the amount assessed."

SECTION 16. A new section is hereby added to the Revised Laws, to be known as Section 1266A, as follows:

"Section 1266A. *Sale of real property.* All real property, or any interest therein, on which a lien for taxes shall exist, may be sold by way of foreclosure of such lien without suit by the tax assessor, at public auction, to the highest bidder, for cash, to satisfy the lien, together with all interest, penalties, costs, and expenses due or incurred on account of the tax, lien and sale, the surplus, if any, to be rendered to the person thereto entitled. The sale shall be held at any public place proper for sales on execution, after notice published at least once a week for at least four successive weeks immediately prior there-

to in any newspaper of general circulation published in the taxation division wherein the property to be sold is situate, or if there be no newspaper, then in any newspaper of general circulation published in the City of Honolulu. Such notice shall also be posted for a like period in at least three conspicuous public places within the taxation division wherein the sale is to be held, one being at a postoffice and one being on such land. The notice of sale shall contain the name of the person assessed, or from whom the tax is due, the character and amount of the tax, with interest, penalties, costs, expenses and charges accrued, a brief description of the property to be sold, and the time and place of sale, and shall warn the persons assessed, or from whom the tax is due, that unless the tax, with all interest, penalties, costs, expenses and charges, is paid before the time of sale appointed, the property advertised for sale will be sold as advertised.

The tax assessor, or his deputy, shall, on payment of the purchase price, make, execute and deliver all proper conveyances necessary in the premises and the delivery of such conveyance shall vest in the purchaser the title to the property sold.

This Section shall apply to all liens that have accrued after January 1, 1909."

SECTION 17. Section 1267 of the Revised Laws, as amended by Section 17 of Act 89 of the Laws of 1905, is hereby amended to read as follows:

"Section 1267. *Public notice, time, place of collection.* Each assessor or his deputy, shall between January 1 and December 31, both inclusive, of each year, for the convenience of taxpayers, attend at certain times and places in each district for the collection of taxes, notice of which shall be given by publication in some newspaper of general circulation in the taxation division, and by posting the same in at least three conspicuous places in each district.

Each taxpayer shall pay all specific and personal taxes and one-half of all property taxes due by him on or before May 15 and he shall pay the remaining portion of the property taxes due by him on or before November 15 of the year in which they are assessed, and no other notification or demand than that in this Chapter provided for, shall be required or necessary."

SECTION 18. Section 1271 of the Revised Laws is hereby amended to read as follows:

"Section 1271. *Procedure upon distress.* Distress of goods and chattels for taxes shall be effected by seizure and sale of the personal property, and property subject to specific taxes, of the delinquent taxpayer. The assessor or deputy assessor shall take possession of and keep such distrained property until the sale.

After taking possession, the assessor or deputy shall sell the property at public auction after first giving five days' public notice of the time and place of such sale by advertisement in a newspaper, if one be published in the district, or by posting such notice in at least three public places in the district where such sale is to be held.

Such sale shall take place within ten days after seizure, except that one continuance may be had not to exceed one week.

Sufficient property shall be sold to pay all taxes, penalties, costs and charges.

On payment of the price bid for any property sold, the delivery thereof with a bill of sale from the assessor or his deputy shall vest the title of such property in the purchaser. No charge shall be made for such bill of sale. All surplus received upon any such sale after the payment of the taxes, penalties, costs and expenses, shall be returned to the owner of the property sold, and until claimed shall be deposited in the assessor's office subject to the order of the owner.

Any unsold portion of the property seized may be left at the place of sale at the risk of the owner.

If the owner of property seized desires to retain or regain possession thereof, he may give a sufficient bond and surety to produce the property at the time and place of sale, or pay all taxes, interest and costs."

SECTION 19. This Act shall take effect on the first day of January, 1912.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 147.

AN ACT

TO AMEND SECTION 6 OF ACT 33 OF THE SESSION LAWS OF 1909, RELATING TO CONSERVATION AND IMMIGRATION TAX.

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

SECTION 1. That Section 6 of Act 33 of the Session Laws of 1909 be and the same is hereby amended so as to read as follows:

"Section 6. This Act shall be in effect from the date of its approval and relate retrospectively to give full effect to the provisions herein contained with respect to taxes for the first taxation period hereunder; and shall continue in force to and until the 31st day of December, 1913; 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 upon its approval.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 148.

AN ACT

TO FACILITATE THE MARKETING OF FRUITS AND VEGETABLES GROWN IN THE TERRITORY OF HAWAII.

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

SECTION 1. There shall be appointed by the Governor, to be paid a fair salary and his reasonable expenses out of the funds of the Board of Immigration, received under the provisions of Act 33 of the Laws of 1909, an officer of the Territory, to be known as "Market Superintendent."

SECTION 2. The duties of the said "Market Superintendent" shall be to encourage and promote the profitable sale and exchange of the produce generally of the Territory, but more especially fruits and vegetables, in every practicable way, and especially by

(1) Visiting orchards and gardens throughout the Territory, and consulting with and advising the owners or occupants thereof;

(2). Ascertaining the condition of the western mainland market for Hawaiian produce with the view, particularly, of

establishing satisfactory business relations between producers within the Territory of Hawaii and commission houses, clubs and hotels on the western mainland of the United States;

(3) Investigating and reporting upon the produce business and, more especially, transportation of produce between ports of the Territory of Hawaii.

SECTION 3. The text or summary of the reports or findings of the "Market Superintendent" shall be published from time to time at the expense of the said Board of Immigration, with the approval of the Governor.

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 149.

AN ACT

TO PRESCRIBE THE TENURE OF OFFICE AND MANNER OF ELECTION OF THE SUPERVISORS OF THE 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 shall consist of five members, all of whom shall be elected at large from among those who have been qualified electors of said county for at least one year prior to their election. At the next County election, four of such officers shall be elected as members only while the fifth shall be elected as Chairman and Executive Officer of said Board, and all shall hold office for

a term of two years. All such elections shall be conducted in the manner now prescribed by law for the election of county officers, except as otherwise provided by this Act.

SECTION 2. The Board of Supervisors of the County of Maui, as so constituted, shall possess all the powers, perform all the duties, and be subject to all the obligations now or hereafter required by law of the Board of Supervisors of any county; provided, however, that the member elected as aforesaid, as Chairman and Executive Officer of said Board, shall preside at all meetings, and shall exercise and have general superintendence and control over all county affairs, and shall manage the same subject to the advice and direction of said Board.

SECTION 3. The Chairman and Executive Officer of the Board of Supervisors of the County of Maui shall receive a salary of Twenty-four Hundred (\$2,400.00) Dollars a year, payable monthly, and shall have and maintain an office at the county seat of said county. The other members of said Board of Supervisors shall receive the same salary as now provided by law.

SECTION 4. Any vacancy in office as a member of said Board of Supervisors shall be filled for the unexpired term so caused, in the manner now or hereafter provided by law.

SECTION 5. All laws and parts of laws, in so far as they are inconsistent herewith, are hereby repealed.

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 150.

AN ACT

TO AMEND SECTIONS 212, 219, 221, 234, 236, 238, 246 AND
247, AND TO REPEAL SECTIONS 200, 201, 202, 220 AND
230 OF THE REVISED LAWS, RELATING TO THE DEPART-
MENT OF PUBLIC INSTRUCTION.

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

SECTION 1. Section 212 of the Revised Laws is amended to read as follows:

"Section 212. *Attendance compulsory; exceptions.* The attendance of all children from six to seventeen years of age, at either a public or private school, is obligatory, and it shall be incumbent upon all parents, guardians and others having the responsibility and care of children of such ages, to send them to some such school; provided that when a child has reached the age of twelve years and has not completed the fourth grade of the primary school, he shall be eligible for instruction only in an industrial school or vocational school, provided there is such a school within four miles of his home or suitable transportation to such a school has been provided; and provided also, that such attendance shall not be compulsory in the following cases:

First. Where the distance to the nearest school exceeds four miles and no suitable transporation is provided;

Second. When such child shall be physically or mentally unable to attend school, of which fact the certificate of a duly licensed physician shall be sufficient evidence;

Third. When a competent person is employed as tutor in the family wherein such child resides and proper instruction is thereby imparted;

Fourth. Where any child of not less than the age of thirteen

years shall have passed the required examinations of both primary and grammar school grades, as such requirements shall from time to time exist, provided he shall be suitably employed;

Fifth. When any child of not less than fifteen years of age is suitably employed under the direction of his parent or guardian."

SECTION 2. Section 219 of the Revised Laws is amended by striking out the words "teacher of the school" and "teacher," in lines 7 and 18, and inserting in lieu thereof the word "Department," and by striking out the words "and stationery" wherever they occur in said Section.

SECTION 3. Section 221 of the Revised Laws is amended by striking out the words "stationery and supplies."

SECTION 4. Section 234 of the Revised Laws is amended by striking out the words "as orphans, vagrants, truants, living an idle or dissolute life, who shall be duly convicted of any crime or misdemeanor."

SECTION 5. Sections 236 and 238 of the Revised Laws are amended by striking out the word "fifteen" and inserting in lieu thereof the word "eighteen."

SECTION 6. Section 246 of the Revised Laws is amended by striking out all after the word "school," in line 4, and inserting in lieu thereof the words "upon such terms and conditions as shall be approved by the Department."

SECTION 7. Section 247 of the Revised Laws is amended by inserting therein after the word "minor," in line 11, the words "if he be of the age of fourteen years or more."

SECTION 8. Sections 200, 201, 202, 220 and 230 of the Revised Laws are hereby repealed.

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 151.

AN ACT

**TO REPEAL CHAPTERS 75, 76 AND 77 OF THE REVISED LAWS
OF HAWAII, AND ACT 132 OF THE SESSION LAWS OF 1907,
RELATING TO EXPLOSIVES AND INFLAMMABLE AND FUEL
OILS.**

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

SECTION 1. Chapters 75, 76 and 77 of the Revised Laws of Hawaii, and Act 132 of the Session Laws of 1907, are hereby repealed.

SECTION 2. This Act shall take effect on July 1, 1911.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 152.**AN ACT****TO REGULATE STORAGE OF EXPLOSIVES.**

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

SECTION 1. The storage, keeping, warehousing and selling of all explosives, including petroleum and its derivatives, gasoline, naptha, benzine, kerosene and fuel oils, gunpowder, dynamite, blasting powder, Hercules or giant powder, daulin, turpentine, calcium carbide, liquid acetylene or other liquid or solid substances which are of a highly inflammable nature or which create or give off under ordinary temperature an explosive gas, or a gas likely to become destructive to life and property, shall be under the care and direction of the Superintendent of Public Works, who shall, subject to the provisions of this Act, have complete charge and supervision of the storage, keeping, testing and wharehousing of all explosives. Such Superintendent of Public Works shall make and publish a schedule of charges for tests, inspections and approvals, which fees or charges shall be reasonable and shall be so determined as only to meet the cost of such tests, inspections and approvals.

SECTION 2. No person, persons, firm or corporation shall keep or store in any building or structure more than 110 gallons of gasoline, benzine, naptha, kerosene or any hydrocarbon liquid which gives off an inflammable vapor at a temperature of 115 degrees or less, except as hereinafter provided. Said liquids shall be kept in metal cans of not more than five gallons capacity, or in iron or steel tanks, iron or steel barrels or drums of not more than 110 gallons capacity.

Products of petroleum, including crude oil, fuel oil, gasoline, benzine, naptha, kerosene, or any hydrocarbon liquid in excess of 220 gallons shall be kept or stored in steel tanks of construction satisfactory to said Superintendent of Public Works.

In lieu of storing such articles in such steel tanks and surrounding walls, said articles, other than crude petroleum may, to the extent of 400 gallons, be stored outside the walls of any building in a steel or iron tank, said tank to be buried underground deep enough so that at least two feet of earth shall cover the top of said tank. A filling pipe shall extend up to the surface and shall at all times be kept closed by a screw cap except when filling. All tanks shall be connected with a safely arranged pump so that the gasoline or other hydrocarbon liquid may be pumped up for use. Each such tank shall be placed in a spot approved as safe to life and surrounding property by the Superintendent of Public Works, and shall be constructed, erected and placed in position subject to his approval as conforming to the terms of this Act.

In lieu of storing any of the articles named in this Section in steel tanks, said articles may be stored in a building or warehouse used exclusively for such purpose. Said buildings or warehouses shall be constructed of brick, stone, or concrete, not to exceed one story in height, and the walls of all said buildings shall not be less than twelve inches in thickness if of brick or stone, and eight inches if of concrete. The sills of all such buildings or warehouses shall be raised at least two feet above the floor. All said buildings or warehouses shall have concrete or earth floors and metal roofs. All such articles stored in a warehouse shall be contained in metal containers of not more than five gallons capacity, or in iron or steel tanks, iron or steel drums or barrels of not more than 110 gallons capacity.

Any person, firm or corporation desiring to erect any tank or warehouse provided for in this Act shall first submit the plans therefor with full particulars as to proposed location to the Superintendent of Public Works and to the Chief of the Fire Department, if any, for his approval as complying with the terms of this Act.

The provision of this Section in relation to storage tanks and

warehouses shall not apply to nor affect any such tanks, buildings and warehouses erected and in use exclusively for any such purpose under any law of the Territory in force at the date of the passage of this Act; but such buildings, tanks and warehouses may continue to be used unless condemned as unsafe to life or surrounding property by the Superintendent of Public Works.

SECTION 3. No kerosene shall be sold or used within the Territory of Hawaii unless the same shall show a flash test of not less than 115 degrees fahrenheit; and no crude petroleum or fuel oil shall be sold or used within the Territory of Hawaii unless the same will show a flash test of not less than 100 degrees fahrenheit. Tests shall be made by the Superintendent of Public Works of all said articles brought into the Territory, and at such other times as he shall deem such tests necessary. The said articles shall be tested and their quality determined by means of an electric spark open tester, or any improved device for such purpose, and at any such test the person, firm or corporation interested shall be entitled to be present.

SECTION 4. No person, firm or corporation shall carry or cause to be carried or conveyed in any vehicle, within the Territory any of the products of petroleum including gasoline, kerosene, benzine, naptha or any hydrocarbon liquid, which shall give off an inflammable vapor at 115 degrees fahrenheit or less, or spirits of turpentine, unless the same shall be securely packed in air-tight metallic vessels, nor unless such package shall be securely covered while in such vehicle. No person shall discharge any of the products of petroleum above named, or spirits of turpentine, except from the ship's side or tackles, or through pipe lines provided for that purpose. All such liquids landed or placed on any wharf, landing, street or alley for forwarding or shipment shall be forwarded or shipped immediately after it shall be so landed or placed.

SECTION 5. No person, firm or corporation shall receive,

keep or store gunpowder, except as contained in shells for firearms, in a larger quantity than ten pounds into or in any building or upon any premises, except as hereinafter provided.

Any person, firm or corporation keeping or storing more than ten pounds of gunpowder, except as contained in shells for firearms, shall keep the same in air-tight metallic vessels; said vessels shall be marked with the words "Gunpowder-Dangerous," in plain letters not less than three inches in height, painted in white on a dark ground; said vessel shall be kept at all times in view near an entrance of the premises, so as to be easily removed. No such vessel shall contain more than fifty pounds of gunpowder.

Powder in excess of fifty pounds shall not be stored in any one building or premises, unless the same shall be contained in a special powder magazine. Said magazine shall be situated in some safe place not nearer than 1000 feet to any other building, except those used for similar purposes only. Said magazine shall be built on such plans and in such location as shall be approved by the Superintendent of Public Works as safe to life and surrounding property, shall be painted red, and shall have the word "powder" painted in white letters at least three feet in height on each side thereof.

SECTION 6. No person, firm or corporation shall keep, store or suffer to remain within any building, store or dwelling for the purpose of sale or storage, any blasting powder, Hercules or giant powder, nitroglycerin, daulin, dynamite, fulminate of mercury, or any other explosive liquid or solid substance or compound having an explosive power greater than that of ordinary gunpowder, except in an approved powder magazine as provided in Section 5 of this Act, and all sales and deliveries of the above named articles shall be made from such powder magazines.

SECTION 7. No person, firm or corporation shall keep or

store in any one building or within any one enclosure more than two hundred pounds of calcium carbide or other compound used for the generation of inflammable gases by combination with water, except subject to the restrictions herein provided. Said substances shall be contained in water-tight metal cans or containers fitted with a water-tight cover, which cover shall be kept closed at all times except when necessarily opened for access to its contents.

Such substances to any reasonable amount for trade or commercial purposes may be stored in any warehouse or building approved by the Superintendent of Public Works as safe to life and surrounding property. Such substances so stored shall be contained in air-tight unit containers of not more than one hundred pounds each, which containers shall be plainly marked "Calcium Carbide—Keep Dry."

SECTION 8. The Superintendent of Public Works may make necessary rules and regulations, not inconsistent with this Act, for the safe storage and handling of all explosives herein mentioned. The Superintendent of Public Works shall likewise make necessary rules and regulations regarding the fees and charges for inspections, tests and certificates provided for by this Act.

SECTION 9. No empty containers that have held gasoline, kerosene, distillate, benzine or any of the products of petroleum shall be stored on any wharf, roadway or government lot while awaiting shipment, unless the openings in said containers are securely stopped with metal screw plugs.

SECTION 10. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment not exceeding six months, or by both such fine and imprisonment.

SECTION 11. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 153.

AN ACT

RELATING TO THE MILITIA, ADDING FOUR NEW SECTIONS TO
THE REVISED LAWS OF HAWAII, TO BE KNOWN AS SEC-
TIONS 162A, 162B, 162C AND 162D.

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

SECTION 1. Four new sections are hereby added to the Revised Laws of Hawaii, to be known as Sections 162A, 162B, 162C and 162D, as follows:

“Section 162A. Pay of Officers while on Active Duty. Officers while on active duty in the service of the Territory shall receive the same pay and allowances as officers of similar grade in the United States Army; provided, that no pay or allowance shall be made to officers for any service for which they receive from the United States the pay and allowances made to officers of similar grade in the United States Army.”

“Section 162B. Pay of Enlisted Men while on Active Duty. Enlisted men while on active duty in the service of the Territory shall receive pay at the rate of two dollars per day, except as hereinafter provided in Section 162C.”

“Section 162C. Enlisted men receiving from the United States for any service, the pay of enlisted men in the United States Army shall, except when actually called into the service of

the United States by or under the authority of the President, receive pay from the Territory while on active duty as follows: Battalion Sergeants-Major and enlisted men of similar or higher grade \$1.00; Color Sergeants and enlisted men of similar grade \$1.10; Sergeants and enlisted men of similar grade \$1.25; Corporals of Signal Corps and enlisted men of similar grade \$1.40; Corporals of Infantry and enlisted men of similar grade \$1.45; Privates \$1.50."

"Section 162D. In order to entitle officers and enlisted men to receive the pay herein provided for, the orders detailing them for duty, or subsequent orders, shall specify that pay is to be received for the service ordered."

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 154.

AN ACT

To APPROPRIATE TWENTY THOUSAND DOLLARS (\$20,000.00)
TO FACILITATE AND EXPEDITE THE GRANTING OF CERTAIN PREFERENCE RIGHTS.

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

SECTION 1. The sum of Twenty Thousand Dollars (\$20,000.00), or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory, to be expended by the Commissioner of Public Lands, with the approval of the Governor, to facilitate and expedite the granting

of preference rights on the land of Auwaiolimu in the City of Honolulu, by the purchase of the right, title and interest of the Kapiolani Estate, Limited, therein, or otherwise.

SECTION 2. Any such moneys so expended shall be, as near as may be, repaid to the Territory by the occupants of said land in such proportions and upon such conditions as to the Commissioner of Public Lands, with such approval, shall seem equitable; it being the intent of this Act that the cost of facilitating and expediting the granting of such preference rights shall not finally be borne by the Territory.

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

Approved this 26th day of April A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 155.

AN ACT

MAKING APPROPRIATIONS FOR CURRENT EXPENSES FOR THE PERIOD ENDING JUNE 30, 1913.

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, 1913, out of moneys in the Treasury received from the general revenues:

THE GOVERNOR.

Military Department:

Adjutant General (\$250.00)	\$ 6,000.00
Clerk and Assistant (\$75.00)	1,800.00
Janitor and Armorer (\$40.00) ...	960.00
Expenses	<u>15,000.00</u>
	\$ 23,760.00

THE SECRETARY.

Clerks, Assistants, Stenographers,	
Messengers (\$425.00)	10,200.00
Expenses, Governor's and Secre-	
tary's offices	3,600.00
Printing, binding, indexing, ad-	
vertising	<u>1,200.00</u>
	15,000.00

Hawaiian Birth Registration:

Expenses of	8,000.00
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Election:

Expenses of	10,000.00
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Public Archives:

Librarian (\$150.00)	3,600.00
Expenses, copying, translating,	
printing, binding	<u>6,000.00</u>
	9,600.00

Library of Hawaii:

Maintenance	\$ 10,000.00
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Promotion:

Support of	12,000.00
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PERMANENT SETTLEMENTS.

Mrs. Emma Barnard (\$16.66 2-3)	400.00
Mrs. Mary Stoltz (\$16.66 2-3) . . .	400.00
Mrs. Mahelona (\$16.66 2-3)	400.00
Mrs. Lilinoe Kea (\$16.66 2-3) . . .	400.00

ATTORNEY GENERAL'S DEPARTMENT.

Attorney General (\$350.00)	8,400.00
Deputy (\$300.00)	7,200.00
Clerk (\$100.00)	2,400.00
Stenographer (\$125.00)	3,000.00
Expenses	9,000.00

High Sheriff, Prisons:

High Sheriff, Warden Territorial Prison (\$225.00)	5,400.00
Deputy High Sheriff and Clerk (\$150.00)	3,600.00
Deputy Warden, Territorial Prison (\$125.00)	3,000.00

Guards and Lunas of Prisoners:

Territorial Prison	36,000.00
Expenses, Maintenance of Pris- oners	55,000.00

AUDITING DEPARTMENT.

Auditor (\$300.00)	7,200.00
Deputy Auditor (\$225.00)	5,400.00
Clerks (\$250.00)	6,000.00
Expenses	3,000.00

TREASURY DEPARTMENT.

Treasurer (\$300.00)	7,200.00
Registrar of Public Accounts (\$250.00)	6,000.00
Clerks, Stenographers, Assistants (\$375.00)	9,000.00

Expenses:

Treasurer's office ...	3,600.00
Insurance Law	1,200.00
Official Bonds	5,000.00
Tax Books and Blanks	4,000.00
	<hr/>
	13,800.00

Interest, Commissions, Expenses

Public Debt	570,000.00	\$ 606,000.00
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Bureau of Taxes:

First Taxation Division, Oahu:

Assessor (\$250.00) .	6,000.00
Deputy Tax Assessor (\$200.00)	4,800.00
Deputy Assessors, Collectors, Clerks, Interpreters, Com- missions and Ex- penses	<hr/> 55,000.00
	65,800.00

Second Taxation Division, Maui, etc.:

Assessor (\$225.00) .	5,400.00
Deputy Assessors, Collectors, Clerks, Interpreters, Com- missions and Ex- penses	<hr/> 20,000.00
	25,400.00

Third Taxation Division, Hawaii:

Salary of Tax Assessor, Hawaii	
(\$225.00)	5,400.00
Deputy Tax Assessors, Collectors, Clerks and Commissions, including Expenses	28,500.00
	<hr/>
	33,900.00

Fourth Taxation Division, Kauai and Niihau:

Assessor (\$225.00) ..	5,400.00
Deputies, Clerks, Interpreters, Commissions and Expenses	17,000.00
	<hr/>
	22,400.00
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	147,500.00

Bureau of Conveyances:

Registrar (\$250.00)	6,000.00
Deputy Registrar (\$165.00)	3,960.00
Expert Indexer (\$110.00)	2,640.00
Three Clerks (\$90.00)	6,480.00
Five Clerks (\$75.00)	9,000.00
One Clerk (\$60.00)	1,440.00
One Clerk (\$40.00)	960.00
Expenses	\$ 3,000.00
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	\$ 33,480.00

COLLEGE OF HAWAII.

Salaries, Pay Roll and Expenses..	20,000.00
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PUBLIC WORKS.

General:

Superintendent of Public Works (\$400.00)	9,600.00
Officers, Employees, Expenses . . .	30,000.00

Government Property:

Capitol and Judiciary Buildings and Grounds:

Caretaker (\$75.00)	1,800.00
Guards (3 at \$60.00)	4,320.00
Janitors (5 at \$45.00)	5,400.00
Laborers (6 at \$40.00)	5,760.00
	<hr/>
Repairs, Capitol Building	10,000.00
Keeper, Mausoleum (\$50.00)	1,200.00

Maintenance, Government Property:

Oahu	10,000.00
Hawaii	3,500.00
Maui	1,000.00
Kauai	1,000.00
	<hr/>

Flags for Court and School Houses	500.00
Telephone Exchange, Capitol and Judiciary Building	3,836.00
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	47,816.00

Territorial Town Lots:

Sidewalks	2,500.00
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Landings and Wharves:

Foreman (\$125.00)	3,000.00
Sweepers (3 at \$50.00)	3,600.00

Maintenance, Repairs, Additions:

Oahu	30,000.00
Hawaii	7,500.00
Maui	7,000.00
Kauai	5,000.00
	<hr/>
	49,500.00
	<hr/>
	56,100.00

Harbor Master, Honolulu:

Harbor Master (\$200.00)	4,800.00
Assistant Harbor Master (\$150.00)	3,600.00
Expenses	<u>600.00</u>
	9,000.00

Pilots:

Honolulu.

Pilots (3 at \$200.00)	14,400.00
Watchman (\$65.00)	1,560.00
Expenses (8 Pilot Boys at \$60.00)	11,520.00
Watchman, Diamond Head \$75.00)	1,800.00
Boats, Repairs, Incidentals	<u>1,000.00</u>
	\$ 30,280.00

Hilo.

Pilot, Gunpowder and Kerosene	
Oil Keeper (\$200.00)	4,800.00
Pilot Boy (\$40.00)	960.00
Expenses	<u>500.00</u>
	6,260.00

Kahului.

Pilot, Gunpowder and Kerosene	
Oil Keeper (\$200.00)	4,800.00
Expenses	<u>3,600.00</u>
	8,400.00

Keeper, Powder Magazine, Honolulu	1,800.00
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PUBLIC LANDS.

Commissioner of Public Lands and President and Executive Officer of the Board of Agriculture and Forestry (\$300.00) ...	7,200.00
Officers, Employees, Expenses ...	<u>25,200.00</u>
	32,400.00

Land Board:

Secretary	1,200.00
Expenses	<u>2,000.00</u>
	3,200.00

SURVEY.

Surveyor (\$275.00)	6,600.00
Officers, Employees, Expenses ...	<u>25,000.00</u>
	31,600.00

All of the expenditures of the Board of Agriculture and Forestry, Division of Forestry, Division of Entomology, Division of Animal Industry, are to be paid from the conservation fund.

BOARD OF HEALTH.

General:

President (\$300.00)	7,200.00
Secretary, Clerks, Stenographers,	
Janitors, Messengers, Expenses.	<u>25,000.00</u>
	32,200.00

Sanitation:

General Health and Sanitary Officer, Territory (\$250.00) ...	6,000.00
Chief Sanitary Inspector, Oahu (\$200.00)	4,800.00
Chief Sanitary Inspector, Hawaii (\$200.00)	4,800.00
Chief Sanitary Inspector, Maui (\$150.00)	3,600.00
Chief Sanitary Inspector, Kauai (\$150.00)	3,600.00

District Sanitary Inspector, Oahu (\$100.00)	2,400.00
District Sanitary Inspector, East Hawaii (\$90.00)	2,160.00
District Sanitary Inspector, West Hawaii (\$90.00)	2,160.00
Sanitary Inspector, Hilo (\$75.00)	1,800.00
Sanitary Inspectors, Honolulu (\$900.00)	21,600.00
Expenses, Territory	<u>10,000.00</u>
	62,920.00

Pure Food:

Food Commissioner and Analyst (\$125.00)	3,000.00
Assistants and Expenses	<u>2,800.00</u>
	5,800.00

Medical and Quarantine Service and Supplies:

Bacteriologist and Pathologist (\$200.00)	4,800.00
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Pay of 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 districts as the case may be to which they are appointed:

Hawaii	18,000.00
Maui and Molokai ..	10,000.00
Kauai	6,600.00
Oahu	<u>5,400.00</u>
	40,000.00

Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies, and Suppression of Contagious Diseases	50,000.00
Prevention and cure of Tuberculosis	24,800.00
Aid to Leahi Home	18,000.00
Aid to Maui County Farm and Sanitarium	4,800.00
Aid to Tuberculosis Ward, Lihue Hospital, Kauai	2,400.00
Aid to Tuberculosis Ward, Waimea Hospital, Kauai	2,400.00
Vaccination Supplies	3,450.00
Rat Campaign, Territory	18,000.00
Mosquito Campaign, Territory ..	30,000.00
Repairs, Alterations, Extension, Equipment, Quarantine Station, Honolulu	4,000.00
Repairs, Alterations, Extensions, Equipment, Quarantine Station, Hilo	1,500.00
Expenses and equipment Morgue ..	3,520.00
	\$ 205,270.00

Care of Lepers and their Children:

Medical and Surgical supplies, treatment and equipment	53,760.00
General Pay Roll	60,000.00
Sheriff and Police (\$120.00) ...	2,880.00
Segregation, Hospitals, Maintenance and Improvements	200,000.00
Telephone System	500.00
Amusements	2,000.00
Ice Plant	5,000.00
Postage, Stationery, Freight of Packages	1,200.00
Store	65,000.00
	<hr/>
	390,340.00

Kapiolani Girls' Home:

Pay Roll	4,800.00
Maintenance	12,000.00

Kalihi Boys' Home:

Pay Roll	6,000.00
Maintenance	12,000.00
	<hr/>
	34,800.00

Insane Asylum:

Superintendent (\$200.00)	4,800.00
Pay Roll	36,000.00
Maintenance	51,700.00
	<hr/>
	92,500.00

SUPREME COURT.

Clerk (\$175.00)	4,200.00
Assistant Clerk (\$125.00)	3,000.00
Stenographer and Clerk (\$150.00)	3,600.00
Bailiff and Librarian (\$100.00) ..	2,400.00
Law Books	1,500.00
Compiling, Publishing, Binding	
Reports	1,500.00
Expenses	1,000.00
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	17,200.00

District Court, Kalawao:

Magistrate (\$25.00)	600.00
Expenses	25.00
	<hr/>
	625.00

GENERAL.

Contingent Fund, from which expenditures may be made only with the approval of the Governor and only for urgent needs for which no specific provision or an insufficient specific provision is made herein, a detailed account of all which expenditures shall be submitted to the next Legislature. Provided ,however, no increase of salaries shall be paid out of this fund \$ 50,000.00

Grant Total	\$2,212,151.00
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SECTION 2. This Act shall take effect on the first day of July, 1911.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 156.

AN ACT

TO AUTHORIZE THE DEPOSIT OF COUNTY AND CITY AND COUNTY MONEYS IN BANKS IN THIS TERRITORY.

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

SECTION 1. Act 123 of the Laws of 1909, relating to the deposit of Territorial moneys in banks in this Territory, is hereby extended to the several counties and city and county,

so that each such county and city and county and its treasurer and mayor or chairman of its board of supervisors respectively shall have all the rights, powers, obligations and duties in respect of the moneys of such county or city and county as the territory, its treasurer and governor respectively have in respect of the moneys of the Territory under said Act.

Provided, however, that nothing in this Act contained shall be held to preclude the Treasurer of any county or city and county from making special deposits, with the approval of the Board of Supervisors or the Mayor, as the case may be, for the safe keeping of public moneys other than those deposited in banks under the provisions of this Act, as provided in Section 109 of Act 39 of the Laws of 1905 and Section 108 of Act 118 of the Laws of 1907.

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 157.

AN ACT

TO AMEND SECTION 1034A OF THE REVISED LAWS, AS ENACTED BY ACT 29 OF THE LAWS OF 1911, RELATING TO THE IMPROVEMENT OF INSANITARY LANDS.

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

SECTION 1. Section 1034A of the Revised Laws, as enacted by Act 29 of the Laws of 1911, is hereby amended to read as follows:

"Section 1034A. There is hereby appropriated out of the general revenues the sum of Two Hundred and Fifty Thousand Dollars to be used for the purpose of carrying out the provisions of this Chapter, which sum shall be set aside in the Territorial Treasury, as follows: One Hundred and Twenty-five Thousand Dollars on June 1, 1911, and One Hundred and Twenty-five Thousand Dollars on February 1, 1912, as a special fund for use for such purpose and all moneys withdrawn from such fund for such purpose shall be reimbursed or restored thereto so far as may be out of any moneys re-paid or collected under the provisions of this Chapter."

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 158.

AN ACT

RELATING TO SEWERS AND GARBAGE, REPEALING CHAPTER 84
OF THE REVISED LAWS AND ACT 21 OF THE LAWS OF 1905,
AND ESTABLISHING RATES FOR THE USE OF THE HONO-
LULU SEWERS.

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

SECTION 1. Every person, before connecting any premises with the public sewers of Honolulu, or who now has his premises connected with such sewers shall make application to the Superintendent of Public Works, upon a prescribed form setting forth the location of the premises, name of the owner, name of the occupant, nature of the use of such premises and such other information as may be necessary in order to de-

termine the charge for the use of such sewers in connection with such premises.

In order to verify the statements of the applicant and to note changes in the use of the premises, and for such other purposes as may be necessary in order to carry out the provisions of this Act, the Superintendent of Public Works and his agents may at all reasonable times enter upon such premises.

SECTION 2. All disputes as to the amount of charge for the use of the sewers, right to connect with the sewer, and all other disputes arising in any manner under the provisions of this Act shall be referred to a Circuit Judge of the First Circuit Court at chambers and such judge shall have full power to make and enter all necessary orders in relation thereto, which shall be final.

SECTION 3. The rates of charge for the use of such sewers shall be as follows:

Each Plumbing Fixture \$1.00 per year, other than floor drains, which will be \$2.50 per year.

A plumbing fixture, within the meaning of this Act, is any receptacle for water or sewage that requires a trap and waste pipe, and is connected with the public sewer.

The following Fixtures shall be computed as follows:

Range Closets, by the number of seats, ($1\frac{1}{2}$ lineal foot of the fixture shall constitute a seat).

Urinals, by the number of stalls. ($2\frac{1}{2}$ lineal feet of the fixture shall constitute a stall).

Showers, by the number of stalls. (10 sq. ft. of the floor area of the fixture shall constitute a stall).

Laundry Tubs, by the number of trays or partitions.

Basins, by the number of bowls.

SECTION 4. The charges for use of the sewers shall be due and payable in advance upon January first and July first in each year for the period of six months following such dates, respectively. Charges shall be made pro rata for the remainder of any such six months period where such use begins after the beginning of such period. The charges for sewer use shall be payable by the owners and occupants of the premises connected with the sewer, who shall jointly and severally be liable therefor. Charges for use of the sewers for the six months beginning July 1, 1911, and ending January 1, 1912, shall be due and payable in advance on July 1, 1911.

SECTION 5. In case the premises connected with the sewer shall be put to a use different in nature or extent from that previously charged for, notice thereof in writing shall be given to the Superintendent of Public Works, and beginning with the next six months period the rates charged shall be in accordance with such new use.

SECTION 6. If any sewer rate shall remain unpaid more than fifteen days after it is due, ten per cent in addition thereto shall be charged, which shall be collected as part of such sewer rate. All unpaid sewer rates shall bear interest at the rate of six per cent per annum until paid, and together with interest thereon shall be a lien upon the property connected with the sewer, which lien shall attach to said property as of the date when the sewer rate was due and payable. Such lien may be foreclosed in the same manner as is now or hereafter may be provided for the foreclosure of tax liens.

SECTION 7. Actions in assumpsit for the collection of sewer rates may be brought in the name of the Territory by the Superintendent of Public Works or his agent in the District Court of Honolulu, notwithstanding the amount involved.

The record books of the Superintendent of Public Works shall be prima facie proof of the amount of sewer rates due and unpaid.

SECTION 8. Chapter 84 of the Revised Laws and Act 21 of the Laws of 1905 are hereby repealed.

SECTION 9. This Act shall take effect on June 30, 1911.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 159.

AN ACT

TO AMEND SECTION 459 OF THE REVISED LAWS OF HAWAII,
RELATING TO GAME.

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

SECTION 1. Section 459 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 459. It shall be unlawful to take, kill or destroy any migratory wild duck, plover, snipe, turnstone, curlew, stilt or mud hen, between the first day of May and the fifteenth day of September;

To take, kill or destroy any native wild duck between the first day of February and the fifteenth day of September;

To take, kill or destroy any quail or pheasant between the first day of February and the first day of October;

To take, kill or destroy any wild dove or wild pigeon between the first day of February and the first day of July;

To take, gather or destroy the eggs of any wild duck, mud hen, pheasant, dove, pigeon or quail at any time. To buy, sell

or offer for sale, transport or have in possession any of said game at any time when it is unlawful to kill the same.

Any person convicted of violating any of the provisions of this Section shall be fined not less than ten dollars nor more than fifty dollars."

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 160.

AN ACT

**TO AMEND ACT 67 OF THE SESSION LAWS OF 1907, ENTITLED
“AN ACT TO PROVIDE FOR THE EXERCISE BY COUNTIES
OF THE POWER OF EMINENT DOMAIN FOR CERTAIN PUBLIC
PURPOSES,” BY ADDING A NEW SECTION THERETO TO
BE KNOWN AS SECTION 4A.**

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

SECTION 1. Act 67 of the Session Laws of 1907, entitled “An Act to Provide for the Exercise by the Counties of the Power of Eminent Domain for Certain Public Purposes,” is hereby amended by adding thereto a new section to be known as Section 4A and to read as follows:

“Section 4A. Wherever in this Act the word “County” is used, it shall be construed to include the City and County of Honolulu.”

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 161.

AN ACT

PROVIDING FOR THE CONDEMNATION AND PURCHASE OF CERTAIN LANDS, WATER RIGHTS AND WATER WAYS IN PALOLO VALLEY AND IN PALOLO HILL TRACT, IN THE CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII.

WHEREAS, the PALOLO LAND & IMPROVEMENT COMPANY, LIMITED, is the owner of that certain crater situate at the head of Palolo Valley, in the City and County of Honolulu, Territory of Hawaii, containing an area of one hundred acres, more or less, together with certain forest lands surrounding said crater of an area of two hundred eighty-seven acres, more or less; and

WHEREAS, said Palolo Land & Improvement Company, Limited, has certain water ways and water rights in said Palolo Valley; and

WHEREAS, said crater, forest lands and water rights and water ways form an important chain in the contemplated water system of the City and County of Honolulu; and

WHEREAS, said Palolo Land & Improvement Company, Limited, has offered said crater, forest land, water rights and water ways to the Superintendent of Public Works of the Territory of Hawaii for a cash consideration of Forty Thousand Dollars (\$40,000.00) and the agreement, on the part of the Territory of Hawaii, to install on the "Palolo Hill Tract," (so-called), at an elevation of not less than 700 feet, a reservoir of suitable capacity of furnish water for said "Palolo Hill Tract."

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

SECTION 1. The Superintendent of Public Works of the Territory of Hawaii is hereby authorized and directed to proceed forthwith to acquire by condemnation as provided by law:

(1) That certain crater situate at the head of Palolo Valley, City and County of Honolulu, Territory of Hawaii, containing an area of one hundred acres, more or less, together with those certain forest lands surrounding said crater of an area of two hundred and eighty-seven acres, more or less, more particularly described as follows, to-wit:

Commencing at a point on ridge between Palolo and Manoa Valleys and running:

1. N. $41^{\circ} 2'$ E. true 3336.0 feet up center of ridge between Palolo and Manoa Valleys to junction with the Koolau Range of Mountains;
2. N. $85^{\circ} 3'$ E. true 412.0 feet along center of Koolau Range along Kailua;
3. S. $79^{\circ} 55'$ E. true 981.0 feet along center of ridge along Kailua;
4. S. $62^{\circ} 3'$ E. true 2265.0 feet along center of ridge along Kailua to peak called Palikea;
5. S. $31^{\circ} 42'$ W. true 4740.0 feet down center of ridge along Waiomao and Kekio to point in center of ridge;
6. N. $48^{\circ} 20'$ W. true 4100 feet across valley to initial point;

Containing an area of 387.0 acres, more or less; and being a portion of Kekio, L. C. A. 5931, Ap. 4, to Pehu, and L. C. A. 8559B of Kaea, a *lele* of Kapahulu, to W. C. Lunalilo, in the left hand or Northwest valley of Palolo Valley at its head.

(2) All water rights and water ways owned by it, said Palolo Land & Improvement Company, Limited, in said Palolo Valley, and in and appurtenant to the lands hereinabove described, and to pay to said Palolo Land & Improvement Company, Limited, such sum not in excess of Forty Thousand Dol-

lars (\$40,000.00) as may, by judgment, be awarded said Palolo Land & Improvement Company, Limited, because of said condemnation. Upon the acceptance by said Palolo Land & Improvement Company, Limited, of the amount awarded it in such condemnation proceedings, said Superintendent of Public Works is authorized and directed to proceed forthwith to construct, at an elevation of not less than 700 feet above sea level, a reservoir suitable to reasonably water the "Palolo Hill Tract," (so-called), within twelve months after the rendition of final judgment of condemnation. Provided, however, that the Superintendent of Public Works shall not proceed by condemnation or otherwise to acquire said crater, water shed and water rights unless and until:

(a) The Superintendent of Public Works shall be satisfied by examination and tests covering not more than one year, that the amount of said waters be not less than the minimum amount of 500,000 gallons of water per day, and

(b) The Palolo Land & Improvement Company, Limited, give to the Territory of Hawaii a good and sufficient deed of land for a reservoir site of not more than five acres in extent and at an elevation of not less than 700 feet; the location and area to be subject to the approval of the Superintendent of Public Works.

SECTION 2. The sum of Sixty-five Thousand Dollars (\$65,000.00) is hereby appropriated out of moneys in the Treasury received from the loan fund for the purpose of carrying out the provisions of this Act.

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 162.**AN ACT**

AUTHORIZING AND DIRECTING THE SUPERINTENDENT OF PUBLIC WORKS TO ACQUIRE CERTAIN WATER RIGHTS AND LANDS IN PAUOA VALLEY, CITY AND COUNTY OF HONOLULU.

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

SECTION 1. The Superintendent of Public Works is hereby authorized and directed to acquire, by appropriate condemnation proceedings, for the use and benefit of the Territory of Hawaii, all rights owned by the late Charles W. Booth at the time of his death, in all springs, as well as the waters of Pauoa Stream and Valley, and in Pacific Heights waters and works, and in such undeveloped land surrounding any of the sources or water heads as may, in his opinion, be necessary for insuring the purity of such water, and such lands as may, in his opinion, be necessary for pipe lines and other means of conducting such water to places where it may be required for use.

SECTION 2. The Treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon the warrant of the Superintendent of Public Works, any sum of money that may be necessary to acquire as aforesaid all such water rights, not to exceed the sum of One Hundred Thousand Dollars (\$100,000.00).

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 163.**AN ACT****RELATING TO HARBORS, THEIR MANAGEMENT, CONTROL, IMPROVEMENT AND REGULATION.**

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

SECTION 1. The harbors of the Territory of Hawaii, together with all harbor improvements and shipping within such harbors, shall be under the care and control of a Board of Harbor Commissioners. Said Board shall consist of five members, one of whom shall be the Superintendent of Public Works of the Territory who shall be chairman, ex-officio, and four shall be appointed by the Governor as provided in Section 80 of the Organic Act. Such Commissioners shall be appointed for terms of four years or the unexpired periods thereof, in such manner that the terms of two Commissioners shall expire every second year. Said terms shall begin on the first day of July. Provided, however, that upon the first appointments, two of said Commissioners shall be appointed for terms ending June 30, 1913, and two for terms ending June 30, 1915.

SECTION 2. The Board of Harbor Commissioners, upon appointment as herein provided, shall within ten days meet together and elect one of their number to act as Secretary of said Board. They shall also designate a place in the City of Honolulu as their office, which shall remain open during business hours.

SECTION 3. Said Board shall have and exercise all the powers and shall perform all the duties heretofore imposed upon the Superintendent of Public Works relative to the control and management of the harbors, harbor improvements, ports, docks, wharves and shipping throughout the Territory of Hawaii. The Board shall likewise have power to appoint and remove clerks, harbor masters, and their assistants, pilots, and pilot

boat crews, and fix their compensation; to make rules and regulations pursuant to this Act and not inconsistent with law; and generally shall have all powers necessary to fully carry out all provisions of this Act.

All moneys appropriated for harbor improvements, including all new construction, reconstruction and repairs, shall be expended under the supervision and control of said Board, subject to the provisions of Act 62 of the Laws of 1909 as amended, and all contracts therefor shall be executed for the Board by its Chairman.

The Board shall prepare and submit annually to the Governor a report of its official acts during the preceding calendar year, together with its recommendations as to harbor improvements throughout the Territory.

SECTION 4. The Board may from time to time make, alter, amend and repeal such rules and regulations not inconsistent with law as it may deem necessary respecting the manner in which all vessels may enter and moor, anchor or dock in the harbors, ports and landings of the Territory, or move from one dock, anchorage or mooring to another within such harbors, ports or landings; the examination, guidance and control of pilots and harbor masters and their assistants, and their conduct while on duty; rates and charges for the services of such pilots; the expeditious and careful handling of freight, goods, wares and merchandise of every kind which may be brought into any of the harbors of the Territory by any vessel from any other port or place; charges, fees and compensation for the storage of, and the duties and powers of carriers, shippers and consignees in and to, any such freight, goods, wares and merchandise in and upon any landing, dock or public wharf within the Territory. The Board may also make further rules and regulations for the safety of said docks, wharves, landings and harbor improvements.

Said Board may also, from time to time make, alter, amend and repeal such rules not inconsistent with law as shall be deemed necessary for the proper regulation and control of all shipping in the harbors of the Territory, and for the entry, departure, mooring and berthing of vessels, and for all other matters and things connected with shipping in all harbors of the Territory; and rules and regulations to prevent the throwing into said harbors of rubbish, refuse, garbage or other substances liable to make such harbors unsightly, unhealthful or unclean, or liable to fill up or shoal or shallow said harbors, and likewise prevent the escape of fuel or other oils into the said harbors either from any vessel or from pipes or storage tanks upon the land.

Any rules and regulations so made shall be published by said Board in the manner prescribed for the promulgation of the laws of the Territory, and upon such publication shall have the force and effect of law.

SECTION 5. The Board may appoint and remove a Clerk, and fix his compensation. The Clerk shall have charge of the office of the Board, and shall remain in such office during business hours. He shall, upon his appointment, give a bond under the provisions of Act 100 of the Session Laws of 1905 as amended, in such amount as shall be approved by the Board and conditioned for the faithful performance of his duties as such clerk. He shall collect all moneys, fees and dues paid to the Territory of Hawaii for pilotage, wharfage, harbor master fees, and all other fees or compensation in respect to the entry, anchorage and wharfage of all boats, steamers, vessels and other craft entering into the ports of the Territory, and shall account for the same to the Territory. He shall keep a full and complete record of the official acts of the Board and of the rules and regulations made by said Board, and shall cause said rules and regulations to be printed and distributed without cost to the agents, masters or owners of vessels, or other persons who shall request the same. He shall certify the vouchers of

all pilots and crews of pilot boats, harbor masters, assistants and other persons appointed or employed by said Board.

SECTION 6. The Board shall appoint such pilots for the harbors of the Territory as it deems necessary, and shall fix the number and compensation and the method of examination thereof. The Board shall fix the powers and duties of such pilots while on duty, and provide them with boats and crews for boarding and leaving vessels. Any pilot may be removed or suspended by the Board for misconduct, carelessness or neglect of duty, or other cause deemed sufficient by the Board after an opportunity first given him to be heard before a meeting of the Board. The Board may appoint deputies or substitutes for any such pilots in case of sickness or temporary absence, and fix their compensation.

Each pilot shall give bond under the provisions of Act 100 of the Session Laws of 1905 as amended, in such sum as shall be required by the Board, and conditioned for the faithful performance of the duties imposed upon him by law and by the rules and regulations of the Board.

Upon the arrival of any vessel making the usual marine signal for a pilot, it shall be the duty of the pilot or pilots in the port immediately to put out to such vessel. Upon boarding the vessel the pilot shall take charge thereof, and shall not quit the same until she be fully within the harbor or anchored within or without the harbor in a suitable and convenient place as the case may be. No pilot shall take out any vessel that may be under attachment or arrest by virtue of any process, nor before she has obtained her clearance, under penalty of forfeiting his commission.

Until otherwise provided by law or by the rules and regulations of the Board, the following charges shall be made for the services of pilots: For the port of Honolulu, for coming in and also for going out of port, for all steamers of 1000 tons

or over, \$60.00; for all sailing vessels under 200 tons register, \$1.50 per foot of draft, and for each other vessel or steamer, five cents per ton; for anchoring vessels outside the harbor, \$20.00; for detention on board a vessel for more than 24 hours, \$7.00 a day. For the ports of Hilo and Kahului, \$1.50 per foot on the vessel's draft for coming into port, and the same for going out; for anchoring any vessel off said ports, \$10.00; for detention on board a vessel for more than 24 hours, \$5.00 a day. Where not otherwise provided, \$1.00 per foot on the vessel's draft for coming into port, and the same for going out; for anchoring vessels, \$10.00; for detention on board a vessel for more than 24 hours, \$5.00 a day.

All fees shall be payable either to the Clerk of the Board or to the Pilot, who shall account therefor as the Board may require to the Clerk of the Board.

If any vessel engaged in trade between the ports of the Territory and those of foreign lands shall enter or depart from any of the ports for which pilots may be appointed, without a pilot, such vessel shall be liable for one-half the pilotage fees prescribed for such port.

SECTION 7. The Board shall appoint harbor masters for the harbors of Honolulu, Hilo and Kahului, and for such other ports and harbors as in their opinion have need thereof. They shall fix the compensation of such harbor masters and their assistants, and shall certify the names and compensation thereof to the Auditor of the Territory. The Board shall likewise fix the duties and powers of such harbor masters and their assistants relative to shipping, wharves, docks, anchorages and mooring places.

Said harbor masters shall have full power over the anchoring, mooring and making fast of all hulks, coasters, boats, steamers, ships and other craft in the harbors, and shall be charged in general with the enforcement of all harbor regula-

tions. They shall have full power to designate the place in any harbor of the Territory where any vessel shall anchor, moor or dock, and shall have full authority and control over the moving of any vessel within such harbor from one dock, anchorage or mooring to another in said harbor. No ship, steamship or other vessel (except such vessels as are engaged exclusively in inter-island trade, or ships about to leave the harbor) shall quit her dock, anchorage or mooring until the agent, master or other officer in charge of such vessel shall receive written permission so to do from the harbor master or his assistant.

It shall be the duty of the harbor master to board all vessels arriving from without the Territory as soon as possible after they shall enter the harbor, to direct them where and how to moor or make fast, to change their anchorage or mooring from time to time as circumstances may require, and to see that the commanding officer has the printed port regulations. He shall likewise be wharfinger at the port for which he is appointed.

The fees for services of harbor master at the ports of Honolulu, Kahului and Hilo, until changed by law or by rule or regulation of the Board, shall be \$5.00 in addition to his disbursements for the use of boats and warps, and for labor in mooring or making fast such vessels; and if necessarily detained on board any vessel for more than two hours at any one time, he shall be paid at the rate of \$2.00 an hour for such extra detention, and for each time that he is called upon, or that it may be necessary for him, to board any such vessel after having once moored her properly, he shall be entitled to receive the same fee. The fees for services of harbor masters at other ports shall be determined by the Board. Such fees shall be payable either to the Clerk of the Board, or to such harbor master or his assistant, who shall account therefor as may be required by the Board, to the Clerk of the Board.

SECTION 8. The Board shall designate such wharves and other landing places in the harbors of the Territory at which

cattle brought into such harbors shall be landed, and the location of such wharves or other landings when designated and set apart shall be published for at least once a week for four consecutive weeks in at least two newspapers of general circulation in the Territory. After such designation and publication no cattle shall be landed in any harbor or port of the Territory containing such designated wharf or landing, except on such designated wharf or at such designated landing, unless with the permission of the Board.

SECTION 9. Any person or persons who shall violate any rule or regulation made, adopted and published by said Board as herein provided, or who shall violate any lawful command of any pilot, harbor master or assistant pilot or harbor master while in the discharge of his duty as such, or who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$1000.00 for each such offense, and any vessel, the agents, owner or crew of which shall violate the rules and regulations of the Board or provisions of this Act, shall be liable to a penalty of not exceeding \$1000.00 for each of such violations.

SECTION 10. All laws and parts of laws inconsistent herewith are hereby repealed.

SECTION 11. This Act shall take effect on July 1st, 1911.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 164.**AN ACT**

To AUTHORIZE ADVANCEMENTS OF MONEYS FOR CERTAIN PUBLIC IMPROVEMENTS OUT OF GENERAL REVENUES TO BE REIMBURSED OUT OF LOAN FUNDS.

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

SECTION 1. Pending the issuance of bonds for the objects referred to in items numbered 20, 21, 22 and 23 in Section 1 of an Act entitled "An Act to Provide for Public Improvements" enacted by this Legislature at its present session and in order that work may be begun on such objects as soon as may be, the Territory shall advance out of its moneys received from the general revenues such amounts as may be required for such objects, not exceeding, however, the amounts of two hundred thousand dollars, eighty thousand dollars, seventy-six thousand dollars and forty-four thousand dollars for the objects referred to in said items 20, 21, 22 and 23 respectively of each of which amounts not more than one-half shall be required to be advanced before July 1, 1911, or the remainder thereof before January 1, 1912. All amounts so advanced shall be expended as prescribed in Sections 3 and 5 of said Act so entitled as aforesaid; and all amounts so advanced shall be reimbursed to the Territory out of the proceeds of bonds when issued for such objects under the provisions of said Act so entitled; and all bonds the proceeds of which shall be used for such reimbursement shall be deemed to be included in the bonds referred to in Section 7 of said Act so entitled.

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 165.**AN ACT**

TO PREVENT DEFICIENCIES IN TERRITORIAL GENERAL REVENUES, BY AUTHORIZING AN ADDITIONAL PROPERTY TAX THEREFOR.

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

SECTION 1. In the month of January of each year in which a regular session of the Legislature is not held, the Treasurer of the Territory shall prepare, with the approval of the Governor, an estimate of the amount of money, if any, required, in addition to all other moneys estimated to be available for the purpose, to meet the estimated probable expenditures under Territorial appropriations of general revenues until the fifteenth day of May of the following year, and also an estimate of the rate per cent, which, however, shall not exceed one-fourth of one per cent, at which the property subject to the general property tax under Section 1212 of the Revised Laws as amended should be taxed in order to yield during the year in which such estimate is made the amount so estimated to be required; in estimating which rate the aggregate value of property as assessed for the purposes of such general property tax for the preceding year shall be taken as a basis. The property subject to such general property tax for the year in which such estimate is made shall thereupon be subject to an additional tax of the rate so estimated upon the full cash value thereof for that year for the benefit of the Territory, and all provisions of law relating to the assessment and collection of such general property tax shall be applicable so far as may be to such additional tax hereby authorized. The Treasurer shall notify the several assessors of such rate in said month of January.

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 166.

AN ACT

To Provide for Public Improvements.

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

SECTION 1. The following sums are hereby appropriated for the following purposes, out of any available moneys now in the Treasury or hereafter received by the Treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated:

TERRITORIAL IMPROVEMENTS.

1. Honolulu Water Works \$500,000.00
- 1a. Honolulu Sewers 150,000.00
2. To condemn and acquire for the use and benefit of the Territory of Hawaii, all rights owned by the late Charles W. Booth at the time of his death, in all springs as well as waters of Pauoa Stream and Valley, and in Pacific Heights waters and water works, and in such undeveloped land,

mauka of the spring known as Kahuawai, which sur- round sources of such water or water-leads thereof and in necessary rights-of-way to pipe the water out as may, in the opinion of the Su- perintendent of Public Works, be necessary for in- suring the purity of such water, at a price not to ex- ceed	100,000.00
3. To condemn and acquire cer- tain water shed and water rights in Palolo Valley and construction of reservoir and pipe lines thereto	65,000.00 815,000.00

WHARF AND HARBOR IMPROVEMENTS:

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

- 4. Honolulu 350,000.00
- 5. Hilo; on condition that the
Hilo Railroad Company en-
ters into an agreement sat-
isfactory to the Harbor Com-
mission to extend its rail-
road to such wharf and there-
after operate it to such wharf
as a common carrier for a
term not less than ten
years 200,000.00
- 6. Kaawaloa; on condition: (1)
that the Kona-Kau Railroad

Company enters into an agreement satisfactory to the Harbor Commission to construct at least fifteen miles of railroad with its terminus at such wharf and to operate the same to such wharf as a common carrier for a term of not less than ten years; or (2) that the West Hawaii Railway Company, Limited, enters into an agreement satisfactory to the Harbor Commission to extend its present line to such wharf and to operate the same to such wharf as a common carrier for a term of not less than ten years

7.	Napoopoo (Wharf and Shed)	15,000.00
8.	Kahului; including purchase of present wharf	30,240.00
9.	McGregor's Landing or Kihei, at the discretion of the Harbor Commission	9,000.00
10.	Waikane	7,500.00
11.	Kalihiwai	5,000.00
		<hr/>
		696,740.00

NEW BUILDINGS, ADDITIONS, EQUIPMENT AND OTHER IMPROVEMENTS, AS FOLLOWS:

12.	Library of Hawaii	25,000.00
13.	College of Hawaii	75,000.00
14.	Girls' Industrial School	40,000.00
15.	Boys' Industrial School ...	30,000.00
16.	Lahainaluna School	25,000.00

17.	Insane Asylum	50,000.00
18.	Prison	75,000.00
19.	Kalihi Hospital	25,000.00
19a.	Board of Health Buildings, Hilo	10,000.00
19b.	Armory; Honolulu, on condi- tion that a suitable site be obtained therefor	100,000.00
19c.	Armory, Lahaina	10,000.00
19d.	Kapiolani Park Improve- ments	12,000.00
19e.	Reclamation Government Swamp Lands, Lahaina ...	35,000.00
19f.	Extension, Waimea River Embankment	18,000.00
19g.	Addition to South Hilo Court House	5,000.00
		<u>535,000.00</u>

1913 SECTION 2. The following sums also are hereby appro-
1913 priated for the following purposes, out of any available
moneys now in the Treasury or hereafter received by the Treasurer
1913 for or on account of loan funds, and bonds may be issued
1913 as provided by law to the extent necessary to yield the amounts
1913 herein appropriated:

<i>1913</i> CONSTRUCTION OF BELT ROADS AND BRIDGES: <i>1915</i>		
20.	City and County of Honolulu	200,000.00
21.	County of Maui	370,000.00
22.	County of Hawaii	600,000.00
23.	County of Kauai	100,000.00
		<u>1,270,000.00</u>

COUNTY AND CITY AND COUNTY
IMPROVEMENTS:

City and County of Honolulu:

- | | | |
|-----|----------------------------------------------------------------------------------------------------|-----------|
| 24. | Land Damages and macadamizing extension School Street, from Kalihi Road to Gulick Avenue | 10,000.00 |
| 25. | Land Damages, widening and macadamizing Frog Lane, from School Street to Kuakini Street | 10,000.00 |

County of Hawaii:

- | | | | |
|-----|--------------------------------------------------|----------|-----------|
| 26. | Approach to Honokaa Landing from Government Road | 5,000.00 | 25,000.00 |
|-----|--------------------------------------------------|----------|-----------|
-

County of Maui:

- | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 27. | Completion of the Kula Pipe Line and its branches, extending the main line from Waiakamoi to water head in Puohokamo, the building of reservoirs at Waiakamoi, at or near Paliuli and Kookea | 50,000.00 |
| 28. | Other new water works . . . | 30,000.00 |

City and County of Honolulu

- | | | |
|-----|-------------------------------|-----------|
| 29. | Waialua Water Works . . . | 10,000.00 |
| 30. | Lualualei-kai Pipe Line . . . | 10,000.00 |

County of Hawaii:

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------|----------|
| 31. | Kau Water Works; Pipe Line from Waiohinu Springs to Kamaoa Homesteads, via Kiokaa and Keaa Homesteads | 5,000.00 |
|-----|-----------------------------------------------------------------------------------------------------------------|----------|

32.	Purchase of water shed, Hilo, from the Hawaiian Board of Missions	7,500.00
33.	Waiohinu	5,000.00
34.	Kamuela Water Works.....	3,000.00

SCHOOL BUILDINGS AND EQUIPMENT,
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	5,000.00

County of Maui:

40.	Lahaina	30,000.00
41.	Miscellaneous School Build- ings and addi- tions	20,000.00

County of Hawaii:

42.	Hilo Union...	65,000.00
43.	Napoopoo	8,000.00
44.	Keaiwa, Kau...	3,000.00

County of Kauai:

45.	Eleele	20,000.00	279,000.00
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COUNTY BUILDINGS:

City and County of Honolulu:

46.	Waialua Court House, Jail and Jailer's Cottage	6,000.00
47.	Purchase site and new Court House, Jail and Jailer's Cottage, Ewa.	10,000.00 16,000.00

County of Hawaii:

48.	Hospital at Po- popiia, Kona.	5,000.00
49.	Hospital, N. Kohala	5,000.00 10,000.00

County or Kauai:

50.	County Building, Lihue . . .	30,000.00
	Total	\$3,797,240.00

SECTION 3. The provisions of Act 62 of the Laws of 1909, and amendments thereto, shall apply to all said items to the same extent as if they were a part of this Act, provided, that the work referred to in said items numbered 15 to 18, both inclusive, may be performed without contracting therefor, after advertisement for tenders, insofar as that may be deemed advisable by the Superintendent of Public Works, with the approval of the Governor, in order to utilize for that purpose the labor of the inmates of the institutions therein referred to.

SECTION 4. The present site and buildings of the prison and the neighboring Kuwili land or any part or parts thereof may

be sold, and so much of the proceeds thereof as may be necessary may be used for the purchase of a new site for the prison and or for the construction of new buildings and equipment for the prison, in whole or in part, in addition to or substitution for the sum appropriated in said item numbered 18.

SECTION 5. The expenditure of the appropriation, the letting of contracts and the performance of the work under each of said items numbered 20 to 50, both inclusive, shall be under the direction and subject to the approval of a commission for each county and city and county, consisting of the Superintendent of Public Works, the Mayor or Chairman of the Board of Supervisors and three other persons, appointed by the Governor, as provided in Section 80 of the Organic Act, who are residents of the county or city and county in which such work is to be performed; provided, that no bonds shall be issued, moneys expended or work performed, by or for the Territory, under or through such commission, or otherwise, for any object referred to in said items numbered 35 to 45, both inclusive, in case the Board of Supervisors of the county or city and county in which the work for such object is to be performed, shall within three months after the approval of this Act, undertake, to the satisfaction of such commission, to perform such work within the biennial period ending June 30, 1913, out of the funds of such county or city and county.

SECTION 6. All bonds, the proceeds of which shall be applied to the objects referred to in said items numbered 1 and 1a, shall be deemed to be included in the indebtedness, the payment of which and of the interest thereon is provided for in Act 105 of the Laws of 1909.

SECTION 7. 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 works referred to in said items numbered 20 to 50, both inclusive, as shall have been constructed 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 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 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, principle and interest, shall be discharged. Every such additional sum so paid shall be deposited to the credit of the sinking fund provided for by Act 97 of the Laws of 1907, in addition to the amounts required to be deposited by said Act.

SECTION 8. This Act shall take effect on its approval.

Approved this 26th day of April, A. D. 1911, except as to the following items which I do not approve and hereby veto:

"19f. Extension, Waimea River Embankment...\$18,000.00"
"26. Approach to Ilonokaa Landing from Government Road 5,000.00"

WALTER F. FREAR,
Governor of the Territory of Hawaii.

We hereby certify that the following items of Senate Bill No. 50, after reconsideration of the veto of the Governor, were, upon votes taken by ayes and noes, approved by a two-third's vote of all of the members to which each house of the Legislature of the Territory of Hawaii is entitled, this 26th day of April, A. D. 1911.

- | |
|-----------------------------------------------------------------------|
| "19f. Extension, Waimea River Embankment... \$18,000.00" |
| "26. Approach to Honokaa Landing from Government Road 5,000.00" |

ERIC A. KNUDSEN,
President of the Senate.

JOHN H. WISE,
Clerk of the Senate.

H. L. HOLSTEIN,
Speaker, House of Representatives.

EDWARD WOODWARD,
Clerk, House of Representatives.

ACT 167.

AN ACT

TO AMEND SECTION 115 OF THE REVISED LAWS OF HAWAII,
RELATING TO HOLIDAYS.

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

SECTION 1. Section 115 of the Revised Laws of Hawaii is hereby amended by adding thereto the following:

"And any day appointed or recommended by the President of the United States as a day of thanksgiving, fasting or re-

ligious observance, or appointed by the Governor of the Territory as a holiday, shall be a Territorial holiday."

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

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 168.

AN ACT

TO AMEND ACT 118 OF THE SESSION LAWS OF 1907, ENTITLED
"AN ACT INCORPORATING THE CITY AND COUNTY OF
HONOLULU."

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

SECTION 1. Section 81, Chapter 4 of Act 118 of the Session Laws of 1907, is hereby amended to read as follows:

"Section 81. The Mayor, with the approval of the Board of Supervisors, shall appoint all officers of the City and County whose election or appointment is not otherwise specially provided for in this Charter or by ordinance. When a vacancy occurs in any office, and provision is not otherwise made in this Charter or by ordinance for filling the same, the Mayor, with such approval, shall appoint a suitable person to fill such vacancy who shall hold office for the remainder of the unexpired term."

SECTION 2. This Act shall take effect from and after the first day of July, 1911.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 169.**AN ACT****MAKING SPECIAL APPROPRIATIONS FOR THE PAYMENT OF CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII.**

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

SECTION 1. The following sums, amounting to the sum of Seven Thousand Two Hundred and Sixty-nine Dollars and Thirteen Cents (\$7,269.13) are hereby appropriated to be paid out of any moneys in the Treasury received from the general revenues of the Territory for the settlement of the following claims against the Territory:

DEPARTMENT OF THE ATTORNEY GENERAL.

Claim of M. M. Springer for making of transcript of testimony in re boundaries of Kahua II, S. Hilo, Hawaii,	
November 30, 1906	\$ 162.00
Claim of John Macaulay for making of transcript of testimony in re boundary of Heinaloli I, N. Kona, Hawaii, January 3, 1908	\$ 108.00
	\$ 270.00

TREASURY DEPARTMENT.

Bureau of Taxes:

Kona-Kau Telephone Co., Ltd.	
Rent of telephone James Ako, to June 30, 1909	18.00
Rent of telephone L. P. Lincoln to June 30, 1909	18.00
M. M. Springer, Sept. 30, 1904 ...	37.50
M. M. Springer, Oct. 31, 1904 ...	42.11
	115.61

DEPARTMENT OF PUBLIC INSTRUCTION.

Isaac Wallace, Sr., June 30, 1906	26.00
A. B. Lindsay, Sept. 30, 1908	45.40
	71.40

DEPARTMENT OF PUBLIC WORKS.

Feb. 28, 1909 Concrete Construction	
Co., Ltd., Bill	\$ 256.00
Mar. 31, 1909 Coyne Furniture Co.,	
Ltd., Bill	10.50
April 21, 1909 James F. Morgan, Bill	25.00
April 21, 1909 W. E. Brown, Bill....	25.00
April 21, 1909 L. C. Ables, Bill	25.00
April 30, 1909 Hawaiian Electric Co.,	
Ltd. , Bill	2.00
April 30, 1909 Hawaiian Electric Co.,	
Ltd., Bill	1.40
April 30, 1909 Hawaiian Electric Co.,	
Ltd., Bill	37.23
April 30, 1909 Hawaiian Electric Co.,	
Ltd., Bill	13.77
April 30, 1909 E. O. Hall & Son, Ltd.,	
Bill	2.00
April 30, 1909 Hawaiian Gazette Co.,	
Ltd., Bill	6.50
April 30, 1909 T. H. Davies & Co. Ltd.,	
Bill	15.50
May 6, 1909 E. W. Quinn, Bill	10.00
May 12, 1909 E. W. Quinn, Bill	1.80
May 6, 1909 T. H. Davies & Co.,	
Ltd., Bill	16.25
May 17, 1909 Pacific Oil Trans. Co.,	
Ltd., Bill	15.00
May 29, 1909 O'Luso Publishing Co.,	
Ltd., Bill	9.00

May 31, 1909	E. O. Hall & Son, Ltd., Bill	9.75
May 31, 1909	Hilo Railroad Co., Bill.	3.49
May 31, 1909	Mutual Telephone Co., Ltd., Bill	51.00
June 30, 1909	Mutual Telephone Co., Ltd., Bill	51.00
May 31, 1909	Hawaiian Electric Co., Ltd., Bill	17.51
May 31, 1909	Hawaiian Electric Co., Ltd., Bill	8.50
May 31, 1909	Lewers & Cooke, Ltd., Bill	1.58
May 31, 1909	T. H. Davies & Co., Ltd., Bill	7.50
June 9, 1909	Richard H. Trent, Bill.	25.00
June 9, 1909	J. F. Brown, Bill	25.00
June 9, 1909	W. E. Brown, Bill ...	25.00
June 30, 1909	Hawaiian Electric Co., Ltd., Bill	17.72
June 30, 1909	Hawaiian Electric Co., Ltd., Bill	11.05
June 30, 1909	T. H. Davies & Co., Ltd., Bill	5.50
June 30, 1909	E. O. Hall & Son, Ltd., Bill	3.75
June 30, 1909	Guide Publishing Co., Bill	4.00
June 30, 1909	E. W. Quinn, Bill....	6.25
June 30, 1909	Oat & Mossman, Bill..	2.55
June 30, 1909	Mutual Telephone Co., Ltd., Bill	12.00
June 30, 1909	Hawaii Shinpo Sha. Bill	1.50
June 30, 1909	Hilo Railroad Co., Bill.	16.82
June 30, 1909	Maui Telephone Co., Bill	7.00

June 30, 1909	Concrete Construction Co., Ltd., Bill.....	36.00
June 30, 1909	Sam R. Dowdle, Bill..	50.00
Mar. 30, 1909	Hawaiian Electric Co., Ltd., Bill	23.97
Mar. 30, 1909	Hawaiian Electric Co., Ltd., Bill	32.98
Mar. 30, 1909	J. Hopp & Co., Bill...	10.00
Oct. 31, 1908	T. H. Davies & Co., Ltd., Bill	16.25
1904-1905	E. W. Barnard, Bill ..	14.85
Dec. 31, 1902		
June 30, 1904	Hilo Electric Light Co., Ltd.	35.50
	Claim of James Quinn for loss of automobile.	2,000.00
		\$3,004.97

**MAINTENANCE, REPAIRS, ADDITIONS, LANDINGS AND
WHARVES, MAUI.**

1909

Nov. 30	Inter Island Steam Navigation Co., Ltd.	\$ 101.97
Nov. 30	Catton, Neill Co., Ltd., Bill..	125.72
Nov. 30	Hana Store, Bill	370.95
Dec. 21	Hana Store, Bill	496.72
Dec. 22	George O. Cooper, Bill	149.04
Dec. 22	Kaeleku Sugar Co., Ltd., Bill.	110.00
Dec. 31	Inter Island S. N. Co., Ltd., Bill	79.00
Dec. 31	Mutual Telephone Co., Ltd., Wireless Department, Bill.	3.75
Dec. 31	John A. Legros, Bill	1.50
Dec. 31	Inter Island S. N. Co., Ltd. Bill	32.36
		\$1,471.01

HONOLULU WHARF AND HARBOR IMPROVEMENTS.

1909

Dec. 31	Allen & Robinson, Ltd., Bill..	\$ 387.70
Dec. 31	Lewers & Cooke, Ltd., Bill ..	410.53
Dec. 31	Inter Island S. N. Co., Bill..	25.50
1910		
Jan. 31	E. O. Hall & Son, Ltd., Bill..	11.98
Jan. 31	Lewers & Cooke, Ltd., Bill ..	15.35
Jan. 31	Honolulu Iron Works Co., Bill	126.40
May 31	E. O. Hall & Son, Ltd., Bill..	19.95 \$1,007.41

DEPARTMENT OF PUBLIC LANDS.

Claim of J. Atkins Wight, for purchase price on lot 39, Map 26, Kaauhuuhu, Kohala, Hawaii, cancelled on March 15, 1906; sold at public auction on March 12, 1910, said purchase price having been deposited in the Treasury as Lands Sales April 8, 1910	\$ 75.00
Claim of Eliza Y. Atkins, for purchase price on lot 38, Map 26, Kaauhuuhu, Kohala, Hawaii, cancelled on March 15, 1906; sold at public auction March 12, 1910; said purchase price having been deposited in the Treasury as Land Sales April 8, 1910	108.00
Claim of O. Omsted, for improvements on Lot No. 379, Map 23, Olaa Reservation, Puna, Hawaii, cancelled March 31, 1908, sold at public auction on March 12, 1910, the amount having been deposited in the Treasury as Land Sales April 8, 1910	125.00

Claim of Mrs. Dina Kanaina, heir of S. Halekui, for purchase price on Lot No. 37, Map 26, Kaauhuu, Ko- hala, Hawaii, cancelled on January 2, 1909, sold at public auction on November 3, 1906, the amount having been deposited in the Treas- ury as Land Sales on January 11, 1909	140.00
Claim of J. N. Wood, re Lot 2, Hauula Homesteads, Koolauloa, Oahu, first payment deposited in the Treas- ury on December 20, 1906	76.00
Claim of Mary Kaleialii, re Lot 3, Hauula Homesteads, Koolauloa, Oahu, first payment deposited in the Treasury on October 8, 1906	52.50
Claim of Estate of J. J. Dower, re Lot 4, Hauula Homesteads, Koolauloa, first payment deposited in the Treas- ury on December 4, 1906	54.00
Claim of Ida C. Burnette, re Lot 5, Hauula Homesteads, Koolauloa, first payment deposited in the Treasury on October 3, 1906	55.10
Claim of Emily Savidge, re Lot 6, Hauula Homesteads, Koolauloa, Oahu, first payment deposited in the Treasury on October 3, 1906	55.50
Claim of Alfred Johnson, re Lot 7, Hauula Homesteads, Koolauloa, Oahu, first payment deposited in the Treasury on November 12, 1906...	35.50
Claim of Estate of W. W. Carlyle, re Lot 9, Hauula Homesteads, Koolau-	

loa, Oahu, first payment deposited in the Treasury on November 30, 1906 ..	22.50
Claim of W. H. Bradley, re Lot 10, Hauula Homesteads, Koolauloa, Oahu, first payment deposited in the Treasury on December 20, 1906 ..	40.00
Claim of Mrs. H. M. Ayres, re Lot 11, Hauula Homesteads, Koolauloa, Oahu, first payment deposited in the Treasury on December 30, 1906 ..	57.60
Claim of Mrs. Jennie R. McLean, re 2 lots in Nuuanu Valley which were sold to her for \$2,045.00, but through error her agents paid \$2,145.00 on March 10, 1909, refund	100.00
	\$ 996.70

BOARD OF HEALTH.

Care of Lepers, Segregation and Hospitals, Expenses:

S. M. Damon, Rent of Puuhale Premises to June 30, 1909, including taxes 2nd half 1908	176.66
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THE COURTS.

Third Circuit.

Ah Lap	\$ 13.00
William Weeks	5.00
Fook Kau	5.00
Adam Wong	5.00
S. Hamamoto	5.00
K. Shibayama	25.00
Mrs. Julia You, Assignee of Sung Kuk You	45.00
Arthur Akina	25.00
Joseph H. Martin	5.00

Constantine V. Moreira, June 30, 1909	2.00
M. M. Springer, Feb. 28, 1906	6.12
M. M. Springer, March 31, 1906	9.00
	\$ 150.12

THE SECRETARY.

UNPAID

THE SENATE OF 1909:

Claim of The Garden Island Publishing Co., Ltd., Feb. 18, 1909, for 7 sub- scriptions ordered per Senate Reso- lution No. 3, the Original warrant for payment of same, No. 128, dated May 5, 1909, having been lost and payment stopped	\$ 5.25
	<hr/>
	\$7,269.13

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 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. 1911.

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

Approved this 25th day of April, A. D. 1911, except as to the item "Claim of James Quinn for loss of automobile \$2,000.00," which I do not approve and hereby veto.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

JOINT RESOLUTION No. 1

JOINT RESOLUTION.

Be it Resolved by the House of Representatives and Senate of the Legislature of Hawaii:

That His Excellency the Governor be and is hereby requested to appoint, within thirty days from the adjournment of this Body, a Commission of five members to consist of one member from each of the following counties: Hawaii, Maui and Kauai, and of two members from the City and County of Honolulu, to report to the Governor of the Territory and the Legislature of 1913 suggestions, plans and ways and means for a Hawaiian Exhibit at the Panama-Pacific Exposition to be held at San Francisco, California, in the year 1915.

Approved this 28th day of February, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

JOINT RESOLUTION No. 2.

JOINT RESOLUTION.

WHEREAS, there is now stored in the Archives Building of the Territory of Hawaii, a certain chest of silverware that was used in the Palace during the reign of His Majesty, King Kalakaua; and

WHEREAS, no good purpose can be served by retaining said chest of silverware in the custody of the Government; and

WHEREAS, it is peculiarly appropriate that said silverware should be available for use by the successor in family and estate

of his said Majesty, King Kalakaua, to-wit: HONORABLE JONAH KUHIO KALANIANAOLE and his heirs,

Therefore, be it Resolved by the Legislature of the Territory of Hawaii, Regular Session of 1911, that the Board of Commissioners of Public Archives is hereby authorized and directed to surrender and deliver to said Honorable Jonah K. Kalanianaole the said chest of silverware, for the use of him, the Honorable Jonah K. Kalanianaole, and his heirs.

Approved this 26th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.