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a concise statement of the facts constituting the complaint, and a hearing shall be had before the said Commissioners within one week from the date of the filing of the complaint, and no adjournment shall be taken for a period longer than one week. A daily calendar of all hearings shall be kept by the said Commissioners and shall be posted in a conspicuous place in their public office for at least one day before the date of such hearings. The said Commissioners shall render their decision within eight days from the time the matter is finally submitted to them. Said Commissioners of the District of Columbia shall keep a record of all such complaints and hearings. The said Commissioners may refuse to issue and shall revoke any license for any good cause shown, within the meaning and purpose of this Act, and when it is shown to their satisfaction that any licensed person, either before or after conviction, is guilty of any illegal act in connection with the conduct of said business or in violation of this law it shall be the duty of the said Commissioners to revoke the license of such person; but notice of the charges shall be presented and reasonable opportunity shall be given said licensed person to be heard in his defense. Whenever for any cause such license is revoked, said Commissioners shall not issue another license to said licensed person until the expiration of at least six months from the date of revocation of such license. The said Commissioners shall cause the corporation counsel to institute criminal proceedings for the enforcement of this Act before any court of competent jurisdiction.

Hearings.

Decisions.

Revocation of licenses, etc.

Post, p. 848.

REPEALING.

Repeal.

SEC. 12. That all Acts or parts of Acts relating to employment agencies inconsistent with this Act are hereby repealed.

Effect.

SEC. 13. That this Act shall take effect from and after its passage.

Approved, June 19, 1906.

June 20, 1906.
[S. 4184.]
[Public, No. 249.]

CHAP. 3441.—An Act To ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

Preamble.

Whereas the legislature of the Territory of Hawaii did, by an act duly passed at the nineteen hundred and five session thereof, authorize the Standard Telephone Company (Limited) to construct, maintain, and operate a telephone system on the island of Oahu, Territory of Hawaii, and which said act was approved by the governor of said Territory on the twenty-sixth day of April, nineteen hundred and five; and

Whereas the Act of Congress to provide a government for the Territory of Hawaii, approved April thirtieth, nineteen hundred, provides that the legislature of the Territory of Hawaii shall not grant to any corporation, association, or individual any special privilege or franchise without the approval of the Congress of the United States: Now, therefore,

Hawaii.
Telephone franchise.
Act of legislature granting, island of Oahu, ratified, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the legislature of the Territory of Hawaii entitled "An act to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited)," approved by the governor of the Territory April

twenty-sixth, nineteen hundred and five, be, and is hereby, amended, and, as amended, is hereby ratified, approved, and confirmed, as follows, to wit:

"ACT 66.

"AN ACT

Provisions of act.

"To authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, by the Standard Telephone Company (Limited).

"*Be it enacted by the legislature of the Territory of Hawaii:*

Franchise to Standard Telephone Company (Limited).

"SECTION 1. The right is hereby granted to the Standard Telephone Company (Limited), a corporation organized under the laws of the Territory of Hawaii, to construct, operate, and maintain, for the term of twenty-five years from the date of the approval of this act, a telephone and electrical communicative system, aerial, underground, or subaqueous, in, upon, along, and under the highways and public roads of the said island of Oahu, and under the lands and waters of said island.

Operation.

"SEC. 2. The said telephone system shall be operated by underground wires within a radius of one-half mile, starting from the north corner of Fort and King streets, and beyond said limits by such means or methods as may be adopted by said company from time to time, with the approval of the superintendent of public works, or any other official or board having control of the streets and roads where said wires are located, which said officials or boards may, after nineteen hundred and twelve, at any time that the public interests require it, direct any changes in the method of placing or using said wires that have been or may thereafter be put up or laid that they shall determine to be proper and necessary.

Purchase of other lines.

"SEC. 3. If the Standard Telephone Company (Limited) shall at any time acquire, by lease or otherwise, the rights, franchises, and property of any person or corporation operating a telephone system on the island of Oahu, all of the rights, privileges, powers, and authority by this act conferred with reference to the occupation of streets, lands, and waters, maintenance and operation of telephone companies, and also all other powers so conferred, are hereby authorized in the maintenance and use of the property so acquired. All franchises thus acquired shall be subject to all the conditions and limitations of this act.

Conduits.

"SEC. 4. All underground wires shall be in conduits not less than two feet beneath the surface of the street, which surface shall be securely supported so as not to impair the use and enjoyment of said streets by the public, and all trenches in which conduits are placed, as well as the manholes connected with the system, shall be constructed in a substantial and workmanlike manner.

Street pavements, etc.

"SEC. 5. The said Standard Telephone Company, before laying its conduits or otherwise disturbing any of the streets or roads of the island of Oahu, shall ascertain the lawful grade of such streets or roads from the superintendent of public works or other officials or boards having charge of said streets or roads, who shall furnish the required information within a reasonable time.

"The conduits or other equipment of the said company which affect the surface of the public streets or roads shall conform to the grades of said streets or roads on which they are laid down, as furnished by the superintendent of public works or other officials or boards having charge of said streets or roads, and the said Standard Telephone Company shall not in any way change or alter the same without the written consent of the said authorities. And the Territory of Hawaii reserves further the right to change and alter the line and grades of its streets

at any time, and the said Standard Telephone Company shall, at their own cost, within sixty days conform to such new lines and grades in reconstructing its surface equipment or conduits upon receiving notice in writing from the superintendent of public works or other officials or boards having charge of said streets or roads, and such changes shall be made subject to the approval of the said officials. And in all cases of street improvements by the Territory, county, or municipality, the said Standard Telephone Company shall conform to all such improvements as directed by the superintendent of public works or other officials or boards having charge of said streets or roads. In case of neglect by said Standard Telephone Company to make such repairs, changes, or improvements required of it by this section, they shall be made by the Territory, county, or municipality which maintains said streets or roads, and the cost of such repairs, changes, and improvements shall be recovered from the said Standard Telephone Company.

Poles, etc.

"SEC. 6. The said Standard Telephone Company (Limited) shall erect and maintain its poles and lines so as not to unnecessarily interfere with the public use of the streets, alleys, lanes, and highways, and wherever its lines are laid underground shall cause all excavations to be immediately filled upon the completion of such work, and the streets, alleys, lanes, and highways restored to the condition in which they were before such excavations were made.

Repairs.

"SEC. 7. The said Standard Telephone Company (Limited) shall have the right at all times to construct and repair its underground or overhead wires or appliances by them required in the construction, equipment, operation, and maintenance of said telephone system, and to lay, maintain, and operate such additional underground or overhead wires as the business of the said Standard Telephone Company (Limited) may require.

Rules.

"SEC. 8. The said Standard Telephone Company (Limited) shall from time to time make such rules and regulations for the government of its affairs, not inconsistent with the laws of the Territory of Hawaii, as will protect it from loss, misuse of its instruments, or abuse of its service.

Penalties for injuries, etc.

"SEC. 9. Any person willfully and maliciously doing any of the following acts, to wit: Obstructing the free communication of intelligence, message, conversation, or tapping the lines of the said Standard Telephone Company (Limited); defacing, marring, or injuring the poles, wires, or other appliances used in operating, using the poles, fences, houses, or other property, without consent, for advertising purposes, or in any other manner inflicting injury to the property, or causing annoyance and embarrassment in the enjoyment of its property, rights, or franchises to the said Standard Telephone Company (Limited) shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding a term of three months, or, upon a second or further conviction, by both such fine and imprisonment.

Rights of way.

"SEC. 10. Whenever it shall be deemed necessary that the rights of way over private property should be taken by the said Standard Telephone Company (Limited) and the same can not be acquired by purchase for a reasonable or fair compensation, the said Standard Telephone Company (Limited) is hereby authorized and empowered to take such places or property to the extent only of the actual amount necessary for the said right of way in the manner hereinafter provided: *Provided, however*, That this act shall not be construed to allow the said Standard Telephone Company to condemn the equipment of any other electric or telephone company.

Condemnation.

"SEC. 11. If the person, persons, association or corporation owning such property does not consent and agree to the use required, and to

the compensation offered therefor, the said Standard Telephone Company (Limited) may institute condemnation proceedings in the circuit court of the first circuit of the Territory of Hawaii, which is hereby empowered to hear and determine such condemnation proceedings.

Purchase of other companies.

"SEC. 12. The said Standard Telephone Company (Limited) shall have the right to take over, either by purchase or lease, any or all of the property, real or personal, rights, privileges, and franchises, of any other telephone company, and shall have, when so acquired, and may exercise all the rights, powers, privileges, and franchises of such company, whether the same be derived by charter, by municipal authority, by act of the legislature of the Territory of Hawaii, or by the United States Congress. All franchises and property thus acquired shall be subject to all the conditions and limitations of this act.

Indebtedness.

"SEC. 13. The said Standard Telephone Company (Limited), whenever from time to time it shall be deemed expedient in furtherance of the objects by this act authorized, shall have the power to borrow money and to secure the payment thereof with interest agreed upon by mortgages of all or any portion of its property, which may include the franchise, and any such mortgages may be issued, if it be deemed advisable, in the form of mortgage bonds; such mortgages or trust deeds may, in addition to the property named above, cover also any property or property rights to be acquired after their several dates, as well as the income and receipts of the property from whatever source derived. Such mortgages and trust deeds may also contain such provisions as the said Standard Telephone Company (Limited) may deem advisable and proper for the protection of all concerned, relative to payment of interest and principal, possession and operation of said telephone system or other property, default, remedies, foreclosures, powers of mortgagees or trustees in the matter, and all and every other matter which may be deemed wise and proper to insert therein.

Taxes.

"SEC. 14. The said Standard Telephone Company (Limited) shall pay to the government of the Territory of Hawaii a tax of two and one-half per centum of its gross receipts from and after the expiration of two years from the date of the approval of this act by the Congress of the United States. Such payments shall be made quarterly.

Additional.

"SEC. 15. In case of purchase, lease, or acquirement of the property of any other telephone company, as provided in sections three and twelve of this act, by the Standard Telephone Company, then and in that case the tax provided for under section fourteen of this act shall be paid to the Territory from the date of such purchase, lease, or acquirement.

Completion, etc.

"SEC. 16. Such portion of the general telephone system required for a general public service as is to be operated in underground conduits, and within one-half mile radius of the point designated in section two of this act, shall be completed and in operation within two years from the date that this act is approved by the Congress of the United States; and if the said Standard Telephone Company, or any other person or corporation claiming under this act, shall fail to comply with the provisions of time limitation as expressed in this section, then and in that case all rights under this act shall be forfeited, and the privileges hereby granted shall forthwith cease and determine.

Rates.

"SEC. 17. Any person using the telephone instruments of the Standard Telephone Company shall be liable to pay for the use of such instruments at the following rates, namely:

"(a) Residences situated at such distances from the central office of the company as to require not more than five miles of constructed line, not more than two dollars and fifty cents per month;

"(b) Places of business situated at such distances from the central office of the company as to require not more than five miles of constructed line, not more than four dollars per month;

"(c) For instruments at places situated at such distances from the central office of the company requiring more than five miles of constructed line, not more than six dollars and twenty-five cents per month:

"*Provided, however*, That nothing in this section contained shall prohibit the making of any special contract for any special service.

Offices.

"SEC. 18. The said Standard Telephone Company shall during the existence of this franchise have and maintain an office for the transaction of business of the company at some place in Honolulu convenient of access to the public, and a majority of the board of directors of said company and other persons having the charge, management, and control thereof shall be residents of the Territory of Hawaii.

Inspection.

"SEC. 19. The entire plant, operation, books, and accounts of said Standard Telephone Company shall at any time be open and subject to the inspection of the treasurer of the Territory of Hawaii or any person appointed by him for the purpose.

Forfeiture.

"SEC. 20. FORFEITURE OF FRANCHISE.—Whenever said company 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 superintendent of public works or other proper authority to comply therewith, the governor and attorney-general shall cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted hereunder, forfeited and declared null and void.

Franchise not exclusive.

"SEC. 21. FRANCHISE NOT EXCLUSIVE.—It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the company the exclusive right to install or operate a telephone system or systems.

Effect.

"SEC. 22. This act shall take effect from and after its approval by the Congress of the United States of America.

"Approved this twenty-sixth day of April, anno Domini nineteen hundred and five.

"G. R. CARTER,
"Governor of the Territory of Hawaii."

Amendment, etc.

SEC. 2. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal said Act.

Approved, June 20, 1906.

CHAP. 3442.—An Act To regulate the landing, delivery, cure, and sale of sponges.

June 20, 1906.
[S. 4806.]
[Public, No. 250.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after May first, anno Domini nineteen hundred and seven, it shall be unlawful to land, deliver, cure, or offer for sale at any port or place in the United States any sponges taken by means of diving or diving apparatus from the waters of the Gulf of Mexico or Straits of Florida: *Provided*, That sponges taken or gathered by such process between October first and May first of each year in a greater depth of water than fifty feet shall not be subject to the provisions of this Act: *And provided further*, That no sponges taken from said waters shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than four inches in diameter.

Sponges.
Landing, etc., taken by diving in Gulf of Mexico, etc., unlawful.

Provisos.
Exception.

Size restricted.

Penalties.

SEC. 2. That every person guilty of a violation of this Act shall for each offense be liable to a fine of not less than one hundred dollars or more than five hundred dollars, which fine shall be a lien against the