

August 7, 1916.
[H. R. 16640.]

[Public, No. 178.]

CHAP. 275.—An Act To amend an Act entitled "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, Territory of Hawaii," approved August first, nineteen hundred and twelve, as amended by an Act approved July twenty-fifth, nineteen hundred and fourteen.

South Hilo, Hawaii.
Street railway franchise.

Vol. 37, p. 243,
amended.

Meaning of words.
"Commission."

"County of Hawaii."

Powers vested in
commission.

Time of construction,
extended.
Vol. 38, p. 555,
amended.

Additional construction.

Proviso.
Unavoidable delays.

Extensions, etc.

Proviso.
Expenses of maintenance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an Act entitled "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, Territory of Hawaii," as amended by an Act approved July twenty-fifth, nineteen hundred and fourteen, is hereby amended by striking out subsections (b), (c), and (f) thereof, and inserting new subsections (b) and (c), which shall read as follows:

"(b) 'Commission' shall mean the public utilities commission of the Territory of Hawaii.

"(c) 'County of Hawaii' shall mean the present county of Hawaii, or such political division as the legislature shall from time to time designate, including the district hereafter defined."

SEC. 2. That wherever the words "board" or "governor" or "board with the approval of the governor" are contained in said Act, there shall be substituted "commission," it being the intention to grant the powers granted in said original Act to said board and the governor to said commission, excepting, however, that where the word "board" is used in subsections (a), (f), and (h) of section four of said original Act, the said word "board" shall refer to and mean the board of supervisors of the county of Hawaii.

SEC. 3. That section four of said Act is hereby amended so that subsection (e) thereof shall read as follows:

"(e) The construction of the railway shall be commenced and at least the sum of \$20,000 shall have been expended or contracted to be expended on or before August first, nineteen hundred and eighteen, and at least two miles shall be completed, equipped and ready for the transportation of passengers within two years after such commencement.

"At least two additional miles of the railway shall be completed, equipped and ready for operation within six years from the passage of the amendatory Act by the Congress of the United States, and in case of failure to comply with such requirements the privileges granted by section two 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 bona fide actions, suits, or injunctions, instituted through no fault of the association, but causing delay in the construction or commencement of operations of said railway, the time so lost shall not be counted as part of the periods of limitation above specified.

"Additions and extensions of the railway shall be constructed by the association, and when so constructed, or constructed by others, shall thereafter be maintained and operated by it whenever, after notice and an opportunity to be heard, it shall be directed so to do by the public utilities commission of said Territory: *Provided,* That the commission shall not so direct unless, in its opinion, the earnings of the association when operating such additions and extensions, together with its previously existing railway system, will be sufficient for its reasonable expenses of maintenance and operation, interest, and sinking fund on its indebtedness, and dividends of eight per centum per annum on its issued stock; and the commission may likewise permit the association to cease the maintenance and operation of any portion of the railway system whenever in its opinion conditions so warrant or require."

SEC. 4. That section eight is hereby amended by striking out the second paragraph in said section relating to a public utility board.

Public utility board.

SEC. 5. That section twelve of said Act is hereby amended by striking out the words "chapter sixty-four of the Revised Laws of Hawaii," in lines ten and eleven thereof, and inserting in lieu thereof the words "chapter fifty-two of the Revised Laws of Hawaii, nineteen hundred and fifteen."

Condemnation authority.

SEC. 6. That section fifteen of said Act is hereby amended so that the same shall read as follows:

"SEC. 15. That the rights, privileges, and franchises hereby granted to the association shall continue during the pleasure of the Legislature of the Territory of Hawaii with the approval of the Congress of the United States, subject only to the limitations in this Act contained."

Indefinite grant.

SEC. 7. That section sixteen of said Act is hereby amended so that the same shall read as follows:

"SEC. 16. That 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 passage of this amendatory Act."

Tax exemption for ten years.

SEC. 8. That section seventeen of this Act is hereby amended as follows: Strike out all after paragraph two and insert in lieu thereof the following:

"The association shall pay to the county of Hawaii, within one month after the expiration of each year, two and one-half per centum of the gross receipts derived from transportation during the preceding calendar year.

Payment to Hawaii County from gross receipts.

"No member of the association, or of any assignee or successor of the same, and no stockholder or officer of any corporation securing any or all of the rights herein granted to the association shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, for the construction of any part of the railway or for the supply of its rolling stock."

Stockholders not to have interest in contracts.

SEC. 9. That section nineteen of said Act is hereby amended so that the same shall read as follows:

"SEC. 19. The Territory of Hawaii, the county of Hawaii, or any political subdivision thereof, within or including the district of South Hilo, may at any time after the expiration of twenty years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, when so authorized by the Legislature of the Territory of Hawaii, acquire by purchase all the property of the association, subject to the then existing charges thereon.

Purchase by Territory, etc., after twenty years, permitted.

"The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or, in case it should fail to do so within thirty days after having been requested to do so by the purchaser, then by the chief justice of the supreme court of Hawaii, one by the purchaser, and the third by the two so appointed; or, in case they should fail to agree upon the third member within thirty days, then by said chief justice, any such action by the chief justice to be taken only after giving to each party notice and an opportunity to be heard; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will or any other intangible element shall not be considered in determining the amount to be paid.

Determination of amount, etc.

"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

Appeal to supreme court.

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.

Termination of franchise, etc., on payment.

"Within six months after the determination of the purchase price, as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal."

Approved, August 7, 1916.

August 7, 1916.
[H. R. 17053.]

[Public, No. 179.]

CHAP. 276.—An Act Making additional appropriations for the Public Health Service for the fiscal year nineteen hundred and seventeen.

Public Health Service.
Additional appropriations.
Ante, p. 278.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following additional sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Public Health Service for the fiscal year nineteen hundred and seventeen, namely:

Assistant surgeons.
Interstate quarantine service.
Ante, p. 279.

For additional assistant surgeons, \$50,000.

Interstate Quarantine Service: For cooperation with State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic, \$85,000.

Approved, August 7, 1916.

August 8, 1916.
[H. R. 10668.]

[Public, No. 180.]

CHAP. 295.—An Act To repeal section four of the Act of Congress approved June eleventh, nineteen hundred and six, known as the forest homestead Act, and for other purposes.

National forests.
Restrictions on agricultural entries in Black Hills, S. D., removed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the Act of Congress, approved June eleventh, nineteen hundred and six, entitled "An Act to provide for the entry of agricultural lands within forest reserves," as amended by the Act of February eighth, nineteen hundred and seven (Statutes at Large, volume thirty-four, page eight hundred and eighty-three), and by the Act of July third, nineteen hundred and twelve (Statutes at Large, volume thirty-seven, page one hundred and eighty-eight), be, and the same is hereby, repealed. All lands within national forests in Lawrence and Pennington Counties, in South Dakota, shall be and remain subject to all other provisions of the said Act of June eleventh, nineteen hundred and six, and Acts amendatory thereof and supplementary thereto.

Vol. 34, pp. 234, 883.

Vol. 37, p. 188.

Approved, August 8, 1916.

August 8, 1916.
[H. R. 16068.]

[Public, No. 181.]

CHAP. 296.—An Act To authorize the construction, maintenance, and operation of a bridge across the Black River at or near Bennetts Ferry, Arkansas.

Black River.
Clay County, Ark.,
may bridge, Bennetts Ferry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Clay, in the State of Arkansas, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the