

- Disposal of fees, etc. making such appointment: *Provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section eleven of this Act.
- United States fees, etc. SEC. 10. That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.
- Deposit of fines and costs. SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for Oregon.
- Acceptance of cession. SEC. 12. That the Secretary of the Interior shall notify, in writing, the governor of the State of Oregon of the passage and approval of this Act.
- Approved, August 21, 1916.

August 21, 1916.
[H. R. 14944.]

[Public, No. 224.]

Public lands.
Flandreau, S. Dak.,
granted lot for public
park.

Description.

CHAP. 369.—An Act Authorizing the Secretary of the Interior to transfer on certain conditions the south half of lot fourteen of the southeast quarter of section twenty-one, township one hundred and seven, range forty-eight, Moody County, South Dakota, to the city of Flandreau, to be used as a public park or playgrounds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the city of Flandreau, in Moody County, South Dakota, the following-described real property situated in the city of Flandreau, Moody County, South Dakota, viz: The south half of lot fourteen of the southeast quarter of section twenty-one, township one hundred and seven, range forty-eight, which shall be permanently used as a public park or playground for the Indian and white school children of the vicinity on equal terms, which park or playground shall be maintained by the city of Flandreau without expense to the United States.

Approved, August 21, 1916.

August 21, 1916.
[H. R. 15777.]

[Public, No. 225.]

Hawaii.
Act of legislature
granting gas franchise,
South Hilo, ratified,
etc.

CHAP. 370.—An Act To ratify, approve, and confirm an Act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii.

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 granting a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved by the governor of the Territory April thirtieth, nineteen hundred and thirteen, is hereby amended by Congress, and as thus amended is hereby ratified, approved, and confirmed, as follows:

"Act 152. An Act granting a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii: *Be it enacted by the Legislature of the Territory of Hawaii.*"

John T. Baker.
Franchise granted,
for gas manufacture.

SECTION I. MANUFACTURE AND SUPPLY OF GAS.—John T. Baker, of Hilo, county of Hawaii, Territory of Hawaii, his associates, successors, and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Territory of Hawaii, and its successors and assigns (he and they being hereinafter referred to as the association), are hereby authorized and empowered to manufacture and supply gas for use as a fuel, for illuminating purposes, and otherwise, in the district of South Hilo, county of Hawaii, for the term of fifty

years from the date of the approval of this Act by the Congress of the United States, subject to the limitations in this Act contained.

SEC. 2. ERECTION OF BUILDINGS, AND SO FORTH.—The association shall have the right to erect and maintain at such places, within the limits mentioned in section one, as the board of supervisors of the county of Hawaii shall approve, such buildings, machinery, and appurtenances as may be necessary for the production, manufacture, and storage of such gas, together with its various by-products, as may be required from time to time during the existence of the rights hereby granted.

SEC. 3. LAYING PIPES, AND SO FORTH, IN STREETS.—The association, for the purpose of distributing such gas, shall have the right from time to time to lay pipes or other conduits in or under the streets, roads, and places in the said district of South Hilo, and whenever supply pipes and mains shall be laid in any block connections shall be made and pipes shall be laid from said main to the curb line of the street for the purpose of supplying gas to the property holders adjoining such street, and each of such connections shall be provided with stopcocks inside of such curb line: *Provided*, That nothing herein shall prevent the laying down of additional branches or connections at any time when future requirements render the same necessary. But the methods by which such streets, roads, and places are to be used shall be subject to prior consent and approval of the board of supervisors, and all instructions and directions made by said board shall be strictly followed to the end that the general public shall be inconvenienced as little as possible: *And provided likewise*, That whenever any street, road, or other place shall be excavated and holes or trenches made therein for laying, maintaining, replacing, or repairing such pipes, conduits, or connections, such holes or trenches shall be safeguarded and refilled as soon as possible, and the pavement, if any, and such street, road, or other place shall be replaced in good order and like condition by the association: *Provided*, That if such repair or restoration shall not be made to the satisfaction of the board of supervisors within a reasonable time, whereof they shall be the judge, they may cause it to be done at the expense of the association: *And provided further*, That the association may be required to furnish to the board of supervisors, before making any street excavations or alterations, a good and sufficient bond for a sum to be fixed by the board of supervisors to insure prompt replacement of such portions of the streets and pavements therefor.

SEC. 4. METERS, RATES.—The association shall also have the right to maintain and use gas meters or other means for measuring the amount of gas used from time to time and in such places as may be deemed necessary, and to operate the same for all purposes connected with the use of such gas, and shall also have the right to charge, receive, and collect from all consumers of gas reasonable prices as it may from time to time fix and determine, but not at any time to exceed \$2 per thousand cubic feet, with a discount of ten per centum on all payments made within ten days after due and demanded: *Provided, however*, That the prices charged to all consumers substantially under the same conditions and circumstances shall be equal, and shall also have the right to charge consumers or intended consumers of gas for the cost and expense of making connections between the mains and premises where such gas is to be used, and may also include the price for all connection pipe, gas fixtures, and other material necessary: *Provided*, That the association shall be subject as to reasonableness of rates, prices, and charges, and in all respects to the provisions of act eighty-nine of the session laws of nineteen hundred and thirteen of said Territory, creating a public-utilities commission, and all amendments thereof for the regulation of public utilities in said Territory, and of act one hundred and thirty-

Buildings, etc.

Laying pipes, etc.

Provisos.
Additions, etc.Replacing streets,
etc.

Condition.

Bond.

Meters, charges, etc.

Provisos.
Prices, etc.Regulation by public
utilities commission.

Ante, p. 38.

five of the session laws of nineteen hundred and thirteen of said Territory, as amended and approved by an Act of Congress approved March twenty-eighth, nineteen hundred and sixteen.

Cutting off service.

SEC. 5. CUTTING OFF SERVICE.—The association shall also have the right to cut off the supply of gas from any consumer who shall refuse or fail to pay amounts due for gas so supplied by the association within such reasonable time as may be fixed for payment of the same; but such cutting off shall not prevent the association from using any remedies now or which may hereafter be authorized by law for collecting debts.

General restrictions.

SEC. 6. The rights and powers hereby granted shall be exercised in such manner as to cause the least inconvenience to the public; and the association shall provide gas of the best quality obtainable, which quality shall be subject to the control of such reasonable rules and regulations as the board of supervisors shall from time to time deem necessary, and the buildings and machinery, with all appurtenances to be erected, and general plant to be maintained in connection therewith, together with the offices, books, and accounts of the association, shall be open to examination and inspection at all times by the board of supervisors or some one duly authorized by them for that purpose.

Commencement and completion.

SEC. 7. TIME OF COMMENCING WORK.—It is further provided that the rights hereby granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing or supplying such gas, or by laying pipes or conduits in any of the streets, roads, or places, within two years from and after the date of approval of this Act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply gas, and if gas is not supplied within two years after such commencement.

Mortgages, etc.

SEC. 8. MORTGAGES, BONDS.—The association shall have power to mortgage the franchise hereby conferred to secure the payment of bonds or other monetary obligations incurred in the construction of buildings, machinery, pipes, conduits, and appurtenances and the manufacturing and supplying of gas as provided by this Act.

Exemption from Territorial taxes.

SEC. 9. EXEMPTION FROM TAXATION.—All property of every kind and nature, forming or used as part of such gas system, including this franchise, shall be exempt from any and all taxes under the Territory of Hawaii until the expiration of seven years from and after the date of the approval of this Act by the Congress of the United States.

Payment to county.

SEC. 10. One month after the expiration of each calendar year there shall be payable to the treasurer of the county of Hawaii, for and on behalf of said county, two per centum of the gross receipts of the association for all gas furnished to consumers under the terms of this Act during the preceding twelve calendar months.

Annual statements required.

SEC. 11. The association shall, within one month after the expiration of each calendar year, file with the board of supervisors a detailed statement showing all of its receipts and expenditures during the preceding calendar year; and all of its books, papers, records, and accounts shall, at all reasonable times, be open to inspection by the public utilities commission, the board, and their respective agents appointed for such purpose. The association shall not issue stock in excess of the amount paid to it therefor in cash, nor shall it issue bonds at less than ninety per centum of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditure.

Issue of stock and bonds.

Stockholders forbidden construction contracts.

No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, for the construction of any part of the work.

Amendment, etc.

SEC. 12. 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.

SEC. 13. 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.

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

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may in its behalf take or require further evidence to be introduced by either party.

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

Approved, August 21, 1916.

CHAP. 371.—An Act Extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until otherwise provided by Congress, the President is authorized to make rules and regulations in matters of sanitation, health, and quarantine for the Canal Zone or to modify or change existing rules and regulations and those hereafter made from time to time. Violations of any quarantine regulations provided for herein shall be punished by fine not to exceed \$500 or by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment, in the court's discretion; and

Purchase by Territory, etc.

Determination of amount.

Appeal, etc.

Franchise to cease on purchase.

Conveyances.

August 21, 1916.
[H. R. 15955.]

[Public, No. 226.]

Canal Zone, Sanitation, etc., regulations subject to the President.

Punishments for violations.