

[CHAPTER 481]

AN ACT

To amend section 460, chapter 44, title II, of the Act entitled "An Act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended.

July 10, 1937

[S. 2254]

[Public, No. 199]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 460, chapter 44, title II, of the Act entitled "An Act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended, is amended by striking out the following paragraphs:

Alaska code of criminal procedure, amendments.
30 Stat. 1336.

"Freight and passenger transportation lines, propelled by mechanical power registered in the Territory of Alaska, or not paying license or tax elsewhere, and river and lake steamers, as well as transportation lines doing business wholly within the Territory of Alaska, one dollar per ton per annum or ¹ net tonnage, customhouse measurement, of each vessel.

License tax on shipping, paragraphs repealed.

"SHIPS AND SHIPPING: Ocean and coastwise vessels doing local business for hire plying in Alaskan waters, registered in Alaska or not paying license or tax elsewhere, one dollar per ton per annum on net tonnage, customhouse measurement, of each vessel."

SEC. 2. Nothing in this Act shall abrogate, limit, or curtail the powers granted the Territorial Legislature of Alaska to impose taxes or licenses, nor limit or curtail any powers granted to the Territorial Legislature of Alaska by the Act of Congress approved August 24, 1912, entitled "An Act to create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes", or by any other Act of Congress.

Powers of Territorial Legislature not curtailed, etc.
37 Stat. 514.

Approved, July 10, 1937.

[CHAPTER 482]

AN ACT

To amend the Hawaiian Homes Commission Act, 1920.

July 10, 1937.

[S. 2620]

[Public, No. 200]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 203 (1), 203 (4), 204 (2), 207 (1), 208, 208 (1), 208 (5), 208 (6), 208 (7), 209 (1), 209 (2), 209 (3), 209 (4), 215 (1), 215 (2), 215 (3), 216, and 220 of the Hawaiian Homes Commission Act, 1920, be amended to read as follows:

Hawaiian Homes Commission Act, 1920, amendments.
42 Stat. 109-114.
48 U. S. C. § 691.

"SEC. 203. (1) On the island of Hawaii: Kamaoa-Puueo (eleven thousand acres, more or less), in the district of Kau; Puukapu (twelve thousand acres, more or less), Kawaihae 1 (ten thousand acres, more or less), and Pauahi (seven hundred and fifty acres, more or less), in the district of South Kohala; Kamoku-Kaupalena (five thousand acres, more or less), Waimanu (two hundred acres, more or less), and Nienie (seven thousand three hundred and fifty acres, more or less), in the district of Hamakua; fifty-three thousand acres to be selected by the Commission from the lands of Humuula Mauka, in the district of North Hilo; Panaewa, Waiakea (two thousand acres, more or less), Waiakea-kai, or Keaukaha (two thousand acres, more or less), and two thousand acres of agricultural lands to be selected by the Commission from the lands of Piipihonua, in the district of South Hilo; and two thousand acres to be selected by the Commis-

Island of Hawaii, designated parcels added to jurisdiction of Commission.
Description.

¹ So in original.

sion from the lands of Kaohe-Makuu, in the district of Puna; land at Keaukaha, Hawaii, more particularly described as follows:

Parcel I.

"Parcel I

"Now set aside as Keaukaha Beach Park by Executive Order Numbered 421, and being a portion of the Government land of Waiakea, South Hilo, Hawaii.

"Beginning at the southeast corner of this parcel of land, on the north side of Kalanianaʻole Road, the coordinates of said point of beginning referred to Government survey triangulation station 'Halai' being five thousand six hundred and eighty-one and twelve one-hundredths feet north and seventeen thousand nine hundred and thirty-three and fifteen one-hundredths feet east, as shown on Government Survey Registered Map Numbered 2704, and running by true azimuths.

"1. Sixty-one degrees fifty-eight minutes one thousand three hundred and fifty-one and seventy-three one-hundredths feet along the north side of Kalanianaʻole Road (fifty feet wide);

"2. One hundred and fifty-one degrees fifty-eight minutes eight hundred and forty feet along United States military reservation for river and harbor improvements (Executive Order Numbered 176);

"Thence along the seashore at high-water mark, the direct azimuths and distances between points at seashore being:

"3. Two hundred and eighty-two degrees no minutes four hundred and sixty-eight and fifty one-hundredths feet;

"4. Three hundred and thirteen degrees twenty minutes four hundred and forty-one feet;

"5. Two hundred and sixty degrees twenty minutes one hundred and forty feet;

"6. Two hundred and forty-two degrees twenty minutes two hundred and fifty feet;

"7. One hundred and eighty-eight degrees forty minutes sixty feet;

"8. Two hundred and seventy-two degrees twenty minutes one hundred and seventy feet;

"9. Two hundred and five degrees no minutes sixty feet;

"10. One hundred and ten degrees twenty minutes two hundred and twenty feet;

"11. Ninety degrees fifty minutes eighty feet;

"12. One hundred and sixty-two degrees no minutes one hundred and seventy feet;

"13. Two hundred and fifty degrees thirty minutes four hundred and thirty feet;

"14. Three hundred and thirty-one degrees fifty-eight minutes three hundred and eighty feet along parcel II of Government land to the point of beginning and containing an area of eleven and twenty one-hundredths acres, more or less.

Parcel II.

"Parcel II

"Being a portion of the Government land of Waiakea, South Hilo, Hawaii, and located on the north side of Kalanianaʻole Road and adjoining parcel I, hereinbefore described.

"Beginning at the south corner of this parcel of land, on the north side of Kalanianaʻole Road, the coordinates of said point of beginning referred to Government survey triangulation station 'Halai', being five thousand six hundred and eighty-one and twelve one-hundredths feet north and seventeen thousand nine hundred and thirty-three and fifteen one-hundredths feet east and running by true azimuths:

"1. One hundred and fifty-one degrees fifty-six minutes three hundred and eighty feet along the east boundary of parcel I;

"2. Two hundred and twenty-nine degrees forty-five minutes thirty seconds one hundred and ninety-one and one one-hundredth feet;

"3. One hundred and ninety-eight degrees no minutes two hundred and thirty feet to a one-and-one-half-inch pipe set in concrete;

"4. Three hundred and seven degrees thirty-eight minutes five hundred and sixty-two and twenty-one one-hundredths feet to a one-and-one-half-inch pipe set in concrete;

"5. Twenty-eight degrees no minutes one hundred and twenty-one and thirty-seven one-hundredths feet to the north side of Kalanianaʻole Road;

"6. Sixty-one degrees fifty-eight minutes four hundred and eighty-three and twenty-two one-hundredths feet along the north side of Kalanianaʻole Road to the point of beginning and containing an area of five and twenty-six one-hundredths acres, more or less.

"SEC. 203. (4) On the island of Oahu: Nanakuli (three thousand acres, more or less), and Lualualei (two thousand acres, more or less), in the District of Waianae; and Waimanalo (four thousand acres, more or less), in the District of Koolaupoko, excepting therefrom the military reservation and the beach lands; and those certain portions of the lands of Auwailimu, Kewalo, and Kalawahine described by metes and bounds as follows, to wit:

"(1) Portion of the Government land at Auwailimu, Punchbowl Hill, Honolulu, Oahu, described as follows:

Auwailimu,
Punchbowl Hill,
Honolulu, Oahu.

"Beginning at a pipe at the southeast corner of this tract of land, on the boundary between the lands of Kewalo and Auwailimu, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being one thousand one hundred and thirty-five and nine-tenths feet north and two thousand five hundred and fifty-seven and eight-tenths feet east as shown on Government Survey Registered Map Numbered 2692, and running by true azimuths:

"1. One hundred and sixty-three degrees thirty-one minutes two hundred and fifty-seven and eight-tenths feet along the east side of Punchbowl-Makiki Road;

"2. Ninety-four degrees eight minutes one hundred and twenty-four and nine-tenths feet across Tantalus Drive and along the east side of Puuowaina Drive;

"3. One hundred and thirty-one degrees thirteen minutes two hundred and thirty-two and five-tenths feet along a twenty-five-foot roadway;

"4. One hundred and thirty-nine degrees fifty-five minutes twenty and five-tenths feet along same;

"5. One hundred and sixty-eight degrees seventeen minutes two hundred and fifty-seven and eight-tenths feet along Government land (old quarry lot);

"6. One hundred and fifty-six degrees thirty minutes three hundred and thirty-three feet along same to a pipe;

"7. Thence following the old Auwailimu stone wall along L. C. award 3145 to Laenui, grant 5147 (lot 8 to C. W. Booth), L. C. award 1375 to Kapule, and L. C. award 1355 to Kekuanoni, the direct azimuth and distance being two hundred and forty-nine degrees forty-one minutes one thousand three hundred and three and five-tenths feet;

"8. Three hundred and twenty-one degrees, twelve minutes, six hundred and ninety-three feet along the remainder of the land of Auwailimu;

Kewalo, Punch-
bowl Hill, Honolulu,
Oahu.

"9. Fifty-one degrees, twelve minutes, one thousand and four hundred feet along the land of Kewalo to the point of beginning; containing an area of twenty-seven acres; excepting and reserving therefrom Tantalus Drive and Auwaiolimu Street crossing this land;

"(II) Portion of the land of Kewalo, Punchbowl Hill, Honolulu, Oahu, being part of the lands set aside for the use of the Hawaii Experiment Station of the United States Department of Agriculture by proclamation of the Acting Governor of Hawaii, dated June 10, 1901, and described as follows:

"Beginning at the northeast corner of this lot, at a place called 'Puu Ea' on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being three thousand two hundred and fifty-five and six-tenths feet north and five thousand two hundred and forty-four and seven-tenths feet east, as shown on Government Survey Registered Map Numbered 2692 of the Territory of Hawaii, and running by true azimuths:

"1. Three hundred and fifty-four degrees thirty minutes nine hundred and thirty feet along the remainder of the land of Kewalo, to the middle of the stream which divides the lands of Kewalo and Kalawahine;

"2. Thence down the middle of said stream along the land of Kalawahine, the direct azimuth and distance being forty-nine degrees sixteen minutes one thousand five hundred and twelve and five-tenths feet;

"3. One hundred and forty-one degrees twelve minutes eight hundred and sixty feet along the remainder of the land of Kewalo;

"4. Two hundred and thirty-one degrees twelve minutes five hundred and fifty-two and six-tenths feet along the land of Auwaiolimu to 'Puu Iole';

"5. Thence still along the said land of Auwaiolimu following the top of the ridge to the point of beginning, the direct azimuth and distance being two hundred and thirty-two degrees twenty-six minutes one thousand four hundred and seventy feet and containing an area of thirty acres; excepting and reserving therefrom Tantalus Drive crossing this land;

Parcel northeast of
Roosevelt High
School.

"(III) Portion of the land of Kalawahine situate mauka or northeast of Roosevelt High School, Honolulu, Oahu.

"Being portion of L. C. award 11215, Apana 2, to Keliiahonui conveyed by W. M. Giffard to the Territory of Hawaii by deed dated February 1, 1907, and recorded in Liber 291, page 1.

48 Stat. 777.
48 U. S. C. §§ 697,
701, 704a.

"(Being portion of the lands set aside for the Hawaiian Homes Commission by the Seventy-third Congress by Act Numbered 227, approved May 16, 1934.)

"Beginning at the south corner of this parcel of land and near the east corner of Roosevelt High School lot, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being twenty-five and two one-hundredths feet south and four thousand one hundred and seventeen and thirty-nine one-hundredths feet east as shown on Government survey registered map numbered 2985 and running by azimuths measured clockwise from true south:

"1. One hundred and twenty-eight degrees fifty-four minutes seven hundred and six and thirteen one-hundredths feet along Roosevelt High School lot, and passing over a pipe at six hundred and eighty-four and thirteen one-hundredths feet;

"2. Thence up along the middle of stream in all its turns and windings along the land of Kewalo-uka to the south corner of Hawaiian Home land (Presidential Executive Order Numbered

5561), the direct azimuth and distance being two hundred and thirteen degrees forty-eight minutes forty seconds one thousand one hundred and twelve and twenty one-hundredths feet;

"3. Thence continuing up along the middle of stream in all its turns and windings along the land of Kewalo-uka (Presidential Executive Order Numbered 5561), to the south side of Tantalus Drive realinement, the direct azimuth and distance being two hundred and twenty-eight degrees twenty-nine minutes ten seconds one thousand three hundred and ninety-one feet;

"4. Thence on a curve to the right with a radius of one hundred and twenty and seventy-eight one-hundredths feet along the southerly side of Tantalus Drive realinement (sixty feet wide), the direct azimuth and distance being three hundred and fifty-eight degrees twenty-one minutes one hundred and ninety-three and eighty one-hundredths feet;

"5. Fifty-one degrees forty-two minutes one hundred and ninety-three and thirty-five one-hundredths feet along the southerly side of Tantalus Drive realinement;

"6. Thence on a curve to the left with a radius of three hundred and thirty feet, along same, the direct azimuth and distance being twenty-five degrees twenty-three minutes ten seconds two hundred and ninety-two and fifty-eight one-hundredths feet;

"7. Twenty-two degrees fifty-three minutes two hundred and ninety-one and ninety-three one-hundredths feet along the southerly side of Tantalus Drive realinement and along the west side of Kalawahine Slope lots;

"8. Thence on a curve to the left with a radius of three hundred and five and sixty one-hundredths feet along the west side of the Kalawahine Slope lots, the direct azimuth and distance being six degrees twenty-one minutes thirty seconds one hundred and seventy-three and eighty-five one-hundredths feet;

"9. Three hundred and forty-nine degrees fifty minutes forty-seven feet along the west side of the Kalawahine Slope lots;

"10. Thence on a curve to the right with a radius of five hundred and twenty feet along same and along Territorial land, the direct azimuth and distance being seventeen degrees thirty-one minutes four hundred and eighty-three and eighteen one-hundredths feet;

"11. Three hundred and fifteen degrees twelve minutes seventy-five feet along Territorial land;

"12. Forty-five degrees twelve minutes six hundred and eleven and two one-hundredths feet along the northwest side of a twenty-foot road reserve;

"13. Thirty-four degrees four minutes thirty seconds three hundred and thirty-six and ninety-six one-hundredths feet along same to the point of beginning and containing an area of thirty-one and sixty one-hundredths acres.

"(IV) Portion of the Hawaiian Experiment Station under the control of the United States Department of Agriculture, situate on the northeast side of Auwailimu Street.

Portion of Hawaiian
Experiment Station.

"Kewalo-uka, Honolulu, Oahu

"Being a portion of the land of Kewalo-uka conveyed by the Territory of Hawaii to the United States of America by proclamations of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901, and August 16, 1901, and a portion of the United States Navy hospital reservation described in Presidential Executive Order Numbered 1181, dated March 25, 1910.

"Beginning at the west corner of this parcel of land, on the Auwaiolimu-Kewalo-uka boundary and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being one thousand two hundred and thirty and fifty-eight one-hundredths feet north and two thousand six hundred and seventy-five and six one-hundredths feet east as shown on Government Survey Registered Map Numbered 2985 and running by azimuths measured clockwise from true south:

"1. Two hundred and thirty-one degrees twelve minutes one thousand two hundred and forty-eight and twenty-six one-hundredths feet along the land of Auwaiolimu;

"2. Three hundred and twenty-one degrees twelve minutes eight hundred and sixty feet along Hawaiian Home Land as described in Presidential Executive Order Numbered 5561;

"3. Thence down along the middle of stream in all its turns and windings along the land of Kalawahine to the north corner of Roosevelt High School lot, the direct azimuth and distance being thirty-three degrees forty-eight minutes forty seconds one thousand one hundred and twelve and twenty one-hundredths feet;

"Thence still down along the middle of stream for the next seven courses along the Roosevelt High School premises, the direct azimuth and distances between points in middle of said stream being:

"4. Twenty-three degrees forty minutes twenty-eight and ninety one-hundredths feet;

"5. Eight degrees no minutes one hundred and fifteen feet;

"6. Three hundred and thirty-seven degrees fifty minutes forty-eight feet;

"7. Two degrees thirty minutes sixty feet;

"8. Forty-nine degrees forty minutes fifty-two feet;

"9. Forty-six degrees six minutes ninety and seventy one-hundredths feet;

"10. Ninety-two degrees forty-three minutes ninety-five and sixty one-hundredths feet; thence

"11. Eighty-three degrees thirty-eight minutes seventy-one and sixty-three one-hundredths feet along Territorial land to the northeast side of Auwaiolimu Street;

"12. Thence on a curve to the left with a radius of one thousand one hundred and seventy-six and twenty-eight one-hundredths feet along the northeast side of Auwaiolimu Street along land described in Presidential Executive Order Numbered 1181, dated March 25, 1910, the direct azimuth and distance being one hundred and seventy-two degrees twenty-nine minutes thirty-five seconds one hundred and sixty-four and thirty-nine one-hundredths feet;

"13. Thence continuing on a curve to the left with a radius of one thousand one hundred and seventy-six and twenty-eight one-hundredths feet along the northeast side of Auwaiolimu Street, the direct azimuth and distance being one hundred and sixty degrees fifty minutes forty-eight seconds three hundred and twelve and seventy-five one-hundredths feet;

"14. Two hundred and twenty-four degrees fifty-three minutes six hundred and seventy and sixty-five one-hundredths feet along the Quarry Reservation (Territory of Hawaii, owner);

"15. One hundred and ten degrees six minutes two hundred and thirty-nine and twenty one-hundredths feet along same;

"16. Ninety-two degrees five minutes two hundred and two and twenty one-hundredths feet along same;

"17. Fifty-three degrees twenty minutes three hundred and forty and thirty-four one-hundredths feet along same;

"18. One hundred and forty-two degrees thirty minutes four hundred and twenty-four and sixty-eight one-hundredths feet along the northeast side of Auwaiolimu Street to the point of beginning and containing an area of twenty-seven and ninety one-hundredths acres; excepting and reserving therefrom that certain area included in Tantalus Drive, crossing this land.

"(V) Portion of Kewalo-uka Quarry Reservation. Situate on the northeast side of Auwaiolimu Street.

Portion of Kewalo-uka Quarry Reservation.

"Kewalo-uka, Honolulu, Oahu

"Being land reserved by the Territory of Hawaii within the Hawaii Experiment Station under the control of the United States Department of Agriculture, as described in proclamations of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901.

"Beginning at the northwest corner of this parcel of land and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being eight hundred and ninety-three and sixty-six one-hundredths feet north and two thousand nine hundred and thirty-three and fifty-nine one-hundredths feet east as shown on Government Survey Registered Map Numbered 2985 and running by azimuths measured clockwise from true south:

"1. Two hundred and thirty-three degrees twenty minutes three hundred and forty and thirty-four one-hundredths feet along the Hawaii Experiment Station under the control of the United States Department of Agriculture;

"2. Two hundred and seventy-two degrees five minutes two hundred and two and twenty one-hundredths feet along same;

"3. Two hundred and ninety degrees six minutes two hundred and thirty-nine and twenty one-hundredths feet along same;

"4. Forty-four degrees fifty-three minutes six hundred and seventy and sixty-five one-hundredths feet along same to the northeast side of Auwaiolimu Street;

"5. Thence on a curve to the left with a radius of one thousand one hundred and seventy-six and twenty-eight one-hundredths feet along the northeast side of Auwaiolimu Street, the direct azimuth and distance being one hundred and forty-seven degrees fifty-one minutes thirteen seconds two hundred and nineteen and fifty one-hundredths feet;

"6. One hundred and forty-two degrees thirty minutes one hundred and thirty-four and fifty-five one-hundredths feet along the northeast side of Auwaiolimu Street;

"7. Two hundred and thirty-two degrees thirty minutes twenty feet along same;

"8. One hundred and forty-two degrees thirty minutes seventy-one and fifty-seven one-hundredths feet along same to the point of beginning and containing an area of four and six hundred and forty-six one-thousandths acres.

"Sec. 204. (2). Any available land, including land selected by the Commission out of a larger area, as provided by this Act, as may not be immediately needed for the purposes of this Act, may be returned to the Commissioner of Public Lands and may be leased by him as provided in subdivision (d) of section 73 of the Organic Act; any lease of Hawaiian homelands hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the Commissioner of Public Lands, for the purposes of this Act, upon the Commission giving at its option, not less than one nor

Leased lands.

Withdrawal clause modified.

Proviso.
Minimum period to
be stated in lease.

more than five years' notice of such withdrawal: *Provided*, That the minimum withdrawal-notice period shall be specifically stated in such lease.

Leases to natives.

"SEC. 207 (1). (a) The Commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract of Hawaiian homelands within the following acreage limits per each lessee: (1) Not less than one nor more than forty acres of agricultural lands; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands: *Provided, however*, That lots of not more than one acre of any class of land may be leased as residence lots. The Commission is also authorized to grant licenses for terms of not to exceed twenty-one years in each case, to public-utility companies or corporations as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like.

Agricultural and
pastoral lands, acreage
limits.

Proviso.
Residence lots.
Public utilities,
easements.

Conditions im-
posed.

"SEC. 208 (1). The original lessee shall be a native Hawaiian, not less than twenty-one years of age. In case two lessees either original or in succession marry, they shall choose the lease to be retained, and the remaining lease shall be transferred or canceled in accordance with the provisions of succeeding sections.

Transfer, etc., re-
strictions.

"SEC. 208 (5). The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, except a native Hawaiian or Hawaiians, and then only upon the approval of the Commission, or agree so to transfer, mortgage, pledge, or otherwise hold, his interest in the tract. Such interest shall not, except in pursuance of such a transfer, mortgage, or pledge to or holding for or agreement with a native Hawaiian or Hawaiians approved of by the Commission, or for any indebtedness due the Commission or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, be subject to attachment, levy, or sale upon court process. The lessee shall not sublet his interest in the tract or improvements thereon.

Not subject to at-
tachment, etc.

Payment of taxes.

"SEC. 208 (6). The lessee shall pay all taxes assessed upon the tract and improvements thereon. The Commission may in its discretion pay such taxes and have a lien therefor as provided by section 216 of this Act.

Other conditions.

"SEC. 208 (7). The lessee shall perform such other conditions, not in conflict with any provision of this title, as the Commission may stipulate in the lease: *Provided, however*, That an original lessee shall be exempt from all taxes for the first five years from date of lease.

Proviso.
Tax exemption pro-
visions.

Succession to in-
terests of deceased
lessees.

"SEC. 209 (1). Upon the death of the lessee his interest in the tract and the improvements thereon, including growing crops, either on the tract or in any collective contract or program, shall vest and be determined in the following manner. A lessee shall furnish the Commission, in writing, the name or names of such person or persons being a qualified native Hawaiian or Hawaiians, within the limits prescribed in the following sequence of succession, to whom he wishes his interest in the lease to be transferred after his death, this designation to be subject to the approval of the Commission: (1) In the widow or widower; (2) if there is no widow or widower, then in the children; (3) if there are no children, then in the widows or widowers of the children; (4) if there are no such widows or widowers, then in the grandchildren; (5) if there are no grandchildren, then in the brothers and sisters; (6) if there are no brothers or

Sequence of suc-
cession.

sisters, then in the widows or widowers of the brothers and sisters; (7) if there are no such widows or widowers of the brothers or sisters, then in the nephews and nieces.

"In the absence of such designation the Commission shall choose a qualified native Hawaiian or Hawaiians in accordance with the foregoing sequence, either individually or collectively, except that such successor or successors need not be twenty-one years of age.

"Upon the death of a lessee, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall appraise the value of all such improvements and said growing crops and shall pay to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, the value thereof, less any indebtedness due the Commission, or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, from the previous lessee. Such appraisal shall be made by three appraisers, one of which shall be named by the Commission, one by the previous lessee or the legal representative of his estate, and the third shall be selected by the two appraisers hereinbefore mentioned.

"SEC. 209 (2). After the cancelation of a lease by the Commission in accordance with the provisions of sections 210 and 216 of this title, or the surrender of a lease by a lessee, the Commission is authorized to transfer the lease or to issue a new lease to any qualified Hawaiian regardless of whether or not he is related in any way by blood or marriage to the previous lessee.

"SEC. 209 (3). After the death of a lessee, a successor or successors as defined in section 208 of this title shall not during a period of not less than six months nor more than two years, the exact length of such period to be fixed by the Commission, be deemed to have violated any of the conditions enumerated in section 208 of this title, even though he is not a native Hawaiian and does not during this period, on his own behalf, occupy or use or cultivate the tract as a home or farm in accordance with the provisions of this title and the stipulations and provisions contained in the lease.

"SEC. 209 (4). Should any successor or successors to a tract be a minor or minors, the Commission may appoint a guardian therefor, subject to the approval of the court of proper jurisdiction. Such guardian shall be authorized to represent the successor or successors in all matters pertaining to the leasehold: *Provided*, That said guardian shall, in so representing such successor or successors, comply with the provisions of this title and the stipulations and provisions contained in the lease, except that said guardian may not be a native Hawaiian as defined in section 201 of this title.

"SEC. 215 (1). Each contract of loan with the lessee or any successor or successors to his interest in the tract shall be held subject to the following conditions, whether or not stipulated in the contract of loan: The amount of loans at any one time to any lessee of a tract of agricultural or pastoral land shall not exceed \$3,000, and to any lessee of a residence lot shall not exceed \$1,000: *Provided*, That where, upon the death of a lessee or the cancelation of a lease by the Commission or the surrender of a lease by the lessee, the Commission shall make the appraisal and payment provided by section 209 (1), the amount of such payment shall be considered as part or all, as the case may be, of any such loan without limitation as to the maximum amounts herein specified in this section.

"SEC. 215 (2). The loans shall be repaid upon an amortization plan by means of a fixed number of annual installments sufficient

Commission to choose in absence of designation.

Appraisal of improvements, crops, etc.

Cancelations for violations of conditions; transfer or issuance of new lease.

Use of land by successor upon death of lessee.

Appointment of guardian if successor be a minor.

Proviso.
Requirements.

Loan contracts.

Proviso.
Appraisal and payment upon death of lessee, etc.

Amortization.

Use of receipts.
Postponement permitted.

Provisions in case of
borrower's death, etc.

Insurance of prop-
erty.

Hearings on viola-
tion of conditions.

Immediate payment
if proved.

Lien on property.

Enforcement of lien.

Land to revert in
Commission.

Proviso.
Payment of differ-
ence to borrower.

to cover (a) interest on the unpaid principal at the rate of 3 per centum per annum, and (b) such amount of the principal as will extinguish the debt within an agreed period not exceeding thirty years. The moneys received by the Commission from any installment paid upon such loan shall be covered into the fund. The payment of any installment due shall, with the concurrence therein of at least three of the five members of the Commission, be postponed in whole or in part by the Commission for such reasons as it deems good and sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of 3 per centum per annum on the unpaid principal and interest.

"SEC. 215 (3). In case of the borrower's death the Commission shall permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section. In case of the cancelation of a lease by the Commission or the surrender of a lease by a lessee, the Commission may, at its option, declare all annual installments upon the loan immediately due and payable or permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section.

"SEC. 216. The Commission may require the borrower to insure, in each amount as the Commission may by regulation prescribe, all livestock and dwellings and other permanent improvements upon his tract, purchased or constructed out of any moneys loaned from the fund; or in lieu thereof the Commission may directly take out such insurance and add the cost thereof to the amount of annual installments payable under the amortization plan. Whenever the Commission has reason to believe that the borrower has violated any condition enumerated in paragraphs (2), (4), (5), or (6) of section 215 of this title, the Commission shall give due notice and afford opportunity for a hearing to the borrower or the successor or successors to his interest in the tract as the case demands. If upon such hearing the Commission finds that the borrower has violated the condition the Commission may declare all annual installments immediately due and payable, notwithstanding any provision in the contract of loan to the contrary. The Commission shall have a first lien upon the borrower's or lessee's interest in his tract, growing crops, either on the tract or in any collective contract or program, dwellings, or other permanent improvements thereon, and his livestock, to the amount of all annual installments due and unpaid and of all taxes upon such tract and improvements paid by the Commission, and of all indebtedness of the lessee, the payment of which has been assured by the Commission. Such lien shall have priority over any other obligation for which the tract, said growing crops, dwellings, other improvements, or livestock may be security.

"The Commission may, at such times as it deems advisable, enforce any such lien by declaring the borrower's interest in his tract, or his successor's interest therein, as the case may be, together with the said growing crops, dwellings, and other permanent improvements thereon, and the livestock, to be forfeited, the lease in respect to such tract canceled, and shall thereupon order the tract to be vacated and the livestock surrendered within a reasonable time. The right to the use and occupancy of the Hawaiian home lands contained in such tract shall thereupon revert in the Commission, and the Commission may take possession of the tract and the improvements and growing crops thereon: *Provided*, That the Commission shall pay to the borrower any difference which may be due him after the

appraisal provided for in paragraph (1) of section 209 of this title has been made.

SEC. 220. The Commission is hereby authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands, and to undertake other activities having to do with the economic and social welfare of the homesteaders. The Legislature of the Territory is authorized to appropriate out of the Treasury of the Territory such sums as it deems necessary to provide the Commission with funds sufficient to execute such projects, to carry on its administration and maintenance activities, and to accumulate a revolving loan fund of \$1,000,000. The Legislature is further authorized to issue bonds to the extent required to yield the amount of any sum so appropriated."

Approved, July 10, 1937.

Water and other development projects.

Legislature authorized to appropriate necessary funds.

Bonds authorized.

[CHAPTER 483]

AN ACT

To enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue sewer bonds.

July 10, 1937
[S. 2621]

[Public, No. 201]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislature of the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any Act of this Congress to the contrary notwithstanding, may authorize the city and county of Honolulu, a municipal corporation of the Territory of Hawaii, to issue general obligation bonds in the sum of \$1,750,000 for the purpose of enabling it to construct main interceptors and trunk lines and to meet its share of expenses for the construction and extension of laterals under improvement district assessments for a sanitary sewer system in the city and county of Honolulu.

Hawaii.
Legislature may authorize Honolulu to issue sewer bonds.

Amount.

SEC. 2. The bonds issued under authority of this Act may be either term or serial bonds, maturing, in the case of term bonds, not later than thirty years from the date of issue thereof, and, in the case of serial bonds, payable in substantially equal annual installments, the first installment to mature not later than five years and the last installment to mature not later than thirty years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

Character of bonds, maturity, etc.

Approval of President not required.

SEC. 3. Any legislation enacted by the Legislature of the Territory of Hawaii in its 1937 session pertaining to the issuance of sewer bonds, as authorized by this Act, is hereby ratified and confirmed subject to the provisions of this Act: *Provided, however*, That nothing herein contained shall be deemed to prohibit the amendment of such Territorial legislation by the Legislature of the Territory of Hawaii from time to time to provide for changes in the improvements authorized by such legislation and for the disposition¹ of unexpended moneys realized from the sale of said bonds.

Confirmation of legislative acts.

Proviso.
Changes allowed;
disposition of balances.

Approved, July 10, 1937.

¹ So in original.