

# BY AUTHORITY

## ACT 162

### AN ACT

TO AMEND SECTION 3167 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO LAND REGISTRATION.

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

SECTION 1. Section 3167 of the Revised Laws of Hawaii, 1915, is hereby amended by adding thereto the following paragraph:

"The map or plan may be referred by the court to the surveyor of the Territory, who shall cause same to be verified and checked on the ground, and a proper report of his findings made to the court.

Provided, however, that in all cases wherein the Territory of Hawaii is an applicant for a registered title or in any other way directly interested in any application for a registered title, as indicated by the examiner's report thereon, the court shall refer said map or plan to a competent surveyor in private practice who shall cause same to be verified and checked on the ground and a proper report of his findings made to the court."

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

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,  
Governor of the Territory of Hawaii.

## ACT 163

### AN ACT

TO REIMBURSE LORD-YOUNG ENGINEERING COMPANY, LIMITED, FOR LOSSES SUSTAINED IN ATTEMPTING TO CARRY OUT THE TERMS OF A CONTRACT ENTERED INTO WITH THE TERRITORY OF HAWAII FOR FILLING UNSANITARY LANDS IN KEWALO DISTRICT, HONOLULU.

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

SECTION 1. The superintendent of public works is hereby authorized and empowered to expend, from the sanitation revolving fund, not more than thirty-two thousand one hundred twelve and 63/100 dollars (\$32,112.63), for the purpose of reimbursing Lord-Young Engineering Company, Limited, for losses sustained in attempting to carry out the terms of that certain contract entered into with the Territory of Hawaii on or about May 23, 1912, for filling certain unsanitary lands in Kewalo District, Honolulu.

SECTION 2. Before paying any portion of said sum to the company, the superintendent shall first satisfy himself that no overpayments have been made by the Territory to the company under the contract; if he shall find that any overpayments have been made, he shall deduct the same from the amount available under this Act.

Before paying any portion of said sum to the company, the superintendent shall further satisfy himself that the company has removed all the pipes and pipe-lines and other material from the fill and has replaced and repaired any damage that may be done to any streets, highways and alleys and remove any debris or obstructions thereon placed by said company; if the company shall fail to comply with the requirements of the superintendent in this regard, he shall deduct from the amount available under this Act such amount as he shall decide to be necessary to compensate for such failure.

The superintendent shall retain from the amount available under this Act such sum or sums as he shall deem necessary, to compensate any owner or occupants of any land, for damages for improper or incomplete fill and for damages for destruction of any property not repaired or restored.

All such claims shall be in writing, shall set forth the nature and extent of the damage and the amount of compensation claimed therefor, shall be supported by the oath or affirmation of the claimant, and shall be filed as aforesaid on or before the first day of October, 1915.

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

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,  
Governor of the Territory of Hawaii.

## ACT 164

### AN ACT

RELATING TO THE OPENING AND IMPROVEMENT OF HIGHWAYS, AMENDING SECTIONS 1793, 1794, 1795, 1796, 1797, 1798, AND 1799 OF CHAPTER 112, OF THE REVISED LAWS OF HAWAII, 1915, AND REPEALING SECTIONS 1773 TO 1792, INCLUSIVE.

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

SECTION 1. Section 1793 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1793. Method. Whenever in the opinion of the Board of Supervisors of the City and County of Honolulu it is desirable to establish, open, extend, widen or alter any street, alley or other highway in the District of Honolulu, or to grade, pave, curb, or macadamize or otherwise improve the whole or any part of any existing public street, alley or other highway in the District of Honolulu or otherwise to improve the same to an extent exceeding maintenance and repair thereof, such betterments or improvements shall be made and done under the provisions of Sections 1793 to 1813, inclusive, of this chapter; and the cost thereof, including the cost of acquiring any new land therefor, shall be assessed against the land benefited, either on a frontage basis or according to area of the land within an improvement district; and the City and County of Honolulu shall issue and sell bonds to provide the funds for such improvements, which bonds shall be secured by such assessments as a lien upon the lands assessed; and for such purposes, whenever the cost of the improvement is to be assessed on an area basis, the board of supervisors is hereby invested with power and is hereby authorized to create, define and establish improvement districts; all according to the provisions of Sections 1793 to 1813, inclusive, of this chapter.

Provided, that whenever any public land, or any land by law exempted from assessments of the character provided for in this Act, or exempted by law from payment of property taxes, forms part of any improvement district or fronts upon any street, alley, or other highway to be opened or improved, and would, if privately owned or not exempt from such assessment, be subject to assessment, the board shall nevertheless, without assessing such public or exempted land for any part of the cost of such improvements, by general ordinance appropriate and pay toward such improvements out of general revenues the portion of the cost thereof which would otherwise be assessable against the same; and with respect to any such proposed improvement where any part of the cost is thus to be borne by the city and county, the board shall have the same right of approval or protest as though the city and county were the private owner of the public or exempted land so involved.

And provided, further, that it shall be lawful for the City and County of Honolulu to assume and pay out of general revenue all or any part of the cost of acquiring any new land required for any such improvement, or of improvement of a main or general thoroughfare, in either case by appropriation therefor by general ordinance. A main or general thoroughfare within the meaning hereof shall be any street or highway as is subjected to more than ordinary traffic and travel by the general public, or which serves as a generally necessary connecting thoroughfare between substantially different or naturally separated localities or sections of Honolulu. Whenever it is proposed in any improvement proceeding, whether initiated by the board of supervisors or by property owners, that any street to be improved shall be deemed and declared a main or general thoroughfare for the improvement of which a part of the cost is proposed to be borne by the city and county, such street or streets shall be so designated and described in the initial resolution or petition with a statement of the proportion of the cost of the improvement thereof which it is proposed shall be borne by the city and county."

SECTION 2. Section 1794 of said Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 1794. Initial procedure. The board shall, by resolution requiring not more than one reading for its adoption, propose the making of any such improvement or improvements, and specify the general character and extent thereof, and whether or not any new land is proposed to be acquired, and whether any street to be improved is proposed to be classed as a main or general thoroughfare and, if so, what proportion of the cost of improving such main or general thoroughfare is proposed to be borne by the city and county, the materials proposed to be used (which may include materials of such character as will not admit of competition), and whether the cost of the same is to be provided by assessment per front foot against the land abutting upon such highway, or per square foot according to area of the land within an improvement district, the general boundaries of any improvement district proposed and the sub-districts or zones, if any, within such improvement district against which different proportions of the cost are intended to be charged, and any other proper matters or details intended to apply thereto, and direct the city and county engineer to prepare and furnish all necessary surveys, maps, plans, drawings, and other data, details and specifications for the proposed improvements as may be proper or necessary, together with detailed estimates of the probable cost thereof, and showing specifically an estimate of the value of each parcel of new land to be acquired, if any, and the maximum share of each estimate, per front foot if the assessment is to be made on a frontage to be charged to the benefited district or sub-districts or zones, if any, and that the corrected map may be seen and examined at the office of the city and county engineer during business hours at any time prior to the date fixed for hearing; such notice shall also fix a date and place when a public hearing will be had and the supervisors will sit as a board of equalization to receive complaints or objections respecting the method of apportionment, or respecting the proposed several assessments, which date shall not be less than one week nor more than two weeks after the date of the first publication of the notice."

SECTION 8. Repeal. Sections 1773, 1774, 1775, 1776, 1777,

1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791 and 1792 of the Revised Laws of Hawaii, 1915, are hereby repealed.

SECTION 9. Existing proceedings. Nothing in this Act contained shall operate to affect any proceedings begun and pending at the time of the passage of this Act.

SECTION 10. This Act shall take effect upon the date of its approval.

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,  
Governor of the Territory of Hawaii.

## ACT 165

### AN ACT

RELATING TO COMMUTATION OF PUNISHMENT.

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

SECTION 1. Every person who has been or may hereafter be convicted of any felony under any law of the Territory of Hawaii and is confined in execution of the judgment or sentence upon any such conviction in any prison or jail in the Territory for a term other than for life, whose record shows continued good behavior or meritorious conduct, may be allowed a deduction from the term of his sentence to be estimated as follows, beginning on the first day of his arrival at such prison or jail: Upon a sentence of not less than six months nor more than one year, five days for each month; upon a sentence for more than one year and less than three years, six days for each month; upon a sentence of not less than three years and less than five years, seven days for each month; upon a sentence of not less than five years and less than ten years, eight days for each month; upon a sentence of ten years or more, ten days for each month. When a prisoner has two or more sentences, the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated.

SECTION 2. Every person who has been or may hereafter be convicted of any misdemeanor under any law of the Territory of Hawaii, or of any political subdivision thereof, and is confined in execution of the judgment or sentence upon any such conviction in any prison or jail in the Territory for any definite term, may be allowed a deduction from his term of sentence if, upon his request in writing, he shall perform service or labor upon any public work, the same to be estimated at the rate of one day for each five days in which such service or labor is performed. In reckoning the number of days in which such service or labor is performed Sundays shall be included.

SECTION 3. Whenever a prisoner convicted of a misdemeanor shall make the request referred to in the foregoing section, it shall be the duty of the officer under whose control or in whose custody he may be to place the said prisoner upon some public work.

SECTION 4. The deduction of sentence provided by this Act shall be allowed prisoners sentenced before this Act takes effect, but shall be allowed only from such date. The deduction of sentence lawfully allowed any prisoner before the date this Act takes effect shall be noted upon the record of such prisoner and added to the deduction of sentence allowed him under the provisions of this Act.

SECTION 5. Any and all laws in conflict with this Act are hereby repealed.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1915.

LUCIUS E. PINKHAM,  
Governor of the Territory of Hawaii.

## ACT 166

### AN ACT

TO AMEND SECTION 594 OF THE REVISED LAWS OF HAWAII, 1915, RELATING TO THE CLOSE SEASON FOR GAME BIRDS.

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

SECTION 1. Section 594 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"Section 594. Close season; punishment. 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 first day of October;

To take, kill or destroy any native wild duck between the first day of February and the first day of October; provided, however, that from and after October 31st, 1915, until October 31st, 1918, it shall be unlawful to take, kill or destroy any native wild duck;

To take, kill or destroy any quail or pheasant between the first day of February and the first day of October;

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