

BY AUTHORITY
BILL NO. 170.
ORDINANCE NO.—
AN ORDINANCE PROVIDING FOR COST OF IMPROVEMENTS IN FRONTAGE IMPROVEMENT NUMBER NINE, BERETANIA STREET, (ALAPAI TO PUNAHOU).

Be It Ordained By the People of the City and County of Honolulu:

SECTION 1. DEFINITIONS. The word "BOARD" whenever used herein shall mean the Board of Supervisors of the City and County of Honolulu.

The phrase "FRONTAGE IMPROVEMENT" whenever used herein shall mean Frontage Improvement Number Nine, Beretania Street, (Alapai to Punahou), as described in and created by Resolution of the Board No. 2, (1917).

The phrase "IMPROVEMENT STATUTES" whenever used herein shall mean and refer to Sections 1793-1813, Revised Laws of Hawaii, 1915, as amended by Acts 164 and 197, Session Laws of Hawaii, 1915, and by Act 239 of the Session Laws of Hawaii, 1917.

SECTION 2. PRELIMINARY PROCEEDINGS CONFIRMED. The said Board does hereby adopt, approve and confirm all and singular the proceedings heretofore had and taken under said statutes with respect to the creation and establishment of said Frontage Improvement and the making of the proposed improvement as modified and corrected and as set forth and referred to in Resolutions of said Board Nos. 623, 634 (1916), and 2, 5, 23, 26 and 62 (1917), and the minutes of meetings of said Board as heretofore adopted, the preliminary report of the City and County Engineer, dated November 8, 1916, his final report, dated July 9, 1917, and the assessment report of the City and County Engineer, dated September 11, 1917, accompanying which were the corrected map of said Frontage Improvement, the list of owners, lessees and occupants so far as known, a Preliminary Assessment Roll and a summary of detailed descriptions, in respect to which no notice has heretofore been given by advertisement and a public hearing has been had as required by said Improvement Statutes, and which have been corrected as of October 9, 1917, to all of which reference is hereby made for a more particular detailed description of said Frontage Improvement heretofore created and established, and the character, extent and particular location of the improvement aforesaid, the subdivisions and zones thereof, the location of the respective parcels of land subject to assessment, the special benefits accruing thereto, the properties exempt from assessment, and the proportion to be paid by said City and County; all of the same being by this reference also made a part hereof.

SECTION 3. CONFIRMATION OF ASSESSMENTS. No protests having been made, or filed at the assessment hearing held for this Frontage Improvement, but a correction having been necessary and made by the City and County Engineer as of October 9, 1917, it is hereby specially found and established that each and every parcel of land subject to assessment abutting upon said Frontage Improvement is or will be specially benefited by said improvements to the amount of the respective assessments proposed therefor, corrected as aforesaid, and said several assessments are hereby declared just and equitable as so listed and advertised, and as so corrected; and that the said several proposed assessments heretofore listed and advertised in accordance with said Improvement Statutes, and as so corrected, are hereby confirmed and adopted as and for the assessments against properties abutting upon said Frontage Improvement and against the owners thereof respectively, and that each and every parcel of land required for said improvement has been acquired as provided in said Improvement Statutes.

SECTION 4. COST OF AUTHORIZED IMPROVEMENTS. That it is hereby found and declared that the total cost of the authorized improvements in said Frontage Improvement, based upon the bid of Lord-Young Engineering Company, Limited, the lowest responsible bidder, including the cost of curbing, grading, paving with concrete and bitulithic, moving and resetting of curbs, storm sewer system, and other improvements in place complete, together with engineering and incidentals upon that portion of the highway, in said Frontage Improvement, which is designated in these proceedings, according to the final report of said Engineer, incorporated as aforesaid, is the sum of One Hundred Seventeen Thousand and Five Hundred Dollars (\$17,500.00); that the total proportion of this cost, which is to be borne by the City and County, including assessments proportioned against street frontages, and the contribution to main thoroughfare is the sum of Sixty-one Thousand Six Hundred and Thirty Dollars (\$61,603.11); that the balance of Fifty-five Thousand Eight Hundred and Ninety-six and 89-100 Dollars (\$55,896.89), is hereby charged, assessed and levied against, and shall be collected from, the properties abutting upon said Frontage Improvement privately owned and not specifically exempted by this Ordinance, and the owners thereof respectively, according to the total amounts heretofore listed and advertised and corrected as aforesaid and computed according to the rates of assessment hereinafter set forth.

SECTION 5. PUBLIC LANDS NOT SPECIFICALLY ASSESSED. The Frontage of Lots Nos. 1, 2, 18, 19, 22, 23, 24, 25, 26, 27, 41, 46, 50, 76, 77, 82, 85, 88 and 94, being frontages of abutting lots, as shown on said corrected map and Assessment Roll of September 11, 1917, corrected as of October 9, 1917, are hereby declared to be public lands, and shall not be assessed hereunder. Provided, that at any time prior to the day of sale the owner may pay the amount of all delinquent instalments with interest on the whole amount of unpaid assessment at one per centum per month or fraction thereof, as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in instalments in the same manner as if default had not been made. The owner of any land assessed, not in

is hereby appropriated out of all moneys in the Cash Basis Operating Fund, as authorized and created by virtue of Act 236 of the Session Laws, 1917, into the "Special Improvement Fund, Frontage Improvement Number Nine, Beretania Street, (Alapai to Punahou);" provided, however, that against said sum shall be credited all advances for said improvements made from said Cash Basis Operating Fund prior to the date of the approval of this Ordinance to be ascertained from the books of the City and County Auditor, and the amount of such advances is hereby authorized to be transferred as soon as ascertained to said Cash Basis Operating Fund; and the sum of Nine Thousand Six Hundred and Three and 11-100 Dollars (\$9,603.11) is hereby appropriated out of all moneys in the Permanent Improvement Fund in the Treasury of the City and County, and shall be transferred as soon as the same shall become available into said Special Improvement Fund, created herein, as the balance of the cost of said improvement so to be borne by the City and County; provided, that against said last mentioned sum shall be credited all advances heretofore made from said Permanent Improvement Fund on account of the cost of said improvement by Resolutions Nos. 405 and 721 (1916) and No. 15 (1917), amounting in all to the total sum of Five Hundred and Eighty-nine and 60-100 Dollars (\$589.60), and any balances expended or uncontracted for out of said advance on the date of approval hereof shall be transferred to said Permanent Improvement Fund when ascertained on the books of said City and County Auditor; and out of all moneys in said Special Improvement Fund, created herein, the sum of One Hundred Seventeen Thousand and Five Hundred Dollars (\$17,500.00), is hereby appropriated into an account to be known as "Cost of Improvements, Frontage Improvement Number Nine, Beretania Street, (Alapai to Punahou)."

SECTION 7. ASSESSMENT RATE FOR GENERAL IMPROVEMENTS. All properties, abutting on said Frontage Improvement (created as aforesaid), privately owned and not herein specifically exempted, and the owners thereof respectively, are hereby assessed at a uniform rate of \$5.466 per front foot toward the cost of general improvements within said Frontage Improvement, all as set forth in detail in said Assessment Roll and Corrected heretofore incorporated and including all improvements set forth in the proceedings heretofore adopted and confirmed, saving and excepting the cost of new curbing.

SECTION 8. ADDITIONAL ASSESSMENT, NEW CURBING. All properties abutting upon said Frontage Improvement, privately owned and not specifically exempted herein, in front of which new curbing is required, and the owners thereof respectively, are hereby further and separately assessed (on a frontage basis according to the length of new curbing required, shown in detail in said Engineer's Report of September 11, 1917), at the uniform rate of \$0.44 per front foot for the curb so required in front of said property.

SECTION 9. COLLECTION OF ASSESSMENTS. That in accordance with said Improvement Statutes, it shall be the duty of the Treasurer of the City and County of Honolulu to proceed forthwith to notify, by letter and by posting upon the lands assessed, the several owners, lessees and occupants respectively, so far as known, of the several amounts assessed on the respective properties, and of the date when such assessments are payable as hereinafter provided. It shall also be his duty to collect said assessments and to set aside all moneys so collected in a special fund or funds for said Frontage Improvement.

SECTION 10. LIEN. All assessments herein made shall be a lien against each lot or parcel of land assessed, according to the respective assessments, from the date of the first publication of this Ordinance until paid, and shall have priority over all other liens except the lien of property taxes and liens for other public purposes; and in case assessments become delinquent, the accrued interest and other charges authorized by the Improvement Statutes in enforcing the payment of the same shall be satisfied out of said lien.

SECTION 11. PAYMENT OF THE WHOLE OF ASSESSMENTS. That all assessments herein made shall be due and payable, and must be paid to said Treasurer within thirty (30) days after the date of the last publication of this Ordinance; provided, that any such assessments may, at the election of the owner of the land assessed, be paid in instalments, with interest, as hereinafter provided.

SECTION 12. PAYMENT OF ASSESSMENTS IN INSTALMENTS. In case of an election, either by act of the owner or other interested party or by operation of law, to pay an assessment in instalments, the assessments herein made shall be due and must be paid to said Treasurer in Ten (10) equal annual instalments of principal, the first of said instalments of principal to be due and payable and must be paid within thirty (30) days after the date of the last publication of this Ordinance; and all subsequent instalments of principal, together with interest on the whole of the unpaid balance of principal, at the rate of six per cent (6%) per annum, shall be due and payable annually thereafter, dating from the date of last publication of this Ordinance.

SECTION 13. ENFORCEMENT OF PAYMENT. Failure to pay any instalment, whether of principal or interest, within thirty days after the date when it shall first have become due shall cause the whole of the unpaid principal and accrued interest to become due and payable immediately, and the whole amount of unpaid principal, and accrued interest shall thereafter draw interest at the rate of one per cent per month or fraction thereof until the day of sale made as provided in the Improvement Statutes. Provided, that at any time prior to the day of sale the owner may pay the amount of all delinquent instalments with interest on the whole amount of unpaid assessment at one per centum per month or fraction thereof, as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in instalments in the same manner as if default had not been made. The owner of any land assessed, not in

COMMERCIAL NEWS

HILOITES TAKE \$100,000 WORTH OF LOCAL BONDS

Some Members Board of Trade Want Wharf, Others Concrete Road to Volcano.

(Special Star-Bulletin Correspondence) HILO, Oct. 12.—It was reported at a meeting of the board of trade of Hilo on Tuesday last that the sale of territorial bonds to local people was going on all right and that over one hundred thousand dollars had been subscribed by local banks. It was also announced by J. W. Russell, one of the members of the board of trade committee which has charge of the matter, that several firms had been considering the matter of purchasing local bonds and that they probably would do so.

Mr. Russell said that the First Bank of Hilo had promised to take up \$50,000, the People's Bank a similar amount and Bishop & Company \$10,000. Hackfeld & Company and the Hilo Mercantile Company would, it is expected, also take up blocks of the bonds. It was also stated that there was a chance of the Inter-Island Steamship Company taking up bonds, the proceeds of which would be applied to wharf building in Hilo.

When this announcement was made by Mr. Russell, C. Castendyck inquired as to what was the most favored project upon which to expend the money raised by the bonds.

It turned out that the concerns that were taking up bonds seemed to favor the expenditure of the money upon a concrete road to the volcano before anything else. In fact most of the money was pledged on that understanding.

R. W. Fuller stated it as his emphatic opinion that the first money should be expended upon a wharf for Hilo. Such a wharf is an absolute necessity, whereas a concrete road to the volcano is a luxury that could be constructed later on, said the superintendent of the local railroad.

KAPAA HOMESTEADS TO BE DISTRIBUTED SOON

November 10 is to be set by the local office as the date on which Kapaia homestead lots will be distributed. According to the recent decision of the circuit court applications filed by both husband and wife for the homesteads are disqualified, so that such persons as drew lots when the other side of the family had also applied will not be considered in the distribution.

Mrs. Edward B. Mullaney, wife of the local Filipino and Spanish interpreter, was arrested by federal officials yesterday on a charge of bigamy. A commissioner's hearing of the case was to be held today.

default as to any instalment of payment, may at any time, after the expiration of the first thirty day period, pay the entire unpaid principal with interest thereon to the next annual date for the payment of instalments. The owner of any undivided interest in any land, may pay the whole assessment and may have a joint or severable right of action at law in assumption against any other owner or owners of any interest in such land for their proportionate share in said assessment.

SECTION 14. CERTIFIED COPIES. That upon the final publication of this Ordinance a certified copy hereof and of its due publication, and of the Corrected Map, Assessment Roll, the list of owners, lessees and occupants so far as known, and the summary of descriptions of property abutting upon said Frontage Improvement, all on file as aforesaid, shall be forthwith made and delivered by the Clerk of the City and County to the Treasurer of the City and County of Honolulu, Territory of Hawaii.

SECTION 15. DISPOSITION OF ASSESSMENTS COLLECTED. All moneys collected from said assessments by the Treasurer of the City and County as cash payments of the whole assessment, or of one or more instalments, due or paid prior to the authorization of any bond issue for said improvement, shall be entered in said Special Improvement Fund and applied toward the cost of the improvement authorized.

All moneys due and collected thereafter as part of any subsequent instalments and interest, and covered by any bond issue respecting the authorized improvements in said Frontage Improvement made under the Improvement Statutes, shall be set aside by the Treasurer of the City and County in a Special Improvement Bond Fund for said Frontage Improvement and applied solely as provided in said Improvement Statutes.

SECTION 16. CONSTITUTIONALITY. If any section, or any part or clause of any section of this Ordinance or of the Improvement Statutes, be decided by the Courts to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole, or of any section or part thereof which can be given effect without that so decided to be unconstitutional or invalid.

RECALLS TIME WHEN WATER SOLD FOR \$1 A BARREL ON BIG ISLE

(Special Star-Bulletin Correspondence) HILO, Oct. 12.—"When I think of the year 1901 and the water troubles at Honokaa, it makes me shudder," declared George Kaiser, one-time Honokaa resident. "It was a nightmare. In that year I was living at Honokaa and when the terrible drought came and we had a rainfall of only a trifle over one inch of rain for the 12 months, you can imagine what kind of a proposition it was. There was no ditch in those days and, as no rain fell, there was, consequently, no water for man or beast. Well, I started in the water hauling business and put teams on to bring water from Kukuihaele, a distance of eight miles each way. I had a 400-gallon tank and also four barrels which held 50 gallons each.

"Well, my two men would start off at 4 o'clock in the morning from Honokaa for Kukuihaele in order to get water from the old Horner place, right in the village of Kukuihaele. It was a race between several wagons—all after water. When I arrived from Honokaa, there would be nearly always two or three wagons ahead of my team. That meant a wait of hours, while the precious water trickled from the three-quarter-inch pipe that brought the fluid from mauka to the Horner faucet. It was a very slow job to fill the tanks and barrels that daily congregated at the faucet. Wages, however, went on all the same and the teamsters and their helpers sat around and smoked in comfort.

"It was sometimes well in the afternoon when my wagons started back for Honokaa and many the time the much needed water arrived at my place at 11 o'clock at night. "That water sold at \$1 per barrel to regular customers and at 50 cents more to casual customers. Even at that price I lost money but I was helping out the people of my town so I did not care so much. I had 70 head of stock in those days and they had to be watered, of course.

"In 1901 the water situation was worse than it is now. There was no ditch then and there was less rain. There was no water for drinking purposes except that which was hauled from Kukuihaele. "Coal oil tins of water sold for 25 cents a can. Barrels were the order of the 'four hundred' and, even then there was a shortage. No one did any washing—some people did not even wash their faces."

Honolulu Stock Exchange Tuesday, Oct. 16. MERCANTILE— Alexander & Baldwin... C. Brewer & Co. SUGAR— Ewa Plantation Co. 31... Hawaiian Agr. Co. 40... Haw. Com. & Sugar Co. 44... Hawaiian Sugar Co. 35 1/2... Honokaa Sugar Co. 2 1/2 3/2... Honolulu Sugar Co. 19... Hutchinson Sugar Plant. 19 1/2... Kahuku Plantation Co. 19 1/2... Kekaha Sugar Co. 19... Koloa Sugar Co. 19... McEryde Sugar Co., Ltd. 8 1/2 9... Oahu Sugar Co. 30 1/4 30 3/4... Olaa Sugar Co., Ltd. 7 7 3/4... Onomea Sugar Co. 19... Paauhau Sugar Plant. Co. 9... Pacific Sugar Mill 9... Paia Plantation Co. 34 35... Peapeake Sugar Co. 34 35... Pioneer Mill Co. 24 24 1/2... San Carlos Milling Co. 24 24 1/2... Waialua Agr. Co. 24 24 1/2... Waialua Sugar Co. 25... MISCELLANEOUS— Endau Dev. Co., Ltd. 1st Is. As. 7 pc Pd. 2nd Is. As. fully paid. Haku Fruit & Pack, Pfd. Haku Fruit & Pack, Com. Hawaii Con. Ry. 7 pc. A. Hawaii Con. Ry. 6 pc. B. Hawaii Con. Ry. Com. Hawaiian Electric Co. 43 44 1/4... Haw. Brew. & Malt Co. 18 18 1/2... Honolulu Gas Co., Ltd. H. R. T. & L. Co. Inter-Island S. N. Co. 190... Mutual Telephone Co. 20... Oahu Railway & Land Co. 156... Pahang Rubber Co. 19... Sjalama-Dindings Plant. Selama-Dindings. (70 pc.) Tanjong Olok Rubber Co. BONDS— Beach Walk Imp. Dist. Hamakua Ditch Co. 68... Hawaii Con. Ry. 5 pc. 80... Hawaiian Irr. Co., 58... Haw. Terr. 4 pc. Ref. 100... Haw. Terr. 4 pc. Pub. Imp. 100... Haw. Terr. 3 1/2 pc. 100... Honokaa Sugar Co., 6 pc. 100... Honolulu Gas Co., Ltd. 58... Hilo Gas 97 100... Kauai Ry. Co., 68... Manoa Imp. Dist. 100... McEryde Sugar Co., 58... Mutual Telephone 58... Oahu Railway & Land Co. 105... Oahu Sugar Co., 6 pc. 97... Olaa Sugar Co., 6 pc. 97... Pacific Guano & Fer. Co. Pacific Sugar Mill Co., 98... San Carlos Milling Co. 100... Between Boards: Sales: 65, 70, 5 Oahu, 30.50; 25, 10, 10 Olaa, 7.50; 50 Ewa, 31. No Session Sales. Latest sugar quotation: 96 deg. test, 6.90 cents, or \$133 per ton.

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