

# Spalding's Railroad Project and Colonels' Water

## Albert Horner Is Told By Governor Homesteaders Are Not Wanted

(Continued from Page 2)

forest times within the last five years. Tax records show that there are nearly 150 homesteaders on the land. Some, remote from Maalea, began to plant rice when Lihue undertook to build a railroad, and they signed fifty-year contracts, about which the Governor once was enthusiastic, but his enthusiasm has waned. He has not approved the contracts, although he promised that he would.

### RAILROAD PROJECT AND RAMIFICATIONS

Albert Horner began the movement for a railroad to Kapa. He is president of the Hawaiian Canneries Association, which raises pineapples and has a cannery at Maalea village. He asked the Kapa Chamber of Commerce to get behind the plan. The chamber's committee wished to be assured as to the contract which the homesteaders would make with the homesteaders, and, on receiving assurance that they would be what had been granted other independent planters, got behind the plan.

Lihue first proposed to Governor Pinkham that its lands beyond the Waialua river, some 500 or 700 acres which, although never cultivated, be turned over immediately to the Territory. The lease will expire next year. It asked that there be a renewal of the lease on the other lands of Waialua five years, an expiration in 1917. Lihue also said that the new lease was not to be at the old rate, but at a new and increased rate.

It was impossible to get a renewal of the lease on the lands, because the homestead law requires that they be thrown open in case twenty-five or more ask it. In default of that, a new lease for five years or less may be executed.

In October, 1914, however, Governor Pinkham proposed that there be a new lease for fifteen years, in which is forbidden by the Organic Act.

Negotiations dragged on. Lihue surveyed the route of the road to Kapa and found it expensive. It was proposed to extend the Lihue line from near Waialua Falls, south branch of the river, into and across the homestead lands, bridging the north branch of the river over a great gulch, of whose extent Governor Pinkham was ignorant until recently, and eventually coming to the main branch of the river at Kapa, the Governor wishing much to have Anahola and Nawiliwili bound together by rail.

Besides the bridge, there would have been difficult and costly work in going across the Kapa lands.

Another Survey Is Made. Another survey was made which was for a road crossing Waialua river, main stream, at tide-water, with a long span of 500 feet or so, and thence winding up into the hills to the homesteads, covering 1500 feet of solid rock under Lihue's lease, and eventually coming to the main branch of the river at Kapa. This road would cost \$118,000; the other would have cost about \$250,000, it was estimated.

Lihue asked for a twenty-year right-of-way for the new and old railroads and necessary wagon roads on government lands and for right-of-way for crossing ditches and flumes. Governor Pinkham suggested, spontaneously, without request of Lihue, that the railroad on government lands be granted a permanent right-of-way by the Territory, which has power to take such action, and that it obtain a fifty-year franchise for the line from the legislature, this to be confirmed by congress.

Lihue from the Territory to use government lands would not carry with it the right of eminent domain of private property, necessary to extend the road to Nawiliwili. The railroad was to be under the public utilities commission.

At this time Governor Pinkham asked that the negotiations wait until the last session of the legislature. It met; it passed its adjournment; the Governor did not respond to requests that action be hurried so that it could be done.

He had changed his policy again. He wished to wait until the legislature had adjourned.

It is to be understood that the railroad negotiations were conducted hand-in-hand with those as to contracts with homesteaders, which will be dealt with in detail in another article.

Under date of February 4, 1915, Governor Pinkham wrote a letter to Frank E. Thompson, attorney for Lihue, extracts from which follow:

"It will be the policy of the government to grant a free right-of-way over all public lands subject to the approval of the Governor, as is now the rule of the government."

"It will be the policy of the government, where any lands revert to the government, to grant or confirm any right-of-way, provided they are first approved by the Governor."

"It will be the policy of the government to constitute its customary approval of planting agreements between those termed homesteaders and the null above referred to offers a fair and practical solution of the problem in that it contemplates an outlet for cane from the homesteads to the Lihue Plantation Company's mills as well as to the mill of the Maalea Sugar Company, and affords an opportunity for a pineapple cannery of sufficient size to serve the pineapple growers (the former cannery), respectively, petitioning the Governor of the Territory of Hawaii and the land commissioner of the Territory of Hawaii to use their good offices in an earnest effort to procure a consummation of the plan on the lines proposed."

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contract with them, Lihue dealing with those near its Waialua crown lands. At this time, Albert Horner said that Governor Pinkham was in favor of the plan and wished the people of Kapa to approve of it. He said, also, that the company, the Hawaiian Canneries Association, would build the packing plant as soon as the railway was assured.

Mr. Horner stated last week that he had taken the Lihue proposal to the Governor, who approved it enthusiastically, and later had submitted the Lihue contracts.

The Governor will approve of a license to the Lihue Plantation Company for a term of years to construct, operate and maintain a railway line on or across the government lands of Waialua, and such railway to connect with the existing lines of railway, now the property of the government or by expiration of leases to become the property of the government and said railway shall be built under the supervision of the territorial superintendent of public works and a record shall be kept of the exact cost of said railway, which record shall be certified to by the superintendent of public works, through whom duplicate vouchers shall be furnished the territorial auditor, and further:

"The Territory will reserve the right to directly or indirectly cancel or take over said license and railway by paying directly or indirectly to said Lihue Plantation Company the cost of said railway plus an amount of said cost, together with an adjustment of said cost, at the rate of six per cent per annum on said cost based on the failure of said railway to earn said six per cent, should such prove to be the case."

"The administration recognized the absolute necessity of relief to the homesteaders of Northeast Kapa, notably those growing pineapples, and, further, the necessity of a safe port for deep sea vessels, presumably Nawiliwili, hence favors terms that will secure prompt action."

Lihue did not agree to build to the Kapa government line; it did agree to make the survey. It was stated on Kapa that the Governor did not object to the withdrawal of Lihue from the original plan because, by that time, he had become a supporter of Colonel Spalding and perhaps did not wish the Lihue line built at all, although at first he had desired competition between the plantations as being in the interest of the homesteaders.

Whereas, in an effort to carry out a beneficial homestead policy, the Territory of Hawaii has heretofore opened much of its crown lands to the homesteaders, and of Kapa, particularly Waipouli, Oleheana and Kapa, which have already been taken up and are now held by bona fide homesteaders; and

Whereas, in the working of the lands last mentioned it develops now that because of a lack of transportation and shipping facilities sufficient to enable the grower on the lands to market their crops, the homesteaders will, unless relief is afforded them, be forced to abandon their crops and desert their holdings; and

Whereas, we are informed that a plan has been submitted to the Territory of Hawaii and the Lihue Plantation Company, Limited, to construct or extend the railroad of the plantation over and across the lands of Waialua, Waipouli, Oleheana and Kapa, this connecting all lands belonging to the government (approximately 3000 acres) in the Kapa district, Kapa, by railroad with the ports of Nawiliwili and Ahukini; the Lihue Plantation Company, Limited, surrendering to the government all the land of Kapa owned by it, dated the 1st day of October, 1915, reserving all other lands and water covered by the said lease until its expiration, on October 1st, 1917, at which time the plantation company shall receive a renewal of the lease of the land reserved upon terms to be agreed upon by the Territory and plantation company, for a period long enough to permit the plantation to reimburse itself out of the rent reserved for the money actually paid out and expended by it in the construction of the extension, the entire extension to be the property of the government upon its completion; and

Whereas, the Lihue Plantation Company, Limited, has agreed, in the event of the proposed railroad extension being put through, to enter into an contract with the homesteaders located along the line of the extension, to buy and all other lands which may be grown on or practically the same terms as are now purchased from the independent planters who are now and for many years have been growing cane and selling it to the said plantation;

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Colonel Spalding should make for "the account and benefit" of the government. "The regulations and rates at and for which the said waters may be sold and delivered, as aforesaid, may and shall be fixed by the Governor (government) only with approval of the licensees when advances are due and unpaid, but until so changed, the charges made by licensees" shall be as given in a following table.

Less than 100,000 gallons, one delivery, 50 cents; 100,000 to 200,000, 75 cents; 200,000 to 300,000, \$1; 300,000 to 400,000, \$1.25; 400,000 to 500,000, \$1.50; 500,000 to 600,000, \$1.75; 600,000 to 700,000, \$2; 700,000 to 800,000, \$2.25; 800,000 to 900,000, \$2.50; 900,000 to 1,000,000, \$2.75; 1,000,000 to 1,100,000, \$3; 1,100,000 to 1,200,000, \$3.25; 1,200,000 to 1,300,000, \$3.50; 1,300,000 to 1,400,000, \$3.75; 1,400,000 to 1,500,000, \$4; 1,500,000 to 1,600,000, \$4.25; 1,600,000 to 1,700,000, \$4.50; 1,700,000 to 1,800,000, \$4.75; 1,800,000 to 1,900,000, \$5; 1,900,000 to 2,000,000, \$5.25.

There are provisions for discounts, time contracts from one to six months, with daily deliveries, entitling one to a discount of one per cent, six months to twelve months a discount of nine per cent, for contracts for twelve months a discount of fifteen per cent.

A table of net prices follows this. Government Could Alter Rates. It is provided that the government may alter these rates so long as the licensees are properly protected in their security for advances or for interest, but not otherwise without the consent of the licensees.

The licensees shall and may bargain and agree with homesteaders and others for delivery as aforesaid, at the rate or rates so determined upon.

Licensees in excess of advances and interest and charges and expenses shall be paid over to the territory.

The license continues for the term of the license, and the licensees, being the proper aid and assistance of the government to the parties or persons known as homesteaders, holding lands from the government under the laws regulating homesteads which may require water for the production of crops, as well as facilities for the transport of crops and supplies, it is further agreed by and between the parties hereto that all reservoirs or dams, water ditches, pipe lines, tunnels, flumes or other contributions within the limits heretofore named and described, and being the property of the government or that may become the property of the government by reason of reversion, or otherwise, during the life of the license, shall be and are hereby declared a part of the property, real, personal or mixed, hereby set over and placed in the charge of the said licensees for and during the time of life of this license, but which ownership, title or responsibility for payment, rental or taxation, have as described and set forth herein.

Provision For Succession. In consideration of the licensees building a railroad from Anahola to Kapa, (blank), the government grants a license to take and use, as a part of the existing rights of the licensees, all the lands and interests in the lands within the boundaries named and which belong to the government or that may become the property of the government.

Provision for suspension of licensees. Licensees who shall follow a course that there shall be an even number of licensees; in case of division of opinion, the land commissioner shall decide. Payment of operating expenses, in addition to the advance and interest, is to be made from the proceeds of the lands, railways, water ditches, and other ways, and so on, that may be used by the licensees, but belonging to the government, may be used in connection with government property, forming a continuous system, without cost.

The document concludes with a final provision that water for government lands may be made only with the approval of the licensees so long as the latter are responsible for moneys paid or to be paid and costs, and no rates or fees may be made to the detriment of the licensees, so long as such moneys, advances, costs or interests may remain unpaid.

Would Take Over Improvements. This water company would take over ditches and flumes and railroads on government lands. It is the policy of the government to grant or confirm rights-of-way on lands reverting to the government. Lihue has both railroads and irrigation facilities on government lands. Said Colonel Spalding.

It was Colonel Spalding's plan to have the government get control of the waters on all government lands, including Kapa, Anahola, Waialua and Waimea.

As to Waialua, some planters say that the waters might be used by plantation to the exclusion of the homesteaders, pointing to the lack of good reservoirs sites, while others say there is plenty for all, it properly administered. It is contended that the company might be organized to protect the homesteaders, but there is fear of Colonel Spalding, and great opposition to turning over the government waters to anyone.

First Attempt To Control Water. There are other water rights existing on Kapa and one of these days and perhaps, it is asserted, this is the first attempt to control that water, more valuable than land itself, or equally valuable.

So who says this point to the watershed of Waialua. Indeed, it is watershed mother of waters.

Standing on the slopes of one of the Olona mountains, looking west, one may see, on his far left, a great gulch, which is called the gulch, and near the near which the gulch is, there is a good catchment. The gulch is that which the Lihue road was to leap. Nearly lies a brown thud-recess. It is Pan Pilo. Beyond lies a green cone, which is Anahola, a great gulch, which is called the gulch, and near the near which the gulch is, there is a good catchment. The gulch is that which the Lihue road was to leap. Nearly lies a brown thud-recess. It is Pan Pilo. Beyond lies a green cone, which is Anahola, a great gulch, which is called the gulch, and near the near which the gulch is, there is a good catchment. The gulch is that which the Lihue road was to leap. Nearly lies a brown thud-recess. It is Pan Pilo. Beyond lies a green cone, which is Anahola, a great gulch, which is called the gulch, and near the near which the gulch is, there is a good catchment. 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