

February 6, 1909.
[H. R. 7807.]

CHAP. 79.—An Act To place John Crowley on the retired list of the United States Navy.

[Public, No. 215.]

Navy.
John Crowley placed
on retired list.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in consideration of services rendered in the United States Navy during a period of thirty-two years, from April eleventh, eighteen hundred and sixty-five, to June twentieth, eighteen hundred and ninety-seven, that the Secretary of the Navy be, and he is hereby, authorized and directed to place John Crowley on the retired list of the navy with the retired pay of the rating in which he was serving at the time of his last honorable discharge.

Pay and rating.

Approved, February 6, 1909.

February 6, 1909.
[H. R. 21957.]

CHAP. 80.—An Act Relating to affairs in the Territories.

[Public, No. 216.]

Territories omnibus
act.
Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ALASKA.

Valdez may issue
bonds to construct
dikes, etc.

That the incorporated town of Valdez, Alaska, is hereby authorized and empowered to issue its bonds in any sum not exceeding fifteen thousand dollars for the purpose of constructing dikes, dams, and other protection to keep the waters from the Valdez Glacier from running into, over, and upon the town of Valdez.

Special election.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Valdez, at which election the question whether such bonds shall be issued shall be submitted to the qualified electors of said town of Valdez whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

Notice.

Registration for
election, etc.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

Majority votes re-
quired.

Interest payments.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed six per centum per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in denominations not exceeding one thousand dollars each, the principal to be due in ten years from date thereof: *Provided, however,* That the common council of said town of Valdez may reserve the right to pay off such bonds in their numerical order at the rate of five thousand dollars thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer of the town of Valdez, Alaska, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Valdez; the place of payment to be mentioned in said bonds: *And provided further,* That each and every such bond shall have the written signature of the mayor and clerk of said town of Valdez and also bear the seal of said town.

Denomination.

Prorisos.
Payment of bonds.

Signatures to bonds.

Restriction on use
of proceeds.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this Act.

SEC. 6. That said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed under the limitations hereinbefore imposed and under the order and direction of said common council from time to time as the same may be required for the purposes aforesaid.

Sale and disbursements.

SEC. 7. That the Secretary of the Interior shall hereafter, as in his judgment may be deemed advisable, advertise for and receive bids for the care and custody of persons legally adjudged insane in the district of Alaska, and in behalf of the United States shall contract, for one or more years, as he may deem best, with a responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest and best responsible bid for the care and custody of persons legally adjudged insane in said district of Alaska, the cost of advertising for bids, executing the contract, and caring for the insane to be paid from appropriations to be made for such service upon estimates to be submitted to Congress annually. So much of the Act approved January twenty-seventh, nineteen hundred and five, entitled "An Act to provide for the construction and maintenance of roads, establishment and maintenance of schools, and care and support of insane persons in the district of Alaska, and for other purposes," as provides that five per centum of the license moneys collected outside of incorporated towns in the district of Alaska shall be devoted to the care and maintenance of such insane persons is hereby repealed, and such five per centum, or so much thereof as may be necessary, shall hereafter be applied to and used for the establishment and maintenance of public schools in said district, under the supervision of the governor.

Insane persons.
Bids for care, etc.,
of.

"Alaska fund."
Use of, for care, etc.,
of insane, repealed.
Vol. 33, p. 616,
amended.

To be used for school
purposes.

Liquor licenses.
Vol. 30, pp. 1338, 1339.

SEC. 8. That sections four hundred and sixty-four, four hundred and sixty-five, and four hundred and sixty-eight, of an 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 third, eighteen hundred and ninety-nine, be, and the same are hereby, amended to read as follows:

Consent to issue by
residents over 21 years
of age required.
Vol. 30, p. 1338,
amended.

"SEC. 464. That before any license is granted, as provided in this Act in relation to intoxicating liquor, it shall be shown to the satisfaction of said court that a majority of the white male and female citizens over the age of twenty-one years, within two miles of the place where intoxicating liquor is to be manufactured, bartered, sold, and exchanged or bartered, sold, and exchanged, have, in good faith, consented to the manufacture, barter, sale, and exchange or the barter, sale, and exchange of the same; and the burden shall be upon the applicant or applicants to show to the satisfaction of said court that a majority of the white male and female citizens of twenty-one years of age or more have consented thereto, and no license shall be granted in the absence of such evidence: *Provided*, That no license shall be granted for the manufacture, barter, sale, or exchange of intoxicating liquors except within incorporated towns, and such other towns, settlements, or communities in which a duly appointed United States commissioner or deputy marshal shall reside, except that the respective district judges may in their discretion grant licenses to the keepers of regularly established road houses on main traveled post-roads and post trails in the district: *And provided*, That when it is made to appear that a majority of said white male and female citizens over the age of twenty-one years, of any one place have consented to the manufacture, barter, sale, and exchange or the barter, sale, and exchange of intoxicating liquor, no further proof of the consent of the citizens of the place where such intoxicating liquor is to be manufactured, bartered, sold, and exchanged or bartered, sold, and exchanged, will be required for twelve months thereafter.

Provisos.
Limited to incorpo-
rated towns.

Road houses.

No further proof of
consent required for
one year.

"SEC. 465. That every person applying for a license to sell intoxicating liquors in said district shall file with the clerk of the court

License petition to
be filed.
Vol. 30, p. 1338,
amended.

Oath of applicant.	a petition for such license, verified by the applicant's oath, and such petition shall be considered and acted upon by the court in the order in which the same was filed and numbered. Said petition shall contain:
Contents of petition.	<p>"First. The name and residence of the applicant, and how long said applicant has resided there.</p> <p>"Second. The particular place for which license is desired, designating the same by reference to street, locality, or settlement in such manner that the exact location at which such sale of liquor is proposed may be clearly and definitely determined from the description given.</p> <p>"Third. The statement that said applicant is a citizen of the United States, or has declared his intention to become such; that said applicant is not less than twenty-one years of age, and that such applicant has not been, since the passage of this Act, adjudged guilty of violating the laws governing the sale of intoxicating liquors, or laws for the prevention of crime in said district.</p>
Business limited to applicant.	"Fourth. That said applicant intends to, and if so licensed will, carry on such business for himself and not as agent for any other person.
Personal management required.	"Fifth. That said applicant intends to, and if so licensed will, superintend in person the management of the business licensed.
Gambling, etc., prohibited.	"Sixth. That said applicant will not conduct, maintain, or permit the maintenance of any gambling, dance hall, or bawdy house on or in connection with the premises, nor permit any female or minor in or about the rooms where liquor is sold or served.
Punishment for perjury.	"That if any false material statement is made in any part of such petition or affidavit the petitioner or petitioners shall be deemed guilty of perjury, and upon conviction thereof said license shall be revoked and said licensee shall be subject to the penalties provided by law for the crime of perjury.
Application to be denied.	"That should it appear to the district judge that any of the statements above enumerated, required to be made in the petition, are untrue at the time of application for such license, such application shall be denied.
Revocation.	"That should it appear to the district judge, after the granting of any such license, that any of the statements above enumerated, required to be made in the petition, are untrue, or that the applicant is permitting any of the things to be done or exist on or about the premises contrary to the statements required in the petition, it shall be the duty of such judge to forthwith enter an order revoking such license, and all license moneys deposited by the applicant shall be thereby forfeited, and it shall be the duty of the United States marshals and their deputies and the United States attorneys and their deputies in said district to investigate and report to the district judge any violations of any of the provisions of this section: <i>Provided</i> , That this Act shall not be so construed as to prevent any innkeeper or any person operating a hotel in good faith from receiving as guests women and minors.
Forfeiture of deposit.	"Sec. 468. That the liquor licenses authorized and provided for by this Act shall be of two classes, namely, wholesale and barroom. Every applicant for a license shall deposit the amount of the license fee with the clerk of the court at the time of filing his application therefor; and if upon consideration of such application by the court, as provided for in this Act, the court shall determine to grant the license prayed for, it shall notify the clerk of the court and the applicant in writing and the applicant shall thereupon receive his license.
Proviso. Women and minors.	"That the fee for a wholesale license shall be two thousand dollars per annum, and for a barroom or retail license one thousand dollars per annum: <i>Provided</i> , That the fee for a retail license for road houses on regular post roads or trails where the population within two miles of the place where the business is to be conducted does not exceed fifty people, or for a steamboat or steamer operating on the inland rivers of Alaska during the season of open navigation, shall be five
Licenses, wholesale and retail. Vol. 80, p. 1389, amended.	
Fees.	
Provisos. Steamboats, etc.	

hundred dollars per annum: *Provided*, That said steamboat or steamer shall not be authorized to sell intoxicating liquor while in port or dock: *And provided*, That the words towns, camps, or settlements, as used in this Act shall be construed to embrace the population within a radius of two miles of the place wherein the business is to be conducted under the license.

"That a retail or barroom license shall be required for every hotel, tavern, boat, barroom, or other place in which intoxicating liquors are sold at retail.

"That a wholesale license shall only authorize the licensee to sell distilled, malt, or fermented liquors, wines, and cordials in quantities not less than four gallons, not to be drunk upon the premises where sold; and no such license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquor as merchandise.

"That every place where distilled, malt, or fermented wines, liquors, or cordials are sold in quantities as prescribed for retail dealers by section thirty-two hundred and forty-four of the Revised Statutes of the United States, to be drunk upon the premises, shall be regarded as a barroom; and the possession of malt, distilled, fermented, or any other intoxicating liquors, with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this Act, and the license therefor shall be known as a barroom license: *Provided*, That no license shall be granted for the sale of liquors at either wholesale or retail in any other than a substantial building which shall have cost for construction not less than five hundred dollars."

SEC. 9. That section one hundred and forty-two of said Act of March third, eighteen hundred and ninety-nine, be, and the same is hereby, amended to read as follows:

"SEC. 142. That if any person shall, without the authority of the United States, or some authorized officer thereof, sell, barter, or give to any Indian or half-breed who lives and associates with Indians, any spirituous, malt, or vinous liquor or intoxicating extracts, such person shall be fined not less than one hundred nor more than five hundred dollars or be imprisoned in the penitentiary for a term not to exceed two years.

"That the term 'Indian' in this Act shall be construed to include the aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of the whole or half blood, who have not become citizens of the United States.

"That section nineteen hundred and fifty-five of the Revised Statutes of the United States and all that part of section fourteen of 'An Act providing a civil government for Alaska,' approved May seventeenth, eighteen hundred and eighty-four, after the word 'provided,' is hereby repealed."

SEC. 10. That it shall be unlawful for any person to practice medicine or surgery, or any of the departments thereof, within the Territory of Alaska, until he or she shall have first obtained a license therefor as hereinafter in this Act prescribed.

SEC. 11. That no person shall receive a license to practice medicine or surgery, or any of the departments thereof, within the Territory of Alaska until he or she shall have, first, submitted a diploma issued by some legally chartered medical school authorizing the holder thereof to practice medicine or surgery, the requirements for graduation of which medical school shall have been at the time of granting said diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or, second, submitted proof of having practiced medicine or surgery, or both, for a period of not less than three successive years continuously prior to the passage of this Act and within the jurisdiction of one of the judicial districts of Alaska.

Sale of intoxicants while in port prohibited.
Towns, etc., defined.

Retail license.

Wholesale liquor business restrictions.

Meaning of "barroom."

R. S. sec. 3244, p. 662.

Provided. Building where sold.

Sale of liquor to Indians.
V.G. 30, p. 1274, amended.

Liquors, intoxicating extracts, etc., prohibited.

Penalty.

Meaning of word "Indian."

Importation of fire-arms, etc.
R. S. sec. 1955, p. 343, repealed.
Vol. 23, p. 28, amended.

Medicine and surgery.
License for practice of.

Requirements.

Applications.

SEC. 12. That any person desiring to obtain a license to practice medicine or surgery within the Territory of Alaska shall first make application therefor to the clerk of the court of the district in which he desires to practice. The application shall be in writing, and shall state the name of the applicant, his age, his residence, the name and location of the college whence his diploma issued, the length of time, if at all, he has practiced medicine, and where, giving specifically the names of places wherein he has so practiced medicine. The application shall be accompanied by the diploma of the applicant, or duly authenticated copy, as must also an affidavit setting forth that he or she is the person therein named, and that the diploma was procured in the regular manner after the regular course of study prescribed by the medical school granting the same, without fraud or misrepresentation.

License to resident practitioners.

SEC. 13. That any applicant for license to practice medicine or surgery within the Territory of Alaska, not in possession of the credentials specified in section three of this Act, may obtain a license at the discretion of the clerk of the district court to whom he applies upon furnishing a properly attested statement, to wit: That he or she is a bona fide resident of Alaska, and has been engaged in the practice of medicine exclusively within the Territory of Alaska for a period of not less than three successive years immediately prior to the passage of this Act. The application shall be accompanied by the written recommendation of three bona fide residents of the judicial district wherein the applicant desires to practice, one of whom must be a physician holding a license under section three of this Act, and shall state in a general way applicant's character and professional ability.

Requirements.

Recording license, etc.

SEC. 14. That every person receiving a license to practice medicine or surgery within the Territory of Alaska shall have such license recorded in the office of the clerk of the court of the district wherein he is practicing, or proposes to practice, within thirty days from date of issuance. And when such licentiate moves into another district for the purpose of continuing the practice of medicine, he shall first file for record with the clerk of the court of the district to which he moves a certified copy of the license.

Prima facie evidence of practice.

SEC. 15. That any person shall be regarded as practicing medicine within the meaning of this Act who shall within the Territory of Alaska append the letters M. D. to his name, or who shall prescribe or administer or make known his ability or willingness to prescribe or administer drugs, medicines, electricity, magnetism, hydrotherapy, or perform any operation or manipulation, or apply any apparatus or appliance for the cure, alleviation, correction, or reduction of any human disease, ill, deformity, defect, wound, or injury, including midwifery for hire, fee, compensation, or reward, promised, offered, or accepted, directly or indirectly. The doing of any of the acts of this section above mentioned shall be taken to be prima facie evidence on the part of the person so doing to represent himself or herself as engaged in the practice of medicine or surgery or both. But nothing in this Act shall be so construed as to inhibit service in case of emergency, medical or surgical relief of natives of Alaska by employees of the Bureau of Education, or to the domestic administration of family remedies, nor to legally qualified dentists when engaged exclusively in the practice of dentistry. Nor shall this Act apply to any commissioned medical officer in the United States Army or Marine-Hospital Service or Bureau of Education in the discharge of his professional duties, or to any ship's doctor attached to any vessel plying or operating in Alaska.

Emergency cases.

Commissioned medical officers, etc.

Recording licenses, etc.

SEC. 16. That applications for license to practice medicine within the Territory of Alaska shall be recorded by the clerk of the district court in which they are presented within five days of date of presentation. Said record shall specify under which section of this Act the license be issued, if issued, and the date thereof. The record containing said

applications shall be accessible to the public during office hours of the clerk of the court for inspection. A fee of ten dollars shall accompany each application for license.

Fee.

SEC. 17. That every person who shall practice, or shall attempt to practice medicine within the meaning of this Act without having first obtained a license therefor as prescribed in this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than one hundred days, or by both fine and imprisonment, and each day of such practice shall constitute a distinct and separate offense.

Penalty for violation.

SEC. 18. That all moneys collected from licenses or fines under this Act shall be disposed of in the manner already provided for by law applicable to the Territory of Alaska.

Disposition of funds.

ARIZONA.

Arizona.

SEC. 19. That chapter fifty-seven, session laws of the Arizona legislature, twenty-third session, authorizing the county of Mohave, Territory of Arizona, to issue bonds in the sum of twenty thousand dollars for the purpose of erecting a court-house, and also the further act of said legislature, being chapter sixty-one, authorizing said county to issue bonds in the sum of ten thousand dollars for the purpose of building a jail for said county, is hereby ratified and approved.

Mohave County.
Bond issue by, ratified.

SEC. 20. That the city of Phoenix, situated in Maricopa County, in the Territory of Arizona, is hereby authorized and empowered to issue its bonds in any sum not exceeding one hundred and fifty-five thousand dollars for the funding of its floating indebtedness created prior to July first, nineteen hundred and six, and represented by outstanding warrants bearing interest at the rate of six per centum per annum.

Phoenix city may issue bonds, etc.

Limit.

SEC. 21. That before said bonds shall be issued a special election shall be ordered by the common council of the city of Phoenix, at which election the question whether such bonds shall be issued shall be submitted to the qualified electors of said city of Phoenix whose names appear on the last assessment roll of said city for municipal taxation. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said city before the day fixed for such election.

Interest.

Special election.

Notice.

SEC. 22. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said city shall be in favor of issuing said bonds.

Registration.

SEC. 23. The bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed five per centum per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest, and shall be in denominations of one thousand dollars each, the principal to be due in twenty-five years from date thereof: *Provided, however,* That the common council of said city of Phoenix may reserve the right to pay off such bonds in their numerical order at the rate of twenty-five thousand dollars thereof per annum from and after expiration of fifteen years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the city treasurer of the city of Phoenix, in Maricopa County, Arizona Territory, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the city of Phoenix at the option of the holder of said bonds; the place of payment to be mentioned in said bonds: *And provided further,* That each

Interest.

Denomination.

Provisos.

Payment of bonds.

Signatures.

and every such bond shall have the written signature of the mayor and recorder of said city of Phoenix and also bear the seal of said city.

Use of funds.

SEC. 24. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this Act.

Sale and disbursement.

SEC. 25. That said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed under the limitations hereinbefore imposed and under the order and direction of said common council from time to time as the same may be required for the purposes aforesaid.

Yuma court-house.
Erection ratified.

SEC. 26. That the act of the legislative assembly of the Territory of Arizona, approved March twenty-first, nineteen hundred and seven, providing for the erection of a court-house and jail in the town of Yuma, Yuma County, Territory of Arizona, is hereby ratified, approved, and confirmed, to the extent of fifty thousand dollars and no more.

Gila County may issue additional bonds.
Vol. 33, p. 1268.

SEC. 27. That the board of supervisors of the county of Gila, Territory of Arizona, is hereby authorized to issue additional bonds on said county in the sum of twenty-five thousand dollars for the completion and furnishing of the court-house and jail for said county and vaults for the preservation of the records.

Denomination, etc.

SEC. 28. That said bonds may be in such denomination as the said board may prescribe, and shall bear no more than five per centum interest per annum, and shall not be sold for less than their par value.

Payment of bonds.

SEC. 29. That said bonds shall be made payable in twenty years, with an option on the part of the county to pay any or all of them after eight years from the date of their issue.

Taxes.

SEC. 30. That for the purpose of paying the interest on said bonds as it becomes due and provide for a sinking fund to pay said bonds the said board of supervisors shall levy and cause to be collected, as other county taxes are levied and collected, a sufficient tax on the assessable property in said county as will meet the interest as it falls due and provide a reasonable sinking fund to pay said bonds when due.

Coupons.

SEC. 31. That said bonds shall be printed with interest coupons attached thereto; each coupon shall represent one year's interest on the bond, and when the interest represented in a coupon is paid the coupon shall be detached from the bond and placed by the treasurer with his other vouchers before the board of supervisors.

Apache County
court-house.
Erection of, ratified.

SEC. 32. That the act of the legislative assembly of Arizona approved February thirteenth, nineteen hundred and five, providing for the erection of a court-house in the town of Saint Johns, Apache County, Arizona, is hereby ratified, approved, and confirmed.

Maricopa County.
Issue of bonds for
public roads ratified.

SEC. 33. That the action of the taxpayers of special road district numbered one, of Maricopa County, Arizona, at an election duly held, authorizing and directing the issuing of the bonds of said special road district numbered one, in the sum of thirty thousand dollars, for the purpose of building, establishing, and maintaining a better system of public roads within said district, is hereby ratified, approved, and confirmed.

Hawaii.

HAWAII.

Maui County.
Manufacture, etc.,
of electric light, etc.,
in district of Wailuku,
ratified.

SEC. 34. That the act of the legislature of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii," passed by the legislature of the Territory of Hawaii on the twenty-fourth and twenty-fifth days of April, anno Domini nineteen hundred and seven, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed, as follows, to wit:

"ACT 105.

"An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Wailuku, on the island and county of Maui, Territory of Hawaii.

"Be it enacted by the legislature of the Territory of Hawaii, That H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, together with their associates, hereafter called 'The Company,' and their respective successors and assigns, be, and hereby are, vested with the right, authority, and privileges, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power, in the district of Wailuku, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, and subject to the approval and supervision of the boards or officials having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Wailuku, on the island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

"SEC. 2. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires, and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

"SEC. 3. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances constructed, maintained, or operated under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Maui, shall be so constructed, maintained, or operated by the company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

"SEC. 4. That the entire plant, lines, poles, and other apparatus and equipments shall at all times be subject and open to the inspection of the officials or boards having charge of said streets or roads, or any officer appointed by them for that purpose.

"SEC. 5. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the privileges herein granted.

"SEC. 6. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act, or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works, or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the

franchise granted hereby, and all rights and privileges accruing thereunder, forfeited and declared null and void.

"SEC. 7. Said company shall also have the right to maintain, use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: *Provided, however,* That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate is unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

"SEC. 8. It is hereby expressly provided that nothing herein contained shall be construed as to grant the company an exclusive right to furnish, sell, or supply electric light and power.

"SEC. 9. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works one per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

"SEC. 10. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

"SEC. 11. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal this act.

"We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all the elective members of senate of the Territory of Hawaii this twenty-fourth day of April, anno Domini nineteen hundred and seven.

"E. F. BISHOP,

"President of the Senate.

"WILLIAM SAVIDGE,

"Clerk of the Senate.

"We hereby certify that the foregoing bill, after consideration on the veto of the governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all of the elective members of the house of representatives of the Territory of Hawaii this twenty-fifth day of April, anno Domini nineteen hundred and seven.

"H. L. HOLSTEIN,

"Speaker.

"JOHN H. WISE,

"Clerk."

Maui County.
Manufacture, etc.,
of electric light, etc.,
in district of Lahaina,
ratified.

SEC. 35. That the act of the legislature of the Territory of Hawaii entitled "An Act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii," approved by the governor of the Territory of Hawaii on the first of May, anno Domini nineteen hundred and seven, be, and is hereby, amended, and as so amended is ratified, approved, and confirmed as follows, to wit:

"ACT 130.

"An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Lahaina, on the island and county of Maui, Territory of Hawaii.

"Be it enacted by the legislature of the Territory of Hawaii, that the Lahaina Ice Company (Limited), as a body corporate, its successors and assigns, hereinafter called 'The Company,' be, and hereby are, vested with the right, authority, and privilege, from and after the passage of this act, to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the district of Lahaina, on the island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for the purposes above mentioned, subject to the approval and supervision of the officials or boards having charge of said streets or roads, to construct, maintain, and operate suitable poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district of Lahaina, on said island of Maui, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamps, lamp-posts, or other structure or object with the place of supply.

"SEC. 2. The company shall at all times during the existence of said franchise promptly and efficiently supply such electric light and power in said district of Lahaina as may from time to time be required by persons desiring the same, at any point or points: *Provided*, That it shall not be required to build, extend, or maintain any line or branch line for the transmission of such electric light or power beyond a distance of three hundred feet from such extension or major fraction thereof, unless the number of lights or amount of power agreed to be taken for not less than one year shall be reasonably sufficient to warrant the construction of such line or branch line or extension: *Provided further*, That if the company shall be unable to furnish power or light applied for by reason of lack of capacity of the plant or apparatus for producing and transmitting electric current, the company shall be allowed a reasonable time, not exceeding one year from the date of any application, to procure such additional improvements or apparatus as may be necessary to furnish such applicant or applicants.

"SEC. 3. The officials or boards having charge of said streets or roads are hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires, and apparatus and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

"SEC. 4. That all poles, lines, wires, cables, lamps, lamp-posts, conductors, conduits, and other appliances constructed, maintained, or operated under, along, upon, and over the streets, sidewalks, roads, squares, bridges, alleys, and lanes in said district, on the island of Maui, shall be so constructed, maintained, and operated by the company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys, and lanes by the public.

"SEC. 5. That the entire plant, lines, poles, and all other apparatus and equipments shall, at all times, be subject and open to the inspec-

tion of the officials or boards having charge of said streets or roads, or any officer appointed by them for that purpose.

"SEC. 6. Said company shall also have the right to maintain, use, and operate electric meters or other means of measuring electric light, power, or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive, and collect from all customers of electricity such reasonable prices as may be from time to time fixed and determined by the company: *Provided, however,* That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer of the company to hear and determine from time to time whether an existing rate or rates is or are unreasonable; and if a rate be unreasonable, to order the same to be decreased, and to enforce such orders by appropriate judgment or decree.

"SEC. 7. Said company shall also have the right to charge consumers, or applicants for the use of electricity, for one-half of the cost and expense of making connections between the company's nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators, and other materials, and labor necessary to be used in making such connections: *Provided, however,* That the company shall not be required to make, construct, or maintain said connections as aforesaid for supplying light or power unless the applicants therefor, if required, shall deposit in advance with the company a sum of money, sufficient to pay one-half of the total cost and expense of making and constructing such connections and for current for the period of one month.

"SEC. 8. The said company shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal, and mixed, as may be necessary or incidental to the proper conduct of its business; but said company shall not have the right or power to purchase franchises and property of any other company of like nature in said district of Lahaina.

"SEC. 9. Said company, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the company, shall have the power to borrow money and to secure the payment thereof, with the interest agreed upon, by mortgage of any or all of its property, franchises, and privileges granted or obtained by virtue of this act, or, if it is deemed advisable, bonds may be issued, secured by deed of trust of such property, not to exceed sixty percentum of the actual value thereof, with all future acquired property, as well as the income and receipts of the property from whatever source derived and in such form and under such terms as the company shall deem advisable: *Provided,* That nothing in this section contained shall operate to prevent said company from obtaining the usual business credits and to make promissory notes without security.

"SEC. 10. That said company, its representatives, successors, and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the privileges herein granted.

"SEC. 11. It is provided that if the company shall fail or refuse to do or perform or comply with any of the provisions of this act or of the laws of the Territory of Hawaii, or of the county of Maui, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the superintendent of public works or any proper county or municipal officer or board, said officer or board may, with the consent of the governor and of the attorney-general, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby and all rights and privileges accruing thereunder forfeited and declared null and void.

"SEC. 12. It is hereby expressly provided that nothing herein contained shall be so construed as to grant the company an exclusive right to furnish, sell, or supply electric light and power.

"SEC. 13. The said company shall, within one month after the expiration of each year, file with the superintendent of public works a statement showing the gross receipts from the sale of electric light and power furnished by the company, and shall at the same time pay to the superintendent of public works one per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

"SEC. 14. This act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval to be secured within five years from the date of this act becoming law.

"SEC. 15. That Congress, or the legislature of the Territory of Hawaii with the approval of Congress, may at any time alter, amend, or repeal said act.

"Approved this 1st day of May, A. D. 1907.

"G. R. CARTER,
"Governor of the Territory of Hawaii."

SEC. 36. That the Wahiawa Water Company (Limited), a corporation organized under the laws of the Territory of Hawaii for the purpose of irrigation, be, and is hereby, granted the right of way through the lands of the United States to the extent of the ground occupied by the water of the reservoirs and canals of said company and their laterals, and fifty feet on each side of the marginal limits thereof, including that portion of said company's irrigation works located within the limits of the military reservation made by the order of the President July twentieth, eighteen hundred and ninety-nine, setting aside a portion of Waianae Uka, in the island of Oahu, Territory of Hawaii, and as published in the General Orders of the War Department Numbered One hundred and forty-seven, and dated August tenth, eighteen hundred and ninety-nine, and including also the right to take from the lands of the United States adjacent to the line of the canals earth and stone necessary to the construction thereof, the said reservoir sites, canals, and laterals, and waterways being now occupied under an outstanding lease from the former authorities of said Territory to said company and so recognized in said General Orders: *Provided*, That the plans for the works herein proposed shall be submitted to the Secretary of War for approval, and shall be carried out in conformity to such regulations in respect to maintenance and operation as he shall prescribe: *Provided also*, That the servitude herein granted shall not prevent the movement of troops over the said right of way, and when the movement of field artillery and wagon trains is impeded or prevented, due to the use of gulches for water storage by said company, bridges suitable for the passage of troops, artillery, and wagon trains across said gulches, with suitable approaches thereto, shall be provided by said company when required by the Secretary of War, said bridges and approaches to be constructed in accordance with plans approved by the Secretary of War: *Provided further*, That during the occupation of said military reservation by troops the said company shall furnish, free of charge, all the water needed for post or encampment purposes, and, in case an electric power plant is erected by said company, it will furnish power to the United States, if required, and, if it be obtainable without interference with the irrigation supply, at not to exceed one cent per kilowatt hour, measured at the dynamo.

Wahiawa Water Company granted right of way through military reservation.

Provisos.
Plans.

Movement of troops, etc., not prevented.

Water for troops, etc., free.

Electric power, etc.

New Mexico.

NEW MEXICO.

Bernalillo County may issue bonds for bridge purposes.

Sale and disbursement.

Payment of bonds.

Time limit.

Taxes.

Sinking fund.

Refunding indebtedness.

Proviso.
Interest.

Portales.
Sale of school lands to, authorized.

Proviso.
Nonresponsibility of United States for bonds issued.

Notice.

SEC. 37. That the county of Bernalillo, in the Territory of New Mexico, is hereby authorized to issue bonds to such amount as in the discretion of its county commissioners may seem necessary, but not exceeding the sum of one hundred thousand dollars, to be known as bridge bonds of the county of Bernalillo, which bonds shall bear interest at a rate not to exceed five per centum per annum, and shall be sold for not less than par, the proceeds of such sale or sales to be used exclusively for the construction and repair of bridges across the Rio Grande within the limits of said county. The said bonds shall be payable in whole or in part at the option of said county at any time after the expiration of ten years from their issue, and shall become absolutely due and payable upon the expiration of thirty years after their issue, and the proper county authorities shall levy each year after the issuance of said bonds at the time of levying other taxes, a tax sufficient in amount to pay the interest on said bonds for each year, the proceeds of such tax to be devoted exclusively to the payment of such interest; and after the expiration of fifteen years from the date of the issue of said bonds the said county authorities shall provide a sinking fund by taxation for the payment of said bonds at their maturity, and shall annually levy a tax for that purpose sufficient to produce at least one-fifteenth part of the principal of said bonds.

SEC. 38. That at any time after the expiration of ten years from the issue of said bonds the proper county officers of said county are authorized, in their discretion, to refund the indebtedness evidenced by said bonds: *Provided*, That they can do so at a lower rate of interest than that fixed for the original issue.

SEC. 39. That the legislative assembly of the Territory of New Mexico is hereby authorized and empowered to enact such legislation as is necessary to authorize the Territory of New Mexico, through its proper officer or officers, to sell and transfer school land section thirty-six, township one south, range thirty-four east, New Mexico principal meridian, to the town of Portales, Territory of New Mexico, for the use and benefit of the public schools of the town of Portales: *Provided*, That no obligation shall be created against or assumed by the United States on account of any bond or bonds issued in pursuance of authority granted by this Act, and notice of this proviso shall be printed on the face of each bond issued.

Approved, February 6, 1909.

February 6, 1909.
[S. 8333.]

[Public. No. 217.]

CHAP. 81.—An Act To authorize the Edgewater Connecting Railway Company to construct, maintain, and operate a railroad bridge across the Kansas River at or near Kansas City, Kansas, in the county of Wyandotte, State of Kansas.

Kansas River.
Edgewater Connecting Railway Company may bridge, at Kansas City, Kans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Edgewater Connecting Railway Company, a corporation organized and existing under and by virtue of the laws of the State of Kansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Kansas River near the confluence of said river with the Missouri River at or near the city of Kansas City, Kansas, in the county of Wyandotte and State of Kansas, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, February 6, 1909.

Vol. 34, p. 84.

Amendment.