

CHAP. 418.—An Act For the relief of Henry L. Woods.June 25, 1910.
[H. R. 22253.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit and pay the account of Henry L. Woods, of Olive Hill, Carter County, Kentucky, for services rendered as United States de facto commissioner for the eastern district of Kentucky, from July third, nineteen hundred and nine, to November nineteenth, nineteen hundred and nine, the same as if he had been regularly appointed; and the acts of the said Henry L. Woods as United States commissioner de facto during said period are hereby legalized and declared to be of force and effect.

[Public, No. 300.]
Henry L. Woods.
Payment for services.

Acts as commissioner, Kentucky eastern district, legalized.

Approved, June 25, 1910.

CHAP. 419.—An Act To ratify an act of the legislature of the Territory of Hawaii authorizing W. A. Wall, his associates and assigns, to construct and operate a railroad on the island of Hawaii, Territory of Hawaii.June 25, 1910.
[H. R. 22635.]

[Public, No. 301.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the legislature of the Territory of Hawaii entitled "An act to authorize W. A. Wall, his associates, successors, and assigns, to construct, maintain, and operate a railroad in certain districts of the island on Hawaii, in the Territory of Hawaii," approved by the governor of Hawaii April twenty-sixth, nineteen hundred and nine, be amended, and as amended, the same is hereby, ratified, approved, and confirmed, as follows, to wit:

Hawaii.
Construction of railroad by W. A. Wall, authorized by legislature, confirmed.

"ACT 115.

"An Act to authorize W. A. Wall, his associates, successors, and assigns, to construct, maintain, and operate a railroad in certain districts on the island of Hawaii, in the Territory of Hawaii.

"Be it enacted by the legislature of the Territory of Hawaii:

"SECTION 1. The right is hereby granted to W. A. Wall, his associates, successors, and assigns, to lay, construct, maintain, and operate for the term of thirty years from the date of the approval of this act by the Congress of the United States a railway, either single or double track, or partly single and partly double, with such curves and switches, turn-outs, poles, wires, conduits, stations, power houses, and such other buildings, appliances, and appurtenances as may from time to time be necessary for the use and operation thereof, from a point in the district of Kona, island of Hawaii, starting at tide water at Kaawaloa; thence running south on grades one, one and one-half, and two and one-half per centum to an elevation of nine hundred and twenty-five feet at Kahauko, in the said district of Kona; thence over intervening lands in a southerly direction on broken grades to one thousand two hundred feet elevation; thence through or near Waiohinu, in the district of Kau; thence through Naalehu to Honuapo, in the said district of Kau; thence to Hilea (old Mill site); thence over intervening lands to Pahala Mill, in the said district of Kau; from the nine hundred and twenty-five feet elevation at Kahauko, in the district of Kona, running north over intervening lands on various grades to one thousand two hundred feet elevation at the village of Honokahau, in the district of Kona.

Location.

"SEC. 2. The said railway shall be operated by steam, or by compressed air, or by electric power, either by overhead or underground wires or by storage batteries: *Provided,* That a part of such railway may be operated by one motive power, while another or other portion thereof may be operated by other motive powers.

Operation.

- Speed, etc.** "SEC. 3. The speed of any engine, car, or other vehicle used upon such railway while on a public highway, except in crossing the same, shall not exceed eight miles per hour, under penalty of three hundred dollars, to be paid to the Territory for each violation of this provision.
- Approval of plans.** "SEC. 4. The maps, charts, and plans for the construction of such railway shall be subject to the approval of the superintendent of public works, and such approval thereof shall be evidenced by his signature upon any such map, chart, or plan so approved.
- General requirements.** "SEC. 5. The said railway, together with all its branches and connection, shall be thoroughly and substantially constructed according to the best modern practice and in such manner as to cause the least obstruction to the free use of the highways, roads, and places in which it may be laid; and the location in, along, and across highways and roads shall be as directed by the superintendent of public works. The cars for carrying passengers shall be of the most approved construction for the comfort, convenience, and safety of such passengers, and shall be provided with fenders of the best pattern, with proper lighting and signaling appliances, and with proper numbers, route boards, or signs, as approved by the governor. The said W. A. Wall, his associates, successors, and assigns, shall pay all expenses and damages and save the Territory harmless and indemnified from all loss, cost, damage, and expense in consequence of or arising from the construction and operation of said railway, and to pay for all repairs to highways and streets on, along, or across which the said railway may be located, made necessary or advisable by the construction and operation of said railway. The style of rail to be employed and used in the construction of such railway, the manner of laying the same, and the kind of car for the carriage of passengers over such railway shall be such as may be approved by the superintendent of public works. All of the matters and things required by this section and the construction and character of the railway and its equipment shall in all respects be subject to the approval of the superintendent of public works.
- Time of construction.** "SEC. 6. The construction of such railway must be commenced within three years from the date of the approval of this act by the governor of the Territory of Hawaii, and at least fifteen miles must be completed, equipped, and in operation for the transportation of passengers and freight within two years after such commencement: *Provided*, That any period during which the work shall be suspended or delayed by reason of any litigation impeding or delaying the construction or use of such railway shall not be counted in either of the above-mentioned periods.
- Width, etc.** "SEC. 7. The lands to be taken for the line of such railway shall not exceed forty feet in width, unless a greater width shall be required for embankment, cuttings, gravel pits, sidings, stations, depots, power houses, yards, or terminals.
- Legal requirements.** "SEC. 8. No land, easement, or other property shall be taken for the purpose of such railway except in accordance with the provisions of law.
- Forfeiture.** "SEC. 9. If the provisions of this Act as to time limitations are not fully complied with, then all rights, privileges, and special powers granted hereby shall forthwith cease and determine and the franchise hereby granted shall forthwith become null and void.
- Mortgages.** "SEC. 10. The said W. A. Wall, his associates, successors, and assigns, shall have the power to mortgage the franchise hereby conferred to secure the payment of bonds or other monetary obligations incurred in the construction or operation of such railway.
- Right to alter, etc.** "SEC. 11. The legislature of the Territory of Hawaii, with the approval of Congress, may at any time alter, amend, or repeal this act; and the franchise hereby granted shall not be construed to be

exclusive. The franchise hereby granted shall not be construed to be exclusive and shall be subject to all general laws now in force or which may hereafter be enacted respecting railway companies.

"SEC. 12. 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.

"Approved this twenty-sixth day of April, A. D. 1909.

"WALTER F. FREAR,
"Governor of the Territory of Hawaii."

SEC. 2. That Congress may at any time alter, amend, or repeal said Act.

Approved, June 25, 1910.

Time of taking effect.

Amendment, etc.

CHAP. 420.—An Act Granting certain public lands to the State of Colorado for the use of the State Agricultural College, for agriculture, forestry, and other purposes.

June 25, 1910.
[H. R. 24012.]

[Public, No. 302.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey to the State of Colorado, for the use and benefit of the State Agricultural College, at Fort Collins, Colorado, for experimental, educational, and kindred uses in forestry, agriculture, horticulture, grazing, stock raising, and such other uses included in the work of experiments and instruction at said college, and the experiment station connected therewith, one thousand six hundred acres of vacant, unoccupied, unentered, and nonmineral land, or so much thereof as the state board of agriculture may select and designate, upon the payment therefor of the sum of one dollar and twenty-five cents per acre.

Public lands. Granted to Colorado for State Agricultural College.

SEC. 2. That said land shall be selected by said state board of agriculture from any vacant, unoccupied, and unentered, nonmineral public land in township seven north, ranges seventy, seventy-one, seventy-two, seventy-three, and seventy-four west, of the sixth principal meridian, in the county of Larimer, State of Colorado, and the tracts so selected shall not contain less than forty nor more than one hundred and sixty acres each.

Selection.

Approved, June 25, 1910.

CHAP. 421.—An Act To authorize the President of the United States to make withdrawals of public lands in certain cases.

June 25, 1910.
[H. R. 24070.]

[Public, No. 303.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States including the District of Alaska and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an Act of Congress.

Public lands. Temporary withdrawals by President for power sites, irrigation, etc., authorized.

SEC. 2. That all lands withdrawn under the provisions of this Act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates: *Provided,* That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who, at such date, is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work: *And provided further,* That this Act shall not be construed as a recognition,

Mining rights continued.

Exceptions.

Proviso. Rights of bona fide oil or gas claimants.

Status of prior claims.