

April 12, 1930.

[H. R. 4289.]

[Public, No. 114.]

CHAP. 134.—An Act To approve act numbered 55 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, island and county of Hawaii."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That act numbered 55 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, island and county of Hawaii," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on April 19, 1929, is hereby approved: *Provided*, That the authority in section 16 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the Organic Act: *Provided further*, That nothing herein shall be construed as an approval by Congress of the theory of establishing value on the actual cost of reproducing or replacing property as contained in section 18 of the said act.

Approved, April 12, 1930.

April 12, 1930.

[H. R. 7701.]

[Public, No. 115.]

CHAP. 135.—An Act To authorize fraternal and benevolent corporations heretofore created by special Act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the Superintendent of Insurance of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any corporation heretofore organized by a special Act of Congress and vested with the powers, rights, and privileges of fraternal and benevolent corporations under the laws of the District of Columbia and engaged in carrying on fraternal activities and fraternal beneficial insurance activities in which are maintained reserves not lower than the reserves required by the American Experience Table of Mortality with 3½ per centum interest per annum, be, and the same hereby is, authorized and empowered, by a majority vote of its supreme legislative body and with the approval of the Superintendent of Insurance of the District of Columbia as hereinafter provided, to divide and separate such activities and continue the same as separate and distinct corporations in the manner set forth in the following sections thereof:

SEC. 2. A certificate under the seal of said corporation shall be filed in the office of the Superintendent of Insurance of the District of Columbia and which certificate shall set forth the facts as follows:

(a) That said corporation is organized under special Act of Congress giving appropriate reference thereto.

(b) That said corporation is engaged in carrying on fraternal activities and fraternal beneficial-insurance activities, with appropriate detailed information touching each of such activities, including the name of the corporation, its officers, numbers, and classes of membership, benefits carried, and other similar appropriate information.

(c) That the fraternal beneficial-insurance activities of said corporation maintain reserves not lower than the reserves required by the American Experience Table of Mortality with 3½ per centum interest per annum.

Hawaii.
Grant of electric franchise in county of Hawaii, approved.

Provisos.
Amendment subject to approval of Congress.

No approval of establishing cost of reproducing property.

District of Columbia.
Fraternal and benevolent corporations, may separate their fraternal and insurance activities.

Separate corporations to be formed.

Certificate to be filed.

Original organization.

Detailed statement of activities.

Insurance reserves maintained.

(d) That the supreme legislative body, at a regular or duly called special convention thereof, had, by a majority vote, authorized the division and separation of its activities and the amendment of its charter, under this Act.

Authority for amending charter.

(e) That the name under which the fraternal activities of such corporation shall be hereafter carried on shall be "-----"

Name for fraternal activities.

(f) That the name under which the insurance activities of such corporation shall be hereafter carried on shall be "-----"

Name for insurance activities.

(g) That until otherwise designated by its directors, its principal office shall be at -----

Place of principal office.

(h) That until otherwise provided the number of its directors shall be nine, and that until their successors shall be elected the names of such directors shall be -----

Directors.

SEC. 3. The Superintendent of Insurance of the District of Columbia shall examine such certificate, and if satisfied of the truth of the matters set forth in such certificate the Superintendent of Insurance may approve the same and may issue his certificates showing compliance herewith, which certificates shall be recorded in the office of the recorder of deeds for the District of Columbia, and such certificates when so issued shall be conclusive evidence that such corporation has complied with all of the requirements of this Act as conditions precedent to the separation and division of its activities as herein provided.

Approval and certificate by Superintendent of Insurance.

Record of, in office of recorder of deeds.

SEC. 4. That from and after the issuance of such certificates by the Superintendent of Insurance the fraternal activities and the fraternal beneficial insurance activities of such corporation shall be divided and separated; and

Division of activities.

(a) All of the fraternal activities of said corporation shall continue unchanged under the name chosen therefor in such certificate, which may be the name of the original corporation or any other name chosen therefor, and in it shall remain vested, without the necessity for any further act or deed, all of the fraternal powers, activities, and functions, as well as the title, ownership, possession, and control of all property, both real and personal, and all rights, claims, contracts, and privileges connected with and belonging to such fraternal activities; and it shall be subject to and assume, carry out, fulfill, and pay all liabilities, obligations, responsibilities, and contracts connected therewith.

Continuance of fraternal corporate powers.

(b) All of the insurance activities of said corporation shall continue, under the name chosen therefor in such certificate, as a mutual legal reserve life insurance corporation, and in it shall remain vested without the necessity for any further act or deed all of the fraternal beneficial insurance powers, activities, and functions thereof as well as the title, ownership, possession, and control of all property, both real and personal, and all rights, claims, contracts, and privileges connected with and belonging to such insurance activities; it shall be absolved and relieved from any and all responsibility obligations, and liabilities connected with the fraternal activities of the mother corporation, and shall be subject to and assume, carry out, fulfill, and pay all liabilities, obligations, responsibilities, and contracts connected with and arising from such insurance activities; it shall have authority to make all and every insurance and reinsurance appertaining to or connected with life, accident, health, and disability risks of whatever kind or nature and to grant, purchase, or dispose of annuities and to furnish any aid or service to promote the health or safety of its members or their beneficiaries; such activities to be carried on and conducted for the mutual benefit of its members and their beneficiaries and not for profit, subject to the supervisions imposed by the law of the District of Columbia relating to mutual legal reserve life insurance corpora-

Insurance activities continued as a mutual legal reserve life insurance corporation.

Absolved from fraternal activities.

General insurance powers conferred for benefit of members.

Election of directors,
etc.

General corporate
powers.

Original corporation
not dissolved.

Continuance of, as
separate legal entities.

No contracts im-
paired.

Insurance laws of
States and the District
applicable.

tions; that the number of directors shall be fixed by the by-laws and shall be at least nine, who shall be elected by the insured members; the terms of the directors shall be three years from the date of their election, and such directors may be classified so that their terms shall not all expire at the same time; the election shall be held annually, and such directors shall elect the president and other officers and shall have power to make and promulgate such by-laws, rules, and regulations as may be deemed necessary and proper for the elections herein provided and for the disposition and management of the business, funds, property, and effects of said corporation and shall be vested with the control and supervision of all of the business affairs of said corporation; and said corporation shall have all the powers, rights, and privileges now or hereafter held and exercised by mutual legal reserves life insurance companies within the District of Columbia; in any action or suit by or against such corporation the policies, certificates, and other evidences of insurance obligation issued and executed by the mother corporation shall be admissible in evidence without further proof, and shall constitute prima facie evidence of the same obligations against said corporation as against such mother corporation.

SEC. 5. The proceedings in the Act provided, including the amendment of the charter, the issuance of the certificates by the superintendent of insurance, the division of assets and liabilities or any other act done hereunder, shall not be or constitute a dissolution of the original corporation, but the resulting corporation shall, so separated and divided, be continuations thereof and under the names as herein authorized, be separate legal entities, and the insurance corporation herein provided for shall be subject to supervision, regulation, and control as a mutual legal reserve life-insurance corporation.

SEC. 6. Nothing contained herein and nothing done hereunder shall impair or operate to impair the obligations of any contract; and this Act and any certificate issued hereunder shall be subject to the power of Congress to alter, amend, or repeal at will.

SEC. 7. Such corporation shall be subject to all the laws of the respective States, including the District of Columbia, with respect to similar mutual legal reserve life-insurance corporations.

Approved, April 12, 1930.

April 12, 1930.
[H. R. 7830.]

[Public, No. 116.]

CHAP. 136.—An Act To amend section 5 of the Act entitled "An Act to provide a government for the Territory of Hawaii," approved April 30, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended (United States Code, title 48, section 495), is amended to read as follows:

"SEC. 5. (a) That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided,* That sections 1841 to 1891, inclusive, 1910 and 1912, of the Revised Statutes, and the amendments thereto, and an Act entitled 'An Act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes,' approved July 30, 1886, and the amendments thereto, shall not apply to Hawaii.

Hawaii.
Vol. 31, p. 141, amend-
ed.
U. S. C., p. 1599.

The Constitution and
Federal laws ap-
plicable thereto.

Proviso.
General Territorial
provisions not appli-
cable.

R. S., secs. 1841-1891,
1910, 1912, pp. 324-333,
337.

Vol. 24, p. 171; Vol.
36, p. 443.

U. S. C., pp. 1599, 1646.