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CHAP. 1405.—An Act To ratify, approve, confirm, and amend an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the manufacture, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii.

April 21, 1904.
[H. R. 7266.]
[Public, No. 128.]

Preamble.

Whereas the legislature of the Territory of Hawaii did, by an act duly passed at the nineteen hundred and three session thereof, grant to the Hawaiian Electric Company, Limited, a special franchise and special privileges for the purpose of maintaining and operating an electric light and power system on the island and Territory aforesaid; and

Whereas the governor of said Territory did approve said act on the twenty-eighth day of April, nineteen hundred and three; and

Whereas the Act to provide a government for the Territory of Hawaii, duly passed by the Congress of the United States on the twenty-seventh day of April, nineteen hundred, and approved on the thirtieth day of April, nineteen hundred, provides that the legislature of the Territory of Hawaii shall not grant to any corporation, association, or individual any special privilege or franchise without the approval of the Congress of the United States: Now, therefore,

Hawaii.
Act of legislature granting electric light and power franchise ratified, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States of America does hereby ratify, approve, confirm, and amend that certain act, duly enacted by the legislature of the Territory of Hawaii at the nineteen hundred and three session thereof, known and designated as Act Numbered Forty-eight of the laws of the Territory of Hawaii, session of nineteen hundred and three, the said act last mentioned being an act entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii," and that the said act last mentioned be modified, and as so modified is hereby ratified, approved, and confirmed, so as to read as follows:

"ACT NUMBERED FORTY-EIGHT.

Provisions of act.

"An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power in the district of Honolulu, island of Oahu, Territory of Hawaii.

Preamble.

"Whereas, pursuant to a franchise granted by the government of the Hawaiian Islands, the Hawaiian Electric Company, Limited, has constructed and developed an electric light and power system on the island of Oahu, Territory of Hawaii; and

"Whereas said company is at the present time supplying light and power to the inhabitants of the said district of Honolulu, island of Oahu; and

"Whereas said franchise expires on the third day of May, nineteen hundred and three: Now, therefore,

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

"DEFINITIONS.

Definitions.

"SECTION 1. The following words and phrases, wherever they are used or appear in this act, shall, unless the same be clearly inconsistent with the context, be construed to mean and be held to have the force and effect as follows:

"(a) The 'company' shall mean, include, and represent the Hawaiian Electric Company, Limited, and its successors and assigns.

"(b) 'Honolulu,' or 'district of Honolulu,' shall refer to, include, and mean all that portion of the island of Oahu included in the taxation, educational, and judicial district now defined by law as 'Honolulu district,' or the 'district of Honolulu.'

Hawaiian Electric Company.
Powers granted.

"SEC. 2. The right is hereby granted to the Hawaiian Electric Company, Limited, as a body corporate under that or such other name as the said company may hereafter adopt, and its successors and assigns, to manufacture, sell, furnish, and supply electric light, electric current, or electric power in the district of Honolulu, on the island of Oahu, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which it or they may deem advisable, and from time to time, for the purposes above mentioned, 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 Honolulu, and to connect the said lines, wires, and conductors with any manufactory, private or public buildings, lamp, lamp-posts, or other structure or object with the place of supply.

"BUILDINGS AND STATIONS.

Buildings and stations.

"SEC. 3. Said company shall also have the right to maintain and operate its present light and power station on the corner of Halekauwila and Alakea streets, in said Honolulu, and also to construct, maintain, and operate, at such points as may from time to time be necessary, light and power stations or houses, or such other buildings and structures as may be necessary and proper, and to use machinery therein for the purposes of the company.

"METERS, RATES, AND CHARGES.

Meters, rates, and charges.

"SEC. 4. Said company shall also have the right to maintain, operate, and use 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 said company shall also have the right to charge, receive, and collect from all consumers of electricity such reasonable prices as may from time to time be fixed and determined by the company, but such charge shall not at any time exceed seventeen cents per kilowatt hour or one thousand watt hours: *Provided, however*, That the company shall have the right to charge, receive, and collect from each consumer of electricity for lighting the sum of two dollars per month, and from each consumer of electricity for power the sum of one dollar per month per horsepower of apparatus connected to the service of the company: *Provided*, That power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer or the company to hear and determine from time to time what rate or rates are reasonable, and to enforce the same by appropriate judgment or decree.

"CONNECTIONS.

Connections.

"SEC. 5. 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 main lines 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 applicant or applicants for such light or power, if required, shall deposit in advance with the company a

sum of money sufficient to pay one-half of the cost and expense of making and constructing such connections and for current for the period of one month.

"SEC. 6. The company shall not be required to extend, construct, or maintain its main lines beyond a distance of three hundred feet unless there be an applicant for each three hundred feet of extension or fraction thereof, and unless each applicant shall, in addition to the other requirements in this Act provided, agree to take, install, and maintain five sixteen-candlepower lights or one horsepower of power apparatus for not less than one year: *Provided, however*, That if the company is unable to furnish power or light applied for by reason of lack of capacity of the apparatus for producing electricity, the company shall be allowed a reasonable time, not to exceed nine months from the date of any application, to procure such additional apparatus as may be necessary to furnish such applicant.

"SUPPLY OF ELECTRICITY.

Supply of electricity.

"SEC. 7. The company shall have the right to discontinue or cut off the supply of electricity to any consumer who shall refuse or fail to pay the amount due for electricity supplied by said company within such reasonable time as said company may fix for the payment of the same, and such discontinuance of service or supply of electricity shall not prejudice the right of the company to any remedies now or which may hereafter be authorized by law for the recovery and collection of said amount.

"RULES AND REGULATIONS.

Rules and regulations.

"SEC. 8. The superintendent of public works is hereby authorized to make, and from time to time to change, amend, or add to, reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying the electric current, 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 or proper for the public safety and welfare.

"No person, firm, or corporation shall be allowed to place or maintain poles or wires along, upon, or across any public street except such as are authorized by the superintendent of public works. Any person violating this provision last above mentioned shall, upon conviction, be deemed guilty of a misdemeanor and be punished by a fine of not exceeding fifty dollars or by imprisonment not exceeding three months. The superintendent of public works may at any time cause such poles or wires to be removed at the expense of the person, firm, or corporation placing them or causing them to be placed in such position.

"If at any time the company, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinbefore provided for, relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and apparatus, the superintendent of public works shall, after giving the company reasonable notice thereof in writing of his intention so to do, proceed to remedy such failure, and the cost of such repairs or changes may be recovered from the company by the Territory.

"SUPERVISION.

Supervision.

"SEC. 9. The entire plant, operation, books, and accounts of the company shall at all times be subject to the inspection of the superintendent of public works or other officer appointed by him for that purpose.

"PAYMENTS TO THE GOVERNMENT.

Payments to the Government.

"SEC. 10. 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 two and one-half per centum of the gross receipts of the company from all electric light or power furnished to consumers during the year preceding.

"PURCHASE OR LEASE.

Purchase or lease.

"SEC. 11. The said company shall have the right to acquire, hold, or take over, either by purchase or lease, property, both real, personal, or mixed, and such other property as may be necessary or incidental to the proper conduct of its business; said company shall, however, not have the right to purchase franchises and property of whatever nature of another company of like nature.

"BORROWING OF MONEY AND ISSUANCE OF BONDS.

Borrowing money and issue of bonds.

"SEC. 12. The 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 all or any portion of the property, and the franchises and privileges granted or obtained by virtue of this act, or if it be deemed advisable, bonds may be issued, secured by a deed of trust of such property as aforesaid, not to exceed sixty per centum of the actual value thereof, together 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 said company may 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.

"PENALTIES.

Penalties.

"SEC. 13. Whenever said company refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the superintendent of public works to comply therewith, the said superintendent of public works shall, with the consent of the governor and the attorney-general, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act and all rights and privileges granted thereunder forfeited and declared null and void.

"SEC. 14. Any person who shall willfully or intentionally injure, molest, or destroy any of the poles, lines, wires, meters, or other appliances, or the material or property belonging thereto, or shall without permission or authority of the company connect or cause to be connected by poles and wires, or by any device, with the wires, cables, or conductors of the company, for the purpose of obtaining electric current for light, heat, or power, or whoever shall, without such permission or authority, cut or cause to be cut wires or other devices connected with any meter or meters erected or set up for the purpose of registering or recording the amount of electric current supplied to any consumer by the company, or change or shunt the wiring leading to or from any such meter, or by any device, appliance, or means whatsoever, tamper with any such meter in such manner that such meter or meters will not measure or record the amount of electric current supplied to any consumer by the company, shall be

guilty of a misdemeanor, and upon conviction thereof in the district court of Honolulu, or other court having jurisdiction thereof, shall be punished by a fine not exceeding one hundred dollars or by imprisonment with hard labor not exceeding six months: *Provided, however*, That nothing herein contained shall be deemed to affect the right of the company to recover by action at law damages for any injury done by such unlawful action.

"GRANT NOT EXCLUSIVE.

Grant not exclusive.

"SEC. 15. It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the company the exclusive right to furnish, sell, or supply electric light or power.

"SEC. 16. This act shall take effect and become law from and after the date of its approval.

"Approved this 28th day of April, A. D. 1903.

"SANFORD B. DOLE,
"Governor of the Territory of Hawaii."

Amendment.

SEC. 2. 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.

Approved, April 21, 1904.

April 21, 1904.
[H. R. 9643.]
[Public, No. 129.]

CHAP. 1406.—An Act To ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the maintenance and supply of fuel and illuminating gas and its by-products in Honolulu.

Preamble.

Whereas the legislature of the Territory of Hawaii did, by an act duly passed at the nineteen hundred and three session thereof, authorize W. W. Dimond, his associates, successors, and assigns, to manufacture and supply fuel and illuminating gas and its by-products in Honolulu; and

Whereas the governor of said Territory did approve said act on the fifteenth day of April, nineteen hundred and three; and

Whereas the Act of Congress to provide a government for the Territory of Hawaii, approved April thirtieth, nineteen hundred, provides that the legislature of the Territory of Hawaii shall not grant to any corporation, association, or individual any special privilege or franchise without the approval of the Congress of the United States: Now, therefore,

Hawaii.
Act of legislature granting gas franchise, ratified.

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. W. Dimond, his associates, successors, and assigns to manufacture and supply fuel and illuminating gas and its by-products in Honolulu," approved by the governor of the Territory April fifteenth, nineteen hundred and three, be, modified, and as so modified is hereby, ratified, approved, and confirmed, and amended so as to read as follows, to wit:

"ACT NUMBERED THIRTY.

Provision of act.

"An act to authorize W. W. Dimond, his associates, successors, and assigns to manufacture and supply fuel and illuminating gas and its by-products in Honolulu.

W. W. Dimond.
Authorized to manufacture gas, etc., in Honolulu, Hawaii.

"*Be it enacted by the legislature of the Territory of Hawaii, Section 1.* That W. W. Dimond, of Honolulu, island of Oahu, Territory of Hawaii, his associates, successors, and assigns, or such corporation as he or they shall cause to be incorporated under the laws of the Terri-