

CARLSMITH, CARLSMITH, WISHMAN AND CASE

Laws of the Territory of Hawaii
SESSION OF
1903

SECTION 5. This Act shall take effect and be in force from and after its passage.

Approved this 25th day of April, 1903.

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

ACT 48.

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.

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 Island of Oahu; and

Whereas, Said franchise expires on the 3rd day of May, 1903, now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

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 the "Honolulu District" or the "District of Honolulu."

SECTION 2. That 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 for the term of thirty-five (35) years 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 Honolulu, and elsewhere 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 purposes which it or they may deem advisable and from time to time for said term of thirty-five (35) years 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 elsewhere on said Island of Oahu, 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.

SECTION 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.

chase franchises and property of whatever nature of another Company of like nature.

BORROWING OF MONEY AND ISSUANCE OF BONDS.

SECTION 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 which may include the franchise of the Company 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, 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.

SECTION 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.

SECTION 14. Any person who shall wilfully or intentionally injure, molest or destroy any of the poles, lines, wires, metres, 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 metre or metres 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 metre, or by any device, appliance or means whatsoever tamper with any such metre in such manner that such metre or metres 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 (\$100.00) 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.

SECTION 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.

SECTION 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.