



THE DAILY BULLETIN

PRINTED AND PUBLISHED
EVERY AFTERNOON
 EXCEPT SUNDAY BY THE
Daily Bulletin Publishing Co., Ltd.,
 AT THE OFFICE,
 Merchant St., Honolulu, Hawaiian Islands.

SUBSCRIPTION—SIX DOLLARS A YEAR.
 Delivered in Honolulu at FIFTY CENTS A MONTH, in advance.

THE WEEKLY BULLETIN

— IS PUBLISHED —
EVERY TUESDAY
 AT FOUR DOLLARS A YEAR TO DOMESTIC,
 AND FIVE DOLLARS TO FOREIGN SUBSCRIBERS.

BOOK AND JOB PRINTING

DONE IN SUPERIOR STYLE.
 256 BOTH TELEPHONES 256
 P. O. BOX 89.

Address letters for the paper "Editor Bulletin" and business letters "Manager Bulletin Publishing Company." Using a personal address may cause delay in attention.

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BY AUTHORITY.



AN ACT

TO REGULATE AND CONTROL THE PRODUCTION AND FURNISHING OF ELECTRICITY IN HONOLULU.

Be it Enacted by the Queen and the Legislature of the Hawaiian Kingdom:

DEFINITION OF TERMS USED.

SECTION 1. Wherever in this Act the word "Minister" is used, it shall mean the Minister of the Department of the Interior of this Kingdom. Wherever the word "Contractor" is used, it shall mean the purchaser of franchise hereinafter provided for, who has entered into a contract with the Minister of the Interior in accordance with the terms of this Act.

SALE OF FRANCHISE AT AUCTION.

SECTION 2. The Minister of the Interior is hereby directed to sell at public auction to the highest bidder as soon as the necessary arrangements can reasonably be made, the exclusive right and franchise to furnish and supply electric light and electric power, except as hereinafter provided, within the District of Honolulu, during the term of ten years from the date of such sale. In case there shall be no sale of such franchise the Minister may thereafter from time to time re-advertise the same for sale, in the manner hereinbefore set forth. The said Minister shall advertise the time, place and conditions of such sale, for not less than sixty days, in one or more newspapers published in Honolulu in the English language.

SECTION 3. The upset price of such franchise shall be two and one-half per cent. of the gross receipts of the contractor from all electric light and power furnished to consumers; and bids for such franchise shall be for the percentage of such gross receipts which the bidder is willing to pay to the Government over and above such percentage. Provided, however, that the contractor shall be exempt from paying such percentage of receipts for the first two years of such contract.

SECTION 4. Before any such franchise shall be knocked down at such sale to any bidder, such bidder shall deposit with the Minister, in cash, or a certified check on a Honolulu bank, the sum of five hundred dollars, which shall be forfeited to the Government if such bidder fails to execute the contract hereinafter provided for.

CONTRACTOR'S OBLIGATION TO FURNISH ELECTRICITY.

SECTION 5. A contract shall be entered into between the Minister and the purchaser of such privilege. There shall be included in the terms of such contract, in addition to the other requirements herein contained, an agreement by the holder of the franchise, that within two years from the granting of such franchise such contractor shall be able to and will furnish to all applicants at any point within the following described district all the electric power and light which any applicant in such district may *bona fide* apply for, viz:

Beginning at a point on the seashore east of Honolulu where a line drawn in extension of Punahou street meets the sea; thence running mauka along such line to and along Punahou street to Wilder Avenue; thence westward along Wilder Avenue to the street highest up the slope of Punchbowl; thence around the base of said hill on the same level to a point in line with the extension of School street; thence to the junction of School and Punchbowl streets; thence along Punchbowl street to the bridge across Pauoa stream; thence in a straight line to the east end of Judd street; thence along Judd street to Liliha street; thence along Liliha street and a line drawn in extension thereof to the seashore; thence along the seashore to the point of beginning. Provided, however, that the contractor shall not be required to run special wires over 1,000 feet in length for the furnishing of lights or power until the applicant or applicants shall apply for at least fifty sixteen candle power lights, and have first wired the premises proposed to be lighted, or prepared the apparatus necessary to utilize the power applied for; and in no case shall a contractor be obliged to run wires until the applicant or applicants shall have agreed to take at least five lights at schedule rates for not less than one year.

And provided further, that if the contractor is unable to furnish power or light applied for by reason of lack of capacity of the apparatus for producing electricity, such contractor 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.

BOND TO SECURE EXECUTION OF CONTRACT.

SECTION 6. Before any franchise herein provided for shall be granted, the person or company to whom the same is proposed to be granted shall file with the Minister of the Interior a bond in the sum of five thousand dollars, with two sureties, conditioned to properly carry out the terms of the contract herein provided for, and to observe all of the terms and conditions of this law. Each of such sureties shall be the owner of unencumbered real estate in this Kingdom of the value of not less than twenty-five hundred dollars, or the owner of unencumbered personal property in this Kingdom of the value of not less than five thousand dollars.

If at any time either of such sureties shall fail to comply with such property requirement, a further surety or sureties shall forthwith be furnished by the holder of the franchise.

A deposit of twenty-five hundred dollars with the Minister of the Interior may be made by the holder of the franchise to secure the execution of the condition of the bond, in lieu of the sureties above provided for, at the option of the holder of such franchise.

RULES AND REGULATIONS.

SECTION 7. The Minister is hereby authorized to make and from time to time change, amend, or add to, all rules regulating the placing of poles, and wires, the insulation of wires and apparatus carrying the electric current, 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.

Such regulations shall, after publication, have the force of law.

Nothing herein contained, however, shall authorize the Minister to require the wires to be placed underground.

SECTION 8. If the poles, wires or apparatus of any contractor do not comply with such regulations, or there is any other infraction of such regulations, the contractor, or the person causing such infraction, shall be liable to a fine of not less than twenty-five nor more than five hundred dollars for each non-compliance or infraction.

SECTION 9. If at any time the contractor shall fail to observe or execute the rules and regulations or directions herein authorized, the Minister may, in his discretion, after giving such contractor notice in writing of his intention so to do, proceed to remedy such failure at the expense of such contractor, and such contractor shall pay to the Minister all expenses incurred in so doing; and the cost of such proceeding shall be a first lien upon all of the property of the contractor.

UNAUTHORIZED POLES AND WIRES IN STREETS PROHIBITED.

SECTION 10. No one shall be allowed to place or maintain poles or wires in, upon or across any public street except such persons as are authorized by law so to do. Any person violating this Section shall be guilty of a misdemeanor, and be fined twenty-five dollars for each pole or wire so placed in violation hereof. The Minister may at any time cause such poles or wires to be removed at the expense of the person placing them in such position; but the penalty provided by this Section shall not be inflicted until after the expiration of three months from the date hereof.

CONTRACTORS OPERATION SUBJECT TO INSPECTION.

SECTION 11. The entire plant, operations, books and accounts of any contractor shall at all times be subject to the inspection of the Minister or such person as may be appointed by him for such purpose.

ACCOUNTS AND STATEMENTS TO BE FILED BY CONTRACTOR.

SECTION 12. Each contractor shall within one month after the expiration of each year file with the Minister:

First: A detailed statement showing the name of each consumer of light or power furnished by such contractor; the number and character of lights or horse-power furnished to each consumer, and the amount paid by each consumer during each year;

Second: A detailed statement showing the objects added to the plant or stock of the contractor and the true net price, after deduction of all accounts and rebates, of each such object; and

Third: A further detailed statement showing the item of running expense of such contractor, and the amount of each such item during the preceding year, and shall at the same time pay to the said Minister such per centum as may have been bid and agreed upon in the contract above provided for.

EXEMPTIONS FROM EXCLUSIVE FRANCHISE.

SECTION 13. Nothing in this Act contained shall be construed to prohibit any person or corporation from erecting electric apparatus and producing electricity for either light or power for his or its own use upon the premises where produced. But any such plant so erected shall be subject to all of the regulations hereinbefore referred to; and shall be subject to the inspection and regulation of the Minister or such person as may be appointed by him for that purpose.

Nor shall anything herein contained be construed to prohibit the Hawaiian Tramways Company, Limited under the franchise already granted to it from erecting a plant, poles and wires, subject to the inspection and regulations hereinbefore provided for, for the purpose of furnishing power for the propulsion of its cars; or for making a contract with any one or more of the contractors to furnish it with such power for use on any of its tracks, whether the same is within the district of such contractor or not.

Nor shall anything in this Act contained be construed to prohibit the Government from furnishing to any part of Honolulu, electricity for light or power, produced by the power now obtained from the present water supply of the city, up to the capacity of the electric dynamos now owned by the Government.

GOVERNMENT PLANT RATES.

SECTION 14. The rates to be charged by the contractor shall not exceed the following rates for each 16 candle power light, viz:

For all night use, or for use by saloons or billiard rooms, per month \$1.25. For stores, per month \$1.00. For dwelling houses, for first five lamps, per month per lamp .90. For all over five lamps, per month per lamp .60. For hotels, hospitals, churches, halls and other places of a similar character where lights are only occasionally used shall be given special rates, not to exceed an equitable charge depending upon the circumstances of each case.

The charge to be made for light and power furnished by the Government shall not be less than the rate prescribed to be charged by any contractor.

The Minister of the Interior is hereby prohibited from alienating in any manner the ownership and control of the Government over the Government water supply, or power produced therefrom, or the Government Electric Light Plant.

CONTRACTOR'S PLANTS MAY BE TAKEN BY THE GOVERNMENT.

SECTION 15. At the termination of the franchise granted hereunder, the Minister may take over on behalf of the Government all of the plant of the contractor upon payment to him of the value thereof. The value so to be paid shall be, the actual cost price of all of the stock and plant of such contractor actually in use in carrying out the purpose of such franchise at the time the same is so taken over; the actual cost of the labor used in placing the same in position ready for work; less the deduction of a reasonable per centage for wear and tear and deterioration; and no allowance or payment shall be made for good will or value of the business. Provided, however, that such value shall not be higher than the same plant could, at such date, be duplicated for.

The percentage so to deducted shall be such as may be agreed upon between the parties; or, if they are unable to agree thereon, each party shall appoint a disinterested appraiser, and the two so chosen shall choose a third, and the appraisement of such three persons so chosen shall be binding upon both parties as to the amount of percentage to be deducted.

SECTION 16. In case the Hawaiian Electric Company Limited, shall not be the purchaser of such franchise, the purchaser thereof shall if so requested by said company within thirty days of such purchase, take over from such company all of the plant now in use by such company, at its fair market value, taking into consideration a fair discount for wear and deterioration. If the purchaser and said company are unable to agree upon the price, it shall be determined in the manner set forth in Section 15 hereof. Provided, however, that such value shall not be higher than the same plant could at such date be duplicated for; and provided further, that said company shall have ten days after the rendition of the appraisers within which to decide whether to accept such award or not.

If such company shall not accept such award within such ten days, the contractor shall be thereupon absolved from any obligation to purchase such plant.

Approved this 12th day of January, A. D. 1893.

LILIUOKALANI R.

BY THE QUEEN:

G. N. WILCOX,

Minister of the Interior.

R. S. MOORE, Supt. W. H. TAYLOR, Pres.

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