

## BY AUTHORITY.



## AN ACT

TO AMEND SECTIONS 2, 3, 4, 6, 8 AND 9 AND TO REPEAL SECTION 12 OF THE ACT ENTITLED "AN ACT TO AMEND THE LAW CONCERNING ROAD SUPERVISORS AND THE DISPOSITION OF THE ROAD TAX, AND TO ESTABLISH LOCAL ROAD BOARDS, AND TO DEFINE THEIR DUTIES," APPROVED NOVEMBER 25TH, 1887, AND TO ADD A NEW SECTION TO SAID ACT BE CALLED SECTION 14.

*Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:*

SECTION 1. Section 2 of said Act is hereby amended so that the same shall read as follows:

"Section 2. There shall be elected by the qualified voters of each taxation district at the next general election of Representatives and Nobles to be held in the year 1892, and at every general election thereafter, three competent residents of each taxation (?) district of the Kingdom who shall act as and be the Road Board of the District for which they are elected. Such persons shall be elected and hold office for the term of two years from the day of election. The ballots for such election shall be the same as is designated by law for the election of Representatives but shall be printed on yellow paper and the election shall in all respects be carried on and proclamations made as is now or may hereafter be provided for by the general election laws of the Kingdom. Provided, however, that it shall not be necessary for the Candidates for election to procure or file with the Minister of the Interior a nomination paper for said office. Each candidate not less than twenty days before election shall notify the Minister of the Interior of his intention of becoming a candidate for election in order that ballots may be prepared and sent to the Inspectors of Election of each District. Whenever more than one taxation district is included in any election district the voting for the members of the Road Boards for such taxation districts may be held in such voting place or places within said election district as the Minister of the Interior may designate. There shall be a separate ballot box to receive the ballot cast for the members of the Road Boards.

"In the event of the death or resignation of any member of a Road Board, such vacancy shall be filled by the Minister of the Interior. The appointment to such vacancy shall be for the unexpired term of office of the person so dying or resigning. The members of such Road Boards shall elect one of their number to be chairman of their said Board. The members of such Road Boards shall serve without pay."

SECTION 2. Section 3 of said Act is hereby amended so that it shall read as follows:

"Section 3. The Road Boards shall have the entire charge and control of the public labor on all roads, bridges and public highways, within their respective districts and shall have the supervision and control, of the expenditure of all road taxes and all moneys appropriated by the Legislature and used in making and repairing the same, and in such amounts as the respective Boards or a majority of the members thereof may decide. The Minister of the Interior shall upon the nomination of the respective Road Boards or a majority of each of such Road Boards appoint a competent person in each taxation district of the Kingdom to be Road Supervisor for such taxation district. Said Road Supervisor may be removed at any time by the Minister of the Interior upon the written request of the Road Board or a majority of the members of such Road Board. Nothing herein contained shall be construed so as to prevent one person from holding the position of Road Supervisor for more than the one taxation district for which he was originally or first appointed."

SECTION 3. Section 4 of said Act is hereby amended so that it shall read as follows:

"Section 4. The Road Supervisor shall before entering upon the duties of his office, file in the Interior Office a bond with sufficient sureties to the Minister of the Interior in a penal sum not to exceed the estimated amount of the Road Tax of the District. Said bond shall be conditioned for a faithful disposition of, and accounting for, the road moneys which may be paid to him or his order or expended by him in the work of the district."

SECTION 4. Section 6 of said Act is hereby amended so that the same shall read as follows:

"Section 6. A full record shall be kept by the Road Supervisor of all business transacted at any meeting of

the Road Board and of the work done in the district. Full account shall also be kept by him of all moneys received, showing the source from whence derived and of all moneys paid out, showing also the locality in which expended, whether for labor or material, and the persons to whom paid. Such records and accounts shall be open to the inspection of any tax-payer resident in the district, at any of the meetings of the Board."

SECTION 5. Section 8 of said Act is hereby amended so that the same shall read as follows:

"Section 8. All Road Taxes shall be paid into the Public treasury and the amount so paid in from each district shall be a special deposit in the Treasury to the credit of such district to be paid out only by draft through the Interior Department upon the order of the Road Supervisors which order shall also be countersigned by the chairmen of the Road Boards. The Minister of Finance shall under no circumstances, allow such special deposits, or any part thereof, to be used for any other purpose than to pay the drafts which may be drawn by the Minister of the Interior upon the orders as hereinbefore provided."

SECTION 6. Section 9 of said Act is hereby amended, so that the same shall read as follows:

"Section 9. The Road Supervisor shall, at the end of each quarter, send to the Minister of the Interior a detailed statement of the work done in his district during the quarter, and also a detailed financial statement, setting forth all receipts and expenditures, accompanied by vouchers for all expenditures."

SECTION 7. Section 12 of the said Act shall be and the same is hereby repealed.

SECTION 8. A new Section to be called Section 14 is hereby added to said Act:

"Section 14. Any new roads, the construction of which shall have been provided for by the Legislature outside of the Road Taxes may be constructed by the Minister of the Interior without reference to the District Road Boards."

SECTION 9. This Act shall take effect and become a law from and after the date of its approval, provided, however, that every act, matter and thing, requisite, required, or necessary to be done for the carrying out of the provisions of the Act entitled "An Act to amend the law concerning Road Supervisors and the disposition of the Road Tax, and to establish local Road Boards, and to define their duties," approved November 25th, 1887, between the day of the date of the approval of this Act and the first day of January, 1892, shall be done and performed the same as if the said Act had not been altered or amended.

Approved this 14th day of November, A. D. 1890.

KALAKAUA REX.

BY THE KING:

C. N. SPENCER,  
Minister of the Interior.

## AN ACT

GRANTING A FRANCHISE TO THE HAWAIIAN GAS COMPANY.

*Be it Enacted by the King and the Legislature of the Hawaiian Kingdom:*

SECTION 1. That a franchise be and the same is hereby granted to Emmet C. Winston and his assigns under the name of the "Hawaiian Gas Company," to supply the City of Honolulu and all towns and villages of the Kingdom of Hawaii other than Honolulu, and the citizens and the residents of the said city, towns and villages with a hydro-carbon gas for use by the said city, towns and villages, citizens and residents, for every purpose for which the same may be used for and during the period hereinafter expressed.

## GAS WORKS.

SECTION 2. The said company shall have the right to erect at such place or places in the city, towns and villages, as the Minister of the Interior may approve, gas-works for the manufacture of a hydro-carbon gas, and the right to maintain and operate the same during the continuance of the franchise.

## PIPES AND MAINS.

SECTION 3. The said company shall have the right to lay down their main and distributing and supply pipes in all or any of the streets, roads, alleys and public grounds of the city of Honolulu, and of all towns and villages in the Kingdom of Hawaii other than Honolulu, as the said company may deem expedient or necessary; provided, however, that they cause no unnecessary interruption to the use of such streets, roads, alleys or grounds in laying the same, and that such main and distributing and supply pipes are laid at such reasonable depths as will not interfere with the ordinary use thereof; and that they will restore the same streets, roads, alleys and public grounds after laying such main and distributing and supply pipes to as good order and condition as they were in before; and further provided that should said company fail to restore the streets

roads, alleys and public grounds into as good order and condition as they were in before such laying and preparing, that then and in that case the said company or any officer thereof upon conviction before any Police or District Magistrate shall be fined in a sum of not more than five hundred nor less than one hundred dollars for each offence. Provided, however, that nothing herein contained shall be construed to be inconsistent with or repugnant to any of the laws of this Kingdom, the rules and regulations of the Fire Department, and the authority of the Minister of the Interior over the roads and the bridges of the Kingdom.

## LAMP-POSTS AND LAMPS.

SECTION 4. The said company shall have the right to erect lamp-posts and lamps for lighting the streets, roads, alleys and public grounds of such city, towns and villages at such places as may be approved by the said Minister of the Interior.

## CONNECTION PIPES.

SECTION 5. The said company shall have the right during the continuance of this franchise to lay connecting pipes in any or all of the said streets, roads, alleys or grounds for the purpose of supplying dwellings, stores, offices and any and all buildings public or private, and street lamps for lighting the streets and roads of the said city, towns and villages as may be necessary or expedient, and to replace and repair and remove the same, in all cases restoring such streets, roads, alleys or grounds to the same or as good condition as they were in before, and to conform to any change of grade made by the Minister of the Interior of the Hawaiian Islands during the existence of this franchise.

## REPAIRING PIPES AND MAINS.

SECTION 6. The said company shall have the right during the continuance of this franchise to dig up, remove, replace or repair such main and distributing and supply pipes, lamp-posts and lamps as they may find necessary or expedient.

## ADJUSTING METERS.

SECTION 7. The said company shall have the right at reasonable hours and times to enter all buildings using gas of the said company for the purpose of repairing and adjusting gas meters and pipes therein, and to take account of gas consumed, and for all purposes connected with the use of gas in such dwellings or buildings.

## PRICE OF GAS.

SECTION 8. The said company shall have the right to charge, receive and collect from all consumers of gas for gas furnished by them to such consumers such price as they may from time to time fix and determine, not exceeding five dollars per thousand cubic feet; and in the absence of any contract to the contrary, a reduction shall be made for all gas used by the Government of one-third of the price charged other consumers.

## SUPPLY PIPES, ETC.

SECTION 9. The said company shall have the right to charge consumers or intended consumers of gas for making connections with their pipes and mains, and for such lengths of supply pipes as may be required to convey gas from the main or distributing pipe to the building or lamp-post, as the case may be, a reasonable and uniform price, to be fixed by the said company.

## DELINQUENT CONSUMERS.

SECTION 10. The said company shall have the right at their discretion after twenty-four hours' notice to cut off the supply of gas from any consumer who shall refuse or fail to pay the proper bills for gas consumed of the said company within such time as the said company may fix for the payment of the same; but such cutting off the gas from such consumer shall not prevent the said company from suing and recovering such unpaid bill or bills in any court having jurisdiction thereof.

## RIGHT TO INCORPORATE.

SECTION 11. The said Winston may accept this franchise and erect and maintain gas works on his own account, or he may jointly with others erect and maintain the same, or he and others, or his assigns alone, may at their discretion become incorporated under the laws of the Hawaiian Islands, and convey and transfer to such corporation the franchise hereby granted.

SECTION 12. This franchise shall vest in the said company the right to construct and maintain gas works in the said city, towns and villages for the term of twenty-five years from and after the passage of this Act, provided that they shall, within eighteen months from and after the passage hereof, commence work thereon, and have the same in operation within two years thereafter; and a failure to comply with the provisions of this Section shall operate as a forfeiture of this franchise, but no other penalty, forfeiture or liability on the part of the said company shall be incurred for such failure.

## QUALITY OF GAS.

SECTION 13. The gas furnished by the said company for the purpose of lighting the said city of Honolulu