

HOUSE No. 810.

[Bill accompanying the petition of Samuel Pearson. Manufactures.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-eight.

AN ACT

To incorporate the Commonwealth Pipe Line Gas Company.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Samuel Pearson, William Wilson
2 Mercer, W. R. Mercer, D. J. Kelley, George Kelley, J.
3 W. Hutchinson, W. L. Roberts, E. C. Clapp, H. C.
4 Young, and W. J. Meagher, their associates and succes-
5 sors, are hereby made a corporation, under the name of
6 the Commonwealth Pipe Line Gas Company, for the
7 purpose of manufacturing, buying, selling, dealing in,
8 conveying, transporting, and distributing gas for illumin-
9 ating, heating, cooking, chemical, mechanical, and power
10 purposes, with all the powers and privileges, and subject
11 to all the duties, restrictions, and liabilities, in all general
12 laws which now are or may hereafter be in force appli-
13 cable to gas companies, except as hereinafter expressly
14 provided.

1 SECTION 2. The following terms wherever used in
2 this Act shall have the application and meaning herein-
3 after set forth, unless some other meaning is clearly
4 apparent from the language, context, or manifest intent:
5 The word "company" or a pronoun in place of it,
6 shall be taken and construed to mean the Commonwealth
7 Pipe Line Gas Company hereby incorporated. The
8 word "gas" shall be taken and construed as a general
9 term for that commodity, without reference to its illum-
10 inating power. The words "illuminating gas" shall be
11 taken and construed to mean gas of the purity and
12 illuminating power required by general law, intended to
13 be used for illuminating purposes by simple ignition at
14 the burner. The words "fuel gas" shall be taken and
15 construed to mean gas of any illuminating power, but of
16 the purity required by general law as to illuminating
17 gas, and intended to be used for heating, cooking,
18 chemical, mechanical, and power purposes, and may be
19 used without connection with any chimney or flue. The
20 term "pipe line" shall be taken and construed to mean
21 a line of mains, pipes or conduits, with the manholes
22 and other apparatus necessary for the operation thereof,
23 connecting a distributing system, plant for the manu-
24 facture of gas, or other pipe line, with any distributing
25 system, plant, pipe line, town, or city. The term "dis-
26 tributing system" shall be taken and construed to mean
27 any system of mains, pipes, or conduits, in any city or
28 town, with the manholes and other apparatus necessary
29 for the operation thereof, used for distributing gas from
30 any central storage receiving point or pipe line to indi-
31 vidual consumers or for public lights in such city or
32 town. The word "board" shall be taken and construed
33 to mean the Board of Gas and Electric Light Commis-
34 sioners.

1 SECTION 3. The capital stock of the company shall
2 be one million dollars, divided into ten thousand shares
3 of the par value of one hundred dollars each. The
4 company may from time to time, but in compliance with
5 the provisions and requirements of the general laws of
6 the Commonwealth applicable to the issue of capital
7 stock, increase its capital stock to an amount not ex-
8 ceeding five million dollars.

1 SECTION 4. The company may, for the purposes
2 aforesaid and subject to the conditions hereinafter set
3 forth, lay, construct, maintain, repair, and operate its
4 pipe lines and distributing systems in, along, through,
5 under, across, and over any public ways, water courses,
6 railroads, railways, canals, bridges, or subways; and may
7 make such excavations and construct such works as may
8 be necessary for the laying, construction, maintenance,
9 repair, extension, operation, and examination of such
10 conduits, pipes, manholes and other apparatus, machin-
11 ery, and works, but nothing herein shall be construed as
12 authorizing the location by said company of any of its
13 pipes, lines, works, conduits, manholes, or machinery in,
14 over, through, under, or upon any subway, navigable
15 water course, cemetery, or public park, or common or
16 public reservation in the nature of a park, until said
17 company has first obtained the consent of the Board of
18 Harbor and Land Commissioners, Park Commissioners,
19 or other authorities having control of such subways,
20 cemeteries, navigable water courses, parks, commons, or
21 public reservations in the nature of parks. No conduit,
22 pipe, or main shall be laid longitudinally along the loca-
23 tion of any railroad company, nor shall any manhole or
24 other structure be erected within such location, without
25 the consent of the directors of such railroad company;
26 but the company may lay, construct, maintain, and oper-

27 ate its conduits, pipes, or mains across or under any
28 such location, at such times and under such reasonable
29 regulations and restrictions as the directors of such rail-
30 road company shall prescribe.

1 SECTION 5. If the company shall desire for its pipe
2 lines the right to construct, maintain, and operate the
3 same in the streets, lanes, and highways of any city or
4 town, it shall petition the aldermen or selectmen therefor,
5 stating the termini of such pipe line in such city or town
6 with as much particularity and certainty as practicable,
7 and stating the streets, highways, and lanes in which the
8 company desires to locate such pipe line; and the alder-
9 men and selectmen shall grant that location, or such
10 other location in such street, lanes, and highways as they
11 shall deem proper. In the event that said aldermen
12 or selectmen shall for a period of thirty days refuse
13 or neglect to grant a location, or if the com-
14 pany is dissatisfied with the location granted, it may
15 within sixty days thereafter appeal to the board, who
16 after such hearing and notice as they shall deem proper
17 shall grant to the company reasonable locations between
18 said termini for such pipe line in the streets, lanes, and
19 highways of said city or town. Upon the granting of
20 such locations by said aldermen, selectmen, or board,
21 the company may lay, construct, maintain, and operate
22 such pipe line in the location granted. Similar rights
23 as to additional pipe lines in the same city or town shall
24 be obtained only by permission of the board. The com-
25 pany may, upon obtaining such locations, and subject to
26 such regulations and restrictions in respect to the man-
27 ner and time of conducting the work as said aldermen or
28 selectmen shall prescribe, dig up and open the ground
29 in any of the streets, lanes, and highways of said city or
30 town so far as is necessary to accomplish the object of

31 the corporation; but such grant shall not affect the right
32 or remedy to recover damages for an injury caused to
33 persons or property by the doings of the company. It
34 shall put all such streets, lanes, and highways which are
35 opened by it in as good repair as they were when opened,
36 and to the satisfaction of the local authorities of the city
37 or town in which such streets, lanes, or highways are
38 located, and upon failure so to do within a reasonable
39 time shall be deemed guilty of a nuisance. In construct-
40 ing, maintaining, repairing, or extending its distributing
41 system in any city or town the company shall be subject
42 to all the restrictions, regulations, and liabilities set
43 forth in section seventy-five of chapter one hundred and
44 six of the Public Statutes, except as in this Act provided;
45 and in the construction, maintaining, repairing, and ex-
46 tending of its pipe lines and distributing systems it shall
47 in all cases be subject to the restrictions, regulations, and
48 liabilities set forth in sections seventy-six and seventy-
49 seven of said chapter one hundred and six. If in mak-
50 ing such excavations any water or gas pipes, sewers,
51 drains, conduits, or other subterranean works are dis-
52 turbed or interfered with, the same shall, at the expense
53 of the company, be restored to as good condition as they
54 were in before such excavation. All locations granted
55 under this section shall be subject to revocation by said
56 aldermen or selectmen respectively, subject to the ap-
57 proval of said board.

1 SECTION 6. The company may, subject to the
2 approval of the board and upon such terms and con-
3 ditions as may be mutually agreed upon, and as may be
4 approved by the board, purchase, lease, or operate the
5 works, distributing system, and other property of any
6 person, firm, corporation, town, or city engaged in the
7 business of selling or distributing gas, or any portion of

8 such works, distributing system, or other property in any
9 city or town in which the company has laid a pipe line;
10 *provided, however*, that nothing in this act shall author-
11 ize the company to issue new capital stock or bonds for
12 the purpose of such purchase in excess of the amount
13 issued by the corporation whose works are purchased;
14 and such person, firm, corporation, town, or city may sell
15 or lease any of its works, distributing system, or other
16 property to the company as aforesaid. The company
17 may thereupon use the said works, distributing system,
18 or other property for the purpose of selling gas to the
19 inhabitants of the town or city within which the same are
20 situated; *provided, however*, that in case of any such
21 purchase, lease, or operating contract the prices charged
22 by the company to individual consumers or for public
23 lights shall thereafter be subject to the jurisdiction of the
24 board, as provided by section nine of chapter three
25 hundred and fourteen of the Acts of the year eighteen
26 hundred and ninety-five, and shall not in any case exceed
27 the prices ruling at the time of such purchase, lease, or
28 operating contract; nor shall the company discontinue
29 any portion of the distributing system it may acquire by
30 any such purchase, lease, or operating contract, but shall
31 be subject to the provisions of section five of chapter
32 three hundred and forty-six of the Acts of the year
33 eighteen hundred and eighty-six.

1 SECTION 7. The company may sell or deliver fuel or
2 illuminating gas to any gas company or to any town or
3 city authorized by law to distribute gas; and any gas
4 company and any such town or city may contract for the
5 purchase of gas of the company for such term of years
6 and on such conditions as may be mutually agreed upon;
7 but the prices charged by the company for such gas shall
8 not exceed the following amounts per thousand cubic

9 feet for fuel gas of a heat value not less, on the average,
10 than five hundred and eighty British thermal heat units,
11 delivered at the holder or mains of any such gas com-
12 pany, town, or city, at the following distances from the
13 State House: Twenty cents within five miles, twenty-
14 five cents between five and fifteen miles, and thirty cents
15 beyond fifteen miles; and not exceeding five cents addi-
16 tional in each case for illuminating gas of the candle
17 power required by law. In any city or town having the
18 right to manufacture or distribute gas, the company shall
19 supply such city or town with gas for distribution upon
20 the same terms as it shall supply it to any gas company
21 distributing gas in such city or town. The price charged
22 by the company for fuel or illuminating gas to individual
23 consumers shall not exceed the following amounts per
24 thousand cubic feet, as herein provided: Within eight
25 miles of the State House, fifty cents; to the inhabitants
26 of any city outside of the above limit, having a popula-
27 tion of more than seventy-five thousand, seventy-five
28 cents; to any other city outside of said limit, ninety
29 cents; to the inhabitants of any town, one dollar and
30 twenty-five cents. The company shall not sell gas to
31 individual consumers, except as provided in section six
32 of this Act.

1 SECTION 8. The Supreme Judicial Court, and any
2 justice thereof, and the Superior Court, and any justice
3 thereof, shall have jurisdiction in equity, on petition of
4 any party interested, to compel compliance with the
5 provisions of this Act, and to prevent any violations of
6 the provisions thereof.

1 SECTION 9. This Act shall take effect upon its passage.

