

SENATE No. 286

The Commonwealth of Massachusetts

SENATE, FEB. 24, 1926.

The Committee on Power and Light to whom was referred the petition (with accompanying bill, Senate, No. 78) of the Holyoke Power and Electric Company, by Robert E. Barrett, president, that said company be authorized to purchase or lease certain property for use in its business, report the accompanying Bill (Senate, No. 286).

For the committee,

DANIEL A. MARTIN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Six.

An Act to authorize the Holyoke Power and Electric Company to purchase or Lease Certain Properties for use in Its Business of an Electric Company and to restrict the said Holyoke Power and Electric Company from the Sale and Distribution of Electricity within the City of Holyoke except to Certain Companies.

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. The Holyoke Power and Electric
2 Company may exercise and enjoy all the powers
3 and privileges subject to all the restrictions, con-
4 ditions and limitations, in all general laws now or
5 hereafter provided, of an electric company, except
6 as provided in the following section, and may pur-
7 chase or lease to the extent and at a price or
8 rental approved by the department of public utili-
9 ties, and the Holyoke Water Power Company may
10 sell or lease all or any portion of the property so ap-
11 proved of said last named company, used or use-
12 ful, or necessary or convenient, in the opinion of
13 the said department, in the manufacture, distribu-
14 tion and sale of electricity, and may pay, and the
15 vendor may accept and hold, for the property so

16 purchased and sold, such amount of the first named
17 company's capital stock as said department may
18 determine to be the fair value of such property,
19 and the vendor may thereafter exercise all the
20 privileges and shall be subject to all the liabilities
21 of any other stockholder in said first named com-
22 pany under the General Laws, and either of said
23 companies may sell electricity to the other, pro-
24 vided, however, that the said Holyoke Water Power
25 Company in the resale and distribution in the city
26 of Holyoke and in the town of South Hadley, of
27 said electricity, so purchased, shall be subject to
28 the same restrictions, conditions and limitations
29 contained in chapter three hundred and fifty of
30 the acts of nineteen hundred and three and chapter
31 one hundred and fifty-two of the acts of nineteen
32 hundred and nine.

1 SECTION 2. The said Holyoke Power and Elec-
2 tric Company shall not sell or deliver electricity
3 for use in the city of Holyoke for any purpose ex-
4 cept that it may sell or deliver electricity to a rail-
5 road corporation, an electric railroad company, and
6 a street railway company for the purpose of operat-
7 ing it, and to the Holyoke Water Power Company
8 subject, however, to the conditions, limitations and
9 restrictions contained in section one of this act, and
10 to the city of Holyoke, municipal lighting plant,
11 and in case of emergency shall at the request of
12 the said city of Holyoke, municipal lighting plant,
13 furnish at a fair and reasonable compensation all
14 the electricity required by said municipal lighting
15 plant while such emergency continues.

1 SECTION 3. The said Holyoke Power and Elec-
2 tric Company may sell or deliver electricity in
3 the town of South Hadley, subject to the terms and
4 conditions of any franchises or locations now held
5 by the Holyoke Water Power Company in the town
6 of South Hadley.

1 SECTION 4. The supreme judicial court and the
2 superior court shall have jurisdiction in equity,
3 upon application of the mayor of the city of Holy-
4 oke or the selectmen of the town of South Hadley,
5 to enjoin the said Holyoke Power and Electric Com-
6 pany from violating any of the provisions of this
7 act.