

HOUSE No. 186.

HOUSE OF REPRESENTATIVES, Feb. 7, 1894.

[Introduced on leave by Mr. BENNETT of Everett. Read and referred to committee on Manufactures.]

Commonwealth of Massachusetts.

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

AN ACT

To facilitate the Purchase of Existing Electric Lighting Plants by Cities and Towns.

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. Section twelve of chapter three hundred
2 and seventy of the acts of eighteen hundred and ninety-
3 one is hereby amended, beginning in line twenty, by
4 striking out all after the words "lying within its limits,"
5 and inserting the following: "and the price to be paid
6 therefor shall be the total actual cost of its franchise,
7 works and property of any kind held under the pro-
8 visions of this act, including in such cost interest on
9 each expenditure from its date to the date of taking, as
10 hereinafter provided, at the rate of five per cent. per
11 annum. If the cost of maintaining and operating the

12 works of said corporation shall exceed in any year the
13 income derived from said works by said corporation for
14 that year, then such excess shall be added to the total
15 actual cost, and if the income derived from said works
16 by said corporation exceeds in any year the cost of
17 maintaining and operating said works that year, then
18 such excess shall be deducted from the total actual cost.
19 The said town on taking, as herein provided, the prop-
20 erty of said corporation, shall assume all of its out-
21 standing obligations, including the bonds authorized in
22 this act; and the amount thus assumed shall be deducted
23 from the total amount to be paid by said town to said
24 corporation. In case said town and said corporation are
25 unable to agree upon the amount of the total actual cost
26 of the franchise, corporate property, rights and privileges
27 of said corporation, then, upon a suit in equity by said
28 town, the supreme judicial court shall ascertain and fix
29 such total actual cost under the foregoing provisions of
30 this act, and enforce the right of said town to take
31 possession of such franchise, corporate property, rights
32 and privileges, upon payment of such cost to said cor-
33 poration. If the main gas works or central lighting
34 station of such a plant do not lie within the limits of the
35 city or town which has voted as aforesaid, then such city
36 or town shall only purchase that portion of such plant
37 and property which lies within its limits, paying therefor
38 upon the basis of value above established, but without
39 allowance of damages on account of severance of plant.
40 No city or town shall be obligated by this section to buy
41 any apparatus or appliances covered by letters patent of
42 the United States or embodying a patentable invention
43 unless a complete right to use the same and all other
44 apparatus or appliances necessary for such use within the
45 limits of such city or town to such extent as such city or

46 town shall reasonably require such right, shall be
47 assigned or granted to such city or town at a cost as low
48 as the cost of such right would be to the person, firm or
49 corporation whose plant is purchased.”

1 SECT 2. All acts or parts of acts inconsistent here-
2 with are hereby repealed.

1 SECT. 3. This act shall take effect upon its passage.

