

# HOUSE . . . . No. 1303.

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[House, No. 1225 as ordered to a third reading.]

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## Commonwealth of Massachusetts.

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

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### AN ACT

To incorporate the Massachusetts Pipe Line 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. Henry M. Whitney, Henry F. Dimock,  
2 Fred S. Pearson, James Phillips, junior, Albert N. Par-  
3 lin and George B. M. Harvey, their associates and suc-  
4 cessors, are hereby made a corporation under the name of  
5 the "Massachusetts pipe line company, for the purpose  
6 of manufacturing, buying, selling, dealing in, convey-  
7 ing, transporting and distributing gas for illuminating,  
8 heating, cooking, chemical, mechanical and power pur-  
9 poses, and for such other purposes as may be incident  
10 thereto, with all the powers and privileges and subject to  
11 all the duties, restrictions and liabilities in all general  
12 laws which now are or may hereafter be in force applic-

13 able to gas companies, except as hereinafter expressly  
14 provided.

1 SECT. 2. The following terms wherever used in this  
2 act shall have the application and meaning hereinafter  
3 set forth, unless some other meaning is clearly apparent  
4 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 Massachusetts  
7 pipe line company hereby incorporated.

8 The word "gas" shall be taken and construed as a  
9 general term for that commodity without reference to  
10 its illuminating power.

11 The words "illuminating gas" shall be taken and con-  
12 strued to mean gas of the purity and illuminating power  
13 required by general law, intended to be used for illumi-  
14 nating purposes by simple ignition at the burner.

15 The words "fuel gas" shall be taken and construed to  
16 mean gas of any illuminating power, but of the purity  
17 required by general law as to illuminating gas and  
18 intended to be used for heating, cooking, chemical,  
19 mechanical and power purposes.

20 The term "pipe line" shall be taken and construed  
21 to mean a line of mains, pipes, or conduits, with the man-  
22 holes and other apparatus necessary for the operation  
23 thereof, connecting a distributing system, plant for the  
24 manufacture of gas, or other pipe line, with any distrib-  
25 uting system, plant, pipe line, town or city.

26 The term "distributing system" shall be taken and  
27 construed to mean any system of mains, pipes, or con-  
28 duits, in any city or town, with the manholes and other  
29 apparatus necessary for the operation thereof, used for  
30 distributing gas from any central storage receiving point  
31 or pipe line to individual consumers or for public lights  
32 in such city or town.

33 The word "board" shall be taken and construed to  
34 mean the board of gas and electric light commis-  
35 sioners.

1 SECT. 3. The capital stock of the company shall be one  
2 million dollars, divided into ten thousand shares of the  
3 par value of one hundred dollars each. The company may  
4 from time to time, but in compliance with the provisions  
5 and requirements of the general laws of the Common-  
6 wealth applicable to the issue of capital stock, increase  
7 its capital stock above the amount fixed by this act in  
8 such amounts as shall be approved by the board.

1 SECT. 4. The company may, for the purposes afore-  
2 said, and subject to the conditions hereinafter set forth, lay,  
3 construct, maintain, repair and operate its pipe lines  
4 and distributing systems in, along, through, under, across  
5 or over any public ways, water courses, railroads, rail-  
6 ways, canals, bridges or subways; and may make such  
7 excavations and construct such works as may be neces-  
8 sary for the laying, construction, maintenance, repair,  
9 extension, operation and examination of such conduits,  
10 pipes, manholes and other apparatus, machinery and  
11 works, within such locations and subject to the approval  
12 of the aldermen of the city or the selectmen of the town  
13 within which such ways, water-courses, railroads, rail-  
14 ways, canals, bridges or subways are located. But  
15 nothing herein shall be construed as authorizing the  
16 location by said company of any of its pipes, lines,  
17 works, conduits, manholes or machinery in, over,  
18 through, under or upon any cemetery or public park or  
19 common or public reservation in the nature of a park,  
20 without first having obtained the consent of the park  
21 commissioners or other authorities having control of such  
22 parks, commons or public reservations in the nature

23 of parks : *provided, however,* that no conduit, pipe or  
24 main shall be laid longitudinally along the location of  
25 any railroad without the consent of the directors of such  
26 company ; but the company may lay, construct, maintain  
27 and operate its conduits, pipes or mains across or under  
28 any such location at such times and under such reason-  
29 able regulations and restrictions as the board of railroad  
30 commissioners shall prescribe.

1 SECT. 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 there-  
5 for, stating the termini of such pipe line in such city  
6 or town with as much particularity and certainty as  
7 practicable, and stating the streets, highways and lanes  
8 in which the company desires to locate such pipe line ;  
9 and the aldermen or selectmen shall grant that location,  
10 or such other location in such streets, lanes and high-  
11 ways as they shall deem proper. In the event that said  
12 aldermen or selectmen shall for a period of thirty days  
13 refuse or neglect to grant a location, or if the company  
14 is dissatisfied with the location granted, it may within  
15 sixty days thereafter appeal to the board, who, after  
16 such hearing and notice as they shall deem proper, shall  
17 grant to the company reasonable locations between said  
18 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, the  
21 right of the company to lay, construct, maintain and  
22 operate such pipe line in the location granted shall  
23 become absolute without further permission of any pub-  
24 lic authority. Similar rights as to other pipe lines in  
25 the same city or town may be procured by the company  
26 in the manner aforesaid. The company may, upon

27 obtaining such locations, and subject to such regulations  
28 and restrictions in respect to the manner and time of  
29 conducting the work as said aldermen or selectmen shall  
30 prescribe, dig up and open the ground in any of the  
31 streets, lanes and highways of said city or town so far  
32 as is necessary to accomplish the object of the corpora-  
33 tion; but such grant shall not affect the right or remedy  
34 to recover damages for an injury caused persons or  
35 property by the doings of the company. It shall put all  
36 such streets, lanes and highways which are opened by it  
37 in as good repair as they were when opened, and to the  
38 satisfaction of the local authorities of the city or town in  
39 which such streets, lanes or highways are located, and upon  
40 failure so to do within a reasonable time shall be deemed  
41 guilty of a nuisance. In constructing, maintaining, re-  
42 pairing or extending its distributing system in any city  
43 or town the company shall be subject to all the restric-  
44 tions, regulations and liabilities set forth in section  
45 seventy-five of chapter one hundred and six of the Public  
46 Statutes, except as in this act provided; and in the  
47 construction, maintaining, repairing and extending of its  
48 pipe lines and distributing systems it shall in all cases  
49 be subject to the restrictions, regulations and liabilities  
50 set forth in sections seventy-six and seventy-seven of  
51 said chapter one hundred and six. If in making such  
52 excavations any water or gas pipes, sewers, drains, con-  
53 duits, or other subterranean works, are disturbed or  
54 interfered with the same shall, at the expense of the  
55 company, be restored to as good condition as they were  
56 in before such excavation. All locations granted under  
57 this section shall be subject to revocation by said alder-  
58 men or selectmen respectively, subject to the approval  
59 of said board.

1     SECT. 6.   The company may purchase, lease or oper-

2 ate the works, distributing system and other property of  
3 any person, firm, corporation, town or city engaged in  
4 the business of selling or distributing gas, or any portion  
5 of such works, distributing system or other property,  
6 upon such terms as may be mutually agreed upon and  
7 approved by the board; and such person, firm, corpora-  
8 tion, town or city may sell or lease any of its works,  
9 distributing system or other property to the company as  
10 aforesaid: *provided, however,* that in case of any such  
11 purchase, lease or operating contract, the prices charged  
12 by the company to individual consumers or for public  
13 lights shall thereafter be subject to the provisions of sec-  
14 tion ten of this act, and shall not in any case exceed the  
15 prices ruling at the time of such purchase, lease, or oper-  
16 ating contract, nor shall the company discontinue any  
17 portion of the distributing system it may acquire by any  
18 such purchase, lease or operating contract, but shall  
19 thereafter furnish gas to all who desire it within the  
20 limits of such distributing system.

1 SECT. 7. Any person, firm, corporation, town, or  
2 city, engaged in the business of distributing gas, may  
3 purchase gas of the company and may contract with the  
4 company for the purchase of gas for such term of years  
5 and upon such terms and conditions as may be mutually  
6 agreed to. The price to be charged by the company for  
7 the gas thus furnished by it shall not exceed thirty-five  
8 cents per thousand cubic feet delivered to the holder or  
9 to the distributing system of such person, firm, corpora-  
10 tion, city or town.

1 SECT. 8. Subject to the restrictions and regulations  
2 set forth in sections seventy-five, seventy-six and seventy-  
3 seven of chapter one hundred and six of the Public  
4 Statutes, and subject to the provisions of section six-

5 teen of chapter three hundred and fourteen of the acts of  
6 the year eighteen hundred and eighty-five, the company  
7 may, for the purpose of buying, selling, dealing in and  
8 distributing fuel gas only, lay, construct, maintain and  
9 operate its plant, works and distributing systems in any  
10 city or town in the Commonwealth. It may, subject to  
11 the restrictions and regulations of said sections seventy-  
12 five, seventy-six and seventy-seven of said chapter one  
13 hundred and six, lay, construct, maintain and operate, for  
14 the purpose of manufacturing, buying, selling and dis-  
15 tributing illuminating gas, its plant, works and distribu-  
16 ting system, in any city or town in the Commonwealth in  
17 which a gas company does not exist in active operation. If  
18 the company incorporated by this act desires to engage in  
19 the business of manufacturing, selling or distributing  
20 illuminating gas to individual consumers or for public  
21 lights in a city or town in which a gas company exists  
22 in active operation, it shall file with the board an appli-  
23 cation for authority so to do, accompanied by such an  
24 obligation as shall be satisfactory to said board to  
25 furnish to individual consumers and for public lights  
26 illuminating gas of equal purity and illuminating power to  
27 that furnished by the existing company at the time of the  
28 application and at a maximum price or prices per thousand  
29 cubic feet to be stated in said obligation. If the  
30 existing company shall give to said board an obliga-  
31 tion satisfactory to said board to furnish gas of such  
32 purity and illuminating power to individual consumers  
33 and for public lights in said city or town at prices not  
34 exceeding those stated in the obligation of the company,  
35 said board shall refuse the application of the company,  
36 otherwise it shall grant the same. If the company shall  
37 commence the sale and distribution of illuminating gas  
38 in such city or town, it shall not thereafter charge a  
39 higher price for illuminating gas than the prices named

40 in said obligation. If the existing company shall reduce  
41 the prices of its gas as hereinbefore stated, it shall not  
42 thereafter increase the same. Nothing herein contained  
43 shall be construed as preventing the company from mak-  
44 ing similar applications from time to time: *provided*,  
45 *however*, that the authority granted to the company by  
46 this section shall not avail it unless it begins the business  
47 of constructing its distributing system in said city or  
48 town within six months of the granting of said authority,  
49 and the business of selling to individual consumers or for  
50 public lights within eighteen months thereafter; but if  
51 such construction or operation is interfered with by legal  
52 process, the time thus lost shall be added to said periods,  
53 and *provided, further*, that nothing in this act shall  
54 authorize the company to enter into the business of buy-  
55 ing, selling, dealing in and distributing gas in any city  
56 or town without the consent of the mayor and aldermen  
57 of said city, or of the voters of said town.

1 SECT. 9. The company may charge and collect, but  
2 shall not exceed, in the following cases the following  
3 amounts per thousand cubic feet for gas, namely:  
4 For fuel gas delivered to any holder or distributing  
5 system, thirty-five cents; for fuel or illuminating  
6 gas distributed to individual consumers through a  
7 distributing system furnished and maintained by any  
8 other corporation or by any person, firm, city or town,  
9 the cost to the individual consumer shall not exceed  
10 fifty cents; for fuel or illuminating gas distributed by  
11 the company to individual consumers through a dis-  
12 tributing system owned, leased or operated by it, thirty-  
13 five cents, plus the actual cost of distribution, to be  
14 determined upon the application of any twenty consumers  
15 in said city or town by the board, who shall include  
16 as a part of said cost the taxes on such distributing

17 system, a reasonable rate of interest upon the actual cost  
18 to the company of the distributing system, and a reason-  
19 able allowance for extensions, renewals, repairs and  
20 depreciation. But no charge shall be in excess of fifty  
21 cents per one thousand feet of gas supplied to consumer.

1 SECT. 10. Nothing herein contained shall be con-  
2 strued to enable the board to authorize the company to  
3 engage in the business of selling electricity for light or  
4 power.

5 The company shall not be regulated, in so far as it  
6 manufactures, distributes and sells gas for heating,  
7 cooking, chemical, mechanical and power purposes, by  
8 any provision of law relative to illuminating or candle  
9 power.

1 SECT. 11. Nothing herein contained, and no action  
2 taken by any parties hereunder, shall be construed so  
3 as to take away from any city or town which now  
4 possesses the right to establish and maintain a plant of  
5 its own for the manufacture and distribution of gas any  
6 rights it now possesses."

1 SECT. 12. The supreme judicial court and any justice  
2 thereof, and the superior court and any justice thereof,  
3 shall have jurisdiction in equity, on petition of any party  
4 interested, to compel compliance with the provisions of  
5 this act and to prevent any violations of the provisions  
6 thereof.





