

## HOUSE....No. 181.

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[Amended draft of House Document, No. 160.]

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### Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-One.

#### AN ACT

For the Inspection of Gas Meters, the Protection of Gas Consumers, and the Protection and Regulation of Gas Light 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    SECT. 1.   The governor shall, with the advice and  
2 consent of the council, appoint an Inspector of Gas  
3 Meters and of Illuminating Gas, whose office shall be  
4 in the city of Boston, and whose duty it shall be

5 when required, as is hereinafter provided, to inspect,  
6 examine, prove, and ascertain the accuracy of any and  
7 all gas meters, to be used for measuring the quantity  
8 of illuminating gas to be furnished to or for the use  
9 of any person or persons, and when found to be cor-  
10 rect, to seal, stamp, or mark all such meters, and each  
11 of them, with some suitable device, and with his name,  
12 the date of his inspection, and the number of burners  
13 it is calculated to supply. Such device shall be  
14 recorded in the office of the secretary of the Com-  
15 monwealth.

1     SECT. 2. He shall hold his office for the term of  
2 five years from the time of his appointment, and until  
3 the appointment of his successor, but may be removed  
4 by the governor and council at their pleasure, and he  
5 shall receive an annual salary of three thousand dol-  
6 lars to be paid out of the treasury on the warrant of  
7 his excellency the governor. Such inspector shall  
8 not in way or manner, directly or indirectly, be inter-  
9 ested pecuniarily in the manufacture or sale of illu-  
10 minating gas or gas meters, or of any article or com-  
11 modity used by gas light companies, or for any  
12 purpose connected with the consumption of gas; and  
13 shall not give certificates or written opinions to any  
14 maker or vender of any meter, or of any such article  
15 or commodity; and he shall be duly sworn to the  
16 faithful performance of his duties, and shall give  
17 bonds in five thousand dollars for the faithful discharge  
18 of the same.

1     SECT. 3. Said inspector shall, within three months  
2 after his appointment, furnish to the treasurer and

3 receiver-general a list of all the gas light companies  
4 in operation in the Commonwealth; and his salary  
5 for the year then commenced, and annually thereafter,  
6 shall be assessed and paid into the treasury of the  
7 Commonwealth by the several gas light companies in  
8 this Commonwealth, in amounts proportionate to  
9 their appraised valuation, as declared in the returns  
10 required in the General Statutes of this Common-  
11 wealth, chapter sixty-eight, section twenty; and in  
12 case such gas light companies, or any or either of  
13 them, shall refuse or neglect to pay into the treasury  
14 the amount or portion of said salary which shall be  
15 by said treasurer required of them respectively, for  
16 the space of thirty days after written notice given by  
17 said treasurer to them respectively, to make such  
18 payment, then the said treasurer shall institute an  
19 action in the name of, and for the use of, the Com-  
20 monwealth, against any such delinquent gas light  
21 company for their said portion or amount of such  
22 salary with interest thereon, at the rate of ten per  
23 centum per annum, from the time when said notice to  
24 make such payment was given, and the costs of the  
25 action.

1     SECT. 4. Whenever the inspector shall find him-  
2 self unable to attend to his duties in any city or town  
3 of any county, he shall appoint temporarily, and for  
4 such time as he may deem expedient, one or more  
5 deputy-inspectors of meters for each county, who shall  
6 act under his direction; they shall be duly sworn to  
7 the faithful performance of their duties, and shall be  
8 subject to the same disabilities as are set forth in section  
9 second, and shall be paid by fees for examining, com-

10 paring, and testing gas meters, with or without stamp-  
11 ing them, which fees shall be twenty-five cents for each  
12 meter delivering a cubic foot of gas in four or more  
13 revolutions, vibrations, or complete repetitions of its  
14 action, and thirty cents for each meter delivering a  
15 cubic foot of gas in any less number of revolutions as  
16 heretofore described, and for each meter thus deliver-  
17 ing more than one cubic foot of gas as before-named  
18 the further sum of twenty cents for every additional  
19 cubic foot of gas delivered: *provided, however*, that in  
20 all cases of inspection by the deputy-inspector the  
21 gas company or consumer may appeal to the State  
22 inspector from the deputy-inspector's decision.

1     SECT. 5. The standard or unit of measure for the  
2 sale of illuminating gas by meter shall be the cubic  
3 foot, containing sixty-two and three hundred twenty-  
4 one one-thousandth pounds avoirdupois weight of dis-  
5 tilled or rain-water, weighed in air of the temperature  
6 of sixty-two degrees Fahrenheit scale, the barometer  
7 being at thirty inches.

1     SECT. 6. No meter shall be set after the first day  
2 of October, eighteen hundred and sixty-one, unless it  
3 be sealed and stamped in the manner required by this  
4 act.

1     SECT. 7. There shall be provided at the expense  
2 of the Commonwealth, at the office of the inspector,  
3 a standard measure of the cubic foot, and such other  
4 apparatus as in his judgment shall be necessary for  
5 the faithful performance of the duties of his office.

1     SECT. 8. Every gas light company with a capital  
2 paid in of one hundred thousand dollars, or more,  
3 and every maker and vender of meters, shall set up at  
4 some convenient place upon their premises a gas-  
5 holder, to be tested, and if correct stamped and  
6 sealed, containing five or more cubic feet, by means  
7 of which meters shall be tested at the average pressure  
8 at which gas is supplied in the city or town where  
9 they are to be used; attention being paid to the tem-  
10 perature of the room where the trial is made, of the  
11 apparatus, and of the gas. There shall be provided  
12 by every gas light company, a test meter of a con-  
13 struction approved by the inspector and stamped by  
14 him, to be used in cities and towns where no test gas-  
15 holders are provided, or whenever proving by a gas-  
16 holder is impracticable or inconvenient. In the  
17 examination of a meter the inspector shall see that it  
18 is of an approved principle, and shall give his par-  
19 ticular attention to the measure of the dial-plate; he  
20 shall prove the meter when set level, and for each  
21 burner which the manufacturer has stamped it to  
22 register, it shall be capable of passing gas accurately  
23 at the rate of six cubic feet per hour; and no dry  
24 meter shall be stamped correct which varies more than  
25 two per cent. from the standard measure of the cubic  
26 foot, and no wet meter shall be stamped correct, which  
27 is capable of registering more than two per cent.  
28 against the consumer, and five per cent. against the  
29 company. He shall keep at his office a correct record  
30 of all meters inspected by him, with their proof at the  
31 time of inspection, which record shall be open at all  
32 times for examination by the officers of any gas light  
33 company in this Commonwealth.

1 SECT. 9. Meters in use may be tested on the re-  
2 quest of the consumer, by the gas light company, in  
3 the presence of the consumer if desired, with sealed  
4 apparatus, as provided for in section seven, and after-  
5 ward, if unsatisfactory to him, or if the company  
6 refuse, by the inspector or deputy-inspector. If the  
7 consumer's meter is found to be correct, he shall pay  
8 to the gas light company the fees named in section 4,  
9 and the expense of removing the same for the purpose  
10 of being tested, and the re-inspection shall be stamped  
11 on the meter. If proved incorrect, the gas light com-  
12 pany shall pay such expenses, and shall furnish a  
13 new meter without any charge to the consumer.

1 SECT. 10. Illuminating gas shall not be merchant-  
2 able in this Commonwealth which has a minimum  
3 value of less than twelve candles; that is, a burner  
4 consuming five cubic feet per hour shall give a light  
5 as measured by the photometric apparatus in ordinary  
6 use, of not less than twelve standard sperm candles,  
7 each consuming one hundred and twenty grains per  
8 hour. Every gas is to be tested with the burner and  
9 under the pressure best adapted to it, and the result  
10 shall be calculated at a temperature of sixty degrees  
11 Fahrenheit. Whenever requested by the mayor and  
12 aldermen of any city, or the selectmen of any town,  
13 the inspector shall report to them whether the gas  
14 supplied in the respective city or town is of the legal  
15 standard, and also whether it is sufficiently well  
16 purified from sulphuretted hydrogen, ammonia and  
17 carbonic acid.

1 SECT. 11. Any officer or servant of a gas light  
2 company, duly authorized in writing by the president,

3 treasurer, agent, or secretary of said company, may  
4 at any reasonable time, enter any premises lighted with  
5 gas supplied by such company, for the purpose of  
6 examining, or removing the meters, pipes, fittings, and  
7 works for supplying or regulating the supply of gas, and  
8 of ascertaining the quantity of gas consumed or sup-  
9 plied, and if any person shall at any time, directly or  
10 indirectly, prevent or hinder any such officer or servant  
11 from so entering any such premises, or from making  
12 such examination, or removal, such officer or servant  
13 may make complaint under oath to any justice of the  
14 peace of the county wherein such premises are situ-  
15 ated, stating the facts in the case so far as he has  
16 knowledge thereof, and the said justice may there-  
17 upon issue a warrant directed to the sheriff or either  
18 of his deputies, or to any constable of the city or  
19 town where such company is located, commanding  
20 him to take sufficient aid and repair to said premises,  
21 accompanied by such officer or servant who shall  
22 examine such meters, pipes, fittings, and works for  
23 supplying or regulating the supply of gas, and of as-  
24 certaining the quantity of gas consumed or supplied  
25 therein, and if required remove any meters, pipes,  
26 fittings, and works belonging to said company.

1     SECT. 12. If any person or persons supplied with  
2 gas neglects or refuses to pay the amount due for  
3 the same, or for the rent of the meter or other articles  
4 hired by him or them of the company, such company  
5 may stop the gas from entering the premises of such  
6 person or persons. In such cases the officers, ser-  
7 vants, or workmen of the gas light company, may  
8 enter the premises of such parties, between the hours  
9 of eight in the forenoon and four in the afternoon,

10 and separate and take away such meter, or other  
11 property of the company, and may disconnect any  
12 meter, pipes, fittings, or other works, whether the  
13 property of the company or not, from the mains  
14 or pipe of the company.

1     SECT. 13. Every person who wilfully or fradu-  
2 lently, injures, or suffers to be injured, any meter,  
3 pipes or fittings belonging to any such gas light com-  
4 pany, or prevents any meter from duly registering the  
5 quantity of gas supplied through the same, or in any  
6 way hinders or interferes with its proper action or just  
7 registration, or fraudulently burns the gas of said  
8 company, or wastes the same, shall for every such  
9 offence, forfeit and pay to the company not more than  
10 one hundred dollars, to be recovered in an action of  
11 tort to be brought by the company against such  
12 offender, and in addition thereto, shall pay the com-  
13 pany the amount of damage by them sustained by  
14 reason of such injury, prevention, waste, consump-  
15 tion, or hinderance.

1     SECT. 14. Every person who attaches any pipe  
2 to any main or pipe belonging to any such gas light  
3 company, or otherwise burns, or uses, or causes to  
4 be used, any gas supplied by said company, without  
5 their written consent, or without having the same  
6 passed through a meter set by the company, and  
7 whoever lights a street lamp supplied with gas by  
8 said company without their written consent, shall  
9 forfeit and pay to said company the same fine and in  
10 the same manner as declared in section thirteen.

1     SECT. 15. This act shall go into effect July first,  
2 eighteen hundred and sixty-one.