

HOUSE No. 474.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, June 23, 1886.

The Committee on Manufactures, to whom were referred the petitions of the Newton and Watertown Gas Light Company, and the Chelsea Gas Light Company, severally, for amendments to their charters so as to allow them to furnish electric light, report the accompanying Bill.

For the Committee,

JOHN W. HALLETT.

Commonwealth of Massachusetts.

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

AN ACT

To authorize Gas Companies to furnish Electric Light.

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 board of gas commissioners,
2 upon application in writing by any company or-
3 ganized or chartered under the laws of this Com-
4 monwealth for the purpose of making and selling
5 gas for illuminating purposes, may, after such
6 notice and hearing as said board shall deem
7 proper, authorize said company to furnish electric
8 light: *provided, however,* that said company shall
9 not engage in said business so authorized unless
10 by vote of two-thirds of the stockholders, repre-
11 senting not less than two-thirds of the stock, at a
12 meeting duly called for that purpose.

1 SECT. 2. Said company so authorized shall file
2 in the office of the secretary of the Commonwealth
3 a certificate as provided in section fifty-one of
4 chapter one hundred and six of the Public Stat-
5 utes, and shall have all the powers and privileges
6 and be subject to all the duties, restrictions and
7 liabilities, which are now, or hereafter may be, in
8 force relating to electric lighting companies.

1 SECT. 3. Said board shall at the time of grant-
2 ing said authority specify the kind or kinds of
3 electric light that said company is authorized to fur-
4 nish, and the territory within which said right may
5 be exercised, and shall prescribe the time within
6 which said company shall erect and equip a plant
7 for generating electricity for said light of such
8 size and capacity as said board shall specify, and
9 shall make such further orders and limitations re-
10 specting said authority as shall be proper and
11 legal; and if said company shall neglect to erect
12 and complete said plant within the time pre-
13 scribed and in conformity to said order, said au-
14 thority shall thereupon become void, and no such
15 authority shall be again granted to said company
16 within three years thereafter : *provided, however,*
17 that said board may for cause shown, extend the
18 time first prescribed for erecting and equipping
19 said plant not more than six months from the ex-
20 piration of the time first prescribed.

1 SECT. 4. At the expiration of the time, and
2 extension thereof, if any, given under the preced-

3 ing section, said board shall, after such examina-
4 tion as they shall deem proper, make, in a book
5 kept by them for that purpose, a record as to
6 whether their orders with reference to the erec-
7 tion and completion of said plant have been com-
8 plied with. Said record shall be conclusive evi-
9 dence of the truth of the matters stated therein.

1 SECT. 5. Said company so authorized shall be
2 subject to the provisions of section seven of chap-
3 ter three hundred and fourteen of the acts of the
4 year eighteen hundred and eighty-five, with re-
5 spect to its business of furnishing electric light.

1 SECT. 6. Gas companies, authorized as here-
2 inbefore provided, that shall erect the plant as
3 prescribed in section three, shall, as respecting the
4 electric light that they are authorized to furnish, be
5 subject to the control of the board of gas com-
6 missioners in the same manner and to the same
7 extent as they now are or hereafter may be re-
8 specting gas furnished for illuminating purposes.

1 SECT. 7. If any company shall neglect or
2 refuse to comply with any lawful order of said
3 board, said board may after such notice and hear-
4 ing as they shall deem just and proper, revoke all
5 or any part of the authority given to said com-
6 pany under the act.

1 SECT. 8. Said company shall not erect or
2 maintain any poles for the support of wires, nor

3 erect or maintain any wires in, through or
4 over any streets or highways, nor dig up any
5 streets or highways for the purpose of lay-
6 ing said wires under ground until it has (upon
7 petition in writing by said company) first obtained
8 the consent in writing of the mayor and alder-
9 men of cities and the board of selectmen in towns
10 in which said streets are located, and having ob-
11 tained said consent may, under the direction and
12 control of said mayor and aldermen and select-
13 men, dig up and open the grounds in any of said
14 streets and highways so far as is necessary for
15 the purpose of laying lines of wire to carry into
16 effect the authority hereby given and for the pur-
17 pose of keeping said lines in repair, and to erect
18 and maintain lines of wire upon or above the
19 surface of said streets and highways; and said
20 company or any other party interested may ap-
21 peal from any decision of said mayor and alder-
22 men or selectmen to the board of gas commis-
23 sioners, and said board of gas commissioners may
24 decide upon said petition, but such consent shall
25 not affect the right or remedy to recover damages
26 for an injury caused to persons or property by
27 the doings of said corporation under the author-
28 ity herein given. The said corporation shall put
29 all streets and highways which are opened into as
30 good repair as they were in when opened, and
31 upon failure so to do within a reasonable time
32 shall be deemed guilty of a nuisance.

1 SECT. 9. When a party injured in his person

2 or property by a defect in a street or highway'
3 caused by the operations of said corporation in
4 laying down, erecting, maintaining or repairing
5 its lines of wire or otherwise obstructing such
6 street or highways, recovers damages therefor of
7 the town wherein such injury is received, such
8 town shall, in addition to the damages so recov-
9 ered against it, be entitled to recover all the tax-
10 able costs of the plaintiff and defendant in the
11 same action, in a suit brought against said cor-
12 poration, if said corporation be liable for said
13 damages, and if reasonable notice is given by
14 such town to it, so that it may defend the original
15 action.

1 SECT. 10. The mayor and aldermen of said
2 cities and the selectmen of said towns respec-
3 tively may regulate, restrict and control all
4 acts and doings of said corporation which may in
5 any manner affect the health, safety, convenience
6 or property of the inhabitants of their towns.

1 SECT. 11. This act shall take effect upon its
2 passage.

