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FOURTH ANNUAL REPORT

OF THE

Board of Public Utility Commissioners

FOR THE

STATE OF NEW JERSEY

FOR THE YEAR

1913

UNION HILL, N. J.
DISPATCH PRINTING COMPANY.
1914.

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COMMISSIONERS

RALPH W. E. DONGES,* *President.*

THOMAS J. HILLERY,

WINTHROP MORE DANIELS,

ROBERT WILLIAMS.*

*By appointment of Governor Woodrow Wilson, Mr. Donges qualified May 1st, 1913, as the successor of Mr. Williams, whose term had expired.

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REPORT.

To the Hon. Leon R. Taylor, Acting Governor of the State of New Jersey:

SIR—Chapter 195, Laws of 1911, directs the Board of Public Utility Commissioners "to report annually, on or before the first day of January, to the Governor, making such recommendations as it may deem proper, which report shall be laid before the next succeeding Legislature." In accordance with the above, the Board respectfully submits its annual report. During the year, and in compliance with another section of the "Public Utilities Act," the Board directed its Secretary to compile for the purpose of publication the first of a series of volumes designated by the act, "Reports of the Board of Public Utility Commissioners." This contains such findings and decisions of the Board as, in its judgment, are of general public interest, covering the period from May 1st, 1911, to June 2nd, 1913. This volume has been published and numerous copies of the same have been distributed. In order that there may be a continuous record, in form for convenient reference, of the important decisions of the Board, such important decisions and findings as were ordered filed between June 2nd and December 31st of this year are submitted with this report.

IMPORTANT DECISIONS SUSTAINED.

During the year several decisions have been filed by the courts of our state which upheld the construction placed by the Board on important principles of the public utility act. One of these, pending at the time of the submission of the Board's last annual report, involved the right of the Board to withhold its approval of an issue of bonds. Application had been made to the Board for its approval of an issue by the Interstate Telephone and Telegraph Company of one million,

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five hundred and twenty-five thousand dollars of five per cent. thirty year first and refunding mortgage bonds.

The Board, by its opinion, filed July 9th, 1912, withheld its approval of this issue on the ground that it was not satisfied that the issue was to be made in accordance with law, or that the purpose of the issue was in accordance with law.

An appeal was taken from the Board's finding to the Supreme Court, which, in its decision, upheld the action of the Board.

The Court declared that the effect of Chapter 195 of the Laws of 1911 was to vest in this Board the final power to pass and approve the legality of a proposed bond issue payable in more than one year from the date thereof. It was further decided by the Court that the law placed on this Board the duty of investigating the purpose of a proposed issue of bonds and, if in the judgment of the Board, the purpose would be of doubtful benefit to the applying corporation, and ultimately result injuriously to the investing public, the Board may withhold its power of approval.

GOING VALUE AND SPECIAL FRANCHISES.

The order of the Board fixing ninety cents per thousand cubic feet for gas as a just and reasonable rate to be charged by the Public Service Gas Company in its Passaic division was appealed to the Supreme Court. This order was protested both by the Public Service Gas Company and by the municipalities, parties to the proceeding.

In its decision the Court directed attention to the fact that this Board undertook to ascertain the present value of the company's property, and considered the value so ascertained in determining the reasonableness of the return to be allowed it. Referring to this, the Court stated:

> " * * * the cities insist that only the cost of reproduction should be allowed. We are met with difficulties and valid objections whether we adopt the standard of actual investment, of cost of reproduction, or present value. * * * We think it enough to say that the great weight of authority is in favor of the standard of present value. That standard has the sanction of the United States Supreme Court in cases involving the constitutional rights of the companies and is said by that Court to be no longer open to dispute under the constitution."

Referring to going value, for which allowance was made by the

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Board, but which the municipalities protested should not be considered as an element in fixing the rate, the Court declared:

"We think on weight of authority and on reason there should be such an allowance."

As to the claim of the respondent company that the Board erred in not making a proper allowance for the value of the special franchises and that such allowance would lead to a higher rate than was fixed by the Board, the Court declared that the question of allowance for such franchises is one not yet settled upon authority, and stated further:

"That they are property is well settled. * * * Our own taxing laws recognize them as property and tax them accordingly. * * * Such franchises, however, are property of a peculiar kind; the right of property in them is not absolute, but is qualified by the right of the State to fix reasonable rates. * * * Where, as in this case, the rate is not fixed and may be changed there is no stable basis upon which to calculate the value of the franchise, since that value is dependent upon the rate. The rate must indeed be reasonable, but to assume a value for the franchise in order to determine the reasonableness of the rate is to reason in a circle; the value and the rate are mutually dependent and one must be fixed independently if it is to form a basis for the calculation of the other."

The decision of the Supreme Court in this matter has been appealed by the Company and is now under review before the Court of Errors and Appeals.

THE BOARD'S ORDER VS. MUNICIPAL ORDINANCE.

Hearings were held in October, 1912, on the petition of the Phillipsburg Horse Car Railroad Company for permission to reconstruct its track to conform to standard gauge. The Town of Phillipsburg was represented at the hearings and opposed the grant. After giving due consideration to the objections urged, the Board concluded that the public interest would be served by granting the permission under conditions which the Board believed would properly protect the interest of the municipality, and permission was so granted. This was unsatisfactory to the Town of Phillipsburg which appealed to the Supreme Court.

The Court sustained the order of the Board. In its decision, the Court held in effect that an ordinance passed by the Town of Phillipsburg and accepted by the Railroad Company did not constitute

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a contract which could not be altered by subsequent legislative enactment, against objection from the municipality.

The Court stated that:

" * * * the concrete inquiry is whether the State by committing to an administrative board the power to regulate the conduct and operation of a quasi-public corporation can constitutionally change the gauge of street car tracks to accord with what the Legislature may conceive to be the public interest, where such gauge under a prior legislative delegation of power to the municipality was fixed by ordinance, the terms of which the company has accepted.

"It will be observed in this inquiry that the contractual relationship sought to be sustained is pleaded not by the company, which is not before us as a complaining party; but by a municipal corporation, an arm of the State government, to which the power pro bono publico was delegated by the Legislature.

"It is not perceived how the question of the constitutionality of the acts of the Public Utility Commissioners can enter as between the State and its creature the town, upon a mere proposal not to divest the municipality of any property right, but to transfer from the local municipal body to a general State board the legislative power of street regulation in the operation of street car companies, a power inherent in the State and of which it has not even pro tanto divested itself by prior temporary delegation to the municipality, to subserve what at the time of delegation may be conceded to have been a local public interest.

"Were we dealing with a contention of this nature pressed by the railroad corporation, other considerations would present themselves, but as between the local body politic and its creator, the State, the principle is fundamental in our jurisprudence that the charter of a public corporation is not considered a contract and does not come within the doctrine of the Dartmouth College Case."

The efficacy of orders of the Public Utility Commissioners must depend, in the final analysis, upon the position of the Courts thereon and the action of the Commission must, in the first instance, depend, therefore, upon an understanding of its powers which the Courts will uphold. The decisions referred to are of interest in that they define the Court's position on the powers of the Board with respect to important principles of the law.

ADDITIONAL LEGISLATION.

The law of 1911 defining the powers and duties of the Commission was at the time of its enactment generally regarded as placing important responsibilities on the Board and as vesting it with powers and duties equal in scope to those placed on similar commissions in other states which provide for the regulation of utilities by state boards. These powers and duties, however, were increased in important particuulars at the last session of the legislature.

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THE GRADE CROSSING LAW.

The most important of the recent enactments affecting the Commission is that giving it power, on its own motion or on the petition of a municipality or railroad, to order the alteration of grades where railroads and public highways cross each other at the same level.

At first some misunderstanding seemed to exist on the part of the municipalities with respect to this act. The law requires that petitions filed by a municipality must be presented by the board or body having charge of the finances of such municipality and set forth the facts upon which relief under the act is sought. The law requires also that the Board shall fix a time and place for hearing and as a precedent to such hearing and determining and ordering what alterations, if any, shall be made in the crossing of a railroad and public highway, the Board is required to give such notice of hearing as "it shall deem reasonable to the municipality and corporations, copartnership or individuals interested therein." Shortly after the act was approved petitions were filed with the Board which failed to show that they were brought by the board or body having charge of the municipal finances and also failed to make the statement of facts required by the act. The Board has adopted rules to be followed by the municipalities which it believes brings petitions filed in accordance therewith properly within the provisions of the act. At the time of submitting this report, the Board has petitions from three municipalities before it on which hearings are being held. Date for hearing has been assigned to another petition recently filed and it is the understanding of the Board that other petitions are in course of preparation. In addition to hearings on petitions so filed, the Board has on its own motion called a hearing on the question of altering the grades of crossings in another municipality. The Board has arranged for conferences between railroads and municipalities where inspections indicate that changes in highway construction leading to a decrease in the number of crossings may be agreed upon without formal proceedings under the Grade Crossing Act.

To determine the parties who would be affected by the alterations of grade crossings in a municipality, especially where a number of such crossings is involved, requires much research and preliminary engineering work. The change of grade of a highway so as to carry it over or under the tracks of a railroad would affect

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properties on both sides of a crossing for considerable distances, and it is considered advisable to ascertain so far as is practicable the owners of these properties and give them notice of hearing.

Shippers who connect by side tracks with the railroad line would be affected by an elevation of the tracks and it also is advisable to determine these in order that they may receive reasonable notice.

To assist the Board in determining the property owners and shippers interested and to advise it with respect to engineering problems involved, the Board has established a division of bridges and grade crossings, appointing its engineer of bridges at the head thereof and has arranged for the provision of necessary assistance to the head of the division. Answers filed by the railroads and the positions of the companies as defined at hearings show an intention to question the validity of the act on constitutional grounds, not only before the courts of our state, but in the event of decision in New Jersey against the railroads, before the Supreme Court of the United States. Furthermore, the railroads appear to be determined to take advantage, if they can obtain it, of any defect of technical procedure to invalidate if possible any orders of this Board requiring them to eliminate crossings at grade. The Board directs attention to this because not unnaturally there may be some expression of dissatisfaction with the law and the procedure of this Board if crossings are not eliminated as rapidly as in the public interest would be desirable.

This Board is firmly of the opinion that the legislature has the right to vest an agency of the state with power to require the elimination of grade crossings, and believes this right can be demonstrated before the highest judicial tribunal. But the experience of the Board leads it to believe that any order made by a state agency requiring the elimination of a railroad grade crossing at the expense of the railroad will be contested with all the resources the railroad in interest can command and that the legislative right must be affirmed by judicial determination before it can become effectually operative. With that right affirmed and the problems of procedure clearly solved the physical work of eliminating crossings should go forward promptly and satisfactorily. Undue haste under a new act involving novel procedure; or neglect on the part of the Board to assure, so far as it can be assured, that the records on which its orders are based will stand successfully the scrutiny of

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the courts will not facilitate but materially delay the progress which under the act can and should be made.

CLASSIFICATION AND PROTECTION OF CROSSINGS.

During the year the Board has recommended or ordered the provision of protection at a number of dangerous grade crossings.

The work of examining and classifying crossings with respect to their comparative degrees of danger has been continued and is now practically complete. This has involved the inspection of and compilation of records with respect to conditions at more than twenty-five hundred crossings. The inspectors' reports contain over eight hundred recommendations for improvement of conditions at the crossings. These will be taken up with the numerous railroads as rapidly as possible and the Board will take appropriate action thereon.

FULL CREW BILL.

A law passed at the last legislative session established a minimum number of men, who would be permitted as the crews of freight or passenger trains with cars in excess of numbers prescribed by the act for each class of train. The duty of enforcing this act was placed on the Board of Public Utility Commissioners. The Board instructed its inspectors to report to it any violations of the act coming to their attention, and the Board causes immediate investigations to be made of any charges that the law is being violated.

Very few reports or complaints alleging violations have been filed with the Board.

Investigation has shown that where apparent failure to comply with the law existed it was due to the construction placed on the act by a single railroad. This railroad claimed that the act was not applicable to certain movements within switching zones, but in the opinion of the Board the principle of safety on which the act is based should apply to these movements.

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MERGERS OF MISCELLANEOUS CORPORATIONS.

A supplement to the State Corporation Act passed at the last session provides that:

"* * * before any merger of corporations can be made, the approval thereof in writing by the Board of Public Utility Commissioners shall be obtained by said corporations and filed in the office of the Secretary of State, with the names of the directors of each of said corporations which assent to the merger."

The Board has adopted rules governing the filing of petitions for mergers which among other things prescribe that "the petition shall set forth specifically the nature of the business in which each of the corporations proposed to be merged is actually engaged; state the territory over which the business of each has actually extended; and set out the reasons for, and the objects sought to be accomplished by the proposed merger." No application for approval of mergers is acted on without public hearing.

Five applications for approvals of mergers have been filed with the Board since this act became effective. There was no objection to the approval of four of these, and as the objects sought appeared to be proper, the Board's approval was given.

With respect to one petition, objection was filed by a stockholder. The hearings on this petition have not been concluded at the time of submitting this report.

USE OF BRIDGES BY STREET RAILWAYS.

Another act passed at the last legislative session provides that when a street railway company operates its cars on a street or highway under a franchise that does not give it legal authority to cross a bridge on the line of the highways, and the municipality or municipalities cannot agree with the street railway company as to terms on which it may use the bridge, this Board, after hearing on petition brought, may order the company to operate over the bridge and fix the compensation, if any, to be paid for the use of the same.

Under this act a petition was brought by the Mayor of East Newark for an order requiring the Public Service Railway Company to lay its tracks over the Clay Street Bridge between Hudson

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and Essex Counties and to operate cars thereover, and fix terms for its use. There being no dispute as to the failure of the parties in interest to agree as to terms, the power of the Board to make the order, or the desirability of street car traffic over the bridge, the Board issued an order requiring the Public Service Railway Company to lay its tracks and operate its cars over the bridge. Traffic which had been long interrupted was resumed under this order. Subsequently, hearings were held, following which the Board fixed an annual compensation which, in its opinion, was reasonable for the company to pay, the period of operation under the order being fixed at thirty-five years.

The Public Service Railway Company asked for the review of this order by the Supreme Court, claiming the compensation fixed to be excessive. At the time of submitting this report the order is under review by the Court. Pending the review, the traffic over the bridge is being continued.

No petition except that relating to the Clay Street Bridge has been brought under the act referred to.

FORMAL HEARINGS.

During the year 558 formal hearings have been held by the Board. In numerous instances these have required the examination of many witnesses and it has been necessary at times to give a number of days to the hearing of a single case.

THE NEW JERSEY GAS COMPANY'S RATES.

A complaint filed by the Township of Mantua, challenging the reasonableness of the rate charged by the New Jersey Gas Company has led to an inquiry into the reasonableness of the rate schedule of the company in the municipalities, 31 in number, served by it. Hearings are still being held in this matter which involves the making of inventories of the properties of the company and the consideration of much conflicting expert testimony with respect thereto.

WILDWOOD WATER WORKS COMPANY'S RATES.

Dissatisfaction with the rate schedule of the Wildwood Water Works Company expressed in formal petition to the Board led to

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an exhaustive inquiry into the reasonableness of the company's charges, and to the fixing by the Board of a schedule believed to be equitable to the consumers and the company.

By this order the company is required to pay the cost of meter boxes on the installation of the same, and to charge remaining apparatus only to the consumer. The company is further required to make an equitable division of the charge for meter boxes and appurtenances, based on the cost to it of such boxes and appurtenances. Minimum yearly charges are established, depending on the size of the house supplied and the size of the meter.

THE BUTLER WATER COMPANY'S CASE.

A complaint filed by the Borough of Butler alleged that the Butler Water Company failed to supply adequate service and also challenged the reasonableness of the company's rates.

It was clearly demonstrated that the company was trying to supply Butler with water from an inadequate source of supply and that it was not taking proper measures to insure adequate service in the future.

The condition was aggravated last summer by a drought, during which urgent appeal, independent of the formal complaint, was made to the Board for relief. Some relief was given temporarily by the assistance of the owners of a private lake, who permitted it to be lowered at times in order that the people of Butler might not be without a supply of water in mid-summer.

On the facts before the Board, an order was issued to the Butler Water Company directing it to obtain an increased water supply and storage capacity and to make extensions and additions to its distribution system.

The Board also fixed a schedule of rates which it believed to be just and reasonable for the company to charge. The order of the Board was unsatisfactory to the company and an appeal therefrom has been taken to the Supreme Court. This will be argued before the Court at an early date.

STREET RAILWAY SERVICE IN JERSEY CITY.

Hearings extending over a number of days were held early in the year on the complaint of the Mayor and Aldermen of Jersey

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City, alleging inadequate service by the Public Service Railway Company. Much conflicting testimony was submitted and numerous exhibits filed making a voluminous record upon which an order of the Board was based, requiring a number of important changes in and additions to the service. This order dealt with headway of cars during rush hours, as well as schedules during non-commission hours, and also specified changes in routing designed to relieve congestion and improve traffic conditions.

The Board's order, while not granting in all particulars the prayer of the petitioners, was accepted as presenting a reasonable measure of relief from a condition which had given rise to much public dissatisfaction. Though this order added in important respects to the company's service, no appeal was taken and the company has put into effect and maintained the changes required by the Board.

HIGH CAR STEPS.

A complaint prosecuted by the Ninth District of the State Federation of Women's Clubs was directed against the height of the steps of the cars of the Public Service Railway Company. It was disclosed at the hearings held on this complaint that cars are operated, the initial steps of which, in some cases, are so high as to be practically prohibitive to aged or infirm persons and making it difficult for persons of average agility to enter the car. It further appeared that persons in such physical condition that visits to the offices of their physicians are advisable may have their health endangered by the effort necessary to take the initial step.

It developed that with cars in process of construction it would be practicable to lower the platforms from the present height and reduce the height of the lower step to fifteen inches. With this height there should be freedom from the objections urged against cars of the old type.

The Board entered an order that no new cars should be placed in service with an initial step exceeding fifteen inches and a second step exceeding fourteen inches in height.

The company has accepted this order and is building the platforms of new cars in accordance with a plan proposed by the

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Board's engineer. The question of how to deal with equipment now in operation is pending before the Board.

COMPETITIVE FRANCHISES.

During the year hearings were held on a petition for approval of an ordinance passed by the Common Council of the City of Millville permitting the Consumers Gas Company to construct, maintain and operate gas works in the City of Millville. Objection to approval was made by the Millville Gas Light Company.

It was contended in support of the petition that the Millville Gas Light Company operating in the territory covered by the ordinance did not supply adequate and proper service. The right of the Board to withhold its approval and thereby prevent competition between rival gas companies in Millville was challenged by the petitioner.

Conflicting testimony was submitted as to the service given by the existing company. Careful consideration of the testimony indicated that for a time the Millville Gas Company took on additional customers at a rate so rapid, comparatively, that its mains then in use became at least, in places, unequal to the draft made on them, leading to dissatisfaction with the service. It appeared, however, that improvements had been made correcting this condition, that the existing service could not be reasonably considered inadequate; that the facilities of the plant for manufacture and distribution were adequate, and the company's rate as low as in any place of similar size in the state supplied by a local plant. The Board did not feel justified in departing from the position heretofore declared by it and generally recognized by similar state boards, that regulated monopoly in public utilities is in general better designed to further the public interest than the duplication of plant and appliances by competitive companies.

The Board therefore withheld its approval of the ordinance.

THE WEST JERSEY AND SEASHORE LEASE.

An application to approve a lease of the West Jersey and Seashore Railroad Company to the Pennsylvania Railroad Com-

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pany for a term of nine hundred and ninety-nine years was disapproved by the Board.

The Board held that a lease for a term of years so extended as that proposed is tantamount to a conveyance in fee; that the public interest in such a conveyance, made practically for all time, ought in every way to be explicitly safeguarded, and that as the statute places upon the Board the duty of scrutinizing and approving such leases, the obligation rests on the Board to make certain that the public interest shall not be jeopardized by serious uncertainty as to the operation of such an arrangement.

The Board for reasons expressed in its report filed July 19th, 1913, withheld its approval. The railroad company applied to the Supreme Court for a writ of mandamus to require the Board to give its approval and the matter is now before that Court.

RATES OF THE PUBLIC SERVICE ELECTRIC COMPANY.

At the time the Board initiated proceedings to determine the reasonableness of the charges of the Public Service Gas Company, it initiated a similar proceeding with respect to the rates of the Public Service Electric Company. A determination of the reasonableness of these electric rates involves a valuation of the properties of the company, which are capitalized at approximately seventy millions of dollars. To make such valuation; to determine the allotments which should be made on account of the machinery used in the generation of electricity; the wires and cables used for its transmission; the buildings necessary for the industry, and the other elements of value that must be considered in fixing a rate, is a complex problem that cannot be solved except with the assistance of a corps of engineers and experts specially employed for this purpose. The appropriation made to the Board has never been sufficient for it to employ this assistance to the extent required for the work. The Board will from its appropriation for the current fiscal year have a limited amount available with which to begin this work, but unless this appropriation is supplemented by the legislature, and a larger appropriation allowed for the next

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fiscal year, it will be impossible to complete it. The Board has called attention to this in the statement filed with the Comptroller to be considered by the legislature in making appropriations and has named the sums which in the Board's opinion should be appropriated to admit of the valuations being properly made.

It is the Board's belief that the inquiry into the electrical rates should be promptly and thoroughly made and it is hoped the legislature will be able to make the appropriations necessary to enable the Board to conduct the same.

MISCELLANEOUS DUTIES.

The routine work performed under the direction of the Board has increased materially during the year and will undoubtedly continue to increase. This is due to the enlargement of the powers and duties of the Board by statute; to a more general understanding on the part of the public of the nature of these powers and duties; to the supervision exercised over systems of accounting and the filing of reports thereon by utilities and to the supervision over service which should be made to square with reasonable requirements.

The Board now has reports of finances and operations from all the utilities subject to its jurisdiction. The methods of accounting of many utilities have been improved without increased clerical or bookkeeping expenses, through the adoption of suggestions made by the Board's expert accountant. With respect to some utilities it was formerly very difficult to obtain an intelligent idea of their finances and operations because of inadequate accounting methods. This is being changed to the satisfaction, the Board believes, of the utilities themselves, as well as to the satisfaction of those charged with the protection of the public interest in their proper financing and operation.

APPLICATIONS FOR APPROVAL OF SECURITY ISSUES.

Fifty-three applications for approval of issues of stock and securities totalling $89,051,465 have been approved from Janu-

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ary 1st, 1913, to date and during the same period approval has been given to eighty-four ordinances and resolutions of municipalities granting privileges to utilities. When any application is made for approval of an issue of stock or securities or for approval of a municipal grant, the Board assigns the same to a place on its calendar for hearing. Prior to arrival of the date for hearing, investigation is made covering the legality of procedure leading up to the application. With respect to security issues, the relation between capitalization and property values is made also subject to inquiry. If investigation discloses anything causing doubt as to the wisdom of approving the application, either of security issue or municipal grant, this is brought up for discussion at the hearing. Sometimes reasonable explanations are given that clear away seeming objections based on legal or public grounds. At other times changes are suggested by the Board and accepted by applicants leading to new or amended petitions.

Some applications the Board is unable to reconcile with its understanding of proper procedure under the law, or proper protection of the public interest and approval of these is withheld.

STANDARDS FOR SERVICE.

During the year the Board's gas inspector has visited a number of the gas companies operating in the State to ascertain whether the companies are complying with the rules and regulations adopted by the Board, as establishing adequate and serviceable standards.

In connection with this work, an examination is made of the company's records of complaints received from consumers in reference to poor service, noting the manner in which such records are kept and whether the complaints are promptly attended to by the company.

An examination is also made of the company's records of gas pressures and in the case of companies having calorimeters, an examination is made of the records of tests made of the heating value of the gas. In many cases tests have been made of both

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pressure and heating value by the Board's inspector, using the Board's Portable Testing Instruments.

An inspection is made of the manufacturing plant with a view of obtaining the relation between its gas generating capacity and the maximum demand on the plant, noting what provision is made for the storage of coal, oil and gas, as well as what provision is made for purifying and measuring the gas, with a view of determining whether the plant is capable of supplying adequate service as prescribed by the Board's rules.

During the year, twenty-one consumers' meters have been tested on complaint by the Board's inspector. Thirteen of these meters were found to be fast, the maximum error being 8.1%; three meters were found to be slow, the maximum error being 5.7%, and five meters were found to be correct within the allowable limits of 2%.

The work of testing and sealing of meter provers which are used by the companies in testing consumers' meters, has been completed and all meter provers in this State have been tested and sealed in accordance with the Board's rules.

After numerous hearings and conferences held during the year, standard rules and regulations have been adopted for electrical utilities. These become effective January 1st, 1914.

The rules and regulations prescribe what are believed to be the best and safest methods to follow in line construction and installation of machinery; provide for the marking of poles in distinctive ways so that the responsibility for maintenance may be readily placed, and also define the standard of voltage to be observed in supplying service.

The companies are required to provide and properly maintain suitable apparatus and facilities for testing meters, and records of tests must be kept in the companies' offices, which records shall be at all times available for examination by inspectors of the Board. Regular reports must be made to the Board of tests. Companies must test meters without charge, on request of customers, provided requests are not made oftener than once in six months.

On application to the Board by a customer of an electric lighting or power company, a meter will be tested by an inspector of the Board. The application must be accompanied

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by a deposit of $1.00 which will be returned and collected from the company if the meter is found to be fast beyond allowable limits. If found to be correct, the deposit will be turned over to the State Treasury.

RECOMMENDATIONS.

In conclusion we beg most respectfully but most urgently to commend to your favorable consideration and to the legislature for supplementary legislative action the following matters:

FIRST.—Specifically empowering the Commission to require proof when their approval to proposed security issues is asked, that there has been an adequate attempt on the part of the petitioners to ascertain and to obtain the highest price at which such securities may be sold; and in default of satisfactory proof thereof to impose as a condition of granting such approval, the advertising for sealed competitive bids for such securities accompanied by certified checks guaranteeing the responsibility of the bidders.

SECOND.—An act amending the present law under which the Board's approval of the purpose of proposed security issues is made prerequisite to such approval, whereby said clause shall be defined by a prescribed rule indicating in general terms in what respects the purpose of the issue may be scrutinized by the Board with a view to approval or disapproval thereof.

THIRD.—An act making void all security issues by public utilities whether put out by way of sale or by way of pledge or hypothecation, and making such unauthorized issue a misdemeanor, unless the prior approval of the Board thereof has been granted.

The Board believes it imperative that legislation in the above respects should be promptly enacted unless the risk is to be deliberately courted of weakening or destroying any substantial control over such issues, beyond their mere formal authentication.

The Board also recommends to your favorable consideration and to the legislature for supplementary legislation,

FIRST.—The establishment of specific procedure in cases involving the elimination of grade crossings, determining (1) with greater precision who are parties to such proceedings, and (2) permitting parties other than public utilities and municipalities directly affected to be served with notice of the hearings by advertisement in the newspapers, and (3) imposing upon the petitioners the duty of furnishing a general plan of elimination sufficient to determine the feasibility of said elimination and of approximating the cost thereof.

SECOND.—An Amendment of the General Railroad Act, and in particular of Section 70 thereof, whereby the limitations to be imposed upon the bonded debt that may be incurred by a railroad company incorporated in this State by a

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foreign corporation as regards its property situate in this State, may be made uniform, whether said company is operated independently or under lease, or by virtue of merger or consolidation with another railroad company.

THIRD.—Legislation prescribing more precisely the terms under which railroad companies or other public utilities may lease or be leased to railroads or other public utilities, such legislation to fix the maximum term of the lease and to make mandatory the requirement that the property of the lessor company shall be at all times capable of identification either physically or by the fixing the value thereof upon the books of said lessor company and lessee company respectively.

Respectfully submitted,

Dated December 31st, 1913.

(Signed) RALPH W. E. DONGES, *President.*

(Signed) THOMAS J. HILLERY,

(Signed) WINTHROP MORE DANIELS,

Commissioners.

(Signed)

ALFRED N. BARBER,

Secretary.

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Decisions, Orders, Memorandums and Rulings

In the Matter of the Application of the Lehigh Valley Railroad Company to Abandon Stations of the Pennsylvania Railroad Company at Market Street, Newark, and Jersey City, New Jersey.

Opinion of the Board stated at hearing held on February 14th, 1913, that change by the Lehigh Valley Railroad Company from terminal station of the Pennsylvania Railroad Company at Jersey City to the terminal of the Central Railroad Company was an eviction and not an abandonment upheld on rehearing.

E. H. Boles and *R. W. Barrett*, for the applicant.

Alan H. Strong, for the Pennsylvania Railroad Company.

Jackson E. Reynolds, for the Central Railroad Company.

Thomas G. Haight and *Thomas J. Murphy*, for the city of Jersey City.

William C. Gebhardt, for various objectors from Hunterdon county.

REPORT.

On January 7th, 1913, the Board received from the Lehigh Valley Railroad Company an application to abandon the Pennsylvania Railroad stations at Jersey City, New Jersey, and at Market street, Newark, New Jersey, and to cease maintaining ticket agents for the sale of tickets at said stations.

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The Lehigh Valley Railroad Company at that time had practically completed its own passenger station at Newark, and planned to use it instead of the Pennsylvania station at Market street, Newark.

The Lehigh Valley Railroad Company had also entered into an agreement with the Central Railroad Company of New Jersey for the use of the latter's terminal station at Jersey City, and planned to use said station instead of the Pennsylvania passenger station at Jersey City.

The application filed with the Board was supposedly in compliance with Chapter 195, III, 20, of the Laws of 1911. This section is as follows:

"No railroad company shall, without first obtaining the approval of the Board, abandon any railroad station, or stop the sale of passenger tickets, or cease to maintain an agent to receive and discharge freight at any station now or hereafter established in this State, at which passenger tickets are now or may hereafter be regularly sold, or at which such agent is now or may hereafter be maintained."

The application was originally set for hearing on January 17th, 1913, but was adjourned to January 31st, 1913, when testimony was taken. On this latter date, on application by W. C. Gebhardt and Thomas G. Haight, objectors, the Board decided that briefs upon the Board's power to make the Pennsylvania Railroad Company and the Central Railroad Company of New Jersey parties to the case might be filed within two weeks' time. On February 14th, 1913, the Pennsylvania Railroad Company, represented by Alan H. Strong, and the Central Railroad Company of New Jersey, represented by Jackson E. Reynolds, appeared and protested against their respective companies being made parties to the proceedings. A brief was filed on February 12th, 1913, by the Lehigh Valley Railroad Company, representing that its original application for station abandonment should be allowed.

At the hearing at Newark on February 14th, 1913, the objectors not appearing when the case was called, the Board announced that

'in its opinion the matter [of the change of stations] is practically an eviction and not an abandonment, and almost follows the ruling in the case of the discontinuance of service by the New York, Susquehanna and Western Railroad at the Pennsylvania station in Jersey City, and that the Board has no jurisdiction in the matter."

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After the Board had rendered its opinion, W. C. Gebhardt appeared, and asked that the matter be reinstated on the Board's calendar, and be reopened and reheard.

Accordingly, February 28th, 1913, was fixed by the Board for hearing argument on the motion to reopen the case; and (provided that the motion was then allowed) to hear argument at the same time upon the original application and objections thereto.

On February 28th, 1913, at the Court House, in Newark, the case was reopened, and oral argument thereon was heard, Messrs. Gebhardt, Strong and Barrett representing their respective clients. Two weeks were allowed by the Board for the filing of briefs.

Under date of March 20th, 1913, W. C. Gebhardt addressed a communication to the Board, advising it of a decision rendered by the Interstate Commerce Commission in the case of the *St. Louis, Springfield and Peoria Railroad Company* v. *the Peoria and Pekin Union Railway Company*. This decision, it was contended, was pertinent to the case pending, and the writer requested permission to furnish a copy of the opinion to the Board, and asked that the Board withhold its decision in the pending case until a copy of the decision was furnished by him to the Board. He also requested that a written opinion in the pending case be rendered, so that either party, if it so desired, might seek a court review of the Board's findings.

Accordingly, a formal decision was withheld for the time, the Board receiving from W. C. Gebhardt, on May 22d, 1913, a copy of the opinion in question.

A study of the opinion in question (No. 2193) has not sufficed to alter the decision first announced by the Board on February 14th, 1913. This finding it hereby re-enunciates. The Board also makes its memorandum of November 29th, 1911, *In the matter of the discontinuance of use of the Pennsylvania Railroad Station in Jersey City by the New York, Susquehanna and Western Railroad Company,* part of the record in the present case.

The Board after an examination of opinion No. 2193 by the Interstate Commerce Commission is not moved to reverse or alter its original decision of February 14th, 1913, for the following reasons:

It appears from a study of opinion No. 2193, I. C. C., that the Peoria and Pekin Union Railway Company is essentially a

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belt railroad. "It was constructed with the express purpose of giving main-line railroads access to the various industries in and out Peoria." It had no main line, and in one sense has no terminals, inasmuch as it is practically all terminal. The opinion in this case amounts practically to deciding that a belt-line railroad, under allegation that it is a terminal, in the sense in which that term is used in Section 3 of the Interstate Commerce Act, may not refuse interchange of interstate traffic with a line having feasible physical connection with said belt line, and thus defeat the statutory requirement of through routing.

Section 3 of the Interstate Commerce Act in providing for "all reasonable, proper and equal facilities for the interchange of traffic" between connecting lines, expressly stipulates that the obligation thus laid upon railroads "*shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.*"

So far as we are able to judge from I. C. C. opinion 2193, the defendant in that case is not engaged in "like business" with the complainant, and does not afford "terminal facilities" in the sense in which that term is used in Section 3 of the Interstate Commerce Act. The Lehigh and the Pennsylvania do engage in "like business." The Pennsylvania does afford "terminal facilities" in the sense in which that term is used in Section 3 of the Interstate Commerce Act. It seems to us, therefore, that if the Interstate Commerce Act were to be construed with reference to Pennsylvania's terminating its contract with the Lehigh, and requiring the Lehigh to seek a new passenger terminal in Jersey City, the Pennsylvania might properly cite Section 3 aforesaid as its warrant in so acting. At all events, if the opinion cited would require, at the instance of complaining passengers traveling in interstate journeys, that the Pennsylvania allow the Lehigh, upon proper compensation, to continue to use the Pennsylvania's passenger station in Jersey City, there is nothing to prevent action being brought before the Interstate Commerce Commission, where a determination of the matter can be had.

In the case before this Commission two sections of Chapter 195 of the Laws of 1911 were cited by the objectors as giving this Board authority to deny the application of the Lehigh Valley Railroad Company, and to order a continued use by the said carrier of

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the Pennsylvania passenger stations at Jersey City and at Newark.

One of these sections is cited, *supra*. It concerns the requirement that the approval of this Board must be had before a railroad company may abandon any railroad station or stop the sale of tickets thereat (*P. L. 1911, Ch. 195, III, 20*). As this Board said in its memorandum of November 29th, 1911:

"The abandonment of a station, such as is contemplated by section 20, would seem to involve a wholly voluntary act, not an act taken even in part at the instance of a party empowered to require under provisions of an agreement compliance with the suggested vacation thereof by the user. There is an essential difference between abandonment and eviction, etc."

In this case the Lehigh Valley Railroad Company by an agreement with the Pennsylvania Railroad Company used the latter's stations at Market street, Newark, and at Jersey City. The annual payment for such use was named in the agreement. The ninth section of the agreement is as follows.

"This agreement to take effect January 1st, 1894, and continue in effect until January 1st, 1895, and thereafter until six months' written noitce shall have been given by either party to discontinue the arrangement."

On January 16th, 1912, the Pennsylvania Railroad Company notified the Lehigh Valley Railroad Company that the arrangement would terminate August 1st, 1912. An extension of time until May 1st, 1913, was subsequently assented to by the Pennsylvania Railroad Company. The Lehigh Valley Railroad Company proceeded to make arrangements for the use of a passenger terminal in Jersey City with the Central Railroad Company of New Jersey. This new arrangement went into effect on May 1st, 1913; and on the same date the Lehigh Valley Railroad Company opened at Frelinghuysen avenue, Newark, its passenger station, and discontinued the use of the Market Street station at Newark of the Pennsylvania. The utilization of its own passenger station at Newark by the Lehigh Valley Railroad Company, and its entry upon and use of the Central's terminal at Communipaw, by reason of a forced cessation of use of the Pennsylvania stations at Newark and Jersey City, are not such an abandonment as the statute contemplates.

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Another section of Chapter 195, Laws of 1911, which has been cited by the objecting parties as empowering this Board to require a continuance of the use of the former stations by the Lehigh Valley Railroad Company is found in I, 15:

"The Board shall have general supervision and regulation of, jurisdiction and control over, all public utilities, and also over their property, property rights, equipment, facilities and franchises, so far as may be necessary for the purpose of carrying out the provisions of this act."

This provision, it is contended, when taken in connection with the Board's power to require every public utility "to furnish safe, adequate and proper service and to keep its property and equipment in such condition as to enable it to do so" (II, 17 (b)), would empower the Board to deny the Lehigh's application and compel the continued use of the Pennsylvania's stations.

In the memorandum filed November 29th, 1911, in the matter of the Susquehanna's proposed discontinuance of use of the Pennsylvania station in Jersey City, the question is discussed how the Board might effectuate its disapproval of the proposed discontinuance of use of the station in question, if it determined it must disapprove such discontinuance of use. It is there said that:

"It does not appear to the Board that it could legally issue an order to the Pennsylvania Railroad Company to waive its rights under the agreement and to permit the New York, Susquehanna and Western Railroad Company, at the direction of the Board, to continue to use and occupy the tracks and station."

The same statement might be correctly made with reference to the present case, inasmuch as the Lehigh's tenancy of the station was on practically the same terms as the Susquehanna's.

The General Railroad Act (Revision of 1903, as amended) in II, 13, provides that

"no company organized under this act shall be authorized to take, use or occupy, by condemnation, any franchise, lands or located route of any railroad or other corporation chartered for the purpose of facilitating transportation, except for the purpose of crossing such land or route, and except the land of such corporation not necessary for the purpose of its franchise; and no railroad under this act shall cross another railroad at grade at a less angle than twenty degrees; *provided,* that a railroad may be located under this act upon the surveyed route or location of any other railroad company with the consent of such company."

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The inference from the section quoted is that it is the policy of the State to allow the use of the roadbed and tracks of one company by another only upon contractual terms, mutually assented to by the two companies in question.

Moreover, the right conveyed by Section 1, 3, I, to a railroad company "To locate and determine its route, etc.," and by Section 1, 3, II, "to acquire from time to time, and hold and use, all such real estate and other property as may in the judgment of its directors be necessary for terminal purposes, etc.," would seem to substantiate the view that inasmuch as opportunity is afforded for each railroad company to acquire the necessary right of way and terminal properties for its own proper use and behoof, it cannot require another railroad company to afford to it the use of that other railroad company's tracks or terminals.

If a railroad company is permitted to locate its own route, and to fix upon it its own terminal facilities; and if in connection with said route and said terminals it affords safe, adequate and proper service, and in all other respects complies with the legal obligations incumbent upon it, there seems no weighty warrant for the averment that at the instance of objectors who will be less conveniently served than they would be under a continued use of the tracks and terminals of another company, the lessee and lessor companies can be compelled under the law to continue traffic arrangements such as prevailed under a contract that has legally been terminated.

The Board of Public Utility Commissioners in the memorandum of November 29th, 1911, went on record as follows:

"The possibility of creating in future another situation such as the present one, whereby a terminal long in use can be changed under terms of a lease, agreement or contract between the carriers in interest, without the possibility of effective intervention or control by representatives of the State or of the road's patrons affected thereby, should be effectually and forever barred out."

The state of the law, however, remains as it was, when this memorandum was issued.

The Board of Public Utility Commissioners, therefore, determines that it is without jurisdiction to approve of the application of the Lehigh Valley Railroad Company to abandon the use of the Pennsylvania passenger station in Jersey City and at Market

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street, Newark, and to discontinue the sale of tickets and the maintenance of agencies at said stations.

The Board of Public Utility Commissioners also, for reasons recited above, will DISMISS the complaints filed by the objectors in this case, and DISMISS the application made that the Board disapprove the proposed change of stations and order the continuance of service thereat by the Lehigh Valley Railroad Company. An order will be so entered.

Entered June 9th, 1913.

ORDER.

This application having been duly heard, and the Board having heard the complaints of the objectors in this case, and having on the date hereof made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof, it is ORDERED that the application and the complaints filed in this case be and they are hereby dismissed.

Entered June 9th, 1913.

In the Matter of the Accident at Leonia, where the Tracks of the Northern Railroad Cross Central Avenue.

REPORT.

This matter was brought to the Board's attention through an accident, which occurred at Central Avenue, Leonia, on May 21st, 1913, when a team of horses and a wagon to which they were attached were struck by a train on the Northern Railroad (one of the divisions of the Erie Railroad). As the result of this accident the Chief Inspector for the Railroad Division of the Board recommended "that the crossing be protected by a flagman while express trains are passing over it."

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Upon this recommendation a hearing was held by the Board, at which the Erie Railroad Company was represented by T. H. Burgess, Assistant Commerce Counsel of the company.

From the testimony given at the hearing it appears that the accident above referred to was due largely to the negligence of the driver, who failed to look in both directions as he approached the crossing. His attention was riveted upon a freight train standing near the crossing and although motioned to keep back, he cotinued to look in the direction of the freight train and proceeded to cross, and was struck by a train coming in the opposite direction.

This crossing is protected at the present time by a bell, and according to the testimony there is a good view in either direction for at least a mile, within twenty-five feet of the crossing. From a census taken by the railroad company, at the request of the Commission, it does not appear that the traffic over this crossing is excessive. The recommendation of the Inspector is that this crossing be protected by a flagman, while express trains are passing over it, and he suggests that the helper to the station agent, who is located near the crossing, perform this work.

The Board is of the opinion that to order protection of this crossing, while certain trains are passing over it, by an employee who has other duties at the station would be a source of danger rather than protection, as persons accustomed to using the crossing would be led to believe that a flagman was stationed continuously upon said crossing, and would in a measure depend upon him to warn them of danger. The recommendation is, therefore, not adopted.

Dated June 17th, 1913.

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In the Matter of the Complaint Made by Residents of Hamilton Avenue vs. Trenton and Mercer County Traction Corporation in Regard to the Double Tracking of Hamilton Avenue.

Judged from the standpoint of present need for service and present provision of service along East Hamilton Avenue, petition for requirement of additional service declined.

HELD—That double tracking at present is unnecessary to afford the service now required.

Recommended—That the Board of City Commissioners, the petitioner and the respondent confer with a view to having double track laid on East Hamilton Avenue within two years, upon condition that only temporary paving repairs be undertaken by the city until the work of double tracking is begun two years hence.

For the complainants, *George W. Meredith, Carl F. Adams* and *A. R. Chambers.*

For the respondent company, *Edward M. Hunt* and *Rankin Johnson.*

REPORT.

On April 14th, 1913, a petition signed by nine residents of Hamilton Avenue was filed with this Board, urging that the respondent be required forthwith to double track Hamilton Avenue between Chambers Street and Olden Avenue.

In support of this request, the petition alleged (1) that frequent complaints had been made of the inadequacy of the service upon the designated portion of Hamilton Avenue; (2) that an insufficient number of cars is operated thereon to accommodate the traveling public; (3) that the single track on East Hamilton Avenue prevents the company from increasing materially the number of cars now operated thereover; (4) that

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the prospective growth of the community adjacent to East Hamilton Avenue coupled with the present conditions of traffic, as above described, makes certain the necessity of double-tracking this stretch in the immediate future; and (5) finally that the intention of the City of Trenton in the near future to repave East Hamilton Avenue, makes the immediate laying of double track by the company desirable from the standpoint of the company, the abutting property owners, and the users of the street generally.

The petition also alleged that the street or roadway, on this particular stretch of Hamilton Avenue is in a deplorable and, at times, in an almost impassable condition.

The respondent company made answer to the complaint, and a hearing was held in the case on May 13th, 1913, at the State House, in the City of Trenton. Testimony was introduced by the petitioners. Question was raised whether in the absence of any franchise permitting the company to lay double tracks on East Hamilton Avenue, the Board could order the respondent company to install such double track, even if the evidence disclosed that such a change was desirable or necessary. It appearing to the Board that, in case inadequate service were established by the evidence, there might be found a remedy not involving the laying of a double track, it was resolved to continue the hearings. It was also announced that the Board would order its Chief Inspector to investigate and report upon the actual conditions involved in the complaint. Accordingly a second hearing was set for June 3rd, 1913, which hearing was held. At this second hearing evidence was introduced by both parties to the case, and the Board's Inspector put in evidence his report to the Board upon the situation.

The present condition of the road or highway, on east Hamilton Avenue, does not appear material in deciding this case. Bad as the roadway is claimed to be between the company's tracks, that part of the street for which the respondent company is in no wise responsible is said by the complainants to be "equally bad, if not worse." Assuming that the City intends speedily to repave East Hamilton Avenue, this matter will be promptly remedied.

The question resolves itself into the query whether the serv-

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ice now afforded on East Hamilton Avenue by the respondent company is safe, adequate and proper. In deciding this question it is right to take into consideration not only the current requirements of service, but also the prospective increase in the need for such service. This latter consideration the Board may entertain under its power to order extensions of the existing facilities of a company

"where, in the judgment of said board, such extension is reasonable and practicable and will furnish sufficient business to justify the contruction and maintenance of the same, and when the financial condition of the said public utility reasonably warrants the original expenditure required in making and operating such extensions." Laws of 1911. Chapter 195, II, 17 (e).

From the evidence it appears that the scheduled headway on East Hamilton Avenue is eight minutes, except in commission hours when it is six minutes, which headways appear to be the same over this entire line, even in the central and more populous parts of the city; that the actual headway, as found by the Board's inspector, is not so frequently or so materially different from the scheduled headway as to be a cause for complaint under the present conditions. (Transcript of Testimony of June 3rd, 1913, p. 5); that the interruption of street railway traffic by the canal and railroad crossing on State Street would preclude any guarantee of an uninterrupted uniform headway, even if East Hamilton Avenue were double tracked; that the passenger load upon cars running over the single track stretch of the line is ordinarily less than the car's seating capacity.

Judged therefore from the standpoint of present need for service and present provision of service along East Hamilton Avenue the petition would have to be declined.

There remains the question whether the prospective need of additional service along this section of the company's line would warrant the imposing upon the company an order to double track east Hamilton Avenue forthwith.

The section of the report of the Board's Inspector which refers to the question just raised is as follows:

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"If this census (of traffic on East Hamilton Avenue) taken as it was at random so far as conditions were concerned, is a criterion of the usual service, there could not be much cause for complaint under the present conditions, but the history of this section shows that it has been practically built in the last ten years, and at the rate that new houses are being erected another ten years will see this section as populous as any part of Trenton, and in this event this section would be considerably hampered by having its sole line of transportation single track."

"The paving which will be put down by the city will probably not be renewed under fifteen years, and for this reason it would seem advisable for the Traction Company to anticipate the future needs of this section, and double track this portion of Hamilton Avenue. From a purely economic standpoint, it would be an advantageous policy as a double track line would of course build up the section faster, and the more houses that are erected the more business would accrue to the company.'

The Inspector, Mr. Ingham, on the stand was asked:

"As I understand your conclusion, it is that service as rendered at present is satisfactory, but that in view of the conditions, the location of this section of Trenton, it will probably grow during the next ten years to a point where a single track would not be sufficient to render satisfactory service."

His answer was:

"That is the general conclusion."

It would not appear from this that the double tracking of East Hamilton Avenue at present is necessary to afford the service now required; nor that such double tracking if deferred for the immediate present would prevent the double tracking before such construction is rendered indispensable by the requirement of service commensurate with the demand therefor.

The company contends that the present cost of this reconstruction would be about $34,000; that last year it expended about $1,300 in welding and otherwise repairing joints on this stretch of track at the instance of the County Board of Chosen Freeholders and the Commissioners of the City of Trenton, and is therefore warranted in the reasonable expectation that the company would obtain some considerable use of track thus welded. The company, moreover, holds itself out to undertake to secure a franchise to double track this section of line within ten years. The company recites that since its incorporation it has spent nearly $600,000 in improvements and additions to its property in Mercer County, and contemplates similar expenditure this current year for over $100,000

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for objects, in its judgment, more imperative than double-tracking East Hamilton Avenue.

In view of these facts the petition must be DISMISSED.

We nevertheless RECOMMEND in view of the proffer contained in the statement submitted by the respondent to this Board under date of June 9th, 1913, that the Board of City Commissioners, the petitioners and the respondent confer with a view to reaching an arrangement which seems to us to involve double tracking of East Hamilton Avenue within two years, upon condition that only temporary paving repairs be undertaken by the city until the work of double tracking is begun two years hence.

The proffer from the company is as follows:

"We are willing to begin negotiations with the city for a franchise permitting the construction of double track along the line in question, with possible additional trackage that should be related to that which is now under discussion, such negotiation to be begun in time, allowing usual delays in such matters, for construction in two years. * * * We make this suggestion that we shall thus apply for such new franchise on the supposition that the present paving program should be carried over from this year."

Dated June 17th, 1913.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof;

It is ORDERED that the complaint in this proceeding be, and it is hereby DISMISSED.

Dated June 17th, 1913.

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In the Matter of the Complaint of G. A. Curtis Against Tintern Manor Water Company.

ORDER.

The Board of Public Utility Commissioners after hearing upon notice in the above entitled proceeding hereby, on this twenty-third day of June, 1913, finds and determines that rule eight (8) of the rules and regulations of the Tintern Manor Water Company, which is as follows: "When water is introduced into a property, a charge will be made for all purposes for which it may be used, no allowance being made for wells or other sources of supply," is an unjust and unreasonable regulation, and fixes as a just and reasonable regulation to be hereafter imposed, observed and followed by said company in substitution for the regulation so found and determined to be unjust and unreasonable the following:

"In the case of persons having a private supply of water upon their properties, and where no water whatsoever is used for stock or automobiles from the mains of the Tinton Manor Water Company, no charge will be made for stock or automobiles."

This order shall become effective July 14th, 1913.
Dated, June 23rd, 1913.

In the Matter of the Petition of the Millville Gas Light Company for the Approval of an Ordinance Passed by Buena Vista Township.

Approval of ordinance withheld. In case ordinance should be amended by the Township Committee of Buena Vista so as to provide that nothing contained in the ordinance shall be construed as in any way to limit or affect the powers and duties now or here-

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after vested by law in the Public Utility Commission, or anybody succeeding to its powers and duties, the ordinance would be approved.

J. H. Gaskill and *H. C. Bartlett,* for the petitioners.

T. J. Grayson and *Norman Grey,* for the New Jersey Gas Company.

REPORT.

By petition dated March 18th, 1913, the Millville Gas Light Company asked this Board's approval of an ordinance passed by the township committee of Buena Vista township on November 16th, 1912, granting permission to the aforesaid company to lay and maintain pipe lines and mains on certain designated streets, roads, highways and other public places within said township for the purpose of supplying gas in said township as well as for the general distribution of gas through the said pipe lines and mains.

The New Jersey Gas Company objected before this Board to the approval by this Board of the ordinance in question. Accordingly on March 25th, 1913, at the State House, in Trenton, a public hearing was held at which the petitioner and the objector were heard, and at which testimony was submitted.

The objections urged were directed against the possibility of the petitioner's supplying said township with gas at a profit at the rate specified in the ordinance, one dollar per thousand cubic feet. The objector also contended that the real object of the petition was to debar and prevent the objector from obtaining an ordinanc from the same township at a really profitable rate for gas, and also to prevent the objector from securing the Board's approval of an ordinance obtained by the objector to supply gas in Weymouth township.

Mr. Franklin, superintendent of the Millville Gas Light Company, testified that he believed his company could profitably supply Buena Vista township with gas at a price of one dollar per thousand cubic feet. Mr. Franklin's estimate of the cost of the extension will be found in the Transcript of Testimony, p. 20 sq. It will be found that the estimate of the Millville Gas Light Company for the cost of this extension is less than that presented by Mr. Hoy, superintendent of the New Jersey Gas Company. The two estimates are: Mr. Franklin's, from $16,000 to $20,000; Mr. Hoys, $23,000. Mr.

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Franklin counts on about 220 customers (p. 20); Mr. Hoy on from 200 to 240 customers in Buena Vista township (p. 24). Mr. Franklin testifies that in Landis township gas is sold by his company at a dollar per thousand with a reasonable profit.

In this situation there is, we think, some considerable presumption in favor of the petitioner's contention that gas in Buena Vista township can be supplied by the petitioner at a dollar a thousand at a reasonable profit.

The ordinance submitted by the petitioner seems to have been properly passed in accordance with the provisions of the "Franchise Act."

The Board would therefore approve said ordinance were it not for several features of the ordinance which seem to delimit the authority and responsibility vested in this Board by Chapter 195, Laws of 1911.

Section 2 of the ordinance, referring to the maximum rate to be charged for gas, properly provides that said section

"shall in no way interfere with the powers of the Board of Public Utility Commissioners of the State of New Jersey to regulate charges and rates for gas."

Section 11½ provides:

"And at no time shall the price of gas sold in said township of Buena Vista be in excess of the price charged consumers in Millville and Vineland; *provided, however*, that this clause shall not apply in case of a competitive gas war between rival companies."

The implication of this section might seem to delimit under certain circumstances the powers over rates vested in this Board.

Similarly, sections 13, 14 and 15, prescribing for the installation of services, the exclusion of minimum charges for meters in unoccupied houses, and the type of apparatus used in connection with service pipe and its location, seem to imply a possible exclusion of the Board's exercise of powers vested by law in the Board over said matters.

In a general way, the sections above cited (13, 14 and 15) seem proper, but should circumstances arise requiring their modification, the ordinance would seem to narrow the power of the Board to require public utilities

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"to furnish safe, adequate and proper service, and to keep and maintain its property and equipment in such condition as to enable it to do so."

The above-cited sections might also infringe the Board's powers,

"after hearing, by order in writing, to fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed thereafter by any public utility as herein defined."

In case the ordinance should be amended by the township committee of Buena Vista so as to provide that nothing contained in the ordinance shall be construed as in any way to limit or affect the powers and duties now or hereafter vested by law in the Public Utility Commission or anybody succeeding to its powers and duties, the ordinance would be approved.

Until such amendment, the Board will defer for the present acting upon the petition for approval; but in case the Board is not apprised of such amendment within a reasonable length of time, the Board will take final action in disapproval.

Entered June 23d, 1913.

In the Matter of the Petition of the New Jersey Gas Company for Approval of an Ordinance Passed by the Township Committee of Weymouth Township, Atlantic County.

Approval of petition withheld, without prejudice to petitioners right to again ask approval in case the Buena Vista ordinance, offered by the Millville Gas Company, within a reasonable time is not so cured by amendment as to carry this Board's approval thereof; or in case the New Jersey Gas Company, by securing an ordinance granting the requisite permits from Buena Vista Township, or by devising some other feasible plan for connecting Wey-

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mouth township with its generating plant, desires the Board's approval of the present ordinance passed by the township committee of Weymouth township.

Theodore J. Grayson, for the New Jersey Gas Company.

REPORT.

By petition, filed with this Board under date of January 28th, 1913, approval was asked of an ordinance passed September 21st, 1912, by the township committee of the township of Weymouth. The ordinance in question granted the New Jersey Gas Company permission to pipe the streets, roads, highways and other public places in said township, for the purpose of suppyling gas. In form and content the ordinance seems unexceptionable, and the procedure seems to have followed the requirements of the "Limited Franchise Act." Approval, after hearing, would have followed as a matter of course had it not transpired that its approval involved negative action upon a similar pending petition filed by the Millville Gas Light Company to pipe the adjoining township of Buena Vista. In consequence of this situation a hearing was called and held on March 25th, 1913, at the State House, in Trenton, upon the petition asking approval of the Millville Gas Light Company's ordinance for Buena Vista township. At this hearing the petitioner for the approval of the Weymouth ordinance, the New Jersey Gas Company, appeared by counsel, T. J. Grayson, and objected to the Board's granting approval to the Buena Vista ordinance submitted for approval by the Millville Gas Light Company.

The Board's action in the matter of the Buena Vista township ordinance is set forth in the report filed on June 23d, 1913, to which reference is hereby made. It will be found by reference to said report that approval in the case of the Buena Vista ordinance is withheld until certain defects in the ordinance are cured by amendatory resolution. Such amendment must, however, be made and certified to the Board within a reasonable time; otherwise a final dismissal of the Millville Gas Light Company's petition for the approval of the Buena Vista ordinance will be entered by the Board.

At the hearing upon the Buena Vista ordinance it was admitted by the representative of the New Jersey Gas Company that the

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company would never have applied for the Weymouth ordinance if it had not expected to obtain a franchise by ordinance from Buena Vista township. (Transcript of Testimony, p. 4.) Buena Vista township lies between Weymouth township and the territory reached and served by the New Jersey Gas Company. As the New Jersey Gas Company did not succeed in obtaining an ordinance from Buena Vista township, the company's extension into Weymouth township would seem to be precluded unless the company carried supply pipes through territory already supplied by another company, or unless a very circuitous and expensive route were adopted, or unless gas were brought into Weymouth township from some other generating plant than the central generating plant of the New Jersey Gas Company at Glassboro. Traversing a territory already supplied by another company is out of the question. Such construction, affording no local patronage, would be unduly expensive. It is not certain that the legal permits for such a circuitous pipe line are obtainable, or would be approved by this Board if they could be secured. There is nothing in the record to show that the New Jersey Gas Company proposes or desires to establish a new generating plant for the purpose of supplying Weymouth township, or intend ordinarily to distribute gas from any other center than Glassboro.

Under these conditions approval of the pending petition is withheld, without prejudice, however, to the petitioner's right again to ask the approval of said ordinance passed by the township committee of Weymouth township, in case the Buena Vista ordinance offered by the New Jersey Gas Company, within a reasonable time, is not so cured by amendment as to carry this Board's approval thereof, or in case the New Jersey Gas Company, by securing an ordinance granting the requisite permits from Buena Vista township, or by devising some other feasible plan for connecting Weymouth township with its generating plant, desires the Board's approval of the present ordinance passed by the township committee of Weymouth township.

Entered June 23d, 1913.

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In the Matter of the Application of the Phillipsburg Horse Car Railroad Company to Order Said Company to Construct a Second Crossing Over Tracks of the Pennsylvania Railroad Company at Union Square, in Phillipsburg.

The provision of the statute giving the Board power to require a public utility to furnish safe, adequate and proper service might be taken to imply that where the rendition of such service necessarily involved some co-operation on the part of another public utility, whose property or equipment or operation might undergo some change by reason of the requirement laid on one public utility, the Board is not wholly devoid of authority to require such co-operation on the part of the other public utility providing always that the legal rights of such other public utility are not thereby infringed or violated. The Board's power in such circumstances could hardly be exercised if safe, proper and adequate service could be feasibly furnished by the one public utility without co-operation on the part of the other public utility affected.

Petition DISMISSED with recommendation that the Pennsylvania Railroad Company assent to the laying of a parallel crossing track over its rails at Union Square, Phillipsburg, by the Phillipsburg Horse Car Railroad Company, under conditions as specified.

W. H. Walters, for the petitioner.

Alex. P. Gest, for the Pennsylvania Railroad Company.

REPORT.

On April 2d, 1912, this Board issued a certificate permitting the Phillipsburg Horse Car Railroad Company to construct a second crossing at grade over the tracks of the Pennsylvania Railroad Company at Union Square, in Phillipsburg, on condition that derails be placed in all tracks connected with signals on the Pennsylvania Railroad, operated by a man in the tower, under the supervision of the Pennsylvania Railroad Company.

The track whose construction was thus permitted was designed

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to parallel the track already existing at Union Square and crossing the tracks of the Pennsylvania Railroad Company. The Board was satisfied that the parallel track would measurably facilitate the handling of traffic by the street car company, and issued the permit accordingly.

The Board's permit was necessary under the Laws of 1911, Chapter 195, III, 21, which reads as follows:

"No highway shall be constructed across the tracks of any railroad company at grade, nor shall the tracks of any railroad company, street railway or traction company, be laid across any highway so as to make a new crossing at grade, nor shall the tracks of any railroad or street railway or traction company be laid across the tracks of any other railroad company or street railway or traction company without first obtaining therefor permission from the Board; *provided, however*, that this section shall not apply to the replacement of lawfully existing tracks."

The apparent purpose of this clause of the statute was to guard against the unnecessary multiplication of railroad crossings at grade, to guard against the aggravation of a menace whose elimination has taxed the ingenuity of Legislatures in various States. There is nothing to warrant the contention that the Board's permit alone is all-sufficient to create a new crossing at grade. Where a municipal consent is requisite for a location of a crossing at grade, such a consent is required, no less than the Board's permission, to warrant such a crossing. In other words, the Board's authority in the premises is of the nature of a veto, to be exercised, when justified, in the interest of the public generally.

By petition, filed with this Board on December 17th, 1912, the Phillipsburg Horse Car Railroad Company asked that a new certificate issue, changing the *permission* granted in the certificate of April 2d, 1912, to an *order* directing the petitioner to construct a second parallel crossing, as aforesaid, across the tracks of the Pennsylvania Railroad Company at grade, at Union Square, Phillipsburg.

On December 31st, 1912, at the State House, in Trenton, after hearing, the application was denied, and the Board announced that a formal finding and report would be entered later.

Cases have previously come before this Board wherein a public utility, having failed to obtain from a municipality the requisite permit for a location of track, has applied to this Board for an order directed against itself, the result of which order would issue in the

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location or relocation of track desired by the moving party. The Board in this connection refers to its report *In the Matter of Public Service Railway Company* v. *Township of Acquackanonk,* dated April 29th, 1913. In that case it was not necessary to decide whether the Board had power to issue such an order in the case of a municipality refusing a permit where the result of such refusal was to create a situation inconsistent with safe, adequate and proper service. In that case the existing situation was decided not to be one where safe, proper and adequate service was impossible. In the case at bar the permit desired is refused, not by a municipality, but by another public utility, whose property is affected. In this case, also, the Board is not satisfied that the refusal creates a situation wherein safe, proper and adequate service cannot be rendered by the petitioner with the single crossing now in use.

It is true that the statute confers on this Board the power to require of a public utility that the public utility shall render safe, adequate and proper service, and shall keep the utility's property and equipment in such condition as shall enable the public utility so to do.

The evident intention of this provision of the statute might perhaps be taken to imply that where the rendition of such service necessarily involved some co-operation on the part of another public utility whose property or equipment or operation might undergo some change by reason of the requirement laid on one public utility, the Board is not wholly devoid of authority to require such co-operation on the part of the other public utility, providing always that the legal rights of such other public utility are not thereby infringed or violated. But it is equally evident that the Board's power in such circumstances could hardly be exercised if safe, proper and adequate service could be feasibly furnished by the one public utility without co-operation on the part of the other public utility affected.

There is a valid line of demarcation between service that is safe, adequate and proper, and service which, in addition to being safe, adequate and proper, affords a maximum of convenience. Where the service contemplated is essentially one that merely augments the convenience of the carrier or the patron, in circumstances where the existing service may fairly be said to be "safe, adequate and proper," it does not appear that the Board may order the instal-

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lation of additional equipment which would necessarily involve a change in the equipment of another public utility. The Board's original permit in this case was based on its conviction that the parallel crossing would afford added convenience in the handling of street car traffic, not on the belief that without the parallel crossing track at Union Square the Phillipsburg Horse Car Railroad Company could not render service that was safe, adequate and proper.

In the pending proceedings it appears that the Phillipsburg Horse Car Railroad Company has not succeeded in obtaining the assent or permission of the Pennsylvania Railroad Company to lay over the tracks and right of way of the last-mentioned company the parallel track of the sreet railroad; nor has the petitioner secured an agreement that the employe of the Pennsylvania Railroad Company who is stationed in the tower of Union Square, Phillipsburg, shall operate the signals intended to be connected with the parallel street railroad track and to control the derails to be placed in such street railroad tracks.

Under these circumstances the Board will recommend that the Pennsylvania Railroad Company assent to the laying of the parallel crossing track over its rails at Union Square, Phillipsburg, upon the conditions specified in the Board's original permit, and upon the added condition that the Phillipsburg Horse Car Railroad Company agree to pay a reasonable amount for changes to be made in the interlocking switches at the crossing and a reasonable amount for their operation by the Pennsylvania operative in the tower at or near said crossing. The petitioner's application that the Board issue an order against the petitioner requiring the laying of the aforesaid parallel tracks will be dismissed, and an order so entered.

Entered June 24th, 1913.

ORDER.

This application having been duly heard, and the Board having on the date hereof made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

It is ORDERED that the petition in this proceeding be and it is hereby DISMISSED.

Entered June 24, 1913.

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East Rutherford vs. Erie Railroad Company.

ORDER.

The Borough of East Rutherford, a municipal corporation within the County of Bergen, filed its petition with the Board of Public Utility Commissioners, alleging, among other things, that the Erie Railroad Company operates, maintains and controls a certain steam railroad for public use running through the territories of the petitioner and of other municipalities in the Counties of Passaic, Bergen and Hudson; that said public railroad extending from the Passaic River southeastwardly divides the territory of the Borough of East Rutherford from that of the Borough of Rutherford and consists of four (4) main tracks, all of which are continuously used both night and day for the frequent passage of passenger and freight trains running at high speed; that the Rutherford station of the railroad is located on the Rutherford side of said four (4) tracks and that the public highway known as Park Avenue crosses said railroad at grade at or near said station from Rutherford to and into the Borough of East Rutherford and from East Rutherford to and into the Borough of Rutherford; that the inhabitants of the Borough and of other adjoining municipalities to the northeast, large numbers of whom are obliged daily to use the trains of the Erie Railroad Company and to take the same at the Rutherford station, have no means of so doing except by crossing over said four (4) tracks at grade, and that large numbers of them are so obliged daily to do at great inconvenience and peril of their safety and life; that it frequently happens that persons desiring to take a train at said Rutherford station are prevented from so doing and greatly delayed by being entirely cut off, by passing trains, from being able to cross said tracks in time to get the train they desire and that passengers leaving a train at said station and desiring to get to East Rutherford are frequently delayed by passing trains.

The petition alleged further that ingress to and egress from the station at Rutherford for a long time has been obstructed by the tracks, trains and engines of the Erie Railroad Company in such a way as to endanger the travelling public.

The petition asked that the Board

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"investigate the matter complained of and order the construction and erection of a subway and of such other protective devices as shall afford safe ingress and egress from such railroad station, and that you will do all and singular such other matters and things in the premises pursuant to the statute in such case made and provided as the nature of the case may require and as shall appear to you reasonable."

Notice of the complaint made by this petition was given to the Erie Railroad Company and notice of a hearing thereon subsequently set was likewise given to said company. Hearings were accordingly held at which testimony was taken, both the petitioner and the company being represented.

On consideration of the testimony so taken, the Board of Public Utility Commissioners now hereby finds and determines that Park Avenue referred to in said petition is a public highway; that said public highway and the railroad of the Erie Railroad Company cross one another at grade near the Rutherford Station on said railroad; that the conditions at such grade crossing make it necessary that the provisions hereafter ordered and directed should be adopted for the protection of the travelling public at such grade crossing, and that such provisions are reasonable.

And the said Board of Public Utility Commissioners hereby ORDERS and directs said Erie Railroad Company within sixty days from the date of entry hereof to erect and maintain a tower at some point in reasonable proximity to the point near the Rutherford station on said railroad of the said Erie Railroad Company, at which Park Avenue, the public highway aforesaid, and said railroad cross one another at grade, and to install and maintain in connection with said tower, signals on all of its tracks to govern the movements of all trains over said crossing at grade; and to operate said signals by a man stationed in said tower; and further to permit no train to be operated on its said railroad over said grade crossing while a train is standing at the said Rutherford Station on said railroad receiving or discharging passengers.

And the said Board HEREBY FURTHER ORDERS and directs that the said Erie Railroad Company continue to maintain the protection now afforded at said grade crossing. The requirement of this order and direction being for protection in addition and supplemental to that now afforded.

This order shall become effective July 28th, 1913.

Entered July 8th, 1913.

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At a meeting of the Board held September 19, 1913, application was made for re-opening which was granted and the following was ordered entered. That the order referred to be rescinded in so far as the effective date therof was set in said order, until a finding has been arrived at and the case re-submitted to conference, and on the understanding that until such finding is issued two men at the crossing will be maintained.

On September 23rd, 1913, the Board initiated proceedings for the elimination of this crossing.

In the Matter of the Petition of the New York and New Jersey Water Company for Approval of the Issue of Bonds and Collateral Trust Note.s

The disparity in the amount of securities to issue and property to be acquired precludes this Board from approving the proposed security issues to acquire either the pipe line or the stock of the Essex Pumping Company. And the purpose for which these securities are to issue, in so far as they contemplate the acquisition of stock of the Essex Pumping Company is specifically disapproved.

HELD—That such purpose and the issue of securities in pursuance thereof is not required in the interest of the petitioner nor of the public.

Fort & Fort, for the petitioner.

Turner A. Beall, in opposition.

REPORT.

The petitioner, by letter received on February 28th, 1913, made request for this Board's approval of certain securities to be issued. Said securities embraced one hundred and twenty-five thousand dollars (par value) four per cent. consolidated mortgage bonds, and two hundred and twenty-five thousand dollars (par value) five

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per cent. collateral trust notes, junior in lien to the bonds. The petition involved approval of an additional sixty-five thousand dollars (par value) of said consolidated mortgage bonds to be employed as part of the collateral securing the notes aforementioned.

The purposes of said proposed issue were: (1) To acquire ownership to a certain thirty-inch pipe line in the city of Bayonne; (2) the entire capital stock of an incompleted pumping plant in the town of Belleville, said stock having a face value of $300,000.

The proposed security issues were to be made to Suburban Water Company, the present owner of said pipe line and pumping plant. Said Suburban Water Company is also owner of fifty-seven per cent. of the stock of the petitioning company.

It would appear also that aforesaid security issues were intended to secure to the petitioner the right, title and interest in a certain ordinance granted by the common council of the city of Bayonne, June 24th, 1904, to a predecessor in title of the Suburban Water Company, so far as right, title and interest therein or thereto had been acquired by said Suburban Water Company as assignee.

The supplemental agreement filed by the petitioner with this Board February 23d, 1913, and purporting to recite the reciprocal conveyances resulting by reason of the proposed issue of secruities, states that the Suburban Water Company "gives, grants and assigns to the party of the first part" (the petitioner herein) "all its right, title and interest in and to the said thirty-inch steel water pipe line, etc."

As no separate reference in this granting clause is made to the franchise, doubt might arise whether said franchise would be actually conveyed to the petitioner.

Moreover, an examination of the original assignment of the franchise, dated November 30th, 1904, shows that the petitioner herein reserved "the right to use said mains for the transportation of water to fulfill in every respect its contract obligations with the city of Bayonne under said ordinance."

It seems, therefore, upon consideration, doubtful whether the franchise, even if actually conveyed along with the pipe line to the petitioner by Suburban Water Company, confers any right of value to the petitioner that may not, without such conveyance, be demanded and exacted by the petitioner from Suburban Water Company.

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Essentially, then, the security issues, for whose approval the petitioner asks, will secure for the petitioner the physical pipe line and the stock in the Belleville pumping plant.

What are the reasonable values of these two properties?

From a comparison of actual costs and careful estimates of reproduction costs of the pipe line, we have the following figures:

Beall's (from actual costs, less 20 per cent. for eight years' depreciation),	$92,185 00
Vermeule's (without depreciation),	124,390 00
Viele, Blackwell & Bucks' (without depreciation),	140,000 00

If depreciation at 20 per cent. be allowed on the figures of the last two, Vermeule's figure becomes, roughly, $100,000, and Viele, Blackwell & Bucks' becomes $112,000.

We find and determine that one hundred thousand dollars approximately represents the fair present value of the aforesaid pipe line. So far as concerns the contention that paving over said pipe line augments the cost of its reproduction, and justifies an allowance in excess of its cost, we content ourselves with reference to the position taken by this Board in an analogous case, "*In the matter of hearing as to whether the existing schedule of rates of the Public Service Gas Company for gas is just and reasonable,*" *p. 30.*

The three estimates of the value of the Belleville pumping plant are roughly as follows:

Vermeule's,	$121,561 66
Viele, Blackwell & Bucks' (after deducting for the river crossing, not included in other estimates),	125,500 00
Beall's (from cost figures, viz., $74,950, to which we add $8,000 for the mortgaged property and $23,000 for the pump, etc.),	105,950 00
The latter's figures, if increased by $5,500 for value of land purchased, and by $10,000, the settlement apparently accepted by certain contractors, said to be actually less than their bill rendered, would amount to	121,450 00

The value new in all cases, if figured on the same basis, lies between $121,000 and $125,500. If we deduct 2½ per cent. annual depreciation for two years, from the mean or $123,250, we obtain practically $117,000 as the present value of the pumping plant. We

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accordingly find and determine the fair present value of the pumping plant and associated apparatus to be $117,000.

By the proposed issue of securities the petitioner would secure physical property having a present value, based on construction costs or estimates thereof of, ...	$112,000 00
and all the stock in a company whose physical plan and associated property amounts to, ...	117,000 00
Total, ...	$229,000 00

If the proposed bond issues of $125,000 are estimated at 80, the lowest price at which they may sell under the statute, their value would be $100,000.

If the proposed note issue of $225,000 were similarly estimated, its value would be $180,000. Thus securities estimated at $280,000 would issue to secure property valued at $229,000, a disparity too great to warrant this Board's approval of the proposed issue of securities asked for.

It must be observed that the security issue prayed for includes also the attaching of $65,000 additional bonds, as collateral security to the $225,000 of notes.

We incline to the opinion that such issue of bonds as collateral must be regarded as the issue, sale and delivery of securities to which the statute refers. If this be so, the disparity in values previously noted of securities given and assets obtained is increased to over $100,000.

It was argued before this Board that the acquisition of the pipe line would result in a net profit to the acquiring company. The net profit to accrue would, it is contended, be derived from the cessation of the rent payment for the use of the pipe line. This is said to be about $7,300 per annum, and will increase. On the other hand, it must be remembered that while the company would cease to pay rent for the pipe line, the company would begin to pay interest on the bonds to be issued for the purchase of the pipe line. We find nothing in the petition to this Board, nor in the agreement entered into between the vendor and vendee, to designate what portion of the total security issue goes to pay for the pipe line to be acquired. Assuming that of the $16.250 fixed charges which the total security

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issue will carry annually, approximately half is interest upon the purchase price of the pipe line, no profit would immediately accrue to the purchasing company. Even the increased rental, which the company in future may have to pay for the use of the pipe line (as the rent depends on the quantity passed through the pipe line) will be offset in part by the necessity of amortizing the discount at which the bonds in payment therefor issue.

We find no particular force in the contention that allowance should be made for the attached business which a going concern, such as the New York and New Jersey Water Company possesses. If we were making a valuation for rate-fixing purposes that contention might be germane. Here the question is simply one of the acquisition of property and of paying therefor in securities of equivalent value. The contract to supply the city of Bayonne with water does not in any way hinge upon the acquisition of the fee of this pipe line by the petitioner. The whole matter resolves itself into paying a proper price in securities to issue for a given piece of property, and the price suggested for such acquisition is too high. It would put an unnecessarily heavy burden on the company. If, in another petition, the New York and New Jersey Water Company should ask approval of securities wherewith to acquire the title to said pipe line, this Board, as at present advised, would grant such approval, provided always due and proper relation between the securities to issue and the value of the property is maintained.

The advisability of purchasing the pumping plant in Belleville by the issue of securities of this petitioner is dubious. This plant is not finished. Some of the property, such as the Worthington pumping apparatus therein, does not belong to the Essex Pumping Company. It is apparently heavily over-capitalized. At least we can not otherwise explain why a plant whose actual cost several years ago is stated to have been not far from $100,000 should now stand capitalized at three times that sum. There is at present available no large customer for the Essex Pumping Company, and its prospects are at least uncertain. Why the New York and New Jersey Water Company with a seemingly assured net income should issue securities, and assume the annual fixed charges thereon, not to obtain ownership of a physical source of water supply, but ownership of the $300,000 capital stock of the Essex Pumping Company, does not seem obvious to this Board.

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The position of majority and minority stockholders in the New York and New Jersey Water Company must not be overlooked. The Suburban Water Company owns all the stock of the Essex Pumping Company. The Suburban Water Company owns but fifty-seven per cent. of the stock of the New York and New Jersey Water Company. If the New York and New Jersey Water Company should pay a price which experience should prove was unwarrantedly high for the stock of the pumping plant, the entire loss would practically fall on the minority stockholders of the New York and New Jersey Water Company. What the majority stockholders of the New York and New Jersey might lose in their capacity as majority stockholders, they would recoup in their capacity as shareholders of the Suburban Water Company. The latter company as vendor of the shares in the Essex Pumping Company would profit by any price received therefor which experience might prove was in excess of the real value of the Essex Pumping Company's stock.

The disparity in the amount of securities to issue and property to be acquired precludes this Board from approving the proposed security issues to acquire either the pipe line or the stock of the Essex Pumping Company.

And the purpose for which these securities are to issue, insofar as they contemplate the acquisition of the stock of the Essex Pumping Company, is specifically disapproved. Said purpose and the issue of securities in pursuance thereof we find and determine not to be required in the interest of the petitioner nor of the public.

The Board also puts on record its opinion that the arrangement between the various parties in interest in this proceeding, insofar as it related to the agreement equally to divide the net profits of the New Jersey Suburban Water Company, might appropriately have been included in the information submitted to the Board by the petitioners. If such equal division was a moving consideration in arranging the plan embodied in the petition, it should have been included, in order to assist the Board in coming to a decision.

The Board of Public Utility Commissioners hereby withholds its approval from the issue of securities asked for in the present petition, and accordingly dismisses the petition. An order will so enter.

Entered July 8th, 1913.

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In the Matter of the Petition of the Trenton Terminal Railroad Company for Approval of Proposed Increases in Rates for the Shipment of Milk.

L. D. H. Gilmour, for the company.

E. R. Collins, of the State Board of Agriculture, and *D. H. Hankonson,* for the objectors.

REPORT.

By petition filed with this Board on May 28th, 1913, the Trenton Terminal Railroad Company asked approval of a new schedule of rates for the transportation of milk from various points on its railroad to Trenton, New Jersey.

The milk tariff in force at the time of the petition was as follows:

For a 20-quart can,	5	cents
" " 30 " "	7½	"
" " 40 " "	10	"

These rates included the return of the empty cans.

The proposed tariff is as follows:

For a 20-quart can,	7½	cents
" " 30 " "	11½	"
" " 40 " "	15	"
Minimum charge—one can of any size,	15	"

These rates also include the return of the empty cans. The rates in both tariffs are irrespective of distance, the maximum haul being about twenty miles.

The petition was originally heard at the State House, in Trenton, on June 3d, 1913. Adjourned hearings were held at the State House, in Trenton, on June 17th, 1913, and on June 24th, 1913. On June 6th, 1913, a complete list of milk shippers on this road was obtained from the superintendent of the company, and on June 9th, 1913, the Secretary of this Board notified such shippers of the hearing on June 17th, 1913. A number of them appeared and testified at that hearing. On June 24th, 1913, Alfred S. Cook, of the New Jersey Agriculture Experiment Station appeared, and testified as to the cost of producing milk. On the same date the Board's

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Inspector, Mr. James Maybury, Jr., testified as to milk tariffs in force upon other roads.

From the testimony the Board finds and determines that the proposed milk tariff is, generally, not in excess of other milk tariffs existing under comparable conditions and circumstances. Most pertinent, by way of comparison, is the milk tariff of the New Jersey and Pennsylvania Traction Company. The branches of this line do not exceed sixteen miles. Milk is shipped over said line into Trenton as follows:

For a	20-quart	can,	.....	12	cents
" "	30 "	"	.....	15	"
" "	40 "	"	.....	20	"

Minima for single cans of 20, 30 and 40 quarts are 12, 15 and 20 cents, respectively.

Even with the provision of a station in Trenton for the receipt of milk by the New Jersey and Pennsylvania Traction Company, and the absence of such special provision by the Trenton Terminal Railroad Company, there seems no very essential disparity in the actual rates in force on the first-mentioned road and the proposed tariff of the Trenton Terminal Railroad Company. The longest shipment on the latter road is from Dayton, about 19½ miles, which is in excess of the maximum length of the branches of the New Jersey and Pennsylvania Traction Company.

The tariff of the Utica and Mohawk Valley Railroad of New York, for a haul of about fourteen miles, was cited by the objectors. But it would appear that on 20-quart cans, the size generally used on the petitioner's road, the proposed rate is 2½ cents less than the rate for milk on the New York road in question.

When comparison is made with milk tariffs on roads operated by steam, allowance must be made for iced shipments. But the evidence shows that on the Pennsylvania Railroad the charge of 8.7 cents within the 30-mile zone is made on a 20-quart can not iced, as against a charge of 7.5 cents proposed on such a can by the petitioner herein. The milk rates upon the Delaware, Lackawanna and Western, the Central Railroad of New Jersey and the Erie, which were cited in evidence, are largely those for iced shipments, and are not strictly comparable with the rates in question.

The proposed advances seem to be fairly in line with comparable charges on similar lines for comparable service. The Trenton Terminal Railroad Company has not been affording revenue adequate to cover its current expenses, the deficit in 1912 being over

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$4,000, and in 1911 over $2,000. As indicated by this Board's approval of certain advances in passenger fares upon the petitioner's road, we feel that the company is fairly entitled to additional revenue, and there seems fair warrant for allowing it to obtain for milk traffic the same relative revenue which carriers similarly circumstanced are obtaining.

This Board, however, is unable to assent to the proposed minimum charge of 15 cents upon a single can of any size. That such a minimum is employed on other lines may be granted, but the effect would seem to be to subject the smallest shipper to an undue burden. If a car will stop at any station to take on or put off a single passenger without extra charge, it would seem to be able to do the same for a single can of milk. We, therefore, withhold approval of the schedule as submitted, but should a new schedule be submitted, identical with the one at present submitted, omitting only the minimum charge of 15 cents for a single can of any size, such amended schedule will be approved.

Entered July 15th, 1913.

In the Matter of the Application of th West Jersey and Seashore Railroad Company for Approval of a Lease of Its Railroad, Property and Secondary Franchises to the Pennsylvania Railroad Company for Nine Hundred and Ninety-nine Years.

A lease for a term of years so extended as nine hundred and ninety-nine years requires the most careful scrutiny. Such a lease is tantamount to a conveyance in fee.

A lessee commonly expects and is ordinarily entitled to expect that earnings in excess of a guaranteed rental shall be forthcoming from the proper management of a leased property. The Board invited the prospective lessee to give some written assurance that the plea of the guaranteed rental would not be urged in bar of a

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determination of just and reasonable rates should such a question arise for adjudication. This the prospective lessee declined to do.

HELD—That the approval of the pending lease is not necessary and proper.

REPORT.

By petition filed with this Board May 3d, 1913, the West Jersey and Seashore Railroad Company, a corporation of this State, asked approval of a lease of its railroad, property and secondary franchises for a period of nine hundred and ninety-nine years to the Pennsylvania Railroad Company, a corporation of the State of Pennsylvania. Said lease is intended to become operative July 1st, 1913.

The West Jersey and Seashore was formed by an agreement of consolidation and merger made February 28th, 1896. The companies merged and consolidated comprise (1) the West Jersey Railroad Company, (2) the Alloway and Quinton Railroad Company, (3) the West Jersey and Atlantic Railroad Company, (4) the Camden and Atlantic Railroad Company, (5) the Chelsea Branch Railroad Company, and (6) the Philadelphia, Marlton and Medford Railroad Company.

The consolidated company owns and operates over three hundred and fifty-five (355) miles of railroad, all in this State, the two longest branches being from Camden to Atlantic City (58.78 miles) and from Camden to Cape May (81.62 miles). It operates its road under its corporate organization "in harmony and in connection with the railroad system" of the Pennsylvania. It connects with the latter by means of roads leased to the Pennsylvania and uses the latter's terminal at Camden. It also has a joint train service with the latter, using the Pennsylvania's terminal facilities in Philadelphia.

Fifty-one and one-half per cent. of the stock of the West Jersey and Seashore Railroad Company is owned by the Pennsylvania Railroad Company.

In support of its petition the West Jersey and Seashore avers that such a lease would tend to insure the maintenance of the petitioner's facilities at its present high standard of efficiency and also to promote the enlargement, improvement and development of the same when and as necessary to accommodate the public needs.

The proposed lease was approved by more than two-thirds of the holders of the applicant's capital stock.

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The lease demises all and singular the railroads and property of the lessor, situate in the State of New Jersey,

"together with all sidings, extensions and branches thereof and therefrom now existing or that may hereafter at any time during the continuance of this lease be constructed or otherwise acquired as part of, or for use in connection with, the railroads hereinbefore mentioned, and all stations, depots, yards, buildings, wharves, structures, power houses, sub-stations, motive power, rolling and floating stock and equipment, appurtenances and property of whatsoever kind and wheresoever situate now owned by the said lessor, or which may hereafter at any time during the continuance of this lease be constructed or acquired, and which may be appurtenant to or for use in connection with the said railroads, and also all corporate rights, franchises and privileges of the said lessor necessary to be enjoyed and exercised by the said lessee for the proper maintenance, use, operation and management of the said railroads and property hereby demised, including the right to fix and establish from time to time, and to collect, receive and appropriate to the lessee's own use, all tolls, rates and charges for the transportation of persons, property and mails not inconsistent with the requirement of such existing or herafter enacted legislation, Federal or State, as may be legally enforceable; also all revenues, rents and income from stocks, bonds or other investments, contracts, property, trackage rights or other grants, or from leases or privileges now made or existing, and from any extensions or renewals thereof, and from any and all other sources; provided always, however, that nothing herein contained shall operate as a grant or demise, or be construed to include the franchise to be a corporation possessed by the said lessor, or any other right, privilege or franchise which is or may be necessary to fully preserve the corporate existence or organization of the said lessor, and of the said franchise to be a corporation; and all the rights, privileges and franchises requisite for the preservation of the corporate existence or organization of the lessor are hereby expressly reserved and excepted from these presents.

"Also all the rights, privileges and interest by the said lessor under all contracts or other arrangements to operate or avail of trackage rights over any other lines of railroad, or rights covering the use of ferries, subject to all the terms and conditions pertaining to and governing in each case."

The capitalization of West Jersey and Seashore Railroad Company appears to be conservative. The valuation made by the State Board of Assessors of road and equipment amounted to $19,959,865. The book value, taken from the company's annual report for the year ending June 30, 1912, for road and equipment, is $19,776,416.88, when the depreciation reserve of $284,734.81 is deducted. The face value of outstanding securities taken from the same report is $17,830,000, of which $9,745,600 represent stock, and $8,084,000 represent bonds. The operating income for the same year was $6,351,118.15, and the operating expenses $5,016,043.45, making the net operating revenue $1,335,074.73. Two semi-annual dividends of 2½ per cent. each were paid for the year in question, as well as interest on the company's funded debt.

The guaranteed rental of 6 per cent. upon the stock of the West Jersey and Seashore Railroad Company is in excess of the dividend

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which that road is now paying. From October 5th, 1896, to March 15th, 1905, the company declared and paid dividends at the annual rate of 5 per cent. From the last mentioned date until March 16th, 1908, it paid dividends at the annual rate of 6 per cent. For a year and a half thereafter it paid dividends at the annual rate of 4 per cent. Since October 1st, 1909, up to the present, it has paid dividends at the annual rate of 5 per cent. At the hearing on July 16th, 1913, however, the president of the company asserted that it is now earning over 9 per cent.

A public hearing on the application was held at the State House in Trenton on May 20th, 1913, and again at the Court House in the City of Camden, July 16th, 1913.

A lease for a term of years so extended as nine hundred and ninety-nine years requires the most careful scrutiny. Such a lease is tantamount to a conveyance of the fee. As the Court of Errors of this State has said in *Black* v. *Delaware and Raritan Canal Co., 24 N. J. Eq., 456*—

"Equity looks at the substance of things and not mere names. For all substantial practical purposes a lease for 999 years is a conveyance in fee."

The public interest, therefore, in such a conveyance, which is made for practically all time, ought in every way to be explicitly safeguarded; and this Board, being trustee for the public of this State in so far as the statute casts upon the Board the duty of scrutinizing and approving such leases, is under obligation to make certain that the public interest shall not be jeopardized, even by serious uncertainty as to the operation of such an arrangement.

In at least one important rate case decided by this Board, the Paterson-Passaic gas case, it was strenuously urged by the respondent that a lease lawfully consummated is conclusive in determining a part of the base upon which just and reasonable rates could be fixed by this Board's order. We cannot be certain that a similar plea might not be set up in future rate cases. Nor is it a conclusive rejoinder to say that the rates of the lessor company in the pending proceedings are not at present subject to attack. The very terms of the lease require us to take a long look ahead. We cannot predict that at no time in future will the rates upon the West Jersey and Seashore be unassailed. In such a contingency we must make as certain as we can that an attempt to fix and determine reasonable rates shall not be obstructed by the plea that a rental guaranteed in a lease formally approved by this Board is not open to question.

A lessee commonly expects and is ordinarily entitled to expect

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that earnings in excess of a guaranteed rental shall be forthcoming from the proper management of a leased property. If a guaranteed rental over and above all present or future taxes is to be paid in perpetuity, the return from the leased property due to management would have to be superadded to the rental aforesaid. Thus a claim for a return could be made to cover rental and management.

On June 30th, 1913, the Board invited the prospective lessee to give some written assurance that the plea of the guaranteed rental would not be urged in bar of a determination of just and reasonable rates should such a question arise for adjudication. The prospective lessee did not find such an assurance compatible with its interests and declined, and still declines, to make such assurance.

At the hearing on July 16th, 1913, it was suggested that the Board, coincidently with its issuance of its certificate of approval might issue a memorandum applicable to all similar cases. Such a memorandum, it was suggested, might recite that in approving of leases the Board would have it understood that such approval did not carry with it any implication that rates necessary to afford the guaranteed rental are unassailable in rate cases. The action of the Maryland Commission to this effect was cited as a precedent.

A declaration of the Commission's understanding, however, in approving a lease might prove wholly ineffectual, whereas a written stipulation to the effect indicated above would be a sort of contractural obligation between the lessee and the State.

It was urged upon this Board that the proposed lease being legal in form and substance required in common fairness that the Board should approve it.

We do not so interpret our obligation in the premises. Chapter 195 of the Laws of 1911, III, 18 h., provides that no public utility shall

"Without the approval of the Board, sell, lease, mortgage or otherwise dispose of or encumber its property, franchises, privileges or rights, or any part thereof," etc.

Under this section we understand that approval is discretionary upon our part, and we hold that where the maximum safeguards can not be thrown around the public interests it is both our right and our duty to withhold approval.

The same section of the act (III, 18 e.) provides that no public utility shall

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"hereafter issue any stock, stock certificates, bonds or other evidences of indebtedness payable in more than one year from the date thereof until it shall have first obtained authority from the Board for such proposed issue. It shall be the duty of the Board, after hearing, to approve of any such proposed issue maturing in more than one year from the date thereof, when satisfied that the same is to be made in accordance with the law and the purpose of such issue be approved by said Board."

The final clause—"and the purpose of such issue be approved by the Board"—has already received judicial construction in *Interstate Telegraph and Telephone Co.* v. *Board of Public Utility Commissioners, 86 Atlantic Reporter, 363.*

The citation of the Board's discretionary power over security issues is particularly pertinent to the pending case, inasmuch as the proposed lease in Articles Third and Sixth contemplates and provides for future security issues to be made in conformity with the terms of the lease.

It follows incontestably in our judgment that the approval of such leases as the pending one is discretionary with the Board, and we are equally satisfied that our duty requires of us nothing less than obtaining the maximum of certainty as to its operation as well as the maximum of legitimate advantage to the public.

Even if there could be any serious doubt of the Board's power in the premises it lies open to the petitioner by mandamus or otherwise to bring the matter to legal test, and to have settled, by judicial interpretation, the respective rights of the companies and this Board in this matter.

There are additional reasons which warrant the Board in declining prematurely to ratify this lease. The terms of the lease make doubtful whether certain powers now entrusted to this Board in the public interest, would not be impaired or lessened or made impossible of administration.

By the terms of the Public Utility Act recited above proposed issues of securities by public utilities of this State must first be accorded the approval of the Board. Articles Third and Sixth of the lease under consideration provide that under certain conditions, the indebtedness of the lessor to the lessee, in case there is not available cash for the discharge of such indebtedness,

"shall be paid and discharged by the delivery to the lessee of either bonds or capital stock, or both, of the lessor, as the lessee shall at the time elect and designate in writing * * * and the lessor agrees that it will, when and as often as required by the terms hereof so to do, issue and deliver to the lessee all bonds and stocks properly demanded by it hereunder which it can lawfully execute and issue. Or, by agreement between lessor and lessee, such bonds or

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stocks, or both, may be executed, issued and sold by the lessor, and the proceeds of such sale shall be paid by the lessor to the lessee for the purpose of discharging such indebtedness theretofore, or to be thereafter, incurred."

The second alternative is clearly at the option of the lessee.

Under the first, the lessee is entitled by the lease to demand the issuance and the delivery to the lessee of all such additional securities. This clearly contravenes the well-established rule of law that in case of additional issues of stock, the shareholders of record are entitled to participate *pro rata*. *Way et al.* v. *the American Grease Co. et al., 70 N. J. Eq. 263; Wall* v. *Utah Copper Co. et al., 70 N. J. Eq. 17.*

The requirement that the lessor must deliver to the lessee all bonds and stocks, is a clear invasion of the rights of the minority stockholders.

In another respect the terms of the proposed lease would possibly impair the control now vested by law in this Board over the incumbrancing of the property of a public utility such as the West Jersey and Seashore road. No incumbrance may at present be placed on the property of a public utility of this State without the Board's prior knowledge and consent. The attempt, however, by the Pennsylvania Railroad Company to subject to mortgage incumbrance its leasehold estate in the road proposed to be leased might raise serious question as to the necessity of obtaining the prior approval of this Board. It would nevertheless be virtually tantamount to subjecting the property of the West Jersey and Seashore to an incumbrance.

Moreover, the General Railroad Act (Compiled Statutes, 4221, section 6) limits the power of a railroad company to issue its bonds secured by mortgage of its road and franchises to an amount "not to exceed in the whole its paid-up capital stock," and makes departure from the rule laid down a misdemeanor. This provision applies to the West Jersey and Seashore, but there may be reason to doubt whether it is applicable to the Pennsylvania, a Pennsylvania corporation, in an issue of bonds secured by a mortgage including the leasehold rights to be acquired under the proposed lease. Thus there is a possibility that through this lease the Pennsylvania's leasehold estate in the West Jersey and Seashore might be subjected to bonded indebtedness secured by mortgage where the amount of the indebtedness shall not bear the prescribed statutory relation to the paid-up capital stock of the leased company. If it should happen that the lessee subjected to the lien of a mortgage not only its leasehold estate in the West Jersey and Seashore, but its miscellaneous other property as well, it might well become im-

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possible for the Board to administer that part of the statute which makes the Board's approval of proposed security issues necessary.

When the Board's approval is asked for a proposed bond issue secured by mortgage, the Board attempts, *inter alia,* to ascertain the prospective ability of the petitioning company to pay the stipulated interest and the principal sum at maturity. If the prospective lessee in the present case should in future ask approval of a mortgage secured in part upon the property and franchises of the West Jersey and Seashore, and in part upon the property and franchises of other properties, perhaps in other and distant jurisdictions, equally subject to the same mortgage, the Board would be confronted with the necessity of ascertaining the prospective ability of such other properties to meet the terms of the bond issue proposed. This might well prove an impossible task; yet unless it were performed, the West Jersey and Seashore property would be subjected to the hazard of inadequate earnings on the properties jointly responsible to pay the fixed charges on the bond issue whose approval is asked.

Still another doubt is raised by the proposed lease as to whether, by the terms thereof, the Board's jurisdiction over the sales of the property of a public utility "not in the ordinary course of business" may not be impaired. Article Eighth of the lease provides:

> "Such real and personal property of the lessor as shall not, in the opinion of the lessee, be necessary for the then present or prospective use of the lessor's railroads, or for the protection of the interests of the said lessor therein, may, with the consent of the lessor and in accordance with the provisions of any mortgage or mortgages covering same, be sold from time to time by the lessee, and the lessor shall, upon the request of the lessee, execute and deliver proper conveyances and assurances of such property so sold as may be necessary to effectuate such sales. The proceeds of all such sales shall enure and be paid to the lessee, and shall be applied, at the option of the lessee, either to the reduction of the funded debt of the said lessor, or to betterments and improvements upon or additions to the railroads and property hereby demised."

The terms of the lease quoted above might be construed as an approval by this Board in advance of such sales and so seem to make the lessee sole arbiter of such sales, and thus divest the Board of the authority thereover which the law casts upon the Board under Chapter 195, III, 18 (h) Laws of 1911.

All of these uncertainties might be resolved by an explicit written assurance, stipulating that the rights and interests of the public as indicated herein shall not be challenged or infringed by any future action of the companies concerned. But such explicit assurance the directorates are unwilling to give, on the ground that such assurance

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might bind their successors in the directorates. In other words, they expressly reserve their liberty of future action in the premises.

In view of this situation, it will not do to say that these objections, or some of them, are far-fetched and violently improbable contingencies. An arrangement to subsist for a thousand years challenges the production of just such contingencies, and there doubtless are others which time will disclose. An arrangement which will subsist by its terms for nine hundred and ninety-nine years, and which during that term may affect both the public interests as well as the relations of lessor and lessee may well be analyzed with circumspection and care. Any evidence bearing thereon ought to be carefully analyzed and sifted. If there are doubts as to its wholly beneficial effect upon the public, these doubts must all be resolved. If there is question of its exact legal purport, intent and operation, such question ought to be answered before affirmative action is taken by an administrative body of the State.

For these reasons, above recited, the Board of Public Utility Commissioners finds and determines that the approval of the pending lease is not necessary and proper, withholds its assent therefrom, and will DISMISS the petition therefor.

An Order will be so entered.

Entered July 19th, 1913.

In the Matter of the Application of the City of Paterson for Permission to Construct at Grade Across the Tracks of the Erie Railroad at Sixth Avenue.

The crossing of a railroad track by a number of people at a place other than the lawfully established highway cannot be accepted as a reason for increasing the number of crossings, unless it plainly appears that the lawfully established highway crossings are not reasonably adequate, or that the new crossing will be free from danger incident to the established crossings.

It does not appear to be entirely reasonable to ask that legal sanction be given to a railroad crossing which is being used unlawfully

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in order that the railroad company may be required to maintain a guard for the crossing's protection.

Petition for approval of new crossing DENIED.

Edward F. Merry, for the City of Paterson.

Duane E. Minard, for the Erie Railroad Company.

REPORT.

The petitioner in this matter claims that for a number of years there has been a demand for the opening of Sixth avenue across the right of way of the Erie Railroad Company. In compliance with this demand the Board of Aldermen of the City of Paterson passed in the year 1904, an ordinance opening this street. As a result of litigation over this ordinance another ordinance was passed in 1908. This latter ordinance was sustained on appeal by the Supreme Court and the Court of Errors and Appeals.

Notice was served by the City upon the Erie Railroad Company, ordering said company to plank the crossing, the city stating that in default of the company so doing the city would proceed to do so. The railroad company then applied to the Court of Chancery for an injunction preventing the city from planking the crossing. It was alleged, as a reason why this injunction should be allowed, that the city would not plank the crossing until it had permission therefor from the Board of Public Utility Commissioners. The injunction was allowed, Vice-Chancellor Howell stating in his opinion (filed November 11th, 1912):

> "As it looks to me the Legislature has by the act in question formulated a public policy for the State which cannot be controlled, enlarged, restricted, or varied by the courts; they can only enforce the rule which the Legislature has prescribed. It was the manifest intention of the Legislature to place the whole question of railway crossings at grade under the control of a central body having administrative functions, for purposes of convenience, of safety and of uniformity of procedure, and for this purpose the legislative body has conferred upon the Board of Public Utility Commissioners plenary power to act for the protection of the people from such accidents as are liable to happen at railway crossings. This policy appears in the legislation of this State as far back as 1862, and has been continued by a series of legislative declarations tending to the abolition eventually of grade

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crossings. In what is substantially its present form it appears first in the act of 1909, now repealed (Laws 1909, p. 282), section 3 of which forbade the construction of any new street or highway across the tracks of any railway company at grade without the permission of the Board of Railway Commissioners, and it has been enlarged and extended by the act of 1911, the twenty-first section of which is hereinabove quoted at length, so as to include the construction of highways generally across railways at grade.

"I am of the opinion therefore that the permission of the Public Utilities Board must be obtained before the crossing can be actually constructed, and that such permission must be sought by the city for the reason that it is the moving party.

"I will advise an order for an injunction as prayed."

Following this decision the Board was asked to permit the construction of the crossing. In support of the petition it is contended that large numbers now cross the railroad at Sixth avenue; that the crossing lies in a direct route to factories where many persons are employed and that if the crossing is properly planked it can be used with greater convenience, and if properly protected, with much less risk than at present. It is claimed that the location of the crossing is a public necessity. The counsel for the City of Paterson directs attention in his brief to the attitude of the city in opposition to grade crossings. The pending application, it is claimed, is not inconsistent with this opposition because of the exceptional conditions at the crossing. The Board does not question that the City brings this application believing that these conditions are such that its application is consistent with its declared policy on grade crossings and further believing that this Board can grant permission to construct the crossing without violating its policy of discouraging the multiplication of crossings at grade.

The Board has considered the testimony taken at the hearing, and the members of the Board have inspected the site of the crossing and the location of the adjacent crossings. After such consideration and inspection the Board is unable to agree with the petitioner. It may be admitted that a number of persons now daily cross the tracks at Sixth avenue, and that this is done because it is for these persons the most convenient place of crossing; but people not only here but elsewhere will cross a railroad track at the nearest accessible place rather than walk to the highway crossing. This cannot be accepted by the Board as a valid reason for increasing the number

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of places of crossing unless it plainly appears that the lawfully established highway crossings are not reasonably adequate or that the new crossing for which the Board's approval is sought will be free from dangers incident to such established crossings. It does not appear to the satisfaction of the Board that the existing crossings are inadequate. The Board is of the opinion that the crossing for which its approval is sought would be quite as dangerous, if not more so, than the highways now used, and that the public safety would rather be lessened than increased by diverting travel to a crossing at Sixth avenue. It is claimed by the petitioner that there will be less likelihood of injury at the crossing if the same is planked than there is at present, because of the liability of those crossing to stumble over the rails. This could be said of every place where the tracks of a railroad are crossed off a public highway. It is further contended that if the crossing is authorized, a proper guard will increase the safety of those now using it. There is no suggestion by the city that the expense of maintaining such guard, or any part of such expense shall be borne by it. It does not appear entirely reasonable to ask that legal sanction be given to a railroad crossing which is being unlawfully used in order that the railroad company may be required to maintain a guard for the crossing's protection.

It does not appear to the Board that conditions in the case under consideration are so exceptional as to justify the Board in departing from its rule heretofore established, and the petition will be DISMISSED. An order will be so entered.

Dated July 22d, 1913.

ORDER.

This application having been duly heard, and the Board having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof, the Board's approval of this petition is withheld, and

It is ordered that the petition be and the same is hereby DISMISSED.

Dated July 22d, 1913.

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In the Matter of the Complaint of Glen Rock Civics League vs. the Erie Railroad Company, Relating to the Protection of the Crossings of the Railroad Company at Maple Avenue and Rock Road in Glen Rock, New Jersey.

Conditions at the grade crossing of Maple Avenue and the Erie Railroad Company in the Borough of Glen Rock found to be such as to require that a flagman shall be stationed and maintained thereat daily between the hours of 6.45 A. M. and 7.15 P. M.

REPORT.

The above matter was brought to the Board's attention through an informal complaint made by the Civics League of Glen Rock, in which they urged the need of a watchman and gates at Maple Avenue and Rock Road, where the Erie Railroad crosses said streets, and also protection at the Rock Road crossing of the Erie main line. The letter stated that at the present time the only protection is an electric bell at the Rock Road crossing.

The complaint was referred to the Board's Inspector, Charles D. McKelvey, for investigation and report. The inspector reported that "Maple Avenue is protected by a bell. The view at this crossing is bad and should be protected by a flagman, being a dangerous crossing with large traffic over it. At Rock Road the view is good, with the exception that when driving westerly, westbound trains can be seen for a short distance only. There is a good loud bell at this crossing, and if kept in order, should be sufficient protection. At Rock Road main line the view is unobstructed. The building spoken of is sixty feet from the track, and before reaching it there is a good open view. I do not consider any protection necessary at this crossing." The recommendation made by the inspector was that "Maple Avenue be protected by a flagman from 6.45 A. M. to 7.15 P. M., and that the bells at Maple Avenue and Rock Road be kept in working order at all times."

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In accordance with the practice of the Board, the above recommendation was forwarded to the Erie Railroad Company, and a reply was received from said company under date of March 17th, 1913, in which it was claimed that "additional protection of a flagman between the hours referred to is not reasonably necessary." The matter was again referred to Mr. McKelvey for further report and under date of March 19th, 1913, after making another inspection of the crossing, Mr. McKelvey in a letter to the Board repeated his former recommendation.

On April 11th, 1913, a hearing was held, at which the Erie Railroad Company was represented. After such hearing and upon consideration of the entire record in this matter, the Board is of the opinion and finds that conditions at the grade crossing of Maple Avenue and the Erie Railroad Company in the Borough of Glen Rock require for the protection of the traveling public at said crossing that a flagman shall be stationed and maintained thereat daily to give warning of the approach of trains between the hours of 6.45 A. M. and 7.15 P. M.

An order requiring this will be entered.

Dated August 11th, 1913.

ORDER.

This case having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and the Board having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof.

The Board of Public Utility Commissioners HEREBY ORDERS the Erie Railroad Company to station a flagman at the crossing of its tracks at Maple Avenue in the Borough of Glen Rock and to maintain said flagman at such crossing each day in the week between the hours of 6.45 A. M. and 7.15 P. M.

This order shall become effective August 25th, 1913.

Dated August 11th, 1913.

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Morristown and Erie Railroad, McEwan Brothers, Inc., United Box Board Company, Morris Sand Company and Hanover Brick Company vs. Delaware, Lackawanna and Western Railroad Company, Pennsylvania Railroad Company, Raritan River Railroad Company, Central Railroad Company of New Jersey, Northern Central Railway, Philadelphia, Baltimore and Washington Railroad Company, Philadelphia and Reading Railway Company, Lehigh Valley Railroad Company, Lehigh and Hudson River Railroad Company and New York and Long Branch Railroad Company.

HELD—That the respondents in this proceeding have failed to bear the burden of proof imposed upon them by statute to show that the increases in existing rates, resulting from cancellations for the carrying of traffc, interchanged between them, or any of them, and the Morristown and Erie Railroad respectively are reasonable and just.

Said increases are disapproved by the Board.

It appears that over cases involving the equitable apportionment of joint earnings the Court of Chancery has jurisdiction. But it does not follow that for that reason this Board is without jurisdiction in the apportionment of joint rates.

In case such action seemed to this Board imperative for the protection of shippers, the Board would incline to assume jurisdiction. But it is evident that the primary task explicitly delegated to this Board concerns the relations of public utilities with their patrons, rather than the relations of public utilities, *inter se*. For this reason the Board in the pending case so far as regards divisions of joint rates and car hire equipment confines itself to recommendations to the two carriers principally concerned.

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E. O. Stanley, of Pitney, Hardin and Skinner, for Morristown and Erie Railroad Company, McEwan Brothers, Inc., United Box Board Company, and Hanover Brick Company.

Benjamin F. Jones, for the Morris Sand Company.

John L. Seager, for the Delaware, Lackawanna and Western Railroad Company.

Edwin J. Bates, for the Pennsylvania Railroad Company.

REPORT.

By petition filed with this Board May 16th, 1913, it was represented that the Delaware, Lackawanna and Western Railroad Company, had cancelled certain through rates upon traffic formerly handled, under such thorugh rates, between the Morristown and Erie Railroad Company and the Lackawanna, and the Lackawanna's connections. The petition also represented that the Lackawanna had given notice of the cancellation of other similar rates. The petition also represented that as the result of the through rates cancelled or to be cancelled, there had resulted or there would result on the traffic affected, combinations of local rates which were averred to be unjust, unreasonable and unduly discriminatory in violation of Chapter 195, Laws of 1911. Said petition further represented that the resulting rates would work irreparable harm to the petitioners, rendering traffic impossible or unprofitable, and asked that the respondents, after due hearing and investigation, be required to restore the rates displaced by the cancellation made or announced.

Accordingly, after notice served on the respondents a preliminary hearing on the aforesaid petition was had at the offices of the Board in Newark, on May 19th, 1913, when petitioners and the principal respondent were represented by counsel.

The Board thereupon issued an order suspending the advances resulting from cancellations made or to be made, pending hearing and investigation of the allegations of the petition. The original order of suspension ran until July 26th, 1913, and was extended by a supplementary order extending the suspension until August 19th, 1913. Both orders issued in accordance with P. L. 1911, Chap. 195, II, 17 (h).

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The respondents in their answer to the petition alleged that the revenue received from the traffic interchanged with the Morristown and Erie has long been unremunerative, and in part returns less than the cost of transportation; that the Morristown and Erie refuses to pay the regular *per diem* charge on the equipment furnished by the Lackawanna, and refuses to accord to the Lackawanna the proper division of joint revenue. The Lackawanna, therefore, asked the dismissal of the petition; the setting aside of the preliminary order of suspension; and, in case the preceding requests were denied by the Board, and in case joint rates were set by the Board, that the divisions thereof be also fixed by the Board's order, and that such order also establish just and reasonable charges for the use of the respondent's equipment furnished to the Morristown and Erie.

Upon the issues thus raised hearings were had as follows: On June 10th, 1913, at Trenton; on June 20th, 1913, at Jersey City; on June 26th, 1913, at Newark; and thereafter at Trenton on July 3d, 10th, 17th and 24th. Testimony was introduced by both parties, exhibits were submitted, and on August 5th, 1913, briefs were filed.

1. The Board of Public Utility Commissioners after due hearing and due consideration of the testimony and data adduced, finds and determines that the respondents have failed to bear the burden of proof imposed upon them by statute to show that the increases in existing rates resulting from the aforementioned cancellations for the carrying of traffic interchanged between them, or any of them, and the Morristown and Erie Railroad Company respectively, are reasonable and just; and further determines that it is not satisfied that the increases in rates resulting, or that would result from the cancellation of the aforementioned joint rates, are reasonable and just; and further determines that such increases as resulted or would result from the cancellations aforementioned are unreasonable and unjust. Upon such determination the Board of Public Utility Commissioners hereby disapproves said increases resulting or that would have resulted from the cancellations of the joint tariffs aforementioned.

It is hardly necessary to discuss at length the question of the reasonableness and justice of the rates that would have become effective upon the cancellation of the joint tariffs upon traffic interchanged between the Morristown and Erie and the Lackawanna and its connections. The respondents can hardly have expected to

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maintain the reasonableness and justice of the rates that would have resulted upon the cancellation of the through joint rates. Such resulting rates would have been combinations of locals so greatly in excess of the former joint rates as to have been prohibitive upon some traffic, and unprofitable to the shipper upon most of the remainder.

The presumption of reasonableness which attaches to rates long established, and generally acquiesced in, would have to be overcome by the respondent to justify the rates that would have ensued. The rates now in vogue upon the Erie and its connections upon traffic interchanged with the Morristown and Erie would have constituted another unsurmountable barrier to the justification of the rates that would have ensued. Moreover, the operation of the cancellations referred to would have constituted a territorial discrimination against shippers on the Morristown and Erie that could not be justified. At the hearings the Lackawanna admitted itself satisfied with certain joint rates and the divisions thereof, *e. g.*, on sand and brick, which the cancellations would have abolished. In view of these facts, and in view of the complete silence of the respondent's brief upon the reasonableness and justice of the rates that would have ensued upon the abrogation of the joint rates whose cancellation was advertised by the Lackawanna, there can, we think, be no doubt whatever that the finding of the Board upon this point is correct, and this conclusion is practically not contested.

The real intent of the Lackawanna in the cancellations was largely, if not wholly, due to its desire to ventilate its dissatisfaction with the divisions accorded it and its connections of joint rates with the Morristown and Erie, and its dissatisfaction with what is claimed to be an unfair and unjust practice of the latter with reference to payment for the hire of equipment furnished by the Lackawanna. The Lackawanna doubtless desires also to demonstrate, if necessary, in court, that its participation in joint rates and in through route traffic with the Morristown and Erie is a forced and unwilling participation.

So far as the complaint of the Morris Sand Company as to rates on sand to Milburn and vicinity are concerned, we understand the complainant virtually withdraws his complaint, so long as the present joint rates are maintained. As these joint rates are virtually reinstated by the Board's disapproval of the aforementioned cancella-

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tions, we shall make no order in the premises, unless or until advised that the existing through rates on sand are disturbed or altered.

2. The Lackawanna in its cross petition for relief asks that divisions of joint rates be fixed by the Board, in the event that joint rates are set by the Board.

This raises the explicit issue whether the Board's power embraces the compulsory apportionment of joint rates for intra-state traffic as between the co-operating carriers.

That the Board may fix joint rates appears from P. L. Chap. 195, II, 16, (c).

The statute provides that the Board shall have power: "After hearing, upon notice, by order in writing, to fix just and reasonable individual rates, joint rates, tolls, charges or schedules thereof, as well as commutation, mileage and other special rates which shall be imposed, observed and followed thereafter by any public utility as herein defined, whenever the Board shall determine any existing individual rate, joint rate, toll, charge or schedule thereof or commutation, mileage, or other special rate to be unjust, unreasonable, insufficient or unjustly discrimatory or preferential."

The petitioners point out that no explicit power is given by this section to apportion a joint rate amongst carriers participating in the joint haul. They point out also that the Interstate Commerce Act, as amended, and the Public Service Commission Act of New York State explicitly delegate to the respective commissions such power of apportionment of joint rates between the participating carriers.

Petitioners also recite that the Court of Chancery has undoubted jurisdiction over the divisions of a joint rate, and cite *Sussex R. R.* v. *Morris and Essex R. R., 20 N. J. Eq. 542*, as authority for this proposition. Petitioners claim that even if the Board has power to make apportionment of a joint rate which the Board should create and establish, the Board's power of apportionment must lie dormant where no new joint rate is established, but merely continues by reason of the disapproval of an increase or change in an existing rate. On the other hand, it is urged that the grant to the Board of the power to fix joint rates necessarily implies the collateral power of apportioning the same; that without the power to apportion, the power to fix the joint rate would be nugatory, because of the failure or refusal of a participating carrier to render the service for an unknown and uncertain part of the joint rate fixed.

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It is also argued that the power of apportioning a through rate exists because the Board can attain the same result by a fixation of individual rates affording each participating carrier an amount exactly equal to what might be alloted to each respectively by an apportionment of the through rate.

It is also urged that the Board's power under P. L. 1911, Chap. 195, II, 16, (k), to order such just and reasonable connections as shall be necessary to promote the convenience of shippers or property, etc., implies not only power over the physical means usually employed at junction points, but extends to the financial divisions of the joint earnings.

This last contention we are disposed to disallow. The clause of the statute is apparently spatial or geographical in its purport, applicable "*at any junction or point of connection or intersection* * * *," etc. P. L. 1911, Chap. 195, II, 16, (k).

It appears indisputable that over cases involving the equitable apportionment of joint earnings the Court of Chancery has jurisdistion. But it does not follow that for that reason this Board is without jurisdiction in the apportionment of joint rates. In the matter of protection at grade crossings, as the statutes now stand, both the Court of Chancery and this Board apparently have jurisdiction, though that Court, in one case, has remanded a case of that character to this Board for determination in the first instance.

Now, do we decide that this Board cannot take jurisdiction of the apportionment of a joint intrastate rate. In case such action seemed to this Board imperative for the protection of shippers, this Board would incline to assume jurisdiction in such a case. But it is evident that the primary task explicitly delegated to this Board concerns the relations of public utilities with their patrons, rather than the relations of public utilities *inter se*. For this reason we shall, for the present, in the pending case, so far as regards divisions of joint rates, and car hire equipment, confine ourselves to recommendations to the two carriers principally concerned. If they agree to the recommendations, the dispute is ended. If either of them begins a suit in equity, our conclusions are at the disposal of the Court to make such use of as the Court may see fit. If they do neither, and either party renews the proceeding before this Board, showing clearly that injustice or unreasonableness results from conditions

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within the Board's jurisdiction to remove or alter, the Board will determine the matter as the status of the case requires.

3. In the matter of divisions of joint through rates between the two carriers principally concerned we find and determine that the new divisions proposed by the Lackawanna are not equitable to the Morristown and Erie; and on the evidence adduced we find and determine that except as indicated below, the substitution of other divisions for those in vogue before the cancellations made or announced by the Lackawanna are not warranted.

The exception to which we have referred above refers to the rates on car lot paper stock from Orange and Newark to points on the Morristown and Erie. Out of a rate of 90 cents per 100 pounds, the Lackawanna receives but forty cents. There prevails in general, as far as this traffic is concerned, a division of the joint through rate which accords half or more of the joint rate to the Lackawanna. There appears no reason for a reversal of the proportions as regards the 90-cent rate between Newark and Orange and points on the Morristown and Erie. At one of the hearings the petitioners themselves evinced surprise at the existing division of this rate, and practically conceded that it was a mistake. (Testimony, July 8th, 1913, pp. 34, 35.) We shall expect the Morristown and Erie hereafter to agree to accept 50 per cent. of this rate; and failure on their part so to do, will be followed by a mandatory order on the part of this Board designed to effect an equal division of the 90 cents per 100 pounds on car lot paper stock between the points indicated.

With the exception above noted, we RECOMMEND to the carriers concerned to continue the divisions of joint through rates in force prior to the cancellations above referred to. Our reasons for our conclusions herein and our resulting recommendation are as follows:

In the first place, the divisions proposed by the Lackawanna are *ex parte*. There is not here the same excuse or reason as for the Lackawanna's proposals in the matter of *per diem*. Those are also *ex parte;* but in the latter case the Lackawanna is proposing the car hire for the equipment owned or furnished to the petitioners by itself alone. Whereas as regards joint through rates, these are the joint product of both carriers, and each party is equitably entitled to a voice in any scheme for their division.

In the second place, the divisions which the Lackawanna propose

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for the apportionment of joint through rates involve a block shorter than any other we are advised of. As is well known, where a short line road which performs switching service unites with a longer line for a joint haul, it is customary to arrange a block basis upon which to apportion the joint earnings. The short line road is commonly allowed a constructive block in excess of the actual mileage traversed on the short line. Such blocks are not infrequently of 25 miles in length, despite the fact that the actual haul on the short line may be but a fraction of 25 miles. The evidence disclosed no case in this territory where the block allowed the short line is less than 25 miles. Thus on the Raritan River Railroad (12 miles in length), divisions with its connections, the Pennsylvania and the Central of New Jersey, are upon the basis of a 25-mile block. (Testimony, July 17th, 1913, pp. 1, 2, 3.) Upon the Wharton and Northern (15 miles long) on business originating on the Central and Susquehanna, the Wharton and Northern is allowed a constructive mileage of 30 miles. (Testimony, July 24th, 1913, p. 12.) The Erie, which connects with the Morristown and Erie at Essex Fells, has always made rates with the latter on a block basis, allowing the Morristown and Erie a constructive mileage, or block of about 40 miles, and allows the latter 40 per cent. of joint through class rates on a two-block haul. (Testimony, July 10th, 1913, p. 34.)

We are not unmindful of the fact that the Raritan River Railroad is not allowed by the Central of New Jersey the advantage of an equal division on a two-block haul so far as the 25-mile block covers Newark and Jersey City, but on joint rates to these two points which are expected from the normal rule of equal divisions (where one block is traversed by each carrier) 40 per cent. of the joint rate goes to the short line road. (Testimony, July 17th, 1913, p. 4.) Even more striking is the arrangement between the Central and the New Jersey and Pennsylvania, by which the latter road obtains 50 per cent. of joint through rate to Jersey City (44 min.) or to Phillipsburg, although nominally the shorter road has a constructive block of but 25 miles. (Testimony of July 24th, 1913, p. 9.)

It appears then that the scheme of division submitted by the Lackawanna would allow the Morristown and Erie the benefit of a 40 per cent. division where the haul on the longer road (Morristown to South Orange) is no more than approximately 16 miles. On

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longer hauls on the longer line the Lackawanna proposed that at least 65 per cent. of the joint rate shall be its share. The 75 per cent. division claimed by the Lackawanna on joint traffic from the Unadilla Valley has apparently never been conceded by the latter, and the flat allowances per car on the South Buffalo Railroad and on the Northampton and Bath Railroad seem to involve an arrangement foreign to the case at issue.

Viewed, therefore, in the light of the normal lengths of constructive blocks adopted for divisions of joint through rates, as well as in the light of the percentages commonly allowed the short line on joint hauls over such blocks, actual or constructive, the Lackawanna's proposed basis for division is more onerous than those commonly in vogue. For this reason we regard it as inequitable to the Morristown and Erie.

The Lackawanna has recounted the difficulties incident to freight traffic over the Morris and Essex Division, a commutation line primarily, and the heavy terminal expenses involved in carrying traffic over this line. But congestion seems, if anything, as serious on the Morristown and Erie; and the real issue is not illuminated by testimony, to wit, the changes in operating ratios between the two carriers since the original divisions were agreed upon. So far as we can learn from the testimony, it does not appear that the Lackawanna's expenses per ton as compared with its earnings per ton on this joint traffic have become relatively more unfavorable than the Morristown and Erie's expense per ton as compared with its revenue per ton on the same traffic.

The Lackawanna contends that the Morristown and Erie contents itself with a less revenue per ton on three (3) line hauls than it obtains from similar traffic interchanged directly with the Lackawanna, the service on the Morristown and Erie being the same in both cases. The lesser revenue accruing on the three (3) line haul is a class rate arbitrary, derived from traffic carried a longer distance than traffic interchanged directly with the respondent. The joint rate on paper stock and box board between the two carriers mainly concerned, however, is historically a rate originally akin to a special commodity rate. The class rate is ordinarily higher than a commodity rate, and the higher class rate arbitrary received by the Morristown and Erie may possibly be explained on this ground The Lackawanna receives on the through line haul more per ton

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than on the traffic directly exchanged with the Morristown and Erie. But the fact that these arbitraries are seemingly out of joint with the divisions on traffic directly interchanged would, *a priori,* impeach the arbitraries to the same extent that the arbitraries impeach the divisions on traffic directly interchanged.

The more essential issues involved are whether the revenue accruing to the Lackawanna under its divisions of the joint through rates with the Morristown and Erie have been unremunerative or have been less than the cost to the Lackawanna.

We are not convinced that the evidence submitted establishes these facts.

Mr. Learoyd's testimony on July 8th, 1913, was to the effect that the 30-mile haul of strawboard to Hoboken, affording on the average $12.50 revenue to the Lackawanna, was not "exceedingly profitable" (p. 18). He expressly declined to pronounce it "unremunerative" (p. 18). He testified it did not afford "the average profit on the average traffic" on the Morris and Essex Division (p. 19). It appears from his testimony that on this division for a 58-mile haul the average revenue is about 1½ cents per ton a mile (p. 21). But gauged by this average, the ton-mile revenue to the Lackawanna on paper board to Hoboken is not inadequate, being approximately 1.6 cents, and even higher to Newark and Orange. The revenue per ton on boxboard to Newark (22 miles) appears to be .0245 and to Orange .029 cents. What allowances should be made in comparing an average 58-mile haul with the shorter haul between Morristown and Hoboken, Paterson, Newark and Orange respectively, we do not know. There is nothing in the evidence to enlighten us on this point. But whether the ton-mile rate be computed on boxboard, paper stock or commodities in general, we cannot find that the actual revenue falls below the stated average per ton-mile on this division. In most cases it is notably in excess of the average revenue of 1½ cents per ton-mile.

The respondent's witness, Mr. Learoyd, testified (Testimony of July 8th, 1913, 10-36) that the average terminal expense per car is about $7.50, and that where the Lackawanna's revenue per car, as on paper stock between Hoboken and Morristown is only $6.00, loss results to the respondent. There is no evidence, however, to show how this $7.50 terminal cost per car is calculated. Moreover, the witness assented to the proposition that no rates for traffic between

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Hoboken and Newark are remunerative to the Lackawanna. He testified:

"We don't consider any traffic from New York or Hoboken to short-haul territory in New Jersey is remunerative, based on the cost of operation, as far out as Summit." (Testimony of July 8th, 1913, p. 34.)

The same witness testified (p. 26) that the Lackawanna was no longer desirous or willing to meet the competition for the traffic of the Morristown and Erie, which it was ready to meet in 1904.

The conclusion fairly to be drawn from this testimony seems to be that the Lackawanna desires over this division to carry primarily the traffic that affords the maximum net revenue; that it is not so much a question with the carrier whether traffic can be carried at the average rate per ton-mile, but whether the traffic is productive of the maximum of net profit.

It is, perhaps, not surprising that railroad officials insensibly adopt this attitude towards traffic. It is, nevertheless, incompatible with the obligation of a public carrier. The railroad is primarily and essentially a public highway. It is owned and operated by means of private capital upon which a proper return is allowed by the State. The State thereby is freed from the direct administration of these avenues of travel. But the maximum of profit to the operating company is and must remain subordinate to the maximizing of facilities for traffic over these public highways. This Board cannot tolerate the doctrine that traffic which seemingly accords to the carrier its average of revenue shall be discouraged from traversing a public highway because a carrier can enhance its net earnings by shunting this traffic upon other lines of transportation.

The plea for higher rates or larger divisions thereof for the chief respondent is based in part on the respondent's having borne the burden of shrinkages in rates in the past. Such shrinkages, however, were largely due to the competition of the Erie, and the competition of the Erie was precipitated originally by the respondent's demand on the Morristown and Erie for a larger share of the then joint earnings. Prompted by the fear which such a demand inspired, and advised by no less sagacious and experienced counsel than the late Edward M. Sheppard, the Morristown and Erie hastened to extend their line to the Erie's rails. The shrinkage,

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therefore, which the Lackawanna cites was a shrinkage the responsibility for which rests largely on the Lackawanna itself.

From whatever point viewed, the contention that the respondent and its connections are entitled to greater sums out of the joint earnings on traffic interchanged with the Morristown and Erie appears to us unsubstantiated. In commerce, as well as in law, there is a considerable province in which deference should be shown to the doctrine of *stare decisis*. We are not disposed to disturb these rates of long standing, to which industry and commerce alike have become accustomed.

4. In the matter of car hire equipment, after careful consideration of the evidence and data submitted, the Board finds and determines that the present allowance made by the Morristown and Erie of mileage at the rate of 6 mills per mile on equipment furnished by the Lackawanna is insufficient, inadequate and inequitable, and RECOMMENDS to both carriers to adopt a modified system of *per diem* payments such as is outlined below, and to apply the same in settlement of pending claims.

It seems unnecessary here to pass upon the question whether the Board's jurisdiction as to *per diem* charges extends to such charges on cars engaged in interstate commerce. We are contenting ourselves in the first instance with a recommendation to the two carriers, intended to effect an equitable arrangement between them, irrespective of the Board's technical jurisdiction. It has been held that demurrage is in part compensation to the carrier, and in part a penalty to secure the release of equipment (I. C. C. Reports, Vol. XXV, p. 315). Should *per diem* be similarly held to be in part compensation to the carrier, *per diem* on cars employed in interstate service might be found to be beyond our jurisdiction. On the other hand the case of *Chicago, Milwaukee and St. Paul R. Co.* v. *Becker, 32 Fed. 849,* may be cited to the effect that a State commission may regulate switching charges, for it is a local service and has no reference to interstate shipments. *Michie v. N. Y., N. H. & H. R. R., 151 F. R., 694,* seems to imply that a *per diem* charge is strictly rental.

Car hire equipment on the basis of the ordinary mileage payments of three-quarters or three-fifths of a cent per mile of haul is equitable only upon hauls of considerable length. Under any cir-

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cumstances mileage fails to act as a spur to provoke the prompt return of equipment.

Per diem payments at the rate of 45 cents per day per car as provided by the regular *per diem* rules of the American Railway Association have the merit of acting as an increasing incentive to the prompt return of equipment. The strict application of the rule, however, to short line roads upon which a large amount of switching service is performed, and where the short line is unable to obtain long haul revenue, is recognized as inequitable to the short line roads. Accordingly the rigor of the rule is tempered to short line roads whereby a switching reclaim, or free time, is allowed short lines by agreement with the long line connection. The qualification just referred to is worded as follows, under Rule 5:

"An arbitrary amount for each car in switching service may be reclaimed by the switching line from the road for which the service was performed. This amount shall be based upon the average number of days actually required, and determined by the roads directly interested for each local territory."

As testified by Mr. Learoyd, respondent's witness,

"Exceptions (to straight *per diem*) are made in the case where a switching carrier receives a revenue so low (per car) that it does not enable him to pay *per diem*." (Testimony of June 26th, 1913, p. 28.)

The suggestion that short lines should procure sufficient equipment to provide for traffic originating on their rails, and thus obtain from connections *per diem* equivalent to a straight payment of *per diem* by short lines on foreign equipment, seems hardly practicable. The *per diem* is far less than the average daily car earning per day. The short line's equipment would seldom be on its own rails; and when on foreign rails would be subject to heavier wear and tear, owing to the long haul on connections, than foreign equipment undergoes on the short haul on the short line.

The Morristown and Erie have no car equipment of their own. They prefer to avail themselves of the equipment furnished by connecting lines, the Lackawanna and Erie. The Morristown and Erie thus escape a very considerable capital outlay (variously estimated by themselves at from $30,000 to $150,000). While there is some justification for short lines not providing themselves with extensive

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car equipment, or for keeping such equipment as they do own upon their own rails, it is nevertheless only equitable that they shall pay reasonable car hire upon other carrier's equipment which the short line railroads use. Particularly is this true of such companies as collect demurrage upon equipment belonging to other carriers. This is true of the Morristown and Erie. Its annual report filed with this Board shows that the Morristown and Erie in the fiscal year ending June 30th, 1912, collected $1,448 demurrage. The same report apparently does not indicate what was paid out during the same year by way of mileage to the carriers owning said equipment. But if the petitioner's exhibit, p. 5, of July 17th, 1913, be taken as a basis, we find the total mileage accrued in two typical months to be $133.36. Multiplying this by six, we obtain an annual mileage compensation accruing to its connections of $800.16. It is certainly anomalous that the Morristown and Erie shall first omit to provide itself with equipment, drawing on its connections for the same, and then collect from consignees on *overtime* detention almost double what the Morristown and Erie accords its connections for the *entire time* such equipment is borrowed.

Such an arrangement is neither just nor equitable, and it is quite easy to see how it provokes and justifies the annoyance and irritation of the long line connection. The proposal made by the Lackawanna is that on Lackawanna equipment furnished to the Morristown and Erie, the latter pay *per diem* with two days' allowance of free time on a single load, and four days' allowance of free time when a car is received under load and redelivered under a return load. To this the Lackawanna adds that the Morristown and Erie be required to pay straight *per diem* on all foreign equipment delivered upon the latter's connecting tracks.

It appears that a not inconsiderable part of the foreign equipment loaded by the Lackawanna upon the Morristown and Erie consists of cars carrying traffic which originated on the Lackawanna. Thus petitioner's exhibit 3 of July 24th, 1913, shows that during the typical months of January and April of this year, of 362 cars delivered by the Lackawanna to the Morristown and Erie, 44 were foreign equipment loaded with merchandise originating on Lackawanna rails. It appears to us indisputable that if the Lackawanna finds it convenient to utilize foreign equipment to load with merchandise traffic originating on its own rails, instead of employing its own

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equipment for this purpose, such cars should be assimilated, so far as *per diem* charges are concerned, to the Lackawanna's own equipment. On such foreign equipment the *per diem* reclaim, or free time, should be allowed exactly as on the Lackawanna's own cars.

There appears to be no clearly defined rule of equity by which the allowance of free time to short lines equipment is determined. Among the relevant considerations would appear to be the average car revenue to the short line, the average reasonable detention of cars on the short line, and the net income of the short line. In the present case there is also to be considered the fact that the Erie, the other connecting line with the Morristown and Erie, will be entitled to as equitable *per diem* treatment as the Lackawanna. Still another question arises as to the different treatment, if any, to be accorded foreign equipment in the matter of *per diem*, where said equipment comes over the short line's immediate connection from a point of origin upon a third road.

The average car earnings of the Morristown and Erie on traffic interchanged with the Lackawanna for March and April, 1913, were represented by the respondent to be $8.66 per car. (Exhibit R 4, July 24th, 1913).

The respondent tried to show that even this was a misleading average which would be raised considerably by the exclusion of certain traffic and by the consolidation of less than carload lots. The Morristown and Erie (Ex. p. 9, July 17th, 1913) gives the car earnings for all cars received from the Lackawanna during March and April, 1913, as follows:

350 cars, loaded and empty, $2,248.88—$6.42 per car.
254 cars, loaded and empty, $2,248.88—$8.85 per car.

For cars delivered to the Lackawanna:

532 cars, loaded and empty, $2,176.81—$4.09 per car.
357 cars, loaded and empty, $2,176.81—$6.09 per car.

All cars received and delivered:

882 cars, loaded and empty, $4,425.69—$5.02 per car.
611 cars, loaded and empty, $4,425.69—$7.24 per car.

The average detention time on cars furnished the Morristown and Erie by the Lackawanna appears to be 4.92 days per car, according to exhibit, p. 3, July 17th, 1913. The allegation that irregular deliveries, or bunching of cars by the Lackawanna, contributes to this detention period, was disproved. We are not satisfied, how-

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ever, that the respondent's contention that detention time could be considerably reduced by consolidation of L. C. L. traffic by the Morristown and Erie is established.

Assuming that the Morristown and Erie in two cases out of three obtained earnings on two loads per car, and in one case out of three obtained earnings on one load per car, the average earnings per car load would be about $6.50. If we assume that the actual detention is a necessary detention, and amounts to approximately five days on this traffic, full *per diem* would absorb $2.25 per car. Such an absorption of gross revenue is readily seen to be excessive.

On the other hand, the mileage basis of payment would accord the Lackawanna about 5 cents per car irrespective of the time it is detained on the Morristown and Erie's rails. This is about one cent per day. In exceptional cases the detention runs as high as 27 days. (Ex. R. 4, June 26th, 1913.) The longer the detention the higher is the demurrage accruing to the Morristown and Erie, while the Lackawanna's mileage becomes infinitesimal. The mileage allowance is grossly unjust to the latter.

The switching reclaim, or free time deducted from straight *per diem* is to be based, according to the rule of the American Railway Association, "upon the average number of days actually required" (in switching and similar service upon the short line connection).

There seems, however, to be sound reason for differentiating between the free time allowance on cars arriving under load and returned empty, and cars arriving under load and redelivered under a return load. The Lackawanna proposes to allow on its own equipment free time periods of 2 days and 4 days respectively. The Morristown and Erie demands 3 days and 6 days respectively on all cars irrespective of ownership.

5. *An allowance of 3 days free time for a single load and 4 days free time on a double load, with one day free time on foreign equipment (foreign equipment to be construed as cars not belonging to the Lackawanna and cars whose haul did not begin on the Lackawanna's rails; and the per diem being the present 45 cents per car), appears to us fairly well to meet the equities in the present case.*

The considerations supporting this award are as follows:

First: On the road whose general situation most nearly approaches the Morristown and Erie's, to wit, the Raritan River Railroad, the

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per diem allowances with its two long haul connections, the Pennsylvania and the Central of New Jersey, are three days and four days respectively, apparently without regard to single or double loads. (Testimony, July 17th, 1913, pp. 3. 4.)

Second: The stricter exaction of *per diem* on foreign equipment is customary, to reimburse the long line connection for its out of pocket expense to the foreign road. It is true that no free time on foreign equipment is allowed by the Pennsylvania to the Raritan River. But this is explained by the fact that the Pennsylvania furnishes a far greater percentage of its own cars to the short line than does the Central of New Jersey. (Testimony, July 17th, 1913, p. 19.) The latter allows to the Raritan River one day free time on foreign equipment moved upon the rails of the short line. The New Jersey and Pennsylvania is billed by the Central of New Jersey for *per diem* on foreign equipment moved on to the latter's rails. The Rahway Valley is allowed by the Central of New Jersey as much as three days free time on the latter's equipment. On foreign equipment the shorter line accounts to the owner direct. (Testimony, July 24th, 1913, p. 3.) Similarly the Wharton and Northern pay the Central of New Jersey, and the Lackawanna full *per diem* on foreign cars. (*Ibid.*, p. 3, 11.)

Third: Free time allowance somewhat less than the average actual detention is proper in the interest of good railroading, and should act as an incentive to a short line in expediting return of equipment.

Fourth: Payments on the basis indicated would not be an undue charge on the revenues of the Morristown and Erie.

In this connection it may be said, *obiter*, that this Board would not give countenance of any arbitrary raising of *per diem* that would operate to extinguish the net revenue of short line roads. These short lines have their proper *role* and function, and are entitled to protection against any attempt, should the attempt be made, to crush them, under an arbitrary advance of *per diem* charges.

But payment by the Morristown and Erie on the basis above indicated would not have a disastrous effect.

It is quite apparent that the Morristown and Erie has exaggerated the amount of *per diem* that would be required of it, even under the Lackawanna's proposals. In Exhibit, p. 6, July 24th, 1913, there is no allowance made for the four days free time on a car carrying an inbound and an outbound load.

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In this exhibit, the Morristown and Erie computes the annual *per diem* accruing to the Lackawanna at $2,692.98.

By contrast the actual bills rendered by the latter for *per diem* from June, 1911, to January, 1913, both inclusive, amount to $2,146.05, or $1,287.66 per year.

It is much more probable that a bill rendered by the payee for actual service performed more nearly measures the charge than an estimate based on partly mistaken premises by an apprehensive payer.

Even the annual *per diem* account to be rendered by the Lackawanna would be reduced by our award, by reason of assimilating foreign cars loaded on the Lackawanna's rails to Lackawanna equipment, and by reason of allowing three days instead of two days on a car carrying a single load.

For the two months of January and April, 1913, of 362 cars delivered the Morristown and Erie, 42 were foreign cars whose load originated on the Lackawanna rails. If this is a fair average, there would be in a year something like 252 cars of this character on which full *per diem* under our award would not have to be paid. The full *per diem,* on an average of five days detention would amount to $567. Assuming that this block of cars required *per diem* payments on an average of three days instead of five days, there would be a decrease in *per diem* accruing of $226.80. This amount deducted from the annual amount billed would reduce the Morristown and Erie's annual charges to $1,060.80. The three-day allowance would certainly bring the sum below $1,000.

In round figures, our award would apparently require the Morristown and Erie to pay not more than $1,000 a year car hire to the Lackawanna for equipment, an amount not excessive either in consideration of the cars furnished or of the annual net earnings of the short line.

It was contended by the Morristown and Erie that an allowance for *per diem* to the Lackawanna would imply an allowance also to the Erie for equipment furnished by the latter. This is true, and, therefore, before considering the effect of our award upon the net earnings of the short line some attention must be paid to the possible amount of such payment.

In the first place, it does not appear that the Erie has demanded such an allowance; and, in view of the admission by the Morris-

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town and Erie that they divert all possible traffic to the Erie, it may be that such traffic preference may temper any claim which the Erie might make.

In the second place, the Erie equipment on the Morristown and Erie appears to be something less than three and a half times the Lackawanna's. If this flat basis were taken, and even $3,500 annually were paid for such car hire to the Erie, the remaining net earnings of the Morristown and Erie would still be substantial.

It was pointed out that the avearage detention on Erie equipment was greater than on Lackawanna equipment; and this, it might be urged, would increase the payment due the Erie. On the other hand, the greater detention was specifically attributed to the Erie's heavy deliveries of cars to the Morristown and Erie, especially of paper stock (Testimony, July 10th, 1913). And, furthermore, the proportion of foreign cars loaded by the Erie upon the rails of the short line carrier is much less than the proportion of foreign cars received from the Lackawanna. Thus in January and April of this year, of 357 cars received from the Lackawanna, 209 are classed as foreign (Exhibit, p. 6, July 24th, 1913); whereas of the 1,166 cars received from the Erie only 364 were foreign (Exhibit, p. 7, July 24th, 1913).

We may well leave the computation of the *per diem* allowance due the Erie until the latter makes demand for the same. Our preliminary canvass confirms us in believing that under the most extreme circumstances it cannot fail to leave substantial net earnings to the Morristown and Erie.

The total operating revenue for the year ending June 30th, 1912, reported by the Morristown and Erie to this Board was $92,103.49. The operating expenses reported were $54,563.36. The net operating revenue was, therefore, $37,540.13. Other income, including $1,448 demurrage, was reported as $2,097.04. After taxes, interest on the bonded debt and other interest were deducted, the net corporate income was $14,709.65.

The provision in the mortgage securing the bonds that ten per cent. of the gross earnings shall be paid annually into the sinking fund we do not regard as constituting a fixed charge properly to be taken account of in determining a fair return on the Morristown and Erie's property used and useful in rendering service to the public. It is an altogether anomalous provision, affording unwonted

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protection and security to the bond holders, and would result, taken in connection with five per cent. bond interest, in the fiscal year above mentioned, to over 8 per cent. on the principal of the bonded indebtedness.

That the road has not fully met this sinking fund provision in the past is no reason for regarding it as an earning to which the road has an imprescriptible right. The acquiescence of the bond holders in such partial failure, and the voluntary policy of the company in applying portions of the net available corporate income to purchasing additional terminal and other property instead of meeting the sinking fund requirement of the mortgage, all go to justify the non-inclusion of the sinking fund provision as a fixed charge that must be provided out of income before available free income is computed for paying due car hire.

It appears that the Morristown and Erie was practically built from the proceeds of the bonds amounting to $300,000, and that the $400,000 stock was practically water.

The State Board of Assessors, in their Report for 1912 (Part I, p. 741), put an aggregate assessed valuation upon the company of $335,802, including therein $54,362 for franchise. Without contending that a tax valuation is identical with a base for rate making it is clear from the testimony as to the road's cost (Testimony, July 17th, 1913, p. 84 Sq.) that its present fair value for rate making is nowhere near the aggregate of the fact of securities. If the shareholders were allowed an equity in the property at the present time of $100,000, it would be about that amount more than they ever invested in cash or its equivalent, and would fully measure, and probably largely exceed, the base upon which (after all operating expenses, taxes and interest have been paid) they are entitled to a reasonable return or profit.

The net earnings during the year ending June 30th, 1912, were approximately $15,000. If *per diem* for car hire should amount to no more than would leave two-thirds of that amount as available to the shareholders, it is certain that they would receive a fair return on the fair present value of their equity in the property.

For the above reasons we RECOMMEND the two carriers principally concerned to adopt the *per diem* arrangement outlined *supra* at the head of paragraph five and there underlined.

Entered August 18th, 1913.

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In the Matter of the Application of the Ocean City Electric Light Company for Approval of Ordinance No. 47, Passed by the Commissioners of Ocean City, May 22d, 1913.

Jno. D. McMullin, Frank S. Katzenbach and *W. F. Milliken,* appeared for the company.

REPORT.

The Ocean City Electric Light Company petitions the Board for approval of an ordinance, passed May 22d, 1913, by the Commissioners of the City of Ocean City.

The pertinent sections of the ordinance are as follows:

Section 1. That the rights, privileges and franchises for the use of the streets, avenues, parks, highways, alleys and other public places in the said city, both above and below the surface thereof, for the transmission of electric current for light, heat and power, as granted by ordinance approved by the Mayor of the Borough of Ocean City on November 1st, 1892, and the ordinances amendatory thereof and supplemental thereto, be and the same are hereby ratified and confirmed in the said Ocean City Electric Light Company, its successors and assigns, for a period of fifty years from this date.

Section 2. That no failure to comply with the provisions of the aforesaid ordinance of November 1st, A. D. 1892, by one of the companies therein mentioned or referred to shall work any forfeiture of the rights, privileges or franchises of the other company therein mentioned or referred to.

Section 3. That this ordinance shall take effect immediately.

The petition is filed under Section 24 of the Public Utility Act (*P. L. 1911, p. 13*), which section is as follows:

"No privilege or franchise hereafter granted to any public utility as herein defined, by any political subdivision of this State, shall be valid until approved by said Board, such approval to be given when, after hearing, said Board determines that such privilege or franchise is necessary and proper for the public convenience and properly conserves the public interests, and the Board shall have power in so approving to impose such conditions as to construction, equipment, maintenance, service or operation as the public convenience and interests may reasonably require."

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The proof shows that the statutory formalities prescribed by the Limited Franchise Act were complied with in the passage of the ordinance. The purposes of the ordinance are succinctly stated by counsel for the petitioner to be first, to ratify and confirm the rights of the Ocean City Electric Company in the streets of the City of Ocean City; second, to limit the term of these rights to fifty years; and third, to divorce the Ocean City Electric Light Company from the Ocean City Electric Railway Company, in respect to their several rights in the streets of Ocean City, so that no failure on the part of either of said companies might work a forfeiture of the franchises of the other.

It appears from testimony taken at the hearing upon the petition that on November 1st, 1892, Ocean City was as to its corporate form a borough. It passed, on that day, an ordinance entitled "An Ordinance to grant a location for tracks for an electric railway within the corporate limits of the Borough of Ocean City, and to provide light, heat and power for said Borough and the inhabitants thereof."

The sections of the ordinance so adopted, pertinent to this application are as follows:

"Section 1. Be it enacted by the Mayor and Council of the Borough of Ocean City, that consent is hereby given to such company or companies as may be formed and incorporated by Ezra B. Lake and his associates, to locate the tracks of a street railway within the corporate limits of said borough, as follows." (Then follow route of street railway.)

"Section 7. And be it enacted that consent is hereby given to the said company or companies to erect poles and construct conduits and to string wires, in the streets, alleys, avenues and lanes of the said borough, for the purpose of furnishing electric light, heat and power to the borough and inhabitants thereof."

"Section 8. And be it enacted that the said Borough Council hereby agrees with said company to accept enough of the electric light aforesaid of (1200) twelve hundred candle power to amount to the sum of two thousand (2000) dollars per annum, and pay forty cents per night for each and every light kept burning from sunset to sunrise, and thirty cents for those kept burning from sunset until twelve o'clock midnight, payable semi-annually, and that they agree to take the said lights to the said amount of two thousand dollars for at least ten years, and the said price of said lights not to change for fifteen years, providing the said company lights the city hall and buildings of said borough free of cost to said borough, and pay all expenses of wiring and switchboards or connecting * * *"

"Section 10. And be it enacted that this ordinance shall become null and void without repeal or notice at the expiration of one hundred days from the date

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of its enactment, unless within that period a bona fide company or companies shall be legally incorporated by the said Ezra B. Lake, his associates or assigns, under some valid law of this State, which corporation shall speedily prosecute the work herein provided for, and unless within two hundred and thirty (230) days from the date of said enactment, the said road shall be in actual successful operation from the beginning point over the said route, designated as far southward as Sixteenth Street, provided the work is not delayed or obstructed by adverse litigation, the time which such obstructions continue to be added to the said two hundred and thirty days (230) allowed for the completion of the work."

"Section 12. And be it enacted that upon the corporation of said company or companies, and before it shall proceed to take any rights or to construct any works under the provisions of this ordinance it shall file with the clerk of said borough a written acceptance under its corporate seal and duly acknowledged, which acceptance shall provide that said company or companies shall not in any manner question or contest the legality of this ordinance or any provisions thereof, but will accept the same with all the binding force of a contract so far as said company or companies are concerned and proceed wholly thereunder."

The Ocean City Electric Company was organized February 3d, 1893, under the General Corporation Act of this State. On February 25th, 1893, that company filed with the Borough an acceptance of the ordinance last referred to. The acceptance contained an agreement on the part of the company that it would "not in any manner question or contest the validity of the said ordinance or any provision thereof, but accepts the same with all the binding force of a contract so far as said company is concerned and proceed wholly thereunder."

The Ocean City Electric Company thereafter constructed, and has since maintained, its poles and wires in the public highways of Ocean City and has ever since furnished electric light, etc., to the Borough and its inhabitants.

The reading of the ordinance of 1892 shows that it did not purport to grant any consent to Ezra B. Lake and his associates, nor to create any contractual relation with them.

The ordinance did, however, purport to extend, consent to erect poles and construct wires in the streets, alleys, avenues and lanes of the Borough for the purpose of furnishing electric light, heat and power to the Borough and inhabitants thereof to a company thereafter to be formed, and to enter into a contract with such then non-existent company for public lighting extending over a period of ten years; and in its provision against changes in price over a period of fifteen years.

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Consideration of the careful discussion of the question in the brief of the petitioner has not removed the doubt we suggested at the hearing as to the validity of the ordinance of 1892.

At the time of the adoption of the ordinance the statute entitled "A further supplement to an act entitled 'An act concerning corporations,' approved April 7th, 1875" (*P. L. 1884, p. 331*), provided that any company organized under the act of 1875 "for the purpose of constructing, maintaining and operating works for the supply and distribution of electricity for electric light, heat and power shall have full power to use the public roads or highways, streets, avenues and alleys in this State for the purpose of erecting posts or poles on the same to sustain the necessary wires and fixtures upon, first obtaining the consent in writing of the owners of the soil."

The statute contained the following proviso: "provided, however, no posts or poles shall be erected in any street of any *incorporated city or town* without first obtaining from the incorporated city or town a designation of the street in which the same shall be placed and the manner of placing the same * * *." This statute vested in the Ocean City Electric Company power to erect its poles upon the highways of the Borough of Ocean City. The power so vested was not limited by any requirement that permission should be first obtained from the Borough, since the proviso of the statute extended only to *cities and towns.*

(1899) *East Orange* v. *Suburban Electric Light and Power Co., 59 N. J. E. 563.*

(1901) *Point Pleasant Electric Light Company* v. *Bayhead 62 N. J. E. 296.*

It would, therefore, seem that the power to erect posts and poles upon the public highways of the Borough became vested in the Ocean City Electric Company upon its incorporation by the statute wholly irrespective of the consent purporting to be given by the ordinance.

If we assume that the statute made consent by the Borough a prerequisite to the construction of poles the fact remains that at the time of the passage of the ordinance the company was non-existent, and we incline to the view that an ordinance granting such consent to a non-existent corporation is void.

(1898) *Stevens et al.* v. *Borough of Merchantville et al., 62 N. J. L. 167.*

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(1898) *Lake* v. *Ocean City, 62 N. J. L. 160.*

The ordinance, as before indicated, purported to create, or at least lay the basis through acceptance for, a contract for public lighting extending over a period of ten years. At the time of the passage of the ordinance there was in force "An act authorizing the lighting of public streets and places in the cities, towns, townships, boroughs and villages of the State." (*P. L. 1886, p. 389.*)

This statute authorized boroughs, from time to time, and by ordinance or resolution, to order and cause any public street, etc., to be lighted with gas or otherwise, and for that purpose to erect and maintain, etc., all necessary and proper posts, lanterns and fixtures, and to make and enter into any contract or contracts with any other party or parties in relation to the same.

In *Taylor* v. *Lambertville 43 N. J. E. 107, 188*, this statute was, however, construed as limiting the contract entered into thereunder to the period of one year.

If, as we must assume, this construction of the statute is correct, the statute then would not suffice to authorize the contract attempted to be entered into which extended over a period of ten years.

Moreover, if the statute was broad enough to warrant the contract, the question before suggested would still remain, as to the effect of the fact that the company was non-existent at the time of the passage of the ordinance. We, therefore, conclude that the ordinance of 1892 was ineffective and it may be dismissed from further consideration except as it is referred to in the ordinance submitted for approval. The situation heretofore considered continued unchanged until 1897. On March 25th, 1897, the Borough of Ocean City became a city by the enactment of a statute entitled "An act to incorporate Ocean City, as a city, and to fix the boundaries thereof." (*P. L. 1897, p. 107.*)

The statute of 1884 relating to electric light, heat and power companies had in the meantime been superseded by P. L. 1896, p. 322.

Under the statute the consent of the City of Ocean City to the erection of posts and poles by the Ocean City Electric Company in the public highways of the city was requisite. The poles upon the public highways at the time of the incorporation of the city were lawfully there by force of the authority conferred by the statute of 1884.

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The poles erected upon the public highways after the incorporation of the city and before the enactment of the confirmatory statute (*P. L. 1898, p. 458*), were without lawful warrant unless that statute was retroactively effective to legalize the occupation of the public highway by them.

(1909) *Taylor* v. *Public Service Corporation of New Jersey, 75 N. J. E. 371.*

(1909) *Passaic* v. *Public Service Corporation of New Jersey, 75 N. J. E. 379.*

(1912) *Public Service Corporation* v. *Westfield, 80 N. J. E. 295.*

At all events the subsequent erection of poles, etc., by the company within the city without the consent of the city was without lawful warrant. (1913) *Public Service Corporation* v. *Westfield, 80, N. J. E. 295.* In the meantime "An act regulating the granting by municipalities of consent to the use of the streets, avenues, parks, parkways and other public places" (*P. L. 1906, p. 50*) (the Limited Franchise Act), has been enacted, and from time to time amended. That act provides that thereafter where by law the consent of any municipality is required, for the use of any street, avenue, park, parkway, highway or other public place, either above, below or on the surface thereof, such consent shall not be granted by such municipality except in accordance with the terms of the act.

In connection with the ordinance submitted for approval all of the requirements of this act have been met.

In the meantime, too, the statute creating this Board and rendering its approval of the privilege resulting from such municipal consent a prerequisite to its validity has been enacted. That the passage of an ordinance by the city of Ocean City granting its consent to the erection of poles, etc., in the public highways by the Ocean City Electric Company is now within the power of the municipality is unquestioned. That such consent as a prerequisite to the possession of such power by the company is our conclusion. The ordinance, however, makes in terms no grant of municipal consent except as it does through ratification and confirmation of the rights, privileges and franchises "as granted by the ordinance" of 1892.

In view of the rule that a municipal corporation may ratify and confirm acts done without authority, when power has been conferred upon it by the Legislature to grant authority for the act

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ratified and confirmed, we conclude that the ordinance submitted for approval is operative in grant.

The ordinance embodying the terms of the ordinance of 1892 is not objectionable. It sets at rest all questions as to the lawfulness of the present occupancy of the public highways by the Ocean City Electric Company, an end desirable in itself. It authorizes the extension of such occupancy. It limits the term of the occupancy to fifty years. Under the ordinance of 1892, the rights, if any, of the lighting company were subject to forfeiture not only through a breach of its terms by the company, but also through breach of its terms by the street railway company to which a grant of consent was thereby attempted to be made.

That this condition of affairs is open to objection is obvious. It is remedied in the ordinance submitted by a provision that a breach of the ordinance of 1892 by one of the companies shall work a forfeiture of rights, privileges or franchises of the other company.

A certificate of approval will therefore issue.

Dated September 2d, 1913.

In the Matter of the Complaint of the City of Long Branch, Township of Eatontown and the Borough of West Long Branch vs. Monmouth County Electric Company.

Distance alone is not the controlling factor in the establishment of fare zones. The fact that one zone is greater than another, or that they are equal in distance or that a greater rate of fare is charged in one than in the other, does not prove that the rate is necessarily unjustly discriminatory. Among the factors which must be considered in determining the reasonableness of a zone charge are the distance, number of stops, the density of population along the route, the passengers carried, the number of riders and the number of short trip riders, and the investment required to furnish

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the service. The power of a municipality to exact a condition limiting the rate of fare flows merely from the statutory necessity of the municipality to consent to the construction of the line.

It is unreasonable to suppose that the legislature in merely making the municipal consent or permission a condition precedent to the construction of the line intended to surrender its governmental power of fixing rates.

The ordinance of the municipality in so far as it fixes a rate of fare continues effective as between the municipality and the company until such time as the state sees fit to exercise its paramount authority and until such time only.

The Board finds that the company is not at the present time earning an unreasonable return on its investment.

For the City of Long Branch and the Borough of West Long Branch, *William A. Stevens.*

For the Township of Eatontown, *William L. Edwards.*

For the company, *McDermott & Enright.*

REPORT.

A hearing was had upon the above complaint, at which all parties in interest were represented. The complaint is divided into two parts, namely: That safe, adequate and proper service is not furnished by the respondent company, and secondly, that the rate of fare charged on certain portions of the line is excessive and unjustly discriminatory.

The complainants also contend that the rates of fare charged are contrary to and in excess of the rates allowed under the terms of the franchise under which the company is operating.

The answer of the company amounts to a general denial of all of the allegations set forth in the complaint.

SERVICE.

Upon the receipt of the complaint and before hearings were held, the Board deemed it wise to make an immediate inspection of the

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property. The result of this inspection showed the necessity for immediate attention by the company, to its equipment and roadbed. Upon the Board's suggestion, improvements were begun by the company and have continued up to the present time.

In this respect the company has shown a disposition to comply with the suggestions of the Board as to the betterment of its physical property. The constant supervision by the Board through its inspectors, will not abate until it is satisfied that the company has attended to all things necessary as it is legally required to do to furnish safe, proper and adequate service, and hence no specific order or recommendation will issue at this time respecting that part of the complaint.

RATES.

The complainants base their charge of discrimination in fares upon the fact that the company imposes a rate from Red Bank to Oceanic of five cents, from Eatontown to Red Bank a charge of one fare or five cents, from Eatontown to Long Branch a charge of two fares or ten cents and alleges that the three zones are approximately equal in distance. It may be pertinent to state that the company in the operation of its system divided it into two divisions, with Red Bank as a common terminus of both divisions. The first division extends from the City of Long Branch through Eatontown to Red Bank. The second division extends from Red Bank through Fairhaven to Oceanic.

The Board has encountered more or less difficulty in its attempt to adjust rates of fare based upon the zone system and in its memorandum of December 11th, 1911, *"In the matter of the application of the South Englewood Improvement Association, the New Jersey and Hudson River Railroad and Ferry Company* vs. *Public Service Railway Company,"* it said: "While the immediate introduction of a radical departure from the present system is not before the Board, we incline to believe that eventually the entire zone system, together with the flat five cent fare, will have to be replaced by a more rational and equitable system of charges."

In the same memorandum the Board proceeded to point out what, in its opinion, would be a proper basis for trolley fares.

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It must be obvious that distance alone is not the controlling factor in the establishment of fare zones. We need only point to the condition in this and other states respecting this subject to show that there is no uniformity in the matter of length of zones and the fact that one zone is greater than another or that they are equal in distance or that a greater rate of fare is charged in one than in the other, does not prove that the rate is necessarily unjustly discriminatory. It is generally true that within cities the rate per mile for trolley fares is much lower than in suburban or interurban territory. In some cities in this state the rate of five cents entitles the rider in some instances to a ride of fifteen miles, while, on the other hand, an ordinary fare for interurban lines is not far from one and three-fourths cents per mile.

Among the factors which must be considered in determining the reasonableness of a zone charge are the distance, number of stops, the density of population along the route, the passengers carried, the number of riders and the number of short trip riders, and the investment required to furnish the service.

It appeared from the testimony that the investment of the company in the Long Branch division was much greater than in the other division, owing to the necessity of the construction of an expensive trestle and because of the purchase of a private right of way through the heart of the city, due to the refusal on the part of Long Branch to grant access to the company to its public streets.

Comparing the traffic conditions of the two divisions we find that Long Branch is essentially a summer resort, which means that it affords to this division much less traffic in the winter than in the summer months, while Red Bank and the other towns along the second division are what are known as all year round communities. The truth of this is demonstrated in the following figures:

In the year nineteen hundred and thirteen during the month of January the fares received between Eatontown and Second Avenue, Long Branch, aggregated	$43,274.00
While in July of the year previous in the same zone the fares aggregated	88,893.00

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Comparing the two a falling off of 51% in the winter season will be noted. In the year 1913 during the month of January the fares aggregated in the zone between Red Bank and Eatontown	39,559 00
While in the month of July previous the fares aggregated	62,737.00

Showing a falling off of only 37%.

PHYSICAL VALUATION.

As the complainants contended that the present capitalization of the company was no indication of the real value of the property and as the Board deemed it necessary to a proper determination of the question submitted regarding rates, it caused an appraisal of the value of the physical property of the company to be made. The result of this appraisal was as follows:

Cost to reproduce new line from Long Branch to Red Bank	$466,000.00	
Cost to reproduce new line from Red Band to Oceanic...	200,000.00	
Total		$666,000.00

REVENUE AND EXPENSES.

The annual report for the year of 1912 givess a gross revenue of	$101,377.70	
Surplus from 1911	5,839.71	
Total, ...		$107,217.41
Operating expenses	75,682.40	
Taxes	7,537.09	
Interest on bonds	20,000.00	
Interest on debt	3,540.87	
Total		$106,760.36
Surplus December 31st, 1913, ...		457.05
It will be noted from the above that as a surplus of.....		5,839.71
Was carried over from the year 1911, there was therefore an actual deficit in the year 1912 of		5,382.66
Take the income for 1912 and deducting operating expenses and taxes amounting to		83,219.49
We find the amount available for payment of interest and dividends to be		18,158.21
Which represents approximately 2.7 per cent upon the above appraised, namely		666,000.00

The above figures are proof that the company is not at the present time earning an unreasonable return upon its investment.

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FRANCHISES.

There remains to be discussed the legal right of the company to collect the fares which it now charges. The point in dispute relates to the right of the company to collect more than one fare from Eatontown to Second Avenue, Long Branch, which is the terminus of the road in Long Branch. The charges now made by the company are as follows:

"Eatontown, La Fretra's Brook to Branchport Avenue, Long Branch 5c
Turtle Mill to Second Avenue, Long Branch, ... 5c"

It is contended by the petitioners that the company has no right to charge two fares. This is based upon the conditions in the ordinance of Eatontown Township, under which the road was constructed. This ordinance was passed May 10th, 1897, and with reference to fares, section 16, reads as follows:

"That the rate of fare for the carrying of passengers between Eatontown and Red Bank, or between Eatontown and Long Branch, shall not exceed five cents for one adult person. All children under the age of five years accompanied by parents or guardiance shall ride free of charge."

It is the contention of the company that the meaning of the clause just quoted is that the company has the right to charge the five cent fare from Eatontown to the boundary line between Eatontown Township and the city of Long Branch. It is claimed by the company that this portion of the line was constructed before the extension down into the city. It is further contended that the township of Eatontown, in passing the ordinance above referred to, could have referred to nothing else than the fare to be charged within the township, as the fare to be charged within the City of Long Branch, it is alleged by the company, would be entirely beyond the control of jurisdiction of the township of Eatontown.

Because of the conclusion we have reached as to our jurisdiction, which we hereinafter state, we are not obliged in order to reach a determination in these proceedings, to construe this provision of the ordinance.

It is undisputed that the consent and permission of the municipality is by the statute made a prerequisite to authority in the com-

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pany to construct its line within the limits of the municipality. That the municipality may, under the statute, refuse its consent and permission is also undisputed. That the municipality may, in granting its consent and permission, exact such conditions as it sees fit, provided that they are not unlawful in themselves, and are reasonably protective of the public interest and are germane to the subject, is settled.

(1869) *Jersey City and Bergen R. Co.* v. *Jersey City* v. *Hoboken House R. Co., 20 N. J. E. 61.*

(1870) *Jersey City & Hoboken House R. Co.* v. *Jersey City & Bergen R. Co., 21 N. J. E. 550.*

(1884) *Davis* v. *Town of Harrison, 46 N. J. L. 79.*

(1893) *Humphreys* v. *Bayonne, 55 N. J. L. 241.*

(1898) *Lake* v. *Ocean City, 62 N. J. L. 160.*

(1906) *Rutherford* v. *Hudson River Traction Co., 73 N. J. L. 227.*

(1907) *Asbury Park & S. G. Railway Co.* v. *Neptune Township, 73 N. J. E. 323.*

That such a condition may limit the rate of fare seems likewise determined.

(1905) *The Long Branch Commission* v. *Tintern Manor Water Co., 70 N. J. E. 71.*

The power of the municipality to exact such a condition limiting the rate of fare flows, however, merely from the statutory necessity of the municipality to consent to the construction of the line.

The power does not find its source in any statute authorizing the municipality to enter into contract fixing the rate of fare.

It is unreasonable to suppose that the legislature in merely making the municipal consent or permission a condition precedent to the construction of the line intended to surrender its governmental power of fixing rates.

If, therefore, we regard the ordinance granting consent and permission as a contract, it is a contract the provision of which as to the rate of fare lacks specific legislative authority. That provision, therefore, cannot affect the exercise later by the legislature of the legislative power to fix the fare.

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In this view the ordinance in so far as it fixes a rate of fare continues effective as between the municipality and the company until such time as the state sees fit to exercise its paramount authority and until such time only.

The mere enactment of the Public Utility Act of 1911 re-declaring the common law rule confining the rates of public utilities to the standard of "justice and reasonableness" was not such an exercise of the State's paramount authority and did not take from this provision of the ordinance its binding force and effect.

That act, however, created this Board with the power and the duty to fix just and reasonable rates whenever it determined an existing rate to be unjust and unreasonable. For the reasons stated, we cannot find the existing rate of fare to be unjust and unreasonable. If we conclude that the ordinance imposed the obligation to exact a lesser rate of fare, we should, nevertheless, on our view fix the existing rate of fare as the just and reasonable fare. Such action on our part under the statute would operate to displace and render ineffective the present ordinance provision.

Any other conclusion as to the force of similar ordinance provisions would permit them to stand in the way of the State's power. If the ordinance provision is construed to operate to prevent the fixing as just and reasonable by this Board of a rate of fare, in a given case, in excess of that fixed by the ordinance provision, it would, in another case, preclude this Board from fixing as just and reasonable a rate of fare less than that fixed by the ordinance provision.

Such a construction in view of the many ordinances granted before the creation of this Board, which contain similar provisions would be disastrous to the effective exercise of the power to fix just and reasonable rates. We decline, therefore, to disturb the existing rate.

(1911) *City of Manitowoc* v. *Manitowoc & Northern Traction Company*. (*Wis.*) *129, N. W. 925.*

The prayer will, therefore, be denied and the petition dismissed. An order will be so entered.

Dated September 2nd, 1913.

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ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

It is ordered that the complaint in this proceeding be, and it is hereby DISMISSED.

Dated September 2nd, 1913.

Borough of Butler
vs.
Butler Water Company.

The provisions of the ordinance of the Borough of Butler cannot stand in the way of the exercise by this Board of its power to fix just and reasonable rates; to set standards of adequate and proper service and to establish just and reasonable practices, rules and regulations. In so far as the action of this Board in the exercise of these powers contravenes the terms of the ordinance, the ordinance provisions must give way.

The municipality in imposing the terms contained in the ordinance simply acted as an agency of the state. The legislature might directly abrogate, modify or alter, so far as the municipality is concerned, the terms imposed by the municipality. While the legislature has not done this directly, yet it has by the creation of this Board with the powers stated, constituted a body whose orders in fixing just and reasonable rates, setting standards of adequate and proper service and establishing just and reasonable practices, rules and regulations may indirectly have that result.

The Board finds that the Butler Water Company fails to maintain its property and equipment in such condition as to enable it

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to furnish safe, adequate and proper service. The company is ordered to increase its water supply and storage capacity, to lay and construct lines and mains, to install meters, to make certain changes in its rules, and to put in effect a schedule of rates fixed by the Board as just and reasonable.

Paul Witteck, Mayor, and *William L. McCue,* Borough Counsel, for the Borough of Butler.

Roland S. Palmer, for the Butler Water Company.

REPORT.

This matter comes before the Board in the form of a complaint filed by the Mayor and Council of the Borough of Butler, making certain allegations concerning the rates, rules and regulations, practices and adequacy of service of the Butler Water Company.

A copy of the complaint was served upon the Butler Water Company and answer received thereto. Owing to the fact that the application of the Borough of Butler requested a suspension of the rates, the matter was set at an early date, namely December 30th, 1912. Upon that date, it was the opinion of the Commission that the application for suspension of rates should be denied, excepting in the matter of the rate for sprinkling, and a stipulation was entered into between the company and the complainants, by which the company in sending out January bills would omit all references to the charge for sprinkling, and would stamp on the bills the following:

"At the suggestion of the Public Utility Commission, we have omitted the sprinkling charge for this quarter. After final hearing, it will be billed in accordance with the finding of the Public Utility Commission."

It was further agreed that in the meantime no one would be denied service.

At this hearing, it developed that the Counsel for the Borough wished to file an amendment to the original petition. The amended petition was received on January 3d, 1913, and served upon the company, the answer being filed with the Board on January 17th,

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1913. A second amended complaint was filed under date of February 10th, and the hearing was set for February 15th. A further hearing was also held on February 21st.

Conference was also held on June 4th, 1913, by representatives of the Board and the various parties interested. This conference was held in Butler, at which time a general inspection was made of the territory, and of the conditions referred to in the testimony taken at the hearings.

On March 28th, 1913, a letter was received from the Borough Counsel, referring to a service furnished to the American Hard Rubber Company and the Pequannock Rubber Company. This letter, together with the accompanying correspondence and further correspondence from the Butler Water Company under date of April 7th, added information to that already submitted.

During the month of May, a complete inventory and appraisal of the property of the Company was prepared by the engineers of the Commission. This inventory was based upon a map which had just been prepared by the engineers of the water company.

The Butler Water Company was incorporated January 3d, 1905, the purpose of the company being to supply the Boroughs of Butler and Bloomingdale with water. The larger portion of the plant as it now exists was constructed within a short time after the company commenced business. Owing to the manner in which the records of the company were kept, it is impossible to get any exact figures regarding the cost of the property of the company or regarding the earnings and expenses of the company up to the beginning of 1911. For the year 1911 the report submitted by the company is incomplete. An explanation is contained in the report to the effect that the incompleteness is due to the lax methods of bookkeeping previously in use by the company.

Service was furnished in accordance with flat rates, that is, rates based on the numbers of fixtures in the various premises, and from the testimony it would appear that no very careful record was kept by the company as to the actual number of fixtures in the various premises. The testimony further developed that there were certain persons receiving water who had been connected up by the Superintendent, but whose names had never been taken up on the books of account of the company.

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The complaint of the Borough alleges:

(1) "Exorbitant and excessive prices";

(2) Excessive charges, particularly with reference to sprinkling service;

(3) Unreasonable charges for the tapping of mains;

(4) Inadequate distribution system because of the sizes of the pipes and because of the location of mains too near the surface of the ground, the resultant pressures in certain portions of the Borough being insufficient for satisfactory service;

(5) The petitioners also allege that the rules and regulations of the company with reference to the method of installing service pipes are improper;

(6) That the Butler Water Company did not have any right, under the ordinance under which it is operating, either to compel consumers to install meters, or to install the same itself and to charge for the water in accordance with meter measurements;

(7) The Borough also alleges that the water-supply itself is inadequate for a community such as this company is serving.

The Butler Water Company, in its answer January 17th, 1913, denies that it is charging, or was proposing to charge, "exorbitant and excessive prices."

The company affirmatively alleges that the flat rates charged are in accordance with the terms of the ordinance under which the company is operating, and further alleges that the "rates referred to are extremely low in view of the service rendered and the burden of taxation placed upon this company by the said borough of Butler."

It also affirmatively alleges that it has not increased rates except in so far as necessary to establish reasonable rates for service for which rates had not heretofore been established.

It also alleges that meter charges heretofore established had been reduced by establishing a diminishing rate, based upon the number of gallons used, which would operate to reduce the meter rates heretofore charged by it, "and further that the alleged change in sprinkling rates is not in truth a change in rates, but the establishment of just and reasonable rules regulating the use of such service, with a view to correcting abuses and equalizing rates charged to

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consumers of property of different character and extent, and further with a view to equalizing the distribution of water to the various classes of consumers," etc.

The Butler Water Company admitted the allegation referring to the charge for tapping the main line, and contended that the fee charged by it for tapping the main is reasonable, and that any and all conditions imposed by it upon those desiring to become consumers are reasonable and just, and that its practice generally conforms to the practice of other water companies.

The Butler Water Company denies that its storage of water and the pipe system are inadequate and not properly equipped for service, and denies that its pipes are too near the surface of the ground.

The Butler Water Company claims that with the correction of certain abuses by the enforcement of the proposed rules and rates (attacked by the petitioners) the capacity of its reservoir and pipe lines would be adequate to supply a much larger population than that now supplied, and contends that no fire hydrants had ever been disabled by frost when actually required for the extinguishment of fire.

The Butler Water Company denies the allegations of the complainant to the effect that the water company "is attempting to compel the inhabitants and consumers to install meters or install them itself, and to use the water on a meter basis, except in so far as certain provisions of its rules and regulations heretofore filed with this Board relate to the use of meters"; * * * "and the water company alleges that the use of meters for the purpose of determining the prices to be charged for water furnished by it is not prohibited by said ordinance empowering this company to be in business; that the use of such meters has been acquiesced in since the incorporation of this company; that such meters are in almost all, if not all, instances requested by the consumers; that this company believes it has the right to enter into any contract with its consumers which is reasonable and not discriminatory, and that this company believes the use of such meters upon the service wherein it desires to use them, as more particularly set forth in said rules, will be for the best interests both of the company and of its public and private consumers."

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A. W. Cuddeback, hydraulic engineer, appeared as an expert on behalf of the Borough of Butler. His testimony was to the effect that the sources of water supply now available to the Butler Water Company are inadequate. He based this opinion upon his knowledge of the available sources of water in the northern portions of this State, and his testimony is replete with comparisons between the available run-off of the various watersheds in northern New Jersey. Mr. Cuddeback further made reference to the information found in Volume 3 of the Publications of the Geological Survey of New Jersey.

Mr. Cuddeback also expressed the opinion that, due to the small drainage area from which the water supply for Butler is taken, the reservoir capacity would have to be of larger proportions than where the areas are much greater.

Mr. Cuddeback's general opinion is that the storage capacity of the Butler Water Company is approximately one-half as great as it should be in order to forestall the danger of insufficient supply in times of extreme drought.

With further reference to the capacity of the reservoir, Mr. Owen testified, (see p. 112, Testimony, Feb. 21st, 1913):

> "Question (by Mr. McCue): Do you know what saved the reservoir from going dry last August?"
>
> "Answer: The opening of the Kinney dam to make repairs. We have been cognizant of this fact—as a result of putting in the water in the reservoir from Mr. Kinney's dam last winter. It is an old leak; it has been our life saver for a good many years. They repaired it last June, which eliminates all the leak.
>
> "Mr. Foster's 400,000 gals. a day, about 200,000 gals. of that has been the leak from Mr. Kinney's dam."

With reference to the adequacy of the distribution system, Mr. Cuddeback testified that in his opinion the piping system was such that the main business portion of the town has fair fire protection.

> "There are, however, certain sections, for instance, the residential sections on Boonton and Bartholdi avenues that have

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> insufficient fire protection, and the section in which the paper mill and the excelsior mill are located has practically no fire protection whatever."

With further reference to the adequacy of the system for fire protection purposes, a series of tests was made by an inspector of the Commission, in company with the officials of the Borough and of the water company, a report having been submitted to the Board under date of May 8th, 1913. The results of the tests confirmed the statements made by Mr. Cuddeback, to the effect that adequate pressures are now available in the main business portion of the Borough, but that the pressures upon the hillside, that is, on Boonton and Bartholdi avenues, are insufficient to afford proper fire protection.

Based on this testimony, the tests which have been made by inspectors of the Board, and the inspection which was made of the entire territory by representatives of the Commission on June 4th, it is the opinion of the Board that steps will have to be taken in the near future to increase the water supply and the storage capacity, and to remodel or extend the distribution system, so as to provide sufficient pressures where the pressure is not now sufficient to furnish adequate fire protection.

With reference to the rules and regulations of the company, complainants allege that it is improper to compel the consumer to pay the cost of tapping the mains and to pay also the cost of installing the service pipe.

It is true that in connection with most small water companies a charge is made for tapping the mains . It is also true that a service pipe is usually paid for in small towns and villages by the consumer. It should be noted that if the consumer pays for these items, the company is not compelled to do so, and its investment is less. On the other hand, if the consumer does not pay for these items, the company's investment is greater and the base upon which a system of rates must be predicated is higher. In the last analysis, it will not result in any great difference to the consumer. At the present time the Board is not prepared to declare unreasonable the company's present practice with regard to the manner in which the service connections are paid for.

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With regard to the type of connection which the company insists shall be made when tapping the main, the Board is of the opinion that this type of connection is unnecessarily expensive and might easily result in clogged service pipes, and believes that some simpler method of connecting the service pipes to the main should be adopted.

With regard to the installation of check valves on service pipes, a rule of the company provides that these must be installed, and the complainants allege that they are not necessary. Mr. Cuddeback testified that in his experience, and in his personal practice, in which he has charge of over 30,000 such services, they are not required, and that where check valves are used certain other means of relief for the pressure due to heating water in house boilers must be provided; that the object of installing the check valve is to prevent hot water from backing out from a consumer's premises through the meter and damaging the meter. Mr. Cuddeback testifies that in all his experience he has not known of damage being caused to meters in the way referred to; and the Board is of opinion that the requirement by the water company of a check valve located upon the consumer's premises so arranged as to prevent the water from backing out into the mains, is unnecessary and unreasonable.

With reference to the charge for sprinkling which was the original cause of the complaint against the company, the following is the statement of fact.

In the ordinance of the Borough of Butler, under which the company is operated, Section 5 reads as follows:

> "That the annual rates to be charged consumers for domestic service shall not exceed $8 for the first faucet, $2 for the second faucet, and 50c. each for additional faucets; $4 for bath tubs, $4 for water closet, $5 for the use of hose, and $5 for the use at private barn, payable quarterly in advance, and according to the rules and regulations published by the company."
>
> From the statement above, it is clearly seen that the charge "for the use of hose" is not to exceed $5, "payable quarterly in advance and according to the rules and regulations published by the company."

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The rules and regulations published by the company are found on the reverse side of the form of bill which was in use by the company under the old management. Rule 8 reads as follows:

> "The regular water rents for the use of hose for lawn or garden sprinkling and dust laying, viz., $5 per annum shall be based on the moderate use of the same for such purposes and the extent of such use must not exceed one hour in any one day, which said use shall be between the hours of 5 and 7 in the forenoon or 5 and 8 in the afternoon. The company reserves the right in the case of low water to still further restrict the use of hose or prohibit its use entirely. No greater use of hose for such purposes will be allowed except in cases and rates especially agreed upon by the parties interested and the company. No continuous flow to guard against frost or any other purpose will be allowed unless by special permit under special contract."

The Board is of the opinion that in so far as the matter is covered by the old form of the rule, it is reasonable. In the rules and regulations filed by the company with the Board under date of December 28th, 1912, Rule 27 reads as follows:

> "All hand hose must be used with a nozzle, the internal diameter of which shall not exceed ¼ of an inch and the use of the hose for street and lawn sprinkling must not exceed one hour in any one day, to be used 6 months from May 1st to Nov. 1st, which said use shall be between the hours of 5 and 7 in the forenoon and 5 and 8 in the afternoon. No fixed or portable fountain or jet or lawn sprinkler will be allowed under any circumstances, except where the water first passes through a meter."

The Board is of opinion that in so far as the wording of Rule 27 is concerned, it is reasonable. The contention of the complainants, however, is that in the enforcement of the regulation regarding sprinkling, the company has further interpreted its rules and regulations regarding the use of hose to the use in connection with a plot of ground having a frontage of 25 feet and a depth of 100

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feet, and that where a lot contained, for instance, a frontage of 100 feet and a depth of 200 feet, a separate charge of $5 would be made for each area of 25 by 100 feet.

In the opinion of the Board such a method of determining the charge for hose service is unreasonable and improper. The Board believes that a reasonable provision would be to restrict the use of a single hose for sprinkling purposes to a plot having a frontage of 50 feet and having a depth not exceeding 200 feet. Where a much larger area requires sprinkling, or where water is required for irrigation purposes, the Board deems it reasonable for the company to require the installation of a meter.

With reference to the use of meters by this company, the attitude of the Board has always been favorable toward the installation of meters for the purpose of measuring the supply of water delivered to consumers. The Board stated *"In the matter of the complaint of Jacob DeLazier* vs. *the Passaic Water Company," March 28th, 1913*:

> "In a water system where the water is supplied by gravity, and the supply is far is excess of the maximum demand, there is some excuse, from an economic standpoint, for saving the expense of meter installation, but even in this character of system, water consumed for special or business purposes should be metered to prevent discrimination. * * *
>
> "We are convinced that the large consumption of water, as shown by the statistics of American cities, is largely the result of waste of water by the consumers who are upon the flat rate basis. It is an economic waste to spend money for the extension of a plant, when the use of meters would prevent such waste and conserve the energy of the system."

The complainants allege that the Butler Water Company has no legal right to install or use meters in connection with the charges for its service.

This contention is based upon the terms of ordinance No. 15, dated January 3d, 1905, under which the company is operating. We are not put to the necessity of determining the soundness of this contention. In our judgment, the provisions of this ordinance

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cannot stand in the way of the exercise by this Board of its power to fix just and reasonable rates; to set standards of adequate and proper service, and to establish just and reasonable practices, rules and regulations.

In so far as the action of this Board in the exercise of these powers contravenes the terms of the ordinance, the ordinance provisions must give way.

The municipality in imposing the terms contained in the ordinance simply acted as an agency of the State. The Legislature might directly abrogate, modify or alter, so far as the municipality is concerned, the terms imposed by the municipality. While the Legislature has not done this directly, yet it has by the creation of this Board with the powers stated, constituted a body whose orders in fixing just and reasonable rates, setting standards of adequate and proper service and establishing just and reasonable practices, rules and regulations may indirectly have that result.

The Board is, therefore, of opinion that when ordered to do so by the Commission, the Butler Water Company may install meters and substitute a schedule of meter rates for other schedules, by which its charges are computed.

Analysis of all of the testimony and the facts in this case indicates that the greatest care must be observed by this company, and by its consumers, in conserving the water supply. This alone justifies such steps as will result in conserving the water supply, if such can be done without placing undue hardship upon the consumers. The Board is, therefore, of opinion that meters should be installed in connection with the service of water to all hotels, boarding houses, industrial establishments, livery stables, saloons, garages, and in all cases other than supply of water to private families for domestic use.

In the opinion of the Board all new applicants for service should be served through meters from the outset, and all present consumers should be given the option of taking service through a meter.

There remains to be discussed the rate schedule to be applied in connection with the service of water through meters. The company has submitted a schedule which is as follows:

$3.00 per thousand cubic feet for the first 5,000 cubic feet per quarter;

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$2.00 per thousand cubic feet for the second 5,000 cubic feet per quarter;

$1.30 per thousand cubic feet for 10,000 cubic feet per quarter;

$1.15 per thousand cubic feet for 20,000 cubic feet per quarter;

$1.00 per thousand cubic feet for water in excess of 30,000 cubic feet per quarter.

Analysis of the list of consumers supplied by the Butler Water Company indicates that there are comparatively few who will be affected by the sliding scale of charge. There are two consumers, the Pequannock Rubber Company and the American Hard Rubber Company, whose consumption is very large, and whose bills will be very materially increased in accordance with the new schedule proposed.

These two consumers have in the past rendered special service to the town and to the water company by supplying water under heavy pressure from their own private fire protection systems, and because of this fact the flat rates paid by the two consumers referred to have been lower than they otherwise would have been.

The facts regarding the consumption of these consumers have been canvassed by representatives of the Board, and the opinion has been reached that the schedule of the company ought to be modified by providing still lower steps beyond those now included in the schedule.

The last step of the present schedule provides for a charge of one dollar per thousand cubic feet for water in excess of 30,000 cubic feet per quarter. The suggestions for change will provide for still lower rates for water consumed in very much larger quantities. The first step of the company's schedule provides for a charge of three dollars per thousand cubic feet for the first 5,000 cubic feet per quarter.

With reference to this, an examination has been made of schedules of rates, beginning with the still authoritative list found in the Manual of American Water Works for 1897, and also including current rates reported to this Board. The following table gives the maximum and minimum rates per thousand gallons in a number of cities supplied by gravity systems, as taken from the report named above.

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SCHEDULE OF METER RATES IN CITIES SUPPLIED BY GRAVITY SYSTEMS.

Name of City.	Per Thousand Gallons. Maximum Rate.	Minimum Rate.
Bridgeport, Conn.,	$0.20	$0.04
Bristol, Conn.,	.30	.05
Butte, Mont.,	.50	.20
Connellsville, Pa.,	.27	.04
Greensville, S. C.,	.40	.10
Greenwich, Conn.,	.29	.16
Hagerstown, Md.,	.30	.05
Helena, Mont.,	.40	.20
Johnstown, Pa.,	.40	.05
Little Falls, N. J.,	.40	.05
Monessen, Pa.,	.30	.08
Morgantown, W. Va.,	.30	.10
Norwich, N. Y.,	.15	.10
Ogden, Utah,	.20	.06
Portland, Me.,	.26	.09
San Francisco, Cal.,	.33	.16
Sante Fe, N. M.,	.30	.10
Scranton, Pa.,	.20	.06
South Bridge, Mass.,	.30	.15
Williamsport, Pa.,	.10	.05

NOTE.—The average highest rate is 30.7c, and the average lowest rate is 11.8c.

While the rates in this list run as high as 50c., and there are several at 40c., it should be noted that the average of the maximum rates is 30.7c. per thousand gallons, which corresponds approximately to a rate of $2.25 per thousand cubic feet. By comparison with rates charged in other places where the population is fairly constant throughout the whole year, the Board is of the opinion that the maximum rate, viz., $3 per thousand cubic feet, is higher than necessary, and believes that a rate of $2.62½ per thousand cubic feet is as high, from a comparative standpoint, as the base rate should be.

The Board, therefore, believes that the rate schedule should be as follows, based on bills rendered quarterly:

$2.62½ per thousand cubic feet for the first 5,000 cu. ft. consumed in the quarter;

$2.00 per thousand cubic feet for the second 5,000 cu. ft. per quarter;

$1.30 per thousand cubic feet for the water in excess of 10,000 cu. ft., and less than 20,000 cu. ft. per quarter;

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$1.15 per thousand cubic feet for water in excess of 20,000 cu. ft., and less than 30,000 cu. ft. per quarter;

$1.00 per thousand cubic feet for the water in excess of 30,000 cu. ft., and less than 100,000 cu. ft. per quarter;

$0.75 per thousand cubic feet for the excess over 100,000 cu. ft. per quarter, and less than 200,00 cu. ft.;

$0.37½ per thousand cubic feet for all water in excess of 200,000 cubic feet per quarter.

In considering the justification for a schedule descending as rapidly as this, it must be noted that no pumping or filtering is required, the water coming to the town by gravity. Under such circumstances, it is found that the difference between the rates charged for small quantities and those charged for large quantities is greater than in cases where all of the water has to be pumped and filtered. In such a case, the rates charged for large quantities of water must be higher than in the case of gravity plants.

It will be noted from the table of rates applicable in gravity plants in various cities that the rates named in the proposed schedule conform fairly closely to the maximum and minimum rates given in the table of water rates in various cities, and upon the basis of comparison the schedule which we have proposed appears to be reasonable. It differs from the schedule submitted by the company in two particulars, namely, the reduction in the base rate from $3.00 to $2.62½ per thousand cubic feet for the first 5,000 cubic feet, and extends the schedule by the addition of two steps in the rate, namely, the 75c. and 37½c. steps.

With reference to the reasonableness of the rates charged by the company, it should be noted that the company is entitled to a fair return upon the value of that which it devotes to the public use. On the other hand, what the customer is entitled to is service at rates which are in themselves fair. In accordance with our first statement, we must have a knowledge of the valuation of the property and of the revenues and expenses of the company. With reference to the valuation of the property, we have a statement by Mr. Cuddeback that the plant is probably worth about $50,000. We have a report of the company for the year 1911, in which the book value of the plant and system is given at $56,800. We have a valuation made by the engineers of the Board, which indicates that the cost to reproduce the property new is not far from $51,465.

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Owing to the fact that the company's records have been kept in such a very poor way, it is impossible to ascertain just what the plant has cost the company. It was almost entirely owned by a single individual, and no proper books of account were kept. The earnings of the company were invested in extensions to the plant. The company has outstanding capital stock in the par value of $20,000. There are no bonds outstanding.

For the purposes of this discussion only, we can assume that the property is worth approximately $50,000. As no careful record was kept of the expenditures, it is impossible to analyze them and determine just which expenditures were for operation and which were for extensions to the plant and system. The annual report for 1911, which is the only annual report which has been submitted to the Board, gives as the gross revenue for the year 1911 $5,361.07. The total revenue deduction is given at $4,712.97, this including an allowance of $600 for depreciation. It does not include any allowance for interest or dividends, no dividends ever having been paid by this company. The net operating revenue for the year 1911 is reported as $648.10, and at 5% this would pay the interest on less than $13,000 of invested capital. After making all possible allowances for inadequacy in the records, it is readily seen that the company has not earned anything like a proper return upon the investment which has been made.

Owing to the fact that no detailed information was available with regard to the operating expenses of this company, Mr. W. C. Foster, for the company, submitted an estimate of the operating expenses which should be fair under proper management for a company of this size. His estimate is given on page 36 of the Testimony of February 21st, and is to the effect that ordinary operating expenses would amount to $2,570 per annum. His impression was that the taxes amounted to $752. The annual report for 1911 shows that the company paid for that year for taxes $778.90. Some criticism was made of the estimate of operating expenses, but, on the whole, the Board is of opinion that Mr. Foster's estimates, except for depreciation, appear to be reasonable. It should be noted that they are very much lower than the amounts stated in the report for the year 1911, and would be still further decreased by a smaller allowance for depreciation.

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Mr. Foster's estimates of the financial condition of the company would be somewhat as follows:

Gross revenues,		$7,000.00

(NOTE.—The excess of this over the amount received by the company in 1911 is largely due to the fact that it is found that many people have been receiving water whose names were not found upon the books of the company, and who were never rendered bills for service.)

Operating expenses,	$2,570.00	
Taxes,	800.00	
3% on the entire property,	1,500.00	
Total revenue deductions,		4,870.00
Net income,		$2,130.00

This assumed net income would be sufficient to pay a return of 5% on a valuation of $40,000, and on the basis of Mr. Foster's calculations, an adequate return would not be obtained. Should we substitute 1½% on $50,000 for annual depreciation, the net revenue would become $2,880, or a trifle under 6 per cent. upon the $50,000 base representing the company's property at present. Inasmuch, however, as the company will be required by order to make additional capital investments, it seems likely that the return upon the eventual total investment will not be excessive and may even prove inadequate.

We do not wish to be understood as placing any exact value upon the property of the Butler Water Company. The figures given above are sufficient to show that the rates do not afford more than a fair return upon the present fair valuation.

The rates must, therefore, be tested by comparison with rates charged for similar service under similar circumstances, and we have already stated that in our opinion the suggested schedule is fair and reasonable.

The valuation given above is an estimate of the reproduction value new of the plant which is in existence today. The testimony in this case and the subsequent investigations made by representatives of the Board indicate that the Butler Water Company is not in possession of sufficient property of certain kinds to enable it to furnish safe, proper and adequate service, and any system of rates which would be designed to produce for a company a fair return

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must be predicated upon the value of a plant which is capable of furnishing safe, proper and adequate service.

With regard to the small reservoir capacity and the insufficient pressure obtained at certain points in the distribution system, additional reservoir capacity must be obtained, and extensions to the distribution system must be made in order to provide sufficient pressure for adequate fire protection.

Summing up the matters which have been discussed, the Board finds and determines:

1. That the Butler Water Company fails to furnish safe, proper and adequate service; fails to maintain its property and equipment in such a condition as to enable it to do so; and in order to furnish such service, must proceed at once to obtain an increased water supply and storage capacity, which shall be approximately double the present supply and storage capacity; and an order will enter requiring the company so to do.

2. The Board finds and determines that the pressure available on the southern extremities of Boonton and Bartholdi avenues is inadequate, and an order will issue to make certain extensions and additions to its distribution system, such as will provide sufficient pressure to insure adequate fire protection. For the present, the Board will order the following additions to be made, within four months from date:

(a) An 8″-line in Mabie Lane from Boonton avenue to Bartholdi avenue, connecting to the mains in each of these two avenues. When these connections are made, the specials installed at the connections should provide for 8″-connections in Bartholdi and Boonton avenues.

(b) A 6″-line in Hasbrouck avenue from Boonton avenue to Bartholdi avenue, connecting to the mains in each of these two avenues. When these connections are made, the specials installed at the connections should provide for 8″-connections in Boonton and Bartholdi avenues.

(c) An 8″ main in Western avenue, commencing at Kiel avenue, the same to extend as far as the Valley road and through Valley road to the last hydrant, approximately 300 feet east of Centre street, connecting at that point to the 4″-line which comes up the Valley road from Boonton avenue.

The connections referred to as "a", "b" and "c" appear to be

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the smallest amount of work which should be done by the company in an attempt to furnish sufficient pressure toward the southern portion of Boonton and Bartholdi avenues.

If the construction of the mains referred to does not result in sufficient improvements in the pressure available, the Board will take the matter up further for consideration, but will wait until after these connections are made before determining whether any additional pipe shall be laid.

3. The Board further finds and determines, and an order to this effect will enter, that the Butler Water Company should install meters in connection with the service of water to all hotels, boarding houses, industrial establishments, livery stables, saloons, garages, and in all cases other than the supply of water to private families for domestic use. All new applicants for service shall be served through meters, and all present consumers shall be given the option of taking water through meters.

4. The Board finds and determines that the rules of the company regarding the charge for tapping and the requirement that the consumer pay for the installation of his own service are reasonable, and the complaints with regard to these matters are dismissed.

5. The Board further determines that the regulation requiring a consumer to install a check valve where the water enters his premises is unjust and unreasonable, and an order will enter requiring the company to desist from the enforcement of this rule.

6. With reference to the rules and regulations for sprinkling, the Board finds and determines that where water is supplied at flat rates and a hose is used for sprinkling purposes, the rules and regulations of the company, as stated in Rule 27, are reasonable, and to this extent the complaint is dismissed.

The Board further finds and determines that the charge for hose service of five dollars for each lot 25 x 100 feet is unreasonable, inasmuch as the ordinary lot in such communities exceeds this in size, and determines that the charge of $5 per annum for hose use shall apply to any lot 50 x 200 feet or less; and where water is required for larger areas or for irrigation purposes, the company shall install a meter and charge for the water consumed in accordance with the meter rates.

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7. The Board further finds and determines that the schedule which the company should put into effect is as follows:

$2.62½ per thousand cubic feet for the first 5,000 cu. ft. consumed in the quarter;
$2.00 per thousand cubic feet for the second 5,000 cu ft per quarter;
$1.30 per thousand cubic feet for the water in excess of 10,000 cu. ft. and less than 20,000 cu. ft. per quarter;
$1.15 per thousand cubic feet for water in excess of 20,000 cu. ft. and less than 30,000 cu. ft. per quarter;
$1.00 per thousand cubic feet for the water in excess of 30,000 cu. ft. and less than 100,000 cubic feet per quarter;
$0.75 per thousand cubic feet for the excess over 100,000 cubic feet per quarter, and less than 200,000 cubic feet;
$0.37½ per thousand cubic feet for all water in excess of 200,000 cubic feet per quarter.

Bills to be rendered quarterly..

The schedule of minimum charges to be as follows:

½"	meter,	$2.00	per	quarter
¾"	"	3.00	"	"
1"	"	4.00	"	"
1½"	"	5.00	"	"
2"	"	6.00	"	"
3"	"	15.00	"	"
4"	"	25.00	"	"
6"	"	50.00	"	"

Dated July 29th, 1913.

ORDER.

The above-entitled proceeding, having been brought on for hearing upon notice before the Board of Public Utility Commissioners, hearings therein having been had, and the parties thereto fully heard, and the Board of Public Utility Commissioners having, after consideration of the testimony taken at such hearings, filed its report of findings and determinations, which report is by reference thereto made a part of this order, the Board of Public Utility Commissioners now, on this eighth day of September, 1913, in accordance with the several findings and determinations contained in said report, hereby orders, directs and requires Butler Water Company:

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(a) To increase its water-supply and storage capacity so that its supply and storage capacity shall be approximately double the present supply and storage capacity.

(b) To lay and construct an 8" line in Mabie lane from Boonton avenue to Bartholdi avenue, connecting to the mains in each of these two avenues. When these connections are made, the specials installed at the connections shall provide for 8" connections in Bartholdi and Boonton avenues.

(c) To lay and construct a 6" line in Hasbrouck avenue from Boonton avenue to Bartholdi avenue, connecting to the mains in each of these two avenues. When these connections are made, the specials installed at the connections shall provide for 8" connections in Boonton and Bartholdi avenues.

(d) To lay and construct an 8" main in Western avenue, commencing at Kiel avenue, extending same as far as the Valley road, and through Valley road to the last hydrant, approximately 300 feet east of Centre street, connecting at that point to the 4" line which comes up the Valley road from Boonton avenue.

(e) To install meters in connection with the service of water to all hotels, boarding houses, industrial establishments, livery stables, saloons, garages, and all cases other than the supply of water to private families for domestic use; to serve all new applicants for service through meters; to give present consumers other than those specified above the option of taking water through meters.

(f) To cancel and desist from enforcing its rule or regulation requiring a consumer to install a check valve where the water enters the consumer's premises, which rule or regulation said Board finds and determines to be unjust and unreasonable.

(g) To impose in lieu of the existing charge for such service, which the said Board finds and determines to be unjust and unreasonable, a charge not exceeding $5 per annum for hose use in connection with any lot of the dimension of 50 x 200 feet or of less dimension, which charge the said Board hereby fixes and determines to be a just and reasonable charge; and to install a meter and charge for water consumed in accordance with the meter rates where water is required for larger areas or for irrigation purposes.

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(h) To put in effect, impose, exact, observe and follow the following schedule of rates, which schedule the said Board finds and determines to be just and reasonable; in lieu of its existing schedule of rates which the said Board finds and determines to be unjust and unreasonable.

$2.62½ per thousand cubic feet for the first 5,000 cubic feet consumed in the quarter;
$2.00 per thousand cubic feet for the second 5,000 cubic feet per quarter;
$1.30 per thousand cubic feet for the water in excess of 10,000 cubic feet and less than 20,000 cubic feet per quarter;
$1.15 per thousand cubic feet for water in excess of 20,000 cubic feet and less than 30,000 cubic feet per quarter;
$1.00 per thousand cubic feet for the water in excess of 30,000 cubic feet and less than 100,000 cubic feet per quarter;
$0.75 per thousand cubic feet for the excess over 100,000 cubic feet per quarter, and less than 200,000 cubic feet.
$0.37½ per thousand cubic feet for all water in excess of 200,000 cubic feet per quarter.

Bills to be rendered quarterly.

The schedule of minimum charges to be as follows:

½"	meter,	$2.00	per	quarter
¾"	"	3.00	"	"
1"	"	4.00	"	"
1½"	"	5.00	"	"
2"	"	6.00	"	"
3"	"	15.00	"	"
4"	"	25.00	"	"
6"	"	50.00	"	"

The Board of Public Utility Commissioners hereby dismisses the complaint herein, except to the extent that the same is covered by this order and except as to the matters reserved by its said report for future consideration.

This order and each of the requirements hereof shall become effective on October 1st, 1913; the steps and work required to comply with the provisions of section (a) hereof shall be completed on or before May 1st, 1914; the work required to comply with sections (b), (c) and (d) hereof respectively shall be begun within one (1) month after September eighth, 1913, and completed on or before November eighth, 1913; the work required to comply with section (e) hereof shall be begun within one (1)

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month after September eight, 1913, and shall be completed on or before May 1st, 1914; the requirements of sections (f), (g), (h) shall be effective on October 1st, 1913, and shall thereafter, and until the further order of this Board, be observed and followed.

Dated September 8th, 1913.

In the Matter of the Complaint of the Board of Street and Water Commissioners of Newark vs. Pennsylvania Railroad Company.

Unlawful discrimination is practiced by a carrier when it accords its patrons different treatment under circumstances and conditions essentially the same. It does not argue illegel discrimination that one carrier exacts rates of fare higher or lower than those exacted by another carrier.

The system of charges for urban traffic differs from the system in vogue in interurban traffic. It is because of the multitude of short rides that the occasional traveler can ride ten or fifteen miles upon an urban line at the fixed rate of fare.

Herbert Boggs and *Joseph G. Wolber*, for the Board of Street and Water Commissioners.

Henry Wolf Bikle, for the Pennsylvania Railroad Company.

REPORT.

On April 18th, 1913, there was filed with this Commission a complaint from the Board of Street and Water Commissioners of Newark. The complainant alleged "an unjust and unreasonable rate of fare between Park Place, Newark, and Summit avenue, Jersey City." The impugned rate of fare (15 cents, one way, after cashing the refund coupon) was compared in said complaint with the fare of seven (7) cents on the 33d street line of the Hudson and Manhattan Railroad, which the complaint described as "a direct continuation of the electric line" first mentioned. The

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aforesaid seven-cent fare suffices to carry a passenger from Summit avenue, Jersey City, to 33d street, New York, a distance not greatly different from the distance from Park Place, Newark, to Summit avenue, Jersey City, for which the fifteen (15) cent rate of fare is charged.

After answer by the respondent, the case was set for hearing on May 23d, 1913, but was adjourned by request until June 13th, 1913, on which latter date the case was heard at the Court House, Newark, New Jersey. Both sides were represented by counsel; oral testimony and exhibits were introduced, and briefs had been filed by counsel by July 21st, 1913.

The fare to Summit avenue from Park Place, Newark, was attacked in the complaint as "unjust and inequitable." Counsel for the complainant construe this as tantamount, in the first place, to a fare that is "unjustly discriminatory and unreasonable."

In the strict legal sense the fare complained of cannot be adjudged as unduly discriminatory or unreasonable simply by its contrast to the fare of seven cents between Summit avenue and 33rd street, New York. The latter fare is set by a different carrier, the Hudson and Manhattan Railroad Company, on a line which connects, it is true, with the Pennsylvania's, but over which the Pennsylvania has no control. Summit avenue is the dividing line between the two roads; eastward it is under the control of the Hudson and Manhattan; westward under the control of the Pennsylvania.

Unlawful discrimination is practiced by a carrier when it accords its patrons different treatment under circumstances and conditions essentially the same. But it does not argue illegal discrimination that one carrier exacts rates of fare higher or lower than those exacted by another carrier. The rate of fare, therefore, cited on the uptown branch of the Hudson and Manhattan is incompetent to prove unlawful discrimination against the Pennsylvania.

Waiving the legal or technical side of the matter, the fares compared are for essentially different varieties of transportation. Between Park Place, Newark, and Summit avenue, Jersey City, a distance of 5.8 miles, there is no source of traffic, save at Harrison. Between 33rd street, New York, and Summit avenue, Jersey City, there is a fairly dense inter-stational urban traffic. The

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system of charges for urban traffic differs from the system in vogue in interurban traffic. It is because of the multitude of short rides that the occasional traveler can ride ten or fifteen miles upon an urban line at the fixed rate of fare. There is, therefore, an essential difference in the circumstances on the two lines which meet at Summit avenue. This essential difference explains the difference in the basis on which their respective rates are made. The rate in one case is practically a fixed rate (five or seven cents), irrespective of the length of the individual's trip; the rate in the other is proportioned to distance traversed.

Moreover, it cannot be assumed that because a passenger for seven cents can ride from 33rd street, New York, to Summit avenue, Jersey City, the average rate per mile is less on that line than on the line from Park Place, Newark, to Summit avenue, Jersey City. There is some presumption to the contrary. On the Hudson and Manhattan from Exchange Place, Jersey City, to the Hudson Terminal the fare is five (5) cents; the distance is but a mile and a quarter; the travel is dense; and the rate per mile is four (4) cents. From the Erie station to Christopher street the distance is less than two miles, and the charge is seven (7) cents, or over three and a half (3½) cents a mile.

We do not assume that the rates on the Hudson and Manhattan are excessive. We simply point out that the inference which may be drawn from the comparison of the seven (7) cent rate as against the fifteen (15) cent rate, that the average rate per mile from Park Place to Summit avenue is higher than the average rate on the Hudson and Manhattan is not warranted.

While the complaint contained no reference to the divisions of joint through rates between the Pennsylvania and the Hudson and Manhattan, the testimony disclosed the fact that out of the one-way joint fare of seventeen (17) cents between Newark and Jersey City points, other than Summit avenue, the Pennsylvania obtains twelve (12) cents, and the Hudson and Manhattan obtains five (5) cents. This fare is relied on by complainant's counsel as showing undue discrimination. The argument seems to be that the Pennsylvania charges different rates for performing the same service. It charges the individual traveler fifteen (15) cents between Park Place and Summit avenue. It carries the traveler over the same route, delivers him at Summit avenue to the Hudson

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and Manhattan, which in turn carries him over its lines to Exchange Place or to the Hudson Terminal; whereupon out of the seventeen (17) cents collected from the passenger the Pennsylvania accords five (5) to the Hudson and Manhattan, and contents itself with the residue, or twelve (12) cents.

If the complainant's contention were sound, no carrier is entitled to a local rate in excess of the division, or share for the same haul it accepts out of a joint through rate. This would mean a speedy end of voluntary joint through rates, except when they happen to be of the same amount as the sum of the constituent local rates. Carriers in many cases would cancel the through joint rates and routes, to prevent their local rates from being depressed. It would eliminate all competition in through rates between carriers, and accord the short line road a practical monopoly of the through business. Such an outcome would work to the detriment of carriers, passengers and shippers.

The joint arrangement with the Hudson and Manhattan, whereby the Pennsylvania secures for its passengers the use of the latter's tunnel, by according five (5) cents out of the seventeen (17) cents collected, as the through joint fare from Park Place to Grove Street, Exchange Place, or Hudson Terminal does not per se impeach the fairness of the local rate of fifteen (15) cents from Park Place to Summit Avenue. The through route with the large corresponding volume of traffic resulting may make a revenue of 12 cents per passenger adequate and proper, where the comparatively slight volume of traffic over the Pennsylvania's line to Summit Avenue might warrant, in the concrete circumstances, the exaction of a fare greater than the Pennsylvania's quoted per passenger out of the through joint fare to a point beyond.

The evidence showed that in April the Pennsylvania carried 903,609 passengers between New York and Newark (both ways); and in the same month tickets between Park Place and Summit Avenue were sold representing 16,852 passengers. It must be remembered that the passenger taking the longer trips pays the greater fare. But the greater volume of traffic (over 50 to 1) through the tunnel would warrant an acceptance by the Pennsylvania as its share from the co-operating carrier, of less per capita than may be set for the passenger travelling the Pennsylvania's strip of the through route.

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The things compared by the complainant are not fairly comparable. One is a fare exacted direct from a passenger. The other is a share allotted out of a joint earning by a participating carrier. Even when the joint haul includes the strip for traversing which in the first case a fare is paid, the share allotted may be less than the fare directly exacted without any necessary implication of undue, unjust or unlawful discrimination.

Counsel for complainant cite the Newark-Elizabeth rate of 13 cents, one way fare, to prove that the respondent does not universally conform to the basis of 2½ cents per mile in making its one way rates. The distance between Market Street, Newark, and Elizabeth appears to be 5.4 miles (testimony, p. 40). At 2½ cents per mile this would make a fare of 13½ cents. In this case the extra half cent is dropped, and the fare set at 13 cents. Between Park Place, Newark, and Summit Avenue, Jersey City, the distance is 5.8 miles. At 2½ cents per mile the fare comes to 14½ cents. In this case the rate is set ½ cent higher, or 15 cents. We do not think this comparison shows an inconsistency so great as to impeach the claim of the respondent that it conforms to the 2½ cent per mile basis. This basis per mile was not attacked by the complainant; it was rather the failure to conform uniformly thereto which was subject to attack. (Testimony, p. 17.)

One other practice of the respondent was assailed by the complainant, to wit: the selling of tickets with a rebate coupon. This device (which in the form of a cash rebate without presentation of coupon is in vogue on the Hudson and Manhattan on the New York side) is declared by complainant's counsel, "an unreasonable and discriminatory regulation in violation of the statute."

The issuance of tickets between Park Place, Newark, and Summit Avenue, Jersey City, with a 2-cent rebate coupon was devised by the company to accord a 15-cent fare for the trip without subjecting the company to the loss of revenue that would ensue in case purchasers of tickets from Park Place to Summit Avenue should remain on the train and ride through beyond Summit Avenue to Grove Street, Exchange Place or Hudson Terminal. As is well known, the cars are not "worked" for fares or tickets between Summit Avenue and the three other stations mentioned above. The fare between Newark (any station) and the aforesaid three stations is 17 cents. Passengers east bound are counted

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between Manhattan Transfer and Summit Avenue; and for every passenger delivered by the Pennsylvania to the Hudson and Manhattan, at Summit Avenue the Pennsylvania accounts to the latter road, allowing in the case of single fare, 5 cents to the tunnel line. Should the passenger at Newark pay 15 cents for a trip to Summit Avenue, and ride on through Summit Avenue eastward, the Pennsylvania would obtain but 10 cents out of the fare of 15, although entitled, by its joint agreement with the Hudson and Manhattan, to 12 cents out of the regular fare of 17 cents to stations between Newark and stations east of Summit Avenue.

Testimony showed that tickets to Summit Avenue are now used by passengers going on to New York (testimony, pp. 26, 37). Of 9,328 tickets recently sold with redemption coupons, only 6,340 were redeemed (testimony, p. 36). It seems hardly probable that any great number of these refund coupons are afterwards cashed at Summit Avenue, inasmuch as they must be presented on the day of issue. But we are satisfied that a refund coupon of larger amount would augment the change of loss to the company. And we are also satisfied that the refund arrangement is far more desirable in the interest of the travelling public, than the alternative arrangement of detraining at Summit Avenue, or gateing of passengers on and off platforms to secure the company against the improper use of tickets.

It is worthy also of notice that the refund coupon arrangement was instituted by the company after a complaint made to this Board by Mr. A. Bourgeois had been presented to them, calling their attention to the fact of the seemingly discriminatory treatment accorded Summit Avenue passengers. The arrangement is one not elsewhere in effect on the Pennsylvania system, and was instituted to accommodate the Summit Avenue traffic at the usual 2½-cent per mile rate, without endangering the arrangement for through fares (testimony, p. 26). As explained by respondent's witness, Mr. DeLong, it is impossible to refund at Summit Avenue without requiring coupons, because of the number of free riders who there detrain, many of them the company's employees, who cannot be distinguished from the pay passengers alighting at the same station (testimony, p. 29).

We find it unnecessary, in the disposition of this case, to pass upon the issue (not raised by the complainants) whether the 3-

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cent per mile maximum fare permissible under the General Railroad Act is or is not, under the constitutional reserved power, to alter, repeal or amend corporate charters, modified or displaced by the Public Utility Act (*P. L. 1911, Ch. 195*), which empowers this Board after hearing, upon notice, by order in writing, to fix just and reasonable fares and charges, where the existing rates are found unjust, unreasonable, or discriminatory.

A memorandum signed by Mr. Moses Plant, chairman of the committee on Internal Trade, a committee of the Newark Board of Trade, was presented to this Board. It was accepted as a brief, but does not constitute a part of the testimony in the case. The memorandum warrants a brief addendum to the report in this case.

One of the contentions of said memorandum is that the rates between Newark and Jersey City direct a trade of large value from the merchants of Newark. The population of Jersey City in and around Summit Avenue to an alleged number of 150,000 is described as a population tributory to Newark. This trade is alleged to be diverted by extant fares to New York; and the further contention is made that the rate tariff fabric has been constructed to favor New York City to the injury of Newark and other points.

Without an inquiry into the actual effect of rates upon trade, which was no part of the present inquiry, it would not be appropriate for the Board to pass upon the allegations above cited. But *prima facie,* it would appear that if the Newark-Summit Avenue one way rate were reduced from 15 cents to 12 cents, the latter being the only definite figure suggested by complainants' counsel, the reduction, while it made the trip to Newark three cents less, would similarly make the rate from Newark to New York three cents less. It may well be that this increased incentive to trade in New York would counteract the equal increase in incentive for Jersey City people to trade in Newark. Furthermore, it would seem true that increased facility of reaching New York, while it may augment the number who go there from New Jersey either to trade or to work, acts on the other hand to induce numbers who otherwise would live in New York to establish homes and live in New Jersey.

There is another aspect of this matter which fairly deserves

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notice. The service from Park Place to Jersey City, and via the Hudson and Manhattan to New York uptown and downtown is an undoubted advantage to the cities at either terminus. The number of trains, the time of the trip, and the character of the service are sufficiently in evidence to substantiate this. When the Pennsylvania proposed to accept tickets to and from the Hudson and Manhattan over the latter's line's uptown New York stations, other carriers remonstrated (testimony, pp. 38, 39.) The respondent in this case, doubtless actuated by self-interest, but not, therefore, necessarily improper motives, persisted, and afforded the City of Newark the full use of an up-to-date system of transportation in advance of anything then existing between Newark, Jersey City and New York. The Pennsylvania contended it was entitled to remuneration for their enterprise and investment, and put the through facilities of the McAdoo tunnels at the disposal of the citizens of Newark. When upon this line which has not been long in operation the fares are based upon the same system as elsewhere on the Pennsylvania system, the question arises whether, in the public interest of the City of Newark, some equitable consideration is not due the respondent, and whether some further experience is not necessary before attempting to force down the fares upon this particular electric line.

For the reasons cited *supra* in the report, the petition of the Board of Street and Water Commissioners of Newark will be DISMISSED. An order will be so entered.

Dated September 8th, 1913.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

Ot is ordered that the complaint in this proceeding be, and it is hereby DISMISSED.

Dated September 8th, 1913.

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In the Matter of the Petition of the Lehigh Valley Railroad Company of New Jersey for Approval of a Lease of Its Railroad to the Lehigh Valley Railroad Company.

It must be considered as settled in this State that the right to build and operate a railroad is a franchise which can be derived only from the State.

It must also be considered as settled in this State that a railroad company cannot lease its property and franchises neecssary in the fulfillment of its obligations to the State without legislative sanction.

The power to make the lease in the form in which it is submitted is not free from reasonable doubt. If authority to make the proposed lease existed the Board would withhold its approval until the question of its jurisdiction over the company, after leasing, had been set at rest.

Approval of the lease would sanction indirectly subjecting the road and franchises to a bonded indebtedness secured by mortgage contrary to the policy of the State as to its railroads declared by statute.

R. W. Barrett and *Edgar H. Boles*, for the companies.

REPORT.

The petition herein is submitted to the Board in accordance with Section 18, par. (h) of the Act Concerning Public Utilities (P. L. 1911, p. 374). This section of the statute provides that no public utility as defined in the act shall "without the approval of the Board sell, lease, mortgage or otherwise dispose of or encumber its property, franchises, privileges or rights, or any part thereof."

By the petition the Lehigh Valley Railroad Company of New Jersey, a corporation of this State, asks approval of a lease of its railroad, property and secondary franchises for a period of ninety-nine years to Lehigh Valley Railroad Company, a corporation of the State of Pennsylvania.

The Lehigh Valley Railroad Company of New Jersey was

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formed by an agreement of consolidation entered into July 29th, 1903. The companies consolidated comprised (1) Easton & Amboy Railroad Company; (2) Lehigh Valley Terminal Railway Company; (3) Greenville & Hudson Railway Company; (4) Perth Amboy & Raritan Railway Company; (5) Pittston Branch Railway Company; (6) Middlesex Railway Company.

Subsequently there were merged with it (1) National Docks Railway Company and (2) Irvington Railroad Company. The company owns some seventy-four miles of line, together with some forty-six miles of branches and spurs, all in this State. Its railroad extends from Phillipsburg to Perth Amboy and Jersey City. The lines of the Lehigh Valley Railroad Company (the Pennsylvania corporation) and the railroad of the Lehigh Valley Railroad Company of New Jersey connect at Phillipsburg. The entire outstanding capital stock of the New Jersey corporation, amounting to $12,506,000, is owned by the Pennsylvania corporation. One hundred shares of this outstanding capital stock stand in the names of the directors of the New Jersey corporation to qualify them to act in their respective capacities, and the remainder thereof stand in the name of the Girard Trust Company of Philadelphia, Pennsylvania, trustee under the General Consolidated Mortgage of the Lehigh Valley Railroad Company, dated September 30th, 1903, and are deposited with the trustee under the mortgage.

On June 30th, 1912, there were outstanding, guaranteed by the Pennsylvania corporation, bonds and obligations of the New Jersey corporations and the corporations consolidated in, and merged with it, as follows:

Lehigh Valley Terminal Railway Company, first mortgage $10,000,000. Easton and Amboy Railroad Company, first mortgage $6,000,000. The bonds foregoing are in the hands of the public. Greenville and Hudson Railway Company, first mortgage $350,000. Irvington Railway Company, first mortgage $125,000. These bonds are in the treasury of the Pennsylvania corporation and also in the hands of the trustee under its General Consolidated Mortgage. Debenture of Lehigh Valley Railroad Company of New Jersey, $1,401,000.

The annual reports of the New Jersey corporation contain a statement that its railroad is "operated by the Lehigh Valley Rail-

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road Company through the ownership of its entire outstanding capital stock." The petition submitted herein recites "that the said railroad of the Lehigh Valley Railroad Company of New Jersey was constructed to form, and has since its construction been operated as a part of the system of railroad controlled and operated by the Lehigh Valley Railroad Company." It further recites "that the said railroad and its appurtenances are now and have been for a number of years under practical operation by the said Lehigh Valley Railroad Company."

These statements are in substance repeated in the brief submitted on the petition. As to equipment, the statement was made before the Board that (Test. p. 6): "The equipment is all owned by the Pennsylvania company traveling through Phillipsburg."

As to officers and employees, it was stated that the two corporations have "similar officers, similar employees" (Test. p. 6) and that "the Lehigh Valley Railroad Company pays all the employees both in New York, Pennsylvania and New Jersey." (Test. pp. 6, 7.)

The proposed lease demises for a period of ninety-nine years, to the lessee, its successors and assigns, the entire railroads of the lessor extending from Phillipsburg, in the State of New Jersey, to Perth Amboy, and Jersey City, in the State of New Jersey, as the same are now *or may hereafter* be located and constructed, and also all railroads, branch lines laterals, extensions, sidings, bridges, rights of way, equipment, machinery, water tanks and pipe lines, buildings, structures, telegraph poles and wires, lands, tenements and hereditaments, improvements and appurtenances, and property real and personal, of whatsoever kind or description and wheresoever situate, now held, owned, leased or controlled *or which may hereafter* be acquired or controlled by consolidation, purchase, lease or otherwise howsoever by the lessor; also all the rights, powers, *franchises* (other than the franchise of being a corporation) and the privileges of the lessor thereto belonging, or in any way appertaining, which are now *or may hereafter*, during the term of this lease, be lawfully exercised or enjoyed in or about the premises.

At the outset of the consideration of the petition a question as to scope of our jurisdiction is raised. It is suggested that our power is limited to determining whether statutory authority for

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the proposed lease exists; and if such authority exists, whether the statutory requirements have been complied with in exercising such authority; and, that if we determine that such authority exists, and that the statutory requirements have been met, our approval must be granted. We grant that the contention is not without force. We cannot, however, on consideration of the statute creating this Board, accede to the contention. A reading of the statute shows that, wherever it was the legislative intent to limit the matters to be considered by us in granting or withholding approval, and so circumscribe our powers, apt words indicative of such intent were employed. Illustrations of this may be found in Section 18 (e) and Section 24.

We considered this question in a report filed July 19th, 1913. "In the matter of the application of the West Jersey & Seashore Railroad Company for approval of a lease of its railroad, property and secondary franchises to the Pennsylvania Railroad Company for 999 years."

We there said: "In our judgment * * * the approval of such leases as the pending one is discretionary with the Board, and we are equally satisfied that our duty requires of us nothing less than obtaining the maximum of certainty as to its operation, as well as the maximum of legitimate advantage to the public." We find no reason for withdrawing from the position there taken. We must, of course, in exercising the power conferred by the section of the statute under which the petition is filed determine whether there is statutory authority for the proposed lease, and if so, whether the statutory requirements have been complied with. Such determination, in our judgment, is not conclusive on the question whether our approval should be granted or withheld.

If we conclude that statutory authority exists, and that the statutory requirements have been observed we, in our judgment, are still free to consider the terms of the lease; the purposes sought to be accomplished by the lease, and the consequences attendant upon its approval, in order to determine whether the public interest will be advantaged or disadvantaged thereby, and whether the general policy of the State will be furthered or jeopardized. With this conclusion as to our power and our duty, we consider the granting or withholding our approval.

First: Is there statutory authority for the leasing of the prop-

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erty and secondary franchises of the Lehigh Valley Railroad Company of New Jersey, a corporation of this State, to the Lehigh Valley Railroad Company, a corporation of the State of Pennsylvania?

It must be considered as settled in this State that the right to build and operate a railroad is a franchise which can be derived only from the State. (1867, *Raritan & Del. Bay R. R. Co.* v. *Del. & Rar. Canal and C. & A. R. & T. Co., 18 N. J. E. 546, 570;* 1871, *Erie R. R. Co.* v. *Del., Lack. & Western and Morris & Essex R. R. Co., 21 N. J. E. 283, 286.*)

It must also be considered as settled in this State that a railroad company cannot lease its property and franchises necessary in the fulfillment of its obligations to the State without legislative sanction. (1873, *Black* v. *Delaware and Raritan Canal Co., 24 N. J. E., 455, 465;* 1875, *Stewart* v. *Lehigh Valley R. R. Co., 38 N. J. L. 505, 513;* 1886, *Mills* v. *Central R. R. Co., 41 N. J. E. 1, 6;* 1892, *Stockton* v. *Central R. R. Co., 50 N. J. E. 53, 56.*)

In determining whether authority to lease exists and, if so, the scope and extent of such authority, this Board must be governed by the rule that a corporation created by statute can have no power and has no rights, except such as are expressly given or necessarily implied. (Cases before cited and 1850, *Camden and Amboy R. R.* v. *Briggs, 22 N. J. L. 623, 647;* 1873, *Pennsylvania R. R. Co.* v. *Atlantic Railway Co., 23 N. J. E. 441, 452;* 1882, *Elkins* v. *The Camden and Atlantic Railroad Co., 36 N. J. E. 5;* 1908, *State* v. *Atlantic City and Shore R. R. Co., 77 N. J. L. 465;* 1908, *Colgate* v. *United States Leather Co., 75 N. J. E. 228.*)

The seventeenth section of the General Railroad Act of 1873 (*P. L. 1873, p. 88*) authorizes any corporation organized thereunder at any time during the continuance of its charter "to lease its road or any part thereof, to any other corporation or corporations of this or any other State, or to unite and consolidate as well as merge its stock, property and franchises and road with those of any other company or companies, of this or any other State, or to do both; and such other company or companies are hereby authorized to take such lease, or to unite, consolidate as well as merge its stock, property, franchises and road with said company, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road may

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use and operate such road and their own roads, or all or any of them and transport freights and passengers over the same, and take compensation therefor, according to the provisions contained in this act * * *."

In 1885 the Legislature of this State, however, enacted, "An act respecting leases of railroads" (*P. L. 1885, p. 324*). This statute expressly repealed inconsistent legislation and provided that no company incorporated under the general railroad act of 1873, or under any other law or charter enacted or granted by the Legislature of this State should have power to lease its road or franchises or any part thereof to any *foreign corporation* or to any resident of any other State, until the consent of the Legislature of this State should first have been obtained.

The act of 1881 was amended in 1898 (*P. L. 1898, p. 235*). The amendment did not affect the prohibition of the act of 1881 just referred to.

The General Railroad Act of 1873 permitted the leasing of the roads, or any part thereof, of corporations organized thereunder to corporations of any other State. The act of 1885 declared a new State policy and prohibited the leasing of the road or franchises, or any part thereof, of any corporation created under the General Railroad Act, or under any other law or charter granted by the Legislature of the State, *to any foreign corporation or to any resident of any other* State, except as the consent of the Legislature of this State to such lease should first have been obtained.

The General Railroad Act of 1873 was revised in 1903 (*P. L. 1903, p. 645*). The sixty-fourth section of the act so revised as amended (*P. L. 1906, p. 266*) now provides: "Any railroad company of this State may lease its road or any part thereof, to any other railroad company of this or any other State, or may take a lease of the road or any part thereof, of any other railroad company of this or any other State, or may unite and consolidate as well as merge its stock, property, franchises and road with those of any other company or companies of this or any other State, or may do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road, may use and operate said road and their own road, and collect fares and freights as provided in the case of companies organized under this act, but not in excess of the charges on the line of any of the

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consolidated companies, and shall not exceed the rates limited by any special act incorporating such company; such leasing or consolidation may be made where the roads of the said companies connect either directly or over the intervening line of one or more other railroad companies."

The sixty-fifth section of the act, as revised, provided: "Nothing in this act shall be construed to repeal the act entitled: 'An act respecting the leasing of railroads,' approved May 2d, 1885, as amended April 2d, 1898."

The revision of the General Railroad Act made in 1903 therefore left intact the prohibition of the act of 1885, as amended in 1898, prohibiting the leasing of the road or franchises of any railroad company of this State to any foreign corporation or to any resident of any other State without the consent of the Legislature of this State to such lease. However, by section (29) of "An act to repeal sundry acts concerning railroads or other common carriers" (*P. L. 1904, p. 314*), the act of 1885 and the amendatory act of 1898 were both repealed. Section 64 of the General Railroad Act as revised in 1903 (amended 1906) therefore now stands authorizing any railroad company of the State to lease its road to any railroad company of this or any other State. Under this section the lease carries with it the franchise to operate the leased road and collect fares and freights. In this situation the leasing by the New Jersey corporation of its road to the Pennsylvania corporation would seem to be authorized. Such lease would under the statute carry with it to the lessee the franchises of using and operating the road and collecting fares and freights.

The lease submitted for approval, however, apparently seeks to bring within its grant more than the mere road of the New Jersey corporation and the franchises of using and operating the road and collecting fares and freights. It purports to include "*all the rights, powers, franchises,* (other than the franchise of being a corporation and the privileges of the lessor thereto belonging, or in any wise appertaining, which *are now* or *may hereafter,* during the term of this lease be lawfully exercised or enjoyed in and about the premises." It possesses the franchise to contsruct connecting roads and branches (Secs. 7, 8, 9 General Railroad Act, *P. L. 1903, p. 645*). It is vested with the power of eminent domain. (Secs. 12, 13.) It is also vested with the right to establish and operate ferries

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for the transportation of persons and property and to collect rates of fare and tolls. (Sec. 19.)

We find in the statute, in terms at all events, no authority for the transfer by lease of these franchises by a railroad corporation of this State to a railroad corporation of another State. Section 64 of the General Railroad Act as revised in 1903 (as amended in 1906) confines the authority to lease to the "*road or any part thereof.*" It provides merely that the lessee may use and operate the leased road and may collect fares and freight. The omission of all reference to *franchises* in general in conferring the power to lease is significant in that in specific legislation conferring such power the authority has been in terms extended to road, property and *franchises*. An illustration of this may be found in the statute giving consent to the New York, Susquehanna and Western Railroad Company to lease to Erie Railroad Company (*P. L. 1898, p. 236*). In that act the authority to lease was specifically extended to "*franchises,* railroad and property." Other illustrations may be found. The most recent is found in the statute giving consent to the Pennsylvania Tunnel and Terminal Railroad Company to lease to the Pennsylvania Railroad Company (*P. L. 1910, p. 531*). This statute also explicitly extended the consent thereby given to a lease of the "*franchises,* railroad and property." In this situation we are not satisfied that the question of the power to make the lease in the form in which it is submitted to us for approval, is free from reasonable doubt. Under the rule of construction which we have referred to we cannot resolve that doubt in favor of the possession of the power. If this doubt was resolved in favor of the power to make the lease, other considerations would, on our view of the authority and duty conferred and imposed upon us, impel us to withhold our approval.

Second: Assuming that power exists to make the lease in the form submitted, should it be approved? The terms of the lease make it doubtful whether certain powers now entrusted to us in the public interest, would not be impaired or lessened or made impossible of administration. (1) The act creating this Board (*P. L. 1911,* p. *374*), section 18 (h) provides that no public utility as therein defined shall without our approval "* * * sell, lease, mortgage, or otherwise dispose of or encumber its property, franchises, privileges, or rights, or any part thereof, * * *." A

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"public utility" as defined by the statutes includes every corporation and its lessee, owning, operating, managing or controlling any steam railroad for public use, under privileges granted by this State or any political subdivision thereof. In our opinion the Pennsylvania corporation falls within this definition and if the proposed lease was approved by us, any transfer, mortgage, or other disposition or encumbrance of the rights created thereby made by the Pennsylvania corporation would require our approval. Counsel for the petitioning company, however, as we understood him, advanced a contrary view at the hearing. If his view is correct then our sanction of the proposed lease would operate to take the road and franchises of the New Jersey corporation, in so far as the term created therein by the lease is concerned, wholly out of the operation of this section of the statute, and sale, mortgage or other disposition or encumbrance thereof could be made by the Pennsylvania corporation without the necessity of obtaining our prior approval. Such a result is, in our judgment, inconsistent with the State policy indicated by the statute creating this Board of making inquiry and approval by an administrative body a condition precedent to corporate action affecting the alienation or encumbrance of franchises and property devoted to public use thereunder. In this situation, even though we had found that authority to make the proposed lease existed, we would have withheld our approval until the question raised had been set at rest either by adjudication, legislation or binding stipulation, since as an administrative, not a judicial body, any determination that we might make on the issue arising out of the conflict of views would have no binding force. (2) In our report on the application of the West Jersey and Seashore Railroad Company we directed attention to Sec. 6 of the General Railroad Act (*P. L. 1903, p. 645*), which limits the power of a railroad company to issue its bonds secured by mortgage of its road and franchises to an amount not to exceed in the whole its paid-up capital stock, and makes departure from the rule laid down a misdemeanor.

The provisions of this section govern the New Jersey corporation. There is reason to doubt whether it is applicable to the Pennsylvania corporation, in an issue of bonds secured by mortgage including the leasehold term in road and franchises to be acquired under the proposed lease. In fact, the position taken before us by

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counsel for the petitioner is that the provision cannot govern the Pennsylvania corporation in such issue of bonds. The paid-up capital stock of the New Jersey corporation as of June 30th, 1912, aggregates $12,506,000. The roads and franchises of the New Jersey corporation are, as of June 30th, 1912, subject to bonded indebtedness secured by mortgages created by the consolidated and merged companies aggregating $16,475,000. The excess of bonded indebtedness secured by mortgage over the paid-up capital stock is accounted for by the fact that in the conversion of the capital stock of the companies consolidated into the capital stock of the company created through consolidation one share of the capital stock of the Lehigh Valley Railroad Company of New Jersey was issued for five shares of the Middlesex Railway Company and of the Perth Amboy and Raritan Railroad Company respectively. The bonded indebtedness secured by mortgage (not including equipment obligations) of the Pennsylvania corporation aggregates as of June 30th, 1912, $54,639,000. If the proposed lease is approved by us the leasehold term thereby created in the railroad and franchises of the New Jersey corporation will at once come within the operation of the General Consolidated mortgage of the Pennsylvania corporation, which, according to the statement of counsel contains a clause extending its provisions to after acquired property.

Through the proposed lease, therefore, the Pennsylvania company's leasehold term in the road and franchises of the New Jersey corporation would be subjected to a bonded indebtedness secured by mortgage which does not bear the statutory relation to the paid-up capital stock of the New Jersey corporation, the lessor. Our approval of the lease, then, would not operate merely as sanctioning the creation of a leasehold term in the road and franchises, but would also sanction the indirect subjecting of the road and franchises to a bonded indebtedness secured by mortgage contrary to the policy of the State as to its railroads declared by statute.

(3) The proposed lease contains in its third section the following provision: "All the additions and betterments to the property hereby demised shall, from time to time, be made by the said lessee to such an extent and at such times and in such manner as may be satisfactory to the said lessee and the *said lessor shall, and will, when and as requested by the Lessee, reimburse the Lessee for the cost of said additions and betterments, either in cash* or *in good and*

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sufficient securties of the Lessor Company or in the securities of any other company or corporation acceptable to the Lessee."

Section 18 (e) of the act creating this Board (*P. L. 1911, p. 374*) provides that no public utility as therein defined may issue any stocks, stock certificates, bonds or other evidences of indebtedness payable in more than one year from the date thereof until it shall have first obtained authority from the Board for such proposed issue. The section makes it the duty of the Board, after hearing, to approve of any such proposed issue, maturing in more than one year from the date thereof, when satisfied that the same is to be made in accordance with the law and the purpose of such issue be approved by the Board. The provision of the proposed lease above set out might be construed as a general approval in advance of the purpose of the issue of securities thereunder, and so divest the Board to this extent of the jurisdiction conferred upon it when later issues of securities are made under the provision. These doubts, as to the effect of our approval of the proposed lease upon the jurisdiction which this Board now has, would, in themselves not merely warrant, but demand, the withholding of approval until some determination with respect thereto be made in some authoritative form. We are, in particular, of the opinion that this should be our attitude as a body engaged in administrative work under legislation, since the statute, authorizing the formation of the New Jersey corporation and its consolidation with the Pennsylvania corporation (*P. L. 1903, p. 189*), (of which latter provision the companies have not availed themselves) contains the following provision of the legislative then intent: "This act shall not in any way lessen or decrease or destroy the jurisdiction or control which the courts of this State and the Legislature now have over the said road."

We are further of this opinion because since the enactment of the repealing statute which operated to authorize the leasing of the roads of this State to corporations of another State without specific legislative sanction, the Legislature has put into effect in the enactment of the Public Utility Act, a new State policy in the control and regulation of the public utility corporations operating in this State and of their property. If inconsistencies exist between the policy so newly declared and acts permitted by pre-existing statutes, or the results which may flow from such acts, we should not

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by our action preclude the Legislature from the opportunity in a specific case to bring such inconsistencies into harmony. Such, however, would be the result of our approval in this proceeding if the position taken by counsel for the petitioner is correct.

The petition herein will, therefore, be denied. An order will be so entered.

The hearing herein, by reason of conflict between statements contained in the annual reports of the New Jersey corporation and in the brief submitted by counsel, developed a question as to the status of the New Jersey corporation which should be determined so far as may be by this Board.

The annual reports of the New Jersey corporation recite that "these roads were consolidated and the Lehigh Valley Railroad Company of New Jersey created thereby, July 29th, 1903, under the General Railroad laws of the State of New Jersey." The brief filed on the petition alleges that the consolidation "was effected on July 29th, 1903, pursuant to an act of Assembly of the State of New Jersey, approved April 8th, 1903, (*P. L. 1903, p. 189.*)" The act referred to is that authorizing the consolidation of the New Jersey corporations with the Pennsylvania corporation. Examination of the agreement of consolidation filed in the office of the Secretary of State shows that it contains no reference to the statute under which the consolidation was effected. The General Railroad Act (Sec. 64) provides that no consolidation should take effect "until the parties thereto file in the office of the Secretary of State an agreement surrendering to the State all rights of exemption and contract privileges with respect to taxation, and reserving to the State any existing right to take the property of any of the parties, and the property and franchises in this State * * * of such consolidated company shall be subject to taxation under the general laws of the State."

The act of April 8th, 1903 (*P. L. 1903, p. 189*), contains a somewhat different proviso: "No union or consolidation shall take effect under this act until a copy of the contract or contracts therefor shall have been filed in the office of the Secretary of State; *and also* an agreement to be approved by the Governor and Attorney-General, surrendering to the State all rights of exemption from taxation, and all privileges and advantages arising from any alleged contract establishing any special mode of taxation in respect to said com-

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panies, and agreeing further that such contract or contracts shall not in anywise affect or impair the right of the State to take the property of said companies under any existing law of this State, and that any law affecting such companies shall be subject to alteration or repeal by the Legislature."

The certificate filed with the Secretary of State upon the creation of the New Jersey corporation through consolidation, complies with the provision above quoted of the General Railroad Act. It does not comply with the above quoted provision of the act of April 8th, 1903. It, therefore, follows that in the creation of the New Jersey corporation through consolidation, the provisions of the General Railroad Act were taken advantage of, and that the authority conferred by the act of April 8th, 1903, was not attempted to be exercised. The statement in the annual reports of the New Jersey corporation as to the creation of that corporation is, therefore, correct. The statement in the brief submitted is erroneous.

The hearing herein further developed a situation which we ought not to pass unnoticed. As indicated at the outset of this report, it appears from the petition and statements made before us that the New Jersey corporation and the Pennsylvania corporation have "similar officers, similar employees," and that the Pennsylvania corporation "pays all the employees both in New York, Pennsylvania and New Jersey," "that the equipment is all owned by the Pennsylvania company traveling through Phillipsburg," and that the railroad of the Lehigh Valley Railroad Company of New Jersey was constructed to form, and has, since its construction, been operated as a part of the system of railroad controlled and operated by the "Pennsylvania corporation."

The annual reports made by the New Jersey corporation to this Board wholly lack operating data; reference is simply made to the report of the Pennsylvania corporation where in the total the results of operation of the Pennsylvania corporations entire system appear. From this report it is impossible to ascertain the results of the operation of the railroad of the New Jersey corporation. It, therefore, seems as though the New Jersey corporation existed as a legal entity of this State holding the title to a railroad in this State, vested with franchises representing part of the State's sovereign power and having outstanding certain obligations.

It further appears that the New Jersey corporation was not

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formed for the purpose of exercising these franchises formerly exercised separately by the New Jersey corporations which were brought together in the consolidation but was, in fact, formed to permit the use and operation of its railroad, and the exercise of its other franchises by the Pennsylvania corporation. It appears that in fact the New Jersey corporation has not and does not, use and operate its railroad nor exercise its franchise to collect and receive fares and rates for the transportation of passengers and property upon its railroad, and that such use and operation of the railroad and the exercise of such franchises has been and is enjoyed by the Pennsylvania corporation. This situation is brought about through the ownership by the Pennsylvania corporation of all of the outstanding shares of the capital stock of the New Jersey corporation. The acquisition of these shares is, it appears, authorized by the statutes of Pennsylvania. That the use and operation of a railroad and the collection and receipt of fares and rates for transportation thereover is a franchise, is settled by the adjudication of the courts of this State already cited. That the exercise of such franchise requires the sanction of the Legislature of this State is also determined by these authorities. That a corporation of another State may not exercise and enjoy such franchise in this State with the assent of the Legislature of this State is likewise settled by these cases.

We find no legislation in this State authorizing the use and enjoyment of the franchises of the New Jersey corporation by the Pennsylvania corporation. Such use and enjoyment of the franchises of the New Jersey corporation by the Pennsylvania corporation cannot be rested on the ownership of all of the shares of outstanding capital stock of the New Jersey corporation by the Pennsylvania corporation. The franchises are vested in the New Jersey corporation, an artificial personage created by and subject to the power and authority of this State. They are not vested in those in whom the ownership of the shares of the outstanding capital stock may be from time to time. The act of April 8th, 1903, before referred to, gave the assent of the State to the acquisition and exercise by the Pennsylvania corporation of these franchises through consolidation upon certain conditions. The General Corporation Act, on certain conditions apparently leaves the way open to each acquisition and exercise through consolidation on other con-

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ditions. These acts the Pennsylvania corporation has not taken advantage of. The cause of its failure to do so is stated to be its desire not to subject itself to certain restrictive provisions contained in the Pennsylvania Constitution of 1874.

Had we seen our way clear to approve the lease submitted to us the future use and operation of the railroad of the New Jersey corporation by the Pennsylvania corporation, and the collection of fares and rates would have been authorized. Such approval we have, however, felt ourselves obliged to withhold for the reasons before stated. The question raised is important. It should be speedily determined in an authoritative manner either through additional legislation or litigation.

As its determination through litigation will require the assent of the Attorney-General of the State, the matter will be brought to his attention.

Dated September 16th, 1913.

ORDER.

This application having been duly heard and the Board having on the date hereof made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof, the approval of this petition is withheld and the application is hereby DISMISSED.

Dated September 16th, 1913.

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In the Matter of the Complaint of Residents of Haskell vs. Erie Railroad Company, in re Stational Facilities.

Edmund G. Stalter, for the complainants.

Duane E. Minard, for the Erie Railroad Company.

REPORT.

The petition in the above entitled cause sets forth that Haskell is a community located on the Greenwood Lake branch of the Erie Railroad in the County of Passaic, and is a point at which regular stops are made by certain trains of the Erie Railroad Company; that a large amount of freight and express matter is received by the residents of Haskell and that because there is no station agent at said point, said residents are unduly annoyed and inconvenienced. From the testimony it appears that the facilities afforded at Haskell station consist of an open shed.

The answer of the railroad company shows that the point where the station is proposed to be established is one and one-tenths miles west of Pompton Junction and one and one tenth miles east of Midvale, there being agents and stations maintained at the two places respectively, with adequate facilities for the handling of freight, passenger and express business. It further states that only a few local trains have been stopped at Haskell for the convenience of the employees of the Laflin & Rand Powder Mill; and further that the business available at this point does not justify the maintenance of a station and agent.

Hearings were held upon the above complaint, at which the petitioners were represented by counsel and numerous residents of Haskell and the Erie Railroad Company were also represented.

At the close of the hearing, the Erie Railroad Company was requested to submit a plan for an enclosed station, which could be heated during the winter season. In accordance with this request a plan was submitted by the Erie Railroad Company marked "Plan

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showing proposed addition to waiting shed at Haskell, New Jersey, dated April 25th, 1913."

Under date of June 13th, 1913, the said "Plan" was submitted to the petitioners by the Board and they were notified that unless they requested a further hearing the record would be closed by the approval of the said plan.

In answer thereto, Mr. Martin Drew, acting for the petitioners, informed the Board that a further hearing was desired, and the same was held on July 18th, at the Court House in Newark.

In addition to the testimony taken at the hearing, the Board has caused an exhaustive investigation to be made by its Inspector, who approves of the plan submitted by the railroad company, and after careful consideration of all the facts in the case, the Board is of the opinion that the plan submitted is adequate for the present needs of the residents of Haskell, and the Erie Railroad Company by an appropriate order will be directed to construct a building in accordance with said plan before November first, nineteen hundred and thirteen.

Dated September 22nd, 1913.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

IT IS ORDERED that the Erie Railroad Company build and complete, before November first, nineteen hundred and thirteen, an addition to the waiting shed, at Haskell, New Jersey, in accordance with the plan submitted to the Board by the Erie Railroad Company and referred to in the Board's Report.

This order shall become effective October 15th, 1913.

Dated September 22nd, 1913.

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In the Matter of the Failure of the Hackensack Water Company to Apply for and Obtain Authority for the Issue of Bonds in the Aggregate Amount of $250,000.

Bonds sold by the Hackensack Water Company since the Public Utilities Act became effective, held to be issues requiring the approval of this Board.

The fact that the mortgage authorizing and securing the issues of bonds was executed and delivered before jurisdiction over issues of capital securities was conferred upon this Board, did not make it unnecessary to secure the Board's authorization when the bonds were issued after jurisdiction was vested in the Board.

REPORT.

It appears upon this inquiry that the Hackensack Water Company on July 1, 1902, executed what is known as its first mortgage to secure six million dollars of 4% bonds.

The purpose in executing this mortgage was, in part, to retire outstanding issues of five (5) per cent bonds aggregating three million dollars. This outstanding issue of bonds was subsequently retired in accordance with the terms of the mortgage.

From time to time, on certificate of the company that certain amounts had been expended for "improvements, betterments and other property which had been made subject to the lien of the mortgage," all the remaining bonds were certified and delivered by the Trustee under the mortgage to the company.

The execution and delivery of the mortgage; the retirement of the three million dollars of outstanding five per cent bonds and the certification and delivery by the Trustee to the company of the remainder of the bonds secured by the mortgage all preceded July 4th, 1910, the date when the original statute creating a Board of Public Utility Commissioners went into effect. (*P. L. 1910, p. 56*).

The bonds aggregating $250,000, which are the subject of this inquiry, were certified and delivered by the Trustee, under the mortgage, to the company prior to January 31st, 1907, on which day they were pledged as collateral to a loan made to the company. From

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time to time thereafter these bonds were again pledged as collateral to loans.

They were subsequently released as collateral and became available for sale.

Forty-seven (47) of the bonds were sold by the company on June 10, 1912, at 87 and accrued interest, and two hundred and three (203) were sold on December 31, 1912 at 85½ and accrued interest.

At the time of these sales the present statute concerning Public Utilities was in force. (*P. L. 1911, p. 374*). Sec. 18 (e) of that statute provides that no public utility as therein defined shall thereafter "issue" any bonds or other evidences of indebtedness payable in more than one year from the date thereof until it shall have first obtained authority from this Board for such proposed issue.

In our judgment the sales and deliveries of these bonds by the company constituted "issues" thereof within the meaning of the term "issue" as used in this section of the statute and our authorization thereof should have been obtained.

In our opinion, the fact that the mortgage authorizing and securing these issues of bonds was executed and delivered before jurisdiction over issues of capital securities was conferred upon this Board did not make it unnecessary to secure our authorization for such bonds when issued after such jurisdiction was vested in us.

In our judgment, the fact that the bonds had been certified and delivered to the company by the Trustee under the mortgage before the enactment of the statute of 1911 did not make the subsequent sales and deliveries thereof by the company any the less "issues" thereof within section 18 (e) of that act.

Nor did the fact that before the enactment of the statute of 1911 the bonds had been pledged by the company as collateral, take the sales and deliveries thereof when later released as collateral, out of the operation of the section.

The execution and delivery of the mortgage was a mere *authorization* of the subsequent issue of the bonds thereunder, upon prescribed conditions.

The certification and delivery of the bonds to the company by the Trustee under the mortgage did not have the effect of giving them the character of outstanding obligations of the company.

Whatever effect the various pledges thereof by the company may

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have had, such effect was terminated and spent when the bonds pledged were later released as collateral.

The bonds, then, became outstanding obligations of the company, through the sales and deliveries thereof by the company.

Such sales and deliveries were "issues" and required the authorization of this Board.

We are satisfied that the sales and deliveries so made without our authorization, were made in good faith and in the belief that they did not under the circumstances constitute "issues" requiring our authorization. We have no reason to doubt that the prices realized were advantageous.

Neither have we any reason to doubt that the issues represented the capitalization of expenditures for proper capital purposes.

We will, if desired, entertain an application now by the company for approval of the several issues as of the dates of the sales and deliveries.

Dated September 22nd, 1913.

In the Matter of the Pledging by Public Utility Companies, Subject to the Jurisdiction of the Board, of Their Bonds as Collateral.

MEMORANDUM.

The practice, in the past, of certain public utility corporations, now subject to the jurisdiction of the Board, of pledging their bonds as collateral security for loans makes it advisable that this memorandum be issued.

The Board directs the attention of the companies subject to its jurisdiction to the following statutes:

First: "An act relating to the issuance, sale and delivery of stock and securities by corporations of this State which have been acquired or may hereafter acquire authority, permission or a franchise from the State, or any municipality thereof, to use or occupy any street, highway, road, lane or public place within this State." (*P. L. 1906, p. 730.*)

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This statute provides, among other things, that no corporation of this State which has acquired or may hereafter acquire authority, permission or a franchise from the State or any municipality thereof, to use or occupy any street, highway, road, lane or public place within this State shall thereafter "issue, sell and deliver its bonds, notes or obligations of any character except in return for cash to the extent of at least eighty per centum of the face value of said securities issued, or for property of an actual cash value of at least eighty per centum of the face value of the securities issued in payment therefor."

It further provides that any securities issued except in compliance with the terms of the act "shall be deemed to be illegally issued."

Second: "An act concerning public utilities; to create a Board of Public Utility Commissioners and to prescribe its powers and duties." (*P. L. 1911, p. 374.*)

Section 18 (e) of this statute provides that no public utility as therein defined shall thereafter "issue any bonds or other evidences of indebtedness payable in more than one year from the date thereof until it shall have first obtained authority from the Board for such proposed issue."

The Board does not, of course, in the absence of a specific case before it, determine that the first of these statutes wholly prevents the use by the corporations to which it applies of their bonds as collateral to loans, nor does it determine under what, if any, conditions the statute permits such use of bonds.

It considers it, however, the part of prudence to suggest these questions to the companies subject to the provisions of the statute and to the jurisdiction of the Board, and to direct attention to the following case in which a somewhat similar statute was construed.

(1892) *Pfister et al.* v. *Milwaukee Electric Railway Co. et al. (Wis.) 53 N. W. Rep. 27*, was an action involving validity of 250 bonds of the defendant company for $1,000 each, delivered by the company to the plaintiff, Pfister, as a collateral security for a loan of $125,000 made by him to the company.

Lyon, C. J., said: "The learned circuit judge held that the bonds in question were issued in violation of section 1753, Rev. St., and were therefore void. So much of the section as is applicable to this case is as follows: 'No corporation shall issue * * * any bonds

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* * * except for money, labor or property, estimated at its true money value, actually received by it, equal to 75 per cent. of the par value thereof, and all * * * bonds issued contrary to the provisions of this section * * * shall be void.' We are clearly of the opinion that the circuit judge ruled correctly. The object of the statute is to protect stockholders and bona fide creditors from the improvident issue of its bonds by the corporation, which might, and, if allowed, probably would result in the wrecking of the corporation. Hence, the statute requires that no corporate bonds shall be issued unless the company shall actually receive therefor 75 per cent. of their par value. When a corporation puts its bonds beyond its control by hypothecating them as security for loans, it issues them, within the meaning and intention of the statute. If it so hypothecates them without stipulating that they shall be accounted for not less than 75 cents on the dollar of their par value it violates the statute, and the bonds thus issued are void. Any other construction would render the statute a dead letter, thus defeating all the wise and salutary purposes it was intended to accomplish. Had the company sold Pfister the bonds for $125,000, it would have been a safer transaction for stockholders and bona fide creditors of the corporation, for in that case nothing would have remained due to Pfister. But now if this transaction is upheld, Pfister may sell his remaining bonds for 25 cents on the dollar of their face value, or less, and thus leave due him a large debt from the company, while the company would remain liable for the full face value of the bonds. No construction of the statute which would permit such an evasion of its provisions can be tolerated. The judgment of the circuit court is affirmed."

The Board, however, does determine that, if the first of these statutes admits, under any circumstances, the use by the companies of their bonds as collateral to loans that such use constitutes an "issue" of bonds under the second of these statutes and that such issue requires authorization by the Board.

Dated September 22d, 1913.

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In the Matter of Determining Whether the New Jersey and Pennsylvania Railroad Company Provides Safe, Adequate and Proper Service and Keeps and Maintains Its Property in Such Condition as to Enable It to Do So.

REPORT.

On April twenty-second, nineteen hundred and thirteen, the Board of Public Utility Commissioners ordered the New Jersey and Pennsylvania Railroad Company and Frederic V. Pitney, Receiver of the New Jersey and Pennsylvania Railroad Company to make provision for certain changes, alterations, additions, repairs and betterments, as recommended by the Board's Chief Inspector of Railroads and the Board's Engineer of Bridges. These repairs were to be begun not later than May fifteenth, nineteen hundred and thirteen, and to be completed not later than August fifteenth, nineteen hundred and thirteen. The Board, in its order, specified further that in default by May fifteenth, nineteen hundred and thirteen, of beginning the actual work in question the New Jersey and Pennsylvania Railroad Company and Frederick V. Pitney, Receiver as aforesaid, should cease wholly to operate trains over said road.

Because of representations made by Frederic V. Pitney, Receiver as aforesaid, that there was prospect of him, as Receiver, obtaining funds sufficient to complete the work ordered by the Board, the Board extended the time until October fifth, nineteen hundred and thirteen, when, for default of compliance with its order of April twenty-second, nineteen hundred and thirteen, the New Jersey and Pennsylvania Railroad Company and Frederic V. Pitney, Receiver thereof, should cease wholly to operate trains over said road.

The Board fixed Friday, September nineteenth, nineteen hundred and thirteen, at the Court House, Newark, New Jersey, as the time and place for further hearing of this matter. At such time and place, Frederic V. Pitney, Receiver, appeared and by his counsel, Corwin Howell, advised the Board that he had been unable to obtain funds required for the completion of the work ordered by the

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Board, and that no reasonable prospect existed that such funds could be procured.

The Board now finds and determines, after hearing, that the New Jersey and Pennsylvania Railroad Company and Frederic V. Pitney, Receiver thereof, do not furnish safe, adequate and proper service and keep and maintain the property and equipment of the New Jersey and Pennsylvania Railroad Company in such condition as to enable it to do so. The order of the Board adopted April 22nd, 1913, is hereby revoked.

The Board of Public Utility Commissioners on this twenty-third day of September, nineteen hundred and thirteen,

HEREBY ORDERS the New Jersey and Pennsylvania Railroad Company and Frederic V. Pitney, Receiver thereof, on and after the date on which this order becomes effective, to cease wholly to operate trains over the track of the New Jersey and Pennsylvania Railroad Company.

This order shall become effective October 13th, 1913.

Dated September 23rd, 1913.

In the Matter of the Partial Rescinding of the Decision Entered October 27th, 1911, as Regards Certain Passenger Tariffs Submitted by Erie Railroad Company, New York, Susquehanna and Western Railroad Company and New Jersey and New York Railroad Company.

REPORT.

In the summer of 1911, this Board, on its own initiative, called a hearing upon the justice and reasonableness of certain increased rates of fare embodied in tariffs filed by certain railroad companies operating in this state, and intended by them to become effective August 1st, 1911.

As a result of this inquiry all of the increased fares embodied in said tariffs were suspended before they became operative. Only the

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increases were suspended by the Board's order. As a result of the suspension of the proposed increases of fare, the companies withdrew the entire schedules which contained certain decreases as well as increases of fare.

In certain specific cases the Board's disapproval of the proposed advances of fare has been modified in particular instances, where, by agreement with the carrier, certain minor advances were allowed on condition that certain other decreases were simultaneously put in force.

The proposed schedules submitted by the Erie and affiliated roads were withdrawn upon the Board's refusal to sanction the advances of fare embodied therein. The Erie and affiliated roads have applied for reconsideration of the schedules they designed to make effective August 1st, 1911.

After consideration the Board has decided to rescind its disapproval of the schedules in question, so as to allow a trial of the said schedules, upon the assurance given by the companies that if sixty days' trial of the new schedules develops complaints sufficient to satisfy the Board that said complaints are well founded, the companies on notice will restore the present scheduled rates of fare.

The reasons moving the Board to rescind its disapproval above referred to are as follows:

First: The new schedules apparently lessen the charges made in the aggregate for passenger transportation.

Figures compiled for the month of August, 1911, show that had the proposed schedules been operative for that month, the net effect on the revenues of the New Jersey and New York Railroad would have been a decrease of $5.40; on the New York, Susquehanna and Western of $497.80; on the Erie lines proper, an increase of $189.79.

Thus, the net decrease in gross revenue at the fares embodied in the new schedule would have been for the month $313.41.

On the New York, Susquehanna and Western the new schedule in said month would embrace 325 points at which fares are lessened and 21 points at which fares are raised. On the New Jersey and New York, there would have been 15 points at which decreases occurred and 12 at which fares increased.

On the lines operated by the Erie Railroad Company the decreases would have numbered 156; and the increases 85.

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The changes in fare refer only to one way tickets and excursion tickets. They have no reference to commutation fares.

Second: The new schedules will establish greater uniformity in fares. There will be a closer approximation to the 2½ cent per mile rate. The excursion fare will more closely conform to 90 per cent of the one way fare.

Third: Certain anomalies now existing in fares will be swept away. The reasons giving rise to such anomalies are not now operative. Among such anomalies is the possibility under the present tariff of purchasing two tickets for two links of a journey at a less price than for the entire journey. In the greater number of cases, this is to be remedied by reducing the through fare so as to equal the sum of the fares on the two links. In other cases it has seemed proper to advance the through fare to cover the sum of the fares of the two links of the through route.

Fourth: Some of the reasons for these fare anomalies are no longer operative, such as water competition between Nyack and Jersey City. (See cases Nos. 1790 and 2768, Interstate Commerce Commission Decisions.)

Fifth: The advances in fares are small in every case. In two or three cases the increase in the excursion fare is ten cents, but practically every increase whether for an excursion fare or a one way fare is a five cent increase, whereas some of the decreases run as high as twenty-five cents.

The only cases where any appreciable increase in revenue will result from the new schedule are the fares from Rutherford to Paterson, and from Passaic to Paterson. In each case the increase is but five cents in the round trip fare. The present round trip fare from Rutherford to Paterson is 25 cents as against 20 cents for the one way fare. Based on mileage and other consideration the increase in the excursion fare to 30 cents seems reasonable.

Similarly the fares between Passaic and Paterson are 12 cents one way and 15 cents round trip. This gives rise to certain combinations on Paterson from Passaic (to Hawthorne and points beyond) which are improper. In both cases the increase in excursion fare will tend to align their excursion fares with other excursion fares.

Finally, since the company has agreed to reinstate the present schedule at the Board's request, if after sixty days' experience un-

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der the new schedule, complaint arising satisfies the Board that there is sufficient justification for the complaint; and since actual experience under the proposed schedule will demonstrate how the revenue arising thereunder compares with the revenue arising under the present rates for the same service, the Board has determined, and hereby determines and will order a suspension of its decision above recited to the extent that the proposed passenger schedules of excursion and one way fares submitted by the Erie Railroad Company, the New York, Susquehanna and Western Railroad Company and the New Jersey and New York Railroad Company may be put in force not earlier than October 15th, 1913, after due notice by the companies concerned, and on the conditions recited in their letter of September 5th, 1913, such Order to become effective October 15th, 1913.

Dated September 23rd, 1913.

APPENDIX.

There are no increases in one way fares on the Greenwood Lake Division or on the Newark Branch. The specific fares decreased are much more numerous than the specific fares increased.

Among typical decreases are the following:

Rutherford-Ridgewood, round trip from	$ .70	to	$ .50
Jersey City-Upper Montclair, round trip from	.65	"	.60
Jersey City-Closter, round trip from	.80	"	.75
Passaic-Ridgewood, round trip from	.50	"	.45
North Newark-Little Falls, round trip from	.60	"	.55
North Newark-Wanaque-Midvale, round trip from	1.20	"	1.10
Little Falls-Midvale, round trip from	.70	"	.60
Hackensack-Park Ridge, round trip from	.60	"	.55
Jersey City-Park Ridge, round trip from	1.10	"	1.05

ON NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD.

Jersey City-Ridgefield Park, one way from	$ .30	to	$ .25
Jersey City-Pompton Lakes, round trip from	1.40	"	1.30
Jersey City-Sparta, round trip from	1.55	"	1.40
Little Ferry-Sparta, round trip from	2.40	"	2.15
Hackensack-Paterson, round trip from	.40	"	.35
Paterson (Broadway)-Little Falls, round trip from	.45	"	.40
Paterson (Broadway)-Sussex, round trip from	2.25	"	2.05
Butler-Paterson, one way from	.50	"	.45
Blairstown-Delaware, round trip from	.60	"	.50

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In the Matter of the Application of C. A. McGlennon to Cause Street Railway Tracks to Be Laid on Clay Street Bridge by Public Service Railway Company.

The annual compensation to be paid by the Public Service Railway Company for use of the Clay Street Bridge between the counties of Hudson and Essex fixed at $2,644.46. The amount so fixed takes into consideration interest on extra cost of construction, owing to design of bridge for use by the Public Service Railway Company, compensation covering annual depreciation on extra cost of construction, compensation covering shortened life of bridge by reason of its use by trolley cars and compensation for added cost of maintenance because of such use.

Benjamin F. Jones, for the Board of Chosen Freeholders of the County of Essex.

Joseph M. Noonan, for the Board of Chosen Freeholders of the County of Hudson.

Frank Bergen and *L. D. H. Gilmour,* for the Public Service Railway Company.

REPORT.

The Public Service Railway Company operated its cars over the former Clay Street bridge. This it did under a contract with the Freeholders of the two counties, paying annually for such use three hundred dollars ($300) a year for a term of years and six hundred dollars ($600) a year thereafter. When said bridge was replaced by the present Clay Street bridge there was a long continued dispute as to the amount to be paid for its use. The absence of trolley service thereover was the subject of frequent complaint for a period of six years and more, but no agreement was reached permitting the resumption of such service. An Act of the Legislature, approved

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April 14th, 1913, was designed to apply to this and to similar situations. Said Act provided that certain designated public officials, or the street railway company concerned, or any taxpayer of a municipality in which such bridge or part thereof was situate, might apply to this Board for an authoritative direction to the company to lay tracks on the bridge and to operate across it. The statute empowered the Board upon notice, after hearing, to issue such authoritative directions, if in the Board's opinion, "the use of such bridge by the street railway company is a public necessity." The statute further empowered the Board to fix, within certain designated limits, the period of years for which the company should use such bridge as aforesaid. Furthermore, the statute empowered this Board to "fix the annual compensation, if any, to be paid by the street railroad company."

C. A. McGlennon, of East Newark, made to this Board an application such as the statute provided; and a hearing, after due notice, was held thereon at the Court House, in Newark, on May 9th, 1913, at which the applicant appeared in person, and at which the two counties concerned were represented by counsel. As a result of said application, and at a second hearing thereon held in Jersey City on May 16th, 1913, it was agreed and stipulated, *inter alia*, that the laying of tracks on the bridge and the operation of cars thereover is necessary; and that by consent of the parties aforesaid, an order of the Board might issue directing the company to lay tracks on the bridge and to operate its cars thereover for a term of years to be fixed in said order, and that the fixing of the annual compensation, if any, might be embodied in a subsequent order, after completing the hearings upon matters relevant to such compensation. Accordingly, an order was made and issued on May 23d, 1913, directing Public Service Railway Company to lay tracks on said bridge and to afford service thereover, and fixing the period of such use at thirty-five years. Said order and the signed stipulation by virtue of which it issued prior to the fixation of compensation are by reference thereto herein made part hereof. As the outcome of said order and the company's compliance therewith, trolley traffic has been resumed across the Clay Street bridge.

In fixing the annual compensation, if any, to be paid by Public Service Railway Company to the counties of Essex and Hudson, the Board's scope of action is limited by the particular statute (*P. L.*

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1913, Ch. 361), under which the fixation is to be made. It is wholly beyond our competence to determine in general the nature and extent of the responsibility of municipal authorities in providing highways, including bridges. Whether such authorities are under obligation to make adequate provision of public highways, including bridges, for all sorts and conditions of traffic which may traverse such highways, or whether such authorities acquit themselves of their legal responsibility by providing only for the normal and ordinary use of public highways, and if so, what specific kinds of traffic at a given time and place are to be considered as normal and ordinary, it is not our function to consider or decide. It may well be that "they are not required to make preparations for the safety or convenience of those who undertake to use those ways in an unusual or extraordinary manner, involving peculiar and special peril and danger, whether it be in reference to the kind or character of animals led or driven, or the magnitude or construction of carriages used, or the bulk or weight of property transported" (*Gregory* v. *Inhabitants of Adams, 14 Gray* (*Mass.*), *242*).

Equally foreign to the matter in hand is the question whether the responsibility for adequate highways and bridges belongs wholly to the municipal authorities, or in appropriate circumstances may be the joint responsibiliy of such authorities and a street railroad company incorporated under the Traction Act. The latter conclusion seems to be reached by Vice-Chancellor Emery in the Avenue C Case (*78 N. J. Equity 20*); but in the case before us it was stipulated that the company, prior to the issuance of the Board's first order, had no legal right to cross the Clay Street bridge.

It is hardly necessary to add that the language of the statute authorizing the Board to "fix the annual compensation, *if any*, to be paid by the street railway company to the municipality or municipalities operating, owning or controlling such bridge" does not authorize the Board in its discretion to adopt as a matter of public policy either of the two alternatives, the one involving the payment for use of bridges, and the other their free use by street railroad companies. The evident intent of the statute in employing the words "compensation, if any," is to allow a finding that no annual compensation is to be forthcoming when there is no evidence that there has been any public outlay imputable to the use of a bridge by a street railway company.

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In the hearing under the statute we hold it admissible as collateral evidence to learn what remuneration, if any, has been paid by street railroad companies for the use of other similar bridges. Similarly it is admissible to receive in evidence the tenders which have been made for the use of this particular bridge or other similar bridges. It is in evidence that the Public Service Railway Company in 1908 made a tender of four thousand dollars per annum for the use of the present Clay Street bridge. In so far as the offer tends to throw light upon the question of the compensation to which the counties are entitled under the statute it is relevant as evidence. But it cannot be taken alone as determining the amount of compensation to be fixed under the statute.

The circumstances under which it was made, and which no longer exist, deprive it of the force of controlling evidence in this proceeding as to the minimum sum which would constitute just compensation.

The company was confronted, on the one hand, with an interruption of continuous service; its passengers were discommoded; the municipality served was demanding a speedy resumption of the former service. On the other hand, it was confronted by the Boards of Chosen Freeholders, withholding the requisite consent to the use of the bridge, seeking, naturally enough, to drive the most advantageous bargain possible, and seemingly not in accord as to when the limits of possible bargaining were reached.

Under such circumstances it may be that the sum tendered will exceed the sum representing just compensation as fixed by an impartial body, since the tender is prompted in part, at least, by the desire to resume service and meet the demands of the municipality to be served, and such desire can only be attained by terminating the controversy as to compensation.

Somewhat similar considerations in actions to assess damages resulting from the taking of lands by a railroad company through condemnation have led to the exclusion of offers made by the company to the owner as evidence of the value of the lands taken or damages inflicted by the taking.

(1851) *Upton et al.* v. *South Reading Railroad Co., 8 Cush. 600 (Mass.).*

(1899) *St. Louis & K. C. Rly. Co.* v. *Eby 152 Mo. 606.*

(1906) *Metropolitan St. Rly. Co.* v. *Walsh 197 Mo. 392.*

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Like considerations have led to the refusal to admit in evidence offers made by one litigating party to another where the party making the offer was led to believe by the conduct of his adversary that a comprise might be effected.

(1866) *Den. ex dem. Crowther et al.* v. *Lloyd et al., 31 N. J. L. 393.*

(1899) *Richardson* v. *Int. Pottery Co., 63 N. J. L., 248.*

The situation in which the tender originated no longer exists. It was ended by the enactment of the statute under which this proceeding is brought. The compensation, if any, to be paid is by force of the statute no longer the subject of bargaining. Its fixation is now lodged with this Board and in such fixation it must follow the principle before stated.

Similarly the annual sum or sums accepted by county freeholders for the use of similar drawbridges, such as the Plank Road bridge over the Hackensack, where Hudson County accepts three hundred dollars a year (and Bergen County presumably the same amount—Testimony, June 27th, 1913, p. 150), is admissible as evidence, but only so far as it tends to throw light on the compensation in this case to be fixed under the statute. The compensation so to be fixed under the statute is not identical with the total annual value of the use of the bridge to the company, but with the annual cost of the bridge to the counties by reason of trolley service thereover. A bridge at this point for trolley traffic alone would cost in the neighborhood of one hundred thousand dollars (Testimony, May 16th, 1913, p. 22); and it is clear that if trolley traffic required its construction for such traffic alone, anything less than the annual charge falling on the company by reason of such bridge construction and maintenance might be an advantageous arrangement for the company, although far in excess of the cost to the counties in case the latter provided a structure available for general traffic and incidentally for trolley traffic as well.

In certain cases it would appear that the use of county bridges has been accorded gratuitously to street railroad companies. This certainly could not be relied on to show that no compensation should be forthcoming in the present case. In certain cases, as at present on county bridges within Hudson and Essex counties, the sum accepted annually by virtue of contracts entered into between the company and the Boards of Freeholders, appears in no

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case to be over six hundred dollars. This cannot be taken as measuring the limit of the compensation that should be forthcoming in the present case. And, similarly, the tender made by the company in 1908 for the use of the Clay Street bridge cannot be taken as conclusively measuring either the total compensation or the minimum compensation, to be fixed according to the statute governing the fixation of compensation in the present case.

The statute controlling in this case casts upon the Board the duty of determining first whether the public outlay by reason of provision for trolley traffic over the Clay Street bridge was greater than what the public outlay would otherwise have been; second, in case the first inquiry is resolved affirmatively, the amount of such additional outlay reasonably imputable to provision for trolley traffic over Clay Street bridge, estimating such additional outlay as an annual sum due as compensation to the two counties.

Upon consideration of the testimony adduced, the Board finds and determines that the public outlay upon Clay Street bridge, by reason of provision for trolley traffic across said bridge, was greater than such public outlay would otherwise have been.

For some years immediately prior to the replacement of the former Clay Street bridge trolley cars had been operated across it. There would, in default of some announced plan to the contrary, be a presumption that, upon the completion of the substituted structure, trolley traffic would resume its former route and traverse the new bridge. This view is confirmed by the testimony of James Owen, who testified that:

> "The Clay Street bridge was originally designed for trolley service, except for details of the flooring; the strength of the bridge is adequate for the service that the Public Service Railway can put on it."

(Testimony, May 9th, 1913, p. 11.)

He also testified at the same hearing (p. 16) as follows:

> "Question. I would like to ask the County Engineer whether any special preparation was made in the bridge to accommodate the trolley service?"
>
> "Answer. Yes."

Henry W. Hodge, bridge engineer, called by the counties, testified, on May 16th, 1913, that the bridge is designed for a live load of 125 pounds per square foot; that the ordinary pressure

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for bridge design is from seventy to one hundred pounds; that the additional stability provided was made necessary to accommodate trolley service over the bridge. (Testimony, p. 11.) Asked specifically:

"Is that load excessive for trolley service over that bridge?"

He replied:

"It is heavier than any bridge I ever heard of, except with trolley service." (Testimony, May 16th, 1913, p. 13.)

Witness also testified that the increase in the provision for the load to be carried from 75 to 100 pounds up to 125 pounds was reasonably necessary for the accommodation of such trolley service as prevails in that section. (*Ibid.*, pp. 13, 14.)

Frederick A. Reimer, County Engineer for Hudson County, in answer to a question how the Clay Street bridge compares with other bridges throughout the county over which no trolley cars are passing, testified on June 11th, 1913, that the highway bridges throughout the county are designed to carry 100 pounds per square foot (Testimony, p. 14). James Owen, recalled, testified on June 11th, 1913, that he designed the Clay Street bridge, and designed it "not specifically but actually," for trolley service, and for that reason made it sufficiently strong to carry a load of 125 pounds per square foot (Testimony, p. 17); that the usual practice at that time was to design for 100 pounds per square foot, and that he would have adopted that plan had he not designed it for trolley service (*Ibid.*, p. 18); and that two years ago he had designed a city bridge for a load of 100 pounds per square foot (*Ibid.*, p. 22).

For the company, Otis E. Hovey, of the American Bridge Company, on June 11th, 1913, testified that a design of 125 pounds per square foot, live load, would have been a proper design if it had not been expected that trolley cars would be run over the bridge (Testimony, p. 33). The company showed also that the State Commissioner of Highways has issued bridge specifications calling for a load of 125 pounds, live load, to the square foot; and that Mr. Owen, the designer of the Clay Street bridge, had advised that standard for the future (Evidence, June 11th, 1913, p. 23).

Joseph J. Yates, bridge engineer, in the employ of the Central Railroad, testified that the Central Railroad in its building of highway bridges is conforming to the recommendations of the State

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Commissioners of Highways. (Testimony, June 11th, 1913, p. 64.) He admitted, however, that in New Jersey bridges designed for 125 pounds, live load, to the square foot are "pretty scarce" (*Ibid.*, p. 86); although recalled on June 27th, 1913, he cited several such bridges in this State, and several others in other States. (Testimony, pp. 128, 129, 130, *sq.*) Other instances of such bridges were given on June 27th, 1913, by Lincoln Bush, formerly bridge engineer on the Lackawanna (Testimony, p. 76 *sq.*), though two of the three are in Pennsylvania, and these two as well as the one cited in Montclair, seem to have been quite recently designed or built.

O. E. Hovey, recalled, on June 27th, 1913, instanced bridge designs of 125 pounds to the square foot in Kansas City, Nashville, Denver and the District of Columbia. (Testimony, p. 108, *sq.*)

It appears to the Board that at the time the Clay Street bridge was designed and built its live load specifications were unusually high; that it is overwhelmingly probable that its strength in this respect was provided in anticipation of trolley use; and that the excellence or desirability of such specifications for the present or future of bridge designs is no evidence to disprove or weaken the conclusion that the counties of Essex and Hudson in the building of the present Clay Street bridge made an outlay in provision for trolley service over said bridge greater than would have been probable or necessary if trolley service across said bridge had not been anticipated and provided for by them. We have next to inquire into the probable additional outlay made by reason of anticipated trolley traffic on said bridge.

The evidence on this point is conflicting. Henry W. Hodge, on May 16th, 1913, testified as follows:

> "Question. Can you tell the Commission how much more cheaply that bridge might have been built if they were not anticipating trolley service over it?
>
> "Answer. Quite closely, yes.
>
> "Question. How much would it have been?
>
> "Answer. Designed for 100 pounds to the square foot; it would take about one-fifth off the cost.
>
> "Question. About $36,000.
>
> "Answer. About $36,000." (Testimony, p. 14.)

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There was no cross-examination upon this point. Otis E. Hovey, on June 11th, 1913, testified as follows:

> "Question. Suppose a bridge was designed to carry 100 pounds to the square foot, and it was found it would cost, say, $144,000 to build it, and then the parties having the bridge in mind found it desirable to have the plans changed to carry a load of 125 pounds to the square foot; would that increase the cost of the bridge by twenty-five per cent. of $144,000?
>
> "Answer. No, sir.
>
> "Question. About what per cent. of $144,000 would that increase the capitalization called for?
>
> "Answer. Probably somewhere around ten per cent., I should think.
>
> "Question. Ten per cent. of $144,000?
>
> "Answer. I should think it might, yes."

There was likewise no cross-examination upon this estimate. Mr. Hodge makes the increased cost about $36,000. Mr. Hovey makes the increased cost somewhere about $14,400. An average of the two figures named is $25,200, although there seems no controlling reason to suppose such an average represents the actual excess of cost over the cost of a bridge undesigned for use by trolley cars. It may be observed, in passing, that the question first put to Mr. Hovey does not specify the dimensions of the bridge, nor its character as a drawbridge, though the failure so to specify ought, perhaps, not to weigh heavily to invalidate the answer returned. It may also be observed that Mr. Hodge specifically has the Clay Street bridge in mind when computing the extra cost. He also declares he can estimate the difference in cost "quite closely," although later he says "about one-fifth off the cost," whereas Mr. Hovey guardedly characterizes his estimate as "probably somewhere about ten per cent., etc."

It would, therefore, appear that Mr. Hodge's estimate may be regarded as made with a shade more of exactitude than Mr. Hovey's. On the other hand, Mr. Hodge takes the cost at exactly $180,000, whereas the exact amount paid was $169,975, plus five per cent. for engineers' fees (Evidence of June 11th, 1913, p. 29). He is also probably naming not the least figure possible to cover the excess cost, but the outside figure. In the absence, therefore, of more definite data, we find and determine the excess cost of con-

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struction fairly imputable to provision for trolley service to be approximately thirty thousand dollars; this figure—$30,000—allows a margin for the shrinkage in value (by six years' depreciation on an outlay of more than $30,000). We also find and determine four per cent. thereon annually, or twelve hundred dollars ($1,200) per annum, to be the compensation to be paid annually by reason of said excess outlay made originally by the two counties. The bridge bonds, it was stated, carried this rate of interest.

To determine the amount annually due by reason of depreciation we must determine from the evidence the probable period for which the bridge will afford service. On June 27th, 1913, C. C. Sunderland, bridge engineer of John A. Roebling's Sons Company, a witness called by the company, testified that the "accepted life" of a steel bridge is thirty-five to fifty years. (Evidence, p. 34.) On June 11th, 1913, Otis E. Hovey testified that the bridge, if well taken care of, should last at least fifty years. (Evidence, p. 34.) Henry W. Hodge testified that without trolley service the bridge would last fifty years. (Evidence, May 16th, 1913, p. 14.) George H. Pegram contributed the only dissenting note, perhaps because he was estimating possible rather than probable durability, and testified he would expect the bridge to last one hundred years, if properly maintained, which, he added, was not now the case (Evidence of June 27th, 1913, p. 55).

The prevailing opinion seems fairly to indicate that the bridge when new would last fifty years, if well maintained. We take it that without trolley travel the bridge when new would have an expectation of life of 50 years. Of this term about 6½ years have elapsed, leaving 43½ years of presumable service. The bridge has not had the best of maintenance. (Testimony, June 11th, 1913, p. 34.) It has needed painting, which hitherto has not been done when and as required. (Evidence, June 27th, 1913, pp. 34, 55.) The Commission's Bridge Engineer reported to the Board, although this is *obiter*, and does not appear in the record of the case, that his inspection of July 30th, 1913, showed that the wedges were not properly driven; that the ends of the bridge were 1½ inches below the roadway surface on the approach; and that the draw was entirely supported on the center drum, and was hammering badly under the traffic.

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We find that by reason of inadequate maintenance to date 2½ years should be deducted from the 43½ years of expected life mentioned above, leaving an expectation of life of 41 years from date, on the assumption that there is no trolley travel over the bridge.

Upon the question whether subjecting the bridge to the use of trolley cars will shorten its life, and, if so, to what extent, the expert evidence is sharply conflicting. On the one hand, Henry W. Hodge is explicit in his testimony that without trolley service the likelihood of its life would be about fifty years, and that with trolley service over it,

> "ten years less than that, not over forty years; with heavy trolley cars it might be less; it would depend on the weight of the trolley cars."

He testifies that:

> "The main strain is a vibration, jar and shaking of passing traffic, and, of course, the lack of maintenance, if it is allowed to rust."

And that, as between wagons and trolleys,

> "The trolley contributes mostly to it."

And that, as compared with a heavy automobile impact on the bridge, the trolley impact is "more destructive"; and that his testimony assumes the bridge is properly sustained by wedges. (Testimony of May 16th, 1913, pp. 14, 15, 16, 18, 27, 29, 30, 31, 32.)

The County Engineer of Hudson County corroborates Mr. Hodge's testimony generally, and compares the Johnson Avenue bridge built in 1874, which has not been subjected to trolley travel, and is still in good condition, with the Communipaw Avenue bridge, built at the same time, but subjected to trolley travel, and which, in consequence, required rebuilding two years ago. (Evidence, May 16th, 1913, p. 36.) James Owen, County Engineer of Essex County, testifies to a similar result upon the Central Avenue bridge as compared with the Sussex Avenue bridge, both in Newark. The former had its life reduced by "about ten years" by trolley traffic according to his testimony (Evidence, May 9th, 1913, p. 17.)

On the other hand, the expert witnesses produced by the company testified that subjecting the bridge to trolley use would produce either no reduction or but a slight reduction in its life. Thus Otis E. Hovey testifies that, if the bridge is properly painted, the running of trolley cars across it would cause no diminution in its

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life, as far as the steel work is concerned; and, apart from pavement disintegration, would not expedite the bridge's deterioration. (Evidence, June 11th, 1913, pp. 33, 34.) He also testifies that a trolley coming on a bridge puts no more impact thereon and causes no more vibration than a wagon or automobile of the same weight. (*Ibid.*, p. 41.) Being asked if the trolley car's impact would not loosen rivets and tend to disintegrate the bridge, he answers that "right at the end of the bridge that effect might come in." (*Ibid.*, p. 60.)

Similarly, Joseph J. Yates testifies that, with proper bridge maintenance, the traversing the bridge with 30-ton trolley cars would not affect the life of the bridge, apart from the life of the pavement. (*Ibid.*, p. 65.) The frequency with which such cars might operate over the bridge would, in his opinion, have no deleterious effect. C. C. Sunderland, explaining that the elastic limit of metal is the limit beyond which stress will result in a permanent elongation or set, testifies that where any given stress applied is within one-half of a bridge's elastic limit, the bridge may, without appreciable injury, be subjected to an indefinite number of such stresses. (Testimony, June 27th, 1913, p. 27 *sq.*) He speaks of a small "fatigue value" occasioned by constant stress (*Ibid.* p. 35), but apparently this is negligible. He minimizes any deteriorating effect produced by the trolley wheels jumping the gap between the abutment and the draw (*Ibid.*, p. 32); although he admits if the wedges were not in position there might be a deleterious effect thus produced (*Ibid.*, p. 32).

George H. Pegram testifies that trolley operation over the bridge would have no shortening effect on the life of the bridge structure, except in the local effort of the jump in the gap of the rails at the end (*Ibid.* pp. 50, 51).

Most uncompromising of all is the testimony of Lincoln Bush. The use of the bridge by trolley cars, he testifies, would not reduce its life at all (*Ibid.*, p. 73); nor would the drop of the trolley wheels in the gap cause any injury to the bridge (*Ibid.* p. 73); nor cause as much of an impact as an automobile truck loaded (*Ibid.*, p. 74). He corroborates Mr. Sunderland's testimony as to there being no deleterious influence caused by any number of successive applications of stress within the elastic limit (*Ibid.*, p. 79). On cross-examination he concedes that if the interval in the gap

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were as much as three inches, there might be a little jar caused (*Ibid.* p. 86); and that a trolley car with flat wheels would give an additional pound (*Ibid.* p. 91) but that a rubber tired automobile truck would jar the bridge more than a 30-ton trolley car (*Ibid.*, p. 92).

This evident divergence, not to say contradiction, of expert testimony makes difficult a determination of the question as to the influence of trolley travel upon the life of the bridge. The abstract scientific proposition that an indefinite number of successive applications of stress within the elastic limit of a metal rod produces no observable elongation or set in the metal rod may be admitted, however, without proving that trolleys traversing Clay Street bridge will not shorten its service life. This is a riveted structure. The middle section is a turning draw. There is no human probability that a trolley car will never cross at a speed of over four miles an hour. There will be occasionally a flat wheel car to cross it. The wedges will not invariably be driven with the utmost nicety, nor will the rails between the solid approach and the draw span be always set with absolute exactitude. The gap will vary in width due to the contraction caused by cold weather, and the jar at the end will admittedly have some local effect upon bridge aprons and upon the rivets in the neighborhood. Without attaching undue importance to the bridges whose service life, it has been testified, have been shortened by trolley use, we are of opinion that there will be some shortening of the life of this bridge under the trolley load. Mr. Hodge's estimate that the shortening of life would be twenty per cent., if applied to our estimate of the presumable duration of the bridge's future service life of 41 years, would imply a shortened duration of about eight years. This may be excessive. We incline to think that it represents the probable maximum shortening of the bridge's future service life. In the inevitable twilight in which the matter lies we incline to think that it may be too long by perhaps two years. As a result, we find and determine that the subjection of the Clay Street bridge to trolley use will shorten its service life by a period of six years from the present time. Deducting this period from the estimated future service life of the bridge without trolley service of 41 years, we find and determine that 35 years is approximately the probable future service life of the Clay Street bridge, carrying the extra burden of trolley cars.

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In order at the end of thirty-five years to produce at 4 per cent. compound interest the amount of $30,000, the estimated present value of the original extra public outlay to provide for trolley service on the bridge, an annual contribution of four hundred and seven dollars and thirty-two cents ($407.32) must be forthcoming.

Accordingly, we find and determine that annually Public Service Railway Company shall pay to the counties of Hudson and Essex one-half to each county, four hundred and seven dollars and thirty-two cents, as compensation for depreciation upon the excess outlay made for rendering Clay Street bridge fit for trolley service.

Upon our finding that the life of the bridge will be shortened by the operation across it of trolley cars by approximately six years, we compute the annual payment in compensation of the shortened life as follows: Assuming the bridge cost approximately $180,000 and had an expected life of fifty years, the final junk value being assumed equal only to the cost of removal, the yearly dissipation of original outlay would be $3,600 on the straight line basis. Assuming that nine years of its service life have expired, the value dissipated is $32,400, and the present worth is $147,600 without trolley use, this value will diminish by one forty-first annually, or by $3,600 per year. If the bridge's service life is reduced from forty-one years to thirty-five years by reason of its use by trolley cars, the yearly dissipation of the present value would be one thirty-fifth of $147,600, or $4,217.14 per annum. The difference is $617.14 yearly. Accordingly, we find and determine that annually Public Service Railway Company shall pay to the counties of Hudson and Essex one-half to each county, six hundred and seventeen dollars and fourteen cents ($617.14) as compensation for the value of the shortened life of Clay Street bridge imputable to the use of said bridge by trolley cars.

James Owen, on May 9th, 1913, testified that "about" one thousand dollars a year would be a fair amount to estimate for the wear and tear caused directly by the heavy traffic of the cars. (Testimony, p. 18.) This was only a tentative and proximate estimate, and was given subject to further inquiry on witness's part. He was not further examined on this point. On May 16th, 1913, Henry W. Hodge, when asked at what figure he calculated the total wear and tear on the bridge caused by the trolley company, in excess of other wear and tear, replied in part:

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> "I should say the total roadway, structure, replacing creeping rails, fixing aprons and taking care of the jar and impact that might cause the loosening up of rivets, it might run to $1,000."

This figure was the annual cost, and was inclusive of roadways. (Testimony, p. 17.) Witness explained his estimate was based on comparisons of other costs of repairs given him by the engineers of Essex and Hudson (*Ibid.* p. 28); and that it was based on

> "* * * additional repairs to the wood block pavement and repairs to aprons on account of creeping rails, the necessity of removing wood block pavement every now and then to put down worn rails: the impact of cars coming off the trestle opening and pounding on the end of the draw that causes a checking up rigid (*sic*) and jarring the structure. The total wear and tear over the bridge due to heavy loads crossing." (*Ibid.*, p. 29.)

His estimate, he testified, would be reduced from $200 to $300, if the paving inside the rails and two feet outside were defrayed by the company. (*Ibid.*, p. 29.) For the company Otis E. Hovey, on June 11th, 1913, testified that the additional cost per annum for maintenance, provided trolley cars were run over it, apart from pavement costs, would be nothing at all. (Testimony, p. 34.) At the same hearing, J. J. Yates testified that the increased cost of bridge maintenance, if used as proposed for trolley cars, would, other than the roadway or pavement, be nothing. (*Ibid.*, p. 66.)

At the last hearing, on June 27th, 1913, George H. Pegram testified the annual cost of maintenance due to trolley travel on the bridge would, apart from rails on the bridge and pavement near the rails, not increase

> "except what expense might be caused by adjusting the rails at this gap and possible injury to the end of the structure in case the gap was allowed to be too large, but that would be a local and very small amount." (Testimony, p. 51.)

Lincoln Bush, at the same hearing, testified the increased cost of maintenance

> "would apply to the effect of vehicular traffic along the rail, which would cut out the pavement more rapidly than if those rails were not there. $150 a year would keep up the repairs on that structure for the pavement." (*Ibid.* p. 76.)

His paving estimate is given in some detail (*Ibid.* pp. 105, 106).

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On cross-examination he testified that he had "not taken in maintenance or painting of the bridge" (*Ibid.*, p. 107).

It is our understanding that on the bridge the company is required to maintain the roadway and its own specific overhead structures to the same extent as along any other portion of its track. Our allowance for extra maintenance, therefore, is exclusive of such costs. We do not see that the cost of painting would be affected by the trolley use of the bridge. Deducting, therefore, $300 from Mr. Hodge's estimate would leave $700 as the annual extra cost of maintenance due to trolleys crossing the bridge. His estimate was inclusive and a maximum. It seems to include only items properly chargeable to the trolley use of the bridge. If we reduce the $700 estimate in the same proportion as we have seen proper to reduce his estimate of the lessened life of the bridge, or about 40 per cent., we obtain approximately $420 per annum as the excess cost of maintenance due to the additional use to which the bridge is put.

We accordingly find and determine that annually Public Service Railway Company shall pay to the counties of Hudson and Essex, one-half to each county, four hundred and twenty dollars ($420) as compensation for the added cost for bridge maintenance. This amount is exclusive of the maintenance of track and overhead structures, which properly falls on the company.

We disallow the claim made for additional service required on the bridge by reason of its use by trolleys. The force now consists of nine men, three shifts working each eight hours a day. The draw is turned not oftener on an average than twelve times a day. (Testimony, June 27th, 1913, p. 97.)

A brief was submitted to the Board on behalf of the Boards of Chosen Freeholders of the Counties of Essex and Hudson by Benjamin F. Jones; wherein the annual compensation asked was set at $6,528.78. A supplementary brief for Hudson County was submitted by Joseph M. Noonan. A brief was submitted on behalf of Public Service Railway Company by Frank Bergen, wherein the annual compensation admitted as proper was set at $150.

Summarizing, we find and determine that the annual compensation to be paid by Public Service Railway Company to the Counties of Hudson and Essex, one-half to each county operating, owning and controlling Clay Street bridge for the use of said bridge shall be as follows:

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As compensation covering annual interest at 4 per cent on $30,000, approximate extra cost for construction	$1,200.00
As compensation covering annual depreciation on $30,000, approximate extra cost for construction	407.32
As compensation covering shortened life of said bridge by reason of its use by trolley cars	617.14
As compensation for added cost of maintenance of said bridge by reason of its use by trolley cars,	420.00
As compensation for additional service rendered necessary by reason of its use by trolley cars	nothing
Total annual compensation	$2,644.46

An order to this effect will be entered. Such order to be effective October 20th, 1913, the first year to begin on the day on which the first car crossed the bridge.

Dated September 29th, 1913.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report of its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof.

IT IS ORDERED that the Public Service Railway Company shall pay as compensation for the use of the Clay Street Bridge the sum of two thousand six hundred forty-four dollars and forty-six cents ($2,644.46), each year, one-half of such annual payment to be made to the County of Hudson and one-half to the County of Essex, the amount of two thousand six hundred forty-four dollars and forty-six cents ($2,644.46) to be paid by Public Service Railway Company at the end of each year the company operates its cars over the Clay Street bridge under the Order of this Board made May twenty-third, nineteen hundred thirteen; the first year to begin with the fourth day of August, nineteen hundred and thirteen, on which day, under the order of this Board, the Public Service Railway Company began the operation of its cars over said bridge.

This order shall become effective October 20th, 1913.

Dated September 29th, 1913.

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In the Matter of Complaint of the Little Falls Tax Payers and Business Men's Association Against the Erie Railroad Company.

To justify the Board in substituting its judgment for that of the railroad company as to the location of stations along its route, there should be no doubt as to the benefit to be obtained from the change. In the present case it does not appear that the benefit to be obtained from the change proposed in the location of the station at Little Falls would be general and of such character as to warrant the Board making an order requiring it. The Board finds that the present station facilities do not afford safe, adequate and proper service. The company is ordered to submit plans for better station facilities.

Gustav A. Hunziker for the petitioners.

Theodore H. Burgess, for the respondent.

William I. Lewis, for certain residents of Little Falls.

REPORT.

This application is made for an order requiring the Erie Railroad Company to furnish adequate station facilities at Little Falls in the County of Passaic.

Several hearings were had and argument was heard on the eighteenth of July, nineteen hundred and thirteen.

The burden of the petitioners' claim for the removal of the station to a new site rested upon the use of the station by commuters living in the territory to the northeast of the present station site. There are approximately one hundred and sixty commuters. From the testimony it appears that almost one-half of this number would not be benefited by a change of location as to the distance to be traveled by them from their homes to the station. A change to the site proposed would result in lessening the distance to be traveled by a little more than one-half of the regular commuters. The utmost saving to such commuters would be ten hundred and twenty-five feet and many would not be benefited to that extent. It was estimated that of the one hundred and sixty-one commuters in April,

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forty-two would be benefited by a change to the extent of two hundred and twenty-five feet; thirty-eight would be benefited to the extent of ten hundred and twenty-five feet, and fifty-four would be required to travel a greater distance than at present by over nineteen hundred to twenty-eight hundred and fifty feet, and the balance would not be benefited by the change. It would not appear, therefore, that the change of location would be of material advantage to the body of regular, daily patrons of the road from this community.

It would appear no objection is made by the other patrons as to the location of the station, and that those traveling from the trolley-road, would be considerably inconvenienced by a change of location. Residents of Singac would also be very considerably inconvenienced by the proposed change of location.

There appear also to be difficulties in operation which would have to be seriously considered before this Board concluded that it should require the Railroad Company to change the location. The land upon which the present station is located was given to the company for that purpose, and the claim is made by both the donor as well as the railroad company that the removal of the station would result in a reversion of the title to such lands to the donor. The company does not own the land of the proposed site. It will, therefore, be seen that the proposed change might involve a considerable financial loss to the railroad company, particularly in view of the fact that its buildings, to the value of many thousands of dollars, are located upon the donated land. It appears from the testimony that the change of location would present troublesome operating questions, because of the heavy grade at the proposed site.

To justify this Board in substituting its judgment for that of the railroad company as to the location of stations along its route, there should be no doubt as to the benefit to be obtained from the change. In the present case it does not appear that the benefit to be obtained from the change proposed would be general and of such character as to warrant the Board making an order requiring it. The petition so far as it relates to a change of location of the station will be dismissed.

Testimony was taken on the question of the facilities afforded by the present station. It was not seriously controverted by the railroad company that the present station does not afford safe, adequate and proper service. Adequate and proper station facilities should

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be afforded without delay. The Board finds that the present station facilities do not afford safe, adequate and proper service and an order will be entered that the railroad company forthwith submit detailed plans for better station facilities. The order will require the Erie Railroad Company to submit such plans in duplicate by October 20th, 1913, and to notify the Board of the time it will require to complete the work in accordance with the plans. Upon receipt of such plans, copies thereof will be mailed to the representative of record of the petitioners who will be directed to file with the Board, within ten days from the date of mailing such copies, notice of objection, if any, which may exist to the approval by the Board of the plans for better stational facilities.

Dated September 29th, 1913.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof.

IT IS ORDERED that the Erie Railroad Company shall submit to the Board by October 20th, 1913, detailed plans for improved stational facilities at its station at Little Falls, in the County of Passaic, said plans to be submitted with a duplicate of each drawing, and the said Erie Railroad Company shall notify the Board of the time which, in its judgment, it will require to complete the work called for by the plans.

This order shall take effect October 20th, 1913.

Dated September 29th, 1913.

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In the Matter of the Complaint of the Board of Education of Pequannock Township, Pompton Lakes Borough, Pompton Township and the Borough of Oakland, vs. The Erie Railroad Company, Respecting Train Service on the Greenwood Lake and Susquehanna Divisions of the Erie Railroad.

G. Cornelius District Clerk, for the Board of Education of Pompton Lakes Borough.

F. M. Prescott, for the Board of Education of Pequannock Township.

C. P. Benten and *George O. Nelson* for the Board of Education of Pompton Township.

W. B. Romaine, for the Board of Education of the Borough of Oakland.

T. H. Burgess, for the Erie Railroad Company.

REPORT.

The complaints filed by the various municipalities above mentioned were identical, although they are not located upon the same branch of the Erie Railroad. The relief sought in each case is additional train service for the transportation of school children going from various points in said municipalities to Butler, New Jersey.

A hearing was held upon the complaints at Jersey City on Friday, June 20th, 1913, when all the parties interested were present.

The request of Pequannock Township is that train No. 507, leaving Jersey City at 7.24 A. M., arriving at Pompton Junction at 8.52 A. M., should be advanced so that it will arrive at Pompton Junction at 8.40 A. M. This would indicate that the train should leave Jersey City at least twelve minutes earlier than at present. It appears from the testimony that about twenty-five or thirty school children will use this train going to the Butler High school daily. The railroad company contends that this change of schedule would interfere with oth-

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er connections, particularly on the Caldwell Branch, and would probably delay several hundred people, should connection not be made. A change in the schedule of this train seems to the Board to be objectionable because the schedule has been maintained for many years to the apparent satisfaction of a large number of passengers. Some sixty-five workmen use the train daily in going to the Tiffany works at Forest Hill from Brooklyn and other places, and, further, eighty to ninety pupils use the same train in going to the Normal School at Montclair Heights. There may be others who are accustomed to take this train who would be discommoded. The number of pupils who would be convenienced from Pequannock Township would be in the neighborhood of thirty—while about one hundred and seventy-five people would be discommoded. Hence, the Board does not feel warranted in ordering a change of schedule for train No. 507, and the complaint of Pequannock Township will be DISMISSED.

With respect to the complaints of Pompton Lakes Borough, Oakland Borough and Pompton Township, the Board, after hearing the testimony, caused investigation to be made by its inspectors of the conditions of the railway service in this neighborhood. As the Board did not feel warranted in making an order to run an additional train from Oakland in the morning, because of uncertainty as to the number of school children who would patronize such a train, a suggestion was made to the Erie Railroad Company that the crew of train No. 951, which arrives at Butler 7.56 A. M., run back to Oakland, leave there again at 8.30 A. M., run westerly to Butler, stopping at Pompton and Pompton Junction, and receive at Pompton Junction passengers from Midvale to Haskell; also that the company stop train No. 518 at Pompton Junction, scheduled to arrive there at 8.26 A. M., so as to bring the children to Butler at 8.35 A. M. In answer to this suggestion the following offer was made by the Erie Railroad Company:

"New York, Susquehanna & Western Railroad Company will as an experiment furnish train service from Oakland to Butler to accommodate the school children attending school at the latter place on five days each week for a period of two months as an experiment, with the understanding that the company reserve the right to withdraw this service if the results of the experiment do not justify its continuance, and that if the service is so withdrawn, the company's position is not to be prejudiced by its having tried the experiment. We feel it necessary to have an understanding because we apprehend that the use thereof will be less than estimated, but of course hope that this apprehension will prove unfounded."

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The Board has accepted this offer of the company, and this train was installed at the beginning of the school year, and the company has been asked to report at the end of the period mentioned in the above letter as to the number of children and others carried by said train, and until such time the matter will be held in abeyance, contingent upon the outcome of the report from the railroad company.

Dated September 30th, 1913.

In the Matter of the Complaint of James Chittick vs. New York Telephone Company.

If wholly through the failure of a telephone company, service to a subscriber is interrupted, the company is bound to make allowance therefor. The enforcement of such a regulation tends to make for efficient service. If wholly through the subscriber's failure, service is curtailed, and allowance, therefore, is made, promptitude of payment is retarded, the costs of notification, etc., are thrown upon subscribers as a whole, and a door is opened by which discriminatory rates and rebates may be introduced. The enforcement of this regulation tends to make for economy in rendering service.

Complainant did not appear.

Robert V. Marye, for the respondent.

REPORT.

By letter received May 13th, 1913, complainant averred that his telephone service had been temporarily cut off for failure promptly to pay bills rendered; that upon his attempting to make settlement the respondent demurred to a pro rata deduction for the period during which service was curtailed.

The matter was referred originally to the Chief Inspector of Utilities. He inclined to uphold the complainant in claiming a deduction from the bill for the period of curtailed service, and recommended that the respondent company modify its practice accordingly.

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His recommendation was forwarded to the company which, by letter dated May 26th, 1913, demurred to the recommendation aforesaid. The company's objection to complying with said recommendation was made the subject of a hearing held on September 12th, 1913, at the Chancery Chambers, Jersey City. The complainant, though notified of the hearing, did not appear. The company introduced testimony upon their practice with reference to curtailment of service in case of deferred payment of bills rendered. The Board's Chief Inspector was also heard in the matter.

The company evidently stands upon its rights with the subscribers under the contract between them. Said contract provides that service is to be furnished upon payment in advance, for ordinary service at the first of each month and upon payment for toll calls at the first of the month after that in which said toll calls have been made. The service for which advance monthly payment is to be made according to the contract is evidently construed by the company as an indivisible whole, not a service which if partly curtailed by reason of the subscriber's failure to comply with the terms of the contract may be settled by a *pro rata* payment for the term of its actual enjoyment within said month.

Conceding that the company has properly construed its rights under the contract, the question remains whether the rights thus secured to the company under its interpretation of the contract are unjust or unreasonable, or require modification under provisions of P. L. 1911, Ch. 195, 18, (a).

The testimony discloses that the company's practice after notification of a delinquent subscriber is to curtail service between the 10th and 15th of the month on the first of which payment was due. During these days incoming calls are transmitted to the subscriber, but outgoing calls, except emergency calls, are not transmitted. After the 15th, all service is denied, and the removal of the station follows thereafter within a short period.

The practice of the company in gradually curtailing the service seems to be optional with them under their contracts, and is employed in the double hope of receiving payment past due, and of not inconveniencing unnecessarily subscribers who intend to continue service but are negligent in making payment as agreed.

Any service thus afforded after the 10th under conditions specified above would seem to be service to which the subscriber under

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the contract has no actual right; and if after a period of partial or complete denial of service within the month, the subscriber desires to recontinue service, it would appear that he is obliged to pay for the month as an entirety.

If *wholly through the company's failure,* service to a subscriber is interrupted, the company is bound to make proper allowance therefor. The enforcement of such a regulation tends to make for efficient service.

If *wholly through the subscriber's failure,* service is curtailed, and allowance therefore is made, promptitude of payment is retarded, the costs of notification, etc., are thrown upon subscribers as a whole, and a door is opened by which discriminatory rates and rebates may be introduced. The enforcement of this regulation tends to make for economy in rendering service.

For these reasons we are not, as at present advised, disposed to disturb the wording of the company's contracts or their practice thereunder in respect of refusing allowances for a part of a month during which there may have been a partial denial of service by reason of the subscriber's failure to pay bills when and as agreed to by said subscriber.

The complaint involved will be DISMISSED.

Dated September 30th, 1913.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

IT IS ORDERED that the complaint in this proceeding be, and it is hereby DISMISSED.

Dated September 30th, 1913.

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In the Matter of the Complaint of Ralph S. Kelly Against the Middlesex Water Company.

Ralph S. Kelly, appeared in person.

Frank Bergen Esq., for the Middlesex Water Company.

ORDER.

The complainant in this matter alleges that he is and has been unable to obtain from the Middlesex Water Company a supply of water at his residence in Woodbridge, New Jersey. To this complaint answer was made by the Middlesex Water Company. On the complaint and answer hearing was held on the third day of October, one thousand nine hundred and thirteen.

After such hearing the Board finds and determines that the Middlesex Water Company does not furnish service to the complainant, Ralph S. Kelly.

The Board further finds and determines that the Middlesex Water Company may reasonably be required to supply safe, adequate and proper service to said complainant, and that to that end the said company may reasonably be required to establish, construct, maintain and operate the requisite extension of its existing facilities. In the judgment of the Board such extension is reasonable and practicable and will furnish sufficient business to justify the construction and maintenance of the same and the financial condition of the said Middlesex Water Company reasonably warrants the original expenditure required in making and operating such extension.

The Board HEREBY ORDERS and directs the Middlesex Water Company to establish, construct, maintain and operate such extension of its existing facilities as is necessary in order that the premises of Ralph S. Kelly in Woodbridge, New Jersey, may be supplied with water, and

FURTHER ORDERS and directs the said Middlesex Water Company upon the completion of such extension to supply the said Ralph S. Kelly, in Woodbridge, New Jersey, with water at the same

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rate and under the same conditions that other consumers of water residing at premises in the City of Woodbridge are supplied.

The Board hereby directs that this order shall become effective Thursday, October 9th, 1913, the Middlesex Water Company having at the hearing in this matter agreed to waive the provision of the statute, which provision requires that all orders other than those to continue service or rates in effect at the time an order is made, shall become effective at the date specified therein which shall be at least twenty days after the said order.

Dated October 7th, 1913.

In the Matter of Complaint of the City of South Amboy vs. the New York and Long Branch Railroad Company.

Frederic M. P. Pearse, for the city of South Amboy.

George Holmes, for New York & Long Branch Railroad Company.

REPORT.

This matter was heard upon the complaint of the City of South Amboy that insufficient protection was afforded the public at certain street crossings over the tracks of the respondent in said city. The railroad company made answer to said complaint, and a hearing was ordered.

It appeared from the testimony that gates are maintained at all of said crossings, but were operated only from 7 A. M. to 7 P. M., except that, after the filing of this complaint, gates were operated at John Street at all hours of the day and night, and at First Street, Augusta Street, David Street and Henry Street from 7 A. M. to 8 P. M. No other means of protection was afforded at said crossings. A census taken during the latter part of June showed considerable travel over all of said crossings between the hours of 6

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A. M. and 10 P. M. and during the balance of the night very little travel of any kind. Almost no vehicular travel was recorded between 10 P. M. and 6 A. M. over any of the crossings. At some crossings there did not appear to be any travel whatever for several hours between 10 P. M. and 6 A. M. During the summer months trains pass over the streets quite frequently between 6 A. M. and 10 P. M. There are few trains after 10 P. M. There are likewise not many trains passing between 7 P. M. and 7 A. M., during the winter months.

After considering the testimony taken at the hearing, the Board is of the opinion and finds that at the crossings of the tracks of the New York and Long Branch Railroad and the public highways known as John Street, First Street, Augusta Street, David Street and Henry Street in the City of South Amboy, conditions make it necessary that provision for the protection of the traveling public be afforded at such crossings.

The Board further determines and finds that the protection hereinafter mentioned will be reasonable protection, at said crossings: namely, the maintenance of gates at John Street crossing, and the operation of such gates each day in the week at all hours of the day and night; the maintenance of gates at First Street, Augusta Street, David Street and Henry Street crossings and the operation of such gates each day of the week from 7 A. M. to 7 P. M. except from the first day of May to the first day of October, both inclusive, of each year, during which period gates should be operated from 6 A. M. to 10 P. M. each day of the week; the placing and maintenance at First Street, Augusta Street, David Street and Henry Street crossings of electric alarm bells of such construction and so connected that said bells will, by operation of track circuit, give warning of the approach of trains.

An order will so enter.

Dated October 14th, 1913.

ORDER.

This case being at issue upon complaint and answer on file and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and

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the Commission having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

IT IS ORDERED that the New York and Long Branch Railroad Company maintain crossing gates at the John Street crossing and operate such gates each day in the week at all hours of the day and night, and

IT IS FURTHER ORDERED that the said New York and Long Branch Railroad Company maintain crossing gates at the First Street, Augusta Street, David Street and Henry Street crossings and operate such crossing gates each day of the week from 7 A. M. to 7 P. M., except from the first day of May to the first day of October, both inclusive, of each year, during which period gates shall be operated from 6 A. M. to 10 P. M. each day of the week, and

IT IS FURTHER ORDERED that the said New York and Long Branch Railroad Company maintain and operate at First Street, Augusta Street, David Street and Henry Street crossings electric alarm bells of such construction and so connected that said bells will, by operation of track circuit, give warning of the approach of trains.

This order shall become effective October 27th, 1913.

Dated October 14th, 1913.

In the Matter of Protests of the City of Wildwood and Individual Consumers Therein Against Approval of Rates of the Wildwood Water Works Company.

HELD—That a rate of forty cents per thousand gallons, which the company seeks to establish, is, under all the circumstances, unjust and unreasonable. A rate of thirty cents per thousand gallons is just and reasonable. The company is ordered to establish a rate of thirty cents per thousand gallons, grading down therefrom for excess consumption. The determination of a minimum charge, by

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the number of rooms contained in a dwelling house is not regarded as unreasonable. If the number of rooms is the criterion of the consumers' requirement, the aggregate number of rooms contained in all structures upon the premises should determine the minimum.

ORDERED—That the cost of the meter box be paid by the company upon installation, and only the risidual apparatus charged to and collected from the consumer.

H. H. Voorhees, for the City of Wildwood and individual consumers.

H. C. Chalmers, for the Borough of North Wildwood.

Ernest Watts and *Edward H. Hall,* for the Wildwood Water Works Company.

REPORT.

By petition filed with this Board on June 9th, 1913, the Commissioners of the City of Wildwood requested that before approval was granted to the rate schedule filed by the Wildwood Water Works Company, "the city officially and the inhabitants thereof" be granted a public hearing to remonstrate against what were termed the unjust, oppressive, exorbitant and excessive rates embodied in said schedule.

After due notice, hearings were held at the State House in Trenton on the following dates: June 24th, 1913; July 8th, 22nd and 29th, 1913. Both parties were represented by counsel; testimony was taken; exhibits were submitted and briefs have been filed.

The allegation of exorbitant rates covered (1) the increase from 25 cents to 40 cents per thousand gallons for all water consumed in excess of the minimum allowance; (2) the basis upon which under the proposed schedule the minimum charge is to be set; (3) the amount of the minimum wherever in excess of ten dollars; and (4) the charge made by the company for furnishing and installing the meter casing with appurtenances.

The hearings also disclosed the fact that the company's proposed rule whereby the company in the first instance determines the size of the meter and service pipe to be installed is impugned as unreasonable. Inasmuch as this report finds that the fixation of minimum charges by the number of rooms contained in structures

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upon the consumer's premises is proper, the question of size of meter and service pipe ceases ordinarily to be of moment.

To determine the base on which the respondent is entitled to obtain a fair return, it is necessary first of all to find the fair value of its property used and useful in serving the public. The structural, or physical, property as indicated by the company's books, December 31st, 1912, when deduction from property account is made of $250,000 stock, and of bond discounts and capitalized deficits amounting jointly to $62,061, is $451,782.

The cost of reproduction, new, of the physical property as of July 15th, 1913, as estimated by the company's engineer, J. W. Ledoux, is $465,483. The cost of reproducing, new, the physical property, as of July 19th, 1913, as estimated by Allen Hazen, is $428,663. The cost of reproducing, new, the physical property, as of July 12th, 1912, as reported by the Board's Chief Inspector of Utilities, was $429,997.

Disregarding the difference in date, the estimates are as follows:

Company's books	$451,782.00
Ledoux	465,483.00
Hazen,	428,663.00
Betts	429,997.00

The petitioner's expert witness, George Pfeiffer, Jr., while making no estimate of the reproduction cost of the company's entire plant, insisted that a plant without the mainland extension to Rio Grande, could be built for approximately $230,000, capable of affording the same supply as the company's present plant. He, accordingly, made estimates of the cost of the distribution system in Wildwood as given in Mr. Betts' inventory of July 12th, 1912. A comparison of typical unit prices taken for important elements of the system will serve to show the difference between the various calculations.

	Pfeiffer.	Betts.	Hazen.	Ledoux.
Fire hydrants	27.50	26.74	33.00	34.50
½″ meters	.....	.....	10.00	15.00
4″ pipe per foot	.40	.60	.65	.60
6″ pipe per foot	.58	.80	.85	.91
10″ pipe per foot	1.00	1.40	1.40	1.60
12″ pipe per foot	1.30	1.80	1.75	2.03
Total pipe and main	$221,882.00		$233,398.00	$250,845.00

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The fairly close correspondence of the estimates by Betts and Hazen and their common divergence from Pfeiffer on the one hand, and from Ledoux on the other, lead us to conclude that the preceding estimate by Hazen (being most nearly to date) of $428,663 as the cost of reproducing the company's physical property, new, may be taken as coming within the necessary approximation to fact in inquiries of this kind.

It is by this time well understood that since the Supreme Court decision in the Knoxville Water Company case, a deduction must be made in rate cases from the cost of reproduction, new, for depreciation accrued.

The two estimates of depreciation in the present case are:

	Accrued Depreciation.	Annual Depreciation.
Hazen,	$68,510.00	$6,801.00
Ledoux	49,213.00	7,670.00

We again accept Hazen's figure, on the ground that it is the estimate of an outside party, rather than of the company's engineer; also on the ground that it is somewhat anomalous that the greater annual depreciation should coincide with the lesser aggregate, or accrued depreciation, as in Ledoux's figures.

Deducting from estimates of cost of reproduction of physical property, new, the accrued depreciation as estimated, we obtain the following residues:

	Hazen.	Ledoux.
Reproduction cost, new,	$428,663.00	$465,483.00
Accrued depreciation,	68,510.00	49,213.00
Present depreciated cost of physical property,	$360,153.00	$416,270.00

The estimate put upon the physical property *supra* does not include certain overhead costs involved in its construction. To Hazen's estimate of cost of physical property $64,299.51, or 15 per cent of the estimated cost, new, is allowed by him for engineering and contingencies; and a separate allowance of $9,859.27, for interest during construction at 2% is also allowed. These all combined make his allowance for overhead costs amount to $74,158.78, or approximately $74,000. Ledoux's allowance for similar overhead items of costs covers $12,734 for interest during construc-

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tion; $10,000 for promotion expense; $10,000 for organization expense; $20,000 for engineering, designing and superintendence. This is a total of $52,734. To this certain minor items of a similar nature are added, legal expense, insurance, etc., which amount to $6,975. Ledoux's aggregate is approximately $59,000.

We accept Hazen's estimate of intangibles costs as the more reasonable of the two. It is based on a fairly common percentage (15 per cent) for engineering and contingencies, and on a moderate allowance for interest. Ledoux's estimate for overhead costs appears to be a bit arbitrary for all items except interest.

When the estimated elements of overhead cost are added to the present cost value of physical property, we have

	Hazen.	Ledoux.
Present depreciated cost of physical or tangible property,	$360,153.00	$416,270.00
Overhead costs,	74,000.00	59,000.00
Total,	$434,153.00	$475,270.00

We find and determine the figure of $434,153 to be the proper estimate for the items summed.

It is now well established that the base upon which a public utility is entitled to a fair return includes not only its legitimate investment in its property, both tangible property and overhead costs; but also its legitimate investment in the business acquired or the patronage attached. This so-called "going value" Hazen estimates at one year's proper gross revenue (Testimony of July 29th, 1913, pp. 66, *sq.*); in this case at a round $50,000.

Ledoux estimates this "going value" at 15 per cent of the reproduction cost of physical property, new, plus the first four items of his intangible costs recited above. This amounts roughly to $77,000. Apparently, it is arrived at somewhat arbitrarily by an exercise of engineering judgment which cannot be further explained. (Testimony of July 29th, 1913, p. 22). For this reason we reject it. The total bases on which earnings are to be predicated, according to these two witnesses are:

	Hazen.	Ledoux.
Total present value of property (including both items of tangible cost and overhead costs),	$434,153.00	$475,270.00
Going value, or value of business attached,	50,000.00	78,000.00
Grand totals,	$484,153.00	$553,270.00

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We are not clear that Hazen's estimate for going value is correct for the purposes of this case. His explanation of how it is arrived at is interesting and ingenious. (Testimony of July 29th, 1913, p. 66 *sq.*). It assumes, however, a knowledge of one year's proper gross revenue. That is the item we are in quest of. Moreover, the business at seaside resorts is obtained by water companies more rapidly and with less relative cost than ordinarily. (Testimony of July 22nd, 1913, p. 40, *sq.* also p. 68).

We may, for the purpose of our preliminary inquiry, conclude, that *exclusively on the basis of cost,* the base on which the company would be entitled to earn a fair return, *were there no countervailing considerations,* would be in the neighborhood of Hazen's estimate, or $484,153. As he has estimated the proper gross revenue of the company in excess of what the company computes its gross revenue would be under its proposed system of rates, and inasmuch as patronage at summer resorts is acquired more rapidly than in other places, we may without impropriety reduce his total to the even figure of $475,000.

It is evident that such an aggregate investment of $475,000 seems to be anomalous to supply a place with approximately 2,000 customers. Some of the causes for the large investment may be specified.

As at other seaside resorts the difference between summer and winter consumption of water at Wildwood is very great. Thus in 1912 the pumpage in December was 5,610,000 gallons; in July it was 20,147,000 gallons. It is common to find the heavy consumption of water overrunning the average by 15 or 25 per cent. (Testimony, July 29th, 1913, p. 56.) In Wildwood in 1912 the July consumption was about 350 per cent of the December consumption. The plant of a water company must at all times be adequate for the maximum demand. The expenses, except for pumping, do not decline in the period of small consumption. These facts indicate why the plant required at Wildwood is so much greater than for other places of the same permanent population; and incidentally why the fixed charges are relatively so high.

Another factor in explaining the high investment in the Wildwood plant is the character of the water that the island wells afford under heavy draft. The percentage of chlorine from the infiltrating seawater is much higher than at any other of the Jersey

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seaside beaches. Analysis made by the State Board of Health of the Wildwood water show something over one per cent of seawater therein. This is about the limit of toleration (Testimony of July 22nd, 1913, pp. 46, 47). The Anglesea wells, as tested by the company, yielded 105 parts chlorine on January 25th, 1913, (Testimony of July 22nd, 1913, p. 13). The wells at Wildwood, when tested showed even a more serious condition, containing something like 200 parts of chlorine. The Cape May wells, when analyzed, are the next highest on the Jersey shore in chlorine, and yet disclose only from 7 to 9 parts thereof as against 200 for the Wildwood wells. (Testimony of July 22nd, 1913, p. 50).

This condition explains the building of a long pipe line of five miles or more to Rio Grande, and the bringing in of water from off shore. The surface water there obtained is less impregnated with chlorine; and the slackened draft on the island wells allows them some opportunity to freshen by reason of the influx of fresh water. As though to emphasize the ill-starred character of this water supply project, the water from Rio Grande has recently proved to be rich in iron. This, it is said, has necessitated the construction of a filtration plant, which will cost in the neighborhood of $20,000.

It is perfectly clear from the record that the high investment is largely traceable to the cost of the double source of water supply. The company, if it had to build the plant over, would sink no wells on the island, but go direct to the mainland (Testimony, July 29th, 1913, p. 52). The complainant's expert would never have gone to the mainland, but would have made a different distribution of wells on the island (*Ibid.*, p. 80). The company has acquired both the island wells and the off-shore supply, and has enlarged its investment accordingly.

Another reason for the ample scale on which the system is built is that most of the structures on Five Mile Beach are of frame construction, and hence require adequate fire protection. This explains why the pumping capacity and the system of feed mains must be built on a generous scale. Should the City of Wildwood proceed to build or acquire a municipal water supply plant, these factors, the unusual summer consumption, the danger of ruining island wells by overdrafts thereon, and the need of adequate fire

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protection, would all have to be given careful attention, and due provision would have to be made on their account.

It is also worthy of remark that when a holding company is also a construction company, and builds extensions to a plant whose securities the holding company takes in payment, there is hardly present the same solicitous care to prevent costs from exceeding the lowest figure compatible with workmanlike construction that may be inferred where the owners of the plant are distinct from the contractors who build extensions. The unit prices of Mr. Ledoux may be taken as an indication that the holding company has not failed to obtain an adequate payment for the work it has done for the defendant company.

As indicated above, the company would be entitled, at the present time, to a fair return on a base of $475,000, *only in the absence of countervailing considerations.* Countervailing considerations are, however, present.

The most important of these are: (1) The plant as constructed has involved an unusual expense much of which is not attributable to, nor for the benefit of, the present watertakers; (2) the plant as constructed is measurably in excess of current requirements; (3) the company is attaching new customers with considerable rapidity, and under conditions of increasing returns per unit of expense on the company's part; (4) the financial history of the company indicates that up to date a net return on the actual investment has been forthcoming; (5) an immediate return such as the company contends for would involve metered rates above those current in localities similarly circumstanced with Wildwood. It is necessary to canvass these considerations, and so far as possible to allow for them, in setting the rates that may be justly charged for water in Wildwood.

The unusual outlay upon the plant has been explained *supra*. The original Anglesea plant was constructed at a low cost. It promised to afford the supply requisite for the period following its construction. It was a profitable undertaking, and was paying return upon a base of $60,000. The defendant company took it over upon this basis, paying therefor $10,000 in cash and $50,000 in bonds. Defendant company knew at the time that the structural value was only about $45,000. (Evidence July 22nd, 1913, p. 31.) The Anglesea wells seem to afford even now in the time of maximum de-

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mand something like one quarter of the total supply. However, the growth of the community bade fair to outstrip the capacity of the Anglesea wells and the other wells on the island. The company believed that the draft upon the island wells would render their water non-potable. Accordingly, the company procured at very considerable expense an off-shore supply. It may have been a situation that could not be foreseen, but the outlay to cope with the changing situation is hardly chargeable in its entirety to the present consumers.

If an ordinary commercial venture had projected works that proved inadequate, and was forced for the protection of its earlier works and business to build an enlarged plant, it could hardly avoid having to pocket some loss, at least temporarily, upon the unforeseen greater outlay. We see no reason why a public utility should be guaranteed against a similar misadventure. The company's own expert witness, Allen Hazen, testified on July 29th, 1913, that a plant at Wildwood could probably be devised and built that would furnish an equal quantity of water as the present plant for less than his estimate of the reproduction cost of the present plant (p. 51). He testified also that a plant could be established at Wildwood where 25 cents per thousand gallons would be a reasonable price for the people to pay (pp. 55, 56). It is not certain that this last quoted testimony applies to a plant having the excess capacity of the present Wildwood plant required for summer consumption at a seaside resort. But it is perfectly clear that the cost of duplicating the present plant exceeds the cost of building a plant that would afford the present supply. It is perfectly clear that if the conpany had to construct *de novo* it would expend less than it has expended. And it seems not unjust that they should not throw at once upon the consumer the whole charge upon an investment greater than necessary where the greater outlay was due in part to the company's failure to forecast accurately the future conditions of demand and supply.

The extant plant is in excess of current needs. For ordinary purposes the maximum consumption daily appears about 1,500,000 gals.; the capacity of the plant 2,600,000 gallons daily. (Testimony of June 24th, 1913, p. 40). Even allowing for fire protection, the supply would seem more than adequate so far as quantity is concerned. Of course, the danger of spoiling the wells on the

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island by overdrafts upon them modifies the conclusion as to present provision being grossly in excess of present requirements. But there is no dispute that the present plant is adequate and available for future customers between Rio Grande and Five Mile Beach on the mainland where there is much undeveloped territory, and upon many unimproved lots upon Five Mile Beach itself where the supply of many future customers will not require a corresponding increase in investment. (Testimony of July 29th, 1913, pp. 42, 43.)

The company is attaching new customers with considerable rapidity. Thus on December 31st, 1911, there were 1,904; and December 31st, 1912, there were 2,090; and between December 31st, 1912, and July 22nd, 1913, 100 additional consumers had come on. With the present plant, and with distribution mains practically covering the island, the addition of new consumers adds to the company's revenue far more rapidly than to the company's expenses. The growth in the company's gross receipts has been constant, though fluctuating from year to year. The increase in 1912 over 1911 was $442.08; in 1911 over 1910 was $7,460; of 1910 over 1909 was $4,196. The average has been over $4,000 a year. With this average maintained the company seems likely to obtain a revenue capable in the not distant future of covering all expenses including depreciation, and affording an adequate net return on the investment.

The financial history of the company indicates that returns in the past have not been lacking. Upon the stock issue of $250,000 no dividend has ever been earned or paid. As the stock was practically all water when issued, there is no particular reason to regard such failure to pay dividends as any injustice to the company.

Upon the bonds, interest has been regularly paid. When it is recalled that the American Pipe and Construction Company has constructed the greater part of the plant, at prices which there is reason to believe afforded a profit, and has taken in payment five per cent bonds at a discount and has regularly received interest at five per cent on the face value of the bonds, and has in addition out of water rates practically met operating charges for many years, except for the accruing depreciation, it is evident that it has obtained a return upon the total cash investment. Even the current rates are far from being vulnerable as confiscatory.

Allowing for an accrued depreciation figured by the two expert

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witnesses for the company at $68,510, and $49,213 respectively an annual return not far from four per cent has been received upon an outlay more extensive than necessary, if greater accuracy of forecast has been practiced, and more extensive than requisite for present and legitimately prospective needs.

It is true that the annual report for 1912, disclosed a deficit. Mr. W. H. Roth on July 22nd, 1913. (Testimony, p. 25 *sq.*) testified that for 1912,

The gross earnings were	$35,885.20
And operating expenses, exclusive of depreciation were	17,573.22
Leaving available	18,311.98

to meet an interest charge of $20,850, thus producing a deficit of $2,538.02. To this the annual depreciation, figured respectively by Allen Hazen and J. W. Ledoux at $6,801 and $7,670 if added, gives an annual loss of $9,339.02 in one case, and $10,208.02 in the other.

This situation does, in our opinion, warrant some increase in gross revenue. However, the operating expenses for 1912 include an item of "miscellaneous general expenses" of $5,183.01. (Testimony, July 22, 1913, p. 27). This is exclusive of legal expense and includes "telephone, stationery, stamps, lighting, electric lights, travelling expenses, and numerous other items," none of which are further indicated than the expenses incident upon "hearings of one kind and other." (*Ibid.*, p. 28). Further detail ought properly be forthcoming, if the item is to be passed as entirely above criticism.

While a fair return upon the value of property used and useful in serving the public is a dictate of equity in the setting of rates, the rates to afford such a return must not be so high as to exceed the fair value of the service to the consumer. In the opinion recently handed down by the Supreme Court (*Public Service Gas Company* vs. *Board of Public Utility Commissioners and others*) Mr. Justice Swayze remarks:

"In determining the justice and reasonableness of rates, perhaps no better test can ordinarily be found than the rates customarily charged in localities similarly situated, although we do not say that even the test is infallible."

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There is no evidence that a meter rate of 40 cents per thousand for water in seaside resorts of this state comparable to Wildwood is in vogue. To increase the present rate of 25 cents to 40 cents is an extreme and sudden change. In Ocean City, whose general situation most nearly conforms to Wildwood's, the rate is 30 cents per M. We believe this affords a fair comparison for the case in hand.

We, therefore, find and determine that the rate of 40 cents which the company seeks to establish is under all the circumstances unjust and unreasonable; and we find and determine that a rate of 30 cents per thousand gallons is just and reasonable, and in the accompanying order to issue we shall fix said rate in place of the proposed rate of 40 cents. Wholesale rates to be graduated downward from the thirty cent basis rate.

Assuming the continuance of existing rates, the company may be expected to attach 200 additional customers yearly. This would imply about $3,000 increase in gross revenue. For the past three years the yearly average increase has been over $4,000. Last year's gross receipts were $35,885. The gross revenues for 1913, 1914 and 1915 may be roughly calculated at $38,885; $41,885 and $44,885. Last year's outgo for operation was $17,573. We believe that is somewhat in excess of what necessity requires. If miscellaneous general expenses are cut, as we have reason to think they could be cut, by $2,000 per annum, we may roughly calculate the annual operating costs (including taxes) for 1913, 1914 and 1915 at $15,000; $16,000 and $17,000. The residues would be $23,885, $25,885 and $28,885. Interest last year was $20,850. For the present year and for the two years to come bond interest should fall within $24,000. The prospect, therefore, even at present rates is fair for meeting actual outgo, and for gaining on the annual depreciation.

We conclude that a moderate advance in the metered rate is all that equity requires in the premises, and that the company ought to acquiesce in a more gradual increase in gross revenue than it aims to secure by a change in rates which in a single year will raise its gross receipts from $35,000 to $45,000.

The second issue presented in this case is the basis on which the minimum charge is to be fixed. We are not disposed to regard as unreasonable the determination of the minimum charge by the

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number of rooms contained in a dwelling house. This method prevails in some places, in Denver, Colorado, and in Waukesha, Wisconsin. It seems *a' priori* to be as accurate an index of the consumers' requirements as the floor area, or the cubic contents of the house, though these measurements also are employed in some places. This index of consumers' requirements seems more practicable than the tax valuation of properties, inasmuch as the tax assessment is not within the province of the water company. The index proposed must be employed, however, with reasonableness. There was shown to be no reason or equity in the proposed rule of the company whereby "in every case where two or more houses are located on the same lot, a ¾" meter will be installed for not exceeding 20 rooms" (Testimony of June 24th, 1913, pp. 63, 64; July 8th, 1913, p. 4). If the number of rooms is the criterion of the consumer's requirement, the aggregate number of rooms contained in all structures upon the premises should determine the minimum. An order to this effect will be entered, and will abrogate the impropriety of the company's proposed rule above cited.

It does not appear to us reasonable to change the 12-room limit which the company has set as the maximum number to be accorded service at the ten dollar minimum. (Testimony of July 29th, 1913, pp. 68, 69).

On the other hand, it does appear affirmatively from the company's expert witness, Allen Hazen, that the rise in the minimum from ten dollars for houses of 12 rooms or less, to eighteen dollars for houses containing from 13 rooms up to 20 rooms, is unduly abrupt (Testimony of July 29th, 1913, pp. 68, 69); and so likely to produce undue discrimination. We do accordingly find and determine that the failure to allow an intermediate minimum between $10 and $18 is an undue and unjust discrimination. In order to abate this anomaly and properly to temper the rigor of the company's proposed rule, we shall by order interpolate a minimum of $14 for properties containing from 13 to and including 16 rooms.

The interpolation of an intermediate minimum requires some disposition of the disputed practice of the company in requiring the installation of ¾" meters to supply properties containing over 12 and under 20 rooms. There was no evidence presented by the company to show that a ½ inch service pipe failed to afford an adequate supply of water to ordinary properties with a small bungalow in

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the rear for summer occupants. (Testimony of June 24th, 1913, pp. 59, 60). The attention of the company was called to this point at the first hearing, and their subsequent silence is at least not wholly without significance. Indeed, it would seem that the company's policy of meter installation had been made somewhat mechanically to allow them to qualify under the proposed rule of exacting the new *minima,* rather than on grounds of adequate service. The meter itself is but a small fraction of the plant held in readiness to serve the individual consumer. Moreover, the determinant of the size of the minimum is hereafter to be the number of rooms in the property supplied. Unless complaint is made of inadequate service, it would seem that there is no necessity of replacing ½" meters with ¾" meters in properties having 16 rooms or less. For properties having 17, 18, 19 or 20 rooms, the installation of ¾" meters may remain optional with either the consumer or the company.

The accompanying order to be entered will so stipulate. The rules of the company should explicitly state the present amount of water allowed under the minimum. Such a statement is only just and reasonable. The accompanying order will require the inclusion in the company's rules of such a statement.

In applying the rules as modified by the accompanying order to issue, questions of fair interpretation, as to what constitutes a room, etc., as to what constitutes a single and what a double house, capable of partition by separate ownership, will be determined by this Board, should complaint arise.

There appears from the record to be a special contention by the Borough of North Wildwood, that by virtue of a contract concluded between said borough and the company all private consumers in said borough are entitled until 1917 to the benefit of a minimum of ten dollars per annum. (Testimony of June 24th, 1913, p. 41 *sq.*)

This contract the respondent contends has been superseded by a later contract with said borough for municipal supply, omitting all mention of rates to private consumers. A uniform schedule of rates applicable throughout Five Mile Beach is eminently desirable, inasmuch as the place is now essentially one community. The evidence before us, however, is not sufficient to determine the validity of the issue raised by North Wildwood.

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The orders to issue in conformity with this finding will not, therefore, be applicable to North Wildwood, until and unless a special hearing to be called upon the contention put forth by said borough shall satisfy us that no legal obstacle prevents the uniform application of rates to said borough. The hearing thereon will be called by an order to issue forthwith.

A charge ordinarily of $6.50 for the meter box and appurtenances is made by the company when a meter is installed and water introduced into the consumer's premises. Generally there are no cellars under buildings at Wildwood. In consequence, the meter is commonly set near the curb. The arrangement from the plumbing standpoint is not open to criticism. It appears, also, that the consumer in Wildwood owns the entire service pipe connecting with the supply mains. The meter attached to the service pipe is the company's property. The dispute arises about whose duty it is to provide and pay for the meter casing. The petitioners claim that they should not be asked to make an outlay for the protection of the company's property, viz., the meter. The company claims that as the consumer cannot house the meter as is done ordinarily in the basement or cellar, the box or casing is a necessary appurtenance to the service pipe, and should be paid for along with the cost of installing the service pipe itself.

It appears to us that the box casing or the meter is properly to be regarded as a part of the company's permanent property; that it should be accounted as part of the meter; installed at the company's expense and capitalized by them as is the meter itself. Their own witness, Allen Hazen, testifies that the arrangement he would recommend would be for the company to furnish the meter and the meter box, and put it in their scheduled property. (Testimony of July 22nd, 1913, p. 59.) He said that this company had from the start adopted another policy, and that it was, therefore, a mere matter of arrangement, implying that it was equitable, because the cost is not capitalized by the company.

It appears that the accessory apparatus installed along with the meter box is essentially a part of the service pipe, and physically separable from the meter box itself. As the practice in Wildwood involves the consumer's ownership of the entire service pipe, we are of opinion that he may justly be called upon to pay only for the accessory apparatus (valves, etc.), installed when the meter

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and meter box are installed; and that the casing box itself should be installed by the company at the company's cost, scheduled in their property and become part of the plant on which they are entitled to a fair return. We find and determine that the charge upon the consumer for the meter box is an unjust and unreasonable regulation.

This Board has no legal power, however, to order reparation. Where the company has exacted from the customer payment for the meter box, we are not empowered to order a refund. Only such meter boxes, however, as are installed hereafter at the company's cost may be listed in their property or included in their property account in reports filed with this Board.

We shall order that hereafter the cost of the meter box be paid by the company upon installation, and only the residual apparatus charged to and collected from the consumer. The division of the present ordinary charge of $6.50 for the box and appurtenances we shall require the company to make equitably as the contracted cost of the box and the other appurtenances require.

The company calculated under the new rate schedule proposed by them to obtain a gross revenue of about $45,000. The company's estimate of sources of revenue under the old and new schedule was virtually as follows:

(Testimony of July 22nd, 1913, p. 25 *sq.*)

	Old (1912) Schedule.	New (1913) Schedule.
Hydrant rentals,	$5,136.00	$5,136.00
Minimum charges,	23,485.00	29,950.00
Consumption in excess of minimum allowance,	7,200.00	10,000.00
Total,	$35,821.00	$45,086.00

The company also estimated that while the total increase in revenue might be about 25 or 30 per cent, less than 14 of this 25 or 30 per cent would fall on old customers, the residue being expected from new consumers. (Testimony of June 24th, 1913, p. 54.)

It will be noticed that the company's proposed increase in the rate for excess metered consumption from 25 to 40 cents was calculated to produce but little over one quarter of the additional revenue.

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It is impossible to estimate just how far the intermediate minimum of $14.00 will reduce the company's gross income. We shall, however, prescribe the intermediate minimum with the expectation that its allowance will not so diminish the company's expected gross income, so as to preclude for the present a proper and adequate return. The facts disclosed in the pending case show the former rates to have afforded a net return upon the actual but extensive investment (even allowing for depreciation) of practically four per cent. The probability is that as new customers augment the gross revenue, a higher rate of return will eventually accrue. In view of all the circumstances the company may justly be required to acquire additional net returns somewhat gradually, instead of by a single drastic readjustment of its rate schedule.

It is not out of place to remark in conclusion that the present case is one in which considerable acute disaffection has been manifested on the part of the complainants and petitioners. It is not impossible that at times the company's employees may have been somewhat ruthless in their dealings with consumers. It is possible that the fault has laid in part on both sides. The attorney for the city assures us that a municipal water plant is certain in the City of Wildwood. (Testimony of June 24th, 1913, p. 10). It is not the province of this Board to comment upon the future policy of the municipality in this matter. But it is proper for the Board to indicate that if disaffection is so acute with the present company's administration, the proposed bond issues by the company to provide additional fire service in parts of the city and in North Wildwood in particular, must be considered in the light of the probability that such additional mains are not likely to be a permanent source of income to the company. If the water supply in future is to be in municipal hands, adequate fire protection must be provided at public cost; if the present company is to be looked to for such adequate fire protection as additional mains and hydrants would afford, a return must be made to the company for such additional investment in mains and hydrants.

Dated October 14th, 1913.

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ORDER.

This case having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof, the Board now hereby finds and determines that the practice, rule and regulation of the Wildwood Water Works Company requiring the payment by the consumer of the cost of meter boxes is unjust and unreasonable and hereby

ORDERS that from and after the date this order becomes effective the Wildwood Water Works Company shall pay the cost of meter boxes upon the installation of such boxes and that only the remaining apparatus shall be charged to and collected from the consumer which practice, rule and regulation said Board hereby determines to be and fixes as just and reasonable.

The Board FURTHER ORDERS that the said Wildwood Water Works Company shall make an equitable division of the charge for the boxes and appurtenances, based on the cost to it of such boxes and appurtenances. And the said Board hereby further finds and determines that the existing rates and charges of said company are unjust and unreasonable and hereby fixes and determines the following as just and reasonable rates and charges and

FURTHER ORDERS that from the time this order becomes effective the said company shall make the following charges:

1. Minimum yearly charges shall be as follows:

For properties containing 12 rooms or less,	$ 10.00
For properties containing 13, 14, 15 or 16 rooms,	14.00
For properties containing 17 to 20 rooms,	18.00
For properties containing 20 rooms or over, supplied by 1″ meter,	30.00
For properties supplied by 1½″ meter,	40.00
For properties supplied by 2″ meter,	65.00
For properties supplied by 3″ meter,	100.00
For properties supplied by 4″ meter,	160.00
For properties supplied by 6″ meter,	200.00

2. Except as affected by the minimum charge, all excess water shall be charged for at rates beginning for the first 100,000 gallons in the year at thirty (30) cents per thousand (1000) gallons, and grading down therefrom for excess consumption.

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3. The company's rule reading "Provided that in every case where two or more houses are located on same lot a ¾" meter will be installed for not exceeding twenty rooms" shall no longer be applicable.

This order shall become effective December 1st, 1913.

Dated October 17th, 1913.

In Re Application of Farmingdale Lighting Company's Petition for Approval of Stock in the Amount of Three Thousand Dollars and of Bonds in the Amount of Twenty Thousand Dollars.

Amount for which approval is asked held to be excessive for purposes named in petition. Should petitioner modify or amend the present petition or draft a new petition, showing with some reasonable particularity the items of expense to be incurred in building the plant, and similarly the items of annual income and outgo, and request an amount not in excess of $16,000, the Board would be inclined to grant approval.

William J. Lansley, for the petitioner.

REPORT.

This petition was filed with the Board April 15th, 1913. By reason of clauses in the franchise that required alteration before approval could be given, the final hearing on this application was not held until September 30th, 1913. This final hearing was held in the State House at Trenton.

It appears that organization stock in the amount of one thousand dollars has already been issued. This application asks for approval of additional stock in the amount of three thousand dollars, and for bonds in the amount of twenty thousand dollars.

The stock at par is to yield	$ 4,000.00
The $20,000 bonds at 80 are to yield	16,000.00
Total proceeds will thus be	$20,000.00

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The attached estimate of expenditure to be met from said $20,000 contains items which the board, as at present advised, is not disposed to allow. The working capital required is estimated at $2,222. This amount is excessive. It is admittedly excessive. William J. Lansley on September 30th, 1913, stated:

"As a matter of fact, I don't think the company will need any working capital, because they pay for current only after they collect the bills. Probably a nominal amount of a couple of hundred dollars will be sufficient for the actual working capital." (Record of hearing, Sept. 30th, 1913, p. 1.)

As the estimated total annual expense submitted by the company is but $2,780, it is aparent that the estimate for working capital of $2,222 is unduly high. We are of opinion that $300 is ample working capital, and accordingly reduce the estimate of $2,222 by $1,922.

The engineering charges estimated by the petitioner amount to $1,500. The incidentals similarly estimated amount to $2,319. Said incidentals are estimated at 15 per cent of the base which covers construction cost. This implies a construction cost of $15,460. The work contemplated by the petitioner does not involve the installation of a generating plant. All current is to be purchased of the Monmouth Lighting Company. The petitioner counts on putting up a distribution system to run about nine or ten miles upon the highway, and on making service connections and installing lamps, fixtures and meters. For work of this nature an overhead charge for engineering, contingencies, etc., of 15 per cent appears to us ample.

For engineering and incidentals together we shall allow but $2,319, thus reducing these estimates by $1,500. Petitioner's estimate includes the following items also:

Organization and legal expenses	$500.00
Expenses in procuring franchises and appearances before State Board of Public Utility Commissioners	500.00
Interest charges during construction at 6% on $10,000 for one year	600.00

These items all appear to us excessive. The appearances cited by petitioner, as well as the items under Organization and Legal Expenses, do not warrant an allowance of $1,000. We shall reduce the estimate for the two items to $750. The interest item appears to us excessive. One year's time appears altogether too

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long to do the work contemplated. Six months should suffice. We shall accordingly reduce the allowance for interest during construction by one half, or by $300.

Summing the deductions we make from the estimate, we have the following:

Organization and legal expenses, and expenses in procuring franchises, etc.	$ 250.00
Interest during construction	300.00
Engineering and incidentals	1,500.00
Working capital	1,922.00
	$3,972.00

The total amount of cash required will, therefore, be not $20,000 but approximately $16,000. We shall not allow, upon the showing made before this Board, securities in excess of said sum. The estimate of income and expenditure is meagre, not to say casual. The per capita receipts estimated from consumers in the region to be served would appear to be about $8.65 per capita, or about $30 per customer. This is larger than is common in similar semi-rural regions. The petitioner explains that the expected sale of current for power will yield the amount estimated. We have no means of testing this expectation.

In petitioner's estimate of annual expenses, the annual allowance for maintenance and salaries of $300 appears unduly low. A single storm might prostrate enough of the distribution plant to cause a large expense for repairs.

Petitioner makes no estimate for depreciation on plant. This should have been included. Petitioner makes no estimate of the two per cent payable into the Sinking Fund after December 1st, 1917. Its inclusion would augment the annual fixed charges. Petitioner includes nothing for taxes. Such an estimate should be included.

Were it not that the "net receipts" as estimated appear capable of sustaining said omitted or under estimated items of expense, the petition would be almost without merit.

Should petitioner modify or amend this present petition, or draft a new petition showing with some reasonable particularity the items of expense to be incurred in building the plant, and similarly the items of annual income and outgo, and request an amount not

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in excess of the figure we have indicated *supra* of $16,000, the Board would, as at present advised, incline to grant approval.

Without prejudice to the filing of such an amended petition, the application before us is hereby denied, and the petition will be DISMISSED.

Dated, October 17th, 1913.

ORDER.

This application having been duly heard and the Board having on the date hereof made and filed a report containing its findings of fact and conclusions thereon which said report is hereby referred to and made a part hereof, the Board's approval of this petition is withheld, and the application is HEREBY DISMISSED.

Dated, October 17th, 1913..

In the Matter of the Complaint of W. S. Davidson Against the Public Service Railway Company.

Complaint involved the height of steps of the cars of the Public Service Railway Company. The Board accepts the company's contention that four motor equipment is best contrived to negotiate at proper speed the grades upon respondent's lines. A distance not over 41 inches found to be necessary from the top of the running rail to the floor of the car. This distance the Board decides is not properly divided. In putting into operation new equipment, the same shall be provided with an initial step not in excess of 15 inches in height, and a second step not in excess of 14 inches in height.

George J. McEwan and *Arthur T. Dear,* for the complainant.

L. D. H. Gilmour, for the respondent.

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REPORT.

Early in January of the present year, complainant petitioned this Board asking that an order be issued against the respondent requiring said respondent to reduce the height and increase the number of steps upon its cars. Complainant averred that the respondent, by failing to provide car steps of the proper height, was not giving proper service to the traveling public on its various lines in the State of New Jersey.

The complaint was forwarded under date of January 4th, 1913, to the respondent, whose answer, dated February 20th, 1913, was forwarded to complainant.

A complaint made by Mrs. Brice Collard, under date of January 13th, representing the Ninth District of the State Federation of Women's Clubs, asking for the lowering of steps on trolley cars, was also presented to the Board.

It appears that a separate hearing on this latter complaint was not demanded by Mrs. Collard, but that the second complaint was virtually merged with the original proceedings instituted by Mr. Davidson.

Hearings upon Mr. Davidson's complaint were held at Chancery Chambers, Jersey City, on April 18th, 1913, May 2d, 1913, and on May 16th, 1913; at the Court House, in Newark, on May 23d, 1913, and again at Jersey City on July 25th, 1913.

At these hearings testimony was introduced for the petitioner, the respondent and the Commission. A date was set for oral argument, but by agreement briefs were to be submitted in lieu of oral argument. A brief has been submitted by George J. McEwan and Arthur T. Dear. Respondent's brief is overdue, but not filed.

The evidence adduced before the Board is sufficient to convince the Board that for the convenience of the public and the most rapid loading of cars, the height of no step should exceed 15 inches. This was the testimony of Clifton W. Wilder, Electrical Engineer of the Public Service Commission of the First District of New York. (Testimony, May 2d, 1913, page 16.)

In another jurisdiction, to wit, the First District of the State of New York, the reduction of the height of car steps to a maximum of 15 inches has been ordered, and the order is being complied with. This would seem to render doubtful respondent's contention that the universal practice of street railway companies and

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the approved standard type of construction for city cars throughout the United States under conditions to which the respondent is subject requires an initial step of approximately 17 inches.

The fact that the steps of the cars of today are so high as to endanger the health and comfort of sections of the traveling public is well authenticated by the proof before this Commission. The company's contention is that the high steps are merely the outgrowth of the popular demand for larger cars and more speed. As larger cars were put in operation, naturally larger motors were required, and these in turn necessitated the use of wheels of larger diameter in order to give proper clearance to the motors.

These changes, of course, gradually increased the distance from the level of the head of the rail to the floor of the car, but nothing was done to facilitate the convenient loading or unloading of these cars, so that now in some cities in which large four-motor cars are operated, cars are found that measure twenty or more inches from the head of the rail to the first step. This distance is, of course, practically prohibitive to aged or infirm persons, and even an agile person would have some trouble in negotiating such a step.

No suggestion was forthcoming from either the company or the manufacturers of the various types of cars that an initial step of less than seventeen inches was practicable. (See Testimony, Vol. 5, p. 14.) Mr. Benedict testified:

> "I have gone into the question of ramping the platform very thoroughly, and with our prepayment type of cars I have never yet been able to work out a design where we could ramp a platform and the passengers go in and come out without difficulty. It is the changing of the position of the platform and the place where your conductor has to stand which is not a practical operation."

Therefore, the Board, through its experts, made an exhaustive study of the subject, and inspections were made of the various types of equipment in active service in other cities and of cars in course of construction in the shops of the foremost builders.

From this and from various other sources, a design has been formulated which seems to attain the desired result. This is, of course, a constructive change in the design of the cars, and results in lowering the first step two inches.

The platforms in use on the prevailing types of the closed cars of the Public Service Railway are supported by iron "knees."

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These run from the under side of the body and side sills, and thence under the platform. The plan provides for the dropping of these knees two inches, which will naturally result in the lowering of the entire platform and consequently the bottom step, making the height above the ground of this step fifteen inches instead of seventeen inches, as at present.

The distance from the bottom step to the platform will be fourteen inches, as at present, thus making 29 inches from the ground to the platform. As the distance from the ground to the car floor in the prevailing type of cars operated by the respondent is 41 inches, the changes above described would leave 12 inches as the distance from the platform to the floor of the car. To reduce this the plan calls for a "ramp" or slight grade of 1 inch, running from the "king bolt" to the door sill, a distance of approximately 6 feet. While this would be hardly perceptible to the eye, it would result in a lowering of the door sill and make a step of 11 inches from the platform to the body of the car.

The whole question practically resolves itself into a matter of the feasibility and cost of reducing the height of car steps upon the respondent's equipment.

The evidence before us suffices to show that a reduction in the height of car steps by means of the substitution of maximum traction trucks is not practicable.

We accept respondent's contention that the four-motor equipment is best contrived to negotiate at proper speed the grades upon respondent's lines. We accept the evidence before us tendered to show that an additional step for entrance upon or exit from respondent's car would not be desirable.

Petitioner's witness before quoted, Clifton W. Wilder, agrees with the respondent that more than three steps or stages are a nuisance. (Test., May 2d, 1913, p. 33.) A third step would lessen the standing room on the platform, would involve another distinct movement on the part of the passenger, would probably dangerously lessen the area of the treads, and would impede rapidity of loading and unloading.

We are not satisfied that a folding step would at present be feasible. Such a step could not, in certain places, protrude beyond the side of the car. It would have to be so devised as to divide the controlling distance of practically 41 inches and would consequently involve the same essential objections as attached to the

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third step mentioned above. We are satisfied from the evidence before us that a 33-inch wheel is required upon the respondent's ordinary four-motor truck equipment, and that the requisite clearance below and above the motor casing, together with the members of the car body and superstructure resting on the truck, make necessary a distance of not over 41 inches from the top of the running rail to the floor of the car. We are not satisfied that this distance of 41 inches is properly divided as at present by the company into steps of approximately 17 inches, 14 inches, and 10 inches when the car is newly constructed.

On the other hand, we are satisfied by the testimony of the Board's Engineer, Winslow B. Ingham, and by the confirmation thereof of H. A. Benedict, the company's mechanical engineer, in charge of the rolling stock and equipment, that it is practicable, without extra cost, when cars are in process of construction, to bend the knees supporting the platform, so that the entire platform shall be lowered at least 2 inches from its present height, retain the present distance from the step to the platform, to wit, 14 inches, and reduce the height of the lower step to 15 inches from the head of rail when the cars are new. (Testimony, July 25th, 1913, pp. 17, 18 and 28.)

On the same testimony and confirmation thereof by H. A. Benedict, we are satisfied that a one-inch ramp, such as proposed by Mr. Ingham, running from the "king bolt" to the end of the car floor will provide satisfactorily a practicable step not over 11 inches in height from the car platform to the floor of the car. This would make the second step not over 14 inches in height.

Upon this plan of construction for the future, the evidence is so clear and is so completely corroborated by the respondent's witness, Mr. Benedict (see Test., Vol. 5, p. 28), that we have no hesitation in ordering that hereafter the company shall install and employ no new equipment with an initial step to exceed 15 inches in height.

The need of issuing an order of this tenor forthwith without waiting further evidence desired by the Board as to extant equipment is apparent. It will prevent the augmentation of equipment not properly designed to afford the maximum of comfort and rapidity in loading.

The Board, therefore, finds and determines in view of the at-

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tested feasibility of designing cars with an initial step not higher than 15 inches from the running rail, when the car is new, that the Public Service Railway Company in putting into operation additional equipment with an inital step higher than 15 inches and a second step higher than 14 inches, will fail to furnish safe, proper and adequate service; and, except as otherwise indicated, the Board will require of the Public Service Railway Company in order to furnish safe, proper and adequate service, and to keep and maintain its property and equipment used in passenger service in such condition as to enable it to do so, to operate hereafter new equipment used in passenger service only when such new equipment shall be provided with an initial step not in excess of 15 inches in height, and a second step not in excess of 14 inches in height.

Before making an order reducing the height of steps on extant equipment, the Board feels the need of some additional evidence. First of all, it will require of the company, to classify the 245 cars unlisted with reference to the height of the first step, so that the height of the first step on these 245 cars may be known. Second, it will require of the company, and it will seek to obtain from outside experts, additional evidence of the cost of reconstruction necessary to lower the height of the initial step of extant equipment.

If, as suggested by the company, but not specifically pointed out by it, there exists any exceptional case where an initial step higher than 15 inches is required because of territory traversed or peculiar conditions under which the cars are operated, an opportunity will be given the company in the supplementary hearing to adduce evidence on these matters.

Dated, October 21st, 1913.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

IT IS ORDERED by the Board of Public Utility Commissioners that

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no new cars for the transportation of passengers on the lines operated by the Public Service Railway Company shall be placed in service and operated by said company with an initial step exceeding fifteen inches in height and a second step exceeding fourteen inches in height.

This order shall take effect November 10th, 1913.

Dated, October 21st, 1913.

In the Matter of the Complaint of C. Taylor vs. Pennsylvania Railroad Company.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly submitted by the parties, and full investigation of the matters and things involved having been had, the Board of Public Utility Commissioners finds and determines that the Pennsylvania Railroad Company does not furnish safe, adequate and proper service at its station at Matawan under its train schedule now in effect, and the Board,

HEREBY ORDERS the Pennsylvania Railroad Company to stop its trains Nos. 202 and 223 at its station at Matawan, New Jersey, on each day of the week, excepting Sunday.

This order will take effect November 20th, 1913.

Dated, October 28th, 1913.

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In the Matter of the Complaint of the Fire Company of Ashland Against the Delaware and Atlantic Telegraph and Telephone Company.

With regard to the actual location of the lines bounding telephone operating zones, generally speaking, the telephone company should be left free to regulate its development in the ways that appear best to the company.

But when its methods are clearly to the disadvantage of certain classes of the public, whether this classification be by territorial boundaries or otherwise, it is plainly the duty of the commission to step in and issue such instructions to the telephone company as will result in the customers of that class obtaining safe, proper and adequate service.

HELD—That the Delaware and Atlantic Telegraph and Telephone Company fails to give safe, adequate and proper service. The company is ordered to construct telephone lines to serve all persons who apply for service in Ashland; to operate service lines from the exchange of the company located at Haddonfield, and adjust telephonic zones of communication accordingly.

Carl H. Logue and *W. A. MacEldorney*, for the petitioners.

W. F. Crowell and *Robert F. Marye* for the respondent.

REPORT.

This is a complaint referred by a number of the inhabitants of Ashland, to the effect that they are entirely without telephone communication, either within the community or between that community and others. This matter was heard on March 25th, 1913, at a meeting of the Board in Trenton.

Testimony introduced for the petitioners readily developed the fact, as alleged by the petitioners, that there was no telephone service in Ashland.

It was further developed that there was telephone service at a place known as Woodcrest, a distance of approximately one and one-half miles northwestward from Ashland toward Haddonfield.

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The petitioners claim that upon asking for telephone service, the Company had offered to furnish it under certain conditions, which service, however, would be afforded from Laurel Springs Exchange. The petitioners, on the other hand, claimed that they should be connected through the Haddonfield exchange, as they stated that their dealings in general were with residents of Haddonfield, and not with those of Laurel Springs.

The Telephone Company submitted with its answer a map which bears date of February 6th, 1913. This map, upon examination, is found to represent correctly the geographical relations of the various communities concerned in this matter. The map itself, however, does not show certain things with relation to these communities.

Examination of the map shows the main line of the Pennsylvania Railroad, formerly the Camden and Atlantic, running through Collingswood, Haddonfield, Woodcrest, Ashland, Osage, Kirkwood, Lindenwold, etc. The Philadelphia & Reading Railway runs through a territory further to the southward, namely, West Collingswood, Audubon, Haddon Heights, Magnolia, Stratford, Laurel Springs, Clementon, etc.

The center of Haddon Heights is about two miles distant from Haddonfield toward the southwest.

As the two railroads run southeastwardly they approach, so that at Kirkwood and Laurel Springs, the distance between the railroads is only about 4,000 feet.

Examination of the territory shows that a set of communities has grown up along the line of the Philadelphia and Reading Railway, and another set of communities has grown up along the line of the Pennsylvania Railroad, there being little connection between the communities along the one railroad with those upon the other railroad, and there being very little community of interest between the two sets of communities. It is this fact which gives rise to the claim of the residents of Ashland that they are not interested especially in having telephone connection with Laurel Springs, and their desire to have direct connection with the Haddonfield exchange.

The map submitted by the Telephone Company shows upon it boundary lines made with black ink. A boundary line is intended to show the division of the territory between Haddonfield and the

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Laurel Springs exchange. It is readily noted that the boundary line is nearer to Haddonfield than to Laurel Springs, and perhaps this is a matter which is not entirely justified. On the other hand, telephone operating zones in which service is furnished at a base rate are usually smaller where served from the town than where served in connection with country development, the general object being to make the value of service obtainable by any particular subscriber more nearly comparable to that obtained by subscribers in other operating zones.

For this reason, there is some justification in placing the boundary line nearer to Haddonfield than to Laurel Springs. On the other hand, if the boundary line were placed at an exact middle point between Laurel Springs and Haddonfield, it would run about one-quarter of a mile north of Ashland, still leaving Ashland in the zone which should properly be supplied, from a physical standpoint, from the Laurel Springs exchange.

With regard to the actual location of the lines bounding telephone operating zones, generally speaking, the Telephone Company should be left free to regulate its development in the ways that appear best to the Company.

But when its methods are clearly to the disadvantage of certain classes of the public, whether this classification be by territory boundaries or otherwise, it is plainly the duty of the commission to step in and issue such directions to the Telephone Company as will result in the customers of that class obtaining safe, proper and adequate service.

There appear to be two questions presented for the Board's determination:

FIRST: Are the residents of Ashland entitled to telephone service?

SECOND: From what exchange should this service be furnished?

The first question must be answered in the affirmative. If the company expects to have a comprehensive telephone system, it must naturally extend so as to make its service available both in sending messages to, as well as from, all communities.

The conclusion from this is that the Company is even justified in burdening its system as a whole, if in order to furnish proper and adequate service to its subscribers as a whole a service would have

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to be extended into Ashland, which in itself might not be entirely profitable.

We, therefore, conclude that the plain duty upon the telephone company is to extend its service so as to reach all applicants for service in Ashland.

With regard to the second question: "From what exchange should service be furnished?" While we are inclined to feel that the Company should primarily be left free to lay out its distribution system in the way that in its opinion will best serve the interests of the public considered as a whole, yet if the lay out of its distribution system is inconsistent with the present requirements as well as the natural growth and development of the community to be served, it should not be allowed.

Testimony was submitted by the Telephone Company to the effect that the line from Laurel Springs to Ashland would involve an investment of $808.50. Other testimony showed that to furnish the same service from Haddonfield would involve an investment of $1,246.00. (See p. 10, Testimony, March 25, 1913).

The difference, therefore, between the two estimates involved is so slight, that there is no justification for the position of the company that service should be furnished from the Laurel Springs exchange, when the natural connection required is to the Haddonfield exchange.

Many of the residents of this territory are in business in Philadelphia and take the train daily to that city.

Ashland undoubtedly depends upon Haddonfield for many of its supplies.

On the whole, we are inclined to believe that because of the fact that Ashland is situated on an entirely different railroad line from Laurel Springs; that its natural growth and development is logically towards Haddonfield rather than Laurel Springs and that a comparatively small difference in investment is involved in connecting Ashland with either Haddonfield or Laurel Springs, the service for Ashland should be supplied from the Haddonfield exchange.

The Board, therefore, finds and determines that the respondent company fails to give safe, adequate and proper service, and further finds and determines that safe, adequate and proper service requires:

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FIRST: That the Delaware and Atlantic Telegraph and Telephone Company should construct telephone lines to serve all persons who apply for service in Ashland, and

SECOND: That these service lines shall be operated from the exchange of the company now located at Haddonfield and that the telephonic zones of communication be adjusted accordingly.

An order will so enter.

Dated, October 28th, 1913.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having on the date hereof made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof.

IT IS ORDERED that the Delaware and Atlantic Telegraph and Telephone Company, construct, maintain and operate such lines and equipment as may be necessary to serve all persons who apply for service in Ashland, and it is

FURTHER ORDERED that lines to serve such persons be operated from the exchange of the company now located at Haddonfield and that the telephonic zones of communication, established by the Delaware and Atlantic Telegraph and Telephone Company, be adjusted accordingly.

This order shall take effect November 20th, 1913.

Dated, October 28th, 1913.

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In the Matter of the Complaint of the Postal Telegraph-Cable Company Against the New York Telphone Company.

The demand of the Postal Company for reduced tolls on calls designated to deliver telegrams over the telephone, without assumption on the Postal's part of any of the contractural burdens in consideration of which the reduced toll rates are accorded in the contract offered alike to all commercial telegraph companies would appear to involve an undue and unjust discrimination in favor of the Postal, both as against the Western Union and as against the public generally. The Western Union obtains the special rates by assuming special obligations. The public, assuming no special obligation, pays the regular toll rates. The Postal, offering no counter equivalent to justify special rates, asked for what is practically a system of rebates. Petition ordered dismissed.

William W. Cook, for the Postal Telegraph-Cable Company.

Robert V. Marye and *John L. Swayze,* for the New York Telephone Company.

REPORT.

The petitioner, by letter dated July 17th, 1913, complained to this Board against the respondent. The ground of the complaint was respondent's denial to petitioner of certain reductions in tolls on telegrams delivered over respondent's telephone lines. The reduction in tolls claimed by petitioner and refused by respondent was alleged to be granted by respondent to the Western Union Telegraph Company. The aforesaid letter of complaint asked that this Board order respondent to give to petitioner "a reduction on telephone rates charged the Postal-Telegraph-Cable Company of New Jersey in the State of New Jersey in the telephoning of telegrams by said company to its customers, such reductions to be 20% where the telephone rate is 10c. or 15c.; 30% where the telephone rate is 20c. or 25c., and 40% where the telephone rate is 30c. or more."

The complaint in question was duly forwarded to respondent, who declined, under date of July 31st, 1913, to accord the desired.

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reduction in rates. The parties being at issue, a hearing on the matter was had on September 12th, 1913, at Chancery Chambers in Jersey City. Testimony was introduced by both parties, and briefs were subsequently filed by petitioner and respondent.

It appears that respondent stands ready to afford to commercial telegraph companies a special variety of service known as Telegram Toll Service upon certain conditions set forth in a certain contract providing for the service in question. The rates for this service apply only to telephone toll messages. The telegraph company, by the contract, obligates itself to designate certain telephone stations in the telegraph company's offices. These designated telephone stations (not more than one in any given exchange area or more than three in all) are to be named for each of the central office districts of the telephone company. At each of the telephone stations so designated the telegraph company must contract to keep stationed trained agents familiar with receiving and transmitting telegrams. The telegraph company is required also to adopt an appropriate call word to be used by telephone subscribers wishing connection with the telegraph company's office for the purpose of transmitting telegrams. When telephone subscribers using the appropriate call word connect over telephone toll lines with the telegraph company's designated telephone stations, the toll rates are to be paid by the telegraph company to the telephone company. The toll rates to be paid, however, are reduced by the discounts indicated above in petitioner's letter of complaint.

Similarly, under the contract, the telegraph company originating calls for the delivery of telegrams to telephone subscribers, via the respondent's toll lines, agrees to pay toll charges to the telephone company on the same reduced scale as indicated in petitioner's letter of complaint.

The contract in question provides for according the reduced rates only in case the telegraph company accepts the contract in its entirety. It does not permit the telegraph company to obtain the reduced toll rates on inward telegrams only, or on telegrams for delivery only; but obligates the telegraph company to pay the telephone tolls on both inward telegrams and on telegrams for delivery.

Petitioner claims that the two kinds of service embraced in the contract are wholly distinct from each other; that the transmis-

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sion of inward telegrams over telephone lines to telegraph offices is a type or class of service having no connection with the delivery of telegrams from telegraph offices over telephone toll lines to the addressees.

Petitioner avers that respondent's refusal to grant to petitioner the reduced telegram toll rates on the delivery service, while according the reduced telegram toll rates on the delivery service to the Western Union Telegraph Company, constitutes an unlawful discrimination. Petitioner avers also that said delivery service is part of a through route service, and demands the reduced telegram toll rates as a part of the proper charge for such through service. Petitioner also avers that the contract offered by respondent contains unnecessary and improper conditions prejudicial to petitioner's business and calculated to subject petitioner's business to detrimental espionage, and contrived to divert to its competitor certain inward messages that would normally go to petitioner. Moreover, petitioner indicated at the hearings, and avers in its briefs its willingness to pay the reduced telegram tolls on inward messages, as well as on delivery messages, provided such messages are forwarded as at present, and not concentrated upon stations to be designated as required by the contract offered by respondent. This request of petitioner to be accorded reduced telegram tolls on inward messages, if transmitted as at present and without the concentration of such inward messages upon designated stations only, is not, however, contained in petitioner's original letter of complaint to this Board.

The specific demand of the Postal, incorporated in their letter of complaint to this Board, asking for reduced tolls on calls designated to deliver telegrams over the telephone, without assumption on the Postal's part of any of the contractual burdens in consideration of which the reduced toll rates are accorded in the contract offered alike to all commercial telegram companies, would appear to us to involve an undue and unjust discrimination in favor of the Postal, both as against the Western Union and as against the public generally. The Western Union obtains the special rates by assuming special obligations. The public, assuming no special obligation, pays the regular toll rates. The Postal, offering no counter equivalent to justify special rates, asked for what is practically a system of rebates.

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We are impelled to deny petitioner's specific request for the reasons given. We next inquire what justification there may exist for tying together in a single contract the proffer of reduced telegram toll rates on inward and delivery messages, and for refusing the proffer of a contract whereby such reduced toll rates may be accorded on either inward messages alone or on delivery messages alone.

It appears from the testimony (p. 91, *sq.*) that the Telegram Toll Plan was devised with the idea of a more complete utilization of telephone toll lines, especially at hours when the ordinary commercial toll business is slack. The plan contemplated the creation of the possibility of affording to telephone subscribers in places without telegraph offices or in places during hours when telegraph offices are closed the opportunity of reaching a telegraph office at all times and without the delay incident upon the origination of the ordinary toll call.

As part consideration for the reduced telegram toll rate to be granted to telegraph companies accepting the plan was the increase of telephone business expected to result therefrom. This increase of telephone business is due in a greater degree to telegrams originating with telephone subscribers and transmitted over telephone toll lines to the telegraph offices than from the delivery of telegrams by telegraph companies over telephone toll lines to the addressees. The reason for the disparity in business originated by the two contrasted sources of telegram toll business was indicated by respondent's witness, T. P. Sylvan (Transcript of Testimony, p. 96). He there testifies:

> "Deliveries by the telegraph company would be far less than others, because they had the right to deliver in the morning, if they pleased, from their office. They reserve the right in their night letter to possibly answer by mail; they have also the right and do withhold trivial messages at night hours until next morning when they deliver next morning."

It is evident that the volume of inward service is likely to be larger, and, therefore, more remunerative to the telephone company than the delivery service. It would seem to follow that the acceptance by a telegraph company of only that part of the Telegram Toll Plan which is least advantageous to the telephone company would not fairly warrant giving the telegraph company

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the same reduced toll rates which other telegraph companies obtain under the contract, only by assuring to the telephone company the benefits resulting from the outward service as well as from the inward service.

There is another respect in which the two contrasted services stand related, which gives some justification for their joint inclusion in a single contract.

To establish the alleged lack of connection between the two contrasted kinds of service, it does not suffice, in our judgment, to say that each consists of discrete and unrelated physical operations. To discover whether there is a connection between the two such as warrants the proffer of reduced telegram toll rates only as an entirety upon both inward and delivery messages, we must inquire into the normal effect of delivery of messages upon inward messages. That the delivery of messages usually leads to reply messages is testified to by respondent's witness, T. P. Sylvan (Transcript of Evidence, p. 99). The reply message thus evoked, especially when the reply is not sent until after an interval sufficient for hanging up the telephone receiver, while not a part of the original message, is its frequent and normal consequence. If the handling by the Telephone Company of the reply evoked is facilitated by the telegraph company's designation of a station at which the telegraph company obligates itself to accept an answer, and this result is testified to and explained by respondent's witness (Transcript of Testimony, p. 99), then it appears to us that the two contrasted types of service are not wholly unrelated, but in a sense mutual and reciprocal. It follows that a contract is not unduly or unjustly discriminatory which ties the two kinds of service together, and which accords the reduced telegraph toll rate only in case a plan is accepted making such reduced telegram toll rates apply to both inward and delivery service.

We conclude that it has not been shown that the two contrasted sets of telephone operation are wholly unrelated, but that, on the contrary, the evidence goes to establish such a relation between the two as would seem to justify their inclusion in a single contract. So far as this inclusion in a single contract is concerned no undue or unjust discrimination has been proved.

We have next to inquire whether the terms of said contract, or any of them, are unfair or unduly or unjustly discriminatory.

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even though the petitioner should agree to accept both classes of service at the reduced telegram toll rates.

We do not hold ourselves debarred from scrutinizing the terms of a contract offered by a public utility to other public utilities desiring special service. Where there is, in some large degree, a community of financial interest between two utilities of different classes, it is certainly possible to attempt undue discrimination by such a formulation of a contract for service as will make the acceptance of the contract by certain other public utilities precarious to the latter. If, for instance, a telephone company offered a reduced telegram toll rate only to such telegraph companies as had a certain specified number of offices, the telephone company offering the reduced toll rate to all applicants coming within the designated class, might thereby work or seek to work an undue or unjust discrimination. It would be no bar to the alleged discrimination for the telephone company to urge that it offered the contract alike to all who complied with the contract's requirements.

In the case at bar we believe ourselves justified in scrutinizing the contract for clauses, if any, unfairly prejudicial to petitioner. We have above intimated that the contract's requirement that a telegraph company shall agree to accept both kinds of service, if it is to enjoy the reduced telegram toll rates, is not unfair, unreasonable, or unduly or unjustly discriminatory. We now proceed to canvass petitioner's objections to other phases of said contract.

The objections made by petitioner to the conditions annexed to the contract cover:

(1) The required designation by number or numbers of stations in the telegraph company's offices, with which stations telephone subscribers calling by the chosen call-word shall be connected (clause 2);

(2) The assumption by the telegraph company of the obligation to pay all toll charges on calls made by telephone subscribers using the chosen call-word (clause 3); and to pay all toll charges on calls originated by the telegraph company for the purpose of delivering telegrams to addressees who are telephone subscribers (clause 4).

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As to (1), *supra,* contractual requirement is that in each central office district of the telephone company the telephone stations to be designated by number or numbers shall not be more than one in any exchange service area or more than three in all. The concentration of calls thus provided for will, it is alleged, enable the respondents to exercise an espionage over the business of petitioner which would not otherwise be exercised with equal economy, simplicity and ease, if the petitioner, as at present, should continue to exercise "its discretion in selecting what particular telephone to use to deliver telegrams" (Petitioner's Brief No. 1, p. 28). Inasmuch as under the present arrangement a record is kept of all toll messages to the Postal as well as every other subscriber, it is not very easy to see how the mere concentration of such messages through certain designated offices would very greatly add to the respondent's ability to exercise the espionage feared by petitioner.

While the point is not specifically covered in the briefs, it appears to us that the concentration of messages does not apply to telephonic delivery of telegrams. Clause 4 of the contract implies that the telegraph company shall be entitled to the reduced telegram toll rates "on calls originated by it * * * from the said specified number or numbers *or other telephones* of the Telegraph Company or its agents in the same exchange service areas," etc.

In other words, the concentration of calls appears to apply mainly, if not wholly, to calls from telephone subscribers inward to the designated telephone stations in the offices of the telegraph company. In regard to such calls petitioners, on page 28 of their first brief, remark:

> "* * * that the call-words * * * are to be 'Western Union' and 'Postal,' which the Commission will notice are the present call-words for miscellaneous telephone messages. Hence, the central district scheme with these same call-words would not assist at all in separating the telegrams on which a reduced telephone rate is given from telephonic messages not involving a telegram."

If the same call-words would not assist in the ready separation of telegrams on which a reduced toll rate is allowed, the concentration of such inward messages does not seem very well con-

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trived to allow the maximum of effective espionage which petitioner alleges. This point is urged by respondents in their brief (p. 26) and certainly not without weight. So long as business of a telegraph company, or of any other person or company for that matter, passes through the hands of a telephone company, a possibility is open for the telephone company to learn something of the telegraph company's patrons and to seek to detach their patronage. There is no evidence, however, before this Board that respondent now attempts to detach patronage from the Postal to the Western Union.

When it is also remembered that the Postal may under the contract designate in this State a large number of telephone stations upon which messages from telephone subscribers inward to the telegraph company are to converge, the allegation of a contrivance for hostile espionage is largely bereft of plausibility.

The positive grounds for requiring the designation of telegraph stations for the collection of telegrams from telephone subscribers outward-bound appear in respondent's testimony. (Manuscript of Testimony, p. 97, *sq.*) It simplifies and expedites the routing of calls for the telegraph company. It economizes the time of a telephone company's operators. It delimits the telephone company's option as to the routing of calls for a telegraph office. It standardizes the price of communication between two given points, whereas with different telegraph stations called by different telephone subscribers in a given place, a variation in telephone tolls would cause the price of through communication to vary accordingly.

These considerations tending, *prima facie,* to expedite telephonic exchange work and lessen its cost would seem to warrant an abatement from the regular toll rates.

Moreover, petitioner's allegation that the abatement is excessive is parried by respondent's proffer of the same rates to petitioner and all other commercial telegraph companies.

As to the second objection brought by petitioner against clauses incorporated in the contract, where said clauses impose on telegraph companies the obligation of paying for toll charges on calls made by telephone subscribers using the designated call-word, and imposing on the telegraph company the obligation of paying for calls made by the telegraph company for the telephonic

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delivery of telegrams, it seems sufficient to say that it is, *prima facie,* a fair consideration demanded for obtaining the advantage of being accorded the reduced toll rates.

Petitioner, in case it obtains the rebate it asks for, lays particular emphasis on its willingness to reduce its telegraph rates at exclusive telephone points where neither it nor the Western Union has a telegraph office. The reduction promised at such points, and at such points only, is to equal the rebate it desires to obtain from the standard telephone tolls. In other words, while not contemplating accepting any reduction in its receipts for telegraphic work as such, and while not willing to accord any counter consideration for the reduction in rates which it seeks, it is willing at points exclusively reached by telephone, and at such points only, to hand over to its customers the rebate it is first assured of obtaining from respondent. At other points petitioner would benefit by the amount of the rebate, and would at these points maintain its present telegraph rates.

In this connection it is urged that as the Postal has fewer offices in this State than its chief competitor, it is at a disadvantage in that it must reach Western Union points by accepting the extra burden of the telephone toll necessary to reach these points where there are no Postal telegraph offices. We cannot see that the Postal's non-establishment of local offices in certain places is any good reason for a mandatory lessening of their competitive disadvantage by according them reduced and preferential telephone toll rates to which on other grounds the Postal does not appear entitled.

In these proceedings the petitioner insisted upon the community of financial interest between the New York Telephone Company and the Western Union Telegraph Company. Such community of interest does, of course, exist, and particularly through the relationship of the two companies above named, to the American Telegraph and Telephone Company. This common financial interest warrants a careful scrutiny of contractual arrangements entered into between the respondent and the Western Union. But it is not sufficient to urge that a motive may exist to prompt them to conclude agreements that may be prejudicial to the competitors of either or both. Neither the contract herein examined nor the practical operation thereof is shown to work undue or unjust

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discrimination against petitioner; and the latter's petition, on the grounds recited above, will be DISMISSED.

Dated November 17th, 1913.

ORDER.

This case being at issue upon complaint, and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

IT IS ORDERED that the complaint in this proceeding be, and it is hereby DISMISSED.

Dated November 17th, 1913.

In the Matter of the Petition by Public Service Railway Company for Approval of Issue of North Hudson County Railway Bonds in the Amount of $620,000.

REPORT.

By petition filed November 12th, 1913, Public Service Railway Company asked approval of the issue of North Hudson County Railway bonds in the amount of $620,000. Said bonds are part of the five per cent. consolidated mortgage bonds of the company last named. The proceeds of said bonds were to be used in retiring $620,000 of six per cent. first mortgage bonds of the North Hudson County Railway bonds maturing January 1st, 1914. The intention expressed by petitioner was to sell the bonds to the

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Fidelity Trust Company of Newark, New Jersey, at 97 per cent. of their par value.

On Friday, November 21st, 1913, at Chancery Chambers, Jersey City, a hearing was had on such petition, and the matter went to conference. On November 22d, 1913, J. S. Rippel, of Newark, New Jersey, sent a letter to the Board, protesting that he had been denied an opportunity to bid for this issue, and alleging favoritism in their sale and allotment.

While the Board has no interest in what particular purchaser may secure the bonds, the Board feels charged under the statute to see that the price to be brought by security issues involves no infringements of the rights of shareholders of the company or its patrons. Accordingly, on November 24th, 1913, at the Board's offices in Newark, the petitioner was asked to appear, and did appear by counsel, L. D. H. Gilmour, at which time and place J. S. Rippel reiterated the objections he raised to the proposed sale. Friday, November 28th, 1913, was set as the time and the Court House in Newark as the place for a hearing upon the objections raised to the sale as proposed. At this hearing petitioner was represented by L. D. H. Gilmour as counsel. The objector appeared in person. Evidence was introduced by both, and briefs have subsequently been filed by both parties.

From the evidence it appears that J. S. Rippel in the past has been accorded opportunity to bid on various bond sales made by Public Service Railway Company; that he has upon occasion bought large blocks of such securities offered; that in the summer of this year he made inquiry of the treasurer of the company as to the company's intentions with regard to the sale of bonds to refund the issue maturing January 1st, 1914; that on this occasion the treasurer told J. S. Rippel that no definite plan had been arranged, but that there was no reason why he (J. S. Rippel) should not bid on such bids if he (J. S. Rippel) wanted them; that on a subsequent occasion upon J. S. Rippel's inquiring of the treasurer in regard to the sale of refunding bonds, J. S. Rippel was informed that said bonds would be sold to the Fidelity, and that competitive bids would not be asked, and that this action was due in part to an obligation which the petitioner herein felt by reason of the Fidelity's financing earlier security issues of petitioner.

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From the evidence it appears also that the financial officers of the petitioner felt that a price of 97 flat, with accrued interest, was a fair price for the entire block, and that the Fidelity had earlier suggested a price of 95. It also appears that in this sale the Fidelity acted with Clark, Dodge & Company and with W. E. R. Smith & Company, both of New York, each party assuming one-third of the undertaking. A letter dated October 31st, 1913, from the Second Vice-President of the Fidelity (said letter being in evidence) shows the Fidelity's confirmation of the purchase of the entire block for itself and associates. Another letter introduced in evidence, dated November 13th, 1913, and signed by Clark, Dodge & Company, shows that the entire amount of bonds had been re-sold by purchasers. From the evidence it appears also that they had been sold at a profit. The sales were, of course, made, subject to the Board's subsequent approval.

Under Chapter 195, P. L. 1911, the Board is charged with certain duties in respect to the sale of securities of public utilities. The statute prescribes that

> "It shall be the duty of the Board, after hearing, to approve of any such proposed issue maturing in more than one year from the date thereof, when satisfied that the same is to be made in accordance with law and the purpose of such issue be approved by said Board."

This section was judicially construed by the Supreme Court in February Term of 1913, *in re Interstate Telephone and Telegraph Company, prosecutor and relator*, vs. *Board of Public Utility Commissioners*. In the syllabus to the opinion, it is said:

> "The effect of said legislation was also to impose upon the Board of Public Utility Commissioners the duty of investigating the purpose of a proposed issue of bonds payable in more than one year from the date thereof, and if in its judgment the purpose of such bond issue will be of doubtful benefit to the applying corporation, and ultimately may result injuriously to the investing public, the Board may withhold its power of approval."

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In the same opinion, it is also said:

> "Therefore, the word 'purpose' in this connection must be accorded a meaning which will enable the Board to investigate not only the object of the proposed bond issue, but the conditions under which it is to be made, and the entire environment of the company with its antecedents," etc., etc.

And again:

> "Such we conceive was the legislative inquiry when it reposed the power in and imposed the duty upon this administrative Board to investigate, not only the legality, but practically the public policy and equity of a proposed bond issue, which in its far-reaching effects concerns not alone this prosecutor and its bondholders, but the welfare of the investing community and the public conscience of the State, upon the approval of whose delegated agency the bonds will be offered for sale."

The question which arises is, therefore, this, Was the petitioner's decision to sell the entire block at 97 and accrued interest to the Fidelity and its two associates, excluding competitive bids and omitting to sound other possible purchasers, one of whom had indicated a desire to be accorded the privilege of bidding, a matter fairly within the elastic limits of the company's discretion, or did such financing in the concrete circumstances constitute a departure from a sound and safe rule of action whereby the company would obtain less than the utmost possible or probable by the sale of its securities?

The Board is of opinion that if a novel and unseasoned security were being floated in a large amount, the returns on which were experimental or problematical, the company's decision to accept a bid at what seemed to the company a reasonable price, without subjecting itself to the risk of failing to obtain by competitive bids a market broad enough to absorb the entire issue, might, under appropriate circumstances, be wholly unobjectionable.

But the bonds to be issued for this refunding belong to a class of closely-held, high-grade, thoroughly-seasoned and well-secured

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bonds. The recent quotations upon these consolidated mortgage bonds have been commonly at par bid. (Evidence Nov. 28th, 1913, p. 3.) Under such circumstances the omission to assess the market value of the refunding issues by sounding possible buyers, and especially where it was known that there was at least one competent buyer desirous of bidding, seems to the Board to be a questionable policy.

Inasmuch as any amount received for the refunding bonds less than par must be amortized during the life of the bonds, an additional burden by just this amount is imposed upon the patrons of the company, and an additional barrier by just this amount is interposed between the company's shareholders and their dividends.

Moreover, it appears that when the financial officers of the petitioner agreed upon a price to be accepted, they did not definitely know what specific price might be obtained from the intervening party, and admittedly disposed of the issue, influenced in part by intangible obligations to one of the three associated purchasers for past accommodation.

In the concrete circumstances we are of opinion that the sounding of other possible or probable bidders was a necessary part of the proper course to pursue; that departure therefrom in similar circumstances even admittedly made without consciousness of improper motives, is a policy that may lead to unwarrantable prejudice to shareholders and to customers; and that a sense of special obligation would warrant nothing more than the sale to the preferred bidder at as high a price as offered by another responsible party.

The purpose of the proposed issue and sale embraces not only the use of the proceeds to refund the maturing issue, but a method of disposing of the bonds to issue which is subject to serious objection and fraught with possible or probable prejudice to the petitioner's stockholders and patrons.

We, therefore, find and determine upon the considerations herein adduced, that we are not satisfied that the purpose of such proposed issue is in accordance with law; nor, in the judgment of the Board, on the matters adduced before it, can the Board approve either such proposed issue or the purpose thereof.

Dated December 5th, 1913.

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In the Matter of Establishing Standards and Regulations, to Be Followed by Utilities Engaged in the Generation, Transmission, Sale or Distribution of Electricity and By All Utilities Owning or Using Poles and Wires.

ORDER.

The Board of Public Utility Commissioners having this day adopted Rules, Regulations and Recommendations for electrical supply utilities and for all utilities owning or using poles and wires, a copy of which Rules, Regulations and Recommendations is by reference thereto herein made part of this Order.

The Board of Public Utility Commissioners, after due hearing, hereby ascertains and fixes the Rules, Regulations and Recommendations referred to herein as establishing adequate and serviceable standards and reasonable regulations to be observed by such companies, and

HEREBY ORDERS that the Rules and Regulations so fixed shall be observed and followed by each and every utility engaged in the generation, transmission, sale or distribution of electricity or owning or using poles and wires.

The Rules and Regulations referred to herein shall be and have the full force and effect of an order of this Board, except in so far as the text of the copy of the Rules and Regulations is underlined. Where such text is underlined, the part so underlined should be regarded as the recommendations of this Board for the guidance of the utilities to whom said recommendations are applicable, which recommendations should, in the opinion of the Board, be observed and followed by such utilities.

This order shall become effective January first, nineteen hundred and fourteen.

Dated December 9th, 1913.

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Rules, Regulations and Recommendations

For Electrical Supply Utilities and for all Utilities Owning or Using Poles or Wires.

I. Each utility generating, transmitting, distributing or selling electricity for light, heat, power or other purposes, shall have and maintain its entire plant and system in such condition as will enable it to furnish safe, proper and adequate service.

II. The construction of buildings, machinery and generating plant of the utility must be in accordance with the requirements of the "National Electrical Code" of the edition of 1913.

III. The distribution system, including:

(a) Transmission lines;
(b) Sub-stations;
(c) Overhead system, poles, lines, transformers; etc.;
(d) Underground system, manholes, conduits, etc.;
(e) Street lighting system;
(f) Service wires and attachments;
(g) Meters, etc.

must be constructed in accordance with good standard practice. It is expected that all possible care will be exercised by each company to reduce the life hazard to which employees, customers and others may be subjected by the presence of overhead wires in the public streets and ways. It is also expected that each company will so conduct its affairs as to cause the least

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possible danger or loss to other public utilities which make use of the streets and roads. Standard practice for electrical construction work is indicated in various specifications, the names of some of which are given below. The specifications referred to are not to be considered part and parcel of the rules and regulations, but are to be considered as indicative of good standard practice.

1st.—Specifications covering methods of overhead line construction for 2,300 volt distribution, and for street lighting circuits, and specifications for material.

2d.—Specifications covering methods of overhead line construction for secondary voltages, including pole wiring for street lighting work.

3d.—The specifications attached to "Inter-company agreement form and specifications for the joint use of poles by lighting and telephone companies."

4th.—Specifications for overhead crossings of electric light and power lines.

NOTE—Numbers 1, 2, 3, and 4 are set forth in the four sections of the "Report of Committee on Overhead Line Construction," approved by the National Electric Light Association, May 29th to June 2, 1911, and Section 4 as approved by the Committee representing the American Institute of Electrical Engineers, American Electric Railway Association, American Railway Engineering Association, the Association of Railway Telegraph Superintendents and the American Railway Association.

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5th.—Report of the Committee on Power Distribution read before the American Electric Railway Association, October 13, 1913.

6th.—Report of the Committee on Joint Use of Poles read before the American Electric Railway Association, October 13, 1913.

7th.—National Electrical Code.

By National Electrical Code is meant the code which is described as follows:

"The National Electrical Code was originally drawn in 1897 as the result of the united efforts of the various insurance, electrical, architectural and allied interests which through the National Conference on Standard Electrical Rules, composed of delegates from various National Associations, unanimously voted to recommend it to their respective Associations for approval and adoption; and presented by the National Board of Fire Underwriters with the various amendments and additions which have been made since that time by them.

The National Conference has disbanded, the work of the Underwriters' National Electric Association and of the National Conference having been taken over by the National Fire Protection Association.

The following associations, formerly members of the National Conference are represented on the Electrical Committee of the National Fire Protection Association:

American Electric Railway Association.
American Institute of Electrical Engineers.
Association Factory Mutual Fire Insurance Cos.
National Board of Fire Underwriters.
National Electric Light Association.
National Electrical Contractors' Association.
National Electrical Inspectors' Association.

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IV. POLE IDENTIFICATION.

(a) Each utility owning poles supporting wires along or over public highways, this to include each railroad, street railway, telephone, telegraph and electric light and power utility, shall, on or before January 1st, 1915, stencil each pole, post or other structure similarly used with

(1) The initials of its name, abbreviation of its name, corporate symbol or other distinguishing mark by which the owner of each such structure may be readily and definitely determined;

(2) A number by which the location of each such structure may be described.

(b) The manner of making such stencils shall be with paint, and the characters of the stencil shall be of such size and so spaced and hereafter maintained as to be easily read from the surface of the ground at a distance of ten feet from the structure.

(c) In the case of two or more utilities jointly owning any such structure, the distinguishing mark of each utility shall be placed on such structure, but not more than one number necessarily shall be placed thereon.

(d) In the case of such structures carrying or supporting overhead trolley wires where there is a double line of structures, one on each side of the railroad track, such stencil need be affixed to but one line of such structures.

(e) In the case of such structures erected upon private rights of way or on the public highways of such character that the construction may be deemed to be a through or trunk line, such stencil need be affixed only to every fifth structure; provided, however, that each and every such structure situated within the limits of any built-up community shall be stenciled, except as otherwise provided in paragraph (d).

(f) The requirements herein shall apply to all existing and future erected structures and to all changes in ownership.

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(g) Every such utility shall file with the Board of Public Utility Commissioners, in duplicate, on or before March 1st, 1914, a statement showing:

1. The initials, abbreviation of name, corporate symbol or distinguishing mark.
2. The means of stenciling to be employed.
3. The method intended to be followed in numbering structures, to wit, within the limits of cities, towns, or other built-up communities, and upon through or trunk lines.

V. POLE INSPECTION.

Each pole, post, tower or other structure used for the support or attachment of wires, guys or lamps must be inspected by the utility owning or using it with sufficient frequency and comprehensiveness to determine in each specific case the necessity for replacement or repair.

The inspector shall be guided by the specifications referred to in Article III of these rules, and also for the guidance of the inspector reference is hereby made to the general rules for Pole Replacement Inspection of the American Telephone and Telegraph Company.

VI. FLUCTUATION IN VOLTAGE ON LIGHTING CIRCUITS.

Each utility supplying electrical energy on constant potential system shall adopt and maintain an average value of voltage as measured at any customer's cutout, and the fluctuations as measured by a standardized indicated voltmeter shall not vary between sunset and eleven P. M., for periods exceeding five (5) minutes, more than three per cent. (3%) above nor more than three per cent. (3%) below the standard voltage for said location in force at the time; provided, however, that variations in pressure caused by the operation of

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apparatus on customer's premises in violation of the utility's rules, the action of the elements, or other causes beyond the utility's control shall not be considered a violation of this provision.

VII. Each utility furnishing electric service shall keep a record of the time of starting and shutting down power station equipment and feeders, together with the indication of the several switchboard instruments at frequent intervals, and shall maintain a record of all interruptions of service upon the entire system or major divisions of its system, and include in such record, time, duration and cause of each interruption.

VIII. Each utility shall keep a record of "complaints" received at its office in regard to service, which shall include the name and address of the customer, the date, nature of complaint and the remedy. The record shall be available for inspection at any time within one year by duly accredited representatives of the Public Utility Commission.

IX. Each utility supplying electrical energy for incandescent illumination shall inspect in a general way the incandescent lamps of each consumer, to whom free lamp renewals are supplied, at least once every two years, and render its consumers reasonable assistance in securing incandescent lamps best adapted to the service furnished.

X. Each utility supplying electrical energy for incandescent illumination shall specifically inform each of its customers, where unusual conditions prevail, as to the conditions under which efficient illuminating service may be secured from its system.

XI. Each utility shall furnish to any prospective customer, on request, a statement of the kind or kinds of service available, giving the adopted voltage, nature of

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current, and, if alternating current, the frequency and number of phases. Where one class of service is available through only a part of the district served, this should be stated in connection with any such application. Where service is available only at certain times of day or night, full information must be readily available to all prospective customers or their representatives.

Where unusual conditions prevail, each utility supplying electrical energy for power shall specifically inform each of its customers as to the conditions under which efficient and satisfactory service may be secured from its system. When, on account of its size and character, the apparatus desired to be connected to the lines of the utility is so unusual as to affect the adequacy of the service furnished to other customers, prospective or otherwise, conditions may require special provision for the load in question. This applies particularly to such connections as grounded signal system, medical apparatus, welding machines, large motors, large capacity arc lamps, furnaces, moving picture machines, wireless telegraph apparatus, &c. In all cases, however, it is understood that the utility is merely a supplier of its commercial standard electrical energy deliverable at the customer's service cutout under certain conditions as to pressure, continuity and regularity.

XII. Whenever any transformers, high tension insulators or other appliances are removed from the system for any reason, they must be inspected before being re-installed in the same or other location.

XIII. A utility may refuse to connect with any customer's wiring when it is not in accordance with the provisions of the National Electrical Code of 1913, or when the certificate of the underwriters or of the local inspection bureau has not been issued, or when the wiring is defective under the rules of the utility.

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XIV. The rules contained in the 1913 edition of the National Electrical Code regarding grounding of secondaries are hereby adopted FOR ALL NEW CONSTRUCTION. Each utility shall adopt a plan whereby existing services will be changed to conform to the rule, and submit the same to the Board for approval by July 1, 1914.

XV. The utility shall, without charge, furnish each customer supplied with energy on a measured basis, with an electric meter and such service appliances as are customarily furnished by the utility in order to connect the customer's equipment with its mains.

NOTE.—Any utility now furnishing service through meters owned by customers must arrange to take over the same by January 1st, 1915, and thereafter own and maintain all service meters.

XVI. All meters hereafter placed in buildings should be located in the cellar or first floor, as near as possible to the point of entrance of the service in a clean, dry, safe place, free from vibration, not subject to great variation in temperature, and the top of the meter board should not be more than six feet nor the bottom less than four feet above the floor, or above a suitable platform placed underneath the meter, where it will be easily accessible for reading and testing.

Under no circumstances should meters be placed in coal or wood-bins or on the partitions forming the same, nor on any flimsy partitions or supports.

In cases where buildings have no cellar, or have very damp cellars or cellars that are not easily accessible, the meter should be installed on the first floor.

Unless absolutely unavoidable meters should not be

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installed in attics, sitting-rooms, bath-rooms, bed-rooms, restaurant kitchens, over doors, over windows, or any location where the visits of the meter reader or tester will cause annoyance to the customer.

The installation of meters and connections shall be strictly in accordance with the rules of the National Electrical Code of 1913 and the utility furnishing the service.

XVII. TESTING OF WATT-HOUR METERS.

(1) All utilities supplying electricity within the State of New Jersey shall provide and properly maintain suitable apparatus and facilities for testing and proving the accuracy of watt-hour meters.

(2) All portable standards shall be tested and proved as to their accuracy as often as is necessary to insure their maintenance in proper condition for testing of watt-hour meters. Portable standards, if not tested and calibrated in the laboratory of the electrical utility owning the same, shall be tested and calibrated in any properly equipped laboratory of recognized standing. Each standard shall at all times be accompanied by a certificate giving the date it was last checked, the corrections to be applied at various loads, and signed by the proper authority. These certificates, when superseded, shall be kept on file in the utility's office.

(3) All direct current meters installed upon consumer's premises shall be periodically tested according to the following schedule:

Meters up to and including 25 amperes rated capacity shall be tested at least once in every 18 months.

Meters exceeding 25 amperes, up to and including 500 amperes rated capacity, shall be tested at least once in every 12 months.

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Meters exceeding 500 amperes rated capacity shall be tested at least once in every 6 months.

(4) All types of alternating current induction meters shall be periodically tested as follows:

Single phase meters, up to and including 25 amperes rated capacity, shall be tested at least once in every 30 months.

Single phase meters exceeding 25 amperes rated capacity shall be tested at least once in every 24 months.

Polyphase meters, up to and including 150 amperes rated capacity, shall be tested at least once in every 24 months.

Polyphase meters exceeding 150 amperes rated capacity shall be tested at least once in every 12 months.

(5) A complete record shall be kept of all complaint tests, office and periodic tests of watt-hour meters installed on consumers' premises. Such record shall include:

Owning utility's number;
Manufacturer's name and number;
Type, rated volts, amperes and wire;
Date of each installation, removal and test;

The average of the readings at full load, at light load and at normal load as found at each and every test.

A record of tests of each meter shall be continuous for a period of not less than five years, and in any event of sufficient length to cover three consecutive periodic tests.

(6) Every direct current meter in service at the time these rules are adopted, for which there is on file at the utility's office no complete record of a satisfactory periodic test made within the period of eighteen months, or twelve months, or six months, as above prescribed in paragraph (3) of this rule, next preceding the adoption of these rules shall be tested prior to July 1st, 1914.

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(7) Every alternating current meter, up to and including 25 amperes rated capacity, in service at the time these rules are adopted, for which there is on file at the utility's office no complete record of a satisfactory periodic test made within the period of thirty months, as above prescribed in paragraph (4) of this rule, next preceding the adoption of these rules, shall be tested prior to January 1st, 1915.

(8) Every alternating current meter over 25 amperes rated capacity in service at the time these rules are adopted, for which there is on file at the utility's office no complete record of a satisfactory periodic test made within the period of twenty-four months, or twelve months, as above prescribed in paragraph (4) of this rule, next preceding the adoption of these rules, shall be tested prior to July 1st, 1914.

XVIII. An electric meter may be considered correct when it does not show, in comparison with standards approved by the Commission, an error which is greater than 4 per cent. on the light load or heavy load. Definition: Light load shall be between 5 and 10 per cent. of rated capacity of the meter for an induction meter and between 10 and 15 per cent. of rated capacity of the meter for a commutator meter. Heavy load shall not be less than 60 per cent. of full rated capacity of the meter.

XIX. The average accuracy of a meter shall be the average of the accuracy of light load and at heavy load as found above, but in all cases, except residences, where meter is found more than 4 per cent. fast tests shall be made at light load, at normal load and full load, and the average of these tests shall be obtained by multiplying the result of the test at normal load by 3 and adding the results of the tests at light load and full load and dividing the total by 5.

Definition.—The normal load shall be considered as the following percentage of full connected load:

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(a) Residence and apartment lighting, 25%;
(b) Elevator service, 40%;
(c) Factories (individual drive), churches and offices, 45%;
(d) Factories (shaft drive), theatres, clubs, entrances, hallways and general store lighting, 60%;
(e) Saloons, restaurants, pumps, air compressors, ice machines and moving picture theatres, 70%;
(f) Sign and window lighting and blowers, 100%.

XX. No electric meter which registers upon "no load" shall be placed in service or allowed to remain in service.

XXI. Each utility supplying electricity shall equip itself with a rotating standard test meter of suitable range, and shall fasten permanently on the wall of the meter shop, a house or switch-board type meter or meters of suitable capacity to be used only for checking the rotating standard. This check should be made at least every week when standard is in service. Utilities supplying direct current or having already other test apparatus, or small utilities having less than 100 meters may apply to the Commission for a modification of this rule. Each wall standard shall be tested at least once a year and certified by the Board and furnished with an inspection tag or plate. Rotating standards will not be sealed, but wall standards will be sealed and are to be considered the reference standard for the utility. Where a utility is maintaining a standardizing laboratory, inspection will be made of the instruments in use in this laboratory, and if the instruments and methods are approved, certification of rotating and wall standards may be made by such laboratory.

XXII. Each electric meter shall be tested and adjusted for accuracy before installation or within thirty days after being set.

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XXIII. Each meter after being tested as found shall be adjusted to record within 2 per cent. of correct at heavy load, and not more than 2 per cent. fast nor 4 per cent. slow at light load. This periodic test is to be made by comparing the meter while connected in its place of service with an approved standard at light load and at heavy load. Meters removed from service are to be tested and adjusted in the meter room before being put in service again.

XXIV. Complete records shall be kept in the local office of all periodic tests and tests on old meters brought in. These records shall be available for examination at any time by the inspectors of the Board. A report shall be made to the Board at stated intervals giving a summary of the tests. Each utility having more than 500 meters shall report monthly. Utilities having less than 500 meters shall report quarterly. Blank forms will be furnished by the Board on which reports are to be made.

XXV. Each electric utility shall, without charge, make a test of the accuracy of a meter upon request of a customer, provided such customer does not make a request for test more frequently than once in six months. A report giving results of such tests shall be made to the customer, and a complete record of such tests shall be kept on file at the office of the utility.

XXVI. Upon formal application by any customer to the Board of Public Utility Commissioners a test shall be made of the customer's meter by an inspector employed by the Board. Such test to be made as soon as practicable after receipt of the application. For such test a fee of $1.00 shall be paid by the customer at the time application is made for the test; this fee to be retained if the meter is found to be slow or correct within the allowable limits. If the meter is found to be fast beyond the allowable limits, the amount of $1.00 will be re-

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funded to the customer, and collected from the utility owning the meter. The utility owning the meter will be notified that such test is to be made, and should have a representative present to open the meter and seal it after the test.

XXVII. Meter dials should read directly in kilowatt hours. If not, the dial constant must be clearly indicated where it can be seen without disturbing the case of the meter or the connections. Bills rendered periodically by the utility shall designate the readings of the meter at the beginning and end of the time for which the bill is rendered, and give the dates on which the readings were taken. Bills shall also show the gross amount charged, and the net amount after deducting the rebate, if any, allowed for prompt payment. Where prepayment meters are in use, the meter reader at the time of reading same shall leave with the customer a slip showing the readings as well as the amount of money collected from the meter.

XXVIII. No utility shall make any charge for replacing a meter where such replacement is requested by a customer, unless the meter first referred to has been in use less than one year, in which case a charge, which in no case shall exceed $1.00, may be made to cover the actual expense of making the change.

XXIX. Each utility supplying electrical energy shall adopt some method of informing its customers as to the reading of meters either by printing on bills a description of the method of reading meters or a notice to the effect that the method will be readily explained on application. It is recommended that an exhibition meter be kept on display in each commercial office maintained by the electric utility.

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XXX. The utility should have the right of access to customer's premises, and to all property furnished by the utility at all reasonable times, for the purpose of reading meters, or inspecting or repairing appliances used in connection with the supply of service, or for the removal of its property at the time service is to be terminated. The customer should obtain, or cause to be obtained, all necessary permits needed by the utility in giving it access to the appliances referred to. The customer should not permit access to the meter and other appliances of the utility except by authorized employees of the utility, or properly qualified State or local inspectors. In case of defective service, the customer should not interfere with the apparatus belonging to the utility but should immediately notify the proper parties to have the defects remedied.

XXXI. The utility will not be held responsible for resulting inadequacy of service if customers make additions or alterations to the electrical equipment on their premises without first having notified the utility of their intention so to do, and the installation must comply with the rules of the utility furnishing the service.

XXXII. Nothing herein contained shall require any utility to furnish service until the customer shall have conformed to the reasonable rules of the utility, not inconsistent with the foregoing regulations.

XXXIII. The foregoing regulations, with the exception of those referring to pole identification, shall not be construed to require reconstruction in accordance with rules for equipment or construction from time to time contained in the Electrical Code or other standards referred to,

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not in force when such equipment was installed or construction made, but the Board reserves the right to deal with specific cases as the particular conditions require.

Adopted December 9th, 1913.

In the Matter of the Investigation By the Board of Public Utility Commissioners, on Its Own Initiative, of the Justice and Reasonableness of Certain Rates for Intra-State Commutation Service, Etc., and of Whether Said Rates Are Unjustly Discriminatory or Preferential.

MEMORANDUM.

Charles E. Gummere, for the Pennsylvania Railroad Company.

M. M. Stallman, for the Delaware, Lackawanna and Western Railroad Company.

H. A. Taylor, for the Erie, New York, Susquehanna and Western, and the New York and New Jersey Railroad Companies.

Stewart C. Pratt and *F. E. Hammond*, for the Lehigh Valley Railroad Company.

Roy M. Robinson and *John W. Zisgen*, for the New Jersey Commuters' Association.

Borden D. Whiting, for the Board of Trade of the City of Newark.

Frank H. Sommer, for the Commission.

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Hearings as follows:

January 23d, 1912, at the State House, in Trenton.
February 13th, 1912, at the State House, in Trenton.
March 29th, 1912, at the Court House, in Newark.
May 10th, 1912, at the Chancery Chambers, Jersey City.
June 21st, 1912, at the Chancery Chambers, Jersey City.
July 3rd, 1912, at the Chancery Chambers, Jersey City.
September 6th, 1912, at the Chancery Chambers, Jersey City.

During the summer of 1911, upon the Board's initiative, an inquiry was made to discover whether the failure of carriers to grant commutation or special rates for intra-state journeys having Jersey City, Hoboken or Camden as one terminus, resulted in prejudice or disadvantage to individuals or commuters, and required remedy. As the outcome of the investigation an order was entered, effective December 1st, 1911, requiring each railroad company carrying passengers in intra-state journeys to or from Jersey City or Hoboken to publish rates for such journeys, and upon request and proper tender of payment, to sell such special rate tickets, designating thereon both termini specifically, and to file schedules of such rates with the Commission.

The carriers affected by the order applied to the Supreme Court for a stay thereof. The stay was refused, although a writ of *certiorari* was granted. The carriers accordingly proceeded to put on sale tickets as the order required, and filed the schedules of these rates with the Commission. The rates named in said schedules were the same as the rates quoted and previously in effect between the various stations and New York City.

Thereupon, the Board of Public Utility Commissioners, on its own initiative, instituted a second investigation. This second investigation inquired into the reasonableness and justice of the rates quoted by the carriers in compliance with the order effective December 1st, 1911, and also into the matter whether the rates aforesaid were unjustly discriminatory or preferential. In pursuance of this second inquiry, hearings were held as indicated above. At these hearings, evidence was introduced by the various parties in interest, and briefs were eventually filed by the council for the New Jersey Commuters' Association, by the counsel for the Erie lines,

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and by the counsel for the Delaware, Lackawanna and Western Railroad Company.

While the second investigation was in progress the *certiorari* proceedings were pressed before the Supreme Court. On July 15th, 1912, an opinion of the Supreme Court was handed down sustaining the Board's order under review. The Court, speaking through Mr. Justice Trenchard, sustained the position taken by this Board, that the carriers afforded commutation service to Jersey City and Hoboken, though they quoted no rates therefor specifically. The Court held, also, that the failure to quote such rates specially was a regulation or practice which deprived the passenger, who would end his journey at either point, of the protection which the law of the State throws around him as regards the justice and reasonableness of rates, and of other regulations and practices involved in intra-state travel. The Court's decision also upheld the Board's contention that the quoting of such rates was proper, in that it would permit the segregation of receipts in intra-state commerce from receipts in inter-state commerce.

The matter at issue eventually narrowed down to the Erie and Lackawanna, the Commuters' Association and the Board. The change of the Lehigh Valley's terminal from Jersey City to Communipaw, at which last place there has been no profession of affording local service to Jersey City, practically took the Lehigh Valley out of the range of the inquiry. The arrangement existing between the Pennsylvania and the Hudson and Manhattan, whereby the tube service of the latter is put at the service of the Pennsylvania's patrons, differentiated the case of the Pennsylvania from that of other carriers and the counsel for the Commuters' Association, Mr. Roy M. Robinson, assented to the dismissal of the proceedings so far as the Pennsylvania was concerned.

The two principal carriers affected, the Erie and the Lackawanna, after the adverse decision by the Supreme Court, carried the matter up to the Court of Errors and Appeals. The Board, in the meantime, issued no finding in the second inquiry, inasmuch as it was not yet certain whether the Court of Errors and Appeals would affirm or reverse the opinion of the Supreme Court.

The opinion of the higher court was delivered on June 18th, 1913, by Chief Justice Gummere. This opinion, in part, says:

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"It is further contended that both the order under review and the judgment of the Supreme Court are based upon an erroneous assumption of a previously existing 'commutation service to Jersey City and Hoboken over the road of the appellant company.' The Supreme Court, after a consideration of the proofs submitted by the parties, reached the conclusion that such service was shown to exist. We do not think that this question was properly before the Board of Public Utility Commissioners for determination in the proceedings instituted by it, and which culminated in the making of the order now complained of. The proceedings were in the nature of a general investigation not directed against any particular railroad company; and neither the present appellant, nor any other railroad company, was called upon by the Board to defend itself against any charge made against it of subjecting any of the municipalities which it served, or the inhabitants thereof, to any prejudice or disadvantage in the failure to grant commutation and other special rates for journeys to and from Jersey City, Hoboken or Camden. Before such an issue is determined against the appellant, or any other railroad company of the State, it is entitled to have that specific charge made against it, and an opportunity afforded to defend itself against such charge."

The opinion further says:

"But it does not follow from this that the order under review is objectionable. It is not directed against any of the railroad companies of the State except those which, at the time of making it, were affording commutation service from points in New Jersey to Jersey City, or to Hoboken. If the Delaware, Lackawanna and Western Railroad Company was not at the time of making of the order, and if not now, affording such service, the order is not applicable to it, and it is not affected thereby. Whether or not it is within its scope is a question to be settled when that specific issue is raised and presented for determination."

The Lackawanna, under date of June 23d, 1913, addressed a letter to this Board, by G. A. Cullen, Passenger Traffic Manager, saying:

"We hereby notify you that we shall not sell sixty-trip commutation, fifty-trip family, or ten-trip tickets between Hoboken and points in the State of New Jersey, because

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> under the opinion of the Court of Errors and Appeals in the case of the Delaware, Lackawanna and Western Railroad Company vs. Board of Public Utility Commissioners, we do not consider the order of the Commission, entered October 3d, 1911, as applicable to us."

A communication of the same date, and similarly worded, was received from R. H. Wallace, General Passenger Agent of the Erie. The Board replied to these two communications under date of July 1st, 1913, stating that

> "As at present advised, it is of opinion that its order entered October 3d, 1911, to which you refer, is applicable to you. Upon this basis the Board will proceed to the adjudication in the pending proceeding before it, as to the justice and reasonableness of existing intra-state commutation rates, and other special rates, charged by the companies you represent."

The Board believed that the Erie and the Lackawanna were furnishing commutation service to Jersey City and Hoboken, respectively, and were consequently subject to the order requiring the quoting of rates and the selling of tickets to and from these places.

The record of the original investigation seemed to us fully to substantiate this opinion. In that investigation the general passenger agent for the Erie was asked by counsel for the Commuters' Association:

> "Then as I understand you the ticket (from Ramsey to New York) is good for commutation between Ramsey and Jersey City, monthly commutation?"
>
> He replied: "Yes, sir."
>
> And on being asked: "And you want to stand on that answer, do you?"
>
> He replied: "I do."
>
> (Minutes, Sept. 7th, 1911, pp. 288, 289.)

On the face of the record, it appeared to the Board that the subsequent allegation by the carriers that they did not furnish commutation service to Jersey City or Hoboken, could not be regarded otherwise than as a technical evasion, controverting a fact which had been previously admitted by their own witnesses. The Board proceeded with its consideration and analysis of rates with a view to announcing its finding. At that time the Board had not received an analysis of the financial and other data submitted by the companies, which analysis was being made for the Board by expert ac-

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countants specially employed for this purpose. The analysis of these accountants made evident that additional testimony, particularly a comparison of commutation rates on other roads leading to New York, ought to be introduced before a final conclusion was reached. This fact, combined with the doubt suggested by the opinion of the Court of Errors, and the companies' action thereunder, causes the Board to take such action as is indicated in the close of this memorandum.

The Erie and the Lackawanna have taken advantage of the decision rendered by the Court of Errors and Appeals. They have withdrawn the commutation tickets sold to the Hudson River terminals, and cancelled the rates applicable to these points. The Public Utility Act (Chap. 195, P. L. 1911) provides (II, 16 (c)) that the Board shall have power.

> "(c) After hearing, upon notice, by order in writing, to fix just and reasonable individual rates, joint rates, tolls, charges or schedules thereof, as well as commutation, mileage and other special rates which shall be imposed, observed and followed thereafter by any public utility as herein defined, whenever the Board shall determine *any existing* individual rate, joint rate, toll, charge or schedule thereof, or commutation, mileage or other special rate to be unjust, unreasonable, insufficient, or unjustly discriminatory or preferential."

Evidently, since the companies' withdrawal of their tickets and schedules there is no *existing* commutation rate between the various interior points and Jersey City or Hoboken, except as the New York rate may be held applicable. There is no intra-state commutation rate to these points upon which an order of the Board can at present operate. It will be necessary, therefore, in conformity with the opinion rendered by the Court of Errors and Appeals, to bring specific proceedings against these carriers, charging each with undue and unjust discrimination by reason of the failure of each to quote rates and sell tickets to these points. Should the carriers' practice be found to be illegal and discriminatory, an order requiring the quoting of rates and the selling of tickets may be entered. Should such rates by reason of such determination become "existing rates," there will again be presented the opportunity to pass on their reasonableness and justice. The whole process, briefly put, is that

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the companies have utilized the opinion of the Court of Errors and Appeals to render necessary further proceedings on the part of this Board to determine whether each company falls within the scope of the original order of the Board in the premises. Until this new proceeding has been had, and a determination thereunder reached, it is impossible for the Board to pass upon the central issue in the present investigation, to wit, the reasonableness and justice of charging the same commutation rates to Hudson River terminals as the two carriers charge to New York City. The formal upholding of the Board's order by the decision of the Court of Errors and Appeals has not resulted in making the order specifically effective as against the two companies in question, each of which by the terms of the decision is entitled to have the specific charge made against it, to wit, that it is practicing unjust discrimination, and until each has had an opportunity to defend itself against such charge.

The Board has instructed its counsel to initiate further proceedings, as speedily as possible, in order that the preliminary question indicated by the Court of Errors and Appeals shall be brought before this Board for determination.

Dated December 16th, 1913.

In the Matter of the Complaint of the Mayor and Aldermen of Jersey City Against the Erie Railroad Company.

Thomas G. Haight, for the City of Jersey City.

H. A. Taylor, for the Erie Railroad Company.

REPORT.

The Mayor and Aldermen of Jersey City petitioned this Board to make an order directing the Erie Railroad Company to cease from burning as a fuel, in its locomotives or engines while operating them through the limits of Jersey City, soft or bituminous coal, and to

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order said company to burn either coke or anthracite coal; or to use some motive power other than steam locomotives which will prevent it from violating certain ordinances of the city of Jersey City relating to the abatement of "nuisances arising or resulting from the escape or discharge of dense smoke, dust, gas or cinders."

The petitioners rest the authority for bringing this action upon Paragraph (a) Section 17 of Chapter 195, P. L. 1911, which provides that the Board shall have power to require every public utility:

"To comply with the laws of this State and *any municipal ordinance relating thereto* and to conform to the duties imposed upon it thereby or by provisions of its own charter whether obtained under any general or special law of this State."

The petitioners herein have not urged that any law of this State is being violated by the defendant company in respect to the subject matter of this complaint, nor do they contend that said company fails to conform to the duties imposed upon it by the provisions of its charter respecting the same. This claim for relief is, therefore, based entirely upon the power of this Board to require the defendant company to comply with the ordinance above referred to.

Before bringing this complaint the City of Jersey City had instituted a number of suits against the Erie Railroad and the Pennsylvania Railroad for violation of this ordinance, and the companies, being convicted, removed the convictions to the Supreme Court of this State, where judgment voiding the ordinance was rendered. The City appealed and the case of the Pennsylvania Railroad Company was decided by the Court of Errors and Appeals. The decision is applicable to the case of the Erie Railroad Company. The opinion of the Court is as follows:

"The proposition presented is, has the city the power to enforce this ordinance against this defendant when the emission of dense smoke from its engines is caused by the consumption of fuel necessary in the exercising of its legislative grant to operate a railroad. All negligence or want of care on the part of the railroad company in the conduct of its authorized business is eliminated, for the ordinance applies to the emission of dense smoke from defendant's engines, whether it be the result of negligence or not. The defendant is authorized by the legislature to use engines in carrying on its business, and that cannot be done without the consumption of fuel and the consequent emission of smoke, which at times must fall within the description of dense, and so long as the conduct of the defendant is not negligent, it has the right to allow smoke to escape from its engines.

"To sustain the contention of the city we should have to assume that, notwithstanding its grant to the defendant, the legislature has delegated to the city a power, which practically amounts to a repeal of its former grant, for no railroad

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can be operated without creating smoke, and if the city can forbid the escape of dense smoke, it can also prevent the emission of all smoke, and thus deprive the railroad company of the right to burn fuel in the prosecution of its business, because the burning of fuel is not only necessary to operate a railroad, but must produce smoke.

"We are of the opinion that no such power is vested in the city, and therefore the ordinance, so far as it attempts to make unlawful the emission of smoke from defendant's engines, affords no lawful basis for the conviction of the defendant under the proofs in this case, and that as to it the ordinance is void and the convictions must be set aside. So far as the ordinance attempts to exercise the police power for the benefit of the public health, it is sufficient to say that that power is vested in the Board of Health, to which it has been delegated by the legislature.

"Where the legislature has seen fit to confer upon railroad companies the right to consume fuel and emit the smoke arising therefrom, in order to operate their railroads, and in so doing to be immune from liability for damage to adjacent property, provided such damage results, notwithstanding proper care is used by the company in operating its railroad, a municipality cannot, without at least express power delegated to it, make it unlawful to permit the emission of dense smoke from the smoke stacks of its locomotives, unless the escape of such smoke results from negligence or want of due care.

"This ordinance undertakes to punish railroad companies for permitting the emission of dense smoke from their engines in sufficient quantity to cause damage to property whether it results from negligence or not.

"We think no such power has been given to the city, and therefore the judgment of the Supreme Court should be affirmed."

The effect of this decision is that the ordinance is void in so far as it relates to the defendant company, hence the relief sought by the City of Jersey City before this Board cannot be granted and the petition will be DISMISSED.

Dated December 16th, 1913.

ORDER.

This case being at issue upon complaint and answer on file, and having been duly heard and submitted by the parties, and full investigations of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report, containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof,

IT IS ORDERED that the complaint in this proceeding be, and it is hereby, DISMISSED.

Dated December 16th, 1913.

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Investigation of the Reasonableness of the Rule of the West Orange Water Company Requiring the Payment of Meter Rentals.

REPORT.

Resulting from an informal complaint by G. E. Scherer reciting among other matters that he was charged quarterly 62 cents as meter rental, a hearing was ordered by the Board on the reasonableness of the rule in question.

The hearing was held on Friday, November 7th, 1913, at the Chancery Chambers, Jersey City, where C. P. Bassett appeared and testified for the company. The hearing developed that the rule in question was in conformity with an arrangement made with the Council of the Town of West Orange: that the rescinding of the rule would raise the question of revising the existing schedule of water rates in West Orange: that the existing schedule, by comparison with rates charged in nearby municipalities, in particular the City of Newark, was not *prima facie* unreasonable; and that a revision of the West Orange water schedule would involve more extensive evidence than is now before the Board.

The Board is, therefore, of opinion that the existing meter rental need not be displaced by an order to that effect: but, at the same time, is not ready to acquiesce in the legality of the alleged contract made by the Town of West Orange with the company, purporting to fix water rates to private consumers.

And the Board expressly goes on record as indicating its opinion that when and as arrangements in future are made for rate schedules the company should plan to own the meters as part of its own property and apparatus, and not include in the rate schedule any separate charge under the head of meter rental.

Dated December 17th, 1913.

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In the Matter of the Application of the New York Central and Hudson River Railroad Company for Approval of the Execution and Delivery of (1) A Consolidation Mortgage and (2) of a Refunding and Improvement Mortgage.

The Board's approval of the execution and delivery of the proposed consolidated mortgage accorded on the understanding that such approval does not commit the Board to the approval in advance of the issue of bonds thereunder, in exchange for or in redemption of the present 3½ per cent collateral bonds. The approval shall not be taken as affecting New Jersey intra-state passenger or freight rates on railroads in this state now or hereafter subjected to this consolidation mortgage. The approval does not carry by implication approval of any rate or change in rates on intra-state New Jersey traffic, passenger or freight. No clause in the mortgage, delimiting responsibility of individual officers of the companies affected, in any wise impairs the force and effect of the statutes of this State, as such statutes, or any of them, duly applicable define and fix the legal responsibility of the individuals in question.

REPORT.

The relation of the proposed consolidation mortgage to the present funded debt of the petitioner may be indicated as follows:

A. The petitioner has outstanding a first mortgage for $100,000,000 ($94,000,000 issued), bearing 3½ per cent. interest. This mortgage is a first lien on the main stem and certain branch lines, and a junior lien on certain affiliated roads and other property.

B. The petitioner has also outstanding Lake Shore Company Collateral 3½ per cent. bonds ($90,578,400 issued) and Michigan Central Collateral 3½ per cent. bonds ($19,336,000 issued). These collateral bonds are secured by mortgage upon the stocks of said companies, pledged thereunder, and become a lien upon the New York Central properties in case of the execution of a mortgage subsequent thereto.

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C. The petitioner has outstanding debenture bonds (two series), bearing 4 per cent. interest. The amount of said debentures is $51,188,000.

As additional security for B and C, *supra* (the lien of B being prior to, and superior to, the lien of C), and as security for a proposed issue of 4 per cent. bonds, equal at par to B and C, *supra*, and designed to refund and replace B and C, *supra* (the lien of C being equal and co-ordinate with the lien of said proposed issue), this indenture pledges:

a. Certain railroads hitherto unencumbered.

b. Its main stem and certain branch lines now subject only to the lien of the first mortgage.

c. Affiliated lines and other property subject to the lien of the first mortgage as a junior lien and to other prior liens.

D. Included in "other property," mentioned in (c), *supra,* are:

1. The petitioner's leasehold rights in the West Shore Railroad Company—twenty miles of which, more or less, are in New Jersey—the term of the said lease being for 475 years from 1885, with an additional optional term of 500 years. (See Indenture, page 45.)

Said West Shore Railroad Company is itself subject to the lien of a $50,000,000 mortgage securing its four per cent. bonds maturing in 2361 A. D.

2. Rights in an agreement for the use of railroad property between Cornwall, New York, and Weehawken, New Jersey—said rights being subject to the prior lien of the first mortgage (a) *supra.*

Items 1 and 2, under D above, are by this indenture subjected to the lien of the proposed consolidated mortgage. By its terms they would become charged in part with the obligations arising under said consolidated mortgage. These obligations include, among other things, a return of interest at four per cent. annually on the consolidated mortgage bonds when and as said consolidated mortgage bonds shall replace an equal amount of the above-described collateral bonds. This amount of interest annually would be, eventually, $550,000 more than the collateral mortgage bonds bear at present.

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There is not now before this Board any petition to issue bonds under the proposed consolidation mortgage. The Board's approval of the execution and delivery of said mortgage, as evidenced by order of even date herewith, is accorded on the explicit understanding that the approval aforesaid in no wise commits this Board to the approval in advance of the issue of bonds thereunder in exchange for or in redemption of the present 3½ per cent. collateral bonds. In this connection this Board cites with approval the language of the report of the New York Public Service Commission, Second District, under date of November 19th, 1913, to wit:

> "The Commission can see no reason why these 3½ per cent. bonds should be exchanged for 4 per cent. bonds under the new mortgage, unless under separate consolidation proceedings it shall appear that the consolidation is so desirable that the additional interest charge so involved constitutes a necessary detail for which compensation is fully shown in the plan of consolidation itself."

The consolidation alluded to in the above citation is the proposed future consolidation of certain other railroads, principally the Lake Shore and Michigan Southern and the Pittsburg and Lake Erie, and possibly the Michigan Central with the New York Central and Hudson River Railroad. Petition for the approval of 4 per cent. bonds under the consolidation mortgage in exchange for the outstanding 3½ per cent. collateral bonds need not be anticipated unless and until the consolidation of the Lake Shore and Michigan Southern has first been sanctioned. What advantages may accrue therefrom, and their bearing upon railroad property in New Jersey pledged under this mortgage will have to be demonstrated before this Board would be warranted in approving 4 per cent. bonds in exchange for the outstanding collateral bonds bearing 3½ per cent.

This Board's approval of the consolidation mortgage is also given on the express condition cited in the order of approval of even date herewith. The said approval, therefore, shall not be taken as affecting New Jersey intra-state passenger or freight rates on railroads in this State now or hereafter subjected to this consolidation mortgage. The approval carries, by implication, no approval of any rate or change in rates on intra-state New Jersey traffic, passenger or freight, which, it might be alleged, ought to exist by reason of the obligations carried by said consolidation mortgage.

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The approval of the consolidation mortgage is granted also on the distinct understanding that no clause in said mortgage delimiting responsibility of individual officers of the companies affected (as on page 29 or page 88 of the consolidated mortgage), in any wise impairs the force and effect of the statutes of this State, as such statutes, or any of them, duly applicable, define and fix the legal responsibility of the individuals in question.

The improvement and refunding mortgage whose execution is approved by an order of this Board, of even date herewith has, for its general purpose, the laying of a basis for the future financing of the New York Central's properties. In this connection we cite from the previously quoted report of the New York Public Service Commission, Second District, the following:

> "The testimony is strong and convincing that a plan of financing in the future for the New York Central properties is necessary. Large expenditures estimated to reach or exceed $400,000,000 in the next ten years are already foreseen as detailed in the testimony, and to many of these, aggregating very large sums the New York Central is committed, and there is also like commitment on the part of some of the allied lines."

Of the bonds proposed to be eventually issued under this refunding and improvement mortgage, something over $297,000,000, face value, are to be reserved to redeem the present first mortgage bonds, consolidation mortgage bonds and bonds securing sundry prior liens on particular affiliated roads.

Similar reservations of bonds to issue under this mortgage are to be made to redeem and replace bonds on railroads that may be subsequently acquired by the New York Central.

Not over $100,000,000 of bonds to issue under this mortgage are to be used to fund notes and unfunded debt incurred prior to January 1st, 1914.

Beyond the purposes above cited, bonds under this mortgage are intended to pay for construction and completion of railroads, for the acquisition of other roads, and for a variety of purposes practically co-extensive with such outlay as the New York Central or a successor corporation may lawfully make and charge to capital account.

These bonds mature in 2013. They are to bear interest at vary-

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ing rates for different series thereof, the rates to be set by the company at the time of the authorization of each series. The bonds of the various series are redeemable before maturity as the company may determine, and are also convertible into stock at such times and at such rates as the company, with the requisite Commission approval, shall determine.

So far as this refunding and improvement mortgage concerns or affects railroad property in New Jersey or interests therein or thereto, to be pledged under said mortgage, a question arises by reason of a provision in the mortgage which declares that the total bonds issuable under this mortgage are to be limited in aggregate amount to such a sum as with the outstanding prior debt (not counting reserved bonds to redeem said prior debt) shall not exceed three times the capital stock of the company. (See page 8 of Refunding and Improvement Mortgage.)

By Section 6 of the General Railroad Act of this State (Revision of 1903), it is provided:

> "Every railroad company shall have power to borrow such sums of money from time to time, not to exceed in the whole its paid-up capital stock, as shall be necessary to construct, improve, extend or repair its road and furnish all necessary lands, chattels, engines, cars and equipments, and for such purposes to issue and sell its bonds secured by mortgages on its railroads, lands, chattels, franchises and appurtenances and such company shall not plead any statute against usury in any suit at law or in equity to enforce the payment of any bond or mortgage executed under the provisions of this section; in the case of any railroad company in this State the amount of whose mortgage debt shall have been limited by special law, the written consent of the holders of at least two-thirds in value of all its stock shall be obtained before any such mortgage shall be executed; any person who shall issue bonds of any railroad company to an amount greater than the amount authorized by this or any other act shall be guilty of a misdemeanor. Where a mortgage on a railroad right of way and franchises includes chattels, it shall be sufficient notice and evidence thereof to record the same as a mortgage on real estate."

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The question arises whether the limitation in section 6 just quoted does not indicate the public policy of this State that railroad property shall not be pledged as security for debt to an amount greater than the company's capital stock. If this public policy is to be inferred from the section quoted, the further question arises whether leasehold or trackage rights in the property of a railroad company of this State may be pledged to secure a debt greater in amount than the capital stock of such New Jersey railroad. And the further question arises whether such rights in such railroad property even when jointly pledged with other property, including railroad property not in this State, may be pledged to secure a debt where the leasehold or trackage rights in the property of a railroad of this State are pledged ratably to secure a debt in amount greater than permitted in said section 6.

Section 70 of "An Act Concerning Railroads" (Revision of 1903) has been cited by the petitioner herein to show that section 6 does not establish a general policy of the State applicable to consolidated companies or to railroad companies of this State leased to railroad companies of other States. Section 70 reads as follows:

> "In all cases of merger or consolidation of the stock, property or franchises of any railroad company of this State with those of any other railroad company of this or of another State, the consolidated company shall have power and authority to borrow any amount of money, notwithstanding any limitation or restriction contained in this or any other act, sufficient to cover all the indebtedness of the companies so merged and consolidated, and to complete, extend, repair, improve and equip its railroad, and furnish all necessary lands, chattels, engines, cars and equipments, and to issue bonds for the money borrowed, secured by mortgage on its corporate property and franchises, or any part thereof; any railroad company which shall be authorized to lease its road to a railroad company of another state by special act sanctioning such lease shall, in addition to its then existing power to borrow money and issue bonds secured by mortgage, have power to borrow money and issue bonds, payable not more than one hundred years from the date thereof, to an amount sufficient to cover all its indebtedness, and for the other purposes in this section

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above mentioned, and may secure said bonds by mortgage on its property and franchises, and such bonds may be given in exchange for or in satisfaction of bonds or other debts of the company upon such terms as may be agreed on with the holders."

Doubt arises whether section 70 in enlarging the power of railroad companies of this State to incur debt as provided in section 6 does not confine the exercise of such enlarged power to the original effecting of such consolidation or to the original execution of such lease. Unless and until such doubt is resolved, the Board is of opinion that the statute may be most safely construed by the Board by declining to authorize the indebtedness secured upon railroad property in New Jersey, or upon rights thereto or therein where such indebtedness, even though secured jointly upon other railroad property, would exceed the limit indicated in section 6 above quoted. Judicial determination upon the moot question may be properly invoked, in preference to action by an administrative board determining that the limitation in section 6 does not apply to the issuance of bonds in circumstances such as are here indicated.

The property or property rights in railroads in New Jersey, which is proposed to subject to the lien of this improvement and refunding mortgage, are as follows:

(1) "All the right, title and interest of the Railroad Company (the New York Central and Hudson River Railroad Company) in and under a lease dated June 30th, 1886, executed by the New Jersey Junction Railroad Company to the New York Central and Hudson River Railroad Company, such lease covering the railroad of the lessor and continuing until July 1st, 1986, with the privilege of a further term of one hundred years. The railroad so leased is itself subject to the mortgage, dated June 30th, 1886, executed by the New Jersey Junction Railroad Company to J. Pierpont Morgan and Harris G. Fahnestock, Trustees, securing its 4 per cent. bonds, due February 1st, 1986, to the authorized amount of $4,000,000, of which $1,700,000 are now outstanding."

(2) "One hundred thousand (100,000) shares (being the total issue) of the capital stock of the West Shore Railroad Company, of the par value of $10,000,000." The southerly

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end of this road embraces lines, the property of a former railroad company, or of former railroad companies of this State.

(3) "Nine hundred and fifty (950) shares (out of a total issue of 1,000 shares) of the capital stock of the New Jersey Junction Railroad Company, of the par value of $95,000."

(4) "All right, title and interest of the railroad company in and under a lease, dated December 5th, 1885, executed by the West Shore Railroad Company to the New York Central and Hudson River Railroad Company, such lease covering the railroad of the lessor and continuing until January 1st, 2361, with the privilege of a further term of five hundred years. Such leasehold interest is now subject to the prior lien of the first mortgage and of the consolidated mortgage, and is subject also to the rights of the New York, Ontario and Western Railway Company in and under the agreement dated January 18th, 1882, * * * for the use of the railroad and property between Cornwall, New York, and Weehawken, New Jersey, which rights are excepted from the lien of this indenture. The West Shore Railroad Company is itself subject to the mortgage, dated December 5th, 1885, executed by the West Shore Railroad Company to Union Trust Company of New York, Trustee, securing its 4 per cent. bonds due January 1st, 2361, to the amount of $50,000,000."

Should these four properties, or the parts thereof constituting railroad property in New Jersey, or railroads of New Jersey, or rights therein or thereto, or capital stock thereof continue pledged under this Refunding and Improvement Mortgage, this Board in any application made to it for the approval of bonds secured in part by the pledge of the above properties, would hold itself at liberty, until the doubts suggested above regarding permissible debt limit are resolved, to act in the premises as the statutes of New Jersey or the declared public policy of New Jersey may require.

Dated December 19th, 1913.

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In Re Refunding and Improvement Mortgage.

ORDER.

The New York Central and Hudson River Railroad Company, having filed with this Board its petition praying that the Board give its approval to the execution by the petitioner of a refunding and improvement mortgage to Guaranty Trust Company of New York, trustee, and having filed with this Board a draft of such mortgage; and a hearing having been held by this Board on December 4th, 1913, at Chancery Chambers, in Jersey City, and again on December 17th, 1913, at the State House, in the city of Trenton, upon the aforesaid petition; and all pertinent matters and things relating thereto having been duly inquired into, it is, after due consideration,

HEREBY ORDERED that the consent of this Board be and it is hereby given that the New York Central and Hudson River Railroad Company may enter into and execute and deliver said refundnig and improvement mortgage in the form of the draft dated October 1st, 1913, and on file with this Board (clause seventeenth, on page 38 thereof, and clause nineteenth, (F) in said draft being first expressly exscinded therefrom), so far as said mortgage relates to or affects railroad property in New Jersey or rights therein or thereto, which may be now or hereafter included in and subject to said mortgage, or so far as said mortgage involves the pledge of the stock of the New Jersey Junction Railroad Company.

This order is made subject to the provision of section 6 of an act concerning railroads (Revision of 1913). if and so far as such section is applicable.

Dated December 19th, 1913.

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In Re Consolidation Mortgage. } **ORDER.**

The New York Central and Hudson River Railroad Company having filed with this Board its petition praying that the Board give its approval to the execution by the petitioner of a consolidation mortgage to Bankers Trust Company of New York, Trustee, and having filed with this Board a draft of such mortgage; and a hearing having been held by this Board on December 4th, 1913, in Chancery Chambers, Jersey City, and again on December 17th, 1913, at the State House, in the city of Trenton, upon the aforesaid petition, and all pertinent matters and things relating thereto having been duly inquired into, it is after due consideration,

HEREBY ORDERED that the consent of this Board be and it hereby is given that the New York Central and Hudson River Railroad Company may enter into and execute and deliver said consolidation mortgage in the form of the draft dated October 1st, 1913, and on file with this Board, so far as said mortgage relates to or affects railroad property in New Jersey or rights therein or thereto which will be included in and subject to said mortgage. The making of this order shall not be taken as affecting New Jersey intra-state passenger or freight rates on railroads in New Jersey now or hereafter subjected to the lien of this mortgage.

Dated December 19th, 1913.

In the Matter of the Recommendation of Inspector McKelvey to the Erie Railroad Company to Install Markers in Train Shed at Jersey City.

M. B. Pierce, for Erie Railroad Company.

Frank H. Sommer, for the Commission.

REPORT.

On August 2nd, 1913, a train of seven coaches was being backed into the train shed of the Erie Railroad Company at Jersey City.

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The crew had failed to test the air before leaving the yard, so that the conductor was unable to apply the brakes and stop the train at the proper time. The engineer apparently was not aware of the position of train and did nothing to stop it until it had crossed the bumping block. The train was brought to a stop within two feet of the waiting room, and an accident that probably would have resulted in injury to passengers in the waiting room was narrowly averted.

The Chief Inspector of the Railroad Division of this Board recommended that markers or signals, indicating the number of cars tracks will hold, be placed at the entrance of the station, so that the engineer will be informed when a train has about reached its position in the train shed, and, at the same time be put upon his guard to prevent running too far, should the brakeman or conductor on the first car of the train, fail or be unable to stop the train at the proper time.

A copy of the Inspector's report was sent to the Erie Railroad Company and notice of hearing thereon was given to said company. This hearing was held on September 16th, 1913, and the Erie Railroad Company was represented thereat.

It appears from the testimony taken at the hearing that the train shed of the Erie Railroad Company is not equipped with large concrete bumping blocks of approved design, nor are its rails equipped with "slippers" placed twenty or thirty feet from the bumping blocks. There is no device or signal to prevent the recurrence of an accident such as happened. Some precautions should be immediately adopted by the Erie Railroad Company to guard against such occurrences. If the company had slippers and large bumping blocks, this Board would feel that compliance with the Inspector's recommendation would be unnecessary. In the absence of such precautions, however, the Board concludes that markers, of the kind recommended, would be helpful to prevent accidents, by warning the engineer of the approach to the place beyond which it may not be safe to back his train. The crew stationed at the front of the backing train will not be relieved of the duty to stop the train at the proper time. It will be a warning to the engineer to be on his guard to see that everything is working properly to stop his train, and to be on the lookout for a signal to stop, if, as in the case under consideration, the man on the front fails for any reason to stop it.

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The Board finds that the markers or signals recommended are necessary to safe, adequate and proper service, and an order will issue directing the Erie Railroad Company to install same in its Jersey City station.

Dated December 23rd. 1913,

ORDER.

This case having been duly heard and submitted by the parties, and full investigation of the matters and things involved having been had, and the Commission having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof,

The Board of Public Utility Commissioners HEREBY ORDERS the Erie Railroad Company to place and maintain at its terminal station in Jersey City, at the end of the train shed where the tracks of said railroad enter such shed on each of the vertical posts at such end of said train shed, a marker or markers, or signal or signals, which shall plainly indicate the number of cars for which there is room on each track in said train shed.

This order shall become effective January 16th, 1913.

Dated December 23rd, 1913.

In the Matter of the Complaint of the Board of Trade of Saddle River Township vs. Public Service Gas Company, in Re Extension of Gas Mains.

Before the Board is warranted in ordering an extension under the act, it must be reasonably certain that the net profit to accrue from the extension will be sufficient to warrant the outlay required. The prospect of profit which would justify the Board in ordering an ex-

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tension must be more clear and unmistakable than the chance of profit which might warrant a public utility at its own risk and on its own initiative in extending into a similar territory hitherto unsupplied. These considerations apply to cases where the Board is petitioned to order extensions under the statute. Where, as a condition of its secondary franchises, a public utility is obligated to supply a certain territory, extensions not promising profit may be ordered by the Board under its power to make utilities comply with municipal ordinances relating thereto. Upon the facts disclosed in this hearing the Board stands ready to order the company to extend its service to the Dundee Lake section, provided the petitioners will certify to the Board that they have furnished bond or sufficient surety that they will pay to the company for each of the next five years such sum as added to the revenue received by the company for gas furnished to said section will accord a return of eight per cent. on the Board's estimate of plant investment and other costs necessary to supply said section.

Frank Fournier, for the petitioners.

L. D. H. Gilmour, for the respondent.

REPORT.

Under date of August 7th, 1913, Frank Fournier, Secretary of the Board of Trade of Saddle River Township, addressed a letter to this Board, asking information with respect to the Board's power to obtain for the locality of Dundee Lake a supply of gas. A request was made by the Board upon the company for an estimate of the cost of the extension of mains into this territory. At this time there were pending several similar requests before the Board, all asking that certain extensions of gas mains be effected by order of the Board. Among the petitioners were the residents of Bergenfield, and the Borough of Dumont.

In the hope of devising some general rule or formula whereby any and all petitions for extensions of utility service might be gauged, the Board held a general inquiry on September 5th, 1913, at the Court House in Newark. To this inquiry representatives of various public utilities were invited, and explained to the Board their respective practices in acting upon requests for extensions. The Board is unable to devise any formula or general rule capable of

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being applied universally to petitions for the extension of utility service.

The Board also engaged Alfred E. Forstall, an expert gas engineer, to inquire into the conditions under which gas companies should be required to extend street mains to reach new customers. His report was submitted at the hearing held on October 31st, 1913, at the Court House in Newark.

On this last mentioned date the case of the petitioner herein was heard, and testimony and exhibits were introduced by petitioner and respondent, and also on behalf of the commission.

Prior hearings on September 5th, 1913, and on October 3rd, 1913, in Newark at the Court House, were held upon the petition of the Borough of Dumont vs. Public Service Gas Company, and upon the petition of certain residents of Bergenfield vs. Public Service Gas Company. As before recited, the hearing on September 5th, 1913, was transformed into a general inquiry upon the subject of extensions of service. On October 3rd, 1913, D. D. Zabriskie appeared for the Borough of Dumont, but the Borough's witnesses did not appear. The case was adjourned to November 14th, 1913, at which time the Board was advised that the Borough had determined not to press the complaint. The residents of Bergenfield have not as yet prosecuted their case by presentation of testimony.

As the case of Saddle River Township is the first case involving extension of gas mains which has been thoroughly canvassed by the Board, and may set a precedent for similar cases in future, the Board deems it advisable to indicate the general principles which should control in these cases.

Under the Public Utility Act (Ch. 195, P. L. 1911) the Board is given power, after hearing, upon notice, by order in writing, to require a public utility:

"To establish, construct, maintain and operate any reasonable extension of its existing facilities, where in the judgment of said board such extension is reasonable and practicable and will furnish sufficient business to justify the construction and maintenance of the same, and where the financial condition of the said public utility reasonably warrants the original expenditure required in making and operating such extension."

It appears that before the Board is warranted in ordering an extension under the section of the act cited above, the Board must

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be reasonably certain that the net profit to accrue from the extension will be sufficient to warrant the outlay required.

It is also evident that the prospect of profit which would justify the Board in ordering an extension must be more clear and unmistakable than the chance of profit which might warrant a public utility at its own risk and on its own initiative in extending into a similar territory hitherto unsupplied.

It is also worthy of remark that there is generally some presumption that a public utility will be impelled by self interest to make an extension where the chance of profit is at least as great as it is obtaining from the average of its business.

These considerations apply, of course, to cases where the Board is petitioned to order extensions under the section of the statute cited above. Under other circumstances, such as may exist where as a condition of its secondary franchises, a public utility is obligated to supply a certain territory, extensions not promising profit may be ordered by the Board under its power to make utilities comply with municipal ordinances relating thereto. P. L. 1911, Ch. 195, H, 17 (a). And similarly extensions not promising profit might be required by the Board's order where the extension is indispensable in order that the public utility may furnish "safe, adequate and proper service," P. L. 1911, Ch. 195, II. 17 (b).

The case before us, however, rests wholly, so far as the evidence shows, upon the comparative outlay involved, the increase in business therefrom likely to result, and the net profit to accrue.

The evidence shows that the Dundee Lake region into which the extension of mains is proposed, is a rapidly growing section; and that in the general neighborhood north of Market Street and east of Dundee Drive, embracing the railroad station of the New York, Susquehanna and Western Railroad, there are approximately one hundred two-story houses, whose occupants may be regarded as eventual patrons of the gas company. Of these houses, it appears that at present about twelve are piped for gas. (Minutes, p. 5). There are two near-by real estate properties in process of development, but they do not appear to be involved intimately in this petition. As yet not more than half a dozen houses are built or are building on the tracts in question, and the requisite supply mains for Dundee Lake seem designed to connect with some five of the

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houses on the real estate tract developing to the north. (Minutes, p. 19).

The survey of the Dundee Lake field by the agents of the gas company discloses the likelihood of connecting with approximately one hundred houses eventually and this seems to be a fairly liberal estimate.

The company's estimate of an average annual consumption per house of about 20.8 M. cubic feet is admittedly somewhat less than the average of the whole Passaic Division, but is based on the general character of the houses in this section (Minutes, p. 36). The amount consumed in 1912 in the Passaic Division by general consumers and prepayment consumers (as appears by the company's annual report for 1912 to this Board), was 1,095,000 M. Calculating roughly the meters at 50,000, it would appear that the average annual consumption by meter is 22 M. The difference in the estimate for Dundee Lake would appear not unfairly discriminatory against that section.

The company's main nearest to the Dundee Lake section supplies the National Silk Dyeing Company. This main would have to be extended to reach the houses of the petitioners, and there seems to be no good reason for questioning the company's estimate of the length of main necessary, some 12,958 feet in all, of which approximately 4,300 would be 6″ main, and the remainder 4″ main. The company's estimate of the cost involved is:

4293 feet of 6″ cast iron pipe @ 75c	$ 3,219.75
8665 feet of 4″ cast iron pipe @ 55c	4,765.75
101 meters @ $8.00	808.00
100 services @ $13.50	1,350.00
Total cost of extension	$10,143.50

The unit costs are fair, and the computed length of main we see no reason to revise.

The respondent contends that the entire investment in plant upon which a return should be forthcoming, if this extension were made, ought to exceed the prime cost of installing mains and apparatus in the Dundee Lake territory; and this general contention must be admitted. Should the extension be made, the new consumers taken on would benefit not only by the use of the mains, services and

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meters throughout their own neighborhood, but also by reason of the transmission mains which convey the gas from its place of manufacture to the mains in Dundee Lake. They would also be served by the same central generating plant from which other consumers in the Division are served. The respondent proposes to estimate this plant investment on which an additional return should accrue as follows:

All mains 10″ or over in diameter are regarded as constituting part of the Trunk Main System. These mains stand over against the mains of lesser diameter which are regarded as the apparatus for local distribution. The trunk main system is in value about 25 per cent of the total valuation of trunk lines and mains made by this board in 1911, or approximately $348,086.

To this is added the value of the company's land as found by this Board in 1911, or $111,160; and also the value of the manufacturing plant, similarly determined by this Board in 1911, to be $1,161,550.

The three items make a total of $1,620,796. This sum with a deduction of $31,000 for construction to July 1st, 1911, would give an aggregate of $1,589,796 as the value as of July 1, 1911, of the plant utilized by consumers generally.

These items whose use is assumed as of common service to all consumers generated and delivered during the year 1911, 1,050,000 thousand cubic feet of gas sold to said consumers. This implies a plant investment of almost exactly $1.50 for every thousand cubic feet of gas sold. The company calculating apparently on 101 consumers at about 20,000 cubic feet per annum (20,800 more nearly) per consumer computes the central plant investment on which a return should be made by the Dundee Lake section at $3,157.50.

As regards the above estimate, the Board is not prepared from any evidence before us to disallow it. In allowing it to stand, however, the Board reserves the right in subsequent cases to investigate whether a more precise determination cannot be made of the value of trunk mains which convey gas from the generating station to the local distribution system of a particular locality served.

Prima facie, the respondent company's contention is that the extension to the Dundee Lake tract would entitle them to a return on a base of $13,300. Of this sum, $10,143 represents the outlay on new mains, meters and services; and $3,157 represents the extant

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plant investment which would serve the same consumers. The value of the second item is based on the draft that would be made on extant plant, this draft in turn being computed on the average of central plant investment (land, generating station and trunk transmission mains) to the thousand cubic feet sold throughout the division.

Interest at 8 per cent. on the investment would equal $1,064 annually.

The company computes the other costs involved on the basis of actual costs in 1911. The "cost of service" covers prime manufacturing cost plus half the distribution cost per M. The "cost of service" of Dundee Lake consumption, estimated at 2105 M. would come, at 38.03½ per M. to $800 annually. The "customer charge" covering one-half of the distribution costs would come to $1.83 per customer, and in this extension would amount to $185.00 annually.

The company figures annual depreciation at 1½ per cent. per annum on the investment imputed to the Dundee Lake supply. This would amount at 1½ per cent on $13,300 to $199.50 or roughly to $200 per annum.

This method of calculating depreciation is not above criticism. There may be some justification for the respondent's contention (Minutes, p. 28) that the rule of 6 cents allowance for depreciation per thousand cubic feet, while proper for setting up the depreciation reserve, would be wholly inadequate to cover actual depreciation in this extension, if the actual consumption were to fall below the estimate.

On the other hand, if the consumption in this new tract exactly coincided with the company's estimate, and equalled 2105 M. per annum, the depreciation allowance according to the rule for setting up the depreciation reserve would amount to only $126.30. When, moreover, it is added that the greater amount of plant subject to deterioration in this extension would consist of the new mains which are to gridiron Dundee Lake, the 1½% allowance seems excessive. An allowance of one per cent. would come to $133 per annum, a sum in excess of the allowance under the general rule,—and accordingly we find and determine that the company's estimate of approximately $200 for depreciation annually should be reduced to $150.

The company's claim on the score of taxes is based on a tax rate

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of one per cent on the entire investment involved, or 1% on $13,300 amounting to $133 annually. This estimate also we believe somewhat excessive. It was conceded that if additional taxes were imposed on the company by reason of this extension, such additional taxes would be assessed only on the $10,143 representing the cost of installing additional mains and other apparatus in Dundee Lake. (Minutes pp. 28-32; also 54-55).

If the tax rate were one per cent, the additional annual tax would be but $100 approximately. The company asks an allowance of approximately $133. The company's claim rests apparently on the contention that its excess generating capacity is lessened by taking on new consumers, and that, therefore, the installation by the company of new units of supply is hastened, and that this extension should not be relieved of contributing its quota against the eventual outlay the company must make in order to supply the increased future demand.

This reasoning appears to us too refined to stand in the necessarily empirical calculation involved in this case. If a telephone company extends its poles and wires to a distant hamlet, and thus subjects this additional plant to taxation, it would hardly seem just to argue that the subscribers in the hamlet must accord a return *on the score of taxes* not only sufficient to cover the increased tax bill, but something in addition thereto, on the ground that connecting the subscribers in the hamlet shortens the time in which an additional section of switchboard in the central exchange must be built.

If a trolley line built a road to an outlying village, it could hardly be urged that the traffic, *on the score of tax expense incurred by the trolley company,* ought to yield something more than enough to cover the actual additional taxes paid, because the company by devoting some of its equipment to service on said line must sooner replenish its stock of surplus cars.

A public utility such as a gas plant will ordinarily construct a plant with a capacity in excess of the normal draft expected. Such excess capacity, if not immoderate, is in the interest both of the company and the public. The fair expectation is that the average return, beginning with the normal draft thereon and ending with a draft equal to the capacity of the original plant, will yield a fair return. Thereafter an additional unit of supply will be added, the returns on which may be expected to follow the same law as marked

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the plant originally constructed. It must not be overlooked that where excess capacity in supply units exists, the attaching of additional consumers up to the limit of the plant's capacity, lessens the company's investment per M. of send-out; and, other conditions remaining the same, correspondingly increases the ratio of return to investment.

We, therefore, cannot subscribe to the company's estimate as to the tax-expense to be charged against this extension.

Moreover, the assumption that the average tax rate is to be computed at one per cent is excessive. Apart from the franchise tax, which the company covers under "cost of service" separately allowed for the local and federal taxes imposed on the Paterson plant in 1911 appear from the company's report to this Board to have been a trifle more than $27,000.

Assuming the value of the company's property taxable on July 1st, 1911, to have been $4,750,000 less intangible elements valued at $1,025,000 or $3,725,000 the taxes paid, apart from franchise taxes, would be slightly more than two-thirds of one per cent or more exactly .726 of one per cent.

Accepting this rate, and applying it to the new property that would be taxed because of the extension, the tax allowance wouuld amount to $73.64, or roughly to $75 per year. This, too, is on the extreme assumption that the new property installed is to be taxed at its total cost new, an assumption belied generally in actual taxation.

The partial revision of the company's estimate of annual cost involved results in the following:

"Cost of service," i. e., prime cost of manufacture plus one-half of the distribution cost, at 38.03c per M. on an estimated consumption of 2105 M.	$ 800.53
Customer cost, $1.83 for each of 101 customers	184.83
Depreciation	150.00
Taxes	75.00
Interest at 8% on $13,301.00	1,064.08
	$2,274.44
Estimated revenue, 2105 M @ 90c per M.	1,894.50
	$379.94

Estimated insufficiency of net revenue to afford 8%, $380.00.
Rate of return to be obtained, approximately 5.1%,

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The counsel for the company (Minutes p. 39) made the statement that if the company could be assured that for five years it would obtain a net return of 6 per cent, the extension would be made. His proffer was made, however, on the company's basis of estimate, and this Board is not able to order an extension on a basis of less than 8 per cent. To do so would mean that our determination that 8 per cent is not an unfair return would be upset, if on the margin of present supply the company would be required to accept a less return, and thus dilute the 8 per cent calculated on its entire business.

Upon the facts as disclosed in this hearing, the Board stands ready to order the company to extend its service to the Dundee Lake section, provided the petitioners will certify to us that they have furnished bond or sufficient surety that they will pay to the company for each of the next five years three hundred and eighty dollars per annum, or such part thereof as shall be necessary, in addition to the revenue received by the company for gas furnished to said section, to accord a return of 8 per cent on the plant investment and other costs as calculated by the methods approved herein. With a uniform rate for gas, or any other service accorded by a public utility, such a guarantee is apparently the only feasible means for hastening the introduction of the service into a section where the prospect of sufficient profit is not apparent.

The Board also thinks proper to put on record that in case a franchise should be granted to any gas company intending in good faith to supply this territory, such franchise would come before the Board with a favorable prospect of approval.

Dated December 30th, 1913.

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In the Matter of the Application of Ocean City Electric Light Company for Approval of Transfer Upon Its Books of 1193 Shares of the Capital Stock of Said Company to Atlantic City Electric Company.

It is practicable to connect the plants of the Ocean City Electric Light Company. Economies in operation may be reasonably expected to result from the proposed tying up of the two plants. The purchase by the Atlantic City Electric Company of the shares of the capital stock of the Ocean City Electric Lighting Company held to be necessary for the business of the former company. The property owned by the Ocean City Electric Company is cognate in character and use to that used by the Atlantic City Electric Company in the direct conduct of its own proper business. There is nothing to indicate that the proposed purchase is for the purpose of restraining trade or commerce or acquiring a monopoly.

REPORT.

The Ocean City Electric Light Company is a corporation of this State, organized under the General Corporation Act. It operates an electric lighting plant in Ocean City which is situated upon the island next south of the island upon which Atlantic City, Ventnor, Margate City and Longport are located.

The municipalities upon this latter island are furnished electric light by the Atlantic City Electric Company, also a corporation of this state existing under the General Corporation Act. The authorized and outstanding capital stock of the Ocean City Electric Light Company consists of 1,200 shares of the par value of $25 each. Application was originally made to the Board for permission to transfer 1193 of these shares upon the books of the Ocean City Electric Light Company to the American Gas and Electric Company, a so-called "holding company," a corporation of another state.

The transfer, if approved, would have vested in the American Gas & Electric Company, a holding corporation of another state, a majority in interest of the outstanding capital stock of a "public utility" of this state.

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The application was made under Section 19 of the Public Utility Act. In so far as the section is pertinent it provides as follows:

"Nor shall any public utility as herein defined incorporated under the laws of this State * * * permit any transfer (of any share or shares of its capital stock) to be made upon its books to any corporation, domestic or foreign, the result of which * * * transfer in itself or in connection with their previous * * * transfers shall be to vest in such corporation a majority in interest of the outstanding capital stock of such public utility corporation unless authorized to do so by the board."

The Board determined to disallow this application.

Under our conclusion as to the effect of Chapter 18 of the laws of 1913, set forth in our report "In the matter of the petition of Monmouth Lighting Company for permission to transfer certain shares of capital stock, upon its books, to Eastern Utilities Corporation," that statute, if the American Gas and Electric Company was a corporation of this state, organized under the General Corporation Act, would have precluded the purchase by it of the shares of the capital stock in question.

While Chapter 18 of the Laws of 1913 extends its prohibition merely to corporations of this state organized under the General Corporation Act and is inapplicable in its terms to corporations of another state, yet, in accordance with the state policy declared thereby, we deemed it to be our duty to withhold our approval of the transfer of shares of the capital stock of a public utility of this state to a "holding company" of another state, when the statute of this state prohibited the acquisition of such securities by a similar corporation of this state.

It seemed to us that comity did not require that we should sanction, by our approval, the acquisition of control by a corporation of another state of a public utility of this state through ownership of capital stock, when the acquisition of such control by like means by a like corporation of this state was prohibited by our statute.

Sec. (1902) *Coler* v. *Tacoma Railway and Power Co. 64 N. J. E. 117 (Ct.)* reversed in (1903) *Coler* v. *Tacoma Railway and Power Company 65 N. J. E. 347 (Ct. E. & A.)*

These conclusions were signified to the petitioner.

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Thereafter, the petition was amended. As amended, it seeks authorization for the transfer of the shares to the Atlantic City Electric Company. As amended the petition falls within another provision of Section 19 of the Public Utility Act, which reads as follows.

"No public utility as herein defined incorporated under the laws of this State shall * * * make or permit to be made upon its books any transfer of any share or shares of its capital stock to any other public utility as herein defined, unless authorized to do so by the board."

The question now before the Board is, whether the request of the amended petition for approval of the proposed transfer to Atlantic City Electric Company should be granted.

Chapter 18 of the laws of 1913 amending Section 51 of the General Corporation Act, as before noted, prohibits any corporation organized under the General Corporation Act *"except as otherwise provided therein or thereby"* from purchasing the shares of the corporate stock of any other corporation of this or any other state and from exercising as owner of such stock any of the rights, powers and privileges of ownership, including the right to vote thereon.

Chapter 14 of the laws of 1913, amending Section 49 of the General Corporation Act, provides that any corporation formed under the act may purchase "the stock of any corporation necessary for its business" provided that "the property owned by the corporation whose stock is purchased shall be cognate in character and use to the property used, or contemplated to be used by the purchasing corporation in the direct conduct of its own proper business," and provided further, that any corporation which shall purchase the stock of any other corporation for the purpose of restraining trade or commerce or acquiring a monopoly, and the directors thereof participating therein, shall be guilty of a misdemeanor.

To determine the effect of these amendatory enactments consideration of the adjudications and legislation declaring and establishing the law of the State at the time of their enactment is necessary.

In (1903) *Warren* v. *Pim, 66 N. J. E. 353 (Ct. E. & A.)* Mr. Justice Dixon stated the rule generally adopted in this country to be

"That one corporation cannot become a stockholder in another corporation unless authority therefor is clearly granted by statute."

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In (1908) *State* v. *Atlantic City & Shore Railroad Company, 77 N. J. L. 465, (Ct. E. & A.)* Chancellor Pitney said:

"It is undoubtedly the general rule that one corporation may not become a stockholder in another unless authority is clearly granted by statute, and this is but a corollary of the principle that corporations possess only such powers as are specifically granted by the State and such incidental powers as are necessary for carrying these into effect."

With this as the general rule we come to the examination of the legislation of the State as it stood at the time of the enactment of the amendatory acts of 1913. Section 51 of the General Corporation Act (P. L. 1896, p. 294) as it stood before its amendment by Chapter 18 of the laws of 1913 provided that

"*any corporation* may purchase * * * the shares of the capital stock of * * * any other corporation or corporations of this or any other State, and while owner of such stock may exercise all the rights, powers and privileges of ownership, including the right to vote thereon."

The scope of this section was not as broad and all embracive in the power granted as might be inferred from a reading of it standing alone.

The adjudications in which the section is considered make this apparent.

In (1903) *Robotham* v. *Prudential Insurance Company, 64 N. J. E. 673,* it was held that the section did not repeal the limitations on the power of an insurance company as to the investment of its funds contained in its charter and P. L. 1896, p. 129, relating to insurance companies "created by special charter or otherwise."

In (1908) *State* v. *Atlantic City and Shore R. R. Co., 77 N. J. L. 466 (Ct. Errors and Appeals)* it was held that the power conferred by this section of the General Corporation Act, to purchase, etc. stock, *etc.* of other corporations is to be exercised subject to the limitations imposed by section 2 of the act (P. L. 1896 p. 278), that is to say, the power exists as a primary power only when the purpose to exercise it as such is expressed in the certificate of incorporation and otherwise it exists as an incidental power only so far as necessary or convenient to the attainment of the objects that are set forth in the charter or certificate of incorporation.

Section 49 of the General Corporation Act, (P. L. 1896 p. 293) as

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it stood before its amendment by Chapter 14 of the Laws of 1913 provided that any corporation formed under the act might purchase "the stock of any company or companies owning, mining, manufacturing or producing materials or other property *necessary* for its business." This section (49), in terms, limited power to purchase stock to the stock of a company owning, mining or manufacturing or producing materials or other property *necessary* for the business of the purchasing company.

Chapter 18 of the Laws of 1913, by amendment, converted section 51 of the General Corporation Act from a section granting authority into a section prohibitive of the exercise of the very power granted thereby before amendment, "*excpt as otherwise provided*" by the General Corporation Act.

It, therefore, abrogated the power granted by the section before its amendment even as limited by the construction placed upon it in *State* v. *Atlantic City & Shore R. R. Co.* The section of the General Corporation Act in which the exception to section 51 as amended is to be found and in which it is "otherwise provided" is section 49 which, as before noted, was amended by Chapter 14 of the laws of 1913.

This section, as amended, confines the corporation formed under the General Corporation Act to the purchase of the stock of any corporation, "*necessary for its business.*" It further confines such purchase to the stock of a corporation the property owned by which is "cognate in character and use to the property used or contemplated to be used by the purchasing company in the direct conduct of its own proper business."

To determine, therefore, whether the purchase by the Atlantic City Electric Company of the capital stock of the Ocean City Electric Company is authorized by section 49 as amended, we must find:

(1) That the purchase of the stock is "*necessary*" for the business of the Atlantic City Electric Company.

(2) That the property owned by the Ocean City Electric Company is cognate in character and use to the property used or contemplated to be used by the Atlantic City Electric Company in the direct conduct of its own proper business, and

(3) That the purchase is not for the purpose of restraining trade or commerce or acquiring a monopoly.

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The words "necessary for its business" as used in the statute are applicable to the purchase of property, real and personal, as well as stock. This fact alone suffices to indicate that the words were not employed in the sense of "indispensable for its business." It was clearly not the legislative intent to confine the corporation to the purchase of property, real and personal, indispensable for its business. If this is true it follows that it was not the legislative purpose to confine the corporation to the purchase of stock "indispensable" for its business.

If the term "necessary" was used in the sense of "indispensable" the further limitation imposed by the statute that "the property purchased or the property owned by the corporation whose stock is purchased shall be cognate in character and use to the property used or contemplated to be used by the purchasing company in the direct conduct of its own proper business" would be superfluous and without force.

In our opinion the words "necessary for its business" are used in the statute to indicate the intent to confine the power of the corporation to the acquisition of property real and personal, and of stock "suitable and proper" to the conduct of the business in which the corporation is at the time engaged, and the accomplishment of the purposes for which the corporation was formed.

(1874) *State, Morris Canal and Banking Co.* vs. *Love, 37 N. J. L. 60.*

In this proceeding we have before us as indicating that the capital stock proposed to be acquired is necessary for the business of the purchasing corporation on the formal action of its Board of Directors declaring their judgment to that effect. This action, while not controlling with us is entitled to weight in the determination of fact which we must take. The facts support the judgment so declared. The Atlantic City Electric Company is the result of a consolidation effected under the General Corporation Act by an agreement dated October 3rd, 1907, which brought together

(1) Atlantic City Electric Company,

(2) Atlantic Electric Light & Power Company,

(3.) The Electric Light Company of Atlantic City and

(4.) New Jersey Hot Water Heating Company.

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The statute under which the consolidation was effected provides that upon the consummation of the consolidation all and singular the

"rights, privileges, powers and franchises of each of said corporations shall be vested in the consolidated corporation and shall thereafter be as effectually the property of the consolidated corporation as they were of the several and respective former corporations."

The agreement of the consolidation provided that the company might do business and hold property anywhere without as well as within the State of New Jersey. Under P. L. 1896 p. 322 the consolidated corporation is empowered to use the public roads, etc., in this state for the purpose of erecting poles, etc., upon first obtaining the consent in writing of the owners of the soil and a designation from incorporated cities and towns of the streets in which the same shall be placed and the manner of placing the same.

It appears, therefore, that the corporation is not restricted in the conduct of its business to any specified municipality or municipalities. Its business may be extended on compliance with the statutory requirements, and with the approval of this Board into any municipality which those in control of the corporation may in their judgment select.

As before noted, the plants of the two companies are located on neighboring islands. It is practicable to connect them, and the making of such connection is purposed. By this means a field for the present use of the surplus capacity of the Atlantic City Electric Company will be provided. Economies in operation may reasonably be expected to result from the proposed tying up of the two plants. The plan of physically connecting the plants has in it, therefore, elements of advantage to each of the companies. In our opinion, on the grounds stated, the purchase by the Atlantic City Electric Company of the shares of the capital stock of the Ocean City Electric Lighting Company as proposed is necessary for the business of the former company. Each of the corporations exists under the General Corporation Act of this state. Each is engaged in the business of generating and providing electric light, heat and power.

If, as we believe, the word "cognate" as used in the statute is to be taken as signifying "same," "similar," or "related", the property owned by the Ocean City Electric Company is cognate in character

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and use to that used by the Atlantic City Electric Company in the direct conduct of its own proper business.

There is nothing to indicate that the proposed purchase is for the purpose of restraining trade or commerce or acquiring a monopoly. Whatever restraints upon trade or elements of monopoly may be present are due to the nature of the business and to the conditions under which it is conducted, involving as its conduct does special rights in the public highways. After the acquirement of the shares of capital stock as before, two distinct corporate entities will exist, each will continue under the jurisdiction of this Board, and be subject to the regulative power of this Board over future capitalization, over service and extension of service, and over rates.

It, therefore, appears (1) that there is statutory authority for the purchase by the Atlantic City Electric Company of the capital stock of the Ocean City Electric Light Company; (2) that the purchase is necessary for the business of the Atlantic City Electric Company; (3) that the property owned by the Ocean City Electric Company is cognate in character and use to the property used or contemplated to be used by the Atlantic City Electric Company in the direct conduct of its own proper business; and (4) that the purchase is not for the purpose of restraining trade or commerce, or acquiring a monopoly.

Further questions, however, remain to be considered. The American Gas and Electric Company, before referred to, a holding company of another state, now controls through ownership of capital stock, the Atlantic City Electric Company. The latter company in consequence of the proposed acquisition by it of the capital stock of the Ocean City Electric Light Company will come into the control of the latter company. By this indirect means the control of the latter company will pass to the American Gas and Electric Company and what could not, under our prior ruling, be accomplished directly will in effect result by indirection. We recognize that this result is anomalous, but see no escape from it.

The statute, as we have construed it, prevents the purchase of the stock of the Ocean City Company by the American Company. It does not, however, prevent the purchase of the stock of that company by the Atlantic City Company. It expressly authorizes such purchase where the statutory prerequisites exist.

If we deny the present application upon the ground suggested,

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then, since we have declined to distinguish, in the application of the statute, between "holding" corporations of this and other states, we would be obliged to decline to permit any electric lighting corporation organized under the General Corporation Act, the capital stock of which is controlled by a holding corporation, to acquire the stock or property of another electric lighting company, no matter how advantageous to the corporation in the conduct of its own proper business, and to the public served, the intercorporate relationship so created might be.

For such a position we find no support in the words of the statute. Nor do we find, in the statute the declaration of a state policy to vest in an electric lighting company organized under the General Corporation Act which is not controlled through stock ownership by a holding corporation, the right to purchase the capital stock of a like corporation under given circumstances and to withhold such right from a similar corporation solely on the ground that it is lawfully controlled through stock ownership by a holding corporation.

The price proposed to be paid by the Atlantic City Electric Company for the capital stock of the Ocean City Electric Lighting Company is $305,000.

An appraisal of the property of the Ocean City Company made by our Engineering Staff indicates that:

The cost to reproduce new the physical property of the company, including materials and supplies, would amount to..... (The sum includes no allowance for organization or promotion expenses, nor does it include any allowance for cost of procuring franchises).	$249,328.00
From this sum accrued depreciation must be deducted	51,365.00
Present value of structures	$197,963.00
To this sum should be added working capital represented by the difference between bills receivable and bills payable	12,500.00
	$210,463.00
To this sum may be added an allowance for all allowable elements of intangible value here tentatively reckoned at 25 per cent of the cost new of physical property	62,500.00
	$272,963.00

It appears, therefore, that on the above described basis, the proposed purchase price, three hundred and five thousand dollars

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($305,000) exceeds by thirty-three thousand dollars ($33,000) the value of the property tangible and intangible of the Ocean City Company.

In this situation we cannot now grant the approval asked for. If we granted approval now, we would not later be justified in withholding approval of an application by the Atlantic City Company to capitalize the sum of three hundred and five thousand dollars ($305,000) the proposed purchase price.

Nor would we be justified later in a proceeding involving an inquiry as to the justice and reasonableness of rates in refusing to allow in the base upon which earnings should be calculated the sum of three hundred and five thousand dollars ($305,000) as representing the fair value of the property now owned by the Ocean City Company.

An opportuity will, of course, be afforded the companies to question the appraisal so made and to introduce testimony to establish that the apparent excess of the purchase price over value does not in fact exist.

Dated December 30th, 1913.

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Informal Complaints

The following complaints were received, but have not been continued to hearings, or if heard the conclusions of the Board have not required the issuance of formal orders. In all cases where there appeared to be issues between complainants and respondents the complainants were requested to advise the Board if hearings were desired.

In addition to these complaints the Board received a large number of informal complaints from individuals which were referred to the Board's inspectors for investigation and report. Many of these complaints were adjusted to the satisfaction of the complainants. With respect to others, investigations indicated conditions in which the utilities did not appear to be at fault.

Whenever exception has been taken to the report of an inspector the Board has expressed its willingness to entertain a formal complaint and hold a hearing on the matter at issue.

North Hudson Board of Trade

vs.

New York Telephone Company.

Complainant alleged failure on the part of the New York Telephone Company to supply service in West New York and Guttenberg.

Investigation showed that construction work was held up pending grant of permission by local authorities to use certain streets. On November 30th, 1912, the company advised that necessary permits had been secured and that the company would proceed with necessary construction and furnish service without delay.

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Embroidery and Lace Manufacturers' Association of New Jersey

vs.

New York Telephone Company.

This complaint involved the same matter as the complaint of the North Hudson Board of Trade referred to above.

Mrs. E. Elisberg

vs.

New York Telephone Company.

Complainant stated that she applied to the New York Telephone Company for a telephone and was given party wire service; that she keeps a boarding house, and that the telephone service is unsuitable.

The company expressed its willingness to furnish direct line service under its standard rules and regulations.

Answer sent to complainant October 31st, 1912.

A. K. Higgins

vs.

Public Service Gas Company.

Complainant alleged neglect on the part of the Public Service Gas Company in laying service gas pipe in Leonia.

The company claimed that the house pipe leaked; that the complainant had been so advised, and that it would be necessary to have a plumber repair the leak before gas service could be turned on. Respondent further stated "The service pipe is in and we are ready to set the meter, but up to 12 o'clock on the fifteenth day of October the leak in the house pipe had not been fixed."

Answer sent to complainant on October 18th, 1912.

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Numerous Petitioners

vs.

New York and Long Branch Railroad Co.

Complainants alleged that there is constant shunting and shifting of cars over the crossing of the New York and Long Branch Railroad at Bath Avenue, Long Branch, resulting in undue blocking of the crossing. It was further alleged that the facilities of the railroad company for storing cars were inadequate, resulting in more shunting and shifting and nuisance occasioned by the noise and whistles of engines than should exist from the operation of the railroad under normal and adequate conditions. The board was asked to require the company to enlarge its facilities.

The company entered a general denial to the allegations of the petitioners. The board caused an inspection and report to be made by its inspector of conditions at the crossing, and hearing was held on the complaint.

It appearing that the conditions complained of were normal conditions of railroad operation, the petition was dismissed.

Heard January 17th, 1913.

Board of Public Works of Paterson

vs.

New York, Susquehanna and Western R. R. Co.

The Board of Public Works of Paterson complained that at crossings of Fourth Avenue, East 27th Street, Lafayette Street, Lyon Street, Sixth Avenue, Seventeenth Avenue and East 31st Street, in the City of Paterson, gates or other protection should be afforded, and the board was asked to order the same.

The company in answer to this complaint stated that it would install crossing gates at East 27th Street and East 31st Street, such gates to be operated between 7 A. M. and 7 P. M.; install crossing gates at Lafayette Street and Seventeenth Avenue to be operated day and night; protect crossing at Fourth Avenue between the hours of 7 A. M. and 7 P. M. by a crossing watchman.

The protection at Lyon Street, consisting of a crossing alarm bell and a crossing watchman on duty between 7 A. M. and 7 P. M. was alleged to be adequate. This was also claimed for the protection at Sixth Avenue, where a flagman was stationed between 7 A. M. and 7 P. M. The company claimed its answer to the petition was made after a study of the views and traffic conditions and should satisfy the complainant.

The petitioner expressed satisfaction with the answer "as regards Lafayette Street, Lyon Street, Sixth Avenue, Fourth Avenue and also Seventeenth Avenue,

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providing the gate at Seventeenth Avenue will protect the crossing at East Twenty-fourth Street.

It was complained that a gateman should be on duty *all night* at Twenty-seventh Street, or a flashlight should be there at night, and that there should be a gateman on duty all the time at East Thirty-first Street.

To this the company answered that the request for operation of gates at Twenty-seventh Street day and night was unreasonable, but that the company would operate the gates at this street between 6 A. M. and 7 P. M., insead of 7 A. M. and 7 P. M., because of the travel over the crossing between 6 A. M. and 7 P. M.

With respect to East Thirty-first Street, the company claimed that the crossing would be sufficiently protected "if gates are operated between 7 A. M. and 7 P. M. and the crossing protected from 7 P. M. to 7 A. M. by a crossing alarm bell. The traffic at this crossing during the period from 7 P. M. to 7 A. M. is slight and the view is practically unobstructed." It was further stated that the gates to be erected at Seventeenth Avenue would provide protection at Twenty-fourth Street.

A copy of the company's further answer was forwarded to the complainant, who advised "the proposition of the railroad company is satisfactory to the Board of Public Works at this time."

Closed January 7th, 1913.

Police Officers of Newark, Acting as Detectives

vs.

Public Service Railway Company.

Complaint was made to the board as follows:

"The Legislature of this State, by Chapter 159 of the Laws of 1912, enacted a supplement to the statute by which your board was created. This supplement provided that on and after the passage thereof, each street railway company should grant free transportation of uniformed public officers while engaged in the performance of their public duties and of police officers of every grade and rank acting as detectives, while engaged in the performance of their public duties, 'whose duties require police duties to be performd without uniform.' This supplmental act went into effect immediately.

"The statute which created your board, and to which this act is a supplement, lays upon you the duty of enforcing compliance by the companies coming within your jurisdiction, with the provisions of the statutes of this State. In view of this we call your attention to the following facts:

"We represent police officers of the City of Newark, acting as detectives, whose duties require police duties to be performed without uniform, and who, since the passage of the supplemental statute, have sought, in accordance with its terms, to be carried free while engaged in the performance of their public

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duties by the Public Service Railway Company of this State, and who have been refused such transportation.

"We ask that this communication to you may be treated as a complaint; that it may be forwarded to the company; that an answer by them may be required; that a day for hearing may be fixed, and that an order may be made by your board directing compliance by the Public Service Railway Company with the provisions of the statute."

Hearing was called in the City of Newark, on this complaint, without answer being made. Notice of the hearing was sent the complainants who did not appear. Further consideration was postponed, to be revived on notice.

Hearing held November 1st, 1912.

C. W. Hoag

vs.

West Jersey and Seashore R. R. Co.

Complainant alleged that the crossing of the West Jersey and Seashore Railroad at Waterford was not properly protected. It was stated that two persons had been killed at the crossing and others had had narrow escapes. The complaint was referred to the Board's inspector for investigation and the inspector recommended that, owing to obstructions and high rate of speed, a flagman should be placed on the crossing during the time the summer schedule is in effect.

The petitioner asked that a flagman be maintained at the crossing during the entire year. This complaint was filed in July.

The railroad company adopted the Board's recommendation and agreed to afford protection from May 1st to October 1st, between the hours of 5 A. M. and 10:30 P. M. Consideration in the matter of requiring protection later than October 1st was deferred to afford opportunity to study conditions at the time the summer schedule is not in effect. On November 1st the Board's inspector reported that a new double electric alarm bell had been installed which operated automatically by train movements; that a building had been removed, affording an unobstructed view of northbound trains. It was reported that the crossing was reasonably well protected.

Report made to the Board November 1st, 1912.

Seashore Commuters' Club

vs.

Central Railroad Company of N. J.

The Seashore Commuters' Club filed a petition stating that its members purchased commutation or special rate tickets at the station of the Central Railroad

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of New Jersey, in Newark, entitling them to passage from Newark to points along the New Jersey shore; that they demanded commutation or special rate tickets from Newark, the place of departure of the train, but they were obliged to accept commutation or special rate tickets from New York, which did not represent the true termini of their journey. The Board was asked to issue an order requiring the company to issue commutation or special rate tickets designating the actual termini of the journey so as to entitle the purchaser of such ticket to the legal right to be protected in the matter of rates, regulations and practices for an intra-state journey.

The Central Railroad Company in reply stated that it had no objection to placing the tickets on sale provided the Board desired and would so advise. The company further stated "The placing of these tickets on sale will entail considerable expense in the printing of tickets, and inasmuch as practically all the tickets are sold for this season, we trust that the commission, if they desire tickets placed on sale, will find it convenient to make the arrangement effective from November 1st."

Hearing was called in the matter of this complaint, at which the following stipulation agreed to by both parties was entered in the minutes:

"The complainants agree that the respondents shall not be put to the actual cost of printing tickets with 'Newark' as one of the termini, the company agreeing that in case the actual rates are challenged which are paid by the Newark commuters' Association it will not be put up as a defense that no tickets are sold specifically between Newark and seashore points of the class of tickets in controversy." Further consideration of the matter was postponed without date.

Heard December 6th, 1912.

Walter H. Rickey

vs.

Trenton & Mercer County Traction Corporation.

Complainant called attention to a complaint previously filed by him in regard to the practice of the Trenton and Mercer County Traction Corporation keeping the front doors of their cars locked, making an additional risk in case of accident. Complainant stated that the company had advised at the time of the former complaint that it was having prepared a device that would enable the passengers to unlock the doors from the inside, and that they would be placed upon the cars as soon as they were ready. This, complainant stated, was done with the old cars, but that new cars had been installed which were not provided with the device. The complaint related to the operation of cars on the Brunswick Avenue line and the Lawrenceville and Princeton line.

Respondent in reply stated that when the cars were ordered "the question of having catches on the doors so that they may be opened from either the inside or outside was taken up, and as we supposed thoroughly discussed; but I think, through some misunderstanding or an oversight, they were not placed on the

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doors." The company stated that the car builders had an entirely different understanding of the matter from that of the respondent, but that the car builders had promised to send the catches on to the company and the company would place them on to the cars. It was further stated "Those catches are now at the car house, and in fact are being placed on the cars. We hope to have these cars equipped before the week is out."

Answer sent to complainant December 11th, 1912.

C. F. Sleeper

vs.

Public Service Railway Company, Lessee of Riverside Traction Company.

Complainant alleged discrimination against Palmyra riders on the cars of the Public Service Railway company to and from Riverside. It was stated "that passengers were carried to and from the Pensauken Creek and Riverside for a period of over three years, some time before 1907, before the roads were consolidated, for one fare, which would show that the justice of our claim was conceded at that time, when only a small number of local passengers, between these two points, were carried. Within the past six years the two principal factories in Riverside, the Keystone Watch Case Company and the William F. Taubel Hosiery Mill, have more than trebled the number of their employees, so much so that the housing accommodations in Riverside have been entirely inadequate to provide room for this great increase in the number of the employees. In consequence, many of them have been compelled to live in Palmyra, along with the regular residents who have found employment in Riverside.

"I also make complaint that the Public Service Railway Company does nor furnish seating capacity for more than one-half of these mill people. Their records show that the one special and one regular car which carry these people before and after working hours have but a seating capacity of 96, and yet they regularly compel from 160 to 180 people to crowd into these cars. We claim that a single car seating 48 has had as high as 120 passengers." The respondent in answer claimed that its fares "are as liberal as conditions will permit and more liberal than circumstances warrant; that in the zone in which Palmyra is located this respondent is carrying passengers four and twenty-one hundredths (4.21) miles for a fare of five cents, and that in the zone in which Riverside is located passengers are carried four and eighty hundredths (4.80) miles for a fare of five cents, and that said fares in interurban traffic along tracks of the nature of Riverside Traction Company are less than such fares should reasonably be." It was cited that due to the fare arrangement previously in effect when the railroad was operated by the Camden and Trenton Railway Company that as a result of this and other indiscretions of operation, the Camden and Trenton Company went into the hands of a receiver and all strip tickets were discontinued" and the fare

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limit was confined to Elm Avenue, Riverton, which point is, and always has been, the limit of the regular fare zone.

"In respect to the crowding of cars, this respondent replies as follows: That it operates one regular car and two extra cars arriving at Riverside at 6:51 A. M The records of these cars show that the highest number of passengers carried at any one time on the three cars was one hundred and ninety-six (196), or an average of sixty-six (66) passengers to a car. The mill hands in Riverside work on piece work, and in view of that fact the employees leave the mills at irregular intervals. The railway company has, therefore, only operated one extra car in the evening in addition to the regular service, both cars leaving Riverside at 6:09 P. M. Records show that the maximum load on these two cars was one hundred and thirty (130) passengers, or sixty-five (65) passengers per car.

"The operating officers of Public Service Railway Company are watching the service very closely and have arranged, beginning with January 9th, to put on an additional car in the evening to accommodate the Riverside mill employees."

The answer being unsatisfactory to the complainant, hearing was held, to which both parties were represented. Following the hearing the following stipulation was entered into between the parties in interest:

"The understanding is that both parties are agreeable to resting the case on the understanding that the company, beginning February 12th, 1913, will run in the morning and evening special cars for the accommodation of the people living in Palmyra and working in Riverside from Switch No. 7 to the watch factory at Riverside and return in the evening for a single fare each way."

Heard February 11th, 1913.

Township Committee of Berlin, Camden County,

vs.

West Jersey and Seashore Railroad Company.

The complainant alleged that at West Berlin, located about fourteen miles from Camden, the West Jersey and Seashore Railroad Company does not provide adequate stational facilities. Complainant stated that the town has a population of about 700; that the majority of the men are commuters on the West Jersey and Seashore Railroad; that about 80 persons use the trains each week-day as commuters, besides the other passengers, but that no agent is maintained at the station. It was further stated that there is no covering for the platform on the southbound track, so that passengers are exposed to the weather when waiting for southbound trains. It was also claimed that persons living in the town, by reason of having no agent, are compelled to haul all their freight from Berlin, a distance of about one and one-half miles, or run the risk of having it stolen from the station of West Berlin.

The railroad company in reply stated that there is a station at Berlin, but one and one-half miles away, where there is a waiting room, freight warehouse, office and delivery side. The company asked that the matter be held in abeyance for a

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short time until it could see if anything in the way of a consolidation could be accomplished whereby one station could serve both Berlin and West Berlin. Later the company advised "we are arranging to establish a passenger, baggage and freight agency at West Berlin as soon as the statutory notice required by the Interstate Commerce Commission will admit."

Answer sent to the complainant January 25th, 1913.

F. Wilbur Fithian

vs.

New York Telephone Company.

Complainant stated that he started building on a farm at Madison, N. J., that he requested the telephone company to install service at the farm and at his temporary residence at Chatham, N. J.; that the company promised through its representative that the matter would be taken care of and service given between the farm and the home of the complainant. Complainant writing on January 7th, 1913, stated that the promise was made on the 25th of September, 1912; that no telephone had been installed at the farm, but a telephone had been put in his Chatham residence. The telephone was ordered installed in the Chatham residence by the complainant in order that he might talk with his brother residing on the farm. Aside from this it was stated he had no use for the Chatham telephone and could see no reason why he should be obliged to pay for it. He further stated that he had been put to extra expense by reason of the failure of the company to fulfill its contract.

The company in reply stated that "Due to a misunderstanding of the subscriber's location, a few days' time was lost in the preliminary negotiations, and later the case was delayed by the necessity of securing the consents of the people who owned the property along which it was necessary to construct the pole line of this company, and further to the fact that it was necessary to secure a municipal permit for the extension of the line from the Borough of Florham Park. These matters were all disposed of and municipal consent obtained on January 6th, 1913. Four days later the necessary highway poles were set and the work would have been completed on the 10th instant were it not for the fact that Mr. Fithian had not provided the necessary pole line construction on his private property which he has arranged to do and will do as soon as it is convenient for him. * * * We installed the Chatham station as soon as possible because facilities were available for doing so, and then proceeded to arrange for service at Florham Park as speedily as we could overcome the obstacles in our way."

The answer of the company was unsatisfactory to the complainant and the matter was referred to the Board's inspector to investigate, and who reported on February 28th.

The inspector reported that the last right of way of the telephone company was secured on October 31st and application was made by the telephone com-

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pany to the Borough of Florham Park for approval. This was not acted on until December and the permission as granted by the Council was not satisfactory to the telephone company. Final approval was secured January 6th, 1913, and poles set on the highway by January 10th. As the complainant expected to move into his residence on the farm within a few weeks, he did not then wish to incur the expense of setting poles to reach the office for so short a time.

It was recommended that the telephone company charge the complainant for the telephone in the Chatham residence up to the time that he moves from that residence to his new house in Florham Park, and that the company terminate the Chatham contract at the time of leaving the Chatham house without charge for the remainder of the term of the Chatham contract, and that the contract for the Florham Park house shall commence at the time service is installed at that residence.

Samuel L. Moore & Sons Corporation

vs.

Central Railroad Company of New Jersey.

Complainants alleged that they are located on the line of the Central Railroad of New Jersey and pay a rate of 5c per 100 lbs. on carload lots for Central Railroad delivery at Newark and 10c per 100 lbs. on carload lots for delivery on the Pennsylvania Railroad tracks at Harrison. The difference it was stated "in the length of haul between Newark and Harrison is very small. As a matter of fact, Harrison adjoins Newark.

"This difference in rate naturally works against us in competing for business at Harrison. We can ship iron castings to Philadelphia, which is approximately eighty miles distant, for delivery on the lines of the Pennsylvania Railroad for 1c per 100 lbs. less than we can ship to Harrison."

The railroad company answered through its freight traffic manager stating "I think the complainants in this case have overlooked a tariff issued by the Central Railroad of New Jersey, their I.C.C.-S. 4795, which went into effect January 15th, 1913, naming rate on rough castings such as are commonly carried at the regular iron and steel rates, of 7½c carloads and 10½c less carloads, from Elizabethport, N. J., to Harrison, N. J., P. R. R. delivery.

"Have no doubt if their attention is called to the above rates they will be satisfied to withdraw this complaint."

Answer sent to complainant January 28th, 1913.

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Henry M. Maxsom

vs.

Public Service Railway Company.

Complainant alleged that the franchise given to the street railway by the City of Plainfield provides that the railway company shall furnish transportation to pupils and teachers at 3c, not specifying any limitation. It was stated that the railway company "has established a regulation that school tickets shall not be honored before 8 A. M. or after 5 P. M. Some of my schools do not close until 4:30. This makes it a hardship for the teachers, at times, since work detains them after 5 o'clock. Also, some of my schools open at 8:30, and half an hour is a short time for those who lives on the edge of the city to reach school. In fact, we have a good many pupils that come long distances, some of them from outside of the city, who are at times hindered by this regulation."

The Public Service Railway Company in answer stated "That it is obligated by ordinance to the City of Plainfield to transport teachers and scholars attending school within the city for three cents.

"That the ordinance does not specify any time in which such transportation shall take place, but the rules in the City of Plainfield in regard to the time within which tickets shall be honored are the same as those in force throughout the other cities in which Public Service Railway Company has similar obligations.

"That the City of Plainfield is of narrow limits and pupils can ride from any part of the city to any school within the city in half an hour; that the provision does not inure to the benefit of any scholar or teacher living outside of the City of Plainfield and attending school in the city, or living in the city and attending school outside.

"In view of the conditions and of the fact that these tickets are sold at a reduced rate on the theory that they are not to be used during commission hours, this respondent avers that the rule as to the hours within which the same shall be used is reasonable."

Answer sent to complainant February 17th, 1913.

George W. Griffith

vs.

Western Union Telegraph Company.

Complainant, whose post office address is Frenchtown, N. J., stated that he has repeatedly notified the Western Union Telegraph Company under no circumstances to accept messages for him addressed to Frenchtown; that messages that are sent to him they accept without any stipulation and send to Flemington, N. J., 12 miles away; that the messages are telephoned over from Flemington, the agent

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of the company using a local telephone, the exchange of which is in a public place; that the messages are given to a teamster or other person who happens to be passing and coming toward Frenchtown or messages will be telephoned to the hotel by local telephone "which any subscriber can pick up the receiver and hear." It was claimed by the complainant that the telegraph company was making his business public.

The respondent stated in reply "That Frenchtown, N. J., is a 'three-star' office (a place to which messages are delivered by telephone from nearest telegraph office) to which telegraphic messages are transmitted by telephone from Flemington, N. J. That Flemington, N. J., is what is known as a railroad telegraph office, where the commercial telegraph business of the defendant is handled by the station agent or telegraph operator of the Central Railroad of New Jersey, who, under the contract with the defendant, is defendant's agent. That messages filed with the defendant for transmission to Frenchtown are in the usual course of business sent by its wire to Flemington and are there turned over to the telephone company for transmission to and for delivery at Frenchtown, which said telephone is an independent concern and not under the control of the defendant, and this defendant has no wire to or office at Frenchtown."

It was further stated that the company had undertaken to remove complainant's grievance by instructing the superintendent of telegraph of the Central Railroad Company of New Jersey to have the agent at Flemington transfer the complainant's messages received there to the Postal Telegraph-Cable Company for further transmission, such company having offices both at Flemington and Frenchtown.

The respondent further stated that it had believed until the time it received complaint filed with the Board that this arrangement was in effect; that upon investigation it learned that the Central Railroad Company of New Jersey had changed employees at Flemington, and that the successor to the former manager had not been advised of the arrangement for the transmission of messages; that instructions had been reissued and assurance given by the principal agent at Flemington that instructions would be observed in the future.

The company further claimed that it is impracticable for it to instruct all of its offices in the United States and elsewhere to refuse to receive telegrams addressed to the complainant at Frenchtown, and questioned whether it could lawfully refuse to receive and transmit any messages properly tendered to it by a person desiring to send the same.

Answer sent to complainant February 4th, 1913.

Township of Lakewood

vs.

Central Railroad Co. of New Jersey

The Township Committee of Lakewood complain alleging that the crossing known as the River Avenue crossing in the Township of Lakewood is dangerous,

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and that in the opinion of the Township Committee a flagman should be placed at the crossing.

The company deny that a flagman is necessary for the protection of the public at the crossing. It was claimed that "the crossing consists of a single track railroad in the middle of a one hundred foot right of way, with no obstructions within the right of way line for a considerable distance north and south of said crossing; that the view in both directions is good for a safe distance from the track by a person crossing in either direction; that the crossing is at present protected by the statutory crossing signs and an automatic electric crossing bell, which make it reasonably safe to persons using it with ordinary prudence, and no person assuming any degree of caution in approaching the crossing should fail to discover whether or not a train is approaching."

The company further claims that because of the small number of train movements over the crossing it would be unnecessary to require the maintenance of a flagman.

The answer being unsatisfactory to the complainant, a hearing was held. The Board decided after hearing that conditions did not justify the issuance of an order to the company to maintain a flagman at the crossing, but the Board recommended that the standard crossing signs recently adopted by the Board be placed at both approaches to the crossing.

Hearing held May 2nd, 1913.

J. Margolius

vs.

Tintern Manor Water Company.

Complainant alleged that the Tintern Manor Water Company exacted an unreasonable charge for supplying water to his hotel at Long Branch.

The company stated in answer that "Mr. Margolius is the owner of a large tract of land on the west side of Ocean Avenue, corner of Cooper Avenue, in Long Branch, N. J. On this tract there is a large hotel fronting on Ocean Avenue, known as the Hotel Brighton, in the rear, and on Cooper Avenue there is a garage, small cottage, laundry, stable and numerous other buildings used in connection with the hotel. On the east side of Ocean Avenue, opposite the Hotel Brighton, Mr. Margolius has public bath houses, and is also the owner of a large boarding house situated on the west side of Ocean Avenue south of Cooper Avenue, known as 'The Vienna.'"

It was further stated that in compliance with the recommendation of this Board Mr. Margolius was notified that water would be supplied to him by meter measure; that five meters were installed; that the readings of the meters were taken from time to time through the season; that bills were rendered promptly in accordance with the rates of the company, but the company had not been able to collect the amount due from Mr. Margolius for water supplied to his property with the exception of the bill for the small cottage.

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Hearing was held in this matter and the Board's inspector was directed to make an investigation and report to the Board.

The inspector reported as follows:

"In regard to the complaint of Mr. Margolius of Long Branch against the Tintern Manor Water Company, an investigation was made on April 21st to ascertain the reason for the high registration on the meter supplying the Brighton Hotel, which belongs to the complainant. The hotel is supplied through two meters, one pipe supplying other buildings on the property, and the other running direct to the hotel. This was done, according to the complainant, to obtain a sufficient supply.

The investigation showed that the supply pipe running from the curb to the hotel had burst in many places, as it had been in the ground many years, and as the meter was on the pipe at the edge of the property all of these leaks were registered.

The complainant contends (1st) that the meter be placed in the hotel, and (2nd) that an allowance be made to him for the water that was lost in leaks. The first contention is not well founded, as it is the practice of all water companies to measure the water at the point of entry to the property, and it would seem to be putting an unnecessary burden upon the company to compel it to lose the waste which may occur in over two hundred feet of badly corroded pipe which does not belong to it. The second contention could not well be countenanced, as it would verge closely on discrimination.

One reason that the complainant wished to have the meter removed from its present position is that he wished to read it at frequent intervals. This would seem to be reasonable, and as the meter is now in a rather inaccessible place, i. e., under the sidewalk, it was suggested that the water company re-set the meter as near the edge of the property as possible, but in a more accessible place. This the company said it would be glad to do.

As to the question of insufficient pressure, this could undoubtedly be remedied by the complainant putting in a new supply pipe of sufficient diameter. This would also do away with any further leaks on the line to the hotel."

The meter was tested by the inspector of the Board and was found to be correct. It appearing that the water billed had been consumed on the property of the complainant, the complaint was dismissed.

Harry Major

vs.

Central Railroad Co. of New Jersey

Complainant resides at Cecil, Gloucester County, New Jersey. Complainant stated that the residents of Cecil feel that they are entitled to transportation facilities which were not at the time of making the complaint being received. It was stated that the nearest station on the New Jersey Central was Cedar Lake, ranging from 2½ to 5 miles distant from the residents of Cecil; that a flag station

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at Collings Siding would bring the most distant residents of Cecil three miles from the station, and the majority of them from one to two miles on a good road. It was asked that trains be stopped on signal.

The company in reply alleged that there is very little travel on the territory referred to, and that it would not be reasonable to require the stops at the siding.

The matter was referred to the Board's inspector, who went over the territory and who recommended "that a small platform be placed at Collings Siding, and that two trains in each direction be stopped on signal, and after sixty days' trial if the patronage warrants it, a waiting shed be erected."

The company advised that it would adopt the recommendation contained in the inspector's report.

Recommendation sent to company February 11th, 1913.

Botany Worsted Mills

vs.

Erie Railroad Company, and New York, Susquehanna and Western R. R. Co.

The Botany Worsted Mills complained as follows:

"The Botany Worsted Mills occupies a tract of land situated partly in the City of Passaic and partly in the Township of Acquackanonk, covering about thirty acres. At its own expense it built a number of years ago two spurs and connecting switches, one connecting with the Erie Railroad Company and the other connecting with the New York, Susquehanna and Western Railroad Company, costing approximately $25,000. Both are situated entirely on land of the Botany Worsted Mills and owned by it. Adjoining the property on the north is located another mill, in which the Botany Worsted Mills has no interest, known as the Forstmann & Huffmann Co.

"The spur which the Botany Worsted Mills built to connect with the Susquehanna Railroad Company, and which is entirely on the Botany's property, as heretofore stated, was by the Botany Worsted Mills also extended to the mill property of the Fortsmann & Huffmann Co. on the north, in order to accommodate the latter company.

"About two weeks ago the Botany Worsted Mills, in order to prevent this friendly use of the track by the Forstmann & Huffmann Co. from ripening into a right by continued use, notified the Forstmann & Huffmann Co., and also the New York, Susquehanna & Western Railroad Company, that it would close the branch spur for a day in order that no question might come up in the future affecting the title to the same, in a manner similar to that in which title to streets and lanes is usually preserved. A full week's notice of such intended closing was given in writing, and a Saturday was selected for the same, in order to make the inconvenience as small as possible.

"In accordance with this notification, on Saturday, February 8th, 1913, a chain was placed across the track. Notwithstanding the notification, the New York,

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Susquehanna & Western Railroad made an attempt to run some freight cars to the yard of the Forstmann & Huffmann Co. on above described branch spur of our company. On the 10th of February, through their local agent, the New York, Susquehanna & Western Railroad notified us that they would allow neither outgoing nor incoming freight to be taken in our yards.

"On complaint being made by us to him, Mr. Louis Jackson, the industrial commissioner of the New York, Susquehanna & Western Railroad Company, 50 Church Street, New York City, informed us that he would not allow the Botany Worsted Mills to run his railroad company, and that no freight shipped by way of the New York, Susquehanna & Western Railroad would be placed into our yards over the switch.

"On February 10th or 11th, 1913, we also received a verbal communication from the officials of the Erie Railroad Company, although there had been neither any controversy with it or any interruption of the running of its cars, notifying us that they would neither receive nor deliver any freight in our yards. Campbell, Morrell & Co., of Passaic, N. J., who are under contract to deliver coal to us at our mill, have also notified us that the Erie Railroad Company would not allow them to deliver any more coal to us by way of our switch. We were also notified by the Fullers Express Company, through whom we ship freight in carload lots, that they could not longer receive freight, as they have been notified by the Erie Railroad to refuse to receive any freight in our yards.

"As our mill requires about 3,000 tons of coal per month, and as we ship at the present time from $50,000 to $60,000 worth of merchandise per day, your Board can readily understand the position in which the attitude of both of these railroads has placed us.

"The Erie Railroad Co. knows of the coal contract which we have with Campbell, Morrell & Co., and has laid itself open to an action by our company for damages by having wrongfully induced a breach of that contract. But relief in court is slow, and to prevent further damages, we urgently need your assistance.

"We therefore respectfully request that a hearing be given us as speedily as possible, in order that our grievances might be adjusted."

A copy of the complaint was forwarded to the Erie and New York, Susquehanna and Western Railroad Companies, which were advised at the time of forwarding that "In this matter the Board is of the opinion that independent of the question as to whether the Botany Worsted Mills had a lawful right to interfere with the operation of any locomotive or train by the railroad company over the siding referred to, neither the Erie Railroad Company nor the New York, Susquehannna and Western Railroad Company should discontinue service pending an investigation of the matter. The Board therefore recommends to the Erie Railroad Company and to the New York, Susquehanna and Western Railroad Company that they both resume service to the Botany Worsted Mills."

The Board fixed February 21st as date for hearing on this complaint. The day before the hearing the complainant advised the Board that the railroad company agreed to resume service; that the hearing would be unnecessary, and that it would try to adjust its differences with the railroad company.

The matter was therefore dismissed.

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H. A. Caesar

vs.

New York Telephone Company.

The complainant stated that the New York Telephone Company proposed to charge him for bringing service to the entrance of his place on the Rumson road, $698, to run a wire to the entrance of his place from which he had laid the wire 550 feet to his cottage. This, it was complained, was an unreasonable charge. Comparisons were cited with charges made by the company for installation to others in the neighborhood.

The company in reply stated that to connect the cable installed by Mr. Caesar with the underground construction of the telephone company would involve the installation of 1920 feet of cable at a cost of $698. The actual revenue it was stated from Mr. Caesar's station would be $54. The company stated further that the complainant's residence is located in a section, the development of which practically makes it certain that there will be very few houses in his immediate vicinity and no immediate prospects of using the construction so provided for anybody other than the complainant. The respondent further stated that the complainant had given properly the amounts paid for the underground connection furnished to his neighbors, but that he had not taken into account the difference in the connection of the installation due to the different conditions under which the work was done, or the changes made from time to time in the charges for this type of work.

Copy of the answer of the company was forwarded to the complainant, who advised the Board that "through your taking the matter up, I have been enabled to get satisfaction, for which accept my thanks. The matter in question has been adjusted."

Answer sent to complainant February 28th, 1913.

C. H. Bush

vs.

Pennsylvania Railroad Company.

The complainant alleged that the commutation rates between Jersey City and Sea Girt place a particularly heavy rate on the summer residents who dwell along the Jersey coast. The rates were compared with a flat rate on the Delaware, Lackawanna and Western Railroad of $14.90 for 60 rides per month between Hoboken, N. J., and Hackettstown. The rates between Jersey City and Sea Girt were by contrast quoted as $33 for the first month, $24.20 for the second month, $17.20 for the third month and so on in a descending scale to $7.20 for the twelfth month. It was contended that the difference between Hoboken and Hackettstown is greater than between Jersey City and Sea Girt.

The company in reply stated that the scale of graduated monthly commutation fares with slight changes had been in effect for the last twenty-five years. That

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while the charges for the first month were $33, the second month $24.20, and the third month $17.20, making a total of $74.40, if transportation for three months were purchased at once the charge would be $65. The company further stated that "It seems to us not improper to give the commuter who furnishes constant patronage all through the year the benefit of this graduated scale of rates, and we do not think it works an injury to the commuter who furnished patronage for only a few months in the year. As we understand, one of the main reasons for establishing commutation fares at all is that the traffic is of a reasonably constant character. It would therefore seem of doubtful wisdom to increase the average of the fares paid by the commuter who travels all the year round in order to give the man who commutes for a few months a lower fare."

Copy sent to complainant March 3rd, 1913.

William H. Kerr

vs.

Pennsylvania Railroad Company.

Complainant alleged that the conditions at the crossing of the tracks of the Pennsylvania Railroad and Sluice Road near Burlington required protection and asked that a signal bell be placed at the crossing. The matter was referred to the Board's inspector, who reported that in his opinion it would not be necessary to install a bell provided cars were not left standing "on Devlin's switch south of the curve leading into their yard." It was further suggested by the inspector that if freight trains stopped on the siding to let other trains pass and it became necessary to separate cars of the standing train in order to admit of the use of the highway crossing, that the crossing be protected by one of the train crew. Recommendations to this effect were made. Date was fixed for hearing on the recommendations. The railroad company notified the Board that it would adopt the recommendations made by the Board's inspector.

Hearing February 26th, 1913.

William J. Heilman

vs.

West Jersey and Seashore R. R. Co.

The complainant alleged that the train service of the West Jersey and Seashore Railroad Company was such that those working at Gibbstown and starting to

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work at 7 o'clock in the morning were compelled to take a train arriving at Gibbstown at 5:18. It was stated that this train leaves Penns Grove at 4:47 A. M. The petitioner asks for a train to leave Penns Grove at 6 A. M., arriving at Gibbstown at 6:30 A. M. It was stated that a petition bearing seventy-four names and asking for this change of service had been sent to the railroad company.

The matter was taken up with the railroad company by the Board's inspector who suggested that consideration be given to using the crew and equipment of a train leaving Penns Grove later in the morning and making a round trip between Penns Grove and Gibbstown. To this the railroad company, through its general superintendent, replied "When DuPont's are running full there are about forty-five workmen who would use this train on stormy days; on clear days over two-thirds of these workmen would use their wheels; during the spring and summer a great many of these workmen would be otherwise employed and would not need to avail themselves of the extra service, as they only work at the powder mill when unable to secure other employment.

"The only crew available for the suggested service would be the crew leaving Penns Grove 7:02 A. M., and in order to make the round trip in time to start out with their regular run, it would be necessary to leave Penns Grove at 5:45 A. M., which would be very objectionable for the reason the crew would necessarily be held longer than desired." It was further stated that there would be no use for the return movement of the extra service from Gibbstown to Penns Grove, and it was claimed by the company that the service would not be warranted.

The statement of the railroad company was controverted by the petitioner, who submitted statistics of travel in support of the claim that the addiional service would be warranted.

The matter was referred back to the Board's inspector, who reported that "It could be arranged to have the crew that lays over night at Penns Grove leave at 5:45 and get back to start on the regular run at 7:02. I recommond that this be given a thirty days' trial, and if the patronage warrants it would be made permanent."

The company advised the Board that beginning Monday, February 24th, 1913, it would operate on trial for thirty days a train leaving Penns Grove 5:45 A. M. daily, except Sundays, to determine if the patronage would warrant the service being made permanent.

After thirty days' trial, the railroad company submitted a statement as to the number of passengers carried, and claimed that the train was being operated at a loss. This view was not concurred in by the Board's inspector, who recommended that the service should be continued further.

Inspector's report sent to company February 11th, 1913.

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G. Elliott Giles

vs.

Delaware and Atlantic Telegraph and Telephone Company.

Complainant writing from Barnegat, N. J., stated that he had applied some weeks before to the Delaware and Atlantic Telegraph and Telephone Company to install a telephone in his residence within the village limits, but that the company had refused to install the 'phone.

The respondent stated in reply that "Mr. Giles lives at a point about one mile outside of the town of Barnegat, N. J. To connect this subscriber with our nearest central office at Manahawkin it will be necessary for this company to set over forty poles along the highway and to extend and place thereon more than a mile of copper wire circuit. An investigation of the case by this company's representative indicated that no additional business could be secured along the route which this proposed extension of pole line must be built in order to reach Mr. Giles. In view of this fact, it appears that in order to secure a revenue of $18 per annum for a multi-party line residence service, it will be necessary to build over a mile of additional pole line which would for the present serve only Mr. Giles, and there are no immediate prospects of securing additional subscribers along the route within the immediate future." The company expressed its willingness to furnish service to Mr. Giles at the rates applicable for service at his location "subject to the furnishing of or paying for such part of the necessary construction as any other subscriber under similar conditions would be required to pay."

Answer sent to complainant March 14th, 1913.

W. R. Spelman

vs.

Erie Railroad Company.

Complainant alleged that the station of the Erie Railroad Company at Glen Rock was not provided with a toilet room; that the matter had been taken up with the local and state boards of health, but that nothing had been done toward providing the toilet room. It was further stated that the travel to and from the station is constantly increasing and that there was necessity for prompt action in the matter.

The complaint was referred to the Board's inspector, who reported that inspection showed two rooms at the station designed for toilet purposes which should be put into commission, and recommendation to this effect was made. A copy of the inspector's report was sent to the company, which advised that it would arrange to provide suitable sanitary toilets in the station.

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Sanitary Supply Company

vs.

New York Telephone Company.

The Sanitary Supply Company, John H. Hessi, general manager, writing from Union Hill, N. J., under date of March 6th, stated "We are in business at 421 Bergenline Avenue since the 24th day of February, and we need a telephone in our office very badly. We called up the New York Telephone Company, in Jersey City, and asked them to install a telephone in our office, but nobody came around to fix us up. We called up the commercial department on the 24th day of last month and have been calling them up ever since. They said they would send somebody around to make a contract, but nobody has showed up yet."

The company answered, stating that the Sanitary Supply Company occupies the quarters and handles the business formerly conducted by John H. Hessi, who had been denied service for non-payment of January and February bills. It was claimed that the representative of the company had made attempts to see Mr. Hessi, but when he called the office was locked.

It was further stated that "the old bill has now been paid by Mr. Hessi and a new contract taken with him under the name of the Sanitary Supply Company."

Answer sent to company March 15th, 1913.

H. D. Hann

vs.

Woolwich Water Company.

Complainant alleged that the Woolwich Water Company proposed to charge him more than one minimum meter rate of $12 per year for water supplied to a double house at Swedesboro. Complainant stated "the water company now charge me a minimum meter rate of $12 per year for each side of the house, or a total of $24 per year, and allow me 60,000 gallons of water. The water is carried from the main into only one side of this house and then is distributed to the other side, and it is all measured by one meter. I consider it unreasonable to charge me two minimum meter rates of $12 because this house is owned by me, is under one roof, the water rent for the whole house is paid by me and we have never used in one year 60,000 gallons of water for both sides."

The complainant claimed that it would be sufficient to charge one meter rate of $12 per year with an allowance of 30,000 gallons of water, excess to be charged at the rate of 25c per 1,000 gallons.

The company in reply stated that its regular schedule of rules in charges showed a minimum rate of $12 per year for a single property, allowing 30,000 gallons, all excess over 30,000 gallons charged at 25c per 1,000 gallons. That

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where there is a double house occupied by two families, it is rated as two separate and distinct properties, and the company further stated "it is customary with the company to require double houses connecting with the mains to make separate taps for each end of the house, or if one tap only is made, to separate the service pipe at the curb, using separate curb stop and box for each end of the house.

In the case of Mr. Hann, he ran one line of pipe only into his house, then made connections through the cellar and supplied another separate family in the other end of the house. We claim

1st. This is a double house.

2nd. It is occupied by two separate families.

3rd. That it should be rated as two properties, each taking the regular rate.

4th. There being no provision for shutting the water off of each end of the house, that until such provision is made the two places be charged jointly, that is a minimum of $24 per year, allowing 60,000 gallons per year, and all excess at 25c per 1,000 gallons."

On the issue between the complainant and respondent the Board called a hearing. Following the hearing the complaint was ordered dismissed for the reason of the Board having heretofore decided in a complaint of E. E. Swift vs. Acquackanonk Water Company "That when a building occupies more frontage than the usual city lot and is divided by party walls with separate entrances, so that each can be divided and sold as separate parcel and each parcel represents a unit upon which a minimum charge may be made."

E. L. P. Lord

vs.

Public Service Gas Company.

Complainant alleged that at his home, 493 Summit Avenue, Hackensack, N. J., a 25c pre-payment meter was installed. That the house was closed much of the time between June and September, 1912. "The day after the quarters were removed by the company in September a man arrived and installed a new meter and took away (7117). Then on inquiry at the Public Service office in Hackensack I was informed that possibly we would receive a large bill for consumed gas." On March 29th, 1913, the writer further complained that a bill was submitted for gas consumed which was not registered.

The respondent stated in reply that "the tests show that the meter registered a consumption of gas amounting to 3500 feet in excess of that paid for; that the meter had been tested and that there was a balance due the company for gas consumed of $3.19." It was further stated that "Before a pre-payment meter is set on any service the customer is required to sign an application blank * * * From an examination of this blank it will appear that the customer is required to pay for gas consumed for which no money is found in the box (caused by failure of automatic device to shut off gas) and to replace any money taken from the box by theft."

Answer sent to the complainant May 8th, 1913.

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Somers Point Independent Club

vs.

Adams Express Company.

Complainant alleged excessive express rates between Somers Point and Ocean City. The express service, it was alleged, is conducted by the Adams Express Company, and packages carried by the Fast Shore Line Railroad Company operating between Atlantic City and Ocean City. It was stated "that the distance between Somers Point and Ocean City is two and one-half miles. The express rate is 75c per 100 pounds over this short distance for hardware and other articles of similar class, and the rates on other classes of baggage are relatively excessive. The express rate in several cases is exactly the same rate between Ocean City and Somers Point as the rate between Philadelphia and Somers Point. Philadelphia is fully 70 miles from Somers Point, or nearly twenty-five times as far from Somers Point as from Somers Point to Ocean City. Express matter between Philadelphia and Somers Point is carried over part of the way by the same Fast Shore Railroad Company."

In answer to this Adams Express Company, through its counsel, stated "I note in the communication of Mr. Collins that he states the express rate between Somers Point and Ocean City is 75c per 100 lbs. on hardware and other articles of similar class, and that the rate on other classes of baggage is relatively excessive. As a matter of fact the express rate between the two points is 50c per 100 lbs. on ordinary merchandise, and the rate on what is termed in express parlance 'General Specials' (food products, etc.), is 40c per 100 lbs.

"If the agent at either one of those places has been charging more than the rates named above, his action in that regard is an error which the company will be glad to correct and refund to shippers any charges based upon 75c per 100 pounds."

A copy of this answer was sent to the complainant, who replied that the statement as to the 50c rate was correct, and it was claimed that the error was due to lack of legibility in the express bill from which the figures were taken. It was alleged that the correction of the error would make no particular difference in the claim that the rates are excessive "because the main facts of my former letter remain."

The charges were reviewed by the complainant and it was stated "It will be observed that although the distance between Somers Point and Philadelphia is approximately twenty-five times as great as the distance between Somers Point and Ocean City, and the amount of work involved is greater in carrying express between Philadelphia and Somers Point on account of a transfer at Pleasantville or Atlantic City, the rate on general specials between Somers Point and either of the other towns is *exactly the same,* while the rate on general merchandise is only ten cents lower for the shorter haul.

"This is the condition which we are complaining against because it is certainly unjust and unfair to shippers between Somers Point and Ocean City and vice versa."

In answer to this the express company stated that the merchandise rate of 50c per 100 lbs. between Somers Point and Ocean City is the main 100 lb. rate which is charged by the company in New Jersey and surrounding states for any distance no matter how short. The respondent stated further "Of course, there

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must be a minimum rate per 100 lbs. in the express business, and we feel, owing to the services rendered and the expenses to the company of rendering those services, that 50c is a reasonable minimum charge for 100 lbs. of merchandise, and that 40c is a reasonable minimum charge for general specials, irrespective of the distance carried.

"It is true that the rate of 60 cents on merchandise between Somers Point and Philadelphia, as compared with the rate of 50c between Somers Point and Ocean City, at first blush looks out of line; but when you take into consideration the fact that the 50c minimum rate carries express merchandise in New Jersey for almost as great distances as between Somers Point and Philadelphia, and when it is realized that there must be a minimum rate, and that 50c is a reasonable minimum rate, then the discrimination is wiped out.

"So far as the 40c rate on general specials between Philadelphia and Somers Point is concerned, we realize that rate is an unreasonably low one, and that it should be at least 50c. However, when the Adams Express Company several years ago succeeded the West Jersey Express Company, it found the 40c rate on general specials between those two points in existence, and continued it rather than raise it."

Answers sent to complainant April 10th, April 12th and May 15th, 1913.

Borough of Glen Rock

vs.

Public Service Electric Company.

The Borough of Glen Rock complained that the "Public Service Electric Company are preparing to run a high tension electric power line through Rock Road, in the Borough of Glen Rock, the purpose of this line being to supply the Boroughs of North Paterson and Hawthorne with lights and to furnish power to a fertilizer plant on Van Winkle Avenue, North Paterson. The council of this borough have objected to this line being installed, as in their opinion it is a menace to public safety, and we have so notified the Public Service Electric Company, telling them also that under their franchise they have no right to install the said high tension line."

The Board was asked to take the matter into consideration and advise if the borough council could stop the proposed high tension line from being installed. A copy of the complaint was sent to the company and a copy to the inspector of utilities division of the Board, who reported that the company had set forty-one new poles along Rock Road and had put a galvanized steel cross-arm on top of each with three insulators ready to receive the wires, which are to be No. 1 solid copper. The inspector stated "this work has been done in a very substantial manner and is in every way up to the specifications of the National Electric Light Association for this class of work.

"There appears to be no objection on the part of the abutting property owners to the installation of the high tension line. The company appears to be willing

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to run wire with weather-proof insulation, although it is considered the best practice to use bare copper wire for 13,000 volt lines.

"While this line does not immediately benefit the Borough of Glen Rock, undoubtedly if the load increases in the borough, better service can be given from the new sub-station than from the Paterson plant, so that ultimately the sub-station will benefit the borough.

"There appears to be no reason why this line should not be constructed."

Under date of April 28th the company communicated with the Board, stating "The matter was arranged at a council meeting of the Borough of Glen Rock held April 14th last, and the objection of the borough to the company proceeding with the work was withdrawn." This was subsequently confirmed in a communication to the Board from the borough clerk.

Copy of complaint forwarded to the company April 4th, 1913.

Harry Kuhlke

vs.

Pennsylvania Railroad Company.

Complainant alleged that a dangerous condition existed at the Clinton Street station of the Pennslvania Railroad Company. It was stated that express trains pass the station at a high rate of speed, endangering the lives of waiting passengers, and it was claimed that a fence should be placed at the platform. The matter was referred to the Board's inspector, who reported "that there is a man placed at the station on the platform both day and night to warn passengers from approaching trains. This is done in accordance with recommendation made by your Board. In addition to this if the speed of trains were reduced while passing on the tracks adjacent to passenger platforms it would make conditions safer. On account of the platforms being so narrow, a fence would be impracticable.

"I respectfully recommend that all trains running on tracks adjacent to passenger platforms at Trenton station reduce speed to thirty miles per hour."

Objection was made by the railroad company to the reduction of speed to thirty miles per hour, and it was asked that a speed of forty miles per hour be permitted, the company claiming it would cause a delay of at least three minutes if held to the lower rate. The Board's inspector reported that if two men were kept on each platform during the day it would be in his judgment a reasonably safe operation to admit the passing of trains at a rate of speed of forty miles per hour. The company agreed to keep the additional man on the platform.

Complaint received February 20th, 1913.

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George W. Moorehead

vs.

Hackensack Water Company.

Petitioner stated that he owned a house and lot at number 225 Mountain Way, corner Pierpont Avenue, Rutherford, N. J.; that this house received its water supply from the Hackensack Water Company, and "that your petitioner is being held by said water company to a contract made by the original owner, i. e., a contract for water at $20 per year, whereas your petitioner signed an agreement at the minimum rate of $2.50 per quarter.

"That the rate of $20 per annum is excessive and unjust, and your petitioner should not be held responsible for said contract."

In answer to this the said company, through its manager of surveys, replied stating "I am informed that this property was transferred to Louise Cooney by contract on or about March 11th, 1913.

"On December 24th, 1901, an extension of 200 feet of 6 inch main was laid in Pierpont Avenue, Rutherford, for Ann Maria Body upon her agreement to pay us $20 yearly in advance until the normal annual revenue from consumers on the extension should equal the amount of her guarantee. Mr. Moorehead on January 24th, 1906, notified us that he was the owner of the property and verbally assumed the contract, which he has been paying ever since. There are no added consumers on this extension."

Answer sent to complainant April 16th, 1913.

J. Pierson Heartt

vs.

New York Telephone Company.

Complainant writing from 61 Mountain, Caldwell, N. J., stated "I beg to respectfully call your notice to certain telephone conditions now existing in our section or zone.

"Said zone comprises the towns of Caldwell, Essex Fells and Roseland, the two latter distant from Caldwell 1½ and 2½ miles to the southwest, while to the southeast lie Verona and Montclair, 1 and 3 miles distant. To Verona we are charged 5c extra for each message, and as Montclair is practically our only market town of importance it seems unfair to restrict our zone to nearby practically residential places. It is idle to look to the New York Telephone Company for relief from this unjust arrangement, and I with many of our citizens look to you for a fair rearrangement of our zone, and a discontinuance of this petty and altogether unreasonable overcharge."

The New York Telephone Company stated in answer to this complaint "Mr. J. Pierson Heartt is a subscriber for telephone service in the Caldwell central

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office district, which lies northwest of the Montclair central office district. The Montclair central office district includes the Village of Verona, the Town of Montclair, Borough of Glen Ridge and Town of Bloomfield. The same exchange rates are charged for subscribers living in Verona as for subscribers living in Montclair. Caldwell has lower exchange rates than those in the Montclair central office district. A five cent toll is charged for calls between Caldwell and Montclair.

"Mr. Heartt complains of and requests the elimination of this toll charge. What Mr. Heartt really desires is that Caldwell shall be treated as part of the Montclair central office district. Caldwell now has a development of 476 subscribers, Montclair of 5235, a total of 5711. The result, if Mr. Heartt's proposition is accepted, would be that the Montclair central office district would contain an increase over the present number of subscribers by the number of subscribers in the present Caldwell central office district. The toll charges which are now collected between Caldwell and Montclair would be eliminated and the revenue of the telephone company would be decreased by that amount. It is a fundamental proposition in the telephone business that the rates increase as the number of subscribers available in a given area increase.

"It is a well known fact among telephone engineers that as a telephone exchange grows, the cost of furnishing telephone service over the entire system to each patron increases. This increased cost is due to several causes. As the exchange increases in size it becomes necessary to replace small poles with larger ones, and to install underground conduit and cable, and the average length of line per subscriber increases with the growth of the exchange. The number of operators must be increased to handle the necessary traffic. As the number of operators increases it becomes necessary to duplicate the switchboard equipment enough times so that each operator may have each 'number' within her reach. By way of example: A switchboard for an exchange of one or two hundred lines will cost about $2.50 per line, while one for 10,000 lines will cost from $20 to $25 per line. Real estate, buildings, taxes, salaries and wages are proportionately higher in first-class suburban towns such as Montclair and Caldwell, and larger expenditures are required to reconstruct and remodel the plant to keep pace with their growth and the public demand for improvement.

"It would, therefore, be proper, if Caldwell is added to the Montclair central office district, to increase the present Montclair base rates. If such an increase was not made then a condition of discrimination as between the proposed Montclair central office district and other central office districts in the State would be created. The elimination of toll charges asked for by Mr. Heartt would be accompanied by an increase in the amount of property devoted to the public use with a decrease in the revenue collected unless the exchange base rates were increased. The expenses of the telephone company for handling the business would be increased for the reason that as the toll charge was eliminated the amount of toll use between Caldwell and Montclair would naturally increase. Without any corresponding gain to the telephone company there would be additional burdens for plant investment and cost of operation entailed by the elimination of the toll charge.

"The increase in the exchange rates would affect all subscribers, while under present conditions the toll charge is a burden only upon those subscribers who use that service. The toll facilities are offered to all alike, but there is no obligation on any subscriber to avail himself of the facilities offered. The burden of toll charges is placed upon the users. We insist that our method of establishing exchanges is proper and conduces to the development of the telephone

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service in that it recognizes the fact that a large majority of subscribers desire the local exchange service with infrequent use of the toll service. Experience shows that an increase in the base rates in a place like Caldwell would bring about a distinct detriment in the development which in turn would be reflected on the value of the service to each individual subscriber.

"The experience of the telephone company is that in the telephonic development of a territory local exchange areas with local service combined with toll line and toll service are the necessary and controlling characteristic features of a general public telephone system, and, broadly speaking, no one has ever conceived of any other practicable system. Telephone experience shows that the most satisfactory service is rendered by the establishment of several small exchanges with low base rates and with small toll charges to each other rather than by a few large exchanges widely separated with necessarily higher base rates.

"The complaint of Mr. Heartt affects all of the subscribers in Montclair and Caldwell, and we insist that, in justice to the public served in these places and to the telephone company, there should be shown a substantial public demand for a change in the conditions before the commission gives serious consideration to such complaint.

"We concede, although we do not consider that it is relevant, that Mr. Heartt does not secure his present exchange and toll service at as low a cost as he would if the toll charges were eliminated. In order that the cost to him may be decreased he desires to have Montclair service without a toll charge. Other subscribers, on the other hand, may desire Paterson or Orange service, or both, without charge. Carried to its logical conclusion, if the private interest of individual subscribers is to control there is no limit to the extent to which local service areas may be carried.

"If the power of the Commission is to be extended so as to comprise the establishment of exchanges and the charging of toll between exchange points, then the Commission will be exercising the function of the officers and directors of the company. We do not believe the public utility law of New Jersey can be interpreted to mean that the Commission shall substitute their judgment for the judgment of the officers and directors in matters of this kind. If, however, the law is interpreted to be that the Commission has the power to set aside in matters of this kind the judgment of the officers and directors, then in the development of the business we can only act after having obtained a ruling of the Commission. It is plain that if we must obtain a ruling from the Commission, the carrying on of the affairs of the company will be seriously crippled."

Answer sent to complainant on April 21st, 1913.

Robert L. Nimmo

vs.

New York Telephone Company.

Robert L. Nimmo, writing from Allendale, N. J., complained that the New York Telephone Company would not connect telephones in his house for service. Com-

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plainant stated that he had been in the habit of going away every winter, closing his house; that when he got ready to go he notified the telephone company to disconnect; that this was always done and 'phones were always connected in the spring when he went back, but that the telephone company had told him that they would not connect this spring.

The company in answer stated that the complainant was advised in the fall on the receipt of his request for disconnection of telephone service that "on account of the congested conditions then existing, we would be obliged to serve someone else on the spare thus made vacant. It was suggested to him that if he wished to make sure of having service this spring it would be to his advantage to retain the service during the winter. He stated that he would take his chances and insisted on the disconnection of his service.

"The service rendered in his vicinity is entirely on an 8-party basis, from the Ridgewood office over the Ridgewood-Suffern pole line, which passes through Allendale. All the circuits are at present filled to their maximum capacity. An adequate plant has not been provided in Allendale because the telephone company has been unable to secure an acceptable ordinance from the borough. Negotiations, however, are now pending in regard to the ordinance matter.

"It is impossible to run additional circuits from Ridgewood without partially reconstructing and rebuilding the pole line between Ridgewood and Allendale.

"Under an ordinance recently secured in Saddle River, this company is rapidly installing a central office switchboard, which will be completed about June 15th, 1913, at which time this company will be in a position to render adequate telephone service not only to the residents of Saddle River Borough, but also to those in the adjoining municipalities, including Allendale."

This answer of the company was dated April 25th, 1913. On June 12th the company wrote to the Board as follows:

"With further reference to the complaint of Robert L. Nimmo vs. New York Telephone Company, I desire to advise you that telephone service was established to Mr. Nimmo at Allendale, N. J., on June 10th, 1913, as a result of the opening of the new Saddle River central office."

Complaint forwarded to company April 15th, 1913.

Numerous Petitioners

vs.

Erie Railroad Company.

A petition numerously signed was filed with the Board complaining that the station facilities provided at Singac by the Erie Railroad Company were inadequate and that the train service was not sufficient for the accommodation of those using the station.

The company in reply denied the statements of the petitioners and claimed that the stational facilities were adequate and that the business "does not justify the stopping of any additional trains to those now stopping at Singac, and that therefore the delay consequent to the stopping of such additional trains would place an unnecessary burden upon the railroad company and upon its patrons."

Complaint forwarded the company April 16th, 1913.

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A. E. Dittrich

vs.

Public Service Electric Company.

Complainant stated that he had purchased two two-family houses on the block of North Maple Avenue between Park and Springdale Avenues, East Orange, N. J.; that he had applied to the Public Service Electric Company to install electricity in the same and had been informed by them that they "would be unable to do so at present, and so far as we can see at any future time due to there not being enough users of electricity on the block." Complainant stated further that at the time of writing there were five two-family houses and two one-family houses, making a total of twelve families, and that more houses would soon be erected.

The company in reply stated "As this extension must be made by underground conduits the estimated return under present conditions would not seem to justify the expenditure. In view, however, of intended immediate improvements in this vicinity, the company has decided to make the extension."

Complaint sent to company April 25th, 1913.

H. K. Golenbock

vs.

Monmouth County Water Company.

Jacob Golenbock, through his attorney, H. K. Golenbock, complained that the Monmouth County Water Company, which had been supplying water to properties at 1106-1108 Madison Avenue, Asbury Park, N. J., had shut off the water and refused to continue supplying the same. Complainant further stated "The Monmouth County Water Company has rendered a bill for water for a period of six months for the said premises in the amount of about $50. This amount is exorbitant and unreasonable, for water was used in those premises for only about four months, and it is physically impossible to have used $50 worth of water during that period. Ever since water has been installed in those houses, which is now nearly four years or thereabouts, the highest bill for any period of six months has been about $10 or $12."

The company in reply stated that the amounts charged were based upon meter readings; that the complainant had called at the office of the water company in regard to the bills and had claimed that if the water had been allowed to run continually the amount as registered by the meters could not have passed through. He also claimed that the meters did not register correctly. "Our representative explained to Mr. Golenbock that the readings of the meters were correct, they having been verified by subsequent readings. An offer to test the meters was

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made, but as Mr. Golenbock seemed indifferent as to this feature the meters were not tested at that time. Nothing further was done about the matter by Mr. Golenbock, nor did he pay the bills. The water was therefore allowed to remain turned off."

A date was assigned for hearing of this complaint and the record was referred to the Board's inspector for investigation and report. The inspector reported that the readings taken by the company appeared to have been correct; that the meters in each house were removed and tested by the company. The results did not show the meters to be registering inaccurately to any material extent.

Some exception was taken by the complainant to the inspector's report and the Board fixed a date for further hearing. Prior to the arrival of the date for hearing, the water company advised the Board that the complainant's attorney made an offer of settlement which was accepted by the company. The matter was closed.

Complaint forwarded to company April 25th, 1913.

Saunders Garage

vs.

Public Service Electric Company.

Saunders Garage, H. C. Saunders, proprietor, writing from New Brunswick, N. J., complained that in the block where the business of the garage was located they had direct current from the Public Service Corporation that "during the past six or seven years we have used this current to charge spark batteries and have worked up a very nice business, but the Public Service Corporation informs us that they are going to change the direct current to alternating current and this will cause us to go to the expense of considerable money to get the plant back in condition."

"Our plant has the capacity of charging twelve spark batteries every twelve hours, and they wish to cut this down to one battery each twelve hours, but this capacity would be entirely inadequate for our business."

The company in answer to this complaint stated "Public Service Electric Company has arranged with Mr. Saunders to furnish a motor generator set which will give him the same service that he had before on terms which are entirely satisfactory to him."

A copy of this answer was sent to the complainant, who advised the Board that the company had agreed to put their plant in shape at a consideration that seemed to the complainant to be reasonable, and that if this was done the complainant would be satisfied.

Copy of complaint sent to the company April 30th, 1913.

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Board of Commissioners of Raritan

vs.

Central Railroad Company of New Jersey.

The Board of Commissioners of Raritan complained alleging that the Central Railroad Company of New Jersey fail to provide adequate and proper service for the accommodation of the residents of the Town of Raritan and territory adjacent thereto. It was claimed that the number of trains operated was insufficient and that the proper connections were not made with trains running to Raritan from points east. It was specifically stated "that there is a demand for an early morning train leaving Raritan at about six o'clock for Somerville, Finderne, Bound Brook, Dunellen, Plainfield and New York, but that the earliest morning train provided by the said railroad company for said points leaves Raritan at 7:09, too late to accommodate workmen, mechanics and commuters who are employed at the places above named, and who reside at Raritan."

"Your petitioner further shows that there are but two evening trains for Raritan from New York and points east, one of which arrives at Raritan at 5:47 and the other at 7:23, which last mentioned train is frequently late; that another train leaving New York at 5:30 reaches Somerville at 6:46, only one mile east, and goes no further, and passengers for Raritan on the said train are obliged to lay over at Somerville until 7:21, causing them a delay of thirty-five minutes or more."

It was asked that the company be required to provide an additional train leaving Raritan about 6 o'clock in the morning for points east, and another train in the evening to accommodate those desiring to reach Raritan from New York and points east between 6 and 7 o'clock in the evening.

The respondent in its answer denied "that there was a demand for an early morning train leaving Raritan at about 6 o'clock for Somerville, Finderne or Manville, Bound Brook and points easterly thereof as set out in the petitioner's petition." It was claimed that a train leaves Somerville, a station one mile further east than Raritan, at 6 o'clock in the morning, which accommodates "all workmen, mechanics and commuters who reside at Raritan and desire to go to stations easterly of Somerville; that Somerville station is within a reasonable distance of the Town of Raritan by trolley, bicycle or even for pedestrians, and the train service now provided gives all necessary reasonable accommodation to the inhabitants or residents of Raritan desiring to use the same." The respondent "admits that there are two evening trains from New York to Raritan arriving at 5:47 and 7:23 P. M. respectively. It further admits that there is a train leaving New York at 5:30 P. M., reaching Somerville at 6:46 P. M. It denies that said last-mentioned train goes no further than Somerville, but on the contrary alleges said train goes to Flemington, the county seat of Hunterdon county, on its South Branch Railroad, which has been its destination for many years. Passengers destined for Raritan using this train must change cars at Somerville and either wait for the next train, due at 7:21 P. M., or take the trolley or other means of conveyance."

It was alleged by the company that the revenue derived from the additional service requested would not pay for the same; that in view of the service afforded and of the trolley service accommodations the people of Raritan were furnished with reasonable train service without the additional trains prayed for.

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Date for hearing was fixed on this complaint, but prior to the arrival of the date the company advised the Board that "The railroad company has worked out a plan by which they are enabled to give the Town of Raritan the train service asked for in the complaint filed, which will not be subject to the objectionable features as to lack of patronage and operation set up in the answer." This was confirmed by the attorney for the petitioners, and further consideration of the matter was discontinued.

Petition received April 30th, 1913.

Bernards Township

vs.

Bernards Water Company.

Complainant alleged the existence of a serious condition in the matter of adequate fire protection in the villages of Bernardsville and Basking Ridge, Somerset county. It was stated that under the terms of the present franchise of the Bernards Water Company there does not appear to be any obligation on the part of the company to extend its mains or to furnish fire hydrants to the citizens, and there is no obligation on the part of the citizens to pay any rental for the fire hydrants in use. Complaint was also made as to the quality of the water, "particularly during the summer months, when there is a greater degree of turbidity of the water than there is at other times. We believe that if a proper filtration system were installed absolutely pure water could be furnished to our citizens during every month of the year, and we believe that such a system should be installed."

The company in reply stated that "in the matter of fire hyrants the ordinance under which the company operates provides that it is to furnish water free for fire purposes only to hydrants that may be installed by the township. This has been very unsatisfactory from the fact that the water company have no control over the installing or maintaining of the hydrants and therefore have assumed leakage and waste. The township have permitted their fire departments without authority or right to use water for drills, exhibitions and tests, and thereby causing additional waste and expense to the water company." It was stated that the company had offered to have the ordinance amended and adjust the matter of fire hydrants so that the township would pay a rental of $25 per hydrant per year. The company further stated that its ordinance referring to the extensions of the mains provides that the mains "extended in any public highway of the township wherever a satisfactory guarantee of an income of 10c per lineal foot per year on the proposed extension is given for a period of five years."

With regard to the quality of the water furnished the company claimed that "until about three years ago the water was furnished at great expense from springs. About that time it was found impossible to supply the demand from that source and the only available source in quantity and for a permanent supply for the future was a branch of the Passaic river. Since that time this has been

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used, and we know of nothing that is detrimental to health from this supply. We admit that at times, especially during heavy rains, there is discoloration of the water; but this is found in all water supplies using surface or stream water."

It was claimed by the company that while its stockholders have been compelled to furnish capital for the development of the water supply, they have received no returns through the water business.

Answer sent to complainant May 29th, 1913.

Henry C. Sheer

vs.

New York Telephone Company.

Complainant writing from Glen Ridge stated that three weeks prior to the date of writing telephone service was cut off by the New York Telephone Company, the company's explanation of this being that the wire had been cut at another house, the owner refusing to allow the company to make use of his property further. It was stated that not only had service been discontinued to complainant but to several of his neighbors as well.

This complaint was received on May 21st, copy was forwarded to the telephone company on the same day. On May 26th the complainant advised the Board that service had been installed and asked that no further action be taken in the matter.

Complaint received May 21st, 1913.

Ocean City, et als.,

vs.

City Gas Light Company.

The City of Ocean City filed a petition stating that Ocean City is a summer resort where a majority of the houses are occupied only during the summer months. "A rule of the gas company for some time past has been to require a deposit of five dollars from each person who rents a house to guarantee the payment of all bills for gas during the time the house is occupied, and that they now refuse to turn on and supply gas to any person or house until such person deposit the sum of ten dollars as such guarantee."

"That said company refuses to extend its gas mains to reach houses being built after promising to do so although all the requirements made by it are met."

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Several complaints were received from individuals covering the same matter.

Complaint was also made that the company removed prepayment meters and replaced the same with regular meters without the consent of the consumer.

The company in reply alleged that a large number of its customers left at the close of the season indebted to the company; that the five dollar deposits were not in all cases sufficient to cover this indebtedness, while $10 was required as the average deposit. "There are cases where $5 is asked for when the character of the consumer's application leads us to believe to the best of our judgment that they will not consume gas in excess of this amount during the month." It was claimed that the meter deposit was a protection to the company against loss for a period of seven weeks.

The company denied that it refused to extend its mains where bona fide applications have been made in sufficient number to warrant the extensions, and denied that it failed to keep any promises made with regard to this.

In regard to prepayment meters, the company claimed a right to remove the same when the location is such that they are in an exposed position and in danger of being damaged or robbed. It was claimed that the company had suffered material loss from its prepayment meters, taking into account the loss through necessary repairs, and instances were cited of robberies of such meters.

On the issue joined by the question and answer, hearing was held. At the hearing it was agreed by the representatives of the parties in interest that the Board's inspector should be directed to visit Ocean City, make an investigation of the matters in dispute and report thereon to the Board.

The inspector reported that the new rule of the company requiring the making of a deposit of $10 was to apply to all tenants using a standard gas range, but that the deposit of $5 would still apply where gas was used for lighting or for an ordinary hot plate. It was further reported "it appears that the company is warranted in asking for a larger deposit from certain customers, more particularly from those who occupy boardwalk stores or business establishments in other parts of the town." It was reported that some confusion existed with regard to re-payment to the customers of deposits or of the unused portion of the deposit at the end of the season, and that the company's records regarding winter residences of its customers were not as complete and exact as they should be.

"The conditions surrounding the departure of large numbers of summer residents in the early part of September at any of the seashore resorts are such as to make it practically impossible to deal with every customer in the very limited time between the closing of a residence and the departure of the gas company's customer upon an outgoing train. It is a physical impossibility to read a large number of meters immediately after breakfast, on a given day; to transmit these readings to the bookkeeping department, and to have bills made out for the final period and arrange matters so that the customers can pay these bills and get back the deposit in time to take trains leaving before noontime. * * * The best the company can do is to handle the matter as promptly as is possible and to keep the records as clear and comprehensive as possible with regard to the permanent winter residences of its summer customers." It was recommended that a closer study be given to the keeping of these records by the managing officials of the company.

With regard to the extensions, the inspector reported that "where, in order to furnish service, a public utility company is required to make expenditures for a portion of a distribution system which is only temporary in its character, and which will not become a part of the permanent distribution system of the company, the customers benefited by such special extension should pay all of the cost which cannot be charged up to permanent construction, less, of course, any

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salvage value which the material has upon its removal or replacement by permanent construction. Where on the other hand the supply to new customers involves permanent construction, it is my opinion that such extensions should be based upon minimum guarantee if guarantees of any kind are to be asked of the customers, and in such a case it would be improper to ask the customers to pay for any portion of the permanent distribution system."

With regard to a specific case with respect to two houses to which a Mr. Brick desired to have served with gas, the inspector expressed the opinion that if service should be supplied to the two houses referred to, so much of the mains as would be temporary in character and not form part of the distribution system of the company, namely those laid across private property, should be paid for wholly by the applicants for service.

With regard to what was called "Garden's Tract," the inspector expressed his opinion that the company should adopt a policy with regard to extending its service, which would result in making gas available to the greater portion of the "Garden's Tract."

Inspector's report made August 29th, 1913.

George M. Greene

vs.

Lehigh Valley Railroad Company and Central Railroad Company of New Jersey.

Complainant alleged that there was no local stop at Jersey City for trains of the Lehigh Valley Railroad Company. The terminal of the Lehigh Valley Railroad Company in Jersey City formerly was the terminal of the Pennsylvania Railroad Company. The Lehigh Valley Railroad Company owns no terminal at Jersey City. On vacating the terminal of the Pennsylvania Railroad Company, the Lehigh Valley Railroad Company made a contract with the Central Railroad Company whereby the Lehigh Valley Railroad Company was permitted to operate trains over the tracks of the Central into the terminal station of the latter at Communipaw.

The petitioner claimed that he had built his home on the line of the Lehigh Valley Railroad Company; that he worked in the part of Jersey City which was most inconvenient of access from the Central terminal station, and requested the Board to direct the Lehigh Valley Railroad Company to stop local trains at either Jackson Avenue or West Side Avenue in Jersey City.

The answers of respondents showed the existence of a contract between them whereby the Lehigh Valley Railroad Company was restricted in the right to stop its trains at Jackson Avenue in Jersey City to take on or discharge passengers to and from points outside the State. It was claimed by the Central company that it had the free and uncontrolled right to make the contract, and that the Board could not require the Central company to permit the Lehigh Valley Company to make local stops in violation of the contract.

At the hearing held in this matter it was claimed by the Central Railroad Com-

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pany that the restriction in respect to stopping of the train was necessary to protect the Central Railroad Company in its local traffic for which it had made provision.

It appeared to the Board that a number of persons were affected in the same way as the petitioner by the change of the terminal, and it seemed that they might be considered as fairly entitled to relief. The power of the Board to require the Central Railroad Company to abrogate that part of its contract with the Lehigh Valley which restricted the use of the local station was regarded as doubtful. The Board therefore recommended to the Central Railroad Company and the Lehigh Valley Railroad Company that they confer with a view of determining whether an arrangement mutually satisfactory to the companies might not be entered into which would admit of the stopping of local trains of the Lehigh Valley Railroad Company at the Jackson Avenue or West Side Avenue station in Jersey City.

As a result of this the companies made an arrangement whereby the Lehigh Valley Railroad Company was permitted to stop its local trains at the Jackson Avenue station of the Central Railroad Company.

Heard July 11th and September 12th, 1913.

W. E. Foote, et als.,

vs.

Farmers' and Traders' Telephone Company.

W. E. Foote and others, farmers of South Brunswick Township, Middlesex County, filed a petition requesting that the Board direct the Farmers' and Traders' Telephone Company to install telephones in their residences at the regular rates for service. The petitioners stated that requests had been made to the Farmers' and Traders' Telephone Company for the installation of telephones, but that such requests had been refused on the ground that the territory on which they resided belonged to the Middlesex Telephone Company. The petitioners further stated that their business interests as buyers and shippers lie within the Farmers' and Traders' territory and not in that of the Middlesex Company; that the division of the territory was arbitrary; that the Farmers' and Traders' already had telephones in South Brunswick Township—in fact, come to the next farm to that occupied by one of the petitioners and that geographically their farms "lie within the boundaries of the Farmers' and Traders', as on the road next east to ours, their lines run approximately two miles farther into the alleged Middlesex Company's territory than on ours, leaving out this wedge-shaped section for no reason satisfactory to us."

The respondent company in its answer admitted that requests for services from the Farmers' and Traders' Telephone Company had been denied "for the reason that the Middlesex Telephone Company had already erected a line along the road in front of the residences of the petitioners, and the Middlesex Company claimed that it was in a position to furnish service to the petitioners. Respondent further stated the reason that the lines of the Farmers' and Traders' Telephone Company

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extend further north on the road next east to the one on which petitioners live is that the Farmers' and Traders' lines were built into that territory before the Middlesex Company was organized. If the Middlesex Company had not a line already erected to serve the territory in which the petitioners live, the Farmers' and Traders' Telephone Company would probably have developed said territory.

"Lastly, it seems economically wrong for two rural telephone companies to build competing lines on the same road to serve practically the same territory. Yet if your Board believe our company should parallel the Middlesex Company's lines (of which we think they should have notice and an opportunity to be heard), I would respectfully ask that before such an order is made we be given an opportunity to look into the cost of building such a line and the securing of pole consents."

Hearing was fixed on the issue joined between the complainant and respondent for Tuesday, July 15th, and the Middlesex Telephone Company was given notice as well as the Farmers' and Traders' Telephone Company of the hearing. Prior to the arrival of the date of the hearing the Board was advised by the representative of the petitioners that representatives of the two telephone companies had met the complainants and had offered an adjustment satisfactory to them. Permission was asked to withdraw the complaint, which permission was granted.

Complaint received June 5th, 1913.

Numerous Petitioners

vs.

Atlantic City and Shore Railroad Company.

A petition numerously signed by residents of Pleasantville and vicinity traveling to and from Atlantic City alleged that the Atlantic City and Shore Railroad Company provided inadequate service to accommodate its patrons, "especially cars used by the working class, who are compelled to stand in crowded cars, both into and out of Atlantic City. On one occasion in the last few days there were one hundred and twenty seven passengers on a car, with seats for fifty-two; on June 7th a car had ninety-six passengers, with seat accommodations for fifty-two."

"On the last car mentioned twenty-one of the male passengers, who were forced to stand, refused to pay their fare, this action being met by the Fast Shore Line officials with issuing warrants and having five of this number placed under arrest."

In answer the respondent submitted a schedule showing passengers carried in both directions between Atlantic City and Pleasantville for fifteen days, from June 1st to June 15th, inclusive, being for six days before the occurrence of June 7th and for nine days thereafter. On June 7th the company changed to its summer schedule.

The respondent stated "Our cars seat fifty-two passengers and for the corresponding run on the schedule effective to June 6th, leaving Pleasantville at 7:04 A. M., you will observe the maximum number of passengers for the six days from June 1st to June 6th, inclusive, was 145 for a two-car train, or twenty-one passengers per car who were not provided with seats on this particular trip.

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"The occurrence in question happened with the second trip on the first day of the new schedule leaving Pleasantville at 6:54 A. M., and as you will observe from the report, steps were immediately taken and this particular trip has been operated with a two-car train on week days, with the result that for the eight days from June 8th to June 15th, inclusive, the maximum number of passengers on any trip was 123, same being carried on a two-car train, being ten passengers more than the seating capacity on each of the two cars. You will also observe that these same trips in the opposite direction ran practically empty." It was further alleged by the respondent that the running time from Pleasantville to the Pennsylvania station in Atlantic City, to which point it was claimed the majority of the passengers disembarked, was only sixteen minutes, "representing the length of time that passengers might be compelled to stand."

Answer sent to complainant June 26th, 1913.

H. N. Warker

vs.

Egg Harbor City Water Company.

Complainant alleged an exorbitant charge for water by the Egg Harbor City Water Company. He stated that he put in a pump, engine and water tank, "and the only water I now need is for a beer pump which calls for $10 a year. They have turned off all water supply and won't give me water for my beer pump unless I pay $20 a year, which I refused."

Complainant, who is a proprietor of a hotel, claimed that his predecessor had obtained a pump pressure at $10 a year.

The respondent in reply stated that the complainant's hotel had been supplied with a ½" water service, and that complainant's request for 1" service was installed and meters set to supply stable and hotel, the old ½" service being abandoned. "On May 1st, 1913, a bill at meter rates was rendered. Mr. Warker claimed he could not afford to pay so much for water, and asked for a hearing before the board of directors, which was granted, Mr. Warker appearing in person, and a flat rate was agreed upon, which, according to his inspection, amounted to $82, which he then agreed to pay.

"Nothing further was heard until Mr. Warker installed his own water system and also hired plumbers to connect the old ½" abandoned service without our consent or knowledge.

"We ordered our superintendent to notify Mr. Warker that we could only supply him through his metered service at regular meter rates or by the flat rates agreed upon, and caused the old service to be disconnected."

It was denied that all water service had been cut off to complainant. On the complaint and answer hearing was held, following which the Board announced that it appeared that under the ordinance of the city of Egg Harbor City the company has a right to install meters and customers a right to request meters to be installed instead of taking water under a flat rate. The conclusion of the

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Board is that the company has, in this case, a right to install a meter, but the Board believes that the meter should be ½" with a minimum rate of $10.

Heard July 15th, 1913.

Mrs. E. M. Grove

vs.

Coast Gas Company.

Complainant stated she had rented a house in Ocean Grove with the understanding that there would be a connection to the gas main; that the landlord signed the application necessary and was willing to pay to have the connection made, but that while the gas company had at first promised to connect the gas, they had informed her it would be impossible to do so as they would have to come through the yard next door and they had not obtained permission from the owner. Complainant further stated that when the company sent a man to see her at the time the application was first made she was told by him that the gas would be brought from the house back of the premises occupied by her, and that this could be done.

The company in its answer stated that the company had no knowledge before receiving the copy of the complaint from the Board of any complaint made on the part of Mrs. E. M. Grove. On investigation it was found that "Mrs. Grove is a tenant of Mr. Cottrell of Asbury Park, who is the owner, and that she promised the tenant, to whom she had sub-let the house for the summer, gas, and knew at the time that there was no gas in the cottage. It appears that Mrs. Grove did not expect to pay for any service work to be performed to connect this property, and this seems to have been the reason why the young lady in our Ocean Grove office did not accept the order.

"We have, however, since this time arranged with Mr. Cottrell, who is the property holder, to pay for the connecting of this property and also for the range and for the connecting of the gas appliances in the premises of Mrs. Grove."

Answer sent to the complainant July 1st, 1913.

William Pratt

vs.

Erie Railroad Company.

Complainant alleged that he purchased a one-way ticket from the Erie Railroad Company from Rutherford to Passaic; that on said ticket there was a notice

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to the effect that it was good only on the day of sale or on the day thereafter. "Your petitioner shows that he attempted to use this ticket after the time thus limited on it, and he was ejected from the train. He then brought suit against the railroad company, and in the case of Shulton vs. Erie Railroad Company, reported in 73 New Jersey Law, it was held that he had no redress. Inasmuch as the railroad company charges at the rate of three cents per mile (the amount fixed by law), your petitioner claims they should be obliged to issue tickets that are good to use at any time.

"Your petitioner further shows that he applied to the Erie Railroad Company, at Paterson, N. J., for an unlimited ticket to Passaic, and was informed by the agent in charge that no such tickets were issued.

"Your petitioner therefore prays that inasmuch as the act of the railroad was a violation of law, he respectfully asks that you compel the company and all other companies charging the legal rate for passage that they issue unlimited tickets."

The respondent claimed in reply a right under the statute to charge approximately 15c for the transportation of a passenger from Paterson to Passaic, "the legal maximum fare being 3½c per mile instead of 3c, as is alleged in the petition, but the present charge is only 12c.

"For obvious reasons a close time limit upon the use of the ticket is felt to be necessary to protect the revenues of the company and to avoid, so far as possible, the transportation of passengers without proper payment of fare. Without such a limit if the ticket were not cancelled or turned in, passengers could use the same ticket for more than one journey. This is a matter of very substantial importance to us, and bearing in mind the fact that the ticket is redeemable, if unused, for the full amount paid for it, we think that the slight inconvenience to which passengers may sometimes be put in securing redemption of tickets is not sufficient to warrant any change in our practice. Furthermore, we respectfully deny that we are under any legal obligation to sell unlimited tickets."

Answer sent to complainant July 9th, 1913.

John W. Speckman

vs.

West Jersey and Seashore Railroad Company.

Complainant writing on June 23rd, 1913, stated that about nine years before he built a cottage a short distance from the North Wildwood station of the railroad company with the belief that a station then maintained at 17th Street would be continued. It was stated that since the time he built his cottage the company had regularly stopped its trains at the North Wildwood station, including the only fast train to and from Philadelphia, which could be used by him or any other person making a daily trip. "This train left Wildwood at 6:55 and left Philadelphia last year at 4:16, and this year at 4:20 P. M.

"Toward the end of May this year I purchased my season ticket, for which

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I paid $60, and also purchased the family book of twenty tickets, for which I paid $22.50. At the time I made the purchase I had the knowledge that the train referred to always stopped at the North Wildwood station, but very much to my surprise I learned that the two trains mentioned have now been withdrawn from the station, and that I am greatly inconvenienced by being obliged to ride to another station in order to take the only train available to me."

It was stated that a number of other persons were in the same position.

The railroad company under date of June 30th stated "These trains formerly ran only in the summer months and did make North Wildwood stop. This year they were put on May 3rd and 5th, respectively, on a very much faster schedule; in fact, it was the desire of the company to make it even faster, if possible; but the present figures were the best that we thought could be done. The northward train is scheduled from Wildwood Crest to Philadelphia in 104 minutes as compared with 110 minutes last year, and to permit this quickened schedule the stop at North Wildwood and at Broadway, Camden, were taken off. Southward the train is scheduled in 105 minutes as compared with 118 minutes last year and the same stops—Broadway, Camden, and North Wildwood—taken off.

"These trains ran for six weeks without any complaint from Mr. Speckman. If he had raised any question about it during that time an arrangement might have been made to adjust the schedule on the summer time table so that the North Wildwood stop could have been made, if it was necessary."

The complainant in response to answer of the company stated that he "received no notice personally from the company that it intended to cut out the station, and as I did not begin my daily trips to North Wildwood until June 21, I only ascertained on the morning of June 22 that the trains were not scheduled to stop at that station, and I made complaint shortly thereafter, and I wish to add that for some time before the regular summer schedule was published, a number of other persons made personal complaint to the company regarding the withdrawal of the stop and had personal interviews with the officials of the company."

Hearing was held in the matter of this complaint and the matter was referred to the Board's inspector, who after a conference with the railroad company's superintendent reported that it was agreed by the company that trains 352 and 363 make the stop at North Wildwood commencing on July 28th.

Heard July 22nd, 1913.

George P. Messervy

vs.

Eastern Pennsylvania Power Company.

Complainant stated that he had contracted with a local representative of the Eastern Pennsylvania Power Company for wiring of his house and had agreed to take electric current from the company; that he was assured that connection would be promptly made, but that this promise had not been kept.

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The company claimed that there was some misunderstanding in regard to the work being done by the company, but that the matter had been taken up with the complainant and settled to his satisfaction.

J. H. Worden

vs.

Long Branch Sewer Company.

Complainant alleged that some years ago the city made an agreement with the Long Branch Sewer Company to charge owners of property connected according to the assessed valuation a minimum of $10 for property valued at less than $5,000.

"For four years they have charged me $15 per year on my property assessed $3,900, not aware of the above agreement at the time."

It was claimed that the company had threatened to discontinue service unless a bill of $15 was paid; that the company claimed the reason for charging $15 instead of $10 was because he rented his place for three months during each year; that under these conditions the sewer company should be reimbursed considering the revenue received from the rent.

It was further stated that an official of the sewer company visited houses on Union Avenue, East Long Branch, "about five months ago and informed those paying $10 per year sewer rent that should they keep boarders or rent rooms this summer their sewer rate would be advanced."

The company in reply stated that the company by virtue of the terms of its ordinance granted by the City of Long Branch "agrees to charge ten dollars per annum for sewer service where the taxable valuation does not exceed $5,000 and the premises are occupied by a private family, and where there are at least ten connections for each one thousand feet of sewer mains necessary for the proposed extension to meet the demands of patrons."

It was claimed that the property of the petitioner was not occupied by a private family, but used and occupied by several families each year, and that the property of the petitioner is located on Pavilion Avenue, Long Branch; that the required number of connections could not be had at the time of building the sewer mains, and the property owners, including the petitioner, agreed to pay $15 per annum for sewer service if such line was constructed, and in accordance with such agreement mains were built in the street. It was further claimed that the property of the petitioner was worth more than the assessed valuation of $4,900.

A copy of the answer was sent to the complainant. Later there was filed with the Board a consent signed by the complainant and the Long Branch Sewer Company to the dismissal of the complaint, the difference between the parties having been adjusted and satisfied.

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Leonard Kamerling

vs.

Passaic Water Company.

Complainant stated that he had bought a premises in Paterson from John Mulder and wife; that the said John Mulder and wife had made a contract with the said water company to have the premises connected with water main running through the avenue for the sum of $45; that the connection was made as agreed, but a statement was rendered for the sum of $98 instead of $45, as agreed upon; that he has asked the Passaic Water Company to cause the premises to be supplied with water, but the company refused to do this until the sum of $98 had been paid.

The company claimed that at the time application was made for the installation of water service each applicant is given the price with the understanding that in case rock is encountered in the excavation for the service pipe that the price quoted would not be applied, but that the service pipe would then be installed at cost.

It was claimed that after it became known that in the case in question rock would be encountered the then owner of the property was notified that the cost would be much in excess of the regular charge and that cost of the installation was $98.50.

The company claimed to have no knowledge of any agreement made to do the work for the sum of $45.

A copy of the company's answer was sent to the complainant and complainant requested a date be fixed for hearing. Before the date for hearing arrived, the company again communicated with the Board stating that "since making this answer to the complaint, our foreman in charge of installing service pipes has returned from a month's vacation in England, and we find that he had some conversation with the former owner of this property in regard to the cost of the work, and from this conversation it may be possible that the then owner received the impression that the service pipe would be installed for a sum not to exceed $45. In view of this conversation, we have settled with the said Leonard Kamerling for this sum and the water has been turned on to the property in question, and in consequence of this settlement we will not appear before the Board at the date set for the formal hearing."

Complaint received August 15th, 1913.

Melvin W. Tindall

vs.

Trenton Terminal Railroad Company.

Complainant, a milk shipper of the line of the Trenton Terminal Railroad Company, stated that the company had always stopped at the cross road to take

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on milk; that notice had been served that the milk should be taken to the station; that this required the wheeling of sixty quarts of milk in a wheelbarrow, as the station was not accessible by a horse and wagon. It was claimed that "there is just room for a man with a wheelbarrow and there are loose cinders and clinkers to wheel it over, and it isn't necessary to stop at the station, as there is nothing loaded but our milk, and they could stop just as handy at the cross road."

The Public Service Railway, Lessee of the Trenton Terminal Railroad Company, in reply stated that "in making inquiries as to why certain cars of Public Service Railroad Company did not make their time, it was found that train crews had been stopping at cross roads in one or two instances for the accommodation of certain people not authorized by the time table, and the crews were instructed to make only the regular stops. One of these places, where the station is a short distance from the road, is the station of which Mr. Tindall complains. The company is about to build a reasonable approach to the station so that the farmer can drive the milk all the way to the station of the company."

This matter was fixed for hearing on September 23rd. The complainant and respondent were notified. The complainant did not appear. The representative of the respondent stated that the company had built a road up to the station so as to furnish a proper driveway approach; that Mr. Tindall had written him further stating that the matter had been adjusted to his satisfaction.

Complaint received August 16th, 1913.

Thomas J. Murphy

vs.

Plainfield Union Water Company.

Complainant alleged that the Plainfield Union Water Company turned off water at his property at Plainfield Avenue. He refused to pay a bill for quarter ending January 1st, 1913, said bill amounting to $24.10. This the complainant alleged was excessive as the bill for the following quarter amounted to $2.50. Complainant stated that he sent a check for $24.10 under protest after the water had been turned off, and in order to avoid trouble with the local Board of Health, the Board of Health having notified him that if the water was not turned on in three days suit would be brought against him.

Complainant further stated that the water company demanded a deposit of $25 before turning on the water again.

The water company stated in reply that "April 1st last we rendered the complainant a meter bill showing a consumption of 14,800 cubic feet of water for the three months ending March 31st last, amounting to $24.10. Shortly thereafter Mr. Murphy's agent, Mr. J. T. Vail, called at this office to make inquiry if the bill was correct. We read the meter and found that the reading was correct, and so advised Mr. Vail. Not having received payment, on May 6th we sent Mr. Murphy a delinquent notice." The answer of the company did not show any difference with the complainant as to the statement of facts except that the company claimed that the bill of $24.10 was a correct bill; that it was based on a correct meter reading.

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Date as fixed for hearing on the issue joined and the company advised by the Board to turn on the water supply and leave the question of the reasonableness of the deposit to be determined in the future, which it agreed to do.

At the conclusion of the hearing the Board announced that a $10 deposit would in its opinion be sufficient to guarantee payment, and the company agreed to accept this deposit and the complainant agreed to the same. Further consideration of the matter was discontinued.

Hearing held October 14, 1913.

Ernest Brehart

vs.

Farmers' Telephone Company.

Complainant stated that his telephone had been out of order for two weeks and in spite of repeated requests to have the same put in order nothing had been done. He stated that numerous other parties had been similarly inconvenienced.

The company in answer stated that they had experienced unusual electrical storms, and in order to give prompt repairs to subscribers it was compelled to employ inefficient men to help; that one of these men was sent to Mr. Brehart's; that he did not make the necessary repairs, but failed to report thereon. Following the receipt of the complaint forwarded by the Board, the company sent a man to Mr. Brehart's and fixed the telephone for service, allowing him for the time the same was out of service.

Complaint received September 3rd, 1913.

Alex. C. Fergusson, Jr.,

vs.

Delaware and Atlantic Telephone and Telegraph Co.

Complainant stated that he was connected with the Beverly exchange of the Delaware and Atlantic Telephone and Telegraph Company, with a residence 'phone, but that quite frequently he could not obtain the exchange operator when he wanted to use his 'phone. The complainant stated "Quite fifteen days in the month of August my 'phone was out of service, and already seven days in this month the same condition has obtained. Yesterday my 'phone was working perfectly; today it is useless."

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The company in answer stated that the telephone service to the complainant "is furnished by means of a circuit, several hundred feet of which, composed of insulated and open wire, extends through trees. During the past summer, particularly in damp weather, a considerable amount of trouble developed in that portion of the circuit which ran through the trees."

"On August 14, 1913, due to the repeated trouble on the complainant's and other subscribers' lines in his neighborhood, this company made the necessary plans to replace the circuit through the trees with approximately eighteen hundred feet of aerial cable. In order to extend the aerial cable, as covered in our plans, it was necessary to obtain right-of-way privileges from the complainant to place poles and run cable along the front of his premises. At first the complainant gave permission to set the poles, but would not allow this company to attach the cable to them.

"Since the receipt of this complaint a representative of this company has again called upon the complainant and explained to him that in order to improve the service conditions it was necessary to replace the wires which ran through the trees with an aerial cable. As a result of this interview the complainant consented to the placing of the cable along the front of his premises, and arrangements have been made to have the cable construction completed in about three weeks.

"This company has trimmed the trees through which the complainant's and other subscribers' lines run to avoid any further interference on account of the wires coming in contact with the trees, and will make every effort to render satisfactory service until the cable construction is completed, which will effect immediate and permanent relief."

The complainant in response to the answer of the company alleged that the company was in error in stating that he refused at any time to allow it to run a cable by his property, and complainant further stated "Since I made complaint to your Board an entire change has come over the complexion of my service, which has been uninterrupted and satisfactory, and as long as same continues in this state I have no complaint to make."

Complaint received September 18th, 1913.

Board of Health of Burlington Township

vs.

Public Service Gas Company.

Thomas B. Gandy, secretary of the Board of Health of Burlington Township, Burlington County, complained that "the gas pipes of the Public Service Gas Company at Springside, in Burlington Township, had been leaking for six weeks and affected the water in three dwelling houses and made the water unfit for use. I have notified the company at their office in Burlington and told them that they should dig the pipes out as the proper way to find the leak, but they will not do it. They have sent their men out and they probe around, but do no good."

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The company in answer to this stated that it repaired a leak in the service pipe leading to the house of Mr. Wetherill on the Mt. Holly road near Fountainwood; that on July 25th Mr. Gandy complained that escaping gas was polluting the water in the wells of Messrs. Wilkins and Couch. On July 30th all the mains in that vicinity were barred for leaks and two very slight leaks were found and repaired.

"This company insists that there are no leaks in its mains or services in the vicinity, and that if the condition of the wells is due to gas it must be from previous leaks, as none now exist."

The record in this matter was referred to the Board's inspector, who reported that samples were taken from each of the wells; that a peculiar ordor was noticed in the water drawn from each of the wells; that the water in most cases was cloudy and contained a sediment; that an analysis of the samples would have to be made to determine whether contamination was due to leaky gas mains or to some other causes. It was stated by the inspector that the complaints received at the Burlington office of the gas company appear to have been investigated with reasonable promptness.

"There are no indications of gas leaks in this vicinity at present excepting the condition of the water in the wells. The condition of grass and trees near the mains would not indicate that gas was escaping from the company's mains, although the records show that the leaks were found during the past summer in the services of Mr. Wetherill and Mr. Wilkins."

The complainant was sent a copy of the report of the Board's inspector and it was suggested to him that samples of the water should be tested, which it was stated would be done for him by the State Board of Health, and it was requested that if the tests were made a copy of the report on the same be sent to the Board.

Inspector's report sent to complainant November 5th, 1913.

Henry Amend

vs.

Public Service Railway Company.

Complainant stated that he resides at Davidson's Mills, in the Township of South Brunswick; "that the only means of transportation to any point from Davidson's Mills is via Trolley Fast Line Route, a line of service from Trenton to New Brunswick * * *. That prior to July 5th, 1913, the carrying charges from Davidson's Mills to New Brunswick, or from New Brunswick to Davidson's Mills, were ten cents, a distance of four and one-half miles from the City of New Brunswick; that since the 5th day of July, 1913, the defendant company has increased the rate to fifteen cents, requiring the purchase of a ticket to Dayton, although permitting the discharge of passengers at Davidson's Mills as heretofore, and that when going from Davidson's Mills to the City of New Brunswick the passenger is required to buy a ticket from Dayton to New Brunswick, although Dayton is almost equally as far from Davidson's Mills as Davidson's Mills is to

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the City of New Brunswick; that tickets are permitted to be purchased at a place called Patrick's Corner, half a mile distant toward New Brunswick at a fare of ten cents, and that in order to take advantage of the lesser rate of transportation, inhabitants at Davidson's Mills are required to walk a distance of one-half mile."

It was claimed to be unreasonable to require passengers desiring to be discharged at Davidson's Mills to purchase a ticket to Dayton, and to passengers leaving Davidson's Mills to go to New Brunswick to purchase a ticket from Dayton to New Brunswick each at a cost of fifteen cents when the distance is but four and one-half miles from New Brunswick to Davidson's Mills. It was further charged that the rate of 15 cents is unreasonable and not in proportion to the reasonable charge for transportation on a trolley covering a distance of four and one-half miles, but that the sum was collected owing to there being no other means of conveyance in or out of Davidsn's Mills except over the trolley line of the defendant company.

The company denied the statement that prior to July 5th, 1913, the carrying charge between New Brunswick and Davidson's Mills was 15 cents for passengers possessing agent's tickets. It stated that "the same rate would carry a passenger from New Brunswick to Dayton. If a passenger boarded a car at Davidson's Mills without previously purchasing an agent's ticket he had to pay a cash fare of twenty cents to New Brunswick. There is no excess in the present single fare over the old cash fare rate. Davidson's Mills is not a regular station at which a fare limit is established, but is a stop made for the convenience of passengers desiring to alight at that point. The fare zone limits are Patrick's Corner and Dayton, and a passenger stopping at Davidson's Mills is in one or the other as the case may be. The statement that Dayton is almost as far from Davidson's Mills as Davidson's Mills is from the City of New Brunswick is untrue. The distance from Davidson's Mills to Dayton is 2.552 miles. The distance from Davidson's Mills to George and Albany Streets, New Brunswick, is 7.274 miles. It is also untrue that the tickets are sold at Patrick's Corner, a half mile distant toward New Brunswick. No ticket agent is maintained at Patrick's Corner, but on all cars conductors give cash fare receipts, which are good between any two stations for cash fares collected, the charges being the same as if tickets had been purchased from a ticket agent. The fare from Patrick's Corner to George and Albany Streets is fifteen cents and not ten cents, as stated in the petition, and the fare from Davidson's Mills to George and Albany Streets is twenty cents and not fifteen cents, as stated in the petition. The distance from Davidson's Mills to Patrick's Corner is .869 of a mile and not half a mile, as stated in petition."

The respondent denied that it was unreasonable to require passengers boarding its cars at Davidson's Mills and travelling to New Brunswick to pay twenty cents, and alleged that the distance instead of being four and one-half miles is 7.274 miles.

Complaint received September 17th, 1913.

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Darlington Farms

vs.

New York Telephone Company.

Complainant alleged that the telephone service to the residence of Emerson McMillin at Darlington and to the Darlington Farm office on the Ramsey Line No. 6 of the New York Telephone Company is "continually getting out of order, giving us no end of trouble and inconvenience. All bills presented for service are promptly paid, but the service rendered is exceedingly poor when in operation at all, and a good part of the time we are entirely cut off from telephone communication."

The company in answer to this complaint stated that practically all the trouble had been caused either by the branches or leaves of trees coming directly in contact with the wires during heavy rains or by the falling of broken branches across the line.

It was further stated that the complainant had reported to the company a number of interruptions of service with the result that the company had a representative engaged in securing tree trimming permissions along the route of the circuit in order that all of the interruptions due to the above conditions might be removed.

"Practically all of the necessary tree trimming consents have been secured and the work of putting the subscriber's line in first class condition will be completed within the next two weeks, if the weather conditions permit.

"There will be a considerable amount of additional work necessary on the line following this period, but everything that will directly affect the service of the Darlington Farm will be eliminated within the time mentioned."

A copy of the company's answer was forwarded to the complainant, which stated in reply:

"Soon after the complaint was filed the company began to improve the service. The employees are active and have greatly improved the service. We do not doubt that the company is doing all it can to render that service which it has heretofore signally failed, but for which it continued to collect pay.

"We do not object to a hearing, but believe the cause for a hearing is being rapidly removed, and therefore do not desire it."

Copy of answer forwarded to complainant October 14th, 1913.

F. Wallis Armstrong

vs.

Farmers' Telegraph and Telephone Company.

Complainant stated that he had built a residence on the new Albany Road, Chester Township, Burlington County, within the territory supplied by telephone

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service by the Farmers' Telegraph and Telephone Company; that he had telephone service "by means of what is known as a party wire to his farmer, and that he has been endeavoring during all of the present year, and actively since March of this year, to get a telephone installed in his own residence, but the said company has refused to do so; your petitioner's application was for private wire and extension, a class of service the said company furnishes, your petitioner consenting to comply with all the regular requirements for service as prescribed by their regular and approved rates; that the said company has lines and facilities by which it can readily furnish such service, and long after your petitioner made application for service has furnished similar service immediately adjoining your petitioner's property."

In answer to this complaint the Farmers' Telegraph and Telephone Company stated:

"Our men are at work on the construction of the line, and we will be able to furnish service within ten days."

Copy of the company's answer was forwarded to the complainant, who stated that the company "started stringing the wires two or three days ago."

Copy of answer forwarded to complainant October 3rd, 1912.

E. W. Kynor

vs.

New York Telephone Company.

Complainant alleged that he had been advised by the New York Telephone Company that on March 1st, 1912, the company established a Glen Ridge theoretical central office, embracing all subscribers within the municipal boundaries of the Borough of Glen Ridge, to whom were assigned the central office designated "Glen Ridge"; that for this reason the company could not continue to furnish telephone service to the complainant under a Montclair call number at the minimum rate of $30 per annum, and that the telephone company was obliged by law to terminate this and all similar contracts.

A contract drawn in accordance with the published rates for foreign exchange connection stipulating an annual charge of $4.50 in addition to the minimum charge of $30 a year, and permitting the retention of the Montclair call number, was submitted to the subscriber, who was advised that if he preferred to have Glen Ridge service at the rate of $30 per annum, the company would forward contract for his signature.

The complainant stated to the Board that the old contract called for service in Montclair and Bloomfield; that the new one adds Verona and Glen Ridge, but in fact covers exactly the same territory. It was further stated: "There is no Glen Ridge exchange. (In the letter it is called a 'theoretical central.') The rates and service for Montclair and Glen Ridge are exactly the same. I am connected with the Montclair exchange by a four-party wire, the other three being in Montclair and my property being a little over one hundred feet on the

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Glen Ridge side. The nearest Glen Ridge house (except the Golf Club) is one mile away. Glen Ridge post office and police station, etc., nearly two miles away. My post office address, as you will notice by the letter sent to me by the telephone company, is Upper Montclair. Glen Ridge has no post office service for that part of the borough. The postmaster-general has assigned me to Upper Montclair. I very often do not see a resident of Glen Ridge in a month. This matter was brought up in June, 1912, but the company at that time did not seem to know that they were obliged by law to terminate my contract."

In answer to this complaint the telephone company stated that the complainant lives in the Glen Ridge central office district, and is the only subscriber in that district who has a Montclair telephone designation.

"In this company's endeavor to dispose of all obsolete contract conditions and to treat all subscribers similarly situated on the same terms, Mr. Kynor has been asked to either take Glen Ridge service, or if he desires to retain the Montclair telephone designation to pay for it at the rate provided in the schedules on file with your Board for such service. We have, therefore, quoted Mr. Kynor a rate of $30 per annum for Glen Ridge service, or a rate of $34.50 per annum for Montclair service. From a telephone service standpoint there is no particular advantage to Mr. Kynor to have his station designated as a 'Montclair' station, and even if there are other personal reasons why Mr. Kynor prefers that designation to the one which he should properly have, namely 'Glen Ridge,' this company does not feel justified in according Mr. Kynor any preference that it would not under similar circumstances and conditions accord to other subscribers for a like and contemporaneous service."

Answer sent to complainant October 7th, 1913.

James W. Rusling

vs.

Delaware and Atlantic Telegraph and Telephone Company.

Complainant writing under date of September 22nd alleged:

"This morning about 10 o'clock a long distance call on the Bell Telephone came to our office for James F. Rusling. I answered that he was out, but would be in shortly. In less than three minutes I took up the receiver again to get the connection for James F. Rusling and called for the New York operator, as advised, but local office replied that they had no record of any call. I then called '800,' explained the matter to her and asked her to see if she could not locate the New York party. After some fifteen minutes or more she replied that she could not do so; that there had been a call, but that she did not know who the party was.

" * * * There is almost always trouble when any out-of-town operator calls you and you happen to be out of the office. It would seem to be a very simple matter for the office here to make a record of the party and the number out

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of town desiring you; but if that is too much trouble for the local office, it surely would be easy for Central to say that Mr. So-and-So from No. So-and-So, New York, desires to communicate with you, and this record could be kept in my own office till my return."

In answer to this complaint the New York Telephone Company stated:

"The operating method which is used on calls from New York to Trenton and from Philadelphia is a single ticket method. The toll operator in New York or Philadelphia is responsible for either establishing the connection to the Trenton telephone or for giving to the calling party a definite report concerning the failure to establish the connection. The toll operator in the town in which the call originates deals directly with the person answering at the called telephone, and establishes the connection and supervises it until the completion of the conversation. In case the particular person desired cannot be reached at the number called, the originating toll operator inquires at what time it is expected that he may be reached, and leaves word for him to call the operator at the originating office upon his return. The details of the report obtained from the person answering at the called telephone are recorded upon the toll ticket by the originating toll operator. No ticket record of the call is made at the terminating office. When the particular person called is ready to talk, he is connected with the toll operator of the office in which the call originated. The originating toll operator proceeds to complete the connection between the two parties. In the large centers, such as New York and Philadelphia, there are, of course, numerous toll operators, and in such centers it is the practice to designate an operator as a 'leave word' or 'ticket' operator, to whom is immediately sent the ticket covering a call which the originating toll operator is unable to complete on account of the particular person not being reached. The terminating operator, upon receiving a request for connection with the operator at such a center, connects the party with the 'ticket' operator at the desired center. The ticket operator then proceeds to establish the connection between the patrons. For example: On a call to Trenton originating in Philadelphia, the Philadelphia toll operator, upon finding that she cannot reach the particular person desired at the Trenton telephone, leaves word for him to call the Philadelphia operator. The Philadelphia toll operator forwards the ticket to the 'leave word' or 'ticket' operator. Upon receipt of notification by the particular person at Trenton that he is ready to talk, the Trenton operator connects him with the ticket operator in Philadelphia, who proceeds to establish the connection with the calling party.

"Relative to calls from New York to Philadelphia, to which Mr. Rusling refers, the records on these calls at the originating offices are as follows:

"Philadelphia to Trenton, September 3, 1913:

"Philadelphia Lombard 601 calling Trenton 413, Mr. Russley. Name of Wesley was crossed out on the ticket and Russley substituted in its place. Ticket filed at 3:08 P. M. At 3:10 P. M. Mr. Russley out, expected any minute. Connection established at 3:40 P. M.

"New York to Trenton, September 22, 1913:

"L. D. No. 70 calling Trenton 413, James S. Russland, filed at 9:40 A. M., passed at 9:41 A. M., busy at 9:42 A. M., Mr. Russland out at 9:52 A. M., expected in half an hour. Call canceled at 9:54 A. M.

"In the absence of information other than that contained in records as shown above, we are unable to explain why the reports of 'no record of call' were given to Mr. Rusling.

"If the method suggested by Mr. Rusling were adopted, the direct result would

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be that the called party knowing the name of the calling party would advise the local operator that he wanted to talk with 'Mr. Jones at Philadelphia.' This call would be passed and connection established with Mr. Jones if he happened to be in his office. The necessity for making the call may have passed and several difficulties might arise, among which would be:

"(a) Although Mr. Jones originally called, the occasion for making the call may have passed in that the information required or the transaction contemplated had been furnished or consummated by other means.

"(b) If not able to get Mr. Jones personally, the person originally called may wish to talk with someone in his office who does not know anything of Mr. Jones' reasons for attempting to call.

"(c) The operator with whom Mr. Jones placed his call would have no knowledge of the completion of the call from the distant point to Mr. Jones and would undoubtedly complete the call to the dissatisfaction of both parties if they had, in the meantime, talked with each other.

"There are several other difficulties that might arise, but the main advantage in the present practice is that a long distance call started at Philadelphia is handled by the long distance operator at that point from the time of its inception to its completion. There is no division of responsibility, and the Philadelphia operator is at all times in a position to make intelligent reports to the party who originated the call. There is no chance of duplication of the call, and further our experience shows that even when the called party is not present at the desired moment and it is necessary to leave word, that difficulty is experienced on only five-tenths of one per cent (.05 of 1%) of these 'leave word' calls.

"It has been found that this routine of handling long distance calls has resulted in a definite improvement in the speed and accuracy in the transmission of such calls, because the intelligent handling of them with the responsibilty definitely placed gives this company greater use of its trunk lines and imposes a less burdensome and confusing task upon the operators called upon to handle this type of service. All of this reacts to the benefit of the subcriber."

The answer being unsatisfactory to the complainant, hearing was called, following which the Board announced that "The matter being one pertaining to service between Trenton and points outside the State, is not within the jurisdiction of the Board, but the Board recommends to the company that care be taken to obtain a better enforcement of its rules."

Hearing held October 28, 1913.

Borough of Linden

vs.

Public Service Electric Company.

Complainant stated that the Borough of Linden could not obtain electric light service from the Public Service Electric Company; that the borough was lighted by about eighty gas lights.

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"Some of the borough residents desire electric light and power and council felt that this service might be more easily obtained for them if some of the streets were also lighted by electricity.

"Therefore, bids for eighty lights, either gas or electric, were advertised for. The Public Service Electric Company and the Elizabethtown Gas Light Company were bidders, but the advertisement did not properly express the council's desire to have part gas and part electric light service on the borough streets, therefore bids were again advertised for forty gas lights and forty electric lights, but under this advertisement the Public Service Electric Company refused to bid, the only bidder being the Elizabethtown Gas Light Company.

The borough council feels that the Elizabethtown Gas Light Company should be awarded the contract for the street lights, as they furnish a very satisfactory light at a low price; but it also is a recognized fact that for municipalities to be up to date they should have electric light and power service, so that those desiring this service might be able to obtain the same."

In answer to this complaint, the Public Service Electric Company stated that it bid in answer to an advertisement for eighty electric street lights;

"That the second advertisement called for bids for forty electric street lights and Public Service Electric Company did not bid;

"That Public Service Electric Company has no distribution system in the Borough of Linden, but since the borough requested street lights this company has been canvassing to ascertain if there was sufficient legitimate business to justify the construction of a distribution system in the borough, and pursuant to such investigation an extension has been authorized;

"That the Public Service Company is ready to furnish to the Borough of Linden forty or more electric street lights of the candle power desired by the borough at its standard rate for street lighting and under its usual contract."

A copy of the answer was forwarded to the Borough of Linden October 10, 1913.

Connor and Horner

vs.

Public Service Electric Company.

Complainants writing under date of September 29th, stated that about six weeks before they had formed a partnership trading as Connor and Horner, Commercial Printers. A building in the rear of Mr. Connor's residence at Federal and Wood Streets known as 105 Federal Street, was utilized as an office and the press, type, etc., placed therein. Electric power was then applied for, and we have been unable as yet to get any satisfaction out of the Public Service Corporation. I believe it would be necessary for them to extend their wire for this purpose, for another square, and to place an additional pole, but we are going to use considerable current and are in the city limits—in fact, just off the main street, and I see no reason why they are holding us up so long.

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"We have a great deal of printing ahead of us at the present time and are losing money every day on account of their dilatory tactics."

The Public Service Electric Company in answer to this complaint stated:

"Application was made to the local office of this company on August 26th and the local office immediately took up the regular method of inquiry for preparing a requisition for new line extension, which was forwarded through the usual channels on September 5th. Through some oversight the requisition was mislaid in the Camden office and did not come to the committee in time for consideration before September 30th. The extension was provided for by the committee on September 30th and work on the extension has been begun and is about completed. Under ordinary circumstances applications for extension of line are disposed of within two or three weeks, but, as before stated, through some oversight this particular case did not receive the usual prompt attention."

A copy of the company's answer was forwarded to complainants, who advised on October 11th:

"Yours of the 10th instant received, and we wish to inform you that the wires have been run to our door, and everything is ready for connection."

Answer sent to complainants October 10th, 1913.

Eugene Ely

vs.

New York Telephone Company.

Complainant stated that the New York Telephone Company furnished at Holmdel, N. J., three classes of service, one known as private line at $30 a year; one a four-party line at $24 per year; one known as the farmers' line of twelve or more party line at $18 per year; that the business of the company increased and the company placed a central office at Holmdel; that the company contemplated establishing a zone of one or one and a half miles from the central office and " * * * are trying to compel all the subscribers within this circle to take the four-party-line service at $24 per year, discontinuing the twelve or more party service within this zone."

It was further claimed that the company would continue to serve the general public outside of the zone at the same old price of $18 per year.

In answer to this complaint the New York Telephone Company stated that "Prior to June 1, 1912, rural multi-party service was the only kind of telephone service available in the Holmdel area. The stations connected to each line serving the subscribers in this area were so numerous that as the territory developed this grade of service proved inadequate to meet the growing needs of the public. Therefore, shortly before June 1, 1912, this company made a study of the conditions in Holmdel with the result that the same rates and classes of service applicable to other villages and localities of similar size and of corresponding conditions were scheduled for that section. Under this arrangement a central office was opened, and a base rate zone with a radius of approximately one and one-half (1½) miles from the new central office was established."

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It was further stated that since the new schedule was put into operation rural multi-party-line service had been abolished in the base rate zone, and an effort made to regrade all contracts affected to one of the standard classes of service.

It was claimed that "the establishment of better grades of service in the village of Holmdel met with the general approval of most of the subscribers, and out of a total of twenty-seven (27) subscribers located in the base rate zone twenty (20) have subscribed to one of the standard grades of service."

The company claimed that this plan was best serving the community as a whole, and that in order to comply with the law and in justice to its other subscribers, it was compelled to cancel its obsolete agreements.

Answer sent to complainant October 21, 1913.

Township of Haddon

vs.

Public Service Gas Company.

The Township Committee in the Township of Haddon complained that the Public Service Gas Company did not supply gas in that portion of the township lying north of Maple Avenue and east of Windsor Avenue; that "there are situated within such territory fifteen residences that are without any gas service, and the occupants of which are desirous to secure such service, and have signified their willingness to contract for such service with the Public Service Gas Company."

It was stated that it would be necessary for the company to extend its mains in order to give service to the fifteen residences; that the mains are now laid on Maple Avenue, which is the southerly boundary line of the territory to which the extension of service is desired.

It was further claimed that the territory "in which such service is desired is likely to develop rapidly as a residential section, and that the demand for such service will greatly increase in the near future."

In answer to this complaint respondent alleged that the cost of mains, meters and services to make the extension asked for would be $2,845.90; that the rate to the fifteen consumers would be $324; the expenses of service $261.83, the interest on the investment at 8% would be $227.67, totalling $489.50, and that this would leave an insufficiency of net revenue to pay 8% of $165.50. It further claimed that only three houses had been built on the tract since 1911.

Copy of answer was sent to complainant November 7, 1913.

Frank Hubschmidt

vs.

Public Service Gas Company.

Complainant writing under date of October 1, 1913, stated that during June he moved into a house at 120 Putnam Street, Paterson, and requested that gas be turned on, which was done. About two days later at 11:30 A. M. a representative of the company came to his home and told his wife he had orders from the

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company, walked into the cellar and turned the gas off, leaving a partially cooked meal on the gas stove.

Complainant stated further that the gas was turned off without any notice and that the agent of the company who turned it off stated he did not know the reason for the order.

Complainant also claimed that on the 29th of September he requested the transfer of gas supply from 120 Putnam Street to 321 Godwin Street, Paterson. "That on Wednesday afternoon, after being without gas for two days, I called up the company and was informed that it would take another day or two before I would get gas."

In answer to this complaint the Public Service Gas Company stated that "on June 18, 1912, Mr. Hubschmidt bought a range for $18.50, which was installed at 150 Martin Street, Paterson, and which was to be paid for on installments. There was a prepayment meter at that address in the name of the former consumer, and as Mr. Hubschmidt did not sign an application the account was never transferred under his name. Mr. Hubschmidt moved from that address to Dundee Lake approximately April 1, 1913, having paid $6.50 in installments on account of the range, leaving an unpaid balance of $12. There was no gas at Dundee Lake and Mr. Hubschmidt did not notify the company of his removal. June 5, 1913, Mr. Hubschmidt signed an application for a prepayment meter at 120 Putnam Street. On the same date on which Mr. Hubschmidt made his application, notice was mailed him of sundry sales balance of $12 on account of the range, and he was asked to make some arrangement to take care of the balance due. On June 11, 1913, the meter at 120 Putnam Street was shut off on a discontinuance order from a previous customer at that address, Mr. Hubschmidt having paid no attention to the request to make some arrangement for paying the balance due on account of the range. On June 12 Mr. Hubschmidt called at the office and arranged to pay $1.50 on June 14, and thereafter $1.50 every two weeks. Gas was turned on the same day and payments have been made as agreed. On September 29 Mr. Hubschmidt notified the company to discontinue gas at 120 Putnam Street and signed for a meter to be set at 321 Godwin Street. Gas was shut off at 120 Putnam Street on the 1st of October and a new meter was installed at 321 Godwin Street on the 2nd of October, the third day after the application was signed."

Following receipt of this answer the Board suggested that the Public Service Gas Company should issue clear and specific instructions to its local agents that under no circumstances must the supply of gas to a customer of the company be discontinued because customer is in arrears of payment of the sundry sales account.

Following this the company notified the Board that it had sent a notice reading as follows to each of its local agents:

"While it has been understood that a customer's gas supply is not to be discontinued on account of the customer owing a sundry sales (merchandise) bill which is overdue, I wish to notify you herewith that under no circumstances must the supply of gas to a customer of the company be discontinued because the customer is in arrears of payment of the sundry sales account.

"Will you please see that all of your employees who are interested in the above ruling are properly notified and instructed to this effect, and that these instructions are rigidly carried out.

"Very truly yours,

"(Signed) W. H. PETTES,
"General Auditor."

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Samuel Haas

vs.

New York Telephone Company.

Complainant stated that he resides at Woodbridge, N. J., and lived at 142 Freeman Street, where he had a telephone. He moved into a house on School Street and asked the New York Telephone Company before moving whether he could use a telephone that was connected and installed prior to his moving, but the company insisted upon the payment of $4. Complainant alleged that the company had no expense in installing the telephone, as it was in use by the family who previously lived in the house.

In answer the company stated that telephone service was installed for Mr. Haas on July 12th, 1913, at 142 Freeman Street, Woodbridge, at a rate of $33 per annum. An extension station at a rate of $6 per annum was connected on August 4th, 1913. On August 13th, 1913, service was changed from individual line flat rate and extension station to four party line flat rate and extension station, at an annual rate of $30.

When the complainant called at the Elizabeth office of the respondent and requested the removal of his telephone from Freeman Street to School Street, he was informed that a removal charge of $3 for the main station and $1 for the extension station would be made. The company claimed in support of this that it is the general practice of telephone companies to charge for removals in connection with contracts for service that have been in effect less than one year; that if a charge is not made the expense incurred by such removals would necessarily have to be covered in the rates for the general service and thereby would be reflected in the charges made to other subscribers who are not interested in and receive no benefits by the removals of other subscribers' telephones.

The company stated further that the flat rate representing the average cost for outside removals was determined upon rather than the cost for the work in each particular case. Removals are usually urgent, and should they base a charge upon the actual cost in each case subscribers would object to sign an agreement to pay an unascertained amount. If, on the other hand, the company estimated the actual cost in each individual case, an additional expense would be incurred which would result in an extra burden on the business—that is, the subscribers who pay. The time required to secure such an estimate would add to the delay preliminary to the commencement of the actual work of removal.

"The fact that the telephone station is already installed at the new address does not relieve this company from doing a certain amount of work which, among other things, involves recovering the equipment at the old location, changing the call number card at the new location, reconnecting the loop with the circuit and making changes in its records and directory lists as well as the cost of forwarding the necessary orders through its routine channels."

Copy of answer sent to complainant October 28th, 1913.

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Joseph Lefkowitz

vs.

Public Service Electric Company

Complainant stated that he resided at Woodbridge, N. J., and had his home wired for the installation of electricity. Before giving out his contract he saw the Public Service Electric Company's representative at Perth Amboy, who promised to install current " * * * three days after the completion of the wiring of the house. It is now six weeks passed and I cannot get any satisfaction whatsoever from these people, and I am now without any lights in the house.

"I live in the heart of the town and the connection is now very close to my home, and it would be very little trouble for them to get me power."

The company in answer to this complaint stated:

"Mr. Lefkowitz's request for current was made on August 28th, 1913, at which time the requisition for line extension to reach him was drawn up and sent forward for approval. The requisition was authorized September 29th. The order to the superintendent for line extension was issued October 1st, and the meter was set October 11th.

"The construction and completion of the line was delayed about one week owing to the stormy weather.

"The Commission will note from the date of Mr. Lefkowitz's complaint that at the time the same was made he had had service for two days."

The complainant wrote to the Board under date of October 21 stating:

"I instructed my bookkeeper to write to you on the 8th of the month, but he failed to do so until the 13th, at which time the power was already installed."

F. W. Bergman

vs.

Pennsylvania Railroad Company.

Complainant stated that he resided at Masonville, N. J., and for three years has used a train leaving Camden at 4:32 P. M.; that he had been told by other riders that the train ran regularly for at least two years prior to that date.

"It was operated winter and summer during that time, with no change except four minutes. * * * As the 4:08 is too early for most commuters, and the 4:32 has now been withdrawn from local stops, those persons who used it are now obliged to wait thirty-five minutes until 5:07 P. M."

Complainant further stated that he had been advised by the Pennsylvania Railroad Company that the change was made owing to a train which is to run beginning in December to Lakewood out of Broad Street station which will conflict with the 4:32 as a local to Pensauken.

It was alleged that the policy of the railroad to cater to the Lakewood traffic is an injustice to the commuter, especially where the convenience of this train had been a factor in the purchase of property; that he and others had been inconvenienced by the change.

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In answer to this complaint the railroad company stated that while " * * * train No. 398 was moved back from 4 o'clock to 4:24 from Philadelphia and 4:32 from Camden, anticipating Lakewood train service during the winter (which has been brought about by a continuous demand for such a service and which will be operated at considerable loss to both the Pennsylvania Railroad and Central Railroad of New Jersey) the principle reason for changing No. 398 was to meet the wishes of many of our long-distance riders, to have the train later—in fact, they would like to have had the train at 5 o'clock.

"Mr. Bergman has this fall an additional train that stops at Masonville, leaving Philadelphia at 3:20, which he did not have last year.

"He also has a train leaving Philadelphia at 4 o'clock, which stops at Masonville, which he did not have last year.

"And a five o'clock train stopping at Masonville which he did not have last year.

"Train No. 398 is on the time of the local train last year that made the stop at Masonville, but that stop cannot be made on No. 398, which is a through train.

"In other words, the people of Masonville this year have the following trains from Philadelphia: 3:20 P. M., 4 P. M. and 5 P. M., against only the 4:24 P. M. last year."

The answer of the company being unsatisfactory to the complainant a date was fixed for hearing at which the complainant appeared and the railroad company was represented. Following the hearing the Board announced its decision that it did not appear that the company failed to provide safe, adequate and proper service at Masonville, and the complaint was dismissed.

Hearing held December 2nd, 1913.

Hudson and Middlesex Telephone and Telegraph Company

vs.

Central Railroad Co. of New Jersey.

Complainant alleged lack of proper train service from Perth Amboy southward on the Central Railroad of New Jersey. It was claimed that going to Freehold train No. 303 does not stop at Perth Amboy, but passengers are compelled to take 361 and wait half an hour at Matawan for No. 303.

"The next train, No. 309, does not stop at Perth Amboy, but an earlier train must be taken, entailing a wait in Matawan from 12:01 until 12:30.

"Complaint to the Central Railroad Company elicits the reply that these are express trains. Both of these trains stop at Middletown with a population of 200 and do not stop at Perth Amboy with a population of 35,000.

"The fact is that these trains stopped here formerly, but since residents of our city complained to your Board of the conditions maintained at the passenger stations by the Central Railroad Company, we have been penalized by having our train schedule made as obnoxious as possible.

"We take men from Perth Amboy to Freehold to work on our telephone and electric light lines and they lose one hour each day the trip is made."

The railroad company in reply stated that it had had a conference with the president of the Hudson and Middlesex Telephone and Telegraph Company as

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to the train service complained of, and as a result it was felt that a formal answer to the complaint would not be necessary.

On November 28th the president of the Hudson and Middlesex Telephone and Telegraph Company advised the Board:

"We desire to say that the matter has been satisfactorily arranged by the stopping of one express train and the partial elimination of delays at Matawan on others.

"If agreeable to your Board, we desire to withdraw our complaint in view of the satisfactory adjustment."

The Board ordered this complaint stricken from its docket.

Complaint removed December 2nd, 1913.

E. M. Keeler

vs.

New York Telephone Company.

Complainant stated that she is the proprietor of a boarding house at 141 South Street, Morristown, and that in order to furnish proper service it was necessary to have in her house a telephone. For several years prior to October 3rd, 1913, the New York Telephone Company maintained in this house a telephone, for which no charge was made. The company received all of the toll except a small commission paid to complainant. On October 3rd, 1913, the complainant was required to enter into a contract with the company by which she was to pay an annual rental of $12 for a coin box and guarantee to the company that the local message revenue should not be less than 12c per day. This the complainant alleged to be unreasonable and exorbitant.

In answer the company stated that the complainant was a subscriber to telephone service under a contract dated September 27th, 1910, which provided for a direct line public telephone equipped with a coin box. The complainant was allowed a commission from all receipts from the station. The average receipts for the past seven months were claimed to be $3.63 per month. It was further claimed that under the present regulations of the company " * * * public telephones, as the name implies, are installed for the use of the general public and their use by the occupants of the premises in which they are located is only an incidental part of the purposes for which such telephones are intended. This company does not consider that a telephone located in a boarding house is accessible to the general public. For the above reasons the complainant's contract was considered to be non-standard. * * * The rates for the various classes of business service were quoted and the complainant signed a contract providing for a direct line semi-public telephone equipped with a coin box, effective October 1, 1913, to supersede her former contract. * * * On January 1st, 1913, there was a total of 2,043 subscribers' stations in the Morristown central office district. Of this number there were only five stations, or .00244% of the total number of stations in the same class and under the same form of contract as Mrs. Keeler's. Since January 1st, these five subscribers' contracts have been regraded or terminated."

Answer sent to complainant November 25th, 1913.

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Mizpah Board of Trade
vs.
West Jersey and Seashore Railroad Company.

Complainant alleged the intention of the Pennsylvania Railroad Company to discontinue the freight agency at Mizpah. It was claimed by the complainant that Mizpah is not a summer resort; that the freight business during the past six months averaged over $150.00 a month without counting the express business or sale of tickets.

A similar complaint was received from the Pilgrim Manufacturing Company of Mizpah.

The railroad company in answer claimed that on application from some of the local people it was arranged to make an experiment or trial by establishing an agency station for the summer months with the understanding that the railroad company would not be asked to continue it if found unprofitable.

"From May to September, inclusive, the entire revenue on both outbound and inbound shipments amounted to only about $750, and it does not appear to us that the W. J. & S. R. R. should properly be subjected to a loss by maintaining a permanent agency for a limited amount of business that was reasonably accommodated without the special service of an agent."

On the complaint and answer, hearing was held. Following the hearing the Board recommended to the company that it make arrangements to have an agent at the station during certain hours of the day. This was accepted by the railroad company.

Hearing held November 25th, 1913.

Mary A. Smith
vs.
Newton Gas and Electric Company.

Complainant stated that she owned a building at 31 High Street, Newton,

" * * * and have resided there for about four years last past continuously and during all that time until 1913 was supplied with gas by the Newton Gas and Electric Company through a meter with a slot for 25 cent payments.

"In 1913 the company removed the meter without cause or notice, and now refuse to replace the same unless I pay $3 for putting it back."

In answer to this complaint the company alleged that it had been explained to Mrs. Smith that the company was not asking for money for putting back the meter, but that it was felt that the company was entitled to a minimum monthly return from its prepayment meters of at least $3 per year.

" * * * This $3 is collected at this office and a receipt given therefor. Each month the meter reader takes from such consumer's meter the money therein and returns it to the consumer until the entire $3 is returned. We would like to say that we do not average over ten of these deposits each year, and to further call your attention to the fact that this is a yearly minimum and not a monthly minimum of 25 cents."

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It was claimed by the company that $3 per year would be a very small return on its investment and expenses.

"In all cases we furnish free of charge service pipe from the street main to the meter, shut off and meter. To this must be added the cost of meter readings, office records, meter testing and repairs and free inspection and regulation of consumers' appliances regardless of where such apparatus may have been put."

In forwarding the copy of the answer to the complainant the Board stated that the issue between the complainant and the company seemed to involve the question of the propriety of making a minimum charge for gas. That the right of a gas company to make a minimum charge had been upheld in court decisions; that in the absence of hearing the Board could not determine to what extent, if any, the right of the respondent to make a minimum charge might be affected by the terms of a contract between it and the municipality, or whether the charge was reasonable in amount. An offer to hold a hearing was made.

Answer sent to the complainant November 19th, 1913.

Louis Gordon, et al.

vs.

New York Telephone Company.

Francis A. Gordon as attorney for Louis Gordon, of 940 Grove Street, Elizabeth, and Mrs. Hattie Welt, of 401 Rose Hill Place, Elizabeth, complained to the Board that the above named had been without the service of a telephone, " * * * although they have indicated a willingness to pay for the same. The matter has been called to the attention of the New York Telephone Company repeatedly for a period covering nearly two months, and although repeated requests have been made no 'phone has been installed."

The company in answer stated:

"Mrs. Hattie Welt was a subscriber to four-party line flat rate telephone service in her residence at 924 Grove Street, Elizabeth. On September 17th, 1913, Mrs. Welt made application to this company for the removal of her telephone to 401 Rose Hill Place, Elizabeth. On September 12, 1913, Mr. Louis Gordon made application for four-party line flat rate telephone service in his residence at 940 Grove Street, Elizabeth. It was found that in order to furnish telephone service as provided for under the above subscribers' contracts it would be necessary for this company to erect three poles. Application was made to the Elizabeth City Council on September 24, 1913, for permission to erect these poles, but on November 3, 1913, the Council refused to grant the permission. In order, therefore, to supply the above subscribers with telephone service this company attached insulated wires to trees along the highway. The installations were completed and service established on both stations on November 15, 1913."

Copy of answer sent to complainant December 1st, 1913.

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Applications for Approval of Issues of Stocks, Bonds, Mortgages, Etc.

The following is a list of applications for approval of issues of stocks, bonds, etc., with the action of the Board thereon, from December 17th, 1912, to December 31st, 1913.

All approvals were made subject to Conference Order Number Seven of the Board, which conference order is as follows:

"Whenever approval is granted under the provisions of sub-division (e) of Section 18, Chapter 195, of the Laws of 1911, of the issue of stocks, certificates, bonds or other evidences of indebtedness, the company securing such approval shall half-yearly file with the Board a statement setting forth (1) the amount of stocks, certificates, bonds or other evidences of indebtedness, issued under the certificate of approval, and (2) the extent to, and in detail, the manner in which the proceeds thereof have been disbursed."

Where other conditions were imposed the same are referred to in the abstracts given below.

ELIZABETHTOWN GAS LIGHT COMPANY—$200,000.00 BONDS.

Application was made by the Elizabethtown Gas Light Company for approval of an issue of bonds to the par value of $200,000.00, interest 4½%, for the purpose of refunding a prior issue.

Approved December 17th, 1912, after hearing.

NEW JERSEY GAS COMPANY—$48,000.00 BONDS—$600.00 STOCK.

Application was made by the New Jersey Gas Company for approval of an issue of bonds to the par value of $48,000.00, interest 5%, and of capital stock to the amount of $600.00, for the purpose of defraying expenses incurred in making extensions and additions to plant.

Approved January 14th, 1913, after hearing.

STANDARD GAS COMPANY OF SOUTH JERSEY—$30,000.00 CAPITAL STOCK.

Application was made by the Standard Gas Company of South Jersey for approval of an issue of capital stock to the par value of $30,000.00, for the purpose of acquiring working capital, purchasing supplies and completing plant.

Approved January 7th, 1913, after hearing.

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ELECTRIC COMPANY OF NEW JERSEY—$143,325.00 BONDS—$50,000.00 STOCK.

The Electric Company of New Jersey was formed by a consolidation of the Salem Electric Company and the Gloucester County Electric Company, which consolidation was approved by the Board. Application was made by the Electric Company of New Jersey for approval of issues of its stock to the par value of $50,000.00 and bonds to the par value of $143,325.00, to exchange for stock of the Gloucester County Electric Company and Salem Electric Company to the amount of $75,000.00, and bonds of said companies to the amount of $142,000.00.

Approval was granted subject to the condition that the Electric Company of New Jersey should not without approval of the Board supply or agree to supply service in the territories in which the Woodstown Ice and Cold Storage Company and the Harrison Heights Improvement Company now supply service.

Approved January 6th, 1913, after hearing.

ELECTRIC COMPANY OF NEW JERSEY—$24,000.00 STOCK—$130,000.00 BONDS.

Application was made by the Electric Company of New Jersey for approval of an issue of stock to the par value of $24,000.00 and bonds to the par value of $130,000.00, the proceeds to be used for improvements and extensions.

Approval was granted subject to the condition that the Electric Company of New Jersey should not without the approval of the Board supply or agree to supply service in the territories in which the Woodstown Ice and Cold Storage Company and the Harrison Heights Improvement Company now supply service.

Approved January 14th, 1913, after hearing.

WILDWOOD WATER WORKS COMPANY—$50,000.00 BONDS

Application was made by the Wildwood Water Works Company for approval of an issue of bonds to the par value of $50,000.00, interest 5%, in exchange for an equal amount of bonds of the Anglesea Water Company.

Approved January 14th, 1913, after hearing.

LEHIGH AND HUDSON RIVER RAILROAD COMPANY—$82,000.00 BONDS.

Application was made by the Lehigh and Hudson River Railroad Company for authority to issue bonds in the sum of $82,000.00, interest 5%, under a supplemental mortgage to the Central Trust Company of New York, the proceeds of the bonds to be used for payments for additions and betterments to the property of the petitioner. Authority of the Board was asked also to make the supplemental mortgage, which authority was granted.

Approved January 21st, 1913, after hearing.

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MIDDLESEX TELEPHONE COMPANY—$1,400.00 STOCK.

Application was made by the Middlesex Telephone Company for approval of an issue of a stock dividend to the par value of $1,400.00. On receipt of this application the following resolution was adopted by the Board:

"Whereas, The Middlesex Telephone Company of Kingston, N. J., by B. L. Gulick, has acquainted this Board with the fact that said company inadvertently and in ignorance of the statute governing security issues, on or about January of this year did issue a stock dividend of the par value of fourteen hundred ($1400), being 20 per cent. of the capital stock previously issued and outstanding; and

"Whereas, Said company avers that it has (as shown by the last annual report made to this Board) assets to the amount of over fourteen thousand dollars, of which the greater part in excess of the capital stock has been accumulated out of past earnings of the company; and

"Whereas, Said company desires to have such issue validated by the Board's formal approval as required by the statute applicable to security issues, provided the Board can be assured that such issue, if application therefor had been duly made, would have received the Board's approval; be it

"Resolved, That the Board direct and that it hereby directs the chief inspector of utilities to have inventoried and appraised for the information of the Board the property and assets of said company, and to report upon the charges exacted by said company during the period wherein the property and assets were increased above the amount secured by the stock issue of $7,000.00, to the end that such issue of a stock dividend of $1,400.00, if warranted, may be lawfully validated by the formal approval of the Board, by such action as, upon the advice of counsel, the Board may lawfully take in the premises."

The report made to the Board in accordance with the above resolution showed an excess of value in the property over capitalization of $3,165.00. The issue of a stock dividend of $1,400.00 was approved by the Board.

Approved January 28th, 1913, after hearing.

CLEMENTON SPRING WATER COMPANY—$15,000.00 STOCK.

Application was made by the Clementon Spring Water Company for approval of an issue of stock to the par value of $15,000.00, for the purpose of extending existing facilities.

Approved February 4th, 1913, after hearing.

BORDENTOWN ELECTRIC COMPANY—$50,000.00 STOCK.

Application was made by the Bordentown Electric Company for approval of an issue of stock to the par value of $50,000.00, for the purpose of perfecting the company's organization.

Approved February 4th, 1913, after hearing.

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MORRIS AND SOMERSET ELECTRIC COMPANY—$50,000.00 BONDS.

Application was made by the Morris and Somerset Electric Company for approval of an issue of bonds to the par value of $50,000.00, interest 5%, the proceeds to be used for extensions to plant and system of the company.

Approval was granted subject to the various conditions set forth in the classification of accounts for electric utilities and upon condition that the company will not take up the bonds at a premium without first obtaining approval of the Board.

Approved February 18th, 1913, after hearing.

MORRIS COUNTY TRACTION COMPANY—$4,179,000.00 BONDS—$300,000.00 STOCK.

In this matter the following order was entered:

"Application having been made by petition to the Board of Public Utility Commissioners of the State of New Jersey by the Morris County Traction Company, a public utility corporation of this State, for permission and authority to issue bonds of the said company to the extent of four million one hundred and seventy-nine thousand dollars, consisting of four thousand one hundred and seventy-nine bonds of the par value of one thousand dollars each, and stock to the amount of three hundred thousand dollars, consisting of three thousand shares of the par value of one hundred dollars each, and the Board of Public Utility Commissioners having considered the said application and no cause being shown or appearing to the contrary;

"And it appearing to the Commission that the Morris County Traction Company has heretofore issued thirty thousand shares of the common stock of said corporation of the par value of one hundred dollars each;

"And it further appearing by the affidavit of Otto G. Schultz, secretary and treasurer of said The Morris County Traction Company that the owners of twenty-nine thousand three hundred and eighty-three shares thereof have surrendered their said shares under a written agreement and stipulation to accept in lieu thereof one share of the stock of said company herein authorized to be delivered in the place and stead of each ten of the surrendered shares;

"It is thereupon, on this 18th day of February, one thousand nine hundred and thirteen, by the Board of Public Utility Commissioners of the State of New Jersey,

"Ordered that the said The Morris County Traction Company be and it is hereby authorized to execute, issue and deliver three thousand shares of the capital stock of said corporation of the par value of one hundred dollars each, said shares of capital stock to be issued to the respective former holders of the surrendered shares of capital stock in the ratio of one share to each ten shares surrendered, or in fractions thereof, and not otherwise;

"And that upon the issue of the respective shares in exchange as hereby authorized, the treasurer of said company shall file with this Board an affidavit of the cancellation of the shares of capital stock so surrendered in exchange

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for the shares of capital stock so issued hereunder, together with a certificate of the capital stock so issued hereunder.

"It is further ordered that of the three thousand shares hereby authorized to be issued there be held and retained by the said company sixty-one and seven-tenths shares of capital stock so authorized, to be as such and delivered in exchange for the six hundred and seventeen shares of stock remaining outstanding in the same proportion as hereinabove mentioned, when and as the said stock shall be surrendered for exchange, and not otherwise.

"It is further ordered that authority and permission be granted by this Board to the Morris County Traction Company to issue four thousand one hundred and seventy-nine coupon bonds of the par value of one thousand dollars each, bearing interest at the rate of five per cent. per annum, payable semi-annually, said bonds to be payable in thirty-five years from the date hereof, and to be secured by a general mortgage in the sum of $5,000,000.00, to be made by said The Morris County Traction Company to the Safe Deposit and Trust Company of Pittsburgh, as trustee, both said bonds and mortgage to be in the form submitted to this Board in this proceeding.

"It is further ordered that of the bonds so authorized to be issued three thousand of said bonds may and shall be used for the purpose of exchanging and refunding three thousand of the bonds of said company now issued and outstanding at the rate of one of the bonds hereby authorized for one of the bonds now issued and outstanding and for no other purpose whatsoever.

"It is further ordered that the remaining one thousand one hundred and seventy-nine bonds hereby authorized may be issued for the purpose of paying an existing indebtedness of the said company amounting to nine hundred and forty-three thousand eighty-five dollars and seventy-seven cents now shown upon the books of said company, and for no other purpose whatsoever.

"It is further ordered that said traction company may make and execute a general mortgage covering all of its property and franchises to secure the bonds herein authorized, as hereinbefore described and in the form submitted to this Board in this proceeding, which mortgage is hereby approved."

Commissioner Daniels dissented from the Board's action as expressed in its order and filed the following memorandum:

"From the Board's approval of the aforesaid mortgage and the issue of bonds thereunder I am compelled to dissent.

"The fundamental reason for nonconcurrence is that there is not adequate evidence of the probability that the fixed charges on said bonds can be regularly met out of the net earnings of the company. There is no reason to question the integrity or ability of the present management of the company. It is difficult not to sympathize with the evident intention of the management to put the property on an earning basis. But this property in the past has been largely victimized by the notorious construction company device, and the perpetrators are doubtless beyond the scope of successful legal prosecution. The property has nevertheless been loaded with a bonded indebtedness beyond the present earning capacity of the company to meet. Hard as the process of foreclosure may seem, it is my judgment that such process is the proper and the shortest way to extinguish the overload of bonded obligations and to get down to hard pan.

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"The company's agreement to replace the outstanding capital stock from three millions to three hundred thousand is largely a nominal change—wholly without significance to the shareholders or the public. The stock as originally issued was practically water. It has never paid a dividend. The chance is remote that it ever will. Such control as the holding of stock now confers is in no way affected by reducing its nominal value. What title to distant dividends ten of the old shares carried will be carried hereafter by one of the new. The same is true of relative claims to a distribution of assets in the event of corporate dissolution. So far as rates are concerned, the reduction of the face value of capital stock is wholly immaterial. Rates fixed by order of the Commission depend on the investment of property in an enterprise, not upon the nominal or face value of the securities outstanding, and so far as future additional issues of stock are concerned, this is so unlikely as to be wholly negligible.

"An additional reason for not sanctioning the proposed security issues is that they are intended to replace or to refund present issues which are, in part, of questionable legality. Apparently there has been issued since July 4th, 1910, approximately $674,000.00 in bonds without the permission of this Board, as required by statute; and since July 4th, 1910, approximately $713,000.00 in stock has similarly been issued contrary to the laws of this State. To approve of the issues prayed for in this petition is to disregard their illegitimate origin; and while it is true that in certain cases such issues have been validated subsequently by the Board, it has been done only when the issues would have been sanctioned in the first instance.

"The approval of the securities in question appears to me to traverse the general principles laid down by the Board under date of June 2, 1911, particularly as enunciated on pages 7 and 8 of the printed memorandum of that date entitled 'General Principles Regulating Action by the Board of Public Utility Commissioners Upon Petitions Asking Approval of Proposed Issues of Securities.' In said memorandum, p. 7, is the following:

"'In acting upon petitions for the approval of proposed issues of bonds or notes, the Board will insist on adequate evidence of the probability that the fixed charges can be regularly met, and that the principal sum can be repaid at maturity.'

"In said memorandum, p. 8, is the following:

"'Where petitions are made for authority to make security issues for refunding outstanding securities, the new securities to issue must conform to such requirements as would be imposed if the refunding securities were an original issue.'

"The proposed bond issue involves substituting new bonds in the amount of $3,000,000.00 for old bonds of a like amount. The proposed bond issue involves also an issue of $1,790,000.00 new bonds, mainly for the purpose of paying an existing indebtedness of $943,085.27. This includes $748,370.11 for interest during construction largely done since 1910. The total operating revenues for 1911 were $214,789.39; the total operating expenses were $167,400.76. The margin would be more than wiped out by the annual interest of $150,000.00 on the $3,000,000.00 bonds outstanding. If depreciation were computed, the annual deficit would be largely swollen. Under such circumstances the chance to make net profit sufficient to cover fixed charges appears clearly to be so remote as to negative the proposal to give official sanction to the proposed mortgage or to the issue of bonds to be secured thereby."

Approved February 18th, 1913, after hearing.

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TINTERN MANOR WATER COMPANY—$100,000.00 BONDS.

Application was made by the Tintern Manor Water Company for permission to extend time of payment on one hundred one thousand dollar mortgage bonds of the Long Branch Water Supply Company held by the Mutual Life Insurance Company of New York, due March 1st, 1913, for a period of five years until March 1st, 1918, the interest to be paid during such extended period to be at the rate of five and one-half per centum per annum.

Approved February 25th, 1913, after hearing.

WILDWOOD WATER WORKS COMPANY—$110,500.00 BONDS APPLIED FOR, $89,000.00 APPROVED.

Application was made by the Wildwood Water Works Company for approval of an issue of bonds to the amount of one hundred and ten thousand five hundred dollars, the proceeds to be used for payment for improvements and extensions. Approval was given of an issue of bonds to the amount of $89,000.00 and was withheld as to the remaining $21,500.00.

Approved March 11th, 1913, after hearing.

TRENTON STREET RAILWAY COMPANY—$100,000.00 BONDS.

Application was made by the Trenton Street Railway Company for approval of an issue of bonds to the par value of $100,000.00, the proceeds to be used for the purpose of additions to and improvements to property.

Approved March 25th, 1913, after hearing.

COMMONWEALTH WATER AND LIGHT COMPANY—$20,000.00 BONDS.

Application was made by the Commonwealth Water and Light Company for approval of an issue of bonds to the par value of $20,000.00, the proceeds to be used for the purpose of providing funds to be advanced and loaned by the Commonwealth Water and Light Company to the Lakewood Water, Light and Power Company and to cover in part construction work and additions to plant and property of the said Lakewood Water, Light and Power Company as actually made in the year 1912.

Approved April 8th, 1913, after hearing.

WEST JERSEY TOLL LINE COMPANY—$2,200.00 CAPITAL STOCK.

Application was made by the West Jersey Toll Line Company for approval of an issue of capital stock to the par value of $2,200.00, the proceeds to be used for purchasing the property of the Blairstown Telephone Company, exclusive of any claimed franchise.

Approved April 15th, 1913, after hearing.

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MONMOUTH LIGHTING COMPANY—$14,000.00 BONDS—$2,500.00 NOTES.

The following certificate was granted in this matter:

Application being made to the Board of Public Utility Commissioners by the Monmouth Lighting Company by petition in writing for approval of the proposed issue of its mortgage bonds to the amount of fourteen thousand dollars ($14,000.00) par value, and five-year emergency notes to the amount of twenty-five hundred dollars ($2,500.00), the proceeds from the issue of bonds to be used for installation of street lighting system for Freehold and Freehold Township, extensions for rural customers and extensions to supply Farmingdale Lighting Company, the proceeds from the issue of said emergency notes to be used for certain repair work necessitated by an accident caused by washout at the plant of the company at Englishtown which completely undermined the foundations of the engine and water wheel (said undermining being claimed to be due to faulty construction of the foundations of a county bridge near said power plant), and the said Board being satisfied after investigation and due hearing that the proposed issue of said bonds and the proposed issue of said notes, are to be made in accordance with law, and the purpose of such issues being approved by the Board, the said Board

Hereby grants said application (subject to Conference Order Number Seven), and upon condition that the notes be amortized during a period not exceeding the period for which said notes are given; that the proceeds of such mortgage bonds be used for the purpose in said application stated, and that any sum of money that may be recovered or received from the Board of Chosen Freeholders of Monmouth County by reason of the claim that the aforesaid undermining was due to faulty construction of the foundation of the county bridge, shall be applied in promptly retiring, in so far as the moneys so recovered or received may suffice, the emergency notes aforesaid.

Dated April 15th, 1913.

NEW JERSEY WATER SERVICE COMPANY—$63,500.00 CAPITAL STOCK.

The following certificate was granted in this matter:

The Board of Public Utility Commissioners having this day granted its certificate approving an agreement under date of November 7th, 1912, merging and consolidating Haddonfield Water Company and United Water Company into "The New Jersey Water Service Company," and application being now made by said "The New Jersey Water Service Company" to the Board of Public Utility Commissioners for approval of the issuance by said "The New Jersey Water Service Company" of shares of its capital stock in the aggregate amount of sixty-three thousand five hundred dollars ($63,500.00), at par, in accordance with and for the purposes of said agreement of merger and consolidation, to the holders of the outstanding shares of the capital stock of the merging and consolidated companies and in exchange for said shares, par for par;

Now, after public hearing, upon notice, and after an inventory and appraisement has been made of the assets and liabilities of "The New Jersey Water

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Service Company" as the same will exist if such application for approval of the proposed issue of its capital stock is granted, and which inventory and appraisement results as follows:

ASSETS.

Physical plant,	$205,737.23	
Intangibles,	42,876.88	
Current assets,	11,662.94	
Treasury stock (par value),	25,337.50	
		$285,614.55

LIABILITIES.

Bonds,	$140,000.00	
Mortgage payable,	6,750.00	
Extension warrants,	3,900.00	
Floating debt,	36,315.83	
Capital stock,	63,500.00	
Amortization reserve,	31,563.88	
Surplus,	3,584.84	
		$285,614.55

The Board of Public Utility Commissioners being satisfied that the said proposed issue of its capital stock by "The New Jersey Water Service Company" in the aggregate amount of sixty-three thousand five hundred dollars ($63,500.00), par value, is to be made in accordance with law, and that the purpose thereof is such as should receive its approval.

Hereby on this twenty-second day of April, one thousand nine hundred and thirteen (subject to Conference Order Number Seven), approves such issue by "The New Jersey Water Service Company" of shares of its capital stock in the amount and for the purpose aforesaid.

In granting such approval the Board of Public Utility Commissioners directs attention to the fact that there will come into the treasury of "The New Jersey Water Service Company" shares of its capital stock of the par value of twenty-five thousand three hundred thirty-seven dollars and fifty cents ($25,337.50) and that the sale or other disposition of these shares will require the approval of the Board under P. L. 1911, chapter 195, section 18 (h).

STANDARD GAS COMPANY—$630,000.00 BONDS—$1,000,000.00 MORTGAGE—$100,000.00 STOCK.

The following certificate was granted in this matter:

The Board of Public Utility Commissioners having this day granted its certificate approving an agreement entered into between "Standard Gas Company" and "Atlantic Highlands Gas Company," under date of the fifteenth day of February, one thousand nine hundred and thirteen, providing for the merger and consolidation of "Atlantic Highlands Gas Company" with "Standard Gas Company," and application being now made by said "Standard Gas Company" to said Board of Public Utility Commissioners for approval of an indenture of mortgage

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proposed to be made by said "Standard Gas Company," the corporation formed by the agreement so approved, to Franklin Trust Company of Philadelphia, creating a lien upon the property, franchises, privileges, etc., of said "Standard Gas Company" in the aggregate sum of one million dollars ($1,000,000.00), a draft of which mortgage was submitted by said "Standard Gas Company" to said Board, which draft by reference thereto herein is made part hereof;

Now, after public hearing, upon notice, no reason appearing why approval of said mortgage should not be granted, the Board of Public Utility Commissioners on this twenty-second day of April, one thousand nine hundred and thirteen, being satisfied that said mortgage is to be made in accordance with law

Hereby approves the execution and delivery of said mortgage by said "Standard Gas Company" to said Franklin Trust Company of Philadelphia.

Application being now further made by said "Standard Gas Company" to the Board of Public Utility Commissioners for approval of an aggregate issue of its bonds, under the mortgage (the execution and delivery whereof is hereinbefore approved) in the par value of six hundred and thirty thousand dollars ($630,000.00) for the following purposes: (a) bonds of the par value of one hundred and five thousand dollars ($105,000.00) to obtain funds in making additions and extensions at the present time, (b) bonds of the par value of three hundred thirty-one thousand two hundred and fifty dollars ($331,250.00), to be retained by the trustee under said mortgage and to be disposed of and employed in retiring bonds outstanding of the consolidating companies, "Atlantic Highlands Gas Company" and "Standard Gas Company," (c) bonds of the par value of one hundred ninety-three thousand seven hundred and fifty dollars ($193,750.00), to be used in liquidating existing debts of said consolidating companies; and

Application being further made by said "Standard Gas Company" to the Board of Public Utility Commissioners for approval of an issue of its capital stock in the aggregate sum of one hundred thousand dollars ($100,000.00), par value, in accordance with and for the purposes of said agreement of merger and consolidation, to the holders of the outstanding shares of the capital stock of the merging and consolidating companies and in exchange for said shares, par for par;

Now, after public hearing, upon notice, and after an inventory and appraisal has been made of the assets and liabilities of "Standard Gas Company," the corporation created by such agreement of merger and consolidation, as the same will exist if such application for approval of proposed issues of its bonds and capital stock be granted, which inventory and appraisement results as follows:

ASSETS.

Plant,	$411,542.00	
Other intangibles,	90,000.00	
New plant,	84,000 00	
Treasury stock,	43,300.00	
Bond discount,	126,000.00	
Working capital,	31,904.00	
		$786,746.00

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LIABILITIES.

Stock,	$100,000.00	
Bonds,	630,000.00	
Depreciation reserve,	56,746.00	
		$786,746.00

The Board of Public Utility Commissioners being satisfied that said proposed issues by "Standard Gas Company" of its bonds in the aggregate amount of six hundred and thirty thousand dollars ($630,000.00), par value, and of its capital stock in the aggregate amount of one hundred thousand dollars ($100,000.00), par value, respectively, are to be made in accordance with law, and that the purposes of such issues, respectively, as above set forth are such as should receive its approval on this twenty-second day of April, one thousand nine hundred and thirteen,

Hereby approves (subject to Conference Order Number Seven) such issues by "Standard Gas Company" of its bonds and capital stock in the amounts and for the purposes aforesaid.

The Board of Public Utility Commissioners, however, hereby orders the said "Standard Gas Company" to amortize during the period of the bonds, the issue of which is hereby approved, the discount thereon. In the statement of assets above set out the full amount of bond discount for the aggregate of bonds, issue of which is hereby approved, is set down at one hundred twenty-six thousand dollars ($126,000.00). This amount may be decreased by the sale of the bonds at a price greater than eighty, and by exchange of bonds on a better basis. Amounts so saved will go to reduce the amount which would otherwise be required to be amortized hereunder.

It appeared in the proceeding that the "Atlantic Highlands Gas Company" owned one thousand seven hundred thirty-two shares of the two thousand shares of the outstanding capital stock of Equitable Light, Heat & Power Company.

It further appeared that the Equitable Light, Heat & Power Company owned all of the outstanding stock of the "Standard Gas Company."

There will therefore ultimately be found in the treasury of the "Standard Gas Company," created by the agreement of consolidation and merger before referred to, 1732-2000th of the capital stock of said company to be issued, under the approval hereby granted, to the present holders of the capital stock of the "Standard Gas Company," the merging and consolidating company. These shares of capital stock will have a par value of forty-three thousand three hundred dollars ($43,300.00).

The Board of Public Utility Commissioners, therefore, hereby orders said "Standard Gas Company" to retain said shares of capital stock when issued to it and coming into its treasury, together with any dividends thereon, until it can obtain at least the sum of thirty thousand dollars ($30,000.00) therefor, and to apply the proceeds of sale of said shares of capital stock and the dividends thereon to the proper capital expenditures of said "Standard Gas Company."

The above certificate was amended July 3rd, 1913, as follows:

"The Board of Public Utility Commissioners having heretofore, on the twenty-second day of April, 1913, issued its certificate approving the execution and delivery of a certain indenture of mortgage by the 'Standard Gas Company' to the Franklin Trust Company of Philadelphia, creating a lien upon the prop-

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erty, franchises, privileges, etc., of said 'Standard Gas Company' in the aggregate sum of one million dollars ($1,000,000) and further approving an aggregate issue by said 'Standard Gas Company' of its bonds under said mortgage in the par value of six hundred and thirty thousand dollars ($630,000.00), the said Board, now on this third day of July, 1913, on the application of said 'Standard Gas Company,' no reason to the contrary appearing, approves the correction and amendment of said indenture of mortgage, bonds and coupons so heretofore approved by said Board by its certificate issued as aforesaid, by erasing therefrom the word 'First' and substituting in place thereof wherever it occurs the word 'Consolidated,' so that the designation of the same will be 'Standard Gas Company Consolidated Mortgage Five Per Cent Gold Bonds.'"

Approved July 3rd, 1913, after hearing.

WILDWOOD AND DELAWARE BAY SHORT LINE RAILROAD COMPANY—$10,000.00 CAPITAL STOCK—$54,000.00 BONDS.

The following certificate was granted in this matter:

Application was made to the Board of Public Utility Commissioners by the Wildwood and Delaware Bay Short Line Railroad Company, by petition in writing, for approval of proposed issues of capital stock to the amount of thirty-five thousand dollars, and bonds to the amount of fifty-eight thousand one hundred and twenty-five dollars. This was supplemented by an amended application for approval of a proposed issue of bonds to the amount of sixty-eight thousand nine hundred dollars.

At hearing held on the amended petition it was represented that the par value of the bonds of said company now issued is two hundred and thirty-eight thousand dollars, and the par value of the stock now issued is two hundred and twenty-nine thousand dollars, and that a contrat now exists for the sale of fifty-three thousand dollars additional stock.

The Board, with the understanding that this representation is correct and that the fifty-three thousand dollars of stock will be sold prior to the issue of additional bonds,

Hereby (subject to Conference Order Number Seven), approves the issue of bonds to the amount of fifty-four thousand dollars and stock to the amount of ten thousand dollars (in lieu of the amounts mentioned in said petition and amended petition), and it is hereby ordered that the company use the proceeds of these issues specifically for the purposes named in said petition and amended petition, which by reference thereto herein are made part hereof, and for no other purpose without the approval of the Board.

Approved April 22nd, 1913, after hearing.

HILLCREST WATER COMPANY—$20,000.00 BONDS.

The following was entered with respect to this application:

In granting approval of the above application, the Board is aware of the absence of one of the requisites usually insisted upon in granting approval of

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a bond issue, namely, that the company show gross earnings sufficient to pay operating expenses and to meet the interest accruing upon the said bonds.

The consideration of the above application demonstrates the necessity of drawing a distinction as between companies that have been in operation a sufficient time to have passed the development period, and those that are about to be projected or are still in the development stage.

It is not to be expected that a newly projected utility company will be able to meet even its operating expenses at first because the company cannot utilize its equipment to advantage, and further because time is required to obtain patronage for the commodity offered.

With respect to new companies, the Board deems it necessary to recede from the usual insistment that a company show ability to pay interest immediately upon the issue applied for. It is obvious that such an insistment would prevent the issue of bonds for newly projected companies, and would prevent them from providing funds through a mortgage upon the works. The inability of a company to provide at least a portion of its funds in this manner would seriously hamper, if not practically retard, the building of new plants.

In the present application it appears that the Hillcrest Water Company has been in operation less than two years; that it is serving a territory commonly known as a real estate development. The real estate company owns in the neighborhood of one thousand acres of land, upon which they have been constructing houses at the rate of about fifty a year. The houses range in cost from five thousand to fifteen thousand dollars.

The income of the water company for the year 1911 was $836.25, while the income for the year 1912 was $1,853.26. which is an increase evidencing rapid growth.

Considering all of the circumstances surrounding the within application, the Board is satisfied that this company is in the development stage and with average good management should within a reasonable time show sufficient earnings to pay operating expenses, and the accrued and accruing interest upon the bonds in the present application, and the approval of the Board will therefore issue.

Dated April 29th, 1913.

IDEAL BEACH WATER COMPANY—$1,000.00 CAPITAL STOCK.

Application was made by the Ideal Beach Water Company for approval of an issue of capital stock to the par value of $1,000.00, for the purpose of organization.

Approved April 29th, 1913, after hearing.

BERNARDS WATER COMPANY—$5,300.00 CAPITAL STOCK.

Application was made by the Bernards Water Company for approval of an issue of capital stock to the par value of $5,300.00, for the purpose of paying for extensions and improvements.

Approved May 20th, 1913, after hearing.

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NORTHAMPTON, EASTON AND WASHINGTON TRACTION COMPANY—$1,000,000.00 MORTGAGE.

Application was made by the Northampton, Easton and Washington Traction Company for approval of mortgage in the sum of one million dollars to the Easton Trust Company as trustee.

Approved May 26th, 1913, after hearing.

EGG HARBOR CITY TELEPHONE COMPANY—$2,000.00 CAPITAL STOCK.

Application was made by the Egg Harbor City Telephone Company for approval of an issue of capital stock to the amount of $2,000.00, the proceeds of which have been heretofore used for the purpose of new construction work.

Approved May 27th, 1913, after hearing.

PUBLIC SERVICE GAS COMPANY—$750,000.00 STOCK.

In this matter the following was entered:

The Public Service Gas Company makes application for the approval of an issue of shares of its capital stock of the aggregate par value of $750,000.00, to be sold at not less than par, the proceeds of which are to be used for extension and betterment of the plant of the company. The extensions and betterments to the making of which such proceeds are to be applied are set up in detail in the application.

The application is made under section 18 (e) of Chapter 195 of the Laws of 1911. The Board finds and determines, after hearing upon the application, that the proposed issue is to be made in accordance with law, and that the purpose of such proposed issue, as set up in the statements attached to the application, is such as should be approved by it.

A certificate approving the proposed issue will therefore be granted. If it is the purpose of Public Service Corporation to subscribe for and take any part of the issue so approved question may arise to whether or not Chapter 18 of the Laws of 1913 prohibits such purpose. It may be well to dispose of this question, so far as this Board is concerned, at this time.

Some phases of this statute were considered by this Board in the proceeding entitled "In the matter of the petition of Monmouth Lighting Company for permission to transfer certain shares of its capital stock upon its books to Eastern Utilities Corporation."

As Public Service Corporation is a "holding company," organized under the General Corporation Act of this State, and Public Service Gas Company is a corporation of this State engaged in the manufacture and distribution of gas, what was said in the memorandum filed by this Board in the Monmouth Lighting Company proceeding in general, as to the construction and application of Chapter 18 of the Laws of 1913, is applicable here.

The Public Service Corporation of New Jersey, however, prior to February 19th, 1913, the date on which Chapter 18 of the Laws of 1913 became effective,

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acquired, and on that day held, substantially all of the outstanding shares of capital stock of the Public Service Gas Company.

It acquired and held these shares of capital stock of the Public Service Gas Company under the authority of Section 51 of the general corporation act, as it stood before its amendment by Chapter 18 of the Laws of 1913, which contained, with respect to stock acquired in pursuance thereof a provision that, while owner of the stock so acquired, the corporation might exercise all rights, powers and privileges of ownership including the right to vote thereon.

One of the rights, powers and privileges of such ownership by Public Service Corporation of New Jersey of shares of the capital stock of Public Service Gas Company was that of subscribing for and taking, in proportion to its holdings, any new or additional issues of the capital stock of the Public Service Gas Company.

Way v. *American Grease Company*, 60 N. J. E. 263.
Wall v. *Utah Copper Company*, 70 N. J. E. 17.

This right so acquired by the Public Service Corporation of New Jersey is preserved by the exception to Chapter 18 of the Laws of 1913, which provides: "Nothing herein contained shall be held to affect or impair any right heretofore acquired in pursuance of the section hereby amended, by any corporation created under the laws of this State."

In the judgment of this Board, therefore, the Public Service Corporation of New Jersey is not prohibited by Chapter 18 of the Laws of 1913 from subscribing for and taking its pro rata allotment of the issue of the capital stock of the Public Service Gas Company which is hereby approved.

Entered June 3rd, 1913.

KEANSBURG WATER COMPANY—$1,000.00 CAPITAL STOCK.

Application was made by the Keansburg Water Company for approval of an issue of capital stock to the par value of $1,000.00, for the purpose of perfecting organization of the company.

Approved June 10th, 1913, after hearing.

MERCHANTVILLE WATER COMPANY—$17,000.00 CAPITAL STOCK.

Application was made by the Merchantville Water Company for approval of an issue of capital stock to the par value of $17,000.00, for the purpose of extensions and improvements to the plant.

Approved July 1st, 1913, after hearing.

WILDWOOD WATER WORKS COMPANY—$21,500.00 BONDS.

Application was made by the Wildwood Water Works Company for approval of an issue of bonds to the par value of $21,500.00, for the purpose of paying for improvements and betterments.

Approved July 1st, 1913, after hearing.

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BROOKLAWN FARMS WATER COMPANY—$1,000.00 CAPITAL STOCK.

Application was made by the Brooklawn Farms Water Company for approval of an issue of capital stock to the par value of $1,000.00, for the purpose of completing the organization of the company.

Approved July 1st, 1913, after hearing.

HUDSON AND MANHATTAN RAILROAD COMPANY—MORTGAGES AND ISSUES OF BONDS THEREUNDER.

In these applications the following was ordered entered:

"Application having been made to the Board of Public Utility Commissioners by Hudson & Manhattan Railroad Company by its verified petition, dated June 2nd, 1913, under the provisions of the Public Utility Law for approval by the Board of the execution and issuance by said company of a mortgage called its first lien and refunding mortgage to Central Trust Company of New York, as trustee, and to the execution and issuance by said company of a mortgage called its adjustment income mortgage to Guaranty Trust Company of New York, as trustee, and a hearing having been duly had upon said application, and it appearing to the Board that the execution and delivery of said mortgages is to be made in accordance with law, and that the purposes thereof respectively are such as should be approved by it,

The Board of Public Utility Commissioners does hereby approve the issuance and execution by said Hudson and Manhattan Railroad Company of two certain mortgages described as follows: A first lien and refunding mortgage to secure $65,000,000.00 face value of bonds made and executed by the Hudson and Manhattan Railroad Company to the Central Trust Company of New York, as trustee, dated February 1, 1913, the said bonds to be dated as of February 1, 1913, or as of the date of issue, to be payable February 1, 1957, redeemable upon any semi-annual interest day at not exceeding one hundred and five per cent. of the face value thereof, besides interest accrued thereon, and said bonds to bear interest at not exceeding five per cent. per annum, payable semi-annually.

An adjustment income mortgage to secure $33,574,000.00 face value of adjustment income bonds, made and executed by the Hudson & Manhattan Railroad Company to the Guaranty Trust Company of New York, as trustee, dated February 1st, 1913, the said bonds to be dated as of February 1st, 1913, or as of the date of issue, to be payable February 1st, 1957, redeemable as to all or any thereof on October 1st, 1913, or any interest day thereafter at the face value thereof, with an adjustment of interest and said bonds to bear interest at the rate of five per cent. per annum if and to the extent that the surplus income shall be sufficient therefor; the same not to be cumulative prior to January 1st, 1920, and thereafter to be cumulative.

The form of said mortgages submitted by said Hudson & Manhattan Railroad Company to the Board are hereby approved and ordered filed. Said company, however, shall have no right or authority to issue any bonds, pursuant to the terms of said mortgages except as may be herein or hereafter authorized by the Commission.

Application having been also made to the Board of Public Utility Commissioners by Hudson & Manhattan Railroad Company by its said petition under the

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provisions of the Public Utility Law for the approval by the Board of the issuance by said company of bonds under the said mortgages as follows, viz:

Under the said first lien and refunding mortgage..... $37,035,000.00
And under the said adjustment income mortgage..... 33,574,000.00

and a hearing having been duly had upon said application before the Board, and it being now the opinion of the Board

(1) That the money or property to be procured by the issue of said bonds of the said Hudson & Manhattan Railroad Company to the amount of $37,035,000.00 of first lien and refunding mortgage bonds, and of $33,574,000.00 of five per cent. adjustment income bonds payable at a period of more than twelve (12) months after the date thereof is necessary to and reasonably required by said company for the acquisition of property or for the construction, completion, extension or improvement of its facilities or for the discharge or refunding of its obligations, or for the reimbursement of moneys actually expended from income or from other moneys in the treasury not secured by or obtained from the issue of stocks, bonds, notes or other evidences of indebtedness for acquisition of property or for construction, completion, extension, improvement of its facilities, and particularly for the purposes which are hereinafter stated in this order; and (2) that, except as to the following specified amounts of said first lien and refunding mortgage bonds authorized to be issued hereunder for the purposes following, to wit:

1. $2,184,586.23 toward the discharge or refunding of obligations of said company evidenced by the present first mortgage bonds of the said company to the amount of $2,184,586.23, representing the unamortized debt discount and expense in connection with the issue of the first mortgage bonds of the said company.

2. $1,504,896.50, or so much thereof as may be necessary, applied to or toward the following amounts and purposes, viz:

$1,350,000.00 payment of interest due February 1, 1913, on the present first mortgage bonds of the said company.

$215,000.00 for back taxes in course of adjustment.

$353,045.00 for recording tax on the mortgages to secure the proposed new bonds authorized hereby.

$425,000.00 for commissions payable to bankers in connection with the refunding of the first mortgage bonds of said company.

$275,000.00 for printing and legal and associated expenses in connection with the issue of the bonds hereby authorized and the refunding of the first mortgage bonds of the said company, making in all the sum of $2,618,045.00.

Said purposes are not in all or in part reasonably chargeable to operating expenses or to income, and being therefore satisfied that said proposed issues are to be made in accordance with law, and that the purposes thereof are such as should be approved by it, the Board of Public Utility Commissioners does hereby approve the issue by the said Hudson & Manhattan Railroad Company of $37,035,000.00 face value of principal of first lien and refunding mortgage bonds of said company, dated as of February 1, 1913, or as of the date of issue, due February 1, 1957, redeemable at 105% of the face value thereof besides accrued interest on any interest day and bearing interest at 5% per annum, payable semi-annually, under and in pursuance of the terms of the said first lien and refunding mortgage hereinbefore described, the issuance and execution of

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which is by this certificate approved by the Board, and the issue of $33,574,000.00 face value of principal of adjustment income mortgage bonds of said company, dated as of February 1, 1913, or as of the date of issue, due February 1, 1957, redeemable at the face value thereof, with adjustment of interest on any interest day, and bearing interest at 5% per annum if and to the extent that the surplus income shall suffice therefor, non-cumulative until after January 1, 1920, and cumulative thereafter, under and in pursuance of the terms of the said adjustment income mortgage hereinbefore described, the issuance and execution of which is by this certificate approved by the Board.

It is ordered, That said issue of bonds is authorized upon the conditions following, and not otherwise, to wit:

First. That so many of the said bonds as shall be sold shall be sold by the said Hudson & Manhattan Railroad Company so as to net the said company not less than the par or face value of the principal thereof besides interest accrued thereon, and that the said bonds hereby authorized to be issued or the proceeds thereof shall be applied only to the following purposes, that is to say:

(1) Toward the discharge or refunding of the present first mortgage bonds of said company issued under its mortgage to the Standard Trust Company of New York, as trustee, dated December 29, 1906, in the following proportions, to wit:

To the holders of the said first mortgage bonds, first lien and refunding mortgage bonds at the rate of $500 of new bonds for $1,000.00 of old bonds,	$33,574,000.00
To holders of said first mortgage bonds, adjustment income bonds at the rate of $500 of adjustment income bonds for $1,000.00 of old bonds	33,574,000.00

(2) $3,461,000.00 face value of the said first lien and refunding mortgage bonds or the proceeds thereof, as follows:

1.

(a) To acquire from the Hudson Companies at cost real estate on the blocks occupied by the Terminal Buildings (subject to $555,500.00 mortgage)	$435,000.00	
(b) For improvements	150,000.00	
(c) Car trust obligations maturing prior to September 1st, 1913,	113,000.00	
(d) For back taxes in course of adjustment	110,000.00	
(e) For working capital	419,103.50	
		$1,227,103.50
(f) For reimbursement of moneys expended from income or other moneys in the treasury of the corporation not secured by or obtained from the issue of stocks, bonds, notes or other evidences of indebtedness of such corporation for acquisition of property or for the construction, completion, extension or improvement of its facilities		729,000.00

2.

And the following balance to or toward the purposes following	1,504,896.50
Total	$3,461,000.00

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(a) Payment of interest due February 1, 1913, on the present first mortgage bonds of said company.	$1,350,000.00	
(b) For back taxes in course of adjustment.....	215,000.00	
(c) For recording tax on mortgages to secure the proposed new bonds authorized hereby.....	353,045.00	
(d) For commissions and expenses payable to bankers in connection with the refunding of the first mortgage bonds of said company.....	425,000.00	
(e) For printing and legal and associated expenses in connection with the issue of the bonds hereby authorized and the refunding of the first mortgage bonds of the said company.....	275,000.00	
		$2,618,045.00

Second. That the said $2,184,586.23 face value of said first lien and refunding mortgage bonds, and said $1,504,896.50 face value of said first lien and refunding mortgage bonds, the issuance of which is approved aforesaid, and as to which the Board has not hereinbefore certified that the purposes therefor are not reasonably chargeable to operating expenses or to income, shall be amortized prior to the maturity of the said bonds out of the income of the company by the establishment and maintenance of an amortization fund, and that the said Hudson & Manhattan Railroad Company shall pay in cash into said fund out of the income of said company in each calendar year, beginning with the year 1913, an amount of money which shall be not less than $36,894.82, plus 4½% upon all prior payments into said fund until said fund shall amount to $3,689,482.73. Said fund shall be used only for the purchase and retirement of first lien and refunding mortgage bonds of said company or for the acquisition of property for capital or investment purposes.

Third. That the said company shall keep separate, true and accurate accounts showing the receipt and application in detail of the proceeds of the sale or disposal of the bonds hereby authorized to be issued and on or before the 10th day of each month the company shall make verified reports to the Board stating the sale or sales of said bonds during the previous month, the terms and conditions of sale, the moneys realized therefrom and the use and application of said moneys, and said accounts, vouchers and records shall be open to audit and may be audited from time to time by accountants and examiners designated for such purpose by the Board.

Fourth. That none of the proceeds of the aforementioned first lien and refunding mortgage bonds hereby authorized for the purpose of improvements as stated in subdivision 2 of paragraph first of the conditions imposed by this order, other than receipts on account of accrued interest shall be expended by said company for any such purpose until a properly itemized bill for each proposed expenditure for such improvement shall have been submitted to the Board by the company with the certificate of one of its officers that such expenditure represents a real increase in its fixed capital as defined in the accounting rules of the Board and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss property chargeable to income and until such bill shall have been approved by the Board.

Fifth. That the authority hereby given to issue such bonds shall apply only to bonds issued by the said company on or before the 31st day of December, 1913.

A duplicate original of the mortgages consented to and authorized as afore-

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said upon execution thereof shall be filed by the petitioner with the secretary of this Commission.

This certificate shall take effect on the eighth day of July, 1913, and except as otherwise specifically provided herein, continue in force until otherwise ordered by the Commission. Within ten days after service upon it of a copy of this order said company shall notify the Board whether the terms of this order are accepted and will be obeyed.

Dated July 8th, 1913.

HUDSON AND MANHATTAN RAILROAD COMPANY—ISSUES OF BONDS AGGREGATING $6,088,000.00 PAR VALUE.

In this application the following was ordered entered:

The Hudson and Manhattan Railroad Company filed its petition with the Board of Public Utility Commissioners setting forth, among other things, that it had issued between July 4, 1910, and May 1, 1911, bonds amounting in all to the sum of $3,440,000.00, and between May 1, 1911, and July 31, 1912, bonds amounting in all to the sum of $2,648,000.00 under an indenture of mortgage or deed of trust dated December 29, 1906, made by it to The Standard Trust Company of New York, as trustee, which indenture of mortgage or deed of trust was given to secure an issue of bonds in the aggregate principal amount of $100,000,000.00 payable February 1, 1957, and bearing interest at the rate of 4½% per annum payable semi-annually on the first days of February and August in each year; that the bonds so issued were on account of expenditures for the completion, extension, improvement or equipment of the railroad of the Hudson and Manhattan Railroad Company; that said bonds were issued in good faith without applying for the approval of the Board of Public Utility Commissioners because authorized by the indenture of mortgage or deed of trust before mentioned, which was executed and delivered before the creation of said Board; and because the petitioner did not understand, at the time of the issue of said bonds, that the approval of said Board was necessary.

The petition now asks the approval of said issues of bonds.

The Board of Public Utility Commissioners acting on said petition, after public hearing and an investigation made by it, now on this third day of July, 1913, determines that it has been established to its satisfaction that the said issue of bonds, and each of them, referred to in said petition (which petition is, by reference thereto herein, made part hereof) were made (except for the omission, as before mentioned, to obtain the approval thereof by the Board) in accordance with law, and that the purposes of said issues, and each of them, were such as should receive the approval of said Board, and the Board of Public Utility Commissioners therefore

Hereby approves the said issues of bonds, and each of them, as of the time at which the same were respectively made. The Board of Public Utility Commissioners

Hereby further orders, That its approval aforesaid is given subject to and upon the following condition and not otherwise:

That the difference between the amount of the par value of the issues of bonds, approval of which is hereby given and the amount realized through the

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issue thereof, in so far as such difference has not heretofore been amortized, be amortized prior to the maturity of the said bonds out of the income of said company.

Dated July 3d, 1913.

MORRIS RAILROAD COMPANY—$137,500 BONDS.

In this matter the following was entered:

The Board of Public Utility Commissioners by its certificate dated July 14th, 1913, approved the execution and delivery by the Morris Railroad Company to The Safe Deposit and Trust Company of Pittsburgh of an indenture of mortgage in the sum of two hundred and fifty thousand dollars ($250,000.00) of the property and franchises of said Morris Railroad Company, to secure an issue of two hundred and fifty (250) coupon bonds of the par value of one thousand dollars ($1,000) each, bearing interest at the rate of 5% per annum, said bonds to be payable in thirty-five years from the date which said indenture of mortgage shall bear.

The said Morris Railroad Company has further applied to the Board of Public Utility Commissioners for approval, among other things, of the issuance by it of bonds, under the indenture of mortgage so approved, in the aggregate amount of $137,500.00, for the purposes indicated on an exhibit filed by said Morris Railroad Company with the Board, which exhibit is by reference thereto herein made part hereof.

Acting upon said application, the Board of Public Utility Commissioners now on this 14th day of July, 1913, after public hearing and being satisfied that the said issue of bonds is to be made in accordance with law and that the purposes thereof, and each of them, are such as should be approved by it.

Hereby approves, For the purposes set out in the exhibit filed by said Morris Railroad Company with said Board as aforesaid, and for no other purpose whatsoever, the issue by the Morris Railroad of its said bonds in the aggregate amount of one hundred and thirty-seven thousand five hundred dollars ($137,500), face value of principal, under and in pursuance of the terms of the indenture of mortgage of said Morris Railroad Company heretofore approved by said Board as aforesaid.

The approval of said issue of bonds hereby granted is given upon the conditions following and not otherwise:

First. That the said bonds, the issue of which is hereby approved or the proceeds thereof shall be applied only to the purposes set out in the exhibit filed by said Morris Railroad Company with said Board as aforesaid.

Second. That the said Morris Railroad Company shall amortize, prior to the maturity of the said bonds out of the income of the company the difference, if any, between the amount of the face value of the principal of said bonds and the amount of the proceeds derived from sale or disposal of said bonds, by the establishment and maintenance of an amortization fund; and shall pay in cash into said fund out of the income of said company in each calendar year, beginning with the year 1913, an amount of money which shall, in the aggregate, be sufficient to produce the complete amortization of such difference.

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Third. That the said Morris Railroad Company shall keep separate, true and accurate accounts showing the receipt and application in detail of the proceeds of the sale or disposal of the bonds, the issue whereof is hereby approved; and shall for every three calendar months hereafter, and on or before the tenth day of each fourth month, make verified reports to the Board stating the sale or sales or disposition of said bonds during the previous three calendar months, the terms and conditions of sale, the moneys realized therefrom and property acquired by means thereof, and the use and application of said moneys, and said accounts, vouchers and records shall be open to audit and may be audited from time to time by the Board, any member thereof, its accountants and other employees designated for such purpose by the Board.

Fourth. This certificate shall become effective upon the filing by the company with the Board within twelve days from the rate of the entry hereof of a notification that the terms hereof are accepted by the company and will be obeyed, and shall continue in force until otherwise ordered by the Board.

Dated July 14th, 1913.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY—$425,000.00 EQUIPMENT TRUST OBLIGATIONS.

In this matter the following was ordered entered:

"Application having been made by New York, Susquehanna and Western Railroad Company by petition dated June 25th, 1913, for an order approving and authorizing it to enter into an arrangement for the issuance of its gold equipment trust obligations, Series B, to the amount of four hundred twenty-five thousand dollars ($425,000.00), including the making of a lease from Edward T. Stotesbury to New York, Susquehanna and Western Railroad Company, an agreement of assignment of lease between Edward T. Stotesbury, The Philadelphia Trust Safe Deposit and Insurance Company as trustee, and New York, Susquehanna and Western Railroad Company, and the endorsement upon said equipment trust certificates of its guarantee of the payment of the principal and interest thereof by New York, Susquehanna and Western Railroad Company, all for the purpose of enabling said New York, Susquehanna and Western Railroad Company to acquire five hundred (500) steel underframe forty (40) ton box cars, constructed by the Western Steel Car and Foundry Company and numbered from 1500 to 1999, both inclusive, and the Commission having held such hearings and made such investigation and examination of the matter as it deemed necessary to enable it to reach a determination herein, and being satisfied after investigation that the proposed issue of said car trust agreements and obligations is to be made in accordance with law, and the purpose of such issue being approved by said Commission,

"It hereby issues its certificate as follows:

"That the petition of the New York, Susquehanna and Western Railroad Company to enter into the proposed arrangement and guarantee for the issue of said equipment trust obligations be, and the same hereby is granted, and the Commission hereby approves said proposed issue of equipment trust obligations.

"The issuance of this certificate is made upon the condition that said New York, Susquehanna and Western Railroad Company shall make a report to this

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Commission at the termination of each period of six months from the date of this certificate showing the amount of equipment trust obligations issued under this certificate, and the extent to and manner in which the proceeds thereof have been disbursed.

"Entered July 21st, 1913."

NEW YORK AND NEW JERSEY WATER COMPANY—$125,000.00 BONDS —$225,000.00 COLLATERAL TRUST NOTES.

This petition was dismissed. Formal finding of dismissal will be found in the section of this report devoted to the decisions and orders of the Board.

NEW YORK AND NEW JERSEY WATER COMPANY—$125,000.00 BONDS.

Application was made by the New York and New Jersey Water Company for approval of an issue of 4% consolidated mortgage bonds to the amount of $125,000.00, the proceeds to be used for the purchase of a 30" riveted steel pipe line in Avenue E, Bayonne, N. J.

Approved July 22nd, 1913, after hearing.

IDEAL BEACH WATER COMPANY—$11,000.00 CAPITAL STOCK.

Application was made by the Ideal Beach Water Company for approval of an issue of capital stock to the par value of $11,000.00, the proceeds of which is to cover the cost of the construction of a water plant and water works of the company at Keansburg.

Approved July 29th, 1913, after hearing.

TRI-COUNTY POWER AND TRACTION COMPANY—$1,500.00 CAPITAL STOCK.

Application was made by the Tri-County Power and Traction Company for approval of an issue of capital stock to the par value of $1,500.00 for the purpose of completing the organization of the company.

Approved August 11th, 1913, after hearing.

NEW JERSEY NORTHERN GAS COMPANY—$20,000.00 CAPITAL STOCK—$54,000.00 BONDS.

Application was made by the New Jersey Northern Gas Company for approval of an issue of capital stock to the par value of $20,000.00, and of bonds to the par value of $54,000.00, the proceeds to be used for the purpose of extensions of mains.

Approved September 2nd, 1913, after hearing.

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BRIDGETON GAS LIGHT COMPANY—$100,000.00 MORTGAGE TO THE CUMBERLAND TRUST COMPANY OF BRIDGETON.

Application was made by the Bridgeton Gas Light Company for approval of a mortgage to the Cumberland Trust Company of Bridgeton in the sum of one hundred thousand dollars.

Approved October 3rd, 1913, after hearing.

BRIDGETON GAS LIGHT COMPANY—$60,000.00 BONDS.

Application was made by the Bridgeton Gas Light Company for approval of a proposed issue of five per cent. mortgage bonds to the amount of one hundred thousand dollars, the proceeds to be used for the purpose of satisfying certain notes given for money borrowed to pay on account of contract price for new gasholder, etc., and to pay balance of contract price for said new holder and for improvements and betterments as set forth in said petition. Approval was given to the amount of $60,000.00 in lieu of bonds to the amount of one hundred thousand dollars.

Approved October 3rd, 1913, after hearing.

NEW YORK AND NEW JERSEY WATER COMPANY—TRANSFER OF 3437 SHARES OF CAPITAL STOCK.

Application was made by the New York and New Jersey Water Company for approval of transfer of 3437 shares of its capital stock from Mechanics Trust Company of Bayonne to Suburban Water Company.

Approved October 2st, 1913, after hearing.

NEW JERSEY SUBURBAN WATER COMPANY—TRANSFER OF 992 SHARES OF CAPITAL STOCK.

Application was made by the New Jersey Suburban Water Company for approval of transfer of 992 shares of its capital stock out of a total issue of 1,000 shares from the Mechanics Trust Company of Bayonne to Suburban Water Company.

Approved October 21st, 1913, after hearing.

FARMINGDALE LIGHTING COMPANY—$3,000.00 CAPITAL STOCK—$20,000.00 BONDS.

Application was made by the Farmingdale Lighting Company for approval of proposed issues of capital stock in the amount of $3,000.00 and bonds in the amount of $20,000.00.

This application was denied. Report thereon is published in formal findings of the Board.

Report filed October 17th, 1913, after hearing.

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FARMINGDALE LIGHTING COMPANY—$2,200.00 CAPITAL STOCK—$16,000.00 BONDS.

Application was made by Farmingdale Lighting Company for approval of a proposed issue of capital stock to the amount of $2,200.00 and bonds to the amount of $16,000.00, the proceeds to be used for extending its line from Freehold to Farmingdale.

Approved November 3rd, 1913, after hearing.

FARMINGDALE LIGHTING COMPANY—MORTGAGE TO THE AMERICAN TRUST COMPANY.

Application was made by the Farmingdale Lighting Company for approval of its mortgage in the sum of one hundred thousand dollars to the American Trust Company.

Approved November 21st, 1913, after hearing.

WILDWOOD WATER WORKS COMPANY—$43,000.00 BONDS.

Application was made by the Wildwood Water Works Company for approval of a proposed issue of bonds to the amount of $43,000.00, the proceeds to be used for the payment of costs of improvements and extensions.

Approved November 21st, 1913, after hearing.

PENNINGTON SPRING WATER COMPANY—$340.00 CAPITAL STOCK.

Application was made by Pennington Spring Water Company for approval of an issue of $340.00 capital stock. This stock had been issued without knowledge that approval of the Board was required. The proceeds were used for improvements to the company's plant.

Approved December 2nd, 1913.

PLEASANTVILLE WATER COMPANY—$9,000.00 BONDS.

Application was made by the Pleasantville Water Company for approval of an issue of bonds to the amount of $9,000.00, the proceeds to be used for improvements and extensions.

Approved December 5th, 1913, after hearing.

PUBLIC SERVICE RAILWAY COMPANY—$620,000.00 BONDS OF NORTH HUDSON COUNTY RAILWAY COMPANY.

Petition of the Public Service Railway Company for approval of an issue of bonds of the North Hudson County Railway Company to the amount of $620,000.00, par value, was objected to on the ground that competitive bids which the company could have obtained were not considered. The Board made a report on the petition, which is included among its formal decisions.

After filing this report the petitioner renewed the application for approval

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and submitted in connection therewith competitive bids which were regarded as satisfactory by the Board. The petition was approved on condition that the bonds should not be sold at less than ninety-nine and one-half per cent. of the par value thereof, this being the highest of the bids received.

Approved December 19th, 1913.

MONMOUTH LIGHTING COMPANY—$2,000.00 BONDS—$4,400.00 STOCK.

Application was made by the Monmouth Lighting Company for approval of an issue of bonds to the par value of $2,000.00, and of stock to the amount of $4,400.00.

Approved December 16th, 1913, after hearing.

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY—CONSOLIDATION MORTGAGE AND REFUNDING AND IMPROVEMENT MORTGAGE.

The report of the Board and the orders entered in connection therewith pertaining to this application are published in that part of the report which contains the formal findings and decisions.

PUBLIC SERVICE ELECTRIC COMPANY—$3,000,000.00 CAPITAL STOCK.

With respect to this application the following certificate was entered:

Application being made to the Board of Public Utility Commissioners by the Public Service Electric Company, by petition in writing, for approval of the proposed issue of its capital stock to the amount of $4,000,000.00, the proceeds to be used for the purpose of additions, betterments and improvements to plant and system,

The Board of Public Utility Commissioners, on the ground that expenditure shown by the Public Service Electric Company up to December 1st, 1913, and not hitherto capitalized and represented by the issue of capital stock to the company—said amount coming approximately to $3,200,000.00—has increased to a corresponding amount, the value of the applicant's leasehold estate in the property improved and augmented, upon informal application, made this thirtieth day of December, nineteen hundred and thirteen, in lieu of formal petition first filed on October 28th, 1913, authorizes—on the company's assent to writing of approximately $200,000.00 to cover the new construction substituted for the Wayne Street plant in Jersey City, formerly operated by the United Electric Company—the issue of $3,000,000.00, par value of the common stock of the Public Service Electric Company, the company agreeing that in a supplementary petition to be filed for the authorization of additional stock, such petition will include an itemized list of property for which new construction is a substitute, and which list of items and the value thereof will (the Public Service Electric Company hereby assenting thereto) be written off as an offset against subsequent stock authorizations to be granted by this Board for specific expenditures made by the company and chargeable to capital account.

Dated December 30th, 1913.

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Ordinances and Resolutions Granting Privileges to Public Utilities and Submitted to the Board for Approval.

ORDINANCE—TOWNSHIP OF MATAWAN—MIDDLESEX AND MONMOUTH ELECTRIC LIGHT, HEAT AND POWER COMPANY.

Application was made by the Middlesex and Monmouth Electric Light, Heat and Power Company for approval of an ordinance of the Township Committee of Matawan, Monmouth County, granting permission to said company to construct, maintain and operate an electric light, heat and power system in the Township of Matawan and to use the streets, avenues, parks, highways and other public places therein. The privilege was granted for a term of fifty years.

Approved December 17th, 1912, after hearing.

ORDINANCE—TOWNSHIP OF HOLMDEL—MIDDLESEX AND MONMOUTH ELECTRIC LIGHT, HEAT AND POWER COMPANY.

Application was made by the Middlesex and Monmouth Electric Light, Heat and Power Company for approval of an ordinance of the Township of Holmdel, Monmouth County, granting permission to said company to construct, maintain and operate an electric light, heat and power system in the Township of Holmdel, and to use the streets, avenues, parks, highways and other public places therein. The privilege was granted for a term of fifty years.

Approved December 17th, 1912, after hearing.

ORDINANCE—TOWNSHIP OF MARLBORO—MIDDLESEX AND MONMOUTH ELECTRIC LIGHT, HEAT AND POWER COMPANY.

Application was made by the Middlesex and Monmouth Electric Light, Heat and Power Company for approval of an ordinance of the Township of Marlboro, Monmouth County, granting permission to said company to construct, maintain and operate an electric light, heat and power system in the Township of Marlboro, and to use the streets, avenues, parks, highways and other public places therein. The privilege was granted for a term of fifty years.

Approved December 17th, 1912, after hearing.

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ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS OF NEWARK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the Board of Street and Water Commissioners of Newark, granting permission to said company to locate, construct, operate and maintain connections between its northwesterly track in Frelinghuysen Avenue, southwest of Miller Street, and its car house property on the southeasterly side of Frelinghuysen Avenue, in the City of Newark, County of Essex and State of New Jersey.

Approved December 31st, 1912, after hearing.

ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS, CITY OF NEWARK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the Board of Street and Water Commissioners of Newark, granting permission to said company to locate, construct, operate and maintain connections between its tracks in South Orange Avenue (as re-located by resolution of the Board of Street and Water Commissioners, passed July 27th, 1911, and approved by the Mayor July 25th, 1911) and its car house property on the southeasterly corner of South Nineteenth Street and South Orange Avenue, in the City of Newark, County of Essex and State of New Jersey.

Approved December 31st, 1912, after hearing.

ORDINANCE—CITY OF PLAINFIELD—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the City of Plainfield, County of Union, granting permission to said company to locate, construct, operate and maintain a passing siding in East Second Street, southwest of McKinley Place, in the City of Plainfield.

Approved December 31st, 1912, after hearing.

ORDINANCE—CITY OF PLAINFIELD—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the City of Plainfield, County of Union, granting permission to said company to locate, construct, operate and maintain a track connecting the present track in Grant Avenue, south of West Front Street, with the present track in West Front Street west of Grant Avenue, in the City of Plainfield.

Approved December 31st, 1912, after hearing.

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ORDINANCE—CITY OF PLAINFIELD—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the City of Plainfield, County of Union, granting permission to said company to locate, construct, operate and maintain a connection between the single track in Richmond Street, southeast of East Fifth Street, and the single track in Richmond Street, northwest of East Fifth Street, in the City of Plainfield.

Approved December 31st, 1912, after hearing.

ORDINANCE—TOWNSHIP OF WEST DEPTFORD—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Township of West Deptford, Gloucester County, granting permission to said company to erect, construct, lay and maintain all necessary terminal poles, conduits, manholes and other fixtures and appliances for its lines, in, upon, along, over and under each and every of the public roads, streets, alleys and highways in the Township of West Deptford, for the conduct of its business, and prescribing the manner of placing the same and regulating the use of the public roads, streets, alleys and highways by said company. The privilege was granted for a term of fifty years.

Approved December 31st, 1912, after hearing.

ORDINANCE—TOWNSHIP OF HOPEWELL—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Township of Hopewell, Cumberland County, granting permission to said company to erect, construct, lay and maintain all necessary poles, wires, cables, crossarms, conduits, manholes, and other fixtures and appliances for its lines in, upon, along, over and under each and every of the public roads, streets and highways of the Township of Hopewell, for the conduct of its business; and prescribing the manner of placing the same and regulating the use of the public roads, streets and highways by said company. The privilege was granted for a term of fifty years.

Approved December 31st, 1912, after hearing.

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ORDINANCE—TOWNSHIP OF DELAWARE—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Township of Delaware, Hunterdon County, granting permission to said company to erect, construct, lay and maintain all necessary poles, wires, cables, crossarms, conduits, manholes and other fixtures and appliances for its lines in, upon, along, over and under each and every of the public roads, streets and highways of the Township of Delaware, for the conduct of its business, and prescribing the manner of placing the same and regulating the use of the public roads, streets and highways by said company. The privilege was granted for a term of fifty years.

Approved December 31st, 1912, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF SOMERSET COUNTY—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of a resolution of the Board of Chosen Freeholders of Somerset County granting permission to said company to construct, reconstruct, maintain and operate for its local and through lines and systems, its poles, wires, cables and other fixtures and appurtenances, upon, over and across Union Avenue, from North Gaston Avenue, eastward to the intersection of Adamsville Road, in the Township of Bridgewater, Somerset County, N. J., as shown upon the plan filed with the Clerk of the Board of Chosen Freeholders. The privilege was granted for a term of fifty years.

Approved January 14th, 1913, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF SOMERSET COUNTY—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of a resolution of the Board of Chosen Freeholders of Somerset County granting permission to said company to construct, reconstruct, maintain and operate for its local and through lines and systems, its poles, wires, cables and other fixtures and appurtenances upon, over and across the Easton Turnpike, or Somerville and North Branch macadam road, from a point near the Golf Club House to the residence of Mr. L. C. Riggs, in the Township of Bridgewater, as shown upon a plan filed with the Clerk of the Board of Chosen Freeholders. The privilege was granted for a term of fifty years.

Approved January 14th, 1913, after hearing.

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ORDINANCE—VILLAGE OF SOUTH ORANGE—COMMONWEALTH WATER AND LIGHT COMPANY.

Application was made by the Commonwealth Water and Light Company for approval of an ordinance of the Village of South Orange granting permission to said company to lay a fourteen-inch water pipe in Wyoming Avenue, in said village, from the line of the Township of South Orange to the line of the Town of West Orange. The privilege was granted for a term of fifty years.

Approved January 21st, 1913, after hearing.

ORDINANCE—TOWN OF WEST NEW YORK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the Town of West New York granting permission to said company to locate, construct, operate and maintain the following extensions to its street railway system, in the Town of West New York, now owned and operated by said company, being an extension from tracks now constructed and being operated on the private right of way of said company southwest of the terminus of Dewey Avenue, in said town, and consisting of a single track in Nineteenth Street, in the Town of West New York.

The privilege was granted for a term of fifty years.

Approved January 21st, 1913, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF MORRIS—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of a resolution of the Board of Chosen Freeholders of the County of Morris, granting permission to said company to construct, reconstruct, lay, maintain and operate for its local and through lines and systems, its underground conduits, cables, wires and other fixtures and appurtenances, including the necessary street openings and lateral connections to curb poles and property lines required in connection therewith, in, through and under Main Street, in the Borough of Butler, about 365 feet south of Park Place, from the easterly to the westerly curb line for a distance of thirty-three feet, as shown upon plan filed with the Clerk of said Board of Freeholders. The privilege was granted for a term of fifty years.

Approved January 28th, 1913, after hearing.

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ORDINANCE—BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF MONMOUTH—MIDDLESEX AND MONMOUTH ELECTRIC LIGHT, HEAT AND POWER COMPANY.

Application was made by the Middlesex and Monmouth Electric Light, Heat and Power Company for approval of an ordinance of the Board of Chosen Freeholders of the County of Monmouth granting permission to said company to construct and maintain a pole line on the Matawan and Freehold Turnpike, in the County of Monmouth. The privilege was granted for a term of fifty years.

Approved February 4th, 1913, after hearing.

ORDINANCE—TOWN OF WEST NEW YORK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the Town of West New York granting permission to said company to locate, construct, operate and maintain portions of connections between its tracks in Dewey Avenue and its car house property on the southerly side of Nineteenth Street, in the Town of West New York.

Approved February 4th, 1913, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF SOMERSET COUNTY—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of a resolution of the Board of Chosen Freeholders of Somerset County granting permission to said company to erect, construct, reconstruct, lay, maintain and operate its poles, posts, wires, cables, underground conduits, subways and manholes, including the necessary street openings and lateral connections to curb poles and property lines and its other fixtures and appurtenances, in, through, upon, along, over, under and across the surface of the public streets, roads, avenues and highways, under the control of said Board of Chosen Freeholders of Somerset County, for its local and through lines and systems in connection with the transaction of its business, said public streets, roads, avenues and highways being as follows:

Mine Brook Road,
Davidson Bridge Road,
Union Avenue,
North Branch Road or Easton Turnpike.
Watchung Road,
Mountain Avenue,

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Terrill Road,
Dead River Road (easterly) or Liberty Corner Road (westerly),
Greater Cross Road,
Wagner's Corner Road,
Peapack Road,
Chester Road,
as shown upon plan submitted to and approved by said Board of Chosen Freeholders. The privilege was granted for a term of fifty years.

Approved February 18th. 1913, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF MONMOUTH COUNTY—ATLANTIC HIGHLANDS GAS COMPANY.

Application was made by the Atlantic Highlands Gas Company for the approval of a resolution of the Board of Chosen Freeholders of the County of Monmouth, giving the said Atlantic Highlands Gas Company permission "to lay and maintain wrought iron gas pipes, mains and conduits on, along and under the public bridges in the County of Monmouth, and along, under and across the public roads, streets and highways in the Borough of Rumson and in the Township of Shrewsbury, in the County of Monmouth," said permission being made subject to certain conditions, regulations and restrictions set forth in the resolution.

Upon March 14th, 1911, the Board of Public Utility Commissioners made a finding in which it declared that the "grant made in this resolution is so broad that the Board is unable to reach a determination if the privilege or franchise thereby given is necessary and proper for the public convenience." The approval of the Board was withheld. The Atlantic Highlands Gas Company now, by its attorney, asks for the approval by this Board of the use by said company, under the resolution of the Board of Chosen Freeholders herein referred to, of the County Bridge between Keyport and Matawan, known as the "Mott Street Bridge."

The Board now, after investigation, determines that the use of the county bridge between Keyport and Matawan is necessary and proper for the public convenience, and that the grant or permission to use such bridge, made as aforesaid, properly conserves the public interests, and in accordance with such determination approves such grant, subject to the conditions, regulations and restrictions made in the resolution of the Board of Chosen Freeholders granting permission to the Atlantic Highlands Gas Company to use said "Mott Street Bridge."

Dated February 18th, 1913.

ORDINANCE—TOWNSHIP OF MIDDLE—WILDWOOD, ANGLESEA AND HOLLY BEACH GAS COMPANY.

Application was made by the Wildwood, Anglesea and Holly Beach Gas Company for approval of an ordinance of the Township of Middle, Cape May County,

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granting permission to said company to lay and maintain pipe lines and mains through, along and under certain roads, streets, highways and other public places in the Township of Middle, in the County of Cape May, for the purpose of operating a gas plant and supplying gas for public and private use. The privilege was granted for a term of fifty years.

Approved February 25th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF DELAWARE—NEW JERSEY NORTHERN GAS COMPANY.

Application was made by the New Jersey Northern Gas Company for approval of an ordinance of the Township of Delaware, Hunterdon County, granting permission to said company to lay, construct, operate and maintain its pipes, mains and conduits for supplying gas for illuminating, heat and power purposes, for public and private use and consumption in, through and along the streets, avenues, public roads, highways, alleys and other public places in the Township of Delaware. The privilege was granted for a term of fifty years.

Approved February 28th, 1913, after hearing.

ORDINANCE—BOROUGH OF STOCKTON—NEW JERSEY NORTHERN GAS COMPANY.

Application was made by the New Jersey Northern Gas Company for approval of an ordinance of the Borough of Stockton, Hunterdon County, granting permission to said company to lay, construct, operate and maintain its pipes, mains and conduits for supplying gas for illuminating, heat and power purposes, for public and private use and consumption in, through and along the streets, avenues, public roads, highways, alleys and other public places in the Borough of Stockton. The privilege was granted for a term of fifty years.

Approved February 28th, 1913, after hearing.

ORDINANCE—BOROUGH OF DUNELLEN—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of an ordinance of the Borough of Dunellen granting permission to said company to use the various streets, roads, avenues, highways and parts thereof in the Borough for the construction, operation and maintenance of its lines. This

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ordinance was passed May 6th, 1912. Objection was made by certain residents of the borough to its approval by this Board. To satisfy the objectors, and at the suggestion of the Board, a further ordinance amending the original ordinance was passed December 11th, 1912. Both ordinances were approved by the Board. The privilege was granted for a term of fifty years, with the right reserved to the borough to amend the ordinance "except as to requiring money compensation, after the expiration of thirty years from the date of the passage thereof, by requiring such provisions and regulations as under all the circumstances shall be reasonable and as may be necessary at the time of any amendment to fully protect the interests of the municipality. All such amendments to be approved by the Board of Public Utility Commissioners for the State of New Jersey, or such board or body as at the time of any amendment has jurisdiction over public utilities."

Approved March 6th, 1913, after hearing.

ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS OF NEWARK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the Board of Street and Water Commissioners of Newark granting permission to said company to locate, construct, operate and maintain the following extension to its street railway system in the City of Newark now owned and operated by said company, being an extension from tracks now constructed and being operated in Bloomfield Avenue, in said city, and consisting of a single track in North Twelfth Street, a single track in Beardsley Avenue with connections between same and to its easterly and westerly track in Bloomfield Avenue, in the City of Newark. The privilege was granted for a term of fifty years.

Approved March 18th, 1913, after hearing.

ORDINANCE—BOROUGH OF SADDLE RIVER—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of an ordinance of the Borough of Saddle River, Bergen County, granting permission to said company to use the various streets, roads, avenues and highways, and parts thereof, in the borough, both above and below the surface thereof, for the construction, maintenance and operation of its local and through lines and systems, in connection with the transaction of its business, and prescribing the manner of so doing. The privilege was granted for a term of fifty years.

Approved March 25th, 1913, after hearing.

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ORDINANCE—BOROUGH OF MATAWAN—JERSEY CENTRAL TRACTION COMPANY.

Application was made by the Jersey Central Traction Company for approval of an ordinance of the Borough of Matawan granting permission to said company to continue the operation and maintenance of a single track electric street railway in, through and upon certain streets herein designated in the borough to be operated by overhead or trolley system, said road having already been constructed under the terms of an ordinance passed by the Council of the Borough of Matawan. The privilege was granted for a term of fifty years.

Approved March 25th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF UPPER PENNS NECK—PENNS GROVE ELECTRIC LIGHT, HEAT AND POWER COMPANY.

Application was made by the Penns Grove Electric Light, Heat and Power Company for approval of an ordinance of the Township of Upper Penns Neck granting permission to said company to erect, construct, lay and maintain all necessary poles, wires, cables, crossarms, conduits, manholes and other fixtures and appliances for its lines in, along, upon, over and under each and every of the public roads, streets, alleys, highways, lanes and public places of the Township of Upper Penns Neck for the conduct of its business, and prescribing the manner of placing the same and regulating the use of the public roads, streets, alleys, highways, lanes, sidewalks and public places by the said company. The privilege was granted for a term of fifty years.

Approved April 8th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF OLDMANS—PENNS GROVE ELECTRIC LIGHT, HEAT AND POWER COMPANY.

Application was made by the Penns Grove Electric Light, Heat and Power Company for approval of an ordinance of the Township of Oldmans, Salem County, granting permission to said company to erect, construct, lay and maintain all necessary poles, wires, cables, crossarms, conduits, manholes and other fixtures and appliances for its lines in, upon, along, over and under each and every of the public roads, streets, alleys, highways, lanes and public places of the Township of Oldmans for the conduct of its business, and prescribing the manner of placing the same and regulating the use of the public roads, streets, alleys, highways, lanes and public places by the said company. The privilege was granted for a term of fifty years.

Approved April 8th, 1913, after hearing.

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ORDINANCE—CITY OF ELIZABETH—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the City of Elizabeth entitled:

"A supplement to an ordinance entitled 'An ordinance granting the application of the Union County Street Railway Company for location and route of a street railway, and to permit the said company to lay railway tracks, with necessary turnouts, switches, sidings and turntables, on and through certain streets and highways of the City of Elizabeth,' (approved the ninth day of June, A. D. one thousand eight hundred and ninety)."

Approved April 8th, 1913, after hearing.

ORDINANCE—CITY OF ELIZABETH—ELIZABETH, NEW BRUNSWICK AND TRENTON RAILROAD COMPANY.

Application was made by the Elizabeth, New Brunswick and Trenton Railroad Company for approval of an ordinance of the City of Elizabeth granting permission to said company to lay its tracks along and upon South Broad Street and Bayway in the City of Elizabeth.

Approved April 8th, 1913, after hearing.

ORDINANCE—BOARD OF CHOSEN FREEHOLDERS OF CAPE MAY COUNTY—TUCKAHOE LIGHT AND FUEL COMPANY.

Application was made by the Tuckahoe Light and Fuel Company for approval of an ordinance of the Board of Chosen Freeholders of Cape May County granting permission to said company to use certain streets, roads, avenues, highways and other public places in said county for the purpose of laying and maintaining pipes, mains and conductors along and under the surface of the same for conducting and supplying gas as may be required for public and private use, and for the general distribution and sale of same. The privilege was granted for a term of fifty years.

Approved April 8th, 1913, after hearing.

ORDINANCE—BOARD OF CHOSEN FREEHOLDERS OF MONMOUTH COUNTY—MIDDLESEX AND MONMOUTH ELECTRIC LIGHT, HEAT AND POWER COMPANY.

Application was made by the Middlesex and Monmouth Electric Light, Heat and Power Company for approval of an ordinance of the Board of Chosen Free-

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holders of Monmouth County granting permission to said company to construct, operate and maintain a pole line on the Keyport-Holmdel Road, the Bradevelt Road to Red Bank Road, and the Matawan-Holmdel Road, in the County of Monmouth. The privilege was granted for a term of fifty years.

Approved April 22nd, 1913, after hearing.

ORDINANCE—BOARD OF CHOSEN FREEHOLDERS OF CAPE MAY COUNTY—CAPE MAY LIGHT AND POWER COMPANY.

Application was made by the Cape May Light and Power Company for approval of an ordinance of the Board of Chosen Freeholders of Cape May County granting permission to said company to erect poles and string wires thereon, with all the necessary fixtures, for its lines in, upon, along and over the Cape May Point Boulevard, beginning at a point eight hundred feet westerly from the bridge over Cape Island Creek, on Perry Street, in Cape May City, and extending to the Delaware Bay, a distance of twelve thousand five hundred and five feet, for the purpose of providing electric light and power for the use of the residents residing on or near said road, and providing the manner of placing the same and regulating the use of said road by said company. The privilege was granted for a term of fifty years.

Approved April 29th, 1913, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF MORRIS—BEDMINSTER WATER COMPANY.

Application was made by the Bedminster Water Company for approval of a resolution of the Board of Chosen Freeholders of the County of Morris granting permission to said company to construct, reconstruct, lay, maintain and operate its pipes or conduits, including the necessary road openings through, upon, along, over and under that portion of the macadam road known as the Chester-Gladstone macadam road, under the control of the Board of Chosen Freeholders of Morris County (for the purpose of conveying water for domestic and fire purposes), from the intersection of said road with the road leading from Ralston to Hacklebarney, near the residence of William Philhower, and adjoining the property of H. P. Lindaberry, and following the improved road along the side of the macadam in a general southerly direction some seventy-four hundred feet, more or less, to the boundary line between the counties of Morris and Somerset. The privilege was granted for a term of fifty years.

Approved April 29, 1913, after hearing.

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ORDINANCE—BOARD OF CHOSEN FREEHOLDERS OF SOMERSET COUNTY—BEDMINSTER WATER COMPANY.

Application was made by the Bedminster Water Company for approval of an ordinance of the Board of Chosen Freeholders of Somerset County granting permission to said company to lay and maintain water mains and pipes for carrying and conducting water in and along the macadam road now built in the Township of Bedminster from the Morris County line through said Township of Bedminster within the limits designated as Fire District No. 1, in said township. The privilege was granted for a term of fifty years.

Approved April 29th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF CHESTER—BEDMINSTER WATER COMPANY.

Application was made by the Bedminster Water Company for approval of an ordinance of the Township of Chester, Morris County, granting permission to said company to lay and maintain a water pipe along a portion of the macadam road in Chester Township, in the County of Morris. The privilege was granted for a term of fifty years.

Approved April 29th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF BEDMINSTER—BEDMINSTER WATER COMPANY.

Application was made by the Bedminster Water Company for approval of an ordinance of the Township of Bedminster, Somerset County, granting permission to said company to lay and maintain water mains and pipes and erect hydrants in the public roads through and in all that portion of the Township of Bedminster, in the County of Somerset, and which has been set off and designated as Fire District No. 1, in said Township, excepting in the Borough of Peapack-Gladstone, for the purpose of supplying water to applicants along and on either sides of said roads for domestic use and fire purposes. The privilege was granted for a term of fifty years.

Approved April 29th, 1913, after hearing.

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ORDINANCE—BOROUGH OF WILDWOOD CREST—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Borough of Wildwood Crest, Cape May County, granting permission to said company to erect, construct, lay and maintain all necessary poles, wires, cables, crossarms, conduits, manholes and other fixtures and appliances for its lines in, upon, along, over and under each and every of the public roads streets, alleys and highways of the Borough of Wildwood Crest, for the conduct of its business, and prescribing the manner of placing the same and regulating the use of the public roads, streets, alleys and highways by said company. The privilege was granted for a term of fifty years.

Approved April 29th, 1913, after hearing.

ORDINANCE—BOARD OF CHOSEN FREEHOLDERS OF MONMOUTH COUNTY—JERSEY CENTRAL TRACTION COMPANY.

Application was made by the Jersey Central Traction Company for approval of an ordinance of the Board of Chosen Freeholders of Monmouth County granting permission to said company to construct, operate and maintain an electric street railway in the Borough of Red Bank, in the County of Monmouth, to be operated by electricity supplied by the overhead or trolley system or some other method of conducting electricity, and by any other motive power as limited and described in the body of this ordinance, and to locate the route thereof and the tracks of said railway conformably to said route and the poles. The privilege was granted for a term of fifty years.

Approved April 29th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF HANOVER—BOONTON ELECTRIC COMPANY.

Application was made by the Boonton Electric Company for approval of an ordinance of the Township of Hanover, Morris County, granting permission to said company to erect, construct, maintain and operate works for the supply and distribution of electricity for electric lights, heat and power, and to erect and maintain poles, posts, wires and cables thereon, and for the purpose of constructing, maintaining and operating underground conduits or subways, and the placing, installing, maintaining and using wires, cables or conductors therein and thereon, to transmit, distribute and deliver electricity for public and private

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lighting, heating, power and other purposes, in the streets, avenues, highways, squares and public grounds in the Township of Hanover hereinafter mentioned, for the purpose of supplying the public and inhabitants thereof with electricity. The privilege was granted for a term of fifty years.

Approved May 6th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF HANOVER—MOUNTAIN LAKES GAS COMPANY.

Application was made by the Mountain Lakes Gas Company for approval of an ordinance of the Township of Hanover, Morris County, granting permission to said company to lay pipes through and under the streets, avenues, highways, squares and public grounds of the Township of Hanover, in the County of Morris, hereinafter mentioned, and for the purpose of constructing, maintaining and operating gas works and supplying the inhabitants thereof with gas. The privilege was granted for a term of fifty years.

Approved May 6th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF DENNIS—WILDWOOD, ANGLESEA AND HOLLY BEACH GAS COMPANY.

Application was made by the Wildwood, Anglesea and Holly Beach Gas Company for approval of an ordinance of the Township of Dennis, Cape May County, granting permission to said company to lay and maintain pipe lines and mains along and under certain roads, streets, highways, avenues and other public places, in the Township of Dennis, for the purpose of operating a gas plant and supplying gas for private and public use. The privilege was granted for a term of fifty years.

Approved May 23rd, 1913, after hearing.

ORDINANCE—BOARD OF CHOSEN FREEHOLDERS OF CAPE MAY COUNTY—WILDWOOD, ANGLESEA AND HOLLY BEACH GAS COMPANY.

Application was made by the Wildwood, Anglesea and Holly Beach Gas Company for approval of an ordinance of the Board of Chosen Freeholders of Cape May County granting permission to said company to lay and maintain pipe lines and mains along and under certain roads, streets, highways, avenues and other

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public places, in the County of Cape May, for the purpose of operating a gas plant and supplying gas for private and public use. The privilege was granted for a term of fifty years.

Approved May 23rd, 1913, after hearing.

ORDINANCE—BOROUGH OF LAVALETTE—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of an ordinance of the Borough of Lavalette, granting permission to said company to use various streets, roads, avenues and highways and parts thereof in the Borough of Lavalette, above the surface thereof, for the construction, maintenance and operation of its local and through lines and systems in connection with the transaction of its business, and prescribing the manner of so doing. The privilege was granted for a term of fifty years.

Approved May 27th, 1913, after hearing.

ORDINANCE—BOROUGH OF WEST LONG BRANCH—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of an ordinance of the Borough of West Long Branch, Monmouth County, granting permission to said company to use the various streets, roads, avenues and highways, and parts thereof, in the Borough of West Long Branch, both above and below the surface thereof, for the construction, maintenance and operation of its local and through lines and systems,in connection with the transaction of its business, and prescribing the manner of so doing. The privilege was granted for a term of fifty years.

Approved May 27th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF MULLICA—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Township of Mullica, Atlantic County, granting permission to said company to erect, construct, lay and maintain all necessary terminal poles, conduits, manholes and other fixtures and appliances for its lines in, upon, along, over and under each and every of the

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public roads, streets, alleys and highways of the Township of Mullica, in the County of Atlantic, for the conduct of its business, and prescribing the manner of placing the same and regulating the use of the public roads, streets, alleys and highways by said company. The privilege was granted for a term of fifty years.

Approved June 3rd, 1913, after hearing.

ORDINANCE—COUNTY OF MONMOUTH—FARMINGDALE LIGHTING COMPANY.

Application was made by the Farmingdale Lighting Company for approval of an ordinance of the County of Monmouth granting permission to said company to construct, maintain and operate an electric light, heat and power system on the road leading from Freehold to Farmingdale, in the County of Monmouth. The privilege was granted for a term of fifty years.

Approved June 3rd, 1913. after hearing.

ORDINANCE—TOWNSHIP OF WALL—ATLANTIC COAST ELECTRIC RAILWAY COMPANY.

Application was made by the Atlantic Coast Electric Railway Company for approval of an ordinance of the Township of Wall, Monmouth County, granting permission to said company to construct, maintain and operate a street railway in and across Sea Girt Avenue, in the Township of Wall. The privilege was granted for a term of fifty years.

Approved June 10th, 1913, after hearing.

ORDINANCE—BOROUGH OF WILDWOOD CREST—FIVE MILE BEACH ELECTRIC RAILWAY COMPANY.

Application was made by the Five Mile Beach Electric Railway Company for approval of an ordinance of the Borough of Wildwood Crest granting permission to said company to construct, maintain and operate street railway upon and through a certain street or avenue in the Borough of Wildwood Crest, and locating the tracks or rails and poles thereon. The privilege was granted for a term of fifty years.

Approved June 17th, 1913, after hearing.

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ORDINANCE—CITY OF SOUTH AMBOY—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the City of South Amboy granting permission to said company to locate, construct, operate and maintain a connection between its track in Broadway, in the City of South Amboy, and the track of Jersey Central Traction Company, on private right of way north of Main Street. The privilege was granted for a term of fifty years.

Approved June 30th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF BUENA VISTA—MILLVILLE GAS LIGHT COMPANY.

On application to the Board for approval of this ordinance, in its original form, a report was made which will be found in the section of this report devoted to formal findings and orders of the Board.

Subsequently the ordinance was amended to overcome the objections cited in the report above referred to and a certificate of approval was then issued. The privilege was granted for a term of fifty years.

Approved July 1st, 1913, after hearing.

ORDINANCE—BOROUGH OF PEAPACK AND GLADSTONE—BEDMINSTER WATER COMPANY.

Application was made by the Bedminster Water Company for approval of an ordinance of the Borough of Peapack and Gladstone, granting permission to said company to lay and maintain water pipe, mains, laterals and crossunders and erect hydrants in all the streets and roads in the Borough of Peapack and Gladstone for the purpose of supplying water to applicants along and on either side of said streets and roads for domestic use and for fire purposes. The privilege was granted for a term of fifty years.

Approved July 15th, 1913, after hearing.

ORDINANCE—CITY OF TRENTON—RIVERSIDE TRACTION COMPANY.

Application was made by the Public Service Railway Company, lessee of the Riverside Traction Company, for approval of an ordinance of the City of Trenton granting permission to said company to lay an additional rail in each of its tracks in the streets on which they operate their cars in the City of Trenton.

Approved July 22nd, 1913, after hearing.

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ORDINANCE—TOWNSHIP OF MIDDLETOWN—IDEAL BEACH WATER COMPANY.

Application was made by the Ideal Beach Water Company for approval of an ordinance of the Township of Middletown, Monmouth County, granting permission to said company to lay, construct and maintain water pipes and a water supply system and water works in the township.

Approved July 29th, 1913, after hearing.

ORDINANCE—TOWN OF PHILLIPSBURG—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Town of Phillipsburg granting permission to said company to construct, lay and maintain its conduits, manholes, cables, wires and other fixtures and appliances necessary for the operation of its underground system on, along and under certain portions of certain public streets and (or) highways within the limits of the Town of Phillipsburg, in the County of Warren and State of New Jersey, for the conduct of its business, and prescribing the manner of placing the same and regulating the use of said portions of said public streets and (or) highways by said company, and prescribing terms and conditions. The privilege was granted for a term of thirty years.

Approved July 29th, 1913, after hearing.

ORDINANCE—BOROUGH OF ELMER—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Borough of Elmer, granting permission to said company to erect, construct, lay and maintain all necessary poles, wires, cables, crossarms, conduits, manholes and other fixtures and appliances for its lines, in, upon, along, over and under each and every of the public roads, streets alleys and highways of the Borough of Elmer for the conduct of its business and prescribing the manner of placing the same and regulating the use of the public roads, streets, alleys and highways by said company. The privilege was granted for a term of fifty years.

Approved July 29th, 1913, after hearing.

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RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF BERGEN COUNTY—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of a resolution of the Board of Chosen Freeholders of Bergen County granting permission to said company to construct, reconstruct, lay, maintain and operate for its local and through lines and systems, its underground conduits, cables, wires and other fixtures and appurtenances, including the necessary street openings and lateral connections to curb poles and property lines, required in connection therewith in, through and under Fort Lee Road, 1658 feet west of Overpeck Creek, from telephone pole No. 25 on the southerly side of Fort Lee Road, opposite Elm Street, northerly for a distance of 49½ feet across the road, in the Township of Teaneck, Bergen County. The privilege was granted for a term of fifty years.

Approved July 29th, 1913, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF MIDDLESEX COUNTY—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of a resolution of the Board of Chosen Freeholders of Middlesex County granting permission to said company to construct, reconstruct, lay, maintain and operate for its local and through lines and systems, its underground cables, wires and other fixtures and appurtenances, including the necessary road openings and lateral connections to curb poles and property lines, required in connection therewith, in, through and under the road to Keyport from a point opposite a pole approximately 175 feet east of the bridge crossing the Chesequake Creek, westerly across the road for a distance of approximately 66 feet, in the Township of Madison. The privilege was granted for a term of fifty years.

Approved July 29th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF NORTH PLAINFIELD—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of an ordinance of the Township of North Plainfield granting permission to said company to use the various streets, roads, avenues and highways, and parts thereof, in the Township of North Plainfield, both above and below the surface thereof, for the construction, maintenance and operation of its local and through lines and systems, in connection with the transaction of its business, and prescribing the manner of so doing. The privilege was granted for a term of fifty years.

Approved July 29th, 1913, after hearing.

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RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF HUNTERDON COUNTY—NEW JERSEY NORTHERN GAS COMPANY.

Application was made by the New Jersey Northern Gas Company for approval of resolution of the Board of Chosen Freeholders of Hunterdon County granting permission to said company to open the surface of the road, or so much thereof as shall be under the control of said Board of Freeholders, leading from Ringoes to Marshall's Corner, for the purpose of laying its mains, pipes and conduits therein, and to lay and relay its mains, pipes and conduits therein, and for the purpose of connecting buildings along the line of said road with pipes and mains and for such other purposes as may be necessary in order to carry out the objects of said company.

Approved September 2nd, 1913, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF MERCER COUNTY—NEW JERSEY NORTHERN GAS COMPANY.

Application was made by the New Jersey Northern Gas Company for approval of a resolution of the Board of Chosen Freeholders of Mercer County granting permission to said company to open the surface of the said road or street, or such portion thereof over which it has control, leading from Ringoes to Marshall's Corner, and to open the surface of the road or street extending from Pennington to Hopewell, and such roads or streets in said boroughs over which said Board of Freeholders has control, for the purpose of laying its mains, pipes and conduits therein, and to lay and relay its mains, pipes and conduits therein, and for the purpose of connecting buildings along the line of said roads or streets with said pipes and mains, and for such other purposes as may be necessary to carry out the objects of said company.

Approved September 2nd, 1913, after hearing.

ORDINANCE—BOROUGH OF HOPEWELL—NEW JERSEY NORTHERN GAS COMPANY.

Application was made by the New Jersey Northern Gas Company for approval of an ordinance of the Borough of Hopewell, granting permission to said company to lay, construct, operate and maintain its pipes, mains and conduits for supplying gas for illuminating, heating and power purposes, for public and private use and consumption, in, through and along the streets, avenues, public roads, highways, alleys and other public places in the Borough of Hopewell, in the County of Mercer and State of New Jersey. The privilege was granted for a term of fifty years.

Approved September 2nd, 1913, after hearing.

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ORDINANCE—TOWNSHIP OF HOPEWELL—NEW JERSEY NORTHERN GAS COMPANY.

Application was made by the New Jersey Northern Gas Company for approval of an ordinance of the Township of Hopewell, granting permission to said company to lay, construct, operate and maintain its pipes, mains and conduits for supplying gas for illuminating, heating and power purposes, for public and private use and consumption, in, through and along the streets, avenues, public roads, highways, alleys and other places in the Township of Hopewell. The privilege was granted for a term of fifty years.

Approved September 2nd, 1913, after hearing.

ORDINANCE—BOROUGH OF PENNINGTON—NEW JERSEY NORTHERN GAS COMPANY.

Application was made by the New Jersey Northern Gas Company for approval of an ordinance of the Borough of Pennington granting permission to said company to lay, construct, operate and maintain its pipes, mains and conduits for supplying gas for illuminating, heating and power purposes, for public and private use and consumption in, through and along the streets, avenues, public roads, highways, alleys and other public places in the Borough of Pennington. The privilege was granted for a term of fifty years.

Approved September 2nd, 1913, after hearing.

ORDINANCE—COMMISSIONERS OF OCEAN CITY—OCEAN CITY ELECTRIC LIGHT COMPANY.

In this matter the Board entered a formal finding which will be found in that section of this Report devoted to formal decisions and orders of the Board.

Approved September 2nd, 1913, after hearing.

ORDINANCE—BOROUGH OF BOUND BROOK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the Borough of Bound Brook granting permission to said company to relocate, locate, construct, operate and maintain its single track in

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Main Street, between Maiden Lane and East Street, and the southerly track of its passing siding in Main Street, opposite Hamilton Street, and to locate, construct, operate and maintain extensions, eastwardly and westwardly, to the southerly track of its said passing siding in Main Street, opposite Hamilton Street, in the Borough of Bound Brook.

Approved September 9th, 1913, after hearing.

ORDINANCE—TOWNSHIP OF HANOVER—MORRIS AND SOMERSET ELECTRIC COMPANY.

Application was made by the Morris and Somerset Electric Company for approval of an ordinance of the Township of Hanover, granting permission to said company to erect posts and poles and string wires and cables and place fixtures thereon, and to maintain, repair and renew the same, and to construct, maintain, repair and renew underground conduits, subways or ducts, cables, wires, manholes and appliances for electric conductors in portions of the Township of Hanover, in the County of Morris, to be used for the distribution of electricity for light, heat, power and other purposes. The privilege was granted for a term of fifty years.

Approved September 16th, 1913, after hearing.

ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS OF NEWARK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the City of Newark granting permission to said company, its successors or assigns, to locate, construct, operate and maintain the following extension to its street railway system, being an extension from tracks now constructed and being operated in Elizabeth Avenue, and consisting of a double track in Hawthorne Avenue, east of Clinton Place, a single track in Hawthorne Avenue, west of Clinton Place, and a single track in Clinton Place, south of Hawthorne Avenue, with connections between same and its said tracks in Elizabeth Avenue, and between same and its tracks in Bergen Street, in the City of Newark, County of Essex and State of New Jersey.

Approved September 30th, 1913, after hearing.

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ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS OF NEWARK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the City of Newark granting permission to said company, its successors or assigns, to locate, construct, operate and maintain the following extension to its street railway system, being an extension from tracks now constructed and being operated in Bergen Street and consisting of a double track in Bergen Street and a double track in Lyons Avenue, with connections between same and its said tracks in Bergen Street and between same and its tracks in Elizabeth Avenue and a crossover connection between the said tracks in Lyons Avenue, west of Elizabeth Avenue, in the City of Newark.

Approved October 28th, 1913, after hearing.

ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS OF NEWARK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the City of Newark granting permission to said company, its successors or assigns,, to locate, construct, operate and maintain the following extension to its street railway system, being a single track extension in Wolcott Terrace from tracks as proposed to be constructed in Hawthorne Avenue, with connections between same and the said tracks as proposed to be constructed in Hawthorne Avenue, in the City of Newark, County of Essex.

Approved October 28th, 1913, after hearing.

ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS OF NEWARK—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the City of Newark granting permission to said company, its successors or assigns, to locate, construct, operate and maintain connections between its tracks in Bergen Street, southeast of Clinton Avenue, and its tracks in Clinton Avenue, northeast of Bergen Street, in the City of Newark, County of Essex.

Approved October 28th, 1913, after hearing.

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ORDINANCE—TOWNSHIP OF HOHOKUS—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of an ordinance of the Township of Hohokus granting permission to said company, its successors and assigns, to use the various streets, roads, avenues and highways, and parts thereof, in the Township of Hohokus, Bergen County, New Jersey, both above and below the surface thereof, for the construction, maintenance and operation of its local and through lines and systems, in connection with the transaction of its business, and prescribing the manner of so doing. The privilege was granted for a term of fifty years.

Approved October 31st, 1913, after hearing.

ORDINANCE—BOROUGH OF FARMINGDALE—FARMINGDALE LIGHTING COMPANY.

Application was made by the Farmingdale Lighting Company for approval of an ordinance as amended of the Borough of Farmingdale granting to said company the right to construct, maintain and operate an electric light, heat and power system in the Borough of Farmingdale and to use the streets, avenues, parks, highways and other public places therein therefor. The privilege was granted for a term of fifty years and the ordinance provides that at the expiration of the term, if the franchise be not renewed, no franchise shall be granted to any other company, corporation or person unless the same shall provide for the purchase of the physical property of the Farmingdale Lighting Company at that time. The ordinance provides for purchase by the borough at the end of the term.

Approved November 11th, 1913, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS OF SOMERSET COUNTY—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of a resolution of the Board of Chosen Freeholders of Somerset County granting permission to said company, its successors and assigns, to construct, reconstruct, maintain and operate for its local and through lines and system, its poles, wires, cables and other fixtures and appurtenances, upon, over and across Millstone—Blackwells Mills Road from Bound Brook—Weston Road to a point about five hundred feet north of the Philadelphia and Reading Railroad, in the Township of Hillsboro. The privilege was granted for a term of fifty years.

Approved November 18th, 1913, after hearing.

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ORDINANCE—BOROUGH OF LONGPORT—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Borough of Longport granting permission to said company, its successors and assigns, to erect, construct, maintain and operate all necessary terminal and distributing poles, conduits, ducts, mains, pipes, cables, wires, manholes and all other necessary underground appliances for its lines on, in, under and through each and every of the public roads, streets, alleys and highways of the Borough of Longport, for the conduct of its business, and prescribing the manner of placing the same and regulating the use of the public roads, streets, alleys and highways by said company. The privilege was granted for a term of fifty years.

Approved December 2nd, 1913, after hearing.

ORDINANCE—TOWNSHIP OF BRIDGEWATER—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by Public Service Railway Company for approval of an ordinance of the Township of Bridgewater granting permission to Public Service Railway Company, its successors and assigns, to locate, construct, operate and maintain a passing siding in Main Street, northwest of Gatesville Corner, in the Township of Bridgewater.

Approved December 9th, 1913, after hearing.

ORDINANCE AND RESOLUTION—CITY OF TRENTON—WESTERN UNION TELEGRAPH COMPANY.

Application was made by the Western Union Telegraph Company for approval of an ordinance of the City of Trenton, passed by the Board of Commissioners September 19th, 1913, as amended by resolution adopted October 1st, 1913, entitled:

"An Ordinance granting to the Western Union Telegraph Company, its successors and assigns, the right to construct and maintain or lease conduits and underground ways in, under and across the streets, alleys and public places of the City of Trenton, and to place and operate therein wires and cables necessary to carry on all branches of business in connection with the telegraph, ticker and messenger service, and to erect and maintain distributing poles in alleys and other places."

Approved December 9th, 1913, after hearing.

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ORDINANCE—TOWNSHIP OF BOONTON—BOONTON ELECTRIC COMPANY.

Application was made by the Boonton Electric Company for approval of an ordinance of the Township of Boonton authorizing and empowering said company to erect, construct, maintain and operate works for the supply and distribution of electricity for electric lights, heat and power, and to erect and maintain poles, posts, wires and cables thereon, and for the purpose of constructing, maintaining and operating underground conduits or subways, and the placing, installing, maintaining and using wires, cables or conductors therein and thereon, to transmit, distribute and deliver electricity for public and private lighting, heating, power and other purposes, in the streets, avenues, highways, squares and public grounds in the Township of Boonton, for the purpose of supplying the pupblic and inhabitants thereof with electricity. The privilege was granted for a term of fifty years.

Approved December 23rd, 1913, after hearing.

ORDINANCE—TOWN OF HARRISON—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the Town of Harrison granting permission to said company, its successors and assigns, to locate, construct, operate and maintain connections between its tracks in Harrison Avenue and its property on the northwesterly corner of Harrison Avenue and Schuyler Avenue, and a crossover between its tracks in Harrison Avenue, in the Town of Harrison.

Approved December 23rd, 1913, after hearing.

ORDINANCE—TOWN OF KEARNY—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the Town of Kearny granting permission to said company, its successors and assigns, to locate, construct, operate and maintain a connection between the track of Public Service Railway Company in Schuyler Avenue, in the Town of Harrison, and the southerly track in Harrison Avenue, in the Town of Kearny.

Approved December 23rd, 1913, after hearing.

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ORDINANCE—TOWNSHIP OF MIDLAND—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of an ordinance of the Township of Midland granting permission to said company, its successors and assigns, to use the various streets, roads, avenues and highways, and parts thereof, in the Township of Midland, Bergen County, New Jersey, both above and below the surface thereof, for the construction, maintenance and operation of its local and through lines and systems. The privilege was granted for a term of fifty years.

Approved December 30th, 1913, after hearing.

Leases, Mergers, Agreements, Etc.

In the Matter of the Application of the Salem Electric Company and the Gloucester County Electric Company for Approval of Consolidation Agreement, Consolidating Said Companies Into New Corporation to be Known as "Electric Company of New Jersey" and Approval of Issue of Stock of the New Company to the Amount of $50,000, and Bonds to the Amount of $143,325. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Salem Electric Company and the Gloucester County Electric Company for approval of consolidation agreement, dated August 8th, 1912, and filed with said Board December 3rd, 1912, consolidating said companies into a new corporation to be known as "Electric Company of New Jersey," and approval of issue of capital stock of the new company, to the amount of fifty thousand dollars, in exchange for stock of the Gloucester County Electric Company and Salem Electric Company now outstanding, amounting to seventy-five thousand dollars, and for approval of issue of bonds to the amount of one hundred forty-three thousand three hundred and twenty-five dollars, in place of bonds of said companies now outstanding, amounting to one hundred forty-two thousand dollars, and the said Board being satisfied, after investigation and due hearing that the consolidation of said companies and proposed issues of said stock and bonds are to be made in accordance with law, and the purpose of such issues being approved by the Board, no reason to the contrary appearing, the said Board

HEREBY (subject to Conference Order Number Seven, and subject to the condition that the companies to be consolidated shall not, without the approval of this Board, supply or agree to supply service in the territories for which the

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Woodstown Ice and Cold Storage Company and the Harrison Heights Improvement Company now supply service), APPROVES said consolidation of said companies, as provided in said agreement so filed, and hereby approves also said proposed issues of said stock and bonds by said Electric Company of New Jersey.

Dated January 6th, 1913.

In the Matter of the Application of the Salem Electric Company and the Gloucester County Electric Company for Approval of Consolidation Agreement, Consolidating Said Companies Into New Corporation, to be Known as "Electric Company of New Jersey," and Approval of Issue of Stock of the New Company to the Amount of $24,000, and Bonds to the Amount of $130,000.

SUPPLEMENTAL CERTIFICATE.

Application being made to the Board of Public Utility Commissioners by the Salem Electric Company and the Gloucester County Electric Company for approval of consolidation agreement, dated August 8th, 1912, and filed with said Board December 3rd, 1912, consolidating said companies into a new corporation to be known as "Electric Company of New Jersey," and approval of issue of stock of the new company to the amount of twenty-four thousand dollars, and bonds to the amount of one hundred and thirty thousand dollars, the proceeds to be used for payment of improvements and extensions, as set forth in said petition, and said consolidation agreement having been approved by this Board, by its certificate dated January 6th, 1913, and the said Board being satisfied, after investigation and due hearing, that the proposed issues of said stock and bonds are to be made in accordance with law, and the purpose of such issues being approved by the Board, the said Board, no reason to the contrary appearing,

HEREBY (subject to Conference Order Number Seven, and subject to the condition that the company shall not, without the approval of this Board, supply or agree to supply service in the territory for which the Woodstown Ice and Cold Storage Company and the Harrison Heights Improvement Company now supply service), APPROVES said proposed issues of said stock and bonds by said Electric Company of New Jersey.

This certificate is supplemental to certificate dated January 6th, 1913.

Dated January 14th, 1913.

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In the Matter of the Application of the Pennsylvania Railroad Company for Approval of Sale of Strip of Land in the City of Trenton, Containing 0.552 of an Acre. } **CERTIFICATE.**

Application being made to the Board of Public Utilities Commissioners by the Pennsylvania Railroad Company, by petition in writing, for approval of the proposed sale and conveyance of a strip of land situated in the City of Trenton, New Jersey, containing 0.552 of an acre, more or less, lying between West Hanover Street and the Delaware and Raritan Canal Feeder, 483.5 feet northwesterly of Calhoun Street, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty is by reference thereto herein, made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the grounds, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY, on this fourteenth day of January, nineteen hundred and thirteen, APPROVES the proposed sale and conveyance of said land so shown on the said blueprint annexed to said petition, subject to the rights of the public over the portion of said land lying within the bounds of said West Hanover Street, said portion being thirty-five feet in width on the north end and extending one hundred feet to nothing on the south end.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Approval of Proposed Sale and Conveyance of Tract of Land in the City of Camden, Containing .502 of an Acre. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of the proposed sale and conveyance of a strip of land situated in the City of Camden, New Jersey, containing .502 of an acre, more or less, bounded by Newton Avenue, Division Street and other lands of said West Jersey and Seashore Railroad Company, which strip of land is shown in said petition by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land so shown on said blueprint annexed to said petition.

Dated January 28th, 1913.

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In the Matter of the Application of the West Jersey and Seashore Railroad Company for Approval of Proposed Sale and Conveyance of Tract of Land in the Township of Buena Vista, Atlantic County, New Jersey, Containing .957 of an Acre. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of the proposed sale and conveyance of a strip of land situated in the Township of Buena Vista, Atlantic County, New Jersey, containing .957 of an acre of land, more or less, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land so shown on said blueprint annexed to said petition.

Dated January 28th, 1913.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Approval of Proposed Sale and Conveyance of Tract of Land in the Borough of Pitman, Gloucester County, New Jersey, Containing 1.947 Acres of Land. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of the proposed sale and conveyance of a strip of land situated in the Borough of Pitman, Gloucester County, New Jersey, containing 1.947 acres of land, more or less, which land is shown in said petition, by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein made part hereof.

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land so shown on said blueprint annexed to said petition.

Dated January 28th, 1913.

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In the Matter of the Application of the United Electric Company of New Jersey and the Public Service Electric Company, its Lessee, for Approval of Agreement Entered Into Between the City of Elizabeth, the United Electric Company of New Jersey and the Public Service Electric Company, its Lessee, on January 2nd, 1913. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by petition in writing by the United Electric Company of New Jersey and Public Service Electric Company, its lessee, for approval of a certain agreement entered into between the City of Elizabeth, a municipal corporation of the State of New Jersey, and the United Electric Company of New Jersey and the Public Service Electric Company, its lessee, on the second day of January, nineteen hundred and thirteen, a copy of said agreement being filed with the said petition, which petition and copy of agreement by reference thereto herein are made part hereof,

The Board of Public Utility Commissioners, no reason to the contrary appearing, after hearing,

HEREBY APPROVES said agreement.

Dated January 28th, 1913.

In the Matter of the Application of the Public Service Electric Company for Approval of Lease of the Cinnaminson Electric Light, Power and Heat Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by Public Service Electric Company, by petition in writing, for approval of lease of the property and franchises of the Cinnaminson Electric Light, Power and Heat Company,

The said Board, after hearing, consideration of the recitals in said petition, and the results of the investigation made by the Chief Inspector of its Utilities Division,

HEREBY APPROVES said lease for the term of one year and RECOMMENDS to the Public Service Electric Company that it make a study of the situation with a view to arriving at a plan which will result in the simplification of the corporate relations of its company and the Cinnaminson Electric Light, Power and Heat Company by merging said Cinnaminson Electric Light, Power and Heat Company with some one of the operating companies belonging to the Public Service Electric Company.

Dated February 28th, 1913.

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In the Matter of the Application of the Public Service Electric Company for Approval of Lease of the Bordentown Electric Company. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the Public Service Electric Company, by petition in writing, for approval of lease of property and franchises of the Bordentown Electric Company,

The said Board, after hearing, consideration of the recitals in said petition and the results of the investigation made by the Chief Inspector of its Utilities Division,

HEREBY APPROVES said lease for the term of one year and RECOMMENDS to the Public Service Electric Company that it make a study of the situation with a view to arriving at a plan which will result in the simplification of the corporate relations of its company and the Bordentown Electric Company by merging said Bordentown Electric Company with some one of the operating companies belonging to the Public Service Electric Company.

Dated February 28th, 1913.

In the Matter of the Application of the Pennsylvania Railroad Company, Lessee of the United New Jersey Railroad and Canal Company, for Permission to Sell a Lot of Land in the Town of Harrison, Containing 0.246 of an Acre. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company, lessee of the United New Jersey Railroad and Canal Company, by petition in writing, for approval of the proposed sale and conveyance of a lot of land situate in the Town of Harrison, Hudson County, New Jersey, on the southwesterly side of Gloucester Street, 275 feet northwesterly of the northwest side of Third Street, containing 0.246 of an acre, which lot of land is shown in said petition by means of a blueprint annexed thereto, which blueprint and petition, for greater certainty, are, by reference thereto, herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land so shown on said blueprint annexed to said petition.

Dated February 28th, 1913.

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In the Matter of the Application of the Pennsylvania Tunnel and Terminal Railroad Company, for Approval of an Agreement Between that Railroad Company and the Pennsylvania Railroad Company, for the Operation of the Railroad and Appurtenances of the Tunnel Company by the Pennsylvania Railroad Company, as Agent for the Tunnel Company, from April 1st, 1913, until February 28th, 1914. } **CERTIFICATE**

Application having been made by the Pennsylvania Tunnel and Terminal Railroad Company, by petition in writing, for approval by the Board of Public Utility Commissioners of an agreement between the said Pennsylvania Tunnel and Terminal Railroad Company and the Pennsylvania Railroad Company for the operation of the railroad and appurtenances of the Pennsylvania Tunnel and Terminal Railroad Company by the Pennsylvania Railroad Company, as agent, from the first day of April, nineteen hundred and thirteen, until and including the twenty-eighth day of February, nineteen hundred and fourteen,

The Board of Public Utility Commissioners, after hearing and due consideration, ORDERS that the prayer of the petitioner be and the same is hereby granted, and the said agreement providing for the operation of the railroad and appurtenances of the Pennsylvania Tunnel and Terminal Railroad Company by the Pennsylvania Railroad Company, as agent, for the period above mentioned, is HEREBY APPROVED.

Dated March 18th, 1913.

In the Matter of the Application of the Trenton and Mercer County Traction Corporation for Approval of Lease of Property in the City of Trenton, New Jersey. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Trenton and Mercer County Traction Corporation, by petition in writing, for approval of a proposed lease to Harry Popkin, Harry Kline and Morris J. Wishnevosky, for the term of ten years, from April 1st, 1913, subject after five years to termination by either party upon six months' notice, of a lot of ground twenty-five feet by one hundred feet, fronting on North Clinton Avenue, in the City of Trenton,

The said Board, after hearing, consideration of the recitals in said petition and the results of investigation made by the Chief Inspector of its Utilities Division,

HEREBY APPROVES said proposed lease as prayed for in said petition.

Dated March 25th, 1913.

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In the Matter of the Application of the Public Service Railway Company for Approval of Conveyance of a Lot of Land in the City of Elizabeth by Consolidated Traction Co., to Manor Real Estate & Trust Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Public Service Railway Company, by petition in writing, for approval of a proposed conveyance of a lot of land situate in the City of Elizabeth, County of Union and State of New Jersey, by Consolidated Traction Company to Manor Real Estate & Trust Company, which lot of land is more particularly described in said petition, which petition by reference thereto herein is made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY APPROVES the proposed conveyance of said lot of land described in said petition upon condition that before the delivery of such conveyance the applicant and Consolidated Traction Company file with this Board an undertaking in writing, properly authorized and executed, that the proceeds from said sale be credited to the capital account of the Consolidated Traction Company, and be used by that company either in retirement by outstanding securities or in construction or other work, properly chargeable to capital account.

Dated March 25th, 1913.

In the Matter of the Application of the Public Public Service Railway Company for Approval of Conveyance of a Lot of Land in the City of Jersey City, New Jersey, to Manor Real Estate & Trust Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Public Service Railway Company, by petition in writing, for approval of a proposed conveyance of a lot of land situate in the City of Jersey City, County of Hudson and State of New Jersey, by the said Public Service Railway Company to the Manor Real Estate & Trust Company, which lot of land is more particularly described in said petition, which petition by reference thereto herein is made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY APPROVES the proposed conveyance of said lot of land described in said petition upon condition that the proceeds from said sale be applied toward the reduction of the capitalization of the Public Service Railway Company, or that such proceeds be used by the company in construction or other work properly chargeable to capital account.

Dated March 25th, 1913.

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In the Matter of the Application of the Public Service Gas Company for Approval of Conveyance of Lot of Land in the Town of Harrison, New Jersey, by Newark Consolidated Gas Company to United New Jersey Railroad and Canal Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Public Service Gas Company, by petition in writing, for approval of a proposed conveyance of a lot of land situate in the Town of Harrison, County of Hudson and State of New Jersey, by Newark Consolidated Gas Company to United New Jersey Railroad and Canal Company, which lot of land is more particularly described in said petition, which petition by reference thereto herein is made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY APPROVES the proposed conveyance of said lot of land described in said petition upon condition that before the delivery of such conveyance the applicant and Newark Consolidated Gas Company file with this Board an undertaking in writing, properly authorized and executed, that the proceeds from said sale be applied toward the reduction of the capitalization of the Newark Consolidated Gas Company or be used by the company in construction or other work properly chargeable to capital account.

Dated March 25th, 1913.

In the Matter of the Application of the Public Service Electric Company for Approval of Conveyance of a Lot of Land in the City of Rahway, New Jersey, by Somerset, Union & Middlesex Lighting Company to Manor Real Estate & Trust Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Public Service Electric Company, by petition in writing, for approval of a proposed conveyance of a lot of land situate in the City of Rahway, County of Union and State of New Jersey, by Somerset, Union and Middlesex Lighting Company to Manor Real Estate & Trust Company, which lot of land is more particularly described in said petition, which petition by reference thereto herein is made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

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HEREBY APPROVES the proposed conveyance of said lot of land described in said petition upon condition that before the delivery of such conveyance the applicant and Somerset, Union & Middlesex Lighting Company file with this Board an undertaking in writing, properly authorized and executed, that the proceeds from said sale be applied toward the reduction of the capitalization of the Somerset, Union & Middlesex Lighting Company, or that such proceeds be used by the company in construction or other work properly chargeable to capital account.

Dated March 25th, 1913.

In the Matter of the Application of the Jersey Central Traction Company for Approval of Sale of Strip of Land Situate in the Township of Sayreville, Middlesex County, to the Township of Sayreville. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Jersey Central Traction Company, by petition in writing, for approval of the proposed sale and conveyance of a lot of land situate in the Township of Sayreville, Middlesex County and State of New Jersey, which lot of land is shown in said petition by means of a blueprint annexed thereto, which blueprint and petition are, for greater certainty, by reference thereto here, made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land.

Dated April 8th, 1913.

In the Matter of the Application of the Jersey Central Traction Company for Approval of Sale of Lot of Land in the Township of Sayreville, Middlesex County, to the United New Jersey Railroad and Canal Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Jersey Central Traction Company, by petition in writing, for approval of the proposed sale and conveyance of a lot of land situate in the Township of Sayreville, in the County of Middlesex and State of New Jersey, which lot of land is shown in said petition by means of a blueprint annexed thereto, which

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petition and blueprint for greater certainty, are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, made upon the ground, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land upon condition that the proceeds realized from such sale be applied toward the reduction of the capitalization of the Jersey Central Traction Company, or used by said Jersey Central Traction Company in construction or other work properly chargeable to capital account.

Dated April 8th, 1913.

In the Matter of the Application of the Blairstown Telephone Company for Permission to Sell Certain Property to the West Jersey Toll Line Company. } **CERTIFICATE.**

The Board of Public Utility Commissioners having on the date hereof issued its certificate of approval to the West Jersey Toll Line Company for an issue of capital stock to the amount of twenty-two hundred dollars ($2200.00), the proceeds to be used for the purchase of the property of the Blairstown Telephone Company, exclusive of any claimed franchise, as declared in the application of said West Jersey Toll Line Company, and this purpose having been approved by the Board and application having been made by the Blairstown Telephone Company for approval by the Board of the sale of its franchise rights and property to the West Jersey Toll Line Company, the Board of Public Utility Commissioners

HEREBY GRANTS said application and approves of the sale by said Blairstown Telephone Company of its property, exclusive of any claimed franchise, to the West Jersey Toll Line Company.

Dated April 15th, 1913.

In the Matter of the Application for Approval of an Agreement for the Merger and Consolidation of Haddonfield Water Company and United Water Company into "The New Jersey Water Service Company." } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners for approval of an agreement entered into under date of the seventh of November, one thousand nine hundred and twelve, for the merger and consolidation of

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Haddonfield Water Company and United Water Company into "The New Jersey Water Service Company"; and said agreement, and proofs of compliance with the provisions of the statutes of this State governing the entering into such agreement having been submitted to said Board with such application in accordance with the rules of said Board;

Now, after public hearing, and after considering the report of its Chief Inspector of Public Utilities upon the merger and consolidation to be effected by such agreement, it appearing that the Haddonfield Water Company and United Water Company occupy contiguous territories; that the mains from one municipality extend into the other at various points in such a way that it is extremely difficult, without a complicated system of metering, to ascertain how much water is supplied by one company to the other; that the territory intervening between that occupied by the two companies is gradually building up, and that within a few years it will be difficult, by observation alone, to ascertain the boundaries between the several municipalities; that service rendered by the companies does not greatly differ, and that there is no competition between them, and no reason appearing why approval of said agreement of merger and consolidation should not be granted,

The Board of Public Utility Commissioners, on this twenty-second day of April, one thousand nine hundred and thirteen, APPROVES the said agreement of merger and consolidation.

In the Matter of the Application for Approval of an Agreement for the Merger and Consolidation of the Atlantic Highlands Gas Company with the Standard Gas Company. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners for approval of an agreement entered into between "Standard Gas Company" and "Atlantic Highlands Gas Company," under date of the fifteenth day of February, one thousand nine hundred and thirteen, providing for the merger and consolidation of "Atlantic Highlands Gas Company" with "Standard Gas Company"; and said agreement, and proofs of compliance with the provisions of the statutes of this State governing the entering into such agreement, having been submitted to said Board with such application in accordance with the rules of said Board;

Now, after public hearing and after consideration of the report of its Chief Inspector of Public Utilities upon the merger and consolidation to be effected by such agreement, no reason appearing why approval of the said agreement of merger and consolidation should not be granted, the Board of Public Utility Commissioners, on this twenty-second day of April, one thousand nine hundred and thirteen, APPROVES the said agreement of merger and consolidation.

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In the Matter of the Application of the Public Service Railway Company for Approval of Sale of Lot of Land in the City of Jersey City to Arthur Brisbane. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Public Service Railway Company, by petition in writing, for approval of the sale and conveyance of a lot of land in the City of Jersey City, County of Hudson and State of New Jersey, to Arthur Brisbane, which lot of land is more particularly described in said petition, which petition by reference thereto herein is made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land upon condition that the proceeds from such sale be applied toward the reduction of the capitalization of said Public Service Railway Company or used by the company in construction or other work properly chargeable to capital account.

Dated April 29th, 1913.

In the Matter of the Application of the Pennsylvania Railroad Company for Approval of Sale of Two Parcels of Land Located in the City of South Amboy, Middlesex County, New Jersey. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company, by petition in writing, for approval of the sale of two parcels of land in the City of South Amboy, Middlesex County, New Jersey, which parcels of land are shown in said petition by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said parcels of land so shown on said blueprint annexed to said petition.

Dated April 29th, 1913.

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In the Matter of the Application of the New York Bay Railroad Company for Approval of Sale of All Lands Owned by It on the Route of Proposed Branch Railroad in Newark, Essex County, New Jersey, Designated as "The Newark Bay Branch of the New York Bay Railroad." } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the New York Bay Railroad Company, by petition in writing, for approval of sale of all or any part of lands owned by said company on the route of a proposed branch railroad in Newark, Essex County, New Jersey, designated as the "Newark Bay Branch of the New York Bay Railroad," which land is shown in said petition by means of a blueprint annexed thereto, which blueprint and petition for greater certainty are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land so shown on said blueprint annexed to said petition.

Dated April 29th. 1913.

In the Matter of the Application of the Lehigh Valley Railroad Company for Approval of Sale of Two Tracts of Land, Containing Respectively 3.27 and 0.592 Acres in the City of Jersey City, Hudson County, New Jersey, to the Standard Oil Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Lehigh Valley Railroad Company, by petition in writing, for approval of the sale and conveyance of two tracts of land located in the City of Jersey City, Hudson County, New Jersey, to the Standard Oil Company, containing respectively 3.27 and 0.592 acres, which tracts of land are more particularly described by means of a blueprint annexed to said petition, which petition and blueprint by reference thereto herein are made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said tracts of land as prayed for in said petition, upon condition that the proceeds from such sale be applied toward the reduction of the capitalization of said company.

Dated April 29th, 1913.

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In the Matter of the Application of the Atlantic City Railroad Company for Approval of Sale of Tract of Land at Palermo, Cape May County. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners by the Atlantic City Railroad Company, by petition in writing, for approval of the proposed sale and conveyance of a tract of land containing 12.125 acres, located near Palermo Station, Upper Township, Cape May County, New Jersey, which tract of land is shown in said petition by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said tract of land so shown on the said blueprint annexed to said petition.

Dated May 13th, 1913.

In the Matter of the Application of the Delaware and Bound Brook Railroad Company for Approval of Sale of Tract of Land at Glen Moore Station. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners by the Delaware and Bound Brook Railroad Company, by petition in writing, for approval of the proposed sale and conveyance of a tract of land containing sixty-five hundredths (.65) of an acre, located at Glen Moore Station, Hopewell Township, Mercer County, New Jersey, which tract of land is shown in said petition by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said tract of land so shown on the said blueprint annexed to said petition.

Dated May 13th, 1913.

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In the Matter of the Application of the Plainfield-Union Water Company for Permission to Sell Two Lots of Land at Plainfield, and for Approval of Sale of Lot of Land at El Mora. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Plainfield-Union Water Company, by petition in writing, for approval of the proposed sale of two lots of land at Plainfield, and for approval of sale of lot of land at El Mora, which lots of land are more particularly described in said petition, which by reference thereto herein is made part hereof;

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the lots of land so proposed to be conveyed, and the lot which has been heretofore conveyed, are not presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the sale and conveyance of said lots of land, upon condition that the proceeds be applied for the reduction of the capitalization of the said Plainfield-Union Water Company, or used by the company in construction or other work properly chargeable to capital account.

Dated May 27th, 1913.

In the Matter of the Application of the Public Service Railway Company for Approval of Conveyance of Certain Tracts of Land in Newark to the United New Jersey Railroad and Canal Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Public Service Railway Company, by petition in writing, for approval of the conveyance of a number of tracts or lots of land situate in the City of Newark, County of Essex and State of New Jersey, to the United New Jersey Railroad and Canal Company, which tracts or lots of land are more particularly described in said petition and by means of a blueprint annexed thereto, which blueprint and petition by reference thereto herein are made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY APPROVES of the sale and conveyance of said tracts or lots of land, as prayed for in said petition.

Dated June 17th, 1913.

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In the Matter of the Application of the Pennsylvania Railroad Company for Approval of Sale of a Piece of Land in the City of Trenton Containing 1.384 Acres. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company, by petition in writing, for approval of the proposed sale and conveyance of a piece of land situated in the City of Trenton, New Jersey, containing 1.384 acres, more or less, lying fifty feet southeastwardly from the line established as the centre line of the railroad of the United New Jersey Railroad and Canal Company, known as Enterprise Branch, and ten hundred and sixty-three feet northeastwardly from Southard Street, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY, on this first day of July, nineteen hundred and thirteen, APPROVES the proposed sale and conveyance of said land so shown on the said blueprint annexed to said petition.

In the Matter of the Application of Standard Gas Company, a Corporation Created by an Agreement of Merger and Consolidation Approved April 22nd, 1913, for Approval of a Mortgage, an Issue of Bonds, and an Issue of Capital Stock. } **CERTIFICATE.**

The Board of Public Utility Commissioners having heretofore, on the twenty-second day of April, 1913, issued its certificate approving the execution and delivery of a certain indenture of mortgage by the Standard Gas Company to the Franklin Trust Company of Philadelphia, creating a lien upon the property, franchises, privileges, etc., of said Standard Gas Company in the aggregate sum of one million dollars ($1,000,000.00), and further approving an aggregate issue by said Standard Gas Company of its bonds under said mortgage in the par value of six hundred and thirty thousand dollars ($630,000.00), the said Board now, on this third day of July, 1913, on the application of said Standard Gas Company, no reason to the contrary appearing, approves the correction and amendment of said indenture of mortgage, bonds and coupons so heretofore approved by said Board by its certificate issued as aforesaid, by erasing therefrom the word "First" and substituting in place thereof wherever it occurs the word "Consolidated," so that the designation of the same will be "Standard Gas Company Consolidated Mortgage Five Per Cent. Gold Bonds."

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In the Matter of the Sale by West Side Connecting Railroad Company to Warren E. Green of Certain Lands Situate in the City of Jersey City. } **CERTIFICATE.**

The West Side Connecting Railroad Company, a "public utility" of this State, heretofore by a deed of conveyance dated November 27th, 1912, sold and conveyed to Warren E. Green, certain lands situate in the City of Jersey City, in the County of Hudson, in this State, and particularly described in said deed of conveyance, which is recorded in the office of the Register of said Hudson County in Book 1139 of Deeds, at pages 405, etc.

Through inadvertence the approval of said sale and conveyance by the Board of Public Utility Commissioners was not applied for or obtained. Application being now made for such approval, and no reason to the contrary appearing, the Board of Public Utility Commissioners now hereby on this 15th day of July, 1913, approves said sale and conveyance as of the fourth day of December, 1912.

Dated July 15th, 1913.

In the Matter of the Application of the Philadelphia and Camden Ferry Company for Permission to Sell a Lot of Land in the City of Camden, Being Numbers 32, 34 and 36 Market Street. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Philadelphia and Camden Ferry Company, by petition in writing, for approval of the proposed sale and conveyance of a lot of land, with the buildings and improvements thereon erected, situate on the southerly line of Market Street, beginning at the distance of 50 feet westwardly from the westerly line of Front Street and in the westerly line of land now or formerly of G. E. Taylor, in the City of Camden, being Numbers 32, 34 and 36 Market Street, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, made upon the grounds, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed, is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY, on this twenty-second day of July, nineteen hundred and thirteen, APPROVES the proposed sale and conveyance of said land so shown on the said blueprint annexed to said petition.

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In the Matter of the Application of the Philadelphia and Camden Ferry Company for Permission to Sell a Lot of Land in the City of Camden, New Jersey, Being Numbers 24, 26 and 28 Market Street. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Philadelphia and Camden Ferry Company, by petition in writing, for approval of the proposed sale and conveyance of a lot of land, with the buildings and improvements thereon erected, situate on the southerly line of Market Street, beginning at the distance of 133.27 feet westwardly from the westerly line of Front Street, in the City of Camden, containing in front on said Market Street 60 feet and extending in depth southwardly 100 feet to George Street, being Numbers 24, 26 and 28 Market Street, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein, made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, made upon the grounds, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed, is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY, on this twenty-second day of July, nineteen hundred and thirteen, APPROVES the proposed sale and conveyance of said land so shown on the said blueprint annexed to said petition.

In the Matter of the Application of the Trenton Trminal Railroad Company and the Elizabeth, New Brunswick and Trenton Railroad Company for Approval of Agreement of Consolidation and Merger Under the Name of Public Service Railroad Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by petition in writing, for the approval of an agreement of merger and consolidation made the thirtieth day of June, one thousand nine hundred and thirteen, by and between the Trenton Terminal Railroad Company and Elizabeth, New Brunswick and Trenton Railroad Company, under the name of Public Service Railroad Company (a copy of which agreement has been filed with the Board and by reference thereto herein is made part hereof),

The Board of Public Utility Commissioners, on this twenty-ninth day of July, one thousand nine hundred and thirteen, after hearing, no reason to the contrary appearing,

HEREBY APPROVES the said agreement of merger and consolidation, as provided for by the said agreement so filed.

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In the Matter of the Application of the West Jersey and Seashore Railroad Company for Approval of Sale of Tract of Land in Camden Being 947 and 949 Kaighns Avenue. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of sale of land and buildings situate in the City of Camden, being known as Nos. 947 and 949 Kaighns Avenue, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint and petition, for greater certainty, are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land so shown on said blueprint annexed to said petition.

Dated August 11th, 1913.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Approval of Sale of Land in the City of Salem. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of sale of land in the City of Salem, New Jersey, containing 0.036 of an acre, more or less, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint and petition, for greater certainty, are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land so shown on said blueprint annexed to said petition.

Dated August 11th, 1913.

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In the Matter of the Application of the West Jersey and Seashore Railroad Company for Approval of Sale of Land at Somers Point, New Jersey. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of sale of land in the City of Somers Point, located on the southwesterly side of New York Avenue, containing .108 of an acre, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint and petition, for greater certainty, are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY APPROVES the proposed sale and conveyance of said land so shown on said blueprint annexed to said petition.

Dated August 11th, 1913.

In the Matter of the Application of the Morris and Essex Railroad Company for Permission to Transfer Land at Mountain Lakes, New Jersey, Containing 9.15 Acres. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Morris and Essex Railroad Company, by petition in writing, for approval of the proposed transfer of land situate at Mountain Lakes, N. J., containing 9.15 acres, to Mountain Lakes, Inc., Oak Ridge Company and Hanover Estates, Ltd., which land is shown in said petition by means of blueprints annexed thereto, which blueprints and petition, for greater certainty, are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, now determines and concludes that the land so proposed to be transferred is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY, on this second day of September, one thousand nine hundred and thirteen, APPROVES the proposed transfer of said land so shown on said blueprints annexed to said petition.

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In the Matter of the Application of the Trenton and Mercer County Traction Corporation for Approval of Agreement with the Interstate Fair Association, Et Al. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Trenton and Mercer County Traction Corporation, by petition in writing, for approval of agreement, dated September 8th, 1913, between the Interstate Fair Association of Trenton, the Trenton and Mercer County Traction Corporation and George W. Macpherson, trustee, copy of which agreement has been filed with the Board, and is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY, on the sixteenth day of September, nineteen hundred and thirteen, APPROVES said agreement, as prayed for in said petition.

In the Matter of the Application of the Pennsylvania Railroad Company for Approval of Sale of a Parcel of Land on Fourth Street, in the City of South Amboy. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company, by petition in writing, for approval of sale of a parcel of land situated in the City of South Amboy, Middlesex County, New Jersey, on the northwesterly side of Fourth Street 120 feet southwesterly from the southwesterly side of Potter Street, containing in front on said Fourth Street 48 feet, and extending in length or depth northwestwardly 111 feet, being lots Nos. 6 and 7, in block 5, on the general plan of the said city of South Amboy, said parcel of land being shown more particularly by a blueprint annexed to said petition, which blueprint and petition are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after investigation and hearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY APPROVES the proposed sale of said parcel of land as prayed for in said petition, upon condition that the proceeds realized from said sale be applied toward the reduction of the capitalization of the Pennsylvania Railroad Company or used by said Pennsylvania Railroad Company in construction or other work properly chargeable to capital account.

Dated October 21st, 1913.

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In the Matter of the Application of the Pennsylvania Railroad Company for Approval of Sale of a Parcel of Land on Broadway, in the City of South Amboy. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company, by petition in writing, for approval of sale of a parcel of land situated in the City of South Amboy, Middlesex County, New Jersey, on the northeasterly side of Broadway, southeastwardly from First or Front Street, containing in front on said Broadway 25 feet and extending in length or depth northeastwardly 104 feet, being lot No. 9, in block 105, on the general plan of the said City of South Amboy, said parcel of land being shown more particularly by a blueprint annexed to said petition, which blueprint and petition are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after investigation and hearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY APPROVES the proposed sale of said parcel of land as prayed for in said petition, upon condition that the proceeds realized from said sale be applied toward the reduction of the capitalization of the Pennsylvania Railroad Company or used by said Pennsylvania Railroad Company in construction or other work properly chargeable to capital account.

Dated October 21st, 1913.

In the Matter of the Application of the Pennsylvania Railroad Company for Approval of a Sale of a Parcel of Land Situate Partly in Elizabeth and Partly in Newark. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company, by petition in writing, for approval of sale of a parcel of land situate partly in the City of Elizabeth, Union County, New Jersey, and partly in the City of Newark, Essex County, New Jersey, containing .139 of an acre on the southwesterly side of Virginia Street, said parcel of land being shown more particularly by a blueprint annexed to said petition, which blueprint and petition are by reference thereto herein made part hereof.

The Board of Public Utility Commissioners, after investigation and hearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY APPROVES the proposed sale of said parcel of land as prayed for in said petition, upon condition that the proceeds realized from said sale be applied toward the reduction of the capitalization of the Pennsylvania Railroad Company or used by said Pennsylvania Railroad Company in construction or other work properly chargeable to capital account.

Dated October 28th, 1913.

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In the Matter of the Application of the Pennsylvania Railroad Company for Approval of Sale of a Tract of Land in Madison Township, Middlesex County. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company, by petition in writing, for approval of sale of a tract of land situate in Madison Township, Middlesex County, New Jersey, containing 1.254 acres of land, said tract of land being shown more particularly by a blueprint annexed to said petition, which blueprint and petition are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after investigation and hearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY APPROVES the proposed sale of said parcel of land as prayed for in said petition, upon condition that the proceeds realized from said sale be applied toward the reduction of the capitalization of the Pennsylvania Railroad Company or used by said Pennsylvania Railroad Company in construction or other work properly chargeable to capital account.

Dated October 28th, 1913.

In the Matter of the Application of the Peninsula Water Company for Approval of Sale of a Parcel of Land in the Borough of Seaside Heights, New Jersey. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Peninsula Water Company, by petition in writing, for approval of sale of a parcel of land situated in the Borough of Seaside Heights, Ocean County, New Jersey, being lot 31, block U, track No. 2, on plan by William Segoine, duly filed in the clerk's office of Ocean County, October 24th, 1908, in deed book 325, page 228, lots 1, 2 and east half of 3, lots 4, 5 and west half of 3, and lot 6 in said block and tract on the aforesaid plan, said lots being more particularly described in said petition, which by reference thereto herein is made part hereof,

The Board of Public Utility Commissioners, after investigation and hearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY APPROVES the proposed sale of said parcel of land as prayed for in said petition, upon condition that the proceeds realized from said sale be applied toward the reduction of the capitalization of the Peninsula Water Company or used by said Peninsula Water Company in construction or other work properly chargeable to capital account.

Dated October 28th, 1913.

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In the Matter of the Application for Approval of Sale by the Collingswood Water Company and General Water Supply Company to New Jersey Water Service Company of Certain Water Distribution System and Water Meters. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners for approval of a sale by the Collingswood Water Company and the General Water Supply Company to the New Jersey Water Service Company of certain water distribution system, together with water meters, more particularly described in a bill of sale, a copy of which has been filed with said Board, and which, by reference thereto herein, is made part hereof,

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY APPROVES the sale aforesaid and the bill of sale evidencing the same.

Dated November 11th, 1913.

In the Matter of the Application of the Moorestown Water Company for Approval of Sale of Its Plant and Property to the Township of Chester, (Burlington County). } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners by the Moorestown Water Company, by petition in writing, for approval of the sale of its plant and property to the Township of Chester, Burlington County, New Jersey, for the sum of seventy-seven thousand three hundred and twenty-two dollars and eighty cents ($77,322.80), which petition is, by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY APPROVES the sale of the plant and property of the Moorestown Water Company to the Township of Chester for the sum of seventy-seven thousand, three hundred, twenty-two dollars and eighty cents, as prayed for in said petition.

Dated November 11th, 1913.

In the Matter of the Application of the Bernards Water Company for Approval of Sale of Certain Property. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Bernards Water Company by petition in writing for approval of sale of bonds of the Bernards Electric Company to the par value of $30,000, at ninety per cent of

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their par value in cash, without interest, and for approval of sale of bonds of said Bernards Electric Company to the par value of $84,000 at par,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY APPROVES the proposed sale of said bonds of said Bernards Electric Company by said Bernards Water Company, as prayed for in said petition, to be disposed of in accordance with the terms of resolution of the Board of Directors of said Bernards Water Company, passed November 13th, 1913, and submitted with said petition, which petition and resolution are by reference thereto herein, made part hereof, the proceeds from such sale to be used in accordance with the terms of the application for purposes properly chargeable to capital account.

Dated November 18th, 1913.

In the Matter of the Application of the Atlantic City Railroad Company for Approval of Sale of Land Near Tuckahoe Station. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by the Atlantic City Railroad Company, by petition in writing, for approval of sale of tract of land located at or near Tuckahoe Station, in the Township of Upper, Cape May County, New Jersey, which tract is more particularly shown by means of a blueprint attached to said petition, which blueprint and petition are by reference thereto, herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY APPROVES the sale of said tract of land as prayed for in said petition, upon condition that the proceeds from such sale be used for purposes properly chargeable to capital account.

Dated December 2nd, 1913.

In the Matter of the Application of the Morris County Traction Company for Approval of Sale of Three Tracts of Land in the County of Morris to the Morris Railroad Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Morris County Traction Company by petition in writing, for the approval of sale of three tracts of land in the County of Morris, to the Morris Railroad Company, which tracts of land are more particularly described in the petition, which is, by reference thereto herein made part hereof,

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The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY APPROVES the sale of said tracts of land as prayed for in said petition upon condition that the proceeds from such sale be applied toward reduction of the capitalization of the Morris County Traction Company, credited to capital account; or used by the company in construction or other work properly chargeable to capital account.

Dated December 5th, 1913.

In the Matter of the Application of the Pennsylvania Railroad Company for Approval of Sale of Tract of Land in the City of Newark. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company by petition in writing, for approval of sale of tract of land in the City of Newark, which tract is more particularly shown by means of a blueprint attached to said petition, which blueprint and petition are, by reference therto, herein made part hereof

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY APPROVES the sale of said tract of land as prayed for in said petition upon condition that the proceeds from such sale be used for purposes properly chargeable to capital account.

Dated December 5th, 1913.

In the Matter of the Application of the Delaware and Atlantic Telegraph and Telephone Company and the Stewartsville Telephone Company for Approval of Lease of Copper Circuit. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Delaware and Atlantic Telegraph and Telephone Company and the Stewartsville Telephone Company by petition in writing, for approval of lease by the Delaware and Atlantic Telegraph and Telephone Company to the Stewartsville Telephone Company of copper circuit described in said petition, copy of said lease dated December 12th, 1912, being submitted with said petition, which copy and petition are, by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY APPROVES the lease of said copper circuit as prayed for in said petition.

Dated December 5th, 1913.

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In the Matter of the Application of the West Jersey and Seashore Railroad Company for Approval of Sale of Tracts of Land in the City of Atlantic City. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of sale of tracts of land located on Caspian Avenue in the City of Atlantic City, which tracts of land are more particularly shown by means of a blueprint attached to said petition, which blueprint and petition are, by reference thereto, herein made part hereof,

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY APPROVES the sale of said tracts of land as prayed for in said petition, upon condition that the proceeds from such sale be used for purposes properly chargeable to capital account.

Dated December 9th, 1913.

In the Matter of the Application of the Eastern Pennsylvania Power Company and the Delaware and Atlantic Telegraph and Telephone Company for Approval of an Agreement Relating to the Joint Use of Poles. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Eastern Pennsylvania Power Company and the Delaware and Atlantic Telegraph and Telephone Company by petition in writing for approval of agreement dated January 2nd, 1913, between said Eastern Pennsylvania Power Company and said Delaware and Atlantic Telegraph and Telephone Company, relating to joint use of poles, a copy of which agreement was filed with said petition and which by reference thereto herein is made part thereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY APPROVES of the terms and conditions specified in said agreement. By approval of the terms and conditions in said agreement, the Board does not express any belief as to the rights of the telephone company to erect poles and run lines in the territory in question, nor does it thereby give its approval to the erection of such poles or the running of such lines, if such approval is required under the statutes of this State.

Dated December 16th, 1913.

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In the Matter of the Application of the Central Sewer Company of Leonia for Approval of Sale of Its Plant and Property to the Mayor and Council of Leonia. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Central Sewer Company of Leonia by petition in writing, for approval of the sale of its plant and property to the Mayor and Council of the Borough of Leonia for the sum of four thousand, eight hundred, eighty-one dollars ($4,881), which petition is, by reference thereto, herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY APPROVES the sale of the plant and property of the Central Sewer Company of Leonia to the Mayor and Council of the Borough of Leonia for the sum of four thousand, eight hundred, eighty-one dollars ($4,881) as prayed for in said petition.

Dated December 23rd, 1913.

In the Matter of the Application of the South Side Sewer Company of Leonia for Approval of Sale of Its Plant and Property to the Mayor and Council of Leonia. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners by the South Side Sewer Company of Leonia, by petition in writing, for approval of the sale of its plant and property to the Mayor and Council of the Borough of Leonia for the sum of nine thonsand, five hundred, ninety-one dollars and thirty-three cents ($9,591.33), which petition is, by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY APPROVES the sale of the plant and property of the South Side Sewer Company of Leonia to the Mayor and Council of the Borough of Leonia for the sum of nine thonsand, five hundred, ninety-one dollars and thirty-three cents ($9,591.33) as prayed for in said petition.

Dated December 23rd, 1913.

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In the Matter of the Application of the North Side Sewer Company of Leonia for Approval of Sale of Its Plant and Property to the Mayor and Council of Leonia. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners by the North Side Sewer Company of Leonia, by petition in writing, for approval of the sale of its plant and property to the Mayor and Council of the Borough of Leonia for the sum of eight thousand, four hundred, ninety dollars and thirty-eight cents ($8,490.38), which petition is, by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY APPROVES the sale of the plant and property of the North Side Sewer Company of Leonia to the Mayor and Council of the Borough of Leonia for the sum of eight thousand four hundred ninety dollars and thirty-eight cents ($8,490.38) as prayed for in said petition.

Dated December 23rd, 1913.

In the Matter of the Application of the Montclair Water Company for Approval of Sale of 44.33 Acres of Land, in Acquackanonk Township, Passaic County, New Jersey. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Montclair Water Company, by petition in writing, for approval of sale of tract of land consisting of 44.33 acres, situate on the top of Orange Mountain, about two miles south of Paterson, in the Township of Acquackanonk, Passaic County, New Jersey, said tract of land being shown more particularly by a blueprint annexed to said petition, which blueprint and petition are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after investigation and hearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY APPROVES said proposed sale of said tract of land, as prayed for in said petition, upon condition that the proceeds realized from such sale be applied toward the reduction of the capitalization of the Montclair Water Company, or used by said company in construction or other work properly chargeable to capital account.

Dated December 30th, 1913.

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Applications for Approval of Mergers and Consolidations of Miscellaneous Corporations.

In the Matter of Merger of International News Service and National News Association. } **APPROVAL.**

Application having been made to the Board of Public Utility Commissioners by the International News Service and National News Association, corporations organized and existing under the laws of the State of New Jersey, for approval by the Board of a merger of said corporations, as required by Chapter 19, Laws of 1913, approved February 19th, 1913, and the said application having been accompanied by an agreement of merger and consolidation signed by the Presidents and Directors of the International News Service and National News Association, attested by the Secretaries thereof, and bearing the corporate seals of said corporations, and by the certificates required by the statutes of this State, the Board of Public Utility Commissioners, now after hearing, no reason to the contrary appearing.

HEREBY APPROVES the merger of the International News Service and National News Association.

Dated March 25th, 1913.

In the Matter of Merger of Havana Electric Railway, Light and Power Company and Havana Electric Railway Company. } **APPROVAL.**

Application having been made to the Board of Public Utility Commissioners by the Havana Electric Railway, Light and Power Company and Havana Electric Railway Company, corporations organized and existing under the laws of the State of New Jersey, for approval by the Board of a merger of said corporations, as required by Chapter 19, Laws of 1913, approved February 19th, 1913, and the said application having been accompanied by an agreement of merger and consolidation signed by the Presidents and Directors of the Havana Electric Railway, Light and Power Company and Havana Electric Railway Company, attested by the Secretaries thereof, and bearing the corporate seals of said corporations, and by the certificates required by the statutes of this State, the Board of Public Utility Commissioners, now, after hearing, no reason to the contrary appearing,

HEREBY APPROVES the merger of the Havana Electric Railway, Light and Power Company and Havana Electric Railway Company.

Dated June 17th, 1913.

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In the Matter of Merger of Nucoa Butter Company and the Edible Oils Company. } **APPROVAL.**

Application having been made to the Board of Public Utility Commissioners by the Nucoa Butter Company and the Edible Oils Company, corporations organized and existing under the laws of the State of New Jersey, for approval by the Board of a merger of said corporations, as required by Chapter 19 of the Laws of 1913, approved February 19th, 1913, and the said application having been accompanied by an agreement of merger and consolidation signed by the Presidents and Directors of the Nucoa Butter Company and the Edible Oils Company, attested by the Secretaries thereof and bearing the corporate seals of said corporations and by the statutes of this State, the Board of Public Utility Commissioners now, after hearing, no reason to the contrary appearing,

HEREBY APPROVES the merger of the Nucoa Butter Company and the Edible Oils Company.

Dated June 30th, 1913.

In the Matter of the Merger of Schneider & Genung and the Schneider-Kirch Company. } **APPROVAL.**

Application having been made to the Board of Public Utility Commissioners by Schneider & Genung and The Schneider-Kirch Company, corporations organized and existing under the laws of the State of New Jersey, for approval by the Board of a merger of said corporations, as required by Chapter 19 of the Laws of 1913, approved February 19th, 1913, and the said application having been accompanied by an agreement of merger and consolidation signed by the Presidents and attested by the Secretaries of Schneider & Genung and The Schneider-Kirch Company, and bearing the corporate seals of said corporations, and by the certificates required by the statutes of this State,

The Board of Public Utility Commissioners now, after hearing, no reason to the contrary appearing,

HEREBY APPROVES the merger of Schneider & Genung and The Schneider-Kirch Company.

Dated October 21st, 1913.

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New Crossings at Grade.

In the Matter of the Application of the Pennsylvania Railroad Company for Permission to Construct a Freight Track or Siding at Grade Across Meadow Avenue, in the City of Rahway. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners, by petition in writing, by the Pennsylvania Railroad Company for permission to lay a freight track or siding at grade, across Meadow Avenue (west of New Brunswick Avenue and east of present siding of the New Jersey Steel Company), in the City of Rahway, New Jersey, as shown upon a blueprint annexed to said petition, which said blueprint and petition, by reference thereto herein, are made part hereof, said application being also accompanied by a certified copy of an ordinance of the City of Rahway, passed December 10th, 1912, authorizing the construction of said freight track or siding,

The Board of Public Utility Commissioners, no reason to the contrary appearing

HEREBY GRANTS consent to the construction of said freight track or siding, at grade, as prayed for in said petition.

Dated December 17th, 1912.

In the Matter of the Application of the Board of Chosen Freeholders of Cumberland County, the City of Millville and the State Road Department for Permission to Extend the Road Leading from Landis Avenue in the Township of Landis to a Point in North High Street in the City of Millville at Grade, Across a Spur or Siding of the West Jersey and Seashore Railroad Company's Tracks in the City of Millville. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners, by joint petition in writing, by the Board of Chosen Freeholders of the County of Cumberland, the City of Millville and the Road Department of the State of New Jersey, for permission to extend, at grade, across a spur or siding track

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of the West Jersey and Seashore Railroad Company in the City of Millville, State of New Jersey, the recently improved county road leading from Landis Avenue, in the Township of Landis, to a point in North High Street, in the City of Millville,

The Board of Public Utility Commissioners, after hearing, at which all the parties in interest were represented, no reason to the contrary appearing,

HEREBY GRANTS consent for the extension of said county road, at grade, across the spur or siding track of the West Jersey and Seashore Railroad Company, as prayed for in said petition, subject to the following conditions:

1. That standard crossing signs be erected.
2. That all movements over the crossing be protected by a flagman.
3. That movements over the crossing do not exceed a speed of six miles per hour.

Dated December 17th, 1912.

In the Matter of the Application of the Beach Haven Construction Company, for Permission to Construct a Siding at Grade from the Tracks of the Pennsylvania Railroad Company Across First Street, South Street and Amber Street in the Borough of Beach Haven, to the Plant of Said Company. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners, by petition in writing, by the Beach Haven Construction Company, for permission to construct and lay, at grade, a spur or siding from the tracks of the Pennsylvania Railroad Company, across First Street, South Street and Amber Street, in the Borough of Beach Haven, to the plant of said Beach Haven Construction Company, as shown upon the blueprint annexed to said petition, which said blueprint and petition by reference thereto herein are made part hereof, said application being also accompanied by a communication from the Borough Clerk of the Borough of Beach Haven, advising that at a meeting of the Borough Council, held Monday, December second, nineteen hundred and twelve, permission for the construction of said new crossings at grade was granted to said Beach Haven Construction Company,

The Board of Public Utility Commissioners, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said spur or siding at grade as prayed for in said petition, subject to the following conditions:

That when First Street, South Street and Amber Street are opened for traffic, standard crossing signs be erected, crossings planked and all movements over the siding be protected by a flagman, speed of such movements not to exceed six miles per hour.

Dated December 17th, 1912.

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In the Matter of the Joint Application of the West Jersey and Seashore Railroad Company and Stinson and Dickensheets, Inc., for Permission to Construct and Lay, at Grade, a Spur or Siding Crossing Cumberland Street, to and Over Certain Lands of Said Stinson and Dickensheets, Inc., in the City of Gloucester, Camden County, New Jersey.

CERTIFICATE.

Application having been made to the Board of Public Utility Commissioners, by joint petition in writing, by the West Jersey and Seashore Railroad Company and Stinson and Dickensheets, Inc., for permission to construct and lay at grade a spur or siding crossing Cumberland Street to and over certain lands of Stinson and Dickensheets, Inc., in the City of Gloucester, Camden County, New Jersey, as shown upon a blueprint annexed to said petition, which said blueprint and petition, by reference thereto herein, are made part hereof, said application being also accompanied by a certified copy of an ordinance of the City of Gloucester, passed by the Mayor and Council of said City, October 3rd, 1912, authorizing the construction of said spur or siding,

The Board of Public Utility Commissioners, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said spur or siding at grade, as prayed for in said petition, subject to the conditions contained in said ordinance of the City of Gloucester, and subject further to the following conditions:

1. That the crossing be planked the entire width of the street.
2. That all movements over the siding be protected by a flagman.
3. That movements over the siding do not exceed a speed of six miles per hour.

Dated December 17th, 1912.

In the Matter of the Application of the Elizabeth and Trenton Railroad Company, and Trenton Terminal Railroad Company, Lessee, for Authority to Construct Connecting Tracks Between the Tracks of Petitioners and Tracks of Public Service Railway Company, in the Road Leading from Metuchen to New Brunswick, Middlesex County, New Jersey.

CERTIFICATE

Application having been made to the Board of Public Utility Commissioners by the Elizabeth and Trenton Railroad Company and Trenton Terminal Railroad Company, its lessee, by petition in writing, dated December 9th, 1912, for au-

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thority to construct connecting tracks between tracks of petitioners and tracks of the Public Service Railway Company, in Bonhamtown Road, in the road leading from Metuchen to New Brunswick, in the County of Middlesex, as set forth in said petition and the blueprint annexed thereto, which petition and blueprint by reference thereto herein are made part hereof,

The said Board, after hearing and investigation, no reason to the contrary appearing, HEREBY, on this seventh day of January, nineteen hundred and thirteen, GRANTS authority to said Elizabeth and Trenton Railroad Company and Trenton Terminal Railroad Company, its lessee, to construct connecting tracks as prayed for in said petition.

In the Matter of the Application of the Elizabeth and Trenton Railroad Company, and Trenton Terminal Railroad Company, Lessee, for Authority to Construct Connecting Tracks Between the Tracks of Petitioners and Tracks of Public Service Railway Company, in the Road Leading from Metuchen to Perth Amboy, Middlesex County, New Jersey. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners by the Elizabeth and Trenton Railroad Company and Trenton Terminal Railroad Company, its lessee, by petition in writing dated December 9th, 1912, for authority to construct connecting tracks between tracks of petitioners and tracks of the Public Service Railway Company, in Amboy Avenue, in the road leading from Metuchen to Perth Amboy, in the County of Middlesex, as set forth in said petition and the blueprint annexed thereto, which petition and blueprint by reference thereto herein are made part hereof,

The said Board, after hearing and investigation, no reason to the contrary appearing, HEREBY, on this seventh day of January, nineteen hundred and thirteen, GRANTS authority to said Elizabeth and Trenton Railroad Company and Trenton Terminal Railroad Company, its lessee, to construct connecting tracks as prayed for in said petition.

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In the Matter of the Application of the Elizabeth and Trenton Railroad Company and Trenton Terminal Railroad Company, Lesseee, for Authority to Construct Connecting Tracks Between the Tracks of Petitioners and Tracks of Public Service Railway Company, in the Road Leading from Woodbridge to Rahway, Middlesex County, New Jersey. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners by the Elizabeth and Trenton Railroad Company and Trenton Terminal Railroad Company, its lessee, by petition in writing dated December 9th, 1912, for authority to construct connecting tracks between tracks of petitioners and tracks of the Public Service Railway Company, in Woodbridge Road, in the road leading from Woodbridge to Rahway, in the County of Middlesex, as set forth in said petition and the blueprint annexed thereto, which petition and blueprint by reference thereto herein are made part hereof,

The said Board, after hearing and investigation, no reason to the contrary appearing, HEREBY, on this twenty-first day of January, nineteen hundred and thirteen, GRANTS authority to said Elizabeth and Trenton Railroad Company and Trenton Terminal Railroad Company, its lessee, to construct connecting tracks as prayed for in said petition.

In the Matter of the Application of the Elizabeth and Trenton Railroad Company, for Permission to Cross Certain Roads at Grade with Its Tracks in the Township of Woodbridge, Union County, New Jersey. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Elizabeth and Trenton Railroad Company, by petition in writing, for permission to cross the following roads at grade with its tracks at the points of intersection of its filed right of way with said roads: Sewaren Avenue, Woodbridge Turnpike, Central Avenue, Brewster Place, Marsh Street and Old Road, all in the Township of Woodbridge, in the County of Union and State of New Jersey, all of said crossings to consist of a single track, said crossings to be approximately at the angles to the centre line of the roads, as shown on blueprints numbers one to seven, inclusive, submitted with said petition, which blueprints and petition by reference thereto herein are made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation HEREBY, on the following conditions, GRANTS permission to said Elizabeth and Trenton Railroad Company to cross said roads at grade with its tracks:

(1) That standard crossing signs be erected at all crossings;

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(2) That plank be placed on each side of rails at all crossings, and that the crossings be filled between with crushed stone or gravel to a sufficient length to make it safe and convenient for travel over the crossings.

Dated January 21st, 1913.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Permission to Construct a Spur Track or Siding at Grade Across Elm Street, in the City of Woodstown. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by petition in writing by the West Jersey and Seashore Railroad Company for permission to lay a spur track or siding, at grade, across Elm Street, in the City of Woodstown, New Jersey, as shown upon a blueprint annexed to said petition, which said blueprint and petition by reference thereto herein are made part hereof, said application being also accompanied by a certified copy of an ordinance of the City of Woodstown, passed January 13th, 1913, authorizing the construction of said spur or siding.

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said spur track or siding, at grade, as prayed for in said petition, subject to the following conditions:

1. That northbound movements be protected by a flagman.
2. That movements over the crossing do not exceed a speed of six miles per hour.

Dated February 18th, 1913.

In the Matter of the Application of Frederick W. Wegelin and Arthur Mueller, Trading as Wegelin and Mueller, for Permission to Lay, Construct and Maintain a Siding at Grade from Tracks of the West Jersey and Seashore Railroad Company Across Atlantic Avenue and Part of Cincinnati Avenue, in Egg Harbor City, New Jersey. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners, by petition in writing, by Frederick W. Wegelin and Arthur Mueller, trading as Wegelin and Mueller, for permission to lay, construct and maintain a siding, at grade, across Atlantic Avenue and part of Cincinnati Avenue, in Egg Harbor City, from the tracks of the West Jersey and Seashore Railroad Company, in accord-

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ance with blueprint annexed to said petition, which blueprint and said petition by reference thereto herein are made part hereof, said application being also accompanied by a certified copy of an abstract from minutes of the regular meeting of the Common Council of Egg Harbor City, February 5th, 1913, granting permission for the construction of said siding,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said siding, at grade, as prayed for in said petition, subject to the following conditions:

1. That all movements over Cincinnati Avenue and Atlantic Avenue be protected by a flagman.

2. That movements over said siding do not exceed a speed of six miles per hour.

Dated February 18th, 1913.

In the Matter of the Application of the Hoff Mining and Realty Improvement Company, for Permission to Construct a Switch, at Grade, Across Main Street, Wharton, from Tracks of the Mount Hope Mineral Railroad Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Hoff Mining and Realty Improvement Company, by petition in writing, for permission to construct a switch, at grade, across Main Street, Wharton, from tracks of the Mount Hope Mineral Railroad Company, said petition being accompanied by a certified copy of a resolution of the Mayor and Council of the Borough of Wharton, passed January 3rd, 1913, granting permission upon certain conditions for the construction of said switch at grade,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said siding at grade, subject to conditions named in said resolution, and subject further to the following conditions:

1. That standard crossing sign be erected at said crossing.
2. That crossing be planked the entire width of said street.
3. That speed of movements over said crossing be reduced to six miles per hour.
4. That all movements over said crossing be protected by a flagman.

Dated March 6th, 1913.

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In the Matter of the Application of the United New Jersey Railroad and Canal Company, Pennsylvania Railroad Company, Lessee, for Permission to Lay at Grade a Spur Track or Siding Across Fifth Street to Property of the Hyatt Roller Bearing Company, in the Town of Harrison, Hudson County, New Jersey. | **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the United New Jersey Railroad and Canal Company, Pennsylvania Railroad Company, lessee, by petition in writing, for permission to construct and lay, at grade, a spur track or siding across Fifth Street, to property of the Hyatt Roller Bearing Company, in the Town of Harrison, County of Hudson and State of New Jersey, to be located as shown on a blueprint annexed to said petition, which blueprint and petition by reference thereto herein are made part hereof, said petition being accompanied by a certified copy of resolution of the Common Council of the Town of Harrison, adopted Tuesday, December 3rd, 1912, granting permission for the construction of said siding at grade,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said siding, at grade, upon the following condition:

That frog be moved far enough west to clear the sidewalk, and be not placed in street as is shown on plan submitted with said petition.

Dated March 6th, 1913.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Permission to Construct a Siding at Grade Across Mediterranean Avenue, Atlantic City, New Jersey. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for permission to construct and lay, at grade, a spur track or siding across Mediterranean Avenue to the property of the Atlantic Construction and Supply Company, in the City of Atlantic City, County of Atlantic and State of New Jersey, as shown by means of a blueprint annexed to said petition, which petition and blueprint by reference thereto herein are made part hereof, said petition being also accompanied by a certified copy of an ordinance of the City of Atlantic City, passed February 13th, 1913, and approved February 20th, 1913, authorizing the construction of said spur or siding upon certain conditions,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing,

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HEREBY GRANTS permission for the construction of said spur or siding, at grade, as prayed for in said petition, subject to the conditions contained in said ordinance and subject further to the following conditions:

1. That all movements over the crossing be protected by a flagman.
2. That movements over said crossing do not exceed a speed of six miles per hour.

Dated March 11th, 1913.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Permission to Construct a "Wye" Track at Grade, Across a Public Road at Alloway Junction. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for permission to construct a "Wye" track, at grade, across a public road at Alloway Junction, as shown by means of a blueprint attached to said petition, which petition and plueprint by reference thereto herein are made part hereof,

The Board of Public Utility Commissioners, after an investigation made upon the ground, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said "Wye" track, at grade, as prayed for in said petition and subject to the following conditions:

1. That standard crossing sign be erected.
2. That all movements over the crossing be protected by a flagman.
3. That all movements over said crossing do not exceed a speed of six miles per hour.

Dated March 18th, 1913.

In the Matter of the Application of the Borough of Hawthorne for Permission to Construct a Crossing at Grade Over Tracks of the New York, Susquehanna and Western Railroad Company at Central Avenue, in Said Borough. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners by the Borough of Hawthorne, by petition in writing, for permission to construct a crossing, at grade, over tracks of the New York, Susquehanna and Western Railroad, in said borough, at Central Avenue, said petition being accompanied by the consent of the New York, Susquehanna and Western Railroad Company, to con-

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struct said crossing at grade, and it appearing from the petition and the consent that the crossing at Frick Avenue, in said borough, is to be eliminated, and the Chief Inspector of the Railroad Division of the Board having reported on the petition and recommended that the same be granted,

The Board of Public Utility Commissioners, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of a crossing, at grade, over the tracks of the New York, Susquehanna and Western Railroad, at Central Avenue, in the Borough of Hawthorne, provided the grade crossing at Frick Avenue, over the tracks of the New York, Susquehanna and Western Railroad in said borough be eliminated.

Dated April 22nd, 1913.

In the Matter of the Application of the Morris and Essex Railroad Company and the Delaware, Lackawanna and Western Railroad Company, its Lessee, for Permission to Construct and Maintain an Additional Track at Grade Across the Public Highway Known as Sanford's Crossing, in the Town of Kearny, County of Hudson and State of New Jersey. } CERTIFICATE

Application being made to the Board of Public Utility Commissioners by the Morris and Essex Railroad Company and the Delaware, Lackawanna and Western Railroad Company, its lessee, by petition in writing, for permission to construct and maintain an additional or third track at grade across the public highway known as Sanford's crossing, in the Town of Kearny, County of Hudson and State of New Jersey, as shown upon the blueprint annexed to said petition, which blueprint and petition by reference thereto herein are made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation,

HERLEY GRANTS consent and permission for the construction and maintenance of said additional or third track, at grade, across said Sanford's crossing, as prayed for in said petition.

Dated April 29th, 1913.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Permission to Construct a Siding at Grade Across East Street, Woodstown. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for permission to construct, at grade, a spur track or siding across East Street, in the City of Woodstown, Salem County, New Jersey, as shown on blueprint annexed to

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said petition, which petition and blueprint by reference thereto herein are made part hereof, and said petition being accompanied by a certified copy of an ordinance of the Borough of Woodstown, authorizing the construction of said siding, at grade, and the operation of cars across the same,

The Board of Public Utility Commissioners, after investigation, no reason to the contrary appearing,

HEREBY APPROVES the construction of said siding, at grade, as prayed for in said petition, upon the following conditions:

1. That standard grade crossing signs be installed at both approaches.
2. That when trains standing on the siding are broken a flagman of said train protect the crossing while train is parted.
3. That trains north and south bound on siding track, waiting for passing train, stand no closer to the highway line than 150 feet, flagman of standing train to protect the crossing until train starts.
4. That brush be cut down on northeast corner.

Dated May 27th, 1913.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Permission to Construct a Spur Track or Siding at Grade Across Mediterranean Avenue and Center Street, in the City of Atlantic City. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissions, by petition in writing, by the West Jersey and Seashore Railroad Company, for permission to lay a spur track or siding, at grade, across Mediterranean Avenue and Center Street, in the City of Atlantic City, New Jersey, as shown upon a blueprint annexed to said petition, which said blueprint and petition by reference thereto herein are made part hereof, said application being also accompanied by a certified copy of an ordinance of the City of Atlantic City, passed May 8th, 1913, authorizing the construction of said spur or siding,

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said spur track or siding, at grade, as prayed for in said petition, upon condition that said crossing be planked for its full width.

Dated June 10th, 1913.

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In the Matter of the Application of the Township of Long Beach for Permission to Construct South Eighth Street, at Grade, Across the Tracks of the Philadelphia and Beach Haven Railroad. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners, by petition in writing, by the Township of Long Beach, for permission to construct South Eighth Street, at grade, across the tracks of the Philadelphia and Beach Haven Railroad, as shown upon a blueprint annexed to said petition, which said blueprint by reference thereto herein is made part hereof.

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said South Eighth Street, at grade, as prayed for in said petition, subject to the following conditions:

1. That the street be constructed on a level grade for at least 200 feet on each side of said track.
2. That standard crossing signs be erected.
3. That distant signs be placed on each side of track two hundred and fifty feet from same.

Dated June 10th, 1913.

In the Matter of the Joint Petition of the Borough of Tenafly and the Erie Railroad Company for Permission to Extend Westervelt Avenue, at Grade, Across Tracks of Said Railroad Company in Said Borough. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners, by joint petition of the Borough of Tenafly and the Erie Railroad Company, for permission to construct Westervelt Avenue, at grade, across the tracks of said Erie Railroad Company,

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said Westervelt Avenue, at grade, across the tracks of said Erie Railroad Company, in said Borough of Tenafly, upon condition that the crossing at grade at Chestnut Avenue, in said borough, over the tracks of said company be vacated by the passage of proper vacating ordinance by said borough.

Dated June 17th, 1913.

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In the Matter of Application of the Victor Talking Machine Company for Permission to Construct New Crossings at Grade Over Front Street and Delaware Avenue, in the City of Camden. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the Victor Talking Machine Company for permission to lay, maintain and operate a single line of railroad tracks across Delaware Avenue and Front Street, in the City of Camden, from the west side house line thereof to the east side house line thereof, said application being accompanied by a certified copy of an ordinance of the City of Camden authorizing the construction of said crossings, at grade, and by blueprints showing in detail the proposed crossings, which petition and blueprints by reference thereto herein are made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY, subject to the conditions contained in said ordinance and upon the following further conditions, APPROVES of the construction of said crossings:

1. That grooved rails be used, the tracks to conform with tracks now laid across Delaware Avenue.
2. That all movements across said streets be protected by a flagman.
3. That a full stop be made before passing house line, engineman not to cross until flagman has passed ahead of engine and given signal that way is clear, flagman to carry a red flag.
4. That speed over said streets does not exceed four miles per hour.

Dated July 1st, 1913.

In the Matter of the Application of the Victor Talking Machine Company for Approval of Ordinance of the City of Camden, Passed May 29th, 1913. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the Victor Talking Machine Company, by petition in writing, for approval of an ordinance of the City of Camden passed by the City Council May 29th, 1913, entitled:

"An Ordinance granting permission to Victor Talking Machine Company to lay, maintain and operate a single line of railroad tracks across Delaware Avenue and Front Street, in the City of Camden, New Jersey, from the west side house line thereof to the east side house line thereof, and to build and maintain an overhead covered bridge or passageway across Front Street, in said city, connecting its buildings at the fourth floor forty-three feet in the clear above the street surface of Front Street,"

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The Board now, after investigation and hearing, determines that the privilege or franchise granted by said ordinance is necessary and proper for the public convenience, and properly conserves the public interests, and, in accordance with such determination, APPROVES the same.

Dated July 1st, 1913.

In the Matter of the Application of F. L. Smidth and Company for Permission to Construct a Railroad Siding at Grade Across Humboldt Avenue, in the City of Elizabeth, from Tracks of the Central Railroad Company of New Jersey. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners, by petition in writing, by F. L. Smidth and Company for permission to construct a railroad siding, at grade, across Humboldt Avenue, in the City of Elizabeth, from tracks of the Central Railroad Company of New Jersey, as shown on blueprint accompanying said petition, which blueprint and petition by reference thereto herein are made part hereof, said petition being also accompanied by a certified copy of an ordinance of the City of Elizabeth, passed July 7th, 1913, and approved by the Mayor July 8th, 1913, granting permission for the construction of said siding, at grade,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said siding, at grade, as prayed for in said petition, subject to the conditions contained in said ordinance of the City of Elizabeth.

Dated July 15th, 1913.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Permission to Construct a Siding at Grade, Across Viola Steet, in the City of Camden, New Jersey. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for permission to construct and lay, at grade, a spur track or siding across Viola Street to the property of the R. H. Comey Company, in the City of Camden, County of Camden and State of New Jersey, as shown by means of a blueprint annexed to said petition, which petition and blueprint by reference thereto herein are

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made part hereof, said petition being also accompanied by a certified copy of an ordinance of the City of Camden passed July 31st, 1913, authorizing the construction of said spur or siding upon certain conditions,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said spur or siding, at grade, as prayed for in said petition, subject to the conditions contained in said ordinance and subject further to the following conditions:

1. That the new switch be of the same height as the main tracks where they cross the street.

2. That all movements over same be protected by a flagman. Speed not to exceed six miles per hour.

Dated September 2nd, 1913.

In the Matter of the Application of the Trenton Street Railway Company, et al., for Permission to Change Location of Tracks in Township of Hamilton, Mercer County, New Jersey. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the Trenton Street Railway Company and the Trenton and Mercer County Traction Corporation, lessee, by petition in writing, for permission to change the location of tracks of the Trenton Street Railway Company near the entrance to the grounds of the Interstate Fair Association, in the Township of Hamilton and County of Mercer, involving the crossing of the public highway, said application being accompanied by a copy of a resolution of the Board of Chosen Freeholders of the County of Mercer and copy of a resolution of the Township Committee of the Township of Hamilton, granting permission for said change, and by a blueprint showing more particularly the proposed change in the location of said tracks, which blueprint and petition are by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY, on the sixteenth day of September, nineteen hundred and thirteen, GRANTS its permission for the change in the location of tracks of the Trenton Street Railway Company, crossing the public highway, as prayed for in said petition.

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In the Matter of the Application of the United New Jersey Railroad and Canal Company, Pennsylvania Railroad Company, Lessee, for Permission to Construct a Siding at Grade Across Pearl Street in the City of Burlington to Reach Lands of the Public Service Electric Company. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the United New Jersey Railroad and Canal Company, Pennsylvania Railroad Company, lessee, by petition in writing, for permission to construct a siding, at grade, across Pearl Street, in the City of Burlington, to reach lands of the Public Service Electric Company, as shown on blueprint annexed to said petition, which blueprint and petition are by reference thereto herein made part hereof, said application also being accompanied by a copy of an ordinance of the City of Burlington granting permission for the construction of said siding, at grade,

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said siding, at grade, across Pearl Street, subject to the following conditions:

1. That standard crossing signs be erected.
2. That the crossing be planked.
3. That train movements over the crossing do not exceed a speed of six miles per hour.
4. That all train movements over the crossing be protected by a flagman.

Dated September 30th, 1913.

In the Matter of the Application of the Morris Railroad Company for Permission to Lay Its Tracks at Grade Across Punch Bowl Road, Normandy Parkway and Washington Avenue, in the Township and County of Morris, New Jersey. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the Morris Railroad Company for permission to lay its track, at grade, across Punch Bowl Road, Normandy Parkway and Washington Avenue, in the Township and County of Morris, New Jersey, said application being accompanied by a resolution of the Township Committee of the Township of Morris, passed September 5th, 1913, granting permission for the construction and maintenance of a crossing, at grade, at Punch Bowl Road and granting permission for the construction of a temporary crossing at grade across Normandy Parkway and Washington Avenue, upon certain conditions, said petition also being accompanied by copy of an agreement entered into between the said Morris Railroad Company and the Township of Morris, September 5th, 1913,

The Board of Public Utility Commissioners, after investigation and due hear-

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ing, no reason to the contrary appearing, hereby grants permission for the construction of the crossings as prayed for in said petition, subject to the conditions contained in said resolution and subject further to the following conditions:

1. That the Morris Railroad Company join in the work of depressing Washington Avenue and Parkway Road crossings, the work to be completed within the next twelve months.
2. That until these crossings are depressed they be protected by gates.
3. That the crossing at Punch Bowl Road be protected by gates.

Dated September 30th, 1913.

In the Matter of the Application of the Pennsylvania Railroad Company for Permission to Construct a Siding at Grade Across Hunter Street, in the City of Newark, New Jersey. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company, by petition in writing, for permission to construct and lay, at grade, a spur track or siding across Hunter Street to the property of the Barlow Foundry Company, in the City of Newark, County of Essex and State of New Jersey, as shown by means of a blueprint annexed to said petition, which petition and blueprint by reference thereto herein are made part hereof, said petition being also accompanied by a certified copy of an ordinance of the Board of Street and Water Commissioners of the City of Newark, approved October 10th, 1913, authorizing the construction of said spur or siding,

The Board of Public Utility Commissioners, after hearing, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said spur or siding, at grade, as prayed for in said petition, subject to the following conditions:

1. That the track be planked the full width of the opening on Hunter Street.
2. That all train movements over said crossing be protected by a flagman.
3. That train movements over said crossing do not exceed a speed of six miles per hour.

Dated October 14th, 1913.

In the Matter of the Application of the Morris & Essex Railroad Company (Delaware, Lackawanna and Western Railroad Company, Lessee), for Permission to Lay a Temporary Construction or Spoil Track in the Borough of Madison, Crossing Union and Division Avenues at Grade. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners by the Morris and Essex Railroad Company, Delaware, Lackawanna and Western Railroad Company, lessee, for permission to lay a temporary construction or spoil

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track in the Borough of Madison, crossing Union Avenue and Division Avenue, at grade, as shown upon blueprint annexed to said petition, which blueprint and petition are by reference thereto herein made part hereof, said application also being accompanied by copy of a resolution of the Borough Council of Madison granting permission of the borough for the construction of said track, at grade,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY APPROVES the construction of said siding track as prayed for in said petition, upon the following conditions:

1. That the track across said Union and Division Avenues at the present grade.
2. That the crossings be planked the full width of the roadway.
3. That standard crossing signs be erected at said crossings.
4. That all movements over said crossings be protected.
5. That train movements over said crossings do not exceed the speed of ten miles per hour.

Dated October 21st, 1913.

In the Matter of the Application of the Atlantic Gravel and Sand Company for Permission to Construct a Siding at Grade from Tracks of the Central Railroad Company of New Jersey, in the Township of Howell, Monmouth County, New Jersey. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners by the Atlantic Gravel and Sand Company for permission to construct a siding at grade from the tracks of the Central Railroad Company of New Jersey, in the Township of Howell, Monmouth County, New Jersey, crossing, at grade, two highways known as "Farmingdale-Glendola Road" and "Farmingdale-Shark River Road," as shown on blueprints annexed to said petition, which blueprints and petition are by reference thereto herein made part hereof, said application also being accompanied by certified copy of permission of the Township Committee of the Township of Howell, for the construction of said siding, at grade, across said highways,

The Board of Public Utility Commissioners, after hearing and investigation,

HEREBY GRANTS said permission, subject to the following conditions:

1. That the track cross said highways at the present grade.
2. That the crossings be planked not less than sixteen feet in width.
3. That standard crossing signs be erected at said highways.
4. That all movements over the crossings be protected by a flagman.
5. That train movements over said crossings do not exceed a speed of six miles per hour.

Dated October 21st, 1913.

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In the Matter of the Application of the Pennsylvania Railroad Company for Permission to Construct a Siding at Grade Across Railroad Avenue and Middlesex Street, Harrison, to Lands of the Otis Elevator Company. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the Pennsylvania Railroad Company, by petition in writing, for permission to construct a siding, at grade, across Railroad Avenue and Middlesex Street, in the Town of Harrison, New Jersey, to lands of the Otis Elevator Company, as shown on a blueprint annexed to said petition, which blueprint and petition are by reference thereto herein made part hereof, said application being also accompanied by a certified copy of a resolution of the Common Council of the Town of Harrison adopted Tuesday, September 17th, 1913, granting permission upon certain conditions for the construction of said siding, at grade,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said siding, at grade, as prayed for in said petition, subject to the conditions contained in said resolution and also subject to the following conditions:

1. That the crossing on Railroad Avenue be planked the full width of same.
2. That the crossing at Middlesex Street be planked not less than 16 feet in width.
3. That all train movements over said crossings be protected by a flagman.
4. That speed of train movements over said crossings does not exceed six miles per hour.
5. That the siding now constructed be removed.

Dated October 28th, 1913.

In the Matter of the Application of the Camden Lime Company for Permission to Construct a Siding at Grade from the Tracks of the West Jersey and Seashore Railroad, on Pine and Walnut Streets, in the City of Camden. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by the Camden Lime Company for permission to construct a siding, at grade, from the tracks of the West Jersey and Seashore Railroad Company, across Pine and Walnut Streets, in the City of Camden, to the property of the Camden Lime Company, as shown upon a blueprint annexed to said petition, which petition and blueprint are by reference thereto herein made part hereof, said application being also accompanied by a certified copy of an ordinance of the City Council of the City of Camden, passed October 30th, 1913, granting permission, upon certain conditions, for the construction of said siding, at grade,

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The Board of Public Utility Commissioners after hearing and investigation, no reason to the contrary appearing,

HEREBY GRANTS permission for the construction of said siding, at grade, as prayed for in said petition, subject to the conditions contained in said ordinance, and also subject to the following conditions:

1. That the crossings be planked the full width of same.
2. That standard crossing signs be erected at said highways.
3. That all movements over the crossings be protected by a flagman.
4. That train movements over said crossings do not exceed a speed of six miles per hour.

Dated November 18th, 1913.

In the Matter of the Application of Strawbridge and Chase Company, Inc., for Permission to Construct Siding at Grade from Tracks of the Atlantic City Railroad Company on the West Side of West Atlantic Avenue, Audubon, New Jersey. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners by Strawbridge and Chase Company, Incorporated, by petition in writing, for permission to construct a siding, at grade, on the west side of West Atlantic Avenue, Audubon, New Jersey, from tracks of the Atlantic City Railroad Company, as shown on blueprint annexed to said petition, which petition and blueprint by reference thereto herein are made part hereof, and said petition being accompanied also by a certified copy of a resolution of the Council of the Borough of Audubon, adopted July 14th, 1913, granting permission for the construction of said siding,

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing, hereby subject to the condition contained in said resolution and subject further to the following conditions, GRANTS PERMISSION for the construction of said siding, at grade, on the west side of West Atlantic Avenue, Audubon.

1. That the siding now located on the east side of West Atlantic Avenue be removed.
2. That no cars be allowed to stand on the siding south of the factory of Strawbridge and Chase Company, Incorporated.
3. That the crossing be planked its entire width, where it crosses West Atlantic Avenue.
4. That a standard crossing sign be erected.
5. That no train movement over the siding exceeds a speed of six miles per hour.
6. That all train movements over the siding be protected by a flagman.

Dated December 30th, 1913.

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Inspection of Railroads.

The following are from reports of inspectors on inspections of railroads:

ATLANTIC CITY RAILROAD.

Main Line.

This line is double track, extending from Camden to Atlantic City, 55.5 miles. Stone ballast extends from Camden to the edge of meadows east of Pleasantville. From there to Atlantic City and through Camden, cinders are used. The rail is 90 lb. the entire distance. Tie renewals are made with creosoted ties having tie plates and drive spikes. The road is maintained in excellent condition for the heavy and high speed traffic to which it is subjected.

Signals are Hall automatic electric. Drawbridge is protected by interlocked signals and derails. Steam grade crossings are interlocked and derailed.

Two branches extend from this line to points in Atlantic City. The Baltic Avenue Branch 1.2 miles long is double track, only one of which is in service. The other is the Mississippi Avenue Branch, 0.7 miles long, single track. There is but one undergrade bridge on the latter branch, a small pile trestle, maintained in good condition. Rail is all 90 lb. Both lines are used for slow speed city movements.

Bridges.

Recommendations concerning bridges on meadows made last year have all been carried out. On Nos. 11 and 13 the ties are to be renewed. To keep them safe until the new ties are received, the old ties have been "half soled" where necessary.

Gloucester Branch.

A single track line from main line at Ship yard to Greenlock, 10.9 miles. Ballast is cinders. 120 tons of 79 lb. rail have been laid since last inspection, removing all 70 lb. rail in this branch. The lightest rail remaining is 76 lb. Flag signals spacing trains at least five minutes apart as per Rule 91-a are in use.

Bridges.

Bridge No. 3, a wooden trestle, 103 feet long is to be replaced with a 6x8 ft. box culvert and filled in. Material has been delivered for it.

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The entire branch is maintained in sufficiently good condition for the traffic. Creosoted ties are used for renewals.

Williamstown Branch.

This line extends from Atco to Mullica Hill, 22.3 miles, single track, cinder ballast, laid with 70 lb., 76 lb., 80 lb. and 90 lb. rail. 60 tons of 90 lb. and 90 tons of 79 lb. rail have been laid since last inspection. Tie renewals are made with creosoted timber and in sufficient quantity to maintain track in good condition. From Atco to Williamstown Junction the line is used only for freight. Flag signals spacing trains at least five minutes apart as per Rule 91-a are in use.

Bridges.

Bridges, three in number, are maintained in fair but safe condition.

Sea Isle City Branch.

This branch extends from Tuckahoe to Sea Isle City, 12.1 miles, single track and cinder ballast. 80 lb. and 90 lb. rail is used between Tuckahoe and Ocean City Junction and from the latter place to Sea Isle City 70 lb. and 80 lb. is used. Three hundred tons of 90 lb. and thirty tons of 79 lb. rail have been placed in track since last inspection. Due to the recent high water, the track south of Seaville is very rough, but will be surfaced and lined up before the summer traffic begins. South of Corson's Inlet the track is in better condition. It is generally in fair condition and safe for the light traffic. Speeds of 30 and 20 miles per hour respectively are maintained for first and second class trains, with 10-mile limits over Ben Hand's and Corson's Inlet drawbridges. From Tuckahoe to Ocean City Junction manual telegraphic block signals are used. From Ocean City Junction to Sea Isle City no signals other than flags at junction. The two drawbridges are protected by interlocked signals and smash-boards.

Recommendations.

Realign and resurface track south of Seaville.

Bridges.

Recommendations concerning bridges have been carried out, renewals being made in creosoted timber. Stringer renewals should continue on No. 5.

Recommendations.

Renew defective stringers in bridge No. 5.

Cape May Branch.

This line is 54.2 miles long. From Winslow Junction to Woodbine it is double track, and from there to Cape May it is single track. All laid with 90 lb. rail, and maintained in good condition for high speed traffic. The ballast is cinder. Hall automatic electric signals are used between Winslow and Woodbine. From

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Woodbine to Cape May the signals are manual telegraphic block. Drawbridges at Tuckahoe are protected by interlocked signals and derails.

Bridges.

Bridges are all maintained in good condition. There is one drawbridge at Tuckahoe.

The Harbor Branch is one mile long, extending from this branch in Cape May. It is used for freight only.

There are no signals except at the drawbridge, where smash boards are installed, and at the Lehigh Valley Transfer crossing, where there are stop signs, all trains coming to a stop before crossing. Operation is by train orders and rules.

Recommendations.

Place 300 new ties in main track in the half mile west of the Pennsylvania Railroad bridge this year.

Bridges.

Abutments for the new bridge over the fast line of the Public Service Railway are completed ready for the superstructure which is expected to arrive in a few days. This is just east of Woodbridge Avenue at the intersection of Laurel Street. All new work is designed for "E60" loading.

The drawbridge and the 150 ft. span west of it are being thoroughly overhauled. This work is to include adjusting, supplying new pins where the old ones are worn, and renewing defective web members and laterals. Defective laterals are also to be renewed on the bridge over the Pennsylvania Railroad. This bridge has new ties as recommended. Bridge seats are much cleaner than when last inspected and masonry at Arthur Kill has been pointed. Speed is limited to 10 miles per hour over the Elizabeth trestle and Arthur Kill bridge.

Bridge over Stephenson's siding is the same as when last inspected. This siding has not been used for a long time, and if it is to be kept open a small bridge should be built here and the wooden trestle eliminated.

On the long trestle through Elizabeth, a great part of which is on curve, considerable maintenance work has been done as recommended toward putting it in better condition than previously. Quite a number of the bents are still out of plumb. A little more filling has been added at various places. This work cannot continue until walls are built to properly retain the fill within the lines of the right of way. There are places where crossings are still in dispute, but this does not affect the entire length of the trestle. As much of this old trestle as possible should be replaced by filling, in order to secure it and reduce the danger from fire.

Recommendations.

Complete filling of trestle west of Elizabeth city line. This includes a new bridge at Stephenson's siding or filling it in.

Build walls, abutments and bridges through Elizabeth wherever crossings are not in dispute and fill in the trestle as far as possible.

Plumb all leaning bents in trestle and securely brace them.

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BARNEGAT CITY RAILROAD.

This road extends from Barnegat City Junction to Barnegat, a distance of eight and seven-tenths miles. It is single track laid with 60 lb. rail ballasted with sand and cinders. While the track is not in good condition, sufficient tie renewals have been made to keep it reasonably safe for the traffic, viz., two trains per day for eight months in the year and four trains per day the balance of the year, at a speed of twenty miles per hour.

Ocean City Branch.

A single track cinder ballasted line 10.3 miles long, extending from Ocean City Junction to Ocean City. 330 tons of 90 lb. rail have been placed in track since the last inspection, making the rail all 90 lb. from the Junction to Thirty-fourth Street, Ocean City. Beyond that point 80 lb. rail is used. The line is maintained in good condition for the traffic. Speed is restricted to 50, 35 and 20 miles per hour for the three classes of trains, with a maximum of 10 miles per hour over drawbridge at Crook Horn. Signals are manual telegraphic block. Drawbridge at Crook Horn is protected by interlocked signals and smashboards.

Bridges.

Bridge No. 2, on which recommendations were made last year, is being shortened about 180 feet and will receive a new deck and stringers this year.

BALTIMORE AND NEW YORK RAILROAD.

This is a single track line 5.35 miles long extending from connection with the Central Railroad of New Jersey at Cranford to the west abutment of the Arthur Kill bridge. From that point to the New York state line, a distance of about 400 feet, the inspection covers the Staten Island Rapid Transit Railway. The entire line is used only for freight.

The track is laid with 85 lb. rail, and the ballast about evenly divided between stone and cinders. Track is in fair alignment and surface. Ties are in fair to good condition except for the half mile west of the bridge over the Pennsylvania Railroad, where many poor ones were noted. At least 300 should be put in here. The recommendation made a year ago concerning ties has been carried out. This year 3,500 ties are to be placd in main track, of which numbr 80 per cent. are in.

Bridges.

Of the fourteen pile trestles on this line, twelve were built in 1909 and two in 1910; they vary from twelve feet to 132 feet in length. The bridges are beginning to show signs of depreciation, due mostly to sap rot, but are perfectly

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safe for the traffic. Most of them could be filled in with safety, provided the bulkheads across the glades seaward of the bridges were well maintained.

None of the bridges have inside guard rails, due to the limited traffic and speed.

CENTRAL RAILROAD OF NEW JERSEY.

Central Division—Main Line.

This road extends from Jersey City to Phillipsburg, a distance of seventy-two and two-tenths miles. There are four tracks from Jersey City to Bound Brook Junction, two from Bound Brook Junction to Phillipsburg, ballasted with stone. The track is laid with 90 and 100 lb. rail. All of the 90 will be replaced with 100 lb. this year. The track is in first class condition.

The terminus is now being extended west from Roselle to Cranford. A new station is being built about 500 feet west of the old station at Aldene. This change was made so that the Rahway Valley Railroad could reach it on its own rails. The new east bound passenger station at Westfield has been completed. Plans have been made for enlarging the east bound station at Plainfield. Fine new east and west bound stations have been erected at Bound Brook, with a connecting subway, which relieves the element of danger which heretofore existed at that point.

From Jersey City to Bound Brook, home and distant semaphore electro pneumatic automatic signals and from Bound Brook to Phillipsburg home and distant semaphore electro automatic signals are in use.

There is one drawbridge over the Newark Bay, protected with home and distant semaphore signals and derails, all interlocked with draw.

Steam grade crossing at Elizabethport with the Newark and Elizabeth Branch, protected with home and distant semaphore signals, all interlocked.

Steam grade crossing at Bound Brook Junction with Philadelphia and Reading, protected with home and distant semaphore signals and derails, all interlocked.

Bridges.

The work of overhauling the bridges on this line has continued. At Manville grades have been divided and a new overhead highway bridge built. All tie renewals have been made and the bridges are all in very good condition.

Newark and New York Branch.

This road extends from Communipaw to Newark, a distance of seven and one-half miles. It is double track laid with 100 lb. rail, ballasted with stone and is in good condition. This track has been raised twenty feet for a distance of three miles in order to get more clearance over the Hackensack and Passaic Rivers, which lessens the opening of the draws.

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The Lehigh Valley Railroad now uses this road between Brill's Junction and Communipaw. A double track connection has been built between Oak Island Junction and Brill's Junction, three miles in length, for this purpose.

Automatic electro pneumatic, home and distant semaphore signals are in use.

There are two drawbridges protected with home and distant semaphore signals and derails, all connected with draws.

Bridges.

Bridge work on the new grade line is about completed and the bridges will be placed in service October 5th. All are double track. The Hackensack and Passaic River crossings are located 20 feet higher than the old grade line. The former crossing is 1467 ft. 2 in. long and consists of eleven deck plate girder spans, each 109 ft. 7 in. long on concrete piers and swinging draw span 253 ft. 4 in. long, giving 100 ft, clear waterway on each side of center pier. The Passaic River crossing is 705 ft, 1 in. long, consisting of five 89 ft. 2 in. deck plate girder spans in approaches and a draw span of the same dimensions as at Hackensack River.

All bridges are designed for Cooper E60 loading (213 tons, engine and tender), and are fine examples of modern bridge work.

New undergrade bridges have been built at Avenues P and R in Newark, the former a through plate girder on concrete abutments and the latter a concrete arch.

All the other bridges on this line have been put in first class condition except the bridge over West Side Avenue, Jersey City, which is affected by the new grade and which will have an entire new deck of deeper ties on October 4th.

Newark and Elizabeth Branch.

This branch extends from Brill's to Elizabethport, a distance of seven and two-tenths miles. It is double track, laid with 100 lb. rail, ballasted with cinders, and is in good condition. Automatic electro pneumatic, home and distant semaphore signals are in use.

There are two steam crossings at grade, Oak Island Junction with the Lehigh Valley and Pennsylvania Railroads, and at Elizabethport with the main line of the Central Railroad of New Jersey, all protected with home and distant semaphore signals and derails, all interlocked. A modern interlocking plant has been erected at Brill's, governing the movement of all trains at that point.

Bridges.

The four small pile trestles on this branch are in good condition.

Perth Amboy Branch.

This branch extends from Elizabethport to Perth Amboy, a distance of 11.6 miles. It is double track ballasted with stone. The track is laid with ninety and one hundred pound steel rail. The track has been well maintained and is in good condition. Commodious stations have been erected on both east and west bound tracks with a subway connection at Elizabeth Avenue. The new

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work at that point has been completed. The tracks have been elevated, eliminating two grade highway crossings, also a new drawbridge has been constructed over Elizabeth River.

Automatic electric block signals are in use on this branch. There are three drawbridges on this branch, all protected with derails interlocked with home and distant signals. Derails have been placed at Wood Bridge Junction interlocked with home and distant signals as recommended by your Board. This branch crosses the Port Reading Railroad, at grade, at Port Reading, protected with derails interlocked with home and distant signals.

Bridges.

The bridges on this branch are all in good condition.

South Branch.

This branch extends from Somerville to Flemington, a distance of fifteen and five-tenths miles. It is single track, laid with 85 and 90 lb. rail, ballasted with gravel and cinders. The track has been well maintained and is in good condition.

Manual block signals are used and trains spaced by agents with red and white flags.

Bridges.

The abutments of the Raritan River bridge near Somerville are shored up so that it is safe. No cracks have developed in the masonry since it was pointed. The remaining bridges are in fair to good condition.

High Bridge Branch.

This branch extends from High Bridge to Hibernia, a distance of thirty-three and eight-tenths miles. It is single track, laid with 90, 85 and 76 lb. rail; from Rockaway to Hibernia with 76 and 62 lb. rail, ballasted with gravel and cinders. Three miles of 90 lb. rail has been placed in track in place of the seventy-six since last inspection. The track has been well maintained, and is in good safe condition.

Manual block signals are used and trains spaced by agents with red and white flags.

There is one drawbridge over the canal at Dover, protected with home semaphore signals and smashboards, all interlocked with draw.

There are also three steam crossings at grade, one at Freemont and another at Lake Junction in connection with the Chester Branch of the Delaware, Lackawanna and Western Railroad, protected with home semaphore signals, all interlocked. All trains come to a stop before passing signals in the direction of traffic.

There is also a crossing in connection with the Mount Hope and Mineral Railroad, protected with signals. All trains come to a stop before passing same.

Bridges.

Bridges are all in good condition except No. 283 over the Rockaway River west of Rockaway. This bridge has relief bents under it making it safe for the

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traffic. The heaviest engines running west of Rockaway weigh with tender 111 tons.

Ogden Mine Branch.

This branch extends from Hopatcong Junction to Edison's, a distance of fifteen and three-tenths miles. It is single track laid with 85 and 90 lb. rail between Hopatcong and Hurds; west of there with 85 and 62, ballasted with gravel and cinders. The track between Hopatcong Junction and Hurds is in good safe condition; west of there it is safe for the traffic, viz., two trains per day two days each week.

Manual block signals are used and trains spaced by agents with red and white flags.

Bridges.

The bridges on this branch are all small structures except the half through lattice bridge over the Morris Canal. All are maintained in fair to good condition.

Southern Division—Main Line.

This division main line extends from Red Bank to Bayside, a distance of one hundred and four and four-tenths miles (104.4). It is a single track ballasted with gravel and cinders in good quantity, mostly cinders. The track is laid between Red Bank and Winslow Junction as follows: Twenty-eight and 2-10 miles with 90 lb., 20 2-10 miles 85, 17 2-10 with 76 lb. rail, 12 1-2 miles of 90 has replaced 80 this year. From Winslow Junction to Bayside the track is laid for eight miles with 76, one mile with 90, balance 66 and 60. Seventy per cent, of ties have been placed in track. The balance will be renewed within the next sixty days. While the track is a little out of surface in spots where the steel has been laid on account of joint ties not having been spaced, other than this the track has been well maintained and is in good safe condition. I note particularly the improvement south of Winslow Junction.

Signals consist of flags in hands of agents who keep passenger trains apart from station to station; freight trains following passenger trains are kept apart in the same manner and are held ten minutes apart by red flag and a green flag displayed for five minutes more.

Protection at steam grade crossings Farmingdale and Whitings with Pennsylvania Railroad derails interlocked with home and distant signals, Minatola with West Jersey and Seashore Railroad derails interlocked with home and distant signals. Vineland and Bridgeton Junction with West Jersey and Seashore Railroad home signals interlocked two hundred fifty feet from crossing. All trains come to a stop before passing same.

Bridges.

Bridges 57 and 58 have been given light repairs to keep them in safe condition; 79 has been given a general overhauling; 90 has been generally overhauled and put in safe condition; 96, 97, 98, 99 and 100 have been replaced with pipe. All other bridges are in safe condition.

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Recommendations.

That bridges 57, 58 and 77 be thoroughly overhauled within a year; that 78 be rebuilt this year; that all stringers that show sap rot be given a thorough examination, and where found so deep that they should be replaced, this must be done. When in condition to carry the load to lessen the liability of fire, hew them down to solid wood.

Freehold Branch.

This branch extends from Matawan to Freehold, a distance of twelve miles. It is single track ballasted with gravel and cinders. Three hundred cars of cinders have been placed under track since last inspection. The track is laid for two and one-half miles with 90 lb., the balance with 66 and 60 lb. rail. All of the 66 and 60 will be replaced with 90 lb. this year. The track has been very much improved and is in good safe condition.

Manual block signals are used. Trains are spaced by operators with red flags for five minutes and white flags for five minutes.

Bridges.

Recommendation for guard rail protection at bridge No. 4 has been carried out. No. 8¾ is soon to have a new deck to replace the one recently injured by fire. The other bridges on this branch are in fair to good condition, the repairs and renewals outlined by the company being sufficient to keep them in safe condition for the traffic.

Seashore Branch.

This branch extends from Matawan to Eatontown, a distance of twenty-five and six-tenths miles. It is single track from Matawan to Atlantic Highlands, double track from Atlantic Highlands to West End, with the exception of over the Shrewsbury River bridge, which is gauntlet. Single track from East Long Branch to Eatontown. It is ballasted with cinders in good quantity.

It is laid from Matawan to Atlantic Highlands with 70 and 85 lb. rail; Atlantic Highlands to West End with 85, 76, 70 and 60 lb.; East Long Branch to Eatontown with 70 and 66 lb rail.

Sufficient tie renewals have been made and other work done pertaining thereto to keep the track in good condition.

Between West End and Atlantic Highlands electro automatic, semaphore, home and distant signals are in use; Shrewsbury draw is protected with home and distant signals and smashboards, all interlocked with draw.

Manual block signals are used from East Long Branch to Eatontown and Atlantic Highlands to Matawan. Trains are spaced by operators same as on Freehold Branch.

Railroad grade crossing at Branchport and Matawan protected with home and distant signals and derails all interlocked.

Bridges.

Track has been realigned across No. 15 as recommended. Additional spikes should be driven so that the rail will be spiked to every tie. Ties on No. 21

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are old and worn and should be renewed. No. 22, a pile trestle, is only in fair condition. Steel I beams are delivered at site for its renewal. No. 28 is fair and is considered safe for another year, when it should be rebuilt or replaced with pipe. The west approach of No. 30½ over the Shrewsbury River has been entirely rebuilt with plate girders on concrete piers. The west approach remains as a pile trestle and the draw is unchanged. Ties on No. 34 are old and worn. They are to have tie plates put on them to extend their life until the bridge is rebuilt. All the other bridges are maintained in safe condition for the traffic.

Recommendations.

Spike running rail to every tie on bridge No. 15.

Renew ties on bridge No. 21.

Place pipe in No. 28 and fill it in preference to renewing it in timber when renewals are next made here.

Toms River Branch.

This branch extends from Lakehurst to Barnegat, a distance of 22.2 miles. The track is laid with 70, 66 and 60 lb. rail. It is single track ballasted with gravel and cinders. Sufficient tie renewals have been made and other work done pertaining thereto to keep the track in good, safe condition.

Flags in the hands of agents are used to keep trains apart the same as between Red Bank and Bayside. The grade crossing with the Pennsylvania Railroad at Waretown Junction is protected with the interlocking signals located 250 feet from crossing. All trains come to a stop before passing same.

Bridges.

All bridges are in good safe condition with the exception of 71, which will be replaced with pipe within the next sixty days. This bridge will be kept safe until replacement is made.

DELAWARE, LACKAWANNA & WESTERN RAILROAD.

Main Line and Boonton Branch.

This line extends from Hoboken to Denville Junction, a distance of thirty-six and thirty-seven hundredths (36 37-100) miles and from Bergen Junction to Delaware bridge, a distance of seventy-nine and seventeen hundredths miles (79 17-100). There are four tracks, Hoboken to Hackensack bridge, three tracks Newark and Fifteenth Street, also Highland Avenue to Milburn. It is ballasted with stone ballast between Hoboken and Milburn, balance with gravel, cinders and slag. The track is laid with 80 and 91 lb. rail to Denville Junction. Work is progressing on the elevation of tracks between Chatham and Madison, also through Morristown. New station is being erected at Morristown. There are

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two tracks between Bergen Junction and Delaware bridge, with the exception of between Chester Junction and Port Morris, where there are four. The track is laid with 80, 90, 91 and 101 lb. rail, ballasted with stone between Bergen Junction and Netcong; balance with gravel and cinders. About seventy-five per cent. of tie renewals have been made; the balance will be placed in track before September 15th this year. The track has been maintained in good condition.

Home and distant automatic motor semaphore signals are in use. Hackensack, Passaic and Dover draws are interlocked with derails connected with home and distant signals, operated by men at bridge.

Main Line.

Bridges.

As far as possible the recommendations made at last inspection have been complied with. On the canal draw bridge at Dover guard rails have been lengthened 90 feet. They now extend about 200 feet on curve east of draw on west bound track, which should be sufficient to take care of a derailment at this place. The draw latches are locked at night. Guard rails cannot be placed on the draw span because on account of the construction of the bridge it has not been found possible to provide counterweights for them.

Bridges through Maplewood have been widened to give standard clearance. New standard decks of creosoted timber are being placed on all bridges. This work is nearing completion. At Morristown three new undergrade bridges are being built on the new grade line. Except for the incompleted work the bridges are all in good condition.

Boonton Branch.

Bridges.

The reinforced concrete bridge at Mountain Lakes is completed and also the reinforcing of both abutments at High Bridge. On the latter bridge a fire occurred in June, destroying about half the deck of creosoted timber. It has been entirely rebuilt after inspection and testing, and all injured material replaced. Creosoted ties are being delivered for all bridges needing them, and when they are in place all bridges will be in first class condition.

WARREN RAILROAD.

Bridges.

The bridges are all maintained in good condition, creosoted timber being used for all renewals.

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Rockaway Branch.

This branch extends from East Dover Junction to Denville Junction, a distance of three and six-tenths miles, ballasted with gravel and cinders. It is single track laid with 80 lb. rail. The track is in good condition.

Signals consist of flags in hands of trainmen.

Bridges.

The narrow overhead arch at Rockaway is being replaced with a wider bridge in concrete. About 750 feet of new concrete retaining wall is being built at the same place.

The other bridges are in good condition.

Phillipsburg Branch.

This branch extends from Washington to Phillipsburg, a distance of thirteen and seven-tenths miles. It is single track laid with seventy-five pound rail, ballasted with gravel and cinders in good quantity. Sufficient tie renewals have been made, and other work done, to keep the track in good safe condition for the traffic.

Interlocked semaphore signals are used for the protection of trains crossing on the Hampton Branch.

Bridges.

Four small culverts have had new concrete tops. The other bridges are small but well maintained.

Port Morris to Slateford Junction.

This road extends from Port Morris to Slateford Junction, a distance of twenty-eight and 53-100 miles. It is a double track laid with 91 and 101 lb. rail, ballasted with stone with the exception of over some of the fills, which will be stone this fall. This road is in first class condition; a commodious station has been built at Blairstown, which makes three stations on the line.

Home and distant semaphore motor automatic signals are in use.

Bridges.

Bridges are kept much cleaner than formerly and are all in good condition except as hereafter noted.

Inside guard rails have not been placed on bridges 8.61 and 18.14, as recommended. The recommendation is therefore repeated. On bridge 12.75 a new guard timber should be placed on west bound track.

Recommendations.

Place inside guard rails on bridges 8.61 and 18.14 and renew timber guard on west bound track on No. 12.75.

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New Jersey and New York Division.

This road extends in New Jersey from Hackensack Junction to state line west of Montvale, a distance of eighteen miles. There are ten miles of double track ending at New Milford; balance single. Nine miles of track is ballasted with stone; balance gravel and cinders. The track is laid with 80 lb. rail. New 80 lb. rail has been laid between Montvale and Farmont Park, replacing the 72; also nine miles of stone ballast placed under track since last inspection. The track has been very much improved and is in good condition.

Electro automatic semaphore home and distant signals west of New Milford on single track block trains in both directions.

Bridges.

The recommendations made last year have been carried out and the two bridges on this line are in good condition.

Newark Branch.

This branch extends from Greenwood Lake Junction to Paterson, a distance of sixteen miles. Four miles of double track; balance single. The track is laid with 90 and 80 lb. rail. Six and three-quarter miles of stone ballast; balance gravel and cinders..

Bridges.

Excepting the two steel plate girder bridges at Port Morris all the other bridges are concrete arches. All are new and in good condition. An overhead concrete arch is under construction west of Blairstown.

Newark and Bloomfield Branch.

This branch extends from Roseville Junction to Montclair, a distance of four miles. It is double track; second track laid from Bloomfield to Montclair since last inspection. The track is laid with 80 and 91 lb. rail, ballasted with crushed stone and gravel. A handsome station with fine terminal has been built at Montclair and tracks partially depressed, eliminating seven highway grade crossings between Bloomfield and Montclair. The track on this branch is in first class condition.

Home and distant semaphore motor signals are used.

Montclair Branch.

Bridges.

The work of rebuilding all bridges through Glen Ridge and Montclair is completed. All are heavy double track structures of concrete and steel and have solid ballasted floors.

The deck plate girder span over Second River has been adjusted to the new grade line and is the only remaining open deck bridge on the branch.

All the bridges are excellent structures representing the most modern practice in bridge design.

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Passaic and Delaware Branch.

This branch extends from Summit to Gladstone, a distance of twenty-one and five-tenths miles. It is single track. The track is laid with 75 and 80 lb. rail and ballasted with cinders in good quantity.

Sufficient tie renewals have been made and other work done pertaining thereto to keep the track in good safe condition. Home and distant semaphore motor signals blocking in both directions are used.

Bridges.

The first bridge east of Basking Ridge has new I beam stringers and deck. Creosoted ties are being received for all the other bridges on the branch needing repairs, and it is expected that they will all be finished within the next thirty days. The bridges otherwise are in good condition.

Chester Branch.

This branch extends from Chester Junction to Chester, a distance of ten and four-tenths miles. It is single track laid with 80 and 67 lb. rail, ballasted with cinders. The track is in good safe condition for the traffic.

At Lake Junction and Fremont crossings in connection with the Central Railroad of New Jersey, interlocked semaphore signals are used and all trains come to a stop before passing same. Other signals consist of red flags in hands of trainmen.

Bridges.

Two small pile trestles are being replaced with reinforced concrete structures, each in two spans. All other bridges are small and are maintained in good condition.

Sussex Branch.

This road extends from Netcong to Franklin Furnace, and from Branchville Junction to Branchville, a distance of thirty and five-tenths miles. It is single track, laid with 80 lb. rail between Netcong and Newton; balance 75. It is ballasted with gravel and cinders in good quantity. The track has been maintained in good safe condition.

From Port Morris to Newton semaphore automatic home signals with overlaps blocking in both directions are installed.

At the draw over Morris Canal distant and home signals, connected with derails interlocked with draw are in use. At crossings with the Lehigh and Hudson at Andover Junction and Franklin Junction; with the New York, Susquehanna and Western at Warbassee and Sussex Junction; with the Lehigh and New England at Augusta, interlocked semaphore signals are used. All trains come to a stop before passing same. Between Newton, Branchville and Franklin signals consist of flags in hands of trainmen.

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Bridges.

One small bridge is under reconstruction. All the others are in good condition.

Branchville Branch.

Bridges.

All bridge abutments have been either rebuilt or repaired. New decks have been placed on all but three of them. These are maintained as temporary pile trestles until the steel arrives for them. It is expected that they will be completed this year, placing all the bridges in first class condition.

Hampton Branch.

This branch extends from Washington to Hampton, a distance of four and eight-tenths miles. It is single track, ballasted with gravel and cinders in good quantity.

The track is laid with 67 lb. rail. Sufficient tie renewals have been made, and other work done pertaining thereto, to keep the track in safe condition. Signals consist of flags in hands of trainmen.

Bridges.

There are two bridges on this branch, a small I beam span over a highway and the high viaduct over the Musconetcong at Changewater. Both are now in good condition, the deck having been renewed on the main spans of the latter. Ties on the approach spans are still good.

ERIE RAILROAD.

Main Line.

This line extends in New Jersey from Jersey City to a point one mile west of Mahwah, a distance of thirty miles.

There are four tracks from Jersey City to Rutherford Junction; two from Rutherford Junction to Ridgewood Junction; four from Ridgewood Junction to state line. All tracks ballasted with stone excepting from Croxton to Hackensack bridge, which is ballasted with cinders. Fifty-three miles of track is laid with 100 lb. rail; balance 90. Improvements have been made since last inspection in the way of laying six and one-half miles of 100 lb. rail. The track has been well maintained and is in good condition.

Electro automatic semaphore home and distant signals are installed. There are two draw bridges, Hackensack and Passaic, protected with derails interlocked with home and distant signals connected with draw.

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Bridges.

Inside guard rails have been placed on bridge 10.29 as recommended. The laterals on 10.22 have not yet been adjusted, but it is on the company's program for work within the next few weeks. Loose rivets are attended to frequently so as to keep the structure safe.

With few exceptions, the bridges are in good condition. The laterals and cross frames in No. 17.34 are badly corroded in places and should be carefully gone over and renewed where necessary. Guards on No. 24.37 are poor. On 28.14 the ties and planking are worn and decayed. Defective ties should also be renewed on 28.82, 29.18 and 30.11.

Inside guard rails have been removed from No. 21.60, 59 ft. 3 in. long; from 25.44, 32 ft. 2 in. long, and from two west bound tracks on 30.01, 62 ft. 6 in. long. They should be replaced on these bridges.

Berry's Creek bridge is still in service, for the diversion canal has not yet been accepted by the Federal Government.

Recommendations.

Renew laterals and cross frames where necessary on Passaic River Bridge No. 17.34.

Renew defective guards on No. 24.37.

Renew defective ties on 28.14, 28.82, 29.18 and 30.11. Renew planking on No. 28.14 also.

Place inside guard rails on bridges Nos. 21.60, 25.44 and 30.01.

Bridges—Dundee Spur.

This branch is used for freight only. The bridges are all wooden trestles and are in fair to good condition and safe for the traffic. No. 20.14 is getting out of line and surface, and at the east run off on the side toward the canal. Some underpinning is necessary to maintain track in good surface.

Recommendations.

Realign and surface track across No. 20.14 and repair east run off so as to maintain good surface at this point.

Northern Railroad Division.

This road extends in New Jersey from Croxton to New York state line east of Tappan twenty-one and one-half miles. It is double track, ballasted with stone for a distance of thirteen miles; balance with gravel and cinders. The track is laid with 80 lb. rail. It has been well maintained and is in good condition.

Electro automatic semaphore home and distant signals are used.

Four miles of stone ballast has been placed under track, and three miles of 80 lb. rail has been laid this year. The track has been very much improved since last inspection and is in good condition. Manual block signals are installed.

There is one draw bridge protected with derails interlocked with home and distant signals, all connected with draw.

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Bridges.

Bridges are in fair to good condition except Nos. 7.93, on which poor ties were noted, and 8.04 over the Passaic River at Newark. As previously reported, this bridge is in very poor condition and inadequate for anything but very limited use. It should be rebuilt in 1914.

Recommendations.

Renew defective ties on No. 7.93.
Replace No. 8.04 with a modern bridge before December 31, 1914.

Bergen County Branch.

This road extends from Rutherford Junction to Ridgewood Junction, a distance of ten miles. It is double track laid with 100 lb. rail ballasted with stone. The west bound track has been ballasted since last inspection. The track is in good condition.

Electro automatic semaphore home and distant signals are installed.

Bridges.

Bridges are cleaner than formerly. The guard rails recommended for west bound track on No. 15.06 have not been put on; instead, they have been taken off the entire bridge. This bridge is 68 ft. 3 in. long between back walls. Poor ties were noted on three bridges which should receive attention. The bridges are otherwise in good condition.

Recommendations.

Place inside guard rails on both tracks of bridge 15.06.
Renew defective ties on bridges Nos. 11.12, 11.38 and 13.88.

New York and Greenwood Lake Division.

This road extends from Croxton to Sterling Forest, a distance of forty-three miles. There are sixteen miles of double track; balance single. The track is ballasted for two miles with stone; balance gravel and cinders, mostly gravel in good quantity.

Thirteen and one-half miles of track is laid with 90 lb. rail, balance 80. The track has been well maintained and is in good condition fully safe for the traffic.

Signals between Croxton and Hackensack bridge are electro automatic semaphore home and distant signals and west to sterling Forest. Signals are manual block at the junction with the Caldwell Branch at Great Notch. Train movements are protected with semaphore signals operated from the tower at that point; the same protection is afforded at Forest Hill tower for the Orange Branch.

There are three draw bridges, viz., Hackensack, Passaic and Mountain View; also steam crossings at grade at Mountain View with the Delaware, Lackawanna and Western Railroad, at Pompton Junction with New York, Susquehanna and Western, all of which are protected with derails connected with home and distant signals, all interlocked.

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Bridges.

All guard rails now have standard cast iron blocks protecting their ends as recommended. Inside guard rails have not been placed on No. 5.51, 38 ft. long, as recommended, nor have they been placed on No. 39.13 since its reconstruction. It is now 50 ft. long. Tie renewals are being made; the recommendations concerning them are being carried out. The river spans of the Passaic River bridge west of Singac have been rebuilt as through plate girder bridges on concrete piers. The west approach is still maintained in wood. At Pequannock River the trestle is maintained in safe condition. Considerable trouble is experienced here from ice. Plans are under consideration for replacing this trestle with plate girder spans similar to Passaic River. No. 34.33 near Ridgewood Junction has been completed as a deck plate girder bridge in two spans on concrete piers and abutments. The remaining bridges are in fair condition and safe for the traffic.

Recommendations.

Place inside guard rails on bridges Nos. 5.51 and 39.13.

Orange Branch.

This branch extends from Forest Hill to West Orange, a distance of four miles. It is single track, laid with 80 lb. rail ballasted with gravel and cinders. The track has been well maintained, and is in good safe condition for the traffic.

Manual block signals are in use.

Bridges.

No. 10.86, a pile trestle, has been replaced with a concrete arch, but filling has not been completed.

Guard rails have not been placed on No. 10.20, 49 ft. long, over the Delaware, Lackawanna and Western Railroad, as recommended. The recommendation is therefore repeated. The remaining bridges are in good condition.

Recommendations.

Place inside guard rails on bridge No. 10.20.

Caldwell Branch.

This branch extends from Great Notch to Essex Fells, a distance of six and six-tenths miles. It is single track laid with 74 lb. rail, which is to be replaced with new 80 this year. It is ballasted with gravel and cinders. There is required in main track not less than 2,000 ties, which are being held back on account of new steel. There are a number of decayed switch ties which should be replaced. While the track is in safe condition for the traffic, on completion of the laying of the new steel and tie renewals it will be in good condition for the winter.

Manual block signals are used.

Recommendations.

That all tie renewals be made before November first this year.

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Bridges.

Recommendations made last year have been carried out. No. 0.76 has been replaced with a 3 ft. reinforced concrete pipe and filled in. Bridges 18.30 and 22.06 over Pompton Turnpike and at Essex Fells, respectively, are to be rebuilt as modern bridges. No. 18.20, a timber trestle over Peckman's Brook, has been repaired and is kept safe for the traffic. The remaining bridges are in good condition.

Ridgewood Branch.

This branch extends from Ringwood Junction to Ringwood, a distance of three miles. It is single track laid with 74 lb. rail, ballasted with gravel and cinders.

There are but four trains per day running over this branch. The track is in safe condition for the traffic.

Signals consist of red flags and red lights in the hands of trainmen.

LEHIGH AND HUDSON RIVER RAILWAY.

This road extends in New Jersey from Mansfield Street, Belvidere, to state line east of Vernon, a distance of forty-seven miles. It is a single track laid with ten miles of 100 lb. rail, balance 80. The track is ballasted with gravel and cinders in good quantity. Everything has been done in the way of maintenance to keep the track in good condition. The A. P. H. automatic block signals will be installed on this line within the next ninety days. This system of signals, block in both directions, making it impossible for trains to get together unless they run by signals at danger.

Bridges.

Bridges are receiving careful and good attention. They are all maintained in good condition for the service. In anticipation of heavier engines, nine bridges are to be replaced with new ones designed for Cooper's "E60" loading. Their numbers are 106, 107, 144, 150, 151, 155, 157, 158 and 162. Six others, Nos. 133, 134, 135, 138, 139 and 140, are to have extensive repairs; others are to receive minor repairs and reinforcement as may be necessary to bring them up to the heavy standard of loading. No. 74 has had new ties put in as recommended, making it safe until it is rebuilt next year.

On the meadows between Vernon and McAfee are several small drainage openings at present maintained as timber trestles and requiring continued repair. It would appear to be in the interest of safety and economy that they be replaced by pipes of the proper size and filled in.

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Recommendation.

That the replacing of the small drainage openings between Vernon and McAfee be considered, and if found feasible, that they be replaced with pipe of the proper size and filled in.

LEHIGH AND NEW ENGLAND RAILROAD.

This road extends in New Jersey from Liberty Corners to Swartswood Junction and from Hainesburg Junction to Delaware River bridge, a distance of twenty-three and seven-tenths miles. It is single track laid with three miles and one-quarter of 80 lb. rail, balance with sixty-two and one-half miles of 80, laid since last inspection, replacing 60. A large number of tie renewals have been made since last inspection; also about five thousand yards of ballast have been placed on the meadows.

The track over the meadows is out of line and surface. Material is on the ground and men are now putting it under track, which makes this and other parts of the track in safe condition for the winter, at a maximum rate of speed of fifteen miles per hour for freight and twenty-five miles per hour for passenger trains. There are four freight and four passenger trains each day.

Signals are red flags and red lights in the hands of trainmen. The steam grade crossing with the Sussex Railroad at Augusta is protected with home semaphore signals interlocked. All trains come to a stop before passing this point.

Recommendations.

That the replacing of the light sixty pound rail be with eighty pound, as fast as conditions will permit.

That all the ballast be placed under track on meadows before November 15th this year.

Bridges.

The bridges are generally in better condition than they were a year ago. All the recommendations have been carried out except those relating to the spiking of inside guard rails. In their present condition on most of the bridges they cannot be depended upon to guide a train in case of derailment, due to the scarcity of spikes holding them to the ties. A general recommendation is therefore made for fully spiking all guard rails.

Rust is showing on the most exposed parts of Delaware River and Paulin's Kill bridges west of Hainesburg and on Nos. 7 and 22 east of Swartswood. These parts should be thoroughly cleaned and painted.

Recommendations.

Fully spike all inside guard rails.

Scrape and paint steel work on bridges over Delaware River, Paulin's Kill, No. 7 and No. 22 where rusting.

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LEHIGH VALLEY RAILROAD.

Main Line—New York Division.

This is a double track line continuing the main line of the New Jersey and Lehigh Division through to Jersey City 10.5 miles. It is laid with 100 lb. rail and stone ballast to Oak Island and with 90 lb. rail and cinder ballast from there to Jersey City. Signals are three position, upper quadrant, electric automatic block and are in service as far as Communipaw Avenue, Jersey City. A new interlocking tower has been built at the west end of Oak Island yard. Oak Island crossing is all interlocked, signalled and derailed. This line is now used for passenger service westward from Oak Island when connection is made with the Central Railroad of New Jersey. The track is in good line and surface and well maintained.

Bridges.

3,500 lineal feet of double track pile trestle, No. 6, were burned on June 15th, destroying the parallel double track trestle of the Pennsylvania Railroad at the same time. This bridge was substantially rebuilt in ten days as two single track timber trestles resting on the old piling, which was cut off at low water. It is now operated jointly with the Pennsylvania Railroad as a double track trestle.

Bridges 9, 9a and 9b over drainage ditches are to be replaced with cast iron pipe. Deck on No. 5a is about completed. Nos. 5b, 5c, 5e and 3, 3a and 3b are to have new decks, material for which is on hand.

The structures are well maintained and the line will be in good condition when repairs outlined are completed.

National Docks Branch.

This is a double track freight line extending from connection with Pennsylvania Railroad in Jersey City to Constable Hook, 6.09 miles. It is laid with 90 lb. relaying rail and ballasted with cinders.

Interlocking towers are located at Constable Junction and Phillips Street, Jersey City. There are no signals, other than at towers and switch, the line being operated as a yard.

The track is maintained in good condition for the service. On the single track connection to Waldo Avenue bridges are being built at York and Bright Streets. When they are completed the wooden trestle will be filled in.

Several minor branches lead from the line into various yards, terminals and industries, all of which receive frequent inspection and are maintained in safe condition.

Bridges.

On the double track connection with the New Jersey Junction Railroad, which is all viaduct, new floors have been placed in all bridges over streets. Extensive repairs have been made to N. D. 4a, keeping it in safe condition for the traffic.

All the bridges are well maintained.

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Penn. State Line to M. P. 12 West of Newark.

This line extends from the state line at Phillipsburg to Mile Post 12 west of Newark, 64.58 miles. It is double track the entire distance with long stretches of third and fourth track. Stone ballast is on the two main tracks and both stone and cinder on the third and fourth tracks. On tracks 1 and 2 there are 10.78 miles of 110 lb. rail, 70.94 miles of 100 lb. and 47.52 miles of 90 lb. rail (track miles). Tie renewals are made in sufficient quantity. All new ties are creosoted and tie plated. Tie plates are on all ties on curve.

Track is in good line and surface and well maintained. The entire main line is equipped with three position, upper quadrant automatic electric block signals, with indications as follows: Red, stop; yellow, caution; green, clear. All junction points are interlocked. These signals control all running tracks and are at present in operation as far as Bloomsbury. From there and Phillipsburg the Hall electric-automatic banjo type is in service. It is expected that within three weeks, as soon as material arrives, these latter will be replaced with the new upper quadrant signals. New interlocking towers are in service at Three Bridges and Flagtown.

Reading Railroad grade crossing is derailed and interlocked. Stone ballast has been placed under No. 4 track from Musconetcong tunnel to Green's Bridge, 9.4 miles. New No. 3 track is in service between Three Bridges and Stanton, 5.54 miles. Two large bridges and several smaller ones have been extended to accommodate the new track. Tracks 1 and 4 are new from Flagtown to East Somerville, 5 miles. New track is laid with 90 lb. rail.

Bridges.

The bridges are maintained in first class condition. No. 72, a large double stone arch, is having 12 feet of the north end rebuilt. Eighteen bridges have had ties renewed. Repairs have been made to 15 others, including a new solid floor on bridge at M. P. 14.31 near Townley and 4 overhead bridges rebuilt in iron.

Perth Amboy Branch.

This double track branch is used for both passenger and freight service, extending from the main line at South Plainfield to Perth Amboy, 10.17 miles. It is laid with 15.07 miles of 90 lb. rail, 2.44 miles of 80 lb. rail, 2.35 miles of 76 lb. rail and 0.56 mile of 66 lb. rail (track miles). The ballast is cinders. Line and surface are fair. This will be improved when the tie renewals are completed.

Signals are the same as on main line—3 position upper quadrant electric automatic block. At Perth Amboy the Central Railroad crossing is protected with interlocked signals and derails. The Pennsylvania Railroad crossing has interlocked signals, but no derails. All trains stop before crossing.

Bridges.

Bridges are all in good condition.

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Flemington Branch.

A single track line 1.81 miles long extending to Flemington from Flemington Junction. It is laid with 67 lb. rail and ballasted with cinders; 90 lb. relaying rail will probably be put on this branch in 1914. Tie renewals have not yet been made for this year, but a sufficient number have been provided to keep the track safe. Line and surface of track are fair.

There are no block signals. Trains are operated by orders and rules.

Recommendations.

Place at least 600 ties in track before October 1st, 1913.

Bridges.

Bridges consist of two small culverts and drainage openings. All are in good condition except for a little pointing on the walls of the cattle passes.

Recommendations.

Rake out joint and point masonry where necessary on the two cattle passes.

Clinton Branch.

This is a single track branch extending from Landsdown to Clinton, 2.06 miles. It is laid with 67 lb. rail except for a quarter mile each of 80 lb. and 90 lb.; 90 lb. is to be laid on the entire track this year. The ballast is cinders. There are no block signals. Trains are operated by orders and rules. Ties are distributed along the track for renewals in sufficient quantity. The track is in fair line and surface.

Bridges.

Bridges are all in good condition.

Pittstown Branch.

This single track branch extends from Landsdown to Pittstown 4.0 miles and is laid with 67 lb. rail except for a little 90 lb. at Landsdown. The ballast is cinders. Ninety pound relaying rail has been distributed along the track to be laid this year. Ties are being renewed in sufficient quantity. Line and surface are fair. Tie plates are being placed under all rails on curve. Ties are being respaced to 20 to a 33 ft. rail.

There are no block signals. Trains are operated by orders and rules.

Bridges.

Bridges are all in fair to good condition.

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MORRISTOWN AND ERIE RAILROAD.

This railroad is single track about 10.8 miles long, laid with 80 lb. rail having 6 bolt angle bars with the exception of about 1.0 mile of old 62 lb. rail having 4 bolt angle bars. One hundred tons of new 80 lb. rail have recently been placed in track near Morristown. The road is lightly ballasted with cinders and gravel. The track is in fair line and a little rough, but safe for traffic. Improvement is shown in the condition of ties, the recommendations of last year having been carried out. Between Whippany and Hanover the road is fairly well tied, but at least 1,000 more should be placed in track during the present year, half of them west of Whippany. Cuts require cleaning out, particularly the one near Eden Mill.

There are no signals on this line. All trains operated by working time table. Telephones are located at Morristown, Malapardis Junction, Whippany, Beaufort and Essex Fells for emergency.

Recommendations.

Clean out all cuts.

Place at least 1,000 ties in main track this year, 500 of them west of Whippany.

Bridges.

The bridges have received some attention. Stringers on Whippany River bridge west of Hanover have been brought to bearing on the new piling. This bridge is to be replaced with a series of plate girder spans on concrete piers this year and about one-half of its length filled in. The two small trestles west of it are to have I beam spans with concrete substructure. The bridge at Whippany has been shortened and river channel straightened. Old piles have been cut off below low water and framed bents placed thereon. A new concrete abutment has been built at the west end. Backwalls are to be built and the bridge completed this year. Several of the smaller openings are to be replaced with concrete arches. Bridge seats are now generally clean. New wall plates have been placed on bridge east of Whippany. Metal bridges are to be painted this year. The small, light trestle west of Whippany is on private siding and remains in the same poor condition. Idlers are used to place cars thereon, and loads are limited to 30-ton cars. Men are not allowed to ride on cars while they are being placed on this siding. The track is in very bad condition. The trestle should be rebuilt in a proper and substantial manner.

On the Passaic River trestle the stringers are growing soft. Attention was called to their high fibre stress on May 13, 1909, 1,590 lb. per square inch on extreme fibers. All defective timber in this trestle should be renewed.

Care should be taken to keep the ties on all bridges in good condition. Those specially requiring attention are at Morristown, the two deck girders at Beaufort and Passaic River.

Recommendations.

Renew defective timber in Passaic River trestle.

Renew defective ties on Passaic River trestle, the two plate girder bridges near Beaufort and bridge in Morristown.

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Complete work on Meadows bridges west of Hanover.
Rebuild trestle on siding at Whippany.

Malapardis Branch.

This is a single track freight branch about 2.0 miles long, leading to a paper mill and brick yards. No passengers are carried. One freight train makes one round trip per day. The rail is 62 pounds per yard, with 4 bolt angle bars. Ballast is cinder and gravel. The track is in fair condition for the service.

There are no signals on this line. Trains are operated by working time table. There is a telephone at Malapardis Junction.

Bridges.

Bridges show improvement over conditions last reported. Two small bridges near the junction should have guard timbers put on to keep the ties in place. The one at the junction could have a rail and concrete slab top and the track raised. The other could have a pipe substituted.

Recommendations.

Place a rail and concrete slab top on small opening at Malapardis Junction and replace the next small opening with pipe.

NEW YORK AND LONG BRANCH RAILROAD.

This road extends from Perth Amboy to Bay Head Junction, a distance of thirty-eight and four one-hundredths miles. It is double track laid with 80 and 90 lb. steel rail. Two thousand tons of 90 lb. rail will be laid this year, replacing the 80.

The track is ballasted with stone gravel and cinders and is in good condition.

Electro automatic home and distant signals are in use.

There are four draw bridges protected with home and distant signals and derails all interlocked with draw, with the exception of the south end of Manasquan, where a smash board is used on account of the trestle.

There are three railroad crossings at grade, Matawan, Red Bank and Branchport, all protected with home and distant signals connected with derails.

Bridges.

The largest bridge on this line, the Red Bank trestle, is to be replaced with a double track, steel viaduct resting on concrete pedestals with pile foundations. The recommendation concerning ties has been carried out. Contract for this work has been let and a good start has been made in the field. Trains are limited to 20 miles per hour over the bridge with additional flag protection at the places where work is going on.

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The piers and abutments at Parker's Creek have been underpinned with concrete as recommended, the same method of protection being applied to the pier and abutments at Branchport bridge. New decks have been placed on Hendrickson's and Field's underpasses as recommended, and at the latter place one additional 20 in. I beam has been placed under each rail.

A new Sherzer rolling lift draw bridge with plate girder approaches has been built at Morgan, replacing the entire pile trestle. The substructure is concrete on piles. The draw is the same as the one built at Manasquan last year.

The gasoline engine formerly at Morgan is being installed on the Oceanport draw, superseding the old hand operation. The approaches to this draw are now steel, through plate girders in place of the wooden trestle, but the old steel draw span still remains.

Levels continue to be taken on the Raritan River bridge, showing no serious movement of the piers.

The railings on some of the refuge platforms on this bridge are in poor condition. They should be repaired and made secure. The first bridge south of Morgan should have all defective ties renewed before June 1st, 1914. Matawan trestle contains much old and worn timber. Plans have been prepared for its elimination by a slight relocation of line. Speed is limited to 20 miles per hour across it, which is considered safe for its present condition. The actual work of building the new structure should be begun very soon, for the traffic over this line is too important and heavy to continue operation over the present structure indefinitely.

A new undergrade concrete arch has been built at Red Bank for use as a footway.

On both Shark River bridges many poor ties were noted, and on the southerly bridge some of the caps need attention.

A through plate girder bridge on concrete abutments at North Asbury replaces a two span I beam bridge. Both Wreck Pond bridges have been rebuilt, the northerly one as an I beam span with solid deck, and the southerly one as a through plate girder. At Moore's Cove a few piles under the north bound track should be bolted together where they are split. This bridge is otherwise in good condition.

In the old part of trestle south of Manasquan draw many poor ties were noted. They should be renewed before June 1st, 1914.

The overhead bridges are receiving needed attention. New ones in steel and concrete have been built at Lawrence Harbor and Elberon. The two overheads carrying electric railway at the latter place are new. Wooden bridge at South Amboy is being rebuilt heavier than before and all at Middletown are being rebuilt. All the overhead bridges are to receive attention this year. A great deal of new and good work has been done during the past year to bring this important line up to the condition it should be in, and it is believed that the work will continue until all structures are in first class condition.

Recommendations.

Renew defective ties on bridges as follows:

First bridge south of Morgan, both Shark River bridges and the trestle south of Manasquan draw.

Renew poor caps on the Shark River bridge at Belmar.

Repair split piling at Moore's Cove.

All the above to be completed before June 1st 1914.

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Renew railings where off or broken on the Raritan River bridge refuge platforms at once.

Start the actual work of replacing Matawan trestle within one year from date and carry it to completiton as quickly as possible.

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD.

Main Line.

This road extends in New Jersey from Granton Junction to the state line at Delaware bridge a distance of ninety miles. It is double track from Granton Junction to Riverside; the balance single. The track is laid with eighty pound rail ballasted with gravel and cinders. Thirteen miles of new eighty pound rail have been laid since last inspection. The track has been well maintained and is in good safe condition for the traffic.

Signals consist of Manual block from Granton Junction to Beaver Lake. It is worked in connection with telephone; no train permitted to enter block against an opposing train without an order.

There are two draw bridges, Hackensack and Little Ferry, protected with smash boards and semaphore signals, all interlocked with draw. Also four steam crossings at grade; Pompton Junction with the New York and Greenwood Lake, protected with home semaphore signals and derails all interlocked; at Sparta Junction with the Lehigh and Hudson River; at Sussex Junction and Warbusse with the Sussex Railroad, protected with semaphore home signals all interlocked. All trains come to a stop before passing same.

Bridges.

All the recommendations have been carried out except placing inside guard rails on bridge 53.60, which is 30 ft. 6 in. long. Slow speed is at all times maintained at this point, so that in this case an exception can be made to the general rule. The bridge over the Greenwood Lake tracks is in poor repair. A new one is ordered to replace it. The old lattice span No. 42.69 at Charlotteburg has been replaced with a modern plate girder span, the abutments being extended in concrete and bridge seats reinforced with old rails. No. 96.88 over the Delaware River is inspected monthly and is maintained in safe condition for the traffic. No. 65.19 is a new through plate girder bridge on concrete abutments, replacing a wooden trestle.

Following special inspections of the through truss bridges on the western end of the line, repairs and adjustments have been made so that these bridges are in fair condition and safe for the limited traffic.

The severe storm of August 1st washed out bridges Nos. 87.60, 90.09, 92.51 and 95.22. They have been temporarily rebuilt as wooden trestles until permanent structures can replace them.

The remaining bridges are in fair condition and are kept cleaner than formerly, excepting No. 13.31 over the Hackensack River, which acts poorly under load, and upon which a special report will be made.

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Edgewater Branch.

This branch extends from Little Ferry Junction to Edgewater, a distance of three miles. Fifty-two hundred feet of track is tunnelled under the Palisades. The track is laid with 71 and 80 lb. rail ballasted with gravel and cinders excepting through the tunnel, which is ballasted with stone. It is double track. The badly worn rail has been replaced. It is used for freight purposes only and is in safe condition for the traffic.

There is an interlocking tower at Little Ferry Junction controlling the cross-over and trains on branch. There is also a tower at west end of tunnel controlling both the east bound trains using tunnel and west bound trains between this point and Little Ferry Junction. Also a tower at Edgewater controlling movements in tunnel and yard. Semaphore interlocking signals are used for this purpose.

Bridges.

Bridges are in fair condition except for the accumulation of dirt on the bridge seats. No. 10.25 is restricted to the use of one track at a time.

Recommendations.

Keep bridge seats clean.

Passaic Branch.

This branch extends from Passaic Junction to Passaic, a distance of three miles. It is single track laid with 71 lb. rail ballasted with gravel and cinders. It is used for freight purposes only and is safe for the traffic.

Signal consist of red flags and red lights in the hands of trainmen.

Bridges.

The two bridges on this branch are wooden trestle maintained in fair to good condition.

Middletown Branch.

This branch extends from Beaver Lake to state line east of Unionville, a distance of twenty miles. It is single track laid with 71 and 80 lb. rail, ballasted with gravel and cinders. Ten miles of the worn 71 lb. rail have been replaced with relaying eighty. Sufficient tie renewals have been made, and other work pertaining thereto has been done to very much improve the condition of track, placing it in safe condition for the traffic.

I notice that the second waiting room in Sussex station is being used for the storage of baggage and express. Both rooms are needed for the accommodation of passengers.

Manual block signals are used. Steam grade crossing at Franklin Junction in connection with the Lehigh and Hudson River Railroad is protected with semaphore home signals, all interlocked. All trains come to a stop before passing same.

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Recommendations.

That both waiting rooms in the Sussex station be used for the accommodation of passengers.

Bridges.

Guard rails have been placed on bridge 53.79 as recommended. No. 66.13, a wooden trestle over highway near Sussex, is being rebuilt as a plate girder span on concrete abutments. Adjustments have been made on No. 63.64. The blocking on bent under easterly girder of No. 60.24 is out of place. Bridges are generally cleaner than formerly and are all in fair to good condition except as noted.

Recommendations.

Replace and secure blocking under easterly girder of bridge No. 60.24.

PENNSYLVANIA RAILROAD.

New York Division—Main Line.

This division extends from Jersey City to Delaware River, a distance of fifty-six and seven-tenths miles. There are four tracks with the exception of a short distance through Newark, where there are two. All tracks are laid with 100 lb. rail ballasted with stone. The track and roadbed are in first class condition. The work of elevating the tracks through Rahway commencing at Colonia and extending six and one-half miles east is progressing rapidly, which when completed will eliminate fifteen highway grade crossings. Eighteen thousand feet of the elevated track will be placed in commission on Sunday morning, July 27th, commencing at Colonia and running to a point just east of the water troughs. These tracks will be used one for freight, the other for passengers east bound.

The crossover at Woodbridge Junction in connection with the Woodbridge and Perth Amboy Railroad will be eliminated on completion of the new work. The trains from this road will not in reaching main line come in contact with either freight or passenger trains.

Electric pneumatic draw bridges over Hackensack and Passaic Rivers are protected by distant and home signals and smash boards, all interlocked with draw.

Bridges.

The bridges on the new work through Rahway are all heavy modern structures representing the latest practice in bridge design. All streets are spanned with plate girders. The Rahway River is crossed on a series of three concrete arches each of 60 ft. span. East of Colonia there is a through riveted span of 197 feet, with four 79 ft. 6 in. deck plate girder approach spans, carrying the east bound passenger track over the freight tracks. All piers and abutments are of concrete.

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Reinforced concrete slabs with ballasted floors are on all bridges. Bridges are to be extended for the remaining tracks as soon as traffic is diverted over the structures so nearly completed.

The bridge over the Port Reading Railroad is to be replaced with a new span in the near future. Meanwhile it is securely shored up, making it safe for the traffic.

Through Trenton three overhead bridges in course of construction in 1912 have been completed. All bridges receive frequent and careful inspection and are maintained in good condition.

Woodbridge and Perth Amboy Branch.

This branch extends from Woodbridge Junction to Perth Amboy Junction, a distance of six and nine-tenths miles. It is double track laid with 85 lb. steel rail, ballasted with stone. Everything has been done in the way of maintenance to keep the track in first class condition.

Electro pneumatic signals are used.

Bridges.

Work is progressing favorably on the division of grades at Perth Amboy Junction. All the temporary work is in good condition and new work represents the best modern construction. The bridges outside of the zone in which the reconstruction is in progress are all maintained in good condition.

Perth Amboy Branch.

This branch extends from Perth Amboy Junction to Perth Amboy, a distance of one mile. It is single track. The track is laid with 85 lb. steel rail, ballasted with gravel and cinders. It is in good safe condition for the traffic.

Manual signals are used except where this branch is crossed by the Lehigh Valley Railroad at grade at Perth Amboy, which crossing is protected by interlocking signals one hundred and fifty feet from the same. Maximum speed over the crossing is ten miles per hour.

Bridges.

There are no bridges on this branch.

Rocky Hill Branch.

This branch extends from Monmouth Junction to Rocky Hill, a distance of seven and two-tenths miles. It is single track, laid with thirty per cent. 100 lb. rail; balance 85. It is ballasted with gravel and cinders in good quantity. Sufficient tie renewals have been made and other work done pertaining thereto to keep the track in safe condition for the traffic. Manual block signals are used.

Bridges.

There remains but one undergrade bridge on this branch, a small timber trestle, maintained in good condition.

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Princeton Branch.

This branch extends from Princeton Junction to Princeton, a distance of three and two-tenths miles. It is double track but run as single, except at times of heavy traffic.

The track is laid with 85 lb. rail, ballasted with gravel and cinders. It is in good safe condition for the traffic.

Manual block signals are used. The draw bridge over the canal is protected by home and distant signals with smash boards, all interlocked with draw.

Bridges.

The one bridge on this branch, over the Millstone River and Raritan Canal, is receiving a new deck and repairs to stringers and bents.

Delaware River Railroad and Bridge Branch.

This double track branch extends from West Haddonfield Junction to Pennsylvania state line at Delaware River. It is 6.40 miles long, laid with 100 lb. rail and ballasted with stone. Signals are automatic electro pneumatic. Recommendations made last year have been carried out. The entire line is in very good condition.

Trenton Division—Main Line.

This line, formerly known as the main line of the Amboy Division, extends from Fish House to South Amboy, 56.62 miles. It is double track except from Bordentown to Old Bridge and through Burlington. The rail is all 85 lb. Signals are manual block. At Jamesburg Junction the interlocking plant is being revised. Derails have been placed on all sidings here as recommended. Cooper's Creek and Delanco draw bridges are protected by interlocking signals and smash boards. Speed over the former is limited to ten miles per hour, and over the latter twenty miles per hour. The track is in good line and surface. Sidings at Spottswood and Outcalt were noted as not provided with derails.

Recommendations.

Place derails in sidings at Spottswood and Outcalt.

Bridges.

Bridges have received considerable attention, several having been rebuilt and a small one at Kinkora filled in. No. 13, over Assiscunk Creek, Burlington, has been raised 28 inches. Steel for the channel span has arrived and will soon be erected.

Piers are to be built at No. 18 over Black's Creek, Bordentown, replacing timber bents this year. No. 26 is new. No. 25, plate girders have replaced the old timber trestle and a stone abutment has been built at the west end. No. 20 and No. 22, pile trestles, are to be replaced with concrete slabs and partly filled in. Recommendations concerning No. 39 have not been completed. Plans have been approved for completing the center pier and new lateral bracing will soon be installed. This work is to be completed this year. In general, bridge maintenance is very good.

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Burlington Branch.

A single track line extending from East Burlington to Mount Holly, 7.12 miles. Ballast is cinders with stretches of gravel. Rail is 70 lb. and 60 lb. Track is maintained in fair line and surface. Signals are manual block.

Bridges.

Bridges are well maintained. No. 1 is to have a through plate girder span on concrete piers over the channel and raised four feet.

Kinkora Branch.

A single track line extending from Kinkora to Lewistown, 10.46 miles, ballasted with cinders. About four-tenths of the line is laid with 85 lb. and 100 lb rail. The balance is 70 lb. Line and surface is fair. Signals are manual block.

Bridges.

But one open deck bridge remains on the branch; it is a pile trestle on curve over Assiscunk Creek and some of the ties on it are old and poor. All the other bridges have been replaced with pipe and filled in.

Recommendations.

Renew defective ties on Bridge No. 1.

Bordentown Branch.

A single track line 6.07 miles long, extending from Bordentown to Trenton. It is laid with 85 lb. rail on cinder ballast and is in good condition. Signals are manual block.

Bridges.

Bridges are all in good condition. No. 2, over Crosswicks Creek, Bordentown, has been extensively repaired, amounting to almost entire rebuilding. Speed is limited to twenty miles per hour over it. A new footwalk has been built at the side of it by the canal forces.

Millham Branch.

A double track, cinder ballasted line 2.0 miles long, extending from Trenton (Coalport) to Millham Junction. It is laid with 85 lb., 70 lb. and 67 lb. rail, and used only for freight. Flag signals are in use.

Bridges.

Bridges are all maintained in safe condition for heavy engines. No. 1 has been reinforced with a pile bent under center of each span; No. 2 has been replaced with pipe and filled in.

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Jamesburg Branch.

A double track line from Monmouth Junction to Jamesburg Junction, 5.45 miles, cinder ballast and laid with 100 lb. rail. The line is in good condition. Signals are manual block.

Bridges.

The one bridge on this branch was renewed in 1911.

Freehold and Jamesburg Branch.

A single track line extending from Jamesburg Junction to Sea Girt, 27.31 miles, cinder ballast, 85 lb. rail, manual block signals, all in very good condition. The grade crossing of Central Railroad at Farmingdale is protected by interlocked signals and derails.

Derails are omitted at the east end of Yellow Brook siding and the west end of Allenwood siding.

Recommendations.

Place derails at east end of Yellow Brook siding and west end of Allenwood siding.

Bridges.

Bridges are maintained in good condition. No. 16 is to have a slab floor this year.

Camden and Burlington County Branch.

A single track line extending from Pavonia to Pemberton, 22.35 miles, laid with 85 lb. rail and ballasted with cinder. Some 90 lb. rerolled rail is in track at Birmingham. A stretch of stone ballast exists through Moorestown to West Moorestown. Signals are manual block. Track is in good line and surface. About 60 per cent. of the ties have been respaced, adding two ties per rail, making the number eighteen to a 33 ft. rail and sixteen to a 30 ft. rail.

Bridges.

Bridges are maintained in good condition. No. 9, a pile trestle 97 ft. long, is to be replaced by 2-20 ft. concrete slabs this year.

Medford Branch.

A single track line extending from Mount Holly to Medford, 5.94 miles. Rail is 70 lb. and ballast dirt and sand with stretches of cinder. Track is maintained in fair line and surface. Signals are telephone block.

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Bridges.

Bridge No. 2 has been rebuilt with old material from No. 38 at Amboy. No. 5, for which new ties were recommended last year, is to be replaced very soon with a 6 ft. cast iron pipe. Ties were tested and found sufficiently good to last until this permanent renewal is made.

Vincentown Branch.

A single track branch 2.77 miles long extending from Ewansville to Vincentown. Rail is 70 lb.; ballast dirt. Track is being raised in places with cinders. Line and surface fair to poor. Condition should be greatly improved when work under way is completed. Speed is restricted to thirty miles per hour. Signals are telephone block.

Bridges.

There are no bridges on this branch.

PHILADELPHIA AND BEACH HAVEN RAILROAD.

This road extends from Manahawken to Beach Haven, a distance of twelve miles. It is single track ballasted with gravel and cinders. The track is laid with one mile of 100 lb. rail, one and one-half of 85 lb. rail, the balance 60 lb. rail. The track has been well maintained and is in good safe condition for the traffic.

Bridges.

Recommendations made in report of June 28th, 1912, have been carried out, and the bridges across the bay are in better condition than they ever have been since these inspections were started.

Nos. 11 and 12 have been filled in, and 13 is being filled. There remains but five open bridges now down the beach instead of eleven at the beginning of 1913. Two small culverts in this part of the line are to be replaced with iron pipe and filled in; the pipe has been delivered at the site.

Tie plates have been placed under the rail across the bridges Nos. 1 and 6, and about two-thirds of the way of the long bridge No. 2; on the remaining third of this latter bridge, and on bridges Nos. 3, 4 and 5, tie plates are not on, although plates for this purpose have been lying for several months at the site.

This work should be completed before the first of June of this year.

Recommendations.

Complete work of placing tie plates on bridges Nos. 2, 3, 4 and 5 of this line before June 1st, 1914.

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PHILADELPHIA AND LONG BRANCH RAILROAD.

Main Line.

This line is single track and extends from Birmingham to Bay Head Junction, 45.72 miles. The ballast generally is cinder, but there are some stretches of gravel. There is one mile of 90 lb. rerolled rail in track, three miles of 70 lb. and the balance is 85 lb. Two additional ties are being placed under each rail, making eighteen to a 33 ft. rail and sixteen to a 30 ft. rail. Forty per cent of this work is completed. The track is in good condition. Manual block signals are in use. A new interlocking plant has been placed in service at Island Heights Junction. Waretown crossing of Central Railroad is protected by interlocked signals. All trains stop before crossing. Work of derailing sidings is not complete. Derails are being placed at the rate of about two per week, and will continue until all are so protected. They are being considered in the order of their importance. At Whitings, automatic electric interlocked signals and derails are in operation. At Brown's Mills Junction a semi-automatic interlocking plant is in service. New frame stations have been built at Lavalette and Ocean Gate.

Bridges.

Bridge repairs and renewals have gone forward in good quantity; 900 ft. of trestle at No. 24 have been filled. A solid floor bridge will be placed in service in 1914, completing this work of renewal. At No. 13, 6,969 ft. long, stringer renewals have been completed west of the draw. A new draw has been placed in track east of the present one, giving increased waterway. In about thirty days' time it is expected that this work will be completed and the new draw in service. Speed is limited to fifteen miles per hour over the trestle and ten miles over the draw. Protection is afforded by interlocked signals and smash boards. Five pile trestles aggregating 484 ft. are to be replaced with concrete slab bridges this year. Bridges are well maintained.

Brown's Mills Branch.

This is a single track line and extends from Brown's Mills Junction to Brown's-Mills-in-the-Pines, 1.82 miles. Rail is 70 lb. and ballast cinder and sand with some gravel. Track is in fair line and surface maintained in sufficiently good condition for its light traffic. Signals are manual block.

Bridges.

There are no bridges on this branch.

Island Heights Branch.

This is a single track line 1.20 miles long extending from Island Heights Junction to Island Heights. Track is laid with 70 lb. rail and ballasted with sand. Manual block signals are in use. Line and surface are fair. Drawbridge is protected by interlocked signals and smash boards.

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Bridges.

The one bridge over Toms River is to be extensively repaired this year, material being on hand for the purpose.

Belvidere Division.

Main Line and Martin's Creek Branch.

This line extends from Trenton to Manunka Chunk, 67.42 miles and is single track with numerous lapped sidings having 3,000 ft. of standing room each, except for about 1.5 miles of double track at Coalport. Track is laid with 5 miles of 100 lb. rail and the remainder of the distance with 85 lb. rail. The Lehigh and Hudson connection at Belvidere is laid with 90 lb. rerolled rail. East of Lambertville the ballast is cinders with short stretches of stone. West of Lambertville the ballast is stone with some stretches of cinder. The total length of track laid with stone ballast is about sixteen miles. The track is maintained in good line and surface. Tie renewals are generally made with creosoted ties. Tie plates are used on all creosoted and soft wood ties and also on all ties on curves. Tie plates are used under all Pennsylvania Railroad standard rail.

Manual block signals are used on the entire line except on the double track at Coalport, where they are automatic electric. The two canal drawbridges in Trenton are protected by interlocked signals and smash boards.

Bridges.

Bridge repair work has continued as fast as possible, the structure presenting the most serious conditions receiving attention first. All the work recommended has not yet been reached in the program of renewals, but careful inspections have been made of all structures, determining which are the most urgent, and which can be carried safely with restrictions as to load and speed. The status of those under recommendation in the 1912 report is as follows:

No. 4, a waste weir, will soon have the low stone piers encased in concrete to prevent further crushing until the relocation of line at this point is determined. It is probable that the proposed relocation will eliminate this bridge. No. 7, a waste weir, is listed for entire rebuilding in 1914, at which time it will be replaced with pipe. Meanwhile it is considered safe. No. 9, also a waste weir, has had a long stretch of embankment wall rebuilt. It is to be replaced with pipes next winter, when the water in the canal can be drawn off. No. 21, over Alexauken Creek, is to have center pier encased in concrete this year. A new steel bridge is ordered. Meanwhile speed is restricted to ten miles per hour for the H-6 class of engines. No. 83, recommended for pointing, has not yet been reached. It is in the same condition as previously reported. No. 85, a stone arch, the wing walls built last year have prevented further spreading of arch. In addition, it is tied in with two heavy rods. No change in its condition is noted since the last inspection, and it is not now considered in need of immediate attention. It is to be lined with concrete when those in more urgent need have been attended to. No. 87, the masonry has been pointed as recommended. Wing walls are to be carried for a while longer. No. 92, south abutment recommended for rebuilding; work is to be started here as soon as men finish at No. 95. Meanwhile girders are shored up with double bents.

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Arches Nos. 96 and 95 are being lined with concrete. A culvert west of the latter is being replaced with pipes. No. 90, over Second Street, Belvidere, is to be widened to span the sidewalks. The new bridge is ordered and is to be erected this year. No. 63 is considered light for the heavy engines. A ten-mile speed limit is in force. New steel work is ordered and is to be erected this year. An 8 ft. culvert at mile 47.6 is being replaced with a 6 ft cast iron pipe. About 300 ft of concrete retaining wall has been built to support the track along the cliff east of Pincher's Point. No. 54 is to have east abutment rebuilt; work will probably be begun this year. No. 47½ is shored by struts between abutments, making it safe until rebuilt in 1914. No. 47 is to be relined this year. No. 46 has had a 6 ft. cast iron pipe placed under track. It will soon be filled. Nos. 44 and 45 arches have been extended in concrete for three tracks. Arches Nos. 41 and 40 have been lined in concrete. No. 39 has been lined and new parapet walls built in concrete. No. 24 is to have new superstructure this year. It will have a solid deck. A ten-mile limit is in force for H-6 engines. No. 4 on New York Division connection has had relief bents placed under center of girders.

A single track branch from this line at Martin's Creek is 0.29 miles long, and contains a deck plate girder bridge over the Delaware River and a timber trestle approach to same on curve. Speed is limited to fifteen miles per hour across the bridges, which is reasonable for the freight traffic for which the line is exclusively used. The bridge is to be painted this year and have defective ties renewed.

Because of the comprehensive program for repairs and renewals in effect no further recommendations are made, it being understood that the work will continue until all structures be put in a condition of safety beyond question for all classes of loading contemplated.

Flemington Branch.

A single track, cinder ballasted line, extending from Lambertville to Flemington, 11.55 miles, laid with one and one-half miles of 90 lb. rerolled rail, one-quarter mile of 85 lb. rail and the balance 67 lb. and 70 lb. rail; 3,600 ties have been placed in main track since last inspection, complying with the recommendation made last year for 300 per mile.

The track is in fair condition and safe for the light service. Signals are manual block.

Bridges.

Recommendations concerning bridges have been partially carried out. This work has been subordinated to the more urgent work on the main line where the traffic is heavier. Considerable work has been done to maintain them in safe condition until they can be reached by the division forces. They are noted in detail as follows: No. 2, noted for repairs to backwalls and pointing, is in the same condition as when last inspected. It will be repaired this summer. No. 4, masonry in same condition. Timber caps have been placed on the walls to better distribute the load. No. 6 and No. 7, noted for repairs to backwalls, show no signs of further movement; they are considered temporarily safe. Material is ordered for replacing two culverts east of Bowne with 30 in. c. i. pipe, which will be placed this summer. A small culvert near mile 2.0 has been rebuilt in concrete. No. 15 has new deck as recommended. No. 18 has been pointed. It

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is considered safe until reached for permanent repair. No. 24, east abutment, is built of small stone presenting a very rough appearance. It is considered safe for the present. No. 16 has been lined in concrete.

The remaining bridges are not in need of attention at the present time. Work of repair and rebuilding is confined to the parts of structures requiring the most immediate attention. Recommendations on which work has not begun are repeated.

Recommendations.

No. 4, repair abutments.
No. 6 and No. 7, repair backwalls.
No. 24, repair east abutment.

PHILADELPHIA AND READING RAILWAY.

Main Line.

This line extends from the Pennsylvania state line at Delaware River to Bound Brook Junction, where connection is made with the Central Railroad of New Jersey. It is 27.02 miles long, double track laid with 100 lb. rail and ballasted with stone. Several stretches of third are in service and about five miles of third and fourth track are being built east of Hopewell, with bridges widened accordingly. Tie renewals are made in sufficient quantity, about two-thirds of this year's renewals being creosoted and laid with tie plates. Drive spikes are used. By 1914 all tie renewals will be with creosoted ties. The line is in good condition throughout.

Signals are Hall automatic electric. Steam grade crossings are interlocked and derailed.

Bridges.

Bridge repairs and renewals are made in sufficient quantity to insure safe operation at high speed, except at Glenmore and Delaware River. At the latter place the new concrete arch bridge is complete except for spandrel filling and ballasting. It will probably be placed in service in about two months. Work is under way at Glenmore to replace bridge No. 41 with three concrete arches over Stony Brook and a deck plate girder span over the highway. Meanwhile speed at both these places is reduced within limits which are considered safe over the old bridges.

Trenton Branch.

This branch extends from Trenton Junction to Trenton, a distance of 3.78 miles. It is single track, laid with 3.02 miles of 90 lb. A, 0.61 miles of 90 lb. B and 0.15 miles of 70 lb. rail, and ballasted with cinders. The track is in good condition.

Hall automatic electric signals are used.

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Bridges.

There are no bridges on this branch.

Port Reading Branch.

This branch extends from Port Reading Junction to Port Reading, a distance of 19.6 miles, and is used only for freight. It is single track and laid with 79 and 90 lb. rail. The ballast is cinder. The line is in fair condition and safe for the traffic. Maximum speed of trains is twenty-five miles per hour. No signals. Train order operation. Steam grade crossings are interlocked and derailed.

Bridges.

Recommendations concerning bridges have all been carried out. On No. 4, southwest shoe, the lateral connection angle is broken through the rivet holes. On the opposite shoe the similar connecting angle has bent but not broken. Repairs should be made at these places at an early date. No. 15 over the Lehigh Valley Railroad has had some repairs made since last inspection. A further inspection will be made of this bridge. Tie renewals are made in sufficient quantity to keep the bridge decks in fair to good condition.

Recommendations.

Repair lateral connections on west end of bridge No. 4.

RAHWAY VALLEY RAILROAD.

This road extends from Aldene, where connection is made with the Central Railroad of New Jersey, to Summit, a distance of 7.6 miles, all single track. Through a branch of about 0.75 miles connection is made with the Lehigh Valley Railroad at Roselle Park. Another branch of about 1.0 mile at Kenilworth is used infrequently and only for freight.

The main line is laid with 60 lb. rail between Aldene and Kenilworth, and 70 lb. rail between Kenilworth and Summit. All joints have six bolts. The ballast on the former part of the line is cinder with a short stretch of broken stone. On the latter part of the line the ballast is earth.

Inspection from a regular train on the above date shows considerable improvement over the conditions reported a year ago, the recommendations then made having all been carried out. Two poor stretches of track were noted between Warren Street, Kenilworth and Union, and between Springfield and Baltusrol. Work has been begun on tie renewals at the latter place and will be continued until all the poor ties have been replaced with new ones. About 2,000 are to be placed in track this year, which is sufficient to maintain the track in safe condition. No signals. Regular trains are operated by schedule; all others without rights and as extra.

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Bridges.

Bridges have received considerable attention since the special inspections of May 20th and August 2nd, 1912. Rahway River bridge has been repaired, cleaned and painted and defective ties have been renewed. The trestle approach on west end has also been repaired. Speed is still restricted to ten miles per hour both here and at Van Winkle's Brook, the bridge at the latter place being in the same condition as when last reported. A new abutment is to be built at Van Winkle's Brook in June and the bridge put in good condition. Work is to be started on the new Shunpike Road bridge in Summit next week. The completion of this undergrade bridge, plans for which were finally approved September 23, 1912, will eliminate an important crossing at grade. Ties on the Morris Avenue bridge in Summit are old and many poor ones were noted. They should be renewed and the steel work painted. The Park Avenue bridge, Summit, is used only as a siding for car storage and is maintained in sufficiently good condition for the purpose. Work outlined by the company for 1913 includes all necessary repairs to the Summit trestle and its foundations.

Recommendations.

Renew all defective ties on Morris Avenue bridge and scrape and paint the steel work.

RARITAN RIVER RAILROAD.

Main Line.

With the exception of 0.5 miles of 60 lb. rail, this line is laid with 80 lb. rail from New Brunswick to South Amboy. It is all single track. One hundred tons of 80 lb. rail are on hand for laying this year. Over 3,000 ties are delivered ready for placing in track this spring. The track is in good condition and well maintained. There are no signals on this line, the operation being by train orders. Drawbridge at South River is protected by interlocked signals and smash boards. All the old semaphore switch signals have been replaced with P. S. switch stands and high targets. The line, 12.3 miles long, is ballasted with gravel and some cinders. Regrading is in progress west of Parlin and a new "Y" connection has been built leading into the Sayreville Branch.

Bridges.

A new bridge is to be built at Crossman's for E-55 loading, bringing the last of the bridges up to that standard. The pier of the South Amboy bridge over Pennsylvania Railroad has been grouted and pointed as recommended, and is in good condition at the present time. Three overhead bridges are to be rebuilt this year.

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Serviss Branch.

The Serviss Branch, 4.0 miles long, is single track laid with 60 lb. rail; has gravel ballast, and is in fair condition. Upwards of 1,400 ties are to be placed in track this year, which is sufficient for the requirements.

No signals are on this line, operation being by train orders. Telephones are located at all junctions. Only one train at a time is allowed on a branch.

Bridges.

Two bridges on the westerly extension of this branch are to be replaced with pipe. The one at Whiteheads is to be rebuilt. At Lyle's bridge the beam seats and backwalls are cracked and generally in poor condition. They should receive general repairs.

Recommendations.

Repair beam seats and backwalls on bridge at Lyle's.

South Branch.

This branch is 1.3 miles long, laid with 60 lb. rail and ballasted with gravel. It is maintained in good condition for the traffic.

Bridges.

This branch contains two small wooden bridges, which are to be replaced with pipe this year.

Sayreville Branch.

This branch is 3.5 miles long, is laid with 80 lb. rail and has gravel ballast. It was entirely rebuilt the latter part of 1912. The connection to the main line has been regraded.

Bridges.

There are no bridges on this branch.

STONE HARBOR TERMINAL RAILROAD.

This road extends from Stone Harbor to Cape May Court House, a distance of four miles. The track is laid with 90 lb. steel rail ballasted with gravel. The ballast, which is gravel and cinders, has been placed under the ties as recommended, which places the track in a good safe condition for traffic.

Signals consist of a red flag by day and a red light by night in the hands of a trainman, for the protection of trains. Great Channel drawbridge is protected by smash boards interlocked with draw.

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Bridges.

Great Channel draw bridge has settled one-half inch just east of draw on south side on one pile since last inspection. Other than this remains the same. Frequent examinations are made on this structure in order to see that it is kept in safe condition. Scotch Bonnet bridge is in good safe condition.

TUCKERTON RAILROAD.

This road extends from Whitings to Tuckerton, a distance of twenty-nine miles. It is single track ballasted with gravel and cinders, principally gravel. The track is laid sixteen miles with 60 lb. rail, six miles 80 lb. rail, seven miles 85 lb. rail. Six hundred tons of 85 lb. rail are now on the ground to be placed in track before February 1st, 1914. 4,400 ties were placed in track in 1913.

The track has been well maintained and is in good safe condition.

Bridges.

A special investigation was made of all the bridges on this line between Whitings and Manahawken on May 16th, 1913, and recommendations made for strengthening those which were overstressed under the D-16b engines of the Pennsylvania Railroad, which is the heaviest power over this part of the line. These recommendations have all been carried out, and the bridges are now in good condition, barring a few maintenance repairs; material necessary for making these repairs has been ordered and will be in place before March 1st, 1914.

From Manahawken to Whitings much lighter power is used, and the bridges are also lighter. Ordinary renewals have all been listed and will be made at the same time when the bridges on the upper part of the line are repaired; they are sufficient to keep the bridges in good and safe condition for the traffic.

Inside guard rails are to be placed on the bridge at West Creek, which is thirty-one feet long. All of the bridges on the line are small pile trestles. The matter of replacing the smaller ones with pipes of the proper size is being considered by the company.

WEST JERSEY AND SEASHORE RAILROAD.

Atlantic City Division—Main Line.

This is the steam line from Camden to Atlantic City. It is 58.78 miles long, double track laid with 100 lb. rail and ballasted with stone except in Atlantic City, where cinders are used. Track is maintained in good line and surface for the high speed traffic. A few poor ties were noted south of bridge No. 104.

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Signals are automatic electric from Winslow to first signal south of Haddonfield. On the rest of the line they are automatic electro-pneumatic.

Recommendations.

Renew defective ties south of bridge No. 104.

Bridges.

Bridge No. 106 is in same condition as when last inspected. It is shored up and safe temporarily. Recommendations have not been carried out here because replacing of this bridge with pipe is under consideration for this year. Masonry on several other bridges while in safe condition should be pointed to keep it so. They are noted in the recommendations.

Backwalls on No. 110½ should be rebuilt. Decks of all bridges are good.

Recommendations.

Rebuild bridge No. 106, or replace it with pipe.
Rebuild backwalls on No. 110½.
Point masonry on Nos. 102, 103, 110, 111 and 111½.

Medford Branch.

This branch extends from Haddonfield to Medford, 11.90 miles, is single track laid with 60 lb. rail except on curve in Haddonfield, where 100 lb. rail is used. The ballast is 2.5 miles of gravel and 9.4 miles of cinders. The track is in fair line and surface and maintained in safe condition for the traffic. The maximum speed is forty miles per hour.

The line is operated under manual block signals. Targets have been placed on all high switch stand spindles as recommended.

Bridges.

Over bridge 115, which is a temporary structure on curve, having no superelevation of rail, the maximum speed is ten miles per hour, which is safe. It will be replaced with a concrete arch. No. 117 is likewise a plate girder in wooden trestle temporarily. A concrete arch is to replace it this year. It has a standard deck, and is provided with guard rails so that traffic over it is safe without restriction.

Van Hook Street Cut Off.

This is a double track connecting line 0.98 miles long in Camden between main lines of Atlantic City and Cape May Division. The track is ballasted with cinders except on eight bridges over city streets, which have solid stone ballasted floors. It is laid with 100 lb. rail the entire length. Signals are automatic electro-pneumatic block.

Standard cast iron nose blocks have been placed at all guard rail ends as recommended, and the entire line is in good condition.

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Camden Terminal Division—Main Line.

This is a double track line extending from Camden to Fish House, 4.60 miles, laid with 85 lb. rail and ballasted with cinders. Track is well maintained and in good line and surface. Signals are automatic electric.

Bridges.

The bridges on this line are well maintained.

Cape May Division—Main Line.

This line extends from Camden to Cape May, 81.62 miles, and is a three-track line from Camden to Woodbury. From Woodbury to Newfield and from Mount Pleasant to Sea Isle Junction it is double track. The remainder of the line is single track. From Camden to Millville it is used by both steam and electric trains, the third rail being covered the entire distance. 100 lb. rail is laid from Camden to Cape May. The line is ballasted with cinders, stone and a little gravel. The stone is laid in stretches between Glassboro and Newfield and south of Mount Pleasant. Track is maintained in good condition.

Automatic electro-pneumatic signals are used from Camden to Newfield; from there to Cape May manual block.

Bridges.

Bridges on this branch are all maintained in good condition.

Pennsgrove Branch.

Recommendations for placing targets on high switch stand spindles and re-aligning track across two draw bridges have been carried out. This branch extends from Woodbury to Pennsgrove, 21.71 miles; is single track laid with 3 miles of 70 lb. and 18.71 miles of 85 lb. rail. The ballast is cinders. Signals are manual block. Tie renewals are made in sufficient number to keep the track safe. The line and surface are fair.

Bridges.

Of the three draw bridges on the line two of them, Nos. 201 and 209, have been completely overhauled and have new standard decks and stringers. No. 207, draw, is old and only in fair condition. A new draw is ordered, giving greater clear waterway and is to be put in this year. Speed is limited to six miles per hour over all draw bridges, and all have signals and smash boards interlocked with the draw. Caps are to be placed on the new piling driven at No. 205. The other bridges are in good condition.

Pennsgrove Extension Branch.

The Pennsgrove extension extending southward from Pennsgrove 1.6 miles is used only as a siding to the powder works. It is single track and has cinder ballast. The track is well maintained for the service.

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Bridges.

Part of Bridge No. 113, a long pile trestle, is under consideration for filling. All the other bridges are well maintained.

Salem Branch.

This is a single track line extending from Woodbury to Salem, 28.35 miles, laid with 85 lb. rail and ballasted with cinders. Signals are manual block.

Track is in fair alignment and surface and tie renewals are made in sufficient quantity to keep it safe.

Bridges.

Bridges Nos. 19 and 20, on which recommendations were made, have been rebuilt. No. 19 is a deck plate girder in timber trestle, and the substructure of No. 20 is all new. Material has been delivered at site for rebuilding the fenders at the latter bridge. The other bridges are in good condition. Plate girders are to be put in channel span of No. 28 this year.

Quinton Branch.

This branch extends from Alloway Junction to Quinton, 4.22 miles; is single track ballasted with gravel and cinders in small quantity. Track is in fair line and surface. Rail is 70 lb. except for about 0.1 mile of 60 lb. and 0.25 mile of 100 lb. Signals are manual block.

Bridges.

Bridges are in good condition except No. 72, which should have track re-aligned at north end and defective stringers renewed.

Recommendations.

Bridge No. 72, realign curve at north end.
Renew defective stringers.

Elmer Branch.

This is a single track gravel ballasted line 10.38 miles long extending from Riddleton Junction to Elmer; 70 lb. rail is laid throughout. Manual block signals are in use. Line and surface of track are fair.

Bridges.

Bridge No. 30½, recommended for a standard deck last year, has had it put on and is in good condition.

Bridgeton Branch.

This is a single track line extending from Glassboro to Bridgeton, 20.83 miles. It is laid with 60 lb. rail for 16.33 miles and 85 lb. and 100 lb. for 4.5 miles. The

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ballast is cinders. Track is in good line and surface. Manual block signals are in use.

Bridges.

Bridges are all in good condition, No. 39 having been repaired and No. 40 rebuilt as recommended.

Maurice River Branch.

This branch extends from Manumuskin to Maurice Rived 9.70 miles; is single track laid with 85 lb. rail and has sand ballast with a few stretches of light cinders. Manual block signals are in use. Track is in good line and surface.

Bridges.

The two small bridges on this branch are in good condition.

Ocean City Branch.

This is a single track cinder ballasted line extending from Sea Isle Junction to Ocean City, 16.24 miles. Rail is 60 lb., 70 lb., 85 lb. and 100 lb. The line is maintained in fairly good condition for the traffic. Manual block signals are used.

Bridges.

At the draws, No. 49 and No. 48, signals and smash boards are interlocked with the draws. The track at the south end of No. 48 needs realigning. Some soft caps were noted on No. 49. Otherwise the bridges are in good condition.

Recommendations.

Realign track on south end of bridge No. 48.
Renew defective caps in bridge No. 49.

Stone Harbor Branch.

This is a single track branch extending from Sea Isle City to Stone Harbor. It is laid with 60 lb. rail except for a short stretch of 100 lb. rail in Sea Isle City. Ballast is sand and cinder. Track is in fair condition but safe for the light power used. Manual block signals are in use. Recommendation for placing targets on all high switch spindles has been complied with.

Bridges.

The one long bridge at Townsend's Inlet is being rebuilt for heavy loading on the same location. All the old iron lattice spans are to be replaced with new through plate girders on creosoted piling. At the present time most of the material has been delivered. Speed is restricted to six miles per hour over the draw and loads to 56.6 ton engines. The draw is protected by interlocked signals and smash boards.

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Wildwood Branch.

This line extends from Wildwood Junction to Wildwood Crest, 8.36 miles. It is single track except a stretch of 2.1 miles through Anglesea and Wildwood. The ballast is gravel with some cinder; 100 lb. rail is used the entire length. Track is in good line and surface. Traffic is controlled by manual block signals.

Bridges.

Bridge No. 56, on which recommendations were made last year, was partially destroyed by fire, and has received extensive repairs. An entire new bridge, at a higher elevation, is contracted for at this place, containing a steel draw span of fifty feet clear waterway. The steel work has been delivered at the site. The other bridges are in good condition.

Newfield Branch.

This is a double track line extending from Newfield to Atlantic City, 34.55 miles, ballasted with cinder and a little gravel and laid with 85 lb. rail. Passenger trains are operated by electricity, third-rail system. The third rail is covered for protection its entire length.

Signals from Newfield to Pleasantville are manual block. Between Pleasantville and Atlantic City they are automatic electro-pneumatic block. Line and surface of track is good.

Bridges.

Bridges are maintained in good condition. On No. 69, over the thoroughfare in Atlantic City, 1,000 ties are to be put on the south bound track this summer, beginning at the north end. The best of the old ones are to be spotted in north bound track where necessary. Some stringer renewals are to be made here this spring. The bridge is in fair condition otherwise. Guard rails have been extended on facing ends of all bridges as recommended.

WEST SHORE RAILROAD.

This road extends in New Jersey from Weehawken to Tappan, a distance of nineteen miles. It is double track ballasted with stone. Eleven miles of double track are laid with 100 lb. rail, balance 80. Sufficient tie renewals have been made and other work done to keep the track in good condition.

The signals are electric automatic, normal position clear. The average disance between same is one mile. Little Ferry draw is protected by home and distant signals and smash boards all interlocked with draw. Smash boards are located at each end of tunnel in connection with signals worked by track circuit, so that but one train can pass through in same direction when track is occupied.

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Bridges.

All bridges are in good condition, with the exception of the trestle approaches to Little Ferry draw, where there are a number of poor piles, stringers, guard rails and ties. The maximum rate of speed over this bridge is twenty miles per hour. All recommendations for 1912 have been complied with.

Recommendations.

That all unsound piles, stringers, ties and guard rails in Little Ferry trestles be replaced as early as practicable.

New Jersey Junction Branch.

This road extends from Weehawken to Jersey City, a distance of four miles. It is double track laid with 80 lb. rail, ballasted with gravel and cinders. Sufficient tie renewals have been made and other work done to keep the track in safe condition for the traffic. Signals are telegraphic block. This road is used for freight purposes only.

Bridges.

The bridges are in good condition. All recommendations for 1912 have been complied with.

WHARTON AND NORTHERN RAILROAD.

This road extends from Wharton to Green Pond Junction, Wharton Junction to a connection with the Central Railroad of New Jersey, and Oreland Junction to Orsland, a total distance of twenty-one miles. It is single track, ballasted wiht broken stone and cinders, mostly broken stone. The track is laid with three miles of 80, three and one-half miles of 85, one mile of 90 and the balance 60. While the rail conditions are the same as last year, the tie conditions are better. There are a large number of loose bolts, which is caused by their being worn. New bolts should repiace them. Shoulder is needed on the two curves on the big fill north of Wharton. I am informed by the superintendent that this will be given immediate attention. Four thousand ties have been placed in track this year, with not iess than five thousand more to complete the work this year. There are a large number on the ground which are being placed in track. Switch timber should be placed in the switches at Navy Powder switch and also the switch north of Green Lake leading to the old Green Pond mine. These renewals to be made before July 10th this year. Flag signals are used in the hands of trainmen.

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Recommendations.

That not less than 5,000 ties in addition to what has already been placed be placed in main track and branches this year.

That the switch ties be renewed in the Navy Powder Mill switch and the old Green Pond Mine switch east of Green Lake before July 10th this year.

That additional shoulder be placed on the big fill north of Wharton where required and the track put in line and surface.

The maximum rate of speed for passenger and freight trains remain the same, viz., twenty-five and eighteen miles per hour.

Bridges.

The bridges are in good condition. New floors placed on those over Green Pond Brook and Timber Brook as recommended.

WILDWOOD AND DELAWARE BAY SHORT LINE RAILROAD.

This road extends from Wildwood to Wildwood Junction, a distance of four miles. The track is laid with 90 and 100 lb. steel rail ballasted with gravel and sand. Two additional tracks have been laid at Wildwood. A concrete platform has been constructed with shelter shed covering same. A long siding has been built east of Sunset bridge. The water tank is about completed at Wildwood Junction. A new station has been erected at Wildwood Junction with room attached for interlocking levers connected with electric signals and derails for governing the movements of trains at this point. The track is in good condition.

Signals consist of a red flag by day and a red lantern by night, in the hands of a trainman for the protection of trains. Draw bridge has smash boards interlocked with draw.

Bridges.

The bridges, of which there are three, are in good condition.

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Inspections of Utilities Other than Steam Railroads.

BRIDGETON AND MILLVILLE TRACTION COMPANY.

An inspection has been made of the Bridgeton and Millville Traction Company, and it was found that in general the track, roadway, overhead and rolling stock was in good condition.

There have been over 4,400 tie renewals made within the year and 125 poles have been replaced.

The five box cars which were used for local travel in Bridgeton have been replaced by five single truck box cars with a passenger body five feet longer than the old cars. Although these are not new cars, having been run for a short time on another road, they are in good condition and should be very satisfactory.

Contracts have been let for the new bridge at Millville, and when this is completed it will allow an interchange of traffic between the Bridgeton and Millville Traction Company and the Millville Traction Company, which, while it will not be of any great financial advantage to these companies, will be of the utmost advantage to the patrons of these two companies.

The derail on Laurel Street at the crossing of the Central Railroad, which was reported as having been out of order, has been fixed.

There is also about 800 feet of new track south of the bridge at Millville. This is on a concrete base and the entire street is being bricked.

The general condition of the track is good, with the exception of the portion from Millville to Bridgeton, and here there should be at least 2,000 tie renewals made before next summer. When this is done the track should of course be realigned and resurfaced.

There should also be a derail in the track on the north side of the West Jersey and Seashore Railroad crossing in Bridgeton. This crossing is protected with gates, the flagman being paid jointly by the traction company and by the railroad company, but as this is on a descending grade to the tracks of the West Jersey and Seashore Railroad, precaution of a derail will not be amiss.

It is therefore RECOMMENDED:

That the Bridgeton and Millville Traction Company renew at least 2,000 ties on the portion of the line between Millville and Bridgeton, and that the track be put in proper line and surface at the same time.

That a derail be installed in the track at least 75 feet north of the crossing with the West Jersey and Seashore Railroad in Bridgeton.

This work to be started at once and finished by May 1, 1914.

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MONMOUTH COUNTY ELECTRIC COMPANY.

During an inspection of the Monmouth County Electric Company to ascertain what work had been done to comply with previous recommendations made by this Board, it was found that the trestle over the New York and Long Branch tracks at Long Branch was in need of certain repairs.

On the east side of the New York and Long Branch Railroad tracks the bents are supported on piles and the first two bents east of the railroad tracks have failed in the sills. There is now a cribbing of ties under these bents, but immediate steps should be taken to renew these sills with sound timbers.

On the trestle over the Southern Railroad extension recommendations were made January 5th, 1912. These recommendations comprised nearly the complete rebuilding of the trestle, and while the alternative was given to the company of building top or retaining walls and filling up the timber approaches, the company accepted the first recommendation and started to rehabilitate the trestle, but very little has been done since.

As this work was to be finished by May 15th, 1912, it is urged that steps be taken to complete this work without delay either by rebuilding the trestle or the alternative recommended of filling the approaches with earth.

NEW JERSEY AND PENNSYLVANIA TRACTION COMPANY.

An informal inspection of the line of the New Jersey and Pennsylvania Traction Company in Trenton disclosed the fact that the interlocking system installed at the crossing of the New Jersey and Pennsylvania Traction Company and the Belvidere Division of the Pennsylvania Railroad was inoperative and has been for at least one month.

The interlocking system is operated from a tower at the crossings and consists of semaphore arms and derails in the New Jersey and Pennsylvania Traction Company's track. The operation when a steam train has the right of way is to set the semaphore against the trolley cars, and to open the derails; but through some mechanical defect the derails would not work properly in connection with the semaphore and now they have been rendered entirely inoperative by blocking the switch shut with iron nuts. The result of this is that while a steam train is on the crossing there is nothing to prevent a trolley car from running through the derail and on to the steam train. This is a serious potential cause of danger and should be undeniably remedied.

It is therefore RECOMMENDED that the New Jersey and Pennsylvania Traction Company take immediate steps to place the interlocking system above mentioned in proper condition, so that each unit will perform its intended duty, this work to be started immediately and finished forthwith.

After a later inspection of the interlocking system above referred to the following report was made by the Board's Inspectors:

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In regard to the recommendation concerning the improper operation of the derails which are part of the interlocking system on the Willow Street crossing of the New Jersey and Pennsylvania Traction Company with the Belvidere Division of the Pennsylvania Railroad, recent inspection shows that these derails have been connected up with the operating mechanism in the tower and now are in proper working order.

PHILLIPSBURG HORSE CAR RAILROAD.

An inspection has been made of the Phillipsburg Horse Car Railroad to ascertain what condition the track and roadway are in. It was found that practically the entire track is in a wretched state of repair and is in places dangerous to operation. The rolling stock is with few exceptions also practically worn out, and is in such condition as to be impossible of rehabilitation. Of course the reason for this is that the company has been held on their proposed extensive reconstruction while the matter is being decided in the courts, and while some little work is being done constantly in order to allow the operation of the cars, it is practically impossible to make any permanent repairs, as the rail is too far gone for this purpose. The officials of the company, however, have put in an order for materials for the complete rebuilding of the line in anticipation of a favorable decision by the Supreme Court in regard to the change of gauge in Phillipsburg.

It was pointed out, however, that such was the condition of this track that it would be necessary to rebuild it in the very near future whether a decision satisfactory to the company was forthcoming or not.

As to the rolling stock, it is intended to rebuild a few of the cars which are at present operated in Phillipsburg and to get at least five new cars. If the change of gauge is accomplished, it would appear in every way to be of the utmost benefit to the people working in and about Phillipsburg, as it would enable the company to give a through service from the large industrial works outside of Phillipsburg through to points outside of Easton without change of cars. This in the morning and evening rush, and would be an extra service entirely independent of the regular ten-minute schedule which it is proposed to operate.

It is expected that work will be started as early in the spring as it is possible, and as a very large force of men will be put on this work the entire reconstruction should be finished before the end of the summer of 1914.

PUBLIC SERVICE RAILWAY COMPANY (BLOOMFIELD LINE).

The Bloomfield Line on its way from Newark through Bloomfield and Montclair to Verona, crosses the Orange Branch of the Erie Railroad about one-half mile west of the boundary line between the City of Newark and the Town of Bloomfield.

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The street railway at this point has a double track. The Orange Branch of the Erie Railroad is single track. The tracks do not cross at right angles, but at approximately 25 degrees from the perpendicular.

The crossing is protected by derails which are interlocked with semaphore signals on both the line of the street railway and of the Erie Railroad. Gates are provided at this crossing in addition to the other protection. The gates are not interlocked with the semaphores and derails.

The trolley wire of each track is provided with a trough. This trough, however, does not appear to be in satisfactory operating condition, either due to its position or to some other matter which can best be ascertained by inspection by the company's own linemen.

The result of the condition of this trough is that in a very large number of cases the trolley jumps the wire and the car is frequently without power while passing over the crossing. The seriousness of this condition is seen when it is noted that the use of the trough is to provide power to the car when the trolley jumps the wire, the idea being the trolley wheel will fall into the trough and will receive power from the trough.

It is RECOMMENDED that this trough, and its relative location to the trolley wire, be carefully observed and examined by the linemen who are responsible for the maintenance of the overhead construction, with the view to eliminating the danger referred to above, caused by the jumping of the trolley wheel from the wire.

PUBLIC SERVICE RAILWAY.

A recent inspection has been made of the tracks of the Public Service Railway on the Paterson Plankroad between Carlstadt and Homestead. It was found that from Carlstadt to the Hackensack River bridge the track was in excellent condition, good line and surface, welded joints and broken stone ballast; up to this point the track runs on each side of the highway. From the Hackensack River, however, the tracks, which here take the center of the road, are in very bad shape, bad surface and alignment, and the majority of joints either low or out of line. There are also several places where the flange has broken away from the rail.

It is therefore RECOMMENDED:

That the tracks between the Hackensack River and Homestead be brought to proper line and surface; that the joints be renewed or otherwise placed in good condition, and that the rails with broken flanges be renewed. This work to be done before May 1st, 1914.

TRENTON TERMINAL RAILROAD (NOW PUBLIC SERVICE RAILROAD).

Inspection was made of this line between Trenton and Milltown Junction and between New Brunswick and Bayway. That part between Public Service Junction and Milltown Junction is laid with 60 lb. rail ballasted with gravel and

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cinders. It is single track with ample turnouts for the operation. All of the ties recommended on last inspection have been placed in track, making it in good condition. Signals are the United States Automatic block operated by the overhead trolleys. With the exception of a short distance in Trenton this line runs on private right of way.

The track from New Brunswick bridge to Bayway has been rebuilt and laid with 80 lb. rail from Bonhamtown Junction to Bayway. This line runs on private right of way. It is ballasted with cinders and is in first class condition. Signals are the union switch and home and distant automatic track circuit. There are two draw bridges, one at New Brunswick, which is a county road bridge. The protection for this draw when the draw is to be opened the power is thrown from wire by the movement of draw. The other draw is located on meadows near Bayway. This in addition has smash boards interlocked with draw with a speed of ten miles per hour over same. If it can be done, I ask for the same protection at New Brunswick over the Raritan River.

Recommendations.

That smash boards be installed at draw bridge over Rahway River bridge on the meadows at a distance of not less than 500 feet from draw, interlocked with same so that draw cannot be moved until smash boards are at danger; also the power to be thrown off not less than 500 feet from draw and connected with same, smash boards to remain at danger; power to remain off until the draw is closed and rails in position for traffic. Speed not to exceed ten miles per hour while passing smash boards.

I RECOMMEND that at draw bridge over the Raritan Canal at New Brunswick the power be thrown off not less than 500 feet from draw; that the speed of all cars not exceed ten miles per hour when not less than 200 feet from draw, and that a red flag by day and red light by night be placed on gates before draw is opened, as the clearance over this bridge will not permit of the smash board being placed there.

Bridges.

West of New Brunswick considerable work has been done to bring the bridges up to safe condition. The recommendations made last year have all been carried out. At a few places the work outlined has not been completed, but material is delivered at site for necessary repairs and will be put in place within a few days. The one small wooden bridge on the Fair Grounds Branch has been rebuilt as a concrete box culvert. At Millstone River concrete abutments are being built. At Cranbury Brook the gap at each end of trestle should have another tie put in. The large trestle at Dayton is being kept in safe condition, but the iron work needs painting. Two concrete abutments have been built at Parson's Lane and back filling completed. The I beams are rusty and should be cleaned and painted. Between these last two bridges are three small wooden bridges at Nevius, Ireland and Beaver Dam Brooks, which could apparently be replaced by pipe and filled in, reducing the fire risk and cost of maintenance in timber.

East of New Brunswick the road is operated over bridges which were built more than six years ago and which have been repaired to make them safe for operation of trolley cars. Considerable work still remains to be done to put them in good condition. Two of the bridges are apparently larger than necessary and could be advantageously replaced with pipe and filled in. They are

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the small culvert west of Port Reading crossing and the wooden bridge east of Pennsylvania Railroad crossing, W. and P. A. Branch. There are sixteen bridges on this part of the line, two of them being draw bridges over the Delaware and Raritan Canal in New Brunswick and the Rahway River.

Recommendations.

Complete timber renewals on all bridges.

Clean and paint iron work on bridges at Dayton, Parson's Lane, first bridge east of L. V. R. R. crossing and bridge over Port Reading Railroad.

Place beveled blocks at guard rail ends on second bridge east of P. R. R. crossing P. A. and W. Branch.

Place a tie in gap at each end of Cranbury Brook bridge.

TRENTON AND MERCER COUNTY TRACTION CORPORATION.

An inspection has been made of the Hamilton Square Line of the Mercer County Traction Company, extending from the Hotel Hamilton through Mercerville to Hamilton Square, a distance of approximately five miles.

This line is open construction with "T" rail, except in Mercerville and Hamilton Square, where it is all single track with turnouts.

The line from the Hotel Hamilton for about 3,000 feet east is in very bad surface and alignment and should have at least 500 new tie renewals. The remainder of the line is in somewhat better shape, but the entire line, with the exception of that portion running through Mercerville and from Mercerville to Hamilton Square, should be realigned and resurfaced.

TRENTON AND MERCER COUNTY TRACTION CORPORATION.

A recent inspection was made of the Pennington and Hopewell line of the Trenton and Mercer County Traction Corporation.

The track was found to be in very poor condition as to line, surface and ties; in fact, the ties are almost all decayed in places for quite long stretches. This work should be attended to at once, as the condition will not warrant a delay until spring.

It is therefore RECOMMENDED:

That the tram girder rail in the town of Hopewell be put in proper line and surface. This from the Hopewell Hotel to the town limits on the south.

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As the bad track is more or less over the entire line it is very difficult to locate each bad tie, and no attempt has been made to do so. There are several places, however, that attention is especially called to, namely, the approach to Stoney Brook from the north. The track between Glenmore and Marshall's Corner (this is approximately one-half mile and should have at least 75 per cent. tie renewals), and the track south of Ewingville, where two derailments have recently occurred.

It is RECOMMENDED that at least 3,000 tie renewals be made between Hopewell and Pennington, and at least 1,500 between Pennington and Trenton.

TRENTON, LAWRENCEVILLE AND PRINCETON RAILROAD.

Bridges.

Work is well under way in the matter of replacing the old bridges and culverts on this line with structures of ample strength. Steel work has been delivered for all the openings and is partly distributed along the line. Shippetauken Creek (No. 10), a timber trestle, has been replaced with an I beam bridge in two spans, with new masonry center pier. The old deck has been replaced on this bridge temporarily until material for the new deck arrives.

Steel was set on No. 4 today. Work is progressing as weather will permit. Most of the cast iron pipes for replacing culverts and tile drains have been delivered along the line. These are to be put in as soon as possible.

SUSSEX TELEPHONE COMPANY.

An inspection was made of the overhead lines of the Sussex Telephone Company in Newton, with special reference to hazards created by their proximity to the lines of the Newton Gas and Electric Company. The following places were noted where undue hazards appeared to exist, due to improper construction by the telephone company:

1. Pole No. 1, south of Woodside Avenue, stands between the 2400 volt wires of the electric company and appears to touch both legs of the line.

Brackets should be placed on this pole to carry the electric wires on insulators.

As the telephone company's pole appears to have been the more recently placed, this should be done by the electric company at the expense of the telephone company.

2. Drop wire from pole No. 467 to residence at No. 121 Woodside Avenue crosses over electric wires with very small clearance. This wire should be low-

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ered so as to pass below the electric light wires, and if necessary should be attached to a bracket on the face of the electric light pole.

3. On the south side of Woodside Avenue west of Pine Street there are several telephone poles carrying only dead wires, and one pole with no wires. The telephone wires sag down between the electric light wires and might easily come in contact with them. These dead wires and poles should be removed, as this street is supplied by telephone pole line on the opposite side of street.

4. There are two lines of telephone poles on South Main Street, some of which are badly rotted. These carry a number of dead wires. The pole line should be rebuilt, removing dead wires and extra poles.

5. Pole N. T. 35, Woodlawn Avenue and South Main Street, is tied up by a guy to a tree and to electric light pole, and rests against a fire alarm wire. This pole should be replaced by a new pole in a location which will not block the end of Woodlawn Avenue.

6. Open telephone wires running south from the pole at the corner of Main, Ryerson and Foster Streets, cross above electric light wires with small clearance. A guy should be run from the street end of a crossarm to the electric light pole which carries fire alarm box, as a precaution against this arm twisting and allowing greater sag to those wires, which would occur if knobs holding twisted pair on the other end of arm should give way.

7. At the corner of Liberty and High Streets a drop wire is laced through the arc lamp leads. This drop wire should be removed at once, as there is every indication that a heavy wind would swing it against the series circuit.

8. Opposite No. 17 Halsted Street one 2400 volt wire has been wrapped with tape and hung over a nail driven into the telephone pole. A bracket should be placed here.

9. On High Street opposite the residence of the Rev. Mr. McCain, drop wire crosses over electric light wires with very small clearance. This drop wire should be lowered.

10. Between Nos. 30 and 34 Mill Street a twisted pair is sagging down until it is very nearly in contact with the 2400 volt line. This twisted pair should be pulled up to give maximum clearance, and if possible, the telephone line should be reconstructed at this point so that it no longer crosses above electric light line.

A number of these dangerous conditions appear to be the result of recent work by the telephone company, and some of them could be avoided without difficulty. It is RECOMMENDED that the Sussex Telephone Company take steps immediately to remove these dangerous conditions.

ATLANTIC CITY GAS COMPANY.

A general inspection of the plant of Atlantic City Gas Company was made by the Gas Inspector. This is a carburetted water gas plant and supplies Atlantic City, Ventnor City, Margate City and Longport, Atlantic City being supplied under a low pressure distribution system and the other cities under intermediate pressure and district governors. This company has a maximum daily generating capacity of 6,000,000 cubic feet, having 2 8′ 6″ United Gas Improvement Com-

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pany carburetted water gas sets and 2 10′ 6″ United Gas Improvement Company carburetted water gas sets. Allowing for one set being shut down for repairs the maximum capacity would be 5,000,000 cubic feet or 4,000,000 cubic feet, depending upon whether large or small set was shut down. The station meter capacity is also approximately 4,000,000 cubic feet per day. The maximum purifier capacity is approximately 4,000,000 cubic feet per day, and the holder capacity is as follows:

Storage Holder 1—2 lift holders	103′	dia.—capacity	300,000	cu. ft.
Storage Holder 1—3 lift holders	103′	dia.—capacity	500,000	cu. ft.
Storage Holder 1—2 lift holders	80′ 6″	dia.—capacity	200,000	cu. ft.
Storage Holder 1—3 lift holders	129′ 0″	dia.—capacity	1,000,000	cu. ft.
Total			2,000,000	cu. ft
Relief Holder 1—2 lift holders	94′ 0″	dia.—capacity	250,000	cu. ft.

The company has an oil storage capacity of approximately 500,000 gallons. Ample provision is also made for the storage of coal.

From the above figures it is apparent that the maximum daily capacity is approximately 400,000 cubic feet. The maximum daily output during the year 1912 was 3,029,000 cubic feet on August 31st, 1912, and the minimum was 1,286,000 cubic feet on March 17th, 1912. The total gas made during the year 1912 was 661,173,000 cubic feet. It would therefore appear that the plant is of ample capacity to take care of the present demand.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas have been complied with as follows:

Rules I to VIII pertain to the setting and testing of meters.

The company states that it has removed and tested all meters during the last two years, in compliance with Rule II, with the exception of about 2,000 meters, which have been tested on the consumers' premises with a portable test meter which was previously checked by its standard meter prover. A record of meter tests made by the company is on file in the meter shop as prescribed by Rule III, and the company has reported to the Board regularly the results of these tests.

The company has installed two meter provers in compliance with Rule IV, which have been tested and sealed by inspectors of the Board.

The company states that it makes tests of consumers' meters on request, in compliance with Rule V, and reports the result of such tests by letter to the consumer.

Meter dials read directly in cubic feet, and bills are rendered monthly on postal cards, and designate the readings of the meter at the beginning and end of the time for which the bill is rendered, and comply fully with requirements of Rule VII. When prepayment meters are in use, a slip showing reading of meter and amount collected is left with consumer, in compliance with this rule.

The company states that no charge is made for changing meters, as prescribed by Rule VIII.

Examination shows that calorimeter tests are made and records kept, in accordance with Rule X. Tests are made at the works three times each day, as are candle power tests. The monthly averages of such tests from January, 1912, to date, are as follows:

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Date 1912	Average Btu.	Average Candle Power
January	620	22.4
February	606	22.4
March	601	22.5
April	612	21.8
May	622	22.6
June	605	22.9
July	604	22.9
August	594	22.6
September	591	22.4
October	596	22.7
November	603	21.9
December	600	22.5
Year	604.5	22.5
January (1913)	612	22.8
February	628	22.4
March	608	21.2

While the monthly average total heating value has several times fallen slightly below requirements of Rule IX, the minimum reading has not fallen before 550 Btu., and the candle power of the gas delivered to the city has been high, the average of reading for the year 1912 being 22.5 candles. It would appear, therefore, that the gas has been of good quality as far as the heating and illuminating values are concerned.

Daily measurements of pressure are made at the following points with recording gauges, and the records are on file at the works office as required by Rule XII:

1—Longport.
1—Office, Michigan Avenue, Atlantic City.
1—Connecticut Avenue and Beach.
1—No. 7 N. Brighton.
2—Ventnor and Montgomery Avenue (governor station).
2—Outlet of station governor at works.

An examination of the charts obtained from these gauges shows that pressures are kept within the limits of Rule XI.

A complaint record is kept in accordance with Rule XIV, and during the year 1912 13,840 complaints were received and investigated. In this number are included requests for new burners, adjustments of lights and appliances, leaks etc.

The company has complied with Rule XVI by having printed a large card 7"x10", explaining how to read meters, and a space is provided on said cards for recording meter readings, the idea being to have the consumer acquire the habit of reading his meter at regular intervals and checking the bills rendered by the company. These cards are furnished on request.

Summing up, it would appear that the company has complied with the rules as prescribed by the Board, and that the service furnished in Atlantic City, Ventnor City, Margate City and Longport is adequate.

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BOONTON GAS LIGHT & IMPROVEMENT COMPANY.

A general inspection of the Boonton Gas Light and Improvement Company's plant located on Morris Avenue, Boonton, was made by the Gas Inspector.

This is a carburetted water gas plant supplying the town of Boonton under the low pressure distribution system. Coal is received at the plant from local yards by horse and wagon, and is stored under cover, a brick building having been erected, in which ample provision has been made for the storage of coal and for the storage of iron oxide. Coal is conveyed from this storage to the water gas generator and to the steam boilers by means of coal buggies, being raised to the charging floor of the generator house by means of a chain hoist.

The rated generating capacity of the plant is 150,000 cubic feet per day.

Ample provision has been made for the cooling, purifying and measuring of the gas. The gas after leaving the generating apparatus passes to a relief holder, which assures a uniform flow of gas through the purifier boxes and through the station meter.

The storage holder capacity is 70,000 cubic feet, and the relief holder capacity is 15,000 cubic feet.

The maximum daily output of the plant since May 1, 1913, was 66,000 cubic feet on September 9th. No records were kept previous to May 1st, so that it is impossible to determine the exact relation between the capacity of the plant and the maximum demand which may be expected during the coming year.

From the figures available, however, it would appear that the capacity of the plant is sufficient to meet the demands which may be expected for at least five years.

An examination of the company's records shows that the rules adopted by the Board on October 17, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the testing and setting of meters.

The company states that they have no fixed time during which a meter shall be allowed to remain in service without checking it for accuracy. The company has not as yet provided itself with a standard meter prover in accordance with Rule IV, and consequently no tests have been made as prescribed by Rule III.

Company states that complaint meters are tested by placing a new meter in series with the complaint meter and comparing the reading of the complaint meter with that of the new meter.

Company also states that the result of such test is reported to the consumer.

Meter dials read directly in cubic feet and bills are rendered monthly, designating the reading of the meter at the beginning and at the end of the time for which the bill is rendered in accordance with Rule VII.

Where prepayment meters are used, however, no slip is left with the consumer as required by this rule.

Company states that no charge is made for changing a meter as prescribed by Rule VIII.

As the output of this plant for the year 1912 was less than 20,000,000 cubic feet of gas, it is not required that the company purchase a calorimeter outfit at this time as prescribed by Rule X.

No measurements are made of pressure and pressure variations as prescribed by Rule XII.

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No record is kept of complaints with regard to service as prescribed by Rule XIV.

No method has been adopted by the company to inform its customers as to the reading of meters either by printing on bills description of the method or a notice to the effect that the methods will be readily explained on application as prescribed by Rule XVI.

Summing up, it would appear that the following rules have not been complied with:

Rule II. No record is kept of the length of time during which a meter is allowed to remain in service.

Rule III. No record is kept of tests made on meters other than meters tested upon the complaint of the consumer, as described above.

Rule IV. Company has not provided itself with a standard meter prover.

Rule XII. No measurements are made of pressure and pressure variations.

Rule XIV. No records are kept of complaints in regard to service.

Rule XVI. No method has been adoptd by the company to inform its customers as to the reading of meters.

The company has at present approximately 500 meters in service, and it is recommended that the company provide itself with equipment necessary for testing meters as prescribed by Rule III and Rule V.

It is also recommended that the company equip itself with a portable recording pressure gauge and that frequent measurements be made of pressure and pressure conditions as prescribed by Rule XII.

It is further recommended that the company keep a record of complaints received in regard to service as prescribed by Rule XIV, the record to include the name and address of the consumer, the date, the nature of the complaint and the remedy.

BRIDGETON GAS LIGHT COMPANY.

A general inspection of the Bridgeton Gas Light Company, located at Bridgeton, was made by the Gas Inspector.

This is a coal gas plant and supplies the City of Bridgeton under the low pressure distribution system. The plant is situated on the Cohansey River, and has both track and dock facilities for the handling of coal and other supplies.

Coal is received from the railroad on a wooden trestle, and is unloaded by gravity, the coal bins under the trestle allowing for the storage of approximately 200 tons of coal. Coal is also stored in a shed having a capacity of approximately 700 tons, and situated near the retort house, being conveyed from the trestle to the shed by means of horses and wagons.

The coal used in the benches is carried from the coal shed in wheelbarrows and the retorts are fired by hand. The benches are of the horizontal retort type, there being two direct fire benches of three retorts each, four direct fire benches of six retorts each and three half-depth benches of six retorts each, the total generating capacity being approximately 300,000 cubic feet per day.

The company proposes to dismantle the two direct fire benches of three retorts and erect in their place two direct fire benches of six retorts, which will increase

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the generating capacity by approximately 50,000 cubic feet per day, making a total generating capacity of 350,000 cubic feet per day.

Pennsylvania gas coal is used for the production of gas, and all coal is weighed before being used in the benches.

An examination of the company's records shows that the average yield during the past year has been approximately five cubic feet of gas per pound of coal.

Ample provision has been made at the plant for the cooling, purifying and storage of the gas.

During the past summer the company has erected a tubular condenser having a capacity of 500,000 cubic feet per day. The addition of this condenser was necessary, as the gas was passing through the purifiers at too high a temperature, which necessitated changing the purifying boxes about every three or four days. Alterations have been made in the purifying boxes changing the boxes from the simplex to the duplex type, thereby increasing their capacity approximately two-fold. In addition to this a 300,000 cubic foot capacity storage holder has been erected, so that the total storage capacity at the plant at present amounts to 475,000 cubic feet.

The maximum daily output of this plant during the year 1911 was 238,000 cubic feet on September 26th, the total output for the year being 60,963,700 cubic feet.

The maximum daily output during the year 1912 was 252,500 cubic feet on November 12th, the total output for the year being 68,104,300 cubic feet.

The maximum daily output during the year 1913 was 263,000 cubic feet on September 27th.

The above figures would indicate that the capacity of the Bridgeton plant is ample to meet the present demand, the total coal storage capacity being sufficient supply for from 30 to 60 days, the total generating capacity being approximately 40 per cent. greater than the maximum daily output during the year 1913, the holder capacity being equivalent to forty-eight hours of the maximum demand of this year.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the testing and setting of meters.

The company states that with a few exceptions no meters have been in service during a period of over four years. There are some meters, however, which have been in service for a period of over six years, but these meters will be removed during the next few months.

A record of meter tests is kept on file at the works office and monthly reports have been made to the Board of the results of these tests, in compliance with Rule III. These records have not been kept in sufficient detail so that a complete report can be made to the Board. The company states, however, that in the future these records will be kept in accordance with suggestions made by the Gas Inspector.

The company has provided itself with a standard meter prover which has been tested and sealed by inspectors of the Board, in accordance with Rule IV.

The company states that it will make tests of consumers' meters on request, in compliance with Rule V, and that reports of such tests will be made by letter to the complainant.

The company states that since the adoption by the Board of these rules and regulations it has not as yet received any request from consumers for tests of meters.

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Meter dials read directly in cubic feet, and bills are rendered monthly and designate the readings of the meter at the beginning and end of the time for which the bill is rendered and comply fully with the requirements of Rule VII. Where prepayment meters are in use a slip is left with the consumer at the time of reading the meter. This slip shows the reading taken of the meter and the amount of money collected from the cash box.

The company states that no charge is made for changing a meter as prescribed by Rule VIII.

The company has equipped itself with a calorimeter in accordance with Rule X. This calorimeter has just been received from the manufacturer and a tank for the water supply is being constructed. The company states that this will be ready during the next week, and that periodic tests will be made of the heating value of the gas as required by this rule.

Daily measurements of pressure are made by means of a recording gauge located at the office of the company. Pressure records are also made one day each month by means of water gauges located at different points on the company's distribution system. These readings are made simultaneously at six different points and are made during the morning peak load and during the evening peak load. The charts from the recording pressure gauge are on file in the company's office, and would indicate that the pressures are within the requirements of Rule XI.

Reports of complaints in regard to service are kept at the company's office and show the name and address of the consumer, the date, nature of complaint and the remedy, as required by Rule XIV.

The company has not complied with Rule XVI, but will do so by printing on its regular monthly bills and on prepayment meter slips instructions as to the reading of the meter.

Summing up, it would appear that the company has complied with all of the above rules, with the following exceptions:

Rule II. Some meters have been in service for a period of over six years.

Rule XVI. The company has failed to inform its customers as to reading of meters. The company states that steps will be taken immediately to comply with each of these rules.

In connection with Rule XII, it is RECOMMENDED that the company provide itself with at least one other recording pressure gauge, as the present record, as shown by the gauge in the company's office is not a fair record of the pressure conditions as they exist on the company's distribution system.

CAPE MAY ILLUMINATING COMPANY.

A general inspection of the plant of the Cape May Illuminating Company was made by the Gas Inspector. This is a carburetted water gas plant, supplying the City of Cape May. The maximum generating capacity of the plant is approximately 800,000 cubic feet per day. The purifying capacity is approximately 600,000 cubic feet and the storage holder capacity is 775,000 cubic feet. The relief holder capacity is 15,000 cubic feet. Ample coal and oil storage is also

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provided. The total output for the year 1912 was 23,176,000 cubic feet, and the maximum monthly output during the year 1912 was in the month of August and amounted to 3,553,000 cubic feet, which would indicate a maximum daily output of 120,000 cubic feet. It would therefore appear that the capacity of this plant is ample for the present demands.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas have been complied with as follows:

Rules I to VIII, inclusive, pertain to the setting and testing of meters.

The company states that it is removing all meters in compliance with Rule II.

Records of meter tests made by the company are filed at the office of the company as prescribed by Rule III.

The company has reported regularly the results of these tests.

The company has installed a standard meter prover in compliance with Rule IV, which has been tested and sealed by inspectors of this Board.

The company states that it makes tests of consumers' meters on request, in compliance with Rule V, and that a report of the result of such test is made to the consumer in the form of a letter.

Meter dials read directly in cubic feet, and bills are rendered monthly and designate the reading of the meter at the beginning and end of the time for which the bill is rendered, and comply fully with the requirements of Rule VII, with the exception of that part which requires that a slip be left with the consumers using prepayment meters, which shall show the reading of the meter and the amount of money taken from the same.

The company states that no charge is made for changing meters, as prescribed by Rule VIII.

This company has equipped itself with a standard calorimeter as required by Rule X. This calorimeter has just been received by the company, and as yet no tests have been made.

Daily measurements of the pressure are made at the office of the company in Cape May by means of a recording pressure gauge, and measurements are made from time to time at different points on the system by means of a portable recording pressure gauge. Examination of the charts on file in the company's office shows that the pressure conditions are within the requirements of Rule XI.

A complaint record is kept in accordance with Rule XIV, the complaints being recorded and filed by means of a card index system. The original card is sent to the fitter who does the work, and is returned to the office showing the nature of the work done and the time completed. This card is then filed in the office of the company.

The company has not complied with Rule XVI, which requires that each company shall adopt some method of informing its customers as to the reading of meters. The company states, however, that it will in the future comply with this rule by having instructions printed on the back of the monthly bills.

Summing up, it would appear that the company has complied with the rules of the Board, with the exception of the following:

1. That part of Rule VII, which requires that a slip showing the reading of the meter and the amount collected be left with the consumer.

2. Rule XVI, which requires that the company adopt some method of informing its customers as to reading of meters.

The company states that both of these rules will be complied with in the future.

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CAPE MAY ELECTRIC LIGHT AND POWER COMPANY.

A general inspection of the Cape May Electric Light and Power Company made shows that the work of installing the new boilers required in connection with the summer load of 1913 is progressing fairly well.

A general inspection of the engine and boiler rooms shows that a large section of the engine room is being used as a storehouse and shop. The floor has more or less oil upon it, and in general the danger from fire is very great.

It is RECOMMENDED that if the unused portion of the engine room is to be continued in use as a storeroom and shop, a fireproof partition be constructed from the ground level to the roof, in accordance with the rules for such construction of the National Board of Fire Underwriters. This work ought to be done as soon as it can be arranged for, and the entire building, both boiler and engine rooms, put in such condition as will eliminate, as far as it is possible to do so, danger of fire, which would in turn endanger the continuity of the service.

CITY GAS LIGHT COMPANY.

A general inspection of the plant of the City Gas Light Company, located at Ocean City, was made by the Gas Inspector. This is a carburetted water gas plant, supplying Ocean City under the low pressure distribution system. The maximum generating capacity of this plant is approximately 1,000,000 cubic feet per day, being increased during the past year by the installation of a 6 ft. water gas set on the site of the old 4 ft. set. The purifier capacity is approximately 300,000 cubic feet, but will be increased during the coming year by the addition of two purifiers which were purchased from the Coast Gas Company at Belmar. This addition will increase the purifying capacity to approximately 750,000 cubic feet per day. The storage holder capacity at this plant is 113,000 cubic feet and the relief holder capacity 30,000 cubic feet, an additional lift being recently added to the storage holder. Ample provision is made for coal and oil storage.

The total output during the year 1911 was 15,840,000 cubic feet, and the maximum daily output was 147,280 cubic feet on August 22nd, the minimum output being 13,000 cubic feet on February 7th. It would therefore appear that the capacity of the plant is ample for the present demands.

During the past year the following additions have been made to the plant:

1. Addition to the boiler house.
2. 150 HP. horizontal return tubular boiler.
3. Rotary station meter.
4. Station governor.
5. High pressure gas tank, compressor.
6. Elevator in generator house.
7. Oil storage tank.

And in addition to the above, about three miles of low pressure mains have been laid and five miles of high pressure mains extending from the gas works on Eleventh Street to Fifty-ninth Street and Central Avenue.

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The company proposes to install a district governor at Thirty-sixth Street and about forty house governors for consumers between Twenty-first and Thirty-sixth Streets, the gas being supplied by high pressure from the works to this section of the city.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rule I to VIII, inclusive, pertain to setting and testing of meters.

The company states that it is removing and testing all meters which have been in service over six years, as required by Rule II.

Records of meter tests made by the company are on file at the works office, as prescribed by Rule III. The company has reported to the Board the results of these tests.

This company has installed a standard meter prover, in compliance with Rule IV, which has been tested and sealed by inspectors of this Board.

The company states that it makes tests of consumers' meters on request, in compliance with Rule V, and the report of the results of such test is made to the consumer on the special form made for that purpose.

Meter dials read directly in cubic feet and bills are rendered monthly, and designate the reading of the meter at the beginning and end of the time for which the bills are rendered, and comply fully with the requirements of Rule VII, with the exception of that part of the rule requiring a slip to be left with the customer where prepayment meters are used, showing the reading of the meter and the amount of money collected from it. The company states that it will take steps to comply with this part of Rule VII.

No charge is made for changing meters as prescribed by Rule VIII.

The yearly output of this company is considerably less than 20,000,000 cubic feet, and in accordance with Rule X, it will not be necessary for the company to equip itself with a standard calorimeter outfit.

Daily measurements of pressure are made at the works office by means of a recording pressure gauge, and frequent measurements are made at various points on the distribution system by means of a portable recording pressure gauge, as required by Rule XII.

A complaint record is kept at the office in accordance with Rule XIV, the complaints being recorded by means of a card index system, the original card being sent to the fitter who is to make the investigation. This card comes back to the office giving the nature of the work performed and the time completed. This card is then filed.

The company has complied with Rule XVI by printing instructions as to the reading of meters on the back of its gas bills.

Summing up, it would appear that this company has complied with all of the rules of the Board, with the exception of that part of Rule VII which requires a slip showing the reading of the meter and the amount collected from it to be left with the consumer using a prepayment meter.

The company states that it has overlooked this part of the rule, and that it will comply with it hereafter.

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COAST GAS COMPANY.

A general inspection of the plant of the Coast Gas Company, located on Sixteenth Avenue, Belmar, was made by the Gas Inspector.

This is a carburetted water gas plant and supplies the Boroughs of Belmar, North Spring Lake, Spring Lake, Bradley Beach, Avon-by-the-Sea, Neptune and Point Pleasant, Wall Township and Ocean Grove, under the low pressure distribution system.

Gas is sold to the Lakewood Gas Company, and is pumped in a high pressure main to the Lakewood holder and distributed to the consumers under holder (low) pressure.

Gas is also pumped under high pressure to a storage holder in Point Pleasant, where it is distributed under holder pressure.

During the summer months, when the output is at a maximum or peak, an intermediate pressure line is used to transmit gas from the Belmar holder to district governors located at Bradley Beach and Ocean Grove.

During the next few weeks another governor will be installed in Avon, thereby placing the regulations of pressure in each of these three boroughs under a separate governor.

The maximum generating capacity of the plant is 1,200,000 cubic feet per day, maximum purifying capacity is 2,000,000 cubic feet per day and the maximum station meter capacity 2,500,000 cubic feet per day.

The holder capacity is as follows:

Belmar—Storage holder 1 3-lift steel tank, holder capacity.....	500,000 cu. ft.
Belmar—Storage holder 1 1-lift steel tank, holder capacity.....	20,000 cu. ft.
Pt. Pleasant—Storage holder 1 1-lift steel tank, holder capacity..	100,000 cu. ft.
Total	620,000 cu. ft.
Belmar—Relief holder 1 2-lift steel tank, holder capacity.....	110,000 cu. ft.

The large storage holder at Belmar was built during the past year and the present relief holder was used as a storage holder up to the time the large holder was completed.

Besides the addition of 500,000 cubic feet to the storage holder capacity and the increase in the relief holder capacity by making necessary pipe connections so as to use the old storage holder for this purpose, the following betterments have been made by this company during the year 1912:

1. Railroad siding elevated so as to unload coal and oil by gravity.
2. Additional blower capacity.
3. Increased purifying capacity from 350,000 cubic feet per day to 2,000,000 cubic feet per day.
4. Additional oil storage capacity.
5. Increased capacity of intermediate pressure line from 33,000 cubic feet per hour to 90,000 cubic feet per hour.
6. High pressure line to Lakewood and Point Pleasant.
7. Enlarging and laying mains and services in Avon.

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Before these extensions were made, the company had been handicapped by insufficient purifier and holder capacities during the peak load in the month of August. This necessitated the purification of the gas at too high temperature and at too rapid a rate to properly remove all the surplus impurities from the gas.

The maximum daily output of the plant during the year 1911 was 507,927 cubic feet on August 29th, and the minimum daily output was 53,047 cubic feet on February 12th, the total output for the year being 60,730,470. The maximum daily output during the year 1912 was 650,000 cubic feet on August 20th and the minimum was 70,000 cubic feet on January 10th, the total output for the year being 61,231,800 cubic feet.

From the above figures it is apparent that the capacity of this plant is now ample to meet the maximum demand which may be expected during the coming year.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the setting and testing of meters.

The company states that it removes and tests all meters which have been in service for a period of three years, in compliance with Rule II.

A record of meter tests made by the company is on file at the meter shop on Sixteenth Avenue, Belmar, and duplicate copies at the office of the company located at 709 F Street, Belmar, as prescribed by Rule III.

Although the company has reported to the Board the results of these tests, the reports have not been made each month as prescribed by this rule, the last report to the Board covering a period of twelve months ending December 31st, 1912, and no further reports have been received to date.

The company has installed a standard meter prover in compliance with Rule V, which has been tested and sealed by the inspectors of the Board.

The company states that it makes tests of consumers' meters on request, in compliance with Rule V, and reports the result of such tests by a letter to the consumer; further, that a definite time is set for making the test, and the complainant is invited to witness the test if he so desires.

Meter dials read directly in cubic feet, and bills are rendered monthly and designate the readings of the meter at the beginning and end of the time for which the bill is rendered, and comply fully with the requirements of Rule VII. When prepayment meters are used a card is attached to the meter and the date, reading of meter, gas consumed, amount due and amount collected are written thereon by the collector.

The company states that no charge is made for changing meters as prescribed by Rule VIII.

The company has equipped itself with a standard calorimeter outfit in accordance with Rule X, but has not as yet made periodic tests upon the gas as prescribed by this rule.

The average of six calorimeter tests made by the Gas Inspector on day of inspection gave 616 Btu., and an average of tests made by the company during the month of April, 1913, shows an average of 601 Btu., and a minimum of 569 Btu. The average of six tests made during the month of March, 1913, gives 609 Btu., with a minimum of 571 Btu.

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An average of three tests made by the Gas Inspector on April 4th, 1912, gives 561.5 Btu., and an average of three tests made on April 30th, 1913, gives 586 Btu.

Daily measurements of pressure are made at the following points with recording gauges, and records are on file at the office of the company:

1. Company office, 709 F. Street, Belmar.
2. Works on Sixteenth Avenue, Belmar.
3. Ocean Grove.
4. Bradley Beach.
5. Point Pleasant.

An examination of several of the charts obtained from these gauges would indicate that pressures are kept within limits prescribed by Rule XI.

Besides the above gauges, the company has several portable pressure gauges which are used in making pressure tests at different points on the distribution system as the result of complaints of poor pressure or poor service, etc.

A complaint record is kept in accordance with Rule XIV. These records are divided into two classes as follows:

1. Complaints which do not require the issuance of an order to the shop to remedy the cause of the complaint.
2. Complaints which do require such an order to be issued.

The second class is again divided into meter complaints and miscellaneous complaints, and all include the name and address of complainant, the date, nature of complaint and remedy as prescribed by this rule. All complaints are recorded in triplicate, the original copy being given to the employee who investigates the complaint, the duplicate copy to the foreman of the shop and the triplicate copy is filed at the office. On the original copy the employee makes his report as to cause of complaint, remedy, etc., and returns it to the office, where all copies are filed.

The company has complied with Rule XVI by printing on the back of the monthly bills a description of the method of reading meters.

Summing up, it would appear that the company has complied with the above rules, with the following exceptions:

1. Rule II. Reports of meter tests have not been made monthly as prescribed by this rule, the last two reports each covering a period of twelve months. Further, no reports have been received since December 31st, 1912.
2. Rule X. Periodic tests of calorific value of gas have not been made as required by this rule.

The company stated, however, that it will comply with this part of Rule X, and also that it proposes to install another calorimeter at the works on Sixteenth Avenue, Belmar, and that daily readings will be made at the works and at the office, excepting at such times as the office calorimeter may be taken to different points on the distribution system.

CONSOLIDATED GAS COMPANY OF NEW JERSEY.

A general inspection of the plant of the Consolidated Gas Company, located at the foot of Brook Street, Long Branch, was made by the Gas Inspector.

This is a carburetted water gas plant and supplies Eatontown, Shrewsbury, Long Branch, Monmouth Beach, Sea Bright, West Long Branch, North Long

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Branch, Branchport and Oceanport, under the low pressure distribution system. Gas is also pumped to holder stations in Red Bank and Allenhurst under intermediate pressure. The Red Bank holder supplies Red Bank, Fairhaven and the northern part of Little Silver, the southern part being served by the intermediate pressure line, pressure being regulated by house governor. The Allenhurst holder supplies Asbury Park, Bradley Beach, Deal and Allenhurst. Some of this territory is also supplied by the intermediate pressure line and house governors. The intermediate pressure lines are also used to increase the supply of gas at certain points on the low pressure system, the pressure being regulated by district governors.

The generating capacity of this plant is 4,000,000 cubic feet of gas per day, and the purifying capacity is now approximately 1,400,000 cubic feet per day. Two outside purifying boxes have been erected during the past year, thereby increasing the purifying capacity of the plant by approximately 700,000 cubic feet per day.

The holder capacity is as follows:

Long Branch—Storage holder 1 2-lift steel tank, holder capacity	400,000	cu. ft.
Asbury Park—Storage holder 1 2-lift steel tank, holder capacity	300,000	cu. ft.
Allenhurst — Storage holder 1 2-lift steel tank, holder capacity	200,000	cu. ft.
Total	900,000	cu. ft.
Long Branch—Relief holder 1 1-lift steel tank, holder capacity	57,000	cu. ft.
Long Branch—Relief holder 1 2-lift steel tank, holder capacity	100,000	cu. ft.
Total	157,000	cu. ft.

Pipe connections have been made so that if necessary the large relief holder can be used as a storage holder.

The oil storage capacity is 55,000 gallons.

This company is erecting a 500 h. p. tubular boiler and a concrete stack 175 ft. high by 9 ft. diameter, which will be completed during the next month, making the total boiler capacity of this plant 2,000 h. p. This boiler plant supplies both the gas and electric plants of this company.

The exhausters which pump the gas to the holders at Allenhurst and Red Bank have a total capacity of 120,000 cubic feet per hour.

The maximum daily output during 1911 was 1,215,000 cubic feet on August 29th, and the minimum daily output was 363,000 cubic feet on May 7th. The total output during the year being 230,486,000 cubic feet. The maximum daily output during 1912 was 1,236,000 cubic feet on August 7th, and the minimum daily output was 350,000 cubic feet on April 21st, 1912, the total gas sent out during the year being 240,772,000, an increase of about 4 per cent. over the output during 1911. It would therefore appear that the plant is of ample capacity to take care of the present demand.

In addition to the water gas plant, this company has a coal gas plant consisting of five benches of horizontal retorts, together with the necessary condenser and scrubber, exhauster, etc., and having a capacity of approximately 300,000 cubic feet per day. This plant is not in operation, but could be used, if necessary, provided certain repairs were made to the apparatus and buildings.

An examination of the company's records shows that the rules adopted by the

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Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the setting and testing of meters.

The company states that no meters are allowed to remain in service for a period of more than three years.

A record of meter tests made by the company is on file at the meter shops in Long Branch, Red Bank and Allenhurst, as prescribed by Rule III, and reports of the results of such tests made during the year 1912 have been sent to the office of the Board as prescribed by this rule, although no reports have been received of tests made since December, 1912.

The company has installed three standard meter provers in compliance with Rule IV which have been tested and sealed by the inspector of the Board. These provers are located in Red Bank, Long Branch and Asbury Park.

The company states that it makes tests of consumers' meters on request in compliance with Rule V, and reports the results of such tests by letter to the complainant.

Metal dials read directly in cubic feet and bills are rendered monthly and designate the readings of the meter at the beginning and end of the time for which the bill is rendered, and comply fully with the requirements of Rule VII. Where prepayment meters are in use, a slip is left with consumer showing reading of meter and amount of money collected, as prescribed by this rule.

The company states that no charge is made for changing meters as prescribed by Rule VIII.

The company has equipped itself with a standard calorimeter outfit in accordance with Rule X, and tests are made each day and a record kept on file at the works office of the company. An examination of these results shows the following:

Month.	Maximum Btu.	Minimum Btu.	Average Btu.
January, 1912	618	578	602
February	609	590	600
March	619	590	604
April	618	583	599
May	609	590	601
June	610	597	600
July	607	585	598
August	609	589	602
September	604	598	604
October	614	594	601
November	622	585	601
December	612	600	605
January, 1913	613	597	604
February	605	595	601
March	605	580	600
April	604	597	599

The monthly average has been slightly under 600 Btu. at times, although the minimum has never been below 550 Btu., the lowest reading being 578 Btu. A test made on the day of inspection gave 603 Btu.

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In accordance with Rule XII, daily measurements of pressure are made at the following points with recording gauges, and records are on file at the offices of the company:

1. Office, 636 Mattison Avenue, Asbury Park.
2. Outlet of holder in Allenhurst.
3. Main and Paige Streets, Allenhurst.
4. Plaza Hotel, Cookman Avenue and Kingsley Street, Asbury Park, from July 1st to September 15th.
5. Office, 176 Broadway, Long Branch.
6. Bridge and Ocean Avenues, Sea Bright.
7. Office, No. 60 Broad Street, Red Bank.
8. Outlet holder, Red Bank.

Besides the above gauges, the company has several portable gauges which are used in making tests at different points on the distribution system as the result of poor pressure or poor service complaints.

An examination of a number of these charts would indicate that pressures are maintained in accordance with the requirements of Rule XI.

A complaint record is kept in each of the three offices of the company. Complaints are recorded in duplicate, the original copy being given to the employee who investigates the complaint and the duplicate copy filed in the office. On the original copy the employee makes his report as to the cause of complaint, remedy, etc., and returns it to the office, where it is filed as prescribed by Rule XIV.

The company has complied with Rule XVI by printing on the back of monthly bills instructions as to reading of meters.

Summing up, it would appear that the company has complied with the above rules, with the following exception:

1. Rule II. Reports of meter tests have not been made monthly as prescribed by this rule, the last set of reports received covering a period of twelve months and no reports have been received since December 31st, 1912.

DOVER, ROCKAWAY AND PORT ORAM GAS COMPANY.

A general inspection of the Dover, Rockaway and Port Oram Gas Company's plant located on East Blackwell Street, Dover, was made by the Gas Inspector.

This is a carburetted water gas plant supplying the town of Dover under the low pressure distribution system and the Borough of Wharton under the intermediate or medium pressure system, the pressure being reduced at the consumers' meter by means of individual pressure service regulators.

Coke and coal are received from the railroad by means of a siding at grade and are stored under cover, a frame building having been erected in which provision is made for the storage of 200 tons of coke and 200 tons of bituminous coal. The coke is carried to the water gas generators by means of buggies which are carried to the operation floor on a hydraulic elevator. The coal is carried to the boiler room by means of barrows and the boilers are fired by hand.

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The normal generating capacity of the plant is 100,000 cubic feet per day, allowing for one water gas set to be shut down for repairs, etc. The maximum generator capacity is from 200,000 to 300,000 cubic feet per day, depending upon the quality of fuel used in the generator.

Ample provision has been made for the cooling, purifying and measuring of the gas, the normal capacity of this apparatus being at least 300,000 cubic feet per day.

Ample provision has been made for the storage of gas oil and for the storage and revivification of iron oxide, which is used in the purifiers.

The total oil and coal storage capacity is sufficient to supply the generator apparatus for a period of from sixty to one hundred days during the maximum or peak load.

The storage holder capacity at the plant is 253,000 cubic feet, and the relief holder capacity is 25,000 cubic feet, equivalent to at least two days' demand during the peak load.

The maximum daily output of this plant during the year 1911 was 90,000 cubic feet on August 8th; during the year 1912, 118,000 cubic feet on September 12th, and during the year 1913 116,000 cubic feet on June 18th.

The total gas sent out during the year 1911 was 21,906,000 cubic feet, and during the year 1912 was 25,114,000 cubic feet.

The maximum daily output and the total gas sent out for the year 1913 may be less than the previous years, as the municipal water plant, which formerly used about 2,500,000 cubic feet of gas each year in connection with its pumping system, is now using oil as a fuel.

From the above figures it would appear that the capacity of the plant was sufficient to meet the maximum demand which may be expected for at least five or ten years.

Criticism might be made of the company's judgment in erecting a storage holder of the size of the present holder. The water gas generating apparatus having been installed in duplicate sets of such capacity as to provide a reserve set in case of accident to the operating set at practically all periods of the year, makes it unnecessary to provide for so large a storage capacity as has been installed by this company.

Examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the testing and setting of meters.

Company states that no meters are allowed to remain in service for a period of over three years. Company has provided itself with a standard meter prover which has been tested and sealed by the inspectors of this Board in accordance with Rule IV.

A record of meter tests made by the company is on file at the meter shop as prescribed by Rule III, but reports made up from these tests giving a summary of the results have not been made to the Commission since June, 1912.

The company states that it makes tests of consumers' meters upon request, as prescribed by Rule V.

Meter dials read directly in cubic feet and bills are rendered monthly and designate the reading of the meter at the beginning and at the end of the time for which the bill is rendered, and comply fully with Rule VII. Where prepayment meters are used a slip is left with the consumer at the time of reading of meter

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which shows the reading taken and the amount of money collected from the cash box.

Company states that no charge is made for changing meters as prescribed by Rule VIII.

The output of this plant for the year 1912 was 25,114,000 cubic feet, and in accordance with Rule X company should equip itself with a standard calorimeter outfit. As stated before, the total output for the year 1913 will probably be less than this figure, as the municipal water plant, which formerly used approximately 2,500,000 cubic feet of gas each year in connection with its pumping system, is now using oil as a fuel.

It is reasonable to expect, however, that the total output for the year 1913 will be over 20,000,000 cubic feet of gas, as the loss due to the use of oil at the munipical pumping plant will probably be overcome by additional business obtained during the year 1913.

Daily measurements of pressure are made at the office of the company at No. 49 North Sussex Street, and the records are on file at the office in accordance with Rule XII.

Examination of the pressure charts obtained from the gauge would indicate that the gas pressure at this point was within the limits prescribed by Rule XI.

Complaints of poor service are recorded and filed at the company's office and show the name and address of the consumer, the nature of the complaint and the remedy as prescribed by Rule XIV. Examination of these records would indicate that complaints are promptly attended to.

The company has complied with Rule XVI by printing on their monthly bills instructions as to the reading of meters. No instructions are given, however, to consumers using prepayment meters.

In summing up, it would appear that the company has complied with the rules and regulations of the Board with the following exceptions:

Rule III. Reports giving summary of records of meter tests have not been filed with the Board since June, 1912.

Rule X. Company has not provided itself with a standard calorimeter outfit.

Rule XVI. No method has been adopted by the company to inform its customers using prepayment meters as to the reading of same.

It is recommended that the company equip itself with a standard calorimeter outfit constructed and calibrated as approved by the National Bureau of Standards, and that periodic tests be made upon the gas, and that a record of these tests be made and kept on file in the office of the company as prescribed by Rule X.

ELIZABETHTOWN GAS LIGHT COMPANY.

A general inspection of the Elizabethtown Gas Light Company's plant located at the foot of Erie Street, Elizabeth, was made by the Gas Inspector.

This is a carburetted water gas plant supplying the municipalities of Elizabeth, Roselle, Roselle Park, Union and Linden under the low pressure distribution systems.

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Gas is sold to the Cranford Gas Light Company, the Metuchen Gas Light Company, the Rahway Gas Light Company and the Perth Amboy Gas Light Company, the gas being transmitted from the Elizabeth plant in high pressure mains. In Rahway and Perth Amboy the gas is delivered to storage holders and distributed to the consumer under holder pressure; in Perth Amboy some gas is delivered directly from the high pressure to the low pressure mains, the pressure being reduced by district regulators. The gas sold to the Cranford and Metuchen companies is delivered directly to the low pressure mains of these companies and the pressure is reduced by means of district regulators.

Coal is received from the railroad on a concrete trestle, from which it is unloaded by gravity and is stored in bins under the trestle. The coal is carried to the boilers and generators by means of an industrial railway, being carried to the charging floor in the generator house by a hydraulic elevator.

The maximum rated gas generating capacity of this plant is 3,600,000 cubic feet of gas per day, the generating equipment consisting of two 10′ 0″ Gas Machinery Company carburetted water gas sets and one 6′ 0″ United Gas Improvement Company carburetted water gas set. Allowing for one set being shut down for repairs, the normal generator capacity would be 3,200,000 cubic feet, or 2,000,000 cubic feet, depending upon whether the small set or one of the large sets was shut down.

Ample provision has been made for cooling, purifying and measuring the gas.

The maximum storage holder capacity is 1,031,000 cubic feet and the relief holder capacity is 340,000 cubic feet. Ample provision has been made for the storage of gas oil, the company having erected two oil storage tanks, each having a capacity of 34,647 gallons, making a total storage capacity of 69,294 gallons of oil.

The maximum daily output for the year 1911 was 1,720,000 cubic feet on September 27th; for the year 1912, 1,983,000 cubic feet on December 29th; for the year 1913, up to December 5th, 2,177,000 cubic feet on September 10th, an increase each year of from 10 to 15 per cent.

The total gas made during the year 1911 was 458,755,000 cubic feet, and during the year 1912 was 518,239,000 cubic feet, an increase of approximately 10 per cent.

An examination of the above figures would indicate that the maximum demand on this plant will soon exceed its normal generating capacity.

The company proposes, however, to increase the capacity of the plant during the coming year either by adding to its water gas plant or by the installation of a coal gas plant to work in conjunction with the present water gas plant.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the testing and setting of meters.

The company states that no meters are allowed to remain in the service for a period of over six years.

The company has installed two standard meter provers in accordance with Rule IV. These provers are located in the gas meter shop at No. 124 Broad street, Elizabeth, and have been tested and sealed by inspectors of the Board.

A record of meter tests made by the company is on file in the meter shop as prescribed by Rule III, and a report made up from these records giving a sum-

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mary of the results of the meter tests has been sent to the office of the Board every month as prescribed by this rule.

The company states that it makes tests of consumers' meters upon request as prescribed by Rule V.

Meter dials read directly in cubic feet and bills are rendered monthly and designate the reading of the meter at the beginning and at the end of the time from which the bill is rendered, and comply fully with Rule VII. Where prepayment meters are used a slip is left with the consumer at the time of reading of meter. This slip is made out in duplicate and shows the reading of the meter and the amount of money collected from the meter.

The company states that no charge is made for changing meters as prescribed by Rule VIII.

Examination shows that calorimeter tests are made once every day and records of the results are kept in accordance with Rule X. The monthly averages of such tests during the present year are as follows:

Date.	Average	Minimum
1913	Btu.	Btu.
January	626	610
February	625	613
March	634	615
April	634	622
May	632	615
June	645	624
July	645	625
August	641	627
September	640	622
October,	635	619
November	632	621

Tests made on day of inspection gave a total heating value of 623 Btu. The results of these tests would indicate that the heating value of the gas sent out from this plant was well above the requirements of Rule IX.

Daily measurements of pressure are made at the following points with recording gauges and the records are on file at the works and at the commercial office, as required by Rule XII.

The locations are:

1—At Elizabeth office.
1—At Elizabeth works.
1—At old Elizabeth works.
1—At Westfield office.
1—At Rahway.
1—At Metuchen.

An examination of the charts obtained from these gauges would indicate that the gas pressures on the gas distribution lines were within the limits prescribed by Rule XI.

Complaints of poor service are recorded and filed at the Broad Street office of the company showing name and address of the consumer, the date, the nature of the complaint and the remedy as prescribed by Rule XIV. When a complaint

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is received at the office a card is made out in duplicate giving the name and address of the complainant and stating the trouble reported by him. The original copy is given to the company's inspector, who investigates the complaint and returns the card to the office after the investigation is made, writing on the card the nature of the complaint and the remedy. This card is then filed at the office.

In addition to the card system a loose leaf complaint book is kept at the office which is made up from the data obtained from these cards.

The company has complied with Rule XVI by printing on the regular monthly bills instructions as to reading meters. No instructions are given, however, to consumers using prepayment meters, and this appears to be the only rule which has not been complied with by the company.

HAMMONTON AND EGG HARBOR CITY GAS COMPANY.

A general inspection of the Hammonton and Egg Harbor City Gas Company's plant located at Hammonton was made by the Gas Inspector.

This is a water gas plant supplying the town of Hammonton under the low pressure distribution system.

Coal is received at the plant from the railroad by means of a siding at grade, and is carried from the yard storage to the generator house by buggies which are raised to the charging floor by means of a hoisting drum on the blower engine. The rated generating capacity of the plant is 150,000 cubic feet per day. Coal is stored in the open, provision being made for the storage of about fifty tons of anthracite coal for the water gas set, and in case of coal strikes one hundred tons could be accommodated. This amount is sufficient to supply the generator apparatus for a period of from sixty to one hundred and twenty days during the maximum or peak load. Ample provision is made for the storage of gas oil, the total storage being sufficient to supply the plant for a period of sixty days during the peak load.

Ample provision is made for cooling, purifying and measuring the gas. The gas after leaving the generator apparatus passes to a relief holder, which assures a uniform flow of gas through the purifiers and through the station meter.

The maximum daily output at this plant during the year 1911 wasc 38,063 cubic feet on August 29th, and the maximum daily output during the year 1912 was 37210 cubic feet, which would indicate that the capacity of the plant is ample to supply the present demands.

The storage holder capacity at the plant is 100,000 cubic feet, which would allow a shut down of the plant in case of accident or of repairs to the generating apparatus of about three days during the peak load and about eight days during the minimum load.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas have been complied with as follows:

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Rules I to VIII pertain to the testing and setting of meters.

The company states that no meters are allowed to remain in service for a period of over four years.

The company has not as yet provided itself with a standard meter prover in accordance with Rule IV, and consequently no tests have been made as prescribed by Rule III.

The company states that it makes tests of meters on complaint by comparing the consumer's meter with a portable test meter which is previously checked with a standard meter prover at Pleasantville, the results of such test being reported verbally to the consumer and a record of the tests is kept on file at the Hammonton office.

Meter dials read directly in cubic feet and bills are rendered monthly and designate the reading of the meter at the beginning and at the end of the time for which the bill is rendered, and comply fully with Rule VII. Where prepayment meters are used, a slip is left with the consumer at the time of reading meter. These slips are made out in duplicate and show the reading of the meter and the amount of money collected from the meter.

The company states that no charge is made for changing meters as prescribed by Rule VIII.

As the output of the plant for the year 1912 was less than 20,000,000 cubic feet, it is not required that the company equip itself with a calorimeter outfit.

Tests made by the Board's inspector using the Board's portable calorimeter outfit, show an average heating value of 573 Btu., with a minimum value of 568 Btu. This average is slightly less than the monthly average of 600 Btu., required by Rule IX, but the minimum value is above the minimum of 550 Btu. as allowed by this rule.

The company has installed a recording pressure gauge at the office in Hammonton, and has frequently moved this gauge to various points on its distribution system, and the charts obtained are on file at the office, as required by Rule XII. An examination of these charts indicates that pressure conditions are not within the limits prescribed by Rule XI at all points on the distribution system. The chart obtained from the Board's recording pressure gauge set by the Board's inspectors on Central Avenue shows a minimum pressure of 1.4" of water at 6 A. M., and a maximum pressure of 4" of water at 1 A. M., the minimum being below the 1.5" limit prescribed by this rule, and the daily variation of pressure shown on this chart is 180 per cent., which is over the limits prescribed by Rule XI.

An examination of the company's map showing the sizes and location of mains in Hammonton shows long lengths of 3" and 2" mains which no doubt cause the poor pressure condition shown on the pressure charts.

Complaints of poor service are recorded and filed at the office of the company on Bellevue Avenue, and show the name and address of the consumer, the date, the nature of the complaint and the remedy as prescribed by Rule XIV. When a complaint is received at the office, a card is made out giving the name and address of complaintant and stating the trouble reported by the consumer. This card is given to the company's inspector, who investigates the complaint and returns the card to the office after the investigation is made, writing on the card the nature of the complaint and the remedy. The card is then filed at the office.

The company has complied with Rule XVI by printing on the regular monthly

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bills instructions as to reading of meters. No instructions are given, however, to consumers using prepayment meters.

Summing up, it appears that the following rules have not been complied with:

Rule III. No record is kept of tests made on meters other than meters tested upon complaint of a consumer.

Rule IV. The company has not provided itself with a standard meter prover.

Rule IX. Average of nine calorimeter tests made by the Board's inspectors shows a total heating value of 573 Btu., which is less than monthly average total heating value of 600 Btu. required by this rule. The minimum value found, 568 Btu., is greater than the minimum of 550 Btu. allowed by this rule.

Rule XI. Pressure records indicate pressures lower than minimum limits, and daily variation of pressure which are greater than the maximum variation allowed by this rule.

Rule XVI. No method has been adopted by the company to inform customers using prepayment meters as to the reading of meters.

The company had less than 500 meters in service at the close of the year 1912, and its financial condition does not warrant the purchase of a standard meter prover as prescribed by Rule IV, and it is therefore RECOMMENDED that the company be relieved of compliance with this rule, the exception to be granted, however, for a period of one year from January 1st. 1914.

As stated above, the company has purchased a portable test meter, and the results of tests made with this meter should be recorded and kept on file in the office of the company. This test meter should be checked at least once each month with a standard meter prover. It is RECOMMENDED that the company make a study of operating conditions at the plant with a view of assuring monthly average total heating value of the gas of 600 Btu.

It is also RECOMMENDED that the company make a study of the pressure conditions on its distribution system, with a view of meeting the requirements of Rule XI, removing where necessary the 2" and 3" mains and replacing them with large mains.

Some method should be adopted by the company to inform its consumers using prepayment meters as to the reading of meters, either by printing on the slips left with these consumers when collections are made from the meter a description of the method of reading meters, or by a notice on the slip stating that methods will be explained on application.

NEW JERSEY GAS COMPANY.

A general inspection of the plant of the New Jersey Gas Company located at Glassboro was made by the Gas Inspector.

This is a carburetted water gas plant and supplies a number of townships and boroughs in the counties of Camden, Gloucester, Salem and Cumberland under the high pressure distribution system.

House governors are used to reduce and regulate the pressure at consumers' meters excepting in Elmer, Wenonah, Woodbury Heights, Williamstown and

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Woodstown, where distinct governors are used; and in Vineland, Swedesboro and Penns Grove, where the gas from the high pressure mains first enters station holders and is then distributed under the low pressure system.

The normal generating and purifying capacity of the Glassboro plant is 1,000,000 cubic feet per day, the maximum capacity being approximately 2,500,000 cubic feet per day. Besides the Glassboro plant the company has a coal and water gas plant at Vineland and water gas plants at Swedesboro and Penns Grove. The normal generating capacity of each of these plants is 100,000 cubic feet per day. Each plant is ready for use in case of accident to the transmission mains, and each plant has been operated during the past six months with the exception of the coal gas plant at Vineland, which is somewhat obsolete and which would require numerous replacements to put in an operating condition.

The holder capacity of this company is as follows:

	Cu. Ft.
Storage holders, Glassboro, 1 3-lift steel tank holder cap	1,080,000
Storage holders, Glassboro, 1 single lift tank holder cap (used at present as a tar storage, but could be used as gas holder if necessary),	33,000
Storage holders, Vineland, 1 single lift steel tank holder cap	40,000
Storage holders, Swedesboro, 1 single lift steel tank holder cap	24,000
Storage holders, Penns Grove, 1 single lift steel tank holder cap	20,000
Total	2,197,600
Relief holder, Glassboro, 1 single lift steel tank holder cap	52,000
Relief holder, Vineland, 1 single lift brick tank holder cap	20,000
Total	72,000

The oil storage capacity is as follows:

	Gallons.
Glassboro, 1 steel tank 22′-0 diameter x 28′-2″ high cap	80,000
1 steel tank 8′-0″ diameter x 28′-4″ long cap	10,650
Vineland, 1 steel tank 7′-0″ diameter x 28′-4″ long cap	8,150
Swedesboro, 1 steel tank 7′-0″ diameter x 28′-4″ long cap	8,150
Penns Grove, 1 steel tank 7′-0″ diameter x 28′-4″ long cap	8,150
Total	115,100

Ample provision is made for the storage and handling of fuel. At the Glassboro plant coal and coke are received from the railroad on a concrete trestle and unloaded from the cars by gravity. The coal or coke is then conveyed to the boilers and generators by means of an industrial railway, being carried to the generator house operating floor by a hydraulic elevator.

The maximum daily output during the year 1911 was 593,000 cubic feet and the minimum 200,000 cubic feet, the total output for the year being 130,449,348 cubic feet. The maximum daily output during the year 1912 was 862,000 cubic feet on August 28th, and the minimum 339,000 cubic feet on May 1st, the total output for the year being 164,965,575 cubic feet, an increase of approximately 26 per cent. over the total output during the year 1911.

The above figures would indicate that the capacity of the Glassboro plant was ample to meet the present demands and also of ample capacity to meet the maximum demands during the next five years, allowing for a 26 per cent. increase

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in output each year and taking into consideration the fact that the Vineland, Swedesboro and Penns Grove plants are ready to start at any time. It is not likely, however, that the output will continue to increase each year at the rate of 26 per cent. over each preceding year, and it would therefore appear that the capacity of the several plants would be ample for at least twice this period of time.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas have been complied with as follows:

Rules I to VIII pertain to the setting and testing of meters.

The company states that no meters have been in service for a period longer than three years, with the exception of some meters which were set by the Vineland, Swedesboro and Penns Grove companies before these companies were purchased by the New Jersey Gas Company, and the latter company has taken steps to have all meters removed in compliance with Rule II.

A record of meters tested is kept on file in the meter shop at Glassboro and monthly reports have been made to the Board of the results of these tests in compliance with Rule III.

The company has provided itself with a standard meter prover which has been tested and sealed by inspectors of the Board.

The company states that it makes tests of consumers' meters on request, in compliance with Rule V, and reports the result of such tests by letter to the consumer, and that a record of each test is on file at the office of the company in Glassboro.

Meter dials read directly in cubic feet, and bills are rendered monthly and designate the readings of the meter at the beginning and end of the time for which the bill is rendered and comply fully with the requirements of Rule VII. When prepayment meters are used a slip is left with the consumer at the time of reading same. This slip shows the readings of the meter and the amount of money collected from the meter.

The company states that no charge is made for changing meter as prescribed by Rule VIII.

The company has equipped itself with a calorimeter in accordance with Rule X, and daily tests are made of the heating value of the gas. The monthly average heating value and the minimum value each month since the month of July, 1912, is shown below:

Month.	Btu. Average.	Minimum.
July, 1912	626.	590.
August	606.	579.
September	603.	578.
October	601.	573.
November	602.	578.
December	600.	580.
January, 1913	606.	582.
February	602.	580.
March	600.	569
April	602.	574.

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Tests made by the Gas Inspector on the day of inspection give an average of 587 Btu.

Daily measurements of pressure are made at the following points on the high pressure distribution lines by means of recording pressure gauges:

Glassboro.
Penns Grove.
Vineland.
Laurel Springs.
Woodstown.

Besides the above the company have two portable recording gauges for use on the high pressure line, and three portable recording gauges for use on the low pressure line. These gauges are used semi-annually making a study and record of pressure conditions at all points on the company's distribution system. The low pressure gauges are also used to investigate complaints of poor service. An examination of pressure charts on file in the company's office at Glassboro would indicate that the pressures are within the requirements of Rule XI.

Records of complaints are made in duplicate, the original copy being sent to the employee who investigates the complaint and his report is made out on this card, which is then returned to the office, where it is kept on file.

The company has complied with Rule XVI by printing on the regular monthly bills and prepayment meter slips instructions as to the reading of the meter.

Summing up, it appears that the company has complied with all of the above rules.

THE NEW JERSEY NORTHERN GAS COMPANY.

A general inspection of the New Jersey Northern Gas Company's plant located at Flemington was made by the Gas Inspector.

This is a water gas plant supplying the municipalities of Flemington and Lambertville under the low pressure distribution system and the municipalities of Ringoes and Stockton under the high pressure system.

Previous to the purchase of the Flemington Gas Light Company and the Lambertville Gas Light Company by the New Jersey Northern Gas Company the municipalities of Flemington and Lambertville were supplied by separate coal gas plants under the low pressure distribution system.

The coal gas benches at the Flemington plant have been dismantled and a water gas set erected in their place. When the high pressure main from the Flemington plant to Lambertville was completed the use of the coal gas benches at Lambertville was discontinued.

Gas is supplied to Flemington from the storage holder at the Flemington plant, and a connection from the high pressure mains to the low pressure mains in the southern sections of Flemington has recently been made in order to increase the pressure of the gas in this section of Flemington.

The pressure is reduced and regulated by means of a district station regulator located on Church Street near Main Street.

Gas is supplied to Lambertville under the low pressure distribution system, a connection being made between the high pressure main and the low pressure

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mains as in the southern section of Flemington. The gas is supplied to the main in Lambertville during the night from two storage holders at the Lambertville plant, the holders being filled during the day by the high pressure main from the Flemington plant. The consumers in Ringoes and Stockton are supplied directly from the high pressure mains, the pressure being reduced and regulated by means of high pressure service regulators at each consumer's service pipe.

The company is extending its high pressure mains to the municipalities of Hopewell, Pennington and Linvale, from which mains the consumers will be supplied as in the municipalities of Ringoes and Stockton.

Coal is received at the Flemington plant from the railroad by means of an elevated siding, the coal being unloaded by gravity and conveyed to the generator house in coal buggies, which are elevated to the charging floor by a steam hoist. The rated generating capacity of the plant is 150,000 cubic feet per day.

Ample provision is made for the storage of coal and oil, the coal bins having a capacity of approximately 100 tons and the oil tank having a capacity of 12,000 gallons. The coal storage capacity is sufficient to supply the plant for approximately sixty days during the maximum or peak load, and the oil storage capacity is sufficient to supply the plant for approximately thirty days during this period.

Ample provision is made for the cooling and purifying of the gas.

The company is erecting an 80-horsepower boiler, which in addition to the present boiler will give ample boiler capacity at the plant.

On August 4th, 1913, the gas made at the Flemington plant was 92,000 cubic feet. The storage holder capacity of this plant is 30,000 cubic feet.

It can be readily seen that with the additional demand which may be expected during the peak load of the coming year in consequence of the additional business which will be derived from the extensions of the company's mains to Hopewell and Pennington, together with the increase in business which may be expected from the present mains, that the capacity of this holder will be too small to provide ample gas storage capacity at that time. In case of an accident to the generator apparatus, which consists of but one unit, the gas supply to the municipalities would be cut off as soon as the holder capacity was exhausted. If the accident should occur during the peak load, the storage supply would probably not last for more than two to five hours, depending on the amount of gas in the holder at the time.

In order to correct this condition, it is RECOMMENDED that the company install another generating unit so that in case of accident the company will always have a unit in reserve.

In addition to this it is RECOMMENDED that the company erect a relief holder having a capacity of at least 20,000 cubic feet.

Water gas is not generated continuously, and it is important that the gas should be purified in a continuous flow. The relief holder would receive the gas as made, and then act as a governor, permitting a continuous flow through the purifying apparatus.

In lieu of the above recommendation, the company might construct an additional storage holder of at least 50,000 cubic feet capacity, and make the necessary pipe connections so that the present holder can be used as a relief holder. This would give an additional time to make repairs in case of accident to the single generator unit, but would not give the same protection that would be provided by an additional generator unit, and the cost of construction would be approximately the same in each case.

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The station meter at the Flemington plant is in a depreciated condition, and is of too small capacity to measure the present sendout, and is not used.

While the use of a station meter is not essential to producing a gas of quality prescribed by rules adopted by the Board, it furnishes a means of determining whether the plant is operated in an efficient manner.

The "gas made" is measured at present by observations of the height of the storage holder, which gives only a rough estimate of the actual amount made, and it is therefore RECOMMENDED that as soon as the financial condition of the company will permit that a new station meter be installed.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the testing and setting of meters.

The company states that there are some meters which have been in service for a period of over six years; that these meters were set by the former owners of the company, and that the present company has taken steps to have them removed.

No record is kept of tests made on meters before installation, nor upon meters received from service, unless a request is made by the consumer for a test of the meter.

The company has provided itself with a standard meter prover which has been tested and sealed by inspectors of the Board.

The company states that it makes tests of consumers' meters on request, and that the results of such tests are reported to the consumer.

Meter dials read directly in cubic feet, and bills are rendered monthly and designate the reading of the meter at the beginning and at the end of the time for which the bill is rendered, and comply fully with the requirements of Rule VII.

Where prepayment meters are in use a slip is left with consumer at the time of reading the meter. These slips show the reading of the meter and the amount of money collected from the cash box.

The company states that no charge is made for changing meters as prescribed by Rule VIII.

The company has not as yet equipped itself with a standard calorimeter outfit in accordance with Rule X, as the total output of the company for the year 1912 was less than 20,000,000 cubic feet.

Tests made by the Board's inspectors using the Board's calorimeter outfit show an average of 605 Btu's, which is above the monthly average required by Rule IX.

Measurements of pressure are made at the Flemington plant and at the Lambertville plant, and at the office in Lambertville by means of recording pressure gauges. With the exception of the gauge in the Lambertville office, these gauges are all on the high pressure mains. An examination of the charts taken from the low pressure gauge, and which are filed in the Lambertville office of the company, would indicate that the pressure conditions at this point are within the requirements of Rule XI.

Pressure gauges were set at various points in Flemington by the Board's inspectors, and an examination of the charts taken from these gauges indicates that the pressure conditions in Flemington are within the requirements of this rule.

A record of complaints is kept at both the Flemington and Lambertville offices of the company. The complaint when received is made out in triplicate, the

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original copy being sent to the company's office in Camden; the second copy is kept at the Flemington or Lambertville office, and the third copy is given to the company's inspector, who reports upon this copy the cause of the trouble and the remedy. This third copy is then sent to the Camden office, where it is filed.

The company has complied with Rule XVI by printing on its monthly bills instructions as to the reading of meters. In the case of prepayment customers there are no instructions given.

Summing up, it would appear that the company has complied with the rules and regulations of the Commission, with the following exceptions:

Rule III. No tests are made of new meters or of repaired meters or of meters removed from service. No reports of any meter tests have been made to the Commission.

Rule XVI. No instructions are given to consumers using prepayment meters as to the reading of meters.

In connection with the measurements of pressure conditions, as referred to in Rule XII, it is RECOMMENDED that the company purchase a recording pressure gauge, preferably of the portable type, so that measurements of pressure can be made at various points in Flemington.

NEWTON GAS AND ELECTRIC COMPANY.

A general inspection of the Newton Gas and Electric Company's gas plant located southeast of Diller Avenue, Newton, was made by the Gas Inspector. The gas plant and the electric plant of this company, which are now operated under one roof, formerly were operated as separate plants in another section of the town. At the present time the gas plant is operating as a coal gas plant supplying the town of Newton under the low pressure distribution system. A water gas set which was used at the old plant until the present plant was completed has been erected in the retort room of the new plant and will be used in conjunction with the coal gas bench when the necessary piping, masonry work, etc., is completed.

Coal is received from the railroad by means of an elevated siding and is unloaded by gravity. Ample storage capacity is provided under the trestle and in the yard. The coal is conveyed from the yard storage to the boiler and to the coal gas bench by means of coal buggies, and both the boiler and the bench are fired by hand.

The normal generating capacity of the coal gas bench, which is of the horizontal retort type, is 50,000 cubic feet per day. Pennsylvania gas coal is used for the production of gas, and all coal is weighed before being used in the retorts. Ample provision is made for the cooling, purifying and storage of the gas. The company has erected a storage holder having a capacity of 25,000 cubic feet, so constructed that this capacity may be doubled by the addition of a second lift. In addition to this a relief holder having a capacity of 35,000 cubic feet has been erected and will be used in connection with the water gas plant. The work of erecting this holder has been practically completed, but the gas company has refused to accept it from the constructing company, stating that certain specifica-

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tions in the contract for this holder have not been complied with by the constructing company.

The maximum daily output of the coal gas plant for the year 1911 was 38,000 cubic feet on August 8th. No records were kept of the maximum daily output during the years 1911 and 1912, or of gas made and gas delivered to the mains until May, 1912, and no records were kept of these figures during the first six months of the year 1913, so that it is impossible to determine the exact relation between the capacity of the plant and the maximum demand which may be expected during the coming year.

From the figures available, however, it would appear that the capacity of the plant is sufficient to meet the demands which may be expected during the next few years, with the exception of the purifying capacity and possibly the storage holder capacity. Extensions to the purifying capacity can be made at a minimum cost, as ample space has been provided in the purifying room for additional boxes. Extensions to the holder capacity can be made by constructing a second lift on the holder as explained above.

The coal gas bench which is at present generating all the gas made at the plant was erected during the year 1911 and will shortly have to be shut down for repairs. Very little work has been done to put the water gas set in operation, and unless this set is ready to operate before it becomes necessary to shut down the coal gas bench an interruption will occur in the gas service.

The company states that the work of putting the water gas set in operation has been delayed owing to the disput over the relief holder as mentioned above; that the matter has been taken to the courts, and pending the decision of the court the holder cannot be used by the company. Before water gas can be made at this plant considerable piping and masonry work will have to be installed.

The boiler which was recently received at the plant should be erected; also the two oil tanks which at present are lying in the yard. All gas, steam, water, oil, tar and drain piping should be installed as soon as possible in order that the water gas set may be put into operation immediately when the dispute over the holder contract is settled by the courts. As a matter of fact the water gas set could be operated without the relief holder, if necessary.

It is therefore recommended that the company take steps immediately to complete the work in connection with the water gas set, so that it will be ready for operation when it becomes necessary to shut down the coal gas bench.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the testing and setting of meters.

The company states that no meters are allowed to remain in service for a period of over six years.

The company has not as yet provided itself with a standard meter prover in accordance with Rule IV, and consequently no tests have been made as prescribed by Rule III.

The company states that complaint meters are sent to the American Meter Company of New York for test; that the result of such test is reported to the complainant, and that no charge is made to the consumer for making the test.

Meter dials read directly in cubic feet and bills are rendered monthly and designate the reading of the meter at the beginning and the end of the time for which the bill is rendered.

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No slip is left with customers using prepayment meters, as required by Rule VII.

The company states that no charge is made for changing meters as prescribed by Rule VIII.

As the output of the plant for the year 1912 was less than 20,000,000 cubic feet, it is not required, in accordance with Rule X, that the company purchase a calorimeter outfit at this time.

Tests made by the Board's inspectors on December 16th, 1913, at the company's office, using the Board's portable calorimeter, show an average heating value of 620 Btu. with a minimum value of 617 Btu. Tests made on December 17th, 1913, show an average heating value of 598 Btu. and a minimum value of 593 Btu. The average heating value of all tests is 609 Btu. The results obtained from these tests would indicate that the heating value of the gas was greater than the average heating value required by Rule IX.

In accordance with Rule XII—

The company has installed a recording pressure gauge at its office in Newton, and an examination of the charts taken from the gauge, which are on file at the office, would indicate that the pressure of the gas at this point was within the limits prescribed by Rule XI.

A recording pressure gauge was set at No. 95 High Street, Newton, on December 15th, 1913, by the Board's inspector and removed on December 17th, 1913. An examination of the chart obtained shows that the pressure of the gas at this point was within the limits of Rule XI during the time the gauge was in service.

An examination of the map showing the location and sizes of the gas mains in Newton shows long lengths of 2 foot and 3 foot pipe in various parts of the distribution system. As only two recording pressure gauges were available when the pressure tests were made, it was impossible to get a record of pressure conditions at all points on these small mains, and while the two charts obtained would indicate that gas pressures were within the limits prescribed by Rule XI, it will be necessary to make further tests of pressure in order to obtain a true record of pressure condition in Newton.

These tests will be made during the next month by the Board's inspectors.

Complaints of poor service are recorded and filed at the office of the company. They show the name and address of the consumer, the date and the nature of the complaint, but do not state what was done by the company to remedy the cause of complaint as required by Rule XIV. These records of complaint are at present kept so that when the work in connection with the complaint is completed, the name and address of the complainant is scratched off the record, so that the record is destroyed.

No method has been adopted by the company to inform its customers as to reading of meters as prescribed by Rule XVI.

Summing up, it appears that the following rules have not been complied with:

Rule III. No record is kept of tests made on meters other than meters tested upon complaint of a consumer.

Rule IV. The company has not provided itself with a standard meter prover as prescribed by this rule.

Rule VII. No slips are left with consumers using prepayment meters.

Rule XIV. Complaint records are not kept in accordance with this rule.

Rule XVI. No method has been adopted by the company to inform its customers as to the reading of meters.

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The company has at present approximately 700 meters in service, and it is recommended that the company provide itself with equipment necessary for testing meters as prescribed by Rule IV, and that the company keep a record of such tests as prescribed by Rule III and Rule V.

It is further recommended that the company take steps immediately to complete the work in connection with the water gas set, so that it will be ready for operation when it becomes necessary to shut down the coal gas bench.

OCEAN COUNTY GAS COMPANY.

A general inspection was made of the plant of the Ocean County Gas Company located at Toms River. This inspection showed that the rules adopted by the Board as establishing serviceable standards and reasonable regulations had not been complied with by the company as follows:

1. No reports of meter tests have been made to the Board as prescribed by Rule III.
2. No slips were left with customers using prepayment meters as prescribed by Rule VII.
3. No measurements of pressure and pressure variations were made on the low pressure distribution mains as prescribed by Rule XII.

A second inspection was made by the Gas Inspector, which inspection showed:

1. That reports of meter tests have been filed with the Board covering tests made from January 1st, 1913, to July 1st, 1913.
2. That slips are left with customers using prepayment meters which show reading of meter and amount of money collected from the meter, as prescribed by Rule VII.
3. No measurements are made of pressure and pressure variations as prescribed by Rule XII.

It is RECOMMENDED that the company immediately take steps to comply with this rule by installing at least one recording pressure gauge in each of their low pressure distribution districts, namely Toms River, Island Heights and Tuckerton.

PLEASANTVILLE HEAT, LIGHT AND POWER CO.

A general inspection of the plant of the Pleasantville Heat, Light and Power Company was made by the Gas Inspector. This is a carburetted water gas plant supplying Absecon, Pleasantville, Northfield, Linwood and Somers Point, under the low pressure distribution system. The capacity of the plant is about 250,000 cubic feet per day, with ample purifying and holder capacity. Ample coal storage and oil storage is also provided.

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The total output during the year 1912 was 31,005,000 cubic feet. The maximum monthly output during the month of August was 3,386,000 cubic feet, making the maximum daily output about 120,000 cubic feet. It would therefore appear that the capacity of the plant is ample for the present demands.

An examination of the company's records shows that the rules as adopted by the Board on October 17th, 1911, establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VII pertain to the testing and setting of meters.

The company states that it is removing all meters, in compliance with Rule II. Records of meter tests made by the company are on file at the works office, as prescribed by Rule III, and the company has reported to the Board monthly the results of these tests.

This company has installed a standard meter prover in compliance with Rule IV, which has been tested and sealed by inspectors of this Board.

The company states that it makes tests of consumers' meters on request, in compliance with Rule V, and that a report of the result of such test is made to the consumer, either by letter or by telephone.

Meter dials read directly in cubic feet, and bills are rendered monthly and designate the reading of the meter at the beginning and end of the time for which the bill is rendered, and comply fully with the requirements of Rule VII.

When prepayment meters are used, a slip showing the reading of the meter and the amount collected is left with the consumer in compliance with this rule.

The company states that no charge is made for changing meters, as prescribed by Rule VIII.

This company has not as yet equipped itself with a standard calorimeter outfit, as prescribed by Rules IX and X, although its total output during the year 1912 was 31,000,000 cubic feet.

Rule X requires that each company whose output exceeds 20,000,000 cubic feet per year shall equip itself with such an outfit.

Daily measurements of pressure are made at the office in Pleasantville, and records are also made from time to time at different points on its distribution system, with special attention to the extreme ends at Absecon and Somers Point.

A complaint record is kept in accordance with Rule XIV, the complaints being received and recorded in a book in the office of the company in Pleasantville. From this book orders are made to the outside superintendent in the form of a card upon which the fitter who does the work reports the nature of the work, material used and the date completed. This card is returned to the office and filed.

The company has complied with Rule XVI by printing on the back of its bills instructions for reading gas meters.

Summing up, it would appear that the company has complied with all of the above rules, with the exception of Rule X, which requires that each company shall equip itself with a standard calorimeter outfit and make periodic tests of the calorific value of the gas.

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SALEM GAS LIGHT COMPANY.

A general inspection of the Salem Gas Light Company's plant located at the foot of Fifth Street in Salem was made by the Gas Inspector.

This is a coal gas plant supplying the City of Salem under the low pressure distribution system.

Coal and other supplies are received by railroad. Coal is unloaded from the cars by hand and conveyed to the coal storage shed and to the benches by means of barrows. The total generating capacity of this plant is approximately 150,000 cubic feet per day.

An examination of the company's records shows the average yield during the past year to have been approximately 4.61 cubic feet of gas per pound of coal.

The coal gas benches are of the horizontal retort type, there being three direct fire benches of six retorts each and one half-depth bench of five retorts.

Ample provision is made for the cooling, purifying and storage of the gas.

During the past year the company has removed its old station meter, which had become of too small capacity for the daily output, and has erected one with a capacity of 270,000 cubic feet per day.

The maximum daily output of this plant during the year 1911 was 83,800 cubic feet on September 12th, the total output for the year being 20,577,600 cubic feet.

The maximum daily output during the year 1912 was 87,400 cubic feet on September 7th, the total output for the year being 21,835,100 cubic feet.

The maximum daily output during the year 1913 was 95,800 cubic feet on September 9th, and the total output during the first ten months of the year 1913 would indicate that the total output for the year will amount to approximately 23,000,000 cubic feet.

The above figures would indicate that the capacity of this plant is ample to meet the present demands, the total generating capacity being about 50 per cent. more than the maximum daily output during the peak load of the present year, and the total storage holder capacity being equivalent to the maximum daily output of this year.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the testing and setting of meters.

The company states that some meters have been in service for a period of over six years; that this was due to a misinterpretation of this rule, the company believing that it was intended that all meters in service on October 17th, 1911, the day on which the rules were adopted by the Board, should be removed within six years from that date.

A record of meter tests is kept on file in the testing rooms at Salem, and monthly reports have been made to the Board, in compliance with Rule III.

The company has provided itself with a standard meter prover, which has been tested and sealed by inspectors of the Board.

The company states that it makes tests of consumers' meters on request, and that the results of such tests are reported to the consumer by the manager of the company and a record of such tests is kept on file at the works office of the company.

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Meter dials read directly in cubic feet and bills are rendered quarterly and designate the reading of the meter at the beginning and at the end of the time for which the bill is rendered, and comply fully with the requirements of Rule VII. Where prepayment meters are in use a slip is left with the consumer at the time of reading the meter. These slips show the reading of the meter and the amount of money collected from the cash box.

The company states that no charge is made for changing a meter as prescribed by Rule VIII.

The company has not yet equipped itself with a calorimeter outfit in accordance with Rule X, although the output of this company during the years 1911 and 1912 was over 20,000,000 cubic feet, as stated above.

On January 17th, 1913, the company in a letter to the Board asked to be relieved of compliance with this rule, stating that while its output as shown by its station meter was over 20,000,000 cubic feet during the year 1912, the actual gas sold was less than this figure, and that it had been put to the expense of installing additional street mains in order to make pressure conditions on its distribution system comply with the rules of the Board, and in addition to this had purchased a larger station meter at the works.

The company felt that it should be relieved of purchasing a calorimeter at that time in view of the fact that the heating value of the gas was well above the requirements of the rule, as shown by tests made during the month of August, 1911, by inspectors of the Board.

This matter has never been taken up by the Board, and it would appear that, in view of the fact that the company, whose output is barely over 20,000,000 cubic feet per year, and further in view of the fact that the company has been put to the expense as above mentioned, the company should be relieved of compliance with this rule for a period of one year from January 1st, 1913.

Measurements of pressure conditions are made only during the peak load in the summer, the readings being taken with water gauges, there being no recording gauges in use.

Records of complaints are kept by the company and show the name and address of the consumer, the date, nature of complaint and the remedy, in accordance with Rule XIV.

The company has complied with Rule XVI by printing on its regular monthly bills and on prepayment meter slips instructions as to the reading of meters.

Summing up, it would appear that the company has complied with the rules and regulations of the commission, with the following exceptions:

Rule II. This rule was violated owing to a misinterpretation, and the company states that immediate steps will be taken to comply fully with this rule.

Rule X. It is RECOMMENDED that the company be relieved of compliance with this rule for a period of one year from January 1st, 1913.

Rule XI. As there are no records on file as to pressure conditions, it is impossible to determine whether the conditions are within the requirements of this rule.

Rule XII. In connection with measurements of pressure conditions, it is RECOMMENDED that the company purchase a recording pressure gauge, preferably of the portable type, so that measurements of pressure can be made at various points on the distribution system.

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STANDARD GAS COMPANY.

A general inspection of the plant of the Standard Gas Company located at Atlantic Highlands was made by the Gas Inspector.

This is a carburetted water gas plant and supplies Highlands, Waterwitch, Hilton, Stone Church, Rumson, Oceanic, Locust, Navesink, Hillside, Atlantic Highlands, Brevent Park, Mardeau, Ocean View, Leonardo, Belford, Middletown township, Port Monmouth, New Monmouth, Keansburg and Raritan Township, under a high pressure distribution system, using individual house governors to reduce and regulate the pressure of the gas at the consumers' meters.

In addition to the above system, gas is pumped to a storage holder located in Matawan, and Matawan and Keyport are supplied under low pressure from this holder.

The maximum generating capacity of the Atlantic Highlands plant is approximately 700,000 cubic feet per day. The maximum purifying capacity is 300,000 cubic feet per day, and the relief holder capacity is 50,000 cubic feet, there being no storage holder, the gas being pumped directly into the mains after it is purified.

The company has an oil storage capacity of 10,000 gallons. The maximum pumping capacity is 38,000 cubic feet per hour.

During the year 1911 the amount of gas sold was 30,797,900 cubic feet, and during the year 1912 the sales amounted to 42,396,000 cubic feet. The maximum daily sales during the year 1911 was 278,000 cubic feet on August 16th, and during the year 1912 333,000 cubic feet on August 27th. If the increase during the year 1913 is in proportion to the increase during 1912, the maximum daily sales during the coming year will be approximately 400,000 cubic feet. As this company has not as yet installed a station meter, it was impossible to determine exactly the maximum daily output; but allowing for leakage in mains, etc., it is reasonable to expect a maximum daily output of 500,000 cubic feet during the month of August, 1913.

During the year 1912 the maximum sendout during one hour was approximately 38,000 cubic feet, which during 1913 will probably reach 45,000 to 50,000 cubic feet.

An examination of these figures shows that during the coming year the company will be handicapped by insufficient purifying capacity, insufficient compressor or pumping capacity and insufficient oil storage capacity.

An accident to the larger water gas set, to either of the compressors or to one of the boilers would probably result in an interruption in service in some part of the distribution system. A delay in receiving a shipment of oil might cause a shut down of the plant, as the oil storage capacity is not large enough to run the plant over six or seven days during the summer months.

In addition to the insufficient capacities of the present apparatus, this plant is also badly handicapped in not having a storage holder. The gas after leaving the generating apparatus passes through a scrubber and a condenser, which remove the tar and oily matter from the gas, then through the relief holder. As water gas is not generated continuously, and as it is very important that the gas be purified in a continuous flow, a relief holder is used. This holder receives the gas as made from the generating apparatus and acts as a governor, permitting a continuous flow from the holder through the purifier, where sulphur impurities are removed. From the purifiers the gas passes to the compressors and is pumped to various points in the distribution system.

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During the past year when the output was at a maximum the gas was delivered to the mains at temperatures which were too high to assure an economical operation of the plant or a product which would meet requirements of adequate service as defined by the rules adopted by the Board.

The installation of a storage holder which would receive the gas from the purifiers would correct this condition, as the gas in passing through this holder would be reduced to the proper temperature to deliver to the mains, and would also assure a reserve supply of gas for a short period in case of an accident in any part of the plant as mentioned above.

A previous inspection was made of this plant, at which time a somewhat different process of operation was used. The gas, after passing through scrubber and condenser, passed through the purifiers and then to the holder, the positions of the holder and purifier being reversed from their present positions. The objection to this process was that the hot gas, passing directly into the purifiers, carried with it tar and oily matter, most of which is now deposited in the relief holder. This tar in a short time obstructed the passage of the gas through the purifier and also affected the chemical action which takes place in the purifier in removing the sulphur impurities.

As a result of this investigation, the present method of operation was adopted, and it was brought out that certain additions and betterments to the plant were necessary to assure a product which would comply with the rules and regulations adopted by the Board as establishing adequate service as far as the quality of the gas is concerned.

The company at that time stated that these additions and betterments would be made. The work included the erection of another holder and additional purifiers. Up to the present time nothing has been done in this matter.

The Board has recently authorized the company to issue bonds to provide for the erection of the following apparatus:

One 200,000 cubic feet holder.
One 25,000 gallon oil storage tank.
One 150 h. p. boiler.
One No. 8 exhauster.
One station meter.
One 20x12 inch purifier.
One 12x16x12 compressor.

While it is improbable that all of this apparatus can be erected before the summer months, it is RECOMMENDED that steps be taken to immediately install the purifier and compressor and so much of the other apparatus as is possible.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII pertain to the setting and testing of meters.

As the Atlantic Highlands Gas Company was incorporated in 1910 and the construction of the plant was not completed until May, 1910, no meters have been in service over six years as prescribed by Rule II. The company states,

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however, that there are still several old meters in service in Matawan and Keyport, which are on the old Standard Gas Company mains. These meters will be removed during the coming year.

A record of meter tests is on file at the meter shop, as prescribed by Rule III.

The company has not reported the results of these tests in accordance with this rule since the month of February, 1912.

A standard meter prover, which has been tested and sealed by inspectors of this Board, has been installed in compliance with Rule IV.

The company states that it makes tests of consumers' meters on request, in compliance with Rule V, and reports the result of such tests on a form prepared for this purpose.

Meter dials read directly in cubic feet, and bills are rendered monthly, and designate the readings of the meter at the beginning and end of the time for which the bill is rendered and comply fully with requirements of Rule VII.

A new bill form will be put in use during the next few months, as bills in use at present were prepared for the Atlantic Highlands Gas Company and Standard Gas Company before the consolidation of these companies. The company states that no slips have been left with prepayment meter consumers, but that they will comply with this part of Rule VII in the future.

No charge is made for changing meters as prescribed by Rule VIII.

Examination shows that calorimeter tests are made and records kept in accordance with Rule X. Tests are made every day, and an examination of the company's records shows results as follows:

Month.	Average Btu.	Minimum Btu.
January, 1913,	606	576
February	610	584
March	606	583
April, 1913,	605	586

The above results are within limits prescribed by Rule IX.

Daily measurements of pressure are made at the office in Atlantic Highlands and at the office in Keyport, where records are kept on file as required by Rule XII.

An examination of charts made at the Keyport office shows that the pressures at that point are within the limits of Rule XI.

As stated in the first part of this report, this company distributes gas at high pressure excepting in Matawan and Keyport, consequently it was impossible to determine whether pressure conditions were within the requirements of this rule unless a number of tests were made at meter inlets, the pressure conditions in each case depending upon separate house service governors.

Complaint records are kept in duplicate and divided into two classes, emergency and regular. The records show name and address of complainant, the date, nature of complaint and the remedy, as prescribed by Rule XV.

The company has complied with Rule XVI by printing on the bills a note stating that upon request the company will gladly explain how to read meters, and the

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company states that when new bill forms are printed full instructions as to reading of meters will appear on the back of the bills.

Summing up, it appears that the company has complied with all of the above rules excepting:

Rule III. Reports of meter tests have not been sent to this Board since February, 1912.

Rule VII. No slips are left with consumers using prepayment meters.

STANDARD GAS COMPANY OF SOUTH JERSEY.

A general inspection of the plant of the Standard Gas Company of South Jersey, located on Central Avenue, Sea Isle City, was made by the Gas Inspector.

This plant, a carburetted water gas plant, is not yet in operation, owing to a bad settlement in the gas holder foundations, causing the holder to be so badly out of plumb as to make its operation doubtful. The foundations under the water gas sets and under the steam boiler have also settled, although this may not seriously interfere with their operation; provided, however, that the settlement does not continue.

This plant was built on meadow land. Piles were driven under the concrete foundations, but it appears that the piles used were too short, and not driven to an even bearing, thereby causing the foundations to settle when the loads were put on them. The company proposes to jack up the holder from its foundation and move it to one side, then to underpin the foundations by driving longer piles. This they estimate will take sixty days and an expenditure of approximately $2,000. This holder was built without a steel bottom in the tank. An angle iron was riveted around the bottom of the tank and was grouted in the concrete foundations, the concrete acting as the tank bottom. The company proposes to construct a steel bottom in the tank before the holder is put in use.

Approximately 30,000 feet of mains have been laid in Sea Isle City, and the company proposes to lay 10,000 feet during the next two months. This is mostly four inch wrought iron pipe. To date, practically no services have been run. Gas will be distributed in Sea Isle City under high pressure and the pressure reduced by means of house governors.

The apparatus erected on day of inspection was as follows:

One Gas Engineering Co. water gas set, generator 4′ diameter; one Gas Engineering Co. tubular gas condenser; one Gas Engineering Co. scrubber; two Gas Engineering Co. dry seal purifier boxes. Capacity 200,000 cubic feet per day.

One No. 4 Sturtevant blower direct connected to steam turbine.

One 50 h. p. tubular boiler.

One steel tank storage holder, capacity 20,000 cubic feet.

One steel pressure tank, 8′ diameter x 36′0″, capacity 21,000 cubic feet.

One steel oil storage tank 8′ diameter x 24′0″.

One Blaisdell Machine Co. compressor 10″x10″x10″, capacity 800 cubic feet per hour at 200 revolutions.

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One Fairbanks oil pump 3"x2"x4".
One Fairbanks circulating water pump 3"2½"x4".
One Fairbanks boiler feed pump 3"x2"x4".

The generator purifier house is a steel frame building with corrugated iron covering and roof, concrete foundations and concrete floors.

WASHINGTON GAS COMPANY.

A general inspection of the Washington Gas Company's plant, located on the west side of South Lincoln Avenue, Washington, N. J., was made by the company's inspector.

This is a water gas plant supplying the Borough of Washington under the low pressure distribution system.

Coal is received at the plant from the railroad by means of siding at grade and is carried to the coal storage shed by barrows, whence it is carried to the generator house in coal buggies, being raised to the charging floor by a chain hoist. Anthracite coal is used in the generator of the water gas set and provision is made for the storage of approximately fifty tons.

The normal generating capacity of this plant is one hundred thousand cubic feet per day.

Ample provision is made for the cooling and purifying of the gas and ample provision is made for the storage of coal and oil, the oil storage capacity being approximately eight thousand gallons. This amount is sufficient to supply the generating apparatus for a period of from sixty to one hundred days during the maximum or peak load and the coal storage capacity would supply the works for a similar period.

The gas storage holder capacity is twenty-five thousand cubic feet. There is no relief holder at this plant; the gas after leaving the generator set passes through a scrubber and then directly to the purifiers, and from the purifiers to the storage holder.

The maximum daily output of the plant during the year 1913 was approximately twenty-seven thousand cubic feet, and the maximum daily output during the year 1912 was approximately twenty-four thousand cubic feet. There being no station meter at the plant, it is impossible to determine the actual amount of gas manufactured, the records kept by the company being based on observations of the height of the holder.

The total gas sold during the year 1912 was five million nine hundred twenty thousand and three hundred cubic feet. The total gas sold during the year 1911 was five million three hundred sixty thousand and six hundred cubic feet, showing an increase for the year 1912 of five per cent.

An examination of the above figures would indicate that the capacity of the plant is ample to supply any demand which may be expected for at least five years.

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An examination of the company's records shows that the rules adopted by the Board October 17, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas has been complied with as follows:

Rules I to VIII pertain to the testing and setting of meters.

The company states that no meters are allowed to remain in the service for a period of over four years.

The company has not as yet provided itself with a standard meter prover in accordance with Rule IV, and consequently no meter tests have been made as required by Rule III.

The company states that it makes tests of meters on complaint, the meter in question being sent to the manufacturer in Camden for test; that the bills are adjusted in accordance with the results of such test, and in some cases are adjusted in accordance with the consumption during a similar period in the previous year.

Meter dials read directly in cubic feet and bills are rendered monthly, and designate the reading of the meter at the beginning and at the end of the time for which the bill is rendered, and comply fully with Rule VII.

Where prepayment meters are used a slip is left with the consumer at the time of reading of meter, and shows the meter reading and the amount of money collected.

The company states that no charge is made for changing meters as prescribed by Rule VIII.

As the output of the plant for the year 1912 was less than twenty million cubic feet, it is not required that the company equip itself with a calorimeter outfit.

The company has installed a recording pressure gauge at the office in Washington and has occasionally moved its gauge to various points on its distribution system, and the charts obtained are on file at the office as required by Rule XII.

An examination of these charts indicates that the pressure conditions are within the limits as prescribed by Rule XI.

Complaints of poor service are recorded and filed at the office of the company on West Washington Avenue, and show the name, the date and the nature of the complaint, but do not show the remedy as prescribed by Rule XIV. The company has complied with Rule XVI by printing on the regular monthly bills instructions as to the reading of meters. No instructions are given, however, to consumers using prepayment meters.

Summing up, it would appear that the following rules have not been complied with:

Rule III. No record is kept of meter tests.

Rule IV. Company has not provided itself with a standard meter prover.

Rule XIV. Complaint records do not show what was done to remedy cause of each complaint.

Rule XVI. No instructions as to the reading of meters are given to consumers using prepayment meters.

The company had approximately five hundred meters in service at the close of the year 1913, and it is recommended that the company provide itself with the equipment necessary for testing meters as prescribed by Rule IV, and that the company keep a record of such tests as prescribed by Rules III and V.

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WILDWOOD, ANGLESEA AND HOLLY BEACH GAS COMPANY.

A general inspection of the plant of the Wildwood, Anglesea and Holly Beach Gas Company was made by the Gas Inspector. This is a carburetted water gas plant supplying Anglesea, Wildwood, Holly Beach and Wildwood Crest under the low pressure distribution system. The maximum generator capacity of the plant is approximately 800,000 cubic feet per day, with ample purifier capacity. The purifier boxes are now being operated as duplex boxes, thereby increasing their capacity over the former system of operation. A six foot diameter carburetted water gas set has been erected on the site of the four foot diameter set which was removed when the present management assumed control of the works. This plant has a storage holder capacity of 100,000 cubic feet and a relief holder capacity of 25,000 cubic feet. There being no station meter at the works, no figures are available as to the daily output, but from a summation of gas sales as indicated by the gas sold through consumers' meters during the year 1911, the total yearly output is approximately 20,000,000 cubic feet, and the maximum daily output is probably less than 200,000 cubic feet. It would therefore appear that the capacity of this plant is ample for the present demand.

In addition to the changes in the method of operation of the purifier and the increase in capacity of work due to replacement of four foot diameter water gas set by a six foot diameter set, the company has also installed a tar extractor with a capacity of 600,000 cubic feet per day, and added approximately 75,000 feet of mains and services, and made numerous repairs and replacements of mains during the last year, with a view of improving the condition in the distribution system.

As mentioned above, there is no provision made for measuring the output of this plant other than summing up sales from consumers' meters and allowing for leakage, etc., or by calculating the output from the observations of rise and fall of the gas holders. Both of these methods are unsatisfactory, but in view of the fact that this company has made large expenditures during the past year, as mentioned above, in increasing its manufacturing and purifying capacity, and in repairing the distribution system, it does not appear to be advisable at this time to require the company to purchase a station meter; but it is RECOMMENDED, however, that a station meter be installed before the commencement of the next summer season of 1914.

An examination of the company's records shows that the rules adopted by the Board on October 17th, 1911, as establishing standards and regulations to be followed by utilities engaged in the production, sale and distribution of gas, have been complied with as follows:

Rules I to VIII, inclusive, pertain to the setting and testing of meters.

The company states that when it purchased this plant it found that the record of meters in service was somewhat incomplete, and that it is complying with Rule No. II by removing and testing all meters which it finds in service and for which it has no record of a test.

A record of meter tests made by the company is on file in the meter shop at the gas works, as prescribed by Rule III, but the company has not as yet reported to the Board the results of these tests as required by Rule III.

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The company has installed a standard meter prover in compliance with Rule IV, which has been tested and sealed by the inspectors of the Board.

The company states that it makes tests of consumers' meters on request, in compliance with Rule V, and reports the result of such test by telephone.

Meter dials read directly in cubic feet, and bills are rendered monthly, and designate the reading of the meter at the beginning and end of the time for which the bill is rendered, and comply fully with all requirements of Rule VII, with the exception that in the case of prepayment meters, the company has not as yet adopted a form showing the reading of the meter and the amount collected, as required by this rule.

The company states that no charge is made for changing meters, as prescribed by Rule VIII.

This company has not as yet equipped itself with a standard calorimeter outfit, as prescribed by Rule X. There are no records available as to the total yearly output of this company, but it is doubtful whether it would exceed 20,000,000 cubic feet per year, in which case the company would not be required to equip itself with such an instrument.

The company has made frequent measurements of the pressure and pressure variations throughout its distribution system, and has a permanent recording pressure gauge at its office in Wildwood It also uses two portable pressure gauges for ascertaining the pressure at various points on its system.

The company has not as yet kept a record of complaints received, but has provided numerous forms for this purpose, which will be put in use immediately.

The company informs its customers as to the reading of meters by printing instructions on the back of their monthly gas bills.

Summing up, it would appear that the company has complied with all of the above rules, with the exception of the following:

1. Rule III, which requires each company to report regularly the results of meter tests.

2. Rule VII, which provides that the company shall leave with the customers using prepayment meters a slip showing the reading of the meter and the amount collected. The company states, however, that it will comply with this part of Rule VII.

3. Rule XIV, which provides that the company shall keep a record of complaints. The company states that it will comply with this rule.

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Inspectors' Reports on Accidents.

CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—November 22, 1912—Farmingdale.

As passenger train No. 315, southbound, was passing over School Street Crossing, Farmingdale, at 4:54 P. M., November 22nd, it struck a wagon, damaging same and slightly injuring a pedestrian. It was reported there are three tracks at the crossing, single main line and two sidings, the sidings being located on the westerly side of the main track. It was reported that with cars on the siding tracks the view from the westerly side would be obstructed. When this accident occurred the vehicle was passing from west to east. With no cars on siding tracks the view was reported to be good in all directions.

It was recommended that no car be placed on siding tracks to stand nearer the highway line than 50 feet, unless in case of a train side-tracked for movement on the main line, in which event, with train parted at the crossing, it should be protected by one of the crew.

The recommendation was adopted by the company.

ERIE RAILROAD—Crossing Accident—December 24, 1912—Glen Rock.

An automobile truck was struck by an Erie Railroad train at the highway crossing one hundred and fifty feet west of Glen Rock Station. At this crossing are two main tracks on a level grade. It was reported that trains can be seen for a long distance in both directions. There was no protection at the crossing at the time of the accident.

It was recommended that the crossing be planked its full width.

The recommendation was adopted by the company.

CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—December 26, 1912—Woodbridge Turnpike, South of Sewaren Station.

As passenger train No. 315 of the Central Railroad, southbound, was passing over the Woodbridge Turnpike Crossing, south of Sewaren Station, it struck an automobile bus, demolishing same, killing two occupants and injuring seven. The automobile was approaching the crossing from the westerly side and the train was running on the southbound track nearest to the westerly side. There were two main tracks at the crossing and siding track with switch near the southerly side of the highway line and siding track on the westerly side, which stops a

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short distance south of the highway line. The crossing was protected by an automatic bell located on the northwest corner. With no cars on siding tracks, the view of trains was reported to be good; with cars on the siding tracks the view would be somewhat limited. It was reported that the automobile stopped fifty feet from southbound track before proceeding over the crossing. The train was traveling at the rate of sixty-five miles per hour, and was about six minutes late. The highway crosses the tracks diagonally and the automobile in moving at a sharp angle would have been going over the crossing in practically the same direction as the train.

It was recommended that the crossing be protected by gates from 6:45 A. M. to 7:45 P. M., and that large standard crossing signs be placed at both approaches.

The recommendations were taken up for consideration by the Board and adopted as the recommendations of the Board.

The Board was later advised that gates had been installed.

WEST JERSEY AND SEASHORE RAILROAD—Passenger struck at station—December 31, 1912—Glassboro.

As train No. 1497 was leaving Glassboro Station, southbound (electric line, West Jersey and Seashore Railroad), a passenger walked around rear end through an opening in the intertrack fence and was struck and fatally injured by extra northbound train No. 6054. It was reported by the inspector that there are two main tracks at this point, with intertrack fence. There are two openings in the intertrack fence, north and south of the station building, the openings being twenty feet wide, with no gates and no protection. The main station building is on the north side, closed shelter shed on the south side. Glassboro is the connecting point for Bridgeton Branch trains. North of the station building, crossing the tracks diagonally, is a highway, affording the only other means of crossing the tracks at or near the station. The openings in the intertrack fence are therefore used by passengers crossing from northbound, southbound and Bridgeton Branch platforms.

It was recommended that a subway be constructed, connecting north and south bound platforms; that one of the openings in the intertrack fence be closed, and that the other be protected with a gate and watchman to guard the same while passengers are required to cross the tracks between platforms.

The recommendations were adopted by the company, and in addition a shelter shed to cover the platform on the Bridgeton Branch was added by the company.

ERIE RAILROAD—Passenger struck by engine—January 8, 1913—Montvale.

At Montvale Station a passenger who evidently miscalculated the distance he was from rail was struck by a train on the New Jersey and New York Division of the Erie Railroad and severely injured. The platform at the station is gravel, nine feet wide for one hundred feet; the balance for three hundred feet is from twelve to fifteen feet in width.

It was recommended that a curb be built to separate the platform from the rail, the same as at many other stations on the Erie and its lines.

The recommendation was adopted by the company.

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PENNSYLVANIA RAILROAD—Crossing Accident—January 18, 1913—West of Columbus Station.

As train No. 421, northbound, on the Kinkora Branch of the Pennsylvania Railroad, was passing over Shim's Crossing, west of Columbus Station, at 6:19 P. M. January 18th, it struck and killed a horse and seriously injured the driver. At this crossing of the single main track, which is diagonal, there is no protection. Crossing signs are located at both approaches. The view was reported good in all directions.

It was recommended that the speed of all train movements over the crossing be reduced to six miles per hour.

The recommendation was adopted by the company.

WEST JERSEY AND SEASHORE RAILROAD—Crossing Accident—February 6, 1913—Absecon.

As southbound train No. 193 on the West Jersey and Seashore Railroad was passing over the Shore Road crossing in Absecon, at 8:44 P. M., February 6th, it struck an automobile van, demolishing same, killing the driver and fatally injuring two other occupants. There are two main tracks at this crossing, protected by gates from 6:15 A. M. to 8:30 P. M., excepting on Sunday nights, when the crossing is protected until 9 P. M. Train No. 193, Philadelphia and Atlantic City Express, was fifteen minutes late when passing over the crossing; It was traveling at the rate of about seventy-five miles per hour. The automobile approached from the northerly side and was moving rapidly; views from both approaches were reported to be fair, but owing to the high speed of trains and the sharp curve in tracks it was reported that the crossing is dangerous. It was reported by witnesses that the warning whistle was blowing for the crossing, and engine light burning. The crossing watchman waited at the crossing until 8:35 P. M. on the evening of the accident; the crossing was then unprotected and the gates were up.

It was recommended by the inspector that the crossing be protected by gates for all passenger train movements.

The recommendation was adopted by the company.

ERIE RAILROAD—Passenger struck by train—February 19, 1913—Rutherford.

This accident occurred at the Rutherford Station, when an intending passenger who was between tracks just east of station evidently ran down the platform to get into one of the coaches in head end of train No. 50, and in so doing he was struck by train No. 105, which was running slow on westbound track.

It was recommended that while eastbound trains are standing at the station receiving and discharging passengers no train should pass on the adjoining or westbound track.

The recommendation was adopted by the company.

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LEHIGH VALLEY RAILROAD—Crossing Accident—Somerville—March 5, 1913.

As express train No. 5, westbound, on the Lehigh Valley Railroad, was passing over second road crossing west of Somerville Station, at 9:10 P. M., March 5th, it struck an automobile, damaging same. The crossing is at right angles with the railroad. At this crossing there are three tracks, east and west bound main tracks and passing track. When the accident occurred the automobile was approaching from the northerly side. On this side there is a small railroad sign; there is no other protection at the crossing. The automobile passed over westbound track and stopped; the driver got out and evidently tried to flag the train. It was dark at the time, and as soon as the engineer saw the automobile he applied the brakes and brought the train to a stop a short distance from the crossing. It was reported there is nothing at or near the crossing to obstruct the view of trains, and that travel over the highway is very light owing to the road being in a poor condition.

It was recommended that standard grade crossing signs be erected at both approaches.

The recommendation was adopted by the company.

WEST JERSEY AND SEASHORE RAILROAD—Crossing Accident—Camden—March 22, 1913.

An electric train, No. 6742, northbound, on the West Jersey and Seashore Railroad, was passing over Sycamore Street crossing in Camden, at 12:03 P. M., March 22nd, it struck a wagon, killing the horse. The crossing is protected by automatic alarm bell and signs "Do Not Cross While the Bell Rings." There are four tracks at this point, three running tracks and one siding. All trains pass this point under control and under speed regulation. It was suggested by the inspector that conditions at the crossing could be made safer if cars were kept off the siding leading into the yard, except when it is necessary to use the track for passage of cars into the yard.

It was recommended that the sign referred to above be painted and relettered.

The recommendation was adopted by the company.

PENNSYLVANIA RAILROAD—Crossing Accident—Palmyra—April 10, 1913.

As extra freight train A-29 was passing over Cinnaminson road crossing, in Palmyra, at 4:55 A. M., April 10th, it struck a vehicle, demolishing same, killing one occupant and seriously injuring the other. The train was traveling about thirty miles per hour. There are two main tracks, protected by gates from 6:35 A. M. to 8:15 P. M.. During the hours the gateman is not on duty the crossing is protected by an electric alarm bell. On the northerly side the highway parallels the track, and the station building was located directly in the highway, making it necessary for vehicles and trolley cars to practically circle around the station, this somewhat obstructing the view of southbound trains. Witnesses stated when the accident occurred the whistle was blowing, engine bell ringing, as was also

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the bell on the crossing. The vehicle was a covered milk wagon, and the occupants evidently did not hear the warnings.

It was recommended that the crossing be protected by gates, operated during the entire twenty-four hours of the day.

The recommendation was adopted by the company.

ERIE RAILROAD—Crossing Accident—Allwood—April 20, 1913.

As train No. 767 was passing over the highway located one-half mile east of Allwood Station, it struck an automobile and seriously injured three occupants. At this crossing there is one track. It was reported that there are trees on the highway on the west side of track, which, if cut down, would allow a better view of approaching trains.

It was recommended that, if possible, the railroad company obtain permission from the authorities to take down the trees referred to.

The company advised that it would endeavor to make arrangements with the property owners for the felling of the trees referred to.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD—Conductor struck by signal pole—Hackensack—April 30, 1913.

As Conductor Henry was riding on side of freight car just west of State Street, Hackensack, he was struck by signal and slightly injured. The distance from rails to signal pole was reported to be four feet six inches, and from car not more than three feet, and on wide cars less.

It was recommended that the signal pole be moved to the east side of Holly and Smith track, at or near the bumping block.

The company advised that arrangements would be made to give the additional clearance recommended, but advised that it proposed to change the signal from manual to semi-electric, and move it nine feet east of the present location, placing it on the curb line of the street, thus increasing the clearance from 51 to 64 inches. This change was approved by the Board's inspector in lieu of his original recommendation.

PENNSYLVANIA RAILROAD—Crossing Accident—Harrison—May 15, 1913.

As drill engine No. 1406 was passing over Warren Street crossing of the Pennsylvania freight yard at Harrison, on May 15th, it struck a vehicle, demolishing same, injuring horses and seriously injuring the driver. Warren Street crosses the freight tracks and leads to manufacturing establishments on the river bank. This crossing is used by vehicles to reach delivery tracks. Movements over the tracks are slow owing to car standing on siding, but movements cannot be observed until pedestrians or vehicles pass over the tracks and reach the track on which the movement is made.

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It was recommended that no movement be made over the crossing until it is protected by a member of the crew or an employee in the freight yard.

The recommendation was adopted by the company.

DELAWARE, LACKAWANNA AND WESTERN RAILROAD—Train backed into electric car—Orange—May 12, 1913.

Train No. 403 stopped at Orange Station, at 3:15 P. M., May 12th, and conductor claims to have cleared the crossing three feet. The gates were raised to let an electric car pass over, and when the car was on westbound track the train backed against it. The inspector reported that if train No. 403 had cleared the crossing three feet, it would have backed twenty feet before striking the car. In the opinion of the inspector the rear coach fouled crossing and was but three feet from electric tracks, in which case gates should not have been raised. There is a derail at this crossing in electric tracks, located between the two tracks.

It was recommended that gates should not be raised until after trains come to a full stop not less than fifteen feet west of sidewalk line, and no backward movement be made without the engineer notifying the conductor, and he in turn notify the man in charge of gates, so that they may be lowered before such move is made.

The recommendation was adopted by the company.

CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—Eatontown—May 25, 1913.

As train No. 265, westbound, was passing over the highway leading from Shrewsbury to Eatontown, it struck a wagon, demolishing same and injuring the driver. There is a single main track at this crossing, which is without protection. It was reported there are but few train movements over this division, and traffic on the highway is light.

It was recommended that standard grade crossing signs be substituted for the small signs at the crossing.

The recommendation was adopted by the company.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD—Struck by train—Hackensack—May 28, 1913.

As a pedestrian walked under gates at the Main Street crossing, Hackensack, he was struck by engine No. 22 and seriously injured. At this crossing there are two tracks.

It was recommended that gates be made to conform with those at Broadway, Paterson, making it impossible for pedestrians to walk around same.

The company advised that arrangements had been made to lengthen the arms of the gates and provide a suspended fence.

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BALTIMORE AND NEW YORK RAILROAD—Crossing Accident—Rahway Avenue crossing—May 7th, 1913.

As extra freight train No. 1632 was passing over Rahway Avenue crossing, on the Baltimore and New York Railroad, at 2:15 A. M., May 7th, it struck a motor truck, damaging same and injuring two occupants. The crossing is protected by bell and usual crossings signs. The inspector reported the view to be good; travel over the highway heavy and travel over the railroad freight only.

It was recommended that a new standard loud toned automatic bell be substituted for the one now at the crossing; that grade crossing signs adopted by the Board be placed on the north and south sides of the right of way, with caution signs located about three hundred feet north and south of the grade crossing signs; that the planking on the crossing be put in proper condition, and plank next to south rail be raised to prevent chipping of the rail by heavy vehicles.

This recommendation was sent to the company, following which the Board's inspector held a conference with the superintendent of the company, during which the question of illuminated signs was considered. The inspector reported that the signs installed, while not exactly like the standard adopted by the Board, would, in his opinion, be satisfactory; that the old caution sign north of the crossing partially obstructs the view of the new sign, and recommended further that this new sign be placed where the old sign is now located. The inspector stated that low hanging branches of a tree obstruct the view of the sign.

The company advised that the inspector's suggestions would be complied with, and that in so far as the trimming of trees is concerned it would be necessary to obtain permission from the property owners to trim the trees.

NEW JERSEY AND PENNSYLVANIA RAILROAD—Crossing Accident—Whitehouse—May 8th, 1913.

As light engine was passing Stryker's Crossing at 10 P. M., on May 8th, an automobile, approaching the crossing from the westerly side, ran into the engine, demolishing the automobile and injuring four occupants. At this crossing, which is unprotected, save by crossing signs, are two tracks, main track and siding. The view was reported to be fair in all directions, except when approaching the crossing from the westerly side; it was stated that cars on siding tracks would somewhat obstruct the view from this direction. The inspector also reported that north of Stryker's crossing there is a diagonal crossing known as the Road to New Germantown, which crossing is unprotected and without any crossing sign.

It was recommended that a crossing sign be placed on the westerly side of the track on the Germantown Road, and that the lettering on sign on Stryker's Crossing be painted.

The recommendation was adopted by the company.

PENNSYLVANIA RAILROAD—Man struck by train—Princeton Junction—June 13th, 1913.

As train No. 58 was pushing car on Princeton Branch track No. 5, at 4:45 P. M., June 13th, it struck and fatally injured a man who was about to cross over this track on path leading from tracks 5 and 6 to the easterly end of the

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station platform. The brakeman was riding on leading car, and the inspector reported that the brakeman claims to have called a warning.

It was recommended that all similar train movements over this pathway be protected by one of the train crew.

The recommendation was adopted by the company.

CENTRAL RAILROAD COMPANY—Crossing Accident—Valley Station—June 19th, 1913.

As passenger train No. 12, eastbound, was passing over crossing at Valley Station, at 11:18 A. M., June 19th, it struck a vehicle damaging same and killing two horses. There are two main tracks at this crossing which is unprotected, except by small signs at both approaches. The view of eastbound trains was reported to be obstructed owing to curve and embankment; the views in other directions were reported to be fair.

It was recommended that automatic alarm bell be installed at the crossing.

The recommendation was adopted by the company.

ERIE RAILROAD—Crossing Accident—Athenia—June 23, 1913.

As train No. 319 was passing over Van Houten Avenue crossing, one thousand feet east of Athenia Station, it struck a vehicle, fatally injuring the driver, injuring the horses and badly damaging the wagon. This crossing, which is on a slight ascending grade, is crossed by one track, and is protected by a standard electric bell.

It was recommended that a clump of trees on the southeast corner and on the northeast side of crossing be cut down.

The company advised that these trees were not located on its right of way, but that efforts were being made to secure permission to cut the trees down or to trim them to a height of fifteen feet above the ground.

DELAWARE, LACKAWANNA AND WESTERN RAILROAD—Two intending passengers struck by train—Netcong Station—July 9th, 1913.

Two intending passengers, women, stepped from an automobile at Netcong Station in front of eastbound train, and were severely injured. It was reported that persons coming to the station in vehicles from points south of same are landed directly opposite and reach the station through an opening in the fence fifteen feet wide. The public highway, which is protected by gates, is one hundred feet east of the opening above referred to.

It was recommended that a gate be placed at the opening opposite the station, or that the opening be closed to prevent persons from crossing other than at the highway crossing, under the protection of a flagman.

The company decided to close the opening, in accordance with the inspector's recommendation.

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PENNSYLVANIA RAILROAD—Crossing Accident—Monmouth Junction—July 19th, 1913.

As eastbound passenger train No. 22 was passing over second grade crossing north of Monmouth Junction, it struck a wagon, demolishing same. The view was reported to be good in all directions, except of southbound trains, where it was reported to be fair on account of curve to the east. When the accident occurred a freight train standing about 450 feet west of the crossing obstructed the view.

It was recommended that standard grade crossing sign be installed at this crossing in place of the small ones already there.

The recommendation was adopted by the company.

ERIE RAILROAD—Car of ballast upset—West Nutley—July 27th, 1913.

A construction train with seven cars loaded with ashes was being unloaded one-quarter mile west of West Nutley for the purpose of raising the track. Two cars and part of another had been unloaded when it became necessary to go east to West Nutley to take siding. Part of the load was left in one car on the east and lower side of a three degree curve. The train had not fairly started when this car turned over, leaving one pair of trucks standing on rail, burying four men and seriously injuring two others. The cars were similar to high side coal cars, with the exception of the dump from the lower sides next to floor instead of the bottom. In the opinion of the inspector, the foreman in charge of this work should not have allowed the men to ride on the car. It was reported that it was two hours before the four bodies were reached.

It was recommended that both conductor and foreman be instructed not to move this class of cars on curve under similar conditions.

The company advised that it concurred with the recommendation, and stated that the occurrence had been cited in impressing upon all concerned the importance of these instructions and necessity for strict compliance therewith.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD—Rear-end collision—Franklin—August 2nd, 1913.

New York, Susquehanna and Western train No. 907, seventeen minutes late, collided with Sussex Railroad engine No. 885, about eight hundred feet east of Franklin. No. 885 was backing east with caboose behind engine intending to go into switch. Conductor claims that the agent at Franklin told him No. 907 was twenty minutes late. The engineer of No. 907 saw No. 885, and at a distance of 450 feet slowed up to four miles per hour; no cars were derailed; eleven passengers on No. 907 were slightly injured.

It was recommended that automatic signal be installed on the New York, Susquehanna and Western Railroad at a distance of not less than one thousand feet east of Franklin; that all regular trains running over this road be placed on time table of both roads.

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ERIE RAILROAD—Train backed over bumping block—Train shed—Jersey City—August 2, 1913.

This accident was the subject of a formal hearing, followed by a report and order of the Board, which will be found in that section of the Board's report devoted to formal findings.

CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—August 12, 1913—North Long Branch.

As train No. 60, eastbound, on the Central Railroad, was passing over Atlantic Avenue, at North Long Branch Station, at 10:33 P. M., August 12th, it struck an automobile, demolishing same and seriously injuring two occupants.

At this crossing, which is protected by gates from 5:50 A. M. to 9:45 P. M., the view from the easterly side is obstructed practically to the highway line. The automobile was traveling in a westerly direction. It was reported that there is considerable travel over the highway, and numerous train movements during the hours the crossing is unprotected by gates. Train No. 60 was traveling about five miles per hour and engine was running backward.

It was recommended that the crossing be protected until the last westbound passenger train passes over at the crossing at 12:54 A. M.

The recommendation was adopted by the company.

WEST JERSEY AND SEASHORE RAILROAD—Crossing Accident—August 2, 1913—Buena Station.

As southbound electric passenger train No. 1025 was passing over crossing at south end of Buena Station at 9:02 A. M., August 2nd, it struck an automobile, demolishing same, killing two occupants and injuring two others.

The crossing was reported to be protected by an electric alarm bell, crossing signs and distant illuminated crossing signs. Approaching from the easterly side the view of southbound trains was reported to be obstructed when about seventy feet from crossing; approaching from the westerly side the view of northbound trains was reported to be obstructed by a building located on the southerly side of the highway. When the accident occurred the automobile was approaching from the easterly side, and waited for a northbound freight train to pass. After this train had cleared the crossing the machine started and reached the southbound track as the passenger train, traveling forty-five miles per hour, reached the crossing. It was further reported that there are a large number of fast train movements over this crossing, which trains do not stop at Buena Station.

It was recommended that gates be installed and operated from 7:30 A. M. to 9 P. M.; that standard electric bell of the same type as that located on the southerly end of the platform at Newfield be installed in place of the bell now on the crossing.

The recommendation was adopted by the company.

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CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—April 26, 1913—Vineland.

As passenger train No. 290, on the Southern Division of the Central Railroad, was passing over the Malaga Road Crossing west of Vineland, at 10:55 P. M., April 26th, it struck a wagon, demolishing same. There was no protection at the crossing except small crossing signs located at both approaches. When the accident occurred the train was traveling thirty-five miles an hour and the wagon approached from the southerly side. The views were reported to be good except for foliage from some trees on the northwesterly side.

It was recommended that standard grade crossing signs be located at both approaches, and that the trees on the northwesterly side be cut down.

The recommendations were adopted by the company.

CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—August 19, 1913—Rosenhayn.

As train No. 312 was passing over crossing three hundred feet south of Rosenhayn Station, it struck a vehicle, injuring four occupants, killing the horse and badly damaging the wagon. It was reported that there is no obstruction to the view except when driving westerly, when the view is obstructed by freight house, trees and tool house.

It was recommended that the crossing be protected by standard crossing bell.

The recommendation was adopted by the company.

PENNSYLVANIA RAILROAD (NEW YORK AND LONG BRANCH RAILROAD)—Crossing Accident—Sea Girt—September 5, 1913.

As train No. 343 of the Central Railroad was passing over Sea Girt Avenue crossing, Sea Girt, at 6:06 A. M., September 5th, it struck a wagon, demolishing same, injuring the horses and slightly injuring two occupants. This crossing is protected by gates from 6:30 A. M. to 7:45 P. M. At the time the accident occurred the gates were not in operation. There are four tracks at the crossing, two main line and two siding. It was stated that with cars on the siding the view of approaching trains would be obstructed.

It was recommended that the crossing be protected by gates for the train due at Sea Girt at 6:16 A. M., and train No. 343, which runs Sundays, only stopping for passengers from stations on the Central Railroad and branches.

The recommendation was adopted by the company.

NEW YORK AND LONG BRANCH RAILROAD—Crossing Accident—September 7, 1913—Spring Lake.

As light engine No. 420, of the Pennsylvania Railroad, was running backward northbound over Brighton Avenue crossing, Spring Lake, at 1:28 P. M., Sep-

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tember 7th, it struck a vehicle, demolishing same, killing one occupant, slightly injuring another and killing the horse. There are three tracks at this crossing, north and south bound main line, and siding on east side. The crossing was without protection, except for standard crossing signs located at approaches. When the accident occurred the wagon was going in a westerly direction, and passing the siding track was struck on northbound track.

It was recommended that automatic alarm bell be installed.

The recommendation was adopted by the company.

NEW YORK AND LONG BRANCH RAILROAD—Crossing Accident—September 10th—Point Pleasant.

As flagman of the Pennsylvania Railroad was passing over Arnold Avenue crossing, at Point Pleasant, at 6:58 P. M., September 10th, he was struck by Pennsylvania engine No. 917, which was backing over the crossing. The crossing, which is located south of the Point Pleasant station, is protected during the summer schedule by flagman; after October 5th it is protected by flagman from 7 A. M. to 7 P. M. There are seven tracks at Arnold Avenue, two main and five sidings. It was reported to have been the practice of the company at this point, when southbound trains discharge passengers, to put cars in yard, then engine to proceed south over the crossing, thence to northbound track over the crossing to siding track. As movements are being made almost continuously over this crossing during the summer schedule, the inspector recommended that gates be installed and operated continuously between May 20th and October 5th. It was further stated by the inspector that while there are but few train movements during the hours the crossing is not protected from October 5th to May 20th, Rule No. 20, as shown in employees' time table, should be strictly observed, namely: "When a train is shifting over a public crossing, where there is no watchman, a trainman must be stationed on the crossing to give warning to persons using same."

The recommendation was adopted by the company.

ERIE RAILROAD—Woman struck by train—October 2, 1913—Rutherford Junction.

As train was passing over crossing one thousand feet west of Rutherford Junction, it struck and killed a woman, who walked directly in front of train. The time the accident occurred it was raining and the woman was carrying an umbrella. At this crossing are three tracks, two main and one siding. The crossing was protected by an alarm bell.

It was recommended that no car be allowed to stand outside of the gates in the switch leading to the factory at this crossing.

This recommendation was adopted by the company.

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PENNSYLVANIA RAILROAD—Crossing Accident—October 7th—Edgewater Park.

As train No. 492, eastbound, was passing over Woodlane crossing, in Edgewater Park, at 10:32 A. M., October 7th, it struck a wagon, demolishing same, and injuring the driver. There are two main tracks and siding track close to highway at this crossing. The crossing is protected by automatic bell and small crossing signs.

It was recommended that the crossing signs now at the approaches be replaced by the standard signs adopted by the Board.

The recommendation was adopted by the company.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD—Man rolled between cars—October 20, 1913—Edgewater.

As employee was unloading cars on the northbound track of Dock No. 2 he stepped out of car between tracks. Instead of standing to one side he stood between tracks when a loaded car was dropped down on the adjoining track, which caught him and rolled him between the two. The distance between rails was reported to be 6 feet 4 inches; between cars 1 foot.

It was recommended that the foreman in charge should warn the men as well as the brakemen, and that notices should be printed in the different languages and posted in conspicuous places warning the men not to stand between tracks on the dock.

This recommendation was adopted by the company.

PENNSYLVANIA RAILROAD—Crossing Accident—October 22, 1913—Beverly.

As light engine No. 6083, westbound, was passing over Cooper Street crossing, Beverly, at 12:19 A. M., October 22nd, it struck a wagon, damaging same and injuring five occupants. At the crossing are three tracks, two main and one siding. The crossing was protected by gates from 7 A. M. to 7 P. M., also by an automatic bell. The inspector stated that while at the crossing he observed cars standing on siding track, obstructing the view of east and west bound trains to travel from the southerly side; that view from the northerly side is obstructed by station building.

It was recommended that the crossing be protected by gates continuously.

This recommendation was adopted by the company.

LEHIGH VALLEY RAILROAD—Crossing Accident—October 14, 1913—Metuchen.

As engine No. 2320 was passing over Middlesex Avenue, Metuchen, at 5 A. M., October 14th, it struck an automobile, damaging same and injuring three occupants. The crossing is protected by gates from 6:30 A. M. to 8 P. M. The

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inspector reported that the view was limited at both approaches; that travel over the highway, which is the main thoroughfare in the vicinity of Metuchen, is heavy.

It was recommended that the crossing be further protected by an automatic alarm bell, or that gates be operated continuously.

The company advised they would install an audible and visible crossing alarm at this point.

WHARTON AND NORTHERN RAILROAD—Collision—October 31, 1913—Wharton Junction.

Train No. 6, consisting of one coach, one combined car and caboose and engine, left Denmark with ninety-nine passengers. At Wharton Junction the engine ran in on the Central connection, letting the cars drop by. This placed the train ahead of the engine, which was to be pushed into Wharton. A box car was standing on main track two hundred feet from train. In pushing ahead to couple to this car the engineer failed to take the signal, and collided with box car, killing one man. The man killed was sitting on the platform of caboose; the caboose was followed by combined car, the platform of which was higher than that of the caboose, allowing it to ride on top of caboose platform. The man was caught between the two platforms and crushed to death.

It was recommended that cars carrying passengers be not shoved ahead of engine; that arrangements be made at Wharton so that engine may be placed on head end of train; that caboose be run on the rear end of passenger cars; that no freight cars be shoved ahead of coaches; that the caboose platform be the same height and level with passenger car platforms; that until the change is made at Wharton the speed of this train when pushing cars ahead must not exceed ten miles an hour.

The recommendations were adopted by the company.

CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—November 12, 1913—North Long Branch.

As passenger train No. 111, on the Seashore Branch of the Central Railroad, was passing over Fresh Pond Road crossing, in North Long Branch, at 3:38 P. M., November 12th, it struck an automobile, damaging same and injuring two occupants. At this crossing there are two main tracks, the highway crossing diagonally with an ascending grade at both approaches. The automobile was proceeding southerly, and the driver claimed that as he reached the incline, and did not hear the engine whistle or bell he concluded there was no train approaching. The view of westbound trains to travel from the northerly side was reported to be obstructed; of eastbound trains good seventy-five feet from track, closer obstructed by bushes. From the southerly approach the view of westbound trains was reported good; of eastbound sixty feet from track obstructed by buildings. In investigating this accident experiments were made with an engine and automobile running at different speeds. It was found that to make the incline it was necessary to increase the speed of the automobile, when noises from the

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machine would interfere with hearing an approaching train. This crossing was protected by flagman during the summer months only. The inspector reported that the whistle board for the crossing was located 1,300 feet west of same, and stated that in his opinion the board should be located closer to the highway.

It was recommended that the obstructions to view at this crossing be removed, or if this cannot be done, that a flagman protect the same to cover all passenger train movements, and that standard crossing signs be erected.

The recommendations were adopted by the company.

ERIE RAILROAD—Crossing Accident—Paterson Avenue—November 13th, 1913.

As train No. 174 was proceeding over Paterson Avenue crossing, at 12:25 A. M., November 13th, it struck a vehicle, slightly injuring the driver. This crossing is protected by gates operated by man in tower. On the morning of the accident the north gate was out of order, and it remained in an upright position. The driver of the vehicle seeing the gate up proceeded to drive on the track and was struck by westbound train.

It was recommended that when gates are out of order and unable to be operated, the towerman should protect the crossing from the ground.

The company advised that Rule 335 of the Maintenance of Way Department requires that when gates are out of order the towerman should protect the crossing by hand signals until repairs have been made.

DELAWARE, LACKAWANNA AND WESTERN RAILROAD—Section foreman run over—Port Morris Yard—December 11th, 1913.

As engine No. 142 was backing down with cars attached foreman was spiking switch; he was struck and run over. In the opinion of the inspector someone should have been on head car during back-up motion to have warned this man.

It was recommended that during a movement of this kind a man be placed on head car for the purpose of warning the workmen.

Copy of the report was sent to the company, which advised in reply that the recommendation was already covered by its Rule 102, which provides that:

"When cars are pushed by an engine a man must take a conspicuous position on the front of the leading car and signal the engineman in case of need."

PUBLIC SERVICE RAILWAY—Fire on rear platform of car—April 7th, 1913—Weehawken.

At 6 P. M., April 7th, a Bergenline car of the Public Service Railway Company left the West Shore ferry at Weehawken and proceeded to the middle of the short wooden trestle spanning the West Shore tracks, when a fire occurred. In the panic resulting one girl was seriously injured by falling from the trestle to the West Shore tracks, and several other passengers were slightly injured. At

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the time the fire started someone evidently thinking it was caused by an electrical contact pulled the trolley from the wire, thus leaving the car dead, so that the motorman could not move same off the trestle.

The investigation of this accident by the Board's inspector showed that the fire was evidently caused by some highly inflammable agent. This theory was substantiated by the finding of an empty can that had evidently contained varnish remover or furniture polish, also several other articles used by a furniture polisher. It was presumed that the can was placed on the back platform; that it leaked slightly, and that a person getting on the car with a lighted pipe, cigarette or cigar dropped some hot ash to the floor and ignited the oil or vapor.

It was recommended that the company place notices in its car barns prohibiting smoking or the carrying of lighted cigars, pipes or cigarettes on cars of the closed vestibule type, and smoking in the body of any car, except those designated especially for that purpose.

The recommendation was submitted to the company and given consideration by the Board, following which the Board announced that "in view of the fact that an order, if made, would have to apply to all companies and involve extended hearing, and in view of the fact that the matter seems to be one to be dealt with by the companies' own rules, supplemented by the local police regulations, the Board will make no order in the matter."

PUBLIC SERVICE RAILWAY—Collision—October 27th, 1913—Smith's Farm Siding.

At 7:50 A. M., October 27th, Riverside car No. 3175 collided with car No. 3154 of the Public Service Railway, at Smith's Farm Siding, caused by leaves on the track, which made same slippery. Investigation showed that not only were sand boxes out of working order, but that there was no sand in same.

It was recommended that cars operating over the line from Trenton to Camden be equipped with efficient sand boxes, or if already equipped, that these boxes be put in proper working order; and also that some systematic supervision be given to ascertain whether a sufficient amount of dry sand is carried at all times.

This recommendation was adopted by the company.

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Causes of Accidents.

The causes of accidents which occurred on steam railroads from December 1st, 1912, to December 1st, 1913, were as follows:

	Killed.	Injured.
Collisions—		
Passengers,	..	13
Employees,	1	35
Others,	..	..
Crossing Track at Highway—		
Passengers,	..	..
Employees,	..	..
Others,	51	120
Derailments—		
Passengers,	..	..
Employees,	5	16
Others,	..	..
At Bridges and Tunnels—		
Passengers,	..	..
Employees,	6	17
Others,	..	1
Struck by Locomotives or Cars—		
Passengers,	2	7
Employees,	64	71
Others,	3	6
Getting On or Off Trains—		
Passengers,	12	35
Employees,	7	28
Others,	..	..
Coupling or Uncoupling Cars—		
Passengers,	1	5
Employees,	3	29
Others,	..	..
Other Causes—		
Passengers,	2	24
Employees,	32	138
Others,	4	5
Trespassing on Right of Way,	174	102
	367	652

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Accidents on Electric Railways.

The causes of the accidents which occurred on electric railways from January 1st, 1913, to January 1st, 1914, were as follows:

	Killed.	Injured.
Derailments—		
Passengers,	..	5
Employees,	..	..
Others,	..	..
Struck by Cars—		
Passengers,	..	..
Employees,	1	..
Others,	28	174
Collisions—		
Passengers,	..	20
Employees,	..	9
Others,	1	..
Getting On and Off Cars—		
Passengers,	1	7
Employees,	..	1
Others,	..	..
Other Causes—		
Others,	2	..
	33	216

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