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FIRST ANNUAL REPORT

OF THE

Board of Public Utility Commissioners

FOR THE

STATE OF NEW JERSEY

FOR THE YEAR

1910

TRENTON, N. J.

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1911.

Members of the Board of Public Utility Commissioners for the State of New Jersey.

FRANK H. SOMMER, *President*,
THOMAS J. HILLERY,
ROBERT WILLIAMS.

ALFRED N. BARBER, *Secretary*.

INSPECTORS.

CHARLES W. McKELVEY,
PHILANDER BETTS,
JAMES MAYBURY, JR.,
CHARLES A. MEAD, *Engineer of Bridges*.

REPORT.

To the Honorable John Franklin Fort, Governor of the State of New Jersey:

The State Board of Public Utility Commissioners respectfully submits herewith its first report.

Chapter 41, P. L. 1910, approved March 24, 1910, changed the name of the Board of Railroad Commissioners to the Board of Public Utility Commissioners and extended the jurisdiction of the Board over public utilities, in addition to railroads. This law became effective July 4, 1910, and as the Board of Railroad Commissioners organized on June 29, 1907, when it was changed by the law of 1910 into a Board of Public Utility Commissioners, it had been in existence for three years. The law which created the Board of Railroad Commissioners (Chapter 197, P. L. 1907), was amended at the session of 1909 and the Board given increased power. The experience of the Board has been, what we believe to be the experience of similar bodies, that most of the things accomplished are done through negotiation with the companies and in compliance with recommendations rather than by the issuance of orders. The recommendations of this Board have been generally adopted by the companies in interest, and in no case where the Board has issued an order has it been necessary for it to institute proceedings for the collection of a penalty for willful default of compliance.

GRADE CROSSINGS.

In its first annual report the Board of Railroad Commissioners directed attention to the fact that it had made an effort to obtain information in regard to grade crossings, addressing for this purpose circular letters to the mayors or other chief executive officials of the municipalities in the State, with the request that

the Board be advised as to the number of railroad crossings at grade in such municipalities and conditions at the same.

As a result of these inquiries the Board received reports upon 1,787 grade crossings. Many of these were reported to be protected, others were reported to be at places where the views were good and travel comparatively light. On the other hand, a considerable number were said to possess unusual elements of danger and to be inadequately protected. Under the direction of the Board, examinations were made of all these crossings by its inspectors and reports submitted upon the same. These examinations showed that in some cases reports of the existence of unusually perilous conditions had been exaggerated and that the crossings presented no risk to those using ordinary precaution. At other crossings, conditions were found to be quite as bad as represented. The question of protecting these crossings was taken up by the Board with railroad officials; meetings were arranged between these officials and officials of the municipalities, and as a result conditions were improved at twenty-nine of the more dangerous crossings reported. This was done by the removal of obstructions to views, the installation of mechanical alarms or through protection by gates or flagmen. These improvements were obtained by agreements reached at the meetings arranged by the Board between the railroad and municipal officials, or through negotiations conducted by the Board directly with the railroad officials.

In addition to the crossings referred to above, protection was also provided, during the three years of existence of the Board of Railroad Commissioners, at forty-six crossings where accidents occurred; the protection given at these crossings being in compliance with recommendations made by the Board following consideration of reports upon the accidents.

The act of 1909, amending the Railroad Commission Act, provides that upon the complaint of a governing body of a municipality, or of twenty taxpayers or freeholders, the Board can, after hearing, order a dangerous crossing protected. As a result of complaints made to the Board under this act ten grade crossings have been protected. These ten, added to the crossings

for which the Board obtained protection on its own motion, makes a total of ninety-one dangerous grade crossings for which more adequate protection was obtained through the efforts of the Board of Railroad Commissioners, during the three-year period referred to.

While some advance has been made in the protection of grade crossings, and the method whereby protection can be obtained has been simplified, it is a matter of regret that no comprehensive law has been enacted providing for the elimination of such crossings, and that satisfactory progress in this direction cannot be noted.

A consideration of the laws of other States, and of the effect of these laws, convinces the Board that the most progress is made in this direction where there is a frank recognition of the fact that the elimination of grade crossings is beneficial to the general public as well as the railroads, and a provision is made, as in New York, Massachusetts and other States, for a division of the cost of elimination between the railroad companies, the State and the municipalities. It is our opinion that a law giving the Board power to order the abolishment of dangerous grade crossings and providing for an equitable division of the cost between the companies, the State and the municipalities should be enacted.

The railroad companies being the more directly benefited, should, under such a law, bear the greater part of the cost.

The sum to be paid by the State should be limited by law and appropriated each year from the taxes assessed on railroad properties. This sum could be apportioned among the municipalities by the Board of Public Utility Commissioners, upon application as hereafter indicated; its payment to be conditional upon the payment by the municipality of the sum fixed by law as its share.

To prevent undue burdens falling upon municipalities, the law, while naming the proportion of the cost to be borne by them in the event of orders being issued for the elimination of one or more crossings within their limits, should provide that the sum to be paid by any municipality in any one year must not

6 PUBLIC UTILITY COMMISSIONERS' REPORT.

exceed a certain percentage of its income from taxation. This sum should be so limited as to prevent any unreasonable disbursement of the municipal funds for this purpose, and the interest of the municipalities could be further protected by providing that no order of the Board of Public Utility Commissioners requiring the abolishment of a grade crossing shall be issued except after hearing on the application of the governing body of the municipality where the crossing is located, or of a certain number of citizen taxpayers thereof.

ACCIDENTS.

During the three years from July 1, 1907, to July 1, 1910, the Board received from the railroad companies reports of 2,493 accidents, of which 963 resulted fatally. When any doubt has existed as to the cause of or as to the responsibility for an accident, it has been investigated by the Board's inspectors or by members of the Board. Many of the accidents were preventable and were due to disobedience by employees of orders designed to protect them. Others were caused by passengers falling, while boarding or alighting from moving trains, or were due to other acts of carelessness on the part of the persons killed or injured. Many of those reported killed or injured were trespassers, with no lawful right upon the railroad companies' properties, 433 trespassers having been killed and 330 injured during three years, from July 1, 1907 to July 1, 1910. During the same period 98 persons were killed and 176 injured at grade crossings. In a number of cases, investigations of accidents disclosed conditions calling for improvement and many recommendations, made by the Board, based upon examination of these conditions, have been adopted by the railroad companies. These recommendations have included the installation of an interlocking system (where a collision occurred at a crossing of the tracks of two companies), the improvement, in a number of cases, of yard switches, installation of derails and improvements in signaling systems. Additional protection has been provided at a number of crossings of highways, as mentioned above.

PUBLIC UTILITY COMMISSIONERS' REPORT.

7

INSPECTION.

The system of inspection of the physical properties of the railroads in the State, at least once each year, has been continued by the Board of Public Utility Commissioners. These inspections have led to the replacement of worn rails and ties, the strengthening, and in some instances rebuilding, of bridges, placing guard-rails on long bridges, protection of main lines from side tracks by derails, improvement of signal systems and installation of interlocking devices, removal of trees threatening to fall across tracks, and numerous other items entering into the maintenance of railway lines.

DRAW-BRIDGES.

In the first year of its existence the Board took up the question of draw-bridge protection and, after conference with superintendents and engineers of the railroad companies, recommended a plan for the protection of draws. This has been referred to in detail in a previous report of the Board. The Board's plan has been carried into effect, and at every railway draw-bridge in the State where, in the opinion of the Board, the protection had heretofore been inadequate, additional protection has been provided in accordance with the Board's plan.

ORGANIZATION—UTILITIES DIVISION.

The Board of Public Utility Commissioners has maintained the organization of the Board of Railroad Commissioners, and the work of the inspectors of that board has been continued along the same lines as heretofore. For the sake of convenience the Board has termed this part of its organization the "Railroad Division," with Mr. Charles D. McKelvey at its head with the title of Chief Inspector. Another division termed the "Utilities Division" has been created to deal particularly with the matters concerning public utilities other than railroads. An examination, at the request of the Board, was conducted by the Civil Service Commission for the position of chief inspector of this division. Mr. Philander Betts, E.E., being awarded the highest average at the examination, and having had a broad practical experience

8 PUBLIC UTILITY COMMISSIONERS' REPORT.

as well as thorough technical training, was appointed by the Board Chief Inspector of the Utilities Division.

To aid in handling matters pertaining particularly to the northern part of the State, the Board opened and maintains a branch office in Newark.

Arrangements have been made, by the courtesy of Stevens Institute of Technology, for the installation at Hoboken of apparatus for testing the accuracy of gas meters and meter provers. Similar courtesy has been extended the Board by Rutgers College, at New Brunswick, to enable it to install apparatus for determining the accuracy of electric meter testers. This apparatus is necessary to aid the Board in carrying out the provision of the law which gives it power to require gas and electric lighting companies to furnish safe and adequate service. Unfortunately no appropriation was made by the Legislature for the purchase of such machinery. The Board is buying the necessary mechanical appliances and paying for them out of its limited appropriation. It is compelled to divert from its funds for this purpose moneys which might well be used for the employment of additional inspectors needed in the utilities division. As, however, the full value of the services of such inspectors could not be obtained without the proper mechanical appliances with which to work, it has been deemed advisable to first obtain and install the proper mechanical equipment. This can be used to advantage with the Board's present force, and when the funds available for use will admit of the employment of the additional assistants they will have the necessary machines to enable them to properly perform their duties.

APPROVAL OF FRANCHISES.

Numerous applications have been made to the Board for its approval of grants of privileges or franchises as required by the law of 1910.

The Board adopted a rule that all such applications must be accompanied by a copy of the ordinance, resolution or motion granting the privilege or franchise, approval of which is applied for, and of all proceedings of the municipality relating thereto and resulting in the passage thereof.

It is the practice of the Board to refer these applications, upon receipt, to its chief inspector of the utilities division for examination and report, this being supplemented by hearings conducted by the Board. The applications and the final action of the Board upon them are referred to hereafter. Approval of two applications has, for reasons expressed in memorandums accompanying the Board's decisions, been withheld. The other applications have been granted, but in some instances examination showed defects in the proceedings, which were corrected before certificates of approval were issued.

The provision of the law requiring the approval by the Board of grants to public utilities has been criticised as an unwarranted interference with the principle of "home rule" in that it may prevent a municipality making such terms as it chooses with a public utility corporation in return for a privilege granted. In the opinion of the Board such criticisms are not well founded. It is a matter of common knowledge that valuable franchises have been granted by local governing bodies without proper protection of the public interest, and the result of this has given force to the demand for State regulation. With perhaps a few exceptions, these franchises have been granted by municipal officials in good faith, with the belief that the terms of the grant were reasonable, and that the exercise of the privilege, as granted, would be in the public interest. The occasion is, however, exceptional when members of township committees, common councils, or other governing bodies, particularly of the less populous municipalities, are called upon to consider franchise grants to public utility corporations. When these occasions arise, the local governing body seldom employs expert advisers competent to pass upon technical problems which should be considered. If the franchise is to be submitted to a State Board for its approval, greater care is naturally exercised by those seeking it to have the terms of the grant of such a nature that they will pass the scrutiny, without adverse criticism, of an impartial tribunal. This Board does not hesitate to express its opinion that the legitimate interests of both the public and the corporations are better protected by the policy of requiring local grants of privileges to public utility corporations to be approved by a Com-

10 PUBLIC UTILITY COMMISSIONERS' REPORT.

mission having at its command the services of expert advisers with special knowledge of the subject of franchise grants to such corporations.

APPROVAL OF ISSUES OF STOCK AND SECURITIES.

Numerous applications have been made to the Board for its approval of the issuance, sale and delivery of stock or of other securities to be made by public utility corporations.

As the condition of approval is contingent upon the Board being satisfied that the proposed issuance, etc., is to be made in accordance with the provisions of the law relating thereto, this has necessarily required interpretations of the law by the Board.

In several instances changes have been required in the proceedings leading up to the applications for approval, it appearing that the proposed issuance, sale and delivery was to be made without full compliance with the provisions of the law.

The findings of the Board with respect to these applications are published herewith.

A reference to the section of the law that requires the Board's approval of the issuance, sale and delivery of stock and other securities is made in this report under the heading "Doubt as to the Board's Power Under Chapter 41, Laws 1910."

UNIFORM SYSTEM OF ACCOUNTS.

The Board is given power to require every public utility to keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business and to that end to require every such public utility of the same class to adopt a uniform system of accounting.

With the aim of having established uniform systems of accounting, conferences have been called with representatives of street railway, gas, electric light, telephone and water companies. Numerous suggestions have been made to the Board and this matter is now under consideration. The limited amount of the Board's appropriation has restricted it in the employment of accountants whose advice would be of material assistance, and the problem of uniform accounting has not been solved as expeditiously as is desirable. It is hoped that the progress the Board

is making with the means at its command will enable it to settle this matter at an early date.

DOUBT AS TO BOARD'S POWER UNDER CHAPTER 41, LAWS 1910.

In the administration of the additional powers conferred by Chapter 41, P. L. 1910, serious questions have been raised which put the jurisdiction of the Board, and the extent thereof, in doubt.

An effective administration of the statute requires that these doubts should not be left to be determined by the necessarily slow process of judicial proceeding, but should be promptly set at rest by further legislation.

A statement of some of these questions will indicate their importance.

The act creating the Board (Laws 1907, Chapter 197) vested it with the general supervision of all railroads operating within the State, and (section 7) requires that "every railroad whenever an accident, attended with or without loss of human life, occurs within this State upon its lines of railroad, or upon the depot grounds or yards, give immediate notice thereof."

The value of this provision has been demonstrated in practice, as hereinbefore noted.

Immediately after organization the Board of Railroad Commissioners promulgated an order, regulating the making of the required reports and adopted a form for use by the railroad companies.

The statute of 1910 extends the jurisdiction of the Board to "express, street railway, traction, canal, subway, pipe line, gas, electric light, heat and power, water, sewer, telephone, telegraph or other corporation, association or joint stock company operating within the State of New Jersey for public use, under privileges granted by the State, or by any municipality thereof."

It does not, however, in terms confer on the Board power to require such notice. If such power exists it must be derived by implication from the provisions (section 5) that the Board "shall have power to investigate any accident happening in connection with the operation of any public utility."

A provision similar to this is contained in the statute of 1907, and yet in the framing of that statute it was deemed essential to require, in express terms, that the companies within its operation give notice of accidents.

This consideration may lead to a denial by the courts of implied power in the Board to require the companies to which the act of 1910 extends to give such notice, and so leaves the power of the Board in this respect in grave doubt.

Section 6 of the statute of 1910 provides that "no issuance, sale and delivery of its stock or of securities authorized by it * * * hereafter made by any * * * public utility shall be valid unless approved by said board."

If this constituted the whole of the provision the Board would thereby be vested with the alternative power of granting or refusing to grant an application thereunder, and could determine the purposes for and the terms and conditions on which such stock or securities might be issued.

The section, however, further provides: "It shall be the duty of said Board to approve of any such proposed issuance, sale and delivery of stock or securities * * * upon being satisfied that said proposed issuance, sale and delivery is to be made *in accordance with the provisions of the law relating thereto.*"

It has been suggested that the provision limits the function of the board to ascertaining the facts essential to determining the legality of the proposed issue; that it may consider whether the proposed issue is authorized as to amount, character and terms and other facts bearing upon the legality or illegality thereof, but that if, in these particulars, it finds no lack of authority for, or illegality in, the proposed issue, it must grant its certificate of approval and cannot impose limitations, nor determine the purposes for or terms or conditions upon which the securities are to be issued.

To state the suggestion in other form it is that, under this section, the function of the Board is administrative and limited to determining whether the proposed issue is lawful, and, that finding the proposed issue to be lawful, it must approve the issue to the amount, for the purposes and upon the terms proposed by the corporation.

That the suggestion raises a grave question as to the power of the Board under this section is made manifest by the decision of the Railroad Commission of Wisconsin *In re Southern Wisconsin R. R. Co.*, set forth in volume 2 of its reports at page 47, construing a somewhat similar provision.

Section 8 of the act of 1910 enacts that "no privilege or franchise granted to any public utility * * * by any local, municipal or county governing body shall be valid until approved by said board [of public utility commissioners] whenever it shall after due hearing, determine that such privilege or franchise is necessary and proper for the public convenience."

It has been contended that the power of the Board under this section is limited to determining whether the "franchise or privilege is necessary and proper for the public convenience." Upon this basis it is further contended that the Board is bound to grant its certificate of approval where it finds that the franchise or privilege is necessary and proper for the public convenience, even though in the adoption of the ordinance or resolution granting such franchise or privilege the requirements of the statute commonly known as the "Limited Franchise Act" and of other statutes, have not been observed, and although such ordinance or resolution fails to contain provisions which are now commonly recognized as essential in protection of the public interest.

That this suggestion is not without force will appear from a reading of the opinion rendered by the Court of Appeals of the State of New York in *People v. Wilcox*, 196 N. Y. 212.

DOUBT AS TO JURISDICTION OF THE BOARD UNDER SECTION 3 OF
CHAPTER 189, LAWS 1909.

Section 3 of Chapter 189 of the Laws of 1909, provides that "No municipality shall hereafter construct, or cause to be constructed, any new street or highway across the tracks of any railroad company at grade, without obtaining therefor permission from the Board * * *."

It has become apparent in the course of proceedings before the Board that prior to the enactment of the statute many streets

had, in plans for land development, been laid out upon paper, crossing the tracks of railroads; which, however, had not been physically constructed across the railroad tracks.

Question has been raised whether permission of the Board is required in the physical construction of such streets.

The board has answered the question in the affirmative. The question should, however, be definitely set at rest by clear legislative declaration.

ENFORCEMENT OF ORDERS OF THE BOARD.

Section 8 of the Act of 1907 provided that upon the failure of any company to comply with the order of the Board, such failure should be reported to the Attorney-General, whose duty it should be "to institute proper proceedings to enforce the order or orders of the Board, to recover suitable penalties or damages, or to institute proceedings in equity, mandamus, injunction, receivership proceedings or other civil remedies."

In the amendment of section 8 by Chapter 189 of the Laws of 1909 this provision was eliminated and another substituted, imposing a "penalty not exceeding one hundred dollars per day" to be recovered in an action of debt at the suit of the Board, upon failure to comply with an order of the Board.

This provision imposing a penalty was framed in view of the doubt that existed as to the efficacy of then existing provision for the enforcement of the orders of the Board.

It has been criticised upon two grounds: (1) that the words "not exceeding" rendered the action of debt unavailable; and (2) that it precluded the possibility of enforcement of the orders of the Board by mandamus.

Because of these criticisms it may be well to excise from the provision the words "not exceeding" and to supplement the statute by a further enactment clearly declaring that it was not the legislative purpose to preclude the enforcement of the orders of the Board by resort to the appropriate processes of the courts.

STANDARDS FOR SERVICE.

Section 5 of the Laws of 1910 (Chapter 41), confers power upon the Board to require every public utility to furnish safe

and adequate service. Section 18 of Chapter 192, Laws 1876, and section 27, Chapter 70 of the Laws of 1877 prescribe standards of quality and purity for gas. The advances that have been made in the art of gas manufacture since the enactment of the Laws of 1876 and 1877 are such that the old standards have been far exceeded and service, unless considerably in advance of that required by law, would not be tolerated at the present time. As long, however, as there are statutes which define adequate service, it is doubtful whether the Board would have power to require a company to furnish a quality of gas better than that fixed by statute, notwithstanding the fact that this quality is below that now regarded as necessary for good service.

Owing to the fact that improvements are still being made in methods of gas manufacture, it is questionable if the standards of service should be fixed by statute. In the opinion of the Board it would be wise to repeal the old laws fixing standards for gas and give to the Board power to fix a reasonable standard and to alter and amend the same from time to time to meet the varying conditions of the art. It would also be advisable to give the Board the right to adopt and fix by *general orders*, standards of service supplied by electric lighting, street railway, water, telephone and other public utility corporations subject to the jurisdiction of the Board.

There does not seem to be any doubt of the Board's power to make specific orders in specific cases requiring the adoption of standards fixed by it, except, perhaps, as such orders may be in conflict with the law fixing standards for gas, as noted above. The opinion of the Attorney-General rendered to the Board concerning its power under the statute of 1907, however, raises doubt as to the authority of the Board to proceed under this section otherwise than by specific order in specific cases.

NECESSITY FOR ADEQUATE APPROPRIATION.

In considering the details of legislation prescribing the powers of the Board, it is important that due consideration should be given to providing the machinery necessary to make such legislation effective. The New Jersey statute has, in some respects,

a broader application than the similar laws of other States, in that the power of regulation by the Board of Public Utility Commissioners is not restricted to a few specially enumerated utilities, but is extended to apply to "every corporation, association or joint stock company, operating within the State of New Jersey for public use under privileges granted by the State or by any municipality thereof."

The questions which enter into the operation of public utilities frequently give rise to problems that cannot be solved without the exercise of a high degree of technical training, combined with knowledge gained from practical experience. It is the theory of regulation by the State that such technical training and practical experience can, under the control of a commission, be employed directly in the service of the public.

When a law creates a public utility commission and requires it to investigate complaints and issue orders applying to rates and service of public utility corporations; to pass upon all issues of the stock and securities of such corporations and also to pass upon all local grants of privileges and franchises made to them, it is intended that the work of the commission shall be performed so as to bring fair treatment to the public without injustice to the corporations. To do this intelligently and to determine what may be considered fair with respect to rates, the standards of service which may be reasonably insisted upon, or the conditions that may be properly imposed in municipal grants, and to decide the many other problems which must confront the commission necessarily requires the employment of engineers and other expert assistants, who should be fully equal, in technical training and practical experience, to those employed by the utility corporations. Such engineers and experts command good salaries in the employ of the corporations, and the State must pay salaries large enough to make employment in the service of the State attractive. For this reason the Board strongly urges that, in the consideration of any changes in the law, and particularly such changes as will tend to place additional duties, involving a consideration of technical problems upon the Board, a sufficient appropriation be allowed to provide for the employ-

PUBLIC UTILITY COMMISSIONERS' REPORT. 17

ment of such assistance as will be required to make the law effective.

Respectfully submitted,
FRANK H. SOMMER,
THOMAS J. HILLERY,
ROBERT WILLIAMS,
Commissioners.

ALFRED N. BARBER,
Secretary.
December 31st, 1910.

Formal Complaints—Railroad Division.

IN THE MATTER OF THE COMPLAINT OF THE TOWN }
COUNCIL OF BLOOMFIELD AS TO CONDITIONS AT }
CROSSING BY ERIE RAILROAD OF LAWRENCE }
STREET AT GRADE. }

This complaint is made by the town council of the town of Bloomfield, under section 2 of Chapter 189, of the Laws of 1909.

An answer was filed to the complaint and on the issue joined a hearing was held, at which witnesses on behalf of the complainant and the respondent, the Erie Railroad Company, were heard.

At the close of the hearing an inspection was made of the crossing in question.

The testimony taken, and inspection so made, disclose that Lawrence street is a public highway; that it is crossed at grade by the Orange Branch of the Erie Railroad; and that some two hundred vehicles and between four and five hundred pedestrians pass over this crossing daily between the hours of quarter to seven o'clock in the morning and quarter after six o'clock in the evening. During these hours some fifteen passenger and five freight trains are run over this crossing. Beside these train movements, drilling movements, sometimes aggregating in excess of twenty, are made across this crossing.

The view of the tracks from the street is, for a reasonable distance in both directions, good. When cars are standing on the siding tracks leading into the manufacturing establishments located upon the line of the railroad, a short distance from the crossing, the view of the tracks in one direction is, however, obstructed.

At the time of the filing of the complaint the crossing was protected by a crossing alarm bell, which was designed to ring, both day and night, upon the approach of trains.

Some testimony was produced tending to show that this bell failed to operate at times.

PUBLIC UTILITY COMMISSIONERS' REPORT.

19

The Board finds that the protection provided at said crossing at the time of the filing of the complaint herein was not such as was necessary for the protection of travel over the same; and it

Further finds that the conditions at said crossing are such as to make it necessary for the protection of travel over the same that the present crossing alarm bell should be maintained at all times in proper working condition, and that in addition thereto a flagman should be stationed at said crossing daily, between the hours of seven o'clock in the morning and seven o'clock in the evening, who shall give notice of the approach of an engine or train, and who shall display a flag when an engine or train is about to pass; and it therefore, on this fourth day of January, nineteen hundred and ten, orders and directs that the Erie Railroad Company provide and maintain such protection at said crossing.

The Board recommends that cars standing on the siding track at this crossing be kept back from the street line, and beyond the derail, whenever possible.

In view of the complaints that travel over this crossing is seriously impeded by drilling movements, it further recommends that whenever such movements impede travel over the crossing for a period exceeding five minutes, the train be broken for the purpose of permitting pedestrians and vehicles to pass.

IN THE MATTER OF THE COMPLAINT OF THE TOWN
COUNCIL OF BLOOMFIELD, CONCERNING CONDI-
TIONS AT THE CROSSING OF WALNUT STREET BY
THE ERIE RAILROAD, AT GRADE. }

Application was made by the town council of the town of Bloomfield for the issuance of an order directing the Erie Railroad Company to provide protection at the crossing, in the town of Bloomfield, of Walnut street by its Greenwood Lake Division at grade. Answer having been made by the company, a hearing was had and witnesses on behalf of the municipality and the company heard; at the close of the hearing the crossing complained of was inspected.

From the testimony and inspection it appears that Walnut street is a public highway. It is crossed at grade by the east and

20 PUBLIC UTILITY COMMISSIONERS' REPORT.

westbound tracks of the Greenwood Lake Division of the Erie Railroad Company.

Between the hours of seven o'clock in the morning and seven o'clock in the evening from ten to thirty passenger trains and from three to eleven freight trains daily pass over this crossing.

Between the hours of seven o'clock in the evening and seven o'clock in the morning of the day following from seven to sixteen passenger trains and from three to six freight trains run over this crossing.

During the same hours of the daytime from some two hundred to exceeding five hundred pedestrians and from eleven to exceeding seventy vehicles pass over this crossing daily, and during the same hours of the night-time the crossing is daily employed by from seventy to approaching one hundred and seventy pedestrians and by from four to fourteen vehicles.

A passenger station, which is approached from a driveway leading from Walnut street, is located a short distance west of this crossing.

With few exceptions the passenger trains running over this division stop at this station.

Approaching the railroad from the south the view from the highway is obstructed in the easterly direction by a freight-house, located but a short distance from the street line, in front of which a freight and siding track is laid which approaches even more closely to the street line, and by a freight yard lying to the south of the freight-house, which yard contains four or more tracks which terminate almost at the street line.

Approaching the railroad from the north the view from the highway to the east is partially obstructed by a row of trees alongside, but off of the right of way, and to the west by a grove of trees similarly located.

At the time the complaint herein was filed no protection at this crossing was provided.

The Board is satisfied that the conditions at the crossing complained of are such as to make it necessary for the protection of travel over the same, that a flagman should be stationed at such crossing daily, between the hours of seven o'clock in the morning and nine o'clock in the evening, at least, and that such flagman

PUBLIC UTILITY COMMISSIONERS' REPORT. 21

should give notice of the approach of an engine or train and should display a flag when an engine or train is about to pass.

It therefore, on this fourth day of January, one thousand nine hundred and ten, orders and directs the Erie Railroad Company to provide and maintain such protection at said crossing.

IN THE MATTER OF THE APPLICATION OF THE CITY
OF SOUTH AMBOY FOR PROTECTION AT THE POINT
WHERE THE LINE OF THE NEW YORK AND LONG
BRANCH RAILROAD IN SAID CITY IS CROSSED BY
HENRY STREET AT GRADE.

The petition of the city of South Amboy prayed for the issuance of an order requiring the New York and Long Branch Railroad Company to erect and maintain gates at the point where Henry street in said city crosses the line of said company at grade.

A copy of the petition was, under the rules of the Board, forwarded to the respondent company.

The answer of the company while setting forth fully the unfavorable opinion of the superintendent of the company, of the people of South Amboy and of the council of that city, a matter aside from the issue and with which the Board has no concern, and the inclusion of which, in the answer, it regards as improper, is extremely meagre in its settlement of facts relevant to the issue raised by the petition.

In so far as the answer is germane to the issue it is as follows:

"There is a flagman at Henry street, and there has been one at that crossing for many years, which is all that is needed for the proper protection of the people using it. Our records show that there are fewer mishaps at crossings protected by flagmen than at those protected by gates.

"I repeat that a set of gates for the protection of the public at that point is not needed."

A day for hearing on the issue raised by petition and answer was set, and in answer to the notification of the date so set a communication was received by the Board from the respondent company referring to its answer and declaring that nothing further could be stated in its behalf.

On the day fixed for hearing, the Board (no one appearing representing the respondent company) proceeded to hear the witnesses produced by the petitioner.

From their testimony it appears that:

1. The city of South Amboy has a population of some eight thousand people.
2. The line of the New York and Long Branch Railroad Com-runs through the most thickly populated part of the city.
3. The railway is crossed by four streets at grade. These streets, other than Henry street, are protected by gates.
4. Two main tracks and one freight track cross the street at grade.
5. The South Amboy passenger station is located between Henry street and John street and the station platform runs from one street to the other.
6. This station is also employed as the terminus of the Raritan River Railroad Company, the trains of which company are drilled across Henry street.
7. Of the numerous passenger and freight trains passing through South Amboy many make no stop at that station. A large part of these trains are express and run at an exceedingly high rate of speed.
8. The public dock, which is used as a recreation pier, is located at the foot of Henry street, and access to it, from the city, requires the crossing of the railway.
9. The freight station is located opposite the passenger station and is reached from the town by crossing the railway at Henry street.
10. A grist mill and cement works are located on Henry street between the railway and the bay. To pass to and from these places it is necessary to cross the railway at Henry street.
11. The crossing is frequently used by persons on foot and in vehicles and the crossing is more important than others in the city which are now protected by gates.
12. The view of the railway from Henry street is seriously obstructed by various structures.
13. The crossing is now protected by a flagman. The Board of Railroad Commissioners for the State of New Jersey, on consideration of the testimony so produced before it, finds that it appears to its satisfaction that the conditions at said crossing are such as to make it necessary, for the protection of travel over the

same, that gates be erected at said crossing and an agent placed in charge thereof to open and close the same when an engine or trains passes. It, therefore,

ORDERS and directs the New York and Long Branch Railroad Company to erect gates at the crossing of the line of its railway by Henry street in the City of South Amboy, and place an agent in charge thereof to open and close the same when an engine or train passes, during such hours as the gates at other street crossings of said railway in said city are now operated.

IN THE MATTER OF COMPLAINT OF FAILURE TO PRO-
VIDE PROPER STATION FACILITIES AT THE SOUTH
AMBOY STATION ON THE NEW YORK AND LONG
BRANCH RAILROAD. }

A report submitted to the Board by its Chief Inspector, set forth that the station maintained by the New York and Long Branch Railroad Company at South Amboy was not adequately heated.

A copy of this report was forwarded to the said company and notice given to it that this Board would on Tuesday, the eighteenth day of January, one thousand nine hundred and ten, at eleven o'clock in the forenoon, at its office at the State House, in the city of Trenton, consider and act upon said report and the recommendation thereby made, and that at such time and place the said company would be heard with respect to the same.

At the time and place so fixed the said company was represented and this Board proceeded to hear and consider said report and the testimony of its Chief Inspector, no other testimony being produced before it, and thereupon it finds that the passenger station maintained by the New York and Long Branch Railroad Company at South Amboy consists of a single room which is divided into a waiting-room for men and a waiting-room for women by an enclosed ticket-office; that the dimensions of the waiting-room for men are about sixteen feet by twenty-four feet, and that for women, about sixteen feet by sixteen feet; that access from the one room to the other is afforded through a space some four feet in width along the enclosed ticket-office; that the only provision for heating these waiting-rooms is a

stove located in the waiting-room for women; that this stove is not sufficient to reasonably heat these rooms.

The Board of Railroad Commissioners for the State of New Jersey therefore concludes and finds that the New York and Long Branch Railroad Company does not provide proper and adequate station facilities at its station at South Amboy and hereby, on this first day of February, one thousand nine hundred and ten,

ORDERS said Company forthwith to provide a stove in the waiting-room for men at said station, in addition to the stove now located in the waiting-room for women, and properly and adequately heat said station.

IN THE MATTER OF THE COMPLAINT OF LOUISE C. }
TAYLOR, CONCERNING PASSENGER FARES ON THE }
DELAWARE, LACKAWANNA AND WESTERN RAIL- }
ROAD, BETWEEN SOUTH ORANGE AND ORANGE IN }
THE COUNTY OF ESSEX. }

The complaint in the above entitled matter sets forth among other things that the complainant resides at South Orange and is engaged as a teacher at Orange, both stations on the line of the Morris and Essex Railroad Company (Delaware, Lackawanna and Western Railroad Company); that return tickets and commutation tickets are issued for use between these stations, but that neither ten-trip nor fifty-trip tickets are issued for transportation between these points; that such tickets are issued for use between South Orange and Highland avenue stations and between Orange and Mountain stations.

The complaint is two-fold, (1) as to rates of fare, and (2) as to discrimination and failure to provide proper and adequate transportation facilities between South Orange and Orange, in the failure to issue ten and fifty-trip tickets respectively for transportation between these points.

The answer of the respondent company sets forth that "The distance from South Orange is two and five-tenth miles. Defendant sells round trip tickets between said points at 15 cents. Defendant also sells monthly commutation tickets for sixty rides between said points for \$3.00. Defendant alleges that said

rates of fare are reasonable and proper and not in excess of the rates of fare prescribed by law."

It therefore fairly meets the complaint in so far as it relates to rates of fare.

The act providing for the incorporation of the Morris and Essex Railroad Company enacted January 29th, 1835, provides that the company "shall not charge more than at the rate of * * * six cents per mile for carrying each passenger on said railways, in the carriages of the company" (section 10).

An "Act Concerning Railroads (Revision of 1903)," Chapter 257, section 38, provides that any railroad company may demand or receive such sums of money for the transportation of persons on its railroads and connections as it shall from time to time think reasonable and proper, not exceeding in the case of railroad companies organized under said act, three cents per mile for carrying each passenger on such railroad, and not exceeding, in the case of railroads constructed or operated under a special charter, three and a half cents per mile, and not exceeding the rate per mile limited by such charter, but that no charge shall be required to be less than ten cents.

The answer, however, does not meet the complaint in so far as it relates to discrimination and failure to provide proper and adequate transportation facilities.

It neither admits nor denies the allegation that ten-trip and fifty-trip tickets are issued for transportation between its South Orange and Highland Avenue stations and between its Mountain Station and Orange.

It neither admits nor denies the averment that like tickets are not issued for transportation between its South Orange and Orange stations.

If the averments of the answer were intended to be taken as an admission of these allegations of the complaint the answer nevertheless sets forth no reason why the convenience provided for passengers between South Orange and Highland Avenue stations and between Mountain station and Orange station, through the issuance of such tickets, should not be afforded to passengers between its South Orange and Orange stations.

In this regard the answer is deficient and therefore

The Board of Railroad Commissioners for the State of New Jersey hereby, on this first day of February, one thousand nine hundred and ten,

REQUIRES AND DIRECTS the respondent in the above entitled matter, within six days after the delivery of a copy hereof to it, to amend its answer in the particular wherein it is hereinbefore adjudged insufficient.

IN THE MATTER OF THE COMPLAINT OF LOUISE C. }
TAYLOR CONCERNING PASSENGER FARES ON THE }
DELAWARE, LACKAWANNA AND WESTERN RAIL- }
ROAD, BETWEEN SOUTH ORANGE AND ORANGE, IN }
THE COUNTY OF ESSEX. }

The Board of Railroad Commissioners for the State of New Jersey heretofore directed that the answer of the respondent company in the above entitled matter be amended.

A supplemental answer was accordingly filed.

A copy of such supplemental answer was forwarded to the complainant, and a day for hearing fixed at the city of Newark, a point presumably convenient for the petitioner.

On the day so fixed no one appeared on behalf of the petitioner.

The basis of the complaint is that ten-trip tickets are not issued by the Delaware, Lackawanna & Western Railroad Company for transportation between its Orange and South Orange stations, on the Morris and Essex division of this company's lines, and that such tickets are issued for use between its South Orange and Highland avenue station, and between its Orange and Mountain stations.

The supplemental answer of the respondent company admits that such tickets are not issued for use between the Orange and South Orange stations, and alleges "that ten-trip tickets are not now, nor have been for a long time past, provided to ticket agents for sale between South Orange and Highland Avenue stations and between Mountain and Orange stations. Some years ago ten-trip tickets between the above named points were furnished to such agents for sale, but the furnishing of such tickets was later discontinued. Since the commencement of this

proceeding the respondent has discovered that the agents at some of the stations mentioned had still on hand some of the old form of ten-trip tickets and were selling them when requests were made."

That the sale of such tickets between South Orange and Highland Avenue stations, and between Mountain and Orange stations has not been discontinued in fact, is established by the placing in the hands of the Board of such tickets recently issued.

The original answer of the respondent company averred that it sold *monthly* commutation tickets for sixty rides for three dollars, and round-trip tickets at fifteen cents between its South Orange and Orange stations.

The supplemental answer asserts that while ten-trip tickets between these points were issued, that "they were sold at the price of five excursion or round-trip tickets and did not represent any commutation or reduced rates of fare."

The supplemental answer assigns a reason for the discontinuance of such tickets, as follows:

The sale of such ten-trip tickets, because of the fact that they represented no reduction of fare, was very small and did not warrant the respondent in continuing to provide such form of ticket."

This form of ticket has, as indicated by the petitioner, an advantage over the excursion or round-trip ticket in that its user is not required to make a daily purchase of ticket at the station with the delay incident to such purchase; it has an advantage over the *monthly commutation* in that the use of that form of ticket represents a fixed number of trips and its use is limited to the month for which it is issued.

In the judgment of the Board the form of ticket in question furnishes a convenience which may reasonably be required, and it therefore RECOMMENDS that the issuance of this form of ticket between South Orange and Orange stations be resumed.

IN THE MATTER OF COMPLAINT THAT THE PHILADEL-
PHIA AND READING RAILWAY COMPANY FAILS TO
PROVIDE PROPER AND ADEQUATE TRANSPORTA-
TION FACILITIES AT ITS HAMILTON STATION, IN
SOMERSET COUNTY.

The petition in this proceeding was filed by twenty-six patrons of the Hamilton station of the Philadelphia & Reading Railway Company. It set up that no westbound train was scheduled to stop at Hamilton station between 1:37 in the afternoon and 7:12 in the evening, and prayed that train No. 659, leaving Bound Brook at 5:24 in the afternoon, be required to stop at said station.

The answer of the respondent company set up that "the number of passengers from Hamilton to New York in the month of August was 74; September, 68; October, 66. The returning passengers from New York to Hamilton in the same three months were, August, 89; September, 85; October, 80; the total business being not to exceed three passengers per day each way."

The answer failed wholly to take into account passengers transported during the period between Hamilton and points other than New York.

The answer further averred that "train No. 659 * * * leaving Bound Brook Junction at 5:27 P. M., stops at Belle Mead, Skillman, Hopewell, and Pennington. These are the only important stations in that territory. This train is scheduled to run in two hours and twenty-five minutes from New York City to Philadelphia. We cannot make the time any longer without interfering with the regular two-hour express service. We cannot make any more stops with the train without making it late. It is run about as fast as we can possibly make it, with due regard to safe conditions at present."

On the issue raised by the petition and answer a hearing was held by the Board, at which both the petitioners and respondent were represented and at which testimony on behalf of both was heard.

From the testimony so heard it appears that as alleged in the petition no westbound train stops at Hamilton Station between the hours of 1:37 in the afternoon and 7:12 in the evening. It further appears that train No. 659 leaves Bound Brook at 5:24

PUBLIC UTILITY COMMISSIONERS' REPORT. 29

in the afternoon, arriving at Trenton Junction at 6:03 in the evening; that it runs a distance of some 27.2 miles, making five stops, in thirty-nine minutes; that train No. 653 makes the same number of stops and runs the distance in thirty-six minutes; and that trains making no stops between Bound Brook and Trenton Junction make the run in twenty-nine minutes.

It appears therefore that train No. 659 might stop at Hamilton station and still reach Trenton Junction at the time it is now scheduled to arrive.

The Board of Railroad Commissioners for the State of New Jersey, therefore, recommends to the Philadelphia and Reading Railway Company that it stop train No. 659, leaving Bound Brook at 5:24 in the afternoon, at its Hamilton station.

IN THE MATTER OF THE COMPLAINT CONCERNING STA-
TION FACILITIES AT MOUNTAIN VIEW, ON THE }
LINE OF THE ERIE RAILROAD COMPANY. }

The Mountain View station of the Erie Railroad Company was destroyed by fire some months since; the destruction of the station resulted in bringing to an issue a controversy that had for some years been waged among the people of the community as to the desirability of re-locating the station at a point some half mile, or thereabout, distant from its former location. The company, at the request of the several parties to this controversy, took under consideration two propositions—(1) the erection of this station some two hundred and fifty feet removed from its former location (so admitting the clearing of a highway crossing by trains stopping at the station), coupled with the construction, by private interests, of a public road affording direct access from the station to the Mountain View station of the Delaware, Lackawanna and Western Railroad Company, and (2) the relocation of the station at a point some half mile, or thereabout, distant, from which point existing public roads would afford a direct means of communication between the proposed station and the station of the Delaware, Lackawanna and Western Railroad Company. The company adopted the former plan and accordingly awarded contracts for the erection of a station at a cost of some six thousand dollars; the work of erecting the station

has been begun, but it is now stayed pending a determination by the Board in these proceedings.

After the destruction of the station, and after the plans of the company became known, the Board received numerous conflicting petitions and communications, some approving of the plan of the company and others protesting against it. To bring the matter to an issue the Board determined to treat the latter protests as complaints, that the station proposed to be erected would not afford proper and adequate station facilities; fixed a day for hearing and gave notice thereof to the divers interests and to the company.

At the hearing all of the parties in interest were represented by counsel and testimony on behalf of each was produced and heard. The controversy so brought before the Board has previously been brought to its attention in connection with the relocation of the Mountain View station of the Delaware, Lackawanna and Western Railroad Company, during the hearing of which matter the Board made a personal inspection of the territory affected, the then station sites, and the station sites proposed on both lines of railway.

After due consideration of the testimony produced before it the Board, though giving due weight to the fact that the plan adopted by the company involves some inconveniences in that passenger and freight facilities are located at different points, yet concludes that a finding that the erection of the station as contemplated by the company would not provide proper and adequate facilities at Mountain View is not justified, and it therefore hereby dismisses the complaints herein.

Independent of statutory restriction the determination of the location of railroad stations rests in the discretion of the carrier.

It lies within the power of the Legislature to compel a carrier to establish stations at places necessary for the convenience of the public, and it may delegate to a commission the power to determine what stations are required.

In pursuance of this power the Legislature of this State enacted Chapter 189 of the Laws of 1909, which, among other things, provided that any railroad company proposing to abandon any railroad station should post a notice to that effect at least

thirty days before the contemplated action, and should, at the time that such notice is posted, send a copy of the same to this Board, and further provided that upon complaint by any interested party that it is the intention of any railroad company to abandon any railroad station this Board might order a hearing, and after such hearing issue such order or orders in regard to the matter as it might deem reasonable and just.

No general rule can be laid down as to what will constitute an abandonment of a railroad station under this statute. It is clear, however, that a change in the location of a station from one point to another in the same vicinity does not, in general, constitute an abandonment. The case under consideration, therefore, involving, as it does, simply the setting back of the station a distance of some two hundred and fifty feet, does not fall within this section of the statute.

The act creating this Board, Chapter 197, Laws of 1907, among other things, confers upon the Board power to make all necessary orders requiring any railroad company operating in the State to furnish proper and adequate stations. The judgment of the Board is that under this section the exact location of a station should be left largely to the discretion of the company, subject to the condition that the station be so located as to reasonably serve the convenience of the public to be accommodated thereby. Unless the Board can, therefore, find that the station as proposed to be located by the carrier would not reasonably serve the convenience of the public to be accommodated thereby, it cannot adjudge that the carrier does not furnish proper and adequate stations.

The location of the station proposed by the company is but a short distance from the site occupied by the destroyed station, which had been maintained over a long period of years; the business section of the community was built up in view of its location; to remove it to a somewhat distant point would unsettle and disturb this condition; local opinion on the wisdom of removal is seriously divided.

The situation, therefore, is one in which this Board would not be justified in interfering with the exercise by the company of its discretion.

IN THE MATTER OF THE COMPLAINT OF J. S. WESTNEY }
REGARDING INTERCHANGE OF TRAFFIC BETWEEN }
THE WEST JERSEY AND SEASHORE AND THE AT- }
LANTIC CITY RAILROAD IN SOUTH JERSEY. }

The pleadings in the above-entitled matter are voluminous. No purpose would be served by setting them out at length.

The basis of the complaint, briefly stated, is that there is no regularly established point in Southern New Jersey for the transfer or interchange of freight between the line of the Atlantic City Railroad Company and the line of the West Jersey and Seashore Railroad Company.

The fact complained of is admitted, but the necessity for the establishment of such a transfer or interchange point is denied.

After consideration of the testimony laid before it the Board of Railroad Commissioners for the State of New Jersey finds that the provision of adequate transportation facilities fairly requires the establishment of such a point of transfer and interchange, and

RECOMMENDS that an arrangement be entered into for the interchange of traffic between points in Southern New Jersey on the line of the Atlantic City Railroad Company and points on the line of the West Jersey and Seashore Railroad Company through Cape May, in this State; that the territory to be embraced in this arrangement include that lying south of Winslow Junction and south of Millville, in this State, on said lines of railway, and that the rates be such as would prevail if direct interchange were made at Woodbine, in this State, notwithstanding that the physical point of interchange is at Cape May. Such rates, however, not to prevail where the rate based on the actual route taken by shipments would be less.

IN THE MATTER OF THE COMPLAINT OF RESIDENTS }
OF THE BOROUGH OF TOTOWA THAT PROPER AND }
ADEQUATE TRANSPORTATION FACILITIES ARE NOT }
PROVIDED BY THE DELAWARE, LACKAWANNA AND }
WESTERN RAILROAD COMPANY BETWEEN HO- }
BOKEN AND LITTLE FALLS. }

Complaint was made in the above entitled proceedings that trains Nos. 469 and 473 from Hoboken were run by the Little

Falls station of the Delaware, Lackawanna and Western Railroad Company without stopping, and that in this respect the said company failed to provide proper and adequate transportation facilities between Hoboken and its Little Falls station.

Upon communication of this complaint to the respondent company it signified its willingness to stop both of these trains at its Little Falls station.

No order will therefore be made.

The petitioners may renew their complaint, upon motion, if these trains are not stopped as agreed or if such stops be hereafter discontinued.

IN THE MATTER OF THE COMPLAINT OF LOUIS B. }
HILBORN AGAINST THE DELAWARE, LACKAWANNA }
AND WESTERN RAILROAD COMPANY, CONCERNING }
TRANSPORTATION FACILITIES BETWEEN THE CITY }
OF NEWARK AND THE TOWN OF MONTCLAIR, IN }
THE COUNTY OF ESSEX. }

The complaint in this matter was based on the failure of the Delaware, Lackawanna and Western Railroad Company to stop any of its trains for Montclair at its Newark station between the hours of half past five and twenty-three minutes after seven o'clock in the evening.

To the complaint the company answered, setting up among other things that, while the situation complained of existed, it was not possible under existing conditions to remedy the same; that under the schedule now maintained the company operated twenty trains through Newark between the hours of 5:30 and 6:30 P. M., with an average headway of three minutes out of Hoboken, and that with proper regard for safety, no additional trains could be inserted in the schedule.

Subsequently the town of Montclair applied for leave, and was permitted to join in the complaint herein.

At a hearing had before the Board the individual complainant appeared and the town of Montclair and the respondent company were represented.

The testimony adduced at this hearing established that proper and adequate transportation facilities between the city of Newark and the town of Montclair were not provided, in that as set forth in the complaint no train for Montclair made the stop at Newark between the hours of 5:30 and 7:23 in the evening.

The testimony produced on behalf of the respondent company on the other hand established that conditions at Montclair and at Newark render the present betterment of the condition complained of a delicate task, involving the possible increase of dangers in reduction of headway and the possible disturbance of the schedule of trains to other points west of Newark.

At the close of the hearing, the Board, impressed by the case presented by complainant, and by the difficulties pointed out on behalf of the respondent company, assigned its Chief Inspector to a special study of the situation.

Such study led to the suggestion that train No. 145, reaching Newark at 6:20 P. M., be stopped at Newark to take on passengers for Montclair.

Investigation disclosed, however, that this suggestion was not practicable in that this train consisted of ten cars, all that could be hauled; and that these cars were filled to their capacity at Hoboken.

A suggestion that a second section of this train be run, making the stop at Newark, likewise proved, upon investigation, to be impracticable because of inability, through limited room at Montclair, to handle such proposed section.

The only means open, under existing conditions, to an improvement of the service (a designation that it hardly deserves), is, as appears from such study, to stop train No. 147 reaching Newark at 6:50.

This the respondent company has consented to do.

No order will therefore be entered in this proceeding.

The hearing developed that negotiations for the improvement of terminal facilities at Montclair, between the town of Montclair and the respondent company, had, through some misunderstanding, been broken off.

The Board suggested the renewal of these negotiations, and it understands that its suggestion has since been adopted.

The Board stands ready, upon request, to afford such aid as lies within its power in these negotiations.

These negotiations, if carried to a successful termination, will go far to remove the difficulties which stand in the way of improving the conditions complained of.

At the termination thereof, if successful, the application herein may, if necessary, be renewed; if unsuccessful, it may likewise be renewed and the Board will, in so far as its finances will admit, endeavor to cause a further detailed study of the situation to be made.

IN THE MATTER OF THE COMPLAINT OF MRS. CAMILLE
 W. REEVE DEBOW CONCERNING TRANSPORTATION
 FACILITIES AT BLOOMINGDALE ON THE NEW YORK,
 SUSQUEHANNA AND WESTERN RAILROAD.

Complaint was made by Mrs. Camille W. Reeve de Bow that proper and adequate transportation facilities were not provided at the Bloomingdale station of the New York, Susquehanna and Western Railroad Company.

Issue being joined upon this complaint by answer interposed thereto, a hearing was held by the Board, at which hearing testimony produced by the complainant and by the New York, Susquehanna and Western Railroad Company, was heard.

The chief basis of the complaint is the discontinuance of the stop of train No. 2 at Bloomingdale. This train is a through train, running semi-express from Stroudsburg, sixty-four miles distant. Its stop at Bloomingdale was discontinued in the effort to improve the service and lessen the time from the West to Jersey City. The Board finds and adjudges that such action does not render the transportation facilities at Bloomingdale either improper or inadequate in view of the retention of the stop at Butler, which is about half a mile distant from Bloomingdale and readily accessible.

The Board of Railroad Commissioners for the State of New Jersey, after due consideration, however, recommends that train No. 17, leaving Jersey City at 5:25 P. M., stop at Bloomingdale station, on notice to conductor, to let off passengers from Paterson and east of Paterson.

IN THE MATTER OF THE COMPLAINT OF MRS. HANNAH
COOK AGAINST THE NEW YORK, SUSQUEHANNA
AND WESTERN RAILROAD COMPANY FOR FAILURE
TO MAINTAIN A BRIDGE CROSSING THE PEQUAN-
NOCK RIVER AT BLOOMINGDALE.

This complaint is based upon the failure of the New York, Susquehanna and Western Railroad Company to maintain and keep in repair a bridge across the Pequannock river at Bloomingdale. The bridge was apparently constructed, and was, until recently, maintained in accordance with the following provision of a conveyance made by one Ryerson to the New Jersey Midland Railway Company:

"It is understood and agreed * * * that the bridge constructed by said company across the river at Bloomingdale, and the approaches thereto, shall be maintained by them as a substitute for any public or private road between said railroad and the river."

The bridge forms no part of the transportation or station facilities of the company. No railway line is operated upon or over it. It does not span any railway line. It forms no part of any station premises. It was evidently constructed as a substitute for an existing public or private way, into the possession of which the company entered at the time of the construction of its line of railway.

The Board is, therefore, without jurisdiction to make any order or recommendation with respect thereto, and the petition in the above-entitled matter is accordingly dismissed.

IN THE MATTER OF THE COMPLAINTS OF THE BOROUGH
OF GARFIELD AGAINST THE ERIE RAILROAD COM-
PANY OF LACK OF PROTECTION AT THE GRADE
CROSSINGS AT HOBART PLACE AND SOMERSET
STREET.

The respondent, the Erie Railroad Company, having at the opening of the hearings in the above-entitled proceedings, informed the Board that it had protected, and would thereafter protect, each of the crossings complained of by a flagman, no further action will, at this time, be taken therein.

The Board, however, RECOMMENDS that at the Hobart Place crossing cars on the siding be kept back a distance of fifty feet from the street, and that the hours during which each of said crossings be protected by a flagman be from six (6) A. M. to seven (7) P. M.

IN THE MATTER OF THE COMPLAINT OF WILLIAM H. KEARNS AND OTHERS THAT THE DELAWARE, LACKAWANA AND WESTERN RAILROAD COMPANY FAILS TO FURNISH PROPER AND ADEQUATE STATIONAL FACILITIES AT ITS LYONS STATION.

The complaint herein alleges, among other thing, in substance, that the respondent company fails to furnish proper and adequate stational facilities at its Lyons station, in that it fails to maintain an agent at such station throughout the year.

From the testimony taken on the issue joined by the answer of the respondent company to the complaint it appears that the company now maintains an agent at said station during the summer months; and that this practice has continued since the abandonment of the station as an all-year-round agency station a number of years ago.

On consideration of all of the testimony before it, and an inspection of the station and its contributing section, the judgment of the Board is that the complaint is justified, and it finds that the Delaware, Lackawanna and Western Railroad Company does not in the particular before referred to furnish proper and adequate stational facilities at its Lyons station, and

The Board of Railroad Commissioners, now Board of Public Utility Commissioners for the State of New Jersey, therefore, hereby, on this fifth day of July, nineteen hundred and ten, ORDERS the Delaware, Lackawanna and Western Railroad Company to furnish proper and adequate stational facilities at its Lyons station, and to that end to furnish and maintain throughout the year an agent at said station.

IN THE MATTER OF THE COMPLAINT OF THE PASSAIC
TOWNSHIP GRANGE CONCERNING STATION FA-
CILITIES AT AND TRANSPORTATION FACILITIES TO
GILLETTE STATION, ON THE DELAWARE, LACKA-
WANNA AND WESTERN RAILROAD.

The petition herein alleges that proper and adequate station facilities are not provided by the Delaware, Lackawanna and Western Railroad Company at Gillette station, on its line; it also alleges that proper and adequate transportation facilities to such station are not furnished, in that no late evening train between Hoboken and such station is provided.

To the petition an answer was interposed traversing its allegations.

On the issues raised by the petition and answer, testimony on behalf of the petitioner and the respondent was taken, and a personal inspection of the station was made by one of the members of the Board.

The Board of Railroad Commissioners for the State of New Jersey finds:

1. That the waiting-room at this station is employed for the storage of grain and other freight; that the quantity of freight, so stored, at times results in the exclusion of passengers from the waiting-room; that the nature of the freight results at times in littering the room and making it unfit for use for the purposes for which it was primarily designed; that in these respects proper and adequate station facilities are not furnished at Gillette station, and it therefore

ORDERS that the use of the waiting-room at this station for the storage of freight be discontinued, and that proper and adequate station facilities for the storage of freight be provided.

2. That the testimony adduced does not justify a finding that proper and adequate station facilities are not furnished in that a ticket, freight and express agent is not maintained at this station.

The petition, therefore, in so far as it prays an order requiring the provision of such agent, is denied.

3. That the testimony does not justify a finding that proper and adequate transportation facilities are not provided because no late evening train is run to said station from Hoboken.

PUBLIC UTILITY COMMISSIONERS' REPORT. 39

The petition, in so far as it prays an order requiring a late evening train from Hoboken, is therefore also dismissed.

In its disposition of the issues raised the Board has not overlooked the statement of counsel for the petitioner that the extension of co-operative purchasing by the Grange was a possibility requiring improved freight facilities at this station and the stationing of an agent there.

The Board can only deal with the question whether "proper and adequate station and transportation facilities" are furnished, and its determination must be based on facts. Bare possibility, without facts upon which a conclusion may be reached as to whether or not such possibility is likely to develop into reality, furnishes no basis for such determination.

If the possibility suggested develops, so that some reasonable assurance of its accomplishment and the extent of increased traffic exists, the application herein may, of course, be renewed.

IN THE MATTER OF THE COMPLAINT OF FRANK VOIGT
 ET ALS, OF LACK OF PROPER AND ADEQUATE
 TRANSPORTATION FACILITIES ON THE PASSAIC AND
 DELAWARE BRANCH OF THE DELAWARE, LACKA-
 WANNA AND WESTERN RAILROAD.

The petition in this proceeding was filed by three patrons of Murray Hill station on the Passaic and Delaware Branch of the Delaware, Lackawanna and Western Railroad. It set forth that to provide proper and adequate transportation facilities trains should be run at more frequent intervals during the daytime; that at least two trains should be run west of Summit after 7:46 P. M.; that at least one train should be run to New York after 8:49 P. M., from Murray Hill station; and that several trains should be run on Sundays west of Summit between 10:48 A. M. and 9:42 P. M., and to New York between 8:24 A. M. and 5:08 P. M., from said station.

On the issue raised by the petition and answer, a hearing was held by the Board, at which both the petitioners and the respondents were represented, and at which testimony on behalf of both was heard. The testimony adduced at said hearing on behalf of the complainant does not, in the judgment of the Board, estab-

lish that the Delaware, Lackawanna and Western Railroad Company fails to provide proper and adequate transportation facilities to and from Murray Hill station on the Passaic and Delaware Branch of its railroad, nor does it establish that the transportation facilities now provided on said branch, to and from said station, are not adequate for the traffic carried.

The Board of Railroad Commissioners for the State of New Jersey, therefore, on this twenty-fourth day of June, nineteen hundred and ten, DISMISSES the complaint herein and denies the prayer thereof.

IN THE MATTER OF THE COMPLAINT OF THE TOWN
OF KEARNY OF LACK OF PROPER AND ADEQUATE
TRANSPORTATION FACILITIES TO AND STATION
FACILITIES AT KEARNY, ON THE NEWARK BRANCH
OF THE ERIE RAILROAD.

The complaint herein was filed by the town of Kearny, in the county of Hudson, and, in substance, alleged that the Erie Railroad Company failed to furnish proper and adequate transportation and station facilities on its "Newark Branch," in that while trains on said branch stop at Grant Avenue, in the town of Kearny, no station is located and maintained either at Grant Avenue or elsewhere within the limits of the town.

An answer was filed by the respondent company praying a dismissal of the complaint.

A hearing was had on the issue joined by the complaint and answer thereto; testimony was taken; and the neighborhood affected was inspected by the Board.

As the result of such hearing and inspection the Board of Railroad Commissioners for the State of New Jersey finds:

1. That the Erie Railroad Company does not furnish proper and adequate transportation facilities and stations on its Newark Branch in the town of Kearny, in the county of Hudson, for the transportation of passengers and property.

2. That the Newark Branch of the Erie Railroad is a branch or local line with stations located within short distances of each other.

PUBLIC UTILITY COMMISSIONERS' REPORT. 41

3. That for twenty years and upwards the Erie Railroad Company has caused trains to stop at the point where Grant avenue, in the town of Kearny, crosses its Newark Branch.

4. That during this period no station facilities of any kind have been furnished at Grant avenue, in the town of Kearny, and that no such facilities are now provided.

5. That the stop at Grant avenue results in obstructing that avenue and impeding traffic thereon.

6. That the trains operated over the "Newark Branch" of the Erie Railroad make no stop other than the Grant avenue stop, within the limits of the town of Kearny.

7. That the town of Kearny had, according to the last State Census, a population of thirteen thousand six hundred and one; and that said population has since that time substantially increased.

8. That Kearny avenue is the main artery of travel through the town of Kearny; that the lines of electric or trolley cars operated between the city of Newark, in the county of Essex, and the section of the town of Kearny known as "Arlington," and from said city of Newark north to Rutherford, Hackensack and adjacent municipalities, pass along said avenue.

9. That a bridge crossed by said electric lines leads from Kearny avenue, in the town of Kearny, spanning the right of way of the Newark Branch of the Erie Railroad, to Fourth avenue, in the town of Harrison, at a point where these towns and the borough of East Newark join.

10. That the right of way of the "Newark Branch" of the Erie Railroad between its Harrison station and said Grant avenue lies in an open cut.

11. That the Harrison station is about 6.9 miles along the railroad, and that said Grant avenue is about 7.4 miles along said right of way from Jersey City.

That said Grant avenue is some 900 feet from the Kearny avenue bridge before referred to.

12. That the Harrison station is not conveniently accessible to a large number of the residents of the Town of Kearny.

The Board of Railroad Commissioners for the State of New Jersey, therefore, hereby ORDERS the Erie railroad Company to

furnish proper and adequate transportation and station facilities on its "Newark Branch," in the town of Kearny, and to that end to erect and maintain a proper and adequate station building between Kearny avenue and Grant avenue, in said town, and to provide proper approaches or means of access to such station from Kearny avenue and from Grant avenue, respectively.

* * * * *

Subsequently the above order was modified so as to eliminate the approach from Grant avenue, the modification being made upon condition that the railroad company begin immediately and promptly prosecute to completion the construction of the new station, the Board having first ascertained that such change would be satisfactory to the complainant.

IN THE MATTER OF THE COMPLAINT OF THE TOWN OF KEARNY, HUDSON COUNTY, CONCERNING STATION FACILITIES AT WEST ARLINGTON STATION, ERIE RAILROAD.

The petition in this matter complains of a lack of proper and adequate station facilities at West Arlington station on the Erie Railroad.

Issue was joined on the petition and hearing had.

At the opening of the hearing by the petitioner the Erie Railroad Company, through its representatives, announced the intention of the company to make such alterations in the station building as might be necessary to convert it from a non-agency to an agency station, and to maintain an agent therein during the hours of the daytime.

In view of this declaration no further proceedings were taken.

The petition is retained in order to afford a reasonable opportunity to execute such declaration.

If the declaration is not fulfilled within a reasonable time the petitioners may, on motion before the Board, revive the matter, and the Board will reinstate the hearing.

IN THE MATTER OF THE COMPLAINT OF THE TOWN
OF KEARNY, HUDSON COUNTY, CONCERNING DIS-
CRIMINATION IN RATES BY ERIE RAILROAD COM-
PANY. }

Although the petition filed herein was somewhat indefinite, it was entertained by the Board and issue was joined therein.

At a hearing it appeared on the opening by the petitioner that the rates complained of were interstate rates over which this Board has no jurisdiction.

A motion on this ground was made on behalf of the company that the complaint be dismissed.

The complaint is, therefore, hereby dismissed.

The complaint may, however, be renewed, if confined to allegations of discrimination in intrastate rates.

IN THE MATTER OF THE COMPLAINT OF LOUIS M.
BROCK, MAYOR OF KEARNY, AGAINST ERIE RAIL-
ROAD COMPANY, BASED UPON ALLEGED DISCRIMI-
NATION IN PASSENGER FARES AGAINST ARLINGTON
AND WEST ARLINGTON STATIONS IN KEARNY. }

This complaint alleged the existence of discrimination in passenger fares against the Arlington and West Arlington stations, on the line of the respondent company, in the town of Kearny.

A statement, that a general revision of passenger fares was in contemplation, led to the laying over of the consideration of the complaint, with the consent of the complainant.

The contemplated general revision of rates of passenger fares has been made.

It is not clear that the charge of discrimination has been met in this revision.

Upon application by the complainant a day for hearing will be fixed, the complaint being treated as now relating to the revised rates.

IN THE MATTER OF THE PETITION OF D. FRED ALLEN }
 AND OTHERS TO COMPEL THE DELAWARE, LACKA- }
 WANNA AND WESTERN RAILROAD COMPANY TO }
 STOP TRAIN No. 375 AT DOVER. }

Mr. D. Fred Allen and thirty-one others, regular passengers and commuters on the Delaware, Lackawanna and Western Railroad, residing at Dover, Wharton, Succasunna, Ironia and Chester, presented their petition to this Board, requesting that this Board compel said Delaware, Lackawanna and Western Railroad Company to make Dover a regular stop for train No. 375, leaving Hoboken at 4:45 P. M., and now making Mount Arlington its first stop.

The Delaware, Lackawanna and Western Railroad Company filed its answer to said petition, and the matter was set down for hearing on Tuesday, August 9th, 1910, at Trenton. The hearing was adjourned to August 23d upon application of the railroad company, and was further adjourned to September 6th, 1910, and notice given to all parties in interest. At his request, Mr. D. Fred Allen was given a hearing before the Board on October 4th, 1910.

A protest was received by the Board, signed by James H. Baker and forty-nine others, residents of Hopatcong and Mount Arlington, objecting to the proposed change.

From the evidence it appears that train No. 375 is a Sussex Branch Express; that is, an express to Mount Arlington and from there a local to Branchville. Trains now leave Hoboken for Dover at 4:15 P. M., arriving at 5:20 via Boonton; at 4:15 arriving at 5:34 via Newark; 4:45 arriving at 6:23 via Newark; 4:50 arriving at 6:38 via Boonton; 5:30 arriving at 6:36 via Boonton; there being twenty-seven trains daily from Hoboken to Dover. The contention of the Delaware, Lackawanna and Western Railroad Company is that the stop prayed for would result in loading train No. 375 with all the Dover passengers now using No. 365 which leaves Hoboken at 4:45 P. M. and arrives at Dover at 6:23.

In the judgment of the Board the said The Delaware, Lackawanna and Western Railroad Company does not in the particu-

lars complained of now fail to furnish proper and adequate transportation facilities from Hoboken to Dover and the petition is therefore dismissed.

IN THE MATTER OF THE PETITION OF A. C. HANSON
 OF THE TOWN OF MORRISTOWN FOR AN ORDER
 REQUIRING A CHANGE IN THE SCHEDULE OF
 TRAIN No. 350 OF THE DELAWARE, LACKAWANNA
 AND WESTERN RAILROAD COMPANY.

The petition herein prays for an order requiring that the running time of train No. 350, leaving Morristown at 5:18 A. M., be shortened so that the train shall arrive in Hoboken in time to make connection with the boat for Christopher street, New York, leaving Hoboken at 6:55 A. M.

An answer to the above petition was filed by the Delaware, Lackawanna and Western Railroad Company, and a day for hearing on the issue joined was fixed. At the hearing A. C. Hanson appeared in his own behalf, and the railroad company was represented by counsel.

It appears from testimony given at the hearing that train No. 350, leaving Morristown at 5:18 A. M., is a mixed train which is delayed at South Orange for a period of twenty-two minutes for the purpose of taking on additional cars. It also appears that train No. 202 leaves South Orange at 6:10 A. M., and is scheduled to await the arrival of train No. 350 so that passengers are enabled to make connections with the same. Train (No. 202) arrives at Hoboken at 6:48 A. M., so connecting with the boat leaving Hoboken at 6:55 A. M. It appears, therefore, that by making the transfer at South Orange, passengers leaving Morristown at 5:18 A. M. may arrive at Hoboken at 6:48 A. M., necessitating a wait of only seven minutes or until 6:55 A. M., the leaving time of the next boat.

Upon the above state of facts the Board is of opinion that an order requiring the shortening of the running time of train No. 350 would not, under the circumstances, be justified.

IN THE MATTER OF THE COMPLAINT OF EIGHTH WARD }
CITIZENS' LEAGUE AGAINST THE CENTRAL RAIL- }
ROAD COMPANY OF NEW JERSEY. }

This complaint seeks an order requiring the respondent company to provide for the sale of tickets on both sides of the railroad at West Side avenue.

After due hearing the Board finds that the present arrangement of station facilities was inaugurated recently at a considerable outlay of money in consequence of a former complaint filed with the Board by the complainant, and to meet the grave conditions to which the complainant then directed attention.

The arrangement was submitted by the company to the Board and was approved.

In such approval the objection now raised by the complainant was foreseen and considered, and determined to be outweighed by the advantages otherwise accruing to the traveling public from the adoption of the new arrangement.

The situation that now exists does not in any great degree differ so far as inconvenience resulting from confining the sale and purchase of tickets to one side of the tracks is concerned, from that existing at other stations where, as here, the preponderance of traffic is in one direction; the ticket office being located on one side and a shelter on the other.

A consideration of the entire situation fails to disclose such a degree of inconvenience to the traveling public as would reasonably justify the requirement of the assumption by the company of the further expense that would be involved in maintaining a ticket booth on the sidewalk level or the construction of a tunnel connecting ticket office and shelter.

The Board therefore in so far dismisses the complaint.

The complaint is further based upon the close proximity of the outside girder of the West Side avenue bridge to trains, resulting in injury to passengers boarding trains while in motion.

After due hearing the Board finds that the complaint is, in this feature, justified.

It, therefore, HEREBY RECOMMENDS that at the West Side avenue station the Central Railroad Company of New Jersey cause the head end of the first coach in each train to be stopped

at a distance not less than fifty feet from the bridge, and that instructions be issued to trainmen to make special effort to prevent passengers from boarding trains at this station after they are in motion.

IN THE MATTER OF THE COMPLAINT OF CHARLES W. }
 LARNED AGAINST NEW YORK CENTRAL AND HUD- }
 SON RIVER RAILROAD COMPANY, LESSEE OF WEST }
 SHORE RAILROAD COMPANY, CONCERNING CON- }
 DITIONS AT WEEHAWKEN TUNNEL. }

In substance the complaint in this proceeding was that the respondent company fails to furnish proper and adequate transportation facilities, in that its Weehawken tunnel is not provided with a proper system of ventilation.

The facts reported by the chief inspector of the Board and adduced on behalf of the complainant and the respondent company at a hearing duly held, satisfied the Board that the complaint was well founded.

The respondent company was at the time of said hearing engaged in an investigation of the subject of meeting the conditions at this tunnel through a system of mechanical ventilation.

It subsequently submitted to the Board a description of a ventilating apparatus proposed to be installed, as follows: It "consists of two electrically driven fans capable of delivering 500,000 cubic feet of air per minute through a nozzle approximately 60 feet long, the inner surface of which conforms to the tunnel section and the outer surface of which is funnel-shaped, decreasing in size from the fan to the tunnel opening, so arranged as to deliver the above quantity of air in a stream around the sides and top of the tunnel opening and so arranged that the center of gravity of the air blasts coincides with the center of gravity of the tunnel section. The location of the apparatus is to be outside the New Durham portal, and the electric current is to be furnished by the Weehawken power house. Extra transmission apparatus to be installed in two units so as to provide against accident to either unit. The present shaft to be closed in order to make the ventilation system effective.

"The aim of the new system is to so dilute and remove any combustion gases and vapors as to render them innocuous."

After consideration of the report of its chief inspectors as to the proposed plan, the Board of Public Utility Commissioners APPROVES the same, and RECOMMENDS that the respondent company proceed to install such system in its Weehawken tunnel.

IN THE MATTER OF THE COMPLAINT OF THE BOARD
OF EDUCATION OF HOBOKEN AGAINST THE DELA-
WARE, LACKAWANNA AND WESTERN RAILROAD
COMPANY. }

The Board of Education of Hoboken provides for the transportation of thirty-six pupils between Hoboken and Montclair, attending the State Normal School maintained at the latter place.

Upon the ground of the *number* of pupils provided with transportation, request is made for a special rate.

The Board is, as it has frequently pointed out, without power to require the company complained of to furnish transportation at any given rate. Its power is confined to recommendation.

To avoid misunderstanding, it, however, now determines that if it possessed the power to fix or regulate rates, it could not, upon the ground advanced, grant the relief sought.

To grant such relief would involve the sanctioning of discrimination, unless the rate fixed was available to all who purchased tickets in like manner.

(See incidentally the Board's report for the year 1909, page 15.)

The question of the reasonableness of the rate complained of is under consideration in the general investigation of the reasonableness of increased intra-state passenger fares now pending before it.

Adjudication in these proceedings will be made upon the determination by the Interstate Commerce Commission of the related question of increased inter-state passenger fares now pending before it.

The complaint herein is therefore dismissed.

IN THE MATTER OF THE COMPLAINT OF HERMAN
CROSHAW AND OTHERS AGAINST THE UNION
TRANSPORTATION COMPANY, ALLEGING FAILURE
TO FURNISH PROPER TRANSPORTATION FACILI-
TIES.

In this proceeding Herman Croshaw and others complain that for a long period of time prior to August 15th, 1910, the Union Transportation Company, operating the Pemberton and Hightstown Railroad, received less than carload shipments of milk from the complainants at Wrightstown, New Jersey, and loaded the same, at its own expense, upon its baggage cars; and that since that date the company have required the petitioners to load such shipments.

The facts so alleged are admitted by the company.

The practice which formerly prevailed involves no element of unreasonableness.

In *Wholesale Fruit and Produce Association v. A. T. & S. F. Ry. Co.*, 14 I. C. R. 411, the Interstate Commerce Commission, through Commissioner Prouty, said: "While there is every reason for holding that the shipper should load and unload freight handled as a strictly carload proposition, there may be many reasons why with respect to commodities handled by the package the carrier should load and unload, even though the rating applied may be the carload; and such we think has been the usual practice in the past."

The continuance of the practice over a long period of time raises a presumption of reasonableness, and the burden is upon the company in justifying its discontinuance to overcome the presumption.

The company has failed to bear this burden.

No testimony was adduced before the Board evidencing any change in conditions rendering the continuance of the practice unreasonable.

The justification of the company was based solely upon the contents of a notice to the following effect posted in its station: "Shippers will load the milk in baggage cars when required to do so," and upon a proviso subject to which milk tickets are sold

by it, as follows: "Subject to published regulations of the company with reference to milk and cream traffic."

Passing by the vagueness of the notice, "shippers will load the milk in baggage cars when required to do so," giving as it does no notice of the circumstances under which such requirement will be made, and so leaving the determination of the requirement resting wholly in the arbitrary will of the company, it may be noticed that this "rule" was in effect apparently throughout the period that the practice continued, and that it was not invoked, so far as the evidence before the Board shows, until August 15th, 1910, the date of the total discontinuance of the practice.

The extent to which the discontinuance of the practice affects the patrons of the company's line of railway is indicated by the fact that the annual report of the company to the Board for the year ending June 30th, 1910, shows that its milk revenue (on passenger trains) aggregated \$19,662.47, while its total freight revenue amounted to \$23,982.38.

The Board is satisfied that through the discontinuance of the practice that formerly prevailed at Wrightstown, New Jersey, under which the Union Transportation Company, loaded, at its own expense, upon its baggage cars, milk there delivered to it for shipment, the company now fails to furnish proper and adequate transportation facilities, and it therefore ORDERS that said company forthwith re-establish said practice at said station.

IN THE MATTER OF COMPLAINT BY RESIDENTS OF
NEWARK AND PATERSON THAT THE ERIE RAIL-
ROAD COMPANY FAILS TO PROVIDE PROPER AND
ADEQUATE TRANSPORTATION FACILITIES BE-
TWEEN THESE CITIES.

The complainants in this proceeding allege that the Erie Railroad Company fails to furnish proper and adequate transportation facilities between the cities of Newark and Paterson.

The complaint is based upon the fact that train No. 307 leaves Newark at 7:15 in the morning and arrives at Paterson at 7:57, and that the next train (No. 311) leaving Newark for Paterson departs at 10:11 and arrives at 10:49.

Paterson is a county seat. Attorneys residing and maintaining offices at Newark are frequently required to be in attend-

ance before the courts of Passaic county. The hour of opening these courts is ten o'clock. Such attorneys, in order to be present at the opening hour of the courts, are therefore obliged either to leave Newark at 7:15, and arrive at Paterson two hours before the opening of the courts, or to make the journey by street railway.

Business houses located in Newark maintain branches at Paterson. Those engaged in the conduct and supervision of the affairs of these houses have, under the present schedule, no choice except to arrive at the branches in Paterson at 7:57 or at 10:49, if unwilling to use the street railway as a means of conveyance.

The business relations between the communities are close and important. The inconvenience resulting from the present morning schedule extends not merely to the two classes referred to but to large numbers of others.

The Board finds that the complaint is sustained.

An order will therefore issue requiring the company to put in operation a train leaving Newark daily (except Sundays) about the hour of nine o'clock in the morning.

The order will, however, because of present operating conditions, not go into effect until January first, nineteen hundred and eleven.

Since the complaint herein was submitted and hearing had thereon the respondent company has advised the Board of its intention to place in operation on or about December eighteenth, nineteen hundred and ten, a train leaving Newark for Paterson about 8:48 in the morning. The placing of this train in operation will be regarded as a satisfactory compliance with the order to issue hereunder.

IN THE MATTER OF COMPLAINT BY RESIDENTS OF
 NEWARK AND PATERSON THAT THE ÉRIE RAIL-
 ROAD COMPANY FAILS TO PROVIDE PROPER AND
 ADEQUATE TRANSPORTATION FACILITIES BE-
 TWEEN THESE CITIES.

Complaint being made that the Érie Railroad Company fails to furnish proper and edequate transportation facilities between the cities of Newark and Paterson,

The Board of Public Utility Commissioners now, after due hearing, finds that such complaint is sustained in that between the hours of 7:15 and 10:11 in the morning no train leaves Newark for Paterson, and

ORDERS that the Erie Railroad Company shall, on or before the first day of January, nineteen hundred and eleven, place in operation a passenger train leaving Newark for Paterson daily (except Sundays) at about the hour of nine o'clock in the morning, and thereafter maintain such train in service.

IN THE MATTER OF COMPLAINT OF F. W. STRALEY, }
OF HUNTSVILLE, AGAINST LEHIGH AND HUDSON }
RIVER RAILWAY COMPANY. }

The complainant receives shipments of freight over the line of the Lehigh and Hudson River Railway Company at its Huntsville station.

The complaint consists of two branches—(1) that freight shipped has been damaged and lost in transit, and (2) that freight has frequently been carried by and beyond Huntsville station and its delivery thereby delayed.

It appears from the testimony produced before the Board that freight consigned to the complainant has been damaged in transit; that claims have been made against the company and that these claims have been adjusted. It further appears that parts of some shipments of sugar and leather have failed to come into the actual possession of the consignee.

The claim of the consignee is that the missing freight was lost or stolen in transit.

The claim of the company is that the missing freight was put off at Huntsville station, which is the prepaid station to which it was consigned; that if it was subsequently stolen or taken away through mistake, no responsibility rests upon the company under the terms of the uniform bill of lading, adopted upon the recommendation of the Interstate Commerce Commission, which provides: "Property destined to or taken from a station, wharf or landing at which there is no regularly appointed agent, shall be entirely at the risk of the owner after unloaded from cars or vessel * * *."

The company has, accordingly, rejected claims for such loss.

The company has produced its way-bills with the notations thereon of delivery of these shipments.

The complainant asserts that one of his employes was on hand at the arrival of one of these shipments and that it was short. As to the other he produces no testimony except that the lid of the package appeared to have been pried open and fastened down again, and that a person not produced as a witness had told him it was in such condition when put off the car.

The Board does not conceive it to be its duty to usurp the functions of the courts and determine this controversy.

The facts elicited with reference to Huntsville station show that the business done would not justify an order requiring its conversion from a prepaid station to an agency station.

The complaint in this aspect is therefore dismissed.

It further appears that freight shipped to the complainant has on occasion been carried by and beyond Huntsville station and so delayed in delivery.

This is admitted and laid to misloading.

The Board RECOMMENDS that greater care should be taken to avoid misloading. It further calls attention to the fact that the comparative minor importance of Huntsville station and the need of making up lost time do not justify the delaying of delivery of shipments to the complainant by carrying freight by and beyond this station.

Informal Complaints—Railroad Division.

TOWNSHIP COMMITTEE OF BELLEVILLE }
vs. }
ERIE RAILROAD COMPANY. }

DANGEROUS GRADE CROSSING:—The Township Committee of Belleville complained that the crossing of Belmont avenue, in said township, and the Orange branch of the Erie Railroad Company is a well-traveled highway; that many children, of parents residing in the section lying south of the railroad, cross the tracks at Belmont avenue to attend the public school; that the section in which the crossing is located is a rapidly growing community and

that the traffic at the crossing is constantly increasing. It was alleged that conditions at the crossing are such as to make it necessary, for the protection of travel over the same, that gates be erected or a flagman stationed there.

The railroad company agreed, pending a study of the situation with reference to operating crossing-gates at Franklin and Belmont avenues from a centrally located tower, to station a crossing watchman at Belmont avenue from 7 A. M. to 7 P. M.

M. L. GATES
vs.
WHARTON AND NORTHERN RAILROAD. }

DELAY IN TRAIN SERVICE:—Complainant alleged the lateness of trains between Wharton and the Naval Powder Depot at Dover, N. J., giving as a specific instance a train scheduled to leave Wharton at 9:15 A. M., which was stopped about six hundred feet from the station on an embankment, unloading a dirt car attached. "It took forty-five minutes to do this, and during that interval some ten or twelve men and women had to stand on the station platform. There is no waiting-room, so that all were exposed to the cold weather. When they finally started, they stopped along the line to drill and at 11:45 arrived at the station at Dover, the train being due at 9:36." Complainant alleged that during eighteen months "that I rode on the 9:15 train from Wharton I don't recall a dozen occasions that the train was on time."

The railroad company in reply to this complaint stated that the night before, the car, which was unloaded, had been loaded with slag; that the night was a cold one, causing the moisture in the slag to freeze; that, sometime prior to the starting of the train, the car in question was run beyond the station; that, owing to the frozen conditions of the contents, after the drop doors were open, a large piece of slag became lodged in the opening, preventing closing the doors again until the car was completely unloaded, and that it was impracticable to move the car with the doors open. It was alleged that the train is a second-class one, mixed passenger and freight, so specified on the company's time-table; that the passenger revenues from this train do not amount to more than \$1.50 per day, and that, because of this,

the company is unable to run it other than second-class. It was further stated that most of the passengers for Dover use train No. 4, which is a first-class train, and in returning use No. 7; that these trains are very rarely late; that complainant is frequently the only passenger who gets off the train at the Powder Depot, and that the number of other passengers on the train rarely exceeds four to six. The company admitted the responsibility as to waiting room for passengers and advised that a suitable shelter would be erected at an early date.

Copy of the company's reply was sent to the complainant with an offer to hold a hearing, but the matter was not further prosecuted.

WALTER I. MCCOY
vs.
 DELAWARE, LACKAWANNA AND WESTERN
 RAILROAD. }

HEATING OF CARS:—Walter I. McCoy complained that on a train leaving Orange for New York, on the Delaware, Lackawanna and Western Railroad, one of the cars was heated by a stove placed therein. Mr. McCoy requested to be advised if it is permissible for railroads in New Jersey to use that method of heating.

There is no statute prohibiting the use of stoves for heating cars. This matter was taken up with the railroad company, which advised that an investigation showed that the coach mentioned by the complainant had been heated by a stove. The company further advised "instructions have been issued that the practice of using these, or other cars of a similar kind, be discontinued except in mixed trains where steam heat cannot be provided from the engine."

LEVERING AND GARRIGUES COMPANY
vs.
 NEW YORK, SUSQUEHANNA AND WESTERN
 RAILROAD COMPANY. }

ALLEGED OVERCHARGE FOR FREIGHT SHIPMENT:—Levering and Garrigues Company complained that they had seven carloads of structural steel shipped from New Market, New Jersey,

consigned to themselves c/o of the Public Service Corporation, Marion Power House Siding, Marion, New Jersey, via Lehigh Valley Railroad and Pennsylvania Railroad, on three carloads of which they were charged, for switching, $3\frac{1}{2}$ cents per hundred pounds.

Complainants alleged that the Public Service Corporation is charged but \$3.50 per car for switching; that the charge of $3\frac{1}{2}$ cents per hundred pounds was excessive and unjust, and that they were entitled to a refund.

It developed that the charges were made by the New York, Susquehanna and Western Railroad Company from point of connection with the company's line at Marion to the point of delivery. The matter was taken up with the New York, Susquehanna and Western Railroad Company, which stated that the charge assessed on the shipments in question, at $3\frac{1}{2}$ cents per hundred weight, was its regular published tariff rate to the first station beyond West End, the point of connection with the Pennsylvania Railroad (at which point the New York, Susquehanna and Western Railroad Company received the shipments), and was the regular tariff rate applicable to the point at which said shipments were delivered on the public delivery tracks of the company. It was admitted that the company has in effect a local freight tariff, I. C. C. No. 1,210 covering switching charges at West End at \$3.50 per car, but was claimed that such switching rate covers deliveries on private sidings only, and does not apply to deliveries on the public team tracks of the railroad company. It was further stated that if the railroad company had been able to deliver the shipments in question on a private siding, the switching rate would have been applied, but the Public Service Company objected to placing the cars on its private sidetrack and the Gas Department of the Public Service Corporation ordered the cars for unloading on a public team track.

The Levering and Garrigues Company contended that the cars referred to were consigned for delivery on private siding, namely, to the said company c/o the Public Service Corporation, Marion Power House Siding, Marion, N. J.; that without the consent of Levering and Garrigues Company, and against their instructions, the railroad company delivered the cars elsewhere, and that the

company should not have altered its consignment without their permission.

The parties being at issue, the Board offered to hold a hearing upon the propriety of the freight charges in question, but directed attention of the complainant to the fact that, in a previous matter, the Board had been advised by the Attorney-General that it has no authority, under the law, to recommend a refund of an overcharge. Owing to this limitation upon the Board's power the complainant advised that it would not press the matter to a hearing.

GRANT S. ATHERTON	}
<i>vs.</i>	
DELAWARE, LACKAWANNA AND WESTERN RAILROAD.	

LACK OF SEATS FOR PASSENGERS:—Complainant alleged that “on train leaving Hoboken at 1:38 P. M. for Montclair there were two cars left on the track locked, so as to keep people out, while the trainmen called out ‘cars ahead for seats.’ With dozens of others, I walked forward, only to find no seats at all, so I walked back while the train was crossing the meadows and counted the standing passengers, forty-five in all, some of whom were standing out on the platforms.” Complainant alleged that it is the custom of this road on Saturday afternoons, all the year round, to keep some of the rear cars locked till passengers are crowded in forward cars.

This was referred to an inspector of the Board, who took the 1:38 P. M. train from Hoboken on the following Saturday. The train consisted of eight cars, smoker and seven coaches. Thirteen passengers were standing in the smoker when the train left Hoboken. A few were standing in the seven coaches. There were twenty-five half seats unoccupied. The inspector's report stated “if all passengers standing in the smoking compartment and coaches passed through the cars for seats there would have been sufficient to accommodate them.”

The matter was taken up with the railroad company, which claimed that the maximum number of cars were being hauled for the grade of the Montclair branch. A subsequent investigation by the Board's inspector showed the 1:38 P. M. train to have

nine cars, instead of eight, as before, and it appeared that, with the extra car, seats would be provided for all the passengers.

H. T. HAGAMAN
vs.
 CENTRAL RAILROAD COMPANY. }

TRANSPORTATION FACILITIES AT FARMINGDALE:—H. T. Hagaman complained that the station of the Central Railroad at Farmingdale “was burned several weeks ago, and, so far as I have been able to ascertain, no efforts have been made toward the establishment of another. Again, the connections at Farmingdale are very bad; frequently Lakewood people miss the train by a minute, and are obliged to remain at that place over night. It has been asserted many times that if a union depot would be established there, and the two roads that go through that town could be made to work together, a great good would be done the traveling public.”

This was investigated by the Board, and it was learned that the station of the Central Railroad Company had not been rebuilt because of the fact that plans had been under consideration for a joint station of the Pennsylvania Railroad and Central Railroad. Later it was learned that an agreement had been reached between the companies for the use of the Pennsylvania station, which was to be provided with a larger office and increased baggage facilities. A new train schedule was put into effect, and the complainant was requested to advise the Board if the same was unsatisfactory, and, if so, to suggest improvement.

RESIDENTS OF RIDGEFIELD PARK
vs.
 NEW YORK, SUSQUEHANNA AND WESTERN
 AND WEST SHORE RAILROADS. }

STATION FACILITIES:—“A committee appointed at two mass meetings held for the betterment of terminal facilities and removing the menace to life” complained that the two stations, one at Mt. Vernon street and the other at the lower end of Ridgefield Park, called “Little Ferry,” are inadequate to house the people waiting for trains. It was alleged that the east side of the Mt. Vernon street depot has two doors leading out to and in

close proximity to the tracks of the West Shore Railroad, and, on account of the great number of West Shore express trains passing, it was asked that these doors be closed and others placed at the east end of the depot. It was further charged that two people and a team of horses had been killed at the point within the six months preceding the complaint.

It developed, in the course of an investigation by the Board, that the stations referred to are used jointly by the New York, Susquehanna and Western Railroad Company and the West Shore Railroad Company as tenants of the former; that the New York, Susquehanna and Western Railroad Company had plans prepared for improvements at Ridgefield Park, whereby the existing facilities would be enlarged for the accommodation of both companies, and that new rental arrangements had been accepted by the West Shore Railroad Company; that at Little Ferry the West Shore Railroad Company had purchased a tract of land adjacent to the station to be used later in connection with a more commodious freight and passenger layout, but that the entire matter was involved with the elimination of the Bergen turnpike, which crosses both the West Shore and New York, Susquehanna and Western Railroad tracks at that point.

This information was transmitted to the representative of the petitioners, who expressed gratification at the station betterments offered, but complained that the matter of safeguarding the West Shore crossing at Ridgefield Park had not been provided for. It was urged that "this crossing must be arranged some way so that the lives of our people are protected."

Following an investigation and report by the Board's inspector, it was recommended that a flagman be placed on the crossing of the West Shore tracks from 6 A. M. to 8 P. M., and this recommendation was accepted by the West Shore Railroad Company, and a flagman installed.

The Commuters' Association of Ridgefield Park subsequently directed attention to the danger of this crossing, and was advised that the Board cannot, under the law, order the crossing abolished by requiring the railroad company to construct a subway and inter-track fences needed to make it safe.

CITY OF NEWARK
vs.
 CENTRAL RAILROAD COMPANY. }

STATION AT EAST FERRY STREET:—The City of Newark complained that the station at East Ferry street, on the Central Railroad, is antiquated and unfit for its purpose; that the attention of the railroad company had been called to the same, but without producing any betterment in the conditions.

These charges were met by a general denial on the part of the railroad company. It was alleged by the company that improvements were recently made to the steps and platform of the station; that the platform is now over fourteen feet in width at the westerly end of the station building, and twelve feet in width at the easterly end; that the station was completely painted, inside and outside, a few years ago and touched up again with paint last year, both inside and out, to whatever extent was requisite.

A copy of the reply of the company was sent to the City Clerk of Newark, with the request that the Board be advised if a hearing was desired, but the matter was not further prosecuted by the city.

HERBERT M. MORRIS
vs.
 PENNSYLVANIA RAILROAD COMPANY. }

CROWDED TRAIN:—Complainant alleged that train leaving Camden at 4:17 P. M., Sunday, February 6th, was crowded before leaving station; that every seat was taken in the last coach, some six or eight people standing, and that people were also standing in the forward coaches; that, in spite of this, two empty coaches were cut off before leaving, the brakeman explaining that the train only had three coaches. The railroad company advised the Board that its investigation showed the facts to be as represented, stating that "the conductor who was responsible for the train, left the terminal with people standing when there were coaches behind him, which were put there for the express purpose of being used, as occasion might require, to accommodate our patrons. The excuses that have been offered not being satisfactory, the conductor has been disciplined, and we hope

that the action taken will prevent a recurrence, and regret that such a condition did exist the day and date in question."

GIRARD IRON AND METAL COMPANY }
 vs. }
CENTRAL RAILROAD COMPANY. }

The Girard Iron and Metal Company complained that on February 2d it issued shipping instructions to the Central Railroad Company of New Jersey at Phillipsburg to ship a car containing scrap iron to the Bethlehem Steel Company; that on February 3d the complainant was advised, by the freight agent at Phillipsburg, that there was an embargo upon the Bethlehem Steel Company; that the matter was taken up with the agent of the Central Railroad Company at Philadelphia, who wired the Superintendent of Transportation that if the car was loaded on January 31st and the ticket, bill of lading, etc., dated prior to February 4th, the car would be permitted to go forward. It was claimed that the car was loaded on January 31st and that when the advice was received on February 2d notice was immediately sent to the freight agent at Phillipsburg; that the complainant was afterward advised that the car had gone forward and was not informed to the contrary until the end of March, when word was received that the car had not been moved. It was alleged that if the car had been shipped in accordance with instructions it would have been unloaded and paid for, but that it had been kept at Phillipsburg on demurrage through no fault of the complainant.

This complaint was forwarded to the railroad company, which raised the question as to the jurisdiction of the Board, alleging (1) that the complainants have an adequate remedy in the Courts of Common Law, (2) that the statute granting authority to the Commission does not, in terms, grant a power broad enough to give relief, (3) that to grant relief in this case, assuming that the Commission could and should do so, would regulate interstate commerce, which is beyond the power of this or any State commission to do.

This was submitted to the Attorney-General, who advised the Board that "the third point at least is well founded and this con-

clusion makes it unnecessary to consider either or both of the first and second reasons advanced. This was a shipment from a point within the State of New Jersey to a point within the State of Pennsylvania. This upon its face marks the transaction as one of inter- and not intra-state commerce. It is not sufficient to urge that the shipment, the shipping point and the delay resulting in demurrage charge were each located within this State and that by reason of such fact this Commission has, therefore, jurisdiction over the subject matter. Interstate commerce is not so easily subdivided into matters of concern to the States through or over which a single movement of interstate commerce might pass. The jurisdiction of this Commission being necessarily limited to intra-state commerce, it has, in my judgment, no jurisdiction over the subject matter now presented."

LEWIS C. JABLESNIK }
vs. }
 WEST SHORE RAILROAD }

EXCESS OF SMOKE FROM ENGINES:—Complainant, resident of Ridgefield Park, alleged that a large number of persons residing along the West Shore Railroad are annoyed by immense volumes of heavy black smoke issuing from the stacks of the locomotives, and "have reason to believe that soft coal is in use, which, if allowed at the present, should be ordered discontinued, as almost all the heavy traffic of the New York Central lines is now carried over the West Shore. This problem is one which must be met in the immediate future." Complainant was advised that there is no law of New Jersey restricting railroads to the use of any particular kind of coal in their locomotives.

A copy of the complainant's letter was forwarded to the West Shore Railroad Company, which stated, through its Vice-President, "I beg to advise that we are using the best quality of Virginia coal on that division. We will, however, take the matter up, with the view of correcting any failure on the part of our men to fire properly, and trust that the results will be satisfactory. I would like to ask if the question has also been brought to the attention of the New York, Ontario and Western Railroad, which is partly concerned in the operation. If not, I will

take it up with them." Following a suggestion of the Board, the matter was taken up with officials of the New York, Ontario and Western Railroad, and later the Vice-President of the West Shore Railroad Company advised the Board: "I have taken this matter up with the officials of the New York, Ontario and Western road, and they advise that they were obliged for a time, on account of the coal strike, to use a somewhat inferior grade of coal, as we all were. They say that they are now using a good quality of low volatile coal and look for no further complaint."

NUMEROUS PETITIONERS
vs.
NEW YORK, SUSQUEHANNA AND WESTERN
RAILROAD. }

STATION AT MAYWOOD:—A petition, numerously signed, alleged lack of adequate conveniences and facilities at the railroad station on the New York, Susquehanna and Western Railroad at Maywood. The station was said to be in an unsanitary and untidy condition, and the lighting facilities both inside and outside alleged to be antiquated, by the use of kerosene oil lamps which are not kept clean. It was asked that the station be kept in a more sanitary condition and that electric lights be installed outside and inside the building. It was claimed by the petitioners that at least one hundred and sixty to one hundred and seventy commuters patronize this station daily, supplying a revenue in addition to that obtained from the regular ticket service and the freight rates.

The railroad company, in reply, advised that electric lighting would be provided for and other needed improvements made at the station; that a new station agent had been appointed, and it was claimed that under his direction satisfactory results would be obtained in keeping the station in a neat and tidy condition.

BOROUGH OF HOHOKUS
vs.
ERIE RAILROAD COMPANY. }

IMPROPER TRAIN SERVICE:—The borough of Hohokus petitioned the Board to order the Erie Railroad Company to keep all

lamps lighted, ventilators opened, drinking glasses in proper receptacles, and maintain first-class service in coaches, occupied by passengers, on trains scheduled to stop at Hohokus station, until they have made such stops. It was alleged that trainmen, on leaving Ridgewood Junction, pass through the coaches, collect glasses, close ventilators, and extinguish lights, leaving in most cases a single light in the car.

The railroad company replied that a few west-bound passenger trains, scheduled beyond Waldwick, cut off a few coaches at Waldwick, this being due to heavy travel east of Waldwick and to permit of the cars being used in return trains from Waldwick to Jersey City. It was stated that "it is customary to close the ventilators and collect drinking glasses from the coaches that are to be cut off, before reaching Waldwick, to facilitate the work at that point. Should there be any passengers occupying such coaches, the lights are not all extinguished; the situation, so to speak, is additionally protected by the train crew, and it is the intention to provide sufficient light in the coach or coaches for the accommodation of the passengers. Trains that terminate at Waldwick, and there are a large number of them, are not affected by this arrangement. The instructions are that no seats be turned or lights extinguished in coaches occupied by passengers until after terminal is reached and all passengers have alighted from the train. If the complainant will advise of any specific case where these instructions are not complied with, would be pleased to investigate and apply remedy promptly."

A copy of the answer was sent to the Borough Clerk, with the request to advise if a hearing was desired, but no further action was taken by the borough.

NUMEROUS PETITIONERS	}
<i>vs.</i>	
PHILADELPHIA AND READING RAILROAD COMPANY.	

CLOSING OF STATION AT PENNINGTON:—A petition, numerously signed, complained that the depot and freight office of the Philadelphia and Reading Railroad Company are closed at intervals, during the day, to the great inconvenience of many patrons.

The railroad company in reply advised that "it has been customary to close Pennington Station from 12:56 P. M. to 2 P. M., merely as a matter of convenience to the agent and his assistant. Our general manager has, however, given positive instructions that the station must be kept open at all times. We have the necessary force there to do the work."

WILLIAM E. COLLIS, REPRESENTING CITIZENS OF CHESTER,	}
<i>vs.</i>	
CENTRAL RAILROAD COMPANY OF NEW JERSEY.	

TRANSPORTATION FACILITIES AT CHESTER:—The complainant alleged that the original charter of the High Bridge Branch of the Central Railroad Company of New Jersey was for a road from High Bridge to Chester, through German Valley; that afterward a branch was built from German Valley to Dover and Rockaway. Eight or nine years prior to date of complaint the road withdrew their crew from Chester, closed the station, and commenced running a freight and passenger train to the village twice a week, on Wednesdays and Saturdays; that the company has been asked for daily service and had refused.

The railroad company claimed in reply that its facilities to the traveling public in the vicinity of Chester are commensurate with the requirements made of the railway company by that community; that the aggregate gross revenue of the Chester Branch averages about twenty dollars per quarter, "an amount grossly inadequate for the purpose of defraying even a small part of the mere operating expenses involved in the operation of passenger trains necessary for the performance of a passenger service." It was further stated that many years ago the Chester Branch of the High Bridge Railroad produced considerable passenger revenue, in consequence of and incidental to the operation of the iron industry in that section; that with the abandonment of that industry business activity slackened until the demands of the public so dwindled as to require no more frequent passenger trains than those furnished. It was further alleged that the Delaware, Lackawanna and Western Railroad Company has built a line to Chester, furnishing the community a shorter and more advan-

tageous route between it and other communities to which the traveling public of Chester resort, and that practically the entire public resort to the Delaware, Lackawanna and Western Railroad for transportation facilities and leave the Central Railroad Company's line without sufficient patronage to justify it in offering greater passenger facilities; that the Delaware, Lackawanna and Western Railroad Company operates three passenger trains in and three passenger trains out of the community of Chester daily, and that said service is all the said community could reasonably require.

A copy of the railroad company's reply was forwarded to Mr. Collis and offer made to hold a hearing, but the matter was not further prosecuted by the complainant.

TOWNSHIP COMMITTEE OF FRANKLIN TOWNSHIP
vs.
DELAWARE, LACKAWANNA AND WESTERN RAILROAD.

FAILURE TO GIVE WARNING AT CROSSING:—The Township committee of Franklin township complained that engineers of the Delaware, Lackawanna and Western Railroad do not give warning at the railroad crossing at Broadway station, and that trains are kept for an improper length of time on the crossing, obstructing travel.

This was taken up with the railroad company, and a special order was issued to employes applying to this crossing.

NUMEROUS PETITIONERS
vs.
NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY.

INADEQUATE STATION FACILITIES AT BLOOMINGDALE:—A complaint, numerous signed, alleged that when the station at Bloomingdale was destroyed by fire the railroad company erected a shanty in its place, three sides enclosed, and front open, with no one in charge; that all patrons of the station had been since compelled to walk one mile and a quarter to the nearest station,

Butler, to obtain tickets, and were required to pay Butler rates for all points east of the station; it was further alleged that no west bound trains stopped between 2:15 P. M., and 7:45 P. M., although three trains pass the station between the said hours; that anyone getting on trains that stop at Bloomingdale cannot purchase an excursion ticket but must pay one-way fare, owing to fact that there is no agent in charge of the station to sell tickets. It was alleged that the station is not kept in a cleanly condition and is unfit for occupancy by women and children.

In reply the railroad company alleged that about the year 1873 the New Jersey and Midland Railroad terminated at Bloomingdale, and that a station was maintained in charge of an agent at that time because it was the terminus of the road, but that no agency had been maintained at Bloomingdale since the service was extended to Middletown, New York, about the year 1874. It was claimed that positive instructions had been issued to keep the station in a cleanly condition at all times; it was further claimed that the railroad distance between the stations at Butler and Bloomingdale is one and one-tenth miles; that the accessibility of Butler station is unquestioned, and that the business at Bloomingdale was not sufficient to warrant the establishment of an agency.

The company agreed to make arrangements so that passengers boarding trains at Bloomingdale could purchase round-trip excursion tickets from the conductor on the train. It was claimed that train No. 7 stops at Bloomingdale about 5:52 P. M. to let off passengers from New York and Paterson.

Copy of this was sent to the petitioners, who denied that Bloomingdale had ever been a terminus, also denied that the conditions at the station are inspected daily and kept in a cleanly condition. It was claimed that, owing to the accessibility of the Bloomingdale station, the Bloomingdale patrons preferred to use it rather than the station at Butler. The representation of the petitioners stated that nothing could be said at a hearing further than had been presented in their petition. The matter was investigated by the Board's inspector, who reported that upon the day he looked over the station he found the same clean and

in good condition; that from fifty to seventy-five houses were within a distance of five hundred feet to one-half mile from the Bloomingdale station; that to use the Butler station would require those living in these houses to walk from three-quarters of a mile to a mile and a quarter. It was recommended by the inspector that a car of cinders be unloaded at the Bloomingdale station to fill in the cellarway.

The railroad company agreed to unload a carload of cinders and distribute the same back of the station, and repeated that the station and surroundings would be kept in a neat and tidy condition. The case was closed subject to re-opening on application.

TRENTON SHIRT COMPANY	}
<i>vs.</i>	
PENNSYLVANIA RAILROAD COMPANY AND DELA- WARE, LACKAWANNA AND WESTERN RAIL- ROAD COMPANY.	

DELAY IN SHIPMENTS:—The Trenton Shirt Company complained that it requires eight days for deliveries of their shipments from Trenton to Morristown. Specific dates of shipments were named as February 10th, April 19th, April 26th and May 23d. Shipments originate on the Pennsylvania Railroad and are transferred to the Delaware, Lackawanna and Western Railroad for delivery at Morristown. The Pennsylvania Railroad Company alleged, in reply, that two of the shipments alluded to were made by express, not handled directly by the railroad company; that the shipment received at the Trenton station, February 10th, was delivered to the Delaware, Lackawanna and Western Railroad Company on the 12th and shipments on April 19th were delivered on the 20th.

The Delaware, Lackawanna and Western Railroad Company alleged that shipment on February 10th was received from the Pennsylvania Railroad Company at 4 P. M. on February 12th, a legal holiday, and placed at the transfer on February 14th, the day following receipt being Sunday; that it was delivered at Morristown at 8 P. M. on February 15th. It was claimed that the shipment of April 19th, received from the Pennsylvania

PUBLIC UTILITY COMMISSIONERS' REPORT. 69

Railroad Company April 21st, was delivered upon April 23d, and charged that complainant was in error in making a statement that eight days were required for shipments from Trenton to Morristown. The railroad company claimed that the service given is all that could reasonably be desired.

The railroad companies' replies were sent to the complainant with an offer, on the part of the Board, to call a hearing if desired. The matter was not further prosecuted.

THOMAS J. ARMSTRONG
vs.
 ATLANTIC CITY AND SHORE RAILROAD COMPANY. }

SALE OF TICKETS AT OCEAN CITY:—Complainant alleged that the railroad company advanced fares between Ocean City and Atlantic City from 25 cents one way and 45 cents round-trip to 30 cents one way and 50 cents round-trip, but that there is no way provided for buying round-trip tickets in Ocean City for a journey from Ocean City to Atlantic City and return. Owing to absence of ticket office in Ocean City passengers could not take advantage of the reduced rate for the round-trip, but were required to pay full fare each way. It was also claimed that the company should be required to have a place, with an attendant on hand, to deliver baggage to those checking it from Philadelphia or elsewhere.

Copy of this complaint was sent to the company, which replied, stating that "on the day you wrote our ticket booth for the selling of tickets at the terminal of our road was opened, and hereafter the cause of complaint will be entirely eliminated. Previous to the increase of fares it was not necessary to sell tickets in Ocean City, as the cash fare and ticket rate were the same. However, the matter is different now and the complaint was well taken, although the condition existed only for a few days, owing to the fact that we could not find a suitable place to sell tickets, and the city authorities had not given us consent to occupy the booth on the boardwalk. In reference to the matter of baggage, I beg to advise that the same is taken care of at the office of the Adams Express Company. We pay them for handling all baggage to and from Ocean City and have been doing

so for some time, but this may not have been within the knowledge of Mr. Armstrong."

INCREASED COMMUTATION RATES.

In the latter part of May the leading railroad companies operating in New Jersey published new schedules of commutation rates, to become effective July 1st. As the proposed rates were generally higher than those of the old schedules, their publication was followed by numerous complaints filed with the Board. Most of the complaints referred to rates for travel between points in New Jersey and the city of New York. These were considered as relating to interstate commerce, and not being within the jurisdiction of the Board, were referred to the Interstate Commerce Commission, and are now being investigated by it. Application was made by the New Jersey Board to the Interstate Commerce Commission to suspend the rates pending an investigation as to their reasonableness. This application was denied, but the Interstate Commerce Commission assured the Board that the new rates would be investigated. Hearings have been since held by the Interstate Commerce Commission upon the complaints brought before it by the Commuters' Associations and the complaints sent to this Board and referred by it to the Commission. At these hearings the Board has been represented. The complaints, in so far as they relate to rates charged for travel between points in the State of New Jersey, are being investigated by the Board and will be considered in connection with the testimony taken with respect to the rates charged by the same roads for traffic between points in New Jersey and the city of New York.

RESIDENTS OF WASHINGTON'S CROSSING }
 vs. }
 PENNSYLVANIA RAILROAD. }

GRADE CROSSING:—Complainants alleged that the railroad and canal drawbridge crossing of the Pennsylvania Railroad at Washington's Crossing should be guarded by a flagman. It was stated that travel over the crossing is particularly heavy during

the vacation period, when hotels and boarding houses are filled with guests; that many children congregate at the point to meet trains, get the daily mail and reach the river bank for boating and bathing purposes. Attention was directed to the abrupt entrance to the macadam road, at the crossing, going west, and the abrupt ascent to the track going east. It was further stated that buildings obstruct the view and that the lighting facilities are inadequate after dark.

This was sent to the railroad company, which replied that "the use of the crossing having increased on account of summer boarding houses springing up in the vicinity within the past few years, directions have been given that a day watchman be employed to guard the crossing." It was claimed that the crossing is sufficiently lighted after dark. The company made a further statement as follows: "This crossing is located on a tangent. The abrupt entrance from the macadam road on the east side is 100 feet from the intervening canal and is an advantage in the line of safety. What really would improve the situation materially would be a reduction of the grade of the public road, which is so great as to force automobiles and vehicles to take quite a start to get over the level of the canal. Possibly some improvement in this respect might result by calling the attention of the county or township authorities to the matter."

A copy of this communication from the railroad company was sent to the complainants and to the Township Committee of Hopewell Township.

GERARD H. KELLER
vs.
 PENNSYLVANIA RAILROAD COMPANY. }

ANNOYANCE FROM COAL, SMOKE, ETC:—G. H. Keller complained of annoyance from coal smoke, soot and fumes emanating from engines of the Pennsylvania Railroad Company that pass in the rear of his residence. It was alleged that the railroad company uses soft coal on both passenger and freight engines; that when near Pavonia avenue and the Boulevard great volumes of thick, black smoke come from the engine; that this smoke and soot enter houses along the line. Complainant also alleged that

the railroad company has divided Pavonia avenue, at the Boulevard, by a railroad cut, which makes it necessary for people living at the western end of Pavonia avenue to walk six city blocks out of their way to reach their homes. It was further alleged that the railroad company has erected an unsightly fence at the Boulevard, beginning at the west side of the street at Pavonia avenue and ending at Cottage street.

In reply to this the railroad company admitted the use of soft coal in locomotives, but contended that "every effort is made to minimize any annoyance resulting therefrom by the best methods known to the art, and careful supervision at all points along the line where it may cause annoyance to residents, particular attention being given the matter within the limits of municipalities, and renewed instructions have been given engineers and firemen to observe the methods prescribed for minimizing the annoyance." The railroad company further stated, with regard to Pavonia avenue, "its extension would intersect the approach to the Hudson County Boulevard on the north and parallel it a short distance on the south." It was stated that this "has never been thought desirable or attractive to the municipal authorities, nor has it seemed to us that any public interest would be served by such an extension; however, this would seem to be a matter within municipal control. As to the unsightly fence referred to, which possibly is a matter your Board would not care to take up, this is an unpainted, tight-board fence in good condition; however, if the complainant will call upon Mr. G. P. Miller, Principal Assistant Engineer, Jersey City, he will be very glad to hear a presentment of the subject, and doubtless will meet any reasonable conditions that may be of public interest or improvement."

Copy of the railroad company's reply was sent to the complainant, with the request that he advise if a hearing should be called, but the matter was not further prosecuted before the Board.

JACOB ABRAMOVICH
vs.
 ERIE RAILROAD COMPANY. }

SERVICE AT 23D STREET FERRY:—Jacob Abramovich complained of the connection between main line trains on the Erie

Railroad and boats of the 23d street ferry. It was alleged that a commuter on the main line trains is compelled to wait at least fifteen minutes after the arrival of ferry boats from West 23d street every evening until he can make his train connection; that in the morning there is a delay of similar length waiting for the boats. This was accompanied by a statement signed by a number of persons endorsing the complaint.

This matter was investigated by the Board, and it was disclosed that, prior to the opening of the McAdoo tunnel, boats of the 23d street ferry, Jersey City, were run on fifteen minutes' headway; that, during certain periods of the day boats now run every twenty minutes, and that at other portions of the day every thirty minutes, and that the delay of which the complaint was made was due, not to the schedule of passenger trains operating within the State, but to the ferry service from New Jersey to New York, which, being interstate travel, is beyond the jurisdiction of the Board. Complainant was so advised.

UNITED STATES PIN COMPANY }
vs. }
 ERIE RAILROAD COMPANY. }

TRAIN SERVICE ON THE GREENWOOD LAKE BRANCH:—The United States Pin Company complained, on behalf of its employes and others, of train service between intermediate stations on the Greenwood Lake branch. It was alleged that this matter had been brought to the attention of the railroad company some time prior to the filing of the complaint; that the company had promised to take the matter under consideration as soon as the open cut through Bergen Hill district was completed. Complainant alleged that the cut had been completed, but that no improvement had been made in the service.

The railroad company, in reply, stated that when the next change of time-table is made on the Greenwood Lake division it would provide a train from Jersey City to Arlington about 6 P. M., which, it was stated, would adequately provide service now petitioned for, and also provide service for those desiring to reach Arlington at that hour.

S. H. TUCKER
vs.
 PENNSYLVANIA RAILROAD COMPANY. }

TRAIN SERVICE AT DELAIR:—S. H. Tucker wrote to the Board, complaining on behalf of himself and other residents of Delair, that train service on the Amboy division of the Pennsylvania Railroad is very unsatisfactory in the morning and afternoon. It was alleged that there is no train in the morning between 7:53 and 9:28 A. M., and in the afternoon between 3:20 and 5:40 P. M., although a number of trains pass the station without a stop. It was further alleged that a train passes in the morning at 9 A. M., and in the afternoon at 5:12 P. M., but that these trains had been taken off after stopping for years at Delair.

The railroad company, in reply, advised that a train to Philadelphia would be stopped at Delair at about 8:40 A. M., and a train from Philadelphia at about 5 P. M. It was further stated "Delair is a small community with a very limited amount of business, and is provided with about thirty-five week-day trains, subject to stop, which we consider quite ample."

This was submitted to Mr. Tucker, who, in reply, stated: "I am advised by Superintendent of the Amboy division, Pennsylvania Railroad, that on October 2d he will give us an intervening train morning and night, and for this I am assured we are indebted to your intervention."

NUMEROUS PETITIONERS
vs.
 CENTRAL RAILROAD OF NEW JERSEY AND PENNSYLVANIA RAILROAD COMPANY. }

DELAY AT SEA GIRT:—Numerous petitions were sent to the Board, on behalf of persons residing at Point Pleasant and commuting between that point and Trenton and Philadelphia, by way of Sea Girt and Monmouth Junction. It was alleged that the Pennsylvania Railroad Company listed its connection at Sea Girt by train leaving Point Pleasant at 6:43, reaching Sea Girt at 6:50 and waiting there until 7:41 A. M.; that by a change of time and delay of one minute of the train from Long Branch to Philadel-

phia, which train leaves Sea Girt at 7:41, a connection could be made by a Central Railroad train leaving Point Pleasant at 7:35, and reaching Sea Girt at 7:42.

Copies of the complaints were sent to the Pennsylvania Railroad Company and to the Central Railroad Company. In reply, the Pennsylvania Railroad stated: "We should be glad to make such modifications as would not throw a greater burden on the larger number of passengers as far as we could do so. In this case, however, train No. 291, alluded to, is a through train for Philadelphia, charted at its maximum speed from Sea Girt to Monmouth Junction, which enables it to precede the 7:30 there from New York. Failing to do this, a large number of our passengers would be much inconvenienced. In this particular instance, for the above reason, possibly it would be less objectionable to chart the other train a few minutes earlier, in regard to which you may desire to communicate with the Central Railroad of New Jersey."

The Central Railroad Company, in reply, stated that it had caused "a most careful investigation of this situation to be made, and this discloses that if we were to advance the running time of our train 308 at Point Pleasant so as to make an earlier arrival at Sea Girt, it would result in a protest voiced by a greater number of our patrons than those involved in the present complaint. During the past few years there has been constant pressure on the part of our numerous Point Pleasant clientele to have this train leave Point Pleasant slightly later than its present schedule. Our train No. 308 has been scheduled as at present for many years, and is a permanent factor in our arrangements to serve the Point Pleasant public, to which they have become well accustomed in their daily travel to and from New York City." The Central Railroad Company further suggested that if any change is made it should be by the Pennsylvania Railroad Company in the time of its train No. 291.

The replies of the companies were sent to the petitioners, with an offer to hold a hearing if desired. At the time of submitting this report, no hearing has been requested.

SOUTH ENGLEWOOD IMPROVEMENT ASSOCIATION }
vs.
 ERIE RAILROAD COMPANY. }

CHANGE OF NAME OF STATION AT "NORDHOFF":—The South Englewood Improvement Association asked the Board to assist it in obtaining a change of the name of the Erie Railroad station at "Nordhoff" to "South Englewood." It was alleged that there is no such place as Nordhoff, except the name of the station. The railroad company in reply objected both from an operating and a traffic standpoint. It was stated that cross-overs are located at Englewood and Nordhoff; that there is a possibility of misunderstanding in train orders, whenever it becomes necessary to detour trains between the two points; that freight is handled at both points, and that there is a liability of shipments being delayed and forwarded to the wrong station. It was further stated that a special effort has been made, for some time, to eliminate, as far as possible, all similarity in station names. That to grant the request of the petitioners would reduce the efficiency in the handling of trains, in the case of emergency and otherwise, and would also inconvenience shippers and receivers of freight, express, etc.

The reply was sent to the South Englewood Improvement Association, which advised the Board that they would let the matter drop.

RESIDENTS OF DOVER }
vs.
 DELAWARE, LACKAWANNA AND WESTERN RAIL- }
 ROAD COMPANY. }

BLOCKING OF CROSSING:—Complainants allege that very frequently they are detained and inconvenienced by the Delaware, Lackawanna and Western Railroad Company blocking the crossing at South Salem street, Dover, for periods of from fifteen minutes to three-quarters of an hour, and frequently even longer. The matter was taken up with the railroad company and investigated by an inspector of the Board. The Board's inspector reported that freight trains stand on sidings waiting for passenger trains to pass, which causes the delay.

The superintendent of the company caused the following order to be issued:

"Highway crossing, South Salem street, Dover, must not be blocked by trains or cars, under penalty of fine by city authority. Rule 460, transportation department, must be complied with. E. M. Rine, Superintendent."

ELIZABETH H. GOODWIN	}
<i>vs.</i>	
ATLANTIC CITY RAILROAD COMPANY.	

CONNECTION BETWEEN TRAINS OF ATLANTIC CITY AND CENTRAL RAILROAD AT WINSLOW JUNCTION:—Miss E. H. Goodwin complained that while the five o'clock train from Philadelphia, on the Atlantic City Railroad, connects with a train of the Central Railroad at Winslow Junction for Greenwich, the officials at the station at Chestnut street do not know this, and tell passengers that the trains do not make this connection.

The matter was taken up with both the Central Railroad Company and the Atlantic City Railroad Company. It was found that the Central Railroad train leaves Winslow Junction at a time which provides connection with the five o'clock train on the Atlantic City Railroad from Philadelphia. The Atlantic City Railroad Company stated that its passenger department had not been advised in reference to the matter, and that their company not being familiar with the facts, the gatemen at Chestnut street had carried out his instructions, but it was now understood that the Central Railroad of New Jersey would hold their train to make connection with the local train of the Atlantic City Railroad, that the Atlantic City Railroad Company's employes at Chestnut street had been instructed accordingly, and that the next time-table of the Atlantic City Railroad would be corrected.

Formal Complaints—Utilities Division.

IN THE MATTER OF COMPLAINT OF RESIDENTS IN
VICINITY OF STONE CHURCH OF INADEQUATE
SERVICE ON THE JERSEY CENTRAL TRACTION
COMPANY. }

The basis of this complaint is the alleged failure of the Jersey Central Traction Company to run a car in connection with the boats of the Central Railroad Company of New Jersey, arriving at Atlantic Highlands at five and six o'clock in the afternoon.

After due hearing and consideration of the matters laid before the Board on behalf of the complainants and the respondent company, the Board finds that the complaint is not sustained and that the company does provide such connection as may reasonably be required in view of the necessities of the service along the line of the company as a whole, and the complaint is therefore hereby dismissed.

IN THE MATTER OF THE COMPLAINT OF T. S. MILLER }
AGAINST COAST GAS COMPANY. }

This complaint is directed against bills rendered by the respondent company to the complainant for gas claimed to have been consumed during July and August, nineteen hundred and ten.

The complaint is based upon the fact that these bills largely exceed in amount bills rendered for gas consumed during the same period of the previous year.

The variance between the bills is evidenced by a comparison of the following schedules:

TABLE I.

Date.	Reading.	Difference.	Bill.	Days.	Per Day.
May 19, 1910,.....	21,000	.....	.....	..	.....
July 2, 1910,.....	24,600	3,600	5.40	43	12.5c.
Aug. 1, 1910,.....	42,700	18,100	27.15	30	90.5
Aug. 23, 1910,.....	49,500	6,800	10.20	22	46.3
Sept. 3, 1910,.....	49,900	400	.60	11	5.5
Sept. 7, 1910,.....	new meter	200	.30	4	7.5

TABLE II.

Date.	Reading.	Difference.	Bill.	Days.	Per Day.
June, 1909,.....	.....	.....	5.25	..	.....
July, 1909,.....	.....	.....	9.75	30	32.5c.
Aug. 23, 1909,.....	18,900	.....	7.35	22	33.4
Sept. 14, 1909,.....	21,000	2,100	3.15	22	14.3

An examination of the meter established that it registered correctly.

However, during a period of five or six weeks prior to August 6, 1910, there undoubtedly existed a condition of "inadequate" service. This condition required the consumption of greater quantities of gas to obtain given results than would have been required under usual and normal conditions of service.

For this condition the company was solely responsible.

The following table has been constructed to show what the bills should probably have been, based on last year's consumption of gas.

TABLE III.

<i>Date.</i>	<i>Reading.</i>	<i>Difference.</i>	<i>Bill.</i>	<i>Days.</i>	<i>Per Day.</i>
May 19, 1910,.....
July 2, 1910,.....	5.40	35	15.4c.
Aug. 1, 1910,.....	9.90	30	33.0
Aug. 23, 1910,.....	7.26	22	33.0
Sept. 3, 1910,.....60	11	5.5
Sept. 7, 1910,.....30	4	7.5

The average consumption in July, 1909, was 32.5c per day; in August, 1909, 33.4c a day; an average for the two months of 33c a day.

Upon this basis the bills for July and August, 1910, would have been \$9.90 and \$7.26 respectively.

The bills for July and August, 1910, should, in the judgment of the Board, be adjusted on the basis of consumption during the year 1909, and the Board therefore so RECOMMENDS.

IN THE MATTER OF THE COMPLAINT OF THE CITY OF
 HOBOKEN AGAINST THE PUBLIC SERVICE RAIL-
 WAY COMPANY, BASED UPON THE TRANSFER SYS-
 TEM IN FORCE ON THE GROVE AND WASHINGTON
 STREET LINES.

This complaint is based upon the fact that passengers on east-bound Grove street cars, desiring to go north on the Washington or Willow street lines, are required to transfer at Ferry and Washington streets and walk a distance of some one hundred feet; and that passengers desiring to make such transfer are not permitted to make the same at the Hoboken terminal of the company.

After careful consideration of the testimony adduced before it, and personal observation, the Board determines that it would not be justified in finding that the company does not, in the particular complained of, "furnish adequate service."

Investigation of the conditions prevailing at the Hoboken Terminal of the company make it clear that to permit the desired transfer to be made would interfere with the plan of operation in force at that point.

Such interference would present no ground for the dismissal of this complaint if the Board in fact found that such plan clearly inconvenienced a considerable part of the traveling public, or resulted in furnishing them with inadequate facilities.

This fact the Board has, however, not found.

On the contrary, it finds that the plan of operation of the terminal is well designed to meet the needs of the traveling public as a whole.

It serves to separate the incoming and outgoing travel; prevents confusion and delay in loading and unloading; it dispenses with the delay in collection of the fares of passengers entering cars; enables adherence to schedule and observance of headway, and so facilitates the ready and regular movement of traffic.

The ends so accomplished by this plan are important to the traveling public, as a whole, employing the several lines passing through the terminal.

To grant the request of the complainant would require changes to some extent destroying the advantageous results attained through the present plan of terminal operation.

While some inconvenience is entailed by the plan of transfer complained of, such inconvenience is not of such degree nor does it affect such numbers as to justify interference by the Board with a plan of terminal operation that has as its basis the ends before mentioned and that has produced the results indicated.

The complaint herein is therefore dismissed.

The Board, however, RECOMMENDS to the Public Service Railway Company that it open and put in operation at its Hoboken Terminal at least one additional, and if practicable, two additional turnstiles during the "rush" or "commission" hours.

PUBLIC UTILITY COMMISSIONERS' REPORT. 81

It further recommends that cars be stopped for transfer at the crossing of Washington street nearest to the Terminal.

IN THE MATTER OF THE COMPLAINT OF ACACIA LODGE,
NO. 20, F. & A. M., OF DOVER, N. J., AGAINST
THE DOVER ELECTRIC LIGHT COMPANY. }

Representation is made in a communication to the Board that the respondent company has submitted to the complainant a form of contract by the terms of which a monthly minimum charge of \$4.50, based upon a charge of five cents for each sixteen candle-power or equivalent thereof installed, is exacted.

Question is raised as to the right of the company to exact a minimum charge.

This question must be answered in the affirmative.

In *Gould v. Edison Electric Illuminating Company*, 60 N. Y. S. 559, the defendant company, as a condition of supplying the plaintiff with light, required his assent to a stipulation providing that a "minimum monthly charge of \$1.50 should be made by the company for each separate month during which the agreement should be in effect."

The provision was resisted, by the plaintiff, as unreasonable.

In sustaining the position of the defendant company, the court said: "Can it be said that a fixed charge, not based upon actual consumption, is of itself improper or unreasonable? The customer does not bind himself to use any particular amount of light, so that the return to the company based on actual consumption would rest entirely upon his volition, and it would, therefore, depend upon him whether the service he has required the corporation to be in constant and immediate readiness to render is profitable or unprofitable to the latter. But this constant condition of readiness is a necessary and unavoidable obligation, which must be sustained, in order to meet instantaneously the demand for light, which the consumer is entitled to have at any moment that he wishes it. It thus forms a part of the service to be rendered, and is an item properly to be considered when the reasonableness of the charges exacted by the company is called in question. * * * The charge which the defendant makes is based primarily upon actual consumption over which it has no

control. One consumer with the same number of lamps will use more than another. In both cases the return of the company may be remunerative, or the use of one may be so considerable as to involve a loss. To meet this contingency the monthly minimum charge of \$1.50 is made. But it must be borne in mind that this payment is not in addition to the charge for actual consumption. Where light is consumed which entitled the company to payment, on meter measurement, of a sum per month equal to or in excess of the so-called minimum charge, the customer pays only for the light he has actually had; so that this fixed charge becomes practically operative only where his consumption falls below the extent of use which it measures. I see nothing unreasonable in this when the service, as I have defined it, which the company is obliged to render, is considered. It is not a penalty for a failure to use defendant's product, but is properly to be regarded as compensatory for that part of the service which is at all times being rendered in the maintenance of the apparatus and connections through which the electric current is made available to the customer for the production of light at his pleasure."

To the same effect is *State ex. rel. Weiss v. The Sedalia Gas Light Co.* 34 Mo. App. 501.

A further question is raised as to whether the minimum charge may be based upon candle-power.

The reasoning by which the conclusion sustaining the minimum charge is reached requires that this question be likewise answered in the affirmative.

Two questions, however, remain for consideration.

(1) To what extent, if any, the right of the company to make this minimum charge is affected by the terms of any contract between the company and the municipality.

(2) Whether the charge is reasonable in amount.

These questions cannot be answered without opportunity to the company to be heard.

The communication will, therefore, be regarded as a complaint, and take the usual course under the rules of the Board.

Informal Complaints—Utilities Division.

RESIDENTS OF PLEASANTVILLE
vs.
ATLANTIC AND SHORE AND ATLANTIC AND
SUBURBAN RAILROAD COMPANIES. }

RATES BETWEEN ATLANTIC CITY AND PLEASANTVILLE:—
Complaint was made that the Atlantic City and Shore Railroad Company increased the rate of fare between Atlantic City and Pleasantville from five to ten cents. Hearing was held upon this complaint. Following the hearing the attorney for the petitioners gave notice that he would obtain additional facts, and requested permission to file a new complaint. This permission was granted. At the time of preparing this report the new complaint has not been filed.

ALEXANDER JASRONSKI
vs.
PUBLIC SERVICE ELECTRIC COMPANY. }

FAILURE TO SUPPLY CURRENT:—Alexander Jasronski complained that the Public Service Electric Company refuses to supply him with electric light and power service at his place of business in Camden. It was alleged that the company had a defective meter, which ran up large charges without service; that instead of correcting the bill or changing the meter his service was taken out entirely.

It was alleged in reply by the Public Service Electric Company that the service to Mr. Jasronski was discontinued after refusal to pay a charge for current based upon registration of the meter on the premises; that there was no error in the charge, and the customer was so notified; that a test of the meter showed it registered accurately.

A copy of the reply of the company was sent to the complainant, and a date fixed for a hearing, of which the complainant and respondent company were given notice.

84 PUBLIC UTILITY COMMISSIONERS' REPORT.

At the hearing the company was represented. The complainant did not appear.

The complaint was dismissed.

CHARLES TWINING
vs.
JERSEY CENTRAL TRACTION COMPANY. }

FAILURE TO GIVE WARNING AT CROSSING:—The complainant alleged that a trolley from Highland Beach to Atlantic Highlands crossed Hartshorne Drive, near Stone Church at about 6:15 P. M., July 29th; that it emerged from the woods on one side of the road and crossed the same at rapid speed without applying whistle or giving warning of any kind; that complainant, who was in an automobile occupied by three persons, was about to cross the trolley track as the car emerged from the woods, and that an accident was barely prevented. It was alleged that the failure to give warning at the crossing is a frequent occurrence.

This was submitted to the company, which sent to the Board a copy of its rules to motormen, requiring them, on approaching all public road crossings at grade, to sound two long and two short blasts of the whistle. The company also sent a copy of a special bulletin issued to motormen calling attention to the complaint filed with the Board charging violation of the rule at the crossing at Hartshorne Drive, near Stone Church, serving notice that all motormen failing to observe the rule referred to would be severely disciplined.

SUMMIT BOARD OF EDUCATION
vs.
NEW YORK TELEPHONE COMPANY. }

IN RE LOCATION OF TELEPHONES, ETC.:—The Board of Education of Summit, New Jersey, complained that it notified the New York Telephone Company to give instructions that telephones in the public schools in the city of Summit should not be used for out of town telephone messages, and requested the company to instruct its operators not to connect for out of town calls, and that the telephone company refused to comply with the request of the Board. It was stated by the Board of Education that

the request to the telephone company was due to large bills received for out of town calls, and that, in checking the matter up with the employes of the board in the various schools, the board was advised in each case that the calls were not made on the business of the board, and the employes knew nothing about them. It was further stated that the telephones are located in the buildings in such a way that they are open to outsiders or visitors, who can use them; that for the purpose of the schools the telephones are only required for local use.

The company stated that its refusal to comply with the request of the board was based upon the fact that it is required to treat all subscribers alike, and that, if required to undertake special transactions for the Board of Education of Summit, it must undertake similar transactions for every subscriber who asks it; that a multiplicity of special transactions would result in utter confusion in the telephone exchange, and in most inefficient service to the communities affected.

It was claimed that the public requires that the operators from the telephone exchange give instant attention when a connection is wanted, and it is only by the elimination of transactions which require special acts of memory, or reference to special instructions, that efficiency can be kept up.

Upon receipt of the company's reply, the Board fixed a date for a hearing, but before the day arrived the complainant and respondent company joined in a request that the matter be dropped for the present, it appearing that representatives of the telephone company had agreed to furnish the schools with desk instruments and suitable cupboards in which the telephones could be locked up when not in use by persons authorized to use them, and in the view of the School Board this would answer the requirements of the schools and give the needed protection against the use of the 'phones by unauthorized persons.

HOWARD E. CARLISLE

vs.

OCEAN CITY ELECTRIC RAILWAY COMPANY. }

Complainant alleged that he was on a car of the Ocean City Electric Railway Company, which he boarded at Ocean City;

that after leaving the built-up section of the city the motorman put on full power, and that while the car was traveling at a rapid rate of speed fell asleep, passed over a switch and was awakened by one of the passengers in time to avoid a collision with another car, which collision was narrowly averted. It was alleged by the complainant that the motorman had been working nineteen and one-half hours a day; that there was no light to show the right location of switches; that the car was operated by hand-brake, instead of air-brakes, and that the light upon the car was not sufficiently bright to properly illuminate the track.

A copy of the complaint was sent to the company, and replied to by it under date of September 17th. The company denied any knowledge of the occurrence complained of, and stated "our road is only operated in the summer time, and we are now only running less than half the number of cars we operate in mid-summer, so that now a large part of our men have been released. I would say, however, that none of our men have or ever did have nineteen and one-half hours. Our usual run is twelve hours, with an occasional fourteen-hour run, with the exception of Saturday nights, when the men make an hour or two extra time. Our turn-outs are plainly marked on either end with large black and white targets, which are plainly visible at night. We only operate ten-bench single-truck cars, which are equipped with hand-brakes, which is, we believe, the universal practice in cars of this size. The majority of the cars we operate are equipped with incandescent electric headlights; two or three cars have United States oil lights; these headlights are sufficient to light the track for several hundred feet in advance of the car."

S. I. KEYES
vs.
 PUBLIC SERVICE GAS COMPANY. }

REFUSAL TO EXTEND GAS MAIN:—Complainant alleged that the Public Service Gas Company has refused to extend a gas main, being laid at the date of the complaint, in the borough of Dumont, so as to cover complainant's residence at Madison avenue and Howard street.

This was submitted to the Public Service Gas Company, which stated in reply that the main on Madison avenue stops at a point

distant three hundred and thirty feet from the house of the complainant; that there are no houses on Madison avenue between the end of the main and complainant's house; that the approximate cost of furnishing complainant with gas, including extension of the main service pipe and installing meter is two hundred dollars; that complainant's house is lighted by electricity, and complainant's proposed use of gas is for cooking purposes only; that the average consumption of gas ranges for private dwellings is about twelve dollars per year, and that the total from complainant's business, if connections were made, would about pay the interest, at six per cent., on the required investment, leaving no margin whatever for the company to pay the cost of gas, superintendence, maintenance of pipes, etc.

A copy of the reply was sent to the complainant with the request that he advise the Board if he desired a hearing, but the matter was not further prosecuted.

JOHN F. BRUNS
vs.
 PUBLIC SERVICE RAILWAY COMPANY. }

CONDITION OF GRADE LEADING TO WEEHAWKEN FERRY:—
 Complainant alleged that the Palisade and Union Hill cars, in covering their respective routes, can only pass one another at the curve at the top and bottom of the hill, at the Weehawken ferry, and at a certain distance apart on each curve, inasmuch as the cars are built too large for the small amount of space between the south and northbound tracks. It was alleged that no two cars can pass one another on these curves at a certain angle without a collision and consequent derailment and subsequent loss of life; that such an accident has only been averted for years, due to the careful management of the motormen employed on the cars.

The matter was referred to the Board's inspector, who reported, after an inspection, that he observed the operation of the cars on the grade, paying particular attention to the clearances between them on each curve from the top of the grade at the boulevard all the way to the bottom of the grade at the ferry-house; that there is ample room for clearance at all points on

the main portion of the grade where the tracks lie generally north and south. At the southern end of the main grade the tracks turn eastwardly with curve of small radius, and crossing a bridge pass over a trestle at the foot of the balance of the grade at the ferry-house; that there had been, until recently, an S bend in the tracks near the power-house; that this had been removed and the tracks straightened out, but that there is still a bend near the ferry-house where there is not quite a sufficient clearance for cars to pass one another. Cars of two types are in use, one of which will clear, and the other will not. The report of the Board's inspector was submitted to the company, and it submitted a plan for the separation of the tracks and for other improvements for removing the dangerous conditions complained of, which plans were approved by the Board.

**Applications for Approval Under Section 6,
Chapter 41, P. L. 1910.**

IN THE MATTER OF THE APPLICATION OF THE BUR-
LINGTON COUNTY TRANSIT COMPANY UNDER SEC-
TION 6 OF CHAPTER 41 OF THE LAWS OF 1910. }

The Burlington County Transit Company seeks the approval by the Board of an issue of "3,325 shares of the par value of fifty dollars each, constituting the sum of one hundred and sixty-six thousand two hundred and fifty dollars (\$166,250), the capital stock of the Burlington County Transit Company, for distribution to holders of bonds of the Burlington County Railway Company," secured by a mortgage which was foreclosed, "who have contributed the same through purchasing trustees in payment for the property and assets sold and conveyed to such trustees in said action to foreclose."

The section of the statute, in accordance with which the approval of the Board is asked, reads as follows: "No issuance, sale and delivery of its stock * * * hereafter made by any such public utility as herein defined and created by this State shall be valid until approved by said board" (of Public Utility Com-

missioners). It shall be the duty of said Board to approve of any such proposed issuance, sale and delivery of stock * * * upon being satisfied that said proposed issuance, sale and delivery is to be made in accordance with the provisions of law relating thereto. (Laws 1910, Chapter 41, Section 6.)

The question to be determined by the Board under this statute is whether the proposed issue of stock is "in accordance with the provisions of law relating thereto."

While the fact is not set forth in the petition it appears that the Burlington County Railway Company was formed by a certificate filed August 20th, 1904, under the provisions of "An act to enable street railway companies, or companies owning railroads operated as street railways, to unite and consolidate their corporate franchises and other property with those of traction companies and to prescribe a method therefor." Approved March 14th, 1893 (P. L. 1893, page 292), by consolidating the People's Traction Company, Burlington County Traction Company, and the Mount Holly Street Railway Company, with an authorized capital stock of five hundred and fifty thousand dollars (\$550,000) made up of five thousand five hundred (5,500) shares of the par value of one hundred dollars (\$100) each, of which 4,847.9 shares were subsequently issued.

On or about September 1st, 1904, the Burlington County Railway Company executed and delivered a mortgage to the Mount Holly Safe Deposit and Trust Company, covering the right, title and interest of the railway company in and to all its real and personal property, franchises, etc., to secure bonds aggregating five hundred thousand dollars (\$500,000) in amount, which to the amount of four hundred and seventy-five thousand dollars (\$475,000) were in fact issued.

On September 8th, 1909, an action was instituted in the United States Circuit Court for the District of New Jersey against the railway company, and the Honorable John G. Horner was appointed receiver of the property of the railway company and entered into possession thereof.

Later an action was instituted by the Mount Holly Safe Deposit and Trust Company in the Court of Chancery of this State to foreclose the mortgage held by it as trustee. In this action

proceedings were had resulting in an order of the court, made May 10th, 1910, directing the issuance of a writ of *feri facias* to the Honorable John G. Horner, as special master, commanding him to make sale of the whole of the mortgaged premises, land, real estate, buildings, rolling stock and personal property, constituting a railway system, to raise and pay the sum of \$502,108.56, the amount found due for principal and interest on April 23d, 1910.

Pursuant to the writ issued in accordance with this order, the special master made sale June 16th, 1910, to three individuals for the sum of \$120,000 (the highest sum bid), who thereupon paid \$10,000 on account of the purchase price.

On June 28th, 1910, a decree was entered confirming the sale and directing the special master to execute a good and sufficient deed to the purchasers, and further, that the purchasers "in lieu of the payment of the balance of the purchase price, said balance being \$110,000, may deposit with the said special master, and the said special master is hereby authorized and directed to receive from them in lieu of said balance of \$110,000 the first mortgage coupon bonds of the defendant, Burlington County Railway Company, secured by the complainant's mortgage of the face value of not less than \$470,000, which said bonds shall have attached thereto the interest coupons which fell due and became payable on September 1st, 1909, and each, every and all of the coupons which have or will fall due and become payable at any subsequent date."

On the following day the purchasers complied with the terms of the decree confirming the sale and delivered to the special master bonds of the face value of \$470,000 with coupons attached as specified in the decree, and the special master thereupon executed and delivered to the purchasers a deed of conveyance.

On July 1, 1910, the purchasers organized a corporation under an act entitled, "An act concerning the sale of the property and franchises of any corporation created by or under any law or laws of this State, except steam railroad, canal, turnpike or plank-road companies," approved April 16, 1897 (Laws 1897, Ch. 127), and later filed their certificate in the office of the

Secretary of State setting forth among other things that the name adopted is Burlington County Transit Company, and that the amount of the capital stock is \$166,250, divided into 3,325 shares of the par value of fifty dollars each.

It is now proposed to issue the entire capital stock of this company to those who held the \$470,000 of the bonds of the Burlington County Railway Company which were delivered to the Special Master by the purchasers at the foreclosure sale.

The statute under which the new corporation was organized provides that the purchasers and their associates, not less than three in number, of the property and franchises of any corporation created by or under any law or laws of this State, except steam railroad, canal, turnpike or plank-road companies, sold and conveyed under or by virtue of any decree of the Court of Chancery of this State, and execution issued thereon to satisfy any mortgage debt "shall *thereupon* become a new body politic and corporate, in fact and in law, by such name as said persons shall select."

The legislative purpose in constituting the purchasers a body corporate is apparent.

By the terms of the act the purchasers acquiring title "become a new body * * * corporate," the organization of which is to take place later through the election of a president, board of directors, etc., thereafter.

The statute gives the sale and conveyance the effect of transferring the corporate rights, liberties, privileges and franchises of the corporation, the property of which is sold and conveyed.

These corporate rights, liberties, privileges and franchises cannot, under the policy of the State, exist in and be exercised by individuals, but must be obtained, exist in and be exercised by bodies corporate, creatures of the State, subject to the power, control and regulation of the State.

The statute therefore creates the purchasers a new body corporate and vesting in the new corporation the rights and franchises of the old corporation, at the same time subjects it "to all the conditions, limitations, restrictions and penalties of and concerning the said corporation, whose property shall have been so

sold and conveyed, which were contained in the act or acts creating or under which the aforesaid corporation was created, and the supplements thereto, so far as the same was or were in force, and unrepealed at the time of such sale and conveyance."

The statute further provides that the "purchasers and * * * their associates, * * * shall be deemed and considered the stockholders of such new body politic and corporate, in the ratio and according to the amount of the purchase-money by them respectively contributed."

This provision is not confined to a declaration of the ratio in which the purchasers and their associates shall hold the capital stock of the new corporation.

It does not leave the aggregate amount of capital stock such purchasers shall be "deemed and considered" to hold to be fixed by their own action.

On the contrary it limits the corporate stock which they shall be "deemed and considered" to hold to the amount of the purchase-money.

In the application before the Board the purchase-money was \$120,000, which to the extent of \$10,000 was paid in cash and the balance of which was made up by the surrender of bonds.

It is probably true that the fair value of the property purchased exceeds \$120,000.

It is likewise probable that the fair value of the bonds surrendered exceeds \$110,000.

The purchase-money, to which the purchasers contributed, however, is the sum bid at the sale, namely, \$120,000, and the capital stock issued to the purchasers cannot exceed that sum.

The application for approval of an issue to such purchasers, of capital stock in amount \$166,250, must be denied; the Board, for the reasons stated, not being satisfied that such proposed issuance is to be made in accordance with the provisions of law relating thereto.

IN THE MATTER OF THE APPLICATION OF THE BUR-
LINGTON COUNTY TRANSIT COMPANY UNDER SEC-
TION 6 OF CHAPTER 41 OF THE LAWS OF 1910. }

An application heretofore made by the Burlington County Transit Company for approval by the Board of a proposed issue of three thousand three hundred and twenty-five (3,325) shares of capital stock of the par value of fifty dollars (\$50) each was denied for reasons set forth in a memorandum filed August 2, 1910.

The company now applies for approval of a proposed issue "of two thousand four hundred (2,400) shares of its capital stock, of the par value of fifty dollars (\$50) each, the same constituting the sum of one hundred and twenty thousand dollars (\$120,000), to Frysinger Evans, Charles R. Renz and Eugene A. Martin, who purchased for the sum of one hundred and twenty thousand dollars (\$120,000) the property of the Burlington County Railway Company," as stated in the former memorandum.

The Board being satisfied that the issuance and delivery of capital stock of the Burlington County Transit Company now proposed is to be made in accordance with the provisions of law relating thereto, grants its approval thereof, and a certificate of approval will therefore issue.

IN THE MATTER OF THE APPLICATION OF THE BUR-
LINGTON COUNTY TRANSIT COMPANY UNDER SEC-
TION 6 OF CHAPTER 41 OF THE LAWS OF 1910. }

This is to certify that the Board of Public Utility Commissioners for the State of New Jersey, being satisfied that the issuance and delivery thereof is to be made in accordance with the provisions of law relating thereto has approved, and hereby does approve, of the proposed issuance and delivery by the Burlington County Transit Company of two thousand four hundred (2,400) shares of its capital stock, of the par value of fifty dollars (\$50) each to Frysinger Evans, Charles R. Renz and Eugene A. Martin, for the purposes set forth in the petition filed by said Burlington County Transit Company with said Board on the ninth day of August, nineteen hundred and ten.

IN THE MATTER OF THE APPLICATION OF ELMER }
WATER COMPANY FOR APPROVAL OF A PROPOSED }
ISSUE OF COMMON STOCK AND OF BONDS. }

The Elmer Water Company makes application for "permission to issue common stock to the amount of \$10,000 and to issue bonds to the amount of \$30,000, the proceeds of said stock and bonds to be applied to the construction of * * * water works."

From the documents submitted to the Board it appears among other things:

1. That the corporation was organized under a statute entitled "An act for the construction, maintenance and operation of water-works, for the purpose of supplying cities, towns and villages of this State with water," approved April 21st, 1876, and the statutes supplementary thereto and amendatory thereof.

2. That its certificate of incorporation was acknowledged on several days by the respective incorporators: July 22, 1910, August 1, 1910, and August 4, 1910, and was filed in the office of the Secretary of State, September 7, 1910.

3. That "the towns, townships, villages or boroughs in and for which said corporation's works are to be constructed and the business of said corporation carried on is 'The Mayor and Council of the Borough of Elmer,' in the county of Salem, New Jersey."

4. That by an ordinance passed June 13, 1910, and approved June 14, 1910, "The Mayor and Council of the Borough of Elmer" consented to the organization of the company in accordance with the statute and that a certificate of such consent executed by the mayor and clerk of the borough, and dated August 10, 1910, was annexed to the certificate of incorporation.

It therefore appears that the corporation did not come into existence until September 7, 1910.

5. That the ordinance passed June 13, 1910, and approved June 14, 1910, gave the consent of the borough to the organization of the corporation, and also provided that "the said company, *when formed*, their successors and assigns, be and they are hereby authorized and empowered to construct and maintain waterworks in said borough * * * and to lay, relay and

connect water-pipes, mains and appliances under any of the streets, highways, alleys, roads or other public places within the limits of said borough"; fixed the terms upon which water is to be furnished the borough, and enacted that "the said Mayor and Council are hereby authorized, empowered and directed on behalf of said borough to enter into contract with the Elmer Water Company, or their successors *or* assigns, to furnish water for fire purposes for the term of ten years through fire hydrants at the rates" stipulated; fixed a schedule of rates to private consumers; provided for extensions of service; and the terms of purchase of the plant by the municipality.

As this ordinance became effective June 14, 1910, and the corporation did not come into existence until September 7, 1910, it appears that it purports to grant to a then non-existing corporation the authority to lay water-pipes, etc., under any streets, etc., of the borough and directs the execution of a contract extending over a period of ten years with a company still to be formed "*or their successors or assigns.*"

Examination of the statute fails to disclose authority for the adoption of such an ordinance.

The ordinance contains the following provision: "That the said Elmer Water Company, their successors and assigns, shall, within thirty days after the passage of this ordinance, certify their acceptance of the same, and immediately file such acceptance in the office of the borough clerk, and shall also, within the time aforesaid, present to the Mayor and Council for approval, a bond with approval in the penal sum of \$1,000 * * * ."

As the ordinance was passed June 13, 1910, and approved the following day, and the certificate of incorporation was not filed until September 7, 1910, it would appear, in the absence of anything by way of explanation in the papers submitted, that this provision was not complied with.

Section 2 of the statute under which the corporation is organized requires the consent of the "corporate authorities" of the municipality to the organization of the corporation.

Section 12 provides: "that such company be and they are hereby fully authorized and empowered to lay their pipes beneath

such public roads * * * as they may deem necessary * * * and provided, that the consent shall be obtained of the corporate authorities, if any there be, of any town through which the same may be laid."

It may well be that, notwithstanding *Atlantic City Water Works v. Consumers Water Company*, 44 N. J., Eq. 427, and *Hudson & M. T. & T. Co. v. Linden Tp.*, 76 Atl. Rep. 444, the provisions of the statute popularly known as the "Limited Franchise Act" (P. L. 1906, Ch. 36, p. 50), are applicable.

The papers submitted do not show compliance with the provisions of this statute.

The ordinance consenting to the use of the streets by the corporation does not limit the municipal consent to a period of years.

As the proposed issue of capital stock and of bonds, of which approval is sought, is based upon this ordinance and the moneys realized from the disposition thereof are to be employed in the construction of the plant to which the ordinance relates, the Board is not satisfied that the same is to be made in accordance with the provisions of the law relating thereto.

The questions raised by this memorandum have not heretofore been passed upon by the Board, and it fixes Tuesday, the eighteenth day of October, 1910, at eleven o'clock in the morning, at the State House, in the city of Trenton, as the time and place when the applicant will be heard with respect thereto.

* * * * *

After hearing it was decided by the Board that a new ordinance should be obtained from the borough of Elmer (1) Curing failure of company to file its acceptance in accordance with terms of ordinance submitted, and (2) Re-enacting provisions of ordinance relating to contract for municipal supply, now that company has been incorporated.

IN THE MATTER OF THE APPLICATION OF THE NEW
 JERSEY AND HUDSON RIVER RAILROAD AND FERRY
 COMPANY FOR THE APPROVAL OF THE ISSUANCE,
 SALE AND DELIVERY OF ONE HUNDRED THOU-
 SAND DOLLARS OF FOUR PER CENT. MORTGAGE
 BONDS.

Application being made to the Board of Public Utility Commissioners, by petition in writing, for approval of the proposed issuance, sale and delivery by the New Jersey and Hudson River Railway and Ferry Company of certain four (4) per cent. mortgage bonds of the face value of one hundred thousand dollars, constituting part of an issue of bonds provided for and secured by an indenture of mortgage executed by said company and recorded in the office of the clerk of Bergen county on September 1st, 1902, and the said borough being satisfied, from the recitals in said petition and statements made before it, that the proposed issuance, sale and delivery of said bonds is to be made in accordance with the provisions of law relating thereto, the said Board hereby grants said application and approves of said proposed issuance, sale and delivery of bonds by said company.

IN THE MATTER OF THE APPLICATION OF THE NEWARK
 AND BLOOMFIELD RAILROAD COMPANY FOR AP-
 PROVAL OF PROPOSED ISSUANCE, SALE AND DE-
 LIVERY OF STOCK.

A copy of a certificate, filed with the Secretary of State by the Newark and Bloomfield Railroad Company, increasing its capital stock from \$300,000 to \$1,600,000 is filed with this Board. By the recitals of the certificate it appears that of the original authorized capital stock of the company, six thousand shares of the par value of fifty dollars each (\$300,000), there were issued and outstanding on September 6th, 1910, two thousand and seventy shares (\$103,500).

According to the joint affidavit of the President and Treasurer of the company, filed with this Board, and executed September 20th, 1910, there were then issued and outstanding two thousand and seventy-seven shares (\$103,850).

98 PUBLIC UTILITY COMMISSIONERS' REPORT.

Unless (as is probably the case) there is error in the recital of the certificate, it would appear that between September 6th, 1910, and September 20th, 1910, seven shares of the capital stock of the company were issued without the approval of this Board, required by Chapter 41, Section 6, of the Laws of 1910.

It is now proposed to issue, sell and deliver the three thousand nine hundred and twenty-three shares (\$196,150) of the original authorized capital stock remaining unissued, together with the twenty-six thousand shares (\$1,300,000) of increased authorized capital stock, making twenty-nine thousand nine hundred and twenty-three shares (\$1,496,150).

The purpose of the increase in authorized capital stock, and the proposed issuance, sale and delivery, is shown by the resolution of the board of directors, included in the certificate, which sets forth that the company has borrowed from time to time and owes approximately \$515,000, which it has expended in the enlargement, reconstruction and improvement of its railroad; that it requires a sum approximating \$1,000,000 for the purpose of extending its double track and for the construction of additional facilities; and that to pay off its indebtedness and provide the moneys necessary for these purposes it is advisable to increase the capital stock of the company to \$1,600,000.

The joint affidavit of the president and treasurer of the company recites that the indebtedness is as stated in the resolution (\$515,000), but alleges that the cost of the proposed improvements "will exceed the sum of \$800,000."

This affidavit alleges, generally, that the stockholders have approved the issuance, sale and delivery of the capital stock of the company for the purposes mentioned "to the amount of \$1,600,000." In the papers submitted to this Board there is nothing to show upon what action of the stockholders this general statement is based.

There is nothing in these papers to indicate that action of any kind has been taken by the board of directors of the company with respect to issuance, sale and delivery of twenty-nine thousand nine hundred and twenty-three shares remaining unissued, or any part thereof. Although the joint affidavit of the president and treasurer of the company avers "that new capital stock

to the amount of \$1,496,150 is to be issued, sold and delivered for cash, at the par value thereof," there is nothing in the papers to show that this statement is based upon action taken either by the stockholders or board of directors of the company.

There is further, nothing in the papers submitted to show whether or not an opportunity is to be afforded to the holders of the original capital stock of the company to subscribe for the increased stock in proportion to their holdings.

The Board is therefore not in a position to certify that it is satisfied that the proposed issuance, sale and delivery is to be made in accordance with the provisions of law relating thereto.

In view of the conclusions herein indicated the applicant will be permitted either to correct and amend the papers heretofore filed or to file a supplementary petition.

Thereupon the application will again be considered by the Board.

IN THE MATTER OF THE APPLICATION OF THE NEWARK
AND BLOOMFIELD RAILROAD COMPANY FOR AP-
PROVAL OF A PROPOSED INCREASE OF CAPITAL
STOCK. }

In this matter, the error noted in the findings filed by the Board, October 4th, 1910, which now appears to have been a clerical error in the certificate of increase of capital stock filed in the office of the Secretary of State, has been corrected.

A copy of a certificate has been laid before the Board evidencing that the increase of capital stock was formally assented to in writing by the stockholders.

Copies of resolutions have also been filed, providing that the holders of shares of the capital stock of the company now outstanding be permitted to subscribe for the proposed issue in proportion to their respective holdings; and authorizing the president and treasurer of the company to execute, issue, sell and deliver the capital stock, approval of the issuance, sale and delivery of which is sought.

The Board of Public Utility Commissioners for the State of New Jersey now being satisfied that the proposed issuance, sale and delivery by the Newark and Bloomfield Railroad Company

100 PUBLIC UTILITY COMMISSIONERS' REPORT.

of twenty-nine thousand nine hundred and twenty-three (29,923) shares of its capital stock, for cash and at not less than its par value, is to be made in accordance with the provisions of the law relating thereto, hereby APPROVES the same.

In granting this application the Board requests that the company file with it semi-annually a statement setting forth: (1) The amount of capital stock issued, sold and delivered under this certificate, and (2) the extent to, and purposes for, which the proceeds thereof have been disbursed.

IN THE MATTER OF THE APPLICATION OF THE CROSS-
WICKS WATER COMPANY FOR APPROVAL OF AN
ISSUE OF CAPITAL STOCK AND BONDS. }

Application is made by the Crosswicks Water Company for approval of the issuance, sale and delivery of shares of its capital stock to the amount of seven thousand five hundred dollars, and of the issuance, sale and delivery of its bonds to a like amount.

Upon the filing with the Board of a detailed estimate of the cost of construction and installation of the proposed plant of the company, a certificate of approval will issue.

The certificate of approval so to be issued will call attention to the necessity of compliance with the provision of Chapter 331 of the Laws of 1906 (P. L. 1906, page 730) and Chapter 29 of the Laws of 1908 (P. L. 1908, page 43).

IN THE MATTER OF THE APPLICATION OF THE CROSS-
WICKS WATER COMPANY FOR APPROVAL OF AN
ISSUE OF CAPITAL STOCK AND BONDS. }

The Crosswicks Water Company having complied with the requirements of the memorandum heretofore filed by the Board of Public Utility Commissioners for the State of New Jersey on the application herein, the Board is now satisfied that the proposed issuance, sale and delivery by said company of its capital stock, to the amount of seventy-five hundred dollars, and of its bonds, secured by mortgage, to like amount, is to be made in accordance with the provisions of law relating thereto, and it therefore approves the same.

PUBLIC UTILITY COMMISSIONERS' REPORT. 101

In granting this certificate the Board calls attention to the necessity of compliance by the company, with the provisions of Chapter 331 of the Laws of 1906 (P. L. 1906, page 730), and Chapter 29 of the Laws of 1908 (P. L. 1908, page 43).

IN THE MATTER OF THE APPLICATION OF THE WILD-
WOOD AND DELAWARE BAY SHORT LINE RAILROAD
COMPANY FOR APPROVAL OF A PROPOSED ISSUE OF
STOCK AND BONDS. }

Application was made by the Wildwood and Delaware Bay Short Line Railroad Company to the Board of Public Utility Commissioners for the State of New Jersey, by petition in writing, for approval of a proposed issuance, sale and delivery of capital stock and first mortgage gold bonds of said company.

A copy of a contract between the Wildwood and Delaware Bay Short Line Railroad Company and the Detroit Engineering and Construction Company was submitted with the petition.

By this contract the Detroit Engineering and Construction Company undertakes to build, erect, construct, equip and finish in good and workmanlike manner the railroad of the Wildwood and Delaware Bay Short Line Railroad Company from a terminus in the borough of Wildwood, in the county of Cape May, to a terminus in said county on the eastern shore of Delaware bay, in consideration of the issuance by the said Wildwood and Delaware Bay Short Line Railroad Company to this construction company of five hundred thousand dollars, in par value of its capital stock, and five hundred and sixty-two thousand five hundred dollars in par value of its first mortgage gold bonds, in installments as the work of construction and equipment progresses.

The Board of Public Utility Commissioners being satisfied, from the recitals in the above-mentioned petition and accompanying contract, the investigation by its inspectors and statements made before it, that the proposed issuance, sale and delivery of five hundred thousand dollars capital stock and five hundred and sixty-two thousand five hundred dollars bonds at the par value thereof, as provided in the above-mentioned contract with the Detroit Engineering and Construction Company,

102 PUBLIC UTILITY COMMISSIONERS' REPORT.

is to be made in accordance with the provisions of the law relating thereto, the said Board

HEREBY APPROVES the issuance, sale and delivery of five hundred thousand dollars capital stock and five hundred and sixty-two thousand five hundred dollars bonds, in the manner and for the purposes aforesaid.

In approving said proposed issuance, sale and delivery of capital stock and bonds the Board calls attention to its Conference Order Number Seven, requiring half-yearly statements to be filed with the Board, setting forth—(1) the amount of capital stock or securities issued, sold or delivered under the certificate of approval, and (2) the extent to and purposes for which the proceeds thereof have been disbursed, and requests that in complying with the terms of this order the Wildwood and Delaware Bay Short Line Railroad Company report particularly upon the issuance, sale and delivery of its stock and bonds in payment for the work done by the Detroit Engineering and Construction Company, in accordance with the contract referred to herein.

IN THE MATTER OF THE APPLICATION OF THE PUBLIC
SERVICE GAS COMPANY FOR APPROVAL OF THE
ISSUANCE, SALE AND DELIVERY OF FIVE HUN-
DRED THOUSAND DOLLARS PAR VALUE CAPITAL
STOCK. }

Application being made to the Board of Public Utility Commissioners for the State of New Jersey by petition in writing for approval of a proposed issuance, sale and delivery by the Public Service Gas Company of shares of its capital stock in the amount of five hundred thousand dollars, and at the par value thereof, and the said Board being satisfied, from the recitals in said petition and statements made before it, that the proposed issuance, sale and delivery of said stock, for cash and at its par value, is to be made in accordance with the provisions of law relating thereto, the said Board HEREBY GRANTS said application and APPROVES said proposed issuance, sale and delivery of stock by said company.

In granting said application and approving said proposed issuance, sale and delivery of capital stock, the Board requests that

PUBLIC UTILITY COMMISSIONERS' REPORT. 103

the company file with it semi-annually a statement setting forth —(1) the amount of capital stock issued, sold and delivered under this certificate, and (2) the extent to, and purpose for, which the proceeds thereof have been disbursed.

IN THE MATTER OF THE PETITION OF THE PEOPLE'S
WATER COMPANY OF PHILLIPSBURG FOR AP-
PROVAL OF PROPOSED ISSUE OF SECURITIES. }

The Board is not satisfied that the proposed issuance, sale and delivery of stock by the petitioner, approval of which is sought, will be in accordance with the provisions of law relating thereto.

It therefore suggests that the petition be withdrawn and when again presented be confined to the issuance of securities in the amount required in reconstruction and rehabilitation of the plant.

IN THE MATTER OF THE APPLICATION OF RIVERSIDE
TRACTION COMPANY FOR APPROVAL OF ISSUANCE
OF SECURITIES UNDER LAWS 1910, CHAPTER 41,
SECTION 6. }

The petitioner, the Riverside Traction Company, is a corporation organized June 20th, 1910, under the statute entitled "An act to authorize the formation of traction companies for the construction and operation of street railways, or railroads operated as street railways, and to regulate the same." (P. L. 1893, p. 302: G. S. 3,235.)

The authorized capital stock of the company is \$1,500,000, divided into 22,000 shares of common stock and 8,000 shares of preferred stock of the par value of \$50 each.

On July 1, 1910, there were issued and outstanding of the common stock of the company 14,940 shares, and of the preferred stock of the company 5,330 shares.

There were unissued on that day, consequently, 7,060 shares of the common stock and 2,670 shares of the preferred stock of the company.

On June 1, 1910, the petitioner executed and delivered to the West End Trust Company of Philadelphia, a mortgage to secure an issue of bonds aggregating \$1,500,000.

104 PUBLIC UTILITY COMMISSIONERS' REPORT.

Under this mortgage, bonds aggregating \$568,000 were issued and outstanding on July 1, 1910.

The company was organized in pursuance of a plan for the reorganization of the Camden and Trenton Railway Company. This latter company had defaulted in the payment of interest on two issues of bonds secured by mortgage; the mortgages were in process of foreclosure, and a receiver of the company had been appointed.

The line acquired and operated by the petitioner, and theretofore owned and operated by the Camden and Trenton Railway Company, extends from Trenton to Riverton. From this latter place cars are operated to Camden over the tracks of the Public Service Railway Company.

The property at the time of the appointment of the receiver for the Camden and Trenton Railway Company had deteriorated. During the receivership but little was expended in upkeep. It therefore came into the ownership of the petitioner in a condition requiring almost complete reconstruction.

The petitioner has incurred a debt of \$81,112.11, for work, labor and materials in rehabilitation of its road. The completion of the work will require an additional expenditure of \$27,542.99. Making a total expenditure for this purpose of \$108,655.10.

It is without moneys in hand available to meet this indebtedness and to provide for the payment of this additional work.

To provide funds for such purpose approval of an issue of its mortgage bonds in \$150,000 is asked.

It is proposed to employ these bonds as collateral security until a sufficient number are sold to produce the required funds.

To provide working capital approval is asked of an additional issue of \$20,000 of its mortgage bonds.

These two proposed issues of bonds are within the power of the petitioner. The purposes to which the proceeds thereof are to be devoted are legal.

Their issuance will, therefore, be "in accordance with the provisions of the law relating thereto."

The statute in such case makes it mandatory upon the Board to grant its approval.

The Board nevertheless cannot permit its certificate of approval to issue without noting the following fact:

The company had issued and outstanding on July 1, 1910 (and so prior to the acquiring of jurisdiction by this Board over the issuance of securities by public utility corporations), 14,940 shares of its common stock, of the par value of \$747,000. These shares so issued and outstanding have been paid up to the extent of 80% of their par value only, aggregating \$597,600. There still remains assessable thereon 20%, aggregating \$149,400, a sum more than sufficient to satisfy the existing indebtedness of the company, meet the required additional expenditures, and provide the needed working capital.

In this situation the increase of the fixed charges of the company through the issuance of mortgage bonds to provide moneys for these purposes would scarcely seem requisite or justifiable.

Granting that the plan pursued by the petitioner in issuing this stock was adopted in good faith and granting that the certificates bear endorsements stating that they are paid up only to the extent of 80% of their par value, the fact remains that the plan, if not actually in violation of, still does provide a ready means whereby, through continued withholding of the call for the unpaid 20%, upon the stock issued and outstanding, and the providing of needed funds by issues of bonds at perhaps only 80% of their face value, the purpose and intent of the statute prohibiting the issue, sale and delivery by the company of its capital stock, "except for cash, of a like or greater amount than the par value of the stock issued therefor, or for property of at least the actual cash value of the amount of stock at par value issued in payment therefor," may be defeated.

Since the certificates of stock, issued as paid up to 80% of the par value thereof, were issued prior to the conferring of jurisdiction upon the Board, the question of the authority for their issuance, and of whether their issuance was made "in accordance with the provisions of the law relating thereto," is not before it.

The Board, therefore, does not pass upon the question, but reserves it for decision at such time as it may arise with reference to stock that may be issued under like circumstances after the approval of the Board became requisite.

IN THE MATTER OF THE APPLICATION OF THE RIVERSIDE TRACTION COMPANY FOR APPROVAL OF THE ISSUANCE, SALE AND DELIVERY OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS, PAR VALUE OF BONDS, AN ISSUE OF TWENTY THOUSAND DOLLARS, PAR VALUE OF BONDS, AND THREE SHARES, PAR VALUE FIFTY DOLLARS EACH, OF CAPITAL STOCK.

Application being made to the Board of Public Utility Commissioners for the State of New Jersey, by petition in writing, for approval of the proposed issuance, sale and delivery by the Riverside Traction Company of one hundred and fifty thousand dollars par value of mortgage bonds of said company, an additional issue of twenty thousand dollars par value of mortgage bonds of said company, and three shares of common stock, par value of fifty dollars each, of said Riverside Traction Company, and the Board being satisfied, from the recitals in said petition and statements made before it at the hearing upon said application, that the proposed issuance, sale and delivery of said bonds and capital stock is to be made in accordance with the provisions of law relating thereto, said Board

HEREBY GRANTS said application and approves of said proposed issuance, sale and delivery of said mortgage bonds and capital stock.

This certificate is issued in accordance with a memorandum filed December 2d, 1910, in which the conclusion was reached that the provision of the statute, under which the application was made, is mandatory upon the Board and must not be construed as expressing approval in general of the basis of capitalization of the applicant.

In the issuance of this certificate attention is called to the necessity for compliance with the provisions of Chapter 331 of the Laws of 1906 (P. L. 1906, page 730).

PUBLIC UTILITY COMMISSIONERS' REPORT.

107

IN THE MATTER OF THE APPLICATION OF THE MORRIS
AND SOMERSET ELECTRIC COMPANY FOR APPROVAL
OF THE ISSUANCE, SALE AND DELIVERY OF ONE
HUNDRED AND SIXTY-FIVE THOUSAND DOLLARS
PAR VALUE OF BONDS AND TWENTY-FIVE THOU-
SAND DOLLARS PAR VALUE CAPITAL STOCK.

Application being made to the Board of Public Utility Commissioners for the State of New Jersey, by petition in writing, for approval of a proposed issuance, sale and delivery by the Morris and Somerset Electric Company of mortgage bonds to the amount of one hundred and sixty-five thousand dollars par value and capital stock to the amount of twenty-five thousand dollars par value, and the said Board being satisfied, from the recitals in said petition and statements made before it, that the proposed issuance, sale and delivery of said mortgage bonds and capital stock is to be made in accordance with the provisions of law relating thereto, the said Board

HEREBY GRANTS said application (subject to Conference Order Number Seven) and APPROVES said proposed issuance, sale and delivery of said bonds and capital stock by said Company.

IN THE MATTER OF THE APPLICATION OF THE NEP-
TUNE CITY WATER COMPANY FOR APPROVAL OF
THE ISSUANCE, SALE AND DELIVERY OF EIGHT
THOUSAND DOLLARS PAR VALUE BONDS.

Application being made to the Board of Public Utility Commissioners for the State of New Jersey by petition in writing, for approval of a proposed issuance, sale and delivery by the Neptune City Water Company of bonds to the amount of eight thousand dollars par value, and the said Board being satisfied, from the recitals in said petition, the results of the investigation made by its Chief Inspector of the Utilities Division, and statements made before it, that the proposed issuance, sale and delivery of said bonds is to be made in accordance with the provisions of law relating thereto, the said Board

HEREBY GRANTS said application (subject to Conference Order Number Seven) and APPROVES said proposed issuance, sale and delivery of bonds by said company.

IN THE MATTER OF THE APPLICATION OF THE ATLANTIC CITY ELECTRIC COMPANY FOR THE APPROVAL OF THE ISSUANCE, SALE AND DELIVERY OF THREE HUNDRED AND TWENTY-EIGHT THOUSAND DOLLARS PAR VALUE BONDS. }

Application being made to the Board of Public Utility Commissioners for the State of New Jersey, by petition in writing, for approval of a proposed issuance, sale and delivery by the Atlantic City Electric Company of bonds to the amount of three hundred and twenty-eight thousand dollars par value, and the said Board being satisfied from the recitals in said petition, the results of the investigation made by its Chief Inspector of the Utilities Division, and statements made before it, that the proposed issuance, sale and delivery of said bonds is to be made in accordance with the provisions of law relating thereto, the said Board HEREBY GRANTS said application (subject to Conference Order Number Seven) and APPROVES said proposed issuance, sale and delivery of bonds by said company.

IN THE MATTER OF THE APPLICATION OF THE NORTHAMPTON, EASTON AND WASHINGTON TRACTION COMPANY FOR APPROVAL OF THE ISSUANCE, SALE AND DELIVERY OF BONDS, TEMPORARY CONVERTIBLE BOND CERTIFICATES AND INCOME DEBENTURES. }

Application being made to the Board of Public Utility Commissioners for the State of New Jersey, by petition in writing, for approval of a proposed issuance, sale and delivery by the Northampton, Easton and Washington Traction Company of nine hundred thousand dollars par value first mortgage bonds, one hundred and seventy thousand dollars par value temporary convertible bond certificates, and one hundred and seventy-five thousand dollars of income debentures, and the said Board being satisfied, from the recitals in said petition and statements made before it, that the proposed issuance, sale and delivery of said bonds, temporary convertible bond certificates and income debentures, respectively, is to be made in accordance with the provisions of law relating thereto, the said Board

PUBLIC UTILITY COMMISSIONERS' REPORT. 109

HEREBY GRANTS said application (subject to Conference Order Number Seven) and APPROVES said proposed issuance, sale and delivery of said bonds, temporary convertible bond certificates and income debentures by said company.

IN THE MATTER OF APPLICATIONS FOR APPROVAL OF
PROPOSED ISSUES OF CAPITAL STOCK UNDER LAWS }
1910, CHAPTER 41, SECTION 6. }

The difference in the policy of the State relating to the issuance, sale and delivery of capital stock by corporations in general, formed under the provisions of "An act concerning corporations (Revision of 1896)," Laws 1896, Chapter 185, and by corporations "which have 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 the State" is marked.

With reference to corporations organized under the General Corporation Act the statute provides as follows:

"48. Nothing but money shall be considered as payment of any part of the capital stock of any corporation organized under this act, except as hereinafter provided in case of the purchase of property * * *."

"49. Any corporation formed under this act may purchase mines, manufactories or other property necessary for its business, or the stock of any company or companies owning, mining, manufacturing or producing materials or other property necessary for its business, and issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be full-paid stock and not liable to any further call, neither shall the holder thereof be liable for any further payment under any of the provisions of this act; and in the absence of actual fraud in the transaction, the judgment of the directors as to the value of the property purchased shall be conclusive; and in all statements and reports of the corporation to be published or filed this stock shall not be reported as being issued for cash paid to the corporation, but shall be reported in this respect according to the fact."

Referring to the application of these sections in general the Court of Errors and Appeals in *Donald v. American Smelting &c. Co.*, 62 N. J. Eq. 729, said (731):

"The meaning of section 48 is not questionable. The money must equal the face value of the stock. The language of section 49 is even more explicit. The corporation may issue stock to the amount of the value of the property. The value of the property in the one case, just as the value of the money in the other, must at least equal the face value of the stock."

110 PUBLIC UTILITY COMMISSIONERS' REPORT.

Distinguishing between the rule applicable when (1) an issue of capital stock for property is contemplated and (2) when capital stock has once been issued for property purchased, the court said:

"The distinction between the *contemplated issue of corporate stock for property* and its issue for money lies, not in the rule for valuation, but in the fact that different estimates may be formed of the value of the property. When such differences are brought before judicial tribunals, the judgment of those who are by law entrusted with the power of issuing stock 'to the amount of the value of the property,' and on whom, therefore, is placed the first duty of valuing the property, must be accorded considerable weight. But it cannot be deemed conclusive when duly subjected to legal scrutiny. Nor is it necessary that conscious overvaluation or any other form of fraudulent conduct on the part of these primary valuers should be shown to justify judicial interposition. Their honest judgment, if reached without due examination into the elements of value, or if based in part upon an estimate of matters which really are not property, or if plainly warped by self-interest, may be led to a violation of this statutory rule as surely as would corrupt motive.

"The cases in this State to which we are referred * * * in support of the proposition that the honest judgment of the managers of a corporation, with respect to matters *intra vires*, cannot be disturbed at the instance of stockholders, all relate to transactions for which the legislature has set up no other criterion than the discretion of those managers.

"But the original issue of corporate stock is a special function, in the exercise of which the legislature has fixed the standard to be observed, and it is the duty of the courts, so far as their jurisdiction extends, to see that this standard is not violated, either intentionally or unintentionally.

"When corporate stock has once been issued for property purchased, then the legislature has directed the application of a different rule. In the words of the same section 49, 'the stock so issued shall be full-paid stock, and not liable to any further call, neither shall the holder thereof be liable for any further payment under the provisions of this act; and in the absence of actual fraud in the transaction the judgment of the directors as to the value of the property purchased shall be conclusive.'

"Under these provisions, after the property has been purchased and the stock issued therefor, nothing short of *actual fraud in the transaction* can impair the right of the holder to hold his stock as full-paid stock, free from further call. The cases of *Bickley v. Schlag*, 1 Dick. Ch. Rep. 533, and *Rural Homestead Co. v. Wilders*, 9 Dick. Ch. Rep. 668, indicate that the completed transaction was equally secure, even before the statute received its present decisive form."

With reference to corporations "which have 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, the statute (Laws 1906, Chapter 331, section 1) provides: "No corporation of this State, which has acquired, or may hereafter acquire authority, permission or a franchise from the State, or any

PUBLIC UTILITY COMMISSIONERS' REPORT. III

municipality thereof, to use or occupy any street, highway, road, lane or public place within this State, shall hereafter issue, sell or deliver any of its capital stock, except for cash, of a like or greater amount than the par value of the stock issued therefor, or for property of at least the actual cash value of the amount of stock at par value issued in payment thereof."

It further provides (fourth section) that "any stock * * * hereafter (September 1, 1906) issued by any such corporation, except in compliance with the terms of this act, shall be deemed to be illegally issued."

Section 6 of Chapter 41 of the Laws of 1910 provides that "no issuance, sale or delivery of its stock * * * hereafter made by any such public utility as herein defined and created by this State, shall be valid until approved by said board (of Public Utility Commissioners). It shall be the duty of said board to approve of any such proposed issuance, sale and delivery of stock * * * upon being satisfied that said proposed issuance is to be made in accordance with the provisions of law relating thereto."

These statutes relating to the issuance, sale and delivery of the capital stock of corporations enjoying special rights in the public highways and places provide in substance:

1. That such capital stock shall not be issued, sold or delivered except for cash, of a like or greater amount than the par value of the stock issued therefor, or for property of at least the actual cash value of the amount of stock at par value issued in payment thereof.
2. That such capital stock issued except in compliance with the terms aforesaid shall be deemed to be illegally issued.
3. That the issuance of such capital stock shall not be valid until approved by the Board of Public Utility Commissioners.
4. That it shall be the duty of the Board to approve such issue upon being satisfied that the same is to be made "in accordance with the provisions of law relating thereto."

The standard set up by the statute to be observed in the issuance, sale and delivery of such capital stock for property is that the property shall be of at least the actual cash value of the amount of stock at par value proposed to be issued in payment thereof.

The Board conceives it to be its duty to see that this standard is not violated.

It will therefore approve no proposed issuance, sale or delivery of capital stock for property, unless the application for

112 PUBLIC UTILITY COMMISSIONERS' REPORT.

approval includes a detailed inventory and appraisal of the property to be transferred.

Nor will it approve any such proposed issuance, sale or delivery until satisfied by its own investigation that the property to be purchased is of "at least the actual cash value of the amount of stock at par value to be issued in payment thereof."

In such investigation the board will accord weight to the formal judgment of the directors of the applicant.

It will, for the reasons stated in *Donald v. Am. Smelting Company*, not regard such judgment, however, as conclusive.

IN THE MATTER OF APPLICATIONS FOR APPROVAL OF
PROPOSED ISSUES OF BONDS AND OTHER SECURITIES UNDER LAWS 1910, CHAPTER 41, SECTION 6. }

Applications for approval of bonds and other securities under Laws 1910, Chapter 41, Section 6, will be governed by the rule laid down in memorandum as to applications for approval of proposed issues of capital stock, under Laws 1910, Chapter 41, Section 6, filed December thirteenth, nineteen hundred and ten.

Approval of Franchises.

It is the practice of the Board to issue certificates showing its approval of privileges or franchises granted to any public utility by any local, municipal or county governing body when the said privileges or franchises have been, after investigation and hearing, deemed necessary and proper for the public convenience.

The following brief description of the privileges or franchises brought before the Board and of its action thereon are submitted.

ORDINANCE—COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS
GRANTING A PRIVILEGE OR FRANCHISE TO THE OCEAN
COUNTY GAS COMPANY.

The Ocean County Gas Company applied to the Board for approval of an ordinance passed by the Council of the borough

PUBLIC UTILITY COMMISSIONERS' REPORT. 113

of Island Heights granting to said company a fifty-year franchise. An examination of this franchise showed that the provisions of the law regulating such grants had been complied with; that proper provisions were made for the restoration of pavements and for prompt and satisfactory completion of the construction work, when once begun, and upon hearing it was shown to the satisfaction of the Board that the franchise was necessary and proper for the public convenience, and certificate of approval was issued.

ORDINANCE—COUNCIL OF THE CITY OF BURLINGTON GRANTING
A PRIVILEGE OR FRANCHISE TO THE BURLINGTON ELECTRIC
LIGHT AND POWER COMPANY.

Application was made to the Board for the approval of an ordinance of the Common Council of the city of Burlington granting a franchise to the Burlington Electric Light and Power Company. This ordinance was passed by the council on June 27, 1910, but was vetoed by the mayor. It was passed over the mayor's veto, July 5, 1910. The mayor's objection was based upon the contention that the interests of the community were not sufficiently safeguarded by the ordinance. Without expressing definite opinion in reference to the terms of the ordinance, as passed, the Board adopted a resolution, known as Conference Ruling Number Six (published on page 238) stating provisions which should ordinarily be included in ordinances granting privileges to public utility corporations.

The Burlington Electric Light and Power Company, after conference with the chief inspector of the Board and officials of the city of Burlington, asked for and obtained a new ordinance, which embodied suggestions made by the Board. This ordinance was passed November 1, 1910, and approved by the mayor. It was approved by the Board November 15, 1910.

ORDINANCE—MAYOR AND ALDERMEN OF THE CITY OF PATERSON
GRANTING A PRIVILEGE OR FRANCHISE TO THE PUBLIC
SERVICE ELECTRIC COMPANY.

The Public Service Electric Company applied to the Board for approval of an ordinance of the Mayor and Aldermen of the

114 PUBLIC UTILITY COMMISSIONERS' REPORT.

City of Paterson granting permission to the company to install underground conduits. The ordinance was accompanied by a copy of an agreement between the Mayor and Aldermen of the City of Paterson and the Paterson and Passaic Gas Light Company and the Public Service Corporation of New Jersey, its lessee, with the request that they be approved if, in the judgment of the Board, the same are subject to the provisions of Section 8, Chapter 41 of the Laws of 1910. In dealing with this application Conference Ruling Number Eight (page 239) was entered. The conditions mentioned in the ruling apply to the application for approval.

ORDINANCE—BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BERGEN GRANTING A PRIVILEGE OR FRANCHISE TO THE PUBLIC SERVICE RAILWAY COMPANY.

The Public Service Railway Company made application for approval of an ordinance of the Board of Chosen Freeholders of the county of Bergen. It appeared from the petition and the ordinance submitted therewith that the board of freeholders is desirous of improving the Paterson and New York plank road with a kind of material which the Public Service Railway Company is not obligated to use or maintain; that the railroad company agreed to contribute, toward the expense of improvement, the sum of twenty thousand dollars provided the board of chosen freeholders would pave between the tracks of the railroad company on a portion of the Paterson and New York plank road with oblong specification blocks, and provided the said board of chosen freeholders would relieve the company from the obligation of maintaining that portion of the roadway lying between the outer rails of its street railway and the curb lines of the road, where the tracks are in the middle of said road.

The railroad company was granted by the ordinance permission to remove the single track and substitute therefor a double track on Carlton avenue, Lodi avenue and the approach to the bridge over the Passaic river at the end of Lodi avenue, in the borough of Wallington.

The railroad company was also granted permission to rearrange its present tracks and construct additional tracks be-

PUBLIC UTILITY COMMISSIONERS' REPORT. 115

tween its present tracks in Park avenue and its tracks in Patter-
son avenue, in the borough of East Rutherford.

Approved by the Board.

ORDINANCE—BOARD OF PUBLIC WORKS, CITY OF PATERSON,
GRANTING A PRIVILEGE OR FRANCHISE TO THE PUBLIC SER-
VICE RAILWAY COMPANY.

The Public Service Railway Company applied for the approval of an ordinance of the Board of Public Works of the city of Paterson granting permission to said company to construct, operate and maintain additional street railway tracks and connections along the route of its street railway in the city of Paterson. It was represented by the petitioner that the municipal authorities have decided to pave Park avenue, from Thirty-third street to the Erie Railroad, with a type of pavement that the railroad company is not obligated to lay or maintain, and in return for an agreement on the part of the petitioner to pay for a certain part of said paving, the privilege was granted.

Approved by the Board.

ORDINANCE—CITY COUNCIL OF SOUTH AMBOY GRANTING A PRIVI-
LEGE OR FRANCHISE TO THE JERSEY CENTRAL TRACTION
COMPANY.

The Jersey Central Traction Company applied to the Board for approval of an ordinance passed by the City Council of South Amboy, granting permission to install a curve in Main street, connecting with the private right of way over the property of the Pennsylvania Railroad Company. The privilege was granted by an ordinance for a term of fifty years.

Investigation showed that the additional tracks were required to provide a connection between existing tracks with the new track over right of way of land owned by the Pennsylvania Railroad Company.

Approved by the Board.

ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS OF
NEWARK GRANTING A PRIVILEGE OR FRANCHISE TO THE PUB-
LIC SERVICE RAILWAY COMPANY.

The Public Service Railway Company applied for the approval of an ordinance of the Board of Street and Water Commissioners

116 PUBLIC UTILITY COMMISSIONERS' REPORT.

of the city of Newark granting permission to said company to construct and maintain street railway connections between its double tracks in Bridge street and double tracks in Front street and the single track in Ogden street, in the city of Newark.

The Public Service Railway Company at the time the ordinance was passed was operating street railways on the streets mentioned, and the intent of the ordinance was to permit the company to establish certain additional tracks and curves.

Approved by the Board.

ORDINANCES—TOWN COUNCIL OF WEST ORANGE GRANTING A PRIVILEGE OF FRANCHISE TO THE PUBLIC SERVICE RAILWAY COMPANY.

The Public Service Railway Company applied for the approval of two ordinances of the Town Council of West Orange. At the time the ordinances were passed the company was operating electric street railways in the town of West Orange, on Harrison avenue, Eagle Rock avenue and Main street. The purpose of the ordinances was to permit the company to run cars from its tracks on Eagle Rock avenue to connect with its tracks on Harrison street, and from its tracks on Main street to connect with its tracks on private right of way south of Main street. For the purpose of establishing switch routes, additional curves at the intersection of Eagle Rock avenue and Harrison avenue and at Main street and private right of way south of Main street were necessary. The ordinances granted permission to the Company to construct these curves.

Approved by the Board.

ORDINANCE—TOWNSHIP OF CHESTERFIELD GRANTING A PRIVILEGE OR FRANCHISE TO THE CROSSWICKS WATER COMPANY.

The Crosswicks Water Company applied for the approval of an ordinance of the Township Committee of the township of Chesterfield, granting permission to the said company to lay and maintain its pipes and mains in the streets, public roads, highways and alleys of the village of Crosswicks and that part of the township of Chesterfield adjacent to the village. The franchise was granted for a term of fifty years.

Approved by the Board.

ORDINANCE—TOWN OF WEST NEW YORK, GRANTING A PRIVILEGE
OR FRANCHISE TO THE NEW YORK TELEPHONE COMPANY.

The New York Telephone Company applied to the Board for approval of an ordinance of the Town Council of the town of West New York, granting a franchise to said company for a period of thirty-five years.

Approved by the Board.

ORDINANCE—BOARD OF ALDERMEN OF MORRISTOWN GRANTING A
PRIVILEGE OR FRANCHISE TO THE MORRIS COUNTY TRACTION
COMPANY.

The Morris County Traction Company applied to the Board for the approval of an ordinance of the town of Morristown, granting a franchise to said company for thirty-five years. Investigation showed the ordinance to provide for substantial track construction, first-class paving, iron poles of large size, arranged to support arc lamps in addition to brackets for trolley wires. All wires in the center of Morristown are now carried in underground conduits, and, consistent with this plan, the company is forbidden to carry feed wires or other wires, other than trolley wires, on the poles; the feed wires to be carried in underground conduits.

The rate of fare within the present or future limits of the town or between the Morris Plains Station of the Delaware, Lackawanna and Western Railroad and any point within the limits of the town is not to exceed five cents. The fare from any point within the limits of the town to the Convent Station of the Delaware, Lackawanna and Western Railroad Company is not to exceed the sum of five cents.

Approved by the Board.

ORDINANCE—TOWNSHIP COMMITTEE OF UPPER PENNS NECK
(SALEM COUNTY) GRANTING A PRIVILEGE OR FRANCHISE TO
THE PENNS GROVE GAS COMPANY.

The Penns Grove Gas Company applied for the approval of an ordinance of the Township Committee of the township of Upper Penns Neck granting a franchise to said company for the term of fifty years. The Penns Grove Gas Company is and for some

118 PUBLIC UTILITY COMMISSIONERS' REPORT.

time has been engaged in the manufacture and sale of gas in the borough of Penns Grove. Said borough contains a population of about twenty-two hundred people. About five miles distant from the borough of Penns Grove is the town of Pedricktown, with a population of about five hundred people. Pedricktown is located in the township of Oldmans, and a franchise has heretofore been granted to the Penns Grove Gas Company to supply the inhabitants of the township of Oldmans with gas. In order to reach the township of Oldmans it is necessary for the company to pass along the Penns Grove and Bridgeton road for a distance of about one-half mile, which one-half mile of road is located in the township of Upper Penn's Neck. The ordinance granted permission to the company to use the Penns Grove and Bridgeton road and the Penns Grove and Sharpstown road for the purpose of laying its conductors, pipes, etc.

The charge for gas to private consumers in the township was restricted to \$1.50 per thousand feet.

Approved by the Board.

ORDINANCE—TOWNSHIP COMMITTEE OF THE TOWNSHIP OF GLASSBORO GRANTING A PRIVILEGE OR FRANCHISE TO THE GLOUCESTER COUNTY ELECTRIC COMPANY.

The Gloucester County Electric Company applied for approval of an ordinance of the township of Glassboro granting a privilege or franchise to said company. The ordinance gives the company permission to use the streets for a period of ten years from the first day of September, 1910. The company is required, during the full term of the franchise, to keep and maintain its plant, etc., in good and workmanlike condition * * * that the service may be continuous and uninterrupted. It is provided that the franchise may be renewed for a further period of ten years, providing the service shall have been satisfactory, and in case the service has not been satisfactory it is provided the township must notify the company in writing at least sixty days prior to the termination of the grant.

The rate to be charged residents of the township is not to exceed fifteen cents per kilowatt hour during the term of the contract.

Approved by the Board.

PUBLIC UTILITY COMMISSIONERS' REPORT. 119

ORDINANCE—TOWNSHIP OF WOOLWICH GRANTING A PRIVILEGE
OR FRANCHISE TO THE GLOUCESTER COUNTY ELECTRIC COM-
PANY.

The Gloucester County Electric Company applied for approval of an ordinance of the Township Committee of the township of Woolwich granting said company a franchise for a period of fifty years.

Approved by the Board.

ORDINANCE—TOWNSHIP OF WASHINGTON GRANTING A PRIVILEGE
OR FRANCHISE TO THE GLOUCESTER COUNTY ELECTRIC COM-
PANY.

The Gloucester County Electric Company applied for approval of an ordinance of the Township Committee of the township of Washington granting said company a franchise for a period of fifty years.

Approved by the Board.

ORDINANCE—TOWN OF BLOOMFIELD, GRANTING A PRIVILEGE OR
FRANCHISE TO THE PUBLIC SERVICE RAILWAY COMPANY.

The Public Service Railway Company applied for approval of an ordinance of the Town Council of Bloomfield, granting permission to locate, construct and operate an extension of the turnout on Broad street, north of Bloomfield avenue, to a point south of Washington street, and to connect the same and the single track in Glenwood avenue with the double tracks on Bloomfield avenue in said town of Bloomfield.

The idea of the construction of this connection is to provide for the operation of through cars from the northerly limits of Bloomfield southward to Bloomfield avenue, and then via Bloomfield avenue to Newark. It has been necessary to transfer from Broad street cars to the through cars in Bloomfield avenue.

Approved by the Board.

RESOLUTION OF THE COUNCIL OF THE CITY OF VENTNOR CITY
GRANTING A PRIVILEGE OR FRANCHISE TO THE DELAWARE
AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

The following was ordered entered by the Board in the matter of the application of the Delaware and Atlantic Telegraph and

Telephone Company for the approval of a resolution of the Council of the city of Ventnor City:

"Application is made to the Board by the Delaware and Atlantic Telegraph and Telephone Company, under Section 8 of Chapter 41 of the Laws of 1910, to approve a resolution adopted by the Council of the city of Ventnor City, in the county of Atlantic, on July sixth, nineteen hundred and ten, and approved by the mayor of said city on July eighth, nineteen hundred and ten.

"By the statement made by the representative of the company to the Board it appears that the line or system to which the resolution relates is a local line or system as well as part of a through line or system. The resolution provides:

"That permission be and is hereby granted to The Delaware and Atlantic Telegraph and Telephone Company, its successors and assigns, subject to the conditions hereinafter mentioned and set forth, for telegraph and telephone purposes, to maintain and operate all of its posts, poles, cross-arms, conduits, manholes, cables, wires and other apparatus belonging thereto as now constructed, erected and in place in, on, over, under, across and along the public streets, alleys and highways within the limits of the city of Ventnor City, county of Atlantic, State of New Jersey; *and* to erect, maintain and operate for said purposes additional posts, poles, cables, wires and all other overhead apparatus on, over and along, and to construct its conduits, ducts, mains, pipes, cables, wires, manholes, distributing poles and all other necessary underground appliances in, on, over, under, across and along all of the public streets, alleys and highways within the limits of the said city.

"The permission has a twofold effect: (1) it confirms the company in the privilege of maintaining and operating its line as now constructed within Ventnor City, and (2) confers upon the company the added privilege of extending its line 'in, on, over, under, across and along *all* of the public streets, alleys and highways within the city.'

"One of the conditions to which this permission is subjected is the following: 'Said company shall on or before June 1st, 1911, construct an underground system and remove all of its poles * * * from the highways of the said city within the territory bounded by the north side of Ventnor avenue, west side of Jackson avenue, west side of Sacramento avenue and the Atlantic ocean, except such poles * * * as are required for terminal or distributing purposes in connection with its said underground system, and said company shall, on or before June

1st, 1912, construct and extend its underground system and remove all of its poles * * * from the highways of said city within the territory bounded by the north side of Ventnor avenue, west side of Sacramento avenue, Centre line of Fredericksburg avenue and the Atlantic ocean, except such poles, overhead wires or cables as are required for terminal or distributing purposes in connection with its underground system.'

"So far as appears from the record before the Board no formal petition for the permission given by the resolution was filed.

"The resolution was introduced and adopted at a single meeting of the Council.

"Its adoption was not preceded by public notice nor by public hearing.

"The consent given thereby is not limited to a term of years.

"The municipal body granting the consent and the company have both acted on the assumption that the provisions of 'An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways and other public places.' (Laws 1906, Ch. 36, p. 50), and the acts supplementary thereto and amendatory thereof, are wholly inapplicable to the subject-matter of the resolution. This statute by its first section provides:

" 'Hereafter, where by law the consent of any municipality of this State 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 as hereinafter provided.'

"It then provides in its second section that '*No consent* for the use of any street, avenue, park, parkway or other highway either above, below or on the surface thereof, shall be granted by any municipality' until the proceedings required by the statute have been taken.

"These proceedings include the filing of a formal petition, the publication of notice of hearing and the holding of a public hearing. The action of the municipal body upon the petition is, by this section, required to be taken by ordinance.

"The third section requires that the ordinance shall not be acted upon at the meeting at which it is introduced, but the same shall

be laid over for not less than fourteen days and not passed until a subsequent regular meeting or an adjourned meeting.

"By the terms of an amendatory act, Laws 1908, Chapter 210 (P. L. 1908, p. 415), it is provided: 'That *no consent* to the use of any street, avenue, park, parkway, highway or other public place, hereafter granted by any municipality of this State, shall be, in any case, for a longer term than fifty years.'

"In justifying the claim that this statute is inapplicable to the subject-matter of the resolution submitted to the Board for its approval, the representative of the company directed attention to Chapter 195 of the Laws of 1909 (P. L. 1909, p. 289).

"This statute, in so far as it is necessary to set it out for the purpose of passing upon the claim made, provides that: 'Any telegraph company * * * shall have full power to erect, construct, lay and maintain the necessary poles, wires, conduits and other fixtures for its lines in, upon, along, over or under any of the public roads, streets and highways * * *; *provided, however,* that no pole shall be erected, nor shall any conduit, wire or other fixtures be constructed or erected in, upon, along, over or under any of the public roads, streets or highways of any municipality in this State without first obtaining from the governing body of such municipality *permission* therefor by ordinance or resolution and a designation therein of the street or streets, road or roads, highway or highways in, upon, along, over or under the same shall be erected or constructed * * *; *and provided, also,* that the use of all public streets, roads or highways by any telegraph company * * * shall be subject to such police and other regulations and restrictions as may be deemed for the best interest of such municipality, and which shall be set forth in an ordinance or ordinances adopted by the governing body thereof * * *; *and provided, also,* that where application is made to the governing body of any municipality * * * of this State for permission to erect, construct, lay and maintain poles, wires, conduits or other fixtures for any local line or system in such municipality, * * * it shall be the duty of the governing body to designate by ordinance or resolution some feasible route in such municipality * * * for such local line or system under regulations and restrictions

as aforesaid, and after a plan or plans have been submitted and approved and otherwise as hereinbefore set forth.'

"The statute also contains a repealing clause which provides:

" 'All acts and parts of acts inconsistent herewith, *to the extent of such inconsistency only*, be and the same are hereby repealed.'

"This statute, as will have been seen, requires that the '*permission*' of the municipality be obtained for the erection of the poles, etc., in the public roads thereof.

"The situation, then, is that contemplated by the statute of 1906 before referred to, namely, where by law the consent of a municipality is required for the use of a street.

"The statute of 1906 therefore governs except to the extent that this statute of 1909 is inconsistent therewith.

"The only inconsistency between the statutes which the Board has been able to discover applicable in the situation under consideration is that the former act requires the municipal action to be taken by '*ordinance*,' whereas the latter provides that the municipal permission and the designation of the streets to be used may be given and made by '*ordinance or resolution*.'

"It should be borne in mind in this connection, however, that the latter act provides that 'the use of all public streets * * * by any telegraph company shall be subject to such police and other regulations and restrictions as may be deemed for the best interest of such municipality, *and which shall be set forth in an ordinance or ordinances*.'

"No other feature of the latter statute indicates an intent on the part of the Legislature to render the former act or any of its provisions inapplicable in the situation before the Board.

"The resolution, approval of which is sought, was adopted without compliance with the provisions of the act of 1906 and the acts supplementary thereto and amendatory thereof; its terms violate the prohibition of said act; approval of the resolution is, therefore, denied by the Board, since it finds, for the reasons stated, that the privilege or franchise attempted to be granted by said resolution is not necessary and proper for the public convenience, and that should the applicant act thereunder it would so act without compliance with the laws of this State, compliance

with which it is one of the powers and duties of the Board to enforce.

"In reaching this conclusion the Board has not overlooked the adjudication of the Supreme Court in *Hudson & M. Telephone & Telegraph Co. v. Township Committee of Linden Twp., Union County*, 76 *Atl. Rep. No. 10*, p. 444.

"In that case it appeared that the relator operated or desired to operate a through line, which is defined by the statute (P. L. 1909, Chap. 195, p. 288) as follows: 'A through line or system as is herein mentioned shall be construed to be one used only for strictly through business, and which line or system shall in no event be thereafter used for local business, or in any case as a local line or system, or as a part of any local line or system, without first having obtained permission by ordinance or resolution for such local use or such a local line or system as hereinbefore provided.'

"As to such line the statute provides that nothing therein contained 'shall require permission by ordinance or resolution to be obtained from the governing body of a municipality to erect * * * poles . * * *.'

"As was stated at the outset, the line or system, to which the resolution before the Board relates, is used and is intended to be used for local business."

RESOLUTION OF THE COUNCIL OF THE BOROUGH OF PENNS GROVE
GRANTING A PRIVILEGE OR FRANCHISE TO THE DELAWARE
AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

The following was ordered entered by the Board in the matter of the application of the Delaware and Atlantic Telegraph and Telephone Company for the approval of a resolution of the borough of Penns Grove.

"The Delaware and Atlantic Telegraph and Telephone Company applies to the Board for approval of a resolution of the borough of Penns Grove, Salem county, adopted by the Council of the borough July 12th, 1910, and later approved by the Mayor. The resolution submitted for approval provides:

"That permission be and is hereby granted to the said The Delaware and Atlantic Telegraph and Telephone Company to erect, maintain and operate additional poles, posts, cross-arms, cables, wires and other apparatus thereto belonging on, over, across and along the public highways of the said borough.'

"The comment of the Board in the matter of the application of the same company, under Section 8, Chapter 41, Laws of 1910, for approval of a resolution of the city of Ventnor City, Atlantic county, applies with equal force to this application.

"For the reasons there stated the Board finds that the privilege or franchise attempted to be granted by the resolution now submitted to it is not necessary and proper for the public convenience, and denies the application herein."

ORDINANCE—BOROUGH OF RUMSON GRANTING A PRIVILEGE OR FRANCHISE TO THE ATLANTIC HIGHLANDS GAS COMPANY.

The Atlantic Highlands Gas Company applied for approval of an ordinance of the borough of Rumson granting permission to lay its mains, pipes, supply pipes, etc., in the borough, the consent to terminate at the expiration of fifty years.

Approved by the Board.

Applications for Approval of Leases and Mergers.

IN THE MATTER OF THE APPLICATION OF THE PENNSYLVANIA TUNNEL AND TERMINAL RAILROAD COMPANY FOR APPROVAL OF AGREEMENT BETWEEN THAT COMPANY AND THE PENNSYLVANIA RAILROAD COMPANY. }

The petition of the Pennsylvania Tunnel and Terminal Company sets forth that the Pennsylvania, New York and Long Island Railroad Company, a corporation of the State of New York, was organized April 21st, 1902, for the purpose of building and operating a tunnel railroad in the State of New York, to be connected with any railroad or railroads within the State of New York, or any adjoining State, and that the Pennsylvania, New Jersey and New York Railroad Company, a corporation of the State of New Jersey, was formed February 13th, 1902, for the purpose of constructing and operating a railroad from a point of connection with the tracks of the United New Jersey Railroad and Canal Company in or near the town of Kearny, in the county

of Hudson and State of New Jersey, and running thence to and under the bed of the waters of the Hudson river to a convenient point in or opposite the town of Weehawken, on the boundary between the States of New Jersey and New York, and thereat connecting with the railroad of the Pennsylvania, New York and Long Island Railroad Company.

The petition further recites that the lines and routes of these railroads together form a continuous line of railroad from the point referred to in the county of Hudson, in the State of New Jersey, to and under the Hudson river, the borough of Manhattan and the East river, to a connection with the tracks of the Long Island Railroad Company at or near the junction of Thompson avenue and Purves street, in the borough of Queens and city of New York.

It further avers that on June 5th, 1907, a consolidation agreement was entered into by these companies; that such agreement provided that the name of the consolidated company should be "Pennsylvania Tunnel and Terminal Railroad Company," and that the rights, privileges, exemptions and franchises of each of said companies, and their property, real, personal and mixed, should be taken and deemed to be transferred to and vested in the consolidated corporation without further act or deed, and that such agreement was filed in the State of New York and in the State of New Jersey.

The petition then recites that the railroad and appurtenances of the Pennsylvania Tunnel and Terminal Company will be fully completed and ready for operation at an early date—approximately August 1st, 1910; that it is contemplated that this railroad and its appurtenances shall be a constituent of the system of the Pennsylvania Railroad Company, which latter company promoted its construction; wholly provided the moneys required therefor and acquired the stock of the Pennsylvania Tunnel and Terminal Railroad Company to the end that said railroad and appurtenances should be operated by the Pennsylvania Railroad Company in connection with and as part of its railroad system, and that it is expected that said railroad and its appurtenances will be so operated and managed by the Pennsylvania Railroad Company, under a long term lease.

It further recites that to effectuate such lease the consent of the stockholders of the Pennsylvania Railroad Company must first be obtained; and that it is impracticable to obtain such consent otherwise than at an annual meeting of the stockholders of the company; that the next annual meeting will not be held until March, 1911.

Attached to the petition is a draft of a proposed agreement between the Pennsylvania Tunnel and Terminal Railroad Company and the Pennsylvania Railroad Company, providing for the taking possession, operating and maintaining said railroad and appurtenances by the Pennsylvania Railroad Company on behalf of the Pennsylvania Tunnel and Terminal Railroad Company, and as its agent for a period of ten months after August 1st, 1910.

The petition seeks approval by the Board of this agreement, which has heretofore been approved by the Public Service Commission of the State of New York for the First District.

The filing of the petition raises a question as to the powers of the Board.

Chapter 298 of the Laws of 1910 (P. L. 531) provides: "Consent is hereby given to the Pennsylvania Tunnel and Terminal Company to *lease* its franchises, railroad and property to the Pennsylvania Railroad Company * * * for such time and upon such terms and conditions as shall be agreed upon between the said companies and embodied in a contract of lease, which shall not take effect unless and until the same shall have been approved by the holders of at least two-thirds of the capital stock of said Pennsylvania Tunnel and Terminal Railroad Company, * * * *nor unless and until the said lease shall be submitted to and approved by the Board of Public Utility Commissioners for the State of New Jersey*, nor unless and until said corporation shall file in the office of the Secretary of State a copy of said lease, 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 such corporations, and agreeing further that such lease shall not in anywise affect or impair the right of

the State to take the property of the parties thereto under any existing law of the State, and that any law affecting such parties shall be subject to alteration or repeal by the Legislature."

Chapter 41 of the Laws of 1910 by its sixth section provides: "No lease of its property, rights and franchises by any such public utility, * * * shall be valid until approved by said Board" (of Public Utility Commissioners).

Both of these statutes provide for the approval by the Board of a "lease."

Neither of these statutes provides for the approval by the Board of an operating agreement covering a period preceding the making of an agreement of letting, nor is such approval provided for by any other statute.

The agreement submitted to the Board for approval is not a lease, but is an operating agreement intended to provide for the period that must intervene between the completion of the road and the obtaining of the approval by stockholders of an agreement of letting.

No authority, therefore, exists in the Board to approve the agreement, and its approval if granted would be of no effect.

Should the Board approve the agreement and qualify its approval by any conditions, such conditions would likewise be of no effect.

The Board, therefore, without passing in anywise upon the proposed agreement, denies the prayer of the petition.

IN THE MATTER OF THE MERGER AND CONSOLIDATION
OF THE EAST GREENWICH GAS COMPANY AND
NEW JERSEY GAS COMPANY. }

The petition, filed in the above entitled matter, for approval of an agreement of merger and consolidation, shows that the East Greenwich Gas Company, whose franchises and property it is proposed to merge and consolidate with those of the New Jersey Gas Company, was organized *September 7th, 1909*, and that it has an authorized capital stock of five thousand dollars (\$5,000) divided into two hundred shares of the par value of twenty-five dollars (\$25) each, of which one hundred shares,

amounting at par to twenty-five hundred dollars (\$2500), are issued and outstanding and has an authorized bonded indebtedness of thirty-five thousand dollars (\$35,000), viz., "First mortgage five per cent gold bonds," secured by mortgage dated *November 1st, 1909*, of which twelve thousand dollars (\$12,000) are issued and outstanding.

The scheme of merger and consolidation contemplates the conversion, at par, of the outstanding capital stock of the East Greenwich Gas Company into capital stock of the consolidated corporation at par.

As the East Greenwich Gas Company came into existence September 7th, 1909, and its capital stock and bonds now outstanding were consequently issued after that date, the company, in the issuance, sale and delivery thereof, was subject to the provisions of an act of the Legislature approved August 14th, 1906, and taking effect September 1st, 1906, entitled "An act relating to the issuance, sale and delivery of stock and securities by corporations of this State which have 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, Chapter 331, p. 730.)

This statute provides that a company subject to its provisions shall not "hereafter issue, sell and deliver any of its *capital stock* except for cash, of a like or greater amount than the par value of the stock issued therefor, or for property of at least the actual cash value of the amount of stock at par value issued in payment therefor." It further provides that "no such company shall hereafter 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."

In the papers filed with the Board there is nothing to show that the provisions of this statute were observed in the issuance, sale and delivery of the capital stock and bonds of the East Greenwich Gas Company.

130 PUBLIC UTILITY COMMISSIONERS' REPORT.

The statute further provides that upon the issuance, sale and delivery of any stock, bonds * * * of any such corporation, it shall be the duty of such corporation to file in the office of the Secretary of State forthwith a certificate, verified under oath, as to all particulars, by at least two of the officers of such corporation, setting forth the facts necessary to show compliance with the provisions of the statute.

Inquiry at the office of the Secretary of State discloses that the East Greenwich Gas Company has at no time filed such certificate.

The Board, therefore, cannot issue its certificate of approval of the proposed merger and consolidation.

The petition herein will, however, not be denied, but will be held for further consideration by the Board pending compliance by the East Greenwich Gas Company with the provisions of the statute.

Subsequently the provisions of the statute were complied with by the East Greenwich Gas Company and the petition approved by the Board.

CENTRAL RAILROAD COMPANY OF NEW JERSEY AND HIBERNIA
MINE RAILROAD COMPANY.

APPLICATION FOR APPROVAL OF LEASE:—The Central Railroad Company of New Jersey and the Hibernia Mine Railroad Company applied to the Board for its approval of the lease of the Hibernia Mine Railroad Company to the Central Railroad Company of New Jersey, dated September 30th, 1910, for the term of twenty years thereafter. The petition showed that the road had heretofore been leased to the Central Railroad Company of New Jersey; that such lease expired by its terms on October 1st, 1910, and that this application was for a renewal of the same.

Approved.

PITMAN, GLASSBORO AND CLAYTON GAS COMPANY AND THE NEW
JERSEY GAS COMPANY.

APPLICATION FOR APPROVAL OF AGREEMENT OF MERGER AND CONSOLIDATION:—The Pitman, Glassboro and Clayton Gas

Company and the New Jersey Gas Company applied to the Board for its approval of agreement of merger and consolidation of their property, rights and franchises. The petition showed that the plants and distributing systems of the two companies are in separate districts; that all the gas used and sold by the New Jersey Gas Company is furnished by the Pitman, Glassboro and Clayton Gas Company, and that by the merger and consolidation substantial economies in the cost of operation can be effected, and more satisfactory service afforded the public.

Approved.

New Crossings at Grade.

APPLICATION OF WEST JERSEY AND SEASHORE RAIL-
ROAD COMPANY TO CONSTRUCT A COMMERCIAL,
SIDING AT GRADE ACROSS EAST RAILROAD
BOULEVARD AND CHESTNUT AVENUE AT VINE-
LAND.

Application being made by the West Jersey and Seashore Railroad Company for permission to construct a siding at grade extending from its line of railway in Vineland across East Railroad boulevard and Chestnut avenue to the plant of the Fowler Waste Manufacturing Company, according to a plan filed with this Board; and notice of such application having been given to the municipal authorities of Vineland; and no objection to granting such permission being interposed or appearing:

Permission is hereby given by the Board of Railroad Commissioners for the State of New Jersey to the West Shore and Seashore Railroad Company to construct such siding, subject to the following conditions: That the West Jersey and Seashore Railroad Company, its successors and assigns, shall not, at any time, permit any car or cars or locomotive or other rolling stock to remain standing upon such siding, in so far as the same lies within the said streets, and shall not, at any time, permit any car or locomotive to block the crossing of either of said streets, when running over the same, more than five minutes at a time; and shall not permit any car or locomotive to run

over said street at a greater rate of speed than six miles per hour, and shall ring the bell or sound the whistle of each locomotive at all times, before entering upon or crossing said streets.

IN THE MATTER OF THE APPLICATION OF THE NEW
YORK, SUSQUEHANNA AND WESTERN RAILROAD
COMPANY AND THE B. G. PRATT COMPANY TO
CONSTRUCT A COMMERCIAL SIDING AT GRADE
ACROSS RIVER STREET, IN THE VILLAGE OF
HACKENSACK, BERGEN COUNTY.

Acting upon the petition in the above entitled matter the Board finds:

1. That the B. G. Pratt Company, one of the applicants, is engaged in the manufacture of certain chemical products at a laboratory located on River street, in the village of Hackensack.

2. That the permission sought contemplates connecting such laboratory with the eastbound main track of the railroad of the New York, Susquehanna and Western Railroad Company by means of a commercial switch and side track crossing River street at grade.

3. That the portion of River street in front of the plant of the B. G. Pratt Company, which it is proposed to cross at grade with such switch and side track, while a dedicated highway, has not been opened or used for street purposes.

4. That the construction of the switch and side track proposed will not impede or endanger traffic on River street.

5. That The Hackensack Improvement Commission (the municipal corporation of Hackensack) interposes no objection to the granting of the consent now sought.

The Board of Railroad Commissioners for the State of New Jersey on these findings hereby grants to the New York, Susquehanna and Western Railroad Company permission to lay a track across River street, in the village of Hackensack, in accordance with the plan attached to and forming part of the petition herein, subject, however, to the following conditions:

That the said company, its successors and assigns, shall not permit any car or cars or locomotive or other rolling stock to remain standing on said River street, and shall not permit any

locomotive or car to block the crossing thereof, when running over the same, more than five minutes at a time; nor shall it permit any locomotive or car to run over said street at greater speed than at the rate of six miles per hour, and shall cause the bell of the locomotive to be rung or the whistle thereof to be blown at all times before entering upon or crossing said street.

IN THE MATTER OF THE APPLICATION OF THE RARITAN RIVER RAILROAD COMPANY TO CONSTRUCT A SIDING AT GRADE OVER A PUBLIC ROAD NEAR SERVISS JUNCTION, EAST BRUNSWICK TOWNSHIP, MIDDLESEX COUNTY. }

The Board acting on the petition herein finds:

1. That the American Enameled Brick and Tile Company are the owners of certain clay lands located near Serviss Junction, East Brunswick township, Middlesex county; that it is proposed to construct a commercial siding between the main line of the Raritan River Railroad Company and such clay lands.

2. That such proposed siding will, as indicated on the sketch attached to and forming part of the petition herein, cross a public highway at the grade thereof.

3. That the Township Committee of East Brunswick has consented to the construction of such proposed siding.

No reason appearing why consent to the construction of said proposed crossing should be withheld:

The Board of Railroad Commissioners for the State of New Jersey hereby grants to the Raritan River Railroad Company permission to lay a track across the public way, in the township of East Brunswick, from its main track to the clay lands of the American Enameled Brick and Tile Company as the grade of said public way, in accordance with the sketch attached to and forming part of the petition herein.

The permission so given is, however, subject to the following conditions:

That the track be laid so as to cross the highway, as nearly as practicable, at a right angle; that a warning sign be erected and that the crossing be protected by one of the trainmen while cars are being moved over it.

IN THE MATTER OF THE APPLICATION OF THE CENTRAL RAILROAD COMPANY OF NEW JERSEY FOR PERMISSION TO LAY THE TRACKS OF A SIDING TO THE PLANT OF THE ATLAS MINERAL AND MACHINE COMPANY, AT LINCOLN, NEW JERSEY, OVER MOUNTAIN AVENUE, AT GRADE.

Application being made to the Board of Railroad Commissioners for the State of New Jersey by the Central Railroad Company of New Jersey for permission to lay the tracks of a siding from its line of railway to the plant of the Atlas Mineral and Machine Company, at Lincoln, over Mountain avenue, at grade, according to a plan attached to said application, and it appearing that the Township Committee of the township of Lincoln has consented to the laying of such tracks, and no cause appearing why such application should not be granted, the said Board, now on this third day of May, nineteen hundred and ten, GRANTS said application UPON CONDITION that the said Central Railroad Company of New Jersey shall not permit any locomotive, car or cars, or other rolling stock to remain standing on Mountain avenue, and shall not permit any locomotive or car to block the crossing of said street, when running over the same, more than five minutes at a time; and shall not permit any locomotive or car to run over said street at a greater speed than at the rate of six miles per hour, and shall cause the bell of each locomotive to be rung or its whistle to be blown at all times before entering upon or crossing said street.

APPLICATION OF THE NEW JERSEY SHORE LINE RAILROAD COMPANY FOR PERMISSION TO CONSTRUCT A NEW GRADE CROSSING OVER THE HUDSON RIVER TURNPIKE AT THE SOUTHERLY END OF LAND OF JONES BROTHERS, IN THE TOWNSHIP OF NORTH BERGEN, HUDSON COUNTY, NEW JERSEY.

APPLICATION OF THE NEW JERSEY SHORE LINE RAILROAD COMPANY FOR PERMISSION TO CONSTRUCT A NEW GRADE CROSSING OVER THE BULLS FERRY ROAD ON LANDS OF ALEXANDER J. SHAMBERG, IN SAID TOWNSHIP.

APPLICATION OF THE NEW JERSEY SHORE LINE RAILROAD COMPANY FOR PERMISSION TO CONSTRUCT A NEW GRADE CROSSING OVER THE HUDSON RIVER TURNPIKE AT THE NORTHERLY END OF LANDS OF SAID ALEXANDER J. SHAMBERG, IN SAID TOWNSHIP.

APPLICATION OF THE TOWNSHIP OF NORTH BERGEN PRAYING DENIAL OF PETITION OF THE NEW JERSEY SHORE LINE RAILROAD COMPANY IN RE JONES BROTHERS CROSSING.

THE NEW JERSEY SHORE LINE RAILROAD COMPANY, having filed its petition with this Board in the first of the above matters on or about the 24th day of September, 1909, and due notice having been given to the governing body of the township of North Bergen, and the date for hearing having been fixed for October 26th, 1909; and the said township having, by petition dated the 13th day of said October filed with this Board, prayed that the petition of said railroad company be denied; and a hearing of both petitions being had on said 26th day before this Board at the State House, in the city of Trenton, in the presence of Albert C. Wall, attorney for said railroad company; Francis H. McCauley, attorney of the township of North Bergen; Frank H. Hall, attorney of General Chemical Company; Edward D. Freeman, of New York City; attorney for Jones Brothers, and

Alexander J. Shamberg, *pro se*; and the sworn testimony of Richard Erwin Dougherty being taken on behalf of said railroad company, and Alexander J. Shamberg being sworn on his own behalf, the said hearing was adjourned until November 9th, 1909, and further adjourned until November 16th, 1909; and petitions dated the 8th day of November, 1909, in the second and third of the above stated matters having been filed with this Board on or about November 9th, 1909, and due notice having been given to the said township of North Bergen, according to the practice of this Board, and this Board having appointed the 16th day of November, 1909, and the State House in the city of Trenton, as the time and place for hearing said petitions; and the several matters coming on to be heard on the said 16th day of November, 1909, were, on application of the said Shamberg, Jones Brothers, James Pyle & Sons, General Chemical Company represented by Frank H. Hall, attorney, and the township of North Bergen, represented by Francis H. McCauley, attorney, adjourned until November 30th, 1909, and were on said day further adjourned by this Board until December 21st, 1909, and on said December 21st, 1909, this Board having received an agreement dated December 18th, 1909, of which a copy is annexed hereto and made part hereof,

The Board of Railroad Commissioners for the State of New Jersey now, on this twenty-first day of December, one thousand nine hundred and nine, grants to the New Jersey Shore Line Railroad Company permission to construct and lay the three crossings at grade, permission to construct which is prayed for in the several petitions of said company hereinbefore referred to.

The permission hereby granted is, however, given upon, and subject to, the terms and conditions expressed in the agreement hereinbefore referred to and annexed hereto.

(*Copy of Agreement.*)

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD CO.
GRAND CENTRAL STATION.

K-N

December 18, 1909.

To the Honorable Board of Railway Commissioners of New Jersey, Trenton, New Jersey:

DEAR SIRS—In the matter of the application of the New Jersey Shore Line Railroad for crossing at the south end of Jones Brothers property, and two crossings on the property of Alexander J. Shamberg, a meeting was held to-day of the various interests in view of the hearing set down by your Board for the 21st instant.

There were present:

Mr. Alexander J. Shamberg, and Messrs. McCann and Beyer, his engineers; Mr. Frank H. Hall, representing the General Chemical Company; the James Pyle Company and the Barrett Mfg. Company; Mr. Clarence G. Meeks, representing the Woodcliff Land Improvement Co.; Mr. Robert Gaw, engineer of the township of North Bergen; Mr. Francis H. McCauley, attorney for the township of North Bergen; Mr. G. W. Kittredge, Mr. C. J. Parker, Mr. Wall and Mr. Lyman, representing the railroad company.

An agreement as to the proper treatment of the questions involved was reached, contingent, however, on the consent of the town and the approval of your Commission.

1st. Pending an agreement which will accomplish the abolition of the grade crossings, the parties represented all unite in the request that permission be granted to the railroad company to temporarily construct grade crossings at the points indicated in the petitions heretofore filed with your Board.

2d. For the information of the Commission the undersigned desire to say that the basis of the agreement which is acceptable is that the railroad company shall contribute toward the construction of a highway on a location westerly and adjoining the right of way of the railroad, the latter being shoved slightly to the eastward to accommodate the new location of the highway. The

138 PUBLIC UTILITY COMMISSIONERS' REPORT.

town is to take the proper proceedings to vacate the existing portions of the River road and Bull's Ferry road where they are east of the westerly right of way of the railroad company and to accept the newly located highway. The property owners involved are to execute the necessary papers with the railroad company to accomplish the shifting of the right of way of the railroad and also the shifting of the highway.

Yours very truly.

(Signed) FRANK H. HALL,
FRANCIS H. McCAULEY,
ROBERT GAW,
A. J. SHAMBERG,
MESSRS. McCANN & BEYER,
CLARENCE G. MEEKS,
GEO. W. KITTREDGE.

IN THE MATTER OF THE APPLICATION OF THE CENTRAL RAILROAD COMPANY OF NEW JERSEY FOR PERMISSION TO LAY AND CONSTRUCT A RAILROAD SPUR OR SIDING AT GRADE ACROSS OAK STREET, IN THE CITY OF BAYONNE, IN THE COUNTY OF HUDSON. }

Application is made by the Central Railroad Company of New Jersey to the Board of Railroad Commissioners for the State of New Jersey for permission to lay and construct, in accordance with a certain sketch filed with said application, a single track railroad siding or spur, at grade, across Oak street, in the city of Bayonne, in the county of Hudson, for the purpose of connecting the manufacturing plant of the Bayonne Steel Casting Company with the spur already laid from the main line of the said Central Railroad Company of New Jersey to the manufacturing plant of the Babcock & Wilcox Company.

It appears by a certified copy of a resolution of the Board of Councilmen of the city of Bayonne, approved by the mayor of said city, that the city of Bayonne, on June twenty-second, nineteen hundred and ten, gave and granted its permission for the laying and construction of such siding or spur, subject to certain conditions and reservations therein set forth.

PUBLIC UTILITY COMMISSIONERS' REPORT. 139

The certified copy of the resolution aforesaid is now made part of these proceedings.

No cause appearing to the contrary, the Board of Railroad Commissioners for the State of New Jersey hereby, on this twenty-fourth day of June, nineteen hundred and ten, in accordance with the statute, gives and grants to the Central Railroad Company of New Jersey permission to construct and lay the single track railroad siding or spur described in said application, and shown on said sketch, at grade across Oak street, in the city of Bayonne, in the county of Hudson, for the purpose of connecting the manufacturing plant of the Bayonne Steel Casting Company with the spur already laid from the main line of said Central Railroad Company of New Jersey to the manufacturing plant of the Babcock & Wilcox Company.

The permission hereby given is, however, granted subject to the conditions and reservations set forth in and imposed by the resolution of the city of Bayonne hereinbefore referred to.

IN THE MATTER OF THE PETITION OF THE BOROUGH
OF GARFIELD FOR PERMISSION TO CONSTRUCT VAN
WINKLE AVENUE ACROSS THE TRACKS OF THE
BERGEN COUNTY RAILROAD COMPANY AT GRADE. }

The petition herein, dated April fifteenth, nineteen hundred and ten, is filed by the borough of Garfield under Section 3 of Chapter 189, of the Laws of 1909, which section provides: "No municipality shall hereafter construct, or cause to be constructed, any new street or highway across the tracks of any railroad company at grade, nor shall any railroad company lay tracks across any street or highway so as to make a new crossing at grade, without obtaining therefor permission from the Board of Railroad Commissioners."

The petition seeks permission to construct Van Winkle avenue across the tracks of the Bergen County Railroad Company at grade.

It appears from the testimony taken before the Board that Van Winkle avenue is indicated on a map of the East Passaic Land Company filed in the Bergen county clerk's office in 1875, and that its existence is referred to in at least one of the con-

veyances under which the Bergen County Railroad Company acquired title to its right of way.

It further appears that some years since Van Winkle avenue was recognized by the municipality as a dedicated public way, and that the dedication was accepted.

No testimony was produced showing that Van Winkle avenue had, prior to the occurrences of March 30th and 31st, 1910, hereinafter referred to, been, in any sense of the term, "constructed" across the tracks of the railroad company.

The testimony established that on the night of March 30th the borough of Garfield, without obtaining the permission of this Board, and without notice to the railroad company, proceeded to "construct" Van Winkle avenue across the tracks of the railroad company at grade by spiking down planking.

This proceeding resulted on the following day in a controversy, in the course of which the employes of the company were set upon, placed under arrest and imprisoned.

Some two days later the borough of Garfield filed its bill of complaint in our Court of Chancery to enjoin the taking up of the crossing so constructed, and a restraining order was issued which is now in force, the borough having been required to file a bond to indemnify the company against loss through damage to persons or property by reason of the construction of the crossing, should it finally be determined that the construction of the crossing was illegal.

In the judgment of the Board the construction of Van Winkle avenue across the tracks of the Bergen County Railroad Company at grade required that the permission of the Board should be first obtained.

It is true that Van Winkle avenue had been dedicated and accepted prior to April 20th, 1909, the date of the approval of the statute making the permission of the Board requisite to the "construction" of a new street or highway across the tracks of any railroad company at grade, but it is also true that Van Winkle avenue had not been "constructed" across the tracks of the railroad company prior to that date.

The Board fails to find any adjudication of the courts of our State applicable in the construction of the statute.

It, however, finds elsewhere adjudications supporting the conclusion which it reached independently, namely, that its permission is requisite although the highway in question may have been dedicated, accepted, laid out and built upon prior to the enactment of the statute, if at the time of such enactment, as is the fact here, it had not been actually physically constructed across the tracks of the railroad company.

Any other construction would, in view of the many streets, avenues and highways which have, from time to time, been laid out upon paper merely, nullify, in many instances, the intent and purpose of the Legislature in the enactment of the statute.

(See *N. Y. & N. E. R. Co. v. Waterbury, Conn.*, 10 *Atl. Rep.* 162, and *N. Y. C. & C. R. R. Co. v. Buffalo*, 128 *App. Div.* 373.)

Having reached this conclusion the Board finds that the construction of Van Winkle avenue across the tracks of the railroad company at grade was in violation of the law, in that the permission of the Board was not first obtained.

The statute attaches no penalty for the violation of its provisions by a municipality.

This renders it important that the Board should not even indirectly countenance such a violation thereof; a violation which may not only result through improper and imperfect construction of the crossing, in endangering the passengers and property transported, but also in adding perhaps unnecessarily, and certainly without any provision for the protection thereof, another railroad grade crossing to those already existing within the State.

The Board, therefore, without passing upon the merits of the petition herein, declines to make any order upon the basis thereof until the conditions which existed at the Van Winkle avenue crossing prior to March 30th, 1910, are restored.

Upon the restoration of such conditions the petitioner may make such further application to this Board in this proceeding as it may be advised.

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF GARFIELD FOR PERMISSION TO CONSTRUCT VAN WINKLE AVENUE ACROSS THE TRACKS OF THE ERIE RAILROAD COMPANY, IN SAID BOROUGH, AT GRADE. }

The borough of Garfield having complied with the terms set out in the memorandum heretofore filed by the Board in this proceeding, the application herein was brought on for further hearing and the arguments of counsel representing the borough and the company were heard.

After a careful reading of the testimony and the briefs submitted, the Board has reached the conclusion that the permission sought by the borough of Garfield to construct Van Winkle avenue, in said borough, across the tracks of the Erie Railroad Company, at grade, should be granted, and such permission is accordingly hereby given.

The granting of such permission does not involve a departure from the policy adopted and declared in the matter of *Central Ry. Co. v. Borough of Keyport* (Report 1908, Board of Railroad Commissioners of New Jersey, p. 113). The case made out by the applicant falls, in the judgment of the Board, within the exception recognized in the opinion filed in that proceeding.

The Borough of Garfield has been and is increasing in population with remarkable rapidity.

Its territory is divided into two sections by the Erie Railroad.

Between Monroe street on the south of the proposed crossing; and Outwater lane on the north—a distance of some twenty-six hundred feet—no means of passing from the one section of the borough to the other, over the tracks of the railroad, now exists.

The crossing at Monroe street is at best dangerous, and the crossing at Outwater lane is by reason of physical conditions and lack of means of access to Outwater lane, of slight service to the people of the borough residing south of Outwater lane.

In this situation the need of a crossing between these two avenues is evident. If the necessity were open to serious question on a mere statement of the facts, such question is set at rest by

PUBLIC UTILITY COMMISSIONERS' REPORT. 143

the testimony adduced before the Board on behalf of the municipality.

To meet this need the municipality has chosen Van Winkle avenue, which lies midway between Monroe street and Outwater lane, and has expended some twenty thousand dollars in the improvement thereof, from the River drive to Midland avenue.

The testimony adduced before the Board by the municipality was to the effect that no crossing other than at grade was feasible.

While the correctness of this position was not admitted by the company, it was admitted that the cost of any other form of crossing was prohibitive.

IN THE MATTER OF THE APPLICATION OF THE CITY
OF PASSAIC, IN THE COUNTY OF PASSAIC, TO LAY
AND CONSTRUCT A NEW STREET, HIGHLAND
AVENUE, OVER THE LINE OF THE ERIE RAILROAD
COMPANY, AT GRADE. }

The testimony on the part of the petitioner in the above entitled matter disclosed no conditions which would take the application out of the rule previously laid down by this Board in the case of the *Central Railroad Company v. The Borough of Keyport*.

On the contrary such testimony disclosed that if the permission sought were granted Highland avenue would ascend directly from the right of way some seven feet in a distance of one hundred and forty feet. It further showed that the construction of an underground crossing is possible.

The application herein is therefore hereby denied.

IN THE MATTER OF THE PETITION OF THE CITY OF
PASSAIC FOR PERMISSION TO LAY AND CONSTRUCT
MADISON STREET, IN THE CITY OF PASSAIC, OVER
THE TRACKS OF THE ERIE RAILROAD COMPANY,
AT GRADE. }

The Board, after due consideration of the testimony produced before it, and a personal inspection made on the ground,

ORDERS that the petition herein be and the same is hereby dismissed and the prayer thereof denied.

IN THE MATTER OF THE APPLICATION OF THE HOBOKEN MANUFACTURERS RAILROAD COMPANY TO CROSS CERTAIN STREETS AND AVENUES IN THE CITY OF HOBOKEN, AT GRADE. }

This application seeks permission to lay tracks at grade across some fifteen streets in the city of Hoboken.

A careful consideration of the statements made before the Board and the brief submitted to it on behalf of the applicant, leads the Board, at this time, to withhold the desired permission.

The application in some of its aspects involves questions peculiarly of local interest on which in the first instance the local authorities should pass judgment, and the benefit of which judgment this Board should have in its final disposition of the matter.

Should the local authorities approve, in whole or in part, of the application before them, the application to this Board may be revived on notice to the municipality, and the present disposition will not act in prejudice thereof.

IN THE MATTER OF THE FURTHER APPLICATION OF THE NORTH JERSEY RAPID TRANSIT COMPANY FOR PERMISSION TO LAY ITS TRACKS AT GRADE OVER CERTAIN HIGHWAYS. }

Heretofore application was made by the North Jersey Rapid Transit Company for permission to lay its tracks at grade over certain highways in the township of Saddle River, the borough of Glen Rock and the village of Ridgewood, all in the county of Bergen.

The permission sought was granted subject to certain conditions. (See Report of Board of Railroad Commissioners for the State of New Jersey for the year 1909, page 73.)

Application is now made by the company for permission to lay its tracks at grade across Franklin avenue, West Saddle River road and Hollywood avenue, in the borough of Hohokus; Franklin turnpike, Prospect avenue, Harrison avenue and Frederick street, in the township of Orvil; Chestnut street, West Orchard street, Allendale avenue, Hillside avenue and West Crescent avenue, in the borough of Allendale; Prospect street, Main street, Arch street, Carroll street, Romaine avenue, Island road and

Island road (2), in the borough of Ramsey; a public road leading from Franklin turnpike to the west side of Erie Railroad; a public road leading from Franklin turnpike to Erie Railroad, Miller road, a public road leading easterly from Franklin turnpike about 300 feet north of Miller road, and Franklin turnpike, in the township of Hohokus, all in the county of Bergen.

Due notice of this application was given to each of said municipalities, and a hearing had at which both the applicant and the municipalities were represented.

The Board subsequently made a personal inspection of each of the proposed crossings.

After such hearing and inspection, the Board concludes that the permission applied for should be granted.

Permission is therefore hereby given to the North Jersey Rapid Transit Company to lay its tracks at grade across said several streets, roads and avenues hereinbefore and in its petition herein named and described.

This permission is, however, given subject to the condition that the North Jersey Rapid Transit Company operate its cars singly and not in trains; that it cause each car operated over its line to come to a complete stop at Franklin avenue, in the borough of Hohokus; Prospect avenue, in the township of Orvil; Main street, in the borough of Ramsey, and Miller road and Franklin turnpike, in the township of Hohokus; that it cause each of said cars to stop on signal at West Crescent avenue in the borough of Allendale, and at Island road in the borough of Ramsey; and that it cause each of said cars either to come to a complete stop at Franklin turnpike, in the township of Orvil, or to slow down to a speed not exceeding ten miles an hour in approaching and crossing said turnpike.

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF AVALON FOR PERMISSION TO EXTEND TWENTY-FIRST STREET, WHERE IT INTERSECTS SECOND AVENUE IN SAID BOROUGH, AT GRADE ACROSS THE TRACKS OF THE WEST JERSEY AND SEASHORE RAILROAD COMPANY.

Application was made to the Board on behalf of the borough of Avalon for permission to the West Jersey and Seashore Rail-

road Company to construct a crossing at Twenty-first street in said borough, at grade, across the tracks of said company where it intersects Second avenue.

The West Jersey and Seashore Railroad Company, being informed of the application made by the borough, joined therein and advised the Board that "inasmuch as that crossing appears to be necessary to the development of that locality, we have no objection to offer."

The Board caused the Chief Inspector of its railroad division to examine the conditions at the proposed crossing and to report thereon to the Board.

A hearing on the application was held on Tuesday, November 1st, at which hearing Gilbert S. Smith, mayor of Avalon, appeared before the Board and gave testimony relating to the conditions at the proposed crossing. Upon consideration of the testimony at the hearing, and of the report of its inspector, the Board of Public Utility Commissioners for the State of New Jersey

HEREBY GRANTS to the borough of Avalon permission to extend and construct Twenty-first street across the tracks of the West Jersey and Seashore Railroad Company at grade, in said borough, upon condition that the crossing of Twenty-second street across the tracks of the said railroad company in said borough be discontinued, and that the siding now extending across Twenty-first street be moved in a southerly direction to a point not less than one hundred feet east of Twenty-first street.

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF AVALON FOR PERMISSION TO EXTEND TWENTY-FIFTH AND THIRTY-NINTH STREETS, WHERE SAID STREETS INTERSECT SECOND AVENUE, AT GRADE, ACROSS THE TRACKS OF THE WEST JERSEY AND SEASHORE RAILROAD COMPANY.

Application was made to the Board by the borough of Avalon for permission to construct crossings at Twenty-fifth street and Thirty-ninth street in said borough, at grade, across the tracks of the West Jersey and Seashore Railroad Company, where said streets intersects Second avenue.

PUBLIC UTILITY COMMISSIONERS' REPORT. 147

Notice was given the West Jersey and Seashore Railroad Company of the application, and the same set down for consideration by the Board on Tuesday, November twenty-ninth, nineteen hundred and ten, upon which date Gilbert S. Smith, mayor of Avalon, appeared before the Board and gave testimony relating to the conditions at the proposed crossings.

The Board caused an examination of such conditions to be made by its chief inspector of its railroad division, who reported thereon.

Upon consideration of the testimony at the hearing and of the report of its inspector, the Board of Public Utility Commissioners for the State of New Jersey

HEREBY GRANTS to the borough of Avalon permission to extend and construct Twenty-fifth street and Thirty-ninth street across the tracks of the West Jersey and Seashore Railroad Company, at grade, in said borough.

This permission is granted because of special conditions shown to exist, and does not indicate a relaxation of the rule laid down in *Central Railroad Company of New Jersey v. Keyport*.

IN THE MATTER OF THE APPLICATION OF THE CENTRAL RAILROAD COMPANY OF NEW JERSEY FOR PERMISSION TO LAY THE TRACKS OF A SIDING ACROSS RANDOLPH STREET, IN THE BOROUGH OF ROOSEVELT, MIDDLESEX COUNTY, AT GRADE. }

Application being made to the Board of Public Utility Commissioners for the State of New Jersey by the Central Railroad Company of New Jersey for permission to lay the tracks of a siding from its line of railway across Randolph street, in the borough of Roosevelt, Middlesex county, at grade, according to a plan attached to said application, and it appearing that the borough authorities of the borough of Roosevelt have consented to the laying of such tracks, and no cause appearing why such application should not be granted, the said Board now on this seventeenth day of December, nineteen hundred and ten,

GRANTS said application UPON CONDITION that the said Central Railroad Company of New Jersey shall not permit any locomotive, car or cars, or other rolling stock to remain standing

on Randolph street, and shall not permit any locomotive or car to block the crossing of said street, when running over the same, more than five minutes at a time; and shall not permit any locomotive or car to run over said street at a greater speed than at the rate of six miles per hour, and shall cause the bell of each locomotive to be rung or its whistle to be blown at all times before entering upon or crossing said street.

IN THE MATTER OF THE APPLICATION OF THE UNITED
NEW JERSEY RAILROAD AND CANAL COMPANY,
PENNSYLVANIA RAILROAD COMPANY, LESSEE, FOR
PERMISSION TO CONSTRUCT A COMMERCIAL SIDING
AT GRADE ACROSS FIFTH STREET AND RAILROAD
AVENUE, IN THE TOWN OF HARRISON, COUNTY OF
HUDSON, TO AND OVER CERTAIN LANDS OF THE
HYATT ROLLER BEARING COMPANY.

The United New Jersey Railroad and Canal Company, Pennsylvania Railroad Company, Lessee, filed an application for permission to lay a siding across Fifth street and Railroad avenue, to and over certain lands of the Hyatt Roller Bearing Company, in the town of Harrison and county of Hudson. The petition was accompanied by a plan showing the location of the proposed new crossings, and also by a certified copy of a resolution adopted at a meeting of the council of the town of Harrison, held October 4th, 1910. This resolution recites that permission had theretofore been given to lay a spur track across Railroad avenue from the Center Street Branch of the Pennsylvania Railroad Company to and on the property of the said Hyatt Roller Bearing Company, and granted permission to extend the track across Fifth street, in addition to Railroad avenue.

It appearing that there is no objection on the part of the authorities of the town of Harrison to the construction of the crossings, and that the siding is required for the business of the Hyatt Roller Bearing Company, the Board of Public Utility Commissioners for the State of New Jersey

HEREBY GRANTS to the United New Jersey Railroad and Canal Company, Pennsylvania Railroad Company, Lessee, permission to lay a track crossing Fifth street and Railroad avenue at grade,

in the town of Harrison, New Jersey, in accordance with the plan attached to and forming part of the petition herein, subject, however, to the following conditions:

That the said company, its successors and assigns, shall not permit any car or cars, or locomotive, or other rolling stock to remain standing on the crossing of Railroad avenue or Fifth street, and shall not permit any locomotive or car to block the crossing of either street, when running over the same, more than five minutes at a time; nor shall it permit any locomotive or car to cross Railroad avenue or Fifth street at a greater speed than at the rate of six miles per hour, and shall cause the bell of the locomotive to be rung, or the whistle thereof to be blown, at all times before crossing said Railroad avenue or Fifth street.

Inspections.

ATLANTIC CITY RAILROAD.

Main Line.

This road extends from Camden to Atlantic City, a distance of fifty-five and five-tenths miles, and is double track, laid with ninety-pound rail, and ballasted with stone, with the exception of that part which crosses the meadows between Pleasantville and Atlantic City, which is ballasted with cinders. Sufficient tie renewals have been made and other work done to keep the track in first-class condition. The derails at Bulsom street have been moved back, as recommended.

Bridges.—The first bridge out of Camden has been filled. The remaining bridges are in good condition.

Gloucester Branch.

This branch extends from Gloucester Junction to Grenloch, a distance of eleven miles, and is single track, laid with seventy, seventy-six and seventy-nine-pound rail, and ballasted with cinders in good quantity. A large quantity of ballast has been added since last inspection. Sufficient tie renewals have been and

150 PUBLIC UTILITY COMMISSIONERS' REPORT.

are now being made, and other work done, to keep the track in good condition.

Recommendations.—That the derails at the Gloucester crossing with the West Jersey and Seashore Railroad be moved back to a distance of five hundred feet from crossing; that all main track switch-stands be raised so that the target is not less than five feet above the rail.

Bridges.—All the recommendations made in 1908 have been carried out. The bridges on this branch are in fair condition. Two of the smaller trestles, Nos. 3 and 7, might, with economy, be replaced with small concrete culverts or cast-iron pipe.

Williamstown Branch.

This Branch extends from Williamstown Junction to Mullica Hill, a distance of nineteen and seven-tenths miles, and is single track, laid with eighty, seventy-six and seventy-pound rail, and ballasted with cinders in good quantity. Sufficient tie renewals have been made, and other work pertaining thereto has been done to keep the track in good condition.

Recommendations.—That the derails at Glassboro be moved back to a distance of five hundred feet from crossing; that all trains come to a stop at the Bridgeton Branch crossing near Glassboro until the new signals are installed.

Bridges.—The three trestle bridges on this branch are in good condition.

Cape May Branch.

This branch extends from Winslow Junction to Cape May, a distance of fifty-four and two-tenths miles, and is double track from Winslow Junction to Woodbine, and single track from there to Cape May, a distance of twenty-two and five-tenths miles. The track is ballasted with cinders, and laid with ninety-pound rail. Sufficient tie renewals have been made, and other work pertaining thereto has been done to keep the track in first-class condition.

Bridges.—Bridges are all in good condition.

Sea Isle City Branch.

This branch extends from Ocean City Junction to Sea Isle Junction, a distance of eight and seven-tenths miles, and is single track, laid with seventy-pound rail and ballasted with cinders. The track from Ocean City Junction to the meadows is in good condition. Across the meadows to Sea Isle City it is in safe condition for the traffic and rate of speed as shown on time-table. Sufficient tie renewals have been made to meet the requirements.

Recommendation.—That the speed as shown on time-table be not exceeded across the meadows between the high ground and Sea Isle City.

Bridges.—Recommendations of 1908 have been carried out. Bridges are maintained in fair condition and safe for the traffic.

Ocean City Branch.

This branch extends from Tuckahoe Junction to Ocean City, a distance of thirteen and seven-tenths miles, and is single track, laid with eighty-pound rail, and ballasted with cinders and gravel. Sufficient tie renewals have been made and other work pertaining thereto has been done to keep the track in safe condition for the traffic and speed as shown on time-table.

Bridges.—Bridges are in fair to good condition. About 150 feet of trestle approach to Crook Horn Draw No. 3 has been filled, and the draw itself is being replaced with a thorough riveted steel span on concrete center pier and abutments.

Two new stringers are on the ground for repairing No. 5.

BALTIMORE AND NEW YORK RAILROAD.

This road extends, in New Jersey, from the Arthur Kill bridge to Cranford, a distance of five and two-tenths miles. One mile and a half is double track and the balance single. The track is laid with ninety-pound rail, ballasted with stone and is in good condition.

The smash board has been installed at the Arthur Kill draw for protection at that point, as recommended, and is fully adequate for safe operation.

Bridges.—Bridge No. 23 over Martin's Run has been replaced with a concrete culvert, thus removing the last small trestle on the line. The iron bridges are all in good condition considering their age. Little has been done toward filling the long timber trestle in Elizabethport, which, owing to its age and generally light construction, is continually in need of repair. Although the repairs which are necessary to maintain traffic are being made, it is only a question of a short time when very extensive rebuilding will be necessary if it is to be maintained as a trestle.

Recommendation.—That steps be taken for the elimination of this trestle by filling, and that plans be prepared and work started as soon as possible.

BARNEGAT CITY RAILROAD.

This road extends from Barnegat City Junction to Barnegat City, a distance of eight and seven-tenths miles, and is single track, laid with sixty-pound rail and ballasted with sand.

Recommendations.—That not less than two hundred and fifty ties be placed in track this year, all of which should be in within the next sixty days; that the speed shall not exceed twenty miles per hour.

Bridges.—The work of repairing and rebuilding these bridges in accordance with former recommendations has been completed, and all are now in good condition.

CENTRAL RAILROAD OF NEW JERSEY.

New Jersey Central Division—Main Line.

This division 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 and two tracks from Bound Brook Junction to Phillipsburg. The two passenger tracks, with the exception of thirteen miles, are laid with one hundred-pound rail. The thirteen miles are laid with ninety-pound rail. The two freight tracks east of Bound Brook are laid with ninety-pound rail, as are also the two tracks between Bound Brook and Phillipsburg. Thirty miles additional are coming to complete the thirteen miles and the balance will be laid in track 3.

The track is ballasted with stone. Twenty thousand yards are to be put in track this year. Sufficient tie renewals have been made and other work pertaining thereto has been done to keep the track in first-class condition. There are a number of trees on top of cuts between High Bridge and just west of Glen Gardner which should be taken down. This was recommended last year.

Recommendation.—That all trees standing on right of way between High Bridge and just west of Glen Gardner, which in falling would foul main track, be taken down.

Bridges.—All recommendations made last year have been carried out. The bridges are all in first-class condition. All over thirty feet long have guard-rails. The new cast-iron nose-pieces are being placed at guard-rail facing-points.

Bridge No. 136 at Hampton is being rebuilt, giving wider passage. Work of remodeling yard at Phillipsburg has been completed, and bridge No. 164 over Stockton street is new.

High Bridge Branch.

This branch extends from High Bridge to Hibernia, a distance of thirty-four miles, and is single track, laid as follows:

Twenty-eight miles of seventy-six and eighty-pound rail, two miles of seventy-pound rail and four miles of sixty-two and one-half-pound rail.

It is ballasted with gravel and cinders in good quantity. Sufficient tie renewals have been made, and other work has been done to keep the track in safe condition for the traffic. Interlocking signals have been installed at Lake and Ferremont Junction in connection with the Delaware, Lackawanna and Western Railroad, and at Wharton with the Mount Hope Mineral Railroad. Smash-boards have been installed at Dover Draw, all as recommended.

Bridges.—Recommendations have all been carried out, and bridges are in good condition, except No. 264, which needs some pointing on abutments. All the older bridges have recently been rebuilt.

Perth Amboy Branch.

This branch extends from Elizabethport to Perth Amboy, a distance of eleven and six-tenths miles, and is double track, laid

with ninety-pound rail, and ballasted with stone. Sufficient tie renewals have been made, and other work pertaining thereto has been done to keep the track in first-class condition.

Recommendation.—That the derail on eastbound track, Lehigh Valley crossing, Perth Amboy, be moved back to a distance of five hundred feet from crossing.

Bridges.—All bridges have had guard-rails put on, thus completing the recommendations of last year.

A new steel bridge designed for "E 55" loading is being built to replace No. 218 over the Pennsylvania Railroad at Perth Amboy.

Bridges are all in good condition.

Newark and New York Branch.

This branch extends from Communipaw to Newark, a distance of seven and one-half miles, and is laid with ninety-pound rail and ballasted with stone. It is a double track with the exception of that part over the Passaic and Hackensack draws, which is gantleted. Sufficient tie renewals have been made, and other work pertaining thereto has been done to keep the track in good condition.

Bridges.—Bridges are all maintained in first-class condition.

Newark and Elizabeth Branch.

This branch extends from Brill's Junction to Elizabethport, a distance of seven and two-tenths miles, and is a double track laid with ninety-pound rail, and ballasted with cinders in good quantity. Sufficient tie renewals have been made, and other work pertaining thereto has been done to keep the track in good condition.

Bridges.—The four small pile trestles on this branch are in good condition.

Ogden Mine Branch.

This branch extends from Hopatcong Junction to Edison, a distance of fifteen and three-tenths miles. The track is laid with eight miles of seventy-six, eighty and eighty-five-pound rail, balance sixty-two-and-a-half-pound rail. It is ballasted with gravel

PUBLIC UTILITY COMMISSIONERS' REPORT. 155

and cinders. The track from the junction to Hurd is in good, safe condition; west of there it is safe for the traffic, which consists of one train each way two days a week. Sufficient tie renewals have been made, and other work pertaining thereto has been done to meet the requirements.

Bridges.—All five bridges are in good condition.

Chester Branch.

This branch extends from German Valley to Chester, a distance of four and eight-tenths miles, and is single track, laid with sixty-two and one-half-pound rail, and ballasted with gravel and cinders. It is safe for the traffic, which consists of one train each way two days a week.

Bridges.—The five bridges on this branch are in good condition.

South Branch.

This branch extends from Somerville to Flemington, a distance of fifteen and five-tenths miles, and is single track. The track is laid with eighty-five- and ninety-pound rail, with the exception of two miles, which will be laid within the next sixty days. The track is ballasted with gravel and cinders in good quantity. Sufficient tie renewals have been made, and other work pertaining thereto has been done to keep the track in good condition.

Bridges.—Recommendations have been carried out, and all bridges are now in good condition.

Sound Shore Branch.

This branch extends from Elizabethport to Chrome, a distance of seven miles, and is single track, laid with eighty-pound rail, and ballasted with cinders. Sufficient tie renewals have been made, and other work pertaining thereto has been done to keep the track in safe condition.

Bridges.—Recommendations have all been carried out. No. 7 and the east end of No. 6 have been rebuilt. All bridges are now in good condition.

New Jersey Southern Division—Main Line.

This road extends from Red Bank to Bayside, a distance of one hundred and four and five-tenths miles, and is single track, laid as follows: Red Bank to Eatontown, seventy-pound rail; Eatontown to Farmingdale, eighty-pound rail; Farmingdale to Lakewood, eighty-five-pound rail; Lakewood to Lakehurst, seventy-pound rail; Lakehurst to Bullocks, eighty-five-pound rail, and the balance with eighty-five, seventy-six, seventy, sixty-six and sixty-pound rail. The track is ballasted with gravel and cinders, principally cinders, and is in good condition as far as Minotola; between Minotola and Vineland it is only fair, but in safe condition for the traffic; between Bridgeton Junction and Bayside the rail is light, but the track is in safe condition for the traffic. Sufficient tie renewals have been made to meet the requirements.

Recommendations.—That the derails at Minotola be placed not less than five hundred feet from crossing. That derails be installed both at Vineland and Bridgeton Junction at a distance of not less than five hundred feet from crossing in connection with the West Jersey and Seashore Railroad.

Bridges.—Bridges are receiving the attention necessary to maintain them in good condition. The recommendations are in process of being carried out, and are nearly all completed, the exceptions being bridge No. 83, material for rebuilding which is on the ground, and bridges Nos. 48 and 92, which have not had inside guard-rails put on. Guard-rail points in many cases are still unprotected owing to delay in receiving the standard castings which have been adopted for this purpose.

Recommendations.—Place inside guard-rails with protected ends on bridges Nos. 48 and 92.

Protect ends of inside guard-rails with beveled blocks on bridges Nos. 53, 73, 74, 76, 77, 78, 79, 81, 82, 87, 93, 94, 96, 101, 102 and 103.

Bridge No. 50—Renew defective ties and guards.

Bridge No. 55—Repair stringers and place an extra stringer under each rail.

Bridge No. 83—Renew defective stringers, ties and guards.

Bridge No. 85—Renew defective ties.

Toms River Branch.

This branch extends from Lakehurst to Barnegat, a distance of twenty-two and two-tenths miles, and is laid with seventy, sixty-six and sixty-pound rail. The track is ballasted with gravel and sand. Sufficient tie renewals have been made and other work done to keep the track in safe condition for the traffic.

A very nice station has been built at Barnegat, with all modern improvements.

Recommendations.—That derails be placed in track not less than five hundred feet from crossing at Toms river with the Pennsylvania railroad, or the present signals be moved back to a distance of two hundred and fifty feet and all trains stop before passing same.

Bridges.—Bridge No. 64 has been rebuilt as recommended. Inside guard-rails with protected points have not been placed on all bridges over thirty feet in length, as recommended. The bridges are in good condition, except No. 65, which has a poor deck.

Recommendations.—Place inside guard-rails, with beveled blocks protecting their ends, on bridges Nos. 61, 62, 63, 67 and 69.

Place beveled block in front of guard-rail points on bridge No. 64.

Renew deck of bridge No. 65.

Seashore Branch.

This branch extends from Matawan to Eatontown, a distance of twenty-five and six-tenths miles, and is single track from Matawan to Atlantic Highlands; double track from Atlantic Highlands to West End, and single track from East Long Branch to Eatontown. The track is laid from Matawan to Atlantic Highlands with seventy and eighty-five-pound rail; Atlantic Highlands to West End with eighty-five, seventy-six, seventy and sixty-pound rail; East Long Branch to Eatontown with seventy and sixty-six pound rail. It is ballasted with cinders in good quantity. Sufficient tie renewals have been made and other work done to keep the track in good condition.

158 PUBLIC UTILITY COMMISSIONERS' REPORT.

Bridges.—Recommendations have all been carried out. No. 29 has been rebuilt; the repairs made being sufficient to keep the bridges in good condition. Several trestles have been shortened, and No. 20 has been filled. No. 18 is to have repairs made, and a third stringer added under each rail. Nos. 19 and 25 are to be replaced with I-beams. The trestle approach to pier at Atlantic Highlands has received an entire new standard deck of creosoted timber.

Recommendations.—Place beveled blocks protecting points of guard-rail on bridges Nos. 23 and 32.

Renew defective ties on bridge No. 27.

Freehold Branch.

This branch extends from Matawan to Freehold, a distance of twelve miles, and is laid with two miles of sixty-six-pound rail; balance sixty-pound rail, and ballasted with cinders. Sufficient tie renewals have been made and other work done to keep the track in safe condition for the traffic.

Bridges.—Inside guard-rails have been placed on all bridges over thirty feet long, as recommended.

No. 3 is listed for repairs this year.

Recommendation.—Renew defective stringers on bridge No. 3.

DELAWARE, LACKAWANNA AND WESTERN RAILROAD.

Main Line.

This division extends from Hoboken to Denville Junction, a distance of thirty-six and thirty-seven one-hundredths miles, and from Bergen Junction to Delaware bridge, via Boonton branch, a distance of seventy-nine and seventeen one-hundredths miles. The portion between Hoboken and Denville Junction is laid with eighty-pound rail, with the exception of six miles, which is laid with seventy-five-pound rail. It is double track, ballasted with gravel and stone. Third tracks are located between Newark and Fifteenth street, Roseville, also between Highland avenue and Millburn. That portion between Bergen Junction and Delaware river is laid with eighty, ninety and ninety-one-pound rail, ballasted with stone between Hoboken and Netcong and between

Manunka Chunk and Delaware bridge. The balance is gravel and cinder ballast. All ties that are now being used are treated, a large plant having been erected at Paterson for this purpose. Sufficient tie renewals have been made, and other work done to keep the track in good condition. The two grade crossings at West End, over the tracks of the New York, Susquehanna and Western Railroad have been eliminated by the depression of the tracks on the New York, Susquehanna and Western Railroad, and the elevation of the Delaware, Lackawanna and Western Railroad tracks.

All track recommendations have been complied with.

Morristown Line.

Bridges.—Recommendations for inside guard-rails have not been carried out, except in the case of the Passaic River bridge. The recommendations are therefore repeated.

Bridges are in fair to good condition. Between Chester Junction and Port Morris yard the bridges are being widened to accommodate the fourth track now under construction.

Recommendations.—Place inside guard-rails with beveled points on the following bridges:

Harrison avenue, Harrison.

High street, Newark.

Main street, Millburn.

Water street and Emmet avenue, Morristown.

Warren Railroad.

Bridges.—Bridges are all in good condition. The arch at Manunka Chunk has been replaced with a deck plate girder span.

Boonton Branch.

Bridges.—New bridges are in service over the Erie Railroad at West End and at Athenia. The through pin span over Hoboken avenue, Jersey City, has been replaced with a through-plate girder. It has been decided to be impracticable to put a solid floor on the Rockaway river bridge at Boonton. The west-bound track has been retied, but the old ties still remain in the eastbound track. Some light repairs have been made to the sur-

face of these ties, but they are generally in very poor condition, and should be entirely renewed.

The recommendations of 1909 have been carried out, except for placing inside guard-rails on Stuyvesant avenue bridge at Lyndhurst. This bridge is situated so that it forms a part of the station platform, and is entirely planked over between the rails. It is located on tangent, and grade is level or nearly so. Under these circumstances guard-rails might with safety be omitted from this bridge.

Recommendations.—Place new timber deck on eastbound track on Rockaway bridge at Boonton.

Place standard beveled points on guard-rails of High bridge.

Rockaway Branch.

This branch extends from Denville Junction to East Dover, a distance of three and six-tenths miles, and is laid with seventy-five and sixty-seven-pound rail, ballasted with gravel and cinders. Sufficient tie renewals have been made and other work done to keep the track in good condition.

Bridges.—Bridges are all in good condition.

Passaic and Delaware Branch.

This branch extends from Summit to Gladstone, a distance of twenty-one and five-tenths miles, and is a single track, laid with seventy-five and eighty-five-pound rail, and ballasted with cinders in good quantity. Sufficient tie renewals have been made and other work done to keep the track in good condition. Electric automatic signals have been installed on this branch, forty-five hundred feet apart, governing trains in both directions, making it impossible, if the engineers regard the signals, to have either a rear-end or head-on collision.

Bridges.—Guard-rails have been placed on bridge at Peapack as recommended. Bridges are all in good condition.

Phillipsburg Branch.

This branch extends from Washington to Phillipsburg, a distance of thirteen and seven-tenths miles, and is single track, laid with seventy-five-pound rail, ballasted with gravel and cinders.

PUBLIC UTILITY COMMISSIONERS' REPORT. 161

Sufficient tie renewals have been made, and other work done to keep the track in good condition.

Bridges.—Bridges are all in good condition.

Hampton Branch.

This branch extends from Washington to Hampton Junction, a distance of four and eight-tenths miles, and is single track, laid with sixty-seven-pound rail, ballasted with gravel and cinders. Sufficient tie renewals have been made and other work done to keep the track in good condition.

Bridges.—Renewals have been made sufficient to maintain both of the bridges on this branch in good condition. One hundred creosoted ties have recently been ordered for renewals on the Musconetcong river bridge.

Sussex Branch.

This branch extends from Netcong to Franklin Furnace, and from Branchville Junction to Branchville, a distance of thirty and five-tenths miles, and is single track, laid with eighty-pound rail from Netcong to Newton, the balance with seventy-five-pound rail, with the exception of two miles between Branchville Junction and Franklin, which is laid with sixty-pound rail, all 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. Automatic signals have been installed between Netcong and Newton, working on the same principle as those on the Passaic and Delaware branch. Interlocking signals have also been installed at Andover grade crossing in connection with the Lehigh and Hudson River Railroad, as recommended. Interlocking signals have been installed at Franklin Junction in connection with the New York, Susquehanna and Western Railroad, as recommended.

Bridges.—Guard-rails have been placed across canal draw-bridge, as recommended. Bridge on Y at Franklin Junction is rebuilding. All the other bridges are in good condition.

Branchville Branch.

Bridges.—Bridges are in fair to good condition. Creosoted ties are ordered for several of them this year. The masonry on

162 PUBLIC UTILITY COMMISSIONERS' REPORT.

first bridge east of Augusta is poor and should have necessary repairs made this year.

Recommendation.—Make necessary repairs to masonry on first bridge east of Augusta.

Newark and Bloomfield Branch.

This Branch extends from Roseville Junction to Montclair, a distance of four miles, and is double track to Bloomfield, and single track from Bloomfield to Montclair, laid with eighty-pound rail. Sufficient tie renewals have been made and other work done to keep the track in good condition. Work is about to be commenced on the grade crossing elimination through Bloomfield.

Bridges.—Bridges are in good condition, except masonry on small span over highway east of Glen Ridge. New wall caps and blocking pieces have been placed here as recommended, but the masonry remains in poor condition as before. The timber deck is the same as when last inspected.

Recommendation.—Make necessary repairs to upper part of stone abutments on bridge over highway east of Glen Ridge.

Hopatcong Branch.

This branch is now operated electrically by trolley.

Bridges.—The bridges are maintained in safe condition. A new deck is to be placed on the canal bridge this year.

Chester Branch.

Bridges.—Recommendations have been carried out on bridge near Succasunna. The remaining bridges are in good condition except for wide space at ends of first bridge west of Ironia.

Recommendation.—Place additional tie at each end of span on first bridge west of Ironia.

ERIE RAILROAD.

Main Line.

The main line extends between Jersey City and a point one mile west of Mahwah, a distance of thirty miles. There are four tracks from Jersey City to Bergen Junction, with two

PUBLIC UTILITY COMMISSIONERS' REPORT. 163

tracks through the tunnel and as far west as Hackensack bridge; four tracks from Hackensack bridge to Rutherford; two tracks from Rutherford to Ridgewood Junction, and from Ridgewood Junction to the State Line four tracks, making fifteen miles of double and fifteen miles of four track. All tracks are laid with ninety-pound steel rail. Passenger tracks are ballasted with stone, freight tracks with stone west of Ridgewood Junction. Sufficient tie renewals have been and are now being made, and other work pertaining thereto has been done, to keep the road in good condition.

The new open cut through Bergen Hill is near completion. Two tracks are expected to be in service by July 1st next. When fully completed there will be four tracks through this cut, all laid with one hundred-pound rail.

Bridges.—Bridges are all in good condition, except as noted below. Necessary renewals are made and recommendations of last year have been carried out. Bridge 10.22 over Passaic river has developed cracks in east abutment, which should receive early attention.

Bridge 16.20 over Governor street, Paterson, is still shored up and maintained in safe condition. All bridges over thirty feet long have inside guard-rails. Repairs have been made at Hackensack Draw, No. 5.48.

Recommendations.—Repair north end of east abutment under bridge seat at bridge No. 10.22 and point masonry.

Place beveled block protecting points of guard rails on bridges No. 12.47 and No. 30.01.

Renew defective ties on bridges Nos. 29.18, 30.01 and 30.11.

Northern Railroad of New Jersey.

This road extends in New Jersey from Bergen Junction to the New York State Line at a point just east of Tappan, a distance of twenty and one-half miles. It is all double track. The track is laid with eighty-pound rail. It is ballasted with stone as far as Englewood, a distance of fifteen miles. The balance is cinders and gravel. Two hundred tons of new eighty-pound rail have been placed in track since last inspection. Sufficient

164 PUBLIC UTILITY COMMISSIONERS' REPORT.

tie renewals have been and are now being made, and other work pertaining thereto has been done, to keep the track in good condition. All recommendations of last year have been complied with.

Bridges.—Bridges are all in good condition, recommendations having been carried out, except on Nos. 7.49 and 3.28.

Recommendations.—Place new bolster blocks on bridge 7.49. Renew deck and repair masonry on bridge 3.28.

Bergen County Short Cut.

This road extends from Rutherford Junction to Ridgewood Junction, a distance of ten miles. It is double track. The track is laid with ninety-pound rail and ballasted with graded and cinders in good quantity. The track has been well maintained and sufficient tie renewals have been and are now being made to keep the road in good condition.

Bridges.—The bridges are all in good condition, except ties on Nos. 6.34 and 2.12. Inside guard-rails have been placed on Nos. 2.38, 4.88 and 6.34, so that all over thirty feet long are properly protected.

Recommendations.—Renew defective ties on bridges 2.12 and 6.34.

Newark Branch.

This branch extends from Hackensack bridge to Paterson, a distance of seventeen miles. There are four miles of double track, the balance single. The track is laid with ninety-pound rail to one-quarter mile east of Harrison; from Harrison to Allwood with seventy-four-pound rail; from Allwood to Paterson Junction with eighty-pound rail. The track is ballasted with gravel and cinders in good quantity. Sufficient tie renewals have been and are now being made, and other work pertaining thereto has been done to keep the track in good condition.

Bridges.—All bridges are in good condition, except the Passaic river draw in Newark, No. 5.49. This bridge is maintained in safe condition for the restricted speed and loads. Bridge 7.54 at Belleville has been replaced by two new steel bridges on concrete abutments, and is complete except for guards and guard rails and a few ties.

Recommendations.—Place a beveled block in front of guard-rail points on bridge 10.41.

New Jersey and New York Division.

This road extends from New Jersey and New York Junction to the State line west of Montvale, a distance of eighteen miles. Ten miles of this road are double track, the balance single. The track is laid with seventy-two-pound rail. It is ballasted with gravel and cinders in good quantity. Sufficient tie renewals have been and are now being made to keep the track in good condition for the traffic. All recommendations made in 1909 have been complied with.

Bridges.—All bridges are in good condition. Bridge 13.59 has been replaced by a remodeled bridge from the old Newark branch.

New York and Greenwood Lake Division.

This road extends from Bergen Junction to Sterling Forest, a distance of forty-one and six-tenths miles. The track is laid with eighty-pound rail from Bergen Junction to Ringwood Junction, with the exception of one mile, which is laid with seventy-four-pound rail; from Ringwood Junction to Sterling Forest three miles of second ninety, sixty-eight-hundredths of second eighty and the balance sixty-three-pound rail. The track is ballasted with cinders and gravel in good quantity. There are fourteen and four-tenths miles of double track, the balance single. Three miles and sixty-eight-hundredths of the light sixty-three-pound rail have been replaced with eighty and ninety-pound rail, which complies with part of the recommendations made last year. It is expected to replace the balance this year. Tie renewals have been and are now being made, and other work pertaining thereto has been done to keep the track in good condition.

Bridges.—Recommendations made as result of former inspections are being carried out. Considerable repair work is under way, which, when completed, will place all the bridges in good condition. The following list of renewals are noted under recommendations, even though some may be included in the work now in hand.

Recommendations.—Renew defective ties on the following bridges: Nos. 3.86, 5.13, 5.25, 6.65, 6.70, 6.76, 6.89, 6.99, 9.21, 9.25, 12.24, 16.50, 17.92, 19.52, 25.25, 27.19, 30.75 and 38.35.

Defective guards should be renewed on bridges Nos. 6.70, 6.75, 9.21, 9.25 and 16.50.

Place inside guard-rails on bridge 1.93. Protect points of guard-rails with beveled blocks on bridge 5.13 eastbound, 27.19 and 30.75.

Point masonry on bridges 32.11 and 32.14.

Caldwell Branch.

This branch extends from Great Notch to Essex Fells, a distance of six miles, and it is single track. The track is laid with seventy-four-pound rail, ballasted with gravel and cinders in good quantity. Sufficient tie renewals have been made, and other work pertaining thereto has been done, to keep the track in good condition. Recommendations made in 1909 have been complied with.

Bridges.—Repairs have been completed at bridge 2.62, and 5.64 has been rebuilt. All bridges over thirty feet long have been provided with inside guard-rails. Repairs have not yet been made at bridge 1.76, though they are reported as ordered by the company.

Recommendations.—Renew defective ties, guards and caps on bridge 1.76.

Ringwood Branch.

This branch extends from Ringwood Junction to Ringwood, a distance of three miles and is single track. The track is laid with seventy-four-pound rail, and ballasted with gravel and cinders. Sufficient tie renewals have been made and other work pertaining thereto has been done, to keep the track in safe condition for the traffic.

Bridges.—Repairs recommended have been made at bridge 1.63, but not at 0.59. They are soon to be made here.

Recommendations.—Renew defective caps and guards at bridge 0.59. Bevel off blocks in front of guard-rails on bridges 0.51, 0.59 and 1.63.

Orange Branch.

This branch extends from Forest Hill to West Orange, a distance of four miles. It is single track. The track is laid with eighty-pound rail, ballasted with gravel and cinders in good quantity. Tie renewals have been made and other work pertaining thereto has been done to keep the track in good condition.

High switch stands have replaced the low ones. The West Orange station has been put in good condition with concrete platform and is fully adequate for the traffic.

Recommendation.—That the time bell at Lawrence street be so arranged that it will ring until trains reach the crossing.

Bridges.—Recommendations have all been carried out, and bridges are all in sufficiently good condition for the traffic. Renewals of the older bridges are contemplated in the near future.

Main Line—Open Cut.

On June 12th, 1910, the open cut in Jersey City was placed in service. It is approximately seven-eighths of a mile long and is on tangent, except for a curve at each end. It is intended to supplement the tunnel approach to the Jersey City yard and terminal, and will be used entirely for passenger trains. The old double-track tunnel will be used exclusively for freight. The track is laid with one-hundred-pound rails, and stone ballast. Three tracks are in service and the fourth will soon be completed.

Starting from the same level as the old tracks at the west end, the cut rises on a 0.73 per cent. grade to a point forty feet above the old level at the east end and where the new line crosses over the New Jersey Junction railroad. From this point the four tracks are carried on a steel viaduct, 1,776 feet long, having a one per cent. grade falling toward the east. The viaduct is carried on heavy steel towers resting on reinforced concrete cylinders sunk to hard sand and rock. From the east end of the viaduct the tracks are carried on a timber trestle and fill, on a grade of 1.25 per cent., to the level of the yard tracks near the terminal. The cut is crossed by seven overhead bridges. One is a deck riveted lattice girder span carrying trolley line, two are reinforced concrete arches, and four are natural rock lined with

concrete. East of the tunnel and leading to the yards a double-track freight line on embankment, with a single-track connection on steel viaduct, is under construction northward of the new four-track work. On this freight line the street crossings are all through plate-girder bridges with concrete abutments.

LEHIGH AND HUDSON RIVER RAILROAD.

This road extends in New Jersey from Mansfield street, Belvidere, to State Line, east of Vernon, a distance of forty-seven miles. It is single track. The track is all laid with eighty-pound rail, with the exception of three miles across the Vernon meadows, which is laid with one hundred-pound rail. It is ballasted with gravel and cinders in good quantity. Four hundred and sixty tons of one hundred-pound, and seventy tons of eighty-pound rail have been placed in track since last inspection. Sufficient tie renewals have been made, and other work pertaining thereto has been done, to keep the track in good condition. All track recommendations made in 1909 have been complied with.

Bridges.—Considerable work has been done during the past year toward putting the bridges on this line in proper condition. This work should continue until all the old dry masonry is replaced with modern concrete or stone masonry laid in Portland cement. Nearly all the repairs recommended last year have been carried out. Nos. 110, 120 and 121 are to be rebuilt this year and also 119. No. 105 has not yet been pointed, and No. 160, a cattle pass, has not been repaired owing to pending negotiation for its purchase. The small drain at Green's Crossing has been repaired in timber.

All bridges over thirty feet long have guard-rails with properly protected points.

Recommendations:—

- Bridge 67. Renew defective ties.
- Bridge 83. Renew defective ties.
- Bridge 96. Point masonry.
- Bridge 103. Point masonry.
- Bridge 105. Point masonry.
- Bridge 108. Point masonry.
- Bridge 109. Rebuild masonry walls.

Bridge 110. Rebuild.
Bridge 112. Point masonry.
Bridge 113. Point masonry.
Bridge 114. Point masonry.
Bridge 117. Point masonry.
Bridge 119. Rebuild.
Bridge 120. Rebuild.
Bridge 121. Rebuild.
Bridge 126. Rebuild.
Bridge 131. Point masonry.
Bridge 132. Rebuild.
Bridge 160. Rebuild or replace with pipe.

LEHIGH AND NEW ENGLAND RAILROAD.

This road extends in New Jersey from Liberty Corner to Swartswood Junction, and from Hainsburg Junction to Delaware river, a distance of twenty-three and nine-tenths miles. It is single track, laid with sixty-pound rail, with the exception of four thousand feet at Baleville, which is laid with eighty-pound rail, all ballasted with gravel and cinders. Long ties have been placed in track over the meadows, improving conditions very much. While the rail is bent in a great many places, tie renewals have been and are now being made to keep the track safe for the traffic and rate of speed, viz., thirty miles per hour for passenger trains, and fifteen miles per hour for freight trains.

All track recommendations have been complied with, with the exception that interlocking signals have not been installed at Augusta.

Bridges.—The bridges on this line have been greatly improved since the last inspection. Cattle passes Nos. 2, 4, 10, 11, 23, 36 and 40 have been rebuilt in concrete, and trestles Nos. 13, 15, 19, 21, 27, 41 and 43 have been made standard. No. 22 is now an I-beam bridge on concrete piers.

Inside guard rails have been placed on all bridges over thirty feet long, as recommended.

Work has been started to jacket the piers of the Delaware river bridge with reinforced concrete two feet thick supported on piles and anchored to old stone masonry.

Cattle passes Nos. 28, 30, 31 and 32 should have joints in abutments cleaned out and pointed, and bridge No. 25 should have defective stringers renewed, or should be replaced with a reinforced concrete floor.

A special report will later be made on No. 7.

Recommendations.—Bridge No. 25: Renew defective stringers or replace with reinforced concrete floor.

Bridges Nos. 28, 30, 31 and 32: Rake out and point joints in stone masonry abutments.

The following order was entered requiring installation of interlocking signals:

“After hearing upon notice, and due consideration of the statement of its chief inspector, the communications made to it by the Lehigh and New England Railroad Company, and of the terms of an order made by the Court of Chancery of New Jersey, on September 19th, 1889, in an action then pending in said court, wherein the Sussex Railroad Company was complainant and the Pennsylvania, Poughkeepsie and Boston Railroad Company was defendant, the Board of Public Utility Commissioners for the State of New Jersey, in its judgment, finds that the provision of proper and adequate transportation facilities for the proper transportation of passengers and property by the Lehigh and New England Railroad Company requires that the said company install standard interlocking signals at a distance of not less than two hundred and fifty feet (250) from the crossing by its line of railway of the line of the Sussex Railroad Company, at Augusta; that these signals be so constructed that one signal only can be given at a time in the direction of traffic until the train having the right of way has cleared the crossing, and that all trains come to a stop at the home signal.

“The Board of Public Utility Commissioners for the State of New Jersey, therefore, hereby, on this ninth day of August, nineteen hundred and ten, orders and requires the said Lehigh and New England Railroad Company to install such signals, so constructed, and so to stop its trains, at said crossing.”

Bridge No. 7 Over Paulin's Kiln, Near Augusta.

This is a deck-plate girder skew span on stone abutments and a timber trestle single track, and was built in 1889. Inspection resulted in a recommendation that the entire crossing be renewed with a bridge of modern design. The railroad company requested that the bridge be allowed to go through for the calendar year, agreeing to make such temporary repairs at once as were recommended by the Board's engineer of bridges. The request of the company was granted, and certain repairs, to be made pending the permanent renewal, were recommended, and the recommendations have been carried out.

LEHIGH VALLEY RAILROAD.

Main Line.

This line extends from Jersey City to State Line at Phillipsburg, a distance of seventy-six miles, and is double track. That part from Park View to Jersey City, a distance of nine and seventenths miles, is used for freight purposes only. The track is laid with ninety-pound rail, ballasted with stone as far as Park View. From Park View to Jersey City it is ballasted with cinders. There are ten miles of third track between Stanton and Landsdown, and eight miles of four track between Potters and New Market. Betterments have been made by laying twenty-five hundred tons of ninety-pound new rail in main line, eight hundred additional tons to be laid this year. Eighteen thousand seven hundred and ninety-five yards of stone ballast have been placed in track this year. All ties placed in main line have been creosoted. Sufficient tie renewals have been made and other work done to keep the track in first-class condition.

All track recommendations made in 1909 have been complied with.

Bridges—New Jersey Division.—The bridges have been greatly improved since the last general inspection, all work having been done in a first-class manner. All the shelf-angle spans have been removed and modern steel spans substituted. The approach to bridge No. 35 has been rebuilt with a double line of thirty-inch I-beams under each rail. Work on the stone piers at this bridge is nearly complete. Material is at the site for placing a stiff lower lateral system in 16 B, a through span over the Central railroad. Aside from ordinary repairs, such as tie renewals and painting, the bridges are generally in good condition. All the recommendations have been carried out. Painting is in progress. The remaining bridges which should have new ties in 1910 are noted under recommendations. Inside guard-rails are on all bridges over thirty feet long; ends of same are protected by beveled iron or wooden points. Some of these bridges are noted for further examination.

Recommendations.—Renew defective ties on the following bridges: 17A, 20, 21, 21A, 33A (west bound), 49A (No. 4 track) and 51B.

Bridges—New York Division.—A great deal of new bridge-work is under construction on this line. The viaduct at Greenville is nearing completion, and will be in service by the end of July. Bridge No. 11 over Waverly avenue, Newark, is new, replacing an old shelf-angle bridge. Bridge No. 10B, also in Newark, is under reconstruction. The shelf angles have been removed and a steel floor substituted. A lower lateral system is being placed on the deck girders. Ties east of draw on bridge No. 6 are getting in poor condition, and should be renewed.

Recommendations for placing inside guard rails across Newark bay trestle (6 and 6B) and protecting all guard-rail ends by beveled points or sloping blocks have not been carried out, and are therefore repeated.

Recommendations.—Place inside guard-rails across Newark bay trestles Nos. 6 and 6B.

Protect facing points of inside guard-rails by a beveled block sloping from top of rail to ties on the following bridges: 3B, 5B, 5C, 5D, 5E, 10 and 10A.

Perth Amboy Branch.

This branch extends from South Plainfield to Perth Amboy, a distance of nine and six-tenths miles, and is double track, laid with eighty and ninety-pound rail, ballasted with gravel and cinders. Electric automatic signals are now being installed on this branch. Sufficient tie renewals have been made and other work pertaining thereto has been done to keep the track in good condition.

Bridges.—All repairs have been made and bridges are all in good condition. Plans are in preparation for replacing four small I beam spans with solid concrete floors.

Pittstown Branch.

This branch extends from Landsdown to Pittstown, a distance of four miles, and is single track, laid with seventy-six-pound rail, and 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.

All track recommendations made in 1909 have been complied with.

PUBLIC UTILITY COMMISSIONERS' REPORT. 173

Bridges.—Bridges are all in good condition, except No. 60, which was noted in last report for inside guard rails and some tie renewals. At the present time, inside guard rails have been ordered and the defective ties are marked. The recommendations are therefore repeated.

Recommendations.—Renew defective ties on bridge P. I. 60, and place inside guard-rails with protected ends across bridge.

Clinton Branch.

This branch extends from Landsdown to Clinton, a distance of two and one-tenth miles, and is single track, laid with sixty-six and seventy-six-pound rail, ballasted with cinders. Sufficient tie renewals have been made, and other work done, to keep the track in safe condition for the traffic.

All track recommendations made in 1909 have been complied with.

Bridges.—Bridges are all in good condition. CL 57 has not had beveled blocks placed, protecting points of guard rails, as recommended.

Recommendation.—Place a beveled block protecting points of inside guard rails on bridge CL 57.

National Docks Branch.

This branch extends from National Junction to Constable Hook and has branches to the Pennsylvania Railroad at Waldo Junction and to the National Docks, also connection with the New Jersey Junction Railroad. It is double track, laid with seventy, eighty and ninety-pound rail, ballasted with stone and cinders. Sufficient tie renewals have been made and other work done to keep the track in safe condition for the traffic. It is used for freight purposes only.

Bridges.—Bridges are all in good condition, except ties on Nos. ND2 and ND7. Ties on NDT 1 E also are poor.

Recommendations.—Renew defective ties on ND2, ND7 and NDT 1 E. Protect all inside guard rails not having beveled points by a beveled block sloping from top of rail to ties.

MORRISTOWN AND ERIE RAILROAD.

This road extends from Morristown to Essex Fells, a distance of ten and eight-tenths miles.

The entire road is single track. The road is laid with eighty-pound rail for eight and four-tenths miles, the balance with sixty-two pound rail. Forty tons of eighty-pound rail have replaced the sixty-two-pound rail since last inspection. Sufficient tie renewals have been made and additional ballast has been added to keep the track in safe condition.

Recommendations.—That all ditches be cleaned to give them the proper drainage. That a derail be placed in west end of sand pit, also at Beaufort. That a sanitary toilet be installed at Morristown Station.

Bridges.—While some work has been done toward bettering the condition of the bridges, the recommendations made last year have not been carried out. They are therefore repeated below in detail, together with such additional recommendations as are now necessary to properly safeguard traffic on this line.

Recommendations.—Respace ties to not over 8" clear between them on the following bridges, and, at the same time, place on them guard timbers notched 1" over the ties and bolted to at least every third tie:

Single span bridge at Beaufort.

Farm drain west of Hanover.

Three four-span trestles on meadows.

One single-span bridge over dry run, all between Hanover and Whippany.

Cattle pass east of Malapardis Junction.

Bridge over Malapardis brook on the Malapardis branch.

Also place inside guard-rails on the following bridges:

Deck-plate girder span west of Roseland.

Deck-plate girder span east of Hanover.

Three four-span trestles on meadows east of Whippany.

Bridge over Malapardis brook on the Malapardis branch.

The following order was made based on the above:

"On April thirteenth, nineteen hundred and ten, the Board of Railroad Commissioners for the State of New Jersey caused an inspection of the track, roadbed, bridges and stations of the Morristown and Erie Railroad

PUBLIC UTILITY COMMISSIONERS' REPORT. 175

Company to be made by its Chief Inspector and its Engineer of Bridges.

"The results of such inspection were in due course submitted to the Board, with recommendations, and a copy of such report and recommendations was served upon said company, with notice that the Board would, at its meeting at Trenton, on Tuesday, May third, nineteen hundred and ten, take up for consideration the said report and the recommendations contained therein.

"The said company neither communicated with the Board nor appeared before it at the time and place set.

"On due consideration of the said report and the recommendations therein contained, and the testimony of its Chief Inspector and its Engineer of Bridges, the Board finds that in the particulars hereinafter set out the said Company fails to furnish proper and adequate transportation facilities; that its trackage, roadbed, bridges and equipment are deficient in the particulars hereinafter enumerated, and that the safety thereof requires the work, renewals and repairs hereinafter ordered.

"It is, therefore, on this seventeenth day of May, one thousand nine hundred and ten,

"ORDERED, that the Morristown and Erie Railroad Company forthwith cause the following work to be done, and the following repairs and renewals to be made:

"Clean all ditches to give them proper drainage, and place a derail in west end of sand-pit and another derail at Beaufort.

"Respace ties to not over eight inches clear between them on the following bridges, and place on said bridges guard timbers, notched one inch over the ties and bolted to at least every third tie:

- Single-span bridge at Beaufort,
- Farm drain west of Hanover,
- Three four-span trestles on meadows,
- One single-span bridge over dry run,
- All between Hanover and Whippany.
- Cattle Pass east of Malapardis Junction,
- Bridge over Malapardis Brook on the Malapardis Branch.
- Place inside guard rails on the following bridges:
- Deck plate girder span west of Roseland,
- Deck plate girder span east of Hanover,
- Three four-span trestles on meadows east of Whippany,
- Bridge over Malapardis Brook on the Malapardis Branch.

"And on such report and testimony the said Board further finds that the Morristown and Erie Railroad Company fails to furnish proper and adequate station facilities at its Morristown station, and it is, therefore, further ordered that said company forthwith cause a sanitary toilet to be installed at its said station.

MOUNT HOPE MINERAL RAILROAD.

This road extends from Wharton to Mount Hope, a distance of four miles. The track is laid with fifty-six-pound rail. The road is ballasted with cinders, gravel and a small percentage of sand. Seventy-pound rail has been ordered for the entire line. It is expected this will be placed in track within the next four months.

This road is used for freight purposes only. It crosses the Central Railroad at Wharton at grade. This crossing is protected with interlocking signals. The road is in good condition for the traffic.

Bridges.—There are three bridges on this line. One is a small timber trestle of two spans and one a single span I-beam bridge.

The Rockaway river bridge is a pony riveted lattice span on masonry abutments.

The bridges are all in fair condition. The heaviest loads are 110,000 pounds ore cars.

Inside guard-rails should be placed across the Rockaway river bridge, and timber-guards, notched at least 1" over ties and bolted to at least every third tie, should take the place of the light strips at present nailed on. A detailed examination and report on this bridge will be made later.

Recommendations.—Place inside guard rails and guard timbers on Rockaway river bridge, as mentioned above.

NEW JERSEY AND PENNSYLVANIA RAILROAD.

This road extends from White House to Watnong, a distance of twenty-four miles. The track is laid as follows: Twelve miles of fifty-six-pound rail; eleven miles of sixty-pound, one-half mile of forty-five pound, one-half mile of seventy pound. The road is ballasted with cinders in small quantities for about two miles, the remainder is mud. For miles the ties lie on top of the ground with no ballast. The fastenings at joints are angle bars and fish plates about evenly distributed. The rails are mostly bent and crooked. The entire system is out of line and surface. A good number of ties have been placed in track during the past year. Fifty carloads of ballast are now being distributed in track, but not in large enough quantity to be of much use. The old combination car now running should be taken out of service. I do not consider it safe.

Recommendations.—That all bent and crooked rails be either straightened or replaced; that not less than five thousand ties be placed in track this year; that the entire road be ballasted with material that will meet the requirements; that angle bars take the place of fish plates; that all stub switches in main track be replaced with split points; that derails be placed in the following switches: Brookside Coal trestle, Pitney's coal switch; Mendham, south end; Peapack, south end; Updyke switch; Sutton's switch. In all main line switches at New Germantown.

Bridges.—There are sixty wooden bridges on this line. With the exception of the Peapack trestle of thirty spans, Rockaway river of twenty, Lamington river of fourteen, Sawmill bridge of twelve, Moore's of nine, Melick's of eight, and Hillyard's of six, the remaining bridges are from one to three spans each over small openings for cattle or sluiceways. There are also a number of small drainage openings under the track, maintained in timber.

The bridges are light and generally in poor condition. Repairs have been sparingly made. As previously noted, many of the spans are excessively long for timber. They should be shortened by placing intermediate bents under them. Many of the smaller openings could be permanently replaced with cast-iron pipe, while others used as cattle passes could be reduced to one short span supported on pile or timber bents and having timber bulkheads; or they might be permanently replaced with concrete.

The heaviest loads carried are steel coal cars with maximum loads of 80,000 pounds each.

Recommendations.—That where possible all track drains and small openings be replaced with cast-iron pipe.

That as long as the above-mentioned loads are not exceeded all bridges be brought up to the equivalent strength of two new 8" x 16" yellow pine stringers under each rail on spans of 12' center to center. That ties be straightened out on bridges and secured against bunching, and that all bridge tie renewals be made with sawed ties, at least 8" x 8" in size, spaced from 6" to 8" apart, preferably 6".

That inside guard rails be placed on all bridges over thirty feet long. To extend at least one rail length beyond ends of bridge and have their ends curved together and protected by a block sloping from top of rail to ties and securely spiked down.

The following order was made based on the above:

"The Board of Railroad Commissioners (now the Board of Public Utility Commissioners) for the State of New Jersey caused an inspection to be made on April twenty-eighth, one thousand nine hundred and ten, by its Chief Inspector and Engineer of Bridges of the track and bridges of the New Jersey and Pennsylvania Railroad.

"A report of this inspection containing recommendations for repairs and replacements was made to the Board and a copy sent to the New Jersey and Pennsylvania Railroad Company.

178 PUBLIC UTILITY COMMISSIONERS' REPORT.

"On May thirty-first, one thousand nine hundred and ten, the Superintendent of the New Jersey and Pennsylvania Railroad Company appeared before the Board of Railroad Commissioners at a hearing on the recommendations contained in the above-mentioned report, and on September twenty-seventh, one thousand nine hundred and ten, the Superintendent and President of the said company appeared before the Board of Public Utility Commissioners at a further hearing. On that date consideration of the recommendations was postponed until November fifteenth, one thousand nine hundred and ten.

"On November fifteenth, one thousand nine hundred and ten, hearing was called by the Board of Public Utility Commissioners on the recommendations above mentioned, at which hearing testimony was given by the Board's Inspector and Engineer of Bridges and by the Superintendent of the New Jersey and Pennsylvania Railroad Company. This testimony showing that certain of the recommendations referred to herein have been disregarded by the New Jersey and Pennsylvania Railroad Company, the Board finds that it is necessary, for the safety of the trackage, roadbed and bridges of the said company that the work hereinafter indicated be forthwith begun and promptly completed.

"It is, therefore, on this twenty-second day of November, one thousand nine hundred and ten,

"ORDERED, by the Board of Public Utility Commissioners for the State of New Jersey, that the New Jersey and Pennsylvania Railroad Company forthwith begin and promptly complete the following work:

1. Replace all stub switches in main track with split points.
2. Place derails on all sidings where if brakes are released cars would run out on main line.
3. Take out all the forty-five pound rail and replace same; also replace all bent rail unsafe for traffic, using therefor not less than one hundred tons of new or second-hand standard rail.
4. Place warning signs at all public highway crossings.
5. Place inside guard rails on all bridges over thirty feet long.
6. Make all repairs and replacements indicated in a 'Report on the bridges of the New Jersey and Pennsylvania Railroad, September 14-17, 1910,' which report is on file with this Board, and a copy of which was sent to the New Jersey and Pennsylvania Railroad Company on October eleventh, one thousand nine hundred and ten."

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, and is double track, ballasted with stone and cinders in good quantity. The road is laid as follows:

Eighteen one-hundredths miles of one-hundred-pound rail.

Thirty-two and sixty-six hundredths miles of ninety-pound rail.

Thirteen and forty-eight hundredths miles of eighty-pound rail.

Eighteen and ten hundredths miles of seventy-six-pound rail.

Eleven and sixty-six hundredths miles of seventy-pound rail.

While the track has been well maintained and is in good condition, the seventy-pound rail which has been in service a num-

ber of years is too light for the heavy traffic on this line, and should be replaced with heavier. I noticed that nearly all of the warning signs at highway crossings are rusted so badly the letters on them cannot be read.

Recommendations.—That the light seventy-pound rail be replaced with not less than ninety-pound rail; that the warning signs at highway crossings be painted and relettered.

Bridges.—Considerable work has been done towards putting the bridges in better condition. During the year several special reports have been made, with recommendations resulting in the complete renewal of some of the smaller spans, and in stiffening and securing some of the larger ones. The work recommended is proceeding, and should be completed this season.

The stone masonry of Field's Underpass is in poor condition. The walls, not having been pointed as recommended, are cracking in many places, generally through joints between stones. The seat stones are loosening and have open joints under them.

Repairs to masonry and pointing have been completed at many places along the line, resulting in considerable improvement. Girders and deck of Allenhurst bridge have been entirely renewed. New bridges have been placed at Eastburn avenue, Takanassee road, Elberon, Allenhurst, Interlaken and North Asbury Park. Shark river bridge at Belmar has been rebuilt with standard deck and piling, but with second-hand material. The smaller Shark river bridge at Avon has had new piling driven and spans shortened. The timber underpass north of Deal Beach has been replaced with cast iron pipe, and the smaller at Villa Park is to be replaced with pipe this year.

When the new I-beam bridges were put in place between Long Branch and Interlaken, temporary light timber was used, taking the place of masonry back walls. Now that the heavy summer traffic is over, these should be replaced with concrete or stone masonry in permanent form. At the same time, the steel wall plates which were omitted at Eastburn avenue and Takanassee should be inserted. Standard guard-timbers should be placed on the bridge at North Asbury Park.

Inside guard-rails have been lengthened on the facing ends, as recommended, except at the two Manasquan river bridges.

Beveled blocks are placed at the facing ends of all guard-rails except Raritan river, Hendrickson's, Branchport, Takanassee and Brielle.

At Moore's Cove (called Davis's Creek, in last year's report) negotiations are pending for replacing this trestle, now 380' long, with a bridge of 50' span. Meanwhile repairs have been made which will carry the traffic safely for a limited time.

Bridge seats are not kept clean. Dirt and cinders are allowed to collect around the ends of the girders, making inspection and painting impossible, and greatly aiding rapid oxidation of the metal at these points. Adequate masonry back walls will, by retaining the ballast, improve this condition. Then, with regular and systematic cleaning, the steel work would retain its protective coating of paint much longer than under the present conditions.

On the plate girders, many rivet heads were noted to be badly corroded, particularly at Morgan and Avon. These should be examined and tested, and when found defective, cut out and re-driven. Scale should be cleaned off and steel work painted at these places and at Belmar.

Bent lateral bracing and connection plate in Shark river bridge should be straightened out, or renewed.

New ties have been placed on West Front street bridge, and additional bracing will soon be placed in Red Bank trestle, as recommended in special report.

Matawan trestle has been overhauled, and additional bracing placed where necessary.

The old draw-bridge at Manasquan has had considerable done to it this year to keep it in service, and its condition is improved. But it is about fourteen years since the wooden trusses were rebuilt, and the timber is in poor condition, showing signs of crushing and splitting under the heavy traffic. Rod braces have been introduced at various times, to aid in stiffening and strengthening the trusses, but the rods are with difficulty kept properly adjusted. The gantleted track at this point is an additional source of danger. It is time that this antiquated single-track bridge be replaced by an adequate, modern, double-track steel draw span.

Recommendations.—Field's Underpass—Thoroughly overhaul stone masonry abutments and wing walls, cutting out all cracks and open joints, and repoint. See that seat-stones are firmly bedded.

Build concrete or stone masonry back walls on all bridges having masonry abutments where such back walls are at present omitted.

Place steel wall plates under new I-beam spans at Eastburn avenue and Takanassee road.

Keep bridge seats clean and free from dirt and cinders.

Place standard guard-timbers on North Asbury bridge.

Lengthen inside guard-rails on facing ends on both Manasquan river bridges.

Place beveled blocks protecting abrupt ends of guard-rails on Raritan river, Hendrickson's, Branchport, Takanassee and Brielle bridges.

Examine all riveted girders for loose and unsound rivets, cutting them out and re-driving where necessary.

Clean off scale, and paint steel work at Morgan and both Shark river bridges. Repair lateral bracing at the latter bridges.

Replace Manasquan draw with a modern, double-track, draw-bridge.

Bridge at Red Bank over Navesink River.

This bridge is generally known as the Red Bank trestle, and carries the double track line of the New York and Long Branch Railroad over the Navesink river. It is a timber trestle about fourteen hundred feet long with pile foundation, built as two single track trestles connected by ties, which are continuous across both tracks. There is a deck plate girder across the channel, and a through plate girder spanning the highway at the south end of the trestle. Inspection showed that a number of bents were considerably out of plumb; that masonry needed pointing, and that a number of ties were defective. Recommendations were made that necessary work be done to remove the defects in the trestle, and the work called for has been done.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD.

Main Line.

This road extends in New Jersey from West End to the State line at Delaware Water Gap, a distance of ninety-six and one-half miles. It is double track from West End to Riverside, single track from Riverside to Delaware river. From West End to Granton the track is laid with seventy-one-pound rail, the balance with eighty-pound rail. It is ballasted with gravel and cinders. Sufficient tie renewals have been and are now being made and other work pertaining thereto has been done to keep the track in safe condition.

The station at Beaver Lake has been enlarged. New stations have been erected at Sparta Junction and Warbasse and other recommendations made in 1909 have been complied with.

Bridges.—The bridges are giving good service, considering their age and the fact that they are carrying loads considerably in excess of those for which they were designed. The same restrictions apply for loads over various parts of the line as were noted in previous reports.

Repairs recommended for bridge 96.88, over the Delaware river, have been completed and the condition of the structure is considerably improved. These repairs comprised rebuilding both abutments, encasing the bottom of all river piers in concrete, pointing and grouting masonry, adjusting and reinforcing trusses, renewing floor-beam hangers, adequately stiffening and bracing the stringers and putting in an effective system of lower lateral bracing. Trains are at present limited to a speed of ten miles per hour across this structure. Being an interstate bridge this work has been done in co-operation with the Pennsylvania State Railroad Commission.

The rebuilding of the bridge at Little Ferry is nearing completion. The trestle work is practically complete and piers are ready to receive the draw span when it arrives.

The Lackawanna grade crossing at West End has been eliminated and bridge No. 3 has been changed to its temporary position pending the relocation of the Erie tracks.

All the recommendations made last year have been carried out except the protection of guard-rail points at bridge 59.87 and 90.77, which latter bridge is soon to be raised because of the hydraulic power development nearby.

The old Passaic river bridge at Dundee Lake, No. 18.62, is to be entirely replaced with a modern bridge this year. Temporary repairs have been made here and traffic is sufficiently restricted to insure safety until the new bridge is in place.

Material for bracing bridge No. 42.69, as recommended, has been delivered at the site but is not yet erected.

Bridge No. 65.19, a pile trestle over State ditch, is to be replaced with a through plate girder span on concrete abutments.

Points of all guard-rails are beveled or protected with sloping blocks except on the following bridges: 37.36, 59.87, 78.77 and 80.67.

Recommendations.—It is therefore recommended that blocks be placed protecting the points of guard-rails on the above four bridges and that defective ties and planking be renewed on bridge 13.31 over the Hackensack river.

Middletown Branch.

This branch extends from Beaver lake to the State line east of Unionville, a distance of twenty miles. It is single track. The track is laid from Beaver lake to Sussex with seventy-one-pound rail. Between Sussex and State line one mile of eighty, one-half mile of seventy and the balance sixty-pound rail. About eight miles of the light sixty-pound rail has been replaced with second seventy since last inspection, also considerable cinder ballast has been placed under track, which has improved it. There is still more needed between Sussex and Quarryville and from the pond east of paper mill to Hamburgh. Tie renewals have been and are still being made to meet the requirements. Recommendations made in 1909 have been complied with.

Recommendations.—That the track be ballasted and put in good condition between the pond east of paper mill and Hamburgh. Also that ballast be placed under track where required at the several places between Sussex and Quarryville.

Bridges.—The same limitation as to speed and traffic apply as heretofore. Bridge 65.93 over the Lehigh and New England

Railroad at Sussex has been replaced by a modern structure. The other bridges are in good condition. All bridges over thirty feet in length have guard-rails with properly protected points excepting No. 56.46 near Ogdensburg.

Recommendation.—It is therefore recommended that points of guard-rails on bridge 56.46 be protected by standard beveled blocks.

Passaic and New York Railroad.

This road extends from Passaic Junction to Passaic, a distance of three and one-half miles. The track is laid with seventy-one-pound rail, ballasted with gravel and cinders. All recommendations made last year have been complied with and the track is in safe condition for the traffic. It is used for freight purposes only.

Bridges.—The timber trestle across the Passaic river, No. 19.42, is the only bridge on this branch. It is maintained in good condition.

Recommendation.—Place a beveled block at each guard-rail point on bridge No. 19.42.

Edgewater Branch.

This branch extends from Little Ferry to Edgewater, a distance of three miles. Fifty-two hundred feet of track is tunneled under the Palisades. The track is laid with sixty and seventy-pound rail, with the exception of that which passes through the tunnel, which is laid with eighty-pound. It is ballasted with gravel and cinders. There are a good many unsound ties in track, but ties are now on the ground and renewals are being made. Some of the rails are badly worn, but are safe for the rate of speed that is being run over them. All recommendations made last year have been complied with. When tie renewals are made the track will be in fair condition. The branch is used for freight traffic only.

Recommendations.—That the unsound ties be replaced within the next sixty days and that fifteen miles per hour be the maximum rate of speed.

Bridges.—The four bridges on this branch are maintained in fair condition. Some renewals to timber are necessary and more

PUBLIC UTILITY COMMISSIONERS' REPORT. 185

care should be taken to keep bridge seats free from cinders and dirt.

Recommendations.—Bridge No. 10.25: Place additional filling at west abutment, renew defective ties and point masonry.

Bridge No. 10.80: Renew defective ties on draw span. Place beveled blocks in front of all guard-rail points where at present omitted, and clean bridge seats.

PEMBERTON AND HIGHTSTOWN RAILROAD.
(UNION TRANSPORTATION COMPANY, LESSEE.)

This road extends from Hightstown to Pemberton, a distance of twenty-five miles, and is single track, laid with fifty and sixty-pound steel rails, ballasted with gravel and sand. Tie renewals are being made, and ties are distributed along the line in good quantity, and should be placed in track as fast as possible, as it is necessary on account of the light rail to keep the track well tied. The rail is in good condition, and the track safe for traffic.

Recommendation.—That all unsound ties be renewed before November first, this year.

Bridges.—Except for inside guard rails and ties on bridge No. 6 (No. 5 of last report), the former recommendations have all been carried out. These are to be attended to this year.

Bridge No. 8 has had the longitudinal bracing put on and blocks placed at ends of guard rails. Renewals as outlined by the company for 1910 are sufficient to maintain the bridge in good condition. The following is a list of such renewals:

- Bridge east of Lewistown. One stringer.
- Davis' Cattle Pass. Two stringers.
- Bridge No. 1. One long stringer, one short stringer and ties.
- Bridge No. 2. One long stringer.
- Bridge No. 3. One short stringer, one cap and ties.
- Bridge No. 6. Four long stringers, one short stringer, one cap and ties.
- Bridge No. 8. One long stringer, one short stringer and sill.
- Bridge No. 11. Three long stringers and two caps.
- Bridge No. 13. Two long and one short stringers.
- Bridge No. 15. Two long and one short stringers.
- Bridge No. 16. One long stringer.

Bridge No. 17. One short stringer.

Bridge No. 18. One long and three short stringers.

Recommendation.—It is, therefore, recommended that work as above outlined be carried out in 1910.

PENNSYLVANIA RAILROAD.

Main Line.—New York Division.

This division extends from Jersey City to the Delaware river, a distance of fifty-six and seven-tenths miles. It is all laid with four tracks, with the exception of that part through Newark where there are two tracks. All tracks are laid with one hundred pound rail and ballasted with stone. Tie renewals have been made, and other work done to meet the requirements and keep the road in first-class condition.

The Evergreen avenue crossing west of Newark and also the Province Line road crossing near Lawrence are now being eliminated.

Bridges.—New guard-rails have been placed on bridge 43 across the Trenton Water Power and new ties are ordered for this bridge this year. The remaining bridges are all in good condition.

Perth Amboy and Woodbridge Branch.

This branch is double-track, and extends from Rahway to Perth Amboy Junction, a distance of six and nine-tenths miles. The track is laid with eighty-five-pound rail, and ballasted with stone. All tie renewals have been made and other work done to keep this line in first-class condition.

Bridges.—Beveled blocks have been placed in front of all guard-rail points on bridges on this branch, as recommended. Bridges are otherwise in good condition.

Millstone Branch.

This branch extends from Millstone Junction to Millstone, a distance of six and six-tenths miles. The track is laid with sixty-five per cent. eighty-five-pound rail, and thirty-five per cent. one hundred-pound rail. It is ballasted with gravel and cinders. The track has been much improved since last inspection. Tie

renewals have been made and other work done as recommended. Tie renewals are now being made to meet the requirements. The track is in safe condition for the traffic.

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. The track is laid with thirty per cent. one hundred pound rail, fifty per cent. eighty-five-pound rail, and twenty per cent. seventy-five pound rail. It is ballasted with gravel and cinders in good quantity. Tie renewals have been made and other work done to keep the track in safe condition.

Bridges.—Bridges Nos. 5 and 9 have been replaced with pipe, leaving but one open deck trestle on the line, which is in good condition.

Princeton Branch.

This branch extends from Princeton Junction to Princeton, a distance of three and two-tenths miles and is double track. It is run as single track excepting at times of heavy traffic. The track is laid with eighty-five-pound rail, and ballasted with gravel and cinders. Sufficient tie renewals have been made and other work done to keep this road in good condition.

Bridges.—Bridges are all in good condition.

Delaware River Bridge Branch.

This branch extends from the Delaware river to Haddonfield Junction, a distance of seven and eight-tenths miles. The track and roadbed are in practically the same condition as on the last inspection. Sufficient tie renewals have been made to keep track and roadbed in good condition.

Bridges.—Recommendations of last year have not been carried out regarding guard-rails on the approach to the Delaware river bridge. Some of the ties on the Delaware river bridge are in poor condition, and should have necessary renewals made. Ties on the through plate girder bridge near XN tower and on the Cooper's creek bridge are generally in poor condition.

Recommendations.—Renew all defective ties on the Delaware river bridge; bridge near XN tower and bridge over Cooper's creek.

Place inside guard-rails on each approach to Delaware river bridge east of crossover.

Bonhamtown Branch.

This branch extends from Metuchen to Bonhamtown, a distance of one and eight-tenths miles. The track is laid with one hundred-pound rail. It is ballasted with gravel and cinders. It is used for a switching track only. It is in safe condition for the traffic. On the Rubber Mill siding the derail is spiked.

Recommendation.—That derail on Rubber Mill siding be put in service.

Bridges.—There are two bridges on the line, both in good condition.

Belvidere Division—Main Line.

This division extends from Trenton to Manunka Chunk, a distance of sixty-six and six-tenths miles. It is single track with a large number of lap sidings, which better facilitate the movement of trains. The track is laid with six miles of seventy-pound rail, the balance is eighty-five-pound rail. Seventeen miles of the track are ballasted with stone, the balance with gravel and cinders. Since last inspection nine hundred tons of new eighty-five-pound rail, thirty-eight hundred tons of stone ballast and two thousand yards of cinder ballast have been placed in track. Tie renewals have been made and other work done to keep the track in safe condition.

Recommendations.—That targets and lights on the standard switch stands be raised to a height of not less than five feet where trains run against switch points unless distant signals are used. That unsound ties at Belvidere and both north and south be renewed as soon as practicable.

Bridges.—Most of the repair work recommended has been carried out. All bridges over thirty feet long have inside guard-rails except No. 23, and all guard-rails have points protected by beveled blocks, except No. 4. Repairs have been made to all

bridges except No. 37, which was noted for repairs to north-east wing wall. This wall rests on rock and apparently has not moved since last inspection. Other and more urgent repairs have been made first. A new bridge is nearly completed over Parkway south of Cadwalader Park station. Bridge No. 58 has new spon erected alongside ready to replace old one. No. 59 is to be replaced with a new bridge. A new abutment has been built at No. 21 and No. 68 has all new stringers and ties.

A list of the poorest of the remaining bridges is included under the recommendations which follow, together with suggestions for repairs of each.

Recommendations.—Bridge No. 4. Place beveled blocks at guard-rail points.

Bridge No. 20. Renew ties on main track.

Bridge No. 23. Put on inside guard-rails.

Bridge No. 25. Shore wing walls where bulging.

Bridge No. 34. Extend on west side and back with concrete

Bridge No. 37. Repair northeast wing wall.

Bridge No. 38. Repair southwest wing wall.

Bridge No. 39. Repair west parapet and line with concrete.

Bridge No. 41. Extend on east side, grout and repair arch.

Bridge No. 44. Make necessary repairs to both timbering and masonry.

Bridge No. 47½. Shore wing wall where leaning.

Bridge No. 51. Reinforce with concrete and grout arch.

Bridge No. 52. Reinforce with concrete and grout arch.

Bridge No. 57. Rebuild or reinforce with concrete.

Bridge No. 84. Rebuild or reinforce with concrete.

Bridge No. 85. Rebuild or reinforce with concrete.

Bridge No. 97. Rebuild north abutment.

Flemington Branch.

This branch extends from Flemington Junction to Flemington, a distance of eleven and five-tenths miles. The track is laid with one mile of seventy-pound rail and the balance sixty-pound. The seventy-pound rail has been laid since last inspection to replace the worn-out sixty-pound rail. The track is ballasted with gravel and cinders. There are quite a large number of unsound ties in

the track that should be replaced this year. There are six passenger and two freight trains run over this branch each day. Trains should not exceed schedule time. The tie renewals were made last year and other work done to keep the track in safe condition for the traffic.

Recommendations.—That not less than three hundred ties to the mile be placed in track this year. That the targets and lights on the standard switch stands be raised to a height of not less than five feet at all switches where trains run against the points, unless switch signals are used.

Bridges.—Bridge No. 3 has been entirely rebuilt. It now consists of a concrete arch on masonry walls. The south wall of bridge No. 22 has been entirely rebuilt. The south wall of bridge No. 15 is bulging and developing some cracks. This wall should be rebuilt. The remaining bridges are in good condition, all the recommendations having been carried out. All bridges over thirty feet long are now provided with guard-rails.

Recommendation.—Rebuild south abutment of bridge No. 15.

Amboy Division—Main Line.

This division extends from Camden to South Amboy, a distance of sixty-one and two-tenths miles; is double track from Camden to Bordentown, with the exception of a short distance through Burlington; single track from Bordentown to Old Bridge; double track from Old Bridge to South Amboy. The track is laid with eighty-five-pound rail. It is ballasted with gravel and cinders in good quantity. The track between Camden and Jamesburg is in good condition, east of that fair and safe for traffic. All low switch stands are being replaced with high ones, as recommended.

Bridges.—All bridges are now provided with inside guard-rails, as recommended, but as yet they have not had the beveled blocks put on protecting the facing points.

Bridges are in good condition, except as noted.

Bridge 19, a timber trestle, is to be rebuilt on new location this year. The contractor's supplies are beginning to arrive. A culvert north of bridge 22 is to be replaced with cast-iron pipe, which has been delivered at the site. The timber approach at the

south end of bridge 25 is getting in poor condition; all defective timber should be renewed. Bridge 27, a pile trestle of six spans, is to be replaced with a steel deck plate girder, which has been delivered at the site. Bridge 35, a timber trestle over road at Brown, is to be replaced with a through plate girder. Material has been delivered. Bridge 38A, over the New York and Long Branch tracks, is now being rebuilt. Bridge 38 has been repaired as recommended, but on completion of bridge 38A will be placed out of service. A new bridge is being built over highway on ramp connecting with New York and Long Branch tracks at South Amboy.

Recommendations.—Renew defective ties and timber on trestle approach at south end of bridge No. 25.

Place a beveled block on facing ends of all guard-rail points, sloping from top of rail to ties and spike securely down.

Burlington Branch.

This branch extends from Mount Holly to East Burlington, a distance of seven and three-tenths miles, and is single track. Sixty per cent. of the track is laid with sixty-pound rail, and the balance with seventy-pound. It is ballasted with gravel and cinders and is in safe condition for the traffic.

Bridges.—Bridges are kept in sufficiently good condition for the traffic. No. 1 has had guard-rails placed as recommended. The ties on No. 2 are old and defective.

Recommendation.—Renew defective ties on bridge No. 2.

Kinkora Branch.

This branch extends from Kinkora to Lewiston, a distance of ten and seven-tenths miles. The track is laid with one mile of eighty-five-pound rail, seven miles of seventy-pound rail, and the balance sixty-pound rail. It is ballasted with cinders, of which a large quantity has been placed under the track during the past year. The road is in safe condition for the traffic. Tie-plates have been placed on curves as recommended.

Bridges.—Bridges are all in good condition. Guard-rails have been placed on Nos. 2, 5 and 7 as recommended. Nos. 2 and 3 have been replaced with cast-iron pipe.

Recommendations.—Place a beveled block in front of all guard-rail points where at present omitted, sloping from top of rail to ties and spike securely down.

Bordentown Branch.

This branch extends from Bordentown to Trenton, a distance of six and one-tenth miles and is single track. The track is laid with eighty-five-pound rail. It is ballasted with cinders and gravel in good quantity and is in good condition.

Bridges.—Bridges are all in good condition. Guard-rails have been placed on No. 1, as recommended.

No. 3, over wastewear, has been replaced with six lines of 36" cast-iron pipe in concrete.

Recommendation.—Place beveled blocks in front of guard-rail points sloping from top of rail to ties and spike securely down.

Jamesburg Branch.

This branch extends from Jamesburg to Monmouth Junction, a distance of six miles. It is double track. The track is laid with eighty-five-pound rail. It is ballasted with gravel and cinders in good quantity and is in good condition.

Bridges.—The one bridge on this branch is in good condition.

Freehold and Jamesburg Branch.

This branch extends from Jamesburg to Sea Girt, a distance of twenty-seven and five-tenths miles and is single track. The track is laid with eighty-five-pound rail. It is ballasted with cinders in good quantity; has been well maintained and is in first-class condition.

Bridges.—Bridges on this branch are all in good condition except for blocks in front of guard-rail points.

Recommendations.—Place beveled blocks in front of guard-rail points, sloping from top of rail to ties, and spike securely down.

Camden and Burlington County Branch.

This branch extends from Pavonia to Pemberton, a distance of twenty-two and five-tenths miles and is single track. The track is laid with eighty-five-pound rail, with the exception of

between Birmingham and Pemberton, which is laid with sixty-pound rail. It is ballasted with gravel and cinders in good quantity; has been well maintained and is in good condition.

Bridges.—Guard-rails have been placed on bridges Nos. 4, 5 and 10, as recommended. No. 10 is being replaced with cast-iron pipe. Repairs are being made in sufficient quantity to keep the bridges in good condition. Blocks should be placed in front of guard-rail points where at present omitted.

Recommendation.—Place beveled blocks in front of all guard-rail points where at present omitted, sloping from top of rail to ties and spike securely down.

Medford Branch.

This branch extends from Medford Junction to Medford, a distance of six and one-tenth miles, and is single track. The track is laid with seventy-pound rail. It is ballasted with gravel and sand, and is in fair condition and safe for the traffic.

Bridges.—All the recommendations made last year have been carried out. The bridges are all maintained in safe condition for the traffic. Ties on No. 3 are old and defective.

Recommendation.—Renew defective ties on bridge No. 3.

Philadelphia and Long Branch Railroad.

This road is single track and extends from Pemberton Junction to Bayhead, a distance of forty-six and one-tenth miles. The track is laid with seven miles of seventy-pound rail, the balance eighty-five. It is ballasted with gravel and cinders in good quantity. Sufficient tie renewals have been made to meet the requirements and the track is in good condition.

Recommendations.—That the interlocking signals at Waretown Junction in connection with the New Jersey Central Railroad be moved back to a distance of two hundred and fifty feet from crossing. All trains to come to a stop before passing same. In lieu of this derails should be installed five hundred feet from crossing, conforming with those now in use at Farmingdale.

Bridges.—All recommendations made as a result of the general inspection of last year have been carried out. Guard-rails have been extended all the way across bridge No. 13 and old

bents at east end have been removed. No further renewals have been made here this year. A further report on this bridge will be made later.

Recommendation.—Place beveled blocks in front of all guard-rail points where at present omitted, sloping from top of rail to ties and spike securely down.

Island Heights Branch.

This branch extends from Island Heights Junction to Island Heights, a distance of one and two-tenths miles. The track is laid with seventy-pound rail, ballasted with gravel, and is in safe condition.

Bridges.—Recommendations have been carried out on the one bridge on this branch. The ties west of the draw will need attention this year, and the old bents which have been allowed to remain while not in bearing should be taken out.

Recommendations.—Renew defective ties west of draw, and take out all old bents not in bearing.

PENNSYLVANIA TUNNEL AND TERMINAL RAILROAD.

This road extends in New Jersey from Manhattan Junction near Harrison to the center of the North river. The track is laid with one hundred-pound P. S. section No. 2 steel rail; thirty-three-inch angle bars, six bolts with eighteen ties to each thirty-three foot-rail. Tie-plates are placed on all ties; all ties in tunnels are plated and fastened with screw spikes. The track is ballasted with stone. There are two tunnels:—the one under Bergen Hill is six thousand feet in length, with a grade of one and one-half feet to the hundred; the one under the North river is seven thousand six hundred feet in length. Electric pneumatic signals are used over the entire line. As an extra safeguard, automatic stops are in use through the tunnels, which will bring train to stop, in case the signal is disregarded. Complete signal equipment is provided, so that both tracks could be operated either east or west bound. Interlocking system is such that each track can be used in one direction only, throughout the entire distance from Manhattan transfer to the New York station. Both semaphore signals and smash boards are used

PUBLIC UTILITY COMMISSIONERS' REPORT. 195

for the protection of Hackensack draw, one caution, two home and smash board must be passed before reaching draw, all of which are interlocked with same, making it impossible to clear any of these signals while draw is open. In addition, the circuit breaker and switch through which current is supplied for operating the draw cannot be closed until the signals have been properly set to stop all trains approaching the draw from either direction.

At Manhattan Junction there are two transfer platforms, each eleven hundred feet long, with waiting-rooms which should be fully adequate for the transfer of passengers.

There are three east-bound and three west-bound main tracks, also two center tracks, the last named to be used for switching purposes. All of these tracks are equipped for operation by electricity (third rail) instead of steam, no steam locomotive passing over the new line from Manhattan transfer eastwardly. Third rail is of the top contact type, 120 pounds per yard, of special steel with high conductivity. All current is generated at the high tension plant in Long Island City, conveyed by cables, through conduits in the tunnel to the Hackensack portal, thence overhead to substations, where it is stepped down and converted to direct current at 600 volts. The transmission lines are carried on concrete poles, and at crossing of the Hackensack river, on steel towers. Both this work and the third-rail equipment are of the highest standard of construction. Everything has been done in the best possible manner, both for safety and dispatch.

Bridges.—Bridges on this line all are steel spans having ballasted floors except the Hackensack river crossing, which contains a 300-foot through riveted draw span, electrically operated, and flanked on each side by standard open floor deck plate girders, all resting on stone abutments. All bridges are of the most modern design, and have all appliances which tend to make operation safe at any speed.

PHILADELPHIA AND BEACH HAVEN RAILROAD.

This road extends from Manahawkin to Beach Haven, a distance of twelve miles, and is single track, laid with sixty-pound rail, and ballasted with gravel and cinders, principally gravel.

Between Manahawkin and Barnegat City the track is in good condition. East of there, a good quantity of cinder ballast has been put under track since last inspection, making it safe for the traffic. Sufficient tie renewals have been made to meet the requirements.

Bridges.—Recommendations made, resulting from general inspection of June 11th, 1909, have been carried out in part. The progress of the work was last noted in special report of December 9th, 1909, in which further and detailed recommendations for renewals were made for 1910.

Aside from some adjustments recently made on the draw span of No. 6, no further work has been done on these bridges. Therefore, the recommendations above referred to are included in the list of recommendations which follow.

The thirteen small trestles between Barnegat City Junction and Beach Haven, excepting natural deterioration from age and use, are in the same condition as a year ago. Inside guard-rails have not been placed on those over thirty feet long, as then recommended.

Bridge No. 8 is in the same condition regarding filling as when last noted.

Ordinary timber renewals, if made this year, should be sufficient to maintain them in safe condition. A detailed inspection with report will be made on these bridges later.

Recommendations.—No. 2, two hundred new 10" x 16" stringers should be placed in this bridge in 1910, beginning at the east end. The best of those taken out should be used to reinforce the poorest of those remaining. Eight-inch by nine-inch ties, spaced 16" centers, with new guard timbers, should be placed on these new stringers.

No. 5. Should have new 8" x 10" ties, spaced 16" centers and new guards and guard-rails. The few remaining old bents should be removed.

No. 6. Approach spans should be extensively repaired in 1910. They should have 33 new caps, all new 10" x 16" stringers, new standard ties and guards. The draw is only in fair condition. It will soon need entire renewing. The 12" x 12" center timbers are getting soft and should be renewed where necessary. Some

of the 8"x16" floor timbers are poor. About 22 new ones will be needed in 1910. When renewals are made, all old bents and piling should be removed. Inside guard-rails now laid across draw and part way on approaches should be extended all the way across the bridge.

No. 8. Complete filling.

In addition to the above, inside guard-rails should be placed on bridges 2, 4, 7, 9 and 11 to 19, inclusive.

PHILADELPHIA AND READING RAILROAD.

This road extends in New Jersey from Delaware river to Bound Brook, a distance of twenty-one miles. The track is laid for fifteen miles with one-hundred-pound rail, the balance with ninety-pound rail, and ballasted with stone. It is double track, with adequate middle tracks and outside sidings for the passage of trains. The intertrack fence has been erected and other changes made at Trenton Junction. The handling of passengers at this point is now reasonably safe. Sufficient tie renewals have been made and other work done to keep the track in first-class condition.

Bridges.—All are in fair to good condition. Bridge No. 41, at Glen Moore, has had wedges adjusted and ties repaired, as recommended in report of March 8th, 1910. Recommendations for the other bridges have been carried out, except ties on bridge No. 62, which are in poor condition, and which should receive attention. The replacing of No. 29 across the Delaware river, with a series of reinforced concrete arches, is contemplated.

Recommendation.—Renew defective ties on bridge No. 62.

Port Reading Branch.

This branch extends from Port Reading Junction to Port Reading, a distance of twenty-one miles, and is single track, laid with eighty-pound rail, and ballasted with cinders. Sufficient tie renewals have been made and other work pertaining thereto has been done to keep the track in safe condition. It is used for freight traffic only. The derails at Port Reading crossing have been moved back, as recommended.

Bridges.—All are in good condition. Former recommendations have been complied with.

Trenton Branch.

This branch extends from Trenton to Trenton Junction, a distance of three and seven-tenths miles, and is single track, laid with eighty-pound rail, and ballasted with cinders. Sufficient tie renewals have been made and other work pertaining thereto has been done to keep the track in good condition.

Bridges.—There are no bridges on this branch.

RAHWAY VALLEY RAILROAD.

This road extends from Aldene to Summit, a distance of eight miles. It is single track. The road is laid for two and one-half miles with sixty-pound rail and five and one-half miles with seventy-pound rail. While a good number of tie renewals have been made during 1909, there are still quite a number of unsound ties in track. Renewals are now being made. The track is in fair line and surface and safe for the traffic.

Recommendations.—That all unsound ties be replaced. Those between the Morris avenue bridge and Summit trestle and the west approach at Morris avenue be renewed without delay. That all ditches be cleaned so that they may have proper drainage.

Bridges.—The recommendations made last year for repair work at Valley Junction have been carried out, and inside guard rails have been placed on Morris avenue bridge and Summit trestle. They have also been placed on the through span across the Rahway river but not across the trestle approach to this bridge. As the filling of this trestle has not been done, and as speed is not reduced here, the following is recommended:

Recommendation.—That inside guard-rails be extended all the way across the Rahway river bridge and trestle.

RARITAN RIVER RAILROAD.

This road extends from New Brunswick to South Amboy, a distance of twelve and three-tenths miles, and is single track. The track is laid with nine and nine-tenths miles of eighty-pound rail and two and four-tenths miles of sixty-pound rail. One hundred tons of new eighty-pound rail is now on the ground and two hundred tons more ordered, which, when installed, will

PUBLIC UTILITY COMMISSIONERS' REPORT, 199

make all the track eighty-pound rail. Six thousand ties will be placed in the main line and branches this year. Part of these are on the ground. The road has been well maintained since last inspection, and is in safe condition.

Bridges.—Work of putting the bridges of this line in good condition has been continued. New bridges have been completed at Milltown and Amboy. The old material from the Amboy bridge has been used in a remodeled form at Crossmans, replacing the old timber crossing at this point. At South River the wooden trestle approaches to draw are to be replaced with deck plate girder spans resting on concrete piers. Material for this work is ordered and the construction is to be started next week. The draw is new and complete, except for inside guard-rails.

Recommendations.—Place inside guard-rails on South River drawbridge.

TRENTON AND NEW BRUNSWICK RAILROAD.

(Electric Line.)

This road extends from Trenton to Milltown, a distance of twenty-three and one-tenth miles. It is operated by overhead trolley. The cars are run by telephone and signal lights. The maximum speed is forty miles per hour. The track is laid with sixty-pound rail which is in good condition. Twelve hundred ties have been placed in main track; ditches cleaned and considerable cinder ballast added since last inspection. The track is in safe condition for the traffic.

Recommendations.—That not less than six thousand ties be placed in track this year. At switches and frogs, when renewals are made, use the regular switch ties. Clean all ditches that have filled since last cleaned, giving them the proper drainage. Put the track in good line and surface and drive all spikes home.

Bridges.—The recommendations made last year have been generally carried out. Under several of the smaller bridges new pile bents have been driven, shortening the span and giving good bearing to the stringers. It has been found more desirable to rebuild the smaller openings in timber than to replace them permanently with iron pipe.

Recommendations.—Riley's bridge. Renew one tie.

Millstone river (power-house). Renew fifteen ties and one stringer. Complete guard timbers.

Cranbury bridge. Renew twenty-eight ties, one stringer and one guard timber.

Bergen's bridge. Renew two caps, one stringer and one guard timber.

Devil's brook bridge, east. Renew one guard timber.

Red Jacket's bridge. Repair guard timbers.

Monmouth Junction trestle. Renew fifty ties and six guard timbers. Spike rail to all ties.

Ireland brook. Renew two guard timbers.

Lawrence's brook. Renew three guard timbers.

On all openings over thirty feet long place inside guard-rails, having their ends brought together at least one rail length beyond ends of bridge and protected with a sloping block spiked to ties.

TRENTON, LAWRENCEVILLE AND PRINCETON RAILROAD.

(Electric Line.)

This road extends from Trenton to Princeton, a distance of eleven and three-tenths miles. It is operated by overhead trolley, and movements are governed by signal lights. The road has come out of the winter in very poor condition. The deterioration of ties has been large. The ditches are in bad condition and the track is in poor line and surface. While it is not unsafe, it needs immediate attention. The track is laid with nine and one-half miles of sixty-five-pound rail and one and one-half miles of seventy.

Recommendations.—That not less than three thousand ties be placed in main line this year. When the renewals are made at switches and frogs, regular switch ties should be used. That all ditches be cleaned, giving the proper drainage. That the track be put in good line and surface. That additional shoulder be added at the east end of Denow bridge.

Bridges.—The timber bridges on this line are generally in poor condition, only a part of the recommendations having been carried out. On both the Shabbekunk bridges inside guard-rails have been placed but they should be lengthened. Timber is on the

ground for making repairs to both of these bridges and men are working on the West bridge. Recommendations are repeated below where work has not been done or where work is not under way.

Recommendations.—West branch of Shabbekunk creek—Lengthen inside guard-rails one rail length.

Timber bridge south of Reed's Manor. Repair masonry abutments and wooden floor, or replace with iron pipe.

East branch of Shabbekunk creek. Lengthen inside guard-rails one rail length.

Denow's bridge. Put on one new guard timber.

Cattle pass south of Lawrenceville. Renew and respace ties. Renew wall caps. Point masonry.

Hendrickson's woods. Renew ties and guards or replace with iron pipe.

Shippetauken creek. Renew ties and repair masonry.

Maple's cattle pass. Repair both masonry walls and renew stringers.

Van Kirk's cattle passes Nos. 1 and 2. Both should be entirely rebuilt or replaced with pipe.

Based upon the above the following order was issued :

"The Board of Railroad Commissioners for the State of New Jersey caused an inspection to be made on April twenty-first, nineteen hundred and ten, by its Chief Inspector and its Engineer of Bridges, of the track, roadbed and bridges of the Trenton, Lawrenceville and Princeton Railroad Company. A report of this inspection was submitted to the Board. On April twenty-seventh a copy of this report was sent to the Trenton, Lawrenceville and Princeton Railroad Company, with a notification that it was the intention of the Board to take up for consideration at its meeting at Trenton, on Tuesday, May 10th, the recommendations contained in said report, and that should said company desire to submit anything in this connection it should be received before the above date, unless it was its intention to be represented at said meeting.

"The said Trenton, Lawrenceville and Princeton Railroad Company neither communicated with the Board nor appeared before it at said meeting.

"After consideration of the said report and the testimony of its Chief Inspector and Engineer of Bridges, as to the condition of the Trenton, Lawrenceville and Princeton Railroad, the Board finds that it is necessary for the safety of the trackage, roadbed and bridges of the said railroad that the work recommended by the Inspectors in said report and hereinafter indicated be promptly begun and completed.

"It is, on this seventeenth day of May, one thousand nine hundred and ten, therefore

"ORDERED, that the Trenton, Lawrenceville and Princeton Railroad Company make the following repairs and renewals:

"*Track and Roadbed*—Place not less than three thousand ties in the main line. When renewals are made at switches and frogs regular switch ties to

be used. Clean all ditches, giving the proper drainage. Put track in line and surface. Add additional shoulder at the east end of Denow Bridge.

"Bridges—West Branch Shabbekunk Creek—Lengthen inside guard-rail one rail length.

"Timber Bridge south of Reed's Manor—Repair masonry abutments and wooden floor or replace with iron pipe.

"East Branch Shabbekunk Creek—Lengthen inside guard-rail one rail length.

"Denow's Bridge—Put on one new guard timber.

"Cattle Pass south of Lawrenceville—Renew and respace ties. Renew wall caps. Point masonry.

"Hendrickson's Woods—Renew ties and guards or replace with iron pipe.

"Shippetauken Creek—Renew ties and repair masonry.

"Maple's Cattle Pass—Repair both masonry walls and renew stringers.

"Van Kirk's Cattle Passes Nos. 1 and 2—Rebuild both or replace with pipe.

"The three thousand ties so called for to be placed before December thirty-first, nineteen hundred and ten; all other work to be done forthwith."

TUCKERTON RAILROAD.

This road extends from Tuckerton to Whittings, a distance of twenty-nine miles, and is single track, laid with one and one-half miles of eighty-five-pound rail, and one and one-half miles of eighty-pound, and the balance sixty. It is ballasted with gravel in good quantity. Sufficient tie renewals have been made and other work pertaining thereto has been done to keep the track in good condition.

Bridges.—Bridges are all in fair condition. The one at West Creek station will soon need repairs. A cast-iron pipe should be substituted for the small pile trestle at this place, when renewals are made.

Bridges at Oyster creek north and north branch of Forked river should have inside guard-rails put on.

Recommendation.—Place inside guard-rails on the two bridges above mentioned.

WEST JERSEY AND SEASHORE RAILROAD.

Atlantic City Division—Main Line.

The main line extends from Camden to Atlantic City, a distance of sixty-one and one-tenth miles, including the Van Hook street cut-off in Camden. All double track. Renewals are made in sufficient quantity, and track and roadbed are in first-class condition. Twenty-seven hundred cubic yards of stone ballast have been placed in track since last inspection of July 28th, 1909. Estimated tie renewals for 1910, over the entire division, are eleven and one-tenth per cent. of all ties in track.

Bridges.—Bridges are maintained in good condition, renewals being made where necessary. Nos. 102, 104 and 107 are to have new ties this year.

Medford Branch.

This branch extends from East Haddonfield Junction to Medford, a distance of eleven and nine-tenths miles, and is single track. Track and roadbed are in good condition. Half high stands have been installed at all facing-point switches, as recommended.

Bridges.—Plans are in preparation for replacing bridge No. 115, a high wooden trestle over Cooper's creek, with a concrete arch, this year. No. 116 is now being replaced with 60" cast-iron pipe. The remaining bridges are in good condition.

Cape May Division—Main Line.

The main line extends from Camden to Cape May, a distance of eighty-two and four-tenths miles. Operated by electricity from Camden to Millville, and by steam from Millville to Cape May. The third rail has been extended to Millville and is now in use. It is double track from Camden to Newfield and single track from Newfield to Cape May. Half high switch stands have been placed at all facing point switches, as recommended. The track and roadbed are in first-class condition. One thousand cubic yards of stone and eleven hundred cubic yards of cinder ballast have been put in since last inspection, July 28th, 1909. Estimated tie renewals for 1910 over the entire division are eleven and one-tenth per cent. of all ties in track.

Bridges.—Bridges are all in good condition. No. 14 is to be replaced with two 60" cast iron pipes which are now at the site.

Newfield Branch.

This branch is double track electric, and operated by third rail. It extends from Newfield to Atlantic City, a distance of thirty-four and seven-tenths miles. Smash boards at Atlantic City draw are painted red, as recommended. Renewals are made in sufficient quantity, and track and roadbed are in first-class condition. Twenty-nine hundred cubic yards of cinder ballast have been used since last inspection, July 28th, 1909.

Bridges.—No. 61 has been rebuilt. The others are in good condition.

Penns Grove Branch.

This branch extends from Woodbury to Penns Grove, a distance of twenty-one and seven-tenths miles, including the Penns Grove Branch Extension. All single track. Track and roadbed are in good condition, having renewals made sufficient for the traffic. Forty-three hundred cubic yards of cinder ballast have been put in track since last inspection, July 28th, 1909. One hundred and four tons of second-hand eighty-five-pound rail have been laid around all curves. Five hundred tons of new eighty-five-pound rail are to be put in this year.

Bridges.—All bridges are in good condition, except No. 207, Raccoon creek, in which the stringers are old and ties are spaced too far apart. No. 201, Mantua creek, has new bulkheads and fenders.

Recommendations.—On approach to Raccoon creek bridge, No. 207, renew all defective stringers and ties, and respace ties to standard distance center to center.

Salem Branch.

This branch extends from Woodbury to Salem, a distance of twenty-eight and seven-tenths miles, all single track. The renewals are sufficient to maintain track and roadway in good condition. Twenty-nine hundred cubic yards of cinder ballast have been placed in track since last inspection, July 28, 1909, and two thousand tons of new eighty-five-pound steel rail are to be put in this year.

Bridges.—No. 22, Oldman's creek trestle, is to be replaced with a 24' arch this year. No. 24, a wooden trestle at Woodstown Pond is to be filled and the small stream spanned with a steel deck plate girder bridge on concrete abutments. The girders are now at the site. The other bridges are in good condition.

Quinton Branch.

This branch extends from Alloway Junction to Quinton, a distance of four and three-tenths miles, and is single track. Renewals are made in quantity sufficient for the traffic, and track and roadbed are in good condition.

Bridges.—Bridges are all in good condition.

Elmer Branch.

This branch extends from Riddleton Junction to Elmer, a distance of ten and three-tenths miles, all single track. Track and roadbed are in good condition, sufficient renewals having been made. Forty-four hundred cubic yards of cinder ballast have been put in track since last inspection, July 28th, 1909. Half high switch stands have been placed at all facing point switches and derails are being placed on all sidings where it would be possible for a car to run out on main track.

Bridges.—Work of raising track at bridge No. 30½, near Daretown, is under way preparatory to rebuilding abutments, as recommended.

Bridgeton Branch.

This branch extends from Glassboro to Bridgeton, a distance of twenty and eight-tenths miles, and is a single track. Renewals are sufficient to maintain track and roadbed in good condition.

Bridges.—No. 32 is not yet rebuilt, but cast-iron pipe has been ordered to replace it. No. 34 is to be replaced with I-beams this month. No. 37, Hannan's Pond, a timber trestle is being replaced with a steel deck plate girder. The other bridges are in good condition.

Wildwood Branch.

This branch extends from Wildwood Junction to Wildwood Crest, a distance of seven and six-tenths miles, all single track. Renewals are made in sufficient quantity, and track is in good condition.

Bridges.—Bridges are all in good condition.

Ocean City Branch.

This branch extends from Sea Isle Junction to Ocean City, a distance of sixteen and four-tenths miles, and is single track. Red smash boards have been installed at No. 48, Ludlam's, and No. 49, Corson's inlet. Traffic is limited to six miles per hour at both of these draws. Sufficient renewals are made to keep the track in safe condition for the traffic. Two tons of one-hundred-pound rail and thirty-three tons of eighty-five-pound second-hand rail with three thousand cubic yards of cinder ballast have been put in track since the last inspection of July 28th, 1909.

Bridges.—Bridges are in good condition, except stringers and ties on the north end of No. 49 at Corson's inlet. They are to be renewed this year. No. 52, Beach Thoroughfare, has been raised and entirely rebuilt; it now contains a through plate girder span over the channel.

Stone Harbor Branch.

This branch extends from Sea Isle City to Stone Harbor, a distance of nine and three-tenths miles, all single track. Sufficient renewals are made to keep the track in safe condition. Twenty-five tons of second-hand rails and thirty-five hundred cubic yards of gravel ballast have been put in track since the last inspection, July 28th, 1909.

Bridges.—There is only one, an iron and timber trestle at Townsend's inlet. It is maintained in safe condition.

Maurice River Branch.

This branch extends from Manumuskin to Maurice river, a distance of nine and eight-tenths miles, and is all single track. Renewals are made in sufficient quantity to keep track and road-bed in good condition.

Bridges.—Bridges are in good condition. No. 43, Cowder run, has been replaced with cast-iron pipe. No. 44, Jerusha's brook, is to be replaced with pipe this year.

WEST SHORE RAILROAD.

The portion of this road in New Jersey extends from Weehawken to Tappan, a distance of nineteen miles, and is double

track, laid with eighty-pound rail, with the exception of that part through the tunnel, which is laid with one-hundred-pound rail. The track is ballasted with stone. Sufficient tie renewals have been made and other work done to keep the track in first-class condition.

Bridges.—The ordinary repairs of tie and timber renewals are being made. Otherwise the bridges are in good condition.

New Jersey Junction Railroad.

This road extends from Weehawken to Jersey City, a distance of four miles, and is double track, laid with eighty-pound rail, and ballasted with gravel and cinders. Sufficient tie renewals have been made and other work pertaining thereto has been done to keep the track in good condition.

Bridges.—The two bridges on this line are maintained in safe condition.

WHARTON AND NORTHERN RAILROAD.

This road extends from Wharton to Greenpond Junction, from Oreland Junction to Oreland and from Wharton Junction to a connection with the New Jersey Central, a total distance of twenty-four miles. The track is laid with three miles of eighty-pound rail, three and one-half miles of eighty-five-pound rail, one-half mile of ninety-pound rail and the balance with sixty-pound rail, all ballasted with stone and gravel, principally stone. While tie renewals have been made, there are still a large number in track that are unsound. I make special mention of those on the fill between Wharton and Wharton Junction, also between Wharton Junction and the first bridge north of Mount Pleasant.

Recommendations.—That all unsound ties be renewed before November 1st, this year; that those of which special mention is made be renewed within the next thirty days.

Bridges.—Since the general inspection of 1909 four bridge inspections have been made of all the bridges south of Wharton Junction, detailed reports of which are on file. The three new steel bridges near Wharton have been completed and are in service. Inside guard-rails have been placed on the bridges over the Delaware, Lackawanna and Western Railroad and Rocka-

way river, but not over those over the Central Railroad and Port Oram Railroad. There are no guard timbers on the Rockaway river bridge. A new and standard deck is contemplated here. Work has been started on the bracing recommended for the Rockaway river bridge on the Morris County Junction Branch. The remaining bridges on the line are in fair to good condition. A special report will later be made on the bridge north of Mount Pleasant station.

Recommendations.—Place inside-guard rails on the bridge over Central Railroad, continuing them over trestle and across Port Oram bridge just beyond.

Place guard timbers on Rockaway river bridge to prevent ties from bunching.

IN THE MATTER OF THE PASSING OF TRAINS OVER
CROSSING AT RIDGEWOOD STATION, ON THE LINE
OF THE ERIE RAILROAD COMPANY WHILE PASSENGER
TRAINS ARE AT SAID STATION RECEIVING AND
DISCHARGING PASSENGERS.

This matter, as it originally came before the Board of Railroad Commissioners for the State of New Jersey through a recommendation of its Chief Inspector, affected the Rutherford, Ridgewood, Allendale, Waldwick and Ramsey stations of the Erie Railroad Company.

A hearing was had at which the representatives of the company were heard.

Later a brief on the facts, fully stating the position of the company and representing that rule of the company 98 (A) afforded all the protection that might be reasonably required, was filed.

This rule is as follows:

“Enginemen and trainmen of a train approaching a station on a track adjoining one where another train is receiving or discharging passengers are required to exercise great care.

“It is forbidden for a train to run between a station building or platform and a train standing to receive or discharge passengers, unless signalled to proceed by the yardmaster, conductor or trainmen of the standing train, in which case they may proceed slowly and cautiously until their engine has passed the standing train.

“Trains running on an adjacent outer track, when passing a standing passenger train, are required to proceed slowly and with great care.

"At stations where passengers are obliged to cross other tracks in order to board a train, or get to the station or platform from a train, the conductor and trainmen are required to observe whether there is a train approaching before allowing them to do so."

The Board has considered the objections urged and the contentions advanced on behalf of the Company and the special reports and results of checking of trains by the inspectors of the Board, and concludes that the conditions which exist at the Ridgewood station of the Erie Railroad Company are not adequately met by Rule 98 (A).

It therefore ORDERS that no train pass over the crossing at the Ridgewood station of the Erie Railroad Company while a passenger train is at said station receiving and discharging passengers.

And as to the remainder of the stations hereinbefore referred to RECOMMENDS that measures be taken to secure thereat an unvarying observance of the provisions of Rule 98 (A), and to detect and impose suitable discipline in cases of violations thereof.

IN THE MATTER OF THE INSPECTION OF SIX I-BEAM
BRIDGES ON THE LINE OF THE NEW YORK AND
LONG BRANCH RAILROAD. }

An inspection of six I-beam bridges on the line of railway of the New York and Long Branch Railroad Company, located respectively at North Asbury, Interlaken, Allenhurst, Elberon, Tackanassie Road and Eastburn avenue, Long Branch, made by the Chief Engineer of this Board, resulted in the submission by him to this Board of a report (a copy of which is annexed hereto and marked Exhibit "A").

A copy of this report was delivered to the New York and Long Branch Railroad Company and a copy was likewise delivered to the Pennsylvania Railroad Company and the Central Railroad Company of New Jersey, both of which companies operate trains over the line of railway of the New York and Long Branch Railroad Company.

Notice was given to said New York and Long Branch Railroad Company, Pennsylvania Railroad Company and Central Railroad Company of New Jersey, that this Board would, on Tuesday, the eighteenth day of January, nineteen hundred and

ten, at eleven o'clock in the forenoon, at its offices at the State House, in the city of Trenton, consider said report and the recommendations therein contained, hear testimony and act thereon.

The said New York and Long Branch Railroad Company submitted to the Board a communication, a copy of which is hereto annexed and marked Exhibit "B".

At the time and place fixed by said notice the said New York and Long Branch Railroad Company was represented; the testimony of the engineer of the Board and testimony produced by said company was heard.

The Board of Railroad Commissioners for the State of New Jersey, having now considered said report and the answer thereto, and the testimony so produced before it, finds that in the particulars set out in the said report of its Engineer the said New York and Long Branch Railroad Company does not provide proper and adequate transportation facilities and RECOMMENDS that the masonry and walls of the several bridges hereinbefore referred to be overhauled and repaired and that the beams of said bridges be replaced by steel beams or riveted girders of adequate strength; that this work be completed before the first day of May, one thousand nine hundred and ten, and that the plans for the new structure be submitted to this Board for approval; and it

ORDERS, That in the meantime and from and after the service of a copy hereof upon said New York and Long Branch Railroad Company, and until the completion of the work hereby recommended to be done, no train be operated over and across said bridges or any or either of them at a greater rate of speed than ten miles an hour, and that no locomotive concentrating over forty thousand pounds on any single axle be run over or across these bridges, or any or either of them; and it

FURTHER ORDERS, That in the meantime and from and after the service of a copy of this order, as aforesaid, and until the completion of the work hereby recommended to be done, the said New York and Long Branch Railroad Company cause a thorough inspection of the condition of said bridges, and each of them, to be made at least once a week and promptly report the result of such inspection, in writing, to this Board.

IN THE MATTER OF RECOMMENDATION BY CHIEF
INSPECTOR OF RAILROAD DIVISION CONCERNING
CONDITIONS ON CENTRAL RAILROAD OF NEW
JERSEY AND WEST JERSEY AND SEASHORE RAIL-
ROAD AT VINELAND AND BRIDGETON JUNCTION. }

An inspection made by the Chief Inspector of the Railroad Division of the Board, of conditions at Vineland and Bridgeton Junction, where the line of the West Jersey and Seashore Railroad Company is crossed by the line of the Central Railroad Company of New Jersey, led to a recommendation by him "that all trains come to a stop before passing home signals on the Central Railroad of New Jersey and the West Jersey and Seashore Railroad at Vineland and Bridgeton Junction until derails are installed at these points."

This recommendation was communicated to both companies, and both were subsequently represented and heard before the Board with reference thereto.

After considering the statement of its Chief Inspector of the Railroad Division, and the statements made on behalf of the companies, the Board concludes that, while the issuance of an order in accordance with the recommendation will interfere to some extent with the movement of a considerable number of trains, yet safety in operation requires that such course be adopted.

The Board of Public Utility Commissioners for the State of New Jersey therefore hereby

ORDERS, that the Central Railroad Company of New Jersey and the West Jersey and Seashore Railroad Company cause all trains on their respective lines of railway to come to a stop before passing home signals at Vineland and Bridgeton Junction, where said railways intersect, until derails are installed.

IN THE MATTER OF BRIDGE 75B AT CENTER STREET,
PHILLIPSBURG, ON THE LEHIGH VALLEY RAIL-
ROAD. }

After investigation and report by its Engineer of Bridges, and after due hearing, the Board of Public Utility Commissioners

for the State of New Jersey determines that in its judgment the provision of proper and adequate transportation facilities for the proper transportation of passengers and property by the Lehigh Valley Railroad Company requires that the following work be done by said company at bridge 75B, spanning Center street, at Phillipsburg, in the State of New Jersey, on the line of said railroad company:—

Rebuild each end of the arch above the spring-line for a distance about equal to one-quarter of its length, or sufficiently far to insure the removal of all questionable masonry, and thoroughly point the remainder.

Lengthen the arch and build parapet walls so as to provide adequately for retaining the embankment.

Rebuild the southwest wing wall.

Take down the top eight feet of the northeast wing wall (measured parallel to the slope) and rebuild in substantial manner.

Point all other masonry.

The Board of Public Utility Commissioners for the State of New Jersey therefore hereby ORDERS the Lehigh Valley Railroad Company forthwith to perform and execute said work.

Inspectors' Reports on Accidents.

Hudson and Manhattan Railroad.—Derailment—Junction of Caisson No. 2.

An electric train left Hoboken en route for Twenty-third street, New York. When passing over facing point switch at junction known as Caisson No. 2, at 9:15 A. M., the rear truck of rear coach was derailed by operator in tower throwing switch between the forward and rear truck of coach, which caused the rear truck to take Courtlandt street route. The coach ran forty-five feet after being derailed. The operator has an indicator in tower showing time when trains are approaching, and also all the time that his block is occupied; he has instructions not to attempt to manipulate the switches while the indicator shows

that trains are passing over them. The machine is an electric one, and is constructed so that a failure like the one in question should not occur. With a new machine in proper order, the detector circuit which controls the switch would prevent such failure.

The accident was caused by a slight wear in the machine, which did not allow the little disk to fully set in the slot, this allowing the switch to be thrown as stated. It is reported by the company that the slot in this, and all other machines of this make, has been widened one-eighth of an inch, to prevent further failures of this nature.

The machines are examined and tested each night by a competent repairman, and a written report sent to the Chief Signal Inspector. All trains reduce speed to eight miles per hour while passing over facing switch.

It was recommended that a report of the inspection made each day be sent to the General Superintendent, and that instructions as to manipulation of switches while trains are passing over them be strictly enforced.

This recommendation was adopted by the company.

Lehigh Valley Railroad.—Crossing accident—Sunnyside.

A rural free delivery wagon was struck on the westbound main line track, at Sunnyside, by engine No. 2403 hauling a caboose. The wagon was demolished and driver killed. Approaching from the northerly side the view of tracks is fair. Further back on the highway the view of westbound trains is partially obstructed by trees. Before reaching main line track from the northerly side, it is necessary to pass over a siding track. Approaching from the southerly side the view of trains is good. There is a creamery on the northeasterly corner, and after passing the creamery line the view of westbound trains is fair. It is necessary to pass over three tracks before reaching the westbound track. The tracks curve west of Sunnyside.

It was recommended that a standard crossing bell be installed, and, in addition, that this crossing be protected by a flagman during the day.

This was adopted by the company.

Erie Railroad.—Crossing accident—Passaic.

As train No. 27 was crossing Harrison street, Passaic, at 3:45 A. M., it struck a sleigh, loaded with milk, stalled on the crossing. This crossing is protected with gates operated from 6 A. M. to 7 P. M., also by automatic bell which rings at the approach of all trains on the main track only. On the easterly side of the main line track, and leaving it north of the crossing, is a siding. Drill movements are made over siding track during time gateman is off duty, and the bell gives no warning for these movements.

It was recommended that the siding track be connected with the circuit, so that the alarm bell will ring for all movements over the crossing on siding track during the time gateman is off duty.

After hearing the Board decided as a substitute for the above that train crews operating on the siding should protect the crossing during the hours that the gateman is not on duty. This was adopted by the company.

West Jersey and Seashore Railroad.—Crossing accident—Camden.

Electric train No. 1420 struck a team on Royden street, Camden, killing horse, demolishing wagon and fatally injuring the driver. There is an electric signal bell at the crossing. The streets next to Royden street, north and south, are protected by gates.

It was recommended that gates be installed, and was suggested that the same be operated from a tower midway between Royden street and the next street north, which is protected by gates.

This was adopted by the company.

Central Railroad of New Jersey.—Crossing accident—Cranford.

As Philadelphia and Reading engine No. 326 was running light over Elizabeth avenue crossing east of Cranford Junction, on the Central Railroad tracks, at 11:42 A. M., it struck a wagon, demolishing same and seriously injuring the driver. At this crossing are main line tracks of the Central Railroad and three freight tracks. The crossing is not protected. The view of tracks, approaching from the west, is unobstructed in either direction. Approaching the freight tracks the view is unobstructed, provided no cars are left near the crossing.

PUBLIC UTILITY COMMISSIONERS' REPORT. 215

It was recommended that cars should not be allowed to stand so close to crossing as to prevent a fair view by drivers of vehicles and pedestrians using the highway.

This was adopted by the company.

Philadelphia and Reading Railroad, Port Reading Railroad.—
Derailment—Port Reading.

Engine No. 1510 with fifty-nine cars, eastward, ran by signal and off derail, blocking Central Railroad of New Jersey tracks, and also tracks leading to the Port Reading yard. Twenty-one cars loaded with coal were derailed. The signal was set against engine No. 1510 to allow Central Railroad train to pass. Engine No. 1510 approached signal at too high a rate of speed and engineman could not stop in time to prevent derailment.

It was recommended that changes be made with respect to location of derail and signal for the safe protection of this crossing.

Following conference between engineer of maintenance of way and signal engineer of the Philadelphia and Reading Railroad Company and the Chief Inspector of the Board, it was agreed that the derails governing eastbound trains in the main line would be placed 500 feet from the Central Railroad tracks, and that a distant signal would be installed; that the derails governing the westbound and yard movements will be changed so that they will be from 15 to 20 feet further from crossing, and arranged so that if derailment occurs engine will go to one side instead of on crossing as now; plans to be submitted to the Board for approval.

Plans for the above have been approved by the Board.

Central Railroad of New Jersey.—Crossing accident—Wheat road.

An extra engine running light, while passing over Wheat road crossing, near Vineland, struck a wagon, demolishing same and seriously injuring the driver. On the southerly side of the Wheat road station building is another highway, the two being close together and joining a short distance west of the track. Neither crossing is protected. The railroad is single track at this point. A siding parallels the main track on the easterly side and runs

from a point south of the station connecting with main track opposite the glass factory north of the highway. It was reported that the principal obstruction of the view to travel on the highway is caused by cars standing on the siding. Approaching from the west the view is good in either direction, but from the easterly side the view of southbound trains is obstructed by a building and fence close to the highway, and of northbound trains by the station building. Wheat road connects with two main highways in the vicinity, and at times there is considerable travel on this road.

It was suggested that if the municipality would permit the abandonment of one of the crossings and carry Wheat road along the easterly side of the track to connect with the highway south of the crossing, thus eliminating the diagonal crossing, this would add greatly to the safety of the situation.

It was recommended in case the municipality grant this permission that the company protect the one crossing.

The company agreed to this, submitted a plan showing the proposed re-location of the crossing, and stated that if the plan should be carried out it would provide an electric warning bell at the single crossing.

This plan was submitted to the township committee with the approval of the Board.

Lehigh Valley Railroad.—Crossing accident—Hillsboro.

An eastbound passenger train struck a vehicle on crossing at Hillsboro, demolishing same and killing the driver. This crossing is protected from 6:30 A. M. to 6:30 P. M. The accident happened at 7:17 P. M. The view of eastbound passenger trains is obstructed by a tool house. After passing this obstruction, there is a view until station building is reached, when the view is again obstructed and remains so until reaching the southerly line of the station.

It was recommended that tool house be re-located at a point so as not to obstruct the view of trains.

This recommendation was adopted by the company.

West Jersey and Seashore Railroad.—Crossing accident—Reed's Crossing.

Train No. 269, southbound, on the Atlantic City division, while passing over Reed's crossing north of Berlin, struck a wagon, damaging same and slightly injuring the two occupants. This crossing is not protected. There are main line tracks and siding at this crossing. Trains that do not stop at Reed's station are express, and pass at a high rate of speed. It was stated that cars were observed standing on the siding so close to crossing as to obstruct view of northbound trains, and that view at the easterly approach is only fair.

It was recommended that this crossing be protected by an automatic alarm bell.

This recommendation was adopted by the company.

Erie Railroad.—Crossing accident—Passaic.

While crossing Gregory avenue, Passaic, on the main line of the Erie Railroad, a wagon was struck and demolished by an eastbound train; the driver slightly injured and horse killed. There are three tracks at this crossing, two main line and one siding. The two main line tracks are protected by gates, operated day and night. Prior to the accident, train No. 55 stopped at Prospect street to discharge passengers, the last car stopping a short distance north of Gregory avenue. An intertrack fence prevents passengers from crossing the tracks until they reach Gregory avenue. Main line tracks are curved at this point with a sharp curve north and south of Gregory avenue. Owing to gateman being unable to see westbound trains in time to lower gates, a signal bell has been installed in the tower, notifying him of the approach of these trains. The gateman is notified of eastbound movements by the position of the blades on the automatic block signal mast, the normal condition of which is danger. When the top blade is down it indicates to the gateman that a train is near the Passaic main station. This often misleads him as when a switching movement is made near the station, and the engine or train does not proceed east, this movements holds the blade point down until the track is clear, when the blade goes back to normal position. When train No. 55 pulled into the Prospect

218 PUBLIC UTILITY COMMISSIONERS' REPORT.

street station the top blade was down. This condition calls for a constant observance on the part of the gateman to be ready to operate the gates when the lower blade falls. The gateman in the tower located on the opposite side of the tracks, seeing some passengers desiring to cross the tracks, partially raised the gates. When they were raised, a wagon that was waiting started to cross. At this time the gateman, watching the passengers crossing, failed to observe that the lower blade had fallen. As the wagon reached the eastbound track it was struck by an eastbound train.

It was recommended that a bell be installed in the tower indicating eastbound movements.

This recommendation was adopted by the company.

Central Railroad of New Jersey.—Crossing accident—Raritan.

Passenger train No. 11 struck and killed a woman at Thompson street, Raritan. There are three tracks at this crossing, east and west bound, also siding. The woman was approaching from the north and was on first track when struck. The view from this side is good. The crossing is protected by a signal bell located on the southerly side of eastbound track. When approaching from the south it is necessary to cross the siding before reaching the eastbound track. On the southerly side the view is obstructed by buildings located on the easterly side. It was reported that coal cars were standing on siding with end of head car on the curb line of Thompson street, thus obstructing the view of eastbound trains.

It was recommended that cars should not be allowed to stand on the siding nearer than fifty feet to the street line on the westerly and easterly side.

This was adopted by the company.

Central Railroad of New Jersey.—Crossing accident—Dover.

As extra passenger train No. 529, westbound, was passing over Hooey street, Dover, it struck a wagon, damaging same, slightly injuring driver and killing horse. It was reported that the view is obstructed by both brush and trees, and recommended that same be removed.

This recommendation was adopted by the company.

New York and Greenwood Lake Railroad.—Crossing accident
—Chestnut Hill.

A wagon was struck on the Chestnut Hill crossing, which is located at end of station, and the driver slightly injured. There are two tracks at this crossing. The crossing is protected by a flagman from 7 A. M. to 7 P. M. Driving north, the view of eastbound trains is entirely obstructed by station; with this exception, the view is fair.

It was recommended that crossing be protected from 6 A. M. to 8 P. M.

This was adopted by the company.

Philadelphia and Reading Railway.—Derailment—Trenton.

An engine and three cars were derailed at New York and Olden avenues, Trenton, and two men injured. It is reported that the accident was caused by spreading rails. The track at this point is used for freight purposes only, and orders are that speed of trains shall not exceed eight miles per hour. As the engine ran 175 feet off the rail with eight cars behind it, it would seem that they were exceeding this speed. There is an ascending grade south of where derailment occurred, and it is stated that engines all take quite a little start to overcome this.

It was recommended that the rate of speed as ordered be strictly adhered to, and that at places where running start is to be made the track be put in such condition as will warrant fast running.

These recommendations were adopted by the company.

Pennsylvania Railroad.—Crossing accident—Colonia.

As passenger train No. 81 was passing over crossing at east end of Colonia station, it struck an automobile, damaging same and slightly injuring one man. At this crossing are four main line tracks—two inside freight and two outside passenger. The station building obstructs the view of eastbound trains when track is approached from the southerly side. The crossing is without protection. When this accident occurred, the automobile was crossing the tracks from the southerly side, and it stopped to allow a long freight train, eastbound, to pass. As

soon as this train cleared the crossing the automobile started, and on reaching westbound track was struck by the express.

It was recommended that gates be installed at this crossing.

This recommendation was adopted by the company.

Erie Railroad.—Crossing accident—Passaic.

As train No. 48 was passing Paulison avenue, Passaic, it struck and seriously injured a man. At this crossing are two main line tracks on sharp curve. There is a siding on the westerly side of eastbound track. With cars standing on this siding, the view of eastbound trains is practically cut off until the westerly rail of eastbound track is almost reached. When the accident occurred the man got off a trolley car going north, and walked toward the tracks from westerly side. The space between the trolley track and eastbound track is 22 feet. The crossing is protected by an alarm bell located on the easterly side of the crossing. When inspection of this incident was made it was observed that the siding was filled with cars, obstructing the view, as above stated.

It was recommended that cars for siding track should be placed far enough from the crossing to allow a reasonable view of approaching eastbound trains, and if this cannot be done, owing to limited siding facilities, that the crossing be protected by a flagman.

The railroad company advised that arrangements would be made to install a crossing watchman at this crossing from 7 A. M. to 7 P. M.

Lehigh Valley Railroad.—Crossing accident—South Plainfield.

As extra train No. 1118 was passing over crossing east of Plainfield station, it struck a vehicle with three occupants. The vehicle was damaged and the driver injured. There are four tracks at the crossing. When the tracks are approached from the southerly side, the view of trains is obstructed on the easterly side of highway by coal shed, and on westerly side of highway by tool house and station building, and also by cars when same are placed on the siding west of the highway. When the accident occurred, the vehicle was moving over the crossing from the

northerly side. Three tracks were crossed before reaching the track on which it was struck.

It was recommended that an alarm bell, connecting with all four tracks, be placed on southerly side of crossing.

This recommendation was adopted by the company.

Philadelphia and Reading Railway.—Crossing accident—Woodbridge.

As engine No. 220 was passing over St. George's avenue crossing on the Port Reading branch, it struck an automobile, demolishing same and killing two occupants. Approaching from northerly side, the view of eastbound trains is obstructed by an embankment that runs to the westerly side of St. George's avenue. To the east of crossing trains cannot be seen until out of cut. St. George's avenue is macadamized, and is the principal thoroughfare for vehicle traffic entering Woodbridge and for shore points. It is reported that there is considerable traffic on the highway. The crossing is not protected.

It was recommended that an alarm bell be installed at this point.

This recommendation was adopted by the company.

West Jersey and Seashore Railroad.—Crossing accident—Pleasantville.

As electric train No. 1080 was passing over the crossing known as New Road, in Pleasantville, it struck a vehicle, demolishing same and killing the driver. At the crossing are two tracks, north and south bound. When the tracks are approached from the west, in which direction the vehicle was moving, it is necessary to cross south-bound track first. Approaching from the west, the view is good. It is also good from the easterly side, except for the location of tool houses, which obstruct the view when close to the track. There is no protection at this crossing.

It was recommended that the tool houses on the easterly side be removed from the crossing.

This recommendation was adopted by the company.

West Jersey and Seashore Railroad.—Child struck on crossing—Hessian road.

As electric train No. 1229, south bound, was passing over Hessian road, near North Woodbury, it struck and killed a child

three years old. Approaching crossing from either side the view is fair. The trolley company's tracks parallel the railroad and cross Hessian road. There are three main line tracks of the railroad. The crossing is without protection. The main turnpike is about 270 feet south of Hessian road, leading diagonally across the tracks. This crossing is protected by flagman night and day. Hessian road is a right angle crossing and connects with the turnpike road just east of the tracks. It was stated that Hessian road is not much used, and that travel over the crossing would not be seriously inconvenienced if it were diverted to the protected crossing of the turnpike road, thus avoiding crossing the trolley tracks and three high-speed electric tracks.

It was recommended that the railroad company take up with the municipality the question of closing Hessian road to public use.

This recommendation was agreeable to the railroad company, and a meeting was arranged between representatives of the railroad company and the township committee having control of this road. As the property owners along the line were not willing to drive 600 feet out of the direct line of travel, consent to the closing of the crossing could not be obtained.

Pennsylvania Railroad.—Struck by train—Palmyra.

As train No. 495, Atlantic City express, southbound, was passing through Palmyra, it struck and killed a woman. This woman, apparently intending to take a train for Camden, passed over northbound track to reach the station on the northerly side, and seeing the train approaching hurried to cross southbound track. The train for Camden leaves Palmyra station after train No. 495, and the woman evidently mistook the express for the Camden train, thinking she would have time to cross before it reached the station.

It was recommended that an employe be stationed on the platform just before the arrival of train No. 495 to warn people crossing the tracks, it appearing that the Atlantic City express passes through Palmyra at a high rate of speed and only a few minutes before the regular local train. Passengers crossing tracks from southerly side, seeing a train approaching, are liable

to be confused, and attempt to reach the station side, thinking the approaching train is the local.

The above recommendation was adopted by the company.

New York and Long Branch Railroad.—Crossing accident—
Como.

As Pennsylvania Railroad train No. 207, southbound, on the New York and Long Branch Railroad, was passing Church street crossing in Como, it struck and killed a man who was riding a bicycle. At this crossing, which is unprotected, are two tracks, north and southbound. Church street on the westerly side slopes toward the track and crosses diagonally. Approaching from this side the view of northbound trains is fair. Approaching from the easterly side the view of southbound trains is obstructed by brush and trees, and owing to the angle formed by the highway and tracks, the situation is dangerous. The view of northbound trains is fair.

It was recommended that the company remove as much brush and trees as possible at and near the crossing, especially the thick brush on the northeasterly corner, and that the work be done immediately.

The railroad company removed the brush, but owing to the refusal of the property owner to consent to the removal of the trees, it was not able to comply with this part of the recommendation. The trees, however, were trimmed in such a manner that approaching trains can be seen at a fair distance.

Central Railroad of New Jersey.—Crossing accident—Elizabethport.

As westbound train No. 301 was passing over First avenue, Elizabethport, it struck a wagon, demolishing same and killing horse. Approaching the crossing from the west (the direction in which the wagon was moving) the view of westbound trains is obstructed by buildings until within twenty feet of the track. This crossing is protected by a gateman from 6 A. M. to 9 P. M. The accident occurred at 4:55 A. M. It was reported that during the hours the crossing is unprotected a number of scheduled trains pass over it, and in addition switching and extra train movements. The crossing next and north of First avenue is protected night and day.

It was recommended that an automatic alarm bell be installed at First avenue, to be operated during the hours the gateman is off duty.

This recommendation was adopted by the company.

Delaware, Lackawanna and Western Railroad.—Crossing accident—Delaware.

First section of train No. 3, while passing over crossing at the west end of the freight house at Delaware station, struck a wagon, demolishing same, injuring the driver and killing two horses. At this crossing, which is unprotected, there are three tracks, two main and one siding on a level grade. The vehicle was approaching from the north, and train could not be seen on account of obstruction by the freight house, which is sixteen feet from nearest rail.

It was recommended that a standard bell be installed at this crossing.

This was adopted by the company.

Erie Railroad.—Crossing accident—Rutherford.

As train No. 395 was passing over crossing located at the west end of Rutherford Station, it struck an automobile, damaging same. At this crossing there are four tracks, all main, used for both passenger and freight purposes. Three streets connect with this road from the south, and two from the north, traffic from all these streets passing over the crossing where the accident occurred. This crossing is protected by gates attended by man in tower, with an additional man on the ground during the day. There is also a bell in the tower to notify the towerman of approaching trains. This bell is located at the crossover of the Bergen County Short Cut, and when trains are standing on the crossover the bell rings continually. To prevent this the man in the tower cuts it out, which is a bad feature, as he is liable to forget it.

It was recommended that the bell for eastbound track be changed so as to prevent its continuous ringing while trains are switching on the crossover.

This was adopted by the company.

West Jersey and Seashore Railroad.—Crossing accident—Mill lane crossing.

As train No. 13, Cape May express, was passing over Mill lane crossing, about three miles north of Cape May, it was run into by an automobile, the latter striking the engine near the right hand cylinder, breaking the steps and several parts of the engine. The automobile was demolished and the five occupants killed. This crossing is not protected. The view of southbound trains approaching from the westerly side of the track (the direction the automobile was going) is obstructed at a distance of thirty-two feet from the track. Only 900 feet of track can be seen here, owing to a cornfield on the northwesterly corner that extends to the northerly side of the highway. Trees near the west side of the right of way, 900 feet north of the crossing, also obstruct the view of trains southbound. There is a small embankment on the northerly side of highway and it is impossible, from an automobile, to see trains. This highway connects with two main thoroughfares into Cape May city, and there is considerable traffic over it.

It was recommended that trees be removed, or the lower limbs trimmed, and that all brush be removed so as to allow a reasonably good view of all trains; that as the cornfield is an obstruction at the time when traffic is heaviest over the highway, an arrangement be made with the owners to substitute something for corn on the line adjoining the right of way. It was further recommended that if these arrangements cannot be made, an automatic bell should be installed at the crossing.

The company advised that the bell would be installed, and as far as possible all the obstructions to view would be removed.

West Jersey and Seashore Railroad.—Crossing accident—Anglesea.

As train No. 530, northbound, was passing over the highway south of Fish platform it struck a wagon, damaging same and slightly injuring the driver. The view of northbound trains is obstructed by a building recently erected. There is no protection at the crossing, and no whistling post for same.

It was recommended that a whistling post be placed at a proper distance from the crossing.

This was adopted by the company.

Erie Railroad.—Crossing accident—Broadway, Paterson.

An automobile was struck at the crossing of Broadway, Paterson, by an Erie Railroad train. Two persons were killed and three injured. The crossing is protected by gates operated by man in tower, and further protected by a flagman stationed on the ground. An electric railway is operated upon the street and crosses the track. Certain recommendations were made by the Board's inspector. A hearing was held on these recommendations, at which the city of Paterson, the Board of Trade of that city, the Erie Railroad Company and the Public Service Railway Company were represented. After the hearing the following recommendations were made by the Board:

"1. That until this crossing at grade is eliminated, it run its trains (as it has since the accident) through the city of Paterson at a speed not exceeding fifteen miles an hour.

"2. That it establish a system of inspection to determine whether such limit of speed is uniformly adhered to.

"3. That it maintain, as heretofore, a flagman on the ground at the Broadway crossing.

"4. That it maintain gates at this crossing, as heretofore.

"5. That the bell at Broadway, now operated manually by means of a push button, be converted into a track circuit bell, covering the same points."

Attention was directed in the memorandum of the Board containing the recommendations to the fact that no complaint was filed by the city of Paterson, or by twenty freeholders or taxpayers of that municipality, and that the Board was without power to issue an order in the premises under Section 2, Chapter 189, Laws 1909, but was confined to the power of recommendation which it exercises.

The railroad company, following receipt of the recommendations of the Board, notified it that the same would be complied with.

West Jersey and Seashore Railroad.—Crossing accident—Camden.

As electric train No. 1229 was passing over Line street crossing, Camden, it struck a wagon, damaging same, injuring two occupants and the horse. There are three main line tracks at this point. When the crossing is approached from the westerly side the view is obstructed by buildings. The east side of tracks is protected with bell operated from tower located fifty feet from Line street.

It was recommended that a standard automatic bell be placed on the west side of tracks at Line street.

This recommendation was adopted by the company.

Pennsylvania Railroad.—Crossing accident—Florence.

As train No. 359 was passing over Styers crossing, west of Florence, it struck a wagon, damaging same and killing the horse. At the crossing are two tracks, north and southbound, and east of the crossing is a siding track. The view of trains from either side is good except when trains are standing on passing siding. When accident occurred a train was standing on siding waiting for passenger train, westbound, to pass. A train passed over the crossing eastbound, and the driver started and was struck by westbound passenger train, which could not be seen owing to the obstruction of view by the standing train.

It was recommended that the crossing be protected by one of the crew of standing train, or that an automatic bell be installed.

The company advised they would locate a bell at this point.

New York and Greenwood Lake Railroad.—Collision—Silver Lake.

Train No. 420 ran into an open switch twelve hundred feet east of Bloomfield Avenue station, colliding with some coal cars which stood two hundred and forty feet from switch point. Six people were injured. The switch target is eighteen feet above the rail. The red indication had faded, although, it was stated, that the position of the signal should have been observed by the engineer. It was reported that the lock of the switch had been forced by two boys and switch turned and re-locked.

It was recommended that switch target be painted.

This was complied with by the company.

Central Railroad of New Jersey.—Crossing accident—Ludlow.

As freight train No. 61, westbound, was passing Ludlow station, it struck a vehicle standing at the westerly end of the station. At this point are two tracks, east and westbound on sharp curve. There is a road at the westerly end of the station over the tracks leading to siding track. The view of trains in either direction when close to the track is obstructed. Heavy wagons travel on this road from main highway around station building, and across the tracks to avoid the steep grade of the main thoroughfare. The main highway, crossing the tracks at the easterly end of the station, is not protected, and the view of east bound trains from southerly approach is practically cut off, owing to the old station building which obstructs the view until within twelve feet of the eastbound track, when less than one hundred feet of track can be seen. Approaching from northerly side the grade is heavy and the view only fair. The new station building, freight house and cars, when standing on siding, obstruct the view of eastbound trains.

It was recommended that an automatic alarm bell be installed at the crossing; that travel should be restricted to the main highway and not allowed over the dangerous crossing at the westerly end of the station.

The company advised that arrangements would be made for the installation of the bell, and that steps would be taken to prevent the use of the private driveway for general travel.

West Jersey and Seashore Railroad.—Crossing accident—Atco.

As train No. 181, southbound, on the Atlantic City steam line, was passing Bartram Road at Atco, it struck a wagon, damaging same. At this point are three tracks, two main and one siding. Part of the track is used for local passenger trains between Atco and Camden; the other portion for freight. Freight cars, standing close to the crossing, obstruct the view of travel on the highway. It was stated that cars were observed standing in this position.

It was recommended that cars on siding be placed as far from road as practicable, in order to afford a better view.

This recommendation was adopted by the company.

West Jersey and Seashore Railroad.—Crossing accident—
Gloucester.

As southbound electric train No. 1501 was passing over Essex street, it struck an automobile, killing three of the occupants and injuring two. There are three tracks at this crossing, and a short siding on the west side, extending from the crossing to a factory. Approaching the crossing from the east, the view of north and southbound trains is unobstructed for a considerable distance. Approaching from the west side, the view is obstructed until within thirty-five feet of the tracks. The crossing is protected by an alarm bell operated from a tower, and a sign which reads, "Do not cross while the bell rings."

It was recommended that the alarm bell be operated by track circuit, and that the location of the bell be changed from the east to the west side of the tracks.

This recommendation was adopted by the company.

Central Railroad of New Jersey.—Crossing accident—Sea
Bright.

As train No 361, westbound, was passing over the first crossing north of the station at Sea Bright, it struck a vehicle, demolishing same and injuring the driver. At this crossing are two main line tracks. The crossing is protected by gates during the summer season only, and at the time of the accident (November 21st) there was no protection, the gateman having been removed. While investigating conditions at the crossing, it was noticed that the gate arms were in an upright position, normally indicating that no train was close to crossing. It was stated that this condition, when gateman is not on crossing to operate gates, may be misleading to travel on the highway.

It was recommended that during the time gates are not in operation the gate arms should be removed.

This recommendation was adopted by the company.

Erie Railroad.—Woman struck on crossing—Ridgewood.

As engine No. 799 was backing cars over crossing at Godwin avenue in rear of Ridgewood station, it struck and killed a woman. The crossing at this point is not protected, except when movements are being made over it, when one of the train-

men acts as a flagman. When this accident occurred the flagman was on the opposite side of the crossing, behind the cars, and could not see the woman approaching the tracks.

It was recommended that speed over this crossing be reduced to four miles per hour, and that a flagman walk ahead of the engine or cars over the entire crossing.

This recommendation was adopted by the company.

Causes of Accidents.

The causes of the accidents which occurred from December 1st, 1909, to December 1st, 1910, were as follows:

	<i>Killed.</i>	<i>Injured.</i>
<i>Collisions—</i>		
Passengers, .....	..	12
Employees,	3	28
Others, .....	..	..
<i>Crossing Track at Highway—</i>		
Employees, .....	..	3
Others,	45	71
<i>Derailments—</i>		
Passengers, .....	..	8
Employees, .....	..	8
Others,	3	..
<i>At Bridges and Tunnels—</i>		
Employees,	10	15
<i>Struck by Locomotives or Cars—</i>		
Passengers,	4	8
Employees,	81	59
Others,	25	8
<i>Getting on or off Trains—</i>		
Passengers,	6	36
Employees,	3	19
Others, .....	..	1
<i>Coupling or Uncoupling Cars—</i>		
Employees,	6	32
<i>Other Causes—</i>		
Passengers,	1	3
Employees,	21	102
Others,	7	11
<i>Trespassing on Right of Way,</i>	129	112
	344	536

The above applies to accidents upon railroads incorporated under the General Railroad Act.

Conference Orders.

IN THE MATTER OF THE ADOPTION OF A UNIFORM }
 SYSTEM OF ACCOUNTING BY THE STREET RAIL- }
 WAY COMPANIES OF THE STATE. }

Conference Order Number One.—Section 5 of Chapter 41, of the Laws of 1910, empowers the Board, after hearing upon notice, by order in writing, to require every public utility as in the act defined “to keep its books, records, and accounts so as to afford an intelligent understanding of the conduct of its business, and to that end to require every public utility of the same class to adopt a uniform system of accounting.”

Preliminary to the exercise of the power so conferred upon it, the Board hereby calls a conference of the representatives of the street railway companies of the State upon the question of the adoption by the Board of a uniform system of accounting for such companies.

The conference is to be under the direction of Commissioner Hillery, and to be held at the rooms of the Board, at the State House, in the city of Trenton, on Thursday, the eighteenth day of August, nineteen hundred and ten, at eleven o'clock in the forenoon.

The secretary of the Board will mail to each of said companies notice of the hearing so called.

IN THE MATTER OF METERS USED BY GAS COMPANIES.

Conference Order Number Two.—Section 19 of an act entitled “An act to authorize the formation of gaslight corporations,” approved April 21, 1876 (P. L. 1876, p. 309; Gen. Stats., p. 1608), provides: “That the meters used by any gas company, organized under this act, shall register accurately the quantity of gas passing through them in cubic feet, so that the number of cubic feet of gas consumed can be easily ascertained by the consumer of such gas; and no meter shall be used that may confuse or deceive the consumer as to the number of cubic feet of gas he has consumed, or as to the price he pays for the same per thousand cubic feet; and it shall not be lawful for any company organized under this act to charge rent on its meters.”

Section 5 of the Laws of 1910, Chapter 41, provides that the Board "shall have power, after hearing upon notice, by order in writing to require every public utility * * * to comply with the laws of this State relating thereto and to perform the public duties imposed upon it thereby."

The Board therefore requests each of the gas companies of the State to advise it:

- (a) As to the styles, types or kinds of meters in use by it.
- (b) As to the number of each style, type or kind employed.
- (c) Whether inspections or tests of meters are made otherwise than on complaint, and if so, under what circumstances.
- (d) What rule or rules, if any, are in force providing for tests upon complaint.
- (e) Whether, where tests are made on complaint by a consumer, a charge therefor is in any case made; if so, in what case, and the amount of such charge.

IN THE MATTER OF THE ADOPTION OF A UNIFORM
SYSTEM OF ACCOUNTING BY THE ELECTRIC
LIGHTING COMPANIES OF THE STATE. }

Conference Order Number Three.—Section 5, of Chapter 41, of the Laws of 1910, empowers the Board, after hearing upon notice, by order in writing, to require every public utility as in the act defined to "keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business, and to that end to require every public utility of the same class to adopt a uniform system of accounting."

Preliminary to the exercise of the power so conferred upon it the Board hereby calls a conference of the representatives of the electric lighting companies of the State upon the question of the adoption by the Board of a uniform system of accounting for such companies.

The conference is to be under the direction of Commissioner Hillery, and to be held at the rooms of the Board, at the State House, in the city of Trenton, on Thursday, the twenty-second day of September, nineteen hundred and ten, at eleven o'clock in the forenoon.

The secretary of the Board will mail to each of said companies notice of the conference so called.

IN THE MATTER OF THE ADOPTION OF A UNIFORM }
 SYSTEM OF ACCOUNTING BY THE GAS COMPANIES }
 OF THE STATE.

Conference Order Number Four.—Section 5, of Chapter 41, of the Laws of 1910, empowers the Board, after hearing upon notice, by order in writing, to require every public utility as in the act defined to “keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business, and to that end to require every public utility of the same class to adopt a uniform system of accounting.”

Preliminary to the exercise of the power so conferred upon it the Board hereby calls a conference of the representatives of the gas companies of the State upon the question of the adoption by the Board of a uniform system of accounting for such companies.

The conference is to be under the direction of Commissioner Williams, and to be held at the rooms of the Board, at the State House, in the city of Trenton, on Friday, the thirtieth day of September, nineteen hundred and ten, at eleven o'clock in the forenoon.

The secretary of the Board will mail to each of said companies notice of the conference so called.

IN THE MATTER OF THE ADOPTION OF A UNIFORM }
 SYSTEM OF ACCOUNTING BY THE WATER COM- }
 PANIES OF THE STATE.

Conference Order Number Five.—Section 5, of Chapter 41, of the Laws of 1910, empowers the Board, after hearing upon notice, by order in writing, to require every public utility as in the act defined to “keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business, and to that end to require every public utility of the same class to adopt a uniform system of accounting.”

Preliminary to the exercise of the power so conferred upon it the Board hereby calls a conference of the representatives of the water companies of the State upon the question of the adoption by the Board of a uniform system of accounting for such companies.

The conference is to be under the direction of Commissioner Hillery, and to be held at the rooms of the Board, at the State House, in the city of Trenton, on Thursday, the sixth day of October, nineteen hundred and ten, at eleven o'clock in the forenoon.

The secretary of the Board will mail to each of said companies notice of the conference so called.

IN THE MATTER OF THE ADOPTION OF A UNIFORM
SYSTEM OF ACCOUNTING BY THE TELEPHONE
COMPANIES OF THE STATE. }

Conference Order Number Six.—Section 5, of Chapter 41, of the Laws of 1910, empowers the Board, after hearing upon notice, by order in writing, to require every public utility as in the act defined to “keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business, and to that end to require every public utility of the same class to adopt a uniform system of accounting.”

Preliminary to the exercise of the power so conferred upon it the Board hereby calls a conference of the representatives of the telephone companies of the State upon the question of the adoption by the Board of a uniform system of accounting for such companies.

The conference is to be under the direction of Commissioner Sommer, and to be held at the rooms of the Board, at the State House, in the city of Trenton, on Thursday, the thirteenth day of October, nineteen hundred and ten, at eleven o'clock in the forenoon.

The secretary of the Board will mail to each of said companies notice of the conference so called.

IN THE MATTER OF REPORTS AS TO SALES OF STOCK
AND SECURITIES, APPROVED UNDER SECTION 6,
OF CHAPTER 41, OF THE LAWS OF 1910, AND DIS-
BURSEMENTS OF PROCEEDS THEREOF. }

Conference Order Number Seven.—Whenever approval is granted, under the provisions of Section 6, Chapter 41, of the Laws of 1910, of the issuance, sale and delivery of stock or of

securities, the company securing such approval shall half-yearly file with the Board a statement setting forth: (1) the amount of the stock or securities issued, sold and delivered under the certificate of approval, and (2) the extent to, and purposes for, which the proceeds thereof have been disbursed.

Conference Rulings.

IN THE MATTER OF THE CONSTRUCTION OF SECTION 9, }
OF CHAPTER 41, OF THE LAWS OF 1910. }

Conference Ruling Number One.—Section 9 of the Laws of 1910 provides: "No * * * public utility * * * shall hereafter give, grant or bestow upon any local, municipal or county official, any discrimination, gratuity or free service whatsoever, but nothing herein contained shall prevent the free transportation of uniformed public officers while engaged in the performance of their public duties."

Prior to July 4, 1910, the date on which the statute became operative, several of the public utility companies to which the statute applies issued to persons not coming within the excepted class "passes," entitling the holders thereof to free transportation during a period of time extending beyond July 4, 1910.

Question is raised as to whether the acceptance of these "passes" for transportation after July 4, 1910, is prohibited by the statute.

The Board rules that the acceptance of these "passes" for free transportation after the date on which the statute became operative constitutes the gift, grant or bestowal of a gratuity or free service in violation of the statute.

IN THE MATTER OF A "SUGGESTED CASE" SUBMITTED }
TO THE BOARD FOR OPINION. }

Conference Ruling Number Two.—A "suggested case" in the form of an assumed state of facts has been submitted to the Board with a request that the Board indicate what its action would be should the facts assumed in the "suggested case" be formally laid before it in a petition at some future time.

In the judgment of the Board it is neither its duty, nor does it fall within its authority, to comply with this request.

As a "suggested case" the questions presented thereby are academic.

Answer thereto would involve not only the construction of the statutes under which the Board acts, but also of statutes the provisions of which it is called upon to enforce.

Such answer would of necessity be made without the benefit of argument.

The case if subsequently formally presented may be found to differ materially from, and involve elements not presented in, the "suggested case."

Any answer that the Board might now make would in that contingency perhaps lead to misapprehension and confusion.

The determinations of the Board in proceedings before it are subject to judicial review.

No such review could be had of its determination should it make answer to the question put in connection with the "suggested case."

The Board therefore denies the request.

IN THE MATTER OF FURTHER CONSTRUCTION OF SECTION 9, OF CHAPTER 41, OF THE LAWS OF 1910. }

Conference Ruling Number Three.—Prior to July 4, 1910, upon which date Chapter 41, of the Laws of 1910, went into effect, a municipality enacted an ordinance granting certain privileges to a corporation now subject to the provisions of the statute.

This ordinance imposed upon the grant of the privilege a condition requiring the company to carry the members of the municipal body enacting the ordinance without charge.

Without passing upon the legality of the condition when imposed, the Board rules that the company is relieved of this condition by the provisions of section 9 of the statute.

This ruling is made after conference with the Attorney-General.

IN THE MATTER OF THE FREE TRANSPORTATION OF }
MEMBERS OF THE BOARD, ITS SECRETARY AND }
INSPECTORS. }

Conference Ruling Number Four.—Section 40 (as amended) of “An act concerning railroads (Revision of 1903),” provides that the members of the Public Utility Commission, its secretary and inspectors “during their various respective terms of office, shall pass and repass free of charge on all railroads now or hereafter operated in the State.”

Until July 4, 1910, the jurisdiction of the Board as the Board of Railroad Commissioners was confined to the supervision of all railroads within the State, by whatever power operated, * * * whether said railroad is incorporated by special charter or under the general laws of this State, or any other State, now or hereafter *operating under the provisions of an act entitled “A general act relating to railroads (Revision of 1903),” approved April 14, 1903.*

Section 4, of Chapter 197, of “An act to create a Board of Railroad Commissioners for the State of New Jersey, and to prescribe its powers and duties” (P. L. 1907), provides that “the commissioners and secretary, and other employes of said Board, shall be entitled to receive from the State of New Jersey their necessary traveling expenses while traveling on the business of said Board.”

The State having provided for the free transportation of the members of the Board, its secretary and inspectors, over the railroads operating under the General Railroad Act, and expenses for such transportation being therefore neither necessary nor allowable, the Board and its secretary and inspectors have and will continue to accept such transportation.

Chapter 41, of the Laws of 1910, extends the jurisdiction of the Board to street railway and traction companies not operating under the General Railroad Act.

The provisions of the General Railroad Act providing for free transportation do not extend to these companies.

Neither the Board, its secretary, or inspectors, are therefore entitled to free transportation over the lines of these companies.

Expenses for transportation over their several lines are consequently "necessary expenses" and allowable.

IN THE MATTER OF THE APPROVAL OF GRANTS BY }
MUNICIPALITIES OF CONSENT TO THE USE OF }
STREETS AND OTHER PUBLIC PLACES. }

Conference Ruling Number Five.—Section 8, of Chapter 41 of the Laws of 1910, provides: "No privilege or franchise hereafter granted to any public utility * * * by any local, municipal or county governing body shall be valid until approved by said Board (of Public Utility Commissioners), whenever it shall, after due hearing, determine that such privilege or franchise is necessary and proper for the public convenience."

In order to avoid needless delay the Board will upon the submission to it by any local, municipal or county governing body of any proposed grant coming within this section of the statute, advise such body informally and preliminarily of its general attitude respecting the provisions of the proposed grant.

IN THE MATTER OF GRANTS BY MUNICIPALITIES OF }
CONSENT TO THE USE OF STREETS AND OTHER }
PUBLIC PLACES FOR TERMS OF YEARS. }

Conference Ruling Number Six.—By the terms of Chapter 36 of the Laws of 1906, "An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways and other public places," and the acts supplementary thereto and amendatory thereof, every consent granted thereunder is limited to a term of years.

Under Section 8, of Chapter 41 of the Laws of 1910, the privilege or franchise granted by such consent is not effective until approved by this Board.

Because such approval is required the Board indicates, in advance, its opinion that, in general, grants limited to a term of years should contain provisions:

- (a) Safeguarding the public interest in continuous and uninterrupted service at and after the expiration of the term of the grant.
- (b) Requiring the maintenance of the property of the grantee in good order throughout the full term of the grant.

IN THE MATTER OF APPLICATIONS FOR PERMISSION BY
RAILROAD COMPANIES TO LAY TRACKS ACROSS
STREETS SO AS TO MAKE NEW CROSSINGS AT
GRADE UNDER LAWS 1909, CHAPTER 189, SEC-
TION 3. }

Conference Ruling Number Seven.—This Board will not hereafter act upon any application by a railroad company for permission under Laws 1909, Chapter 189, Section 3, to lay tracks across any street or highway so as to make a new crossing at grade, until the consent of the municipality to the laying of the tracks (where such municipal consent is requisite) has been obtained.

IN THE MATTER OF THE CONSTRUCTION OF SECTION 8,
CHAPTER 41, OF THE LAWS OF 1910. }

Conference Ruling Number Eight.—Prior to July 4, 1910, a privilege or franchise was granted to a public utility by a municipal governing body, in accordance with the provisions of the statute in force at the time.

Subsequent to July 4, 1910 an agreement was entered into by the public utility with the municipality, and an ordinance was adopted by the municipal governing body providing merely for a change in the manner in which the existing franchise or privilege should be exercised.

Such agreement and ordinance providing merely for a change in the mode of exercising a privilege or franchise granted prior to July 4, 1910, and granting no new privilege or franchise, are not required by Section 8, of Chapter 41 of the Laws of 1910 to be submitted to the Board for approval.

The Board however requests that in every such case a copy of the agreement and ordinance under which the privilege and franchise was acquired, and a copy of the agreement and ordinance providing for the change, be filed with it.

IN THE MATTER OF THE APPLICATION OF THE EX-
CEPTION CONTAINED IN SECTION 9, CHAPTER 41,
P. L. 1910, TO DETECTIVE SERGEANTS. }

Conference Ruling Number Nine.—Section 9, Chapter 41, Laws 1910, provides that nothing therein contained shall prevent

the free transportation of *uniformed* public officers while engaged in the performance of their public duties.

Question is raised as to whether members of the municipal police force known as "detective-sergeants" come within this exception.

Detective-sergeants wear no distinguishing costume. The wearing of such costume would interfere with the performance of, if it did not render nugatory, the work of detection to which they are assigned.

They wear a badge, as evidence of their authority, which badge, however, is so worn as to be concealed.

In the judgment of the Board these officers are not "*uniformed* public officers," as this designation is employed in the statute, and do not come within the operation of the exception contained therein.

It may well be that the legislative policy which leads to excepting those members of the police force who are uniformed from the effect of the statutory prohibition, should lead to the exception of the non-uniformed members of the force therefrom. With legislative policy the Board has, however, no concern. Its powers are confined to the administration of the legislative enactments as it finds them.

IN THE MATTER OF INQUIRY WHETHER THE PROVISIONS OF SECTION 6, CHAPTER 41, LAWS 1910 (P. L. 1910, p. 56), APPLY TO THE ISSUANCE OF STOCKS AND SECURITIES BY CORPORATIONS ORGANIZED UNDER THE GENERAL CORPORATION ACT FOR THE PURPOSE OF ACQUIRING AND HOLDING THE SECURITIES OF PUBLIC UTILITIES.

Conference Ruling Number Ten.—Inquiry is made whether the approval of the Board is required in the issuance, sale and delivery of the stock or other securities of corporations organized under "An act concerning corporations (Revision of 1896)," (P. L. 1896, Chapter 185), with the object of acquiring and holding the stock and other securities of public utilities.

To this inquiry the Board is, after careful deliberation, compelled to answer—No.

Section 6, of Chapter 41 of the Laws of 1910, so far as it is material to this inquiry, reads as follows: "No issuance, sale and delivery of its stock or of securities authorized by it, and maturing more than twelve months from the date thereof, hereafter *made by any public utility as herein defined* and created by this State, shall be valid until approved by said Board."

The section requires the approval of the Board in the issuance, sale and delivery of the stocks and securities of "public utilities" *as defined in the act.*

It does not require such approval in the issuance, sale and delivery of the stocks and securities of companies other than those defined as "public utilities."

The fourth section of the act defines "public utilities" as including "every railroad, express, street railway, traction, canal, subway, pipe line, gas, electric light, heat and power, water, sewer, telephone, telegraph *or other corporation, association, or joint stock company; operating within the State of New Jersey for public use under privileges granted by the State or by any municipality thereof.*"

The corporations in question clearly do not fall within any of the classes specifically designated.

It remains to be determined whether they are corporations "operating within the State of New Jersey for public use under privileges granted by the State or by any municipality thereof."

The legislative intent to confine the operation of the act to corporations, associations and joint stock companies engaged in a business of a public and not of a private nature is clear.

The statute does not bring within its provisions and under the jurisdiction of the Board *all* corporations, associations and joint stock companies, but such only as operate within the State for public use.

Nor does it bring within its operation and under the jurisdiction of the Board all corporations, associations and joint stock companies operating within the State for public use, but such only as so operate "under privileges granted by the State or by any municipality thereof."

The privilege referred to in the statute is not the general franchise with which every corporation is vested, namely, the

privilege to exist in corporate form, but is a special franchise (as for illustration the privilege to make special use of the public highways) granted to certain corporations by the State, or the municipality acting under legislative authority.

The corporations in question have merely the general franchise to exist as a corporation; they have no special franchise granted either by the State or any municipality thereof. They perform no public function; their business is of private and not of public nature; their ownership is simply of stock and other corporate securities; they neither own nor operate directly any public utility; such ownership or operation is not included in their corporate powers.

It is true that they invest their funds in the stock and other securities of "public utilities" as defined by the statute.

It is also true that through the ownership of a controlling interest in the outstanding capital stock of such "public utilities" they may control the election of the officers and directorate thereof and so indirectly control the affairs of such "public utilities."

The ownership of the property devoted to the public use, however, continues in the "public utilities" that may be so controlled; such property is "operated" by such "public utilities" under privileges granted to them (and not to the holding companies) by the State or the municipalities thereof.

These corporations, therefore, are not under the jurisdiction of the Board.

Neither are they subject to the provisions of the statute entitled "An act relating to the issuance, sale and delivery of stock and securities by corporations of this State which have 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, Chapter 331, page 730.)

It is manifest, therefore, that under these conditions there still exists in the "holding corporations," to some extent, the possibilities of injury to the public interest, to avert or minimize which the statutes of 1906 and 1910 were enacted.

If legislation is to be enacted regulating and providing for the

supervision of the issuance of stock and other securities by corporations in general, this situation will be met.

If, however, such legislation is not enacted, the issuance of stock and other securities by corporations holding the stock and other securities of public utilities, should by amendment of the act of 1910 be brought under the jurisdiction of this Board.

IN THE MATTER OF THE CONSTRUCTION OF SECTION 9, }
CHAPTER 41, OF LAWS OF 1910. }

Conference Ruling Number Eleven.—The municipalities of the State, under powers conferred by the Legislature, have adopted ordinances requiring the payment of a license fee for each street railway car operated. They have issued license certificates evidencing the payment of the fee, and have required the placing of the certificates in a conspicuous place in the cars licensed.

Some of them have by contract ordinances provided for the payment to the municipality by the street railway companies of a percentage of the gross receipts. They have further adopted ordinances regulating the operation of cars, providing, among other things, for their maintenance in a cleanly and sanitary condition; their heating; and against over-crowding.

The municipalities adopting these ordinances have created corps of license and other inspectors to ascertain whether their provisions are observed and to enforce them. These inspectors are, for obvious reasons, not uniformed. To ascertain whether the provisions of the ordinances, or some of them, are observed, it is requisite that the inspectors enter the cars. This they have been permitted to do without payment of fare until the enactment of Section 9, of Chapter 41 of the Laws of 1910.

This section, so far as it is relevant to the question under consideration, provides as follows: "No such public utility, as herein defined, shall hereafter give, grant or bestow upon any local, municipal or county official any discrimination, gratuity or free service whatsoever, but nothing herein contained shall prevent the free transportation of uniformed public officers while engaged in the performance of their public duties."

It is contended that under this statute, since the inspectors referred to are not uniformed, the companies affected are for-

bidden to permit them to enter upon cars for the purpose of inspection without the payment of fares.

The construction of the statute, so contended for, requires that these inspectors be put in uniform or that a payment be made to the companies for each inspection made to ascertain whether they observe or violate the duties imposed upon them by municipal ordinance.

The result of the construction contended for is peculiar, and so foreign to the evident legislative purpose to end discrimination in favor of, and "free service" to, local officials who might thereby be influenced, or (what is equally important, from the standpoint of maintaining confidence in local administration) charged with being thereby influenced, in their transactions as representatives of the community with the companies, that it should not be adopted unless the statute, as framed, will admit of no other construction.

In the judgment of the Board such construction is neither necessary nor admissible.

The company admitting an inspector in the employ of the municipality to enter its cars, without payment of fare, to observe whether the provisions of municipal ordinances, governing their operation, are complied with, neither gives, grants nor bestows upon him "any discrimination, gratuity or free service whatsoever." It grants no "discrimination," for it recognizes the right of free entry of all who, in the performance of public duties, are obliged to enter the cars for the purpose of observing whether, in their operation, the municipal ordinances are complied with. It grants no "gratuity" or "free service," for it provides no gratuitous or free transportation to such inspector; it admits him solely for the purpose of inspection, and his being carried is a mere incident of the inspection, due to the fact that the detaining of cars, operating upon a schedule for the period of time requisite for the inspection, might seriously interfere with that "adequate service" to which the public is entitled.

It is suggested that the required inspections might be made as the cars depart from and arrive at the various car barns.

This suggestion is met by the fact that the conditions which are the subject of inspection, in part at least, relate to the cars in transit.

In the judgment of the Board the granting of a pass or identification cards by street railway companies to non-uniformed municipal employes, entitling them, in performance of the duties assigned to them, to enter upon street railway cars without payment of fare to ascertain whether the municipal ordinances regulating the operation are observed, will not be violative of the statute.

It is suggested that under this ruling it will be difficult to distinguish between inspectors entering cars for the legitimate purpose of inspection and inspectors entering cars for the illegitimate purpose of being transported free of charge.

The Board is not willing to assume that a municipal employe will improperly use an identification card issued to him.

The statutes of this State provide for the free transportation of specified public officials "within the State."

Because of transportation conditions it is possible, particularly on the under-river tubes between this State and the State of New York, to use the identification cards, issued under this statute, illegally in interstate transportation. This possible illegal use of these cards has at no time been considered a ground for withholding them.

In the judgment of the Board these cards have not been misused. Nor, in its judgment, will identification cards issued under this ruling be improperly employed. Should a card so issued be misused, the company affected has it within its power to withdraw it, and no just complaint could be based upon such withdrawal.

Conference Recommendations.

IN THE MATTER OF THE REMOVAL OF MISLEADING }
CROSSING WARNING SIGNS. }

Conference Recommendation Number One.—An inspection shows that the several lines of railway operating within the State in some instances provide protection at grade crossings during the summer season and withdraw the same at its close.

Warning signs, giving notice of such protection, are posted at the crossings. These signs are, in some cases, permitted to

remain after the protection is withdrawn. Under these conditions, the signs are misleading, produce confusion, and are a source of danger.

The Board RECOMMENDS that all such signs be covered or removed during the period that the protection, of which they give notice, is not afforded.

IN THE MATTER OF DISMANTLING GRADE CROSSING }
GATES WHEN NOT OPERATED. }

Conference Recommendation Number Two.—Investigation by the inspectors of the Board shows that there are railroad grade crossings within the State protected by gates which are operated during part of the year only, and that these gates are permitted to continue in position during the season when they are not in operation.

The maintenance of these gates in position when not operated creates a situation involving danger to those using these crossings, who may reasonably regard the fact that the gates are in position as an indication that they are in operation; the fact that they are up as an invitation to proceed and a sign that no train is approaching.

The Board RECOMMENDS that gates operated during part of the year only be dismantled as soon as practicable after the season during which they are operated closes.

Meters Used by Gas Companies.

A copy of Conference Order Number Two (page 231) was sent to each of the gas companies of the State. The following table has been compiled from responses of the companies to the requests contained in the Conference Order:

TABLE I.—TESTING OF GAS METERS.

(1)	(a) <i>Style or Type of Meter.</i>	(b) <i>Number of Each.</i>	(c) <i>Under What Conditions Are Tests Made?</i>	(d) <i>What Rules in Force for Tests on Complaint.</i>	(e) <i>Is a Charge Made for Test? How Much?</i>
Atlantic City Gas Co.	Standard dry meters.	3,500 pre-payment; 8,000 regular.	Every four years.	Tests made on request and average returned to consumer.	None.
Atlantic Highlands Gas Co.	Dry meters, manufactured by Keystone Meter Co.	50 per cent. pre-payment; 50 per cent. regular; total, about 260 meters.	No tests, except on complaint or request.	Any consumer of the Gas Company, upon application to the said Company, shall be allowed to have the meter at the house tested by the official designated for that purpose; in case the meter is found correct, or within the percentage of error allowed by law, the expense to be borne by the applicant, and, if incorrect, to be borne by the Gas Company.	
Boonton Gas, Light and Improvement Co.	Standard dry meters.	4 pre-payment; 476 regular.	When complaint is made, remove meter and install another.	Tests made on meters complained of.	None.
Bridgeton Gas Light Company.	Standard dry meters.	900 pre-payment; 1,400 regular.	Inspections made on report of meter reader or consumer.	Meter complained of is replaced by new one and sent to factory for test.	None.
Butler Gas, Lighting and Heating Co.	Not in operation	November, 1910.			
Bridgeport Gas Co.					
Cape May Illuminating Co.	Standard dry meters. 3 to 300-light.	193 pre-payment; 557 regular.	Every 3 years; some every year.	Tested on request and 3 months allowance made.	None.
City Gas Light Co., Ocean City.	Standard dry meters. 3 to 300-light.	400 pre-payment; 300 regular.	Every 2 years.	Tested on request and allowance made.	No charge if they make the test.
Coast Gas Co., Belmar.	Standard dry meters. 3 to 300-light.	500 pre-payment; 2,500 regular.	Every 2 years.	Tested on request and allowance made.	No charge if they make the test.
Consolidated Gas Co., Long Branch.	Standard dry meters. 3 to 300-light.	2,300 pre-payment; 6,031 regular.	Every 5 years.	Tested on request and allowance made.	

TABLE I.—TESTING OF GAS METERS—CONTINUED.

(f)	(a) <i>Style or Type of Meter.</i>	(b) <i>Number of Each.</i>	(c) <i>Under What Conditions Are Tests Made?</i>	(d) <i>What Rules in Force for Tests on Complaint.</i>	(e) <i>Is a Charge Made for Test? How Much?</i>
Cranford Gas Light Co., Westfield.	Standard dry meters.	352 pre-payment; 1,440 regular.	Tested whenever taken out.	Tested on complaint.	No charge.
Dover, Rockaway and Port Oram Gas Co.	Standard dry meters. 3 to 100-light.	310 pre-payment; 704 regular.	No rule.	Tested on complaint.	.If correct, charge cost of test; if fast, no charge.
Easton Gas and Electric Co., Phillipsburg.	Standard dry meters. 3 to 100-light.	1,631 pre-payment; 617 regular.	Every 3 years.	Tested on complaint.	No charge.
Elizabethtown Gas Light Co.	Standard dry meters. 3 to 100-light.	2,496 pre-payment; 9,092 regular.	Tested only on complaint.	Tested on complaint.	No charge.
Enterprise Gas Co., Egg Harbor City.	Standard dry meters.	No pre-payment; 305 regular.	Not stated.	Tested on complaint.	Not stated.
Citizens' Light and Fuel Co., South Amboy.	Standard dry meters. 3 to 40-light.	228 pre-payment; 451 regular.	No rule.	Tested on complaint.	No charge.
Flemington Gas Light Co.	3 to 40-light.	67 pre-payment; 217 regular.	None tested.	No complaints; if any, meter would be sent to factory.	Would charge expressage if correct; no charge if fast.
Freehold Gas Light Co.	3 to 40-light.	28 pre-payment; 421 regular.	No.	Test meter placed with consumer's meter without removing same.	No charge.
Hammonton and Egg Harbor City Gas Co.	3 to 40-light.	112 pre-payment; 256 regular.	Tested only on complaint.	Tested on request, and allowance made.	No charge.
Lakewood Gas Co.	3 to 40-light.	150 pre-payment; 600 regular.	Every 2 years.	Tested on request, and allowance made.	No charge.
Lambertville Gas Light Co.	Standard dry meters.	251 pre-payment; 229 regular.	No tests made except on complaint.	Meters replaced by new ones and sent to factory for test.	None.
Medford Gas Co.	Standard dry meters.	84 pre-payment; 133 regular.	Sent to factory when necessary.	None.	None.

TABLE I.—TESTING OF GAS METERS—CONTINUED.

(1)	(a) <i>Style or Type of Meter.</i>	(b) <i>Number of Each.</i>	(c) <i>Under What Conditions Are Tests Made?</i>	(d) <i>What Rules in Force for Tests on Complaint.</i>	(e) <i>Is a Charge Made for Test? How Much?</i>
Metuchen Gas Light Co.	Standard dry meters.	28 pre-payment; 186 regular.	Upon complaint, or when deemed necessary.	Tested on complaint.	None.
Millville Gas Light Co.	Standard dry meters.	2,487 pre-payment; 307 regular.	Upon complaint, or when deemed necessary.	Tested on complaint.	None.
Newton Gas and Electric Co.	Standard dry meters.	301 pre-payment; 325 regular.	Upon complaint, or when deemed necessary.	Tested on complaint.	If fast, no charge; if correct or slow, factory charge is made against consumer.
New Jersey Gas Company, Glassboro.	Standard dry meters.	3,166 pre-payment, 176 regular.	Upon complaint, or when deemed necessary.	Tested on complaint.	No charge.
Ocean County Gas Co., Toms River.		60 pre-payment; 36 regular.			
Paulsboro Municipal Plant.	Not in operation.				
Pennsgrove Gas Co.	Standard dry meters.	100 pre-payment; 350 regular.	Tests made at factory.	Tested on complaint.	No charge.
Perth Amboy Gas Light Co.	Standard dry meters.	1,000 pre-payment; 1,200 regular.	Tested whenever removed.	Tested on complaint.	No charge.
Public Service Gas Co.:	Standard dry meters.	<i>Number of Each.</i>	25 per cent. are removed and tested each year.	Tested on complaint.	No charge.
Essex Division—		<i>Pre-pay.</i> 21,393			
Hudson Division—		<i>Reg.</i> 95,125			
Passaic Division—		<i>Total.</i> 116,518			
Southern Division—		19,425			
Central Division—		89,403			
Bergen Division—		24,947			
Total—		29,598			
		5,868			
		7,177			
		4,046			
		9,839			
		13,885			
		105,277			
		244,050			
		349,327			
Rahway Gas Light Co.	Standard dry meters.	632 pre-payment; 742 regular.	Tested when removed.	Tested on complaint, and allowance made.	No charge.

TABLE I.—TESTING OF GAS METERS—CONTINUED.

(1)	(a) <i>Style or Type of Meter.</i>	(b) <i>Number of Each.</i>	(c) <i>Under What Conditions Are Tests Made?</i>	(d) <i>What Rules in Force for Tests on Complaint.</i>	(e) <i>Is a Charge Made for Test? How Much?</i>
Salem Gas Light Co.	Standard dry meters.	488 pre-payment; 658 regular.	On complaint, or when deemed necessary.	Tested on complaint, and allowance made.	No charge.
Shore Gas Co., Manasquan.	Standard dry meters.	50 pre-payment; 150 regular.	Every 2 years.	Tested on complaint, and allowance made.	No charge.
Standard Gas Co., Keyport.	Standard dry meters.	624 pre-payment; 347 regular.	Whenever considered necessary.	Tested on complaint, and allowance made.	No charge.
Swedesboro Gas Light Co.	Standard dry meters.	100 pre-payment; 200 regular.	No test.	Meter changed on complaint.	No charge for change.
Tuckerton Gas Co.	Standard dry meters.	85 pre-payment; 128 regular.	Whenever considered necessary.	Tested on complaint.	No charge.
Washington Gas Co.	Standard dry meters.	46 pre-payment; 244 regular.	No.	None.	No.
Wildwood, Anglesea and Holly Beach Gas Co.	Standard dry meters.	688 pre-payment; 1,068 regular.	Tested every year.	Tested on complaint, and allowance made.	No charge.

Rates Charged by Certain Public Utilities.

Believing that information as to the rates charged by the public utility corporations subject to the jurisdiction of the Board would be of value, particularly in view of the provision of the law wherein the Board is required to "direct any public utility found to be granting rebates or other unjust, unfair or unreasonable discriminations, to immediately cease therefrom," the following resolution was adopted by the Board:

Resolved, That pursuant to the power conferred upon it the Board of Public Utility Commissioners request all gas, electric light, water, sewer, telephone and telegraph corporations, associations and joint stock companies, operating within the State of New Jersey for public use under privileges granted by the State or by any municipality thereof, to furnish information to the Board as follows:

"1. A complete schedule of all rates charged for service of any kind within the State.

"2. A list of all persons or corporations receiving service at other than the published schedule rates.

"3. The rate charged in each instance for such service and the rate which would ordinarily apply.

"4. Whether rates, other than published schedule rates, are based on contracts terminable at the will of the public utility."

A copy of this resolution was sent to each company of the classes referred to therein.

The request of the Board was courteously received by a large majority of the companies, and the information called for by the resolution has been furnished. With respect to some of those who have not supplied the schedules, the Board has received assurances that they are in course of compilation and will be supplied at an early date. A few of the companies ignored the resolution, and also repeated requests for the information. With respect to these the Board has started a formal investigation into their rates. Officials of the companies in interest will be subpoenaed and ordered to appear at hearings with such books and records as will enable the Board to obtain the information called for by its resolution.

From the information already supplied the Board, tables have been prepared and are submitted herewith as follows, for the companies which have reported.

Table II. Regular schedule of rates charged for gas.

Table III. Regular schedule of rates charged for electricity.

252 PUBLIC UTILITY COMMISSIONERS' REPORT.

Table IV. Regular schedule of rates charged for water.

Schedules of rates charged for telephone, telegraph and sewer service have been filed with the Board. These rates, which are on file and available for the use of the Board, are intricate and are embodied in voluminous schedules, so that the Board has not deemed it important or advisable to burden this report with their publication.

PUBLIC UTILITY COMMISSIONERS' REPORT.

TABLE II.—RATES CHARGED FOR GAS.

SCHEDULE OF GAS RATES.

<i>Company.</i>	<i>Gross Price.</i>	<i>Territory Served.</i>	<i>Remarks.</i>
Atlantic City Gas Co., ...	\$1.00	Atlantic City, Ventnor, South Atlantic City, Longport.	Discount, 10c. per M., if paid within 10 days.
Atlantic Highlands Gas Co.,	\$1.50		\$1.50 per M. ft.; discount, 10c. per M., if bill is paid within 15 days.
Boonton Gas, Light and Improvement Co.,	\$1.35		
Bridgeton Gas Light Co.,	\$1.00	Bridgeton.	
Butler Gas, Lighting and Heating Co.,			
Bridgeport Gas Company, ...			
Cape May Illuminating Co.,	\$1.60	Cape May; Eldredge.	Up to 5,000 ft., \$1.60; next 5,000 ft., \$1.45; next, 10,000 ft., \$1.30; excess over 20,000 ft., \$1.20; discount on above rates, 10c. per M. Special rates charged for gas used for power.
City Gas Light Co., Ocean City,	\$1.50	Ocean City.	
Citizens' Light and Fuel Co., South Amboy, ...		South Amboy.	
Coast Gas Co., Belmar, ..	\$1.50		
Consolidated Gas Co., of N. J., Long Branch, ..	\$1.50		Discount, 15c., if bill is paid before 10th of month. Power rates for gas engines, \$1; also optional rate of 70c. per M., plus a fixed charge based on the maximum demand.
Cranford Gas Light Co.,	\$1.25		Discount, 10 per cent., if bill is paid within 10 days. On monthly consumption of 60,000 feet or more, rate is \$1 per M. On pre-payment meters, a discount of 12½c. per M. is allowed; no discount on fraction of 1,000 ft.
Dover, Rockaway and Port Oram Gas Co., ...	\$1.35	Dover, Port Oram, Randolph Township.	Discount, 10c. per M., if bill is paid before 15th of month. Special rates, viz.: 10,000 cu. ft. to 15,000 cu. ft., \$1.15; 15,000 cu. ft. to 20,000 cu. ft., \$1.10; 20,000 cu. ft. to 25,000 cu. ft., \$1.05; 25,000 cu. ft. and over, \$1.00. These rates are based on bills paid before the 15th of the month.
Easton Gas and Electric Co.,	\$1.35		Discount, 10 per cent. per M., if paid by 10th of month. Meter rent, 15c. per month.

TABLE II.—RATES CHARGED FOR GAS—CONTINUED.

<i>Company.</i>	<i>Gross Price.</i>	<i>Territory Served.</i>	<i>Remarks.</i>
Elizabethtown Gas Light Co.,	\$1.25		Discount, 25c. per M., if bill is paid within 10 days. Special rate, 90c. per M., based on consumption of 60,000 ft. or more per month. On pre-payment meters, discount of 25c. per M. is allowed on full M. ft. consumed per month, and not on the hundredths or fractional parts.
Enterprise Gas Co.,	\$1.35	Egg Harbor City.	Discount, 10 per cent., if bill is paid before 25th of month. Special rates for gas used for power. \$1 net for 1,000 ft., and 10 per cent. discount, if bill is over \$40 per month.
Flemington Gas Light Co.,	\$1.60		Lower rate is allowed extra large consumer. Special rates allowed churches and county buildings. Gas for power, \$1.25 per M. ft.
Freehold Gas Light Co., .	\$1.70	Freehold.	Discount, 10 per cent., if bill is paid within 15 days; special rates allowed hotels, private schools and power for engines.
Hammonton and Egg Harbor City Gas Co.,	\$1.35	Hammonton.	Discount 10 per cent. for prompt payment; pre-payment meters, \$1.35 net.
Lakewood Gas Company,.	\$1.50	Lakewood.	When consumption exceeds 5,000 ft. per month, \$1.25 per M.
Lambertville Gas Light Co.,	\$1.85	Lambertville.	Minimum charge per month, 25c. whether any gas is used or not. Special rates, viz.: On consumption of 50,000 to 100,000 ft., \$1.80 per M.; 100,000 to 150,000 ft., \$1.75 per M.; 150,000 to 200,000 ft. \$1.70 per M.; 200,000 and upwards, \$1.65 per M.
Medford Gas Company, ..	\$1.40	Medford.	No discount is allowed, and no penalty imposed on bills not paid within a specified time.
Metuchen Gas Light Co.,	\$1.40		Discount, 20c. per M., if paid within 10 days.
Millville Gas Light Co.,.	\$1.25	Millville and vicinity.	Discount 10 per cent., if bill is paid on or before 10th of month. On pre-payment meters, rate is \$1 per M.
Newton Gas and Electric Co.,		Newton.	
New Jersey Gas Company,			
Ocean County Gas Co., ..	\$1.50		Discount, 10 per cent. for payment within 15 days.
Pennsgrove Gas Co.,	\$1.38	Pennsgrove.	Gas supplied for power, \$1 per M.

PUBLIC UTILITY COMMISSIONERS' REPORT.

TABLE II.—RATES CHARGED FOR GAS—CONTINUED.

Company.	Gross Price.	Territory Served.	Remarks.
Perth Amboy Gas Light Co.,	\$1.40		Net rate, \$1.15 per M. or over; less than 1,000 ft., \$1.50 gross; net, \$1.30. No discount unless bill is paid on or before 15th of month. Special rates allowed on consumption of 50,000 ft. and over.
Public Service Gas Co., ..	\$1.00		<p>Net rate for monthly consumption of less than 50 M. cu. ft. for all districts except Ridgewood and Morristown Districts, \$1 per M. Quantitative discounts, viz.: Monthly consumption of 50 M., and less than 100 M., 10c. per M.; monthly consumption of 100 M., and less than 200 M., 15c. per M.; monthly consumption of 200 M., and less than 300 M., 20c. per M.; monthly consumption of 300 M., and less than 400 M., 25c. per M. For an annual consumption of 4,800 M., and less than 15,000 M. cu. ft., 30c. per M. For an annual consumption of 15,000 M., and less than 30,000 M. cu. ft., 35c. per M.; for an annual consumption in excess of 30,000 M. cu. ft., 40c. per M.</p> <p><i>Note.</i>—Following the practice which has obtained for many years, and to which the several communities have become accustomed, gas is billed in the Essex Division (exclusive of Morristown), Bergen Division (exclusive of Ridgewood), Passaic Division and Central Division at the rate of \$1.10 per M. cu. ft., and in addition to the quantitative discounts as above, a discount of 10c. per M. is allowed for prompt payment. In the Essex Division, to receive this discount, payment must be made within 5 days after presentation of bill. In the Bergen, Central and Passaic Divisions, this discount is allowed if bill is paid on or before the 10th day of the month. In the Hudson and Southern Divisions, where the practice has been to bill at a net rate, gas is billed at \$1 per M. cu. ft., and no discount for prompt payment is allowed.</p>
Essex Division,	\$1.15	Morristown District.	Net rate for monthly consumption of less than 50 M. cu. ft. Quantitative discounts same as other districts. Bills rendered at \$1.25, and a discount of 10c. per M. is allowed for payment within 5 days after presentation of bill.
Bergen Division,	\$1.15	Ridgewood District.	Net rate for monthly consumption of less than 50 M. cu. ft. Quantitative discounts same as other districts. No discount for prompt payment.

256 PUBLIC UTILITY COMMISSIONERS' REPORT.

TABLE II.—RATES CHARGED FOR GAS—CONTINUED.

<i>Company.</i>	<i>Gross Price.</i>	<i>Territory Served.</i>	<i>Remarks.</i>
Rahway Gas Light Co., ..	\$1.50	Rahway.	Discount, 10 per cent., if bill is paid by 15th of month. Special rates, viz.: 1,100 to 39,900 ft., \$1.25 per M., less 10 per cent. if bill is paid by 15th of month; 40,000 ft. and over, \$1.10 per M., less 10c. per M. if paid by 15th of month.
Salem Gas Light Co.,	\$1.60	Salem.	Discount, 10 per cent. This rate for consumption of less than 10,000 ft.; between 10,000 and 20,000 ft., discount 15 per cent.; between 20,000 and 50,000, discount 20 per cent.; for 700 ft. or less, rate is \$1 net. Consumers using 200,000 ft. per year, discount 30 per cent.
Shore Gas Co.,	\$1.50	Manasquan, Sea Girt.	
Standard Gas Co.,	\$1.90	Matawan, Keyport.	Discount, 25 per cent., if bill is paid in 10 days; special rates allowed large consumers.
Swedesboro Gas Light Co.,	\$1.50	Swedesboro.	Discount, 10 per cent., if bill is paid in 15 days from date of bill.
Tuckerton Gas Company, .	\$1.50	Tuckerton.	Discount, 10 per cent., if paid in 10 days. Over 10,000 ft. per month, a flat rate of \$1.25 per M. feet.
Washington Gas Company,	\$1.50	Washington.	Discount, 8 per cent., if bill is paid by 15th of following month. Consumers using 10,000 ft. per month are allowed a flat rate of \$1 per M. Minimum rate of 50c. per month for those who consume less than that amount of gas at the regular rate of \$1.50.
Wildwood, Anglesea and Holly Beach Gas Co.,..	\$1.50	Wildwood, Anglesea, Holly Beach, Wildwood Crest.	Discount, 10 per cent., if bill is paid in 10 days.

TABLE III.—RATES CHARGED FOR ELECTRICITY.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Atlantic Coast Electric Light Co., Asbury Park and vicinity.	15c.		3 months unless 50c. per night; 6 mos., 35c.	7c.	Sign rates 8c. per kw. hr. Municipal lighting, 10c. per kw. hr.
Atlantic County Electric Co., Egg Harbor City.	15c.	Per light per month for lights burning from dusk to 10 P. M., Nov., Dec., Jan., \$1; Feb., Mar., 75c.; April to Aug., 60c.; Sept., Oct., 75c.	See table of street lighting rates.		Minimum charge 75c. Free renewals. Discount from meter and flat rates: 5% on bills of \$4 and over. 10% on bills of \$8 and over. 15% on bills of \$15 and over. 20% on bills of \$20 and over. 10% additional for payment by 5th of month.
Atlantic City Electric Co.	16c.	16 c.p. lamp, \$1.50 per mo.; 32 c.p. lamp, \$2.50 per mo.	By the year \$2 per week. Less than year \$3 per week.	16c.	Discounts—Light: \$1.50 to \$5 per month, 25%. \$5 to \$10 per month, 30%. \$10 to \$20 per month, 35%. \$20 to \$40 per month, 40%. Over \$40, 50%. Power discounts same as for light. Minimum charges per month: 10 to 25 sockets, \$1.50. 25 to 50 sockets, \$3. 50 to 75 sockets, \$5. 75 to 100 sockets, \$7.50. 100 to 150 sockets, \$10. 150 to 250 sockets, \$15. Over 250, special. Minimum charge, \$3 for first horsepower; each additional horsepower, \$1.
Bernards Water Co., Bernardsville and vicinity.	15c.			10c.	
Bordentown Electric Light and Motor Co.	10c.		Flaming arc, \$60 per year.	8c.	Minimum charge, \$1.

17 UTHL

(257)

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Bridgeton Electric Co.	10c.			7c. Lighting rates, Power rates,	Minimum charge, light, \$1 per month. Minimum charge, power, \$2 per month. Less than 25 kw. hrs., 10c. 25 to 50 kw. hrs. 9½c. 50 to 150 kw. hrs., 9c. 150 to 300 kw. hrs., 8½c. 300 to 450 kw. hrs., 8c. 450 to 600 kw. hrs., 7½c. 600 to 800 kw. hrs., 7c. 800 to 1000 kw. hrs., 6½c. 1000 or more per month, 6c. Less than 100 kw. hrs., 7c. 100 to 200 kw. hrs., 6c. 200 to 400 kw. hrs., 5c. 400 to 600 kw. hrs., 4½c. 600 or more per month, 4c.
Burlington Electric Light and Power Company.	12c.				Minimum charge, \$1 per month.
Boonton Electric Company.	10c.			8c.	Minimum charge, \$1 per month.
Borough of Madison (Municipal).	10c.			8c.	Charge outside of borough, 13c. per kw. hr. Rent for meter is charged, 10% of the cost thereof. Bills rendered quarterly.
Borough of Park Ridge (Municipal).	15c.			10c. plus \$1 per month.	Discounts as follows, on light only, and provided bill is paid on or before 10th of the month issued: Bills figuring from \$1 to \$4, 5%. Bills figuring from \$4 to \$10, 10%. Bills figuring above \$10, 20%.

(258)

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Borough of Vineland (Municipal).	12c.	Flat rate charges for less than 5 lights: 50c. per mo. for 16 c.p. lamp to 8 P. M.; 75c. per mo. for 16 c.p. lamp to 10 P. M.; \$1.25 per mo. for 16 c.p. lamp all night. If a meter is desired on less than 5 lights, \$3 per yr. meter rent will be charged.	1 lamp until 7 P. M., \$3 per mo.; 1 lamp until 8 P. M., \$4 per mo.; 1 lamp until 9 P. M., \$5 per mo.; 1 lamp until 12 P. M., \$6 per mo.; 1 lamp all night, \$8 per month. Saturday nights allowed until 12 P. M.	First 100 kw. hrs. per month, 8c. per kw. hr.; next 400 kw. hrs. per month 6c. per kw. hr.; over 500 kw. hrs. to 1000 kw. hr. per month, 5c. per kw. hr.; over 1000 kw. hrs. per month 4c. per kw. hr.	Minimum charges monthly for incandescent lamp circuit, 50c. Minimum monthly charges for arc lamp on meter \$2. All bills paid on or before the 15th of each month will be allowed the following discount: 5% on bills from \$1 to \$5. 6% on bills of \$6. 7% on bills of \$7, etc., up to 18% discount on bills of \$18 and over. There are no concessions on electric light rates.
Cape May Light and Power Co.	15c.	16 c.p. lamp, \$1 per month. Flat rates for signs, based on 9c per kw. hr.	\$7 per month.	15c. rate for charging vehicles, 10c. per kw. hr. without discount.	Discounts— \$1 to \$10, 10%. \$10 to \$15, 15%. \$15 to \$20, 20%. \$20 to \$25, 25%. \$25 to \$30, 30%. Over \$30, 40%. Minimum charge, \$1 per month.
Cinnaminson Electric Light, Power and Heating Co.	15c. for 10 kw. hrs. Excess, 10c. per kw. hour.	\$9 per year, burning to 11 P. M.; \$7.20 per yr. burning to 9 P. M.; residences: 16 c.p. lamp, \$16.50; 32 c.p. lamp, \$21.50.	Flaming arc, \$60 per year, store use.	8c.	Minimum charge, \$1.50 per month.
Clementon Township United Electric Improvement Co., Laurel Springs.	14c.			14c.	Minimum charge, \$1.50 per month. Regular rate up to \$1, 14c. per kw. hr. Excess at 10c. per kw. hr.
Clinton Electric Light Co.	15c., stores, etc.; 12c. for the first 25 watts, excess 10c.	60c. per lamp for first 3 lamps; 55c. for next 3; thereafter, 50c.			

(259)

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Consolidated Gas Co., Long Branch.	20c. for first 50 kw. hrs.; 16c. for next 50 kw. hrs.; 12c. for excess.			10c. for continuous service 4c. day service only on motors 25 hp. or over.	Minimum charge, \$1 per month. Company also furnishes current at 6c. per kw. hr., plus a fixed charge based on maximum demand.
Easton Gas and Electric Co.	7c. with discounts.	62½c. less 20%.	\$2.50 per month.	5¾c. with discounts.	Minimum charge, 50c. per month. Lighting discounts up to \$10, 10%. \$10 to \$15, 15%. \$15 to \$25, 20%. \$25 to \$40, 25%. \$40 to \$60, 30%. \$60 to \$100, 40%. Over \$100, 50%. Power discounts: \$1 to \$20, 10%. \$20 to \$30, 20%. \$30 to \$50, 30%. \$50 to \$100, 50%. Over \$100, 60%.
Flemington Electric Light, Heat and Power Co.	15c.				Discounts: Over \$5, up to \$20, 10%. \$20 to \$30, 20%. Over \$30, 33½%.
Gloucester County Electric Company.	15c.	8 c.p., 40c.; 16 c.p., 60c.; 32 c.p., 80c., to 11 P. M. Double above charge if burned all night.			Minimum charges: Yearly customers, \$1 per month; transient customers, \$2 per month. Bills over \$20 per month subject to discount of 30%.
Hackettstown Electric Light Co.	12c.			10c. and 8c.	
Hammonton Electric Light Co.	15c.			11c. 10c. 8c.	Discount for prompt payment, 10%.

(260)

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Lakewood Water, Light and Power Co.	15c.				Regular rate, 15c. first hours use; 11c. second hours use; 7c. excess over above. Yearly customers receive 20% discount.
Lambertville Heat, Light and Power Co.	15c.			12c.	Minimum charge, \$1 per month. Discount, 10% from net amount if paid by 6th of month. Residences— 15c. per kw. hr. for first 10 kw. hrs. 12c. per kw. hr. for next 10 kw. hrs. 10c. per kw. hr. for next 20 kw. hrs. 8c. per kw. hr. for next 60 kw. hrs. Commercial—12c. per kw. hr. for 1st 25 kw. hrs.; 10c. per kw. hr. for next 75 kw. hrs.; 8c. per kw. hr. for next 100 kw. hrs.; 7c. per kw. hr. for next 150 kw. hrs.
Marlton Light, Heat and Power Co.	30c.				
Middlesex and Monmouth Electric Light, Heat and Power Co., suburban and seacoast sections.	15c.			1 to 100 kw. hrs. 7½c.; 101 to 200 kw. hrs. 7c.; 201 to 400 kw. hrs. 6½c.; 401 to 600 kw. hrs. 6c.; 601 to 800 kw. hrs. 5½c.; 801 to 1000 kw. hrs. 5c.	Minimum charge, light, \$1 per month. Minimum charge, power, \$1 per hp. 1 to 50 kw. hrs., 15c. per kw. hr. Over 50 to 100 kw. hrs., 14c. per kw. hr. Over 100 to 200 kw. hrs., 13c. per kw. hr. Over 200 to 400 kw. hrs., 12c. per kw. hr. Over 400 to 600 kw. hrs., 11c. per kw. hr. Over 600 to 1000 kw. hrs., 10c. per kw. hr. Over 1000 to 1500 kw. hrs., 9½c. per kw. hr. Over 1500 to 2000 kw. hrs., 9c. per kw. hr. Over 2000 to 3000 kw. hrs., 8½c. per kw. hr.
Keyport and Matawan.	12c.			do.	1 to 50 kw. hrs., 12c. per kw. hr. Over 50 to 100 kw. hrs., 11c. per kw. hr. Over 100 to 200 kw. hrs., 10c. per kw. hr. Over 200 to 400 kw. hrs., 9½c. per kw. hr. Over 400 to 600 kw. hrs., 9c. per kw. hr. Over 600 to 1000 kw. hrs., 8½c. per kw. hr. Over 1000 to 1500 kw. hrs., 8c. per kw. hr. Over 1500 to 2000 kw. hrs., 7½c. per kw. hr. Over 2000 to 3000 kw. hrs., 7c. per kw. hr.
South Amboy.	12c.			do.	No discount.

(261)

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Millburn Electric Company.	15c.			10c.	Discount for payment within 10 days: On bills under \$15, 5%. On bills over \$15, 10%.
Millville Electric Light Co.	15c.	1 light to 10 P. M., 75c. per month; 1 light to 12 P. M., \$1 per month; all night light, \$1.50 per month.	\$7 per month.	8c.	Discount on lighting bills for payment by 10th of the month: On bills under \$5, 20%. On bills over \$5, 30%.
Morris and Somerset Electric Co. Sliding scale rates.	15c.			10c.	Lighting—Discounts of 5% if paid within 15 days. Minimum charge, \$1 for not more than 40 lamps or equivalent. 50c. additional for every 20 lamps in excess of 40. 1 to 50 kw. hrs., 15c. per kw. hr. 51 to 100 kw. hrs., 14c. per kw. hr. 101 to 300 kw. hrs., 13c. per kw. hr. 301 to 2000 kw. hrs., 12c. per kw. hr. Over 2000 kw. hrs., 10c. per kw. hr. Power—Minimum charges up to 2 hp., \$2. Over 2 hp. up to and including 5 hp., \$3. Over 5 hp. up to and including 10 hp., \$5. Over 10 hp., 50c. per hp. per month. Up to 50 kw. hrs., 10c. per kw. hr. 51 to 100 kw. hrs., 8c. per kw. hr. 101 to 200 kw. hrs., 7c. per kw. hr. 201 to 300 kw. hrs., 6c. per kw. hr. 301 to 500 kw. hrs., 5c. per kw. hr. 501 to 2000 kw. hrs., 4c. per kw. hr. Over 2000 kw. hrs., 3c. per kw. hr. Use of motors not allowed between 5 P. M. and 1 A. M.

(262)

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Service charge rates.	10c. plus a fixed charge.			7c. plus a fixed charge.	Lighting—Service charge, ½ kw., 75c. per month. From ½ kw. up to 8 kw. excess over ½ kw. at 50c. per ½ kw. per month; from 8 kw. up to 25 kw. excess over 8 kw., 25c. per kw. per month; excess kw. over 25 kw., 10c. per kw. per month. For first 500 kw. hrs. monthly, 10c. per kw. hr.; next 500 kw. hrs. monthly, 9c. per kw. hr.; all over 1000 kw. hrs. monthly, 8c. per kw. hr. Power—Service charges same as for lighting. Up to 100 kw. hrs., 7c. per kw. hr.; 100 to 200 kw. hrs., 6c. per kw. hr.; over 200 kw. hrs., 5c. per kw. hr.
New Jersey Water and Light Co., Deal.	15c.			10c.	10% discount if paid in 10 days.
Ocean City Electric Light Co.	20c. 15c.			10c.	Summer rates—Minimum, \$1.50 per month. Discounts as follows allowed if paid in 5 days: Bills over \$5, less than \$10, 10%. Bills over \$10, less than \$15, 15%. Bills over \$15, less than \$20, 20%. Bills over \$20, less than \$30, 25%. Bills over \$30, less than \$40, 30%. Bills over \$40, less than \$50, 35%. Bills over \$50, 40%. All year consumers. Discounts as follows if paid in 5 days: Bills over \$2.50, less than \$5, 10%. Bills over \$5, less than \$10, 15%. Bills over \$10, less than \$25, 20%. Bills over \$25, 25%.
Pleasantville Heat, Light and Power Co.	15c.	\$1.35 per mo. for 10 4 c.p. Tungsten lamps to midnight.			Discounts 4% to 50%, depending on consumption.

(203)

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Princeton Light, Heat and Power Company.	For first 7500 watt hrs. consumed in any one month 20c. per M. watt hrs. For all electrical energy in excess of 7500 watt hrs. consumed in such month, 10c. per M. watt hrs.			10c. per M. watt hrs.	The customer to guarantee a minimum bill each month of \$1.50 per installation. (Lighting rate.)
Public Service Electric Co.	10c. per kw. hr. for consumption in each month up to and including 500 kw. hrs.; 9c. per kw. hr. for excess consumption in such mo. over 500 kw. hrs. up to and including 1000 kw. hrs.; 8c. per kw. hr. for excess consumption in such mo. over 1000 kw. hrs. up to and including 1500 kw. hrs.; 7c.			1st step, 10c. per kw. hr. for consumption in ea. month up to and including an amount equal to 20 kw. hrs. per h.p. of maximum demand. 2d step, 6c. per kw. hr. for the next 50 kw. hrs. consumed in such month in excess of the 1st step of this rate. 3d step, 4c. per kw. hr. for the next 500 kw. hrs. con-	<p>Note.—The uniform lighting rate was put into effect January 1st, 1908. The option, however, was given to any customer who might be unfavorably affected to retain his old rate for a period of 3 years from January 1st, 1908, provided he signed a contract to that effect prior to April 1st, 1908.</p> <p>Note.—In re Schedules Nos. 2 and 3. A customer's maximum demand upon which these rates are based shall be determined from the full rated capacity of the connected load, according to following table of percentages. Installations consisting of one motor only; under 5 hp., 100% of connected load; 5 hp. and over and under 20 hp., 80% of connected load; 20 hp. and over, 70% of connected load.</p> <p>Installations consisting of 2 or more motors; aggregating under 3 hp., 100% of connected load; aggregating 3 hp. to 10 hp., inclusive, 70% of connected load; aggregating 11 hp. to 50 hp., inclusive, 60% of connected load; aggregating over 50 hp., 50% of connected load.</p>

(264)

No. 1.—Uniform Lighting Rate.

No. 2.—Uniform Retail Power Rate

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.																																
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.																																	
Public Service Electric Co. (Continued.)	<p>per kw. hr. for the excess consumption in such mo. over 1500 kw. hrs. up to and including 2000 kw. hrs.; 6c. per kw. hr. for the excess consumption in such mo. over 2000 kw. hrs. up to and including 2500 kw. hrs.</p>			<p>sumed in such month in excess of the 1st and 2d steps of this rate. 4th step, 2c. per kw. hr. for the consumption in such month in excess of the consumption mentioned in the 1st, 2d and 3d steps of this rate. The customer to guarantee a minimum bill each month equivalent to 50c. per mo. per hp. of the full rated capacity of the connected load.</p>	<p>Provided, however, that the company shall have the right at any time, at its option, in lieu of the above connected load method of determining the demand, to have the monthly maximum demand determined by the registration of a recording demand instrument to be furnished by the company, or to measure or indicate from time to time the actual demand of the customer's plant under full operating conditions. The result of such measurements or indications shall be the maximum demand to be used in computing the foregoing rate.</p>																																
	<p>5c. per kw. hr. for the excess consumption in such month over 2500 kw. hrs., up to and including 7500 kw. hrs.; 4c. per kw. hr. for the excess consumption in such month over 7500 kw. hrs. up to and including 22,500 kw. hrs.; 3c. per kw. hr. for the excess consumption in such month over 22,500 kw. hrs. Above rate to be applied to each customer's installation or plant. The consumption of current by the same consumer in different plants or localities will not be combined. The customer to guarantee a minimum bill of \$1 per installation.</p>			<p>A primary charge to be paid each mo. as follows:</p> <table border="1"> <tr><td>130 kw. hrs. and over per mo.,</td><td>7.6c. per kw. hr.</td></tr> <tr><td>150 kw. hrs. and over per mo.,</td><td>7.5c. per kw. hr.</td></tr> <tr><td>170 kw. hrs. and over per mo.,</td><td>7.4c. per kw. hr.</td></tr> <tr><td>190 kw. hrs. and over per mo.,</td><td>7.3c. per kw. hr.</td></tr> <tr><td>210 kw. hrs. and over per mo.,</td><td>7.2c. per kw. hr.</td></tr> <tr><td>230 kw. hrs. and over per mo.,</td><td>7.1c. per kw. hr.</td></tr> <tr><td>250 kw. hrs. and over per mo.,</td><td>7 c. per kw. hr.</td></tr> <tr><td>300 kw. hrs. and over per mo.,</td><td>6.9c. per kw. hr.</td></tr> <tr><td>350 kw. hrs. and over per mo.,</td><td>6.8c. per kw. hr.</td></tr> <tr><td>400 kw. hrs. and over per mo.,</td><td>6.7c. per kw. hr.</td></tr> <tr><td>450 kw. hrs. and over per mo.,</td><td>6.6c. per kw. hr.</td></tr> <tr><td>500 kw. hrs. and over per mo.,</td><td>6.5c. per kw. hr.</td></tr> <tr><td>550 kw. hrs. and over per mo.,</td><td>6.4c. per kw. hr.</td></tr> <tr><td>600 kw. hrs. and over per mo.,</td><td>6.3c. per kw. hr.</td></tr> <tr><td>650 kw. hrs. and over per mo.,</td><td>6.2c. per kw. hr.</td></tr> <tr><td>700 kw. hrs. and over per mo.,</td><td>6.1c. per kw. hr.</td></tr> </table>	130 kw. hrs. and over per mo.,	7.6c. per kw. hr.	150 kw. hrs. and over per mo.,	7.5c. per kw. hr.	170 kw. hrs. and over per mo.,	7.4c. per kw. hr.	190 kw. hrs. and over per mo.,	7.3c. per kw. hr.	210 kw. hrs. and over per mo.,	7.2c. per kw. hr.	230 kw. hrs. and over per mo.,	7.1c. per kw. hr.	250 kw. hrs. and over per mo.,	7 c. per kw. hr.	300 kw. hrs. and over per mo.,	6.9c. per kw. hr.	350 kw. hrs. and over per mo.,	6.8c. per kw. hr.	400 kw. hrs. and over per mo.,	6.7c. per kw. hr.	450 kw. hrs. and over per mo.,	6.6c. per kw. hr.	500 kw. hrs. and over per mo.,	6.5c. per kw. hr.	550 kw. hrs. and over per mo.,	6.4c. per kw. hr.	600 kw. hrs. and over per mo.,	6.3c. per kw. hr.	650 kw. hrs. and over per mo.,	6.2c. per kw. hr.	700 kw. hrs. and over per mo.,	6.1c. per kw. hr.	<p>Under 50 kw. hrs. per mo., 10c. per kw. hr. 50 kw. hrs. and over per mo., 8 c. per kw. hr. 70 kw. hrs. and over per mo., 7.9c. per kw. hr. 90 kw. hrs. and over per mo., 7.8c. per kw. hr. 110 kw. hrs. and over per mo., 7.7c. per kw. hr. 130 kw. hrs. and over per mo., 7.6c. per kw. hr. 150 kw. hrs. and over per mo., 7.5c. per kw. hr. 170 kw. hrs. and over per mo., 7.4c. per kw. hr. 190 kw. hrs. and over per mo., 7.3c. per kw. hr. 210 kw. hrs. and over per mo., 7.2c. per kw. hr. 230 kw. hrs. and over per mo., 7.1c. per kw. hr. 250 kw. hrs. and over per mo., 7 c. per kw. hr. 300 kw. hrs. and over per mo., 6.9c. per kw. hr. 350 kw. hrs. and over per mo., 6.8c. per kw. hr. 400 kw. hrs. and over per mo., 6.7c. per kw. hr. 450 kw. hrs. and over per mo., 6.6c. per kw. hr. 500 kw. hrs. and over per mo., 6.5c. per kw. hr. 550 kw. hrs. and over per mo., 6.4c. per kw. hr. 600 kw. hrs. and over per mo., 6.3c. per kw. hr. 650 kw. hrs. and over per mo., 6.2c. per kw. hr. 700 kw. hrs. and over per mo., 6.1c. per kw. hr.</p>
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650 kw. hrs. and over per mo.,	6.2c. per kw. hr.																																				
700 kw. hrs. and over per mo.,	6.1c. per kw. hr.																																				
	No. 1.—Uniform Lighting Rate.		No. 2.—Uniform Retail Power Rate.	No. 3.—Uniform Wholesale Power Rate.																																	

(265)

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Public Service Electric Co. (Continued.)			<p>\$1.20 per H. P. for excess of the customer's maximum demand in such month over 400 H. P. In addition to the foregoing primary charge a secondary charge to be paid each month as follows: 3c. per kw. hr. for the consumption in such month up to and including 3000 kw. hrs.; 2c. per kw. hr. for excess consumption in such month over 3000 kw. hrs., up to and including 10000 kw hrs.; 1c. per kw. hr. for excess consumption in such month over 10000 kw hrs.</p> <p>The above rate is for low tension A. C. service or 500 volt or 220 volt D. C. service, the type of current to be determined by the company.</p> <p>A customer desiring primary or high tension A. C. current will be supplied therewith if practicable at a discount of 5% from the net rate obtained by the above schedule, the current to be measured on the high tension side of the installation and provided the customer furnishes, installs and maintains all transforming devices, including the stepdown transformers. A discount of 3% from the net rate obtained from the above schedule will be allowed to customers desiring primary or high tension current, measured on the high tension side of the installation, the company, in that case, to furnish, install and maintain the stepdown transformers, but no other transforming devices, which latter will have to be installed and maintained by the customer if required. The customer to guarantee a minimum bill each mo. of \$300.</p>	<p>750 kw. hrs. and over per mo., 6 c. per kw. hr. 800 kw. hrs. and over per mo., 5.9c. per kw. hr. 850 kw. hrs. and over per mo., 5.8c. per kw. hr. 900 kw. hrs. and over per mo., 5.7c. per kw. hr. 950 kw. hrs. and over per mo., 5.6c. per kw. hr. 1000 kw. hrs. and over per mo., 5.5c. per kw. hr. 1100 kw. hrs. and over per mo., 5.4c. per kw. hr. 1200 kw. hrs. and over per mo., 5.3c. per kw. hr. 1300 kw. hrs. and over per mo., 5.2c. per kw. hr. 1400 kw. hrs. and over per mo., 5.1c. per kw. hr. 1500 kw. hrs. and over per mo., 5 c. per kw. hr. 1600 kw. hrs. and over per mo., 4.9c. per kw. hr. 1700 kw. hrs. and over per mo., 4.8c. per kw. hr. 1800 kw. hrs. and over per mo., 4.7c. per kw. hr. 1900 kw. hrs. and over per mo., 4.6c. per kw. hr. 2000 kw. hrs. and over per mo., 4.5c. per kw. hr. 2100 kw. hrs. and over per mo., 4.4c. per kw. hr. 2200 kw. hrs. and over per mo., 4.3c. per kw. hr. 2300 kw. hrs. and over per mo., 4.2c. per kw. hr. 2400 kw. hrs. and over per mo., 4.1c. per kw. hr. 2500 kw. hrs. and over per mo., 4 c. per kw. hr.</p> <p>The customer to guarantee a minimum bill each month equivalent to 50c. per month per hp. of the full rated capacity of the connected load. For a monthly consumption of less than 50 kw. hrs. no bill under this schedule shall be greater than \$4 unless that amount is less than the minimum charge agreed upon, in which case the minimum charge shall be paid.</p> <p><i>Refrigerator Rate.</i>—Power for refrigeration purposes will be furnished to customers under Uniform Power Rate Schedule No. 2, or, at the option of the customer, at following rates. (This schedule will not be applied to installations of less than 5 hp. Installations of less than 5 hp. will be charged at the Uniform Retail Power Rate Schedule No. 2):</p> <p>4c. per kw. hr. for the consumption in each of the months of October, November, January, February, March and April. 3c. per kw. hr. for the consumption in each of the months of May, June, July, August and September.</p> <p>The customer to guarantee a minimum bill each month equivalent to \$1 per month per hp. of the full rated capacity of the connected load.</p>	

(266)

No. 3.—Uniform Wholesale Power Rate.

TABLE III.—RATES CHARGED FOR ELECTRICITY—Continued.

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Rockland Electric Co., Ramsey, Oakland, Mahwah.	20c.			9c. and 7c.	Minimum charge 75c. per month. Discounts as follows if paid by the 15th of the month: Bills up to \$10, 40%. Bills over \$10, 45%. Bills over \$20, 50%.
Salem Electric Co.	9c.			7½c. 7c., 6½c.	For 10 horsepower. For 20 horsepower. For more than 20 horsepower.
Sayreville Electric Light and Power Co.	10c.				Bills over \$20, discount of 15%. Bills over \$25, discount of 20%.
Toms River and Island Heights Electric Light and Power Co.	15c.				First 50 kw. hrs., 15c. per kw. hr. Next 25 kw. hrs., 12c. per kw. hr. Excess over 75 kw. hrs., 10c. per kw. hr.
Warren Woodworking Co., Belvidere.	10c.	16 c.p. lamp 50c. each per month; 3 lights or less.			Minimum charge on meter of \$1.25 per month.
Washington Electric Co.	15c.	16 c.p. lamp, 50c. each per month for 3 lights or less.		10c.	Minimum charge, light, \$1. per month. Minimum charge, power, \$1 per hp. per mo. Discounts on light or power: Up to \$5, 15%; \$5 to \$10, 25%; \$10 to \$20, 33¼%; \$20 to \$30, 40%; \$30 to \$40, 45%; bills over \$40, 50%. Moving picture shows, maximum discount of 33¼%.
West Jersey Electric Co., Wildwood.	20c. 15c.				Transients, 20c., with minimum charge of \$1.50 per month. All year customers 15c., with minimum charge of \$1 per month. Discounts—All year customers— Bills over \$3, 5%; bills over \$5, 10%; bills over \$10, 15%; bills over \$25, 20%. Summer customers—Bills over \$5, 10%; bills over \$10, 20%; bills over \$20, 25%; bills over \$30, 30%; bills over \$40, 35%; bills over \$50, 40%.

(267)

TABLE III.—RATES CHARGED FOR ELECTRICITY—*Continued.*

Company.	INCANDESCENT LIGHTS.		ARC LIGHTS.	POWER.	Discounts, Minimum Charges, Etc.
	Maximum rates by meter per kw. hour.	Rates by Contract.	Rates by Contract.	Maximum rates by meter per kw. hour.	
Williamstown Electric Co.	15c.			None.	10% discount if paid on roth of month.
Willsbrook Electric Light Company, Netcong.	12c.				
Woodbourne Electric Light and Power Co., Sussex.		16 c.p., 50c. per month; \$20 per annum for 10 lamps for house lighting.			No meters.
Woodstown Ice and Cold Storage Company.	15c.	Store lighting: first 5 16 c.p. lamps, 45c. each; 2d 5 lamps, 40c. each; additional, 30c. each. House lighting, first 5 10 c.p. lamps, 25c. each; 2d 5 lamps, 18c. each; additional, 10c. each.			Restaurants, 20% above store lighting. Poolrooms, 25% above store lighting. 16 c.p. lamps for outside use burned all night, \$1 per month. Other size lamps at proportional prices.

(268)

BREAK-DOWN SERVICE.

Public Service Electric Co.

This form of service is rendered to isolated or private generating plants, and is intended to supply electrical energy to such a customer's equipment in the event of a break-down of such a plant. It is insurance against the continued interruption of a customer's lighting or power service due to a break-down of the private generating plant.

Contracts for this service will not be made for less than one year.

Break-Down Service—Lighting. The customer to pay a charge each month of 10 cents per month per lamp of 50 watts, or the equivalent thereto, of the full-rated capacity of the customer's connected load, or, expressed in another way, \$2.00 per month per kilowatt of the full-rated capacity of the customer's connected load. Within and up to the amount of this charge electrical energy may be consumed each month at the rate or rates set forth in the company's Uniform Lighting Rate without additional cost to the customer.

Break-Down Service—Power. The customer to pay a charge each month of 50 cents per month per horse-power of the full-rated capacity of the customer's connected load. Within and up to the amount of this charge electrical energy may be consumed each month at the rate or rates set forth in the company's Uniform Retail Power Rate without additional cost to the customer, or, at the option of the customer, to pay the primary and secondary charges set forth in the company's Uniform Wholesale Power Rate. In that case the primary charge shall be based on 50 per cent. of the full-rated capacity of the customer's connected load, but the bill shall be in no case less than \$300.00 per month. This option shall be exercised at the time service is contracted for.

Break-Down Service—Auxiliary Power. Under this heading will be furnished a reserve, auxiliary or partial service for power

purposes, which may be used in conjunction with and simultaneously with the customer's private plant service. The customer to pay a charge each month of \$2.00 per month per kilowatt of the full-rated capacity of the transformers or connection furnished by the company for said service. Within and up to the amount of this charge electrical energy may be consumed each month at the rate or rates set forth in the company's Uniform Retail Power Rate without additional cost to the customer, or, at the option of the customer, to pay the primary and secondary charges set forth in the company's Uniform Wholesale Power Rate. In that case the primary charge shall be based on the full-rated capacity of the transformers or connection furnished by the company for said service, but the bill shall be in no case less than \$300.00 per month.

This option shall be exercised at the time service is contracted for.

TABLE IV.—METERED WATER RATES.

<i>Company.</i>	<i>Base Rate Per 1000 Gals.</i>	<i>Minimum Annual Charge.</i>	<i>Minimum Monthly Charge.</i>	<i>Minimum Quarterly.</i>	<i>Allowance for Minimum.</i>	<i>Meter Rent.</i>
Aquackanonk Water Co.	See Passaic Water Co.					
Bay Head Artesian Water Co.	50c.	\$10.			20,000 gals.	
Bergen Aqueduct Co.	35c.	\$10.			28,570 gals.	
Bernards Water Co.	\$2.		\$1.25.		300 gals.	
Bloomsbury Water Co.	\$1.88 per 1000 for 1st 5 M.; \$1.50 per M. for excess to 15 M.; \$1.12½ per M. for excess to 50 M.					
Bogota Water and Light Co.	\$2.50 per M. cu. ft.			\$3.75.	1500 cu. ft.	
Butler Water Co.	30c. per 100 cu. ft.	\$12.				
Clayton Glassboro Water Co.	Retail, 25c. per M. gals. Wholesale, 15c. per M. gals.	\$8. \$225.				½ \$1.50. ¾ \$2.60.
Clinton Water Co.	30c. to 10c. per M. gals.	\$8.			3500 cu. ft.	
Delaware River Water Co.	Wholesale only, 15c. per M. gals.					
East Jersey Coast Water Co.	25c. per M. gals.	\$6.				
Elizabethtown Water Co.	Retail, \$2 per M. cu. ft.; wholesale, \$1.12 per M. cu. ft.	\$10.				
Essex Fells Electric Light and Water Co.	25c. per M. gals.					
Flemington Water Co.	Retail 30c. per M. gals. wholesale, 20c. per M. gals.					
Hackensack Water Co. Bergen County.	Less than 412 gals. per day, 23¼c. per M. gals. Up to 18,750 gals. per day, 19¼c. per M. gals. Up to 25,000 gals. per day, 17¼c. per M. gals.				½-in. meter \$2.50; ¾-in. meter, \$3; 1-in. meter, \$4; 2-in. meter, \$6; 3-in. meter, \$8.	
Hudson County.	do. do.				½-in. meter \$1; ¾-in. meter, \$1.50; 1-in. meter, \$2; 2-in. meter, \$4.	

TABLE IV.—METERED WATER RATES—Continued.

<i>Company.</i>	<i>Base Rate Per 1000 Gals.</i>	<i>Minimum Annual Charge.</i>	<i>Minimum Monthly Charge.</i>	<i>Minimum Quarterly.</i>	<i>Allowance for Minimum.</i>	<i>Meter Rent.</i>
Haddonfield Water Co.	Domestic, 25c. per M. gals.; factories, 18c., 20c.	\$8.				
Lakewood Water Co.	Up to 300 gals. per day, 30c. per M. gals.; up to 1,000 gals. per day, 25c. per M. gals.	\$12.	Rates include sewer service.			
Lehigh Water Co.	60c. per M. cu. ft.					
Little Falls Water Co.	30c. per M. gals. for excess.	\$12.			30,000 gals.	
Lopatcong Water Co.	70c. to 45c. per M. cu. ft.	\$5.				
Mountain Water Co., Summit.	25c. per M. gals.	\$8.				
Merchantville Water Co.	30c. per M. gals.			\$3.	10,000.	
Middlesex Water Co.	25c. per 100 cu. ft.		\$1.50.			
Monroe Water Co., Williamstown.	25c. per M. gals. for excess.	\$10.			20,000 gals.	
Moorestown Water Co.	60c. to 30c. per M. gals. 25c. per M. gals. 15c. per M. gals. for excess.	\$8. \$100.			10,000. 500,000.	
Mount Holly Water Co.	30c. to 10c. per M. gals.			\$3.	10,000.	
Neptune City Water Co.	See East Jersey Coast Water Co.					
Ocean City Water Co.	Excess 30c. to 20c. per M. gals.	\$10.			35,000 gals.	
Orange Water Co.	30c. per M. gals.					
Passaic Water Co.	\$2.25 per M. cu. ft. for 1st 6,000 cu. ft. per quarter; \$1.50 per M. cu. ft. for next 6,000 cu. ft.; 75c. per M. cu. ft. for excess.					

TABLE IV.—METERED WATER RATES—Continued.

<i>Company.</i>	<i>Base Rate Per 1000 Gals.</i>	<i>Minimum Annual Charge.</i>	<i>Minimum Monthly Charge.</i>	<i>Minimum Quarterly.</i>	<i>Allowance for Minimum.</i>	<i>Meter Rent.</i>
Montclair Water Co.	\$2.25 per M. cu. ft. for first 8,000 cu. ft. per quarter; \$1.75 per M. cu. ft. for second 8,000 cu. ft. per quarter; \$1.50 per M. cu. ft. for excess over 16,000 cu. ft. per quarter.	\$10.				
Paulsboro Water Co.	25c. per M. gals. for excess.	\$11.			32,000 gals.	
Pennsgrove Water-Supply Co.	25c. per M. gals. for excess.	\$15. \$25.			30,000 gals. 100,000 gals.	
Pitman Water Co.		\$8.			25,000 gals.	\$1.50.
Plainfield Union Water Co.	Same as Bloomsbury Water Co.	$\frac{1}{2}$ -in., \$10. $\frac{3}{4}$ -in., \$12. 1-in., \$25.				
Morris Aqueduct.	\$2.25 per M. cu. ft.	\$8.			3,600 cu. ft.	10% of cost.
Princeton Water Co.	35c. to 20c. for excess.	\$5.			10,000 gals.	
Riverton and Palmyra Water Co.	25c. per M. gals.	\$20.				
Roseland Water Co.	30c. per M. gals.	\$10.				\$2.
Rumson Improvement Co.	40c. to 20c. per M. gals.	\$10.				
Sea Girt Water Co.	30c. per M. gals.	\$12.			40,000 gals.	
Sea Isle City Water Co.	35c. to 25c. per M. gals.	\$10.				
Short Hills Water Co.	25c. per 100 cu. ft.					10% of cost.
Somerville Water Co.	\$1.50 per M. cu. ft.					
Tintern Manor Water Co.	30c. to 15c. per M. gals.	\$8.				
Tuckerton Water Co.	25c. per M. gals.	\$12.				
Woolwich Water Co., Swedesboro.	25c. per M. gals.	\$12.				

18 UTIL.

TABLE IV.—METERED WATER RATES—Continued.

<i>Company.</i>	<i>Base Rate Per 1000 Gals.</i>	<i>Minimum Annual Charge.</i>	<i>Minimum Monthly Charge.</i>	<i>Quarterly Minimum</i>	<i>Allowance for Minimum.</i>	<i>Meter</i>
United Water-Supply Co., Boonton.	15c. per M. gals.	\$8.				
Watchung Water Co., Dunellen.	30c. to 16c. per M. gals.					
Wenonah Water Co.	25c. per M. gals. for excess.	\$15.			50,000 gals.	
West Orange Water Co.	20c. to 15c. per M. cu. ft.	\$5.50.				\$2.50 to \$10.
Westville and Newbold Water Co.	25c. per M. gals.	\$12.				
Woodbury Heights Water Co.	25c. per M. gals. for excess.	\$12.			48,000 gals.	
Wildwood Water Works Co., Holly Beach.	25c. per M. gals.	\$8.				\$1.50-\$2.50.
Wildwood.	25c. per M. gals.	\$10.				

RULES.

SESSIONS.

1. Sessions of the Board for receiving, considering and acting upon petitions, applications and other communications, and disposing of any business other than the hearing of contested cases, will be held at the rooms of the Board, at the State House, in the city of Trenton, each Tuesday at eleven o'clock in the morning.

2. Sessions of the Board for the hearing of contested cases will be held on such days, at such hours, and at such places as the Board may from time to time designate.

3. Special sessions of the Board shall be called by the President of his own initiative, or on the request of any member of the Board. One day's notice by telegraph or telephone shall be given of such special sessions, and these may be called to be held at the rooms of the Board, either in the city of Trenton or the city of Newark.

COMPLAINTS, APPLICATIONS, &C.

4. All complaints and applications under the statute must be by petition and set forth concisely the facts upon which the complaint or application is based. The name and address of the petitioner and that of the attorney or counsel of the petitioner, if any, must appear upon the petition; the name of the corporation, association or company complained of, or to whom an order or recommendation is sought (hereinafter designated respondent) must set forth in such petition.

5. Every petitioner must file with the Board the original of the petition, and in addition thereto as many copies thereof as there may be respondents.

PETITIONS UNDER LAWS 1910, CHAPTER 41, SECTION 8.

6. Petitions for approval under Section 8 of Chapter 41 of the Laws of 1910 must be accompanied by a copy of the ordinance, resolution or motion granting the privilege or franchise, approval of which is applied for, and of all proceedings of the municipality relating thereto and resulting in the passage thereof.

ANSWERS.

7. Unless the Board shall specifically otherwise direct, answers to petitions must be filed within ten days after the day on which a copy of the petition is mailed by the Secretary of the Board. The day of the mailing of the copy of the petition shall be set forth in the communication accompanying such copy.

8. The Board may in any case require the answer to be filed within a shorter time or extend the time for the filing thereof.

Every answer must specifically admit or deny the material allegations of the petition, and set forth briefly the facts which will be relied upon to meet the allegations of the petition.

9. A respondent who deems a petition insufficient upon its face to require answer to the facts alleged therein may, within seven days after the mailing of a copy of the petition, as provided for in these rules, file an application to dismiss the petition. Such application shall set forth briefly, but specifically, the grounds upon which the respondent relies for the dismissal of the petition.

10. When a respondent files such application the facts stated in the petition will be taken as admitted, but for the purposes of the application only.

11. An answer, however, will not be taken as an admission of the sufficiency of the petition to which it is interposed, but a petition to dismiss for insufficiency may be made at the hearing.

SERVICE OF PAPERS, &C.

12. The Secretary of the Board will lay before the Board all petitions, answers and applications to dismiss petitions. He will, upon their acceptance by the Board, mail to each respondent a copy of the petition, and to the petitioner a copy of the answer or application to dismiss a petition.

Where any party to a proceeding before the Board has appeared by attorney, service of any paper in the proceeding upon such attorney shall be deemed proper service upon the parties.

AMENDMENTS.

13. Amendment to any petition or answer may be allowed by the Board in its discretion upon the application of the party filing the same.

HEARINGS.

14. On issue joined by the filing of a petition and answer thereto, or application for dismissal thereof, the Board will assign a time and place for hearing, which will be at its rooms in the State House, in the city of Trenton, unless otherwise ordered.

15. Witnesses will be examined orally before the Board, unless the facts be agreed upon as provided for in these rules.

16. The petitioner must establish the material facts alleged in the petition unless the respondent admits the same, or fails to answer the petition.

17. The respondent must prove the material facts alleged in the answer unless admitted by the petitioner, and must fully disclose the defense at the hearing.

18. In case of failure to answer, the Board will take such proof of the facts as may be deemed proper and reasonable and make such order or recommendation thereon as the circumstances appear to require.

STIPULATIONS.

19. The parties to any proceeding before the Board may, by stipulation in writing, filed with the Secretary, agree upon the facts, or any part thereof, involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing.

SUBPŒNAS.

20. Subpœnas requiring the attendance of witnesses will be issued, upon the application of either party to the Secretary, or upon the order of the Board.

21. Subpœnas for the production of books, papers or documents (unless directed to be issued by the Board upon its own motion) will only be issued upon application in writing. When it is sought to compel a witness not a party to the proceeding to produce such documentary evidence, the application must be sworn to and must specify, as nearly as may be, the books, papers or documents desired; that the same are in the possession of the witness or under his control; and must also, by facts

stated, show that they contain material facts necessary to the application.

Applications to compel a party to the proceeding to produce books, papers or documents need only set forth in a general way the books, papers or documents desired to be produced and that the applicant believes they will be of service in the determination of the case.

COMPLIANCE WITH ORDERS AND RECOMMENDATIONS.

22. Upon the issuance of an order by the Board under the statute, the corporation, association or company to which the same is directed must promptly, upon compliance with the requirements of such order, notify the Secretary that action has been taken in conformity therewith.

Upon the making of any recommendation by the Board, the corporation, association or company to which the same is made must, within five days after the making of the recommendation, notify the Secretary of its acceptance or rejection thereof.

Failure to comply with this rule will be deemed a rejection of the recommendation.

INFORMATION TO PARTIES.

23. The Secretary of the Board will, upon request, advise as to the form of petition, answer or other paper necessary to be filed in any case, and furnish such information from the files of the Board as will conduce to a full presentation of the facts material to the controversy.

ADDRESS TO THE COMMISSION.

24. All petitions, answers and other papers in any proceeding or applications in relating to any proceedings shall be addressed to the Board at its rooms, in the State House, in the city of Trenton, unless otherwise specifically directed.

INDEX.

A.

	PAGE.
ACCIDENTS,	7, 212-230
ACCOUNTS,	10
ATLANTIC CITY ELECTRIC COMPANY—	
Issuance of bonds,	108
ATLANTIC HIGHLANDS GAS COMPANY—	
Ordinance, Borough of Rumson,	125

B.

BONDS, STOCK, ETC., APPROVAL OF ISSUES OF,	88-112
BURLINGTON COUNTY TRANSIT COMPANY—	
Issuance of stock,	88-93
BURLINGTON ELECTRIC LIGHT, HEAT AND POWER COMPANY—	
Ordinance, City of Burlington,	113

C.

CENTRAL RAILROAD COMPANY—	
ACCIDENTS—	
Cranford, Elizabeth avenue,	214
Dover, Hooey street,	218
Elizabethport, First avenue,	223
Ludlow,	228
Raritan, Thompson street,	218
Sea Bright,	229
Wheat Road Crossing,	215
Lease of Hibernia Mine Railroad Company,	130
COMPLAINTS—	
FORMAL, RAILROAD DIVISION,	
Allen, D. Fred., <i>vs.</i> D., L. & W. R. R. Co.,	44
Bloomfield, Town of, <i>vs.</i> Erie R. R.,	18, 19
Brock, Louis M., <i>vs.</i> Erie R. R.,	43
Cook, Mrs. H., <i>vs.</i> N. Y., S. & W. R. R.,	36
Croshaw, Herman, et al. <i>vs.</i> Union Transp. Co.,	49
Eighth Ward Citizens League <i>vs.</i> C. R. R. Co.,	46
Garfield, Borough of, <i>vs.</i> Erie R. R.,	36
Hamilton, Residents of, <i>vs.</i> P. & R. Ry. Co.,	28
Hanson, A. C., <i>vs.</i> D., L. & W. R. R. Co.,	45
Hilborn, Louis B., <i>vs.</i> D., L. & W. R. R. Co.,	43

INDEX.

COMPLAINTS—(Continued).	PAGE.
Hoboken Board of Education <i>vs.</i> D., L. & W. R. R. Co.,	48
Kearns, W. H., <i>vs.</i> D., L. & W. R. R. Co.,	37
Kearny, Town of, <i>vs.</i> Erie R. R.,	40-42
Larned, Charles W., <i>vs.</i> West Shore R. R.,	47
Mountain View, Residents of, <i>vs.</i> Erie R. R.,	29
Newark and Paterson Residents <i>vs.</i> Erie R. R.,	50, 51
Passaic Township Grange <i>vs.</i> D., L. & W. R. R.,	38
South Amboy <i>vs.</i> New York and Long Branch R. R.,	21
South Amboy <i>In re</i> Station, N. Y. & L. B. R. R.,	23
Straley, F. W., <i>vs.</i> L. & H. R. R. R.,	52
Taylor, Louise C., <i>vs.</i> D., L. & W. R. R. Co.,	24-26
Totowa, Residents of, <i>vs.</i> D., L. & W. R. R. Co.,	32
Voigt et al., Frank, <i>vs.</i> D., L. & W. R. R. Co.,	39
Westney, J. S., <i>vs.</i> W. J. & S. R. R.,	32
FORMAL, UTILITIES DIVISION,	78-82
Acacia Lodge, No. 20, F. and A. M., <i>vs.</i> Dover Electric Light Company,	81
Hoboken, City of, <i>vs.</i> Public Service Ry. Co.,	79
Miller, T. S., <i>vs.</i> Coast Gas Co.,	78
Stone Church, Residents of, <i>vs.</i> Jersey Central Traction Co., ..	78
INFORMAL, RAILROAD DIVISION,	53-79
Abramovich, Jacob, <i>vs.</i> Erie R. R. Co.,	72
Armstrong, T. J., <i>vs.</i> Atlantic City & Shore R. R.,	69
Atherton, Grant S., <i>vs.</i> D., L. & W. R. R.,	57
Belleville, Township Committee, <i>vs.</i> Erie R. R.,	53
Bloomingdale, Residents of, <i>vs.</i> N. Y., S. & W. R. R.,	66
Collis, Wm. E., <i>vs.</i> C. R. R.,	65
Commutation Rate Complaints,	70
Dover, Residents of, <i>vs.</i> D., L. & W. R. R.,	76
Franklin Township Committee <i>vs.</i> D., L. & W. R. R.,	66
Gates, M. L., <i>vs.</i> W. & N. R. R.,	54
Girard Iron and Metal Co. <i>vs.</i> C. R. R.,	61
Goodwin, Elizabeth H., <i>vs.</i> A. C. R. R.,	77
Hagaman, H. T., <i>vs.</i> C. R. R.,	58
Hohokus, Borough of, <i>vs.</i> Erie R. R.,	63
Jablesnik, Lewis C., <i>vs.</i> West Shore R. R.,	62
Keller, Gerard H., <i>vs.</i> P. R. R.,	71
Levering & Garrigues Co. <i>vs.</i> N. Y., S. & W. R. R.,	55
Maywood, Residents of, <i>vs.</i> N. Y., S. & W. R. R.,	63
Morris, H. T., <i>vs.</i> P. R. R.,	60
McCoy, Walter I., <i>vs.</i> D., L. & W. R. R.,	55
Newark, City of, <i>vs.</i> C. R. R.,	60
Pennigton, Residents of, <i>vs.</i> P. & R. Ry.,	64
Point Pleasant, Residents of, <i>vs.</i> P. R. R. and C. R. R.,	74
Ridgefield Park, Residents, <i>vs.</i> W. S. R. R. and N. Y., S. & W. R. R.,	58
South Englewood Improvement Ass'n <i>vs.</i> Erie R. R.,	76
Trenton Shirt Co. <i>vs.</i> P. R. R. and D., L. & W. R. R.,	68

INDEX. 281

COMPLAINTS—(Continued).	PAGE.
U. S. Pin Co. <i>vs.</i> Erie R. R.,	73
Washington's Crossing, Residents of, <i>vs.</i> P. R. R.,	70
Tucker, S. H., <i>vs.</i> P. R. R.,	74
INFORMAL, UTILITIES DIVISION,	83-88
Bruns, John F., <i>vs.</i> P. S. Ry. Co.,	87
Carlisle, H. E., <i>vs.</i> Ocean City Elec. Ry. Co.,	85
Jasronski, Alex., <i>vs.</i> P. S. Elec. Co.,	83
Keyes, S. I., <i>vs.</i> P. S. Gas Co.,	86
Pleasantville, Residents of, <i>vs.</i> A. C. & S. R. R.,	83
Summit Board of Education <i>vs.</i> N. Y. Tele. Co.,	84
Twining, Charles, <i>vs.</i> Jersey Central Trac. Co.,	84
CONFERENCE ORDERS,	231-235
CONFERENCE RECOMMENDATIONS,	245-246
CONFERENCE RULINGS,	235-245
CROSSWICKS WATER COMPANY—	
Issuance of stock and bonds,	100
Ordinance, Township of Chesterfield,	116
D.	
DELAWARE AND ATLANTIC TELEPHONE AND TELEGRAPH COMPANY—	
Ordinance, Borough of Penns Grove,	124
Ordinance, City of Ventnor City,	119
DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY—	
ACCIDENTS—	
Delaware,	224
DRAW BRIDGES,	7
E.	
EAST GREENWICH GAS COMPANY—	
Merger with New Jersey Gas Company,	128
ELMER WATER COMPANY—	
Issuance of Stock,	94
ERIE RAILROAD COMPANY—	
ACCIDENTS—	
New York & Greenwood Lake R. R., Chestnut Hill,	219
New York & Greenwood Lake R. R., Silver Lake,	227
Passaic, Gregory avenue,	217
Passaic, Harrison street,	214
Passaic, Paulison avenue,	220
Paterson, Broadway,	226
Ridgewood,	229
Rutherford,	224
F.	
FRANCHISES, APPROVAL OF,	8, 112-125

INDEX.

G.

	PAGE.
GLOUCESTER COUNTY ELECTRIC COMPANY—	
Ordinance, Township of Glassboro,	118
Ordinance, Township of Washington,	119
Ordinance, Township of Woolwich,	119
GRADE CROSSINGS,	3

H.

HUDSON AND MANHATTAN RAILROAD—	
ACCIDENTS—	
Caisson No. 2,	212

I.

INSPECTION,	149-212
Atlantic City Railroad,	149-151
Baltimore and New York Railroad,	151-152
Barnegat City Railroad,	152
Central Railroad of New Jersey,	152-158
Delaware, Lackawanna & Western Railroad,	158-162
Erie Railroad,	162-168
Lehigh and Hudson River Railroad,	168-169
Lehigh and New England Railroad,	169-171
Lehigh Valley Railroad,	171-173
Morristown and Erie Railroad,	174-175
Mount Hope Mineral Railroad,	175-176
New Jersey and Pennsylvania Railroad,	176-178
New York and Long Branch Railroad,	178-181
New York, Susquehanna & Western Railroad,	182-185
Pemberton & Hightstown Railroad,	185-186
Pennsylvania Railroad,	186-194
Pennsylvania Tunnel and Terminal Railroad,	194-195
Philadelphia and Beach Haven Railroad,	195-197
Philadelphia and Reading Railway,	197-198
Rahway Valley Railroad,	198
Raritan River Railroad,	198-199
Trenton and New Brunswick Railroad,	199-200
Trenton, Lawrenceville & Princeton Railway,	200-202
Tuckerton Railroad,	202
West Jersey and Seashore Railroad,	202-206
West Shore Railroad,	206-207
Wharton and Northern Railroad,	207-208

J.

JERSEY CENTRAL TRACTION COMPANY—	
Ordinance—City of South Amboy,	115

INDEX.

283

L.

	PAGE.
LEASES AND MERGERS, APPROVAL OF,	125-131
LEHIGH VALLEY RAILROAD—	
ACCIDENTS—	
Hillsboro,	216
South Plainfield,	226
Sunnyside,	213
BRIDGE 75B—Phillipsburg,	211

M.

MERGERS, LEASES AND APPROVAL OF,	125-131
METERS, USED BY GAS COMPANIES,	246-250
MORRIS COUNTY TRACTION COMPANY—	
Ordinance, Town of Morristown,	117
MORRIS & SOMERSET ELECTRIC COMPANY—	
Issuance of bonds,	107

N.

NEPTUNE CITY WATER COMPANY—	
Issuance of bonds,	107
NEWARK AND BLOOMFIELD RAILROAD COMPANY—	
Issuance of stock,	97, 99
NEW CROSSINGS AT GRADE,	131-149
Avalon, Borough of, 21st St., W. J. & S. R. R.,	145
Avalon, Borough of, 29th and 31st streets, W. J. & S. R. R.,	146
Central Railroad, Lincoln,	134
Central Railroad, Roosevelt,	147
City of Passaic, Erie Railroad,	143
Erie Railroad, Garfield,	139, 142
Hoboken Manufacturers Railroad, Hoboken,	144
New Jersey Shore Line Railroad, Township of North Bergen,	135
New York, Susquehanna & Western Railroad, Hackensack,	132
North Jersey Rapid Transit Company, Bergen county,	144
United New Jersey Railroad and Canal Co., Harrison,	148
West Jersey & Seashore Railroad, Vineland,	131
NEW JERSEY GAS COMPANY—	
MERGERS WITH	
East Greenwich Gas Co.,	128
Pitman, Glassboro & Clayton Gas Co.,	130
NEW JERSEY & HUDSON RIVER RAILWAY & FERRY CO.—	
Issuance of bonds,	97
NEW YORK & LONG BRANCH RAILROAD—	
ACCIDENTS—	
Como, Church street,	223
Six I-Beam Bridges,	209

INDEX.

NEW YORK TELEPHONE COMPANY—	PAGE.
Ordinance, Town of West New York,	117
NORTHAMPTON, EASTON & WASHINGTON TRACTION COMPANY—	
Issuance of securities,	108

O.

OCEAN COUNTY GAS COMPANY—	
Ordinance, Borough of Island Heights,	112
ORDERS, CONFERENCE,	231-235
ORDERS, ENFORCEMENT OF,	14
ORGANIZATION,	7

P.

PENNS GROVE GAS COMPANY—	
Ordinance, Township of Upper Penns Neck,	117
PENNSYLVANIA RAILROAD—	
ACCIDENTS—	
Colonia,	219
Florence,	227
Palmyra,	222
PENNSYLVANIA TUNNEL & TERMINAL RAILROAD—	
Agreement with Pennsylvania Railroad,	125
PEOPLE'S WATER COMPANY—	
Issuance of Securities,	103
PHILADELPHIA & READING RAILWAY—	
ACCIDENTS—	
Port Reading,	215
Trenton,	219
Woodbridge,	221
PITMAN, GLASSBORO & CLAYTON GAS COMPANY—	
Merger with New Jersey Gas Company,	130
PUBLIC SERVICE ELECTRIC COMPANY—	
Ordinance, City of Paterson,	113
PUBLIC SERVICE GAS COMPANY—	
Issuance of securities,	102
PUBLIC SERVICE RAILWAY COMPANY—	
Ordinance, Bergen County Freeholders,	114
Ordinance, Town of Bloomfield,	119
Ordinance, Newark Board of Street and Water Commissioners, ..	115
Ordinance, Paterson Board of Public Works,	115
Ordinances, Town of West Orange,	116

R.

RATES, CHARGED BY CERTAIN PUBLIC UTILITIES,	251-275
Gas Companies,	253-256
Electric Light Companies,	257-270
Water Companies,	271-274

INDEX. 285

	PAGE.
RECOMMENDATIONS, CONFERENCE,	245-246
RIDGEWOOD STATION, CROSSING AT—	
<i>In re</i> trains passing over same while passenger trains are receiving and discharging passengers, Erie R. R.,	208
RIVERSIDE TRACTION COMPANY—	
Issuance of securities,	103, 106
RULES OF THE BOARD,	275-278
RULINGS, CONFERENCE,	235-245

S.

STANDARDS, FOR SERVICE,	14
STOCK, APPROVAL OF ISSUES OF,	10, 88-112

V.

VINELAND AND BRIDGETON JUNCTION—	
Steam Grade Crossing, C. R. R. and W. J. & S. R. R.,	211

W.

WEST JERSEY AND SEASHORE RAILROAD—	
ACCIDENTS—	
Anglesea,	225
Atco,	228
Camden, Line street,	227
Camden, Royden street,	214
Gloucester, Essex street,	229
Hessian Road,	221
Mill Lane Crossing,	225
Pleasantville,	221
Reed's Crossing,	217
WILDWOOD AND DELAWARE BAY SHORT LINE RAILROAD COMPANY—	
Issuance of stock and bonds,	101

