

NEW JERSEY SUPREME COURT.

CITY OF PATERSON, <i>Prosecutor,</i> <i>vs.</i> BOARD OF PUBLIC UTILITY COMMISSIONERS, <i>Defendant.</i>	}	<i>On Certiorari,</i> <i>Rule for Judgment.</i>
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This matter coming on to be heard before the court upon the return of the writ of certiorari in this cause and the reasons filed therein by the prosecutor, and the arguments of Edward F. Merrey of counsel with the prosecutor, and of Frank H. Sommer, of counsel with the defendant, having been heard, and the court having inspected said return and the reasons, and considered the same and the arguments of counsel thereon, and being of the opinion that the order brought up for review should be affirmed;

It is thereupon on this eighteenth day of September, in the year of our Lord, one thousand nine hundred and thirteen, ordered that the order of the Board of Public Utility Commissioners brought up by the writ of certiorari in this cause for review, be and the same is in all things hereby affirmed with costs.

Rule entered this 19th day of September, A. D. 1913.

On motion of

FRANK H. SOMMER,
Attorney for Defendant.

NEW JERSEY SUPREME COURT.

CITY OF PASSAIC, <i>Prosecutor,</i> <i>vs.</i> BOARD OF PUBLIC UTILITY COMMISSIONERS, <i>Defendant.</i>	}	<i>On Certiorari,</i> <i>Rule for Judgment.</i>
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This matter coming on to be heard before the court upon the return of the writ of certiorari in this cause and the reasons filed therein by the prosecutor, and the arguments of Albert O. Miller, Jr. and George L. Record, of counsel with the prosecutor, and of Frank H. Sommer, of counsel with the defendant, having been heard, and the court having inspected the said return and the reasons, and considered the same and the arguments of counsel thereon, and being of the opinion that the order brought up for review should be affirmed;

It is thereupon on this eighteenth day of September in the year of our Lord one thousand nine hundred and thirteen, ordered that the order of the Board of Public Utility Commissioners brought up by the writ of certiorari in this cause for review, be and the same is in all things hereby affirmed with costs.

Rule entered this 19th day of September, A. D. 1913.

On motion of

FRANK H. SOMMER,
Attorney for Defendant.

NEW JERSEY SUPREME COURT.

CITY OF PATERSON, <i>Prosecutor,</i> <i>vs.</i> BOARD OF PUBLIC UTILITY COMMISSIONERS, <i>Defendant,</i>	}	<i>On Certiorari,</i> <i>Notice of Appeal.</i>
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To

Frank H. Sommer, Esquire, Attorney for the Board
of Public Utility Commissioners;

Frank Bergen, Attorney for the Public Service Gas
Company.

TAKE NOTICE that the Prosecutor, the City of Paterson, appeals to the Court of Errors and Appeals from the Judgment entered in this cause, on the following grounds:

The order brought up for review by the writ of certiorari allowed in this cause should have been reversed and set aside, and not affirmed with costs as it was by the judgment entered herein, for the following reasons assigned and filed by the Prosecutor in this Court, for the reversal, setting aside and vacation of said order upon the return of the said writ of certiorari herein, which reasons are as follows:

First: Because the said Board in said proceeding fixed a value of the tangible property of the said Company in excess of the true value thereof.

Second: Because the said Board in said proceeding erred in fixing a value of one million two hundred and fifty thousand dollars upon an element of value called the going concern value of said Company, said value being in excess of the true value of said element of going concern value.

Third: Because said Board in said proceeding erred in fixing a value upon the intangible property of said Company, because said Board in arriving at a just and reasonable rate should make no allowance whatever for going concern value or any other element of intangible value.

Fourth: Because said Board in said order erred in that the order of the Board allows the Company to earn more than a fair and reasonable return upon the fair value of its property.

Dated September 20th, 1913.

EDWARD F. MERREY,

Attorney for Prosecutor, City of Paterson.

NEW JERSEY SUPREME COURT.

CITY OF PASSAIC, <i>Prosecutor,</i> <i>vs.</i> BOARD OF PUBLIC UTILITY COMMISSIONERS, <i>Defendant.</i>	}	<i>On Certiorari,</i> <i>Notice of Appeal.</i>
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To

Frank H. Sommer, Esquire, Attorney for the Board
of Public Utility Commissioners;

Frank Bergen, Attorney for the Public Service Gas
Company.

TAKE NOTICE that the Prosecutor, the City of Passaic appeals to the Court of Errors and appeals from a judgment entered in this cause, on the following grounds:

The order brought up for review by the writ of certiorari allowed in this cause should have been reversed and set aside, and not affirmed with costs as it was by the judgment entered herein, for the following reasons assigned and filed by the Prosecutor in this Court, for the reversal, setting aside and vacation of said order upon the return of the said writ of certiorari herein, which reasons are as follows:

First: Because the said Board in said proceeding fixed a value of the tangible property of the said Company in excess of the true value thereof.

Second: Because the said Board in said proceeding erred in fixing a value of one million two hundred and fifty thousand dollars upon an element of value called the going concern value of said Company, said value being in excess of the true value of said element of going concern value.

Third: Because said Board in said proceeding erred in fixing a value upon the intangible property of said Company, because said Board in arriving at a just and reasonable rate should make no allowance whatever for going concern value or any other element of intangible value.

Fourth: Because said Board in said order erred in that the order of the Board allows the Company to earn more than a fair and reasonable return upon the fair value of its property.

Dated September 20th, 1913.

GEORGE L. RECORD,

Attorney for Prosecutor, City of Passaic.

NEW JERSEY SUPREME COURT.

CITY OF PASSAIC,	}	On Certiorari.
Prosecutor,		
<i>vs.</i>		
BOARD OF PUBLIC UTILITY COMMISSIONERS,		
		Stipulation.
		Defendant.

It is stipulated and agreed that the writs of certiorari in the above causes may be argued upon the return made to the writ of certiorari granted by Justice Minturn on the thirteenth day of December, 1912, upon the application of the Public Service Gas Company, and the evidence that may be taken in pursuance of said last mentioned writ.

FRANK BERGEN,

Attorney of Public Service Gas Company.

It is stipulated and agreed that the writs of certiorari in the above causes may be argued upon the return made to the writ of certiorari granted by Justice Minturn on the 13th day of December, 1912, upon the application of the Public Service Gas Company.

FRANK H. SOMMER,

Attorney of Board of Public
Utility Commissioners.

NEW JERSEY SUPREME COURT.

CITY OF PATERSON,	}	On Certiorari.
Prosecutor,		
<i>vs.</i>		Reasons.
BOARD OF PUBLIC UTILITY COMMISSIONERS,		
Defendant.	}	

The said prosecutor, the City of Paterson, by Edward F. Merrey, its attorney, comes and prays that said order made by the Board of Public Utility Commissioners on the twenty-sixth day of December, one thousand nine hundred and twelve, in the matter of hearing as to whether the existing schedule of rates of Public Service Gas Company for gas is just and reasonable, may be set aside for the following reasons:

First: That the said Board in said proceeding fixed a value of the tangible property of the said company in excess of the true value thereof.

Second: That said Board in said proceeding erred in fixing a value of one million twenty five thousand dollars upon the said so-called going concern value of said company, said value being in excess of the true value of said element of going concern value.

Third: That said Board in said proceeding erred in fixing a value upon the intangible property of said company because said Board in arriving at a just and reasonable rate should make no allowance whatever for going concern value or any other element of intangible value.

Fourth: That said Board in said order erred in that the order of the Board allows the company to earn

more than a fair and reasonable return upon the fair value of its property.

Fifth: That said order is in divers other respects illegal, unjust and oppressive and should be set aside and for nothing holden.

EDWARD F. MERREY,
Attorney for Prosecutor.

NEW JERSEY SUPREME COURT.

CITY OF PASSAIC,	}	On Certiorari.
Prosecutor,		
<i>vs.</i>		Reasons.
BOARD OF PUBLIC UTILITY COMMISSIONERS,		
Defendant.		

The said prosecutor, the City of Passaic, by Albert O. Miller and George L. Record, its attorneys, comes and prays that said order made by the Board of Public Utility Commissioners on the twenty-sixth day of December, One thousand nine hundred and twelve, in the matter of hearing as to whether the existing schedule of rates of Public Service Gas Company for gas is just and reasonable, may be set aside for the following reasons:

First: That the said Board in said proceeding fixed a value of the tangible property of the said company in excess of the true value thereof.

Second: That said Board in said proceeding erred in fixing a value of one million twenty-five thousand dollars upon the said so-called going concern value of said company, said value being in excess of the true value of said element of going concern value.

Third: That said Board in said proceeding erred in fixing a value upon the intangible property of said company because said Board in arriving at a just and reasonable rate should make no allowance whatever for going concern value or any other element of intangible value.

Fourth: That said Board in said order erred in that the order of the Board allows the company to earn more

than a fair and reasonable return upon the fair value of its property.

Fifth: That said order is in divers other respects il-legal, unjust and oppressive and should be set aside and for nothing holden.

ALBERT O. MILLER,

GEORGE L. RECORD,

Attorneys for Prosecutor.



