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THIRD ANNUAL REPORT

OF THE

Board of Public Utility Commissioners

FOR THE

STATE OF NEW JERSEY

FOR THE YEAR

1912

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Board of Public Utility Commissioners

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REPORT.

To the Honorable Woodrow Wilson, Governor of the State of New Jersey:

SIR—The Board of Public Utility Commissioners respectfully submits herewith its annual report, this being the third annual report of the Board and the second to be made since the broad expansion of the powers of the Board by the "Public Utilities Act" (Chapter 195, P. L. 1911.)

Among the many matters before the Board during the year were two which because of the large number of those affected and the value of the interests involved led in importance. One of these related to charges made by the Public Service Gas Company, the other to charges made by the Delaware and Atlantic Telegraph and Telephone Company.

THE PUBLIC SERVICE GAS CASE.

Reference was made in the Board's last report to the fact that hearings were being held in the matter of the investigation of the justice and reasonableness of the rate charged by the Public Service Gas Company for gas in the Passaic Division, in which territory both Paterson and Passaic, as well as twelve smaller municipalities, are located. The hearings continued through the greater part of the present year, during which a vast amount of testimony was taken and a voluminous record made. Much of this pertained to conflicting views of experts as to valuations made by them of the companies' properties.

Following its consideration of the record, the Board made a report in which it determined the existing rate of $1.10 per 1,000 cubic feet of gas with a discount of 10¢ per 1,000 cubic feet for prompt payment to be unjust and unreasonable. The Board fixed in place of this rate a charge of 90c per thousand cubic feet and

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ordered the company to put such charge into effect in the "Passaic Division" on and after February 1st, 1913. The Board recommended that the company set the same reduced rate of 90¢ per thousand cubic feet throughout all of the other divisions of the State, where now it is exacting the rate of one dollar net per thousand cubic feet. This recommendation was made as to territory not embraced in the "Passaic Division" because under the statute the Board can issue an order fixing rates only "after a hearing upon notice." A further recommendation was made that the company's schedule of quantitative discounts be readjusted in accordance with the rate of ninety cents per thousand cubic feet. The Board's decision in this matter makes no allowance for "good will" but recognizes "going concern value" on the principle that a plant with a business attached has a value greater than the value of the mere plant without the business attached, and the conclusion is reached that the "going concern value" is represented largely by the cost of developing the business as distinct from the cost of securing the physical structure. The Board also decides that where "going concern value" exists and the costs involved in the acquisition of such value have been met out of rates exacted from consumers the "going concern value" enters into the base upon which public utilities are entitled to earn a fair return so far as it does not appear that the rates exacted from consumers were legally challenged.

A copy of the Board's decision in this matter is submitted herewith.

THE TELEPHONE CASE.

Hearings were conducted during the year of the complaints made by numerous parties in the City of Camden, challenging rates of the Delaware and Atlantic Telegraph and Telephone Company. The complaints in this matter dealt primarily with the elimination by the Delaware and Atlantic Telegraph and Telephone Company of certain special rates, much lower than the standard. These rates had been in effect for a number of years, and the claim was made that in changing them to conform to its regular and standard rates the company had imposed an unreasonable increase in its charges. Naturally consideration of these complaints brought into question the reasonableness of the respondent's rate schedule and the scope

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of the inquiry was extended to cover the entire territory served by the Delaware and Atlantic Telegraph and Telephone Company. In this matter also numerous hearings were held the record of which covers many hundred pages, with a large separate volume of exhibits.

The Board has been unable to conclude its review of this record in time to file its decision before submitting this report. It is expected that this decision will be filed at an early date.

THE COMMUTATION RATE CASE.

Hearings in the investigation by the Board of the justice and reasonableness of commutation rates to Jersey City and Hoboken have been concluded, except with respect to the Pennsylvania Railroad Company which asked for and was granted the privilege of separate hearing. This was based on the peculiar relation of the Pennsylvania Railroad to this traffic by reason of said road's tunnel to New York. In its report last year the Board directed attention to the fact that it had not been the practice of the railroad companies to sell commutation tickets to Jersey City and Hoboken, and that the Board had ordered the companies to sell such tickets to the cities named. This order was appealed to the Supreme Court which upheld the ruling of the Board. An appeal has been taken from the decision of the Supreme Court to the Court of Errors and Appeals and the Board's order is now under review by that tribunal. The Board's right to regulate rates to the New Jersey termini must rest upon its right to require the sale of tickets thereto.

MISCELLANEOUS COMPLAINTS.

In addition to the cases referred to a large number of complaints touching on a great variety of matters, many of them of importance to the parties in interest and affecting very many citizens of the State, have been made to the Board. In numerous instances complaints have been handled informally and satisfactory settlements have been effected without formal hearing. In other cases where issues seemed to be joined the complainants have not desired hearings to be called. Reports of decisions in formal complaints and also the records of a number of informal complaints are submitted

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herewith. In addition to these many complaints of individuals against utilities have been referred to the Board's inspectors and through their mediation the causes for a number of grievances have been removed.

UNIFORM ACCOUNTING.

The system of uniform accounting heretofore adopted for street railway companies prescribed by the Board January 3rd, 1911, has been changed in certain particulars and amplified by an order of the Board dated December 3rd, 1912, and effective January 1st, 1913. The Board has also prescribed uniform systems of accounting, effective January 1st, 1913, for the electric light, heat and power, the gas and the water utilities, subject to its jurisdiction. Each of these systems is contained in a separate pamphlet published by the Board. Copies of these pamphlets have been served on the utilities affected and many have been sent, in compliance with requests therefor, to other parties interested in the subject. At the hearings held on the proposed adoption of uniform systems of accounting, some objection was made by the smaller utilities to the systems under discussion, it being claimed that their adoption would impose an undue burden on such utilities. The Board has made the systems primarily applicable to the larger companies, but has notified all the utilities that the accounts are to be carried on their books in so far as the same are pertinent to the facts and circumstances of each utility. Where doubt exists on the part of a utility as to whether a particular account prescribed is pertinent, the utility must ask the advice of the Board. The Board has instructed its accountant to aid the utilities in making such changes in their accounting as may be necessary to comply with the order; and it is believed that the companies can adjust their methods of bookkeeping to conform to a uniform system without placing an undue burden on any.

APPROVAL OF SECURITY ISSUES.

The approval of issues of stock, stock certificates, bonds or other evidences of indebtedness maturing more than one year from date, which approval is required by the statute to make such issues valid,

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requires hearings and investigations that make heavy demands on the time of the members of the Board and their assistants. During the past year fifty-six applications of this kind have been approved by the Board. These were for proposed issues of bonds totalling $30,940,075, of stock totalling $5,154,945, and of other issues totalling $443,000. The total of the bond issues was increased by one issue of $25,000,000 bonds of the New York Telephone Company. This was for the purpose of acquiring certain extensive properties of the Southern Bell Telephone Company, located in Virginia and West Virginia. These properties will not be subject to the Board's jurisdiction, but the proposed issue came within the New Jersey statute and required the Board's approval. While the Board causes in each case a report to be made by its counsel, as to whether proposed issues are to be made in accordance with law, and obtains a report from its expert on the purpose of the issue, it has been careful to make it plainly understood that its approval does not confirm the financial and business standing of the issuing corporation, as a whole. It has been necessary to call attention to this at times because of statements made with respect to the Board's approval which statements might create a false impression of value of advertised securities. The Board has issued a memorandum setting forth the general principles upon which it bases its action upon petitions for the approval of security issues. A copy thereof is attached hereto, and is made a part of this Report.

APPROVAL OF FRANCHISES.

Under the provision of the act requiring the approval of the Board to make valid any privilege or franchise granted to a public utility by a political subdivision of the State, the Board has given its approval to fifty-one ordinances and resolutions granting such privileges and franchises. Hearings are always held on such applications, and any parties interested may be heard. In a number of cases the municipal grants have contained provisions, regulating the service to be afforded and rates to be charged. The "Public Utility Act" gives this Board power to fix just and reasonable rates to be charged by public utilities and to require the provision of safe, adequate and proper service.

It is true these powers cannot be taken from the Board by mu-

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nicipal action in particular cases, nor can the Board minimize by its own act the powers bestowed upon it by the legislature, but it has been deemed advisable to make a definite declaration of the Board's policy with respect to applications for approval of franchises that contain provisions as to rates and service. This has been done by the adoption of a resolution to the effect that the Board will withhold its approval of all such franchises that contain any provision relating to rates or service which do not clearly set forth that such provision is not in anywise to operate to limit or affect the exercise of the jurisdiction and control now or hereafter vested by law in this Board over rates and service. In some instances municipal ordinances did not contain the provision cited above; and these were subsequently amended by the governing bodies of the municipalities to conform to the Board's ruling.

GRADE CROSSINGS.

To obtain complete information covering grade crossings in this state the Board is having such crossings inspected and classified. The Board's appropriation has not admitted of its employing inspectors exclusively for this work, but much has been done by the Board's staff in the time which could be spared for this work. In all 554 crossings have been examined, and the conditions thereat recorded. It has been deemed best for the purpose of classification to adopt classes designated respectively, "A," "B," "C," and "D."

In Class "A," which represents the most dangerous, were placed all crossings to which the following physical conditions apply:

(1) Two or more tracks on a sharp curve with obstructions close to right of way lines, with light traffic over the crossing.

(2) Diagonal crossings at such angle as to prevent a view of trains, after passing a point within a reasonable distance from the track at which observation is taken, with train moving on track nearest to the side of the highway from which travel is approaching, and practically in the same direction.

(3) Where the view at the crossing is obstructed to the right of way line at all corners.

(4) Crossings where travel is heavy, with a fair view of trains in either direction.

(5) Crossings where travel is heavy, especially in towns where

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travel is impeded by trains standing at station, with part of train overlapping crossing.

(6) Crossings with four or more tracks curved or tangent with middle tracks used for high speed movement.

All crossings with elements of danger approximating those in Class "A" but not so sharply defined are placed in Class "B." Crossings in Classes "C" and "D" are judged on same basis with respect to ratio of danger, each lower class being considered less dangerous than the next preceding class.

Statistics covering location of highway, number of tracks, curved or tangent, kind of crossing, travel on highway, grade of highway at approaches, views of tracks from approaches, distance of nearest buildings from right of way line, crossing protection, etc., have been collected, together with sketches of track lay-outs and photographs of crossings.

To expedite the collection of information, the railroad companies were requested to file with the Board maps showing locations of grade crossings on their respective lines, also names of the crossings. The preparation of these maps required considerable time and labor, as the crossings are shown to scale and numbered.

In the territory already covered by the inspectors, from Bay Head along the eastern portion of the State to the New York State line, crossings on ten different lines have been examined. The information so far collected regarding conditions at crossings and classification of same would be substantially correct in making approximations for the entire State. Within the mileage of track so far covered there are 554 grade crossings, 183 private, 93 undergrade and 56 overgrade crossings, a total of 886 crossings. The proportion of crossings at grade to the total is 62.5%; of private crossings, 20.6%; of undergrade crossings, 10.5%; and of overgrade crossings, 6.4%.

In a number of cases conditions were such as to lead to recommendations by the Inspectors for provision of additional protection. These reports were sent to the companies, which were directed to advise the Board by a date fixed whether the recommendations contained therein would be complied with. In nearly all cases, the recommendations were regarded by the companies as reasonable and proper and the protection recommended has been afforded.

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Where issue has been taken by a company with an inspector's report, a date has been fixed for hearing at which the railroad company has been represented and the Board's inspector examined. This has been followed by such action on the part of the Board as it deemed the circumstances to warrant. In addition to the protection afforded at numerous crossings as a result of inspector's recommendations, the Board has investigated a number of complaints as to conditions at certain crossings. Where these conditions were shown to be such as to reasonably require the provision of protection the companies have either on recommendations or by orders of the Board supplied it.

The protection provided has consisted of the installation of gates at certain crossings, stationing flagmen at others, changes in locations of cars on sidings, which obstructed views, the removal of trees and brush for similar reasons, and the lessening of speed of trains while passing over crossings.

ELIMINATION OF CROSSINGS.

In its report last year the Board expressed its opinion on the elimination of grade crossings. The Board reaffirms the views there outlined. The rational solution of the railroad grade crossing problem requires three things. It requires first of all an appreciation of the difference in hazard existing in the various classes of the 3000 or more grade crossings now extant in this State. Grade crossings that gridiron a populous city section are immeasurably more perilous than a similar number of grade crossings intersecting a sparsely inhabited rural section, a scrub pine warren, a stretch of sea meadow or a strip of desert sand dunes. Evidently an intelligent estimate of the danger to be guarded against depends on a careful examination of the hazards presented by the various kinds of grade crossings, and a scientific classification of the crossings with respect to the hazards they offer.

The solution of the problem demands second, a realization of the magnitude of the work of elimination, and of the time and money that will be required for its completion. The state will be more than fortunate if by the end of two decades it sees the removal of all the really dangerous crossings at grade. The cost alone would prevent much speedier elimination. In the case of a few of the

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smaller carriers it will prevent any immediate removal of grade crossings whatever. To require them annually to eliminate a certain number of grade crossings per mile might easily bankrupt several of the smaller roads in the State.

It is difficult now for some of these smaller railroads to maintain their tracks, bridges and equipment in such condition as to satisfy this Board that their trains may be safely operated. Several years ago the lessees of one line cancelled their lease and passed out of existence as a railroad company, because they were financially unable to spend on the track and bridges the sum necessary to meet the reasonable requirements of the then Board of Railroad Commissioners. An arrangement was subsequently effected with other lessees, whereby the road was put in safe condition, and operation was resumed. But recently, and against the protests of those living along the line, the Board has most reluctantly given its consent to discontinuance of daily passenger service on this road during part of the year. The Board was satisfied from a careful consideration of the revenue and operating expenses of the road that it was being conducted at a material loss, and that a requirement of continued daily passenger service might and probably would result in its abandonment, with little prospect of any other company affording even the limited service the present operating company provides. It is not difficult to see what would happen if a road like this and a number of others barely able to keep their tracks and bridges safe for operation should be directed to spend thousands of dollars to eliminate their crossings at grade.

In all railroad operations there are elements of danger, not alone in the crossing of highways at grade, but to those who travel on trains. It is the duty of railroad companies by good management, the installation of mechanical devices, proper systems of signalling, and strict enforcement of salutary rules, to eliminate these dangers as far as practicable. It is the duty of the State, and of railroad and utility commissions to whom power is delegated by the Legislature to require railroad companies to take measures for the protection of the public and of their employees where reasonable protection is not voluntarily provided. There is a limit however, to such requirements, which cannot be passed if the railroad company is to continue to supply service.

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In the third place, a solution of the problem of grade crossing elimination will be hastened by a recognition of the justice of distributing the cost between the carriers and the public, as represented by the State and the municipalities. There are cases where the grade crossings within the past two years have been forced on the carriers against their will. It is indisputable that in such cases the entire cost of removal could not be put upon the carrier without a gross violation of the dictates of common fairness. Where progress has been most marked in eliminating grade crossings, as in Massachusetts, there has been an equitable partition of the cost of elimination.

Moreover, it must not be forgotten that the investment in grade crossing elimination cannot be had for nothing. If the companies are to spend the vast amounts such elimination requires, the consumer must expect in rates and fares to contribute to the cost. If the companies at their own expense exclusively pay the cost, the indemnity they may reasonably exact will be heavier than if the public contribute in the first instance to the project, and thereby obtain some rightful control over the process of elimination.

ACCIDENTS.

Notwithstanding the density of railroad traffic in this state, the large number of trains operated and the many passengers carried, there has been no collision or derailment of a passenger train during this year by which a passenger has been killed. One collision between a passenger train and a freight train occurred as the result of a switch left open. This resulted in the deaths of two firemen, injuries to four other train hands and to five passengers. This was the most serious accident to any passenger train during the year.

All accidents which are at all serious or where any improper conditions appear to exist are investigated by the Board's Inspectors, and reports are made to the Board thereon. Where such investigation is deemed insufficient the Board holds a formal investigation and takes testimony of all those who may have any knowledge as to the cause of the accident and conditions pertaining thereto. Numerous recommendations made by the Board's Inspectors as the

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result of their investigations of accidents, have been adopted by the railroad companies.

METER PROVERS.

The standards adopted by the Board for gas service require that each gas company shall provide itself with equipment necessary for testing meters, such equipment to consist of a standard meter prover with suitable accessories. These meter provers are required to be tested by an Inspector of the Board. Tests have been made during the year of all such provers.

The rules of the Board require that each gas company, shall, without charge, make a test of the accuracy of a meter upon request of a consumer, provided the consumer does not make a request for test more frequently than once in six months. The tests made by the Board's Inspector insure that the provers used by the companies to make tests of meters are correct.

INSPECTIONS.

The policy of the Board in requiring its inspectors to examine physical conditions of the public utility properties has been continued. This has resulted in numerous suggestions and recommendations for improvements which have been readily adopted by the utilities, leading to better physical conditions and to increased efficiency of operation.

SUGGESTED AMENDMENTS TO THE LAW.

It is the opinion of the Board that the delimitation of the total annual expenses of the commission to one hundred thousand dollars, (Laws of 1911, Chap. 195, I. 12), should be repealed. The repeal of this limit will be absolutely necessary, if additional functions are to devolve upon the Board in connection with grade crossing elimination or other work not now conducted by the Board. The work of inventorying and appraising an extensive property, where setting of rates is involved, is also a very expensive undertaking. In the Passaic division of the Public Service Gas Company's works, for instance, the mains and services were approximately six hundred miles in length. This extensive distribution system, as well

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as the generating plants, had to be inspected, and the character of its construction checked up. Outside of the expense involved by the employment of its own staff, upon this investigation the Commission had to engage an expert firm of gas engineers to make the inventory and appraisal required. The Commission had also to engage an outside firm of expert accountants to go over the books of account for some years back. The total expense involved for outside expert assistance in this one case was not far from nine thousand dollars, or one tenth of the entire amount put at the disposal of the Board for the fiscal year ending October 31st, 1912. It is, of course, obvious that this State cannot afford, nor is there required, an expenditure for the purposes of public utility regulation comparable with the outlay for such purposes made by the State of New York, which is often referred to in discussions of this subject. That state provides for two commissions, one having jurisdiction over utilities in the City of New York, the other over utilities outside the city. The first district commission, located in the City of New York, has, particularly because of the rapid transit problem, certain duties to perform which are not analogous to those of the New Jersey Commission. The performance of these duties requires a large force of employees and the expenditure of approximately one million dollars annually. The duties of the second district commission located at Albany are fairly comparable with the duties imposed on the New Jersey Board, but the appropriation to this Board is in no way comparable with the sum allowed the commission at Albany. It is true that the area and population in New Jersey are less than in the district covered by the up-state commission, in New York, but this insofar as public utility regulation is concerned is largely offset by the concentration of population in the northern part of this State. This has no counterpart in New York State outside of New York City, and where population is concentrated the problems of supplying service by public utilities become complicated with a greater demand and necessity for public regulation.

The outside limit of one hundred thousand dollars which can be allowed this Board under the existing statute is approximately one-fourth that allowed the up-state commission in New York. The last Legislature did not allow for the present fiscal year the one hundred thousand dollars named in the statute, but cut this in the

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appropriation bill to seventy-five thousand dollars. To provide for the expenses of the work of the regular organization of this Board requires a greater sum per month than the pro rata of the appropriation of seventy-five thousand dollars, and unless the legislature supplements this appropriation the Board will before the end of the fiscal year be without funds to maintain its organization, and be unable to continue its work.

It is important that the legislature should in its supplement to the appropriation bill include a sum for this Board, sufficient at least to make for the year the one hundred thousand dollars named in the public utility act, and in addition to this there must be a removal of the statutory limitation of one hundred thousand dollars and an additional appropriation made if the Board is required to take over additional functions and perform additional duties. Unless the means be provided for defraying the costs of extensive inventories, rate making cases depending on such inventories must be inevitably delayed to the annoyance of all the parties in interest.

The Board is of the opinion that the legislature might properly make explicit its intent in enacting clause 24 of Section III. of Chapter 195 of the Laws of 1911. The clause in question reads as follows:

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

The Board has interpreted this clause to mean exactly what it says. It has refused to approve of a municipal ordinance granting permission to a rival gas company to pipe a territory already supplied by a gas company operating under a prior franchise. (*Memorandum. In the matter of the application of the Atlantic Highlands Gas Company, etc., filed May 31, 1911*). Where a service is already supplied in a municipality and where there is no well-grounded complaint of the adequacy of the service or the reasonableness of the rates enacted therefor, the Board has taken the position that the company in possession is not to be subjected to competition. And in the very case where this adherence to the prin-

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ciple of regulated monopoly was enunciated, the rates of the company in possession (except on prepayment meters) were reduced from $1.35 per M. to $1.25 per M. as regards gas; and a similar reduction was made in their rates for electric current.

The Board is of opinion that the approval of a franchise affording a competing company entrance into a district already adequately supplied by a public utility is ordinarily neither necessary nor proper for the public convenience, and jeopardizes rather than conserves the public interests. Unless good reason to the contrary can be shown, this attitude will be maintained by the Board.

The Board's view of this matter has been challenged and may be litigated and the Board suggests that in order to clear all doubt the Legislature might make explicit and unequivocal the state's policy in the premises.

The Board directs attention to section III., 18, (e) of Chapter 195, Laws of 1911, which provides that no public utility shall

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

The Board has assumed that this section directs the Board to exercise its judgment and discretion as to "the purpose of such issue" of securities. The construction of this clause was begun in the Memorandum of July 17th, 1911, in the matter of the application of the Riverside Traction Company, for leave to issue, sell and deliver bonds to the par value of $100,800. There it was decided

"Chapter 195, P. L. 1911, referring to proposed issues of stock and bonds, provides that it shall be the duty of the Board, after hearing, to approve of any such proposed issue, when satisfied that the same is to be made in accordance with the law, and the purpose of such issue be approved by said Board.

If a security issue is intended primarily for the payment of outstanding debts properly contracted, but is of necessity, in addition, also intended to evade mandatory legal provisions, or if such issue of securities inevitably results in such evasion, these necessary consequences of the proposed security issue must be presumed to be included within and constitute a part of the purpose of such issue."

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Since that time, the Board has refused in certain cases to approve of security issues, where it appeared upon investigation and after hearing, that the fixed charges carried by proposed bond issues were not likely to be earned by the companies desiring to make such issues. The "purpose" of the issue has been construed as coterminous with the necessary effects of the issue. Where the issue of bonds presupposes the creation of a recurring liability in excess of the company's normal capacity to earn or pay, not only nor merely at the inception of an enterprise (where such inability might be overlooked on the ground that early interest payments are a development charge of the business), but as a regular matter of course, the purpose of such issue has not commended itself to our approval, and it has consequently been withheld. The Board's right to withhold has been denied and this very point is now in litigation before the Supreme Court of the State. We suggest that the Legislature may see fit, by explicit utterance and declaration, to define unmistakably the power and function of the Board in this matter of passing upon proposed security issues. We recommend also that the statute confer explicitly upon the Board the right, in approving of bond issues or other evidences of indebtedness, to insert a clause providing in detail for the amortization of bond or note discount, or any difference between the face value of the obligations and the net amount of money or tangible property obtained by the company by the issue of the obligations aforesaid. The Board has hitherto assumed the right to insert in its certificate of approval such provisos, and generally with the entire assent of the petitioners, but an explicit grant of such power might tend to prevent possible litigation in future.

The Board is also of opinion that it might be of advantage to state explicitly by statute whether the issue of organization stock by a company projecting a business of a public utility character requires approval by this Board, in case no franchise has been obtained by the company at the time of making application for the approval of such organization stock.

The Board recommends that the law be amended so that it may require every public utility engaged directly or indirectly in any other than a public utility business to keep in like manner and form

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the accounts of all such other business, the provisions of the act to apply with like force and effect to the books, accounts, papers and records of such other business.

Dated December 31st, 1912.

Respectfully submitted,

ROBERT WILLIAMS, *President,*
THOMAS J. HILLERY,
WINTHROP MORE DANIELS,
Commissioners.

ALFRED N. BARBER,
Secretary.

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Decisions, Orders, Memorandums and Rulings

In Re Borough of Merchantville vs. Pennsylvania Railroad Company. } **DECISION AND ORDER.**

For the complainant, *Edward I. Berry, Esq.*

For the respondent, *Gaskill & Gaskill, Esqrs.*

The Borough of Merchantville, Camden County, on October 17th, 1911, filed with this Board a petition, alleging that the Pennsylvania Railroad Company employed the tracks and siding running longitudinally upon Chestnut Avenue, in said Borough, for assorting, distributing and making up freight trains destined for other points; that the Pennsylvania Railroad Company stored cars on said tracks and siding; that in connection with aforesaid use of tracks and siding unnecessary noise and smoke were produced, the noise in particular from automatic gongs installed at various crossings, and the smoke from the locomotives employed upon said tracks and siding. These various acts, it was alleged, have depreciated the value of property in the vicinity near the railroad right of way, and have worked and are working irreparable damage and loss to the complainants.

A hearing upon the above complaint was held in the State House, at Trenton, New Jersey, on November 14th, 1911; testimony was introduced by both sides, and argument was had thereon. Subsequently the attorney for the petitioner filed a brief, and the attorneys for the respondent submitted an affidavit in partial rebuttal of testimony offered at the hearing.

The Board's own inspectors have visited Merchantville, under instructions from the Board, and reports upon the situation have been submitted by both Mr. C. D. McKelvey, Chief Insjector of the Railroad Division, and by Mr. Peter J. Kerwin, Inspector of Equipment.

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The petitioners request first; that this Board declare that the use of said tracks and siding for the purpose of assorting, distributing and making up freight trains for the benefit of other points of the railroad's system, and for storing freight cars thereon, is illegal, unreasonable and unnecessary.

This first prayer is denied, and the petition so far as it asks for such a declaration is dismissed, mainly for the reason that it was not proved that the assembling of cars on the tracks or siding at Merchantville was for the purpose of making up trains which were primarily for the benefit of other points upon the railroad's general system. The bulk of the evidence went to show that the freight cars shifted at this place were, in the great majority of instances, consigned to or shipped from Merchantville.

The storing of freight cars on said tracks and siding may properly be discussed in connection with such other parts of the petition as allege the existence of a nuisance created by the respondent in the use made of said tracks and siding, and by other means. In this connection it may be said that neither the case of *Angel vs. Pennsylvania Railroad Co. (41 N. J. Eq. p. 316) nor Beseman vs. Pennsylvania Railroad Company (50 N. J. Law, p. 235)*, is entirely applicable to the present situation. In the first case the carrier had a franchise to employ its right of way over a city street for passage only, and not for terminal or yard purposes. The discomfort to neighboring residents created by the use of the street for the latter purpose was adjudged a nuisance which the court would enjoin. The Beseman case involved incidental damage to land and buildings abutting on the carrier's right of way where the carrier used its tracks in a wholly legitimate way for ordinary transportation movements, employing care and skill, in all respects, not to augment or aggravate the incidental damage arising therefrom to the adjacent property. In this case the court held no damages could be recovered.

Both of these cases pre-suppose the carrier's enjoying certain rights under municipal franchise grants. In the present case the carrier owned its right of way prior to the corporate existence of the Borough. The carrier contends that its rights to the use of its main track and siding are in no wise dependent on any franchise granted by the Borough of Merchantville. Nor is this claim

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seriously contested by the Borough, except for the production of an ordinance passed on October 3d, 1911, purporting to delimit the use of railroad tracks within the Borough. So far as this Board is able to judge, the course of events has been as follows: First, the carrier owned its right of way in what was originally a rural section; second, a few houses were built near the railroad without any anticipation of the growth of the community or the business of the carrier; third, both the growth of the borough and the consequent enlargement of the local freight business tended to render these properties less eligible than their owners or tenants had originally expected. But this building up close on the railroad property hardly suffices to substantiate the charge that the carrier has created a nuisance by using the tracks and sidings as they were used prior to the borough's growth.

The third and fourth prayers of the petition are that this Board will issue an order forbidding the emission of dense smoke by locomotives within the borough of Merchantville, and that this Board will require the respondent to comply with two of the town's ordinances. One of the ordinances in question is the one recited above. It restricts the uses of tracks and sidings within the borough to the assembling of trains destined to carry freight to or from Merchantville only, and similarly restricts the storage of freight cars. We do not find any conclusive evidence that this ordinance has been violated. The other ordinance is a smoke nuisance ordinance. Inasmuch as the chief of the police force of Merchantville has testified in this case that he noted down particularly the times and places at which this ordinance was violated, and the persons by whom it was violated, and further admitted that he made no attempt to enforce said ordinance by arresting or attempting to arrest such persons, aside from all other considerations including jurisdictional questions, this Board does not feel, upon the application of the local government, obligated to attempt the enforcement of an ordinance which the local government has consciously allowed to become a nullity. The third and fourth prayers of the petition are therefore *dismissed*.

The second prayer of the petition asks the removal of the automatic electric gongs from the crossings in question, citing among other reasons that the gongs are rendered valueless for the pur-

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pose of warning persons about to cross the tracks. It appears that, at the intersection of Chestnut Avenue and Center Street, and at the intersection of Park Avenue and of Chestnut Avenue, flagmen are on duty from 6 A. M. until 8 P. M., and that during this time the automatic gongs are cut out. It also appears that occasionally, at night, the gongs will ring from fifteen minutes to one hour steadily, by reason of freight trains being on the gong circuit. One witness cites October 24th, 1911, as an instance of the gong's ringing continuously from 7:55 P. M. until 8:55 P. M. This long-continued ringing of the gongs at night is confirmed by the Board's own inspector, Mr. Maybury. This actually creates danger for those who may have occasion to cross the track, in that it becomes known that the ringing of the gong is no necessary indication of a train movement across the street.

The Board of Public Utility Commissioners therefore ORDERS that whenever switching or drilling movements occur in Merchantville at hours when the flagmen are not on duty at the intersection of Chestnut Avenue with Center Street, or at the intersection of Chestnut Avenue with Park Avenue, the automatic gongs for these two intersections be cut out, and that gatemen or flagmen be placed and kept on duty at both of said intersections until aforesaid switching or drilling movements are over and until the freight engines have cleared beyond the points which operate the automatic bell circuit.

This Order shall be effective February 1st, 1912.

Entered January 5th, 1912.

In the Matter of the Township of Bordentown vs. the Riverside Traction Company Respecting Free Passes to the Township Committee and Township Clerk When Traveling in Discharge of their Officials. } **DECISION AND ORDER.**

Hugh LeJambre, Esq., for the Township of Bordentown.

H. C. Thompson, Jr., Esq., for the Riverside Traction Company

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The provision of Chapter 195, Laws of 1911, forbidding any public utility "hereafter (to) give, grant or bestow upon any local, municipal or county official any discrimination, gratuity or free service whatsoever," is not to be construed as abrogating a contractual obligation incumbent upon a public utility to afford free service to public officials traveling for the purpose of discharging the duties of their respective offices.

A hearing in this matter was held on January 2nd, 1912, in the State House at Trenton, before Commissioner Daniels. There was put in evidence an ordinance passed by the Township Committee of Bordentown, November 30th, 1906. Said ordinance granted to the Camden and Trenton Railway Company the privilege of carrying freight and express matter upon its cars over its tracks in the Township of Bordentown. Said ordinance also provides that "the Township Committee and the Township Clerk * * * while traveling for the purpose of discharging the duties of their offices, shall pass and repass free of charge over or on, the Camden and Trenton Railway Company's lines of railway; its successors or assigns. Said ordinance was accepted by the Camden and Trenton Railway Company on February 25th, 1907. The fair interpretation of the ordinance is that the free passage referred to was a consideration moving the Township Committee on behalf of the Township to enter into the contract which the ordinance implies.

The Riverside Traction Company has succeeded to the rights of the former Camden and Trenton Railway Company of carrying express and freight upon its cars within the Township of Bordentown. That it has not actually availed itself of said privilege is immaterial. It has the right so to do. It follows that the Riverside Traction Company is bound by the obligation of its predecessor to afford the officials above named when traveling in discharge of public business free passage over or on its lines within the Township.

The section of Chapter 195, Laws of 1911, quoted in the caption of this decision, had for its evident object the prevention of personal favors, discriminations, or free service *for the private and individual advantage of state, county or local officials.*

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Chapter 17 of the Laws of 1911 expressly provides that no provision therein contained "shall prevent the free transportation of uniformed public officers while engaged in the performance of public duties, or police officers of whatever grade or rank acting as detectives whose duties require police duty to be performed without uniform." While the specific reference applies only to police officials, the statute is entirely compatible with the section quoted from Chapter 195, Laws of 1911, and sheds light also upon the intent of the provision of the latter statute. In short, the prohibition of gratuities to officials was aimed against such officials obtaining private and personal advantage. Free passage or passage at reduced rates where the benefit redounds to public advantage is not prohibited. Previous Memorandum filed by this Board on June 2nd, 1911, and on August 11th, 1911, read as follows:

"The Board does not regard the free transportation, without discrimination, on behalf of a municipality, of policemen, firemen and inspectors of boards of health, in the performance of their public duties, as a violation of the provisions of P. L. 1911, Chapter 195."

Memorandum of June 2nd, 1911.

"It transpired in the various hearings upon these matters that some municipalities and other governmental agencies, such as post offices, had obtained by contract with trolley companies the right to have their officials transported in the performance of their public duties without charge or at reduced rates of fare. The Board does not believe that the Legislature by the statute intended to abrogate these contractural rights of the municipalities and other governmental agencies on behalf of their officials."

"In addition to the cases of city policemen, firemen and health inspectors, the Board has been memoralized by the President of the Passaic County Constables' Association (June 6th, 1911), the Quartermaster-General of the State of New Jersey on behalf of the National Guard of the State (June 23rd, 1911), and the Postmaster of Asbury Park on behalf of letter carriers and special delivery messengers (July 11th, 1911). The Quartermaster-General of the State and the Postmaster at Asbury Park have been advised, respectively, that the Board's ruling in the Memorandum of June 2nd, 1911, is construed by the Board to permit the reduced rates

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in favor of State militia bound to or from the State encampment, and in favor of postal employees in the circumstances cited by the Postmaster."

Memorandum of August 11th, 1911.

It is further to be noted that this Board under Chapter 195, (11, 17 (a), Laws of 1911, is empowered, after hearing, upon notice, by order in writing, to require every public utility to "comply with the laws of this State and any municipal ordinance relating thereto, and to conform to the duties imposed upon it thereby or by the provisions of its own charter, &c." The free passage of the officials aforesaid being a contractural obligation devolving upon the Riverside Traction Company, as successor to the Camden and Trenton Railway Company by virtue of the ordinance afore-recited the Board of Public Utility Commissioners hereby ORDERS the Riverside Traction Company to transport in its cars over or on its lines within Bordentown Township the members of the Bordentown Township Committee and the Bordentown Township Clerk while traveling for the purpose of discharging the duties of their offices respectively.

This order shall go into effect on February 1st, 1912.

Dated January 9th, 1912.

In the Matter of the Petition of the Township of Bordentown vs. the Riverside Traction Company Praying for the Restoration of Special Rates of Fare for School Children. } DISMISSAL OF PETITION.

Hugh LeJambre, Esq., for the Township of Bordentown.

H. C. Thompson, Jr., Esq., for the Riverside Traction Company.

A hearing in this matter was held on January 2nd, 1912, in the State House at Trenton before Commissioner Daniels. The petitioners submitted evidence to show that the Camden and Trenton Railway Company, the predecessor of the Riverside Traction Company, had for some years sold blocks of tickets to the Township Committee at a price of four cents per ticket for the use of school

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children in the Township of Bordentown, who were transported over the lines of the said Camden and Trenton Railway Company within said township. There is no evidence that the Riverside Traction Company after taking over the operation of this line, beginning on July 1st, 1910, continued this practice. The evidence is all to the contrary as evidenced by the company's letter of May 4th, 1911. It does not appear to us that the Riverside Traction Company as successor to the rights and franchises of the Camden and Trenton Railway Company was or is under obligation to continue the sale of school tickets upon the same terms. There appears to be in the franchises to which the Riverside Traction Company has succeeded no obligation of this character.

It is true that this Board has held that where by contract implied in an ordinance granting a franchise or permit, a street railway company is under obligation to sell tickets for school children at a reduced rate, such reduced rates do not constitute an undue or unjust discrimination such as Chapter 195, Laws of 1911, forbids. This contention of the Board has been sustained by the Supreme Court of this State (*Public Service Railway Company vs. Board of Public Utility Commissioners.* No. 278, June Term, 1911).

It is also true that by Memorandum filed May 9th, 1911, the Board declared that "the continuance of existing rates, which have the sanction of custom, where such rates are presumably of assistance in facilitating education and the administration of charities, and thus in line with public policy, will not be regarded as conflicting with the statute, prior to the hearing and determination of specific cases involving the points at issue."

These two declarations of the Board however applied first, where a continuous contractural obligation rested upon the street railway company to afford special rates to school children; second, to cases where the carrier voluntarily offered to continue such special rates to school children. The Riverside Traction Company is apparently under no obligation such as is implied in the first case. Nor is that company willing to continue the policy of its predecessor in this respect. Inasmuch as there has not been shown to our satisfaction that a uniform five cent fare is unjust or unreasonable in the present instance, the petition is hereby DISMISSED.

Dated January 9th, 1912.

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In the Matter of the Investigation of Service Furnished by the Consolidated Gas Company of New Jersey. } **FINDING AND RECOMMENDATION.**

Numerous complaints having been made to the Board in regard to service furnished by the Consolidated Gas Company of New Jersey, and the Board having initiated proceedings to investigate whether the said company furnishes safe, adequate and proper service, finds, as the result of hearing, examination and the report of its Inspectors,

(1) That the quality of the gas furnished by the Consolidated Gas Company of New Jersey has been, during the period about which complaints were made, up to the standard prescribed by the Board;

(2) The gas was delivered under pressures which are within the limits allowed by the regulations of the Board;

(3) Customers who were billed in accordance with erroneous meter readings have received rebates corresponding to overcharges in each case. In only a small percentage of cases have meters been found to be fast;

(4) The bills have been made out correctly, in so far as the bookkeepers are concerned or billing clerks were responsible;

(5) In a number of cases the meters have been read incorrectly;

The Board HEREBY RECOMMENDS that the Consolidated Gas Company require the exercise of greater care on the part of its employees, to insure accurate reading of its consumers' meters.

Dated January 12th, 1912.

In the Matter of the Complaint of the Maple Shade Improvement Association vs. the Public Service Railway Company. } **MEMORANDUM, DECISION AND ORDER DISMISSING COMPLAINT.**

Hearing January 2nd, 1912, before COMMISSIONER WILLIAMS.

Ralph W. E. Donges for the Association.

L. D. H. Gilmour, for the Railway Company.

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Maple Shade Improvement Association entered a complaint against the Public Service Railway Company, and showed:

(First) That the Public Service Railway Company operates a line of street railway in the Moorestown Turnpike from Camden through Merchantville to Moorestown;

(Second) That they operate a line of street railway from Camden to Pensauken;

(Third) That they operate a line of street railway through Collingswood to Haddonfield;

(Fourth) That they operate a line of street railway through Haddon Heights to Clementon;

(Fifth) That the rate of fare charged between Market Street Ferry, Camden and Cove Road, a distance of 4.857 miles, which is the eastern limit of Merchantville, is five cents, and that a second fare of five cents is collected after leaving Merchantville going toward Moorestown, which is a total distance of 10.498 miles from Market Street Ferry, and that all citizens of Maple Shade are required to pay 10c fare to get to Maple Shade from the Market Street Ferry, which is a distance of 7.1 miles;

(Sixth) That the fare charged for carrying a passenger from Market Street Ferry to the end of the line at Pensauken is five cents, for a distanec of 6.068 miles.

(Seventh) That the fare charged from Market Street Ferry to Haddonfield, a distance of 6.49 miles, is five cents;

(Eighth) That the fare charged from Market Street Ferry to Haddon Heights, a distance of 7.67 miles, is five cents;

(Ninth) That Maple Shade is no further distant from Market Street Ferry than are some other localities which can be reached for a five-cent fare, although 10c has to be paid to get to Maple Shade from the Market Street Depot. Because of this the citizens of Maple Shade allege that they are being discriminated against.

The testimony presented at the hearing on Tuesday, January 2nd, showed that the territory along the line of the Moorestown Pike is quite thickly built up as far as Merchantville. It was further shown that after leaving Merchantville, for a distance of approximately 2¼ miles, there are not more than a dozen houses.

A comparison of suburban street railway fares generally shows that the average distance for which a person may travel on a five-cent fare is approximately four miles.

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The Board is therefore of opinion that notwithstanding the fact that in some directions from Camden it is possible to ride for a greater distance than is the case with the line in the Moorestown Turnpike, the charge of an additional fare, imposed upon all passengers passing beyond Merchantville, is not unjust and unreasonable.

The complaint is therefore DISMISSED.

Dated January 15th, 1912.

The Borough of East Rutherford, et als., vs. Public Service Railway Company. } **ORDER.**

Edward J. Luce, for the Borough of East Rutherford.

George L. Record, for the General Committee of the Boroughs of Wallington, Carlstadt, Woodridge and East Rutherford.

A. D. Sullivan, for the Borough of Wallington.

L. D. H. Gilmour, for the Public Service Railway Company.

Complaint was made to the Board of Public Utility Commissioners by F. A. Jones, and jointly by the Boroughs of Wallington, Carlstadt and Woodridge, and by the Borough of East Rutherford in regard to certain fare zones of the Public Service Railway Company.

By the consent of all parties concerned the complaints were consolidated before the Board and hearing was held thereon.

After hearing and upon conference with the parties in interest it was agreed, (the Borough of Wallington dissenting), that the following order should be made by this Board. In accordance therewith the Board of Public Utility Commissioners

HEREBY ORDERS, that the Public Service Railway Company, in the operation of its railway running from the City of Paterson to the City of Hoboken, shall operate the same with the following five cent fare zones, namely:

Going westwardly, the first fare zone shall extend from the Hoboken Terminal to the Hackensack River; the second fare zone from the Hackensack River to Bergen County Short Cut; the

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third fare zone from Carlstadt Station to Highland Avenue, Passaic, and the fourth fare zone from the Passaic River to Paterson.

The fare zones going eastwardly shall be as follows: The first fare zone from Paterson to the Passaic River; the second fare zone from Highland Avenue, Passaic, to the Carlstadt Station; the third fare zone from Bergen County Short Cut to the Hackensack River, and the fourth fare zone from the Hackensack River to the Hoboken Terminal.

The maximum fare in each said zone shall be five cents for each adult person, and the said Public Service Railway Company shall not charge and collect fares in excess of the rate above stated.

This order shall take effect February 6th, 1912.

Dated January 16th, 1912.

In the Matter of the Protection of the Crossing of the Erie Railroad at Rutgers Street, Belleville. } ORDER.

An examination of the grade crossing of the Erie Railroad and Rutgers Street in Belleville was made by the Board's Chief Inspector of its Railroad Division, and a report thereon, containing a recommendation for protection of the crossing, was submitted to the Board. A copy of this report was sent to the Erie Railroad Company. On the report and recommendation hearing was had, at which the Erie Railroad Company was represented.

The Board of Public Utility Commissioners after such hearing hereby determines that conditions at the crossing of the Erie Railroad and Rutgers Street, at grade, in Belleville, make necessary provision for the protection of the traveling public thereat, and,

HEREBY ORDERS and directs the Erie Railroad Company to keep its gateman on duty at said crossing each day from five fifty-five A. M. until one A. M.

This order shall become effective February 13th, 1912.

Dated January 19th, 1912.

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In the Matter of Investigation of Discrimination in Rates Charged by the Public Service Electric Company. } **ORDER DISCONTINUING INVESTIGATION.**

By an order adopted August fourth, nineteen hundred and eleven, the Board of Public Utility Commissioners initiated on its own motion a hearing on the question whether the Public Service Electric Company in supplying electric current at other than its regular schedule rates, granted undue or unjust preferences, or made undue or unjust discriminations.

In the course of the hearing so-called and of the examination made at its direction by the Board's Inspector, it was shown that in all cases where customers of the Public Service Electric Company had been heretofore supplied with service at other than the company's standard schedule of rates, under contracts terminable at the will of the company, said contracts had been terminated.

It was further shown that a small number of the company's customers receive service under contracts made for definite terms which have not yet expired.

Copies of the contracts which have not expired are on file in the office of this Board and at the present time are some thirty-five in number.

In the opinion of the Board, for the company to supply service until the expiration of these existing contracts, in accordance with the terms thereof, will not constitute undue or unjust preferences or make undue or unjust discriminations.

The hearing initiated by the Board's order of August fourth, nineteen hundred and eleven, is hereby

ORDERED discontinued to be resumed by the Board when in its opinion further investigation is required.

Dated January 19th, 1912.

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In the Matter of the Complaint of the Township of Bordentown vs. Riverside Traction Company Regarding the Alleged Obstruction of Roadway at Cedar Lane Swtich.

MEMORANDUM AND RECOMMENDATION.

Hugh LeJambre, Esq., Chairman of the Township Committee of Bordentown, for the complainants.

H. C. Thompson, Jr., Esq., for the Riverside Traction Company.

A hearing upon this complaint was held before Commissioner Daniels sitting for the Board in the taking of testimony, under the statute, at the State House in Trenton on January 2nd, 1912. It appears from the testimony as reported to the Board, that on the highway traversed by the company's line, and near Cedar Lane there is a switch or turnout of the Riverside Traction Company. It likewise appears that the ordinance granting permission for the building of the trolley road through the township failed to specify this place as a spot where a switch or turnout might be located, although there was testimony that the township committee at that time informally assented to this location of said turnout.

Dr. James S. Gilbert, formerly Superintendent of the predecessor of the Riverside Traction Company, testified that from the beginning there had been objection to this location of the turnout; that the planking of the north rail of the turnout had placated objectors for a time; that because of the increased width of the cars operated, the rails of the switch had been carried farther away from the main track than they were originally, and thus had somewhat farther encroached upon the highway proper. Evidence given by Mr. Haines, surveyor, showed that a car standing on the siding is within four feet of the center of the traveled highway. On the other side of the center of the highway there is a sloping gutter whose maximum depth was given as eighteen inches. Mr. Johnson, of the Township Committee, testified that to pass the highway at this spot with a wagon when a car is on the siding, will throw the wheels on one side of the wagon into the gutter. It would appear without doubt that a heavy wagon such as a heavily loaded truck or hay wagon is impeded by a car on the siding. For such

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a wagon to attempt to cross when a car is on the siding might result in an upset. The township clerk testified that numerous complaints have been made to him on account of the difficulty of passing at this point. In accordance with instructions issued, two inspectors of this Board made an investigation of the situation in question. They report that "with a small amount of work, the road could be built up in a manner that would make the passage of a vehicle a safe and easy matter." The plan they suggest is the building of a French drain, with large boulders to keep the gutter slope intact, and with a fill of suitable material to widen the traveled way. The Board approves of the suggestion of its Inspectors. It cannot, however, issue an order that will compel the township committee to agree to this proposed betterment of the highway. It therefore RECOMMENDS to the Riverside Traction Company that it make a suitable fill of the traveled way at this turnout, and solidify the slope of the gutter with suitably large boulders.

In case both the township committee and the company notify this Board within thirty days of their acceptance of this arrangement, the Board will content itself with directing its Inspector to see that the work is done by the company with reasonable promptitude. If the township committee within thirty days notify this Board of their assent to the plan, and if the company within the said period fail to notify us of their assent thereto, an Order to the company may be expected directing the company to make changes that will eliminate the difficulty complained of. If the company within thirty days notify this Board of their assent to the plan suggested, but the township committee fail within the same time to assent to the plan suggested, the Board will feel justified with making no Order in the premises, and dismissing the complaint.

Dated January 22nd, 1912.

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In the Matter of the Application of the Eastern Telephone and Telegraph Company to Issue its Eight Year Collateral Trust Notes

and

In the Matter of the Application of the Interstate Telephone and Telegraph Company of New Jersey to Issue its Five Per Cent., Thirty Year, First and Refunding Mortgage Gold Bonds.

DISMISSAL OF PETITION.

In acting upon petitions for the approval of security issues, this Board will conserve, so far as practicable, the equitable rights and legitimate expectations of the various parties in interest.

Interest-bearing securities whose issue requires this Board's approval must afford reasonably good warrant that the stipulated interest payments can be regularly met. It will not suffice that the eventual payment of the principal sum due, or even the eventual payment of principal and overdue interest, is secured.

An agreement between purchasers and vendors for the sale of securities or other property will not control this board, if the terms of such agreement, or any of them, contravene the legitimate interests of any of the parties affected by the terms of such agreement.

Assuming that adequate regulation in the public interest is provided, this Board avows its conviction that unified and exclusive control and operation of telephones within a given area is preferable to a competing telephone system with its inevitable disadvantages of divided service and duplicated cost. Nevertheless, as between rival interests striving to capture the same telephone properties, this Board must maintain an attitude of complete neutrality and impartiality.

James Collins Jones, Esq., of Philadelphia, and *Frank S. Katzenbach, Esq.*, for the Eastern Telephone and Telegraph Company; also for the Continental Telegraph and Telephone note holders.

John Griffin, Esq., and *Hon. Mark A. Sullivan* for the Interstate Telephone and Telegraph Company; and the president thereof, James H. Vance of Wheeling, West Virginia.

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Alan H. Strong, Esq., representing sundry owners of certain general mortgage bonds and of certain shares of stock of the Interstate Telephone and Telegraph Company.

On August 8th, 1911, the petition of the Eastern Telephone and Telegraph Company (hereafter styled the Eastern) was filed with the Commission. On October 7th, 1911, James N. Vance filed with the Commission a protest against the granting of the aforesaid petition. A petition signed by James N. Vance and witnessed November 24th, 1911, was duly filed with the Board, asking the authorization of a bond issue by the Interstate Telephone and Telegraph Company (hereafter styled the Interstate). On December 19th, 1911, Alan H. Strong, Esq., appeared before the Board to protest against the granting of the Interstate's petition. On sundry occasions, to wit, on the following dates among others, September 12th, 1911, October 10th and 17th, 1911, and December 12, 1911, the representatives of the rival petitioners and the objectors to either petition were heard.

I. The Eastern petition asks authority to issue One Million One Hundred and Twenty-five Thousand Dollars ($1,125,000) in eight year five per cent. notes. Said notes are to be used to acquire an equal amount of the five per cent. collateral trust notes of the Continental Telephone and Telegraph Company (thereafter styled the Continental). The Continental notes are secured by the deposit in pledge of securities of the Interstate comprising the bulk of the bonds and stock of the Interstate. The Continental is insolvent. At the Receiver's sale, on July 21st, 1911, the stock and bonds of the Interstate so deposited in pledge were sold for Two Hundred and Nine-two Thousand Dollars ($292,000) to James N. Vance. Vance therefore is at present the owner of the equities of the securities so deposited in pledge. He is at present also president of the Interstate, and protests against the granting of the Eastern's petition.

The Board denies and dismisses the Eastern's petition for the following reasons:

First, to grant it would subject the preponderant interest in the Interstate to a hazard which it may fairly claim exemption from. The Interstate's securities are pledged to secure the Continental note holders. Should the Continental notes pass into the possession of the Eastern, the Interstate, in addition to the pecuniary liability

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it is now under, would lie under the disadvantage of a concentrated adverse holding of its (Interstate) obligations in the hands of business rivals. These rivals candidly admit their interest in operating the Interstate in conjunction with their own property. As between parties who have no money invested in the Interstate and those who have invested thousands in the Interstate, the latter's purposes as to the operation of the Interstate are the weightier. If the Interstate wants to operate independently, it would seem entitled to have the chance to do so. If the Interstate wants to sell on the best obtainable terms, there seems no good reason why the Interstate should be confined to ask terms of a single bidder, or enter the market with one bidder ensconced in a coign of indubitable advantage over all other possible bidders. If the Eastern acquired the Continental notes, the Eastern would probably be the only bidder, or a bidder with a heavy differential advantage over all other competitors.

Second, the Eastern by the proposed issue of its notes could at best (under foreclosure proceedings) not augment its property by more than the entire property of the Interstate. The Interstate's paper earnings last year were about Forty-Four Thousand Dollars. We say "paper earnings" advisedly. No allowance, certainly no adequate allowance, was made for depreciation. Had such an allowance been made, it is probable that the real earnings would appear but a fraction of Forty-four Thousand Dollars, if indeed they appeared a positive quantity at all. Five per cent interest on the notes the Eastern asks to issue would amount to approximately Fifty-six Thousand Dollars per annum. If the supposed acquisition of the Interstate property by the Eastern left extant other interest-bearing Interstate obligations, the Interstate earnings would be still less adequate to cover the annual interest promised on the Eastern's proposed note issue. It is said that as the equity in the Interstate securities (over their liability to secure the Continental notes) fetched $292,000 at the Receiver's sale, the Eastern's proposed note issue of $1,125,000 is amply secured. The fact relied on to prove this is at best evidence that the principal sum is secured. It is far from demonstrating that the real earning power of the Interstate is sufficient to guarantee the regular discharge of interest obligations accruing on the Eastern's proposed note issue. Moreover, the purchase price paid by Vance at the sale conducted by the Re-

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ceiver of the Continental was based on considerations known best to him. He may have paid the sum of $292,000 to control a property whose earning power could be increased only by large additional outlay. Or he may have paid the price named, in the expectation of obviating a loss which he feared if the property sold went into other and hostile hands. At all events we are far from satisfied that the Eastern by the proposed issue of notes would acquire sufficient additional earning power to meet all the obligations said notes would carry.

II. Everything said above under the second reason for disapproving the Eastern's petition applies with even greater force to the Interstate's proposed bond issue of One Million Five Hundred and Twenty-five Thousand Dollars ($1,525,000). If the real earnings of the Interstate cannot regularly provide five per cent. interest on $1,125,000, these earnings are even less capable of providing five per cent. interest on a much larger principal sum. This reason would deter us from approving the Interstate petition. Permission was accorded to put in additional evidence relating to the earning power of the Interstate, which was done. Such evidence is based largely upon expectation rather than upon past experience, and goes to indicate that income will increase by something over $44,000, while expenses will decrease by something like $12,000.

In the second place, the following additional objections to approving the Interstate petition must be recorded: The Interstate petitions this Board to authorize the company to issue at this time One Million Five Hundred and Twenty-five Thousand Dollar (par value), five per cent., thirty year first mortgage refunding bonds. Said issue it is proposed to use for "refunding, exchanging, purchasing, retiring or paying, at, before or after maturity, the present first mortgage bonds of which $618,750 are issued and outstanding"; and for retiring the general mortgage bonds of which $2,313,500 are issued and outstanding; and for "reimbursing an assignee of the Continental Telephone and Telegraph Company for moneys advanced by said Continental Telephone and Telegraph Company for the purchase of outstanding bonds of the above issues * * * and to retire and cancel outstanding notes of the Continental Telephone and Telegraph Company * * *." The residue of the bonds, if any, whose issue is now asked, is to go

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for various purposes in the way of purchase, equipment and construction.

The proposed issue aims at the carrying out of the tenor of an agreement dated October 28th, 1909. Said agreement, if carried out fully, would issue in a reduction of the mortgage debt of the Interstate from about $2,931,000 to $1,525,000. If all the owners or holders of the outstanding bonds and stock of the Interstate were to acquiesce in and conform to the aforesaid agreement of October 28th, 1909, the result of the bond issue prayed for would be as follows:

The new bonds, $1,525,000 (par value), would replace and retire extant bonds issued amounting (par value) to

$618,750 First Mortgage Bonds,
$2,313,500 General Mortgage Bonds.

The new bonds would incidentally retire $1,125,000 Continental collateral trust notes. Such replacement and retirement now sought by the pending petition comprises the reimbursement "of the assignee of the Continental who would have paid for all the Interstate stock and bonds, $375,000 cash, and $1,125,000 in Continental notes." The stock of the Interstate has a face value of $600,000. Under the conditions assumed the purchaser under the Agreement of October 28th, 1909, would give $1,125,000 (par) in Continental notes $375,000 *cash* for $618,750 par First Mortgage Bonds, $2,313,500 par General Mortgage Bonds, $600,000 par stock, of the Interstate.

The "reimbursement" of the purchaser ought to require his complete surrender of all that he had acquired by purchase upon receiving an equivalent in value to the price he had paid. The refunding scheme devised by this petition does not contemplate any surrender whatever on his part of the stock purchased, but only of the bonds. Even then it designs to accord to the purchaser refunding Interstate bonds, of an amount $25,000 in excess of the equivalent he originally paid. It is true that a small cash payment was contemplated (of $9,351.20) in partial payment for the stock, the rest of the purchase price of said stock being $60,732.80 in Continental collateral trust notes. But this would warrant at best only returning an equivalent for the cash outlay made for the stock. In effect, this plan of refunding makes a virtual gift of the company's stock to the representative of the original purchaser, and that, too, at the expense of the corporation, which thereby becomes saddled

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with a bonded debt in excess of value received. It need hardly be said that such a bonus is unwarrantable, and will not be sanctioned by this Board.

Hitherto we have proceeded upon the hypothesis that the tenor of the agreement of October 28th, 1909, could be carried out in its entirety. It appears, however, that this is not the case. The original vendors assembled, sold, and delivered the greater part of the Interstate stock and bonds. The purchaser, originally the Continental company, paid partly with its own notes and partly with cash, for such quantities of the stock and bonds as it could purchase according to the scale of prices named in the agreement aforesaid, for each variety of security. But some holders were obdurate, and declined to sell their holdings in the Interstate. This contingency appears to be forecasted in the aforesaid agreement. That document in the Seventh Article provides that the contemplated refunding bonds shall purchase and retire the first and general mortgage bonds "provided, however, that the said purchase of the present first and general mortgage bonds of the Interstate Telephone and Telegraph Company * * * shall not be made until *all* of the said general mortgage bonds shall be owned" * * * by the purchaser * * * and "the mortgage securing the same cancelled *or the same end reached by foreclosure and purchase of the property, etc.*"

Assuming now that certain holders of the general mortgage bonds persist in refusing to sell their bonds upon the terms named in the agreement, what will happen? The refunding bonds cannot immediately issue. Speedy default on the general mortgage bonds of the Interstate may be assumed to be violently probable. Foreclosure proceedings are had on the mortgage securing these bonds. The property pledged to secure the bonds is sold subject, of course, to the prior lien of the first mortgage. Vance, the president of the Interstate, by reason of his being the equitable owner of the great bulk of these general mortgage bonds, will hold the position of most capable bidder. The minority holders can hardly be expected to offer effective competition. The sum realized may be nominal, and the proceeds, when distributed pro rata among the bondholders in liquidation of their claims, will, for the most part, find their way back to Vance, the holder of the majority interest in the general mortgage bonds. Whether now, that the general mortgage bonds are extinguished, the refunding bonds can issue, may be a

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question. It is certain that they cannot issue and fulfill the part of the purpose to which they are to be devoted according to the petition before us. The refunding bonds cannot now be used to retire and refund bonds which have been extinguished by foreclosure. Even if this obstacle were not in the way, the purpose of the agreement, in so far as it contemplates foreclosure proceedings to compel by coercion compliance with the terms of sale of Interstate securities designated in the agreement, savors too much of force and too little of fairness to commend this board's approval.

The petition of the Interstate is, therefore, denied and DISMISSED.

The Board's action in the matter of these two petitions requires an additional word of explanation. To approve either petition implied the denial of the other, inasmuch as both petitioners desired to secure virtually the same property. It is only too apparent that the end sought by these petitions is not the enlistment of new capital in an industrial enterprise, but the control of existing properties by the virtual swapping of new securities for old ones. It is equally manifest that the immediate petitioner, in one case certainly, and possibly in the other, are simply pawns of larger interests in the background. To assume that the Eastern, with a paid up share capital of $160,000 on which it has never paid a dollar in dividends, and with an indebtedness of approximately $716,000 mostly unsecured, intended as an independent business proposition to augment its debt by $1,125,000 in order to buy the notes of an insolvent company (the Continental) is on its face absurd. The Eastern was simply being used, as it practically admitted in its petition, as a means to enable the Keystone interests to secure, presumably by foreclosure, the property of the Interstate whose securities are held in trust pledged to secure the Continental notes. The Eastern operates about 3,000 telephones as against something like 9,000 operated by the Interstate. This disparity would seem to render very remarkable the attempt of the lesser concern to absorb the larger, especially when the lesser concern has hitherto been unable to earn any dividends upon its capital stock. All of these considerations attest only too conclusively that the cases under consideration involve the issue of securities only on the surface. The underlying end aimed at is on the one hand to secure property against a rival; and on the other hand to escape the grasp of threatened Keystone control. The Board, as the syllabus to this situation shows, is not

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averse to unified control over telephone service within a given area; but the Board cannot grant approval to proposed security issues intended to effect even desirable unified control, unless the projected security issues scrupulously regard the equitable rights and legitimate expectations of all parties affected by such issues.

Finally, on the foregoing considerations and others which it has not been deemed necessary here to set out, the Board determines:

(1) That with respect to the proposed issue by the Eastern of $1,125,000 of eight-year five per cent. notes it is not satisfied that the proposed issue is to be made in accordance with law, nor is it satisfied that the purpose of such proposed issue is in accordance with law; nor, in its judgment, on the matters adduced before it, can it approve either such proposed issue or the purpose thereof.

(2) That with respect to the proposed issue by the Interstate of bonds in the sum of $1,525,000, it is not satisfied that the proposed issue is to be made in accordance with law, nor is it satisfied that the purpose of such proposed issue is in accordance with law; nor, in its judgment, on the matters adduced before it, can it approve either such proposed issue or the purpose thereof.

Entered January 26th, 1912.

In the Matter of Accident, November 17th, 1911, on the Pennsylvania Railroad, at Monmouth Junction. } **FINDING.**

On November 17th, 1911, a passenger train on the Pennsylvania Railroad was derailed at Monmouth Junction, resulting in the death of the engineer, H. A. Martindale, and the fireman, J. J. Ramsey.

This accident was investigated by the Board at a meeting held in the Court House, in the City of Newark on November 24th, 1911, at which meeting numerous witnesses were examined. Testimony of these witnesses was to the effect that the accident occurred at a cross-over switch, which was set to divert train 132 (the wrecked train) from Track No. 1 to Track No. 2; that the maximum rate of speed allowed over this cross-over is fifteen miles per hour; that

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the engineer of the derailed train passed a distant signal set at "danger" four thousand six hundred and sixty-seven feet west of the cross-over, this indicating that he should be prepared to stop at the home signal four thousand feet east.

It was further testified that the signals, track and frogs were in first class condition; that signals were properly set, and that there were no defects in the track or driving wheels of the engine, or in the air brake apparatus. Testimony was given by the Traveling Engineer of the Pennsylvania Railroad, who examined the engine after the accident, to the effect that the throttle of the engine was opened and the reverse lever was in full speed position. It was further testified by the members of the crew of an adjacent freight train that the cross-over was approached at a speed estimated to be about forty-five miles per hour. From the above testimony and the report made by the Board's Inspector, as a result of his inspection, the Board is of the opinion that the accident was due to the failure of the engineer of the wrecked train to give proper attention to the signal set against him, and to slacken speed when approaching the cross-over.

Dated February 2nd, 1912.

In the Matter of Requiring the Millville Traction Company to Keep and Maintain its Property and Equipment in Condition to Enable it to Furnish Safe, Adequate and Proper Service. } **ORDER.**

The track of the Millville Traction Company crosses near Clayville, Cumberland County, at grade, a siding of the Clayville Mining and Brick Company, which siding joins the tracks of the West Jersey and Seashore Railroad Company. The track of the Millville Traction Company also crosses, at grade, in the City of Millville a siding of the Millville Manufacturing Company, such siding being known as a Y siding and joining the tracks of the West Jersey and Seashore Railroad Company. An inspection of the crossings at the places mentioned above was made by Charles D.

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McKelvey, Chief Inspector of the Railroad Division of the Board of Public Utility Commissioners, and Philander Betts, Chief Inspector of the Utilities Division of said Board, who reported thereon to the Board. This report referring to the crossing near Clayville, contained recommendations to the effect that "derails be placed in traction company's track seventy-five feet from nearest rail, lever for operating same to be not more than six feet from steam tracks, constructed so that normal position must be for ground. Derail to be held in place by conductor while car is passing over, conductor to see and note that the way is clear before signalling motorman to proceed. The same recommendation to apply to the Y switch leading to the Milville Manufacturing Company's plant."

A copy of this report with the recommendations contained therein was sent to the Millville Traction Company, and hearing was held thereon, of which hearing notice was given to the said Millville Traction Company. At the hearing Inspector McKelvey was sworn and gave testimony as to the matters contained in the report. After considering this report and the testimony given thereon, the Board is of the opinion that the Millville Traction Company does not keep and maintain its property and equipment in such condition as to enable it to furnish safe, adequate and proper service, in that it does not keep and maintain derails at the crossings, by its tracks, of the sidings of the Clayville Mining and Brick Company and of the Millville Manufacturing Company, at the places herein mentioned.

The Board of Public Utility Commissioners HEREBY ORDERS the Millville Traction Company to install and keep and maintain in its tracks at the crossing near Clayville, of the siding of the Clayville Mining and Brick Company, and at the crossing in Millville, of the siding of the Millville Manufacturing Company, and at each of said crossings, derails on both sides thereof, said derails to be located seventy-five feet from the nearest rail of the siding, the levers for operating said derails to be located not more than six feet from the nearest rails of the sidings, and so constructed that the normal position must be for ground.

The Board of Public Utility Commissioners hereby further ORDERS and directs the Millville Traction Company to issue orders and instructions to its conductors and motormen, which will re-

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quire the conductors of its cars when said cars pass over either of the sidings herein referred to, to hold the derails at said crossings in place until car has passed over same and to carefully observe if the way is clear before signalling the motorman to proceed, and each motorman of said company who shall operate cars over said crossings shall be forbidden to proceed over the same until he receives notice to proceed from the conductor of his car.

This ORDER shall take effect April 5th, 1912.

Dated February 5th, 1912.

The Board of Trade of New Brunswick vs. the Delaware and Raritan Canal Company and the Pennsylvania Railroad Company, Lessee. } **DECISION AND ORDER.**

1. The charter rights of the Delaware and Raritan Canal Company, as construed by the Attorney-General's office, preclude the regulation of tolls thereon either by the State Legislature or by this Commission so long as said tolls do not exceed the maxima named in the Canal Company's charter. Control over the tolls, except where they exceed the limits set by the charter, can be secured only with the Canal Company's assent, or that of its lessee.

2. A classification of tolls upon canal-borne traffic, if reasonable, is not an unjust or improper method of charging for the use of the canal.

3. A uniform charge per ton-mile for all canal-borne traffic, irrespective of its weight, bulk, value or other relevant considerations, would be less reasonable than a properly constructed classification of tolls.

4. The temporary closing of a canal when required by the necessity for repairs otherwise impracticable, and to the extent only of such necessity to make repairs, is justifiable. Likewise when seasonal conditions render traffic virtually impossible, the closing of the canal is not unreasonable.

Hon. A. C. Streitwolf, Jr., for the New Brunswick Board of Trade.

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Alan H. Strong, Esq., for the Pennsylvania Railroad Company, lessee.

Henry Wolf Bikle, Esq., for the Delaware and Raritan Canal Company.

This case was initiated on complaint of the New Brunswick Board of Trade by petition filed with this Board on October 9th, 1911. The respondents duly made answer, and the case was heard before the Board in the State House, at the City of Trenton, on December 12th, 1911. Testimony was introduced by both sides, and briefs were afterwards filed by counsel for complainant and respondent.

The petitioner asks (1) that this Board will order the respondents to desist from maintaining a classification of tolls of any kind; (2) that this Board will require a uniform rate of toll to be set for all articles of merchandise carried on the canal, not to exceed ten cents per ton for traversing the entire length of the canal, and a uniform charge of two dollars and a half for each vessel entering the canal; (3) that this Board will order that the canal be kept open for traffic twelve months in the year; and (4) that this Board will order that such needed alterations be made as to afford a uniform depth of water of seven feet throughout the entire length of the canal.

The charter of the Delaware and Raritan Canal Company was granted by an act of the Legislature of New Jersey, passed February 4th, 1830. The seventeenth section of said act reads:

"*And be it enacted*, That the said Company are hereby authorized to demand and receive such sum or sums of money, for tolls and the transportation of persons and every species of property, whatsoever, on said canal and feeder, as they shall from time to time think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per ton per mile, toll, for the transportation of every species of property, nor more than five cents per mile, toll, for the carrying of each passenger, on the canal, and not more than half that rate of toll on the feeder. * * *"

This provision does not merely name a maximum or maxima which may not be exceeded, but expressly authorizes the Canal Company to exercise its discretion in the matter of setting tolls, provided always that the tolls do not exceed the specified maxima. On April 12th, 1911, Hon. Nelson B. Gaskill, Assistant Attorney-General, in reply to a letter of inquiry from the Hon. George S.

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Silzer, a member of the Senate Committee appointed to investigate the Delaware and Raritan Canal, wrote as follows:

"The Canal Company was chartered in 1830. There is no reservation to the State in this charter of a right to alter, amend, or repeal, in whole or in part, any of its provisions, nor was there at the time in the Constitution any reservation of such right to the Legislature in general. Charters granted under such conditions and accepted by the incorporators have been declared by the courts of this State to constitute irrepealable contracts between the State and the corporation interested, and such contracts, under the authority of the Dartmouth College case, seem to come within the meaning of the provisions of the Federal Constitution, prohibiting the impairment of contracts. This protection, by a long line of cases, evidently extends to all the essential charter privileges, rights, powers and immunities as thoroughly as to all the incidents of a legal estate.

"The rule seems to be that the right of a State reasonably to limit the amount of charges by a railroad company for the transportation of persons and property within its jurisdiction may be lost by a legislative grant to the contrary in appropriate terms. When such a charter provides that the charges which the company may make for its services in the transportation of persons and property shall be subject to its own control up to a designated limit, exemption from legislative interference within that limit will be maintained. I cannot find any decided cases which warrant the interpretation of the language of the toll clause of the canal charter, recited in my former letter, in any other way than as sustaining such control within a prescribed limit by the corporation in question." (pp. 21, 22, 23, Report of Senate Committee)

From this conclusion of the office of the Attorney-General, the counsel for the petitioner suggests a possibility of escape. The contention in brief is this: That the maxima named in the Canal Company's charter were maxima covering both tolls for use of the canal, and charges for the carriage of property or persons by the Canal Company as a carrier on its own boats; and that said maxima do not preclude this Commission from regulating the tolls. Upon careful investigation this Board finds this construction of section 17 of the act chartering the Canal Company untenable. A careful study of the act and a comparison of its language with the language of the act chartering the Camden and Amboy Railroad and Transportation Company seem to discredit the idea that the Canal Company was expected to do more than to provide a specialized highway and to exact tolls for the use thereof. The two acts referred to were passed on the same day, and their general structure is alike, so far as the different objects aimed at, permit. But the differences in terminology imply that the Railroad Company might be expected to exercise other functions than merely to

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provide a specialized highway for which tolls might be exacted, while the language of the canal act is reasonably to be construed conformably with the idea that the Canal Company's sole function was to provide a specialized highway. In the case of the Camden and Amboy Railroad Company *vs.* Briggs (22 N. J. Law, p. 650), the court in comparing the phraseology of the two statutes remarks that "In the corresponding section of the canal charter" * * * certain phraseology is inserted * * * *"because that was a mere canal, and not also a transportation company."* The Board is therefore constrained to reject the ingenious suggestion of the plaintiff's counsel as regards the construction of the canal charter in this particular.

After the Pennsylvania Railroad Company had leased the canal, legislative approval of the lease was secured. Section 4 of the lease obligates the lessee, *inter alia*, to operate the canal "so that the traffic and business of said demised premises shall be encouraged and developed; and full public accommodation given on reasonable terms." The ordinary construction of the said lease would seem to hold that the obligation referred to is one existing in favor of the lessor, and not in favor of the public, except incidentally; and the Board comes, therefore, to the reluctant admission that it is without power over canal tolls, so long as said tolls do not exceed the maxima named in the canal charter. The evidence in this case went to show certain disparities in canal tolls that would require remedy if this Board or the Legislature were competent to correct the disparities. A rate on coal per ton from New Brunswick to Bound Brook, a distance of seven and three-quarter miles, of twenty-four and one-half cents, seems *prima facie,* inequitable as compared with a rate per ton of thirty-five cents from Trenton to New Brunswick, especially when the Canal Company exacts only fifteen cents per ton from Trenton to New Brunswick when the coal is sent via Trenton as a part of a through shipment. Other charges made by the lessee of the canal seem equally unreasonable, the toll upon more valuable material in some cases being notably lower than upon the less valuable material.

Whether in connection with the lessee's pending application for certain extensions of its privileges, the State can obtain a waiver of the almost absolute control of the lessee over canal tolls is, of

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course, a matter upon which the Legislature, and not this Commission, must decide.

While lack of jurisdiction over tolls precludes this Board from entering an order relating thereto, and renders it in large part powerless to correct many evils that may be shown to exist, the Board is bound to afford such subordinate degree of relief as the facts in the case may seem to warrant. For this reason, and also because of the importance of the matter itself, the Board goes on record with reference to certain matters involved in the present complaint. These comprise chiefly the question of a classification of canal tolls, and the closing of the canal during a part of the year. The depth of the canal is not touched upon, as no evidence relating thereto is before the Board.

So far as a classification of canal tolls is concerned, we are of opinion that a reasonable classification is more just than a uniform charge per ton mile. In support of this contention there is, first, the matter of precedent. There can be no question that when the Canal Company was chartered it was the practice upon canals to classify tolls. Even bridge companies chartered by the Legislature at or about the time this Canal Company was chartered were specifically permitted by their charters to classify tolls. Passage over a bridge by the more luxurious carriages was taxed more heavily than a similar passage by a vehicle of humbler character. Higher tolls were authorized to be taken for the passage of the more valuable kinds of live stock than for the less valuable. The transit dues exacted by the State from the Canal Company recognized the prevalence of different rates of toll per ton; and toll classifications not substantially different from those on the Delaware and Raritan Canal now prevail on the Lehigh Coal and Navigation Company's canal, and upon the Delaware and Chesapeake Canal.

The reason and the warrant for toll classifications are found in considerations affecting the relative value of water-carriage to shippers of different kinds of wares. Suppose two articles of freight, equal in weight and bulk, are awaiting carriage by water from one and the same starting point to one and the same destination. One of the two articles is worth five dollars, and the other a hundred dollars, valuing each at the point of origin. On arriving at the same market, the one article fetches twenty times as much as the other. Can it be said that, if the two articles belong to the same

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person an equal benefit and advantage has accrued by reason of the carriage of each of the two articles over the same distance to the same market? It is manifest that this is not the case; that a greater and more valuable service has been secured in one case than in the other. If there were no other considerations involved, it would not seem unreasonable that the tolls for traversing the waterway should conform closely to the relative benefits obtained from the shipment of the two articles respectively. It is only when attention is concentrated exclusively on considerations of expense to the toll-owner that an equality in the tolls seems to be justified. If it were possible in advance to foresee exactly what articles, and in what quantities, would traverse an artificial waterway, uniform tolls per ton-mile might be based on such averages so as to reimburse the toll-owner reasonably upon his investment.

But any such foresight is impossible. A more flexible schedule which would differentiate tolls upon different classes of merchandise would allow the toll-owner to lower particular tolls that were too high, in order to secure a corresponding increased movement of some kinds of freight without surrendering or abating the tolls at which the freight of higher value was already moving at a profit to both the shipper and the toll-owner. If all tolls had to be of the same amount per ton-mile, and if consequently all tolls had to be reduced, in case the toll on any class of commodities were reduced, there would be an effective deterrent to experimentation, along the line of gaining additional tonnage. The volume of traffic would presumably be less than under a more flexible system of toll classification. Such are the considerations that have led commissions and many expert students of transportation to acquiesce in or approve the plan of freight classification in railroad transportation. It is true that railroad freight rates cover a combination of tolls and other charges. The tolls are distinctively payments for the passing of freight over a specialized highway or roadbed. The other charges included in rates are paid to the carrier for furnishing vehicles, power and service in connection with the transportation. But while tolls are only one constituent of freight rates as defined above, the same considerations which have won approval for the railway freight classification system operate in favor of a toll classification system as against a uniform ton-mile charge.

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It will be urged forcibly that under the toll classification system on the Deaware and Raritan Canal there has not been shown of late years any tendency to attract more freight or different kinds of freight to the canal, and that the tolls since 1882 have been notably higher than they were previously, and rather inflexible than the reverse. All this is undoubtedly true. The rates of toll shown in the report of Mr. Ruddle, engineer to the Senate's Investigating Committee, were markedly higher in 1909 than they were before 1882. It is shown by Mr. Ruddle that they are about four times as high as the toll rates established for the Pennsylvania State canals by the Pennsylvania statute of April 21st, 1858 (report of Senate Committee, p. 83). It is shown also that even the lowest class rates on the Delaware and Raritan Canal are about one-third higher than the "average revenue per ton-mile on all freight handled" (within the State of New Jersey) "though for that revenue the railroad furnished the road and equipment, including terminals, and performed the service" (report of Senate Committee, p. 82). The inflexibility which the Pennsylvania Railroad Company, lessee, has imposed on canal tolls deprives of all force in the mouth of that defendant the plea for the beneficially plastic character of a toll classification system. But it must still be maintained, that if the canal traffic were not of a partially moribund character, or if, even now, State control over the canal tolls could be re-established, a properly constructed and flexible classification of tolls might easily be more reasonable than a uniform ton-mile toll. At the same time, it must be conceded, if the canal traffic is ever to be restored, a toll-reduction is of more importance than a toll-classification.

The respondent adduced testimony showing that the canal is operated at a deficit in recent years of about one hundred and twenty-five thousand dollars per year. It is true that the witness so testifying could give no account of how the deficit was computed, and his evidence, *per se*, therefore, is of inconsiderable importance. It is in evidence also that a ten-cent rate per ton-mile would augment the deficit and attract little additional tonnage to the canal. This is, however, not conclusive as to whether the present tolls are or are not reasonable. The expenses of maintenance are fairly uniform irrespective of the tonnage passing over the canal, and a greater tonnage might lessen the deficit now accruing. The very material increase in tolls made in 1882, and since then substantially

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maintained, does not look as though the lessee were vitally interested in attracting traffic in large volume to the canal. We agree with the engineer of the Senate Committee that "If the rates of 1877 were 'reasonable terms' to the public, those of 1882 could not have been" (Senate Report, p. 74). There can be little doubt that if the canal's charter did not preclude, the present canal tolls or many of them would have to be set aside as exorbitant or discriminatory, despite the deficit now resulting from the canal's operation.

The petition that the Board order the canal to be kept open continuously twelve months in the year, this Board does not think reasonable. The testimony showed that repairs are executed during the time navigation is suspended, and that January and February are required for the necessary work of repairs. The suggestion that as the canal is a public highway, it must be kept open the whole year round we reject. Investigation shows that long before this canal, or any canal, was built in this State, it was the expectation that navigation would be interrupted during a part of the winter. As early as 1820, when the advocates of canals and railroads were in rival camps, it was charged by the railroad partisans and conceded by the canal adherents that the winter interruption of canal traffic was a relative disadvantage of canal transportation as compared with transportation over railroads. Experience has justified this contention. It follows that the closing of the canal for the time required to make reasonable repairs during winter months when ice would interfere seriously with navigation is not unreasonable. But no longer interruption of canal traffic is justifiable. If the New Brunswick Board of Trade can show that it would be possible during the months of January and February to use the lower level of the canal so as to obtain access to tide-water, the Board would be disposed to order, unless good reason were shown to the contrary, that repairs be first made in the section of the canal adjacent to New Brunswick; and that the many factories there lining the canal should enjoy the use of that section of the canal for the residue of the winter, even though the canal as a whole were closed for some part of said period.

As a result of the foregoing, and for the reasons set forth therein, this Board dismisses the petition of the New Brunswick Board of Trade (except in so far as the same relates to operation throughout the year), without prejudice, however, to re-opening the ques-

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tions herein involved, if at any time more complete State control over canal tolls shall be obtained, and without prejudice to a subsequent petition to establish the practicability of using the lower level of the canal adjacent to New Brunswick during the winter season generally. The Board, however, in view of the testimony that January and February suffice to do the ordinary repair work to the canal, finds and determines that safe, adequate and proper service require the keeping of the canal open to transportation for the maximum period yearly consistent with proper inspection and repairs and, in consequence

HEREBY ORDERS the Delaware and Raritan Canal Company, and the Pennsylvania Railroad Company, lessee, not to close the said canal, or any portion thereof, to Navigation between March first and December twentieth of any calendar year, unless on previous petition duly made to and granted by this Board. This would not cover such closing required by reason of unforeseen or accidental occurrences rendering imperative an exceptional cessation of navigation.

Said Order to become operative beginning with December twentieth, nineteen hundred and twelve.

Entered February 6th, 1912.

In the Matter of the Petition of Citizens and Residents of Atlantic County, New Jersey Against the Atlantic and Suburban Railway Company and the Atlantic City and Shore Railroad Company. } **ORDER DISMISSING PETITION.**

Chandler and Robertson for Petitioners.

Bourgeois and Coulomb for Defendants.

Certain citizens of Atlantic County, New Jersey, filed their petition September 15th, 1911, praying that the rate of fare from Atlantic City to Pleasantville, which is now ten cents, be reduced to five cents, as it was prior to July 1st, 1910, and contending that such rate of ten cents is unjust and unreasonable. Certain charges

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were made in the petition that the increase of July 1st, 1910, was made by reason of the alleged merger of the interests of the Atlantic and Suburban Railway Company with the Atlantic City and Shore Railroad Company, and that immediately after such merger the rate of fare was increased from five cents, the rate of the former company, to ten cents, the rate of the latter; that such action was in contravention of the laws of this State, and that the purpose of such merger was to prevent competition and to create a monopoly. None of these charges were attempted to be proved, and the hearing was confined to the justness and reasonableness of the rate of fare of ten cents from Atlantic City to Pleasantville, under Subdivision 11, Section 16 (c) of the Act concerning public utilities, etc., approved April 21st, 1911. While great stress was laid upon the fact that this was an increase of rates, such increase took effect July 1st, 1910, while the present Act took effect May 1st, 1911. Subdivision 11, section 17 (h) of said act applies when any public utility "shall increase any *existing* individual rates," etc., in which case the burden of proof, to show that the said increase is just and reasonable, shall be upon the public utility making the same. In this case, the defendants have voluntarily taken upon themselves such burden of proof.

The matter was heard November 28th, 1911, and later briefs and a stipulation as to facts were filed by both parties.

From the testimony and facts admitted, it appears that the operation of the Atlantic and Suburban Railway Company is divided into four zones:

The first zone extends from the Boardwalk, in Atlantic City, to the Shore Road, in Pleasantvillle, a distance of 5.31 miles, with an overlap extending westerly toward Somers Point to Park Avenue in Pleasantville, and easterly to Woodland Avenue in Pleasantville.

The second zone extends from the intersection with the Shore Road, in Pleasantville, westerly to Poplar Avenue, in Linwood, a distance of 3.63 miles, with an overlap to Ocean Heights Avenue.

The third zone extends from Poplar Avenue, in Linwood, westerly to Somers Point, a distance of 3.53 miles.

The fourth zone extends from the intersection with the Shore Road, in Pleasantville, easterly to Absecon, a distance of 2.94 miles.

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Within the limits of any of the above overlaps a person is carried without extra charge, provided he has paid fare for passage over one of the above zones or a part thereof.

Zone No. 1, which is the zone in question, passes over the meadows between Atlantic City and Pleasantville, and all passengers in that zone are carried the entire length thereof, excepting such persons as alight from the cars or enter the cars at one of the cross streets in Atlantic City or Pleasantville.

In Atlantic City the cross streets are Pacific Avenue, Atlantic Avenue, Arctic Avenue and Baltic Avenue. In Pleasantville, Franklin Avenue.

The average haul in this zone is from the Shore Road in Pleasantville to Atlantic Avenue in Atlantic City.

The distance from Atlantic Avenue to the Boardwalk is 1,000 feet.

The fare charged in each of the zones is five cents, except in Zone No. 1 where the cash fare, when paid on the car, is ten cents, and over which zone are issued two forms of tickets, one a strip or package ticket sold at six for fifty cents or eight and one-third cents each; the other a monthly or commutation ticket containing sixty rides, sold for $3.90 or six and one-half cents per trip.

The rate over the Atlantic City and Shore Railroad Company's line between Atlantic City and Pleasantville is the same; the rate of fare on the West Jersey and Seashore Railroad Company's line between the same points is twelve cents single fare, eighteen cents excursion; and the rate over the Atlantic City Railroad Company's line is thirteen cents single, twenty cents excursion. A comparison of these rates does not show the rates of the Atlantic & Suburban Railway Company to be in anywise excessive or unjustly discriminatory.

Analysis of the figures submitted by the defendant company, (which have been checked and found to be substantially correct by the Board's Inspectors), shows that the net revenues have never been sufficient to warrant any reduction in the rates of fare charged. The floating debt of the original company amounted to $19,800 in 1904; in 1905 this was increased to $33,406; in 1906 to $85,880; in 1907 to $150,000. During all these years the capital stock of $750,000 and bond issue of $750,000 remained the same, and no dividends were paid by said company; in 1904 the company certified

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to the State Board of Assessors that the cost of the road and equipment was $1,500,000. During the year 1908 said company, because of insolvency, went into the hands of a receiver, was reorganized, and the authorized capital stock reduced to $650,000, of which $150,000 was issued and paid for. At the close of 1909, there were issued and outstanding bonds to the amount of $591,100, and a floating debt of $2,924. At the close of the year 1910, there were outstanding bonds to the amount of $691,100; capital stock $150,000, floating debt, $14,685. On July 1st, 1910, the rate of fare in question was increased from five to ten cents.

The revenue derived from the operation of said road from July 1st, 1910, to June 30th, 1911, was as follows:

Passenger Revenue	$97,114.42	
Revenue from other sources, such as car advertising, &c.	1,046.40	
Making a total of	$98,160,82	
The expenses during the same period are as follows:		
Direct operating expenses	57,340.87	
Taxes	6,020.78	
Interest on temporary loans	98.25	
Depreciation, (estimated), which should have been charged into operating expenses	2,500.00	
Total expenses		$65,959.90
Income upon investment		$32,200.92

In the opinion of the Board, the revenues of the Company have been too small to properly provide for the operation, maintenance and the setting aside of adequate depreciation reserve, and the defendants in assuming the burden of proof, have shown that the increase in question was just and reasonable, and the petitioners have failed to show that the rate of fare of ten cents, now existing, from Atlantic City to Pleasantville is unjust, unreasonable or unjustly discriminatory, and the petition is hereby DISMISSED.

Dated February 6th, 1912.

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In Re George R. Abrams vs. Delaware and Atlantic Telegraph and Telephone Company; and in Re A. W. Bostwick vs. Delaware and Atlantic Telegraph and Telephone Company.

DISMISSAL OF COMPLAINTS.

Both of these complaints are based upon identical grounds. The first was heard before this Board on November 14th, 1911, at the State House in the City of Trenton. The second was heard on January 2nd, 1912, before this Board at the State House in the City of Trenton. The complainants appeared in person, and the respondent was represented by T. P. Sylvan, Assistant to Vice-President. Testimony was taken. Exhibits were introduced by both parties.

Both complainants aver that they have, each of them, a contract with the Delaware and Atlantic Telegraph and Telephone Company; that said contracts run for five years from the date on which they were made; that prior to the stipulated expiry of the contracts the respondent unlawfully discontinued promised service.

The facts established by the evidence are that the Delaware and Atlantic Telegraph and Telephone Company had a contract with an association, described in the contract as the "Vincentown Rural Company." Said contract was made on May 21st, 1908. It designates as the agent of the Vincentown Rural Company one Thomas W. Ross, who expressly accepted such appointment and agreed to make all payments due from the subscribers under the contract. The contract was to remain in force until May 21st, 1913, and was thereafter terminable upon thirty days' notice in writing by either party. The contract also expressly provides that the Company, (meaning the Delaware and Atlantic Telegraph and Telephone Company) "may, upon the failure of the subscribers to pay any sum due within fifteen days after bill has been rendered, discontinue furnishing service to the entire line" (meaning all the Vincentown Rural Company's subscribers connected with the Delaware and Atlantic's switchboard at Mt. Holly) "until full payment shall have been made x x x."

There can be no question but that, upon the face of the contract, the members of the Vincentown Rural accepted a joint and col-

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lective responsibility for payment to the Delaware and Atlantic of the sums due to the latter. It is in evidence that on July 12th, 1911, the Vincentown Rural Company, or some of them, were in arrears and had long been in arrears, and had been notified that service to Mt. Holly would be discontinued unless said arrearages were paid by July 27th, 1911. Failure on the part of the Vincentown Rural Company to make payments of the collective arrearages warranted the Delaware and Atlantic in discontinuing service.

It is probably true that certain members of the Vincentown Rural Company (which was not incorporated, the name being simply descriptive of a number of persons connected with a local exchange), did not realize that they were jointly responsible, through their agent, for paying their collective indebtedness, for tolls, and instrument rentals, to the Delaware and Atlantic. The Vincentown association had been originally engineered by an agent for the Delaware and Atlantic, and the agent and exchange operator of the Vincentown Association was agent for the Delaware and Atlantic, so far as toll-service was concerned. But the original contract was fairly clear on this point of collective liability and individual subscribers to the Vincentown exchange, were required each to sign a Supplemental Contract, agreeing to abide by the terms and conditions of the original contract. Thus a copy was exhibited of such a supplemental contract accepted on behalf of George R. Abrams by T. W. Ross, Agent. The Rev. A. W. Bostwick testified, on the occasion of his taking service that he

> "went to the post office, and Mr. Ross, who was the agent, pulled a document (I remember the occasion very well) he pulled a document out of a pigeon hole and he said, 'You are going to have your telephone, Mr. Bostwick, sign here,' and I signed, relying upon the representations which had been made to me by Mr. Twan that I was to have a telephone for so much money and extending over that period of time, and thinking that (referring to document formerly signed by him) embodied those conditions. I did not read it at all."

This was, perhaps a very natural thing to do, but it cannot alter the contract actually entered into. When Ross, as agent for the Vincentown subscribers became either lax or delinquent in payment, the Delaware and Atlantic, perhaps unintentionally, strengthened the mistaken belief that the subscribers in Vincentown were only liable individually to that company, by sending the Delaware and Atlantic agents to Vincentown and by having them collect in-

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dividual bills as ascertained from Ross's accounts. But this was really a procedure on the part of the Delaware and Atlantic which they were not bound to assume, and which in no wise destroyed the collective liability of the Vincentown Company to the Delaware and Atlantic. It seems only reasonable that in similar circumstances, in future, the Delaware and Atlantic Telegraph and Telephone Company shall make unmistakable and explicit, to every subscriber of a rural line with long distance connections, that the responsibility for payment to the Delaware and Atlantic is joint and collective, not merely an individual liability; but in the present instance, the wording of the original and supplemental contracts make certain the collective character of the liability. We cannot find that the complaints of breaking a valid contract, by the respondent, are sustained, and, therefore, the petitions of the complainants, and both of them, are HEREBY DISMISSED.

Dated February 13th, 1912.

In the Matter of the Compaint of Reilly and Manz vs. Public Service Electric Company. } **DISMISSAL OF COMPLAINT.**

W. A. Meyers, for Reilly and Manz.

L. D. H. Gilmour, for Public Service Electric Company.

The Maintenance Company, Contracting Engineers, submitted on behalf of Reilly and Manz, one of their clients, a complaint that the Public Service Electric Company had changed its method of charging for power service so as to materially increase the cost thereof to the complainants.

Answer was made to this complaint and hearing held thereon.

It appears that prior to April 1st, 1911, charges to Reilly and Manz were based on the maximum demand measured by the demand meter. This measurement, respondent claimed, showed the monthly use of three and one-half (3½) to four and one-half (4½) kilowatts, indicating a demand of about six (6) horse power. The installation of Reilly and Manz is a fifteen (15) horse power motor.

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On or about April 1st, 1911, the equipment of Reilly and Manz was put on the uniform retail power rate of the Public Service Electric Company. Under this rate the demand is assumed to be eighty (80) per cent of the installation amounting in the case of the complainant to an assumption of a demand of twelve (12) horse power.

It was alleged by the complainant that his mechanical equipment would at no time require the use of twelve (12) horse power; that the demands of his business had been accurately gauged by the measurements prior to April 1st, 1911, and that an assumption of use in excess of his actual requirement should not be permitted.

The installation of a fifteen horse power motor was not denied.

A charge based on the capacity of this motor rather than on actual consumption per month is a minimum charge the principle of which has been upheld by this Board.

Such a charge is reasonably based upon the horse power of the motor installed. The fact that a motor may be, in exceptional cases, in excess of the power that the customer requires would not justify an order requiring departure from a general rule applicable to other customers having similar motors.

Whether the customer uses the capacity of a motor or not, the company, when it connects to a motor, must be ready to supply service up to its capacity and for such readiness to serve is reasonably entitled to compensation.

The Complaint is, therefore, DISMISSED.

Dated February 13th, 1912.

In the Matter of the Complaint of Max Marx vs. Public Service Electric Company, in Re Minimum Charge. } **DISMISSAL OF COMPLAINT.**

Max Marx, in person.

L. D. H. Gilmour, for Public Service Electric Company.

This is a complaint of a minimum charge of fifty (50) cents per horse power for electric power service.

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The charge is admitted by the respondent. In a memorandum adopted January 16th, 1912, the Board declared that as a general proposition a minimum charge of fifty (50) cents per month per horse power for electric power service might be reasonably made.

The case under consideration does not involve any condition making advisable an exception to the conclusion expressed in the Board's memorandum.

The Complaint is, therefore, DISMISSED.

Dated February 13, 1912.

In the Matter of the Petition of the Common Council of Gloucester City Concerning the Rate of Trolley Fare Charged by the Public Service Railway Company Between Gloucester City and the City of Woodbury.

MEMORANDUM AND ORDER DISMISSING PETITION

Charles A. Cogan, for the Petitioner.
L. D. H. Gilmour, for the Respondent.

The City of Gloucester filed a petition with this Board on June fifth, nineteen hundred and eleven, asking that the Public Service Railway Company be ordered to charge but one fare of five cents between any point in Gloucester City and the City of Woodbury. An answer was filed by the Public Service Railway Company, and a further pleading by the City of Gloucester. On September 12th, 1911, a hearing was had at which both parties were represented.

The following facts appear from the pleadings and from the testimony adduced at the hearing:

The Public Service Railway Company operates a line of trolley cars between Camden through Gloucester City to Woodbury, the distance from Camden to Woodbury being approximately eight miles, and the trolley fare between these two points being ten cents. There is no complaint that this fare of ten cents for a ride of eight miles is excessive, and from a comparison of this situation with others of like character, it would seem that this charge is not unreasonable. That being so, the sole question in this case is the

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proper location of a dividing line separating the two zones of which this distance is constituted. It appears that the line dividing Camden and Gloucester Counties, known as Timber Creek, which is also the southerly boundary of Gloucester City, was formerly fixed by the Company as the dividing line between these zones. In July, Nineteen Hundred and Nine, Jersey Avenue, in Gloucester City, was made the dividing line, thereby extending the Woodbury zone to that point, Jersey Avenue being one of the main thoroughfares and leading to the Ferry from Gloucester City to Philadelphia.

It requires no argument to show that the extension of the Woodbury zone from Timber Creek to Jersey Avenue works an advantage to the inhabitants of Gloucester City, as previously the charge for a ride from any point in Gloucester City to Woodbury was ten cents. The fixing of the southerly boundary of Gloucester City as the zone boundary would require a ten cent fare to Woodbury, while the fixing of the northerly boundary of said City as the zone boundary would require a ten cent fare to Camden.

In the case of South Englewood Improvement Association vs. the New Jersey and Hudson River Railway and Ferry Company this Board said: "We seriously question the justice or expediency of ordering any extension of one particular fare zone without according consideration to the equal claims of the other localities served by the Company," and further in the same opinion it is stated "so long as the zone system continues in effect it seemingly works a hardship to those just over the zone limit. But the proper remedy is not one that would savor of favoritism to one particular locality now adversey affected by the zone system, but a reconstitution of the entire system."

It follows, therefore, that any extension of the Woodbury zone toward the northerly limit of Gloucester City, enabling persons traveling from Woodbury to points north of Jersey Avenue, in Gloucester City, to reach such points for the single fare, would work a hardship on those persons in the southerly portion of Gloucester City who desired to travel to Camden, as it would oblige them to pay two fares for this ride. The Board is of the opinion that the present zone boundary between Camden and Woodbury at Jersey Avenue is a proper division of the two zones and the petition, therefore, is DISMISSED.

Dated February 16th, 1912.

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In the Matter of the Petition of the Township of Bordentown for Amendment of Board's Order of January 9th, 1912, Requiring the Riverside Traction Company to Provide Free Transportation for Members of the Township Committee and Township Clerk. } **ORDER.**

Hugh LeJambre for the Township of Bordentown.

H. C. Thompson, Jr., for the Riverside Traction Company.

On January 9th, 1912, an Order was adopted by the Board of Public Utility Commissioners, requiring the Riverside Traction Company to transport in its cars over or on its line with Bordentown Township, the members of the Bordentown Township Committee and the Bordentown Township Clerk, while traveling for the purpose of discharging the duties of their offices respectively. The Township of Bordentown submitted a Petition praying that this Order be amended so as to require the Riverside Traction Company to transport the members of the Township Committee and the Township Clerk in its cars while traveling for the purpose of discharging the duties of their offices over or on said Company's line of railway from one part of said Township to any other part of said Township of said Bordentown along its line of railway.

A copy of this Petition was sent to the Riverside Traction Company and a date fixed for hearing thereon. Said hearing was held on Tuesday, February 20th, 1912, at which the Township of Bordentown and the Riverside Traction Company were represented. After such hearing the Board decides and HEREBY ORDERS that its Order of January 9th, 1912, be amended to read as follows:

The Board of Public Utility Commissioners HEREBY ORDERS the Riverside Traction Company to transport in its cars, over or on its line from one part of Bordentown Township to any other part of said Township, without charge, the Members of the Bordentown Township Committee and the Bordentown Township Clerk while traveling for the purpose of discharging the duties of their offices respectively, and without exacting a fare for any portion of such trip as may fall within the corporate limits of the City of Bordentown,

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or as may fall within the corporate limits of the Borough of Fieldsboro.

This Order shall take effect March 14th, 1912.

Dated February 20th, 1912.

In the Matter of the Complaint of Citizens' Committee of Sussex County vs. New York, Susquehanna and Western Railroad Company

and

In the Matter of the Compaint of Andrew S. Taylor (For Himself), and Representing Citizens of Newfoundland, New Jersey, vs. New York Susquehanna and Western Railroad Company.

DECISION AND ORDER.

Hon. H. C. Hunt, for the Citizens' Committee of Sussex County.

Andrew S. Taylor, Esq., for himself, and citizens of Newfoundland.

H. A. Taylor, Esq., for the New York, Susquehanna and Western Railroad Company.

The two complaints were consolidated for the purpose of hearing. Both were against the same company; both emanated from citizens in the same general region of the State. Certain allegations of grievance were common to both.

The petition, signed by sixteen citizens of Newfoundland, was filed with this Commission on August twelfth, nineteen hundred and eleven; the petition of the Citizens' Committee of Sussex was filed with this Commission on August twenty-eighth, nineteen hundred and eleven. The first conjoint hearing was held at Jersey City November seventeenth, nineteen hundred and eleven. An adjourned hearing was held at Jersey City on December eighth, nineteen hundred and eleven. At both hearings testimony was introduced and stenographically reported. Exhibits, numbered from one to thirty-four, were introduced by the respondent. On

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January eighth, nineteen hundred and twelve, at a second adjourned hearing held in Newark, the Hon. H. C. Hunt and Mr. H. A. Taylor presented oral argument, in behalf of their respective interests, for the consideration of the board.

The formal complaint of the Citizens' Committee of Sussex, New Jersey, embodied the following specific petitions:

(1) That trains No. 2 (*now 902*) and No. 4 (*now 904*), be scheduled to arrive at Beaver Lake at the same time, and that only one of them run express to New York; and that return trains No. 5 (*now 905*) and No. 7 (*now 907*) be similarly scheduled.

(2) That an equitable commutation rate for towns west of Beaver Lake be provided in place of the present requirement to buy two separate commutation tickets as between Sussex and New York.

(3) That an equal rate, on ten-trip tickets, be granted citizens of Sussex, as at present to residents in towns east of Beaver Lake.

(4) That relief be afforded for the inconvenience now created by closing the toilet rooms on trains between Butler and Beaver Lake.

(5) That the company be required to remedy the unclean and unsanitary conditions of cars and coaches, especially smoking cars.

(6) That adequate passenger accommodations be provided at stations along the road.

(7) That the Lehigh and New England Railroad be required to connect with the Delaware, Lackawanna and Western train leaving Augusta at 6:59 P. M.

(8) That the respondent be required to refrain from blocking with its cars the public highway at Beaver Lake.

The petition of the residents of Newfoundland comprises the following points:

(1) Complaint is made against the train service west of Butler, on the ground that it is inadequate and that insufficient trains are provided.

(2) Complaint is made against the delays on trains run west of Butler.

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(3 and 4) Complaint is made against the burning of soft coal in the locomotives of the New York, Susquehanna and Western Railroad.

(5) General complaint requesting the Board to remedy other matters not specified in the petitions.

Upon the eight specific prayers in the petition of the Citizens' Committee of Sussex decision is reserved as to Numbers 2 and 3, involving commutation rates. The question of the power of this Board to order the installation of such rates is now pending before the Supreme Court of Judicature of this State.

Upon prayer Number 7 no evidence was introduced at either hearing, and it is therefore dismissed.

Upon prayer Number 4 no order will issue at this time, because the Board desires first to reach an understanding with the State Board of Health. It may be said, *obiter,* that so far as this Commission is at present advised, the carrier cannot eventually escape from affording, on the cars between Beaver Lake and Butler, some sanitary arrangement of the toilet rooms (as inexpensive as compatible with adequate service), which will allow access thereto over this stretch of the line. So long as the order of the Board of Health absolutely required the locking of the toilet rooms between Butler and Beaver Lake, such appliances, if installed, would afford no relief. An order on this point is withheld for the present.

Upon matters complained of in prayer Number 5 there has been amendment by the carrier, as admitted by the counsel for the Sussex committee, and said improvement is declared by him to be satisfactory if continued. An order covering this point will issue in case the company fails to maintain the present standard of equipment.

On prayer Number 8 the Board will issue an order if the carrier is shown to be further delinquent in the premises.

On prayer Number 6 a definite order is made herein, as regards the Hamburg station.

As to prayer Number 1 an order is entered, based on the grounds developed by the testimony and on consideration of the exhibits. Said order, while not granting the specific prayer of prayer Number 1, is designed to secure the adequate service which is sought by the petitioners under their first specific prayer.

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Of the five prayers of the residents of Newfoundland Number 1 is not granted specifically, but incidental relief is afforded by the order herein contained, providing adequate service for Sussex and vicinity.

Prayer Number 2 is dismissed as not substantiated by adequate evidence.

Judgment and order is withheld on prayers Numbers 3 and 4, because the validity of municipal ordinances prohibiting excessive smoke from locomotives is now under consideration by the Supreme Court of Judicature, and because its decision in this case may prove of essential service in reaching a determination as to these matters.

Prayer Number 5 is incidentally effected by the orders herein contained, in reference to the Hamburg station and adequate passenger service for Sussex and vicinity.

The two essential matters in the Sussex petition concern adequacy of service and the rates therefor. Judgment on the entire matter of rates, including the restoration of certain types of commutation tickets, is deferred. The reason for this has, in part, been indicated above. There is also some ground, as developed by the evidence and Exhibit No. 33, for asking whether the extreme paucity of the sale of such tickets when they were previously afforded by the carrier, may not have warranted their withdrawal. If adequate service is afforded Sussex and vicinity, and if, as a consequence, an enlarged traffic can be shown to warrant the restoation of such commutation tickets, a subsequent petition for such restoration may be presented to this Board.

As to the passenger service now afforded Sussex and vicinity we are obliged to record our deliberate judgment that this is not adequate. We are of opinion that Sussex, Hamburg, Franklin Furnace and Ogdensburgh are entitled to regular daily service, on each secular day of the week, so as to make connections at Beaver Lake with eastbound train No. 902, as now scheduled (on holidays with train No. 968), so as to reach Jersey City by 9:08 in the morning. And we are further of the opinion that Sussex and the other above-mentioned points are entitled to a returning afternoon train daily, on each secular day of the week, connecting, without delay, with westbound train as now scheduled No. 905, at Beaver Lake, and landing passengers for Sussex and

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the other aforementioned places, at their destinations as expeditiously as compatible with the proper running of the train. This service, to which passengers from or to these places are entitled, will, in our judgment, be adequate for the present, if afforded during what is generally known as the "summer season" when the needs and requirements of service to and from this region are more particularly urgent than during the remainder of the year.

The reasons which impel us to declare that the passenger service now provided for Sussex and the other aforementioned places, between Sussex and Beaver Lake, is inadequate are as follows: At present Sussex has but one morning train eastbound. This train leaves Sussex at 7:44 A. M. and arrives at Jersey City at 10:05 A. M. *En route* it reaches Paterson at 9:29 A. M., and Hackensack at 9:43 A. M. It is only too apparent that such accommodation renders it impossible for one to reside at Sussex or vicinity, even in summer, and engage in ordinary business at or near the great industrial, commercial and manufacturing section of the State. The difference of an hour's time in arriving at Jersey City makes to the denizen of Sussex and vicinity all the difference between being exiled in a comparatively inaccessible rural region and living in a suburban town. The morning train now provided is evidently designed primarily to suit the convenience of connections at Middletown, New York, a place eighty-nine miles from the eastern terminal of the New York, Susquehanna and Western Railroad, and having slight claim to commuting privileges, even in summer. But the train is an interstate train, and this opinion expressly refrains from passing any opinion as to whether its schedule should be altered. We insist solely that the connection it affords at Sussex does not provide Sussex and points between Sussex and Beaver Lake with the adequate service to which Sussex and aforesaid points are entitled.

We are further confirmed in this judgment by the consideration that some years previously the New York, Susquehanna and Western Railroad Company afforded to Sussex earlier access to the company's eastern terminal. If such service was then nothing more than proper and adequate, its restoration now would seem to be requisite.

We are further confirmed in our judgment that the service at present afforded Sussex and vicinity is inadequate, for the rea-

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son that Blairstown, eighty-four miles distant from the eastern terminal of the New York, Susquehanna and Western Railroad, and other neighboring towns on the division running to Stroudsburg, are now afforded daily service to Jersey City allowing them to reach Jersey City by 9:05 A. M. No sufficient consideration can be urged why, if such service is accorded Blairstown and neighboring towns, Sussex and places between Sussex and Beaver Lake should not be accorded similar early access to Jersey City. And in particular is this consideration of controlling force because passenger receipts at Sussex are far greater than those at Blairstown, and because the passenger traffic between Sussex and Beaver Lake is greater in volume than the passenger traffic between Blairstown and Beaver Lake. It is also worthy of consideration that various points on the New York, Susquehanna and Western Railroad, east of Beaver Lake and west of Butler, are accorded not only access to Jersey City by 9:05 A. M., but are given two morning trains eastward, whereas Sussex is given but the one already referred to. Thus Stockholm (fifty-two miles from the eastern terminal, and affording $2,029 annual passenger receipts) is given two trains eastward; Oak Ridge (forty-eight miles from the eastern terminal, and affording $2,558 annual passenger receipts) is given two morning trains eastward, and Newfoundland (forty-six miles from the eastern terminal, and affording $7,675 annual passenger receipts) is given two morning trains eastward. By comparison with the three places above cited, Sussex is sixty-eight miles distant from the eastern terminal, and affords $10,371 annual passenger receipts. Franklin Furnace is sixty miles distant from the eastern terminal, and affords $8,713 annual passenger receipts.

In substantiation of the relative earnings of the various places involved, the following list of passenger earnings, from certain stations west of Butler on the New York, Susquehanna and Western Railroad, for the fiscal year ending June 30th, 1911, is taken from the Company's Exhibit 11. Their relative distance from the eastern terminal is also indicated:

Blairstown, 84 miles; Passenger receipts	$7,094.72
Marksboro, 81 miles; Passenger receipts	1,428.62
Stillwater, 77 miles; Passenger receipts	1,309.02
Swartswood, 72 miles; Passenger receipts	519.73
Sparta, 61 miles; passenger receipts	3,225.22
Sussex, 68 miles; Passenger receipts	10,371.00

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Apparently, Sussex is the largest passenger revenue-producing point in this State on the road west of Butler, and is accorded service inferior to points at a much greater distance from the eastern terminal, whose passenger receipts are only a fraction of those obtained at Sussex. And, while more distant than Newfoundland and other points east of Beaver Lake and west of Butler, Sussex contributed far more in passenger receipts than Newfoundland or any adjacent point.

If it were desired to use a comparative method to substantiate what is, in our judgment, independently established, to wit, the inadequacy of service afforded Sussex and neighboring points between Sussex and Beaver Lake, a comparison of the service afforded by the Delaware, Lackawanna and Western Railroad, on the Sussex Division, to points at relatively the same distance as Sussex from Jersey City might be cited. Branchville is accorded a regular commutation train daily, leaving at 6:50 A. M., and arriving at Hoboken at 8:57 A. M. Augusta is accorded a regular commutation train daily, leaving at 6:54 A. M., and arriving at Hoboken at 8:57 A. M. Both of these places are accorded a second train in the morning, reaching Hoboken at 11:40 A. M. It may be noted in passing that the Delaware, Lackawanna and Western Railroad sells regular commutation tickets the year round between these points and Hoboken. The rate for the sixty-trip commutation ticket, between Hoboken and Augusta, is sixteen dollars and ninety cents. This stands in startling contrast to the New York, Susquehanna and Western Railroad's practice of requiring the commuter to buy two commutation tickets; one between Sussex and Beaver Lake, and the other between Beaver Lake and Jersey City, at an aggregate monthly cost, as testified (transcript of testimony, p. 57), of thirty-four dollars and sixty cents. It is here to be noted that the comparison of the rates and service accorded by the two companies to places approximately the same distance from their respective eastern terminals is made by use of the official time-table of the Delaware, Lackawanna and Western Railroad Company; and while said timetable (revised to December 28th, 1911) was not formally in evidence, the Commission has taken judicial cognizance thereof, and has examined the same, not, as an independent ground for reaching a conclusion in this matter, but merely for comparative purposes. The deductions

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therefrom are wholly cumulative in their bearing upon the present matter; and our judgment, relative thereto, would be adequately substantiated independent of any reference to the practice of the Delaware, Lackawanna and Western Railroad, as regards accommodation, rates or service.

We find the arguments presented by the Company, as to the passenger traffic on the line running between Middletown and Beaver Lake, unavailing to disprove the inadequacy of passenger service now afforded to Sussex and certain other points lying between Sussex and Beaver Lake. Even if it were, in every case, unreasonable to order a carrier to run a train which, *per se*, is not a paying proposition, some exception might be taken to the deductions drawn by carrier's counsel from various exhibits filed in this case, especially Exhibits 4, 5, 6, 7 and 8. To figure a paying load of a train we may fairly ask to know the load from start to finish. It can hardly be denied that a train running from Jersey City to Middletown will, normally, have the heavier load near the populous terminal. To show that when the train has gone fifty or sixty miles from said populous terminal the remaining passengers do not suffice to cover the cost of the remaining train mileage run, is far from demonstrating that the service supplied at the far end of the run is all that can reasonably be asked of the carrier. Even if putting on an extra train entails a net loss on its operation, such loss must be incurred if the running of said extra train is necessary to afford the reasonable and adequate service required of the carrier. Since the decision in the case of *Coast Line Railroad Company* vs. *Carolina Corporation Commission* (*206 U. S. 1*), this principle is undeniable.

The syllabus, which is supported by the decision itself, rendered by Mr. Justice White, now Chief Justice of the Supreme Court, states the propostion as follows: "While the enforcement by a State of a general scheme of maximum rates so unreasonably low as to be unjust and unreasonable may be confiscation, and amount to taking property without due process of law, the State has power to compel the railroad company to perform a particular and specified duty necessary for the convenience of the public, even though it may entail some pecuniary loss."

Nor are we unmindful of the observation contained in the aforesaid decision, to the effect that "of course, the fact that the furnish-

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ing of a necessary facility ordered may occasion an incidental pecuniary loss is an important criteria (*sic*) to be taken into view in determining the reasonableness of the order, but it is not the only one."

It is also to be noted that it is in evidence (p. 115) that a train making the connections to be required in the order following can be arranged without disarranging the present train schedules.

The contention that the thin passenger traffic on the line running through Sussex and adjacent places to the south does not warrant additional service is partly parried by the consideration that inadequate service often explains thin traffic. The two act and re-act reciprocally upon each other. Places on the Delaware, Lackawanna and Western Railroad, equidistant with Sussex from Jersey City or Hoboken, seem to afford a paying traffic, or, at least, one which the Delaware, Lackawanna and Western Railroad willingly continues. The carrier's estimate of the cost of the additional service contemplated in our order is six hundred dollars per month. If the present passenger service is not now reasonable, even this estimated additional cost does not militate against its being required of the Company. Moreover, when the present receipts are considered, when the possibility of increased summer residence in Sussex and locality is considered, as evidenced by results at lower points on the New York, Susquehanna and Western Railroad and on the Delaware, Lackawanna and Western Railroad in this region, when some adequate consideration is given to such increase in freight earnings as may reasonably be presumed to follow increased summer residence in this section, and when the tentative character and limited duration of the order is considered, providing as it does for only the seasonal or summer demands, the estimated cost of twenty-five hundred or three thousand dollars is not sufficient to estop the issuance of an order providing for adequate service.

The testimony as to the inadequacy of the station at Hamburg (pp. 43 sq. 1, 61, 62) demonstrates the necessity for essential enlargement and improvement, and the order below relating thereto is warranted on the grounds that passengers, by reason of lack of room in the station building and the placing of baggage inside

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the station, are at times compelled to remain outside the station building when waiting for trains.

The Board of Public Utility Commissioners, therefore, hereby ORDERS the New York, Susquehanna and Western Railroad Company to provide passenger train service on each secular day of the week, affording such connections at Sussex, Hamburg, Franklin Furnace and Ogdensburg as will enable passengers from said places to connect at Beaver Lake with Train No. 902 (No. 968 on public holidays) as now scheduled; and ORDERS that similar service in the opposite direction shall be provided by said Company, enabling passengers arriving by Train No. 905 at Beaver Lake to continue, without undue delay, northward as far as Sussex, making stops at Ogdensburg, Franklin Furnace and Hamburg. This service is to be accorded beginning April fifteenth next, and is to continue up to September fifteenth, unless suspended sooner with the assent of this Commission.

The Board of Public Utility Commissioners also hereby

ORDERS the New York, Susquehanna and Western Railroad Company to provide at Hamburg such reasonably enlarged station facilities as will accommodate the passengers using said station, such enlargement to be planned and begun not later than May first, nineteen hundred and twelve.

These orders become effective as indicated in each order respectively.

Entered February 27th, 1912.

In the Matter of the Complaint of the Mayor of Jersey City vs. Public Service Railway Company in Re Fare Limits on the Turnpike Lone. } **DECISION AND ORDER.**

Thomas G. Haight, Esq., for the complainants.

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

On December 22d, 1911, a hearing was had upon this matter at Chancery Chambers, Jersey City, at which evidence was submitted by both sides.

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The complainants ask in effect that the dividing line between the company's two fare zones, on the Turnpike Line, be moved westward from the eastern end of the Hackensack bridge, so to afford access by trolley between Jersey City and the Meadow Shops for a single fare of five cents.

It is in evidence that on the Turnpike Line the mileage traversed, from the company's Jersey City terminus to the Hackensack bridge, is approximately three miles and a quarter (3.272 mi.); and that the mileage traversed from said bridge to the center of Newark is approximately five miles and two-thirds (5.65 mi.) It is also in evidence that on the Plank Road Line the mileage traversed from the Jersey City terminus to the Passaic River, the first zone, is approximately four miles and four-fifths (4.81 mi.); and thence to the center of Newark, the second zone, is approximately three miles (3.0 mi.).

The request of the complainant seems to be reasonable from the following considerations: Employees who live in Newark and who work at the Meadow Shops may now reach the shops, a distance of approximately four and two-thirds miles, for a single fare. Employees who work at the same shops, but who live in Jersey City must now pay two fares to reach the shops, though the maximum distance they travel by trolley is but four miles and a quarter. The Meadow Shops, moreover, are nearer to Jersey City than they are to Newark. If the present zone boundary were moved about a mile to the west, there would be a practically equal ride from both cities to the shops for a single fare.

It is true that other considerations besides mere distance may be fairly considered in determining the length of trolley zones. Among such considerations is the relative amount of patronage to be secured in traversing various sections of the line. But these considerations, in the present instances, would seem to reinforce the reasons for moving the division line a mile to the westward. From the Meadow Shops to Harrison, the adjacent territory is sparsely built up, and normally would originate but little trolley traffic. There seems, therefore, no sufficient reason for including so long a tract of such territory in the zone adjacent to Newark and so short a tract of such territory in the zone adjacent to Jersey City.

It must, of course, be remembered that moving the zone dividing line to a point a mile west of the Hackensack bridge may augment

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the cost of travel to those who live on the western outskirts of Jersey City and who work in Harrison or Newark. These persons may be presumed at present to walk to and from the Hackensack bridge from and to their homes in the western part of Jersey City. They thus ride to and from their work for a single fare each way. If the zone dividing line is moved a mile westward, they must either walk approximately a mile further every time they go to or from their work, or must, on every such occasion, pay two fares instead of one. To test this matter, the Board stationed an inspector on the Hackensack bridge on February 2d, 1912, to enumerate the passengers boarding and alighting from the cars at that point between 5 P. M. and 6 P. M. His report shows that between 5:05 P. M. and 5:59 P. M. twenty-two persons alighted from the nine east-bound cars, and that between 5:08 and 6 P. M. ninety persons boarded the nine westbound cars at this point. Another traffic census at the Hackensack bridge crossing of the Turnpike Line was taken on February 15th, 1912, by an inspector of this Board. The time covered was between 6:00 A. M. and 8:35 A. M. The total westbound traffic originating at the Hackensack bridge amounted to eighty-nine; the total eastbound traffic terminating at the same bridge was one hundred and thirty-five. If these results may be taken as typical of the traffic, it appears that no very great number of persons residing in the western part of Jersey City will be adversely affected by the suggested change in the dividing line between the two zones. As against the greater number bound westward in the morning and eastward at night, at the bridge, must be set the probable number of those employed in and near the Meadow Shops, who would be enabled to reach their work places at the shops, or their homes in Jersey City, for a single fare if the dividing lines between zones were changed. It seems to us probable that the number who would benefit would exceed somewhat the number which would be adversely affected. It is not at all certain, moreover, that the company's receipts would be adversely affected, except in so far as they now include double fares between Jersey City and the Meadow Shops. Of even greater force is the consideration that the region of the Meadow Shops is practically a part of Jersey City, even if outside the city limits proper; and that the Meadow Shop employees who live in Jersey City are subjected to a relative disadvantage and an unfair discrimination as compared

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with fellow-employees, living at a greater distance, who obtain access both to their homes and their places of work at markedly lower rates.

Without attaching undue importance to the fact, it is to be noted that prior to May 1st, 1911, the Public Service Railway Company had in force, for the benefit of Pennsylvania Railroad employees in the Meadow Shops, rates between Jersey City and the shops for a single fare of five cents. The difficulties encountered with the methods employed to accord this rate of fare to the shop employees do not concern us in the present case, as the relocation of the dividing line of the two zones will obviate the various difficulties which, it was testified, formerly attended the issue of special coupon tickets or identification cards.

In view of the premises and all the evidence adduced, this Board finds and determines that the present exaction of two fares on the Turnpike Line of the Public Service Railway Company, between Jersey City and the Meadow Shops results in existing rates that, as between various classes of passengers, and as between various localities, to wit, Newark, Harrison and Jersey City, are unjust and unreasonable, and unjustly discriminatory and preferential. The Board of Public Utility Commissioners, therefore,

ORDERS the Public Service Railway Company on the Turnpike Line to afford for a single fare of five cents a ride that will enable the passengers so desiring to ride from points in Jersey City out as far as the Lackawanna crossing near the Meadow Shops; and in the opposite direction, to afford, for a single fare of five cents, a ride that will carry a passenger from said Lackawanna crossing to any point in the City of Jersey City which may now be reached from the Hackensack bridge for a single fare of five cents.

This order is to become effective March 25th, 1912.

Entered February 27th, 1912.

In the Matter of the Application of the Public Service Railway Company for the Dismissal of Certain Complaints. } **ORDER.**

Numerous complaints have been made against the Public Service Railway Company to which complaints answers have been

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filed by the respondent company. In all cases copies of such answers have been forwarded to the complainants, and where the parties appeared to be at issue the complainants have been asked to advise the Board if hearings were desired. Application is now made by the Public Service Railway Company for the dismissal of certain of the above mentioned complaints. It appearing that in the following named the parties are no longer at issue, or that the matter in dispute comes within the scope of a finding of the Board of general application, or that where issue exists there is no present intention or desire on the part of the complainant or complainants to appear at a hearing, the following named complaints and each of them, are hereby ordered DISMISSED, without prejudice, viz.:

George M. Christian,
Residents of Bayonne
William A. McCrea,
William S. Davidson,
Frank D. Wheeler,
Douglass Conly,
A. J. Poole,
Mayor and Council of Fort Lee,
Borough of Englewood Cliffs, et al.
Warren Point Social & Improvement Club.
Charles Schrot.

Dated March 1st, 1912.

In the Matter of the Application of the Pubic Service Electric Company for the Dismissal of Certain Complaints. } ORDER.

Numerous complaints have been made against the Public Service Electric Company to which complaints answers have been filed by the respondent company. In all cases copies of such answers have been forwarded to the complainants, and where the parties appeared to be at issue the complainants have been asked to advise the Board if hearings were desired. Application is now made by the Public Service Electric Company for the dismissal of certain of the above mentioned complaints. It appearing that in the following named the parties are no longer at issue, or that the matter in dispute

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comes within the scope of a finding of the Board of genral application, or that where issue exists there is no present intention or desire on the part of the complainant or complainants to appear at a hearing, the following named complaints and each of them, are hereby ordered DISMISSED, without prejudice, viz.:

South Orange Village,
Daniel W. Wittpenn,
Bleyle Electric Company,
L. Bamberger & Company,
Union Box Company,
Gus Nadler,
S. E. M. Rice Filler Company,
Henry Miedendorp,
George Freygang,
William Clarkson,
Board of Education of Jersey City,
M. Byrnes Building Company.

Dated March 1st, 1912.

In the Matter of the Application of the Public Service Gas Company for the Dismissal of Certain Complaints. } ORDER.

Numerous complaints have been made against the Public Service Gas Company to which complaints answers have been filed by the respondent company. In all cases copies of such answers have been forwarded to the complainants, and where the parties appeared to be at issue the complaints have been asked to advise the Board if hearings were desired. Application is now made by the Public Service Gas Company for the dismissal of certain of the above mentioned complaints. It appearing that in the following named the parties are no longer at issue, or that the matter in dispute comes within the scope of a finding of the Board of general application, or that where issue exists there is no present intention or desire on the part of the complainant or complainants to appear at a hearing, the following named complaints and each of them, are hereby ordered DISMISSED, without prejudice, viz.:

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S. I. Keyes,
William Koester.
Howard Lee,
E. J. Newhouse,
P. O'Rourke.

Dated March 1st, 1912.

In the Matter of Abm. S. See & Depew vs. Hackensack Water Company; Charges for Service in Connection With Sprinkling Fire Protection Apparatus. } **DISMISSAL OF PETITION.**

R. Henry Depew, for complainant.
Henry L. DeForest, Esq., for the respondent.

This matter involves the charge demanded by the respondent company for water service through a six inch pipe to supply the sprinkling apparatus installed by the Alpha Embroidery Company in their factory in West New York. Messrs. See & Depew representing the Underwriters' Association, appeared in behalf of their clients, the Alpha Embroidery Company. The first hearing was held on February 2nd, 1912, at Jersey City, when testimony was introduced by both parties. An adjourned hearing was held in Jersey City on February 16th, 1912, at which time certain admissions were agreed to, somewhat changing parts of the testimony previously submited. Both parties have submitted memoranda outlining their respective positions.

From the evidence it appears that the Alpha Embroidery Company is now paying annually for service to the Hackensack Water Company between Fifty and Sixty Dollars per year. It appears also that the cost to the Alpha Embroidery Company of installing the sprinkler apparatus is about One Thousand Dollars; that by reason of the installation the Alpha Embroidery Company's insurance premiums will be reduced by over Three Hundred dollars per year; that the cost to the Hackensack Water Company of installing a detector meter will be somewhere between Three Hundred and Twenty-five and Three Hundred and Seventy-five Dollars. It is also in evidence that both the Water Company and the Underwriters are

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agreed that the usual consumption of the Alpha Embroidery Company may be metered by the detector meter; and that the annual rate of One Hundred and Twenty-four Dollars per annum is the regular minimum schedule rate set by the Water Company for a six inch service pipe connection used along with the detector meter; and that said rate of $124 would suffice to cover and more than cover the present annual water consumption of the Embroidery Company.

From these data it may be justly inferred that if the Alpha Embroidery Company paid the charge demanded, its annual saving would be calculated as follows: From the sum saved annually in insurance premiums calculated at either $320 or $360 must be deducted approximately $100 or ten per cent. allowance for interest and depreciation in the sprinkler apparatus. This would reduce the annual savings to $220 or $260 respectively. From this is to be deducted the difference between the $124 demanded by the Water Company and the amount of $54 (assumed to be the present cost of service). This would still leave on one calculation One Hundred and Fifty Dollars and on the other, One Hundred and Ninety Dollars, as the net annual savings to the Alpha Embroidery Company, an amount which would seem to be adequate to warrant the installation of the sprinkler apparatus by this and other concerns, even though the charge asked by the Water Company were not changed.

From the side of the Water Company the matter would seem to stand somewhat as follows: Instead of $54 (approximately) received at present, they will obtain $124, or an additional $70 per year. For this additional sum the Water Company is to assume readiness to serve the sprinkling apparatus through the six inch service pipe, and is to cover inspection charges, care of meter, and connecting apparatus, as well as the interest and depreciation thereon. If interest and depreciation be figured at ten per cent. or $32 per annum (or at $37.50 as per the Company's estimate), there remains on the first basis $38, and on the second basis $32.50, to cover the remaining charges of inspection and reading of meter, maintenance thereof, accounting, billing, &c., as well as the increased liability, if any, for fire protection through the sprinkling apparatus. It is very plausibly argued by the complainant that there is no increased liability on this latter score; that there is even

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less liability of fire and a correspondingly smaller requirement for pressure or for water to extinguish fire after the installation of the apparatus than before such installation. If this is the case, it would seem that no augmentation of plant or potentially necessary service is required by reason of affording this variety of fire protection; and consequently it would seem to follow that no independent additional charge for plant held in readiness to serve should be allowed on this score. A few incidental liabilities may be incurred by undertaking the supply for this sprinkling service. Where a six inch service is installed, there is some slight risk of its being tapped by outside parties who may obtain water *gratis*. There is also some slight risk in case of a disastrous fire and the extensive wreckage resulting therefrom that such an additional service pipe may continue to discharge a very considerable volume of water, without the possibility of speedily stopping the waste. An alleged instance of such waste has been referred to in this case. But these risks are slight, and the $38 or the $32.50 allowance in the present case would seem rather to be warranted by the consideration of the savings obtained by the Alpha Embroidery Company. It seems not unfair that in view of this annual reduction in insurance, this company and others similarly circumstanced should fairly contribute something to the more perfect maintenance of the water company's plant and distribution system. And more especially is this the case where, as in this instance, the ordinary consumption of water by the plant may increase until the full allowance under the minimum is taken, when the charge for this sprinkler service will constantly tend to diminish, until at the limit it disappears altogether.

It appears from the record that the basis for charges of this kind for fire protection through sprinkling apparatus is not uniform. In one case the area of the floor space of the factory protected; in another the insured value of building and contents; in another the size of the service pipe required by the Board of Underwriters; in another a flat water rate, seems to be the experimental basis in vogue. By dismissing the petition in the pending case, the Board goes on record only so far as to indicate that, so far as at present advised, we do not see that the charge demanded by the Hackensack Water Company, under the actual circumstances, works an injustice to the Alpha Embroidery Company; nor

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is the charge so great as to deter plants supplied under the same terms from installing the sprinkler fire protection apparatus; nor is the charge an unfair equivalent for the saving that it will put within reach of the plaintiff.

The Board, however, reserves the right, if subsequently advised as to a more generally approved basis of setting charges for service of this particular variety, to amend this finding, so as to put such charge in effect; and under these qualifications, and without prejudice to reviving the matter, should we be apprised of good reasons therefore, the Petition is DISMISSED.

Dated March 6th, 1912.

In the Matter of the Application of the Maxwell Improvement and Educational Association for Approval by the Board of the Construction of a New Crossing at Grade on the Medford Branch of the West Jersey and Seashore Railroad Company at Haddonfield. } **DISMISSAL OF PETITION.**

Application having been made by the Maxwell Improvement and Educational Association, by petition in writing, to the Board of Public Utility Commissioners, for its approval of the construction of a new crossing at grade on the Medford Branch of the West Jersey and Seashore Railroad Company at Haddonfield.

The Board, after hearing, examination of the site of the proposed crossing by its Inspector, and consideration of his report thereon, is of the opinion that the crossing desired by the petitioner is not necessary for the public convenience, and the application for the approval of the same is hereby DISMISSED.

Dated March 12th, 1912.

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In the Matter of the Complaint of the Borough of Garfield vs. the Erie Railroad Company. } **ORDER.**

Wendell J. Wright, for the Borough of Garfield.

H. A. Taylor, for the Erie Railroad Company.

The Borough of Garfield complained that trains service furnished by the Erie Railroad Company to and from its station at Garfield is inadequate.

To this complaint, answer was made by the Erie Railroad Company and on the issue joined hearing was held at the Court House, in the City of Newark, on Friday, January 26th, 1912. Notice of this hearing was given to the Borough of Garfield and the Erie Railroad Company, both of which were represented thereat.

Further hearing was held in the City of Newark, on Friday, March 1st, of which notice was given to the Borough of Garfield and the Erie Railroad Company, both of which were again represented. At this further hearing the Board took up for consideration a report of Charles D. McKelvey, the Chief Inspector of its Railroad Division. This report contained certain recommendations, which recommendations had been, previous to the hearing, submitted to the Erie Railroad Company. At this hearing Inspector McKelvey was sworn and examined.

Following these hearings and a consideration of the testimony adduced thereat, the Board of Public Utility Commissioners finds and determines that the Erie Railroad Company does not furnish safe, adequate and proper service to and from its station at Garfield, and,

HEREBY ORDERS the Erie Railroad Company, beginning with April Eighth, Nineteen Hundred and Twelve, to run from its station at Garfield, on said date and daily, except Sundays and holidays, thereafter at 7:55 o'clock in the morning the train now listed on the time schedule of the Erie Railroad Company as Number 124, the schedule of such train after leaving Garfield to remain as at present. The Board of Public Utility Commissioners

FURTHER ORDERS the Erie Railroad Company to stop each Saturday, on and after April Eighth, Nineteen Hundred and Twelve, at

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about 1:20 o'clock in the afternoon, the train now run as a relief to the train listed on the time schedule of said company as train Number 91; and daily, except Saturdays, Sundays and holidays, at about 5:48 o'clock in the afternoon, the train now listed on said schedule as train Number 59.

A listing consistent with the terms of this Order of the trains mentioned herein on the timetables of the Erie Railroad Company as regularly starting from, or stopping at, its station at Garfield, and the issuance of an order or orders by the Erie Railroad Company to its employees concerned in the operation of said trains to start from or stop at the station at Garfield as required by the Order of this Board will be regarded as a reasonable compliance with said Order.

This Order shall take effect April 8th, 1912.

Dated March 12th, 1912.

In the Matter of the Complaint of Margaretta M. Hartman vs. Wildwood Water Works Company. } **DECISION AND ORDER.**

Ernest Watts and *Gaskill* and *Gaskill,* for the Wildwood Water Works Company.

Complainant not personally represented.

The complaint is based on the allegation of extortionate charges made by the respondent company for furnishing water to houses upon the premises of the complainant, in the Borough of Holly Beach, New Jersey. Aforesaid charges are alleged to include meter rentals for three meters, and two annual minimum charges of eight dollars each for two cottages, and six annual minimum charges of five dollars each for six separate apartments in a double apartment house. Complaint in writing was received on November 16th, 1911. Respondent's reply was filed on November 28th, 1911. Rejoinder by complainant was filed on December 18th, 1911. The hearing on the matter was set for March 5th, 1912, at the State House in Trenton, and complainant duly advised thereof. The Board was duly informed by complainant that it might be impossible for her to appear in person or by representative, and that she was satisfied

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that her interests would be properly taken care of at said hearing. Accordingly the hearing was held and testimony taken at the State House at Trenton, New Jersey, on March 5th, 1912.

So far as the three separate meter rentals are concerned, the Board is of opinion that these particular charges are unlawful for the reasons set forth at length in the Decision and Order in the *matter of the Complaint of Henry C. Chalmers against the Wildwood Water Works Company,* &c., entered October 10th, 1911. An Order to that effect is appended, although we understand that the company is not attempting to charge or exact said meter rent.

The complainant alleges that so far as the five separate minimums are concerned, her case is wholly parallel to the case of Henry C. Chalmers cited above. This does not appear to the satisfaction of the Board. By reference to the decision in that case, it will be seen that the Board decided that under the ordinance and the agreement "only one minimum may be exacted for the supply of water by a single service to the buildings on given premises." It is in evidence that three distinct services are employed in this case, one to supply the two cottages, and one to supply each side of the double apartment house. As regards the single service supplying the two cottages, there is a distinction between the Chalmers case and the present. In the first place the two corner bungalows on the Chalmers' place were supplied from a tap in a common court-yard, whereas here we understand the two cottages have the service pipes introduced into the cottages themselves. It was further testified, *ex parte* it is true, but uncontradicted of record, that when the company learned that said service pipe had been extended into the second cottage without their knowledge or assent and against their Rules, they informed complainant that they would not permit this, but would lay a separate service pipe from the main leading into the second cottage, complainant being required to pay the cost of this connection. Complainant, so it was testified, upon being informed of this, requested company to continue to supply both cottages from the single service pipe, and agreed to pay an eight dollar minimum for each cottage, which she would have been required to pay together with the cost of connection if a separate service pipe had been introduced into the second cottage. Assuming this to be the case, we fail to see the equity in complainant's contention that it is unjust that a

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minimum of eight dollars is charged for each of the separate cottages.

As regards the double apartment house, there are admittedly two service pipes, one supplying each half. That this separate supply is warranted on the ground that half of such a property may readily be sold, and that the location of responsibility for payment ought to be kept clear and unmistakable, is not an unfair contention. It is true that if we take each non-connecting half of this double apartment house as a "house" in the sense in which the term "house" is used in the agreement between the company and the Borough of Holly Beach made on March 24th, 1897, the literal interpretation of the agreement would allow only one minimum of eight dollars for each non-connecting half, or a total of sixteen dollars as a minimum for the entire apartment house. If, on the other hand, we take the language, not of the agreement, but of the ordinance of March 24th, 1897 (Section 6), that the minimum rate charged each "*consumer*" shall be eight dollars; and if consumer be construed to mean a separate household, the minimum for each half of the apartment house would be twenty-four dollars, or forty-eight dollars for the entire structure,, inasmuch as each of the three floors in each half of the house is a separate habitation, connecting neither laterally nor vertically with the other apartments. The language of the two contracts is ambiguous, and they can be reconciled only with difficulty. The one thing certain is that the basis for setting minimum charges was injudiciously chosen and inappropriately and equivocally designated. The fact as testified that a five dollar minimum was the uniform charge for similar separate apartments in Holly Beach, and the seeming acquiescence by consumers in the charge as a substantially fair compromise between the two interpretations of the company's obligation in the matter, and the impending expiration of the contract on the twenty-fourth day of this month inclines us not to disturb the rate of five dollars per separate apartment. In this we are influenced by the idea of not prejudicing the equitable adjustment of a new agreement between the Borough and the Company. This part of the complaint is DISMISSED.

It is ORDERED, however, that the Wildwood Water Works Company, during the continuance of the ordinance and the agreement of March 24th, 1897, do not charge or collect a separate meter rent

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over and above the lawful minimum, from said complainant or any other consumer similarly situated. This is but the concrete application of the Order entered on October 10th, 1911.

Dated March 15th, 1912.

In the Matter of the Complaint of the Borough of East Newark vs. the Public Service Railway Company. } **ORDER DISMISSING PETITION AND RECOMMENDATION.**

Application having been made to this Board by petition of the Borough of East Newark for an order directing the Public Service Railway Company to construct, maintain and operate street railway tracks across the Clay Street bridge over the Passaic River, and the matter coming on to be heard by this Board, in the presence of John Griffin, Esqr., Counsel for the Board of Chosen Freeholders of the County of Hudson, and Benjamin F. Jones, Esqr., Counsel for the Board of Chosen Freeholders of the County of Essex, Davis and Hastings, Esqrs., representing the Borough of East Newark, and a committee of the West Hudson Board of Trade and Frank Bergen, Esqr., and L. D. H. Gilmour, Esqr., Counsel for the Public Service Railway Company.

After consideration, the said petition is hereby DISMISSED.

First, because there is no evidence that the Company has any franchise to operate over the river where spanned by said bridge;

Second, because this Board's power under the statute to order extensions within territory in which no franchise to operate exists, is dubious.

The Board is of the opinion that the responsibility in this matter rests entrely with the Boards of Chosen Freeholders of the two counties; that no obstacle exists to the speedy granting of the necessary franchises by the two boards of Freeholders, inasmuch as the Public Service Railway Company before this Board has assented to the proposition that they will accept such franchises and operate under said franchises; provided the franchises stipulate that the Court of Chancery shall determine what compensation, if any,

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be found by said Court to be equitably due, shall be paid by the Company for the privileges conferred by said franchises.

The Board of Public Utility Commisioners HEREBY RECOMMENDS that the two Boards of Freeholders and the Public Service Railway Company, as expeditiously as possible, make this adjustment of the matter; and stands ready to give any assistance in furthering the adjustment which the Board is legally competent to afford.

Dated March 15th, 1912.

In the Matter of Railroad Companies Affording Transportation to Ministers of Religion at Reduced Rates. } DISMISSAL OF PETITION.

The Board of Public Utility Commissioners, adopted August 11th, 1911, a Memorandum dealing with the provision of free transportation and transportation at reduced rates, by street railway companies and railroad companies, to numerous parties. In this Memorandum the Board expressed its opinion that reduced rates of fare to ministers of religion for intrastate transportation were discriminatory and illegal under chapter 195, P. L. 1911, except in so far as said ministers were engaged in charitable or eleemosynary work.

Application was made to the Board for a re-opening of this matter and for a hearing thereon. Said application was granted and hearing held.

It has come to the knowledge of the Board that a supplement to an Act entitled "An Act Concerning Public Utilities; to create a Board of Public Utility Commissioners, and prescribe its duties and powers," has recently become a law.. Said supplement provides "that nothing contained in the Act to which this Act is a supplement shall be construed to prevent the transportation by any railroad company of ministers of religion at special or reduced rates."

This supplement to the Public Utilities Act permits railroad companies to afford transportation to ministers of religion at special or reduced rates without regard to the purpose of the journey. Such restrictions as may have been imposed by the Public Utilities Act

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in the matter of affording transportation to ministers of religion at reduced rates have been removed by the supplement to said Act, herein referred to. The Board of Public Utility Commissioners does not deem it necessary to make any further finding in this matter.

The application for a reconsideration of its finding of August 11th, 1911, applying to the transportation at reduced rates to ministers of religion is therefore DISMISSED.

Dated March 22nd, 1912.

In the Matter of the Complaint of Citizens Committee of Union Township vs. Delaware, Lackawanna and Western Railroad Company. } **RECOMMENDATION.**

Borden D. Whiting and *Edward O. Stanley*, for complainants.
M. M. Stallman, for the Railroad Company.

The Citizens Committee of Union Township complained that the Delaware, Lackawanna and Western Railroad Company fails to furnish adequate and proper service for the transportation of passengers on the Boonton Branch of said company. To this complaint answer was made, and hearing held. The Delaware, Lackawanna and Western Railroad Company has submitted to the Board a proposed schedule for train service on the Boonton Branch, which shows a number of changes and has indicated to the Board that it is willing to make those changes providing the same are approved by the Board.

The Board of Public Utility Commissioners, after due consideration of the facts and arguments advanced at the hearing, and of the proposed schedule submitted by the Delaware, Lackawanna and Western Railroad Company, finds that the existing schedule does not provide adequate service, and that the proposed changes in the schedule which has been filed with this Board and is by reference thereto, made part hereof, will, under existing conditions, provide such service, and RECOMMENDS the adoption of the same.

Dated March 22nd, 1912.

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The Township Committee of the Township of Eatontown, in the County of Monmouth, vs. Tintern Manor Water Company. } **DECISION AND ORDER.**

(1.) In ordering extensions of mains of a water company a sufficient annual income should be guaranteed to insure a reasonable return to said company when it is doubtful if the financial condition of the company will warrant the original expenditure.

(2.) A fair rule in such case is that a guarantee should be given that the annual income from consumers along such mains should amount to at least ten cents per lineal foot thereof in each year for the period of five years.

(3.) The revenue received from all consumers along the line of such mains, whether supplied directly from such mains or over private right of way by courtesy of other consumers, should be included in making up the total of such guarantee.

(4.) When demand is made for extension of mains for fire protection by citizens of a community living along said proposed extensions such citizens should do their share in raising such revenue by contracting for at least the minimum required by the company, assuming that such minimum is just and reasonable.

William L. Edwards, Esq., for Petitioner.

William H. Corbin, Esq., for Respondent.

The Township Committee of the township of Eatontown, in the county of Monmouth, filed its petition November 24th, 1911, praying that the Tintern Manor Water Company, by order of this Board in writing, under Section 17, subdivision (c), of Chapter 195 of Laws of 1911, be required to establish, construct, maintain and operate an extension of its water mains and water supply and its existing facilities for the purpose of placing two fire hydrants in said township, and of supplying certain citizens thereof with water, contending that such extensions are reasonable and practicable, and will furnish sufficient business to said company to justify the construction and maintenance of the same, and that the financial condition of said company reasonably warrants the original expenditure required in making and operating such extension.

The respondent filed its answer December 6th, 1911, contending that it should not be compelled to make such extensions, as it would require 2,460 feet of six-inch mains for the purpose, and the cost would be out of all proportion to the revenue to be derived from those who were willing to take water; that proper notice had

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not been given it of such demand, and no agreement as to terms had been offered or entered into; that it is not in a financial position to make such extensions in advance of demand; that it has not yet succeeded in earning the interest on its bonds, and its operating expenses and taxes, and has not capital or surplus available for the construction of such extensions; that it is not reasonable or practical to require such extensions, nor will such extensions afford sufficient business to justify the construction and maintenance of the same; nor does the financial condition of the company reasonably warrant the original expenditure which would be required in making and operating such extensions.

Hearings were held January 12th and 26th, 1912, and briefs were submitted by both parties.

It appears from the testimony that the Tintern Manor Water Company, under its franchise, which expires November 1st, 1924, has the right to lay mains and operate in the streets in question, and where mains are laid hydrants shall be placed as demanded, upon a price not exceeding $25 per year each, at intervals not exceeding 1,000 feet; that at a meeting of the Township Committee of Eatontown, held November 8th, 1911, the following resolution was adopted:

"*Moved* and seconded that William L. Edwards, Attorney for the Township of Eatontown, notify the Tintern Manor Water Company that the Township Committee requires it to extend its water mains so as to place two fire hydrants in the said Township, one on the corner of Corlies Avenue and Franklin Street, and another on the corner of Clinton Street and Maple Avenue, in the said Township; and also, and at the same time, notify the said Tintern Manor Water Company to extend its water mains and service or facilities in said Township so that the citizens of the said Township residing on Corlies Avenue, Franklin Street, Clinton Street and Maple Avenue be supplied with potable water by said Company; and that in the event of the said Company refusing or neglecting to place said fire hydrants at the places aforesaid or furnish the citizens of Eatontown Township, in the locality aforesaid, with potable water, then for said Attorney to take such steps, in the name of the said Township, as he may think necessary, to the end of compelling the said Tintern Manor Water Company to place said hydrants at the places aforesaid, and compel said Company to furnish the citizens of said Township in the localities aforesaid with potable water."

The respondent claims that it never received proper notice of the passage of such resolution; that no price is mentioned therein, and in the ordinance under which it operates it is provided that where mains have been placed hydrants shall be placed as demanded, upon a price not exceeding $25 each.

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On November 17th, 1911, Mr. Edwards sent the following letter to the company (Exhibit E):

"November 17th, 1911.

"The Tintern Manor Water Co., Long Branch, N. J.:

"Gentlemen—The Township Committee of the Township of Eatontown has passed a resolution requesting your company to place two fire hydrants in the said township, one on the corner of Corlies Avenue and Franklin St., and the other on the corner of Clinton St. and Maple Avenue, and also to supply the citizens and property owners along South St. to Corlies Ave., up Corlies Ave. to Franklin St., up Franklin St. to Maple Ave., and also along Clinton St. to South St., with pure potable water.

"The Township Committee was impelled to pass this resolution—

"First, Because in the neighborhood to which I have just referred there are about twenty-five houses absolutely without fire protection and unable to have fire protection of any effect because the fire hydrants now in the Township are, as you know, too remote from this neighborhood, and the residents have no way of being supplied by water for the protection of their homes from fire except that supplied by your company through fire hydrants.

"Secondly: Because there are a number of citizens and property owners along these streets and avenues who are desirous that your company serve them with water. I have communicated this fact to your Mr. I a Mont, and he informs me that after a thorough canvass of the neighborhood there were only five citizens in that neighborhood who would agree to take water, and stated that your company would therefore be compelled to refuse to place the hydrants at the points mentioned or to supply these citizens with water, because it would not be a paying investment for your company.

"I have been instructed by the Township Committee to notify you of this resolution, and to demand your company to place the two fire hydrants at the places I have mentioned, and to demand that you serve the citizens who have requested you to serve them with pure potable water. This I accordingly do.

"Hoping that you will give this your immediate attention, and comply with this resolution, I am,

"Yours truly,

"(Signed) WILLIAM L. EDWARDS."

This appears sufficient to acquaint the company with the demands of the petitioner. Upon failure of negotiations, in which considerable friction between the parties is evident, this action was brought.

To comply with the terms of the petition, the company would have to lay 6-inch mains as follows: 200 feet on South Street to Corlies Avenue; 415 feet on Corlies Avenue from South Street to Franklin Avenue; 730 feet on Franklin Avenue from Corlies Avenue to Clinton Avenue; 250 feet on Maple Avenue from Franklin Avenue to Clinton Avenue; 865 feet on Clinton Avenue from Maple Avenue to South Street, a total of 2,460 feet.

It is also contended that it may be necessary to lay a pipe on South Street from Clinton Avenue to Corlies Avenue, 350 feet, but the

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testimony is not clear as to this point. Fire hydrants are requested at the corner of Corlies Avenue and Franklin Avenue, and at the corner of Clinton Street and Maple Avenue.

The testimony shows that there are about twenty-five houses in the neighborhood needing fire protection. The Chief of Police and other citizens testify to this, and it appeared that at a recent fire the building was burned to the ground while the neighbors looked on helpless. Nothwithstanding this, on a canvass of the owners of these twenty-five houses by the company, only five agreed to enter into a contract to take water, the total of such contracts being $56. In addition to these, Charles Corlies testified that he was willing to take water at $8, and had been refused, and William Carlisle testified that he was willing to take water at $6 more, making a total of $70. Adding to this $50 for two hydrants would make $120. Four additional consumers taking respectively $14, $37, $17.50 and $16, a total of $84.50, are supplied through the courtesy of one of them in permitting them to run their private lines over his lands, a permission which could be terminated at any time. These four consumers would be directly on the mains if extended as desired; and the amount of these contracts should be also added, making a grand total of $204.50 of revenue which could be derived from the proposed extension of mains from those who could directly connect therewith, and from the two hydrants.

The Board must, however, take into account the financial condition of the company, it appearing from the evidence in this case, and in other cases before the Board, that it has not yet succeeded in earning the interest on its bonds and its operating expenses and taxes, and an order in this case should not be made, under the circumstances, unless sufficient income should be received from such extensions to justify the construction and maintenance thereof.

The testimony shows that the cost of laying such mains would be about $1,722, at 70c. per foot. The testimony of officials of different water companies was that it is customary, in making such extensions as these, that a guarantee should be given that the annual income of the company from consumers residing along the line thereof should amount to at least 10c. per lineal foot thereof in each year, for the period of five years. This seems to be a proper provision in this case. Already $204.50 is in sight from consumers not taking, or ready to take along the proposed extensions. This leaves

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only $41.50 to make up the $246 required at 10c. per lineal foot of the proposed extensions, an amount which could be made up by about five of the twenty who have refused to take water but are clamoring for fire protection.

The Board of Public Utility Commissioners therefore finds, subject to the qualifications hereinafter set forth, that the conditions required by Section 17, subdivision (c), of Chapter 195 of Laws of 1911, have been established, and therefore

ORDERS the Tintern Manor Water Company to extend its mains from their present termination on South Street to Corlies Avenue, about 200 feet; thence along Corlies Avenue about 415 feet to Franklin Avenue; thence along Franklin Avenue about 730 feet to Maple Avenue; thence along Maple Avenue about 250 feet to Clinton Avenue, and thence along Clinton Avenue about 865 feet to South Street, a total of 2,460 feet, and to place and connect with said main a hydrant at the corner of Corlies Avenue and Franklin Avenue, and one at the corner of Clinton Street and Maple Avenue, within three months after it has been satisfactorily proven to this Board that contracts amounting to at least $246 per year for five years (including the two hydrants at $25 per year each, and private consumers along said line at the present schedule of rates, such private consumers to include those now on said proposed extensions, but taking water furnished over private right-of-way) are ready to be entered into with said company.

Entered March 26th, 1912.

In the Matter of the Compaint of the New Jersey State Village for Epileptics Alleging Dangerous Vehicular Travel at Highway Bridge at Skillman on the Line of the Philadelphia and Reading Railway Company.

MEMORANDUM AND DISMISSAL OF COMPLAINT.

Dr. David F. Weeks, for the New Jersey State Village for Epileptics.

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W. L. Kinter, for the Philadelphia and Reading Railway Company.

By letter dated August 1st, 1911, the complainant alleged the existence of a dangerous condition at overhead bridge at Skillman on the Philadelphia and Reading Railway, in that a water column located near said bridge necessitated the standing of trains for a considerable length of time directly under said bridge, and that smoke from the engines and the noise of whistles rendered the situation dangerous to vehicles traveling over said bridge.

The Board through its inspectors made an investigation and finds that the highway bridge which is of truss design, covers three tracks, viz.: eastbound, westbound and another track between the two. A water column is located between the westbound and middle track at a point one hundred and forty feet (140) west of the bridge, opposite which engines attached to trains stand waiting for water before proceeding from middle to main track. The Board's inspectors, finding that the smoke from the engines and the sounding of whistles were elements of danger at this point, recommend that the water column be relocated at a point east of the bridge, where trains might stand in a sufficient distance to prevent the danger complained of.

The Railway Company filed an answer to the inspector's report, and a hearing was held, at which all interested parties were represented. It appears from testimony adduced at the hearing that the removal of the water column would require the changing of crossovers and switches, the relocating of the interlocking tower, and the shortening of the middle track to such an extent that it would be insufficient for the space required for freight trains. The Railway Company alleged further that the cost of these changes would amount to $4,715.00. The Railway Company, through its representatives, stated that plans were under contemplation for a new track layout in this section, at which time the location of the water column might be changed and crossovers west of the bridge eliminated, and offered on their part to equip the bridge with wooden shields on both sides until the contemplated change in track layout could be accomplished. The representatives of the Village for Epileptics refused the offer of the Railway Company to equip the bridge with wooden shields, believing that it would be unsightly and would not alleviate the danger complained of.

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The Board is of the opinion that the expenditure of the sum of $4,715.00 for a temporary adjustment of conditions at this point is not warranted, and therefore will not order the Philadelphia and Reading Railway Company to make such change, but will hold the matter in abeyance a reasonable length of time for the completion of the new track layout promised by its representatives. In view of the objections made by the complainants to the proffered wooden shields on said bridge, the Board will take no action concerning the same.

The complaint is, therefore, dismissed without prejudice with the understanding that after the lapse of a reasonable length of time the Board will determine what action has been taken by the Railway Company looking to the elimination of the dangerous conditions complained of.

Dated April 2nd, 1912.

Board of Trade of the City of Paterson vs. Erie Railroad Company, Delaware Lackawanna and Western Railroad Company. } **MEMORANDUM.**

Wayne Dumont, for the Board of Trade.

H. A. Taylor, for the Erie Railroad Company.

M. M. Stallman, for the Delaware, Lackawanna and Western Railroad Company.

Ajudication in this proceeding originally instituted before the Board of Railroad Commissioners of the State of New Jersey has been delayed because of (1) changes in the personnel of the Board; (2) changes in the construction, jurisdiction and powers of the Board; (3) questions raised which involve the drawing of a line of demarkation between interstate and intrastate commerce; (4) questions raised as to the use of evidence directed to interstate commerce in determining matters of intrastate commerce, and (5) other grave constitutional questions, and principally because in various proceedings before our Federal Courts analogous questions have been pending. Notwithstanding that in such proceedings these questions have not as yet been finally set at rest, the Board, at the request of the parties, files this Memorandum.

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After a review of the testimony and the adjudications, the conclusion has been reached that the petition must be dismissed, but without prejudice.

The proceeding sought an order to compel the establishment of a physical connection between the railroads of two companies, the Erie Railroad Company and the Delaware, Lackawanna and Western Railroad Company, within the City of Paterson, and the general interchange of carload shipments of freight at that point.

Aside from all legal questions it is clear from the testimony adduced that the manufacturers of Paterson have not been without just grounds of complaint in the past against the Erie Railroad Company on the score of the improper and inadequate transportation facilities provided over an extended period of years.

Unfortunately, however, the testimony adduced to establish the existence of such improper and inadequate transportation facilities has related, in the main, to interstate as distinguished from intrastate shipments. This must, of necessity, be the case in view of the important position of Paterson in the industrial and commercial world. To meet its necessities requires not merely that the resources of the State shall be drawn upon, but that the resources of the nation and of the world shall be availed of.

The constitution of the United States having given to the Congress of the United States sole jurisdiction over and power to regulate interstate and foreign commerce, and Congress having created a tribunal to regulate the same, the State has no power of regulation thereover.

In this connection, so far as the present case is concerned the cases of Central Stock yards Co., vs. Louisville & Nashville Ry. Co., (118 Fed. Rep. 113 and 192 U. S. 568) and McNeill vs. Southern Ry. Co. (202 U. S. 543) seem to be determinative:

The testimony adduced as to the needs of local or intrastate commerce wholly fails to suffice to bring the case within the doctrine enunciated in Central Stock Yards Co. vs. Louisville & Nashville Ry. Co. (118 Fed. Rep. 113) and Wisconsin R. R. Co. vs. Jacobson, (179 U. S. 287).

The testimony adduced wholly fails to establish the necessity for the suggested connection to serve the needs exclusively of State commerce when considered alone.

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To grant the relief that is prayed for in this proceeding would, under the circumstances, result in compelling the Erie Railroad Company to permit the use of its terminal facilities, and to do the necessary switching upon payment merely for the service of carriage, and to compel the acceptance by it, at an arbitrary point, of cars offered to it by a competing company for the purpose of reaching, and of using its terminal facilities.

(See L. & N. RR. Co., vs. Stock Yards Co. 212 U. S. 144).

This would involve, in violation of the Constitution, a taking of the property of one company for the benefit of another, and the taking of such property without due process of law.

The conclusion is, therefore, reached that under the testimony presented the Board is without power.

The Board will, however, irrespective of individual complaints, direct its Chief Inspector of the Railroad Division to keep in touch with the situation which led to this complaint, and report to it from time to time, and on such reports will, if necessity therefor exists, direct its counsel to lay complaint before the Interstate Commerce Commission, to the end that so far as may be by action of the Federal Commission proper and adequate transportation facilities may be afforded and continue to be afforded to the merchants and manufacturers represented in this complaint.

Dated April 9, 1912.

In the Matter of the Investigation of Accident at Stockholm, on the New York, Susquehanna and Western Railroad, on December Twenty-Sixth, Nineteen Hundred and Eleven.

On December 26th, 1911 second class freight train No. 962, while passing Stockholm, on the New York, Susquehanna and Western Railroad, collided, head-on, with light engine No. 111. Foreman J. H. Price was killed, Engineers Melvin and Plattenberg, Fireman Hammill and Brakeman Cranmer were injured. Both engines were wrecked and the track blocked for fourteen hours.

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An investigation of this accident was held at Jersey City on Friday, February second, nineteen hundred and twelve. Superintendent Johns, Train Dispatcher Duffey and a number of employees of the New York, Susquehanna and Western Railroad Company were examined.

It appeared from testimony taken at the hearing that Engineer Melvin had made but few trips over the road and had never run an engine over this part of the road without a conductor. It also appeared that Fireman Hammill had made but eight trips, had not had experience on any other road, and did not carry a watch, as called for by the rules of the Company.

It is the opinion of the Board, after consideration of the testimony adduced at the hearing that the New York, Susquehanna and Western Railroad Company should not have run a light engine over the road in charge of the engineer only, and particularly so in view of the fact that an inexperienced fireman accompanied the engineer. The Board is of the further opinion that Engineer Melvin did not exercise proper care in that he failed to take siding at Oak Ridge to wait for train No. 962.

Upon January 13th, 1912, the Chief Inspector of the Railroad Division of the Board of Public Utility Commissioners recommended that when light engines are operated by the New York, Susquehanna and Western Railroad Company, on single track, in movement similar to that of Engine No. 111, a flagman should be provided in each case, in addition to the engineer and fireman. The Board is advised that this recommendation has been accepted by the New York, Susquehanna and Western Railroad Company and is now being complied with.

Dated April 9th, 1912.

In the Matter of the Investigation of an Accident at or Near Flagtown, on the Lehigh Valley Railroad. } **FINDING.**

On February 5th, 1912, the boiler of locomotive No. 1641, of the Lehigh Valley Railroad Company, drawing a train of loaded coal cars, exploded at or near Flagtown.

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The explosion resulted in the deaths of Frank Stamp, fireman, and H. E. Sheckler, brakeman. The engineer, George Akorn, was seriously injured.

An examination was made of the wrecked locomotive by the Board's Inspector of Boilers, and report made thereon.

The accident was formally investigated at a meeting of the Board, held in Newark on March 15th, 1912.

At this meeting the following named witnesses, employees of the Lehigh Valley Railroad Company, were examined:

Amos Turner, Master Mechanic,
George Akorn, Engineer,
Arthur G. Whitman, Conductor.

It appears that the boiler of the locomotive was equipped with three gauge cocks, a water glass and two injectors of the latest type. At South Plainfield the train was stopped and tank and boiler filled with water. Before reaching Flagtown the engineer shut off injectors to get more pressure, and the boiler exploded near Flagtown.

From a consideration of the report of the Board's Inspector, and of the testimony taken at the investigation, the Board concludes that the explosion was due to low water in the boiler, and that responsibility for this rests with the engineer, George Akorn, who, in the opinion of the Board, did not put the injectors to work before the water in the boiler got below the danger line.

Dated April 9th, 1912.

In the Matter of Investigation as to Justice and Reasonableness of Rates of Freehold Gas Light Company For Gas. } **RECOMMENDATIONS.**

The Board of Public Utility Commissioners on the fourth day of August 1911, on its own motion, called a hearing on the question of the justice and reasonableness of the existing schedule of rates of the Freehold Gas Light Company for gas, and fixed the twenty-second day of August 1911, as the date of said hearing.

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Notice was given to the Freehold Gas Light Company of the time and place of the hearing and the said company was represented thereat.

Following such hearing, a consideration of the statements submitted by the company, and of the report of the Board's engineers, the Board is of the opinion that the Freehold Gas Light Company should transfer from its surplus account to depreciation reserve account the sum of ten thousand ($10,000.) dollars and HEREBY RECOMMENDS that said transfer be made.

The Board is of the further opinion that the following charges and method of charging by the Freehold Gas Light Company will be just and reasonable and HEREBY RECOMMENDS the adoption and maintenance of the same, subject to change by the order of or with the approval of this Board:

For Household Purposes:

For all gas consumed up to 5000 cu. ft. in the month $1.60 per M. cu. ft.

For all gas consumed in excess of 5000 cu. ft., in the month $1.20 per M. cu. ft.

For Industrial Purposes, including gas engines and laundries $1.20 per M. cu. ft.

All meters should be read and bills rendered monthly. All gross bills computed as above to be subject to a discount of ten (10) per cent. for payment within fifteen days.

Dated April 12th, 1912.

In the Matter of the Investigation of Discrimination in Rates of the Freehold Gas Light Company. } **MEMORANDUM.**

The Board of Public Utility Commissioner on the fourth day of August, one thousand nine hundred and eleven, on its own motion, called a hearing on the question whether the Freehold Gas Light Company in supplying gas at other than its regular scheduled rates has granted undue or unjust preferences or made undue or unjust discriminations.

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Notice was given to the Freehold Gas Light Company of the time and place of the hearing and the said company was represented thereat.

Following such hearing, a consideration of the schedule of rates charged by said company, and of the report of the Board's Engineers and accountant, the Board is of the opinion that the Freehold Gas Light Company should adopt a uniform system of charges for gas furnished. The Board, on this day, has adopted a recommendation in the matter of the investigation as to justice and reasonableness of rates of the Freehold Gas Company for gas. The adoption of this recommendation by the Company and the making of charges in accordance therewith will make unnecessary the further investigation of discrimination in rates. Said investigation will be discontinued upon the receipt of satisfactory assurance, from the Freehold Gas Light Company, that it has established and will hereafter maintain, unless changed with the approval of this Board, the schedule of rates recommended for its adoption.

Dated April 12th, 1912.

In the Matter of the Petition of the Farmers' Telephone Company for Approval of Certain Proposed Increased Rates for Telephone Service. } **DECISION AND ORDER.**

The Farmers' Telephone Company, by M. W. Hargrove, secretary, petitioned this Board for its approval of certain proposed advances in rates for telephone service. After receipt of this petition, the Board informed the Company that on March 19th, 1912, a hearing would be held upon the petition, at the State House, in the City of Trenton. The Board also instructed the Company to notify every subscriber, whose rate would be affected by said increase in rates, of the time and place, as well as of the subject-matter, of the hearing. An affidavit made by Lawrence N. Schoenly, an employee of the Company, certifies that on February 29th, 1912, he mailed a copy of such notice to the ninety-three subscribers, whose rates it was proposed to advance. On March 19th, 1912, the hearing was

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duly held at the State House, in the city of Trenton; M. W. Hargrove, Esq., appearing for the Company, and two subscribers, Messrs. W. E. Cox and W. I. Tantum, also appearing.

The record of the case, and further investigation by the Board, show that the Company was originally organized in 1900 as a private enterprise and upon a mutual basis. As the concern was at first purely a local line, on which the subscribers were mostly farmers, no differentiation in rates of charges was made as between residence and business service. In 1909, however, the Company took over, from the Delaware and Atlantic Telegraph and Telephone Company, the territory of Bordentown and vicinity. This territory, since that time, has been served by the Farmers' Company in conjunction with the district previously served by the Farmers' Telephone Company. In Bordentown and vicinity there had been in force a differentiation between rates for business and residence service respectively. From that time the Farmers' Telephone Company has maintained a double system of rates, differentiating only in Bordentown and vicinity as between business and residence service. To remove this anomaly, and any unjust discrimination resulting therefrom, and also to obtain an increase in gross revenue, which the Company contends it is entitled to, the above petition was filed.

At the hearing opportunity was given to subscribers to present any objection they might have to the proposed increase. Beyond inquiring what constituted the difference between an office 'phone and a residence 'phone, the subscribers present offered no objection to the proposed increase.

The Public Utility Act, Chapter 195, Laws of 1911, II, 17 (h), provides that "when any public utility as herein defined shall increase any existing individual rates, joint rates, tolls, charges or schedules thereof" * * * "the burden of proof to show that the said increase, change or alteration is just and reasonable shall be on the public utility making the same." The same section also provides that "It shall be the duty of the said Board to approve any such increase, change or alteration upon being satisfied that the same is just and reasonable."

In the present case it would appear that a difference in charge for different kinds of service is justifiable. It is true that the Bordentown exchange area embraces a greater number of local

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subscribers than do any of the remaining four exchanges. But the disparity is not very great, the number of instruments connected at Bordentown being 294, as against 194 at New Egypt. It is true, also, that the Bordentown exchange is open all night, and at all hours on Sunday, while the service is discontinued at 11:00 P. M. in some of the other exchanges, and is available only for certain hours on Sunday. On the other hand, the more compact area served in Bordentown requires less wire and pole-line per station, and consequently a smaller investment per station, and a smaller annual maintenance charge per station than in the rural region served by the outlying exchanges. In the opinion of the Board's Engineer, this difference in conditions renders the same schedule of rates throughout the entire district, a fairly equitable arrangement.

It remains only to consider whether the Company stands really in need of increased gross revenue in order to obtain a fair return upon its investment. The Company for a number of years past has paid dividends at the rate of six per cent. Its capital stock outstanding December 31st, 1911, amounted to $80,550 par. Its assets on the same date appeared as $89,528.49. The apparent surplus is something over $9,500. An examination of the Company's books, made by the Board's Accountant, for the last five years, shows that no allowance is made for depreciation. Repairs, it is true, probably cover some small part of what is really new construction; but it appears probable that if there were now made an adequate allowance for accrued depreciation, the nominal excess of assets over the par value of the capital stock would wholly disappear. It is, therefore, highly probable that the Company has not earned more than six per cent. upon the actual investment. It is worthy of note, however, that the greater part of the construction expense has been incurred within the last three years, so that the actual present value of the property, including over one hundred miles of line, nine hundred stations, central office, equipment, real estate, bills receivable, cash and miscellaneous assets, is considerable, and may not be very greatly less than the par value of the securities. On such an enterprise six per cent. return cannot be deemed an unduly high rate. If it is to be earned, and, in addition thereto, an adequate amount is to be set aside for depreciation,

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the Company would seem entitled to obtain an additional amount of gross revenue.

In view of the foregoing considerations, the Board of Public Utility Commissioners hereby APPROVES of the following change in rates by the Farmers' Telephone Company:

Where an annual rate of twenty dollars a year is now charged, alike for party-line business or party-line residence service, it shall be allowable for said Farmers' Telephone Company to charge hereafter for the party-line business service twenty-four dollars per annum, and twenty dollars per annum for party-line residence service, as heretofore, so long as this Order stands unmodified or unrevoked.

In order, however, to obtain a reasonable basis for the permanent fixation of rates for telephone service within the area served by the Farmers' Telephone Company, the Board of Public Utility Commissioners

HEREBY ORDERS said Farmers' Telephone Company, within six months from this date, to submit to this Commission, for its approval, a schedule or schedules of rates for telephone service, based on such relevant considerations as the character of service, time of service, number of subscribers reached within the various districts of the Company, number of originating messages or other material and proper considerations such as distance of the subscriber from the exchange, as shall enable the Board to establish, or to approve a system of rates that shall, so far as possible, conform as closely as may be to the different classes of considerations and circumstances to be found within the area served by the Company. To such schedule or schedules the Company is ORDERED to attach a map of the districts served, indicating the number of miles of line and the character thereof in each district, with the approximate date of construction, wherever possible, and also a detailed inventory and appraisal of all items of the Company's property with the cost of each item therof, so far as the same can now be ascertained.

Pending the formulation and approval of a standard form of telephone accounts, the Farmers' Telephone Company is ORDERED in future to deduct from its account called "COST OF PLANT AND EQUIPMENT" the cost in place of any item of property hereafter

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abandoned or replaced, less the salvage, if any, obtained or obtainable from property so abandoned or replaced; and also to overhaul the item "NOTES AND ACCOUNTS RECEIVABLE", and to write off promptly all dubious debts or debts of long standing, making an equal deduction from either the "SURPLUS" or "PROFIT AND LOSS" account.

The Farmers' Telephone Company is also ORDERED, until the promulgation of a standard form of telephone accounts, to charge to "REPAIRS" only such outlay as is requisite to keep in order and fair running condition extant plant or appliances. Outlay for the installation of substantially new plant, appliances and apparatus, is to be charged to a separate and distinct account.

This Order becomes effective on May fifth, nine hundred and twelve.

Entered April 15th, 1912.

In the Matter of Conference With Representatives of Railroad Companies Respecting Adoption of a Standard Crossing Sign. } **RECOMMENDATIONS.**

After conference upon notice, the Board of Public Utility Commissioners HEREBY RECOMMENDS to each of the several railroad companies operating within the State of New Jersey, that:

(1) In replacing existing crossing warning signs or erecting new signs, they use a sign conforming substantially to that shown upon the blueprint attached hereto, both as to the construction thereof and the notice thereon;

(2) That such signs be located at such points as will admit of the best view thereof by persons approaching the railroad crossing;

(3) That when such signs are so located that the same cannot be seen by persons upon the highway at a distance of at least one hundred and fifty feet from the crossing, an additional sign be erected at a distance of at least one hundred and fifty feet from such crossing, which sign shall give notice of the danger and of the distance to the crossing; and

(4) That where two independent railroads run in a direction sub-

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stantially parallel, and within four hundred feet of each other, the tower blade marked "Two Crossings" shall be added as per blueprint attached.

Dated April 15, 1912.

In the Matter of the Complaint of Western Slope Improvement Association Against Public Service Railway Company. } **MEMORANDUM.**

This was a complaint presented by a number of the citizens living in Jersey City in the territory west of Summit Avenue, alleging that there was no line of street railway in operation which could furnish service to the inhabitants of the territory west of Summit Avenue. Complainants alleged that the Public Service Railway Company was in possession of the necessary franchise, and requested the Board to take such steps with regard to this matter as would result in the construction of the line by the Public Service Railway Company.

The matter was heard at a meeting in the Chancery Chambers in Jersey City, on September 27th, 1911. The testimony submitted by the Company developed the fact that the franchise referred to had been originally granted to the Jersey City and Bergen Railroad Company, but had later been attacked in the courts in connection with a similar franchise, for a line of railway in the Old Bergen Road, and the validity of the franchise had not yet been determined by the courts. It appears further from the testimony that the franchise referred to did not cover all of the route over which the complainants desire to have a line of railway constructed, and the Board is, therefore, without power to require the construction of such a road.

Some examination of the territory referred to shows the desirability at some time in the near future of the construction of such a line. The entire matter of additional rapid transit facilities for Jersey City is under consideration by the Transit Commission of Jersey City.

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CONCLUSION.

In view of the fact that the Public Service Railway Company is not now in possession of the franchise necessary to enable it to construct the line of railway asked for by the Western Slope Improvement Association, the Board, therefore, dismisses the complaint without prejudice, with, however, the general recommendation to the Company that further consideration be given to the necessities of that portion of the territory in which this association of citizens is especially interested, namely, the territory north of Montgomery Street and west of Summit Avenue and Bergen Avenue.

Dated April 22d, 1912.

In the Matter of the Recommendation Made to the Public Service Railway Company that the Small Coal Stoves Now Located in the Body of the Cars be Removed. } **MEMORANDUM.**

Because of an accident which occurred on the Public Service Railway in Newark, N. J., in which one of the small coal stoves located in the middle of the car was overturned and a passenger seriously burned, a recommendation was made by the Board's Inspector that the Company adopt a policy with regard to the heating apparatus in the cars that would result in the removal of the small coal stoves from the body of the car. This recommendation was taken up for consideration by the Board at a hearing held in the Court House, Newark, on March 29th, 1912. At the hearing, the Company presented testimony tending to show that a number of fires had been caused through the use of electric heaters. Further testimony, however, brought out the fact that the heaters referred to were of older types which has been superseded by others of more improved types. Some testimony was submitted to the effect that fires had also been caused by coal stoves, and that so far as the danger from fire was concerned, neither type of heater appeared to have any very great advantages over the other type.

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It further appeared that car heating is still in an experimental stage and not yet fully developed; that experiments are being made with regard to improved methods in the use of electrical heaters involving thermostatic regulation, and that experiments are also being made with new types of coal heaters combined with ventilation systems, each of the systems having sufficient merit to warrant consideration.

In view of the fact that methods of car heating are being investigated generally by street railway companies, which will undoubtedly lead to improved methods, the Board, therefore, disapproves the recommendation of the Inspectors but adopts a recommendation directed to the Company that further study be given to ascertain the best methods of heating and ventilating cars, with a view to utilizing such methods as will result in the most efficient and satisfactory service to the traveling public, having at the same time due regard to the safety as well as the comfort of the passengers.

Dated April 22d, 1912.

In the Matter of the Compaint of John J. Stanton vs. New York, Susquehanna and Western Railroad Company, Alleging Inadequate Service. } **ORDER AND DECISION.**

Complaint was submitted to this Board, at its meeting on April 12th, 1912, at Jersey City, New Jersey, by John J. Stanton, Esq. Said complaint alleged the passenger train arrangements of the New York, Susquehanna and Western Railroad Company, effective on and after April 15th, 1912, were inadequate in various respects. The complaint was accepted by the Board, and forwarded to the company, and on Wednesday, April 17th, 1912, H. A. Taylor, Esq., and M. E. Johns, Esq., appeared before the Board at its meeting at the State House, in Trenton, N. J., in response to notice served upon the company in this matter.

The issue in this case is very clear. It goes back to the Order of this Board dated February 27th, 1912. This Order was the outcome of protracted hearings and argument upon various complaints made by citizens of Sussex and other places against the

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company. The findings in the case were unmistakable. They found pointedly inadequate service being furnished by the respondent to the people of Sussex and vicinity, and ordered amendment in the direction of adequate and proper service. The accompanying order required the carrier to furnish train service daily on each secular day of the week, such that citizens of Sussex and of the other towns between Sussex and Beaver Lake could reach Jersey City at approximately nine o'clock A. M. The Order also provided for the timely return of passengers in the afternoon, requiring prompt connections northward at Beaver Lake with train 905.

The company has made a literal compliance with this Order, but by schedule effective April 15th, 1912, has removed the 7:44 A. M. train eastward from Sussex. This compliance with the letter of the Order coupled with a withdrawal of the only other morning train out of Sussex was a very remarkable action, so remarkable that this Board on being apprised thereof summoned the company to appear and explain.

The reply made for the company against the complaints embodied in J. J. Stanton's letter fails wholly to break the force of the contention that the Order of February 27th, 1912, was based upon the justifiable presumption that the service required by said Order was to be *in addition* to the passenger service then provided. That such an assumption was entertained is attributable to the explicit and reiterated representations on the part of the company in the hearings in the earlier case that the morning train then scheduled to leave Sussex at 7:44 was a fixture; that the only way that the additional service could be given was by running a train at night from Beaver Lake to Sussex, keeping it there over night, and running it back in the morning. P. 205 of the Minutes of the testimony in that case contains this explicit statement from Mr. Johns, superintendent of the road, upon this point: "I said that that was the only arrangement that could be made." Similarly it was testified by Mr. Johns (Minutes of Evidence, p. 115), when the possibility was suggested of putting on an earlier train to connect Sussex passengers with No. 2 at Beaver Lake: "That is the only way the result which you desire could be accomplished, by putting on another train." Similar in purport was the evidence of Mr. R.

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H. Wallace, general passenger agent of the carrier. The proposal that the morning train south from Middletown should start earlier so as to afford to Sussex people earlier arrival at Jersey City elicited the comment from Mr. Wallace: "We should also run away with important connections at Middletown if we were to make No. 4 earlier to connect with No. 2 at Beaver Lake." (Minutes of Testimony, p. 181, sq.) Argument of the counsel for the company was predicated upon the alleged impossibility of changing the then existing train leaving Sussex at 7:44 A. M., and was addressed to the cost of extra train service which, it was contended, was necessarily involved if earlier arrival at Jersey City was to be provided by additional train service in the morning.

The Board accepted the representatons of the carrier as made in good faith; and feeling confident that the carrier would recognize the justice of the Board's assumption that the existing morning train from Sussex was a fixture which might be supplemented, but which could not be taken away, afforded the company an opportunity to restore voluntarily the 7:44 A. M. train service from Sussex. This the company has refused to do. The Board regrets that it is forced to put upon record its deliberate judgment that by this action of the New York, Susquehanna and Western Railroad Company, that company has notoriously offended against the ordinary dictates of fairness and straightforward dealing with a duly constituted branch of the government of the State. The company set up as a part of its case an allegation which its own subsequent action directly contradicts, and when its attention is called to what might have occurred through haste or oversight, it has persisted in a course from which equity and a good conscience should have made it eager to recede.

Of equal importance, however, is the finding of this Board upon the complaint submitted, and the matters examined in connection therewith, including the argument and explanation of the company's representatives that the New York, Susquehanna and Western Railroad Company does not at present furnish due and adequate passenger service to the inhabitants of Sussex and vicinity. Sussex, Hamburg and Franklin Furnace furnish passenger receipts amounting annually to over $25,000. Sussex, the most distant of the three points, is sixty-eight miles from Jer-

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sey City. At present these three places are afforded two trains daily for Jersey City, the first leaving Sussex at 6:29 A. M., the second leaving Sussex at 5:10 P. M. Judged by the test of the company's own past performance, by the test of other companies serving the same general section of the State, or by the bare test of adequate service alone, as is duly set forth in the previous Order of February 27th, 1912, to the reasoning whereof reference is hereby made, the present passenger service is adjudged to be neither adequate nor proper, but on the contrary to be inadequate and improper, and is required to be amended as by the Order following:

The Board of Public Utility Commissioners therefore ORDERS the New York, Susquehanna and Western Railroad Company, in addition to passenger service now scheduled and furnished to Sussex and vicinity, to afford daily passenger service eastward on each secular day of the week, such that a passenger train at 7:44 A. M. shall leave Sussex, shall stop at Martins and Franklin Junction, on flag, and regularly at Hamburg, Franklin Furnace and Ogdensburg, and shall connect at Beaver Lake with train 904 as now scheduled; and that on each secular day of the week, daily passenger service shall be afforded westward such that connections shall be made with train No. 907 as now scheduled, and such that passengers for Sussex and the places above named shall be forwarded without delay from Beaver Lake, the arriving time of train at Sussex to be not later than 7:06 P. M.

This Order is to be effective May 25th, 1912.

Dated April 23d, 1912.

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In the Matter of Requiring the Millville Traction Company to Keep and Maintain its Property and Equipment in Condition to Enable it to Furnish Safe, Adequate and Proper Service. } **AMENDMENT OF ORDER.**

On February 5th, 1912, the Board of Public Utility Commissioners adopted an order requiring the Millville Traction Company to install, keep and maintain derails in its tracks at certain crossings named in said order, and to issue certain instructions to its conductors and motormen as to the operation of cars in connection with said derails. Such order, in accordance with the statute, specified April 5th, 1912, as a date when the same should become effective.

The Board of Public Utility Commissioners now, for good cause shown, postpones the date on which the order shall take effect from April 5th, 1912, to June 5th, 1912, and the said order is hereby accordingly amended, in this respect and continued in full force and effect in all other particulars.

Adopted April 23d, 1912.

In the Matter of Protection at Intersection of Tracks of Pennsylvania Railroad and Central Railroad of New Jersey at Woodbridge Junction. } **RECOMMENDATIONS.**

The Chief Inspector of the Railroad Division of the Board of Public Utility Commissioners submitted a report to the Board, in reference to the intersection of the tracks of the Pennsylvania Railroad and Central Railroad of New Jersey at Woodbridge Junction. This report contained a recommendation that for the better protection of trains at this point, derails be placed in the southbound tracks of both roads, interlocked with signals, not less than five hundred feet from fouling point. Copies of this report

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were sent to the Pennsylvania Railroad Company and to the Central Railroad of New Jersey, and said companies were notified of the intention of the Board to take up for consideration the recommendation contained therein at a meeting of the Board to be held on March 26th, 1912.

After consideration, the Board of Public Utility Commissioners is of the opinion that the conditions are such as to make advisable the installation of derails at Woodbridge Junction, and

HEREBY RECOMMENDS that the Pennsylvania Railroad Company place at Woodbridge Junction a derail in its southbound track, 500 feet from the point where trains would foul if they approached the intersecting point at the same time, said derail to be interlocked with signals.

It is FURTHER RECOMMENDED that guard rails be placed by the Pennsylvania Railroad Company on the ties of the derail track, a proper distance from the rail for the entire length as a safeguard in case of derailment. The Board also

RECOMMENDS that the Central Railroad Company of New Jersey place at Woodbridge Junction a derail in its southbound track, interlocked with signals not less than 500 feet from the point where trains would foul if they approached the intersecting point at the same time.

It is FURTHER RECOMMENDED that the Central Railroad Company of New Jersey fill its track embankment, on west side commencing at derail, for the entire length to a width of six feet, even with the tops of the ties, and that guard rails be placed on the ties of the derail track the entire length of the derail, as a safe guard in case of derailment.

Dated April 23d, 1912.

In the Matter of the Complaint of the Board of Commissioners of Raritan Township Against Public Service Electric Company Regarding Rates For Street Lighting. } **INTERLOCUTORY RECOMMENDATION.**

John F. Reger, for the Township of Raritan.

L. D. H. Gilmour, for the Public Service Electric Company.

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By petition filed with this Board on December 16th, 1911, by John F. Reger, Esq., Attorney for the complainant, it is alleged that the rates quoted by Public Service Electric Company for rendering incandescent street lighting service in Raritan Township after September first, Nineteen hundred and eleven, are excessive; and higher than rates afforded to an adjoining municipality for similar service. The complainant also avers that certain terms of the contract offered for lighting service by Public Service Electric Company are unfair, unjust and inequitable, and do not properly protect the rights of the petitioner.

Respondent's answer to said complaint was filed with this Board on January 10th, 1912, by J. J. Burleigh, Esq., Vice President of Public Service Electric Company. Said answer maintains that rates accorded for said lighting service to Raritan Township prior to September 1st, 1911, were special rates, and lower than the regular rates for such class of service; and that the respondent stood and stands ready to afford said service at its standard rates for service of this kind. Said answer also denies that rates offered the Town of Raritan are excessive or higher than rates allowed to other municipalities for the same type of service.

A hearing on the matter was held at the State House in Trenton, N. J., on January 30th, 1912; at which hearing the complainant was represented by John F. Reger, Esq., and the respondent by L. D. H. Gilmour, Esq., and E. J. Allegaert. At said hearing the respondent cited certain standard schedules for street lighting, which respondent claimed are its regular rates for such service, and filed a copy of the form of the contract regularly submitted to a municipality upon the occasion of a renewal of a contract for such street lighting service.

At the hearing aforesaid, the complainant also objected to the sixth and seventh sections of said form of contract. It would appear to the Commission that if the lamps employed, either arc or incandescent, are of the designated commercial rating named in the contract, and of standard make and efficiency, and if it is expressly stipulated that such lamps shall not be discarded until they afford less than eighty per cent. of their rated capacity of candle power, such clauses are not improper to be incorporated in a standard contract. But it appears doubtful to the commission whether the

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burden should further devolve upon the municipality of ascertaining how far in any month the electrical energy supplied by the Company falls below, the full amount of electrical energy required to afford the requisite service contracted for. To ascertain what deduction from the full price the Municipality is entitled to make in case the energy is less than the full required amount to operate said lamps at their full rated capacity, or not less than eighty per cent. thereof would seem to be a task for which the Municipality is not ordinarily equipped. Such metering of current supplied would seem properly to devolve upon the Company. Upon this tentative conclusion, the Board is desirous of bearing further evidence and argument.

The rates now offered by Public Service Electric Company of the Town of Raritan exceed the rates that have previously been paid by said town for said service. This Board however is unable without further proof to accept the contention of the defendant that the price Raritan Township has previously paid for incandescent street lighting was "a special price and lower than the Company's regular price for such class of service," if this contention implies that the respondent has a regular uniform schedule of rates for street lighting, or if it has such a schedule that such schedule has any claim to be considered in any sense as authoritative or controlling as defining a legally just and equitable rate. Public Service Electric Company has filed with this Board a statement of the rates it actually charges for municipal street lighting. This statement gives the number of lamps in service on November 30th, 1910, but apparently does not include rates for some municipal lighting undertaken recently. Public Service Electric Company has also filed with this Board a statement of a plan for the eventual standardization of rates for municipal street lighting, wherein some five different classes of rates are quoted, the price varying with the candle power and number of lamps supplied. It is not altogether evident from this latter statement whether the standards there indicated are intended to be state-wide, or to govern only in some of the five divisions into which the State is divided by the Company.

If the plan is one intended for state-wide use, it appears that it will affect the different divisions in different ways, lowering rates

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for the most part in the Bergen and Southern Divisions, and advancing them in the Essex, Passaic and Central Divisions. This schedule is applied progressively in the Central Division, upon the expiration of existing contracts for municipal lighting, would result apparently in a decrease in rates in one municipality; an increase in thirteen municipalities and no change in eleven municipalities; leaving three cases doubtful by reason of special conditions in existing contracts.

As at present advised, the Board is of opinion that the plan indicated in the statement filed with the Board would result in an increase on the average in rates for street lighting in the State as a whole. It would so operate in the Central Division, and in Raritan Township. The question therefore arises whether this proposed schedule, as indicated by the statement filed with the Board, does not clearly require the Company, in conformity with Chapter 195, Laws of 1911, 11, 17 (h), to undertake "the burden of proof to show that the said increase, change or alteration is just and reasonable." The expiration of other municipal lighting contracts in the not distant future makes a determination in this matter one of special importance. The Town of Raritan, we understand, is assured of the continuance of lighting service, pending a decision in this present matter, so that a final determination as regards that town may be deferred until fuller information is at hand. The Board understands that the Company is preparing a further definitive schedule for street lighting to submit for the Board's approval. In order clearly to define the status of the case, the Board of Public Utility Commissioners RECOMMENDS Public Service Electric Company to present to the Board, as soon as may be, such proposed new schedule of rates for street lighting, with the bases on which said schedules are to be made; and also that Public Service Electric Company will indicate whether it considers that any regular price schedule for municipal lighting service is now in force, and when it went into effect; what that schedule is, and in what division or divisions it is now operative; whether Public Service Electric Company claims that such schedule has any controlling or authoritative force, as defining legally just and reasonable rates, and if so, since what date, and for what reasons. Public Service Electric Company is also requested, when filing a new standard sched-

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ule or schedules for municipal street lighting, to indicate how rates contained therein compare with rates now actually in force; and how rates contained in such new standard schedule or schedules compare with the Company's present regular or standard rates for such class of service. Pending the presentation of such information, the Board of Public Utility Commissioners reserves decision in the specific issue as to rates involved in the present case.

Dated April 23d, 1912.

In the Matter of the Recommendations Following Investigation of Accident at Carlstadt, When a Car of the Public Service Railway Company was Struck by a Locomotive of the New Jersey and New York Railroad. } **DECISION.**

Hearing was called in the above matter and testimony was taken on December 19th, 1911.

H. A. Taylor, Esq., appeared for the Railroad Company.
L. D. H. Gilmour, Esq., for the Public Service Railway, and
Edward J. Luce, Esq., for the Borough of East Rutherford.

It appears from the testimony that car No. 1917 of the Public Service Railway Company, operated by electricity, *en route* to Hoboken, while crossing the tracks at the Paterson Avenue crossing of the New Jersey and New York Railroad at the east end of the Carlstadt Station, was struck by a locomotive, No. 508, of train No. 601, at 12.23 A. M., December 1st, 1911. The trolley car was in charge of Conductor Grace and Motorman Baun. The crossing is protected by gates operated by man in tower from 7 A. M. until midnight; there is the further protection of a derail in the trolley track about seventy-five feet from eastbound track, and the derail lever is eight feet from nearest rail of westbound track, allowing trains to be seen in both directions. Electric cars run every fifteen minutes.

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The gateman had left twenty-three minutes before the accident. The conductor passed over the crossing, evidently not looking in either direction, and turned derail, giving the motorman the right to proceed. Train No. 601 was at this time not more than 1,000 feet from the crossing, and not more than 1500 feet when conductor crossed to turn derail. The car had eighty-five feet to run after derail was turned before reaching the track. The conductor showed gross carelessness.

There is no reason also why the motorman, with the exercise of ordinary care, should not have seen the train, and stopped before reaching the westbound track, the train at that time being about 200 feet from the crossing and running slow in order to make the station stop. The rear end of the car was struck and turned partly around, but not turned over. Ten passengers were injured, two seriously, the others slightly. The following recommendations were made by the Inspector:

(1) "That signals be placed on steam road not less than two hundred and fifty feet, also on electric line not less than seventy-five feet, from crossing, all interlocked, constructed so that a safety signal cannot be given to steam trains when derail is in position for traffic or to electric trains when derails are for ground. The normal position of derail must be for ground. Derails and signals to be operated by steam railroad."

(2) "This crossing should be protected both by day and night."

In this case, the conductor, as too often happens, evidently failed to look both ways to see if a train was approaching; he may have been relying on the fact that the gates were not down, not realizing that it was after midnight and the gateman had departed. The motorman was evidently relying on the conductor. There can be no doubt that had the gates been in operation the accident would not have happened.

If the crossing should be protected both day and night, it would require the gross carelessness of the conductor and the gateman combined to cause an accident. Proper attendance to duty by either one would avert an accident, and there would be the safety of having two human factors to rely upon instead of only one, which would be the case if the first recommendation of the inspector should be approved by the Board; there is grave doubt as

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to the wisdom of such a recommendation in the present case, if the gates are operated both day and night. There is, however, no doubt that the Board under Section 22, of Chapter 195 of the Laws of 1911, has not the power at the crossing of a railroad by a street railway, at grade, to require the installing of a derailing device in the tracks of the street railway company to be operated by the railroad company. While the case of New York and Long Branch Railroad Company vs. Atlantic Highlands Railway Company 55 N. J. Equity, 522, is not squarely in point, it would seem to indicate that the language of the statute does not warrant imposing upon a railroad company the duty of operating the street railway in any particular.

The Board, therefore, is forced to DISAPPROVE of the first recommendation above.

As regards the second recommendation of the inspector that "This crossing should be protected both day and night" the Board is of the opinion that such action, under the existing conditions, and in view of the disapproval of the first recommendation, is necessary for the protection of the traveling public at such grade crossing. The records offered in evidence by the Railroad Company show that during the unprotected period from 12 P. M. to 7 A. M., five passenger trains pass, and that 23 pedestrians, 10 automobiles, 28 vehicles and 19 trolley cars crossed the tracks in one day.

An agreement was offered in evidence (exhibit C) which provides that the expense of erecting gates at said crossing should be borne equally by the railroad company and the trolley company, and in the event it should become necessary "to employ a man during the day and night, *or at all times*, for the purpose of operating such gates, his salary shall be paid three-fourths by the party of the first part"—The Railroad Company—"and one-fourth by the party of the second part"—the Trolley Company. There can be no doubt that this accident would not have happened if such protection had been afforded, and until the grade crossing in question shall be abolished, there seems to be slight chance of accident with the double protection of the gates and derail.

The Board, therefore, finds that conditions at said Paterson Avenue grade crossing of the New Jersey and New York Railroad make it necessary for the protection of the traveling public at such

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grade crossing, that the gates now operated at said crossing, and which are now operated from 7 A. M. to 12 P. M., be further operated from 12 P. M. to 7 A. M., and the Board hereby APPROVES of the second recommendation of the inspector, that "This crossing should be protected both day and night," and the gates should also be operated during the unprotected period daily from 12 P M. to 7 A. M.

Dated May 3, 1912.

In Re Investigation as to Justice and Reasonableness of Rates of Standard Gas Company, For Gas.

MOVED: That, in the above entitled proceeding, the Standard Gas Company be, and it is hereby required, on or before the Fourth day of June, Nineteen Hundred and Twelve, to file with the Board:

(1) An inventory of its property used and useful in the production of gas, and an estimate of the value of the various items making up such inventory; which value shall be the cost to reproduce.

In such inventory the property shall be classified in accordance with the following headings:

Land devoted to gas operations,
Organization.
Franchises,
Patent Rights,
Other intangible gas capital,
General structures,
General equipment,
Works and station structures,
Holders—capacity of each,
Furnaces, boilers and accessories,
Steam engines,
Gas engines.
Miscellaneous power plant equipment,
Benches and Retorts,
Water gas sets and accessories,
Purification apparatus,
Accessory Equipment at Works,
Trunk Lines and Mains—Mileage of each size,

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Gas services—number,
Gas meters—number of each size,
Gas meter installation,
Municipal street lighting fixtures, number and type,
Gas engines and appliances,
Gas tools and implements,
Gas laboratory equipment,
Other tangible gas capital,
Engineering and superintendence,
Law expenditures during construction,
Injuries during construction,
Taxes during construction,
Miscellaneous construction expenditures,
Interest during construction,
Land in other departments,
Franchises in other departments,
Patent rights in other departments,
Other intangible capital in other departments,
Tangible capital in other departments.

(2) An itemized statement of gross receipts from the operation of the business of the company showing,

(a) receipts from sale of gas to private consumers,

(b) receipts from sale of gas to municipalities for street and other public lighting,

(c) receipts from sale of appliances and receipts from sale of residuals.

(3) A statement of interest charges, insurance, taxes and other items of expense.

(4) An itemized statement of operating expenses.

(5) A statement of dividends declared or paid.

(6) A statement of the amount, if any, which has been set aside for depreciation fund.

The information required by items two (2) to six (6), both inclusive, shall be complete for each year for the five years, last past.

(7) A balance sheet for the year 1911.

(8) A statement showing year by year for the five years, last past;

(a) The number of cubic feet of gas generated.

(b) The number of cubic feet of gas sold.

Dated May 7th, 1912.

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In Re Investigation as to Justice and Reasonableness of Rates of Atlantic Highlands Gas Company, For Gas.

MOVED: That, in the above entitled proceeding, the Atlantic Highlands Gas Company be, and it is hereby required, on or before the Fourth day of June, Nineteen Hundred and Twelve, to file with the Board:

(1) An inventory of its property used and useful in the production of gas, and an estimate of the value of the various items making up such inventory; which value shall be the cost to reproduce.

In such inventory the property shall be classified in accordance with the following headings:

Land devoted to gas operations,
Organization,
Franchises,
Patent Rights,
Other tangible gas capital,
General structures,
General equipment,
Works and Station structures,
Holders—capacity of each,
Furnaces, boilers and accessories,
Steam engines,
Gas engines,
Miscellaneous power plant equipment,
Benches and retorts,
Water gas sets and accessories,
Purification apparatus,
Accessory equipment at works,
Trunk Lines and Mains—Mileage of each size,
Gas services—number,
Gas meters—number of each size,
Gas meter installation,
Municipal street lighting fixtures, number and type,
Gas engines and appliances,
Gas tools and implements,
Gas laboratory equipment,
Other tangible gas capital,
Engineering and superintendence,
Law expenditures during construction,

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Injuries during construction,
Taxes during construction,
Miscellaneous Construction Expenditures,
Interest during construction,
Land in other Departments,
Franchies in other Departments,
Patent Rights in other Departments,
Other intangible capital in other Departments,
Tangible capital in other Departments.

(2) An itemized statement of gross receipts from the operation of the business of the company, showing,

(a) receipts from sale of gas to private consumers.

(b) receipts from sale of gas to municipalities for street and other public lighting.

(c) receipts from sale of appliances and receipts from sale of residuals.

(3) A statement of interest charges, insurance, taxes and other items of expense.

(4) An itemized statement of operating expenses.

(5) A statement of dividends declared or paid.

(6) A statement of the amount, if any, which has been set aside for depreciation fund.

The information required by items two (2) to six (6), both inclusive, shall be complete for each year for the five years, last past.

(7) A balance sheet for the year 1911.

(8) A statement showing year by year for the five years, last past.

(a) The number of cubic feet of gas generated.

(b) The number of cubic feet of gas sold.

Dated May 7th, 1912.

In Re Investigation as to Justice and Reasonableness of Rates of Standard Gas Company, For Gas.

The Board of Public Utility Commissioners, hereby, on this seventh day of May, Nineteen Hundred and Twelve, on its own

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motion, calls a hearing on the question of the justice and reasonableness of the existing schedule of rates of the Standard Gas Company for gas, and fixes the fourth day of June, Nineteen Hundred and Twelve, at eleven o'clock in the forenoon, as the time, and its rooms in the State House, in the City of Trenton, as the place of such hearing, and hereby directs its Secretary forthwith to serve, or cause to be served, in accordance with the statute, a duly certified copy hereof in writing, upon the said Standard Gas Company, which copy shall constitute the notice of the hearing hereby called.

Dated May 7th, 1912.

In Re Investigation as to Justice and Reasonableness of Rates of Atlantic Highlands Gas Company, For Gas.

The Board of Public Utility Commissioners hereby on this seventh day of May, Nineteen Hundred and Twelve, on its own motion, calls a hearing on the question of the justice and reasonableness of the existing schedule of rates of the Atlantic Highlands Gas Company for gas, and fixes the fourth day of June, Nineteen Hundred and Twelve, at eleven o'clock in the forenoon, as the time, and its rooms in the State House, in the City of Trenton, as the place of such hearing, and hereby directs its Secretary forthwith to serve, or cause to be served, in accordance with the statute, a duly certified copy hereof in writing, upon the said Atlantic Highlands Gas Company, which copy shall constitute the notice of the hearing hereby called.

Dated May 7, 1912.

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In Re Complaint, Edward J. Dusel, et. als., vs. New York Telephone Company. } **MEMORANDUM DISMISSING COMPLAINT.**

This matter is a complaint brought by Edward J. Dusel, and others against the New York Telephone Company, alleging that the Company would not furnish telephone service in the Borough of Dunellen, notwithstanding the fact that a large number of persons had made application for such service.

Answering this complaint, the Company alleged that the existing facilities were insufficient to enable it to furnish telephone service to the complainants, and the matter went to a hearing, which was held on January 2nd, 1912. At the hearng testimony was given to the effect that the Company was without the franchise rights to enable it to make proper extensions in the Borough of Dunellen, and was at the time negotiating for a franchise which would justify it in installing a system comprehensive enough to take care of not only the complainants, but all possible subscribers, for a period of years.

An inspection of the territory was made by the Chief Inspector of the Utilities Division on Wednesday, April 24, 1912. This inspection showed that the Company's contention was correct, in that the facilities in existence are insufficient to enable the Company to furnish the service. Additional facilities can not be installed until the Company obtains the proper franchise right to enable them to do so.

It has been shown to the satisfaction of the Board, that the Company has made every reasonable effort to obtain the necessary rights, and it is understood that such rights will be obtained in the near future.

The complaint is therefore DISMISSED without prejudice, however, to a re-opening of the case in the event that after obtaining the proper franchise rights, the Company does not make all reasonable efforts to furnish service to all persons desiring same.

Dated May 10th, 1912.

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In the Matter of the Complaint of Mantua Township vs. West Jersey and Seashore Railroad Company. } **ORDER.**

Oscar D. Redrow, for Mantua Township.

Alex. P. Gest, for the West Jersey and Seashore Railroad Company.

A complaint was submitted to the Board by the Township Committee of Mantua Township, alleging insufficient protection at the grade crossing of the road to Barnsboro, and the tracks of the Cape May Division of the West Jersey and Seashore Railroad Company at Sewell Station.

A copy of this complaint was served on the West Jersey and Seashore Railroad Company, which made answer thereto.

On the issue thus joined, hearing was held. Notices of this hearing were given to the complainant and respondent, both of whom were represented.

The Board of Public Utility Commissioners, after such hearing and a consideration of the testimony adduced thereat, is of the opinion that conditions at the crossing at Sewell Station of the tracks of the West Jersey and Seashore Railroad, and the public highway leading to Barnsboro, make it necessary for the protection of the traveling public at said crossing, that a flagman be stationed thereat, and an electric alarm be operated by track circuit, and the Board hereby

ORDERS the West Jersey and Seashore Railroad Company to place a flagman at the above named crossing, and to keep said flagman stationed at said crossing daily between the hours of six A. M. and seven P. M.

The Board FURTHER ORDERS the West Jersey and Seashore Railroad Company to place and maintain at the said crossing at Sewell Station an electric alarm bell, of such construction and so connected that it will, by operation of track circuit, give warning of the approach of trains.

This Order shall take effect June tenth, Nineteen Hundred and Twelve.

Dated May 10th, 1912.

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In the Matter of the Conference Held With Railroad Companies in Re Dropping of Crown Sheets and Explosions of Boilers of Locomotives. } **MEMORANDUM.**

The following resolution was passed by the Board of Public Utility Commissioners at its meeting held at Trenton, on Tuesday, April 23d, 1912:

"RESOLVED, That a conference be held by the Board with representatives of railroad companies operating in New Jersey, for the purpose of ascertaining whether any regulations or mechanical devices, or both, in addition to those now in effect or employed may be adopted by any or all of said railroads, to prevent the dropping of crown sheets and explosions of boilers of locomotives.

"RESOLVED, That the conference hereby called be held at the State House, in the City of Trenton, on Tuesday, May 7th, 1912, at eleven A. M., and that the Secretary of the Board be, and he is hereby directed to send to each railroad company operating in New Jersey, a copy of this resolution.."

A copy of this resolution was mailed to each railroad company operating in this State.

Pursuant to said resolution, a conference was held on Tuesday, May 7th, 1912, at which the companies named below were represented as noted:

Pennsylvania Railroad Company, represented by W. F. Keisel, J. B. Diven, T. C. Mallan;

Delaware, Lackawanna and Western Railroad Company, represented by T. F. Barton;

Central Railroad Company of New Jersey, represented by Jackson E. Reynolds, C. E. Chambers, G. W. Rink and J. J. Mansfield;

Philadelphia & Reading Railway Company, representations same as that for Central Railroad Company of New Jersey;

New York and Long Branch Railroad, representations same as that for Central Railroad Company of New Jersey;

Lehigh Valley Railroad Company, represented by B. F. LaRue;

Erie Railroad and New York, Susquehanna and Western Railroad, represented by A. G. Trumbull;

Baltimore and New York Railroad, represented by J. H. Clark;

New York Central & Hudson River Railroad, represented by R. B. Kendig and J. H. Schnefel;

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The representatives present were unanimously of the opinion that there was no mechanical device that would prevent the dropping of crown sheets in locomotive boilers thereby preventing explosions. Inquiry was made as to the use of fusible plugs in locomotives, and it was learned that a very small proportion of the locomotives on the various railroads represented were equipped with fusible plugs. It was also the opinion of those present that fusible plugs were not a means of additional safety.

The following rule has been adopted by the Interstate Commerce Commission: "If boilers are equipped with fusible plugs, they shall be removed and cleaned of scale at least once every month. Their removal must be noted on the report of inspection."

The above rule has, under the inspection of the Board, been complied with by the railroad companies of this State.

Dated May 14th, 1912.

In Re Fernando W. Meyer vs. Public Service Electric Company, and in Re Joseph McBride vs. Public Service Electric Company, Regarding the Grounding of Transformer Secondaries. } REPORT.

Under date of November 25th, 1911, Joseph McBride, of 1038 Park Avenue, Hoboken, N. J., complained to this Board against the Public Service Electric Company. The complaint was based on the failure of a would-be user of electric current, the Marrone Realty Company, 601-605 Madison street, Hoboken, N. J., to obtain connection with the Public Service Company's distribution system. McBride had been engaged as the contractor to wire the above-designated premises. He contended that as the wiring installation had passed the underwriters' inspection, this client should be connected up. He alleged that the Public Service Electric Company's rule requiring ground wires installed within the premises of the consumer was unwarrantable. This contention he rested on

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several grounds; that the Underwriters' Rules call for, or at least permit, the ground wires for the secondaries to be installed *outside* of the individual consumer's premises; that the requirement imposed by the company that in new wiring installations *inside* ground wires be provided was wholly useless, inasmuch as in Hoboken permission to attach such wires to the water piping system could not be obtained; that the Public Service Electric Company was required to bear the expense of an outside grounding system for transformer secondaries, but by imposing this rule for inside grounding, the expense was being improperly cast upon the individual subscribers. This complainant also insisted upon the danger of a system of ungrounded secondaries.

A hearing was given upon this complaint at Chancery Chambers, Jersey City, on December 22d, 1911, the complainant appearing in person, and L. D. H. Gilmour, Esq., appearing for the Public Service Electric Company. As the complaint involved certain disputed technical matters, it was referred to the Board's Chief Inspector of Utilities for investigation.

While the matter was *sub judice,* a letter of complaint, dated February 21st, 1912, from Fernando W. Meyer, of 78-80 Cortlandt street, New York City, was forwarded to this Board. This letter stated that on January 8th, 1912, the writer had protested to the Public Service Electric Company against its rule which required him to install a ground wire inside the premises at 245 Barrow street, Jersey City. This second complainant in his letter insisted upon the necessity of grounding secondaries from transformers. Like the first complainant, Meyer contended that the Underwriters' Rules approved the outside grounding of secondaries.

The letter of Fernando W. Meyer was accepted by the Board as a complaint, and was forwarded to the Public Service Electric Company. On March 6th, 1912, the Board received from the Public Service Electric Company an answer setting forth that the company insisted upon the grounding of secondaries within the premises of its customers; also admitting that if the proper ground was obtainable the grounding of transformers was to some extent a protection, but not as good, sufficient or ample as the inside grounding of customers' wires. Said reply also explained that negotiations were then pending to secure the right to attach ground wires to the water piping systems in Jersey City and Hoboken. On March

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12th, 1912, the Board was advised by letter that Mr. Meyer would like to make rejoinder to the company's answer. Approval of this request was given by the Board on the same day, but up to this date such rejoinder has not been received.

As it had become apparent that the complaints raised a technical issue upon which there had been some difference of judgment among practical electricians, the Board engaged Professor Malcolm MacLaren, of the School of Electrical Engineering of Princeton University, to make an inquiry and to report upon the matter of the grounding of transformer secondaries. Professor MacLaren made the investigation required, and reported under date of March 30th, 1912. The report printed in full is appended to this Order, and forms a part thereof.

By reference to the report it will be seen—

(1) That the weight of expert opinion in the electrical world, both here and broad, is strongly in favor of the grounding of transformer secondaries;

(2) That until comparatively recently, expert opinion upon this matter has been divided;

(3) That of the different methods of grounding, either a continuous ground wire carried on the poles of the distributing system, or the plan of grounding to water pipes is to be recommended, but that one of the two is necessary for the proper protection of life and property;

(4) That the practice of the Public Service Electric Company in this regard, at least where no obstacle exists to inside grounding to water pipes, is proper, and also that the method of grounding specified in the company's printed rules "should be entirely satisfactory and could not well be improved on."

(5) That where several customers are supplied from the same transformer, the requirement of separate inside grounding within the premises of each consumer tends toward additional security and is warranted on that score;

(6) That the practice of inside grounding to water pipes, besides obviating street excavation, is "much preferable to grounding the transformer to water mains at the pole which does not protect the customer as completely in case a high voltage wire should fall on the low voltage circuit"; and

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(7) That the cost cast upon the individual consumer by the company's rule that his wiring shall include the inside ground wires would not exceed two dollars per customer, "and would be fully justified by the additional protection thereby secured."

From the foregoing summary, it appears that if permission is obtained for inside grounding to water pipes, such a system should carry the Board's approval.

The contention urged by the complaints that outside grounding of secondaries is called for by the Underwriters' Rules appears to neglect the fact that this outside grounding is one of two alternative systems of grounding approved by the aforesaid rules, the other being the inside grounding system. The latest authoritative deliverance upon grounding of transformer secondaries is worth careful attention. The Electrical Committee of the National Fire Protection Association at their recent meeting in Boston, Mass., on March 27th, 1912, reported the results of a conference in reference to the "Grounding of Low Potential Circuits." The conference in question was held between committees from the American Institute of Electrical Engineers, the Association of Edison Illuminating Companies, the National Inspectors' Association, and the National Electric Light Association. It was voted to recommend the following regulations, *inter alia,* for the purpose of having them included in the 1913 Code—"Grounding of Low Potential Systems."

"ALTERNATING CURRENT SECONDARY SYSTEMS."

b. Transformer secondaries of distributing systems must be grounded provided the maximum difference of potential between the grounded point and any other point in the circuit does not exceed 150 volts, and the following rules must be complied with:

(1 and 2 omitted here.)

3. The ground connection must be at the transformers or on the individual services as provided in sections *c* to *g,* etc." * * *

(Appended under 4 is the following:)

"Companies and departments in charge of water works are urged to allow the attaching of ground wires to their piping systems, in the full confidence that the integrity of such piping systems will be in no way affected, whatever may be the normal voltage."

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From these excerpts cited above, it clearly appears that inside grounding to water pipes meets with the approval of the expert committee drafting 1913 code.

Upon inquiry it developed that in Hoboken and Jersey City the attachment of inside ground wires to water pipes had been denied to the Public Service Electric Company by both the Hackensack Water Company and the Street and Water Commissioners. Accordingly a hearing was called for April 26th, 1912, at Chancery Chambers, Jersey City, to which the original complainants, the respondent company, the Hackensack Water Company and the Board of Street and Water Commissioners of Jersey City were invited. Said hearing was afterwards adjourned until May 10th, 1912, at which time assurances were given on the part of the Street and Water Commissioners and on the part of the Hackensack Water Company that inside grounding of secondaries to water pipes would not be interfered with. Confirming the grant of such permission, L. D. H. Gilmour, Esq., under date of April 12th, 1912, forwarded to the Board correspondence showing that the Board of Street and Water Commissioners of Jersey City had assented thereto; also that the Water Commissioners of Hoboken had waived all objection thereto.

At said hearing the Public Service Electric Company, represented by Messrs. L. D. H. Gilmour and Dudley Farrand, agreed that the company at its own cost should and would connect ground wires to water pipes in the old wiring installations; and would complete such connections in the Jersey City-Hoboken district not later than two years from that date (May 10th, 1912); and it was also understood that in all new installation the cost of inside ground wires and their connection to the water pipes was to be borne by the private consumer.

As the outcome of these hearings and the investigations made in connection therewith, both by the Board's Chief Inspector of Utilitis and by Professor MacLaren, the Board's special expert in this matter, it is evident that the specific complaints of Joseph McBride and Fernando W. Meyer should be DISMISSED. If the situation had not been altered by the company's obtaining permission to attach interior ground wires to the water pipes, the complaints, or some of them, might have been sustained on account of the undoubted

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danger of a wholly ungrounded system of transformer secondaries. But with this permission accorded, with the approval of the inside grounding system by the highest expert authority, with its attested superiority over an outside grounding system at the poles, with the explicit justification by Professor MacLaren for including the inside ground wire as part of the interior wiring to be paid for by the individual consumer benefited, there can be no reason for sustaining the specific complaints. They are therefore hereby DISMISSED.

It has clearly developed as the result of this hearing and inquiry that the grounding of transformer secondaries is necessary for the proper and adequate protection of life and property, and necessary therefore for the rendition of due, proper and adequate service. Both the Board's Chief Inspector of Utilities and Professor MacLaren agree that transformer secondaries of public supply companies should be grounded in all cases where the potential does not exceed 250 volts; that ground connections to water mains be made wherever practicable; and that in all other cases continuous ground wires (such as described in Professor MacLaren's appended report) be used, and that these be adequately grounded at frequent intervals.

An order will be so entered.

Entered May 17th, 1912.

Report Upon the Grounding of Transformers, With Special Reference to the Practice of the Public Service Corporation of New Jersey.

MADE TO THE BOARD OF PUBLIC UTILITY COMMISSIONERS MARCH 30TH, 1912, BY MALCOLM MACLAREN.

In the following report consideration is given first to the general question of the advisability of grounding the secondaries of the transformers of a public electric supply system; secondly, to the proper method of making ground connections, and third, to the position which the Public Service Corporation of New Jersey takes regarding these two questions.

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Before entering upon this discussion it might be well to define what is meant by grounding the secondary of a transformer. A transformer is an electrical device for changing from one voltage to another, and when used in a lighting company's distributing system it is generally employed for changing from a high voltage which is efficient for distribution, to a low voltage which is safe and convenient for lighting. The high voltage side of the transformer under such conditions is called the primary and the low voltage side the secondary. To ground the secondary some one point of the secondary winding of the transformer must be in metallic connection with the earth, and in order that this should be effective a considerable surface should be in contact with damp earth, for this insures a low electrical resistance between the different earth connections of the system.

ADVISABILITY OF GROUNDING SECONDARIES.

OBJECT OF GROUNDING.—The object of grounding is primarily to afford protection to the consumer against dangerous shock in case of failure in the insulation in any of the electric circuits. Such failure may be caused by a lightning discharge following along the high voltage distributing lines into the transformer which, by puncturing the insulation between primary and secondary, may reach the customer's premises causing fire or loss of life. With the secondary properly grounded, the lightning would discharge directly into the earth instead of going to the lighting circuits. A somewhat similar condition may be produced by any failure of insulation between primary and secondary or through any high voltage wire falling upon the low voltage circuit, when a dangerously high voltage would reach the customer's wiring unless the ground connection were provided. The ground connection also serves to detect failures in the insulation of the lighting circuits, and while such failures only expose the user to a voltage equal to that of the lights, which is not usually dangerous, deaths from such voltage have been recorded where the victims had weak hearts, and this voltage is frequently fatal to horses. In all these cases, the ground connection acts as a sort of a safety valve, for when the breakdown occurs in the insulation there is a rush of current from the transformer to ground, which blows the transformer fuses and in-

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stantly cuts it out of circuit. The customer is thus warned of the defect through the failure of his lights and the supply company can readily locate the point of trouble.

OBJECTIONS TO GROUNDING.—In spite of the protection which may be thus afforded to the public by grounding the lighting circuit, the advisability of following such practice has long been under discussion among engineers and unanimity of opinion upon the subject has not yet been reached. The opponents to the scheme urge that with properly arranged lightning arresters there should be no tendency for lightning to injure transformers, and that with modern oil-insulated transformers a permanent breakdown of insulation between primary and secondary is almost unheard of; also that the probability of a dangerous voltage entering a house by the fall of a high voltage wire upon a low voltage lightning circuit is very slight and that by placing a deliberate ground in the house wiring, the insulation is thereby weakened, making a breakdown more probable, for failure in insulation at one point will then cause leakage of current, while two such failures must occur on an underground circuit before any leakage can take place. The real test of the efficiency of the protection afforded by the two systems should of course be determined from service records, but here the conclusions are not obvious, for many installations operating without ground connections have been remarkably free from fatalities and accidents have occurred on systems using the grounded circuits. The writer believes, however, that in practically all cases under the latter conditions the trouble could be traced to improper construction of the ground connection.

ACCIDENTS ON SYSTEMS HAVING GROUNDED SECONDARIES.—The following cases are given as typical of the accidents which may occur under such conditions: Mr. Farrand, of the Public Service Corporation, recently cited the case of a horse which was killed by a shock directly traceable to leakage of current between two faultily connected ground wires, which were connected to pipes driven a few feet from the ground. This could not have occurred if the grounds had been properly made. Another well-known case is the accident to two men in the Fulham Public Baths in London, who, in 1902, received fatal shocks by touching the metal sheathing which surrounded the lighting circuits. In this case, the trans-

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former secondary which supplied the lights was properly grounded to the water pipes, but the section of sheathing which the men touched had not been connected to ground. It might be noted in passing that the voltage these men received was double that usually employed in lighting circuits in this country, and that the shocks would probably not have proved fatal had the lower voltage been used.

ARGUMENTS IN FAVOR OF GROUNDING.—The above case is especially noteworthy from the fact that it appears to be the last fatal accident to the British public from electrical shock from lighting circuits, at least an investigation of reports of electrical accidents which are so fully given in the English technical journal fails to disclose any others. This is the more remarkable in view of the relatively high voltage used at the lamps, and it constitutes a strong argument in favor of grounding, for at the time of this accident the majority of lighting systems in England used direct current where grounding was universal and the grounding of the transformer secondaries used in the alternating current systems was usual, as in the case cited, although it was not made mandatory by the government regulations until 1904.

A still stronger argument in favor of grounding is the fact that the engineering bodies, both here and abroad, which have given the greatest attention to this matter, are unanimously in favor of grounding. As early as 1895, the Verbund Deutscher Electro-techniker advocated this practice for three-wire direct current systems (sc. Elektrotechnische Zeitschrift, March 14th, 1895). This practice soon became general for direct current; but the importance of obtaining the same protection with alternating current by grounding the transformer secondaries was not so generally understood. The British Board of Trade, which is a government board having direct supervision over all English public carriers and supply companies, in the revision of their rules in 1896 left the question of grounding optional. They endeavored to obtain the neecssary protection through the following regulations with reference to transformers:

"Some suitable and quick-acting means must be provided to protect the customers' wires from any accidental contact with, or leakage from the high potential system, either within or without the transformer."

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This caused British manufacturers to place a grounded metal sheet between the primary and secondary windings, which effectively met the regulations, but was a clumsy and rather expensive method of protection.

In the revision of the Board of Trade rules in 1904, the above clause was retained and the following was added:

"Where the pressure of a supply between the adjacent conductors of a three-wire system of mains exceeds 125 volts, the intermediate conductor must be connected with earth, with the concurrence of the Postmaster-General and in accordance with the following conditions:

"The connection with earth of the intermediate conductor must be made at one point only on each distinct circuit—namely, at the genrating station, substation or transformer, and the insulation of the circuit must be efficiently maintained at all other parts.

"The current from the intermediate conductor to earth must be continuously recorded, and if it at any time exceed one-thousandth part of the maximum supply current, steps must be taken to improve the insulation of the system."

The Wiring Rules of the British Institution of Electrical Engineers for 1911 call for the grounding of secondaries and confirm the above regulations in the more essential details. In the case of the "Stannos" system, where one of the conductors completely surrounds the other, these rules specify that the outer conductor should be earthed at the switchboard.

In 1909, the American Electric Light Association, after a most thorough study of the conditions existing in this country, recommended the grounding of secondaries, and advised that where it was possible the ground connection should be made to the water mains.

In view of the above decisions, the writer would strongly recommend that all transformer secondaries of public supply companies be grounded where the potential does not exceed 250 volts.

METHODS OF GROUNDING.

INDEPENDENT GROUND CONNECTIONS.—Such grounds are usually obtained by driving a metal pipe a few feet into the earth or by burying metal plates in the ground. If these connections go to a

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sufficient depth to be unaffected by frost or summer drought, and if the surrounding soil has low electrical resistance, grounding by this method may prove satisfactory. It is, however, difficult to determine whether these conditions have been fulfilled and if the resistance of the ground connection exceeds four or five ohms it may not allow sufficient current to pass, in case of insulation failure, to blow the transformer fuse, and it then becomes a real menace to life and property. The irregularities which may occur in the resistance of such connection are well illustrated by measurement between the water mains and a pipe buried in the soil two feet away as given in Electrical World of December 1, 1910 These show a variation in resistance from about 15 ohms to 1,950 ohms, depending upon the condition of the intervening soil. These figures are confirmed and the subject treated more in detail in J. S. and R. S. Cunliffe's paper of March 23, 1909, on the subject of Electric Traction Vagabond Currents in Journal of the Institution of Electrical Engineers of England.

On account of this irregularity in such connections and the difficulty of obtaining low resistance, grounding by such means is not recommended.

CONTINUOUS GROUND WIRE.—This method consists of running a continuous ground wire on the pole line carrying the transmission circuits, or in an adjoining duct if these circuits are underground. All the transformer secondaries are connected to this ground wire, which is itself connected to suitable ground connections at frequent intervals. This method is used in Chicago by the Edison Co., and elsewhere, and should give satisfactory results if properly installed. It introduces a possible source of danger to linemen as the ground wire will be at a different potential from all other wires of the system, but it should not be difficult to run this in a position where there should be little danger from it.

GROUNDING TO WATER MAINS.—This method is much more frequently used than either of the above and is entirely satisfactory. There have been cases, as in Jersey City, where the Water Company has refused to allow these connections to be made, but the practice has been followed in so many places without any case of injury to the water pipes being detected, that objections of this sort can easily be shown to be unreasonable.

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PRACTICE OF THE PUBLIC SERVICE CORPORATION OF NEW JERSEY.

A conference with officials of the Public Service Corporation convinced the writer that they are thoroughly in favor of grounding their transformer secondaries. As explained above, the importance of grounding was not very generally understood a few years ago, and it was only recently that this corporation voluntarily started this practice. They are now appropriating $10,000 a year to carry on the work. They have been delayed in undertaking the work in Jersey City by the refusal of the Water Company to permit grounding to their water pipes. Mr. Farrand, of the Public Service Corporation, stated that this matter is now being adjusted and that they should soon be able to start grounding this system. If this negotiation should fail, the writer would recommend that they use a continuous ground wire in the manner described above.

The method of grounding specified in the printed rules of the corporation and shown to the writer in Trenton should be entirely satisfactory and could not well be improved upon. It consists in running a No. 4 wire from a point just outside the service switch to the water pipe, preferably outside the meter, but if this means a long ground wire the connection may be made nearer the service switch and then a wire must be shunted around the meter and clamped and soldered to the pipe so that the grounded circuit will not be broken if the meter should be removed. When current is furnished to a customer on the three-wire system, the middle wire is grounded, and when only two wires are run one of these must be grounded. As several customers may be supplied from one transformer, and as a ground must be made at every service switch in accordance with these rules, there may be a great many ground connections on one transformer. Some of these might seem to be superfluous, but it is well to make the rule general and it tends towards additional security, as one or more ground connections may then become defective without seriously endangering any of the consumers. This practice is much preferable to grounding the transformer to the water mains at the pole, which does not protect the customer as completely in case a high voltage wire should fall on the low voltage circuit, and it also means excavating the street and sometimes across the roadway in order to reach the water pipes.

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With all new customers, the Public Service Corporation requires the ground connection to be supplied as part of the house wiring. This places a slight additional burden upon the customer, but this in general would not amount to more than two dollars and would be fully justified by the additional protection thereby secured.

CONCLUSIONS—Summarizing the above report the writer would recommend that the transformer secondaries of public supply companies be grounded in all cases where the potential does not exceed 250 volts.

Also that the ground connections be made to the water mains, whenever these are available, and that in all other cases continuous ground wires be used, and that these be grounded at frequent intervals.

Finally that the method of grounding practiced by the Public Service Corporation is satisfactory.

Respectfully submitted,

MALCOLM MACLAREN.

ORDER.

This case being at issue upon complaints and answers on file, and having been duly heard, and full investigation of the matters and things involved having been had, and the Board of Public Utility Commissioners having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof;

The Board of Public Utility Commissioners HEREBY ORDERS the Public Service Electric Company in all cases to ground its transformer secondaries where the potential does not exceed 250 volts. Such grounding may be effected by connecting to water mains or pipes wherever practicable; and in all other cases is to be effected by means of continuous ground wires. (Second method described under "Methods of Grounding", in Report.) The Board of Public Utility Commissioners HEREBY ORDERS the Public Service Electric Company in the Hoboken-Jersey City district to proceed with all practicable diligence to ground transformer secondaries in existing installations so as fully to complete such grounding not later than

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June 1st, 1914. The Board of Public Utility Commissioners also hereby orders the Public Service Electric Company to report to this Board within three months upon the extent to which, and the districts within which transformer secondaries are not grounded, and the probable time required and expense involved to completely effect the grounding of such transformer secondaries in accordance with this order. This order becomes effective June 25th, 1912.

Entered May 17th, 1912.

In the Matter of Complaints Against the Philadelphia and Reading Railway Company in Respect to Train Service. } **MEMORANDUM AND DECISION.**

George E. Pace and *M. L. Hartshorne,* for the complainants.
Frank S. Katzenbach, Jr., for the respondent.

On February 25th, 1912, the Philadelphia and Reading Railway Company put into effect, upon its New York Branch, a new schedule of passenger train service. This new schedule diminished in some degree the amount of train service previously furnished towns between the Delaware River and Bound Brook. The new timetable, effective February 25th, 1912, also changed in certain instances the scheduled time of arrival and departure of trains upon which the towns in this section had come to depend. Complaints began to pour in upon the Commission. Said complaints embraced not only the diminution in train service for this section, and the disturbance of the usual times of arrival and departure of certain trains, but extended in certain cases into a general complaint against the character of the service afforded this section as compared with the fast express service between Philadelphia and New York. Among the more important specific complaints lodged with the Board, the following may be enumerated.

First, on behalf of the New Jersey State Village for Epileptics, at Skillman, by the superintendent, Dr. David F. Weeks, and others. By these complainants it was urged that former train No. 550 had been withdrawn. This withdrawal belated the morning arrival at Skillman of certain workmen and certain employees at Skillman, so as gravely to inconvenience both the administration

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of the Village and the building work there in progress. Complaints were also made of the inadequacy of train service afforded visitors and others between Skillman and New York, and Skillman and Philadelphia.

Second, on behalf of school children by the Hopewell Board of Education and other residents along this section of the Company's line. The Hopewell Board of Education recited that timely access to the Hopewell school in the morning was precluded by the timetable effective February 25th, 1912; that as a consequence said school had lost pupils. A similar complaint was lodged by residents of Skillman and other places whose children attended school in Trenton. The schedule complained of, it was averred, required of school children bound for Trenton an unreasonable waste of time in Trenton before the commencement of the regular morning school session. A third similar complaint was lodged on behalf of school children who attended school at Bound Brook. These children were afforded no reasonably prompt means of returning westward in the afternoon to their homes, but were subjected to unreasonable detention at Bound Brook.

Third, on behalf of business men previously accustomed to arrive in Trenton shortly before 9 A. M. Said complainants showed that the timetable complained of imposed on them a much earlier start in the morning, and subjected them to a period of enforced inactivity upon their arrival in Trenton long before the previous time of arrival.

Fourth, on behalf of business men desiring access to New York. Here the complaints vary somewhat in character. One complaint was made that a single morning train from this section to New York available for business men was not sufficient. Another complaint was of the slow speed at which the morning train for business men going to New York ran. Another complaint was over the continuous reduction of train service afforded this community. This was supported by a comparison of the present train service with that afforded five years ago.

Fifth, miscellaneous complaints of a wide range. These complaints covered the absence of train service between particular hours, as for instance the absence of train service at Hopewell for New York between 2:09 P. M. and 5:28 P. M. There were suggestions of additional train service requisite for Belle Meade and

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other places, and requests that certain trains be scheduled to stop on flag. A considerable number of complaints were avowedly based on the desirability of developing real estate business in various localities.

The complaints were forwarded to the Company, and under date of March 7th, 1912, a reply was made by Theodore Voorhees, Esq., Vice-President of the Philadelphia and Reading Railway Company. The parties being at issue, a date was set for a public hearing.

Two public hearings were held upon these complaints, both at the State House, in the City of Trenton. At the first, held on April 2d, 1912, the complainants were represented by George E. Pace, Esq., for the towns of Pennington, Hopewell, Skillman and Belle Mead; M. L. Hartshorne, Esq., for the town of Weston, and David F. Weeks, M. D., for the New Jersey State Village for Epileptics at Skillman. The Company was represented by Theodore Voorhees, Esq., and Frank S. Katzenbach, Jr., Esq. Witnesses were heard, and further consideration was adjourned to April 16th, 1912.

On April 16th, 1912, a second hearing was held, Messrs. Pace and Hartshorne appearing for the same towns as before, and certain of the individual complainants appearing in person. The Company was represented by Frank S. Katzenbach, Jr., Esq., who made certain proposals on the part of the Company intended to meet the requests of the petitioners as regards the needful accommodation of school children and business men engaged in business in Trenton. The hearing closed with the understanding that the complainants were to have the privilege of submitting in writing a list of all the changes in train service for which they contended. On April 23d, 1912, there was filed with the Board, by George E. Pace, Esq., a list of changes desired, and suggestions as to their possible effectuation. On April 29th, 1912, a similar communication was received from Dr. David F. Weeks; C. Herbert Fetter, an individual complainant, under date of April 22nd, 1912, requested the restoration of the timetable in effect prior to the timetable of February 25th, 1912.

Careful consideration of the matters involved seems to disclose the following: First, that a railway company under its obligation to furnish "safe, adequate and proper service" is bound to afford

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the immediate vicinity it serves with reasonably, timely and frequent access to and from neighboring places. If anything, this obligation would seem to be fully abreast of, if it does not take precedence of, the obligation to afford equally available service to and from larger places at considerable distances. To the contention frequently made that this local service is not a paying service, it may be replied that it is not an invariable test that every individual service that can be legitimately required of a carrier shall be productive of additional net revenue. So long as the operations of the carrier as a whole result in producing net revenue of reasonable amount, the failure of a special service (which may reasonably be exacted of the carrier) to issue in a net gain need not deter the requiring of the service in question. The complaints, therefore, as they affect the school attendance at Trenton, Hopewell and Bound Brook seem to be well founded, and require remedy. The new timetable submitted by the Company appears to meet this requirement.

The complaint made in this case that local service is being subordinated to the through express service between New York and Philadelphia deserves some careful consideration. As is well known, the Reading is competing with the Pennsylvania for this traffic, seeking by the frequency and fast running time of its express trains to counterbalance the New York terminal facilities of the Pennsylvania. If the fast express service on the Reading's line were to be seriously reduced by requiring numerous stops at the intermediate stations, it would seem only an equitable offset, if the demand were made by intermediate stations on the Pennsylvania's line, to require similar local stops to be made on the New York Branch of the Pennsylvania. This might put the two competitors on a level, but at the cost of impairing the fast express service of both. It must be remembered that this fast express service frequently enures to the great benefit of citizens of New Jersey. The Board, as at present advised, is very loath to cripple this service, so long as it can be shown that reasonable and adequate service is furnished to the intermediate localities on each line. On the other hand, it seems plain that, if this policy is to hold, the carriers must carefully live up to their obligations tc the smaller intermediate points.

So far as the inhabitants of Hopewell, Pennington and other

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towns who regularly engage in business in Trenton are concerned, the new timetable submitted by the Company appears to meet the reasonable expectations of those concerned.

So far as morning train service for New York is concerned, the timetable effective February 25th, 1912, and continued by the new timetable, affords a train leaving Pennington (53.3 miles distant from New York) at 7:08, and Hopewell (48.6 miles distant from New York) at 7:17. This train is due at Jersey City at 8:37 A. M., and at Liberty Street, New York City, at 8:50 A. M. All things considered, such as the distances involved, the number of passengers carried daily to New York, and the service afforded by other roads under similar circumstances and conditions, such morning service for business men going to New York would appear to be at least respectably fair service, save only for those whose work requires earlier than the ordinary arrival at way stations or in the city.

In order, however, to remedy the alleged meagreness of this service, and as well to provide for the employees and the operatives at Skillman, the Company, at the suggestion of the Commission, has agreed that it will (at least for an experimental period of two months) start a train (No. 550) from Trenton Junction daily except Sunday at 6:00 A. M., reaching Skillman at 6:25 A. M., and proceeding eastward, due to arrive at Bound Brook at 6.49 A. M. Here connections may be made with No. 106 on the Central Railroad of New Jersey, due to arrive in New York at 8:17 A. M.

This will provide two early morning trains for New York, and will afford adequate service in that respect. It ought, frankly, to be stated that the continuance of this train service will be regarded by the Commission as in a sense experimental. Train No. 550, whose discontinuance inconvenienced operatives and Village employees working at Skillman was what is called a "dead head train," operated chiefly to furnish a locomotive and crew for a return freight movement from Bound Brook. It is a matter of legitimate question whether the permanent continuance of such a train, if the passenger revenue thereof proves negligible, can reasonably be required. The Company has stipulated that if forty cents per passenger train mile run is obtained from the operation of this restored train (No. 550, running from Trenton Junction to Bound Brook), the Company will not urge its removal. And to the Board it appears that if forty cents per pasenger train mile run of this

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train does not accrue, and no other countervailing considerations appear, the Company will be entitled in fairness to ask that said train, after the experiment, be discontinued.

The new timetable of the Philadelphia and Reading Railway Company, for the New York Branch, taking effect at 12:01 A. M. Sunday, May 26th, 1912, provides also for flag stops of train No. 629 at Pennington, and No. 623 at Belle Mead. This timetable appears to the Board reasonably to remove the well-grounded grievances over which complaints have been made. Some of the demands made upon the Company appear to this Board plainly unreasonable. The development of real estate in any section is a perfectly legitimate undertaking in itself, but for real estate interests to demand that more frequent service shall be accorded certain relatively sparsely settled sections in order to build up real estate values does not appear to us to have controlling force or moment.

The Board of Public Utility Commissioners, therefore, upon the evidence adduced before it in these proceedings, determines that the proffer of extended facilities and accommodations offered by the Philadelphia and Reading Railway Company, as incorporated in their timetable effective May 26th, 1912, fairly meets the legitimate expectations and requirements of the complainants in this matter, and so determines and decides.

Entered May 24, 1912.

In the Matter of Discontinuance of Agency at Liberty Park Station of West Jersey and Seashore Railroad at Camden. } **MEMORANDUM.**

The West Jersey and Seashore Railroad Company notified the Board on April 11th, 1912, of a proposed transfer of the operator, also acting as passenger agent, from Liberty Park, Camden. In its communication to the Board, the railroad company stated that the discontinuance of the agency "would not affect the train service or the number of stops for the accommodation of passengers, etc."

The City of Camden filed by its attorney a protest against the proposed act of the railroad company. In this protest it was alleged that,

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"the public would be greatly inconvenienced by a discontinuance of this agency.

In the second place serious objection is made to anything that will affect the train service, and the number of stops, and if the agency is abandoned and the station closed up, the next move will be to stop all train service at this point and abandon this station as a regular stop. A number of property holders have bought property in the neighborhood depending on this accommodation. It is a thickly populated portion of the City. It is the only stop on this division in this part of the City.

Lastly, the number of tickets sold at this station and the particular receipts for the station do not actually represent the number of people using the station, since a large number of tickets are purchased at other stations or at the Camden Terminal. In other words the number of passengers using the station is largely in excess of the number of tickets sold at this particular station."

A petition numerously signed was also submitted, and numerous other communications were received by the Board. The tenor of these was similar to the representation of the City, that the closing of the station would inconvenience a large number of patrons of the road.

A hearing, of which due notice was given to the remonstrants, was held at Trenton on April 30th. At this hearing no one appeared in opposition to the discontinuance of the agency. The railroad company was represented. The hearing was adjourned until May 14th, and the Board's Inspector was directed to investigate the matter and report at the adjourned hearing, of which notice was given to the parties in interest.

At the adjourned hearing the Board's Inspector submitted a communication from Mr. F. L. Sheppard, General Superintendent of the West Jersey and Seashore Railroad Company, which stated the following:

"1. Provision will be made to keep the station clean.
2. It will be properly heated in Winter time.
3. Passengers therefrom will be accorded the same privileges as those from any non-agency station, one-way and excursion tickets being issued by the conductor, without any excess charge; and
4. No reduction is contemplated in the train service at the station."

It appearing that the sale of tickets at the station is not large enough to reasonably require the maintenance of an agent thereat; that the objections filed with the Board are almost entirely based on an assumed discontinuance of the station as a stop for trains, that such discontinuance is not in contemplation and bears no relation to the transfer of the agent,

The Board of Public Utility Commissioners HEREBY GIVES ITS PERMISSION to the West Jersey and Seashore Railroad Company to

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cease to maintain an agent at its station at Liberty Park, Camden. This permission is subject to the condition that the West Jersey and Seashore Railroad Company shall furnish adequate and proper passenger train service at the station, keep the station clean, and properly heated in Winter, and that the privileges accorded to passengers from the station to buy one-way and excursion tickets from conductors of trains without any excess charge shall be at all times accorded.

Dated May 24th, 1912.

In Re Petition of the Borough of Fort Lee vs. The Hackensack Water Company, Alleging Unlawful Discrimination in Charges. } **REPORT.**

Cornelius Doremus, Borough Counsel for the petitioner.

DeForest Brothers, for the respondent.

This case was heard before the Commission at Newark, N. J., at the Court House on November 24, 1911. Briefs of Counsel were not filed with the Commission until May 2, 1912. There is no dispute as to the facts. Consumers in the northern portion of the Borough of Fort Lee are charged a minimum of twenty dollars per year; and hydrant rentals in the section are thirty-five dollars per year. Water conveyed from the same source to consumers in the southern part of said Borough is paid for at an annual minimum of ten dollars, and hydrant rentals in the southern section are fifteen dollars per year.

This difference is alleged by the complainant, to constitute unlawful discrimination.

The history of water supply in the two sections of the Borough will serve to elucidate the situation.

What is now the northern section of the Borough of Fort Lee and certain adjacent territory in Englewood stand upon high ground. In order to afford water at an adequate pressure a special Englewood High Service system was built about 1899. This involved pumping water up into a standpipe located about 400 feet above the source of supply, and also required the laying of large

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sections of main in rock, through a sparsely inhabited region. The authorities of Englewood, and certain of its citizens in this section, agreed to the rates then and now charged for water supplied by this method. On the application of the public officials of the then Township of Ridgefield and ninety-three inhabitants of what is now the northern part of the Borough of Fort Lee, the company extended the Englewood High Service System to supply northern Fort Lee with water. This application included the assent of the applicants to the rates then and now charged for water supplied by the High Service System. The southern section of the Borough of Fort Lee lying on lower ground was supplied prior to 1910, by the same company from Weehawken, as a part of the Weehawken System. The Weehawken reservoirs were at a lower level than the Englewood standpipe and required less cost for pumping. Gradually the mains of the two systems in Fort Lee approached each other. The northward extension of building in the southern part of Fort Lee crept up upon higher and higher ground until the pressure available from the Weehawken system was in certain places on high ground hardly adequate. Finally the company laid a main connecting the Englewood High Service System in the north with the Weehawken system in the south; and at present, from the former, supplies both sections of Fort Lee. No increase in water rates was made, despite the increased pressure in southern Fort Lee, and the minimum house rates and hydrant rates have been and are uniform throughout the entire Weehawken system in Bergen County.

There is no allegation that if the two supply systems had been kept physically separated, the rates charged in either section would be excessive; nor is it alleged that the consumers, public and private, had not given assurances that they would pay the rates in force. The whole contention of the petitioner rests on the fact that *at present,* when from one and the same supply the water is charged for differently in the northern and southern sections of the Borough, unlawful discrimination exists as against the northern section.

We believe this contention is unfounded, for the following reasons:

First: The plant and pumping service indispensably necessary to afford the requisite pressure in the northern part of the bor-

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ough, involved greater cost than the plant and service requisite to afford the water supply in the southern part of said borough. Minimum water charges and hydrant rentals are essentially guarantees necessary to assure a water company of a return on plant built and held in readiness to serve. Where the necessary outlay is greater, the guaranteed return may fairly be greater than where the necessary outlay is less. Pumping to a higher level and laying mains through rock are necessary in the northern section of the Borough. A difference in charge is therefore justified by the difference in the necessary investment required to supply the two sections respectively.

Second: The lower rates afforded the southern section cannot be said to affect the consumers in the northern section prejudically. The southern section gets, it is true, something more in the matter of pressure than it originally bargained for. But to deprive it of such high pressure by severing the main connecting the Englewood High Service System with the Weehawken system, while it might in some degree unfavorably affect the southern section, would only emphasize the necessity for the higher charge upon the consumers in the northern section. It is well settled that discrimination to be unlawful must operate to the prejudice or disadvantage of parties injured as to result of the discrimination. Here no such prejudice or disadvantage appears.

Third: To assimilate the higher rates in the northern section to the lower rates in the southern section of the Borough, would operate in future to deter this and other companies similarly situated from extending mains for the supply of water or from affording more adequate water pressure, in sections where lower water rates are in force.

Fourth: To level all charges to the level of the charges in the southern part of the borough would compel the company to discriminate between patrons in Englewood and in northern Fort Lee, where the circumstances and conditions of service are identical. Essentially, the water supply system in northern Fort Lee and in Englewood constitute a distinct branch of the company's business.

The two sections of the Borough are removed something like four-fifths of a mile. The two sections differ in the respective facility their soil affords for excavation and laying of pipes. The conditions under which water is necessarily supplied are not sub-

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stantially similar but substantially different. The policy of the company in linking up both sections to a common source of supply, while it benefits the southern section, does not injure the northern. Throughout the borough, there is no difference in house rates for consumption, but only in minimum charges and hydrant rentals. Each section pays what is originally stipulated. No assault is made upon the intrinsic reasonableness of either charge *per se*. The northern section is not injured by paying more than the southern section for water from the same source, and consumers generally benefit by a policy of extensions which would be penalized if in this and similar cases indentity of charges were ordered, despite essential dissimilarity in circumstances and conditions under which service is rendered. For these reasons, the petition will be dismissed.

An order will be so entered.

Dated May 28th, 1912.

In Re Petition of the Borough of Fort Lee vs. The Hackensack Water Company, Alleging Unlawful Discrimination in Charges. } ORDER.

Cornelius Doremus, Borough Counsel for the petitioner.

DeForest Brothers, for the respondent.

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

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

Dated May 28th, 1912.

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In the Matter of Discontinuance of Sale of Passenger Tickets and Ceasing to Maintain an Agent at Claremont Station, Jersey City, Central Railroad of New Jersey. } **APPROVAL.**

Application was made to the Board by the Central Railroad Company of New Jersey for its approval of the proposed discontinuance of the sale of passenger tickets by said company at its station at Claremont, Jersey City, and the removal of its agent from said station.

Hearing on this application was held in the Chancery Chambers, Jersey City, and notice of said hearing was given to the Mayor of Jersey City. No one appearing at the hearing in opposition to the proposed change at the station, and no objection thereto having been filed, the Board hereby approves of the discontinuance of the sale of passenger tickets at, and removal of the agent from the station at Claremont, Jersey City, by the Central Railroad Company of New Jersey. This approval is subject to the condition that the company shall continue as heretofore to stop passenger trains at said station to receive and discharge passengers, and that any complaint that may be received of increased rates because of inability to purchase tickets at the station shall be made the subject of later adjudication by the Board.

Dated June 7th, 1912.

In the Matter of the Complaint of the Borough of Bradley Beach vs. New York and Long Branch Railroad Company, the Central Railroad Company of New Jersey and the Pennsylvania Railroad Company. } **ORDER.**

The Borough of Bradley Beach filed a complaint stating that said Borough is located on the line of the New York and Long Branch Railroad; that trains are operated over the road bed of said Railroad by the Pennsylvania Railroad Company and by the Central Railroad Company of New Jersey; that trains are scheduled to make on weekdays the same class of stops at Bradley Beach as

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are made at the following stations, to wit: Como, Avon-by-the-Sea and Deal Beach, all of which places it was alleged have a lesser population than the Borough of Bradley Beach; that on Sundays, trains of the railroads aforesaid, though scheduled to stop at the stations of Como, Avon-by-the-Sea and Deal Beach are not scheduled to stop at the Bradley Beach Station.

It was also alleged that the schedules of the operating companies aforesaid, provide for the stopping of trains on Sundays at all stations on the New York and Long Branch Railroad, except at the Bradley Beach Station, between the limits of Long Branch on the North and Sea Girt on the South, which limit includes the Shore district. The Board was asked to order the Central Railroad Company of New Jersey, the Pennsylvania Railroad Company and the New York and Long Branch Railroad Company to stop trains passing through Bradley Beach on Sundays at the Bradley Beach Station.

To this complaint answers were filed by the Companies in interest, and the matter was heard by the Board.

After such hearing the Board decides that the stopping of trains at the station at Bradley Beach on Sundays is necessary to provide proper and adequate service. The Board also decides that the Borough of Bradley Beach has been discriminated against in that the defendant railroad companies cause their trains to be stopped at other stations on the line on Sundays, for the purpose of taking on and letting off passengers, although some of these stations are located in places of lesser importance than the Borough of Bradley Beach.

The Board, therefore ORDERS that the said defendants, the New York and Long Branch Railroad Company, the Central Railroad Company of New Jersey and the Pennsylvania Railroad Company, hereafter stop their passenger trains on Sundays at the station at Bradley Beach for the purpose of taking on and letting off passengers in the same manner as at other stations of similar importance on the line of said railroads, and that no discrimination be shown hereafter as to the number of trains which are to be stopped for that purpose; and that all trains which now stop at Como, Avon-by-the-Sea and Deal Beach for the purpose of taking on and letting off passengers be also stopped hereafter at the station at Bradley

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Beach, and that this Rule be observed hereafter in making up the schedule of trains to stop at said station.

This order shall take effect July first, nineteen hundred and twelve.

Dated June 7th, 1912.

In the Matter of Re-Hearing of Complaint of H. C. Chalmers vs. Wildwood Water Works Company. } **MODIFICATION OF ORDER.**

Gaskill and Gaskill and Ernest Watts, for the Wildwood Water Company.

H. C. Chalmers, in person.

Application was made to the Board by the Wildwood Water Works Company for a re-hearing of the complaint of H. C. Chalmers vs. said Company and for a modification of the Board's order dated October 10th, 1911.

The application for re-hearing was granted and notice of the time and place of the same given to Mr. Chalmers. After such re-hearing the Board is of the opinion that when the contract and ordinance were originally concluded the situation was, that a single cottage ordinarily was upon each lot. A fair interpretation of the ordinance and contract, under the circumstances, was that the eight dollar minimum was for supplying the household in the one cottage ordinarily standing upon one lot. The building of bungalows in the rear of the main house created a wholly new condition not originally contemplated; and we see no evidence, upon reflection, to show that a five dollar minimum for each bungalow may not, on the whole, be warranted. To this extent the former opinion in the Chalmers case is reversed, and the order of the Board to the Wildwood Water Works Company to withdraw and cancel the two separate and extra minimum charges of five dollars each for the small cottages at the rear of the main dwelling house of the complainant is set aside. In all other respects the order of the Board is to remain in full force and effect.

Dated June 7th, 1912.

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In the Matter of the Complaint of Charles F. Thompson vs. New Jersey and New York Railroad Company—Time Limit on Passenger Tickets. } **DISMISSAL OF COMPLAINT.**

John W. Zisgen, for Charles F. Thompson.

H. A. Taylor, for the New Jersey and New York Railroad Company.

Complainant alleged that the New Jersey and New York Railroad Company limits the time during which it will accept one way tickets for transportation. This was admitted by the company, which contended that the limitation of time within which tickets of the kind in question can be used is contemplated and possibly required by Section 38 of Chapter 257 of the Laws of 1903. It was further contended that the tickets are redeemable if wholly unused, for the full amounts paid for them, and that a close time limit upon the use of the tickets "is felt to be necessary to protect the revenues of the company and to avoid so far as possible the transportation of passengers without proper payment of fare."

On issue joined by filing the petition and answer thereto hearing was held.

After such hearing and consideration of the matters and things involved, the Board of Public Utility Commissioners is of the opinion that in limiting the time during which it will accept tickets for passage over its road the New Jersey and New York Railroad Company does not fail to furnish safe, adequate and proper service; that such limitation is not unreasonable, and the complaint in this proceeding is hereby DISMISSED.

Dated June 7th, 1912.

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In the Matter of the Application of the Delaware, Lackawanna and Western Railroad Company for Approval of Abandonment of the Passenger Station at Fox Hill in Hanover Township on the Line of the Delaware, Lackawanna and Western Railroad Company.

MEMORANDUM GRANTING APPROVAL.

The petition of the Delaware, Lackawanna and Western Railroad Company for approval of the abandonment of the passenger station at Fox Hill, which is located in Hanover Township on the Boonton Branch, was filed with this Board and notice sent to the Township Committee of said Township and various other interested parties. A hearing was had upon said application, at which the officers of the Township of Hanover failed to appear. Certain residents of the Township were present and were represented by counsel. The Delaware, Lackawanna and Western Railroad Company was represented by Mr. M. M. Stallman. The Board also caused an inspection of the station and vicinity to be made by its Inspector, who reported as follows:

"In connection with the petition from Mountain Lakes, Inc., and seventy-five others asking that the Delaware, Lackawanna and Western Railroad Company be allowed to build a modern station one mile east of and to be used in lieu of the Fox Hill Station, would say in looking over the ground, I find there are sixteen houses located on the main road within one mile of the Fox Hill station. I can readily see the necessity for the station asked for, and respectfully recommend that the petition be granted upon the condition that a convenient way be made for the persons using Fox Hill to get to the proposed new station."

After full consideration of the facts produced at the hearing, and consideration of the Inspector's report, the Board

HEREBY APPROVES of the abandonment of the Fox Hill station on the following conditions:

(1) That the present freight facilities at or near said station be maintained as they now exist.

(2) That a roadway be constructed leading from Newark Turnpike, in the vicinity of said station, to the site of the proposed station at Mountain Lakes, said roadway to be built in as direct a line as the contour of the land will permit, and, as nearly as practicable, to parallel the track of the Delaware, Lackawanna and West-

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ern Railroad. If a new roadway is constructed at a point about eight hundred feet east of said station then the roadway, above referred to, need only connect with said proposed road.

(3) That a roadway be constructed to the proposed new station from the present highway leading from Parsippany to Boonton.

(4) That the passenger station at Fox Hill be maintained as it now exists until the conditions above stated are fuly complied with.

Dated June 11th, 1912.

In the Matter of Inspectors Recommendation Regarding Accident at Chatham, on the Line of the Delaware, Lackawanna and Western Railroad, January 19th, 1912. } **MEMORANDUM.**

The recommendation of the Inspector of the Board in this matter was "that an inter-track fence be built as far east and west of crossings as conditions may demand." Later this recommendation was amended to include an inter-track fence between the highways, and that a shelter shed be built opposite the station.

The Delaware, Lackawanna and Western Railroad Company, through its Counsel, Mr. M. M. Stallman, in a letter to the Board, dated May 17th, 1912, states that "Plans for the elevation of our tracks through Chatham, the elimination of grade crossings and the construction of a new station west of Fairmount Avenue are under way. Plans will be ready to submit to the Borough of Chatham in a few days. In view of this work we are reluctant to spend any money on the existing situation at the present time." In a letter, dated June 7th, 1912, Mr. Stallman states "we had a conference today with a committee of the Borough Council of Chatham and discussed plans for track elevation, which we have prepared, and the Council will have the matter before it tonight for further consideration. The improvements contemplate the elimination of all grade crossings from the Passaic River to the Madison Borough line."

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In view of the position of the Railroad Company, as stated above, the Board is of the opinion that the Company should not be asked at this time to carry out the recommendation of its Inspector, as the plan proposed by the Railroad Company will eliminate the grade crossings on either side of Chatham Station, and would, therefore, make the work provided for in the Inspector's report unnecessary.

The Board will, therefore, have the matter referred to the Inspector to report, within a reasonable time, as to the progress of the work proposed by the railroad company.

Dated June 11th, 1912.

In the Matter of the Complaint of Daisy Maurer, et al., vs. Laurel Springs Water Supply Company. } **DISMISSAL OF COMPLAINT.**

This case being at issue upon complaint, and answer on file, and having been duly heard and submitted by the parties, and full investigation of the matter and things involved having been had,

The Board is of the opinion that sufficient annual income has not been guaranteed to insure the reasonable rate called for upon the original expenditures as testified to, and the complaint is, therefore, dismissed. The Board would recommend to the company that, when it receives a proposition from one, two or three consumers to pay Seventy-five dollars per year for service on Union Avenue, between Whitehorse Turnpike and Kirkwood Avenue in Stratford, it enter into an agreement with these consumers to supply such service.

Dated June 11th, 1912.

In the Matter of the Complaint of John J. Stanton vs. the New York, Susquehanna and Western Railroad Company, Alleging Inadequate Service. } **AMENDMENT OF ORDER.**

The order entered April 23rd, 1912, in the matter of the complaint of John J. Stanton against the New York, Susquehanna and

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Western Railroad Company, alleging inadequate service was supplemental to an order entered February 27th, 1912. The last mentioned order was designed to secure additional railway service for the summer season, and by its terms ran from April 15th, 1912, to September 15th, 1912, unless suspended sooner with the assent of the Commission.

The Order entered April 23rd, 1912, became operative May 25th, 1912, but contained no reference to the end of the period for which extra summer service was deemed requisite. Before the Board this day appeared Mr. H. A. Taylor, representing the New York, Susquehanna and Western Railroad Company, and the Board, upon presentation of the matter, agreed that an entry should be made terminating the requirement of extra summer service on September 15th, 1912, as set forth in the first of the two orders above referred to. The Order of April 23rd, 1912, stands, therefore, amended, so that the extra summer train service is not ordered after September 15th, 1912.

Dated June 21st, 1912.

In the Matter of the Protection of the Grade Crossing at Paterson Avenue, East Rutherford, Where the Tracks of the New Jersey and New York Railroad Company and Public Service Railway Company Cross at the Same Level. } **ORDER.**

E. J. Luce, for the Borough of East Rutherford.

L. A. Campbell, for the Borough of Carlstadt.

H. A. Taylor, for the New Jersey and New York Railroad Company.

L. D. H. Gilmour, for the Public Service Railway Company.

On June eleventh, nineteen hundred and twelve, the Board adopted the following motion:

"It appearing to the Board that a public highway known as Paterson Avenue, located in the Borough of East Rutherford, crosses the tracks of the New Jersey and New York Railroad at grade and that the tracks of said railroad and of the Public Service Railway Company cross one another at the same level, the Board

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"Hereby, on its own motion, calls a hearing to be held at the State House, Trenton, New Jersey, on Tuesday, June eighteenth, nineteen hundred and twelve, at eleven A M., to determine whether conditions at such grade crossing make it necessary, for the protection of the traveling public at such grade crossing, that gates be erected, or that some other reasonable provision for the protection of the traveling public at such grade crossing, should be adopted, and whether the Board should order and direct the New Jersey and New York Railroad Company, or the Public Service Railway Company, or either or both of them, to install such protective device or devices, or adopt other reasonable provision for the protection of the traveling public at such crossing."

Copies of this motion were served on the New Jersey and New York Railroad Company, the Public Service Railway Company and the Borough of East Rutherford and hearing was held as provided by said motion.

It appears that prior to June first, nineteen hundred and twelve, gates were used to protect the crossing under consideration, and that on or about June first, nineteen hundred and twelve, these gates were removed.

It was not shown at the hearing that there has been any decrease in the number of trains operated over this crossing or in the use of the same by the public. It was contended by the Railroad Company that coincident with the removal of the gates, orders were issued that no train be operated over the crossing at a greater speed than ten miles per hour.

It is the opinion of the Board, and the Board finds, that this order of the Railroad Company is not a sufficient provision for the protection of the traveling public at the crossing, and it is the further opinion of the Board, and the Board finds, that for such protection gates should be erected at said crossing.

The Board, therefore, ORDERS the New Jersey and New York Railroad Company to erect at the crossing of its tracks at Paterson Avenue, in the Borough of East Rutherford, gates similar in construction to those recently maintained and operated at said crossing, or of a type to be approved by this Board, and that the New Jersey and New York Railroad Company maintain at the crossing, at all hours of the day and night, each day and night in the week, a competent man to lower said gates on the approach of any and all cars, engines or trains on the New Jersey and New York Railroad, and to keep the same lowered while said cars, engines or trains are passing over the crossing.

This Order shall take effect July twenty-fifth, nineteen hundred and twelve.

Dated July 2, 1912.

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GENERAL PRINCIPLES REGULATING ACTION BY THE BOARD OF PUBLIC UTILITY COMMISSIONERS UPON PETITIONS ASKING APPROVAL OF PROPOSED ISSUES OF SECURITIES.

The law at present casts upon this Board the responsibility of determining what security issues may be made by public utilities in the State of New Jersey. (Chapter 195, 111, 18(e), Laws of 1911.) The Board after due hearing is required to approve proposed security issues, provided the Board be satisfied that proposed issues are in accordance with law, and provided the Board approve the purpose of said proposed issues.

Conspicuous among the legal requirements to be met by proposed issues are those embodied in Chapter 331 of the Laws of 1906. This Act, *inter alia,* forbids the issue, sale or delivery of bonds, notes, or obligations of any character by public utilities, except for cash or property of an actual cash value of at least eighty per centum of the face value of the securities. The Act also forbids the issue, sale or delivery by public utilities of capital stock except for cash or property of actual cash value at least equal to the par value of the stock.

So far as the Board's approval of the purpose of a proposed security issue is concerned, the Board is already on record to the following effect:

"The term 'purpose,' in the opinion of the Board, cannot and ought not narrowly to be confined merely to the corporation's intention to procure or pay for property, materials and services with the proceeds of the securities intended to be issued. The powers and responsibilities of the Board in this respect are no less ample than may fairly be inferred from the spacious term 'purpose' advisedly incorporated in the statute." (Memorandum dated July 7th, 1911. *In the matter of the Application of the Riverside Traction Company for Leave to Issue, Sell and Deliver Bonds, etc.*)

Various cases involving the approval of proposed security issues have been acted upon by the Board under the law. An analysis of many of these cases discloses certain general principles upon which these applications should be determined. These general principles will control unless and until good reason can be shown for departing therefrom. For the information of public utilities peti-

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tioning or intending to petition for the approval of security issues, certain of these general principles are set forth as follows:

FIRST.—The two conditions first named above must, in all cases, be met. These are that a proposed issue must be in accordance with the law, and that the purpose of a proposed issue must be approved by the Board.

SECOND.—The purpose of a proposed issue is not commendable, and will not carry the Board's approval where the issue, if approved, would result in an evasion of mandatory statutory provisions governing the issue, sale and delivery of securities. Thus where bonds have been used by the issuing public utility as collateral security for loans to an amount of less than eighty per cent. of the face value of the bonds, and where such a condition still holds, the Board has decided adversely to subsequent security issues prayed for by such public utilities. Such refusal is based on the ground that such subsequent approval would be to connive at an attempt to circumvent the provision and intent of Chapter 331 of the Laws of 1906. (See Memorandum dated July 7, 1911. *In the matter of the application of the Riverside Traction Company for Leave to Issue, Sell and Deliver Bonds, etc.*)

The "purpose" of an intended security issue is held to be vitiated, if a result of said issue, if approved, would enable the company to evade mandatory legal provisions. Thus, in the case of the Riverside Traction Company, cited immediately *supra,* the purpose of a proposed bond issue was held vitiated by the fact that said bond issue, if approved, would defer for a time or indefinitely postpone an assessment for an unpaid percentage of the face value of the stock issued and outstanding.

THIRD.—Where approval of security issues is asked, and statement is made of the use to which proposed securities are to be put, the Board endeavors through its Inspectors to determine that the proceeds of the securities whose issue is asked shall be reasonably commensurate with the property or services to be purchased therewith. Where the property whose acquisition is sought can be inventoried and appraised, such a course is followed with as much care and in such detail as under all the circumstances is possible. Where the property or services to be acquired cannot be physically inventoried, because not yet existent, such estimate is made on the

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basis of unit prices and otherwise, with such care and in such detail as is possible under all circumstances.

The Board has already called public attention to what is implied by its approval of proposed security issues. This it did by a statement dated May 26, 1911, entitled *"In the matter of certain published Statements Made in Connection with the Offering for Sale of Public Utility Securities Issued under the Laws of This State."* In this statement it is said: "Nor does such approval by this Board of such proposed issue of securities carry or imply any confirmation of the business or financial standing of the issuing corporation as a whole." It must be recognized that no care exercised in the way of approval by the Board at the time securities are issued can preclude the subsequent chance of poor management, dishonesty, or ill-fortune, by which the assets of a public utility may be lessened or impaired. The intent of the statute and the Board's action thereunder seek to preclude reckless and irresponsible promotion or subsequent inflated issues. No statute and no administrative process, however, can relieve the investor of the obligations of prudence and vigilance. At best they can but aid him in furnishing some grounds for the exercise of intelligent judgment.

FOURTH—Where petition is made for the approval of the issue of bonds or notes, where said bonds or notes are to be sold at a discount, the Board has adopted the general policy of approving such issues only upon the companies' undertaking to amortize the bond discount in accordance with certain stipulations inserted in the Board's certificate of approval. Where, for example, a five per cent. bond is sold at eighty per cent. of its face value, the result of the sale of a thousand dollar bond is as follows: First, an increase of the company's liabilities to the amount of $1,000; second, an increase of the company's assets to the amount of cash realized of $800. The difference is commonly entered as an asset of $200 termed bond discount. This asset is practically a dummy asset. If the company is to make its real assets equal to its added liabilities, it must add to its property an amount equal to $200. The most effectual way would seem to be to lay aside from earnings a small amount annually. The setting aside of this amount annually must be done before the company is entitled to declare or make any dividend. It is true that the process implies that the consumer must contribute in rates more than he would be required to pay

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if no amount were needed annually for this amortization. On the other hand, if the bond had been sold at par, a higher rate than the assumed five per cent. would have been exacted by the lender to the company, and this higher rate of interest would have been included in the annual fixed charges. The higher fixed charges would have imposed a greater annual payment upon consumers. Practically, therefore, the burden which amortization imposes on the consumer is simply the necessary outcome of the process of issuing bonds at less than par. It would not disappear but only change its form, if the bonds were sold at par, and the real rate of interest theron were not disguised.

It has been progressively acknowledged that bond discount is not properly chargeable to capital account, but should be amortized within the life of the obligation. In certain authorizations of bond issues by this Board, request has been made by the issuing corporation that a specific sum shall be named by the Board, to be set aside annually for this purpose. It may be taken, therefore, as the rule that the Board's approval of bond issues will be contingent upon the petitioner's acceptance of a proper amortization provision where necessary. But the provision may vary in different cases, according to the life of the bond, the desire of the company to expedite the process, and the varying capacity of different utilities to provide expeditiously for proper amortization.

FIFTH—Where a petition for the Board's approval of a bond issue contains a clause providing for calling the bonds at a premium before maturity, the Board has commonly insisted that such clause be eliminated. This has been insisted upon to avoid the possibility of an indirect evasion of Chapter 331 of the Laws of 1906. If, for example, a bond has been issued at eighty per cent. of its face value, and thereafter a petition is made to authorize a new issue of bonds (also at eighty) to refund the first issued bonds, dollar for dollar, the following might result. For the original bond issue of the face value of $100,000 the company secured real assets worth $80,000. If the bonds are redeemable at 110 before maturity, and a new issue is made also at 80, $137,500 in bonds of the refunding issue would be required to take up the earlier issue. But as against the issue of $137,500 there would be real assets of only $80,000 as against $110,000 in real assets required, if $137,500 of bonds were originally issued.

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On the other hand it is realized that in certain instances, refunding of bonds at a premium before maturity might effect such a reduction of fixed charges as to be advantageous both to the company and the consumers. Accordingly the Board in approving bond issues will not sanction bond redemption before maturity at a premium at the company's sole option; should the issuing company however reserve such right of redemption at a fixed premium before maturity subject to future approval by this Board after due hearing, the Board will consider in any case the inclusion of such provision in its formal certificate of approval.

SIXTH.—In acting upon petitions for the approval of proposed issues of bonds or notes, the Board will insist on adequate evidence of the probability that the fixed charges can be regularly met, and that the principal sum can be repaid at maturity. Where such securities are to be issued by a public utility now operating, the past and current earnings of the public utility will be a relevant consideration. Also worthy of consideration will be such probable changes in earnings as properly may be expected to result from the property to be acquired by the proposed issue.

Where the company is newly projected, and where past experience is not available to indicate the probable return in revenue to the company, bond issues or note issues, if they are to be approved, must carry a reasonable probability that, with average good management, fixed charges may be regularly met, and ultimate payment of the principal sum may be provided.

Where approval of proposed stock issues is requested, the Board will endeavor to be assured that the stock issues will secure for the public utility additional property commensurate with the par value of the stock issue proposed. The investor in stock knowingly takes a chance of return however which the investor in bonds commutes for a specified return of fixed amount. For this reason the Board does not feel obliged to be assured of the probability of returns upon stock as it does in the case of proposed bond issues.

SEVENTH.—Certain special cases of proposed security issues may arise under certain circumstances some of which are set forth hereafter. In these special cases the general principles outlined above will be applied so far as seems equitable, and exceptions made only where the general principles enunciated *supra* would work inequitably. Among the special cases may be mentioned the

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following: First, where a bond issue has previously been sanctioned, under a mortgage or deed of trust providing that all bonds issued thereunder shall be identical in tenor, and where some part of the authorized bonds has not yet been actually issued, in such cases the Board does not feel that it can impose, as a condition of authorizing a remaining and unissued part of the total issue authorized, requirements against redemption at a premium prior to maturity.

Second, where petitions are made for authority to make security issues for refunding outstanding securities, the new securities to issue must conform to such requirements as would be imposed, if the refunding securities were an original issue. The refunding bonds and stock must be backed respectively by such proportionate amounts of cash or property of actual cash value as is required under Chapter 331 of the Laws of 1906. The refunding bonds must afford the same likelihood of meeting their fixed charges and payment of the principal sum at maturity as is indicated in the sixth paragraph *supra*. Nor will agreements or contracts providing for refunding of security issues where such agreements or contracts were made prior to the enactment of Chapter 195 of the Laws of 1911, be regarded by this Board as invalidating or overriding the authority over security issues vested in this Board by said Act. The power conferred upon this Board to disapprove proposed security issues not in accordance with law or whose purpose is not approved by the Board is expressly conferred by the Act of April 21, 1911, (Chapter 195, Laws of 1911) and this power is not restricted by any other provision of the law governing public utilities, or corporations generally. All such agreements or contracts, however binding upon the individual parties thereto they might have been, in default of the Legislature's subsequently vesting power over proposed security issues in this Board, are not controlling so as to delimit the Board's action upon proposed security issues. For such outstanding securities as may legally have come into existence prior to the passage of the act of April 21, 1911, this Board has no responsibility. But its authority is not delimited by expectations that may have been created by reason of agreements or contracts between private parties made prior to the enactment of the statute in question. Where the provisions of such agreements can be carried out conformably to the general princi-

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ples regulating the approval of proposed security issues by this Board, no obstacle will be interposed by the Board to such authorization. But the carrying out of such provisions of agreements or contracts as involve issue of new securities must be submitted to this Board.

EIGHTH.—The declaration of stock dividends by public utilities is permissible only in such cases as this Board after hearing may authorize. To declare such a stock dividend without first obtaining the approval of the Board is a misdemeanor, and all such securities issued without the Board's approval are illegal.

In general, the Board will approve of the issue of stock dividends by public utilities only after hearing and investigation and after being satisfied that as the outcome of such issues the net assets and property of the company over and above other liabilities resting thereon shall be equal to the par value of the total stock outstanding after such stock dividends have meen made. Adequate depreciation reserves and surplus must also be provided by a public utility petitioning to issue a stock dividend, and a careful inquiry will be made by the Board into the methods by which were accumulated assets or property against which the additional stock dividend is to be justified. Full publicity of approval of all petitions for stock dividends will be deemed essential.

NINTH.—For the information of all public utilities intending to petition this Board for the approval of proposed security issues, reference should be made to Conference Order Number Seven and Conference Ruling Number Thirteen of the Board. The requirements of this order and ruling as to the form and content of petitions should be carefully observed. Petitions should be filed sufficiently in advance of the time at which approval of securities is desired, to insure the Board reasonable time to make the inquiries relevant. The larger the proposed issue, and the more complex the conditions surrounding it, the earlier should the application be filed with the Secretary of the Board. The petitions will be acted upon hereafter in the order of their filing as indicated by the dating stamp of the Secretary's office. Applications essentially defective in form or content will not be listed for consideration until properly amended. Where such applications involve the necessity of inventorying property or checking accounts, the public utility applying for such authorization is requested to give such assistance

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as is within its power by putting its engineers, managers, and accountants in touch with the Board's inspectors.

Where the annual reports required of public utilities have not been promptly filed as required by the rules of this Board, or where such accounts, when filed, disclose failure upon the part of the public utility to comply with the requirements of law or with the terms upon which previous security issue of said utilities has been approved by the Board, any subsequent petition for the approval of securities by a public utility shown to be in default may be postponed until the requisite and legal compliance with the law and the lawful Rules of this Board has been made by said public utility.

Adopted July 8th, 1912.

In the Matter of the Application of Interstate Telephone and Telegraph Company of New Jersey to Issue Its Five Per Cent. Thirty Year First and Refunding Mortgage Gold Bonds. } **DISMISSAL OF PETITION.**

John Griffin, Esq., for the Interstate Telephone and Telegraph Company.

Robert H. McCarter, Esq., representing sundry owners of certain general mortgage bonds.

The pending petition for the issue of One Million, five hundred and twenty-five thousand dollars of five per cent. thirty year first and refunding mortgage gold bonds is denied and dismissed for the following reasons:

First, upon all the evidence adduced before the Board it appears to the satisfaction of the Board that there is no reasonable warrant for the expectation that the company from its earnings can pay the annual interest which the aforesaid issue of bonds would require to be paid. The earning capacity of the company was discussed in a finding dated January 26th, 1912. What is said therein *ad hoc* we here reaffirm. Nor is our opinion thereon changed or materially altered by the evidence or exhibits subsequently adduced in the hearings upon the pending petition.

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The new contentions advanced in advocacy of the pending petition do not appear to us to require a reversal of the Board's action upon the company's earlier petition.

Nor do we accede to the proposition that a virtual contract subsisted between the petitioner and its bondholders antecedent to the passage of the Public Utility Act, whereby an indefeasible right has created and existed permitting the issue of the bonds whose issue is prayed for, and which contractual right is impaired by our denial of the pending petition. Even if an implied contract to make such issue could be ingeniously tortured out of the various acts and agreements set forth in the record, it is more than questionable whether the consummation of such bond issue as would result in a virtual gift of the Interstate's stock to the representative of the original purchaser would not invalidate or destroy the binding force of the alleged contract. In this specific connection we reiterate what was said in this connection in our finding (pp. 7, 8) of January 26, 1912.

Nor do we assent to the contention that the grounds of the decision of the New York Court of Appeals in the case of *People, in rel Third Avenue Railroad Company, et al, vs. Public Service Commission.* 203 N. Y. 299-96 N. E. 1011 control in the case at bar. The statutes of that state apparently provide that in the reorganization of railroad companies, the successor corporation may issue securities as contemplated and provided in a reorganization agreement up to the limit of the securities (and new money, if any,) of the company to whose property and franchises the new company succeeds. The court held that up to the limit (specified) "the new corporation has the right to issue securities," and that "the determination of the commission to the contrary (based on the securities being in excess of the value of the reorganized company's property) was erroneous." This is not a case of corporate reorganization. Nor are the powers of the public service commissioners of New York State in every respect identical with those of the Public Utility Commission of this State.

The Public Utility Act of this state is explicit to the effect that "it shall be the duty of the Board, after hearing, to approve of any proposed issue maturing in more than one year from the date thereof, when satisfied that the same is to be made in accordance with law and the *purpose of such issue be approved by said Board.*"

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It is not in point to say that the purpose of this issue is to reduce corporate indebtedness. The purpose of the bond issue must be construed to be as broad as its necessary or certain effects. One necessary effect is to create an obligation, stamped with this Board's approval, on which default is violently probable. If the sole effect of the issue were to squeeze the water out of the companies' securities, the purpose would be laudable. But this proposed issue, aside from other defects, would create new securities in which too much "water" still persists to render probable the payment of interest thereon.

Upon the foregoing considerations and others, some of which are stated more at large in the Board's finding dated January 26th, 1912, the Board determines that with respect to the proposed issue by the Interstate Telephone and Telegraph Company of five per cent. thirty year first and refunding mortgage gold bonds, in the sum of $1,525,000, it is not satisfied that the proposed issue is to be made in accordance with law, nor is it satisfied that the purpose of such proposed issue is in accordance with law; nor, in its judgment, on the matters adduced before it, can it approve either such proposed issue or the purpose thereof.

Dated July 9th, 1912.

In Re Complaint of Borough of Lavallette vs. Pennsylvania Railroad Company Alleging Inadequate Stational Facilities. } **DISMISSAL OF COMPLAINT.**

Charles J. Smith, for the Borough of Lavallette.
E. C. Gallagher, for Pennsylvania Railroad Company.

The Borough of Lavallette complained that for several years the Pennsylvania Railroad Company maintained a ticket office in a room in a cottage at Lavallette, which room was too small for the purpose. It was further alleged that the freight house had been "so inadequate that frequently it was entirely filled and surplus freight piled in the passenger shed."

The cottage containing the ticket office burned, and the complainant alleged that the railroad company "proposes to use part of the freight house (already too small for freight purposes) for

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a ticket office." Complaint was also made of the fact that an agent is stationed at Lavallette during three months of the year only, and it was claimed that Lavallette should be provided with a proper station at which an agent should be kept during the entire year.

In answer to this complaint, the Pennsylvania Railroad Company stated "following the burning of the little station at Lavallette, our people supplied a box car for temporary freight station purposes, and used the freight station as a temporary passenger station, pending an opportunity to reconstruct a suitable station, plans for which are now being prepared. We expect to undertake the work of erection very shortly." On the complaint and answer as filed, hearing was held. At the hearing the Pennsylvania Railroad Company, by its attorney, submitted plans for a new station. These plans met with the approval of the petitioner, so far as the size and proposed construction are concerned. It was contended, however, that the reasonable requirements of the community would be better served by locating the new station at the junction of Philadelphia Avenue and the railroad tracks, a distance approximately fourteen hundred feet south of the site of the old, and proposed location of the new, station.

The Board is of the opinion that while the changed location asked for would be more convenient for part of the population of Lavallette, the convenience of the greater number of those using the railroad in this vicinity will be better served by building the station on the old site. Lavallette is situated between Chadwick on the north and Ortley on the south, the distance from Chadwick to Ortley being approximately two miles. The old station site at Lavallette is about equi-distant from the stations at Chadwick and Ortley, and the Board is of the opinion that it would be undesirable to change this by shortening materially the distance between the Lavallette and Ortley stations and increasing correspondingly the distance between Chadwick and Ortley.

The Board is of the further opinion that with existing traffic conditions the Pennsylvania Railroad Company will furnish reasonably adequate and proper stational facilities at Lavallette when its station is completed, and an agent is maintained thereat during the three summer months. Lavallette is a summer resort with a population during the summer season large enough to justify the requirement of a station and agent. Its population according to the

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last census, and this would indicate those living there when the summer population has departed, was but forty-two.

It was not shown to the satisfaction of the Board that the number of those who use the station at other than the summer season is large enough to require the services of an agent, and it further appears that at times when the agency is closed the community is afforded reasonably adequate service at stations near to and easy of access from Lavallette.

The Petition is, therefore, DISMISSED.

Dated July 19th, 1912.

In the Matter of the Complaint of the Borough of Elmer Against the West Jersey and Seashore Railroad Company. } RECOMMENDATIONS.

The Borough of Elmer filed a petition alleging that crossings at grade of the tracks of the West Jersey and Seashore Railroad Company at Main Street and Broad Street, in said Borough, are dangerous, and asking that the railroad company be required to erect gates or station flagmen at the crossings.

To this complaint answer was made, denying that protection other than that by bells, now in place, was required.

On the issue thus joined hearing was held.

As a result of such hearing and of a consideration of the report of the Board's Chief Inspector of its Railroad Division, who examined conditions at the crossings in question, the Board is of the opinion that these conditions do not make it necessary for the protection of the traveling public that gates be erected or that flagmen be stationed at the crossings.

The Board is, however, of the opinion that certain changes should be made at the crossings to protect the traveling public, and hereby RECOMMENDS:

(1) That the West Jersey and Seashore Railroad Company change the team track directly in front of the station building to a location west of said building, or extend the team track south of the crossing so that cars may not stand on the siding tracks be-

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tween Broad Street and Main Street; that until such changes are made no car shall be allowed to stand closer than seventy-five feet from the highway line on Broad Street and Main Street, on the siding between said streets.

(2) That the frame building at stock pen be located at some other point.

(3) That the alarm bells at the crossings at Main Street and Broad Street be operated by track circuit.

(4) That no car, engine or train be operated over the crossings at a greater rate of speed than ten miles per hour.

Dated July 30th, 1912.

In the Matter of the Complaint of Hon. Harry Headley, Mayor of Ocean City, Versus City Gas Light Company, in Re Minimum Charge.

Harry Headley, in person.

Andrew P. Maloney and Joseph Mayer, for the company.

This complaint was filed with the Board May 2nd, 1912. A hearing thereon was held at the State House, in the City of Trenton, June 18th, 1912, at which complainant and respondent appeared, and at which testimony was taken.

Complainants aver that the ordinance of Ocean City under which the company operates does not permit the company to set or exact a minimum charge of one dollar per month.

The pertinent section of the ordinance (No. 5) reads as follows: "*Be It Ordained,* that the said company shall not charge to private consumers of its gas in the said City of Ocean City more than one dollar and fifty cents per one thousand cubic feet."

This ordinance under which the company operates is to be construed as a contract, a contract moreover which existed before Chapter 195 of the Laws of 1911, conferred upon this Board the right, after hearing, upon notice in writing, to fix just and reasonable individual rates, joint rates, tolls, charges, or schedules thereof.

A contract fixing a price, where said contract was valid when concluded and where it antedated the grant to the Board of power

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to fix rates, is apparently beyond the power of the Board to alter. To do so would impair the validity of a contract. This impairing the validity of contracts can be done neither by the State legislature, nor by an administrative body created thereby. The Board, therefore, is without power in this case to change the price stipulation in the ordinance.

The Board is empowered however "after hearing upon notice in writing, to require every public utility" * * * "to comply with the laws of this State and any municipal ordinance relating thereto, and to conform to the duties imposed upon it thereby." (Laws of 1911, Chapter 195, 11, 17, (a)).

The language of the section of the ordinance quoted above does not appear to fix any period within which a private consumer must consume any particular quantity of gas in order to obtain gas at a price of not more than one dollar and fifty cents per one thousand cubic feet. This qualification as to time seems to have been imposed by the company without any warrant therefor in the ordinance. If a consumer uses 500 cubic feet in one month and an equal amount the month following, and if a minimum charge is exacted of one dollar for each month, as by the company's present rule, said consumer will have paid two dollars for one thousand cubic feet. This seems to be in contravention of the plain provision of the ordinance that "the said company shall not charge to private consumers of its gas in the said city of Ocean City, more than one dollar and fifty cents per one thousand cubic feet of gas."

The delimitation of the period within which a given amount must be consumed in order to entitle the consumer to gas at the rate fixed by the ordinance appears to have been introduced only recently by the company so far as pre-payment meters are concerned.

The respondent apparently seeks to justify the minimum charge (called a "service charge" on the company's application blanks), on the ground that it is a fair and reasonable charge to make, inasmuch as many consumers use so little gas outside the summer months that they do not afford to the company a fair and reasonable return upon that portion of the company's plant which is kept in readiness to serve them throughout all the months of the year. If there existed no binding contract, controlling the charge the company is entitled to collect, the company's contention might

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be well founded. But such a contract does exist. Because the company has made a poor bargain, so far as certain consumers are concerned, it has no legal right to charge at a higher rate than the ordinance permits. In this matter the Board follows the decision of the case of Montgomery Light and Power Company, Appt. vs. H. K. Watts, reported in Lawyers' Reports Annotated, 26 New Series, 1910, p. 1110 sq.

An order will therefore be entered, requiring the company to refrain from setting or collecting a minimum charge, the effect of which is to raise the price of gas to private consumers above one dollar and fifty cents per thousand cubic feet consumed; and requiring the company to furnish gas to private consumers, at not more than one dollar and fifty cents per thousand cubic feet, irrespective of the amount consumed by any private consumer within any given period of time. The order will be of even date with this report.

At the same time the Board would strongly recommend both complainant and respondent to get together, and to replace the existing ordinance by a new agreement fair to both alike. While literal compliance with the terms of the ordinance may at this present time favor certain consumers as regards their bills, it is apparent from an inspection of the company's accounts that the total revenue obtained by the minimum is small in the aggregate, probably less than $150.00 per year. It is also true that if the company charged even a moderate fee for turning gas off and on, as in some cases they are required to do three times in four days, the aggregate fees for this special service might easily exceed what the company now realizes from the minimum. Moreover, it may easily happen that the time may come when the growth of the city would warrant, in the absence of a contract, a lower price than one dollar and fifty cents per thousand cubic feet. If the company under such circumstances stands upon the price named in the ordinance, it will be doing only what the complainants are doing in the present case, namely, insisting upon the letter of its legal rights under the ordinance. Moreover, the City is interested in having extensions of service made when and as needed. If by denying the company revenue which the company would be entitled to receive, if a new agreement as to price were made, the city suffers from tardy extensions, the reason may well be cited

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by the company, that literal compliance with the ordinance prevents their making as rapid extensions as might otherwise be provided.

It is pretty generally agreed today that a properly constructed schedule of gas rates will combine two different kinds of charges, a minimum charge and a charge graduated by consumption. A gas company has two different kinds of expense. The first consists of the charges arising from having built and having to maintain a plant and delivery system. This charge is largely independent of the quantity of gas consumed. It would exist, if no gas at all were consumed for a time. The other kind of charges, for fuel, labor, etc., will vary largely with the total product manufactured and delivered. A fair minimum guarantees a return on plant built, maintained and held in readiness to serve. A fair charge for the amount of gas consumed affords a return for the second class of expenses. A proper schedule will combine both a minimum charge and a metered consumption charge, and is fairer and more advantageous in the long run to both consumer and producer than the ordinance provision now operative in Ocean City.

Dated July 19th, 1912.

ORDER.

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

The Board of Public Utility Commissioners, hereby on this nineteenth day of July, nineteen hundred and twelve, orders the City Gas Light Company of Ocean City to refrain from setting or collecting a minimum charge.

The Board of Public Utility Commissioners further orders the City Gas Light Company of Ocean City to furnish gas to private consumers at a rate of not more than $1.50 per thousand cubic feet irrespective of the amount consumed by any private consumer within any given period of time.

This Order shall take effect August 9, 1912.

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In the Matter of the Application of the Stone Harbor Water Company for Approval of a Proposed Issue of $25,000 of Its Bonds. } **MEMORANDUM.**

Careful consideration of the facts involved in this application leads to the allowance of the application to the extent of $12,000 and its disallowance to the extent of $13,000.

The use of the proceeds of the approved issue of bonds in $12,000 which, in accordance with the provisions of the statute, may be disposed of at not less than 80, will be limited solely to the payment of indebtedness incurred in the construction and equipment of the present plant in the amount representing the difference between the actual cost of the present plant and the proceeds of bonds heretofore issued by the applicant to cover such construction and the payment for new equipment for further extensions of plant and system.

With the use of the proceeds of the approved issue of bonds so limited the issue will be in accordance with law and the issue will represent items of expenditure which may properly be capitalized.

The expenditure of the proceeds of the bonds so limited will represent items necessary to enable the applicant to perform the service for which it was formed and to meet the rapidly increasing needs of the community which it has undertaken to serve.

In the purpose of the approved issue so limited, there is nothing to condemn, on the contrary the purpose calls for approval.

The ability of the applicant to meet the principal and interest of the approved issue is as clearly established as is possible in the case of a company that has conducted its operations over a period of only four years.

The applicant was formed in 1908. Its authorized capital stock was $50,000, which was issued to the Stone Harbor Realty Company in payment for certain lands, and for an exclusive and perpetual easement to lay its mains, etc., through the lands of the Realty Company.

This issue was made before the creation of this Board.

In it the provision of Chapter 331 of the laws of 1906 as to the filing of a certificate was complied with.

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The lands and rights in lands for which the capital stock was issued were property, and no reason appears to question now the judgment of the Board of Directors and officers of the applicant as to the value thereof.

In fact, it now appears that the lands have an increasing value and could in ordinary course of sale be disposed of from some $20,000 as have other similarly situated lands.

The right to allowance for and capitalization of easements, upon a reasonable basis, has heretofore been recognized by this Board.

The capital to construct the physical plant and system of the company was raised by the issue of $25,000 of its bonds, bearing interest at 6% and secured by mortgage.

The approved issue will be like bonds secured by this mortgage.

The cost to reproduce new the physical property of the company exclusive of lands and rights in lands approximates $22,000. In the appraisal made by the Board, the valuation of $27,000 includes $5,000 for real estate but no allowance for water rights or rights of way.

The difference between the proceeds of the $25,000 issue of bonds which were disposed of at less than 85 has been met through advances on temporary security.

The territory served by the applicant is new. It is developing rapidly. Everything points to a steady increase in the development.

It appears that during the first six months of 1912 the applicant met its operating expenses, fixed charges, interest and taxes and depreciation at the rate of two per cent. on the value of its property, and gained a small net amount. A summary of the expenditures of the South Jersey Realty Company on account of the Stone Harbor Water Company, as of June 1st, 1912, shows the following:

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*Organization	$ 377.97
Power Plant	2,105.95
Pump House	1,052.56
Well and Stand Pipe	7,299.10
Meters	589.78
Pipe	8,736.14
Pipe Laying	3,125.63
Tools and Equipment	150.97
*Operating	2,039.44
*Plant Repairs	183.14
*Pipe Line Repairs	275.75
*Bond Interest	3,036.00
*Administration and Office Expense	911.29
Total	$29,883.72
Payments made by Water Co. to South Jersey Realty Co	21,045.71
Balance due to S J. Realty Co	$8,838.01

The total of all items marked above with an asterisk is $6,823.59, —it being the opinion of the Board that these items ought not to be retained in the permanent capitalization of the company. Some items ought not to be capitalized at all, and the first and last items if capitalized should be represented by stock. In any case, at least $5,500 should not be obtained by issue of capital stock or bonds.

Of the expenditures made by the South Jersey Realty Company, the Water Company has paid all but $8,838. Of this $5,535 should be charged to operation; $377.97 and $911,29, a total of $1,289.26 should be considered as having been already paid for by stock already issued; and the balance, $2,014.42, may be paid with proceeds from the present issue now approved, leaving approximately $10,000 to apply in payment for new work.

Gross Revenues for 1911	$2,236.78
Gross Revenues for 6 Months, 1912	2.174.52
Probable Gross Revenues for 1912	4,300.00
Probable Gross Revenues for 1913	6,000.00
Gross Revenues, 6 Months, 1912	2,174.52
Operating Expenses	1.029.00
	1,145.52
Interest for 6 Months	750.00
Net Income for 6 Months	395.52
Allowance for bond discount (pro rated)	124.00
	$271.52

Depreciation reserve should be at least 2% on $24,700, (the amount expended in physical plant exclusive of land) $494.00 or

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$247 for the first six months. Even with this allowance, there is a net balance in the treasury of the company.

The new construction and extensions are all in connection with new customers and increased demand, and the net income will increase in a very much faster ratio than the gross revenues.

This showing is satisfactory for a company in the fourth year of its existence and just emerging from the development period operating in a territory wholly new and in course of development.

The application as to $13,000 is denied partly because of the inclusion of items not properly capitalizable, and partly because of the doubt as to the ability of the company to meet interest payments.

While this Board has no jurisdiction over the South Jersey Realty Company, that company has nevertheless agreed to remit the charges against the Water Company to the extent of $5,535 referred to above. If they will also remit the charge to the further extent of $1,289.26 referred to above, the capitalization will be in accordance with the view of the Board.

On the whole, it therefore appears that an issue of bonds in $12,000 limited in use of proceeds as stated may be made in accordance with law and the purpose thereof may be approved.

Dated September 11th, 1912.

(Signed) ROBERT WILLIAMS,
(Signed) THOMAS J. HILLERY.

In the Matter of the Complaint of S. Fischer Miller Against Bay Head Water Company. } **DISMISSAL OF PETITION.**

S. Fischer Miller, in person.
James C. Egbert, for the company.

The complainant by letter of July 16th, 1912, addressed to the Board, complained of the charge for water exacted by the company for water supplied to two bungalows on a lot 150' x 40'. Complainant finding the company refused an abatement in said rates asked that a meter be placed in his house. This also the company refused. Complainant stated in his letter that for the water estimated to be consumed in each bungalow the charge was at a rate

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of $2.00 per 1,000 gallons, or over 50 cents per thousand gallons if the houses were occupied twelve months in the year. It appears that when Mr. Miller signed his contract he was assured by the plumber that the small size of his house would induce the company to forbear the strict application of its rates, per fixture. The assurance, however, came from a plumber not in the employ of the company or authorized to speak for it. In substantiation of his contention Mr. Miller cited the water rates in South Orange, where the charge is estimated at 21 cents per M.

On August 27th, 1912, at the State House, Trenton, a hearing was held upon the matters involved.

It developed that the water supply in Bay Head is peculiar in several ways. The community served is small. The plant, however, has to be large enough to serve the large summer population at this seaside resort. The water supply was originally a private venture instituted by members of the summer colony. As they desired a supply of exceptional quality an artesian well, 800 feet in depth, was driven. Without the gratuitous service of interested parties the plant could not have been successfully run. Testimony was given by citizens that they regarded the price as fair, considering the exceptional quality of the water and the local conditions.

The complainant admitted that he was not discriminated against; that, so far as he knew, any house having equipment like his own was charged on the same basis. It remains only to inquire (1) whether the rates exacted alike of all consumers are exorbitant; (2) whether the charge, according to consumer's equipment as measured by fixtures, ought to be changed by the Board ordering the installation of meters.

As to the issue whether the rates *per se* were exorbitant, in that they result in an undue profit to the company, the complainant admitted frankly that he did not make that averment. Independent investigation by the Board, in connection with the company's petition for the approval of securities, seems to substantiate the fact that the rates have not resulted in undue profits. The enhanced value of the plant over the value of its securities was explained largely by reason of expert and unpaid service rendered for a series of years by residents of the summer colony, and because of investment in plant of earnings in excess of operating expenses and interest charges. It appears therefore that the rates are not exorbitant in the sense that they have resulted in an unfair profit.

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In connection with its recent approval of security issues by the company the Board pointed out that the eventual installation of meters and metered service must be expected by the company. On the other hand, the fact that such installation would enhance current rates especially to the permanent population which numerically is small and not in receipt of large average incomes, deters the Board from ordering the company at this time to install meters; and likewise deters the Board from ordering that the basis of charges be changed from the equipment basis to a metered basis. The case cited by the complainant of a meter installed in a garage seems exceptional, in that the meter was installed rather to keep tab on water consumption in the garage than to give it a preference in the basis of charging rates.

The hearing developed differences of opinion as to the daily *per capita* consumption in American cities; and the Board acknowledges with thanks data thereon supplied to it by the complainant. As no discrimination is shown, and as the rates *per se* do not appear exorbitant the petition is DISMISSED.

Dated September 17th, 1912.

In the Matter of the Complaint of Thomas J. Murphy vs. Coast Gas Company. } **MEMORANDUM.**

Thomas J. Murphy, in person.
Joseph Mayer, for the company.

This case was heard before the Commission on September 17th, 1912, at the State House, in Trenton. The complainant averred that his supply of gas was peremptorily cut off on August 15th, 1912; and that the defendant's reason for this action was the complainant's failure to pay a bill rendered by the respondent for gas consumed in 1910.

The Board when first informed of Mr. Murphy's complaint advised the company under date of August 20th, 1912, to the following effect:

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"Without prejuding the matter, the statement of the letter (*i. e.*, letter of complaint to the Board, under date of August 16th, 1912), would indicate that there is a *bona fide* difference between the complainant and your company. Under such circumstances, the judgment of the Board is, independent of the merits of the controversy, that resort to the drastic measure of discontinuing service is not justified. It is the opinion of the Board that pending determination of the matter at issue between the complainant and your company in a proper tribunal, your company should continue to supply service to Mr. Murphy."

This letter did not constitute a formal order of the Board. It was at first, however, apparently so understood by the company. The company claimed that the discontinuance of service was necessary in order to effect a settlement for money long overdue for gas, as well as for current bills. They also recited difficulty experienced in attempting to remove a meter from the premises of the complainant.

Upon hearing, it appears to the Board that a bill long overdue, (as in this case for a period of two years), which was originally protested, and, which has long been subject to dispute cannot be properly urged as a good reason for discontinuing service, at this late date. Especially is this the case when the company has supplied service, subsequent to the dispute over the bill, and has failed to bring legal action to enforce whatever may be its just rights in the premises.

The decision *in re Albert L. Hatch vs. Consumers Company, Ltd.* (*17 Idaho Reports, p. 207*), seems applicable in this case. The court there said:

"A regulation that in case a consumer is in default his supply will be cut off is reasonable and may be enforced. But such a regulation cannot be made the instrument by which the water company can become the judge in its own case, or shut off water to enforce payment of a disputed bill; nor by its means can payment be enforced which it is not the duty of the customer to make." Referring to a certain line of authorities which hold that, in gas cases, "gas companies may refuse to supply gas when the consumer is in arrears for gas furnished," the court remarks that "these authorities all seem to be based upon a statute giving the gas company the right to refuse to furnish gas while any rates remain unpaid. But it is held that even where there is a statute on the subject, that the right does not exist when there is an honest dispute as to the amount due."

In September, 1910, when the disputed bill was rendered, the complainant, if refused further service, might have paid under protest, and sued to recover the overcharge. But the company continued service, and did not shut off supply. Nor has the company in the two years since elapsed sued to secure payment. This

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failure on the part of the company to take action estops them from shutting off service at this late day, on the ground that such discontinuance is necessary to force payment of a bill long in arrears and as long in dispute. The company still has a remedy in the courts.

The Board upon hearing was assured by the complainant that he was ready and willing to pay all bills against him for gas except the item of $17.95 charged in 1910. The company was informed that upon the tender of payment of all gas bills against the complainant except the $17.95 item, the Board would feel justified in ordering the company to resume service. The respondent thereupon agreed to resume service upon payment as aforesaid, and this renders a formal order in this case unnecessary. The company may then prosecute its suit as it sees fit for the recovery of money claimed to be due for gas furnished in 1910.

The question emerges whether under the principle herein enunciated gas companies are not left exposed to any unscrupulous customer who may trump up a dispute to evade immediate payment of bills due, and then decamp to other jurisdictions before the dispute can be determined. The respondent alleged that this danger is a real danger in seaside resorts with their large non-resident summer population. To this query the answer seems sufficient, that a reasonable deposit, in advance (with interest thereon allowed the depositor) seems to furnish good guarantee against losses such as might result in the circumstances indicated. Where gas companies do not require a deposit, the reasonably prompt payment of admittedly due bills for gas may be enforced by a prompt cessation to furnish service. But the payment of back bills *bona fide* in dispute, where the company by subsequent furnishing of service has admitted the legitimacy of a difference of opinion as to the bill in question, cannot be enforced by shutting off service.

Dated September 20th, 1912.

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In the Matter of the Complaint of Leslie E. Molineux, Treasurer of St. Lukes Church, Metuchen, New Jersey, Against the Metuchen Gas Light Company. } **DISMISSAL OF PETITION.**

For the Vestry of St. Luke's Church, *Leslie E. Molineux.*

For the company, *Francis Engel,* Treasurer.

This case was heard on September 20th, 1912, at the Court House, in Newark.

At the hearing it appeared that the Board of Directors of this company in the summer of this year instituted a minimum monthly charge of fifty cents on meters not consuming that amount per month.

The company failed to give due notice to this Board, of this increase in the price of service. It appears also that its customers, including the Vestry of St. Luke's church, were first apprised of the inauguration of this minimum charge when bills were rendered at the beginning of August last. This failure to give previous notice not unnaturally caused irritation to consumers, some of whom had taken service by reason of printed advertisements of the company made in 1908, expressly stating that no minimum charge would be exacted. The company requires each consumer to sign an application which reserves to the company "the right from time to time to alter and amend these rules and make such further and other rules and regulations under which gas may be furnished or continued to private consumers as experience may *subject* (*suggest*?) and as the said company deem necessary or convenient in the use or consumption of the gas." Rule 9.

It appears that formerly the price of gas was $1.75 per M. with 20 per cent discount if paid within ten days.

The price has been reduced to $1.40 per M. gross, or $1.20 per M. net, if prompt payment is made.

The whole question reduced itself to justifying the advance in the charge of the company. The law (Ch. 195, Laws of 1911) casts upon the company the burden of proof that the advance is just and reasonable. It was disclosed at the hearing that this company buys all of its gas from another company at 65c. per M., and sells the same at $1.20 per M. net. The company has only a distribution system and appurtenances. The cost of this distribution system was

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investigated, and the construction account, charged at $46,898.34 was found to be reasonable, when unit prices per foot of 4" and 6" main were applied. Its capital stock is $50,000. There are no bonds. The gross operating revenues and total revenue deductions for 1911 were $5,947.30 and $4,689.47 respectively, making a net operating revenue of $1,257.83. This is less than three per cent on the cost of the company's property. No dividend was paid in 1911. The company has something like thirteen miles of main, supplies a Borough of about 4,000 population, and has only 254 customers. The consumer who desires may have his meter disconnected and reconnected free of charge. Under the circumstances, the increase is clearly not unreasonable, and the petition is accordingly DISMISSED.

Dated September 23rd, 1912.

In Re Complaint of S. W. Roberts vs. the Coast Gas Company. } **DISMISSAL OF COMPLAINT.**

Complainant alleged excessive charges by the Coast Gas Company for service at his residence, Number 45 Norwood Avenue, Avon.

Hearing was called on this complaint, and the Board also caused an examination to be made by its Inspector. As a result of the hearing, and consideration of the testimony given by the Board's Inspector, it does not appear that the complainant has been improperly charged for service.

It is the opinion of the Board that the bill of the Coast Gas Company as rendered should be paid by complainant, and the complaint is HEREBY DISMISSED.

Dated September 24th, 1912.

In the Matter of the Complaint of William S. Roe, et al., vs. the Pennsylvania Railroad Company. } **ORDER.**

Complaint was made by William S. Roe, on behalf of himself and Scales Brothers, against the Pennsylvania Railroad Company, because of the refusal of said company to furnish a siding for the

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use of the complainants. It was represented that the said William S. Roe and Scales Brothers occupy, between them, one hundred and fifty feet all along the railroad on Jelift Avenue, in the City of Newark.

To this complaint answer was made, and on the issue joined hearing was held. After said hearing, and consideration of the testimony adduced thereat, the Board is of the opinion, and hereby finds, that the Pennsylvania Railroad Company should construct, maintain and operate, upon reasonable terms, a switch connection with a private side track to be constructed by the complainants on the property mentioned above, it being the judgment of the Board that such connection is reasonable and practicable, and can be put in with safety, and will furnish sufficient business to justify the construction and maintenance of the same.

The Board has given consideration to the representation of the respondent, that there is a probability that, as a result of pending litigation with the City of Newark, the West Newark branch of the Pennsylvania Railroad will have to be reconstructed, and that the part of the City through which this branch operates is building up residentially. The Board finds that, notwithstanding the representation of the respondent, it cannot reasonably refuse to provide the switch connection asked for.

The Board of Public Utility Commissioners HEREBY ORDERS and directs the Pennsylvania Railroad Company to construct, maintain and operate, upon reasonable terms, a switch connection with its West Newark branch, and a private side track, to be constructed by William S. Roe and Scales Brothers, or either of them, on the property of said William S. Roe or Scales Brothers, and private side track and switch connection to be used for the shipment of merchandise to and from the business establishments of William S. Roe and Scales Brothers, the intent of this Order being that one siding track and switch connection shall be constructed for the combined use of the above William S. Roe and Scales Brothers.

Dated September 24, 1912.

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In the Matter of the Complaint of Residents of Rocky Hill and Kingston vs. the Pennsylvania Railroad Company. } RECOMMENDATION.

Conformably to the report dated October 4th, 1912, *in the matter of the complaint of residents of Rocky Hill and Kingston vs. the Pennsylvania Railroad Company,* which report by reference thereto herein is made part hereof, the Board of Public Utility Commissioners hereby RECOMMENDS to the Pennsylvania Railroad Company: (1) that until the summer schedule of trains is again put into effect, the leaving time of the morning train from Rocky Hill be set back to 7.55 A. M., and that said train connect at Monmouth Junction with trains No. 291 and No. 954, as now scheduled; and that upon the re-establishment of the regular summer schedule, the leaving time of the morning train from Rocky Hill be fixed at 7:14 A. M.; and that its connections at Monmouth Junction be arranged substantially as they existed immediately after June 21st, 1912.

The Board of Public Utility Commissioners also hereby RECOMMENDS the Pennsylvania Railroad Company to provide service in the afternoon whereby passengers from Trenton may be forwarded to Rocky Hill and other points on this branch without unnecessary waiting or delay at Monmouth Junction.

The Board of Public Utility Commissioners also hereby RECOMMENDS the Pennsylvania Railroad Company to afford additional passenger service from Rocky Hill and other points on the Rocky Hill branch to Monmouth Junction, enabling passengers without undue delay in transit or undue waiting at Monmouth Junction to connect with trains No. 287 and No. 470. This RECOMMENDATION contemplates the continuance of No. 120 and No. 035 as now scheduled.

The first recommendation is made, because the company has suggested the arrangement, which the complainants have accepted and which arrangement the Board understands the company is willing to put into effect.

Dated October 4th, 1912.

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In the Matter of the Complaint of Residents of Rocky Hill and Kingston vs. the Pennsylvania Railroad Company. } REPORT.

John F. Reger, for the complainants.
Alex. P. Gest, for the respondent

On May 14th, 1912, the complaint in this case was filed with the Board It alleged inadequate passenger service on the Rocky Hill branch of the Pennsylvania Railroad. It complained that the number of trains daily was not sufficient to meet the reasonable requirements of travel to and from Rocky Hill and Kingston. It also complained of the absence of proper connections at Monmouth Junction between trains on the main line and trains on the Rocky Hill branch.

Upon answer in writing made by the company, a hearing was held on June 11th, 1912, and a second hearing on June 18th, 1912, both at the State House, in the City of Trenton. Evidence was taken, and records of earnings and expenses on this branch line were presented at said hearings.

The connections at Monmouth Junction and at Trenton for passengers leaving Rocky Hill, west bound, in the morning, involved such unreasonable waiting at both places, namely, one hour and nineteen minutes at Monmouth Junction, and forty-seven minutes at Trenton, that Chief Inspector McKelvey was asked to take the matter up with the General Superintendent of the Pennsylvania Railroad Company. As a result of a conference, Chief Inspector McKelvey reported to the Board on June 11th, 1912, that, commencing June 21st, 1912, prompt connections at Monmouth Junction would be made for west bound trains in the morning. This arrangement was effected, as the Board understands, to the general satisfaction of Rocky Hill and Kingston west bound morning passengers. Chief Inspector McKelvey at the same time (June 11th, 1912) reported to the Board that he had asked the Pennsylvania management to consider changing the time of departure of the 12:12 P. M. train from Rocky Hill to 2:45 P. M. This change, together with the bettered connections in the morning, the Chief Inspector was inclined to think, would be all that could be asked legitimately on account of the light traffic on the branch line.

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After the second hearing held on June 18th, 1912, the counsel for the complainants, by letter to this Board dated June 19th, 1912, questioned the advisability of scheduling a train to leave Rocky Hill at 2:45 P. M. He suggested a different schedule, affording three trains daily, and suggested what he considered appropriate times for their departure from, and arrival at Rocky Hill.

On June 20th, 1912, a letter from Mr. William H. Powell to this Board, represented, *inter alia,* that a train leaving Rocky Hill at 2:45 P. M., instead of at 12:12 P. M. would not be benficial to the traveling public.

During the summer schedule the bettered situation continued. Not only were there maintained good connections at Monmouth Junction, but speedier service was also furnished from Philadelphia and Trenton to Rocky Hill. In this posture of affairs, the Board made no determination in the matter, in the hope that a re-scheduling of the afternoon train from Rocky Hill might prove an acceptable solution to all parties concerned. The issuance of the regular fall schedule by the company marked the regular annual withdrawal of train No. 289; with its withdrawal the difficulties attaching to train connections at Monmouth Junction for passengers on the Rocky Hill branch have again become acute.

In determining a question of this sort, not very much assistance is to be had from an inspection of the revenues and expenses of the branch line. The whole matter of the allocation of expenses as between through and local traffic, and as between freight and passenger traffic, is largely arbitrary at best. This remark applies to transportation accounting generally, and not to this particular case only. The equipment used on this branch is used also for through trips to Jersey City. It is very probably good operation as the company contends not to use wooden equipment on the electric zone adjacent to Jersey City. But this practice, admirable as it is, results in placing upon the Rocky Hill branch heavier and more expensive equipment than would have to be employed for the branch traffic alone. The accounting result is that heavier maintenance expense is debited against the branch than the branch traffic, pure and simple, would warrant. The error may be one inseparable from any scheme of allocating joint expense. It points strongly to the fact that much of the expense of any public utility is in reality a joint or common expense incurred for the service

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as a whole, and that the allocations of the joint expense to a particular line or a particular class of traffic is, of necessity, arbitrary, and, therefore, an uncertain index of actual expense incurred for specific service.

The tabulation of expenses for the Rocky Hill branch from 1907 through 1911 purports to show variations from $22,311.60 in 1909, to $14,629.11 in 1911. The gross revenues for the same period range from $23,015.60 in 1907 to $14,277.39 in 1911. The most significant feature of the two tables is the unmistakable decline in gross revenues from freight on the Rocky Hill branch. While passenger revenues have fluctuated in this period from a minimum of $1,972 to a maximum of $2,181, there has been a heavy drop in freight receipts.

The following table will indicate this:

TOTAL FREIGHT EARNINGS, ROCKY HILL BRANCH.

1907.	1908.	1909.	1910.	1911.
$19,752.47	$16,317.87	$18,478.23	$15,575.88	$11,015.81

Even granting that the branch road's expenses could be absolutely segregated from any admixture of expense properly chargeable to any other part of the company's system, the comparatively heavy fall in freight receipts within a short period would argue that unless the branch line business had previously been unusually profitable, it can not be very profitable today, and that it is not improbable, that it is not profitable at all. The company's accounting makes it appear that a net deficit has resulted from its operation four years out of the last five, if the fixed charges (including 6 per cent on $18,700 of the old companys' stock) are added to operating expenses. For seven years past on this branch the average income from passengers per mile was $751.75, the average income from freight per mile was $5,869.82, the average income from both per mile was $6,621.57 while the average expenditure per mile was $6,455.58. Clearly, if additional passenger service were to be predicated solely on the profitableness of the operation of the Rocky Hill branch, not very much could be urged on behalf of additional service.

But as this Board has indicated, *in the matter of the complaint of Citizens' Committee of Sussex County against N. Y. S. & W.*

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Railroad Company, p. 14, the question of profitableness is not always conclusive when additional facilities are asked of a railroad company. In that case the Board declared that "even if putting on an extra train entails a net loss on its operation, such loss must be incurred if the running of said train is necessary to afford the reasonable and adequate service required of the carrier. Since the decision in the case of *Coast Line Railroad Company vs. Carolina Corporation Commission* (206 U. S. 1) this principle is undeniable."

In the present case, it is undeniable that the present connection at Monmouth Junction for Rocky Hill branch passengers in the morning, west bound for Trenton or Philadelphia, subjects them to an unreasonable delay of fifty-five minutes. The company itself, at the suggestion of the Board's Chief Inspector of Railroads, in June last, realized this, and in commendable fashion remedied it, beginning June 21st, 1912. But after the promulgation of a recent schedule, the evils complained of were revived.

The company has suggested that the situation in the morning can be remedied by scheduling the morning train from Rocky Hill to leave at 7:55 A. M., connecting at Monmouth Junction with No. 954, eastward, and with No. 291 westward. To this the petitioners by letter from their counsel, Mr. Reger, dated September 30th, 1912, have agreed. When the summer schedule is again in force, the company will be expected to afford the same connections at Monmouth Junction as afforded immediately after June 21st, 1912. This will necessitate a resumption of the earlier leaving time from Rocky Hill.

Passengers in the afternoon for points on the Rocky Hill branch should be enabled, without a wait of over half an hour at Monmouth Junction, to be forwarded to their destination on the branch line. This was remedied by the arrangement of the company made in the summer, whereby passengers left Philadelphia at 4:07 P. M. and reached Rocky Hill at 6:20 P. M. Substantially similar intrastate service to this last mentioned should be provided for Rocky Hill passengers the year round; and the Board will so recommend.

With respect to requiring the company to operate special light equipment on the Rocky Hill branch, such as a motor car operated by storage batteries, this Board is not disposed to impose such an order upon the company at this time. The company contends that

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its experience with such equipment has been very unsatisfactory. Our Chief Inspector of Railroads also advises us against imposing its use at present.

We cannot avoid the conclusion, however, that the complaint is well grounded that no passenger train whatever leaves Rocky Hill later than 12:12 P. M., until the following morning. No matter from what angle viewed, this cannot be held to constitute adequate service. The question of revenue here is not controlling. Train No. 470 leaves Monmouth Junction at 5:27 P. M. Train No. 287 leaves Monmouth Junction at 5:07 P. M. An extra run from Rocky Hill which should deposit passengers at Monmouth Junction prior to 5:07 P. M. would afford connections east and west. In view of this extra service to be provided, the wait of twenty minutes or thereabouts for No. 470 would be allowable. The Board will recommend that such an extra afternoon train be run from Rocky Hill to Monmouth Junction, the time of arrival at Monmouth Junction to be such that prompt connection can be made with No. 287.

Dated October 4th, 1912.

In the Matter of the Complaint of the Town of Kearny Against the Public Service Railway Company. } **DECISION AND ORDER.**

Edward Kenny, for the Town of Kearny.
L. D. H. Gilmour, for the Public Service Railway Company.

Hearings were held upon this matter at Chancery Chambers, Jersey City, on June 7th and July 12th, 1912. On the latter date evidence was submitted by both parties.

The complaint grows out of the relocation of a trolley zone dividing line upon the Turnpike Line. The Hackensack River bridge was formerly the dividing line. In accordance with an Order entered by this Board February 27th, 1912, *in the matter of the complaint of the Mayor of Jersey City vs. Public Service Railway Company, in re fare limits on the Turnpike Line,* the company relocated the dividing line, and placed it at the junction of Belleville and Jersey City Turnpike, a short distance from the Delaware, Lackawanna and Western crossing.

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The grounds for the Board's Order of February 27th, 1912, are set forth in the decision above referred to. Substantially the reason for the Board's Order was that the Meadow Shops are nearer to Jersey City than to Newark. Prior to the Board's order, Meadow Shop operatives could travel for a single fare between the shops and the center of Newark. But for a shorter ride between the shops and the interior district of Jersey City the shop operatives were required to pay *two* fares.

This was felt to be an unjust discrimination against the shop operatives living in Jersey City. By the present arrangement these conditions are equalized as between the shop operatives living in both cities.

The Board realized, when the original order was made, that a relocation of the trolley zone division line would affect, adversely, certain residents living on the western outskirts of Jersey City who traveled daily between their homes in that section of Jersey City and their places of work in Harrison or Newark. A census of traffic at the Hackensack River bridge, at the hours when operatives leave home for work or leave their workshops for home, seemed to indicate that the number likely to be adversely affected would not be very great, and would be less than the Jersey City operatives at the Meadow Shops who would benefit by the extension of the distance they might travel for a single fare. That this expectation was realized may be deduced perhaps from the absence of any subsequent complaint on the part of residents in the section of Jersey City adjacent to the Hackensack River bridge. What the Board did not forsee, at that time, was the way in which a relocation of the zone dividing line might affect trolley passengers in the Town of Kearny. These passengers had been able to ride for a single fare between Kearny and the Hackensack River bridge, the western boundary of Jersey City. The reconstitution of the fare zone renders this longer impossible. From Kearny to the Lackawanna crossing one fare must be paid, and a second fare to enable the Kearny passenger to continue the journey to the Hackensack River bridge. This double fare between the bridge and Kearny is also collected when the journey is taken in the opposite direction.

The location of the Meadow Shops makes the travel between the shops and either Newark or Jersey City unique. The shops are

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virtually the only considerable originators of passenger traffic in that locality. A single fare between the shops and either city seems warranted both by reason of the respective distances from the shops to the center of the two cities, and by reason of the very considerable traffic originating or terminating at the shops. The company admits that at one time as "a voluntary courtesy by the street railway company to the Pennsylvania Railroad Company" such a single fare between the shops and either city was in vogue. What was granted as "a voluntary courtesy" might properly have been continued on more substantial grounds of the distance traversed and the traffic carried.

If this be the case we see no sufficient reason why the zones or the fares for passengers not bound to or from the meadow shops should be disturbed. The shop traffic is a peculiar and unique traffic. It may fairly be treated as a thing apart, without necessitating a dislodgment of fare zones for passengers whose journeys are taken with no reference to the shops.

The company's objections to such an arrangement seem to be two in number, that it would create difficulties in operation by providing an overlap between the Lackawanna crossing and the Hackensack bridge; and that it might diminish the company's revenues.

As to the first, the sufficient answer seems to be that overlaps exist, as by the company's admission, on certain lines it now operates. If the company can administer overlaps on one part of its lines it can do so on another. Moreover, with a standard nickel fare, some employment of overlaps seems necessary to temper what otherwise would be an unjustifiable disparity in the relative length of rides accorded for a nickel.

As to the second, the company's contention that whether the reduction itself in revenue is "material or immaterial" seems to indicate that the arrangement would not largely reduce its revenues. It may not do so at all. The greater travel between the shops and Jersey City now that the whole distance can be traveled for five cents instead of for ten, may not improbably make up the possible loss suggested. If a serious actual loss in revenue should result, (which we doubt), and should be demonstrated there would be occasion for asking a revamping of fares and fare-zones on the Turnpike Line.

By reference to the Order entered February 27th, 1912, it will

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be seen that no modification thereof is necessary, inasmuch as it refers only and affects only rides and fares between the Meadow Shops (Lackawanna crossing) and "any point in the city of Jersey City which may now (i. e. February 27th, 1912) be reached from the Hackensack bridge for a single fare of five cents."

There being no sufficient cause shown for the disturbance of zones or fares on the Turnpike Line, save and except the Meadow Shop travel above referred to and covered by the Order of February 27th, 1912, the Public Service Railway Company is hereby

ORDERED to restore such fare zones and fares on the Turnpike Line as existed prior to said Order except only as the same were altered or disturbed by the Order of February 27th, 1912, aforesaid.

This Order is to become effective October 30th, 1912.

Dated October 4th, 1912.

In the Matter of the Application of the New York Telephone Company for Approval of an Ordinance of the Borough of Dunellen Passed May 6th, 1912. } **MEMORANDUM WITHHOLDING APPROVAL.**

After careful consideration approval of this ordinance is withheld.

Approval will be granted if the ordinance is amended in the following particulars:

1. The provision reserving the power of this Board should be broadened so as to apply to any commission that may succeed to its powers and duties and so as to include both overhead and underground systems.

2. The ordinance should be made applicable in its terms to all existing and future local rights of the company.

3. Provision should be made for the giving of notice by the company to Dunellen before the beginning of any work.

4. If it is desired to retain the section as to the re-adjustment of the terms of the grant it should be reframed so as to make it clear that it is not the intent in re-adjustment to confine the municipality to the amount of free service now provided for.

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To facilitate the disposition of this matter the Board will, if it is the desire of the municipality and the company, direct its counsel to co-operate with their representatives in framing amendments to the ordinance conforming to these conclusions.

Dated October 15th, 1912.

In the Matter of the Application of the Riverside Traction Company for Approval of the Issue of $49,000 Bonds. } **MEMORANDUM.**

By petition to this Board dated July 15th, 1912, the Riverside Traction Company, Public Service Railway Company, lessee, asked for the authorization of additional bonds to the amount of $49,000. These bonds were to cover certain expenses for construction and rehabilitation work, and to cover certain expenses incurred in the purchase of power plants. The Board, after a hearing, upon this matter held at the State House, in Trenton, New Jersey, on September 17th, 1912, declined the desired authorization. This Memorandum is designed to summarize the Board's reasons for its action in the premises.

The predecessor of the Riverside Traction Company was the Camden and Trenton Railway Company. The physical apparatus of the last named company was not sufficiently substantial to afford adequate service with modern equipment. When the Riverside Traction Company in 1910 took over from the Receiver the property of its predecessor rehabilitation work was set on foot. In this process renewals were often more than mere replacements of the original plant. Heavier rails replaced the older and lighter rails. Heavier equipment was provided, and certain additions to the old plant were installed. In general, the expenditure on rehabilitation proper amounted to about $265,000.

Chief Inspector Betts in his report to the Board remarks that "at the time the reconstruction work was done, it was impracticable to determine just what proportion of the cost of the work was properly chargeable to capital account, and what proportion to the operating expenses under the head of Repairs and Depreciation."

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Subsequent investigation and conferences held with the company's engineers in charge of the rehabilitation work, convinced the Board's Chief Inspector of Utilities that various items of this expense had been charged to capital account whereas they more properly belonged under current expenses. Of the $265,088.94, the total expenditures for rehabilitation, the amount estimated by the Board's Chief Inspector as properly chargeable to capital account was only $171,246.51. There has thus been capitalized something like $94,000 which more properly should have come out of income. An example is afforded in the item of $13,770,26, "Construction and Rehabilitation Work in Progress." Of this sum about $4,900.00 should be properly charged to Repairs. Similarly, of the total cost of rehabilitation amounting to $265,088.94, some $93,842.43 should have been similarly charged to Repairs This is the estimate of the Board's Chief Inspector.

The Chief Inspector concluded that "an ample amount of securities had already been issued to cover all charges properly chargeable to Capital Account." The Board adopted this view of the matter, and in consequence declined to authorize the bond issue of $49,000 prayed for.

Dated October 22nd, 1912.

In the Matter of the Application of the Stone Harbor Water Company for the Approval of Bonds. Non-Concurrence by Commissioner Daniels. } **MEMORANDUM.**

In the approval given September 11th, 1912, by the Board to the issue of bonds by the Stone Harbor Water Company in the amount of Twelve thousand dollars, I am unable to concur.

My reasons for non-currence are: That the ability of the company to meet the interest and principle of said bonds appears to depend upon the continuance of a fairly rapid growth of a real estate development; and that an industrial venture of this kind should be financed by a stock issue rather than by a bond issue, inasmuch as the interest together with the bond discount which must be earned yearly makes the prospect of success less than ought to

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be the case where bond issues are officially approved by this Board.

The company in question was organized in 1908 with a capital stock of Fifty thousand dollars. This entire amount of stock was delivered to the Stone Harbor Realty Company in exchange for certain rights and privileges. Of these the most important were a perpetual and exclusive easement to locate pipes under land owned by the Realty Company, and a right to locate structures on a part of said land. In order to obtain capital to build the physical plant and distribution system, the water company issued six per cent. mortgage bonds in the amount of Twenty-five thousand dollars. The mortgage under which these bonds were issued allows the proceeds of the bonds to be used, where the company's receipts are otherwise insufficient, to pay ordinary running expenses and deficits. With the proceeds of these bonds which were sold at less than 85, and by means of various advances on temporary security, the water company is in possession of a plant estimated at between $27,000 and $30,000 to reproduce new. The water company has been in operation four years. Last year it had not more than a hundred regular water takers. In the first six months of the current year it secured about thirty additional water takers. According to statements submitted by the company it appears in the first six months of this year (1912) to have met operating expenses, fixed charges including interest and taxes, depreciation at the rate of two per cent. per annum on the value of its property, and to have gained in addition a small net amount, not in excess of one hundred dollars. Prior to this time the company was in the developmental stage and not making expenses.

Originally the company petitioned in this proceeding for the approval of an additional bond issue of Twenty-five thousand dollars. Said bonds were to be issued under the same mortgage as the first block of bonds; were to bear six per cent interest; were to be sold at eighty, and were to mature in 1924. Investigation disclosed that it was proposed *inter alia* by this bond issue of twenty-five thousand dollars to capitalize certain items such as past operating deficits. The Board's Chief Inspector of Utilities pointed out that such items to an amount of about $5,500 together with the bond discount ought not permanently to be capitalized, but ought to be amortized. He also pointed out that certain of the outstanding bonds had been issued, sold and delivered to the

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Stone Harbor Realty Company in liquidation of the water company's debts, such as accrued interest on its bonds; and questioned whether this was not in contravention of Chapter 331 of the Laws of 1906.

Partly in consequence of these representations, the water company reduced its request, petitioning for the approval of $12,000 of bonds, stipulating that their proceeds should be employed only for items properly to be charged to capital account, and agreeing that the Stone Harbor Realty Company would make restitution to whatever amount it could be shown to have obtained bonds in contravention of law. The attaching of these conditions to the Board's approval of the bond issue appears to me to be eminently proper, if the bonds are to be approved at all. . The bonds, even when issued in conformity to the aforesaid conditions, will have for their immediate purpose the securing of property properly chargeable to capital account. But they will also have the effect of furthering this plan of financing a public utility, whose capital is largely water, practically by the issue of bonds alone. These bonds nominally bear six per cent. interest; but being sold at eighty really carry seven and one-half per cent. interest. To this must be added the amortization of the bond discount of twenty per cent. in twelve years time, at the end of which period the bonds mature. The earning of the heavy fixed charges depends on the continued growth and rapid development of Stone Harbor. This appears to be probable so far as the Board can learn. It is perfectly proper that investors should assume such risks, if they so desire; but the investment should take the form of stock, not bonds. This is impossible in the present instance because of the heavy over-capitalization of the company. That the present case is a perplexing one, by reason of the company's having been originally financed by processes then legal, but now not permitted so far as security issues are concerned, is admitted. And the restrictions imposed by the Board in approving said issue in the amount of $12,000 are wholly commendable. For reasons indicated above. however, I am unable to concur in the approval given.

Dated November 4th, 1912.

(Signed) W. M. DANIELS.

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In the Matter of the Complaint of C. Herbert Fetter vs. Philadelphia and Reading Railway Company. } **DECISION.**

C. Herbert Fetter, in person.
Charles A. Beach, Superintendent, for the respondent.

A hearing was held on this matter at the State House, in Trenton, New Jersey, on October 29th, 1912. The complainant appared in person and testified. The company was represented by Charles A. Beach, Esq., Superintendent.

The complaint is based upon the frequent failure of train No. 653 to meet its regular scheduled connections at Trenton Junction with No. 554, and the resulting delay imposed upon passengers in reaching Trenton in the morning.

The frequent delay of No. 653 to arrive at Trenton Junction on schedule time is virtually admitted by the company. This delay they ascribe to the failure of the Central Railroad Company of New Jersey to deliver No. 653 at Bound Brook Junction on time. The Jersey Central Railroad Company is said to ascribe this tardy arrival of No. 653 to the delayed start caused by fogs on the river. The extent to which arrival in Trenton has been delayed during October, 1912, is indicated by the following excerpt from a table presented by the complainant. Its substantial accuracy was not questioned by the company at the hearing.

October	1st	13	Minutes
"	2d	6	"
"	3d	11	"
"	4th	9	"
"	7th	2	"
"	8th	20	"
"	9th	11	"
"	10th	13	"
"	11th	16	"
"	14th	27	"
"	15th	8	"
"	16th	4	"
"	17th	5	"
"	18th	3	"
"	21st	5	"
"	22d	12	"
"	23d	7	"
"	24th	11	"
"	25th	4	"
"	28th	7	"
"	29th	6	"

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The regular scheduled connection for No. 653 implies arrival in Trenton at 8:49 A. M. This allows nothing more than a scant margin for business men or school children to report promptly at 9:00 A. M., the usual opening time for schools and many offices. When such passengers fail to arrive in Trenton on scheduled time (8.49 A. M.) it necessarily prevents them from promptly beginning the day's work and interferes with its orderly transaction. Moreover, it must be noted that if the delays in question are attributable ultimately to fog on the Hudson River at the Jersey City terminal of the Central Railroad of New Jersey, such delays are likely to become even more frequent and aggravated during the approaching winter months.

The small passenger traffic, cited by the company as carried by the train complained of, is at least in part, to be attributed to the frequent failure of the train to make its scheduled connection at Trenton Junction.

In the earlier proceeding brought against this respondent, in March of the present year, this Board went on record to the effect "that a railway company under its obligation to furnish 'safe, adequate and proper service' is bound to afford the immediate vicinity it serves with reasonably, timely and frequent access to and from neighboring places. If anything, this obligation would seem to be fully abreast of, if it does not take precedence of, the obligation to afford equally available service to and from larger places at considerable distances. To the contention frequently made that this local service is not a paying service, it may be replied that it is not an invariable test that every individual service that can be legitimately required of a carrier shall be productive of additional net revenue. So long as the operations of the carrier as a whole result in producing net revenue of reasonable amount, the failure of a special service (which may reasonably be exacted of the carrier) to issue in a net gain need not deter the requiring of the service in question."

The time table and schedule submitted as the outcome of said hearings of April 2nd, 1912, and April 16th, 1912, elicited the following comment embodied in this Board's Memorandum and Decision of May 24th, 1912.

"So far as the inhabitants of Hopewell, Pennington and other towns, who regularly engage in business in Trenton, are concerned

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the new time table submitted by the company appears to meet the reasonable expectations of those concerned."

It must be said, as the outcome of experience, that these expectations are not now being reasonably met, and that in the approaching winter months the prospect grows appreciably less that the reasonable expectations of these business men will be met. It is, therefore, in our judgment, incumbent upon the company to arrange to deposit in Trenton by reasonable interval prior to 9:00 A. M. the business men and school children from Pennington and vicinity who daily require to arrive in Trenton in season for their daily engagements.

At the hearing before the Board on October 29th, 1912, the company's Superintendent declared that to ensure such prompt arrival at Trenton as is desired by the complainant required either that No. 653 disregard connections at Bound Brook Junction, or that a new train and crew be provided to afford the prompt arrival at Trenton. It is not in our judgment proper that considerable numbers of through passengers from New York via Bound Brook Junction, southbound, should be so incommoded. It would seem not impossible that some arrangement might be concluded by the respondent with the Central Railroad Company of New Jersey whereby an earlier start of the connecting New York train might obviate the difficulty complained of. The respondent company will, therefore, be given ten days from the date hereof to suggest means whereby timely arrival in Trenton prior to 9:00 A. M., may be regularly provided. In default thereof, and as the outcome of the state of affairs disclosed in said hearing of October 29th, 1912, and to the intent that adequate and proper service may be rendered as required by statute, an order will issue requiring the running of an extra train daily, so scheduled as to obviate the inadequate service now complained of.

Dated November 4th, 1912.

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In the Matter of the Complaint of George R. Uehlein vs. Delaware, Lackawanna and Western Railroad Company and United States Express Company. } **REPORT.**

For the complainant, *Oscar Jeffery, Esq.*

For the Delaware, Lackawanna and Western Railroad Company, *John L. Seager, Esq.*

For the United States Express Company, *Frank H. Platt, Esq.*

The complainant's petition was filed with the Board on June 4th, 1912. The Delaware, Lackawanna and Western Railroad Company filed its answer on June 15th, 1912; and the United States Express Company on the same date. The parties being at issue, a hearing was had at the Court House at Newark on July 19th, 1912; and a subsequent hearing at the State House at Trenton on September 3rd, 1912. Testimony was taken at both hearings. The complainant by counsel filed a brief, the railroad company waiving its privilege in this respect.

At the first hearing it transpired that the service accorded by the express company was dependent on the trains run between Hampton and Washington by the railroad company. The express company was thereupon released from further active participation in the case.

The situation disclosed by the evidence was virtually as follows: The road between Hampton or Hampton Junction and Washington has become practically a "dead end." It served once to forward coal from the Lackawanna to the Central of New Jersey. Since the Lackawanna began shipping coal eastward from Washington over its own lines, the traffic over this branch has fallen off heavily. At present the Delaware, Lackawanna and Western Railroad makes two runs each secular day over the branch. The time tables in effect at the time of the hearings showed that the Delaware, Lackawanna and Western Railroad train left Washington for Hampton at 9:20 A. M., and at 2:30 P. M. The run is about five miles, and the running time is twenty minutes. The Delaware, Lackawanna and Western Railroad trains leave Hampton for Washington at 9:50 A. M. and at 3:20 P. M.

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Hampton is on one of the main lines of the Central Railroad of New Jersey, and is served by that carrier with six trains daily in each direction on each secular day, and by three trains Sunday in each direction. The time table of the Delaware, Lackawanna and Western Railroad (revised to June 27th, 1912) shows that that carrier makes practically no provision for connecting service between Hampton and Hoboken via Washington. As such service is provided on the Central Railroad, and involves no necessary change of cars, the absence of similar service on the Delaware, Lackawanna and Western Railroad probably is not a matter of great importance.

The Delaware, Lackawanna and Western Railroad trains on the Hampton branch are not arranged, however, to afford reasonably adequate connections eastward, with the Central's trains stopping at Hampton, nor, except in the afternoon does the Delaware, Lackawanna and Western Railroad train afford at Hampton reasonable connection westward with the Central's train moving westward. Thus in the morning when the Central's train westward reaches Hampton and stops there at 9:34 the Delaware, Lackawanna and Western train is not scheduled to arrive at Hampton until 9:40 A. M. In the afternoon the Delaware, Lackawanna and Western train is scheduled to reach Hampton at 2:50, thus affording reasonable connection with the Central's west bound train stopping at Hampton at 3:10 P. M. There is no eastbound Central train connecting at Hampton until 5:25 P. M.

By reason of the Delaware, Lackawanna and Western Railroad Company's failure to afford any adequate connection eastward at Hampton with the trains of the Central Railroad of New Jersey, certain shippers at Washington appear to be injured as regards their business. The complainant is one of these. He is a wholesale manufacturer of ice cream and bakery products. His daily output reaches a maximum of 500 gallons a day, largely expressed to points at a distance. It appears from the evidence that at certain points on the Central Railroad, notably Elizabeth, complainant has difficulty in holding or extending his market. This difficulty comes from the roundabout routing of his product over the Delaware, Lackawanna and Western Railroad; from Washington to Phillipsburg, and thence, via the Central Railroad to points east on the line of the Central Railroad. This difficulty of roundabout

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routing and injury to a perishable product *in transitu* could be obviated, if the Delaware, Lackawanna and Western Railroad train connected in the morning at Hampton with the eastbound Central train stopping at Hampton at 9:15 A. M. Similar loss results to Alonzo Bryan, florist, whose business is located at Washington. His shipments are mostly by express. Floral pieces and wreaths are perishable, and cannot be sold by Mr. Bryan at certain places on the Central Railroad, by reason of the circuitous routing and delay *in transitu*.

Among the defences interposed by the Delaware, Lackawanna and Western Railroad Company, to mitigate the alleged inadequacy of service, are the following:

(1) The desired avoidance of circuitous routing could be made as well by a change in the schedule of the Central Railroad of New Jersey as by a change in the Delaware, Lackawanna and Western Railroad Company's time table.

(2) The Delaware, Lackawanna and Western Railroad train now leaving this branch cannot alter its daily schedule without inconveniencing a great number of operatives now carried to or from New Village.

(3) Additional train service on the Hampton branch is unwarranted by reason of the meagre traffic on said branch.

We do not find any or all of these reasons sufficient to excuse the Delaware, Lackawanna and Western Railroad from affording connection eastward with the 9:15 A. M. train at Hampton over the Central Railroad of New Jersey.

Hampton is on one of the main lines of the Central Railroad. The Central Railroad trains must be scheduled with reference to the entire traffic over the line. Hampton, on the contrary, is the terminus of a short "dead end line" of the Delaware, Lackawanna and Western Railroad. It is, therefore, reasonable that the Delaware, Lackawanna and Western Railroad Company's train should conform to the advertised connections at Hampton with the trains of the Central Railroad of New Jersey.

The train now employed by the Delaware, Lackawanna and Western Railroad Company in its morning run over the Hampton branch starts out of Easton at 6:30 A. M., and carries workmen to New Village. Going on to Washington, it carries workmen from Washington to New Village, arriving there at 7:25 A. M. It

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proceeds back to Phillipsburg and Easton, bringing back freight and workmen, arriving a second time at Washington at 8:40 A. M. It does not leave Washington for Hampton until 9:20 A. M.

We are not convinced that the return trip to Phillipsburg cannot be shortened, or that the departure from Washington for Hampton cannot be made without the forty minute wait at Washington.

Even admitting, what appears unlikely, improbable and unnecessary, that extra equipment and an extra crew would have to be employed to connect at Hampton with the 9:15 A. M. eastbound train on the Central Railroad, we think such connection is requisite and proper to afford adequate service for Washington passengers and shippers who desire reasonably timely access, in the morning, to points on the Central Railroad east of Hampton.

It is not to be overlooked that such connection would afford to the Delaware, Lackawanna and Western Railroad a smaller proportion of the joint rate on shipments between Washington and certain points on the Central Railroad of New Jersey. But persistence in circuitous routing and failure to make reasonable connections eastward cannot be allowed to afford the Delaware, Lackawanna and Western Railroad Company a greater percentage of a joint rate, where requirements of adequate service necessitate the surrender of some part of the joint rate to another carrier.

The other matters mentioned in complainant's petition, especially the allegation of undue or excessive rates based on circutous routing, appear either uncertain or to require further substantiation by evidence before this Board can properly intervene therein.

An ORDER will, however, be entered, requiring the railroad company, without discommoding the passenger traffic now served, to run a train from Washington to Hampton to connect at Hampton with the 9:15 A. M. eastbound train on the Central Railroad of New Jersey, and to afford prompt interchange of traffic, freight, express and passenger therewith.

Dated November 4th, 1912.

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In the Matter of the Complaint of George R. Uehlein, Complainant, vs. Delaware, Lackawanna & Western Railroad Company, and United States Express Company, Defendants. } **ORDER.**

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

The Board of Public Utility Commissioners HEREBY ORDERS the Delaware, Lackawanna and Western Railroad Company to run daily, except Sunday, without discommoding the passenger traffic now served, a train from Washington, New Jersey, to Hampton, New Jersey, to connect at Hampton with the 9:15 A. M. eastbound train on the Central Railroad of New Jersey, and to afford prompt interchange of traffic, freight, express and passengers therewith.

This order to take effect December 2nd, 1912.

Dated November 4th, 1912.

In the Matter of the Complaint of H. E. Moyer, Against the Pennsylvania Railroad Company. } **REPORT.**

Complainant did not appear.

H. W. Bikle, for the Pennsylvania Railroad Company.

Complaint was filed June 24th, 1912, and answer was filed by the respondent company July 2nd, 1912. The matter was heard before the Board September 17th, 1912. Although the complainant did not appear, the facts alleged in his complaint were practically admitted to be true, and are as follows:

On June 10th, 1912, complainant purchased at Riverton, New Jersey, a ten-day excursion ticket from Riverton to Philadelphia or Camden, of which the following is a copy.

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8 7 10 6 5	8 7 10 6 5
PENNSYLVANIA RAILROAD COMPANY (New Jersey Division). TEN DAY EXCURSION RETURN COUPON Non-transferable	PENNSYLVANIA RAILROAD COMPANY (New Jersey Division) Ten Day Excursion
In consideration of the reduced fare at which this ticket is sold it is good for passage only within TEN DAYS, including the date of issue, as stamped on back as the first day, and is not good to stop off. Liability for baggage limited to $100 PHILAD'A (Market St. Wharf) or CAMDEN to RIVERTON. I. R. Wood, Passenger Traffic Manager.	Riverton to PHILAD'A (Market St. Wharf) or CAMDEN. Subject to conditions of Contract. Void if detached.
: 737 : 2724	: 737 : 2724
4 3 9 2 1	4 3 9 2 1

The excursion fare is 35 cents, the one-way 23 cents. The complainant alleged that, after purchasing the ticket, he missed the train, went by trolley to Camden and crossed by ferry to Philadelphia; that on the same day he tendered the excursion ticket intact for his transportation from Philadelphia to Riverton; that the conductor accepted the return or contract coupon of the ticket and returned the going coupon to complainant; that on June 13th, the complainant tendered said coupon for transportation from Riverton to Philadelphia, which the company refused to accept. This refusal to accept the going coupon detached is complained of as unjust.

It will be noted that the ticket in question is good to or from Philadelphia *or Camden,* so the jurisdiction of the Board cannot be questioned.

The complainant also contends that the conductor should not have taken the return coupon, if by so doing the right to use the other portion for transportation would be denied and that he would lose financially by the transaction, evidently overlooking the fact that he would otherwise have had to pay to the conductor the full fare of 23 cents and the redeemable value of the going coupon was 12 cents, making together 35 cents. the original outlay for the ticket, (the redeemable value being fixed by allowing the cost of the one-way ticket and giving the balance between that and what is

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expended for the ticket). He also contends that the ticket was voided by the act of an employee of the company, in detaching the coupon, and not by the act of the passenger, but, in the absence of testimony by the complainant, and from the statement in his complaint that he tendered the return coupon for transportation, there can be no doubt that he acquiesced in such action.

The defendant contends that the conductor might have "lifted" the entire ticket coming from Philadelphia to Riverton, but, as the going portion had a redemption value, it was handed back to complainant for that purpose. The complainant need not have suffered any financial loss as he could have redeemed the entire ticket in Philadelphia and received the full amount paid, or he could have retained the ticket and used it at any time within ten days from date of issue.

As regards the redemption of the going coupon, the testimony shows that the going portion of an excursion ticket is never redeemed without question. If the return portion is offered, it is seldom questioned, unless there are suspicious circumstances. If the going portion is tendered, as in this case, the question is usually asked: "How did you make the trip from the place you purchased the ticket to the destination of the ticket?" and if a satisfactory explanation is not given the ticket will not be redeemed. In this case the complainant explains that he came by trolley from Riverton to Philadelphia, and this would not be questioned by the company.

When complainant presented the detached going coupon for transportation from Riverton to Philadelphia, which coupon is an exhibit in this case, it had plainly printed upon it "void if detached." The complainant is evidently an intellgent man, from the chirography and wording of his complaint, and could read and understand this condition. The question is, whether such a condition is a reasonable rule and regulation on the part of the carrier.

The regulation of the defendant company as published on a ticket, whereby a coupon becomes void if detached from the major portion of the ticket, has long been in force and is a practice that is general on all railroads. It is applied almost universally to all classes of coupon tickets that are sold at less than the regular one-way fares, or less than the combination of local fares; it is found in the case of through tickets, and all kinds of tickets reading over

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more than one railroad. There are also a great many excursion tickets, such as winter and summer excursion tickets for winter and summer resorts, sold only to the resorts, also for special occasions, such as Trenton State Fair, or political conventions, tickets being sold only to the place of Fair or conventions.

Whenever a ticket is sold at less than one-way fare, it is sold subject to certain limitations or restrictions or conditions, which have been embodied in the contract, such as a time limit, no stop-over privileges, and similar restrictions; if it reads over other railroad lines, it is necessary to state the contract and conditions of the issuing company. All such conditions, limitations and privileges are stated in the contract, which is printed on the portion of the ticket to be last used. In the case of commutation tickets, it is printed on the back of the ticket; in mileage tickets on contract page inside the cover; in one-way coupon tickets on the last coupon, and in excursion tickets on the portion that reads back to the starting point.

If the provision "Void if detached", should not be placed on the coupon, it would necessitate the printing of the contract complete on each coupon, which would involve a large expense, it being estimated that in the case of a simple excursion ticket it would increase the cost one-third; in the case of a ticket with more than one coupon, double it, and in a very long ticket treble the cost. There can be no doubt that such a regulation prevents a great many opportunities for fraud against the company by passengers who evade the payment of fares and retain their tickets by different means, and also the "scalping" of tickets.

The right of a carrier to make reasonable rules and regulations for the conduct of its affairs is recognized by all of the authorities.

Wyman in his treatise on Public Service Corporations says: (Sec. 861) "The regulating power that is possessed by those who conduct a public employment is part of that right of management of their business which the law concedes to remain in them," and (Sec. 863) "The fundamental principles governing regulations are simple. Regulations which are in promotion of public service are valid. Regulations which are inconsistent with public duty are void."

In American and English Ency. of Law (2nd Ed.) Vol. 28, p. 173, the proposition is stated as follows: "A carrier of passengers has full power to make and enforce all rules and regulations neces-

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sary for the conduct of its business. * * *. All regulations will be deemed reasonable which are suitable to enable the company to perform the duties it undertakes and to secure its own just rights in such employment."

The rules and regulations adopted by the carrier and printed upon the ticket constitute a part of the contract of carriage.

In State vs. Campbell, 32 N. J. L. 309 at 312, the Chief Justice said: "A passenger takes his ticket subject to the reasonable regulations of the company; it is an implied condition in his contract, that he will submit to such regulations; and if he wilfully refuses to be bound by them, by so doing he repudiates his contract, and after such repudiation cannot claim any right under it."

That a provision which limits the use of a ticket to the direction printed thereon is a reasonable rule and regulation is well settled.

The proposition has been stated as follows: "A ticket calling for passage in one direction is not good for a reverse trip."

American and English Ency. Law (2nd Ed.) Vol. 28 pg. 184.

Keeley vs. *Boston, etc.*, R. C., 67 Me 163.

Under the authorities a provision voiding a part of a ticket or coupon if detached is likewise a reasonable rule and regulation.

"A stipulation in a commutation ticket in coupon form that the coupons shall be void unless detached by the conductor is reasonable and valid."

American and English Ency. of Law (2nd Ed.) Vol. 28, pg. 203.

Hutchinson on Carriers, Vol. 2, Sec. 1055, and cases there cited.

The Board is of the opinion that in a case like the present one, the conductor before detaching the going coupon when the return coupon is presented first, should explain to the passenger that such act would void the coupon for transportation, and that it had a redemption value of the difference between the one-way fare and the price paid for the entire ticket. Such cases, as appears from the testimony, very seldom arise. The provision, voiding part of a ticket or coupon for transportation, if detached, is, in the opinion of the Board, a reasonable rule and regulation, and the complaint will be dismissed.

An Order will be so entered.

Dated November 4th, 1912.

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In the Matter of the Complaint of H. E. Moyer, Against the Pennsylvania Railroad Company. } ORDER DISMISSING COMPLAINT.

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

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

Dated November 4th, 1912.

In the Matter of the Application of the Trenton Chamber of Commerce for Suspension of Certain Advance Rates of the Delaware and Atlantic Telegraph and Telephone Company. } RULING.

The ordinary application made to this Board for the suspension of increased rates comes to this Board without any specific knowledge on the Board's part of the particular circumstances under which the increase is made. An increase of rates also, in the ordinary case, has the effect of increasing rates uniformly to all consumers or subscribers in the same class. The increase of rates in this particular case offers a contrast in both particulars above mentioned. In the case of Gately & Hurley, et al, vs. the Delaware and Atlantic Telegraph and Telephone Company, this Board has in the past year heard much evidence as to the financial position, the revenues and the expenses of the Company. From the evidence as presented, the Board feels debarred from ordering the suspension of rates prayed for in the present instance. The knowledge the Board has gained from this evidence is sufficient in its judgment to rebut the ordinary presumption in favor of an established rate.

Moreover, the proposed advance in the particular instance will put rates in this community on a parity with rates in the other

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two cities, namely—Camden and Atlantic City, which are listed in the same class with Trenton in the territory served by the Delaware and Atlantic Telegraph and Telephone Company.

The application of the proposed advanced rates to the Trenton District will have the effect of aligning Trenton rates with those of Atlantic City and Camden. The increase, therefore, is, *prima facie,* in the nature of eliminating discriminatory and preferential rates for the Trenton area.

For reasons indicated, the Motion is denied. A hearing will be held at an early date on the justice and reasonableness of the new schedule, and the other matters about which complaint is brought.

Dated November 12th, 1912.

In the Matter of Proposed Discontinuance of Passenger Service on the Barnegat Railroad. } **REPORT AND RECOMMENDATION.**

James G. Francis, for the petitioners.

F. L. Sheppard and John C. Price, for the Philadelphia and Beach Haven Railroad Company, Barnegat City Railroad Company and the Tuckerton Railroad Company.

Under date of September 23rd, 1912, notice was given the Board "that decreasing patronage of the Barnegat Railroad, especially during Winter months, when it is almost nothing at all, renders the deficit in the operation of that road a very considerable sum. We have, therefore, arranged, effective November 1st, 1912, to withdraw all passenger train service between Barnegat City Junction and Barnegat City, until the Spring change of schedule for 1913, during this period the only service to be operated to be a freight train each way between the above mentioned points on Tuesdays and Fridays. Arrangements have been made for the filing of such notice, tariffs, etc., as may be necessary."

A petition, numerously signed by property owners and residents adjacent to the line of the Barnegat Railroad, was filed with the Board protesting against the proposed discontinuance of passenger service.

A hearing was held at which representatives of the petitioners, the Barnegat Railroad Company, the Tuckerton Railroad Company

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and the Pennsylvania Railroad Company, Agent of the Philadelphia and Beach Haven Railroad Company, appeared.

The Barnegat Railroad is 8.15 miles long and extends from Barnegat City along a narrow strip of land between Barnegat Bay and the Ocean. There is an inlet from the ocean to the bay at Barnegat City which would prevent an extension of the railroad beyond that point. The largest settlements along the line of the railroad are Barnegat City, Surf City and Harvey Cedars. The populations of these settlements were reported by the census of 1910 as follows:

Barnegat City	**70**
Surf City	**40**
Harvey Cedars	**33**

The populations given above comprise the great bulk of those who live throughout the year along the line of the railroad. In Summer the number of residents is considerably larger.

In the year 1908 the Barnegat Railroad was operated under a lease by the Manahawken and Long Beach Transportation Company, the lessee being responsible for the maintenance of the property. An inspection of the track, roadbed and bridges of this road, made by Inspectors of the Board of Railroad Commissioners, disclosed conditions which rendered it imperative in the interest of safety of operation, that numerous repairs should be made. The Manahawken and Long Beach Transportation Company, when notified of the necessity of making these repairs, claimed that it was financially unable to spend the amounts required and cancelled its lease. During the Winter of 1908-'09, and until the Summer of 1909, no trains were operated on the Barnegat Railroad. An agreement was made on the nineteenth day of July, 1909, between the Barnegat Railroad Company, the Pennsylvania Railroad Company, agent for the Philadelphia and Beach Haven Railroad Company, and the Tuckerton Railroad Company, which provided for placing the railroad in suitable condition and for the operation of trains over the same. The agreement took effect as of the twenty-fifth day of June, 1909, and provided that the same should remain in force and effect, for one year from that date and thereafter, subject to the right of either party thereto to terminate the same at the end of a year, or at any time thereafter, upon three months written notice to the other.

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The Board of Public Utility Commissioners after due consideration of the representations made by the petitioners, is of the opinion that it cannot reasonably require that daily train service shall be maintained on the Barnegat Railroad during the entire year. It is true that the increased population in Summer, brings a larger revenue to the road. If the total revenue were sufficient to enable the company to meet a reasonable demand for daily service at other seasons than the Summer and to obtain a fair return on its investment the Board would not hesitate to require the company to furnish such service even though its provision might be unprofitable during certain months. It has not been shown to the satisfaction of the Board that the revenues from the increased Summer population are sufficient to make the operation of this road profitable. The Board cannot consider the Barnegat Railroad as an unprofitable part of a railroad system which operated as a whole is profitable, and because of such profitable operation require the company to give daily service on an unprofitable branch. The Barnegat Railroad is allied by lease with other and more prosperous roads, and this for some time has made possible the operation of the Barnegat road, though an unprofitable unit. There is, however, no obligation resting on the companies to continue this lease nor is there any power in this Board to require its continuance.

The Manahawken and Long Beach Transportation Company, could not, from the revenues of the road, maintain the same in such condition as to be safe for traffic, and in preference to making the financial outlay necessary for this first essential of railroad operation, stopped entirely the running of trains, and passed out of existence as a railroad company. There is no legal obligation requiring the daily operation of trains on the road as the law expressly exempts from such obligation railroads at seaside resorts built principally for the transportation of summer travellers. The Board is of the opinion that a requirement of daily passenger service, during the year, may lead to a termination of the existing arrangement between the companies. This arrangement contemplates the operation of passenger trains, during part of the year and by it the public is given a service it did not have after the old lease was cancelled and before the present arrangement was made.

The Board is, however, of the opinion that inasmuch as a freight train is to be operated each way between Barnegat City Junction

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and Barnegat City and return, on Tuesdays and Fridays, provision can be made to afford passenger service in connection with the operation of this freight train, and

HEREBY RECOMMENDS that this be done, the movement of the freight train to be made on each Tuesday and Friday, as nearly uniform as is practicable.

Dated November 19th, 1912.

City of Newark vs. Public Service Electric Company.

City of Newark vs. Public Service Gas Company.

City of Newark vs. Public Service Corporation of New Jersey.

ORDE RDISMISSING PETITIONS.

Charles M. Myers, Assistant City Attorney, for the City of Newark.

L. D. H. Gilmour for Public Service Electric Company, Public Service Gas Company, and Public Service Corporation of New Jersey.

The City of Newark on June 11th, 1912, filed its petition against both of said corporations, and also included the Public Service Corporation of New Jersey.

The Public Service Corporation of New Jersey filed its answer June 19th, 1912, claiming that it is not a public utility corporation; that it is not engaged in the manufacture or distribution of electrical energy or gas and is not exercising any franchise or authority granted to it by the State or any municipality thereof. These allegations being admitted, it appears that the Public Service Corporation of New Jersey is not a proper party to this proceeding. The Public Service Electric Company and Public Service Gas Company filed their respective answers July 13th, 1912, raising issues on the merits.

The cases were set down for hearing September 10th, 1912, but by request of counsel were adjourned until October 25th, 1912, when testimony was taken and counsel heard.

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It appears from the testimony, and the admissions in the pleadings, that the Mayor and Common Council of the City of Newark is a municipal corporation of the State of New Jersey and as such has charge and control of most of the public buildings in said city of Newark except such as are under the charge and control of the Board of Education of Newark; that such public buildings are furnished with gas by the Public Service Gas Company, and with electricity by the Public Service Electric Company (except the City Hall and Public Library, which are large consumers); that the use of said electrical energy and gas so furnished is charged for as if each public building were a separate customer; that said buildings are located in different parts of the City of Newark some at great distances apart; that the Public Service Electric Company and the Public Service Gas Company have established a rate of discounts, the discount increasing with the consumption, and that if consumption at the several public buildings at different points of distribution were combined the rate of discount would be larger than the several discounts now allowed at the several installations.

The contention that the consumption of gas and electricity in all public buildings in the City of Newark should be treated as if furnished at one separate installation, thus enabling the city to get the benefit of larger discounts is, in the opinion of the Board, unreasonable, and if granted would be in fact a discrimination in its favor unless the same rule applied to all owners of more than one piece of segregated property. The contention of the petition that it is discriminated against is not sustained.

The petitions in all these cases, will, therefore, be DISMISSED.

Dated November 19th, 1912.

In the Matter of the Recommendation of This Board to the Acquackanonk Water Company to Establish a Minimum Rate in Acquackanonk Townhip for the Supply of Water by Meter. } **REPORT.**

William B. Gourley, for the Township of Acquackanonk.

Michael Dunn, for the Acquackanonk Water Company.

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On January 12th, 1912, this Board, after hearing in re F. B. Tynan, et al, vs. Acquackanonk Water Company, decided that the allegations of exorbitant charges and of undue and unjust discrimination were not proved. The flat rates charged the complainants were identical with the flat rates prevalent in the adjacent city of Passaic. The discrimination alleged was based on furnishing metered service to certain consumers and denying metered service to other consumers in said township. The company's explanation of the discontinuance of metered service to now consumers in the township was that when the residential development of the township first appeared certain, the extension of service was made less costly by the non-installation of meters. Private consumers having been given metered service at the outset at the same rates as in Paterson and Passaic were left, however, in the enjoyment of metered service. Accordingly the township was piped at a minimum cost, and thereafter metered service to new applicants was uniformly denied. When meters were set, the purpose was to check consumption under special conditions, and the private consumer was charged uniform flat rates. The Board pointed out, however, that the policy of the Company, while justifiable as to the past, denied the consumer in the township the option of flat rates or metered rates; and recommended that the Company quote a rate to the consumers in the township for metered service.

In response to this recommendation the company proposes a minimum rate for metered service at sixteen dollars per annum or four dollars per quarter. A hearing upon this proposal was held on September 27th, 1912, at the Court House, in the City of Newark. Testimony was taken, and briefs submitted by counsel. As approximately two hundred consumers in the township are now furnished water at a minimum rate for metered service at twelve dollars per annum, or three dollars per quarter, the new rate proposed by the company is an increase. By statute the burden of proof to justify said increase is, therefore, upon the company. We do not find that the company has met or sustained the burden of proof cast upon them under the statute. To do so, it would, in our judgment, be necessary for the company to show by evidence that the present rate for metered serivce in the township, if extended to all consumers in the township desiring metered service, would fail to give the company a just, fair or compensatory return on a fair valuation of the

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property used and useful in affording service in said township. This the company has not done. The proposed increase is, therefore, disallowed. The company's allegation that in the said township the receipts per mile of pipe are about one third of what the corresponding receipts are in Passaic, while the operating expenses per mile of pipe are about the same in both localities, is inconclusive. It is inconclusive because much of the main laid in the township was primarily for the supply of Passaic, and because no persuasive evidence exists to show how much of the plant in the township may fairly be considered as installed for the specific supply of the township's consumers.

It is alleged by the company that Passaic has sewers, whereas the township has not; that in consequence, the anticipated consumption per service in the township would be less than in Passaic; and that an identical charge for metered service would yield less revenue than is yielded in the city. If the consumption per service is markedly less in the township, it seems anomalous that the same flat rates have been maintained by the company in Passaic as in the Township. Moreover, the outlying portions of Passaic are not served completely, and the parts of the township adjacent to Passaic are identical in character to the unsewered suburbs of Passaic. The township is installing the trunk sewer moreover, and the disparity in use, if important is bound to diminish when Clifton and other thickly settled parts of the township are sewered.

The extension of pipe lines to outlying and uninhabited portions of the township, it is believed, are paid for, in the first instance in certain cases, by real estate improvement companies.

We are disposed to disregard the rates cited for various places in distance localities. Where rates are particularly subject to the actual conditions of supply, and these vary so widely that except for contiguous territory, comparisons are of little value.

The essential point in the case seems to be that Passaic and the closely-built sections of Acquackanonk Township are essentially homogenous, and are growing more closely together into a compact, thickly settled whole. The long continued identity of the flat rates in Passaic and Acquackanonk Township established and maintained by the Company which proposes their continuance induces us to believe that the metered rates in the two municipalities should also be identical.

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The Board of Public Utility Commissioners therefore finds and determines:

(1) That the Board is not satisfied that the proposed new minimum rate for metered service, which involves an increased rate, is just and reasonable.

(2) That in the continued absence of identity of metered rates the Acquackanonk Water Company will make and give an unreasonable preference or advantage to one locality and subject another to prejudice and disadvantage.

(3) That in the continued absence of identity of metered rates the Acquackanonk Water Company will impose an unjust and unreasonable classification in the making or as the basis of rates for the service rendered by it.

An order bearing even date hereof will be entered.

Dated November 19th, 1912.

In the Matter of the Recommendation of This Board to the Acquackanonk Water Company to Establish a Minimum Rate in Acquackanonk Township for the Supply of Water by Meters. } **ORDER.**

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

HEREBY ORDERS the Acquackanonk Water Company to establish and maintain a minimum rate for metered service, at each residence in Acquackanonk Township where such metered service is requested by a consumer, of twelve dollars per annum, or three dollars per quarter for each quarter or part thereof where such service is rendered for less than one year, the said amount to be charged quarterly against those afforded metered residence service by said company, and to be subject to the rules and regulations of said

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company now in force except in so far as said rules and regulations may conflict with this order.

This Order shall take effect January 1st, 1913.

Dated November 19th, 1912.

In the Matter of the Complaint of the Township Committee of the Township of Washington vs. Central Railroad Company of New Jersey, in Re Protection of German Valley Crossing. } **REPORT AND ORDER.**

James Fisher, for the petitioners.

Jackson E. Reynolds, for the company.

On October 25th, 1912, at the Court House, in Newark, a hearing was held on a petition requesting a installation of gates and a flagman at the crossing in question. Evidence was introduced by both parties.

As a result of the testimony adduced, the Board is of opinion that in addition to such protection as was recommended by this Board in August, 1911, and furnished by the respondent, an automatic alarm bell connected by circuit to the central or running track only should be installed, and that no movement over the siding tracks at said station should be made while a train is standing at or across the aforesaid crossing on the main or running track, unless such movement is protected by a flagman upon the ground.

The Board is of opinion that the approaching completion of the new state highway from Clinton to Washington will very markedly diminish the vehicular traffic across this crossing, and correspondingly diminish the hazard at this point. Such was the testimony of the State Engineer of Highways before this Board.

The menace feared by property owners near the crossing that an alarm bell would ring so long and frequently as to be intolerable seems to be based on the idea that the alarm bell would ring so long as trains were on the siding tracks in the neighborhood of the crossing. This appears unfounded, if an automatic alarm bell is operated by track circuit connected only with the main or running track.

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The Board, therefore, ORDERS the Central Railroad Company of New Jersey to proceed forthwith to install an automatic alarm bell at German Valley crossing, said bell to be connected by circuit with the central or running track only; and

FURTHER ORDERS that no train movement across such crossing be permitted so long as any train stands on the main or running track at the crossing unless such movement is protected by a flagman upon the ground; and that the protection hereby required be afforded in addition to the protection at this crossing now furnished, Summer or Winter, by the company.

Dated November 19th, 1912.

In the Matter of the Complaint of S. S. Flitcraft vs. New Jersey Gas Company, in Re Minimum Rate.
In the Matter of the Complaint of the Borough of Elmer vs. New Jersey Gas Company, in Re Minimum Rate. } **ORDER.**

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

HEREBY ORDERS the New Jersey Gas Company to furnish S. S. Flitcraft in the Borough of Woodstown and all other consumers, similarly circumstanced, in said Borough with gas at a charge therefor of not more than one dollar and fifty cents per thousand feet for gas consumed, irrespective of their consumption within any stated period of time, and to allow the said S. S. Flitcraft and others similarly circumstanced supplied with gas by the New Jersey Gas Company a discount of eight per cent for each payment tendered within fifteen days after presentation of a bill for gas consumed.

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The Board of Public Utility Commissioners further ORDERS the New Jersey Gas Company to furnish gas to residents of the Borough of Elmer at a charge therefor of not more than one dollar and fifty cents per thousand feet for gas consumed irrespective of their consumption within any stated period of time, and to allow the said residents of the Borough of Elmer supplied with gas by the New Jersey Gas Company a discount of eight per cent. for each payment tendered within fifteen days after presentation of a bill for gas consumed.

This Order shall take effect December 10th, 1912.

Dated November 19th, 1912.

In the Matter of the Complaint of S. S. Flitcraft vs. New Jersey Gas Company, in Re Minimum Rate.

In the Matter of the Complaint of the Borough of Elmer vs. New Jersey Gas Company, in Re Minimum Rate.

REPORT.

S. S. Flitcraft, petitioner, appeared in person.

Theodore J. Grayson, for the company.

Charles H. Nichols and *C. L. Stratton,* for the Borough of Elmer.

C. W. Nay, for the company.

The first of these cases was heard by the Board at the State House, in the City of Trenton, on July 30th, 1912. Testimony was taken at said hearing, and a brief was subsequently submitted by the company's counsel.

The second case was heard by the Board at the State House, in the City of Trenton, on November 12th, 1912. Evidence was introduced at said hearing.

As both complaints involve the identical issue they are treated jointly in this Report.

It appears that S. S. Flitcraft installed a pre-payment meter, signing a contract to pay one dollar and fifty cents per thousand cubic feet. Some time in the Fall of 1911 he lessened his monthly consumption. Bills there after were rendered to him involving a

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monthly minimum charge of fifty cents. Complainant refused payment on the ground that it was in excess of the rate stipulated in the contract. Thereupon the company locked the meter, and refused thereafter to reopen the same for delivery of gas unless and until alleged arrearage was paid. Complainant denies the alleged arrearage on the ground that the meter is a pre-payment meter installed on a contract containing no reservation of the right to impose a minimum monthly charge.

The facts recited by complainant are not denied. The company relies on the inherent reasonableness of a minimum monthly charge; contends that said charge is not a charge for gas at all, but is a charge imposed for being in readiness to supply gas to consumers, and consequently is not covered by the ordinance of the Borough of Woodstown under which the company acts in the territory in which complainant lives.

The relevant clause in the ordinance reads as follows:

"*Be it ordained*, that the said Elmer Gas Company shall not charge to private consumers of its gas in the said Borough limits more than one dollar and fifty cents ($1.50) per one thousand cubic feet of gas and that a discount of eight (8) per cent shall be allowed on all bills paid within fifteen (15) days after presentation."

The New Jersey Gas Company has succeeded to the rights and duties of the Elmer Gas Company.

The Ordinance of the Borough of Woodstown, Salem County, New Jersey, referred to above was passed, on April 12th, 1909.

The Borough of Elmer makes complaint on similar grounds. Its ordinance No. 36 provides that the company shall not charge to private consumers of its gas in the said Borough, more than one dollar and fifty cents ($1.50) per thousand feet of gas. The company has rendered bills, against the Borough, offered by complainant in evidence, where a monthly charge of fifty cents was made although the metered consumption in the Fireman's room in the Borough Hall ranged from 100 to 200 feet per month.

Reference is here made by this Board to its Order and Report in the matter of the complaint of Hon. Harry Headley, Mayor of Ocean City against the City Gas Light Company, in re minimum charge, pp. 4, 5. The reasoning there is strictly relevant to the cases here at issue. The Board therein avows its opinion that a minimum charge, if reasonable, is a proper constituent of the price

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to be charged for gas, *provided always, that the company has not contracted itself out of the right to include such a minimum charge in the price it sets for gas.*

In both of the cases under consideration the company has contracted away its right to include such a minimum charge in the price asked for gas. The ordinances which the company in the cases at bar have accepted and under which it operates are silent as to any charge other than the charge of one dollar and fifty cents per thousand feet of gas consumed. The imposition by the company of a minimum charge per month arbitrarily delimits the period within which gas must be consumed in order that the consumers may obtain it at the rate stipulated in the ordinance.

The company's contention that the minimum monthly charge of fifty cents is not for gas furnished, but is a charge for being in readiness to supply gas cannot avail under the terms of the contract contained in the ordinance. In effect, the minimum charge imposed by the company nullified the ordinance provision as to price unless the consumer per month takes an amount of gas arbitrarily fixed by the company (363 cubic feet.) If the company may thus impose a monthly minimum for small users, it may similarly exact of them an additional monthly charge for reading and inspecting their meters, for sending out bills, and for posting the consumers' ledger. All of these charges might plausibly be alleged to be charges, *not for gas, but for services connected with furnishing gas.* Such construction makes of the ordinance a nose of wax.

Orders will therefore be entered, requiring the New Jersey Gas Company to furnish S. S. Flitcraft and all other consumers, similarly circumstanced, with gas at not more than one dollar and fifty cents per thousand, irrespective of their consumption within any stated period of time. Said complainant and others similarly circumstanced are entitled to the eight per cent. discount, if they tender payment for the quantity consumed within fifteen days after presentation of a bill therefor. An order will similarly issue, requiring the company to furnish residents of the Borough of Elmer with gas at the rate named in the ordinance, irrespective of the quantity consumed within any period of time. The same requirement as to discounts will be imposed as in the case of S. S. Flitcraft, *supra.*

Dated November 19th, 1912.

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In the Matter of the Petition of the Phillipsburg Horse Car Railroad Company to Re-Construct Its Lines with Track of Standard Gauge. } **REPORT.**

W. H. Walters and *H. J. Steele,* for the Company.

J. I. Blair Reiley, for the inhabitants of the Town of Phillipsburg.

The petition of the company asks that this Board grant permission to rebuild the tracks of the company so as to conform the same, as nearly as possible, to standard gauge. This involves a change in gauge from five feet, two and one-half inches to a gauge of four feet eight and one-half inches.

The petition of the company is founded on the power granted this Board "to permit any street railway to change its existing gauge to standard steam railway gauge upon such terms and conditions as said Board shall prescribe" P. L. 1911, p. 378, Sec. 16, (1).

The first hearing in this case was held at the State House at Trenton, New Jersey, on October 22, 1912. By agreements, the parties consented to enter into written stipulations as to the facts involved rather than to establish the facts by oral testimony. The stipulations were submitted at the second hearing before the Board, at its offices in the City of Newark, on October 28th, 1912, and form part of the record. Argument was made and briefs were submitted by both parties at this second hearing.

The inhabitants of the Town of Phillipsburg object to the granting by this Board of the desired permit. The objections urged may be summarized as follows:

(1) That such a permit would impair the obligation of contracts existing between town and the petitioner.

The constructural obligations that would be impaired it is contended are embodied in the company's charter and in various ordinances of the town accepted by the company. The charter and ordinances describe the gauge as of the width of five feet, two and one-half inches.

(2) That this Board has no power to enforce any permit it may grant to re-construct the road at standard gauge.

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(3) That the Town Council is entitled by contractual right to stipulate the terms on which the company may replace its track by one of standard gauge.

It should be noted that the sixth article of the stipulation entered into recites that "the tracks of the lines of street railway of the Phillipsburg Horse Car Railroad Company in the Town of Phillipsburg, New Jersey, should be rebuilt at the present time throughout their entire length."

It should also be noted that the Chief Inspector of Utilities of this Board, in a Report dated April 30th, 1912, recommended "that the tracks of the Phillipsburg Horse Car Railroad Company be rebuilt to conform as nearly as possible to the standard construction used on their lines in Easton, and further that the present gauge, namely, five feet, two and one-half inches, be changed to the Standard gauge, or four feet, eight and one-half inches."

Considering the objections urged, it is the opinion of the Board, after conference with its counsel, that it is within its power to grant the permission sought by the petitioner.

The specific provision of the statute which is invoked by the petitioner is unqualified in the language in which it confers power upon the Board.

It leaves to the Board the protection of the interest of the municipality, in that it vests in the Board in the exercise of the power conferred, the right to prescribe terms and conditions. The case in hand well illustrates the reason for lodging such a power in the Board.

The operations of the petitioner are not confined to a single municipality, but extend over several municipalities. The obligation of safe, adequate and proper service is not owed by it to a single municipality but to each of the municipalities it serves.

Assuming that the rendering of safe, adequate and proper service to each of these municipalities requires that the desired change in gauge be made the upholding of the contention of the town would come to this, that any one of the municipalities traversed by withholding its permission for such change could deprive the others of safe, adequate and proper service.

A construction of the statute which leaves the way open to such a result cannot meet with the favor of the Board in view of the power and consequent duty imposed upon the Board by the statute to require every public utility to "furnish safe, adequate and proper

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service."

To accede to the contention of the town would be to hamper the Board in the exercise of this power and the fulfillment of this duty.

The conclusion reached by the Board is not only based upon the unqualified language of the specific section of the statute invoked, and upon the section of the statute which gives it power to, and so makes it its duty to require safe, adequate and proper service, but also upon the "general jurisdiction clause" of the statute which is as follows: "The Board shall have general supervision and regulation of, jurisdiction and control over, all public utilities, and also over their property, property rights, equipment, facilities and franchises, so far as may be necessary for the purposes of carrying out the provisions" of the statute.

It is true that the acts of the Legislature creating the petitioner (P. L. 1867 pg. 1861; 1868 pg. 162), and granting to the petitioner the power to construct a railroad through Main Street in the Town of Phillispburg, refer to the gauge of the road as of five feet, two and one-half inches.

It is likewise true that these acts of the Legislature provide for the obtaining of the consent of the Common Council of Phillipsburg, and that the several ordinances subsequently passed by the governing body of said town referred to the gauge of the road as of five feet, two and one-half inches.

The references in these statutes and ordinances to the gauge of the road are, however, essentially descriptive in character.

If the proposed change of gauge widened the strip of the streets to be occupied by the tracks of the petitioner, there might possibly be some shadow of claim that the enlarged property right that would be obtained would involve an enlarged franchise.

Narrowing the gauge, however, has the opposite effect. It reduces the extent of the streets occupied by the petitioner.

The primary franchise to exist as a corporation continues unaffected. The secondary franchise to use the streets continues unaffected except as the space occupied in use is narrowed.

This, in the judgment of the Board, scarcely justifies the declaration that the effect of its grant of the desired permission will be to "enlarge the franchise" of the petitioner.

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Assuming the acts of the legislature, before referred to, to constitute contracts between the State and the petitioner, the Board's action in granting the desired permission cannot be said to be an impairment of the obligation of such contract because it is the action of the State, one party to the contract, through the Board as its administrative agency, acting upon the application of the petitioner, the other party to the contract.

Beyond this, however, the Board conceives it to be within the "police-power" of the State notwithstanding the provisions of the statutes relating to gauge to require an alteration of gauge whenever safe, adequate and proper service requires such change. It conceives every contract to be subject to this power.

Taking the ordinances enacted by the Town and accepted by the petitioner as constituting contracts between the Town and the petitioner yet it does not follow that the action of the Board will constitute an impairment of the obligation of such contracts.

First: The petiioner is not in a position to complain. The action is taken upon its application.

Second: If the view of the Board is correct, the Town is not in a position to complain because the action of the Board is based upon a power conferred upon it by the State. The town is an agency of the State. Whatever powers and rights it has are derived from the State. These powers and rights are within the control of the State subject only to the constitutional inhibition against special legislation.

The contention of the town that the power conferred on the Board by the specific provision of the statute, refers only to change in gauge where the original gauge was established subsequent to the passage of the Act seems to be discredited by the well-known fact that it is highly improbable that tracks built at present will be other than of standard gauge.

The "terms and conditions" which the Board shall prescribe in granting such permission seem to us to be "terms and conditions" germane to the re-tracking of the road, and not wholly miscellaneous in character. The company having undertaken to pave a certain width of street ought not to be allowed to reduce the strip for whose proper maintenance it is now responsible.

The permit to issue will, therefore, be based upon the company's prior written acknowledgement and acceptance of its continued

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legal responsibility for paving, and for otherwise caring for no less a width of the public streets and highways than it is now under legal obligation to pave or otherwise care for, and said Permit will expressly stipulate that the company shall file written prior acknowledgement that the permission to rebuild its track at standard gauge shall not in anywise be construed to enlarge otherwise its present rights, or narrow its present legal obligations in any respect whatsoever.

Dated November 19th, 1912.

Township Committee of Franklin Township vs. West Jersey and Seashore Railroad Comnapy. } **REPORT AND RECOMMENDATIONS.**

Harvey F. Carr, for the complainant.
James Buckelew and *A. P. Gest,* for the Railroad Company.

A certified copy of a resolution of the Township Committee of Franklin Township adopted September 20th, 1912, recited that the crossing of the tracks of the West Jersey and Seashore Railroad and the Glassboro and Malaga Turnpike at grade with the tracks of the said company north of Malaga station is a highly dangerous one, unprotected by watchmen, gates, signals or other protective device; that the crossing is part of a heavily travelled highway, that five persons had been killed, and a number of others injured there. The Board was asked to require the company to furnish adequate protection at the crossing and to remove the same.

The resolution also complained of the crossings at grade of the tracks of the West Jersey and Seashore Railroad Company at Franklinville, Malaga, Iona and Newfield, which crossings were alleged to be without protection. The Board was requested to direct the company to place watchmen at these crossings.

This resolution was accepted as a complaint and a copy thereof served on the West Jersey and Seashore Railroad Company. The company in its answer stated that the request to immediately furnish adequate protection at the crossing north of Malaga station, would be complied with by the establishment of a watchman and probable addition of gates later on.

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With respect to the removal of the crossing the company stated this "would naturally be considered in the light of the territory between Newfield and Franklinville, a distance of about six miles, in which there are some thirteen crossings, six of them protected by bells. We would like the co-operation of the Township Committee in consolidating as many of these crossings as might be possible with a view to affording a more positive character of protection to the remainder including those comprised in their further resolution on the subject."

The Board has no power to require the removal of grade crossings, and hereby dismisses that part of the complaint which requests the Board to order the respondent to remove the crossing north of Malaga station. The Board recommends in this connection that the Township Committee adopt the suggestion of the respondent and co-operate in consolidating as many of the crossings in the territory as possible. On the question of the protection of the crossings complained of, a hearing was held on November 12th, at which complainant and respondent were represented and witnesses examined as to views of, travel over, and other conditions at the crossings.

Among the witneesses was Charles D. McKelvey, the Chief Inspector of the Railroad Division of the Board of Public Utility Commissioners.

Based on his inspections of conditions at the crossings, Mr. McKelvey made the following recommendations:

Franklinville—That this crossing be protected by an automatic bell and illuminated signs.

Iona—That no cars be allowed to stand on the siding south of the freight house; that a double alarm bell be placed at southeast corner of crossing to be worked automatically; that a new standard crossing sign be erected and illuminated signs placed each side of the crossing.

Malaga Station—That an automatic bell be installed and illuminated signs placed both sides of the crossing.

Newfield—That double bell be placed on southwesterly corner between the two roads south of the station; also that all trains reduce speed to ten miles per hour while passing over these crossings.

Testimony at the hearing showed that the crossing north of Malaga is now protected by bells and illuminated signs, with a man on the ground night and day.

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After consideration of all the facts and issues involved, the Board is of the opinion, and finds that the protection of the crossing north of Malaga Station, as stated above, affords reasonable provision for the protection of the traveling public at such crossing, and should be continued.

The Board is of the further opinion, and also finds, that for the crossings at Franklinville, Iona, Malaga Station and Newfield the protection recommended by its Inspector, as heretofore referred to, will afford reasonable provision for the protection of the traveling public at such crossings.

The Board HEREBY endorses the said recommendations of its Inspector, and adopts the same as the recommendations of the Board.

Dated November 22nd, 1912.

In the Matter of Investigation of Accident on the Erie Railroad at Bridge Over the Wanaque River. } **REPORT OF INVESTIGATION.**

On August 14th, 1912, while girders were being erected on falsework preliminary to rebuilding the Erie Railroad Bridge over the Wanaque River, east of Ringwood Junction, a trestle under the steam derrick collapsed. The derrick with a girder and one car dropped to the east of the trestle. Another girder which had been set on the falsework fell to the west of the trestle. The accident resulted in the death of one man and injuries to eight others. Traffic was interrupted for some fifty-two hours.

This accident was investigated at a meeting of the Board held in Newark on September 30th, 1912. At this meeting the Board examined the Engineer of Bridges and Buildings, the Division Engineer, the Master Carpenter and other employees of the railroad company. A report has been made to the Board by its Engineer of Bridges who inspected the site of the accident and was present at the investigation.

It appears from the testimony taken at the investigation and from the report of the Board's Engineer of Bridges, that the trestle which collapsed was a frame structure about thirty feet high. The

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stringers and track were supported on superimposed bents in two stories. The lower bents rested on piles which were small and required reinforcing.

The bents were set in the trestle at an angle of 58 degrees, 45 minutes with the axis of the bridge which was on tangent.

There was no longitudinal diagonal bracing in a vertical plane, the integrity of the structure depending entirely on the continuity of the lines of intermediate sills and their firm connection to the masonry walls at the ends of the timber bridge. There was a lateral system of bracing in a horizontal plane underneath the stringers

During the work of replacing the trestle with steeel plate girder spans, an old stone pier was removed, piling driven and a new concrete pier built during the construction of which the longitudinal stringers were cut off to give clearance for forms used in building the pier. No bracing was added to compensate for the longitudinal stiffiness thus destroyed.

A severe concentration of load under the weight of the derrick car and the girder it was carrying caused a movement in the central part of the trestle which resulted in its collapse. This movement was due to the absence of longitudinal bracing, the importance of which was apparently not realized when the sills were cut to make room for the construction of the new pier.

Dated November 22nd, 1912.

In the Matter of the Complaint of Philip B. Adams vs. The New York Telephone Company.

P. B. Adams, in person.
Robert V. Marye, for the New York Telephone Company.

The complainant in this matter alleges that he has a permanent residence at Allendale, Bergen County, that he requested the New York Telephone Company to install a telephone in this residence, and that his request was refused by said company. It is claimed that the New York Telephone Company furnishes telephone service to a Mr. Parigot, whose property immediately adjoins that of the complainant's residence on one side, and that telephone service

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is also provided a Mrs. Georgianna Fenney at her residence immediately adjoining complainant's property on the other side.

The Board was asked to make an order compelling the New York Telephone Company to install a telephone and to afford service in complainant's residence. The respondent stated in reply that the Borough of Allendale is included in the Allendale central office area, which includes the Boroughs of Saddle River, Upper Saddle River, Allendale and a portion of the Township of Orvil; that the Allendale central office district is now connected to the Ridgewood switchboard; but that on account of the distance from Ridgewood, plans had been made for the establishment of an Allendale central office; and that in order to secure municipal rights for new construction three applications had been made in the last two years to the Borough of Allendale for an ordinance.

It was claimed that while the ordinance negotiations have been under way, the open wires extending from Ridgewood to Allendale have all come into use, and that it is impossible to supply additional service in the Borough of Allendale without running additional open wire from Ridgewood.

It was further stated that other parties than the complainant had applied for service in Allendale; that such had been refused; and it was claimed that additional construction to supply this service before the permanent construction is provided would be expensive; would injuriously affect the service, and would ultimately have to be removed when permanent construction is provided. A copy of respondent's answer was sent to the complainant and a date was fixed for hearing. The complainant notified the Board that on the hearing of his complaint he would "by reason of said answer failing to set forth any valid defense or any denial of the material allegations of the petitioner's complaint" claim that an order for service should be made to the petitioner "on the face of the petition and the admissions and insufficiencies of the answer alone." At the hearing a motion to this effect was made by the complainant. It was contended in support of this motion that because service is supplied by the respondent to other residents of Allendale, some of whom reside in close proximity to the residence of the complainant, and similar service is denied complainant, there is effected a discrimination in violation of the statute; and that said discrimination should be prohibited immediately by this Board. It was urged that testimony as to the cost of supplying service to the complainant or as

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to changes in construction contemplated by the company would be irrelevant and should not be heard. The law provides that no public utility "shall adopt, maintain or enforce any regulation, practice or measurement which shall be unjust, unreasonable, unduly preferential or otherwise in violation of law * * * nor shall any public utility as herein defined provide or maintain any service that is unsafe, improper, or inadequate, or withhold or refuse any service which can reasonably be demanded and furnished when ordered by said board." The law provides further that no public utility shall subject 'any particular person or corporation or locality or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever.' Upon the provisions of the law quoted above the complainant claims that the refusal of service being established there is a violation of the law, and that nothing remains but for this Board to issue an order directing the respondent to cease such violation and to supply the service desired.

The motion for an order on this ground, without hearing testimony as to the facts and circumstances involved, was denied by the Board. The mere fact that a practice appears *prima facie,* discriminatory does not necessarily make such practice a violation of the statute. The practice to be illegal must be arbitrarily or unjustly discriminatory; and, with *prima facie* discrimination admitted, the Board is of the opinion that a utility has a right to show if it can that the discrimination is not arbitrary, undue or unjust. Neither is the mere withholding or refusal of service *ipso facto* a violation of the law. The service withheld or refused must be service which "can reasonably be demanded and furnished"; and a utility should be given an opportunity to show if it can that a demand for service withheld or refused is an unreasonable demand or that such service cannot be reasonably furnished. Nor can an order be made without consideration of facts and circumstances, on a claim that a person refused service is subjected to a prejudice or disadvantage in violation of the law. The Board is of the opinion that it should consider this part of the statute in connection with that preceding, which defines the service as one that can reasonably be demanded and furnished. Injury or damage to a person by a public utility in willful disregard of such person's rights does unquestionably constitute a prejudice prohibited by the statute. But the exigencies of the operation of public utilities are such that persons may be at times temporarily unable to obtain service, without a necessary vio-

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lation of their rights or without suffering eventually any real disadvantage. If the New York Telephone Company were now changing its plant in Allendale and contiguous territory, and if the Board were convinced that the result of such change would be to add materially to the value of the service to subscribers generally in the Allendale district, it might not order the company to provide temporary construction, to furnish additional individual service, temporarily withheld, if the effect of such order would be to seriously interfere with or postpone the completion of the construction which would be beneficial to all. A demand that the company cease withholding or refusing such service would not be a reasonable demand, and a few subscribers ordered served under such circumstances, while temporarily benefited, might impede the progress of an improvement which ultimately would be advantageous to them as well as others.

In the case at bar, however, there is no such contingency properly to be considered. The New York Telephone Company is now supplying service to numerous subscribers in the Borough of Allendale. It refuses service to the complainant, not because it is actually reconstructing its plant with the view of improving its service, but because it projects such reconstruction after successfully negotiating with the Borough to obtain additional privileges, which if obtained will affect the construction of its plant and equipment in the Allendale district. These negotiations have already extended over a period of two years, and there is no certainty of their speedy adjustment. They do not provide a sufficient reason for withholding service from the complainant. It is possible that the privileges sought by the company would enable it to improve its plant and service; but if the municipal authorities persist in declining to give a franchise which contemplates the substitution of megneto instruments for the common battery type, this Board cannot avoid ordering service to be afforded, because the Board may think the projected reconstruction of the plant would be advantageous to all subscribers in Allendale.

It appears from testimony taken at the hearing that two more subscribers can be afforded service with present facilities, and that by providing an additional circuit from Ridgewood eight subscribers in addition to these two can be added to the company's lines. It does not appear that to provide this service would necessitate any greater expense than is involved in running the existing circuits.

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Even if the municipal privilege should eventually be accorded, the expense of running the additional circuit will not be excessive. The Board is, therefore, of the opinion and finds that the New York Telephone Company in refusing telephone service to Philip B. Adams at his residence at Allendale is withholding and refusing service which can reasonably be demanded and furnished; that the said New York Telephone Company should cease withholding or refusing such service, and should supply the same. An order will be so entered.

Dated December 23rd, 1912.

In the Matter of Complaint of Philip B. Adams vs. the New York Telephone Company. } **ORDER.**

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

HEREBY ORDERS the New York Telephone Company to supply to Philip B. Adams, on demand by him, telephone service at his residence at Allendale, New Jersey, upon the same terms that other subscribers of said New York Telephone Company are supplied with service at their residences in said Borough.

This order shall become effective January 14th, 1913.

Dated December 23rd, 1912.

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In the Matter of the Complaint of the Board of Health of Merchantville Against the Pennsylvania Railroad Company. } **REPORT.**

J. E. VanKirk, Esq., and *Dr. Lawrence,* for the complainants.
A. P. Gest, for the Pennsylvania Railroad Company.

The Board of Health of the Borough of Merchantville complained to the Board of Public Utility Commissioners that there are three crossings of the track of the Pennsylvania Railroad Company in the Borough of Merchantville, said crossings being those of principal highways, which are unprotected. The Board was asked to order the Pennsylvania Railroad Company to employ gatemen by night, as well as day, at each of these crossings.

To this complaint answer was made by the Pennsylvania Railroad Company, which answer claimed that all the street crossings at Merchantville are protected by electric bells at night, but that at the two main crossings, namely, Center Street and Park Avenue, day watchmen are on duty. It was claimed that trains passing after the watchman go off duty are infrequent and that the protection now given is as reasonable as should be expected. On the issue joined hearing was held at which the Borough of Merchantville and the Railroad Company were represented.

After such hearing and consideration of the testimony adduced thereat, the Board is of the opinion and finds:

1.—That the protection of the traveling public at the crossing at grade of Park Avenue and the tracks of the Pennsylvania Railroad Company, in the Borough of Merchantville, requires that said crossing should be protected by gates twenty-four hours daily.

2.—That the protection of the traveling public at the crossing at grade of Cove Road and the tracks of the Pennsylvania Railroad Company, in the Borough of Merchantville, requires that said crossing should be protected by flagman daily from 6 A. M. to 8 P. M.

The Board is also of the opinion, and finds that reasonable protection for the protection of the traveling public at the crossing at grade of Center Street and the tracks of the Pennsylvania Railroad Company, in the Borough of Merchantville, requires that all trains reduce speed to ten miles per hour, while running over said crossing when gates are not operated.

An Order will be so entered.

Dated December 23rd, 1912.

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In the Matter of the Complaint of the Board of Health of Merchantville Against the Pennsylvania Railroad Company. } **ORDER.**

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

The Board of Public Utility Commissioners HEREBY ORDERS the Pennsylvania Railroad Company:

1. To extend the time during which the crossing at Park Avenue and the tracks of said Pennsylvania Railroad Company in the Borough of Merchantville, is protected by gates, so that such protection will be effective for twenty-four hours each day.

2. To protect crossing at Cove Road and the tracks of said Pennsylvania Railroad Company, in the Borough of Merchantville, by a flagman from 6 A. M. to 8.00 P. M. each day.

3. To reduce speeed of trains to ten miles per hour while running over the crossing of Center Street and the tracks of said Pennsylvania Railroad Company, in the Borough of Merchantville, during the hours said crossing is not protected by gates.

This Order shall become effective January 14th, 1913.

Dated December 23rd, 1912.

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In the Matter of the Investigation by the Board of Public Utility Commissioners as to Whether the Erie Railroad Company, The Northern Railroad Company of New Jersey, The New Jersey and New York Railroad Company, The New York, Susquehanna and Western Railroad Company, The Delaware, Lackawanna and Western Railroad Company, The Pennsylvania Railroad Company and The West Jersey and Seashore Railroad Company Fail to Provide Adequate and Proper Service in Operating Passenger Cars in this State Which are not Provided with Drinking Water.

ORDER.

Full investigation of the matters and things involved in this case having been had, and the Board having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made part hereof, the Board of Public Utility Commissioners, after hearing, upon notice,

HEREBY ORDERS the Erie Railroad Company, the Northern Railroad Company of New Jersey, the New Jersey and New York Railroad Company, the New York, Susquehanna and Western Railroad Company, the Delaware Lackawanna and Western Railroad Company, the Pennsylvania Railroad Company and the West Jersey and Seashore Railroad Company, and each of said companies, to furnish drinking water of proper quality on each car used for carrying passengers on each train operated by each of said companies, the schedule of which shows that one-half hour or more is required to run from the starting point of such trains within the State, to the last stop in the State, and to equip such cars that drinking water may be kept in proper condition and of sufficient quantity for passengers thereon.

Dated December 24th, 1912.

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In the Matter of the Investigation by the Board of Public Utility Commissioners as to Whether The Erie Railroad Company, the Northern Railroad Company of New Jersey, The New Jersey and New York Railroad Company, The New York Susquehanna and Western Railroad Company, The Delaware, Lackawanna and Western Railroad Company, The Pennsylvania Railroad Company and The West Jersey and Seashore Railroad Company Fail to Provide Adequate and Proper Service in Operating Passenger Cars in This State Which are not Provided with Drinking Water. } **REPORT.**

Theodore H. Burgess, for the Erie Railroad Company, Northern Railroad Company of New Jersey, New Jersey and New York Railroad Company and New York, Susquehanna and Western Railroad Company.

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

F. L. Sheppard, for the Pennsylvania Railroad Company and the West Jersey and Seashore Railroad Company.

The Board of Public Utility Commissioners on the sixteenth day of July, nineteen hundred and twelve, upon its own motion, called a hearing upon the question whether the Erie Railroad Company, the Northern Railroad Company of New Jersey, the New Jersey and New York Railroad Company, the New York, Susquehanna and Western Railroad Company, the Delaware Lackawanna and Western Railroad Company, the Pennsylvania Railroad Company and the West Jersey and Seashore Railroad Company, or any of said companies, fail to furnish safe, adequate and proper service, in operating passenger cars not provided with drinking water, in the State of New Jersey.

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The Board fixed Monday, July twenty-second, nineteen hundred and twelve, at the Court House, Newark, New Jersey, at eleven A. M., as the time and place of said hearing.

The above named companies were served with notice in writing, of the hearing, and were represented thereat.

It appears from testimony taken at the hearing, that, covering a long period of years, prior to the month of July, nineteen hundred and eleven, the practice of providing drinking water upon steam passenger trains operated in this State was generally in force. A change in this respect has been made by certain of the railroad companies, and this change is attributed by them to the enactment of Chapter 171, P. L. 1911, which prohibits the use of common drinking cups in public places in this State. This is not regarded by the Board as a valid reason why drinking water should not be provided. It is a matter of common knowledge that many passengers carry cups to use for drinking water on trains and this Board has ordered the railroad companies operating passenger trains in this State "to provide and keep on all passenger trains operated by them respectively, within the State of New Jersey, on which water is furnished for drinking purposes, inexpensive individual drinking cups, or glasses in sanitary condition, that may be had by any passenger, without cost to such passenger, solely for the purpose of drinking water on such trains, on request made to the conductor or brakeman of a train, or to the porter of any car thereof."

It has been urged by the railroad companies in interest that in any order made by this Board, requiring such companies to supply drinking water on passenger trains, a zone limit should be fixed, upon a distance basis from the Hudson River terminals. It appears that such zone limits have been established by the railroad companies. For trains of what is commonly termed the "Erie System" operating in this State, zone limits have been established averaging from thirty to thirty-three miles from Jersey City, within which limits no water is furnished. Trains running beyond these zone limits are furnished with drinking water. It further appears that the time occupied by some trains to cover the distances within the zone limits, ranges from one hour to one and one-half hours. It further appears that the Delaware, Lackawanna and Western Railroad Company furnishes no water upon trains running on its branches between Hoboken and Dover, forty miles distant from Hoboken. The maximum time required for slow trains in this zone is one hour and thirty-seven minutes.

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It does not appear that there are any zones without provision of drinking water on the Pennsylvania Railroad Company or the West Jersey and Seashore Railroad Company where the time required to cover the distance is as great as that noted above.

It is contended by the Delaware, Lackawanna and Western Railroad Company that Dover being the junction point for the Morris and Essex and Boonton Branch lines, that place should be the distance limit from the terminal within which no water need by furnished. The time required by certain trains to travel from Hoboken to Dover is, as stated above, more than one hour and one-half.

It is urged that trains need not be supplied with drinking water within the zones where drinking water is not furnished because stations along the route are all so supplied. This is not, in the opinion of the Board, a good reason why the railroad company should not supply water upon the trains.

The Board, after consideration of this matter, is of the opinion that an adequate supply of water of proper quality for drinking should be provided on passenger trains, where the schedule is such as to require passengers traveling between two points in this State, to remain on the trains for any considerable period of time.

The Board is also of the opinion that the time schedule of passenger trains and not the distance between points, should be the controlling factor in determining whether drinking water should be supplied.

It is not regarded as reasonable for a railroad company to refuse to supply drinking water in its cars because the run of the train is for a comparatively short distance if the time required to make the run is such that the lack of water may, very probably, be a hardship to passengers. On the other hand, it is not regarded as reasonable to require railroad companies to supply drinking water on trains which run in suburban service with few stops and where the time consumed by the entire journey between the terminal takes but a few minutes.

In the opniion of the Board it is a reasonable requirement of safe, adequate and proper service that all passenger trains, where the time scheduled to make the journey between points in this State is one-half hour or more, should be equipped with water of proper quality for drinking.

The BOARD HEREBY FINDS AND DETERMINES after hearing that the Erie Railroad Company, Northern Railroad Company of New

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Jersey, New Jersey and New York Railroad Company, New York, Susquehanna and Western Railroad Company, Delaware, Lackawanna and Western Railroad Company, Pennsylvania Railroad Company and West Jersey and Seashore Railroad Company, do not furnish safe, adequate and proper service, in that such companies do not in all appropriate cases supply water of proper quality for drinking purposes on passenger trains, the schedules of which show that one-half hour or more is required to run between stations in the State of New Jersey.

An order will, therefore, issue requiring the companies named above to furnish drinking water of proper quality on each car used for carrying passengers on each train operated by said companies, the schedule of which shows that one-half hour or more is required to run from the starting point of such trains within the State to the last stop in this State, and to so equip such cars that drinking water may be kept in proper condition and of sufficient quantity for passengers thereon.

It does not appear that companies other than those mentioned above fail to provide the safe, adequate and proper service which failure this order will be intended to correct. In the event of its appearing hereafter that any other railroad company fails to provide the service which will be ordered, the Board will fix a date for a hearing at which such company will be heard on the question of whether an order similar to that to be entered should not apply to said company.

Dated December 24th, 1912.

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In the Matter of Hearing as to Whether the Existing Schedule of Rates of the Public Service Gas Company, for Gas, Is Just and Reasonable. } **REPORT.**

ABSTRACT OF THE REPORT.

The board determines the existing rate of $1.10 per thousand cubic feet of gas with a discount of 10 cents per thousand cubic feet for prompt payment to be unjust and unreasonable.

It fixes in place of the rate of $1.10 per thousand cubic feet, with a discount of 10 cents per thousand cubic feet for prompt payment, a charge of 90 cents per thousand cubic feet to be just and reasonable and requires the company to put such charge into effect in the "Passaic Division" on and after February 1st, 1913.

The municipalities included in the "Passaic Division" and affected by the order of the board are the cities of Paterson and Passaic, Acquackanonk Township, Hawthorne Borough, Saddle River Township, Prospect Park Borough, Haledon Borough, Garfield Borough, Lodi Borough, Nutley Town, Little Falls Township, Ridgewood Village, Glen Rock Borough, Wallington Borough and Totowa Borough.

THE BOARD'S RECOMMENDATIONS.

The Board recommends that the compay set the same reduced rate of 90 cents per thousand cubic feet throughout all of the other divisions of the State where now it is exacting the rate of $1.00 net per thousand cubic feet.

It makes this recommendation as to territory not embraced in the "Passaic Division" because under the statute it can only issue an order fixing rates "after hearing, upon notice."

It is also recommended that the schedule for quantitative discounts be readjusted in accordance with the above rate of 90 cents per thousand cubic feet.

REJECTS COMPANY'S PROPOSITION.

At the outset of the proceeding initiated by the Board, the Public Service Gas Company and Public Service Electric Company submitted a proposition to the Board. This proposition contemplated in the case of the gas company the putting into operation a uniform flat rate of $1.00 as of January 1st, 1912, and on January 1st, 1914, the reduction of this rate to 95 cents and on January 1st, 1916, the further reduction to 90 cents. It further contemplated in the case of the electric company as of January 1st 1912, the adoption of the same schedule of discounts from the base rates put into effect in New York by the Edison Company.

The proposition was submitted as an entirety with regard to the two properties—gas and electric.

The Board did not act upon the proposition because it tied up two rates, one for gas and the other for electricity, having no relation, and because to accede to it meant the fixing, without investigation, of rates for a period of five years.

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VALUE OF TANGIBLE PROPERTY.

The Board finds the value of the tangible property of the company in the Passaic Division, as of October 1st, 1911, to be,

Land	$ 111,160
Manufacturing plant	1,161,550
Distributing system	2,465,270
Working capital	250,000
	$3,987,980
Less sum required to adjust figures to July 1st, 1911	62,000
	$3,925,980
Less depreciation	200,980
	$3,725,000

For these items a value of $5,818,940 was claimed by the company.

VALUE OF INTANGIBLE PROPERTY.

The Board allows for organization, franchises, cost of establishing business, etc., $1,025,000.

The company claimed allowance for these items in the sum of $3,090,551.

TOTAL VALUE.

The total value as found by the Board is $4,750,000.

The total value as claimed by the company was $8,909,491.

NO ALLOWANCE FOR "GOOD WILL."

No allowance is made for good will. It seems well settled that where a particular service is furnished by only one company within a given area, the option of patronizing a rival public concern is absent; and that under such circumstances, good will, or the value of voluntary patronage where a competing service is available, does not exist.

"GOING CONCERN VALUE" ALLOWED.

However, the various conceptions of "Going Concern Value" may fail of precise coincidence, they all have a common core. This is the value a utility property has, or may have, over and above the value of its tangible belongings.

In this connection the Board puts two questions. First, can a public utility have any excess in value over and above the value of its tangible belongings? This moreover presupposes that the excess value, if any, is wholly distinct from any capitalized earning power predicated on a future setting of the base upon which public utilities are entitled to earn a fair return?"

To this question the Board answers, there is such a thing as "going concern value"; "a plant with a business attached has a value greater than the value of the mere plant without the business attached," and concludes, "the 'going concern value' will then be largely represented by the cost of developing the business as distinct from the cost of securing the physical structure."

Next the Board puts the question: "In case it transpires that such excess value, known as 'going concern value' exists, and in case the costs in-

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volved in the acquisition of such value have been met out of rates exacted from consumers, should such excess value, known as 'going concern value' enter into the base upon which public utilities are entitled to a fair return?"

The question, too, the Board answers in the affirmative so far as it does not appear that the rates exacted from consumers were legally challenged. "We see no escape from the necessity of recognizing the intangible property designated as 'going concern value,' as well as actual physical structures similarly obtained as constituting part of the present lawful possessions of a public utility, even though both these tangible and intangible values were built up in the past out of rates exacted from consumers, it being always assumed that the rates exacted were not legally assailed or assailable." * * * "The business thus acquired must be regarded as a legitimate part of the property of the company. We cannot equitably project back into the unregulated past a norm of prices that might today be regarded as fair and adequate and assume that actual rates exacted in the past, insofar as they exceed what are now deemed fair, have not lawfully become the property of the company. If these high rates in the past have been employed by the company to acquire intangible property in the shape of extensive patronage, that expectation of patronage is theirs, and on its fair value the company is entitled to a return. It may or may not be a subject of regret that regulation was so long deferred; but deferred regulation is no excuse for refusing at present to allow a fair return upon what is the lawful property of the company."

COMPANY'S CONTENTION AS TO VALUE OF FRANCHISES DENIED.

The company claimed allowance of $1,392,235 as the value of its franchises. This claim the Board denied.

The Board finds the value of all intangible property of the company, including franchises, to be $1,025,000, and says:

"It is the public policy of the State of New Jersey at present not to allow the capitalization of franchises for an amount in excess of the actual cost involved in obtaining said franchises. That this is a wise and equitable policy we think is incontestable. One of the characteristic features of a public utility such as a gas company is that it does not possess and ordinarily cannot afford to purchase the land requisite for the location of its distributing apparatus. When by its secondary franchises such permits to locate are granted to a company without other expense than the necessary business and legal costs of securing municipal consents, it seems unthinkable, as a matter of equity and public policy, that the easements gratuitously granted should be made the basis for an additional charge to be imposed upon the grantor." The Board further says: "It is quite obvious that our finding as to the total amount of intangible property ($1,025,000) is tantamount to including the franchises of the company at a moderate rating—at a value comparable with the cost of obtaining these or similar franchises. It amounts therefore to a practical denial of the Company's contention as to the value of its franchises. The figures claimed for the franchises by the company of $1,392,235, considerably exceeds our appraisal of the Company's entire intangible property."

SECURITIES ISSUED IN MERGER NOT PROPER BASIS FOR RATES.

The company contended before the Board that the par value of securities originating in the merger of six different gas and electric concerns in this district in 1899 determine an amount below which the Board's aggregate valuation could not fall. This contention is expressly denied by the Board.

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In the consolidation of the six gas and electric companies creating the Paterson & Passaic Gas and Electric Company in 1899, the capitalization of the latter company was fixed at $5,000,000 in stock and a like amount in bonds. Of this approximately all of the stock and $4,100,000 of the bonds were used in effecting the consolidation.

The Board finds that the capitalization resulting from the consolidation was in excess of the real assets.

"Over and above $2,224,100 issued to the United Gas Improvement Company for 'sundry claims and franchises,' the excess of par value of stocks and bonds issued over the par value of stock and bonds received was $3,893,691. While no evidence of the value of the 'sundry claims and franchises' of the U. G. I. Co. was produced, yet as the company under the arrangement received in bonds $764,000 it may perhaps be surmised that not all of the $1,460,100 in stock received by that company was represented by their extant property of an equivalent value. If this stock was all bonus, and if the excess in securities received by the six merging companies was similarly bonus, it would seem that the consolidation involved a total of $5,353,791 in securities based on anticipation rather than of solid assets; and of the capitalization here involved it is agreed that approximately two-thirds are applicable to the gas properties."

The lease of 1903 of the Paterson & Passaic Gas & Electric Company to the Public Service Corporation provided for payment as rental of interest on the bonded debt, and an amount equivalent to dividends on the stock of the Paterson & Passaic Gas & Electric Company for the first year of 1½ per cent., for the second year of 2 per cent., and for each subsequent year of an additional half per cent. until eventually 5 per cent. was reached.

If, at the time of the lease, the property taken over by the Public Service Corporation in excess of the bonded indebtedness was represented by assets of value equivalent to the stock created by the consolidation, why was so low a return accepted by the constituent companies, or how was the Public Service Corporation able to induce the lessors to accept so meagre a return as rental upon the stock of the newly created company?

The later lease of the Ridgewood Company to the Public Service Gas Company, while guaranteeing five per cent. on the bonds, guaranteed only two per cent. on the stock.

The decision states the claim of the company to be that whatever the precise amount of water that was injected into securities resulting from the consolidation, yet that, since the securities were issued under due form of law, are widely scattered "and people have paid for them in honest money," the Board, while it should not allow any rate like ten per cent. thereon, should "stamp five per cent. on the bonds and five per cent. on the stock" and treat the money behind that (i. e., cash subsequently invested in the property) as "genuine money."

To this claim the Board, adopting the language of Smyth vs. Ames, 169 U. S. 466, answers that if a utility corporation has bonded its property for an amount which exceeds its fair value, or if its capitalization is largely fictitious, it may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuation or fictitious capitalization.

Both at common law and now in this state by statute a public utility assumes the responsibilities of furnishing safe, proper and adequate service at reasonable rates and undertakes its business with the explicit knowledge of the state's right and power to set reasonable rates. Any capitalization it effects is effected subject to the states' reserved power in the premises it cannot plead its capitalization nor any contracts it may have undertaken as barring the states' exercise of its power as to rates. When moreover the capitalization, albeit legal, is demonstrably in excess of the value of its assets at the time of capitalization, the public utility cannot cite its un-

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challenged capitalization as a bar to the State's exercise of inherent prerogative.

RATE OF RETURN.

The Board does not go on record as favoring any particular rate of return applicable to all cases. The return must be sufficient to attract the large amount of capital required each year in making the additions and extensions to plant and distribution system which the growth in communites demands.

The price fixed, 90c per thousand cubic feet, will afford a return of approximately 8% on the value of the property as found by the Board.

GENERAL EFFICIENCY GOOD.

The Board finds that the general efficiency of the company is at least as good, and probably better, than the average of the companies with which comparisons have been made.

CHRONOLOGY.

1911.	
June 9th.	Complaint by Mayor Andrew F. McBride, of Paterson, relating to gas, electric, water, trolley and railroad commutation rates.
	Separation of complaint required by Board.
July 25th.	Resolution calling for hearing "As to whether the existing schedule of rates of Public Service Gas Company for gas is just and reasonable."
August 1st.	Petition of City of Passaic for inquiry as to gas rates filed.
August 15th.	Motion entered outlining an inventory of statements to be filed by Company.
September 27th.	Proposition of Company submitted to Board.
	Forstall and Robison engaged by Board to make inventory and appraisal of the property in Passaic Division.
1912.	
January 3rd.	Taking of testimony begun.
September 13th.	Taking of testimony concluded.
October 11-12.	Oral argument begun and concluded.
	Transcript of testimony 2,541 pages, not including exhibits.

Appearing before the Board as Counsel,

For the Board, Frank H. Sommer.
For the Company, Thomas N. McCarter, Frank Bergen.
L. D. H. Gilmour, E. A. Armstrong.
For Paterson, Thomas F. McCran, Edward F. Merrey.
For Passaic, George L Record, Albert O. Miller, Jr.

Engineers making inventory and appraisal,

For Board. Forstall & Robison, Philander Betts.
For Company, William W. Randolph.

Accountant employed by Board, Marvin Scudder.

Representing cities as Expert Adviser, Professor Edward W. Bemis.

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REPORT.

The inquiry into the reasonableness of gas rates charged by Public Service Gas Company in the Passaic Division dates back to a letter written by Mayor Andrew F. McBride of Paterson to this Board. This letter was dated June 9th, 1911. It requested the Board to investigate rates charged for gas and electricity in Paterson by the Public Service Gas and Public Service Electric Companies, and it requested a similar investigation of rates charged for water by the Passaic Water Company, and also of trolley fares charged by the Public Service Railway Company. It also requested an investigation of commutation rates charged by railroads for journeys between Paterson and Jersey City. To this letter, a reply was sent stating that the Board was willing to make the inquiries asked, but would have to separate the various inquiries. On July 25th, 1911, at a meeting of the Board of Public Utility Commissioners, a resolution was entered in the minutes calling for a hearing "as to whether the existing schedule of rates of Public Service Gas Company for gas is just and reasonable."

The hearing so initiated was based upon the following sections of the statute creating the Board.

Sec. 18. (a.) which provides: "No public utility * * * shall make, impose or exact any unjust or unreasonable * * * rate * * * for any product or service supplied by it within this State."

Sec. 16. (c) which enacts: "The Board shall have power * * * after hearing, upon notice, by order in writing, to fix just and reasonable rates * * * which shall be imposed, observed and followed thereafter by any public utility * * * whenever the Board shall determine any existing * * * rate * * * to be unjust (or) unreasonable. * * * "

Sec. 16. (b) which provides that the Board shall have power: "from time to time to appraise and value the property of any public utility * * * whenever in the judgment of said Board it shall be necessary so to do, for the purpose of carrying out any of the provisions of this act. * * * "

On August 1st, 1911, there was filed by Mr. George L. Record a petition of the City of Passaic praying that the Board would investigate rates for gas in Passaic, and would reduce the same. On August 15th, 1911, a motion was entered in the minutes of the Board outlining an inventory of statements required to be filed by

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the Public Service Gas Company with the Board. Both the complaint of the City of Paterson and that of the City of Passaic with reference to the rates for gas were merged in the proceeding so initiated by the Board through the resolution before referred to.

The investigation in its scope has insofar been delimited to what is known as the Passaic Division of the Public Service Gas Company. This division includes the cities of Paterson and Passaic, Acquackanonk Township, Hawthorne Borough, Saddle River Township, Prospect Park Borough, Haledon Borough, Garfield Borough, Lodi Borough, Nutley Town, Little Falls Township, Ridgewood Village, Glen Rock Borough, Wallington Borough and Totowa Borough. In this proceeding the Board was represented by Mr. Frank H. Sommer, counsel; the Company by Messrs. Thomas N. McCarter, Frank Bergen, L. D. H. Gilmour and E. A. Armstrong. The City of Paterson was represented first by Mr. Thomas F. McCran, and afterwards by Mr. Edward F. Merrey. The City of Passaic was represented by Messrs. George L. Record and Albert O. Miller, Jr.

The firm of Forstall & Robison was engaged by the Commission to make an inventory and appraisal of the property of the Company found in this division. The Company employed for the same purpose Mr. William W. Randolph. The cities of Paterson and Passaic engaged the services of Professor Edward W. Bemis as expert adviser. During the course of the investigation, it was found necessary to have an examination made of the Company's books of account, and for this purpose Mr. Marvyn Scudder of The Investor's Agency was engaged by the Commission, and made for them the examination required.

After the initiation of the hearing and at the outset of the taking of testimony a proposition was submitted to the Board on behalf of the Public Service Gas Company and the Public Service Electric Company. This proposition contemplated in the case of the Gas Company the putting into operation of a uniform flat rate of $1.00 as of January 1st, 1912, for the whole territory served by the Gas Company, and on January 1st, 1914, the reduction of this base rate to 95 cents and on January 1st, 1916, the further reduction in this base rate of 90 cents.

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It further contemplated in the case of the Electric Company as of January 1st, 1912, the adoption of the same schedule of discounts from the base rate lately put into effect in New York by the Edison Company which embraces a more liberal schedule of discounts than now in force in this territory. The present Public Service rate steps down one cent for every 500 kw. hours of monthly consumption for the first five steps; the New York rate steps down one cent for every 250 kw. hours of monthly consumption for the first four steps. In the fourth year of the period, or on January 1st, 1915, the base rate is further reduced from ten cents to nine cents, thus combining the first two steps of the theretofore existing schedule.

In the submission of this proposition the following statement was made: "It is proper to add that this offer is made as an entirety with regard to the two properties, and the companies stand committed to no departure therefrom."

Connecting, as the proposition did, rates for gas, and electricity having no relation to each other and contemplating the fixing of rates extending over a period of five years, without investigation, the Board took no action on the proposition.

The actual taking of testimony was begun on January 3d, 1912, at the Court House in the City of Newark. Testimony was taken thereafter up to the thirteenth of September, 1912, and oral argument was concluded before the Commission on October 11-12th, 1912. Printed briefs were filed by Mr. Frank Bergen for the Company; by Mr. Edward F. Merrey for the City of Paterson; and by Messrs. Albert O. Miller, Jr., George L. Record and Edward F. Merrey for the City of Passaic.

The taking of testimony occupied some twenty-six or twenty-seven days. The transcript of the evidence fills 2541 pages, and the exhibits submitted have been lengthy and numerous. Much expert testimony was introduced and apparently every important aspect of the matter, both as regards facts and the law, was thoroughly canvassed.

As the result of careful consideration of the evidence and argument upon all of the facts before it, the Board of Public Utility Commissioners finds and determines that the rate of One Dollar and Ten Cents with a discount of ten cents per thousand cubic

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feet for prompt payment now charged by the Public Service Gas Company for gas in the Passiac Division is unjust and unreasonable, and more than sufficient to afford to the Company a fair return upon the Company's property within the district, used and useful in the furnishing of gas to the consumers therein. The Board of Public Utility Commissioners finds and determines that a price of ninety (90) cents per thousand cubic feet is a just and reasonable price to be exacted in that division from consumers who have hitherto been charged One Dollar and Ten Cents ($1.10) per thousand cubic feet with discount for prompt payment as stated. The grounds upon which these findings are based will appear in the subjoined parts of this report, and an Order accordingly will be entered and served upon the Company requiring it on and after February 1st, 1913, thereafter to set, establish and charge a rate of ninety (90) cents in place of the said rate now set and exacted.

The Board of Public Utility Commissioners HEREBY RECOMMENDS to Public Service Gas Company to set the same rate of ninety (90) cents per thousand cubic feet throughout all the other divisions of the State where it now is exacting the rate of One Dollar net per thousand cubic feet. Except for the Passaic Division, where the Board's order is mandatory, the Board makes a recommendation only, for the reason that under the statute it may not issue an order in the premises except after due notice and hearing. It is also RECOMMENDED that the schedule for quantitative discounts be readjusted in accordance with the above rate of ninety cents per thousand cubic feet.

In order to determine the fair value of the Company's investment in this Division upon which it is entitled to earn a reasonable return, it is necessary to determine the value (1) of its physical plant and associated plant assets; and (2) the value of the Company's intangible property.

VALUATION.

In making up the valuation of the property, we have classified it in accordance with the definitions in the Classification of Accounts promulgated by the Interstate Commerce Commission, for

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the District of Columbia, as this classification accurately defines each class of property. For the purposes of this valuation, we adhere to the numbers found in the classification referred to. Tangible physical property is first taken up, and consideration of intangible values follows.

The first item is No. 300, Land.

The testimony as to this item produced before the Board has been extensive, the Board having employed Mr. S. S. Sherwood to make a valuation on the property in Paterson and in Ridgewood, and having employed Mr. Thomas McMahon to make a valuation on the property located in Passaic. The Company presented as witnesses testifying with regard to land values: Mr. Frank Hughes, Mr. Frank W. Furrey, Mr. Edward H. Lambert, Mr. Percy A. Gaddis.

The City of Paterson put on as witnesses Mr. Thomas H. Risk, Tax Assessor, and Mr. David V. Proskey.

The City of Passaic put on as witnesses Mr. James T. Boyle, Mr. Aaron Witte, Mr. John Woods and Mr. Louis Lipchitz. Mr. Philip I. Hover and Mr. Percy A. Gaddis for the Company, and Mr. S. S. Sherwood for the Commission, testified with regard to land values in Ridgewood.

The following table No. 1 is a comparison of the different valuations for land. Following the table are the references showing on what page in the testimony each item is found.

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REAL ESTATE COMPARISON OF VALUATIONS.

TABLE I.

PATERSON.

Plot	1. *Company*	2. *Assessment.*	3. *Sherwood.*	4. *Hughes.*	5. *Furrey.*	6. *Lambert.*	7, *Gaddis.*	8. *Risk.*	9. *Proskey.*
Hillman St.	$ 2,830	$ 1,400	$ 1,500	$ 2,500	$ 2,378.49	$ 2,700			General
River Works, ...	311,520	49,700	44,860	259,000	317,819.25	295,200	$282,529	$49,200	testimony
Ellison St.	10,887	7,640	10,400		8,820.91	10,400	11,318		
Paterson St.	10,414	7,500	12,000	20,000	8,925.44	10,750	10,852		
	$335,651	$66,240	$68,670	$281,500	$337,944.09	$319,050	$304,699		

PASSAIC

Tract.	10. *Company.*	11. *Assessment.*	12. *Hughes.*	13. *Gaddis.*	14. *Boyle.*	15. *Witte.*	16. *Woods.*	17, *Lipchitz..*	18. *McMahon.*
Works Plot	$109,144	$34,000	$101,500		$39,325	$39,360	$39,300	$39,325	$45,000
Railroad Lot	5,280	600	4,400		2,800	2,800	2,500		1,100
Holder Station ...	11,369	4,300	12,000	$189,890	6,349	6,200	4,000	6,125	5,750
	$125,793	$38,900	$117,900	$189,890	$48,474	$48,360	$45,800	$45,450	$51,850

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TABLE 1—Continued

RIDGEWOOD

19.	20.	21.	22.	23.
Company	*Assessment.*	*Hover.*	*Gaddis.*	*Sherwood.*
$5,970	$500	$4,875	$4,762	$3,000

REFERENCES

1—10—19—Company. Exhibit 6 of Jan. 29, 1912.
2—11—20—Testimony of James Maybury, Jr.

3—23 pages 2180–2182		4—12 pages 714–739		5 pages 814–825–894–902 914–916	8 pages 1957–1967	9 pages 1939–1947–1954	14 pages 1869–1880	1883–1886	
6 pages 917–931	955–976	7—13—22 pages 1013–1017	1020–1040		15 pages 1892–1901	16 pages 1903–1910–1916	17 pages 1919–1926	1935–1936	
989–994	996–1005	1055–1065	1081–1083		18 pages 2232–2233	21 pages 1006–1009			
		1089–1095	1097–1099						
		1102–1104	1105–1110						

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The witnesses for the Company confined their testimony to reproduction value, and in each case compiled an estimate of value on some theory involving the reproduction of a site similarly located and of equal area. Two of these witnesses assumed in estimating reproduction value that buildings would have to be removed in order to prepare the site for the Gas Company. The testimony of the assessors and of Messrs. Sherwood and McMahon was not confined to reproduction value, but was intended primarily to give the price which a willing seller not compelled to sell would accept from a purchaser willing but not compelled to buy.

Much testimony was submitted with regard to allowances for "plottage" or assembly value. We have given this phase of the matter much careful thought and have made certain allowances which are indicated below. Certain items of land and of buildings are used by both the Public Service Gas Company and the Public Service Electric Company. These items are divided in proportion approximately to the gross revenues of the respective companies.

After due consideration of all the testimony with regard to land values, we have adopted the following as best representing the real values of the various items of real estate:

1.	**Paterson Plant.**		
	Valuation made by S. S. Sherwood.....	$44,860	
	Allowance for plottage of 10%.....	4,500	
			$49,360.00
2.	**Lots on Hillman St., Paterson.**		
	Sherwood valuation		$1,500.00
3.	**Passaic Plant.**		
	McMahon valuation $45,000		
	(2-3rds to gas	30,000	
	Allowance for plottage 10%.....	3,000	
			$33,000.00
4.	**Passaic Holder Station.**		
	Valuation by Witte, Boyle, Woods and McMahon. $5,575.		
	Valuation by Hughes for the Company was $12,000.		
	Property is assessed at $4,300. The average between Hughes at $12,000, and the average of the four assessors at $5,575, is $8,787.		
	On the whole, we believe that $8,500 is a fair allowance for land occupied by the Passaic holder station.....		$8,500.00

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5. Lot on the Erie R. R. in Passaic.
This lot has been valued at various figures ranging from $1,100 to $5,290; is assessed at $600; was valued by McMahon at $1,110, and after considering the testimony with regard to the fact that this lot is not now used * in connection with the gas business but may be used in the future, we accept the value of $1,100.00

6. Ridgewood Station.
Tihs land was estimated at $3,000, by Sherwood to $5,970 by the Company; is assessed at $500, and in view of all the testimony we acept the value of..... $3,000.00

7. Paterson office and shop location.
This property is assessed at $15,140, and was valued at figures ranging from $17,746 to $22,400. We accept the valuation made by Sherwood of $22,400, and allow 2-3ds of this to gas, and accept for value of the land used by the gas company $15,000.00

TOTAL value for land as given above amounts to.....$111,160.00

*See testimony pages 809-813.

and after careful consideration of all the testimony produced in this case, we accept the value for land of $111,160. Much of the testimony with reference to land values referred to the cost of reproducing a similar site, under conditions which we do not think would obtain, and did not purport to be an estimate of the actual value of present property.

PLANT AND DISTRIBUTION SYSTEM.

Much testimony has been given as to detailed costs of various items of physical property. Much of the testimony tends to show that we are not justified in accepting, without modification, any one of the several appraisals made by the various engineers engaged in making valuations of the physical property. Some items are demonstrably low*; some others are equally high.

*See testimony of Forstall, pg. 2191 sq.

In addition to valuations made by the engineers, we have available definite information as to the actual cost of constructing some items of the Company's property, and we have information as to the total amount expended by the Company during the past eight years. We are inclined to estimate the value of physical property by using all available information with regard to values; and

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especially are we inclined to accept as a measure of value for all of the physical property of the Company, the unit costs to the Company for that part of the property constructed during the past eight years. We are not inclined to hold strictly to a valuation made up in this way, as testimony of certain witnesses has demonstrated that certain items cost less, owing to peculiar conditions governing, than would ordinarily be the case. It may be equally true that some items cost more, but on the whole we believe that recent records of cost are very important in deciding upon the value to be set for various groups of physicial property.

No. 305. General Structures.

No. 307. Works and station structures.

For the valuations for buildings made by the various appraisals and in view of all the testimony, we are inclined to accept the basis of valuation used by A. E. Schneeweiss of the J. W. Ferguson Company. He did not, however, set values on all items classed under structures. We, therefore, take a valuation based on Forstall's inventory and Schneeweiss' unit prices.

Accounts Nos. 305 and 307 include a number of items, such as fences, paving, oil tanks, tar tanks and water tanks, which are not comparable with buildings and therefore it is not proper to apply to the full amount of these accounts a percentage difference obtained from the two sets of valuations of buildings. The comparison should be made as follows:

Schneeweiss gave values for the following buildings:

Paterson Works.		
Old Generator House	$7,318	without operating floor.
Old Boiler House	7,438	
Purifying House	21,813	without electric lighting.
Coal Shed	3,375	
Exhauster, Engine and Pusher House	11,096	
Office Bldgs., Paterson Wks.	6,052	without lighting and heating.
Stable	4,121	
	$61,213	
Boiler and Valve House, Passaic Holder Station	5,169	without plumbing, heating and protometer room.
Ellison Street Office	35,923	without plumbing, heating, ventilating and electric wiring.
	$102,305	

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For the same buildings Forstall & Robison originally gave the values which are included in the figures on the comparison sheet which are as follows:

Paterson Works:	
Old Generator House	$8,894
Old Boiler House	5,272
Purifying House	15,723
Coal Shed	2,985
Exhauster, engine and pusher house	8,559
Office Building at Works	4,490
Stable	2,782
	$48,705
Boiler and Valve House, Passaic Holder	3,775
Ellison Street Office	27,938
Total	$80,418

To obtain an accurate comparison between the two sets of values there should be deducted from Forstall & Robison's values the amounts included in them for the items not included by Schneeweiss. These amounts are as follows.

Generator House Operating Floor	$2,392
Electric Lighting in Purifying House	176
Lighting and Heating in Works Office Building	82
Plumbing and Heating in Passaic Holder Station Boiler and Valve House	72
Plumbing, Heating and Ventilating and Electric Wiring in the Ellison Street Office	2,336
Total	$5,055

To follow the testimony exactly there should be added to the figures originally given by Forstall & Robison the corrections for omissions as made by Forstall, after the comparative table was prepared, which are given on pages 2191 to 2195 of the testimony. These corrections for the buildings under consideration are:

	Total	Gas. Dept.
Ellison Street Office Building	$7,432	$4,975
Old Generator House	804	804
Old Boiler House	1,187	1,187
Exhauster, Engine and Pusher House	141	141
Purifying House	2,125	2,125
	$11,689	$9,232

Adding the total amount to the total originally given for these buildings Forstall & Robison's corrected total becomes $92,107.

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Deducting from this the value, $5,059, of the items not included by Schneeweiss, the figure to compare with Schneeweiss becomes $87,049. The total of the values given by Schneeweiss was $102,-305, and Schneeweiss's valuation is, therefore, 1.175 times that of Forstall & Robison.

The total value of the buildings belonging to the gas department as given by Forstall & Robison in the figures contained on the comparison sheet was $143,350. To this must be added the corrections already noted as belonging to the gas department and further corrections made for buildings not valued by Schneeweiss as follows:

Office and Storeroom Passaic Works Gas Portion	$629
New Generator House, Paterson Works	770
New Boiler House Paterson Works	653
Pump House, Paterson Works	134
	$2,186

The total additions are, therefore, $11,418 and the total corrected value for buildings according to Forstall & Robison $154,768. Multiplying this by 1.175 the total value of the buildings on the basis of Schneeweiss' valuation for nine buildings would be $181,850.

The valuation of fences, paving and tanks including the old relief holder now used as a tar tank but valued in these figures as a holder were as follows:

Randolph less General Contractor's Profit	$95,530
Stone & Webster with allowance for items not originally included in base cost but added in making up the figures for the comparison sheet	78,100
Bartlett & Hayward corrected as note for Stone & Webster	105,775
3)	$279,405
	$93,135

The average of these three valuations is $93,135. Forstall & Robison's valuation for these items was $88,662, and averaging this with the average of the valuations made by the company's engineers the result is $90,900.

From this must be deducted, however, the difference between the value of the old relief holder as a holder and its value as a tar tank. This is given by Forstall & Robison as $7,558, so the value of the

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miscellaneous items in accounts Nos. 305 and 307 worked out on this basis becomes $83,340. Adding this to the $181,850 found for the buildings, the total amount for accounts Nos. 305 and 307 is $265,190. To the estimate of bare cost there must be added certain allowances for expenditures generally called overhead charges. Forstall's appraisal included a total allowance of 15.54%; Randolph allowed 20%; Stone and Webster, 20.5%; Bartlett & Hayward, 20.4%; Humphreys & Miller allowed approximately 21.7%. Forstall, however, stated that an additional 2% ought to be added to his allowance. This is best explained by quoting from the letter transmitting his appraisal to this Board: It runs as follows:

"In these charges we cover only engineering and supervision, omissions, contingencies and interest during construction. We have taken engineering and supervision at 5%, omissions, in view of the careful inventory, at only 2%, and contingencies at 2%. The allowance for interest is based upon a period for and a progress of construction that would call for an average payment of interest at the rate of 6%, for one year on the total amount expended." "It will be seen that the overhead charges applied do not include any organization expenses, liability for accidents, and damages during construction nor taxes during construction. Without the value of the land and with the uncertainty as to the extent of the liability for accident under the existing laws, we have not felt able to fix a definite percentage for the omitted items, but think that they would amount to at least 2% of the total before any overhead charges are applied."

Eleven (11) per cent. should, therefore, be added before computing the interest at 6%, this making a total of 17.6%.

After due consideration, we accept this figure as the fairest estimate for these allowances, and apply it in connection with each class of property.

We have previously found the bare cost for accounts Nos. 305 and 307 to be $265,190. Adding to this the allowance of 17.6% amounting to $46,830, we obtain a gross valuation of $312,020.

No. 306. General Equipment.

General Equipment includes general office equipment, general shop equipment, general store-room equipment and stable equipment.

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These items have been estimated by Forstall & Robison at a valuation of $9,977. Similar items have been estimated by Randolph at a valuation of $11,300; by Stone & Webster at $8,938. The average of the last two appraisals is $10,119. Averaging this with the valuation of Forstall, $9,977, gives a weighted average of $10,048. Add to this the allowance of 17.6% for overhead charges, we obtain a gross valuation of $11,816, which we, therefore, accept as the value of all property coming under class of General Equipment.

No. 308. Holders.

In arriving at the valuation of holders, reference is made to comparative table prepared from the appraisals submitted by the various engineers at conferences held in the course of these proceedings, and with the consent of all of the parties thereto, between Mr. Earnshaw of the Public Service Gas Company and Mr. Forstall, Consulting Engineer for the Commission in this matter, and found on pages 2,197-2,198 of the testimony. The summary of valuation of gas holders, not including overhead charges of any kind, is as follows:

W. W. Randolph	$407,227
Bartlett-Hayward	475,578
Stone & Webster	380,984
Forstall & Robison	354,548

The average of these appraisals is $404,584.

Exhibit No. 9 found on page 157 of the testimony is a comparative statement of the cost of holders made by engineers of the Commission from the appraisals of Randolph, and Forstall & Robison. Since this comparison was made, however, appraisals of the entire property were made by Bartlett-Hayward, and by Stone & Webster, and the following table is a comparison of the values of holders as made by all of the appraisers.

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HOLDERS

Name.	Location.	Capacity.	Randolph. A.	Randolph. B.	Bartlett-Hayward	Stone & Webster	Forstall.	Contract.	Average.
1 Relief No. 2	Paterson	210M	38,250	34,773	51,520	23,728	25,992		34,003
1 Storage No. 3	Paterson	450M	76,000	69,090	79,750	58,465	49,023		64,082
1 Storage No. 4	Paterson	2,000M	148,500	135,000	146,780	141,273	129,051	151,200	138,026
2 Relief	Passaic	30M ea	18,900	17,180	23,940	14,596	10,912		16,657
1 Storage	Passaic	250M	38,950	35,400	44,580	29,087	25,041		33,527
								66,500	
1 Storage	Passaic	1,500M	111,500	101,360	107,508	101,187	102,835	10,000	103,222
								76,500	
1 Storage	Ridgewood	60M	15,850	14,410	21,500	12,648	11,694		15,063
			447,950	407,213	475,578	380,984	354,548		404,580

A—Includes 10% general contractor's profit.
B—Excludes 10% general contractor's profit.
Values under B are used in computing all averages.

The last column of this table is an average of the valuations made by all four appraisers, and is best understood by an examination of the table.

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The old holder in Paterson now used as tar tank is omitted because it has been included under Structures.

The first item is a relief holder located at Paterson, sometimes known as No. 2, and having the capicity of 210M cubic feet. The average of various appraisals for this item is $34,003. Comparison of the figures shows that that of Bartlett-Hayward is considerably higher than any of the others. An average of the other three is $28,164. If we average the three appraisals made by the Company's engineers, we obtain an average value of $36,673. If we in turn strike an average between this and the valuation set upon this holder by the Commission's engineer of $25,992, we obtain an average of $31,331, and we are inclined to believe that this figure best represents the value which should be set upon this holder. Adding to this the overhead allowance of 17.6% amounting to $5,514, we obtain the value which we accept for this holder of $36,845.

The next item, sometimes known as Holder No. 3, is a storage holder located at Paterson, with a capacity of 450M cubic feet. The average of all the appraisals is $64,082. Here again Bartlett-Hayward have estimated the cost at a higher figure than any other appraiser. The average of the valuations made by the Company's engineers is $69,101. An average struck between this figure and the appraisal of Forstall & Robison is $59,062, and we accept this figure as the best basis for valuing the holder under consideration. Adding to this the overhead charges of 17.6% amounting to $10,394, we obtain a gross valuation of $69,456.

The next item is a storage holder located in Paterson having a capacity of 2,000 M cubic feet. The average value of all the appraisals in this case is $138,026. The valuations made of this holder by the various engineers more closely correspond than in connection with almost any other item. Examination of the contract, however, filed by the Company shows that the actual cost for this holder, including foundations, was $151,200. Examination of the testimony of Mr. Bruce, pages 1,269-1,270, indicates that peculiar conditions existed at the time the holder was constructed, by reason of which the Company had to pay an excessive price, and we do not consider that the value of the holder is best shown by its cost, but have accepted as the best measure of its value the average of the appraisals made by all of the engineers, this average being $138,040. To this

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is added the allowance for overhead charges of 17.6% amounting to $24,295, and accept as the gross value for this holder the amount of $162,335.

The next item consists of two relief holders located in Passaic, one having a capacity of 32M cubic feet and the other a capacity of 30M cubic feet. The average of the valuations made by the various appraisers is $16,160. It must be remembered that these valuations are estimates of the cost new of these items. Forstall & Robison is the only one of the appraisers who made any estimate of present value. They have estimated the value of these two holders as *nil*. They are not now used and useful, nor could they ever be again made useful in the manufacture of gas in their present location. An examination of the holders themselves indicates that no junk dealer would pay anything for the holders, if required at the same time to remove the tanks at his own expense. They have long since become obsolete from every standpoint, and are not used in any way in connection with the business of the Gas Company, and should have been charged off from the books several years ago. We, therefore, allow nothing in making up this valuation for this item. (See pp. 1,373-1,376 Testimony of C. W. Hunter.)

The next item is a storage holder located at the old Passaic Works, having a capacity of 250M cubic feet. The average of the valuations for this holder is $33,527. In this case again Bartlett-Hayward has presented an estimate far in excess of the other appraisers. Striking an average, however, of the three appraisers for the Company we obtain $36,382, and averaging this in turn with the value placed upon this holder by Forstall & Robison $25,041, we obtain a figure of $30,711, and adding to this the allowance for overhead charges amounting to $5,405.00, we obtain a gross value of $36,116, which we accept as valuation for this holder.

The next item is a storage holder located at the Passaic holder station, having a capacity of 1,500 M cubic feet. The average of the various appraisers is $103,222. In this case, the various valuations are fairly close to one another. Examination of the contracts filed by the Company shows that the contract price for the holder without foundations was $66,500. Allowing $10,000 for foundations gives a gross cost of the holder of $76,500. It is un-

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derstood that the contractor who erected this holder lost money in the transaction, and we are not inclined to hold the valuation down to the actual cost price, the circumstances having been peculiar. We accept the average value made by all the appraisers of $103,222, Adding to this the allowance of $18,167 for overhead charges, we obtain a gross value of $121,389 which we accept as the best measure of the valuation of this holder.

The remaining item is a storage holder located at Ridgewood, having a capacity of 60 M cubic feet. The average of the valuations of this holder is $15,063. We find, however, that Bartlett-Hayward is again extremely high proportionately in their valuation of the holder. The average of the valuations made by the Company's engineers is $16,186. Forstall's valuation is $11,694, and the average of these two figures is $13,940. Adding to this the allowance for overhead charges, $2,453, we obtain a gross valuation which we accept for this holder of $16,393.

SUMMARY OF VALUATIONS FOR HOLDERS.

1	Relief	210 M	Paterson	$36,845
1	Storage	450 M	Paterson	69,456
1	Storage	2000 M	Paterson	162,335
2	Relief	30 M	(no value)	
1	Storage	250 M	Passaic	36,116
1	Storage	1500 M	Passaic	121,389
1	Storage	60 M	Ridgewood	16,393
	Total			$442,534

No. 309. Furnaces, Boilers and Accessories.

The average of all four appraisals is $48,784. The average of the three appraisals made by the Company's engineers is $50,364. Forstall's appraisal was $44,045. We then average it with the average of the three engineers employed by the Company and find a general average in this way of $47,204. Adding to this the allowance for overhead charges $8,307, we obtain a gross valuation of $55,511.

No. 310. Steam Engines.

No. 311. Gas Engines.

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No. 312. Miscellaneous Power Plant Equipment.

No. 314. Water Gas Sets and Accessories.

Owing to the methods of classification followed by the appraisers for the Company, it was not possible to separate the items of plant into all of the classes called for in the classificaton of accounts we have used. Steam engines and gas engines are usually classed with the blowers or pumps used in connection with the water gas sets or accessory equipment, and for the purposes of comparison, some items of Nos. 310, 311 and 312 have been classed with No. 314, and certain other items of these accounts have been classed with No. 316 in making up the comparative table found on pages 2,197-2,198 of the testimony.

Group amounts of appraisals were as follows.

Randolph	$103,586
Bartlett-Hayward	101,396
Stone & Webster	98,583
Forstall & Robison	107,886

The average of these four appraisals is $102,863, and because of the close conformity of the various appraisals to the average, we accept it as the proper figure. Deducting, however, $12,039 for obsolete apparatus in Passaic gives a value of $90,824. (See pages 1,341-1,342 Testimony.) To this is added the usual allowance for overhead charges, $15,985, giving as a gross valuation for this class of property the sum of $106,809.

No. 310. Steam Engines.

No. 311. Gas Engines.

No. 312. Miscellaneous Power Plant Equipment.

No. 316. Accessory Equipment at Works.

The appraisals were as follows:

Randolph	$110,581
Bartlett-Hayward	158,725
Stone & Webster	123,395
Forstall & Robison	112,840

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The average of the four appraisals is $126,385. In this case again Bartlett-Hayward has submitted a value considerably higher than any of the others. This condition of affairs requires analysis. From the various appraisals, a table has been made up, giving the valuations for certain classes of plant.

PATERSON.	Forstall and Robison	Randolph	Bartlett Hayward & Co.	Stone and Webster
Yard connections	$39,724	$51,000	$73,515	$50,980
General Water Tar and Drain Pipes	3,934	3,170	....	....
Total for Paterson	$43,658	$54,170	$73,515	$50,980
PASSAIC.				
Yard Connections, Works	$5,497	$2,750	$5,529	$2,600
Yard Connections, Holder Station	....	3,050	5,238	2,800
Drains and Tar Lines	....	255	566	....
	$5,497	$6,055	$11,333	$5,400
RIDGEWOOD.				
Yard Connections	$1,412	930	$1,657	$1,045
Drain Lines	....	....	64	....
	$1,412	$930	$1,721	$1,045
Total for all	$50,567	$61,155	$86,569	$57,425
				add 5.83%
				$60,773
Excess Bartlett-Hayward & Co.	$36,002	$25,414		$25,796

This table shows that of the excess of Bartlett-Hayward's valuation practically 70% over the average of the valuations is found in their valuation of yard connections and other piping and drains, the larger part of which is placed underground. As will be seen later, their valuation of the street mains is so much higher than the actual cost to the company, as determined by us, that their opinion on the cost of this class of work carries little weight with us, and we have, therefore, considered for this group of accounts only the valuations of the other three witnesses. The average of their valuations is $115,605. Adding to this the allowance for overhead charges $20,364, we obtain a gross valuation of $135,969.

No. 313. Benches and Retorts.

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This item is comparatively small. Is estimated by

Randolph at	$4,345
Bartlett-Hayward at	3,868
Stone & Webster at	2,555
Forstall & Robison at	2,472

The average of all the appraisals is $3,310. In view of the fact, however, that the benches and retorts found in this district are all located in the old plant at Ridgewood which is not now in use, and in consequence of which some charges to depreciation should have been made, we are accepting the valuation made by Forstall & Robison of $2,472, less the estimated depreciation due to unfitness for emergency use of $2,197 or $275, to which has been added the allowance for overhead charges, $48.48, making a gross valuation of $323.

No. 315. Purification Apparatus.

In this case the average of all the appraisals is $71,801. The average of the three appraisals made by the engineers for the Company was $73,836. Averaging this figure $73,836 with Forstall's $65,696, we obtain a weighted average of $69,766 as a fair basis for the valuation of this class of property, to which has been added the allowance of 17.6% amounting to $12,278, giving a total of $82,044 as the gross valuation.

No. 323. Gas Tools and Implements.

For this item, the appraisals are as follows:

Randolph	$13,436
Bartlett-Hayward	2,667
Stone & Webster	10,712
Forstall & Robison	10,200

The average of the three appraisals, omitting Bartlett-Hayward, is $11,449. The average of the two appraisals made by the Company's engineers is $12,074. Averaging this with the appraisal by Forstall & Robison of $10,200, we obtain a weighted average of $11,137. Adding to this the allowance of 17.6% amounting to

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$1,960, we obtain a gross valuation for this class of property of $13,097.

No. 324. Gas Laboratory Equipment.

The appraisals for this class of property were as follows:

Randolph	$1,209
Bartlett-Hayward	435
Stone & Webster	1,290
Forstall & Robison	1,145

It is evident from these figures that Bartlett-Hayward have omitted some items in making their appraisal, and we, therefore, average the valuations as made by the other three appraisers. This average is $1,214, and adding to this the allowance of 17.6% amounts to $213, we obtain a gross valuation of $1,427.

SUMMARY OF MANUFACTURING ACCOUNTS.

	Value new	
Nos. 305 and 307	$ 312,020.00	
No. 306	11,816.00	
No. 308	442,534.00	
No. 309	55,511.00	
Nos. 310, 311, 312, 314	106,809.00	
Nos. 310, 311, 312, 316	135,969.00	
No. 313	323.00	
No. 315	82,044.00	
No. 323	13,097.00	
No. 324	1,427.00	
	$1,161,550.00	A.

which includes overhead charges of 17.6%.

To compare with other appraisals made up without overhead:

Randolph	$1,044,763	
Bartlett-Hayward	1,193,422	
Stone & Webster	1,010,198	
Forstall & Robison	940,821	
	4) $4,189,204	
Average	$1,047,301	
Add 17.6 per cent	184,325	
	$1,231,626	B.

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Compare B with A. A being the result of the valuation placed on each class of property after careful consideration and B being the general average of the four appraisers.

DISTRIBUTION SYSTEM.

No. 317. Trunk Lines and Mains.
No. 317a. Paving over mains. } as Oct. 1, 1911.

Forstall & Robison's appraisal	$1,400,729
Randolph's Appraisal	1,630,314
Bartlett-Hayward	1,732,850
Stone & Webster	1,531,958

Average of the four appraisals, $1,573,962. The average of the three appraisals made by the Company's engineers is $1,631,707.

The average between this figure and Forstall & Robison's appraisal is $1,516,218.

With regard to the cost of mains, we have available definite knowledge as to the actual cost during the past eight years, during which time very nearly 30 per cent. of the mains now in place were laid. (See report of Marvyn Scudder May 27th, 1912, Exhibit "E" for actual expenditures, and for the corresponding lengths of mains see Exhibits Nos. 2 and 3 of September 9th, 1912, referred to on page 2188 of the testimony.)

In the appraisals of the various engineers, allowance has been made for all of the paving now found over the mains. It is an undisputed fact that much of the paving now in place was not paid for by the Company, but has been laid by the cities at their expense subsequently to the installation of the mains. We feel that the best guide as to the values is found in the actual cost to the company for that part of the work installed during recent years. As a matter of fact, more paving has probably been paid for by the Company in recent years than formerly, and any error due to valuing all of the mains by means of unit prices obtained from the books of account for the past few years, would err on the side of liberality toward the Company. A comparison was made by engineers of the commission and submitted as Exhibit No. 2 on September 9th, 1912. Column 9 of this Exhibit shows that the total value for mains in use on January 1st, 1911, valued as above referred to, was $1,101,-

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692.66. Allowing for additional construction between January 1st and October 1st, $82,275, the total value of mains and paving on October 1st, 1911, was approximately $1,183,967.

For the reasons stated above, we accept this valuation and add to it the allowance for overhead charges of 17.6 per cent. amounting to $208,378. This gives us a total of $1,392,345 as best representing the cost to the Company of all mains and paving over mains, based on the costs to the Company for that part of the work which was constructed in the past eight years. The difference between the amount allowed and the amounts found in the various appraisals is due chiefly to the allowance in the appraisals for all paving now found over mains.

In the various estimates of the cost to reproduce the mains and services, allowances have been made for all of the paving now found in place over mains. Testimony submitted by the municipalities show that part of this paving was laid subsequent to the installation of the mains and not paid for by the company. To this extent, in the values adopted by us, allowance has not been made. In adopting this course, we are supported by precedent.

See Cedar Rapids Gas Light Co. vs. City of Cedar Rapids, 120 N. W. Rep. 966, 970.
Also City of Ashland vs. Ashland Water Co., 4 W. R. C. R. 306-308.

No. 318. Services.

No. 318a. Paving over services.

Randolph's Appraisal (both included)	$460,852
Bartlett-Hayward	528,660
Stone & Webster	508,639
Forstall & Robison	449,111

The average of the four appraisals is $486,815. The average of the three appraisals made by the Company's engineers is $499,383 and averaging this with the valuation of Forstall & Robison gives us a weighted average of $474,247.

With regard to actual cost of services and paving over the same we have available some definite information. This is found in the report of Marvyn Scudder May 27th, 1912, Exhibit "F". The total number of services was supplied by the Company in a statement filed on September 9th, 1912. Services installed 1906-1911,

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9,439 at a cost as shown in Exhibit "F", Scudder report, of $136,497.88, or at the average of $14.46 each. Based on this average cost, it appears that all of the services, 27,198, could have been reproduced under the same circumstances for approximately $419,325, to which must be added $5,166, for service governors, making a total value for services of $424,491. Adding to this the allowance for overhead charges of 17.6 per cent. amounting to $74,710, we obtain a gross valuation of $499,200.

No. 319. Gas Meters.

No. 320. Gas Meter Installation.

Under Account No. 320, Interstate Commerce Commission Classification, Gas Meter Installations includes all the piping between the head of the service where it enters the building and the riser pipe of the building. Under the classification employed by the Public Service Gas Company all of the piping between the street main and the connection on the inlet side of the meter and all of that between the connection on the outlet side of the meter and the house riser is included in services. A large part of the cost for gas meter installations as figured under the Interstate Commerce Commission Classification is, therefore, included by the company in the cost ofservices and is contained in the value of the services based on the cost of services installed during the past eight years. The engineers making the valuations for the company following the company's classification while Forstall & Robison followed the Interstate Commerce Classification and, therefore, the latter's valuation for gas meters and gas meter installations cannot be compared with the valuations of these items made by the other engineers until an allowance has been made for this difference in the classification.

In none of the valuations are the details given as to the costs of all the items classified under services in one case and under meter installations in the other. In Randolph's valuation, however, he gives the total cost of labor and material for setting meters, including meter cock, shelf and meter connections, as $67,417. This carries the 10 per cent. General Contractor's Commission and dividing it by 1.1 the base amount is $61,288. Forstall & Robison give

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for meter connections, including meter cock, $46,607, and deducting this from Randolph's value for labor in setting meters, meter connections and cock, and shelves, there is left for labor and shelves, $14,681. Under the classification adopted by the Public Service Gas Company this is all that should be added for gas meter installations to the amount of account No. 319, gas meters, which already includes the cost of the meter connections, and the cost of testing, badging and painting, the meters in the shop before they are sent out. On this basis the different valuations for meters, meter connections, meter shelves and labor of setting meters only are.

Randolph	$473,276
Bartlett-Hayward	517,881
Stone & Webster	487,015
Forstall & Robison	489,204

The valuation of Bartlett-Hayward is much higher than any of the others and since their experience has been rather with the construction of manufacturing plant than with the installation of distribution systems their estimate may be disregarded. The average of the other three appraisers is $483,165 while if the values of Randolph, and Stone & Webster are averaged and this average then averaged with valuation of Forstall & Robison the resulting figure is $484,674. This figure we accept and add to it, the allowance of 17.6 per cent, amounting to $85,302, giving a gross valuation of $569,976.

No. 321. Municipal Street Lighting Fixtures.

The valuations were as follows:

Randolph	$2,804
Bartlett-Hayward	3,050
Stone & Webster	4,102
Forstall & Robison	2,796

The average of all four appraisals is $3,188. Adding to this the allowance of 17.6% amounting to $561, we obtain a gross valuation of $3,749, which we accept for this class of property.

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SUMMARY OF DISTRIBUTION SYSTEM.

No. 317.	Trunk Lines and Mains,	
No. 317a.	Paving Over Mains	$1,392,345
No. 318.	Services,	
No. 318a.	Paving Over Services	$499,200
No. 319.	Gas Meters	
No. 320.	Gas Meter Installation	569,976
No. 321.	Municipal Street Lighting Fixtures	3,749
	Total	$2,465,270

WORKING CAPITAL.

In Exhibit No. 4, Valuation of Property, made by William W. Randolph, allowance is made of $250,000 for working capital—this allowance to provide for "reasonable stocks of meters, pipes, fittings, stored supplies, stable and automobile equipments, gas sold and not paid for and sufficient cash to meet the ordinary requirements of the business."

It should be noted that elsewhere in Randolph's appraisal stable and automobile equipments are given a valuation. In testimony of Edward W. Bemis, page 14, working capital is placed at $200,000. The estimate made by Bemis gives the details on which his estimate is based, but we are inclined to feel that sufficient allowance has not been made by him for plant under construction and for gas in holders, and we, therefore, accept the figure of $250,000 as a fair estimate of the working capital required in the Passaic Division.

No. 301. Organizations.

No. 302. Franchises.

No. 303. Patent Rights.

No. 304. Other Intangible Gas Capital.

No. 327. Law Expenditures During Construction.

This group of items is best treated together. As no claim is made for No. 303, Patent Rights, we may dismiss further consideration thereof. We find the fair value of No. 303 for rate-making purposes to be nothing at all. Nos. 301, 302 and 327 will be treated after the analysis of No. 304.

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Under No. 304, "Other Intangible Gas Capital", we shall discuss "Going Value" or "Going Concern Value." We use the two terms here as synonymous. We may, for convenience, note the definition of this term suggested by Mr. Bergen, counsel for the company, as "Value of the plant and business as a whole in excess of the value of the special franchise and cost of the tangible plant." (Evidence, p. 177). Mr. Royce's definition of the term varies in some respects from this definition (Evidence, p. 1425.) However, his inclusion of franchise value, if any, and his exclusion of "quick assets," or "working capital," are to be noted. Mr. Forstall in testifying acquiesced in counsel's calling this element of value "development value" (Evidence, p. 97), "the cost of getting the business" (Do., p. 98), "a development charge" (Do., p. 98); but in his later testimony used the term "going concern value" (Do., p. 2214). Mr. Forstall's consistent conception of the term is the excess in value a gas property in operation has over a similar gas property with the same or similar structures but without consumers attached (Do., pp. 98 and 2214.) Mr. Alter S. Miller, of Humphreys and Miller, Inc., speaks of "the cost of reproducing the business" (Do., p. 1437) and his analysis of items therein included indicates what he covers under "cost of reproducing the business." However, the various conceptions of going concern value may fail of precise coincidence, they all have a common core. This is the value a utility property has, or may have, over and above the value of its tangible belongings.

At the very outset two questions arise that require answer: *First*, Can a public utility have any excess in value over and above the value of its tangible belongings? This query, moreover, presupposes that the excess value, if any, is wholly distinct from any capitalized earning power predicated on a future setting of rates higher than required to afford a just return.

Second, in case it transpires that such excess value, known as "going concern value," exists, and in case the costs involved in the acquisition of such value have been met out of rates exacted from consumers, should such excess value, known as "going concern value," enter into the base upon which public utilities are entitled to earn a fair return.

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Our answer to the first query is in the affirmative. There is such a thing as "going concern value." Mr. Forstall testified (Evidence, pp. 98 to 104):

"A plant with business attached has a value greater than the value of the mere plant without the business attached. * * * Now you don't get the business by simply putting in a physical plant. The getting of the business is entirely a separate thing. You have got to either spend actual money, or lose interest on your investment for a long time. There is no gas business that ever started new that made money right away."

The "going concern value" will then be largely represented by the cost of developing the business as distinct from the cost of securing the physical structure. This going concern value may include the cost of soliciting business, cost of advertising, cost of inducing consumers to take service, cost of exhibiting appliances, cost of occasional free installation, and also the dearth of adequate returns during the early developmental years of the company. Depreciation unearned in this period may also sometimes be included in "going concern value." Indeed, the term "going concern value" or "going value" may be employed to cover the total value of a company's property over and above structural value. This is the sense in which Mr. Royce used the term "going value," except that Mr. Royce would group working capital separately, and would deduct both it and structural value from total value to arrive at "going value." Mr. Bergen excepts franchise value from "going value." As regards the nature of this element, we agree with Commissioner Erickson of the Railroad Commission of Wisconsin, who has said: "These outlays are in the nature of investments, and are as real, and as a rule as necessary, as the investments in the physical plant. Since these outlays are in the nature of investments, it would also seem that they should be treated as such. In fact, to so treat them is usually both necessary and just." See also the comments of the Supreme Court of Oklahoma in Pioneer Telephone and Telegraph Co. vs. Westenhaven, 118 Pac. 354.

The second query raised asks whether such "going concern value" should be included in the base on which public utilities are entitled to a fair return, in case the costs involved in developing such going concern value have been met out of rates exacted from

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consumers. To this our answer also is in the affirmative, so far as it does not appear that the rates exacted from consumers were legally challenged. If, in the past, this gas company, out of the rates exacted from consumers, had met its operating expenses and depreciation, and in addition thereto had obtained enough to pay returns to investors, and to build an actual structure used in the business would this structure aforesaid be the lawful property of the company. The answer, it seems to us, must be in the affirmative. If the company had paid out, in addition to other payments to investors, dividends equal to the cost of building this structure, and then had issued additional stock in value, equal to the cost of this structure, in order to repossess itself of the money required to build it, there can be no doubt that the structure built out of the proceeds of the additional securities thus sold would be the lawful property of the company. It would be none the less the company's lawful property if built out of current earnings without the issue of additional securities.

Under the present regulation by the Commission, it is doubtless true that net additions to a company's plant must be charged to capital account. Under the present regime of regulation of rates and regulation of accounts, it would be grossly improper first to charge new construction up to operating expenses, and defray its cost therefrom, and thereafter to capitalize such net additions, and include them in the base on which a company is entitled to earn a fair return, but we see no escape from the necessity of recognizing the intangible property designated as "going concern value," as well as actual physical structures similarly obtained as constituting part of the present lawful possessions of a public utility, even though both these tangible and intangible values were built up in the past out of rates exacted from consumers.

In the present case there have been cited a number of methods of estimating "going concern value." These estimates range from Professor Bemis' estimate of $171,000 (which he designates "possible allowance for preliminary and development expenses") to the estimate made by Messrs. Humphreys and Miller, Inc., of $1,698,316 (designated by them "cost of business"). Mr. Frederick P. Royce, Vice-President of the Stone & Webster Management Association, arrives at a valuation of thirty per cent. upon structural value (Evidence, p. 1787). In connection with this

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case, three rule-of-thumb methods have been referred to. One of these assumes a going concern value of $30 per meter. This would make the going concern value approximately $1,500,000. Another of these rough and ready methods estimates going concern value at three times the net annual income. This would make the going concern value, or development cost, equal to $1,597,318. The last of these three summary methods estimates going concern value or development cost at one and one-half times the annual gross income. In this case, this would give the sum of $1,538,902. It is interesting to note, though this is purely *obiter*, that Mr. Leonard Metcalf in the Transactions of the American Society of Civil Engineers, paper No. 1105, p. 31, in discussing "going value" of water works, remarks:

"In the writer's experience, the going concern value has usually been found to be between the net and the gross income of the plant for a period of one year (at the date of taking). It may be largely affected, however, by the period required for the 'development of the business.' "

Still another method suggested by Mr. Alfred E. Forstall would make the going concern value to range between $900,000 and $1,000,000 (Ditto, p. 2216).

We may dismiss the various rule-of-thumb methods without further comment than to say that there is no persuasive evidence that they apply to the case at bar.

The estimate presented by Messrs. Humphreys and Miller was posted in part upon a land valuation of $400,000 not made by themselves but furnished them as a datum. This estimate we believe to be a very large exaggeration of the fair value of the land in question. Our reasons for rejecting this land valuation are set forth in another part of this Report. Messrs. Humphreys and Miller have built their elaborate and ingenious estimate in part upon the assumption that three full years would be occupied in building the plant and distribution system, and *that during this three-year period no gas would be delivered to any customer* (do., p. 1468), and that in the next subsequent period of six years the business would be acquired equal to that now possessed by the company. From the testimony of Mr. Frederick P. Royce, Vice-President of the Stone & Webster Management Association, who was called by the company as its witness, we infer (Evidence, pp. 1780-1782) that this method of deferring the delivery of gas until

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the plant should be wholly completed would be unnecessarily expensive and wasteful. Mr. Royce says: "The loss in early operation should be reduced to a minimum, because that is one of the greatest places where losses can occur" (do., p. 1780); and again (p. 1782): "It might be interesting to say, in connection with that point, that we have now one power development under way, which will not be ready to furnish current for a year or more, and yet for a year past and at the present time we have a very large force of men on the commercial end developing the business, attracting power users to the vicinity, so that when they are ready to start we will have some business to start with." (p. 1782). Mr. Chas. W. Hunter, also connected with the Stone & Webster Engineering Company, a witness called by the Public Service Gas Company, in reply to a question as to the time required to complete this plant (i. e., in the Passaic division) said:

"I estimated that at the end of a year and a half you would turn gas into as much of the gas main system as was then laid, and that in another year you would complete the rest of the main system." (Evidence, p. 1326

Obviously gas delivered at the earliest date economically practicable, even though delivered in advance of the entire completion of the plant and distribution system, would reduce the expense of developing the business. While the comment is wholly *obiter*, we may remark here that in a case now pending before this Commission (Gately & Hurley et al vs. Delaware & Atlantic Telegraph & Telephone Company) the engineers of the Bell interests in constructing their careful and elaborate study of the cost of reproducing the business of the company, have assumed that service would be progressively afforded in some considerable measure before the entire plant was completed, and that revenues from customers in this period would decrease the otherwise greater cost of developing the business of the company.

We are finally of opinion that Messrs. Humphreys and Miller's estimate of the cost of reproducing the business cannot be accepted as controlling in the present case. Our reasons are: first, that their estimate is based upon an excessive valuation of portions of the physical property, notably the land; second, that the two periods embraced in their estimate ought to have been partially

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telescoped, the latter end of the construction period overlapping the beginning of a six-year period in which they assume the business is acquired; and third, because the method itself of estimating the cost to reproduce the business is necessarily so hypothetical that it cannot readily be tested by the touchstone of reality. This rejection of their estimate does not imply any imputation of lack of competence or of fairness upon the part of these experienced experts, nor any discrediting of the Wisconsin model which they have used in making their estimate. As we understand it, the Wisconsin method generally takes historical data, as to costs of construction, extensions, revenues and expenses, whereas the corresponding items in the estimate of Messrs. Humphreys and Miller are in large part estimates, not transcripts of actual accounts. The fact seems to be that in ascertaining the fair value upon which a public utility is entitled to a fair return, the cost of reproduction method is of varying serviceability. Where it is employed to estimate the value of apparatus which is currently used and freely reproducible, the cost of reproduction is often indispensable. When the attempt is made, however, to apply the same method to afford light upon the value of land, the cost of reproduction method is difficult, in some cases impossible, of application. When the same method is applied to throw light upon the cost of reproducing the business, or in general, to the question of intangible values such as going concern value, its serviceability is very seriously impaired, and may readily become practically *nil*.

If we find it impossible to accept the maximum estimate of going concern value as embodied in the figures of Messrs. Humphreys and Miller, we find it also impossible to accept the minimum estimate of Professor Bemis of $171,000 as a "possible allowance for preliminary and development expenses."

Professor Bemis has built this estimate upon the assumption that any "preliminary development expenses or early overhead charges" would surely be confined to the first million dollars of investment and to sales of the first two billion feet of gas in the first twenty or thirty years of life of the companies in the Passaic District" (Prof. Bemis' valuation, p. 15.) He allows, accordingly, 12% on the first $1,000,000 of investment, or $120,000, and also for new business expense at $2.55 per M. on the first 2,000,000,000 feet of sales, or $51,000. His total accordingly is $171,000.

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There is no evidence to show that in this case, or in cases generally preliminary development expenses or early overhead charges would be confined to the first million dollars of investment. Why limit such charges to the first million of investment? or indeed, why extend them beyond the first hundred thousand dollars of investment? Such an assumption is purely arbitrary, and unsupported by evidence. It must, therefore, be rejected. If there be an intangible value, such as going concern value, legally a part of the company's property, it seems to us more reasonable to appraise it, in the absence of evidence to the contrary, as some proportion of the present investment of the company than as a proportion of the investment of twenty years ago. If it be argued that preliminary and overhead charges appertain more specifically to the early years of a company's operation, the rejoinder is not wholly unwarranted that similar charges are not impossible or improbable in later years, especially when these later years have witnessed combinations of earlier properties and great extensions of their operations. Moreover, the fact that approximately forty per cent. of the company's send-out represents business acquired within the past decade would indicate that the cost of acquiring new business must have been relatively heavier than in the earlier years of the production of gas in this district. It is true that the cost of new business in this last decade has been charged to operation and paid out of rates. But as we have indicated above, the business thus acquired must be regarded as a legitimate part of the property of the company. We cannot equitably project back into the unregulated past a form of prices that might today be regarded as fair and adequate, and assume that actual rates exacted in the past, in so far as they exceed what are now deemed fair, have not lawfully become the property of the company. If these high rates in the past have been employed by the company to acquire an intangible property in the shape of extensive patronage, that expectation of patronage is theirs, and on its fair value the company is entitled to a return. It may or may not be a subject of regret that regulation was so long deferred; but deferred regulation is no excuse for refusing at present to allow a fair return upon what is the lawful property of the company.

The estimate for "going concern value" by Mr. Frederick P. Royce, of Stone and Webster, places "going concern value" at thirty per cent of "the structural value of the plant" (Evidence of

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Mr. Royce, p. 1787). The valuation which we accept for structural value is lower than the figure placed thereon by Messrs. Royce and Hunter. If we take as a basis our estimate upon undepreciated structural value, including land, but excluding working capital, as of July 1st, 1911, amounting to $3,675,964, we find thirty per cent. thereof to be $1,102,789. It does not appear clearly in the evidence that Mr. Royce or Mr. Hunter has set a definite figure calculated in dollars and cents on "going value." Mr. Royce testified that he hesitated "to name an exact figure for an intangible value of this kind" (Evidence, p. 1776). If we take their total valuation of plant at $4,365,910 (excluding working capital, as we must do, according to Mr. Royce's evidence p. 1425), then thirty per cent. of $4,365,910 or $1,309,773 plus thirty per cent. of their figure for land (which is indeterminate) would represent their specific estimate for "going concern value." This is less than Mr. Bergen's estimate of Mr. Royce's estimate of development cost (p. 101 of Mr. Bergen's brief); but we think that Mr. Royce's thirty per cent. should be taken upon his own estimate of structural value, not upon Mr. Randolph's estimate increased by certain allowances for preliminary expenses, as is done on page 99 of Mr. Bergen's brief. We can, however, say with certainty that Mr. Royce's estimate for going concern value in the present case would be upwards of $1,309,773; and assuming him to accept the company's figure of $400,000 for land, it would apparently not exceed $1,429,773. Roughly, then, on this basis of taking thirty per cent. of structural value as an estimate of the going value of the company, it would fall between $1,000,000 and $1,425,000, according as the Commission's figures or Mr. Royce's figures of structural value are accepted.

We are impressed with the evident solidity of Mr. Royce's testimony as to the ratio of going value to structural value. In order that there may be no mistake as to what he includes in going value, his own definition, explicitly asked for as a definition, should be recorded as given on p. 1425 of the evidence. It includes *"practically all elements of value which the company may possess outside of its actual structural value and the tangible worth or value of its quick assets."*

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Asked explicitly by Judge Armstrong: "You include in that whatever value would attach to the franchise value of (or?) advantage for the value of a going business, a live business, producing a profit; the prospective increase, and the opportunity for the investment of additional capital in enlargements, and all that would you?", Mr. Royce answered: "Yes, sir, and the value that comes, when a plant is properly handled, of getting the apparatus itself into such shape that it may be worked at its point of greatest efficiency. . . ." (Evidence, pp. 1425, 1426.)

Recalled, Mr. Royce, being asked if his compilation of costs takes into account "the preliminary costs of the party which went to look over the field and of organizing the business or of getting their franchises," he replies that he is speaking of "the company ready to do business," but adds, correcting himself or explaining himself, that it applies "either before or after" the construction of the plant (Evidence, p. 1789).

We must bear in mind the definition given by Mr. Royce himself, when asked specifically to define the term "going value," as "practically all the elements of value which the company may possess outside of its actual structural value and the tangible worth or value of its quick assets." (Evidence, p. 1425). With this definition of "going value" we must compare his mal tured statement that he would say "without any question that the minimum of the going value of the property would be the sum of those three items, or perhaps thirty per cent of the structural value of the plant; and roughly speaking, and considering that we are to take up a new proposition of this kind I think we should have to spend that amount in the variation of the going value." (Evidence, p. 1787.)

Structural value, according to Mr. Royce, includes contractor's profit on structures. His estimate of thirty per cent moreover is a minimum (Evidence, p. 1787); but "for purposes of this kind that would be about a fair basis" (Evidence, p. 1862). He testified out of a wide experience that this is a fairly common or average allowance for going value. He testified that in the case of this particular company:

"I believe that the actual cost of developing, of getting the new business, and of creating efficiency in operation, together with some losses, during the various periods of construction, has been at least thirty per cent. of the actual structural cost."

..He was unshaken on cross-examination, and made clear that this percentage applied not merely to the structural cost with which a company might start in business, but to the structural cost of extensions as well (Evidence, p. 1849). He is also on record that this value of going concern does not suffer depreciation (Evidence, p. 1865), but is fully as stable as real estate (Evidence, p. 1866). In the absence of accounting records going back more than about a dozen years, and in view of the very wide expert experience underlying and supporting Mr.

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Royce's testimony, we incline to think that thirty per cent. of present structural value, new, may well be taken as a fair presumptive measure of the total going concern value of the company. This thirty per cent. is to be taken on the fair structural value, new, of the company's plant and distribution system, working capital being excluded.

Mr. Forstall testified that he regards going concern value as a market value and not a cost value (Evidence, p. 2231). We understand him to mean that going concern value is what a utility property would fetch from a buyer in excess of the cost of the physical property. Mr. Forstall testified also that the number of consumers a company has is one of the best measures of going concern value (Evidence, p. 2214). He said that it is comparatively easy to determine the minimum below which going concern value can never go (Evidence, p. 2215). This minimum basis is computed by taking annual interest and depreciation at a fair rate upon the cost of plant which is converted by customers from a dead asset to a revenue producer (Evid., p. 2215). In the present case, Mr. Forstall finds the investment per customer as of October 1st, 1911, to be practically sixty dollars. At eight or ten per cent., the corresponding minima of going concern value are roughly five dollars and six dollars respectively per customer. The total minimum would be therefore either $250,000 or $300,000.

The remainder of the going concern value would involve some assumption as to the rate of charge that may be reasonably expected under regulation by Commission. The anticipated net earnings being roughly estimated (on a basis consisting of the value of the physical plant and the minimum of going concern value) it is assumed that such a concern could be financed by five per cent. bonds selling at ninety whose interest would be two-thirds of the anticipated net earnings. The remaining capitalization it is assumed must be represented by stock yielding ten per cent. The excess of the bond and stock issues over the cost of the physical plant will give the going concern value (Evid., pp. 2218, 2219). This method would give in the present case a going concern value of between nine hundred thousand and a million dollars (Evid., p. 2216).

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This plan for estimating going concern value for a bond house or an intending purchaser is excellent. But its availability for a Commission seeking to set a fair rate is the less, because it depends for one of its premises upon the assumption of a rate likely to be fixed by the Commission.

On the other hand, the result this method reaches in the present case of between $900,000 and $1,000,000 checks up rather closely with the result we reach on Mr. Royce's method of taking 30 per cent. upon our value of the structural plant. If we allow that going concern value is depreciable, and this is Mr. Forstall's opinion (Evid., p. 2230), the difference between Mr. Forstall's estimate and the Commission's estimate based on Mr. Royce's percentage is fairly close, considering that we are estimating upon intangibles in a necessary twilight, owing to the absence of records appropriate for our purpose for the past twelve years, and of all records for the previous half century. We, therefore, find the total value of the company's intangible property, as of October 1st, 1911, including under this caption all property over and above tangible or physical property separately estimated, to be of a fair value of one million and twenty-five thousand dollars ($1,025,000). This sum is the approximate average of $1,102,789 (found by taking 30 per cent. of our appraisal of structural values less working capital) and of the medium of Mr. Forstall's upper and lower estimates ($950,000).

Our finding of one million and twenty-five thousand dollars as the value of all intangible property of any kind involved in the present case is all inclusive. It is intended to cover and does cover the value of all the company's property upon which they are entitled to a return, except only the physical, tangible or structural plant, and associated plant assets, such as working capital. Under this appraisal, therefore, we include everything that may be claimed by reason of preliminary or developmental outlay, including preliminary engineering and legal expenses, canvassing, incorporation costs, securing franchises, organization expenses to supervise expenditures during construction; all financing, bankers commissions, discount on bonds, promoters' profits, preparation of mortgages, bonds or other securities, and the engraving of the same. We also include under said finding of the total value of intangibles all allowances properly to be

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made for all elements of cost arising during the early years of operation or thereafter, such as early deficits, if any, and inadequate early returns upon investment. And we expressly include under said finding as to the total value of intangibles the entire value of all franchises, primary or secondary, possessed or exercised by the company in the Passaic Division; and also each and every other element of intangible property belonging to the company and used and useful in supplying gas in the aforesaid Division. For good will, we allow nothing whatever. The company, we understand, makes no claim for good will. It seems well settled also that where a particular service is furnished by only one company within a given area, the option of patronizing a rival public utility is absent; and that under the circumstances, good will, or the value of voluntary patronage where a competing service is available, does not exist. Willcox vs. Consolidated Gas Co., 212 U. S. 19, 52; also Spring Valley Water Works vs. San Francisco, 192 Fed. 137, 168.

It is quite obvious that our finding as to the total amount of intangible property ($1,025,000) is tantamount to including the franchises of the company at a moderate rating, at a value comparable with the cost of obtaining these or similar franchises. It amounts, therefore, to a practical denial of the company's contentions as to the value of its franchises. The figure claimed for franchises by Mr. Bergen, counsel for the company, on p. 15 of his brief, of $1,392,235, considerably exceeds our appraisal of the company's entire intangible property. The contention made by the company that the par values of securities originating in the merger and consolidation of February 6th, 1899, of various gas and electric companies in this district set or determine an amount below which our aggregate valuation may not fall is expressly denied.

The method we adopt for estimating the fair value of intangible property exempts us from a separate appraisal of the company's franchises. Their inclusion in our total on an applied valuation of what it would cost to obtain such franchises makes it hardly necessary to canvass the considerations urged by Mr. Merrey, of counsel for Paterson, against their validity. Had we been obliged to compute separately the fair value of the

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franchises, we should have been compelled to estimate the presumable cost of obtaining similar franchises. Had there been evidence that these franchises, or any of them, were exclusive of similar grants to would-be competitors; or had there been any evidence that these franchises or any of them, conveyed an exemption from taxation, or a right to collect specified rates or tolls from consumers, or otherwise created a property right capitalizable against the public, due allowance would have been made therefor. There is no evidence of any of these things. There is no evidence of what these franchises cost the company, or the various constituent companies merged into the Paterson and Passaic Gas and Electric Company. There is no specific evidence that any of these franchises has a specific value stated in terms of dollars and cents. In the present case there is no persuasive evidence that the franchises in question do more than convey permits for the location of apparatus such as mains upon public property. It is well known that it is the public policy of the State of New Jersey at the present not to allow the capitalization of franchises for an amount in excess of the actual cost involved in obtaining said franchises. That this is a wise and equitable policy we think is incontestable. One of the characteristic features of a public utility such as a gas company is that it does not possess, and ordinarily cannot afford to purchase, the land requisite for the location of its distributing apparatus. When by its secondary franchises such permits to locate are granted to a company without other expense than the necessary business and legal costs of securing municipal consents, it seems unthinkable, as a matter of equity and public policy, that the easements gratuitously granted should be made the basis for an additional charge to be imposed upon the grantor. Even when taxes are imposed upon public utilities under the guise of franchise taxes, the taxes so imposed are commonly treated as an operating cost by the utilities, and are recouped out of the rates paid by consumers in much the same fashion as the company's other operating costs. How the company's payment in the first instance of a tax which is promptly shifted to the consuming public gives any color to the claim that the company is entitled to capitalize a franchise against the grantor and to obtain a distinct return thereon we are unable to see.

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There are virtually two contentions raised by the company to establish the aggregate value of these franchises. The first is based upon the capitalization agreed upon in 1899 when six different concerns merged and consolidated into the Paterson and Passaic Gas and Electric Company. The second is based upon what, it is contended, are relevant adjudications especially in the case of Willcox vs. Consolidated Gas Company, 212 U. S. 191.

In 1899 six gas and electric companies consolidated, creating the Paterson and Passaic Gas and Electric Company. The capitalization of the latter was $5,000,000 in stock and $5,000,000 in bonds. Of this approximately all the stock and $4,100,000 of the bonds were used in effecting the consolidation. From the final report made to the Commission by Marvyn Scudder, accountant, (page 5 of Utility Exhibit, No. 1 for June 10, 1912), it appears that over and above $2,224,100 issued to the United Gas Improvement Company for "sundry claims and franchises," the excess of par value of stocks and bonds issued over the par value of stocks and bonds received was $3,893,691. We have no evidence to show that the true value was of the sundry claims and franchises of the United Gas Improvement Company, but as the U. G. I. Company, under the arrangement, received in bonds $764,000, it may perhaps be surmised that not all of the $1,460,100 in stock received by that company was represented by then extant property of an equivalent value. If this stock was all bonus, and if the excess in securities received by the six merging companies was similarly bonus, it would seem that the consolidation involved a total of $5,353,791 in securities based on anticipations rather than solid assets; and of the capitalization here involved, it is agreed that approximately two-thirds are applicable to the gas properties. Whatever the precise amount of water that was injected into securities resulting from this consolidation, the company claims that "these securities have been issued under due form of law, that they have been scattered far and wide all over creation, and people have paid for them with honest money"; and that the Commission, while it should not allow any rate like ten per cent. thereon, should "stamp five per cent. on the bonds, and five per cent. on the stock." and treat the money behind that (i. e. cash subsequently invested

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in the property) as "genuine money." (Evidence of Pres. Thomas N. McCarter, p. 2133.)

But in *Smyth* vs. *Ames*, 160 U. S. 466, the Supreme Court says:

"If a railroad corporation has bonded its property for an amount that exceeds its fair value, or if its capitalization is largely fictitious, it may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuation or fictitious capitalization; and the apparent value of the property and franchises used by the corporation, as represented by its stocks, bonds, and obligations, is not alone to be considered when determining the rates that may be reasonably charged."

If additional evidence were necessary to demonstrate that the capitalization resulting from the aforesaid consolidation was in excess of the real assets or property of the acquiring company, the lease of June 1, 1903, of the property of the Paterson and Passaic Gas and Electric Company to the Public Service Corporation is pertinent. Said lease provided for payment as rental of interest on the bonded debt, and an amount equivalent to dividends on the stock of the Paterson and Passaic Gas and Electric Company for the first year of *one and one-half per cent.;* for the second year of *two per cent.,* and for each subsequent year of an additional half per cent. until eventually five per cent. was reached. At this rate it remains fixed for the remainder of the lease. If at the time of the lease, the property taken over by the Public Service Corporation in excess of the bonded indebtedness was represented by assets of value equivalent to the stock created by the consolidation, why was so low a return accepted by the constituent companies, or how was the Public Service Corporation able to induce the lessors to accept so meagre a return as rental upon the stock of the newly created company? All the evidence points to an unmistakable inflation of securities, resulting from the consolidation. N. B. case of Ridgewood.

Moreover, in the subsequent lease of the Ridgewood Company to the Public Service Gas Company, the latter while guaranteeing five per cent. on the bonds of the Ridgewood Company, guaranteed only two per cent. on the stock of the Ridgewood Company if the stock of the Ridgewood company then issued (amounting to $100,000), represented property of equivalent value,

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how explain the guaranteed return of but two per cent. upon the stock in question

We assume that both at common law and now in this State by statute a public utility assumes the responsibility of furnishing safe, proper and adequate service at reasonable rates, and that it undertakes its business with the explicit knowledge of the States right and power to set reasonable rates; that any capitalization it effects is effected subject to the State's reserved power in the premises; and that it cannot plead its capitalization nor any contracts it may have undertaken as barring the State's exercise of its power as to rates. When, moreover, the capitalization, albeit legal, is demonstrably in excess of the value of its assets at the time of capitalization, the public utility cannot cite its unchallenged capitalization as a bar to the State's exercise of inherent prerogative to set proper rates. We cannot, therefore, agree with Mr. Bergen, of counsel for the company, in his contention, in his brief of December, 1911, pp. 62, 63, where he says: "When a corporation has been created by a consolidation agreement made by pre-existing corporations, the value of the property, including special franchises of these corporations, put upon it by their directors and paid for by the consolidated company either in cash, or by its bonds and stock, cannot be questioned except for actual fraud in the transaction."

It is true that in his final brief (p. 69) Mr. Bergen says:

"I do not claim that a corporation engaged in public service can frustrate or escape rate regulation by issuing stocks and bonds that do not represent value. That was distinctly held in the Knoxville Water Company case, 212 U. S. p. 1. All I can claim is that stocks and bonds lawfully issued cannot be destroyed nor their value impaired by means of rate regulation. To do so would be to take private property without just compensation."

Apparently the contention is that the stocks and bonds of the Paterson and Passaic Gas and Electric Company "represent value," because "ascertained by a lawful method, at the time when the consolidation agreement was made." If it should be urged that the valuation placed upon the real estate, structures and distribution system of the company by the tax assessors represent value, because it also is ascertained by a lawful method, and that this value should be taken as the base on which

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the company is entitled to earn, the company would certainly demur. The fact, as it seems to us, is plain, that while shareholders may be bound by a valuation placed by directors upon property for which stock is issued, this valuation is not necessarily controlling for other purposes, for condemnation or for taxation.

The contention that the aggregate face value of the securities originating in the merger and consolidation of February 6th, 1899, cannot be questioned in a rate-making valuation we believe is wholly unfounded. If the value of the company's property originally equalled the face value of securities, but if the present fair value of their property used or useful in serving the public has grown to exceed the par of these securities, or has diminished so as to fall short of the face value of the securities, it is the fair value of the property, not the face value of stocks and bonds that must control. If the value of the company's property never did equal the face value of the securities, the case is, if anything, stronger for looking to the value of the property and not to the nominal value of the securities to find a base for fixing rates.

There remains the contentions raised by the company as regards the valuation that must attach to its special franchises under the decision in the case of Willcox vs. Consolidated Gas Company, and other decisions cited. That special franchises are property is, of course, not disputed. That they must be regarded as part of the property used in public service is admitted. That when tangible property is operated under franchise rights, the instrument of public service is worth more than the material and labor involved in its construction is conceded. Without the franchise the placement of the apparatus on public places would be trespass, and the structural plant could have little besides a junk value. That the State's reserved powers to alter corporate charters cannot annihilate property lawfully acquired by a corporation is self-evident. Even certificates of incorporation, it may be conceded, for the sake of argument, are equivalent to a legislative act of incorporation. That taxation is imposed in respect of special charters as property in this and other states is also admitted. It might even be granted that a tenuous non-monetary consideration is impliedly paid by a fran-

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chisee when he takes his franchises, in that he assumes some responsibility for affording the public proper service under his franchises. Moreover, it is granted, of course, that neither franchises nor any property can be taken for public use without just compensation. But resolving every one of these points in favor of the company's contention, the question arises what presumption, under the decision in the Consolidated Gas case, is raised by the original capitalization of the Paterson and Passaic Gas and Electric Company as to the value of the special franchises? Is such presumption, if any, inconsistent with our implied appraisal of its franchises at the fair cost of obtaining them or similar ones? Is there any warrant for setting upon the company's special franchises separately a figure remotely approaching the $1,392,235 mentioned on page 15 of Mr. Bergen's final brief

In the case of Willcox vs. Consolidated Gas Company, the pertinent facts seem to be the following: That company was organized under an Act passed by the New York Legislature in 1884. Said Act authorized companies consolidating to fix in their consolidation agreement the capitalization of the acquiring company. It provided the amount of stock so fixed should not "be larger in amount than the fair aggregate value of the property, franchises and rights of the several companies thus to be consolidated." The value assigned specifically to "franchises and rights" at the time of this particular consolidation was $7,781,000; and they were so entered and carried on the books of the Company. When after appeal the case reached the Supreme Court of the United States, that body decided (1) that an estimate of $12,000,000 put by Judge Hough upon the then value of franchises, or over $4,000,000 in excess of the original valuation made in the consolidation agreement, could not be conceded, but that only the original specific valuation of $7,781,000 could be allowed; (2) that inasmuch as a committee of the Senate of New York appointed in 1885 had, after investigation, assumed "that the company would be permitted to charge the same prices in the future which in the past had resulted in these "enormous" or "excessive" dividends, it need not be a matter of surprise that a franchise by means of which such dividends had been possible was not regarded as overvalued in

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1884;" (3) "that under the above facts the courts ought to accept the valuation of the franchises fixed and agreed upon under the act of 1884 as conclusive at that time;" (4) that "what has been said herein regarding the value of the franchises in this case has been necessarily founded upon its own peculiar facts, and the decision thereon can form no precedent in regard to the valuation of franchises generally, where the facts are not similar to those in the case before us. We simply accept the sum named as the value under the circumstances stated." Willcox vs. Consolidated Gas Co., 212 U. S. 18, sq.

The case before us differs from the Consolidated Gas case (1) in that no specific or particularized estimate, valuation, or appraisal of special franchises was contained in the consolidation agreement under which the Paterson and Passaic Gas and Electric Company was formed; (2) in that there appears to have been no circumstances of publicity similar to the investigation in 1885 of the committee of the Senate of New York to create any presumption as to the value of the special franchises in the case at bar. The mere filing with the Secretary of State of a certificate of incorporation stating the capitalization of the consolidated company created no presumption as to the value of any specific assets such as the special franchises.

There appears to us to be no persuasive evidence of any description that the special franchises of the Paterson and Passaic Gas and Electric Company ever amounted in value to any specified sum of money; that they were ever separately appraised at any specified amount; that they ever exceeded or do now exceed the reasonable sum necessary to obtain comparable franchises by such expenditure as may be needed to cover the requisite legal and other legitimate associated charges of securing franchises, nor does it appear that their present value is not adequately covered and included with all other intangibles under the blanket charge of thirty per cent. upon our estimate of structural value (less working capital). So far as the capitalization of the Paterson and Passaic Gas and Electric Company is concerned, we obtain from that no light upon the value of the special franchises acquired. Like any other item of intangible property they constituted an unknown part of a total sum which

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total was in all probability far in excess of the then value of all items of properey owned by the acquiring company.

The decision in re. Wm. M. Donald et al., appellants vs. American Smelting and Refining Co. et al. (62 N. J. Eq. 729) does not seem to us to invalidate the position we have taken as regards either the special franchises, or the aggregate face value of the securities of the Paterson and Passaic Gas and Electric Company. It is true that it was there held that "after stock has been issued as full paid stock for property furnished, the judgment of the directors as to the value of the property becomes conclusive, in the absence of actual fraud in the transaction, and such stock is not liable to any further call." In our judgment, this was intended to determine the rights of stockholders **inter se.,** or the rights of stockholders as against directors. To allege that the judgment of the directors as to the value of the property becomes conclusive in all respects whatsoever is manifestly going beyond what we conceive is the intent of the decision. Is their judgment, as embodied in the face value of the securities, conclusive also as regards the assessment of such stock for tax purpose? It would hardly seem probable. Still less probable is it that this valuation estops the State from setting rates, unless the State first acquiesces in the inerrancy of this face value as a basis upon which to set rates.

GENERAL SUMMARY.

Summarizing the amounts which we have accepted in the foregoing, we obtain as follows:

No. 300.	Land		$ 111,160
No. 301.	Organization		
No. 302.	Franchises		
No. 303.	Patent Rights		1,025,000
No. 304.	Other intangible gas capital—cost of establishing business		
No. 327.	Law expenditures during construction		
	Manufacturing plant		1,161,550
	Distribution system		2,465,270
	Working capital		250,000
	Total valuation as of October 1, 1911		$5,012,980

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From report of Marvyn Scudder, May 27, 1912, it is found that during the first nine months of 1911 there was expended for construction approximately $247,000. To correct the report as of July 1, 1911, we deduct the proportionate amount for three months' construction amounting to	62,000
This gives us a valuation as of July 1st, 1911, of	$4,950,980

PRESENT VALUE.

To obtain present value, it becomes necessary to deduct from the estimated cost to reproduce new, the accrued depreciation. Accrued depreciation may be obtained in several different ways, the most important of which appear to be two: Theoretical depreciation calculated by means of life tables, and depreciation ascertained by observation or inspection. An estimate of theoretical depreciation should properly include adequate allowance for obsolescence and inadequacy. Such estimates, however, must take into consideration a great many suppositions and hypotheses, based very largely on speculation and prophecy as to what may be expected in the future. Coal gas generating machinery has now been in use for approximately a century. Water gas generating apparatus was developed about forty years ago. Coal gas machinery has been improved from time to time and made much more efficient, and later types have largely superseded those installed in earlier days. This is true, to a certain extent, of the water gas sets. Who can predict, however, the time when coal or water gas apparatus will be entirely superseded by some methods not yet invented, or even dreamed of? A correct allowance for depreciation, on the theoretical basis, must be sufficient to take care of obsolescence. Similar allowances must be made which will be sufficient to take care of plant retired because of inadequacy. Allowances for inadequacy involve *inter alia* an estimate of the growth in populations and communities served.

Depreciation by observation or inspection involves an estimate of the amounts required to place a given property in first-class operating condition, and even though a given plant may have been kept in such condition as to render entirely adequate service, there is still some depreciation due to ageing which is always existent, to a greater or less degree, in a property already in use.

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Insofar as physical property is concerned, it appears to be well settled that the proper valuation is the present value as obtained by deducting depreciation. We are confronted, however, with the contrasted methods of estimating depreciation referred to above, and we must decide whether theoretical depreciation or depreciation by inspection should be deducted. Undoubtedly an allowance for theoretical depreciation will much exceed the depreciation obtained in the other way. This leads us to an analysis of the history of the growth of public utility properties.

We believe that from this time forth allowance for depreciation should be made where possible, on the theoretical basis, but where depreciation has been charged off, the amount charged off appears to have been not theoretical depreciation, but merely amounts which would measure depreciation ascertained by inspection. We, therefore, conclude that we are on certain ground when the allowance for depreciation which is deducted from the cost to reproduce the property new, is the amount representing the wear and tear and ageing, and when we do not attempt to estimate the greater amount which would allow for obsolescence and inadequacy.

The allowance for the valuation of the physical property cannot exceed the amount obtained by deducting from value new the depreciation as obtained by observation or inspection. This statement best explains why the accrued depreciation in the Forstall appraisal amounts to only about 6.2% of the value of the depreciable property.

Estimated depreciation	$233,686
Value of plant already excluded	32,706
Additional allowance for depreciation	$200,980
Total valuation (new) previously determined	$4,950,980
Accrued depreciation to be deucted	200,980
Present value of property	$4,750,000

and this figure we accept as the present value of the property, and as the fair value of the property included in the base upon which a system of rates should be predicated.

Examination of the testimony in the present case shows that the only definite testimony before the Board with regard to

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accrued depreciation is found in Exhibit No. 1, the valuation made by Forstall & Robison. Their estimate as of January 1st, 1911, for the cost new was $3,742,975. Their estimate of present value as of January 1st, 1911, was $3,509,289. The difference, representing the accrued depreciation ascertained "by inspection" was $233,686. In arriving at the valuation above, we have included only such items of plant and distribution system as are in use and useful in the service of the public. By this method of arriving at the valuation, there has been already excluded items amounting to $32,706, and if we accept the estimate of accrued depreciation made by Forstall & Robison, we must deduct from the valuation as found above, the difference between the estimate of Forstall & Robison and the amount already excluded which gives us the result as found on the preceding page.

REVENUES AND EXPENSES.

Having determined the basis for valuation upon which to base a rate of return, we next give our attention to a computation of the amounts which the company should be allowed to collect in order to pay the operating expenses which they have been called upon to meet, an allowance for depreciation, and a fair return upon the investment. The valuation given above is of July 1st, 1911, and operating cost figures relating to one year would not be sufficient to determine the reasonableness of the matters under consideration. We have, therefore, computed a valuation for the property as of the corresponding date in each year for the years 1910 to 1906 inclusive. This has been obtained by a system of deductions in the following manner:

The total valuation (new) as of July 1st, 1911		$4,950,980
Of this amount, organization and other intangibles	$1,025,000	
Working capital	250,000	
Total, an amount of		$1,275,000

We are of opinion that based on the principles employed in arriving at the valuation of the property, the items given above would have varied approximately in proportion to the number of meters connected.

Table II shows the method of arriving at the deduction which should be made from the valuation of the property in 1911 to obtain the valuation for each prior year.

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TABLE II.

	1906	1907	1908	1909	1910	1911
Average number of meters in service during year.....	33,194	36,081	38,241	40,565	44,040	47,805
% number of meters in service during each year is of number in service during 1911	69.4	75.5	80.0	84.8	92.1	100.0
Rate % by which the valuation on July 1, 1911, of Working Capital, Organization and Other Intangibles, $1,100,000, should be reduced to obtain valuation on July 1st each year	30.6	24.5	20.0	15.2	7.9	0
Amount by which valuation $1,275,000 should be reduced in applying above rates	$390,150	$312,375	$255,000	$193,800	$100.725	0

The first item in this table gives the average number of meters in service during the year.

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Table III shows the amount of construction done during each year, and below is shown the method of obtaining the proportionate amount of accrued depreciation for each year.

TABLE III.

Total valuation, July 1, 1911		$4,950,980
Organization and other intangibles	$1,025,000	
Working capital	250,000	1,275,000
Valuation (new) of physical property		$3,675,980
Accrued depreciation, not already deducted	$200,980	
which is 5.64 per cent. of value (new) of depreciable property, not including land or 5.47 per cent. of all physical property.		
July 1, 1911—Valuation of physical property		$3,675,980
Valuation of construction during year		295,782
July 1, 1910—Valuation of physical property		$3,380,198
Valuation of construction during year		330,665
July 1, 1909—Valuation of physical property		$3,049,533
Valuation of construction during year		224,946
July 1, 1908—Valuation of physical property		$2,824,587
Valuation of construction during year		122,080
July 1, 1907—Valuation of physical property		$2,702,507
Valuation of construction during year		144,655
July 1, 1906—Valuation of physical property		$2,557,842

Depreciation at 5.47 per cent. on Physical Property—July 1st each year:

1906—$2,557,842 x .0547	$140,042
1907— 2,702,507 x .0547	147,926
1908— 2,824,587 x .0547	154,579
1909— 3,049,533 x .0547	166,839
1910— 3,380,198 x .0547	184,860

Table IV gives the total of the deductions to be made from the valuation in 1911 to obtain the valuation of plant in each year.

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TABLE IV.

Deductions from Valuation as of July 1st, 1911, to obtain Valuation July 1st each year.

	1906	1907	1908	1909	1910	1911
1. Total Valuation, July 1, 1911						$4,950,980
2. Total Cost of Construction from July 1 each year up to July 1, 1911	$ 950,790	$ 827,784	$ 723,974	$ 532,693	$ 251,515	
17.6% Overhead	167,338	145,689	127,419	93,754	44,267	
3. Working Capital, Organization and Other Intangibles on basis of average number of meters in service	390,150	312,375	255,000	193,800	100,725	
4. Depreciation	140,042	147,926	154,579	166,839	184,860	200,980
5. Total Deductions	$1,648,320	$1,433,774	$1,260,972	$ 987,086	$ 581,367	$ 200,980
6. Valuation after deducting Depreciation July 1 each year	3,302,660	3,517,206	3,690,008	3,963,894	4,369,613	4,750,000

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The first item in Table IV is the valuation (new) as of July 1st, 1911. The second item is the total cost of construction from July 1st of one year to July 1st of the next year, to which has been added, however, overhead allowances at the same rate, 17.6% used in making up the valuation of the property. This has been evolved from Table III. The third item is the deduction because of a less amount required for working capital, organization and other intangibles on the basis of the average number of meters in service, this having been taken from Table II. The fourth item is the proportionate amount of the total deduction for depreciation. The fifth item gives the total deduction from the valuation in 1911 to obtain the present value for each year preceding. The sixth item is found by deducting item 5 for each year from item 1.

Based on the valuation for each year given in Table IV, Tables V, VI and VII have been constructed.

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TABLE V.

		1906	1907	1908	1909	1910	1911
1.	Valuation	$3,302,660	$3,517,206	$3,690,008	$3,963,894	$4,369,613	$4,750,000
2.	Operating Expenses	379,243.73	409,954.44	422,301.96	427,867.31	466,051.45	493,495.73
3.	Depreciation at 6c per M.	46,997.57	50,360.06	52,788.00	57,728.22	61,629.64	63,032.45
4.	7% return on valuation	231,186.20	246,204.42	258,300.56	277,472.58	305,872.91	332,500.00
5.	Total amount to collect	$657,427.50	$706,518.92	$733,390.52	$763,068.11	$833,554.00	$889,028.18
6.	M. ft. gas sold	783,293	839,334	879,800	962,137	1,027,161	1,050,541
7.	Unit sale price	82.1c	84.3c	83.4c	79.3c	81.2c	84.6c

Average, six years 82.7c

TABLE VI.

		1906	1907	1908	1909	1910	1911
1.	Valuation	$3,302,660	$3,517,206	$3,690,008	$3,963,894	$4,369,613	$4,750,000.00
2.	Operating Expenses	379,243.73	409,954.44	422,301.96	427,867.31	466,051.45	493,495 73
3.	Depreciation at 6c per M.	46,997.57	50,360.05	52,788.00	57,728.22	61,629.64	63,032.45
4.	7.5% return on valuation	247,699.50	263,790.45	276,750.60	297,292.05	327,720.98	356,250.00
5.	Total amount to collect	$673,940.80	$724,104.95	$751.840.56	$782,887.58	$855,402.07	$912,778.18
6.	M. ft. gas sold	783,293	839,334	879,800	962,137	1,027,161	1,050,541
7.	Unit sale price	86.0c	86.2c	85.4c	81.4c	83.2c	86.7c

Average, six years 84.8c

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TABLE VII.

		1906	1907	1908	1909	1910	1911
1.	Valuation	$3,302,660	$3,517,206	$3,690,008	$3,963,894	$4,369,613	$4,750,000.00
2.	Operating Expenses	379,243.73	409,954.44	422,301.96	427,867.31	466,051.45	493,495.73
3.	Depreciation at 6c per M.	46,997.57	50,360.06	52,788.00	57,728.22	61,629.64	63,032.45
4.	8% return on valuation	264,212.80	281,376.48	295,200.64	317,111.52	349,569.04	380,000.00
5.	Total amount to collect	$690,454.10	$741,690.98	$770,290.60	$802,707.05	$877,250.13	$936,528.18
6.	M. ft. gas sold	783,293	839,334	879,800	962,136	1,027,161	1,050,541
7.	Unit sale price	88.2c	88.4c	87.6c	83.4c	85.4c	89.1c

Average, six years, 86.9c.

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These Tables include Item I, Valuation in each year, as taken from Table IV. Item 2, Operating expenses for each year, 1904 to 1910, taken from Exhibit 12 and for 1911 taken from Exhibit No. 4, September 9th, 1912. Item 3, depreciation at 6% per thousand cubic feet. Item 4, return at a certain rate on the valuation already determined. Fifth item, total amount to collect. Sixth item, the number of thousand feet of gas sold in the year, and the seventh item, the resultant average unit sale price which would have enabled the collection of the amount found under Item 5.

Table V includes an allowance for a return of 7% on the valuation. Table VI is computed on a basis of 7½% return, and Table VII is computed on a basis of 8% return on the valuation.

Some explanation should be given for the adoption of the allowance for depreciation on a basis of 6% per thousand cubic feet. Table VIII is an estimate of the amount required for depreciation on the straight line basis, on a 2% sinking fund basis, and on a 4% sinking fund basis.

TABLE VIII.

Expectation of Life in	Service Value of parts in Dollars at Basic Figures.	Add 17.6 per cent. for Overhead Charges.	Total Service Value of Parts in Dollars.	Annual payments to cover estimated future depreciation. Straight Line.	2 per cent. Sinking Fund.	4 per cent. Sinking Fund.
10	$ 14,730	$ 2,592	$ 17,322	$ 1,732	$ 1,582	$ 1,443
15	34,923	6,144	41,067	2,738	2,377	2,051
20	156,952	27,623	184,575	9,228	7,594	6,197
25	81,104	14,274	95,378	3,815	2,977	2,290
30	860,403	151,430	1,011,833	33,728	24,942	18,041
40	90,222	15,878	106,100	2,652	1,756	1,116
50	702,656	123,677	826,333	16,526	9,766	5,412
60	199,698	35,146	234,844	3,914	2,059	986
62½	39,157	6,890	46,047	737	376	173
75	403,535	71,021	474,556	6,327	2,776	1,059
	$2,583,380	$454,675	$3,038,055	$81,397	$56,205	$38,768

Average life determined by Straight Line method:

$$\frac{3,038,055}{81,397} = 37.07 \text{ years average life.}$$

Annuity required to redeem 1,000 in 37.07 years, compounded at 2% = $18.50.

$$\frac{\$3,038,055 \times \$18.50}{1.000} = 56.25.$$

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The total value of plant used in this Table does not exactly correspond to the amounts considered in the valuation of the property which we have adopted above, but does not depart sufficiently from these valuations to cause any serious error. This Table shows that on a straight line basis the sum of $81,-397 should be laid aside each year for depreciation. The Table also shows the amounts required if the depreciation could be laid aside on a sinking fund basis. Some study of the experience in handling of depreciation allowances shows that the sinking fund basis is not ordinarily applicable in connection with a property where renewals are being frequently made of the minor portions of the plant. On the sinking fund basis, the assumption is made that the depreciation allowance will remain intact until the end of the term. As a matter of fact, however, the depreciation reserve is called upon every year to pay for many minor renewals. The amount left in the reserve is ordinarily invested in extensions to the plant and system, and these statements being true, show that the straight line basis is the only correct method for computing depreciation reserves in connection with a plant of the character under consideration. The amount referred to above, $81,397, is very nearly 8 cents per thousand cubic feet of gas.

Analysis of the operating expenses of the company for the years 1904 to 1911 inclusive shown in Exhibit 12 and Exhibit No. 4, September 9th, indicates that minor renewals have already been charged to operating expenses. We have not estimated the proportion of the amounts charged to repairs which might have been charged to depreciation. To do so would require a critical examination of all charges to repairs or construction. We are of the opinion, however, that an allowance of 6 cents additional to the amounts already charged to operating expenses would be sufficient to properly maintain the property.

Some comment is also important with reference to the operating expenses. Some comparisons have been made between the operating expenses per thousand cubic feet and expenses of other companies operating under somewhat similar conditions, and we find that the general efficiency of this company is at least as good, and is probably better, than the average of the companies with which we have made comparison. See Exhibit No.

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13. Perhaps some additional allowances ought to be made because of the prospective increase in the cost of oil and other materials required in the manufacture of gas. The possibilities are not remote that certain materials will increase in cost. On the other hand, decreased rates may bring about an increase in the consumption of gas per capita or per unit of investment. If we are mistaken in these views, the matter is not irredeemable, as rates can be still further adjusted at a future time if the necessity for it is shown.

We do not contend that any particular rate of return is applicable in all cases. In our judgment, the rate of return to which a public utility is reasonably entitled is a question of fact to be determined in the light of all of the evidence and on a consideration of all of the facts in each particular case.

It is clear, however, that the rate of return must suffice to attract the capital, which in the case at bar is large in amount, required year by year in making the additions and extensions to manufacturing plant and distribution system which the growth of the communities served demands.

Tables V, VI and VII have been constructed to show the relative results at different rates of return.

In our judgment based on all of the evidence and consideration of all the facts, a rate of ninety (90) cents per thousand cubic feet will furnish a fair return at not less than 8% on the fair value of the property used and useful in supplying the customers of the Public Service Gas Company in the Passaic Division.

Entered December 26th, 1912.

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ORDER FIXING RATES.

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

The Board of Public Utility Commissioners, after hearing upon notice, by virtue of the power and authority conferred upon it by statute, now, on this twenty-sixth day of December, nineteen hundred and twelve.

DETERMINES that the existing rate or charge for gas made by the Public Service Gas Company in the territory now supplied from the Paterson Gas Plant, comprising Paterson City, Hawthorne Borough, Haledon Borough, Prospect Park Borough, Saddle River Township, Little Falls Township, Acquackanonk Township, Passaic City, Garfield Borough, Lodi Borough Wallington Borough, Nutley Town, Ridgewood Village, Glen Rock Borough and Totowa Borough, to wit:—One dollar and ten cents per thousand cubic feet, with a discount of ten cents per thousand cubic feet for prompt payment, is unjust and unreasonable; and fixes as a just and reasonable rate or charge to those who are now, or under the present schedule of rates of said company would be required to pay the existing base rate of one dollar and ten cents per thousand cubic feet (less ten cents per thousand cubic feet for prompt payment), the rate or charge of ninety cents per thousand cubic feet, which rate or charge shall on and after February first, nineteen hundred and thirteen, and until otherwise ordered, be imposed, observed and followed in said territory, in all cases where the existing base rate above referred to would otherwise apply.

Entered December 26, 1912.

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INFORMAL COMPLAINTS.

The following complaints were received, but have not been continued to hearings, or if heard the conclusions of the Board have not required the issuance of formal orders. In all cases where there appeared to be issues between complainants and respondents the complainants were requested to advise the Board if hearings were desired.

In addition to these complaints the Board received a large number of informal complaints from individuals which were referred to the Board's inspectors for investigation and report. Many of these complaints were adjusted to the satisfaction of the complainants. With respect to others, investigations indicated conditions in which the utilities did not appear to be at fault.

Whenever exception has been taken to the report of an inspector the Board has expressed its willingness to entertain a formal complaint and hold a hearing on the matter at issue.

Walsh Sons and Company
vs.
Pennsylvania Railroad Co.

Complainants stated the following rates were offered them by the Pennsylvania Railroad Company on shipments of scrap iron.

Newark, New Jersey, to Jersey City, 30c per gross ton.
Newark, New Jersey to Perth Amboy, New Jersey, 60c per gross ton.
Harrison, New Jersey, to Waverly, New Jersey, 60c per gross ton.

It was claimed that these rates were too high for the mileage. The railroad company by its freight traffic manager stated in reply "the information given by the complainants as to the rate on scrap iron from Newark, New Jersey, to Jersey City, New Jersey, is incorrect, as the rate is not 30c per gross ton as stated by them, but is 60c per gross ton. From the fact that in March, 1911, the complainants asked us for a quotation on scrap iron in carload lots from Harrison, New Jersey, to Waverly, New Jersey, I assume that it is this rate to which they wish to call attention, and while on account of the complicated movement, the rate of 60c as at present charged does not

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seem to us to be discriminative, yet in view of the fact that there is a rate of 30c per gross ton from Newark, New Jersey, to Waverly, New Jersey (which is practically a switching movement), we are willing to and will issue a rate of 40c per gross ton from Harrison to Waverly, because of the proximity of Harrison to Newark. I trust this will satisfy the complainants and remove any cause for complaint."

Answer sent to complainants December 1st, 1911.

Walsh Sons and Company

vs.

Erie Railroad Company.

Complainants alleged that the rate on scrap iron from Paterson to Newark, via Erie Railroad Company, of 60c per gross ton is exorbitant, and asked for a reduction.

The respondent contended that the rate "is a commodity rate, the sixth class rate being 3½c per hundred pounds or 70c per ton. This rate of 60c is on the same basis as other rates for similar hauls on the same commodity and is the same as the rate of the Delaware, Lackawanna and Western Railroad between the same two points. It should be taken into consideration that, under the New Jersey law, shippers have seventy-two free hours for loading and consignees the same time for unloading. The result is that the railroad is practically deprived of the use of its cars for eight days at shipping point and destination, exclusive of the time car is in transit.

Answer sent to complainants, December 1st, 1911.

Walsh Sons and Company

vs.

Delaware, Lackawanna and Western Railroad Co.

Complainants claimed the following rates charged by the Delaware, Lackawanna and Western Railroad Company on scrap iron, carload lots, to be exorbitant,

Harrison to Watsessing, 40c per gross ton, about ¾ mile.

Newark to Bloomfield, 60c per gross ton, about two miles.

The Delaware, Lackawanna and Western Railroad Company by its attorney answered "before we can take up any discussion of the reasonableness of these rates as an abstract proposition I would like to call the Board's attention to the following extract from Section 43 of the Railroad Law. 'No charge shall be required to be in the aggregate less than three cents per one hundred pounds for stone, lime(cement, shells, ashes, iron ore, pig iron and fire wood, and five cents per one hundred pounds for other freight. Inasmuch as scrap iron is neither iron ore nor pig iron, the minimum aggregate charge authorized by the statute is five cents per hundred pounds, whereas the rate complained of is about 1¾c per hundred pounds from Harrison to Watsessing and 2¾c per hundred pounds from Newark to Bloomfield.

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As these rates are so far beneath the rates authorized by law, we formally ask that the complaint be dismissed as not stating a case entitling the complainant to relief."

Answer sent to complainant December 1st, 1911.

New Jersey School-Church Furniture Co.

vs.

Pennsylvania Railroad Company.

The New Jersey School-Church Furniture Company complained that on Wednesday, November 22nd, it loaded a car consigned to itself in Newark. The car contained furniture for the Newark public schools and delivery had been promised on Saturday, November 25th. On Thursday morning, November 23rd, complainant noticed car had not been taken from the siding. The attention of the railroad company was directed to this and the car was removed from the siding, Thursday afternoon. Expecting the car to reach Newark the next day, Friday, November 24th, the complainant sent men to Newark to unload same and put the furniture in the school buildings.

It was alleged that the car did not arrive on Friday, and that from day to day thereafter complainant's foreman reported its non-arrival. On taking the matter up with the railroad company, complainant was advised that the car did not leave Trenton until November 27th and that on December 1st, complainant learned the car was located at Harrison, from which point the goods would have to be carted to Newark or further delay experienced.

The Pennsylvania Railroad Company claimed in reply that it was not notified that the car was ready for shipment in time to remove it from the siding until November 23rd; that the car was dispatched from Trenton on November 27th and that the delay at Trenton was due to an abnormal condition of the yard at that point.

It was claimed that respondent was not responsible for car being placed at Harrison yard, as the shipping order designated no special station in Newark at which delivery was to be made, and the car was brought through to the Meadow Yard, and then sent to the most convenient carload delivery yard in that district, Harrison Yard, where it was placed for delivery on the morning of December 1st. Respondent further stated that its agent offered to have the car placed at any other carload delivery station desired, but consignee's representative stated they were in a hurry for the consignment and would take further delivery.

This answer was unsatisfactory to the complainant who claimed the delay in leaving Trenton was not justified and that similar delays had frequently occurred before, and it was also contended that the shipping directions were sufficiently explicit to require Newark delivery.

The Board referred the matter to its Inspector who reported "in my judgment freight originating at Trenton should have preference over freight that is held on storage tracks to be sorted for other points. As there are so many different delivery yards at Newark, it would be better for both the road and the consignee if it were noted on manifest from which one delivery should be made." To this the company answered: "In accordance with the suggestion of your Inspector, it has been arranged to indicate on the manifest the particular delivery point desired, which will eliminate delay, occurring at destination on account of having to wait for the consignee to

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designate the delivery point desired; and we have also arranged to have advance notice given us of outward carload shipments, so that we can arrange for the prompt movement of cars; with these arrangements in force we should expect that the delays such as those referred to will be eliminated."

Answer sent to complainants December 12th, 1911.

Wm. Campbell Wall Paper Company

vs.

New Jersey and New York Railroad Co.

The complainant alleged that it constructed "over ten years ago at its expense a track siding from the railroad line into its property; that the railroad company operated over the siding ever since the construction of the same, but that recently it had submitted to the complainant a proposed contract, which in addition to other things, imposes upon your complainant a liability for any injury to any person or property by reason of the operation of said railroad company's cars on complainant's siding or switch, whether caused by the use thereof for complainant or not, and in other ways materially changing the method and custom of maintenance and operation of said siding or switch."

The complainant refused to sign the contract and the railroad company gave notice that "on and after the tenth day after the delivery of this letter to your office at Hackensack, the New Jersey and New York Railroad Company will refuse to operate or place cars on the side tracks leading to your plant at Hackensack for your accommodation, on account of there being no agreement in effect covering the operation of this track. After the date specified your cars will be delivered on the public delivery tracks."

The Board was asked to restrain the railroad company from ceasing to deliver and receive complainant's cars on its switch "and that a hearing or hearings be had on the proposed contract to the end that complainant be not obliged to sign a contract with said railroad company that is not just and equitable."

This complaint was brought against the Erie Railroad Company as operators of the New York and New Jersey Division of said railroad. The Erie Railroad Company alleged in reply "that it does not operate and never has operated the railroad of the New Jersey and New York Railroad Company running through the Village of Hackensack" and asked that the complaint be dismissed.

To this attorney for complaint answered: "We are in receipt from you of a copy of answer of the Erie Railroad Company to the complaint of William Campbell Wall Paper Company. We are at a loss to understand same after reading the time table, which we enclose to you, and also their proposed contract and letters. I might say this matter was taken up with the Erie Railroad officials and they recognized the error in their contract and we are going to prepare another one and submit it. William Campbell Wall Paper Company, the complainants, request that the hearing on the complaint be held open until the result of the new negotiations are known; they have withdrawn the order as to the receiving and delivering of freight on the siding."

The complainants were advised that the New Jersey and New York Railroad Company is part of the Erie system, but technically is not in the same position as a branch of the Erie Railroad, and it was suggested that if the

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negotiations did not terminate satisfactorily a complaint be submitted in which the New Jersey and New York Railroad would be substituted for the Erie.

Complainant advised in reply that it was believed that as a result of its application to the Board "the reaching of an adjustment of the difficulty will be expedited, and that the railroad company will not take any action to our inconvenience until the matter is fully considered between us."

Answer sent to complainant December 9th, 1911.

Mattson Rubber Company

vs.

Public Service Electric Co.

The Mattson Rubber Company submitted that "during regular working hours this plant consumes current made on the premises. We also require Public Service current for considerable overtime and every night when plant is not running. We therefore have two sets of wires, one for our own current and one for the Public Service current. Although we are paying precisely the same rate charged to private dwellings where lamps are replaced free of charge the Public Service Electric Company has invariably refused to replace any lamps for us whatever."

Complainant alleged the failure to replace lamps to be a discrimination and claimed that the respondent should not only supply it with bulbs in the future but should make reimbursement "with lamps on the same basis for current already consumed since running here."

The Public Service Electric Company in reply stated that according to its uniform practice the first installation of incandescent lamps must be provided by the customer; renewals of standard lamps are furnished gratuitously, except to customers taking emergency or breakdown service. It was further stated that "complainant has a private plant for the generation of electricity for light and power purposes. That respondent furnishes electric lighting service to complainant and for a total of thirty-eight outlets, fifteen of which are so wired and connected that only respondent's service can be used, while the other twenty-three are so wired that either respondent's or the private plant service of the complainant can be used. That part of the installation covered by the fifteen outlets, which can be supplied only by respondent's service, may be said to be regular lighting service, and as such should be supplied with free incandescent lamp renewals. That part of the installation covered by the twenty-three outlets referred to, and which may be supplied with either service, comes within the class of breakdown or emergency service, and should therefore be excluded from free incandescent lamp renewals.

Effective immediately, respondent will renew incandescent lamps free of charge for the fifteen outlets referred to, and will deliver to complainant the number of lamps to which he is entitled for back renewals for said outlets."

Answer sent to complainants December 29th, 1911.

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E. J. Teeling

vs.

Hudson & Manhattan and Pennsylvania Railroad Cos.

Complainant stated that at a meeting of the Board of Aldermen of Jersey City he introduced a resolution which was passed requesting the Hudson and Manhattan Railroad Company to stop all trains east and west bound at the Marion Station of the Pennsylvania Railroad, pending completion of the Hudson and Manhattan Company's station at Summit avenue.

It was contended that the Marion and Bergen sections of Jersey City did not under the then existing arrangements furnish adequate facilities and the Board was asked to obtain consent of the Pennsylvania Railroad to use by the Hudson and Manhattan of the former's station at Marion. The Hudson and Manhattan Railroad Company claimed to be without power to act in the matter.

The Pennsylvania Railroad Company claimed that the cars of the Hudson and Manhattan Company are one foot narrower than the standard steam equipment and that "without the aid of gauntlets, in the section of the line necessarily used at speed, platforms constructed to meet the necessities of the rapid transit trains would not admit of the passage of the steam equipment. If the residents of the section in question desire to make use of the rapid transit service, perhaps a temporary station at Summit avenue, which is only eighteen hundred feet distant from Marion, would serve their convenience, and at which point there are alternate tracks for the use of steam and rapid transit trains.

Hearing was held in this matter at which after a conference between the representatives of the parties in interest it was decided that the temporary relief asked for would be gained permanently at the Summit avenue station and that this would be satisfactory to residents of that vicinity. By agreement of Counsel the case was stricken from the Board's calendar.

Answer sent to complainant January 19th, 1912.

Board of Education of Borough of Island Heights

vs.

Island Heights Water, Power, Gas and Sewer Co.

The complainants alleged that owing to refusal to pay what was claimed to be an improper charge, the respondent had stopped supplying water to the public school house at Island Heights. A date was fixed for hearing and the Board recommended that pending settlement of the matter in dispute the company continue to supply water to the school house. This recommendation was adopted by the company, and at the hearing a settlement was agreed to with respect to the disputed account.

Answer sent to complainant January 9th, 1912.

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East Orange Lumber Company

vs.

New York Telephone Company.

Complainant stated that its lumber yard "is situated on the boundary line of East Orange and Bloomfield; being partly in each of these towns. Up to the present time (about three months, we have had in our office telephone service from both Bloomfield and Orange; in other words we have an Orange 'phone No. 3030, and a Bloomfield 'phone No. 2682. We have contracts for both of these 'phones with the New York Telephone Company, neither of which has expired. We are now advised by the New York Telephone Company that we will have to pay an additional rental of $18.00 per year for the privilege of having these two 'phones, although we pay the regular rental of $48.00 per year for each 'phone. They say such service is entirely outruled by the Public Utilities Board. We don't see if we are fortunate enough to have property accessible to both these exchanges, why we should not have the advantage of this service if we are paying the regular price for each of these 'phones."

A misunderstanding apparently existed as to the rulings of this Board, as no inhibition had been placed on the service desired. A copy of the complaint was sent to the New York Telephone Company which stated in reply that the boundary line between East Orange and Bloomfield crosses the property of the complainant; its office building is wholly within the East Orange district. "During August, 1907, this subscriber contracted for direct line Bloomfield service, and no foreign mileage charge was made on account of the fact that part of the premises was in Bloomfield. The contract for Orange service was consummated in July, 1911, without foreign mileage charge for the same reason. Our local agent assumed that since the subscriber's office building was entirely in the Orange district, and further since he was receiving Orange service, that he should be required to pay foreign mileage charges for his Bloomfield connection. However, after giving this matter careful consideration it has been decided that where the line between central office districts between which there is a toll charge, crosses a subscriber's premises, and where service is to be rendered reasonably close to the actual boundary line, that the foreign mileage charge shall be waived and service rendered the subscriber to either or both districts. Accordingly we have advised the East Orange Lumber Company that we will permit them to continue their existing service without charge.

Answer sent to complainant December 16th, 1911.

George R. Beach

vs.

Dodd and Child's Express Co.

Complainant alleged that the Dodd and Child's Express Company is the local distributor for Adams Express Company; that the distance from Jersey City Heights to the Central Railroad Ferry is no greater than to the Pennsylvania Railroad Ferry, but that an arbitrary charge one third more is made for the delivery of trunks and other articles to the Central than to the Pennsylvania Ferry.

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Respondent replied admitting the rate to be as stated but claimed same was justified by "the fact that the Central Railroad Terminal at Communipaw is remote from the other sections of the city and we are invariably obliged to send a special wagon with such baggage as was the case with Mr. Beach."

It was contended by the respondent that the Dodd and Child's Express Company is not subject to the jurisdiction of the Board, being a wagon company, engaged in the local transfer of baggage and other parcels in Jersey City; that it is not an express company as the term is generally used, and that it has no contract with and does no business over the line of any railroad company or transportation company.

A date was fixed for hearing, but before same arrived the complainant wrote that he did not wish to press the complaint, stating: "I'm in receipt of information affecting the rates in question which is satisfactory and there is no reason, therefore, of proceeding with this case."

Answer sent to complainant December 26th, 1911.

Harry Steward

vs.

New Jersey Gas Company.

Complainant stated that he could not get the New Jersey Gas Company to connect his house with its mains, although willing to pay the company's current rates. Respondent replied, admitting that Mr. Steward's application had been refused, giving as a reason therefor that his house was over five hundred feet from the end of the gas mains and that no other house could be reached by the extension. It was further stated that, since the complaint was filed, Mr. Steward had accepted a proposition made by the company's manager, that work had been begun on the extension and that gas would be supplied "as soon as the pipes can be laid. We, however, expressly wish that your Board would not consider this as a precedent, as it is impossible for our company to make extensions of such length, unless some arrangement has been made with the consumer." The complainant wrote advising the Board that the action of the company was satisfactory and withdrew his complaint.

Answer sent to complainant December 19th, 1911.

Emmor H. Lee

vs.

Pubiic Service Railway Co.

Complainant, a resident of Moorestown, alleged that "persons living in the eastern end of the town and wanting to ride to the western end or to Camden are compelled to change cars after riding a few squares and wait in some cases (if the car happens to be a minute or two late) a half hour

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for a car to take them to their destination. This change is made at East Main street and Chester avenue, where no protection is provided from rain and cold.

It was formerly the practice of the Public Service Railway Company to run cars east as far as Borton's Landing Road where connection was made with the Burlington County Railway cars, but for several months this change has been made in the center of the town much to the inconvenience of persons living at the eastern or western ends."

Respondent admitted in reply that cars were formerly operated to Borton's Landing Road where connection was made with the Burlington County Railway cars. At the request of the Burlington County Railway, the connection was made between the two roads at Chester avenue instead of Borton's Landing Road. "The cars of the two companies are supposed to connect at that point, and no additional fare is charged between that point and Borton's Landing Road. If, however, the Commission think the change as requested by Mr. Lee, would be a better operation and give more adequate service, the company is willing to continue its operation as formerly to Borton's Landing Road." The matter was referred to the Board's Inspector who advised against a change to the old practice stating that the meeting point of cars of the two lines at Borton's Landing had been the cause of much complaint, because of the isolated position of this point, it being a lonely place with but few houses in the vicinity and impossible as a safe waiting place for unprotected women. The opinion was expressed that the meeting point at Chester avenue brought improved conditions for the greater number of people.

Answer sent to complainant January 17th, 1912.

Farrin Korn Lumber Company

vs.

Erie Railroad Company and Lehigh Valley Railroad Co.

Complainant submitted correspondence with the Erie Railroad Company referring to alleged overcharge on carload of lumber re-forwarded from Grand Street Station, Lehigh Valley Railroad, Jersey City, New Jersey, to Palisades Park, New Jersey.

In this the Erie Railroad Company advised complainant that the shipment did not move via its line direct, "and for that reason we cannot apply our local tariff which covers only points of origin on the Erie Railroad." It was claimed by the Erie Railroad Company that the tariff properly applicable on the shipment was Lehigh Valley rate of 13c, sixth class basis from Grand Street, Jersey City, to Palisades Park, New Jersey. This rate complainant alleged to be excessive. The Erie Company on receiving a copy of complaint claimed that answer should be made by the Lehigh Valley Railroad Company as the carrier publishing the rate. The Lehigh Valley Railroad Company, on receiving the complaint suggested a settlement on the basis of the sum of the locals on the two roads; three cents per hundred pounds on its road and three cents per hundred pounds on the Erie plus $2.00 switching charge of the Pennsylvania, thus making a charge of $22.40. The Board's Inspector to whom the matter was referred reported that the original charge, computed on the through rate of 13 cents was $44.20. He recommended settlement on a basis of

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three cents per hundred pounds Lehigh Valley, making total charge $19.00. The railroad companies agreed to this settlement and complainant was advised to again take the matter up with them.

Answer sent to complainant January 17th, 1912.

I. S. Dawes & Son

vs.

Philadelphia & Reading Railway Co. and Pennsylvania Railroad Company.

I. S. Dawes and Son of Imlaystown complained that they bought a carload of apples at Lawrenceville to be shipped to Imlaystown Station. The apples were loaded on a car of the "Johnson Trolley System" at Lawrenceville and arrived at Trenton in this car. It was claimed that the direct route to Imlaystown from Trenton is via Pennsylvania Railroad to Hightstown, thence via Union Transportation Line to Imlaystown; that the freight from Lawrenceville to Trenton was five dollars and from Trenton to Imlaystown eight cents per hundred pounds in carload lots. The car at Trenton was received by the Philadelphia and Reading Railway and taken to Belmont, Philadelphia, from whence it was transferred to the Pennsylvania Railroad Company's branch. It was represented by the complainants that there is a transfer between the Philadelphia and the Pennsylvania Railroads at Trenton, which it was claimed should have been used for the shippers' benefit.

The Pennsylvania Railroad Company admitted receiving the car at Belmont, destined to Imlaystown, but denied that the rate in which it participated was "unjust, unreasonable, excessive or otherwise in violation of the law." The Philadelphia and Reading Railway Company admitted that the direct route was as represented by the complainants, that the shippers of the apples, namely, A. McNamee and Sons, knowing the rate via the direct line and that the shipment could be transported by the Philadelphia and Reading Railway, from Trenton on its line to Trenton on the line of the Pennsylvania Railroad, on the payment of advance charges for transportation on the trolley line, together with the charges for transportation to Trenton on the line of the Pennsylvania Railroad nevertheless tendered the shipment to the Philadelphia and Reading Railway Company at Trenton, and consigned through to destination on the line of the Pennsylvania Railroad, requesting and receiving a through bill of lading therfor, with charges to be collected at the destination. It was claimed that the respondent routed the shipment by the only route available upon which joint rates applied and that the charges assessed and collected were the only lawful charges applying to the shipment.

Answers sent to complainant January 29th, 1912.

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Albert W. Hess

vs.

Pitman Water Company.

Complainant alleged that he filed a bill of complaint in the Court of Chancery directed against the Pitman Water Company; that in response to a rule to show cause why a mandatory injunction should not issue against the company compelling it to turn on the water supply for the petitioner to use in his home at Pitman, a stipulation was made by which the petitioner paid the company twenty dollars and the water was turned on pending final hearing before Vice Chancellor Leaming. On final hearing "the Vice Chancellor informed the parties to this controversy that he considered the Board of Public Utility Commissioners the proper tribunal to deal with the controversy between complainant and defendant." The controversy involved the charge to the complainant for service, which charge was alleged to be excessive, and discontinuance of service because of refusal to pay penalties imposed by the respondent for alleged violation of its rules. Complainant alleged that he was discriminated against in that the respondent refused to supply him with a meter, although meters were supplied to residences similar to his and it was claimed that by using a meter he would obtain service at a lower charge. The respondent claimed that the allegation of excessive charge had been decided against the petitioner by a judgment of the Supreme Court, and denied that the petitioner was discriminated against. The complaint was heard and at said hearing the proceedings were ordered discontinued, "with the understanding that the complainant, A. W. Hess, will pay to the Pitman Water Company, for all water used by him, and for which payment has not already been made, at the rate of twenty dollars per year, up to March 1st, 1912, and will sign a contract with the company, dated March 1st, 1912, and that upon this day the company will furnish a meter to Mr. Hess. In case Mr. Hess does not use the minimum of nine dollars and fifty cents worth of water in the twelve months, the amount will be pro rated, beginning January 1st, 1912; the contract to be subject to any changes made by the Public Utility Commission."

Heard February 27th, 1912.

B. S. Orcutt

vs.

Delaware, Lackawanna and Western Railroad Co.

Complainant alleged that at Brick Church Station of the Delaware, Lackawanna and Western Railroad Company, there is a platform for passengers on the north side of the tracks only, and that every passenger taking an eastbound train has to cross the westbound track, over which a large number of trains, many of them expresses, are operated. It was claimed that while westbound trains stop when an eastbound train is at the station the westbound expresses go by the platform at high speed, when many people are crowded to the edge of the platform, looking to the west for their train. It was claimed that this was a dangerous condition, requiring a watchman or flagman to patrol the platform

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edge to warn passengers of trains approaching from the rear. The Railroad company contended in reply that the situation is covered by its rule which gives the right of way to trains on the track farthest from the platform, when trains are likely to meet at stations, "but when there is no train at the station or coming into it, where there is a double track, we think the passengers know enough not to stand on the track. Ordinary care is required of all persons under all circumstances, and there is no occasion with the large expanse of platform at Brick Church and East Orange for passengers to stand on the tracks to wait for their trains or to ascertain if their train is approaching."

The Board's Inspector was directed to investigate conditions at the station and report thereon and hearing was held on the issue between the parties.

Following the hearing, the Board announced its opinion that a man should be stationed by the Delaware, Lackawanna and Western Railroad Company, at the Brick Church Station platform, between the hours of 7 A. M. and 7 P. M. daily.

The railroad company placed and maintains a man on the platform in accordance with the above.

Hearing held February 9th and 23rd, 1912.

Borough of Flemington

vs.

Flemington Water Company.

The Borough of Flemington complained that it was unable to get from the Flemington Water Company a contract in writing for water used for fire purposes; that for water so used the Borough has been charged the sum of twenty-five dollars per hydrant per year which was claimed to be excessive. "The Borough is charged for twenty-five hydrants, $25.00 per year, $625.00. The Borough has a contract for water for use in 18 flush tanks at $14.00 each, $252.00 per year, in which the water company agrees to furnish one hundred and fifty gallons per day." The respondent denied that it ever refused to enter into a contract with the Borough at existing rates and claimed that no negotiations had been suggested for the purpose of entering into a contract; and that it was ready to enter into a contract in writing at any time.

It was further stated that the Borough of Flemington had been in existence since May, 1910; that the respondent had "a contract with the Village of Flemington, which was submitted to and approved by the voters thereof by a vote of 319 for, to 4 against, in June 1896; and that from the time of the installation and building of new water mains in 1896 until it went out of existence as a corporate entity the Village of Flemington paid to respondent the sum of twenty-five dollars for each fire hydrant; that for the short period that the complainant has been in existence as a corporate entity it has paid to respondent for use of water for fire hydrants a like sum of twenty-five dollars per hydrant, although no written contract has ever been entered into with the Borough by the respondent.

It was denied that the charge was excessive but claimed to be very moderate considering the conditions under which the service had to be supplied.

Answer sent to complainant February 9th, 1912.

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W. Edwin Kastendike

vs.

New York Telephone Company.

Complainant alleged that when he applied for telephone service at Haworth he was advised by the telephone company's representatives that they could not supply service at that time, but that as soon as the Borough granted the company a new franchise it would supply him with temporary service, pending installation of new equipment. It was claimed the new franchise had been granted but that complainant was still without service, and that the company informed him he would have to wait six months longer pending installation of the new equipment.

The company replied that an ordinance had been recently passed by the Borough of Haworth, which had been accepted by it and that the company was proceeding with the preparation of plans for constructing proper and adequate facilities. It was alleged that to supply Mr. Kastendike temporary service would involve a relatively large outlay for temporary construction that would be wasted when the new construction was completed.

The answer being unsatisfactory to the complainant a hearing was held on February 27th, 1912, at which the representative of the New York Telephone Company stated that the company expected to supply Haworth before April 1st, unless construction work was prevented by unfavorable weather conditions. This was satisfactory to the complainant and the matter was dismissed without prejudice.

Hearing held February 27th, 1912.

George J. H. Follmer

vs.

Hackensack Water Company.

Complainant alleged that he made application in 1903 for an extension by the Hackensack Water Company of its main to a property in Tenafly owned by him; that he and two others guaranteed the company $55.00 per annum for the extension, the guarantee to continue until the regular and normal revenue from the extension equalled $55.00. It was claimed that the two other guarantors had made independent connections with the water main, that the company had released them from their guarantee but was charging complainant approximately double the amount he guaranteed to pay.

The respondent stated that the complaint was based "on the erroneous assumption that he was paying on the old guarantee given at the time we made this extension. As a matter of fact this guarantee had been cancelled some time ago."

It was stated that the complainant was being served by a two inch meter and had been charged a minimum rate of $6.00 on it; that this meter was installed on a joint application with a Mr. Clark; that Mr. Clark's premises are now being served by another main; that the two inch meter had been replaced by a half inch meter and a corrected bill rendered complainant.

Mr. Follmer advised the Board this was satisfactory, and withdrew his complaint.

Answer sent complainant February 26th, 1912.

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E. G. Reederer

vs.

Delaware, Lackawanna and Western Railroad Company.

Complainant alleged that the station of the Delaware, Lackawanna and Western Railroad Company at Hopatcong is on top of a hill, the platforms being down in the cut; that if the passenger remains in the waiting room until train time he will miss his train, and that there was no protection on the platform from storm and cold weather.

This was referred to the Board's inspector who reported the conditions as represented by the complainant and who recommended that small waiting rooms be erected on both the east and west bound platforms of the station. The company advised that it would erect shelter sheds on the platforms and keep the same in place between October 1st and April 1st, the sheds to be taken down in Summer if so desired.

This was accepted as a satisfactory compliance with the recommendations.

G. Gentilini

vs.

West Jersey and Seashore Railroad Company.

Mr. Douglass Reed complained for G. Gentilini that the said Gentilini owned a small farm which was cut in two by the West Jersey and Seashore Railroad Company.

It was alleged that the company when it electrified its tracks agreed to give Mr. Gentilini a private crossing across their tracks, but that the company refuses to do this. The respondent answered, claiming that the complainant purchased two separate pieces of property on opposite sides of the railroad, each piece connecting with a public road, and that the circumstances did not warrant the construction of the crossing. The matter was referred to the Board's Inspector who reported that he could find no record of any promise given to Mr. Gentilini for the construction of a crossing; that Mr. Gentilini could not tell him by whom the promise was made or for what consideration; that the company owned the right of way since 1880, and changed from steam to electric operation in 1906 and that no obligation seemed to exist on the part of the company to grant Gentilini a private crossing because of the change to electric operation. It was further reported that the main tracks of the electric line running to Atlantic City are located at the point of crossing, that adjacent to Gentilini's property and extending through half its length is a siding track and that it would be dangerous to have a crossing at this place owing to third rail and high speed of trains. To pass from one part of the Gentilini property to the other on the opposite side of the tracks requires travel of about one-half mile to the main thoroughfare near Minotola Station.

Inspector's report sent to complainant April 1st, 1912.

Boonton Business Men's Association

vs.

Delaware, Lackawanna and Western Railroad Company.

The Boonton Business Men's Association complained of alleged inade-

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quate passenger train service on the Boonton Branch of the Delaware, Lackawanna and Western Railroad and asked for certain changes in the schedule and for additional trains. The respondent replied expressing the opinion "that there is no reasonable occasion for the extra service required." Hearing was called on the issue joined. This hearing was followed by a conference between representatives of the petitioners and of the railroad company resulting in an agreement on certain changes satisfactory to the complainants.

Answer sent to complainants March 19th, 1912.

Thomas Costello, et al.,

vs.

Central Railroad Company of New Jersey.

Complainants alleged that no protection was afforded at an alleged dangerous crossing of the tracks of the Central Railroad Company of New Jersey, near the station at Morganville. The respondent replied stating that arrangements had been made to proceed with the installation of crossing alarm bells. This it was claimed would afford adequate protection "as all trains except Nos. 202 and 222 make a regular stop at Morganville." This answer was unsatisfactory to the complainants and the Board called a hearing and directed its Inspector to examine the crossing and report upon the same. Following the hearing and a consideration of the Inspector's report the Board recommended that the company install an alarm bell at the crossing.

Hearing held April 2nd, 1912.

H. R. Craig, et als.

vs.

Public Service Railway Company.

Complainants alleged that the Public Service Railway Company had caused a sign to be placed in cars running to Aldene and Kenilworth to the effect that after January 29th, 1912, no transfers would be issued on cars of the "Third" line to passengers paying fare with a transfer. This it was claimed compelled the payment of increased fares to passengers transferring from cars of the "Third" line. The Public Service Railway Company alleged in reply that it was the successor of the Elizabeth, Plainfield and Central Railroad Company; that the latter company in 1905 entered into an agreement with Kenilworth Realty Company pursuant to which the railroad company constructed and has since operated a railway on private right of way through lands of the Kenilworth Realty Corporation. It was claimed that by virtue of the agreement the railroad company has the contractual right to charge five cents for each passenger carried either way on its street railway between Westfield Avenue and any part of Kenilworth; that no part of the railway was operated on a public street or highway; that the Kenilworth Realty Corporation agreed to pay to the railroad company any deficit incurred by the company up to the sum of $5,000.00 a year; that the agreement expired on April 30th, 1911, and that since that date the respondent has been operating the road at a loss.

It was further claimed that the Kenilworth Realty Company, at the time of the construction of the railway, represented to the Elizabeth, Plainfield and Central Railroad Company that a large number of people would reside in the section traversed by the line; that such representa-

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tions had not been fulfilled, but that the line from the date of its inception had been operated at a loss.

It was alleged that the line not being operated under a public franchise and not occupying any part of a public highway, the respondent was under no public obligation to continue the operation of the railway; that if operated as desired by the petitioners it would be required to carry passengers in one direction a distance of 11.29 miles for five cents and in the other direction a distance of 10.3 miles for five cents and that it could not afford to carry passengers the distances named for five cents, "especially when so much territory is as sparsely settled as that through which the Kenilworth car travels and through which the Third Street car travels from Aldene to Elizabeth."

Answer sent complainants April 16th, 1912.

Board of Street and Water Commissioners, Newark, N. J.

vs.

Pennsylvania Railroad Company.

Complainant alleged that in its judgment the safety of the traveling public required the installation of some protective device or devices at Bigelow Street in the City of Newark where said street crosses the right of way of the West Newark Branch of the Pennsylvania Railroad. The Board of Public Utility Commissioners was requested to require the installation of such device or devices.

The respondent stated in reply that a flagman is stationed at the crossing between the hours of 6:30 a. m. and 8:30 p. m., and that during the remainder of the twenty-four hours no train movements are made over the crossing until the traveling watchman precedes the train and protects it. This protection was claimed to be adequate "in view of the slow speed and slight usage."

A copy of the answer was sent to the complainant who asked the Board to have its Inspector investigate conditions at the crossing. It was stated that complaints had been made to the Board of Street and Water Commissioners "by residents of the section in question who have children attending the public schools who are compelled to cross the tracks four times daily in getting to and from school and the Board feels that gates should be installed in order that proper protection can be had."

The Inspector reported that the line over Bigelow Street is a freight branch, with an average of ten movements each way over the branch and additional shifting movements over the crossing. The Inspector directed attention to the fact that the flagman had been placed at the crossing on duty between 6:30 a. m. and 8:30 p. m., in compliance with a recommendation originally made by him and he expressed the opinion that with a special flagman on the ground to flag trains between 6:30 p. m. and 6:30 a. m. the crossing is reasonably protected. It was further stated that a flagman's shanty obstructed the view, when cars are standing on the siding south of Bigelow Street and close to the line of the highway. A change in the location of the shanty was suggested and this change was made by the company.

Inspector's report sent to complainant April 25th, 1912.

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Robert S. Sinclair

vs.

Delaware, Lackawanna & Western R. R. Co.

Complainant alleged that the Delaware, Lackawanna and Western Railroad Company makes up passenger trains in such a way that wooden passenger cars are sandwiched between steel passenger cars and that at other times single passenger cars are placed between several steel cars and the locomotive and tender. This it was claimed was a dangerous practice as "in the event of a collision the wooden cars would be crushed by the heavier steel cars." This was referred to the Board's inspector who agreed that it was not good practice to make up trains in the way described. The report states "I am informed by the officials of the railroad that steel under frames are being placed under all coaches that are being taken in shop. I would recommend that preference be given to combination cars until enough are equipped to run with the steel coaches. This would obviate the danger complained of."

A copy of the Inspector's report was sent to the respondent and notice was given that the same would be taken up for consideration at a meeting of the Board on March 26th, 1912. At this meeting a representative of the railroad company appeared and stated that only "sixty-seven of the passenger cars operated in suburban traffic are not now equipped with steel frames, steel plates and reinforcements; that these are being sent to the shop at the rate of twelve to fifteen every thirty days and that in six months there will be no cars in suburban service not so equipped."

This was accepted as reasonably meeting the situation.

Hearing held March 26th, 1912.

Isaac Edward Harrison

vs.

Union Transportation Company.

Complainant alleged that the Union Transportation Company operating the Pemberton and Hightstown Railroad Company increased the rate on milk from Cookstown, New Jersey, to Camden, New Jersey, from 22.5 cents per forty quart can to 25.5 cents per can "owing it was claimed to the necessity of refrigeration and the increased cost thereof." It was alleged that the rate was not reduced on the advent of cold weather and the consequent lack of necessity for refrigeration. The Board was asked to fix "such rate as may be reasonable and just during the refrigerated period and allow such rate during the cold period (when refrigeration is not necessary) as we had previous to the advance April 1st, 1911."

Respondent claimed in reply that the rate of transporting milk, since refrigeration was required by the regulations of the Board of Health of Philadelphia, was increased about fifteen per centum over and above the rates previously charged, "that being an average rate lower than the actual cost of refrigeration upon the idea that a fixed regular rate would be more satisfactory to shippers on the Union Transportation Company's road than to have a special rate for refrigeration in either or both directions varying with the different seasons of the year." On the issue joined hearing was held at the conclusion of which the Board

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announced its opinion that "the individual complainant has no personal grievance resulting from the refrigerating charge of which he complains; that the complainant has not proved the existence or extent of any feeling of grievance on the part of those subjected to this charge. The Board finds that this charge is, in large part, a charge for readiness to serve, and that equipment for this service is held in disuse, or in idleness, by reason of this refrigeration service; that a regular charge made so as to be unchanged from month to month is a preferable system to the charge varying during different seasons of the year." The complaint was dismissed.

Heard March 12th, 1912.

W. J. McDevitt

vs.

Delaware & Atlantic Telegraph & Telephone Company.

Complainant stated that his house is located at Westmont, New Jersey, one mile from the Haddonfield central and at least one and one quarter miles from the Collingswood central. "The rate given by the telephone company is $2.00 per month for the Collingswood central and $3.00 ($1.00 for mileage) for the Haddonfield central, which is the only one of any use to us. One resident of the same town living 1,500 or more feet from the same line of wire that runs directly in front of our house and to which they must connect to get Haddonfield central, pays $2.00 per month for the service we want and for which they ask us $3.00." The respondent stated in reply that "the Pennsylvania Railroad is the boundary line between the Collingswood central office and the Haddonfield central office, and Mr. McDevitt is located within the area served by our Collingswood central office. * * * * Our plant has been designed to meet the requirements of the majority of the subscribers, and to avoid complications every effort is made to induce subscribers to accept connection with the central office which serves their location. A dividing line must be established somewhere between the various exchange districts, and it will occasionally happen that on account of peculiar conditions a subscriber would prefer to be connected with a foreign central office. In this particular case the railroad appears to be the proper boundary line; furthermore, practically all of the town of Westmont is located west of this dividing line, and practically all of the subscribers in that section favored connection with the Collingswood central office. However, we are in a position to furnish Mr. McDevitt with service from our Haddonfield central office if he will agree to pay our standard rate for such service.

The answer was unsatisfactory to the complainant and a hearing was held. At the hearing the Board announced its opinion that the testimony showed no discrimination to exist against complainant, except with respect to one contract which has not expired. The complaint was dismissed.

Heard May 7th, 1912.

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Board of Trade of Paterson
vs.
New York, Susquehanna & Western Railroad Company.

The Board of Trade of Paterson requested the Board of Public Utility Commissioners to investigate the matter of lighting the four stations of the New York, Susquehanna and Western Railroad in Paterson. The matter was referred to the Board's inspector who made recommendations for additional lights at Paterson City and Riverside stations. These recommendations were adopted by the company.

Inspector's report submitted March 15th, 1912.

Board of Trade of Paterson
vs.
Erie Railroad Company.

The Board of Trade of Paterson complained that the platform on the westbound track of the Erie Railroad at the Market Street Station, Paterson, was composed of screenings; that it had no covering, and that in a storm it became very muddy.

The Board was asked to order the Erie Railroad Company to construct a good platform. The Erie Railroad Company on receipt of a copy of the complaint advised the Board "The condition complained of will be remedied by the construction of a concrete platform. Instructions have been issued for that purpose."

Answer sent to complainant March 18th, 1912.

Samuel Russell
vs.
Ocean City Sewer Company.

Complainant stated that his dwelling at Ocean City is connected with the sewer pipes of the Ocean City Sewer Company; that under an ordinance of the City of Ocean City the sewer company was permitted to make certain charges for the use of sewer service. Section eight of the ordinance was quoted as follows:

> "And be it enacted that the said company charge and collect in advance for the use of said sewer service as follows: For hotels or boarding houses, seventy-five (75) cents per annum for each sleeping room not exceeding thirty, and fifty (50) cents per annum for each additional sleeping room over said number; private dwellings or cottages seventy-five (75) cents per annum for each room not exceeding ten, and fifty (50) cents per annum for each additional room over said number; for saloons, shops, stores, offices and slaughter houses, each, as follows: saloons, shops, stores and offices, four (4) dollars per annum, and slaughter house fifteen (15) dollars per annum; and all other places such rates as may be agreed upon between the said company and the owners or lessees, but all special rates or special agreements shall be at the option of said company."

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Complainant alleged that his property consists of a three-story building where he resides and where he conducts a store on the first floor of the same; that up to July 12th, 1911, he had always been charged by the sewer company for the use of the sewer for the building, but that on that date the company presented a bill according to the number of rooms in the building, and also included in the same a charge of four dollars for the store in addition to the rooms occupied as a dwelling. It was alleged that the store was not connected with the sewer and that the company could not, under its ordinance, exact the four dollar charge.

The Ocean City Sewer Company in reply stated that "for some years past this company has in many cases not charged properties to the limits of its rights under its ordinance. Upon compliance with the order of the State Board of Health to so regulate our system as that it shall dispose of the sewage upon lines laid down by them, and which re-arrangement and construction has cost the company a very large outlay, and, as the rights under the original ordinance did not provide for such expensive sewage treatment, this company asked of Councils a reasonable increase over present rates in order to provide for this expensive and additional work.

Although similar requests in other municipalities have been approved by Councils, yet in our case that body declined to make any concession on the ordinance rates at that time, simply suggesting that the company charge the full rate under its present ordinance.

This it is now doing, and as stores and offices have a specific rate, wherever a building with sewer service contains stores and offices, in addition to the dwelling part, we charge, naturally, the corresponding rates. * * * * Wherever any building has sewer connection and receives sewer service, the company must look only to the uses of that building for determining its rate of charge, and as it has no control over location of fixtures within the building the number of these or character has no effect on the rate. On the issue joined hearing was held at which the Board decided that under Section eight of the ordinance of the City of Ocean City, when a sewer connection is made to a property, part of which is used as a store, the company is entitled to charge four dollars for that part of the premises used as a store while so used.

Hearing held April 23rd, 1912.

Thatcher Furnace Company

vs.

Public Service Electric Company.

Complainant alleged that it had been trying unsuccessfully to make an arrangement with the Public Service Electric Company to have a partial lighting system installed in complainant's foundry at Newark.

Complaint recited "we now generate our own electricity for lighting, to be used in the day time, but want them to supply a certain amount of electricity to use in the evenings, after our machinery is closed down. We use only about fifty lamps after our machinery is closed down. We have altogether in our works about three hundred and forty-five lamps. The Public Service want to charge us a minimum of ten cents per lamp per month. * * * We hardly think it fair for them to make a minimum charge of about $34.00 per month as our bills for what light we could use after working hours would not amount to this."

This was referred to the Board's inspector who recommended that the matter be made the subject of a hearing. A date was fixed for hearing

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and the parties in interest were given notice thereof.

Prior to this date the complainant advised the Board: "We are glad to say that we have fixed up our matter with the Public Service Corporation in reference to the use of electricity in our plant." The Public Service Electric Company stated to the Board "that the refusal to connect Thatcher Furnace Company except on the basis set out in complaint of said company was the result of a misconception of the extent of the auxiliary service which the Thatcher Furnace Company desired. Upon the filing of the complaint it developed that Thatcher Furnace Company did not desire auxiliary service for its entire lighting plant, and, thereupon, after conference, the installation which they desired was contracted for at the company's regular card rates."

A. Bourgeois

vs.

Pennsylvania Railroad Company.

Complainant alleged an unjust rate for passenger fare between Summit Avenue station in Jersey City and Park Place, Newark. "The fares between the points mentioned are one way 17 cents; round trip, 30 cents; 50 trip family tickets, $6.00; 60 trip individual monthly ticket, $5.65. The fares enumerated above are exactly the same as those charged for transportation between the Hudson Terminal station in New York City and Park Place, Newark, and I submit that it is obvious that the service rendered by the railroads in the ride between the Summit Avenue station, Jersey City, and Park Place, Newark, is not of equal value." The Pennsylvania Railroad Company stated in reply that "the questions presented by Mr. Bourgeois are closely connected with larger questions involving rates of fare between Park Place, Newark, and New York and the use of tickets to and from uptown stations of the Hudson and Manhattan Railroad in New York City. These and other questions as to the form of tickets to be honored and details connected with the accounting between the two companies are at present under consideration, and it is believed that a conclusion will be reached between the two companies as to rates and other details that will prove acceptable to the public and receive the approval of the Commission." An extension of time in which to make formal answer was requested and granted. In its formal answer respondent stated that "the establishment of fares between these two stations had to be postponed until arrangements had been concluded with the Hudson and Manhattan Railroad Company to accept to and from their Erie Railroad station and Hoboken our issue of tickets reading to and from Jersey City. * * * * It is a physical impossibility to collect fares and tickets or check passengers on the train during the run from Summit Avenue to Grove Street, the first stop, or between any other stations east of Grove street, * * * * A passenger having a one-way or excursion ticket from Park Place, Newark, to Summit Avenue, Jersey City, at lower fares than those sold from Park Place, Newark, to Jersey City proper, could continue his trip beyond Summit Avenue, and his transportation over the Hudson and Manhattan Railroad locally would be borne by the Pennsylvania Railroad Company. It was, therefore, found necessary to sell tickets for local use between Park Place, Newark, and Summit Avenue, Jersey City, at the fares in effect between Park Place, Newark, and Jersey City proper, and rebate to the passenger on leaving the train at Summit Avenue the difference in fares. This has been done to become effective June first, prox. so as to make the net fares between these two stations fifteen (15) cents one way, and twenty-eight (28) cents excursion. * * * * *

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The one one-way and excursion fares between these two stations are on our actual basis of two and one-half (2½) cents per mile for one way tickets, the distance being five and eight-tenths (5.8) miles, with a corresponding reduction in the excursion fare. The complainant in this case resides in West Hoboken, and, under the arrangement consummated with the Hudson and Manhattan Railroad Company, he can travel between the Hoboken station of the Hudson and Manhattan Railroad and Park Place, Newark, at one-way fare of seventeen (17) cents, excursion fare of thirty (30) cents and sixty trip monthly fare of $5.65, the same as between Jersey City proper and Park Place, Newark."

Answer sent to complainant June 4th, 1912.

H. C. Oster

vs.

Atlantic City Gas Company.

Complainant alleged that the Atlantic City Gas Company charged its new customers $10.00 for the use of gas and that as said charge was not made to old customers this constituted a discrimination. The company in reply admitted that it made and enforced a regulation requiring a deposit from customers, not owners of real estate or whose accounts are not guaranteed. If such deposit is for a short period, interest is not allowed, but for a period approximating one year, interest is allowed at the legal rate of six per centum. "The experience of this company and its predecessors has been that Atlantic City houses are rented for short periods, and such tenants frequently leave without adjusting bills. It is impossible for respondent to protect itself in the collection of its accounts without a guarantee or deposit. Respondent and its predecessors have been enforcing this regulation for a number of years, without complaint." On the issue joined hearing was held, following which complaint was dismissed for lack of proof of discrimination against complainant.

Heard June 18th, 1912.

W. T. Thecker

vs.

Tintern Manor Water Company.

Complainant stated that he was building a residence on Campbell Avenue, Long Branch, a street running west from Norwood Avenue, and that there was no water main on the street. It was alleged that "three property holders have signed applications aggregating $33.00 per year. In addition to this, another property holder, already using water through a private pipe line, has expressed his intention to connect to the proposed main if laid. The revenue now derived from this property holder amounts to $18.00. The water company refuses to include this consumer in the prospective revenue, with the intention, apparently, of forcing the three new applicants to make up the minimum revenue of $40.00. If the existing revenue were included, the immediate revenue would amount to $51.00 or $11.00 more than the minimum. One of the new consumers will install additional conveniences in the coming fall, bringing up the income to $8.00 or $10.00 more. Campbell Avenue is situated in one of the best new residential sections of Long Branch which is rapidly

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building up. A good revenue from this extension is absolutely assured in the near future."

The respondent stated that it would be willing to make the extension, "provided the four owners of property on the street will sign our usual guarantee. We have sent a copy to Mr. Thecker and requested him to have it signed and return to us. The applications he presented were all in blank as to the amounts guaranteed and he presented none from Mr. Brown, the property holder mentioned by him, paying $18.00 per year. We explained to him that the blank amounts should be filled in by the person signing the contracts, but they were not returned to us."

The contract provided that payment should be made annually in advance for service and should continue to be made annually by the consumers for a period of five years "at the rate now fixed by the company and appearing in the printed schedule used by the said company for the information of consumers," payment to be made to the "amount set opposite their respective signatures per year, whether they take water amounting to that sum or not. The aggregate being not less than fifty-one dollars."

This was objected to by Mr. Brown, who it was stated was willing "to pay a fair assessment based on his fluctuating horse outfit,—he does a large amount of hauling, grading, etc., during the summer months, buying and selling his outfit as conditions require, but refuses to sign the five year contract or to pay the annual charge for horses, which he does not keep all the year around."

The matter was referred to the Board's Inspector who, after examining the conditions advised that the situation was one coming under the ruling requiring the installation of a meter, with the proper minimum charge applicable in connection with an ordinary sized meter, and it was recommended that a meter be installed on Mr. Brown's premises.

Answer sent to complainant June 14th, 1912.

Thomas H. Brown

vs.

Pennsylvania Railroad Company.

Complainant alleged that no trains of the Hudson and Manhattan Railroad Company stop at the Manhattan Transfer, between 7.48 and 8.44 a. m., for the accommodation of Pennsylvania Railroad passengers coming in from points on the New York and Long Branch Railroad between said times, and particularly passengers coming up from Asbury Park on the 6.42 and 7.15 trains out of Asbury Park, arriving at Manhattan Transfer at 8:10 and 8:31 respectively, and which passengers are bound for or desire to stop off at either the Summit Avenue or Grove Street stations. The Pennsylvania Railroad Company replied stating "we are obliged to run trains both steam and electric on the outside of the Transfer during certain hours to expedite the movement; to undertake to platform all trains would result in congestion, causing a block.

Our schedule has not been arranged with the idea of all passengers on Jersey City steam trains desiring intermediate stops on the Hudson and Manhattan Line, between Manhattan Transfer and Jersey City. We will accommodate as many trains at the Transfer platforms as possible and passengers on trains going into our Jersey City station can avail themselves of either the up or downtown lines of the Hudson and Manhattan Railroad, at the same rate of fare, except an additional two cent exit charge on the New York side of the uptown line."

Copy sent complainant June 12th, 1912.

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Samuel Cochran

vs.

Central Railroad Company of New Jersey.

Complainant stated that he had several years ago bought in partnership with E. T. Greenfield a piece of property on the line of the Newark Branch of the Central Railroad Company of New Jersey, fronting on Randolph Avenue, Jersey City. It was claimed that the property for over 20 years had been used as a factory site and that the "Central Railroad Company has always served the factories with freight cars on the siding. Some months ago they discontinued this service, putting the lessees of the property to considerable expense and inconvenience. We have labored with them in vain to try and induce them to resume this service so abruptly discontinued. * * * * We can see no reason why this factory should not be served with cars on this siding, although it may be necessary to make some slight change on the track as it is now constituted."

The respondent denied that it always served factories with freight cars on the siding referred to, or that it established a custom to do so, but admitted that it occasionally set up a car for delivery on the siding, and that such occasional service was discontinued in January, 1912. It was denied that the siding had ever been a siding for public delivery of freight, "but was constructed in the year 1884 as a switch lead from a side track of respondent's railroad to the coal trestle of Hitchings and Company, and has been maintained and used since that time for that purpose." It was claimed that placing cars for delivery on the track at the point in question was attended with danger to the "respondent's passengers embarking and disembarking at the Arlington Avenue station, and obstructed the view westward of persons crossing the railroad on Randolph Avenue from the north, thereby increasing the risk incurred, and the resumption of such service would be attended with the risks and dangers above mentioned. * * * * The respondent has examined the feasibility of providing the complainant's company with siding facilities, but finds it impracticable to furnish it with a track, or to change the siding in question so as to afford said facilities."

Answer sent to complainant June 18th, 1912.

Hendrickson and Dilatush

vs.

Delaware & Atlantic Telegraph & Telephone Company.

Complainants stated that they had a telephone of the Delaware and Atlantic Telegraph and Telephone Company in their office since 1903, but that during the past few months the telephone company had at various times requested complainants to consent to removal of their telephone giving as a reason that the company had withdrawn from business in Washington Township. On February 27th, 1912, petitioners received notice from the Telephone company that at the expiration of ten days from date the telephone in petitioners' office would be removed and

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service discontinued. Petitioners claimed that a large part of their business is conducted in territory served by the Delaware and Atlantic Telephone Company and that withdrawal of the service would be an irreparable injury to them. The respondent stated in reply, that the petitioners contracted for their service November 14th, 1907, at which time respondent had an exchange at Hamilton Square and that their agent in whose store the exchange was located refused to continue its operation claiming that it interfered with his other business. "About this time we were negotiating with the Farmers' Telephone Company to have them take over Washington Township and operate it from the Allentown exchange, but in order that our subscribers in this territory would not be without telephone service we arranged to serve them through the Trenton Central office by means of long multi-party lines. We recognized that it was not logical from either an engineering or a commercial standpoint to furnish such direct Trenton exchange service but used this method merely as a temporary arrangement to furnish service until the negotiations with the Farmers' Telephone Company could be completed."

It was claimed that the petitioners could be properly served from the Allentown exchange; that service is furnished between Allentown and Trenton by means of a trunk line owned by respondent, but that if petitioners desired it they would be furnished direct from the Trenton exchange at standard rates for such service. Respondent admitted that it had at various times requested petitioners to consent to removal of their telephone which terminates on the Trenton exchange, claiming that such change was advisable for the reason "that it did not seem fair to continue to furnish them with service under the existing contract, since in view of commercial and engineering objections we were not in position to offer a similar arrangement to all other subscribers." On the issue joined hearing was held at which the Board announced as its opinion that the statute places upon it the duty of eliminating and prohibiting discriminations; that it has been shown to the satisfaction of the Board that this is a case of discrimination in favor of the complainants, and the only case of discrimination in this territory. It was decided that this discrimination should be eliminated and the complaint dismissed.

Heard June 11th, 1912.

Mrs. J. W. Connolly

vs.

New York Telephone Company.

Complainant alleged that she had made application to the New York Telephone Company for a telephone, but that the company would not supply the same, owing to a disputed bill with her husband. Mrs. Connolly claimed that she owned a business and property personlly and that the company had no right to refuse her service because of a debt of her husband. The company stated in reply that it had been unable to substantiate Mrs. Connolly's statement that she owned the business personally and the property as well. It was stated that if Mrs. Connolly would make affidavit so stating, the company would furnish the desired service and that the company was willing to prepare an affidavit for her to sign. The Board suggested to Mrs. Connolly that she sign such affidavit.

Answer sent to complainant June 26, 1912.

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Frederick P. Ott

vs.

The Proprietors of the Morris Aqueduct.

Complainant stated that at his request the water supply was discontinued to his property, No. 89 Speedwell Avenue, Morristown, but that without his "knowledge or consent, the proprietors of the Morris Aqueduct condemned the service pipe and now want me to pay for a new connection to a new main. * * * * The proprietors of the Morris Aqueduct have laid a new main in Speedwell Avenue to replace an old one and want all connections made to the new main; evidently at the property owner's expense.

The cost of making a new connection to No. 89 Speedwell Avenue will be $57.50, which amount does not include plumber's charges for connection to the house plumbing system."

It was claimed that the position of the company required payment twice for the same service. Respondent stated in reply that two frame buildings at Nos. 85 and 89 Speedwell Avenue were for many years supplied by water through two service-pipes attached to respondent's street main. These two pipes leading from street main to inside of building "were the property of Mr. Ott, having been laid many years ago by, and at the expense of Mr. Ott's predecessor in title, and were not provided with curb-stops."

It was further stated that Mr. Ott wrote respondent a letter requesting that water be turned off, and that soon after an examination was made of the premises at No. 89 Speedwell Avenue, when the water pipes therein were found to be in a leaky condition, and the two old service pipes unfit to remain in use under the new pavement soon to be laid on Speedwell Avenue. It was claimed that Mr. Ott had ample time to make a new water connection before the new pavement was laid, that this was suggested to the complainant and that if he had done so the cost would have been small.

Answer sent to complainant, June 27th, 1912.

Mansfield Township

vs.

Delaware, Lackawanna and Western Railroad Company.

Complainant alleged that the Delaware, Lackawanna and Western Railroad Company removed the gate and discharged a gate tender maintained for a number of years at "Huselton crossing"; that the crossing is a dangerous one, and that the gate was ordered placed there by the Court of Chancery "more than ten years ago." Respondent replied stating that on account of the opening of the cut off line, which took off most of the through traffic from the old line, it was felt that the crossing "would be sufficiently protected by a flagman, without the use of gates. The train movements over this section of the road have been reduced from 70 to 75 per cent. I find, however, that the section foreman in error removed the gate altogether and as soon as this complaint was brought to our attention, instructions were issued to have him re-instated."

Answer sent to complainant June 25th, 1912.

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Max P. Arlt

vs.

New York Telephone Company.

Petitioner claimed that on or about the first of September, 1910, when he changed his residence from Clifton to East Crescent, Allendale, he applied to the New York Telephone Company to transfer his telephone to the new address, that the company replied that it could not do so at that time as it had no poles at East Crescent Avenue; that petitioner thereupon offered to secure for the company the right to stretch wires over the poles of the Electric Light Company along East Crescent Avenue or to set private poles on his property from his residence to Franklin Turnpike as the rear of petitioner's property faces Franklin Turnpike where the New York Telephone Company has trunk lines. It was claimed that petitioner was assured that telephone connection would be made with his residence not later than March 1st, 1912, but that no connection had been made.

Petitioner claimed that one of his neighbors "had his telephone removed recently and when the agent of the New York Telephone Company was requested to use this empty wire for your petitioner he replied that he did not know what had become of the wire." The Board was asked to compel the company to furnish petitioner with telephone service.

The company stated in reply that telephone subscribers in Allendale and vicinity are being temporarily served on party lines extending from the Ridgewood central office, an average distance of six miles; that the trunk line carrying these temporary circuits is now filled to its maximum capacity; that to increase the subscribers' list and continue serving in this temporary manner would involve reconstruction of the trunk pole line from Ridgewood to Allendale at a considerable expense, practically all of which would, in the event of estabishing a central office at Allendale, become a total loss.

The conditions that obtain today in connection with supplying telephone service in Allendale were anticipated by this company two years ago when negotiations were opened with the Borough officials with a view to passage by that body of a suitable ordinance permitting the establishment of a central office in Allendale and the construction of a suitable permanent plant for serving the people in Allendale and surrounding villages with telephone service.

Our failure to connect Mr. Arlt on existing lines is due to the fact that all lines in the borough, with the exception of one, are carrying the maximum number of telephones. The line in question is undoubtedly the removed subscriber referred to in the complaint, namely a Mr. Archer, who moved out in the Winter with the expectation of returning in the Spring, and while he has not as yet returned, the line is not available for serving Mr. Arlt without the placing of additional construction of a temporary nature. Other renewals have occurred from time to time and in each instance the vacant space was reoccupied by an applicant within reaching distance, no temporary construction being involved.

This company is quite anxious to serve Mr. Arlt and all others in this territory and with this idea in mind we will continue our efforts to secure a satisfactory ordinance."

Answer sent complainant July 10th, 1912.

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City of South Amboy.

vs.

Public Service Gas Company.

The City Clerk of South Amboy forwarded to the Board a copy of a resolution adopted by the Common Council of the City, which read as follows:

"Whereas a number of property owners and residents on the streets known as Portia and Feltus Streets have requested the Public Service Gas Company to furnish gas for light and fuel on the above named streets and

Whereas the said Public Service Gas Company have refused the property owners on these streets to give them the service of gas;

Be It Resolved that the City Clerk be and is hereby directed to communicate with the Public Utilities Commission to demand the said Public Service Gas Company to comply with the request of the people and the Common Council of the City in the matter of furnishing gas without discrimination." This was accepted as a complaint and a copy was sent to the Public Service Gas Company.

The company replied stating "that the extension of street mains mentioned in the complaint of said city did not show an adequate return on the investment, but as there has been some improvement by the bulding of houses in that section the last two years and indications seem to point to the fact that other houses are likely to be built in that vicinity, the company has already commenced the laying of its mains."

Answer sent to complainant July 17th, 1912.

W. N. Chapman

vs.

Public Service Electric Company.

Complainant alleged that he rented a house at No. 14 Harvard Street, East Orange, to W. H. Underhill, that Mr. Underhill applied to the Public Service Electric Company for current and was informed that the company would be unable to supply him. It was claimed that six houses within a short distance received electric service.

The company stated in reply that it has no right to erect poles in the City of East Orange "and the construction of the conduit required for the furnishing of the service in question is of such cost that the business from Mr. Chapman's house does not show an adequate return.

The respondent, however, is under obligation by contract with the City of East Orange to build a certain number of feet of underground conduit in said city each year and this respondent has determined to let the extension to complainant's house cover a part of its requirement for the succeeding year and proposes to build the extension on that basis."

Answer sent to company July 13th, 1912.

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Mrs. Louis J. Reckendorfer
vs.
Tintern Manor Water Company.

Complaint alleged inadequate service at her residence in Long Branch and a break in the main of the Tintern Manor Water Company. It was charged that owing to low pressure it was impossible to obtain a proper supply of water. The company stated in reply that the service pipes in the house have been in many years; that the complainant recently added several bath rooms in her house, that the lack of pressure is in the hot water faucets only, the pressure being ample in the cold water faucets, with a hose connection running continually in the yard, which would indicate that the hot water supply is connected on a service pipe which is probably badly corroded and should be replaced by a new pipe."

The company denied that there had been a leak in its main pipe, but stated that there had been a small leak in a supply pipe belonging to a Mrs. Henrietta Smith, who was notified and who had the pipe repaired.

The matter was referred to the Board's Inspector who reported that the trouble was not due to lack of pressure in the company's mains, and that he had suggested making a connection between two service pipes within the house, indicating the place where the same should be made, which it was believed would remove the trouble.

Answer and copy of Inspector's report sent to complainant July 22nd, 1912.

J. B. Kinsey
vs.
I. A. Lee.

Complainant alleged that I. A. Lee operates a public water plant at High Point, New Jersey, and that the said I. A. Lee refused to supply water to complainant's hotel. It was claimed that water rent had always been paid when due. Respondent stated that he was not a general dispenser of water and had no charter for that purpose, that he had put up a wind-mill and was supplying water to a few houses built on his land. It was further stated that the complainant has a good supply of water on his land and by putting up a windmill would have same advantages as respondent.

Answer sent to complainant July 16th, 1912.

Otto Grimmer
vs.
New York Telephone Company.

Complainant alleged refusal by New York Telephone Company to install a direct line telephone at his residence in Ocean Grove. Respondent alleged in reply that Ocean Grove is served from its Asbury Park central office by a cable attached to a bridge across Wesley Lake and that at points beyond the run of the cable "practically all of the plant is temporary construction and consists of single wire in general attached to

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the poles of the electric plant of Ocean Grove Camp Meeting Association, under an informal arrangement between the association and the telephone company." It was claimed that a number of the existing pole lines are overloaded with single wires and additional wires for new subscribers cannot be properly run; that plans were made providing for the placing of a comprehensive aerial cable distribution system throughout Ocean Grove, but that the company had not been able to secure a satisfactory agreement with the Ocean Grove Camp Meeting Association. The company claimed that it should not place additional temporary construction which would ultimately have to be removed when permanent construction is provided.

The matter was referred to the Board's Inspector who reported that "it is probable some agreement will be reached in a short time, which would mean entire loss of any temporary construction done at the present time. Also there are a number of other applicants for service, so that it would hardly be fair to connect one temporarily without making similar provision for all, which would amount to a great deal of unnecessary expense."

Answer sent to complainant, July 19th, 1912.

Borough of Carlstadt

vs.

Hackensack Water Company.

The Borough of Carlstadt complained that the quantity and pressure of water provided by the "Hackensack Water Company through its mains and hydrants for fire purposes are grossly inadequate," and that at times the company furnished no water. A similar complaint was made with respect to supplying water for domestic purposes. The areas claimed to be affected were described in the petition.

The company alleged in reply that its contract with the Borough of Carlstadt provided that the water company should supply water from its pumping station at New Milford, which is practically at sea level; that the higher levels of the Borough where "the lack of pressure is particularly emphasized in the complaint are very much higher than sea level, * * * * that the authorities of the Borough and the inhabitants thereof, as well as the water company, realized that as this upper portion of the Borough was settled, unsatisfactory conditions with respect to pressure were at times going to be experienced. The company admits frankly that for brief periods, particularly when repairs and consequent shut-downs have been necessary (and more particularly during a period commencing the early part of June and lasting to and including July 15th in the year 1912 when the laying of a 54 inch pipe connection between the pumps and the pressure mains at New Milford involving night and day work much of the time seriously interfered with the maintenance of pressure) that the water pressure available to those living on this higher area has been little or nothing. The water company, however, alleges that the pressure conditions in the Borough (aside from the periods hereinabove referred to) are and were all that were to be reasonably expected at the time the water mains in this area were laid." It was further stated that unsuccessful negotiations had been had with a view to the water company building a stand pipe and auxiliary pumping station through which high pressure service could be maintained in the higher levels of the Borough, such service to be maintained in consideration of a moderate increase in rates to private consumers.

Answer sent to complainant August 1st, 1912.

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David Cole
vs.
General Water Supply Company.

Complainant alleged that the General Water Supply Company refused to supply him with service at his residence in West Collingswood. The company stated in reply that the matter of the construction of a municipal water plant at Collingswood was under consideration; that certain proceedings relating thereto were before the Supreme Court and that until the determination of the matter the company felt it would not be justified in spending money in the extension of its distribution system.

Answer sent to complainant July 31st, 1912.

Lester R. Weller
vs.
Pennsylvania Railroad Company and Lehigh and Hudson River Railway Company.

Complainant asked that the Board establish a rate on ice from Iliff Lake on the Pennsylvania and Lehigh and Hudson River Railroads of 65 cents per ton.

The distance from Iliff Lake to Belvidere was given as 26 miles and distance from Belvidere to Trenton as 63.9 miles, making total distance by rail of 89.9 miles. It was alleged that the charge from Pocono to Trenton is $1.05 per ton, that the same rate applies to shipments from Iliff Lake to Trenton while the rate from Pocono to Hoboken, a distance of 124.5 miles, is but 65 cents per ton.

The Pennsylvania Railroad Company answered claiming distance from Iliff Lake to Trenton as 92.5 miles and admitting that the rate was $1.05, per net ton as against 65 cents per net ton from Pocono to Hoboken. The latter rate, it was claimed, was put in force by the Delaware, Lackawanna and Western Railroad Company on the order of the Interstate Commerce Commission because the Pocono shippers came in strong competition at Hoboken with ice harvested on the Hudson River. It was claimed that this had no bearing on the rate to Trenton and that the rate from Iliff Lake was reasonably low.

The Lehigh and Hudson River Railway Company repeated statement that the rate of 65 cents per ton from Pocono to Hoboken was fixed by the Interstate Commerce Commission and claimed that no ice had been shipped by complainant since the destruction by fire of his ice house several years before and that the failure to rebuild was not due to the rate fixed on ice.

It was further alleged that ice is gathered in large quantities in the lakes of the Pocono mountains and affords a large amount of traffic to the carriers and the carriers are enabled to carry the same at a less rate than ice could be carried profitably from Iliff Lake.

Answers sent to complainant July 31st, 1912.

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Northwestern Improvement Association of Newark

vs.

Adams Express Company.

Complainant alleged that the Adams Express Company refused to deliver a package addressed to No. 532 North 4th Street, Newark, but required addressee to call for same at the express office. The company answered stating that the package referred to had been delivered and that upon the "completion of a garage and installation of motor wagons, which will be within the next few weeks, the delivery limits will be extended so as to include the premises, No. 532 North Fourth Street."

Answer sent complainant August 7th, 1912.

W. Locke Rockwell

vs.

Public Service Railway Company.

Complainant alleged that the Public Service Railway Company refused to give transfers at Bloomfield Centre, from Bloomfield Avenue cars marked "Bay Avenue" to Bloomfield Avenue cars going west to Montclair, Verona and Caldwell. It was claimed that a large number of people were inconvenienced by the company's rule.

The company admitted that it did not give the transfers, but claimed that for many years the people of Bloomfield complained that cars going to Newark were full on reaching Bloomfield and that proper facilities were not given Bloomfield residents on the Bloomfield Avenue line. "To meet this condition the Public Service Railway Company received permission from the Town of Bloomfield to connect its tracks in Bloomfield Avenue with its tracks in North Broad Street, and then installed from Newark to Bloomfield a separate line of street cars with terminal in Bloomfield at Bay Avenue and North Broad Street; that line intended to accommodate the people living in Bloomfield and Newark on the Bloomfield Avenue line, and to give people rsiding in Montclair and beyond better facilities in cars running to those places. The person who desires to ride to Montclair on the street railway does not reach his destination any sooner and does not get any better accommodation by boarding the Bay Avenue car and transferring at Bloomfield Centre.

There is no ordinance or other obligation binding on the street railway company to give transfers demanded by Mr. Locke Rockwell's complaint."

The complainant replied to the answer of the company and on the issue joined hearing was held. Following the hearing the petition was dismissed.

Hearing held July 26th, 1912.

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Howard Applegate, Mayor of Barnegat City
vs.
Delaware and Atlantic Telegraph and Telephone Company.

Complainant alleged that in 1905 the Delaware and Atlantic Telegraph and Telephone Company was given a franchise to construct a telephone line within the borough with the proviso "that telephone service must be maintained both winter and summer."

It was stated that the company had removed all pay stations and telephone booths and had announced flat rates for business and residence service. "As the business places cannot afford or will not pay their rate and there are no private subscribers, we have no telephone connections, hence no telephone service. All we ask is that a slot machine be installed in one of our business places, accessible to the public; all services to be paid for at the regular rates."

The company answered stating that a public telephone station had been placed on the premises of the complainant "on the 9th instant."

Answer sent to complainant August 14th, 1912.

Francis J. Batchelder
vs.
Philadelphia & Reading Railway Company.

Complainant alleged that while the Philadelphia and Reading Company had an excursion rate from New York and Jersey City to Skillman and return, no excursion tickets were sold at Skillman and those travelling from Skillman to New York and return were compelled to pay the one way fares in both directions. This was claimed to be an unfair discrimination against Skillman. The company answered admitting that return tickets between Skillman and New York were not sold at Skillman, but stated that it intended to place such tickets on sale at Skillman at the earliest practicable date.

Answer sent to complainant August 21st, 1912.

Ella M. Humphrey, Chairman Public Health Committee, Hackensack
vs.
Erie and New York, Susquehanna and Western Railroad Companies.

Complainant alleged unclean and unsanitary conditions at certain stations of the Erie Railroad in Hackensack. The company stated that instructions had been issued to keep the stations in a neat and sanitary condition.

The matter was referred to the Board's inspector with instructions to keep watch on the stations in question.

Answer sent complainant September 3rd, 1912.

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Board of Education, Borough of Collingswood

vs.

Collingswood Sewerage Company.

Complainant alleged that the Collingswood Sewerage Company threatened to discontinue service at a public school in Collingswood unless an old and disputed bill for service was rendered.

The Board sent a copy of the complaint to the sewerage company and notified it that independent of the merits of the controversy the judgment of the Board was that resort to the drastic measure of discontinuing service would not be justified and that "pending determination of the matter at issue, between your company and the complainant in a proper tribunal, your company should continue to supply service to the complainant."

The company notified the Board that pending rendering of decision by the Board sewerage service to the school would not be discontinued. It appeared from the answer of the company that it had several years before, in the belief that it was authorized so to do by the President of the Board of Education, connected a school in the Borough of Collingswood with the sewerage system and supplied for a time service through the connection. The Board of Education claimed that the connection was unwarranted and the company was notified to disconnect. On January 2nd, 1912, the Board of Education ordered the service pipe to be reconnected with the sewerage mains of the company. The Board of Public Utility Commissioners advised the complainant and respondent that it would have no power to compel the payment of the bill if the company was entitled to payment, but that apparently the company's redress would be to collect the amount in a court of law. The Board further advised that refusal to pay the bill did not, in its opinion, relieve the company of the obligation of continuing to supply service at its regular charge. The Board expressed itself willing to arbitrate the matter if desired by both parties in interest.

Answer sent to complainant September 30, 1912.

P. J. Collins

vs.

Hackensack Water Company.

Complainant alleged that the Hackensack Water Company turned off water supply at his residence in the latter part of June, although he had paid all bills, the Company claiming his bill had not been paid.

Respondent admitted that water was turned off for about two hours, owing to a misunderstanding, and that the matter had been explained to complainant before he communicated with the Board.

Answer sent to complainant September 26th, 1912.

Louise Pfeiffer

vs.

Public Service Electric Co.

Complainant alleged that she could not obtain current for electric lighting, having applied for same and been refused.

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Respondent stated that when application was made there were no underground conduits from which complainant could be supplied and that respondent was without power to run an overhead connection. "While at the present time under ground conduits are being constructed in the City of East Orange as rapidly as practicable they do not, and will not for some time, reach the territory occupied by complainant."

Answer sent to complainant September 10th, 1912.

Paul G. Mehlin & Sons

vs.

New York Telephone Co.

This was one of a number of complaints of similar kind alleging inability to obtain service from the New York Telephone Company in the town of West New York. The Company answered that it could not make connections because the Town of Union had not issued the necessary permit to open up 120 feet of Bergenline Avenue. Subsequently this permit was issued and complaints satisfied.

Answer sent to complainant September 13th, 1912.

City of East Orange

vs.

Erie Railroad Company.

The City of East Orange filed a complaint alleging inadequate protection at the crossings of Lake Street and Kearny Street and the Erie Railroad Company in said city.

The Company answered claiming that the installation of a crossing bell would furnish ample protection when consideration is given to the amount of traffic and to the exceptionally good views which may be had in both directions by pedestrians approaching either crossing and that arrangements had been made to install bells at both crossings.

The answer being unsatisfactory to the complainant, hearing was held at which by mutual consent the matter was referred to the Board's Inspector.

The inspector recommended that a standard crossing bell be placed at Lake Street and a flagman at Kearny Street between the hours of 6:20 a. m. and 9:10 p. m.

Hearing held September 27th, 1912.

Jacob Jeck

vs.

Monmouth County Water Co.

Complainant alleged that because of refusal to pay an excessive bill the Company cut off supply of water at premises owned by him.

Respondent alleged that the amount claimed was justly due for water supplied.

On the hearing the Company agreed to resume service stating that proceedings would be instituted in a proper tribunal for amount of claim.

Hearing held November 8th, 1912.

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Highlands Board of Trade

vs.

Central Railroad Co. of New Jersey.

Complainant alleged that at the passenger station of the Central Railroad Company of New Jersey the toilets were closed; that the station is located partly on the bridge crossing the Shrewsbury River; that the platform surrounding the station is more or less of a public thoroughfare and that the lights maintained by the Company are insufficient to properly protect the traveling public. It was further alleged that the station and waiting room close at 7 p. m. compelling passengers desiring to leave on the 8:12 train to wait outside.

Respondent stated that the toilets were closed on the order of the state for the protection of the Shrewsbury river; that arrangements had been made to construct cesspools which, when completed, would remove cause for this part of the complaint.

It was claimed that the Company was furnishing all the lights that could be reasonably required and that any inadequacy was the fault of the local authorities and not the respondent.

It was further claimed that the station could not under the requirements of the Federal Hours of Service Law as interpreted by the Interstate Commerce Commission be kept open to exceed thirteen hours in a twenty-four hour period unless converted into a day and night office which would nearly double the expense of maintenance.

It was further claimed that the 8:12 p. m. train ran but six miles beyond the station and "is availed of for passage to points south by only a relative few."

Answer sent complainant November 12th, 1912.

W. H. White

vs.

New York Telephone Company.

Complainant alleged that the New York Telephone Company refused to install a telephone at his residence situated on Chestnut Ridge Road, Borough of Montvale, unless he paid for construction charges as well as the charge for service. The company stated in reply that the complainant "is unfortunately located where we have no facilities for furnishing telephone service. The section is sparsely settled and there do not seem to be any prospects for additional business. However, while this company would be put to considerable expense to furnish him with the desired service we would be entirely willing to incur this expense if Mr. White will assist us in the placing of the necessary poles, etc. It is this company's regular practice to require applicants to assist in the construction under such conditions."

Answer sent to complainant October 15th, 1912.

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Mrs. F. Wentz

vs.

Tintern Manor Water Company.

Complainant alleged that the Tintern Manor Water Company installed a meter in a building owned by her; that neither she nor her tenants were notified of the installation of the meter at the time and that the company's charges for water had been excessive. The respondent claimed that notice of the installation of the meter was sent to Mrs. M. Beihl, a former owner of the premises and the mother of complainant without knowledge that the property had been transferred to the complainant. It was claimed that the high bills were due to leaks on the premises. A hearing was held in this matter at which a mutually satisfactory agreement was made between the parties in interest as to payments of the sums in dispute, and the complaint was dismissed.

Heard November 15th, 1912.

Board of Education, Borough of Allenhurst

vs.

Atlantic Coast Electric Railway Company.

The Board of Education of the Borough of Allenhurst complained that it had repeatedly requested the Atlantic Coast Electric Railroad Company to issue special tickets for school transportation at a slight reduction of fare, but that such tickets had not been issued. All the school children in the borough are carried over the company's line, there being no schools in the borough. The company answered that it has no special rate of transportation or special form of ticket; that the rates of transportation are fixed in the ordinances of the various municipalities through which the trolley line of the company extends at five cents per passenger for the different divisions of fare zones into which the line is divided, except that the company has for years past been selling tickets at the rate of twenty-one for a dollar. Respondent stated that it has no objection to the issuing and providing of a special school ticket at the prevailing rates, fixed in the ordinances.

Answer sent complainant October 25th, 1912.

Borough of Somerville

vs.

Public Service Railway Company.

The Borough of Somerville complained that a half hour headway for cars between Raritan and Bound Brook maintained by the Public Service Railway Company is too infrequent, in view of increased traffic, for adequate service to be provided thereby. The company answered giving a traffic census and stating that arrangements have been made to double head cars at certain hours named. It was further stated that the company would arrange to place larger type cars in operation, and that by the increased service "your respondent believes that the situation will be taken care of."

Answer sent complainant October 28th, 1912.

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Borough of Collingswood
vs.
West Jersey & Seashore Railroad Company.

Complainant alleged that crossing of Browning road and tracks of West Jersey and Seashore Railroad Company is inadequately protected. The company alleged in reply that the view on both sides of the crossing for 300 feet from the same is good and that the crossing is not a busy one. It was claimed that the public safety did not require the protection asked for. Hearing was held on the issue joined in this complaint. The Board's inspector was examined at the hearing and recommended that a standard crossing sign be erected and an alarm bell installed. It was stated by the representative of the complainant that this would be regarded as reasonable protection. The recommendation was adopted by the company and the matter was closed.

Hearing held November 19th, 1912.

Applications for Approval of Issues of Stocks, Bonds, Mortgages, Etc.

The following is a list of applications for approvals of issues of stock, bonds, etc., with the action of the Board thereon from January 1st, 1912, to December 31st, 1912.

FREEHOLD AND JAMESBURG LIGHT COMPANY—$5,700.00 CAPITAL STOCK.

The Jamesburg Light and Water Company was sold at receiver's sale for the sum of $5,700.00, the purchasers taking the name of the Freehold and Jamesburg Light Company. There was filed with the Board a certified copy of the order of the Court of Chancery confirming the sale. It was proposed to issue stock of the Freehold and Jamesburg Light Company, to the amount of the purchase price.

Approved January 2nd, 1912, after hearing.

NEW JERSEY GAS COMPANY—$65,000.00 BONDS, $22,100.00 CAPITAL STOCK.

Application was made by the New Jersey Gas Company for approval of a proposed issue of $65,000.00 par value five per cent. bonds and $22,100.00 par value capital stock, the same to be used in buying properties of the Penn's Grove Gas Company and the Bridgeport Gas Company. The capitalization of these companies was as follows:

Penn's Grove Gas Company.

Stock	$30,000.00
Bonds	29,700.00
	$59,700.00

Bridgeport Gas Company.

Stock	$32,000.00
Total capitalization of the two companies	$91,700.00

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In purchasing the properties of the Penn's Grove Gas Company and the Bridgeport Gas Company to consolidate them with the New Jersey Gas Company, the latter company proposed to issue its stocks and bonds as follows:

Penn's Grove Gas Company.		
	Bonds	$30,000.00
	Bonds	28,000.00
	Stock	16,600.00
		$74,600.00
Bridgeport Gas Company.		
	Bonds	7,000.00
	Stock	5,500.00
		$12,500.00

making total issues for which approval was asked of $65,000.00 par value bonds and $22,100.00 par value stock.

Approved January 9th, 1912, after hearing.

STONE HARBOR ELECTRIC LIGHT AND POWER COMPANY—$58,700.00 BONDS, $21,000.00 CAPITAL STOCK.

Application was made by the Stone Harbor Electric Light and Power Company for approval of a proposed issue of $58,700.00 bonds to pay indebtedness for purchase of equipment of plant and lines of the company, and to buy additional equipment.

Application was also made for approval of a proposed issue of capital stock to the amount of $21,000, of which $5,000.00 was proposed to be used for working capital, and $16,000.00 in connection with organization, etc., from June, 1910, to August 1st, 1912.

Approved January 9th, 1912, after hearing.

ELIZABETH AND TRENTON RAILROAD COMPANY—ACQUISITION OF THE ISSUE OF STOCK AND BONDS OF THE TRENTON TERMINAL RAILROAD COMPANY.

The Elizabeth and Trenton Railroad Company applied for approval of proposed acquisition of the entire issue of capital stock and bonds of the Trenton Terminal Railroad Company for the purpose of vesting in the Elizabeth and Trenton Railroad Company the control and ownership of the said Trenton Terminal Railroad Company.

The Trenton Terminal Railroad has no cars or other rolling stock but forms an integral part of the Elizabeth and Trenton Railroad, and the latter proposed to buy the stock and bonds of the Trenton Terminal Railroad and pay for the same with cash in its treasury. The stock of the Trenton Terminal Railroad Company outstanding amounted to $15,000.00 par value, and bonds to $15,000.00. The purchase price was fixed at the par value of the bonds plus accrued interest from January 1st, 1912.

Approved January 29th, 1912, after hearing.

NEW JERSEY TELEPHONE COMPANY—$3,000.00 CAPITAL STOCK.

Application was made by the New Jersey Telephone Company for approval of a proposed issue of capital stock to the amount of $3,000.00 for the purpose of providing funds for placing additional poles and aerial cables with accessories in Flemington.

Approved, February 2nd, 1912, after hearing.

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MONMOUTH COUNTY WATER COMPANY—$257,000.00 STOCK, $258,000.00 BONDS.

This was an application for the approval of a proposed issue of stock and bonds to carry out the terms of a merger approved by the Board, May 2nd, 1911. Some doubt existing as to whether the approval of the merger carried with it approval of the stock and bonds formal application was made for such approval. This involving no principle not heretofore approved by the Board and being consistent with the merger a certificate of approval was issued.

Approved February 6th, 1912, after hearing.

NORMANDY WATER COMPANY—$135,000.00 CAPITAL STOCK.

Application was made by the Normandy Water Company for approval of a proposed issue of $135,000.00 capital stock, the purpose of the proposed issue being to pay certain notes and outstanding debts of the company and to make improvements and additions to the company's plant.

Approved February 6th, 1912, after hearing.

NEW JERSEY NORTHERN GAS COMPANY—$215,000.00 BONDS—$75,000.00 CAPITAL STOCK.

This application for approval of a proposed issue of stock and bonds by the New Jersey Northern Gas Company was considered in connection with an application for approval of a merger of the Lambertville Gas Light Company and the Flemington Gas Light Company, into the New Jersey Northern Gas Company.

The bonds and stock proposed to be issued were for the purpose of refunding bonded indebtedness of the Lambertville Gas Light Company and the Flemington Gas Light Company and making additions and improvements, the same involving extensions into various parts of Hunterdon County.

Approved February 13th, 1912, after hearing.

MORRIS AND SOMERSET ELECTRIC COMPANY—$35,000.00 BONDS, $33,500.00 CAPITAL STOCK.

Application was made by the Morris and Somerset Electric Company for approval of a proposed issue of $35,000.00 par value five per cent. bonds and $33,500.00 par value capital stock, the proceeds to be used for additions to the plant and extensions to the distribution system.

Approved February 27th, 1912, after hearing.

MONMOUTH LIGHTING COMPANY—$58,000.00 BONDS, $14,000.00 CAPITAL STOCK.

The Monmouth Lighting Company applied for approval of a proposed issue of $58,000.00 five per cent. bonds and $14,000.00 capital stock, the proceeds to be used for extensions and improvements contemplated and in course of construction. These involved the purchase by the petitioner of the property and franchises of the Freehold and Jamesburg Light Company and also

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rights owned by the Hudson and Middlesex Telephone and Telegraph Company in property occupied as an electric power house at Englishtown, New Jersey. Applications were made by the Freehold and Jamesburg Light Company and the Hudson and Middlesex Telephone and Telegraph Company for permission to make sales as above, which permission was granted.

Approved March 22nd, 1912, after hearing.

PLEASANTVILLE WATER COMPANY—$250,000.00 BONDS, $5,300. CAPITAL STOCK.

The Pleasantville Water Company applied for the approval of a mortgage of its plant and property to the Pleasantville Trust Company, for a proposed issue of its five per cent. bonds thereon to the amount of $250,000.00, and a proposed issue of its capital stock to the amount of $5,300.00. The Pleasantville Water Company supplies the territory on the main line back of Atlantic City reaching from Absecon on the north to Somers Point on the south, and including also Northfield, Linwood and Pleasantville in addition to Absecon and Somers Point. The issues were for the purpose of refunding outstanding obligations made for extensions and improvements. The application was granted subject to such provision as the Board may make as to amortization.

Approved March 26th, 1912, after hearing.

ATLANTIC CITY ELECTRIC COMPANY—$370,000.00 BONDS.

Application was made by the Atlantic City Electric Company for approval of a proposed issue of $370,000.00 five per cent. bonds, for the re-payment of advances made to the company to make improvements.

The application was granted subject to the condition that the company provide for amortization within the life of the bonds of the difference if any, of the proceeds, resulting from the disposition of said bonds and the par value thereof; such amortization to be effected on the assumption that said bonds are to be disposed of at 92.75%; by the setting aside annually for that purpose out of the net earnings of the company the sum of $1,031.73 until and unless the company may obtain the approval of the Board of the setting aside of a greater or lesser sum for the purpose.

Approved April 2nd, 1912, after hearing.

ATLANTIC COUNTY ELECTRIC COMPANY—$16,000.00 CAPITAL STOCK.

The purpose of this issue was to purchase a lot on which to erect a new plant and to refund outstanding notes.

Approved April 2nd, 1912, after hearing.

PLAINFIELD-UNION WATER COMPANY—$300,000.00 BONDS.

Application was made by the Plainfield-Union Water Company for approval of a proposed issue of $300,000.00 five per cent. bonds for the purpose of refunding a mortgage of the Union Water Company to the par value of $135,000.00 and for payment for extensions of and additions to plant.

Approved April 2d, 1912, after hearing.

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OCEAN CITY SEWER COMPANY—$128,000.00 BONDS.

The Ocean City Sewer Company applied for approval of a proposed issue of five per cent. bonds to the amount of $128,000.00 for the purpose of refunding outstanding bonds and extension warrants add meeting certain promissory notes and bills payable. In accordance with the directions of the State Board of Health the company installed a sewage disposal plant for which expenditures were made which it was proposed to fund with the issue of bonds, and also to provide out of said issue for extensions and improvements.

Approved April 2nd, 1912, after hearing.

TRENTON STREET RAILWAY COMPANY—$100,000.00 BONDS.

On March 24th, 1911, the Board approved of a proposed issuance of $500,000.00 five per cent. bonds of the Trenton Street Railway Company. Later the date of the bonds and the interest bearing dates were changed and the rate of interest was also changed from five per cent. to six per cent. The company sold $300,000 par value of the bonds, the proceeds being expended in rehabilitation, reconstruction of track, additional machinery, etc.

Additional improvements being required, application was made for approval of the sale of $100,000 of the $500,000.00 issue.

Approved April 12th, 1912, after hearing.

TRENTON AND MERCER COUNTY TRACTION CORPORATION—$43,000. NOTES.

The Trenton and Mercer County Traction Corporation applied for approval of an issue of $43,000 notes to be used in part payment for ten electric passenger cars. The petitioner entered into an agreement with the Wilmington Trust Company, from which the cars were purchased to pay $10,000.00 in cash before May 1st, 1912, and to pay the holders of the notes in eight annual installments of $5,000.00, commencing May 1st, 1913, and ending May 1st, 1920, and in a ninth and final installment of $3,000.00, payable on May 1st, 1921.

Approved April 30th, 1912, after hearing.

CAMDEN AND SUBURBAN RAILWAY COMPANY—$250,000 BONDS.

The Camden and Suburban Railway Company applied for approval of a proposed issue of $250,000.00 five per cent. bonds, the proceeds to be used, in whole or part, for the purpose of taking up, or said bonds to be exchanged, in whole or part, bond for bond, for the bonds of the Camden Horse Railroad Company, to the amount of $250,000.00.

Approved April 30th, 1912, after hearing.

COMMONWEALTH WATER AND LIGHT COMPANY—$100,000.00 SERIAL NOTES.

The Commonwealth Water and Light Company applied for approval of a proposed issue of $100,000.00 five per cent. serial notes, the proceeds to be used for the purpose of reducing floating indebtedness and making extensions. Approval was granted on condition that the notes when taken up

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should not be included among the assets of the company, but that the property acquired by means of or covered by the issuance of such notes shall alone be included among the company's assets.

Approved May 21st, 1912, after hearing.

BOONTON ELECTRIC COMPANY—$25,000.00 BONDS.

The Boonton Electric Company applied for approval of a proposed issue of $25,000.00 five per cent. bonds, the proceeds to be used to pay for extensions to plant.

Approved May 21st, 1912, after hearing.

PEOPLE'S WATER COMPANY—$108,920.00 STOCK, $200,000.00 BONDS.

Application was made by the People's Water Company of Phillipsburg for approval of a proposed issue of $108,920.00 stock, and $200,000.00 bonds, interest not over five per cent., the proceeds to be used for improvements and future development of the plant.

Approved May 28th, 1912, after hearing.

NEW YORK TELEPHONE COMPANY—$25,000,000.00 BONDS.

Application was made by the New York Telephone Company for approval of an issue of $25,000,000.00 first and general mortgage four and one-half per cent. gold sinking fund bonds, the proceeds of the proposed issue to be used to purchase for the sum of $7,500,000 the telephone plants, properties and franchises in Virginia and West Virginia of the Southern Bell Telephone and Telegraph Company and its controlled companies, and for the acquirement and necessary construction of facilities, throughout the area in which the petitioner and the controlled companies operate.

The application was granted subject to the following conditions:

(1) That the securities shall be disposed of at not less than ninety per cent. of face value.

(2) That the difference between par value of securities and sum realized shall be amortized during life of securities or immediately.

(3) That not more than $8,000,000.00 of the sum realized shall be employed in acquisition of the property referred to in the petition.

(4) That the company shall semi-annually file with the Board a detailed statement of the expenditures of the proceeds, classifying the expenditures by States.

Approved May 28th, 1912, after hearing.

PENINSULA WATER COMPANY—$50,000.00 CAPITAL STOCK.

Application was made by the Peninsula Water Company for approval of a proposed issue of capital stock to the amount of $50,000.00, the proceeds to be used for the purpose of effectuating the objects of the company's incorporation, the purchase of land, and construction of plant and distribution system in the Township of Berkeley, Ocean County.

Approved June 11th, 1912, after hearing.

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HILLCREST WATER COMPANY—$20,000.00 BONDS.

Application was made by the Hillcrest Water Company for approval of a proposed sale of $20,000.00 of the $50,000.00 first mortgage bonds of the company, said $50,000.00 issue having been heretofore approved by the Board.

The purpose of the proposed sale being to pay for additional construction and extensions of the system in portions of Mountain Lakes.

Approved June 17th, 1912, after hearing.

STOCKTON WATER COMPANY—$40,000.00 BONDS.

Application was made by the Stockton Water Company for approval of a proposed issue of $40,000.00 five per cent. bonds, the proceeds to be used for the purpose of refunding the same amount of bonds of a previous issue.

Approved June 18th, 1912, after hearing.

BAY HEAD WATER COMPANY—$9,925.00 CAPITAL STOCK.

The Bay Head Water Company applied for approval of a proposed issue of capital stock to the amount of $9,925.00. The purpose of this issue was to buy the pumping plant and power, the Artesian wells and mains of the Bay Head Artesian Water Company, at Bay Head.

STONE HARBOR ELECTRIC LIGHT AND POWER COMPANY—BONDS $19,375.00 AND $4,500.00.

Application was made by the Stone Harbor Electric Light and Power Company for the approval of a proposed issue of bonds to the amount of $19,375.00, the proceeds to be used to purchase the outstanding capital stock of the Vulcan Electric Light, Heat and Power Company and the Neptunus Water Company, and pay off the joint mortgage upon their plant, and for approval of a proposed issue of bonds to the amount of $4 500.00 for the purpose of purchasing an alternator and exciter dynamo and an oil engine.

Approved July 2nd, 1912, after hearing.

LEHIGH VALLEY RAILROAD COMPANY—$61,500.00 DEBENTURE BONDS.

Application was made by the Lehigh Valley Railroad Company of New Jersey for approval of a proposed issue of five per cent. debenture bonds to the amount of $61,500, for the purpose of re-payment to the Lehigh Valley Railroad Company for advances made on account of additions and betterments during the fiscal year ending June 30th, 1912.

Approved July 2nd, 1912, after hearing.

TRENTON TERMINAL RAILROAD COMPANY—TRANSFER OF MAJORITY OF CAPITAL STOCK.

Application was made by the Trenton Terminal Railroad Company for authority to transfer a majority of its capital stock on the books of said company to the Public Service Corporation.

Approved July 2nd, 1912, after hearing.

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ALFRED REED AND SYDNEY L. WRIGHT—$200,000.00 RECEIVERS' CERTIFICATES.

Application was made by Alfred Reed and Sydney L. Wright, Receivers of the New Jersey and Pennsylvania Traction Company for approval of an issue of Receivers' Certificates of Indebtedness to the amount of $200,000.00, the proceeds to be used for the purpose of rehabilitating the lines of street railway and railroad operated by said company.

Approved July 9th, 1912, after hearing.

LAMBERTVILLE HEAT, LIGHT AND POWER COMPANY—BONDS $2,000.00 AND BONDS $6,000.00.

Application was made by the Lambertville Heat, Light and Power Company for approval of an issue of mortgage bonds in the sum of $2,000.00 to take up and retire bonds numbered six and seven respectively of the Hunterdon Electric Company heretofore issued through mistake, without the authority of this Board, and to further issue mortgage bonds in the sum of $6,000.00 to take up and retire respectively like bonds of the Hunterdon Electric Company, numbered eight, nine, ten, eleven, twelve and thirteen.

Approved July 16th, 1912, after hearing.

MONMOUTH LIGHTING COMPANY—$3000.00 BONDS AND $2000.00. CAPITAL STOCK.

Application was made by the Monmouth Lighting Company for approval of a proposed issue of its bonds to the amount of $3,000.00 and its capital stock to the amount of $2,000.00, the proceeds to be used for extensions.

Approved July 16th, 1912, after hearing.

MONMOUTH LIGHTING COMPANY—MORTGAGE—$100,000.00 TO AMERICAN TRUST COMPANY.

Application was made to the Board by the Monmouth Lighting Company for approval of mortgage in the sum of $100,000.00 to the American Trust Company, copy of which mortgage was filed with the Board.

Approved July 16th, 1912.

CITY GAS LIGHT COMPANY—$200,000.00 MORTGAGE BONDS—$109,875.00 CAPITAL STOCK.

Application was made by the City Gas Light Company for approval of a proposed issue of five per cent. first mortgage bonds to the amount of $200,000.00 and capital stock to the amount of $109,875.00, the proceeds to be used to provide a working cash capital of $10,000.00 to pay the cost of extensions and improvements in progress and to take up unpaid coupons, past due and unpaid, of bonds previously issued and outstanding and interest thereon, and current loan, with interest.

Approved July 19th, 1912, after hearing.

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BRIDGETON GAS LIGHT COMPANY—$155,200.00 CAPITAL STOCK.

Application was made by the Bridgeton Gas Light Company for approval of a proposed issue of capital stock to the amount of $155.200.00 at the par value of $100.00, for the purpose of taking the place of an equal number of shares of common stock at the par value of $20.00 per share.

Approved July 19th, 1912, after hearing.

WESTVILLE AND NEWBOLD WATER COMPANY—$5000.00 MORTGAGE BONDS.

Application was made by the Westville and Newbold Water Company for approval of an issue of its mortgage bonds to the amount of $5,000.00, the proceeds having been used for the purpose of payment for extensions to plant and system.

Approved July 19th, 1912, after hearing.

LEHIGH AND HUDSON RIVER RAILWAY—AUTHORITY TO EXPEND $13,627.50.

The Lehigh and Hudson River Railway Company sold pursuant to authorization of this Board its general mortgage bonds to the par value of $1,185,000.00. at a premium of 1.15%, such premium amounting to $13,627.50.

Application was made to spend this amount. This application was granted subject to the condition that the amount should be spent only in payment for certain shop tools, machinery and equipment, the details of which were set forth in the Board's certificate of approval.

Approved July 23rd, 1912, after hearing.

FARMERS' AND TRADERS' TELEPHONE COMPANY—$9500.00 CAPITAL STOCK.

Application was made by the Farmers' and Traders' Telephone Company for approval of a proposed issue of capital stock to the amount of $9,500.00, the proceeds to be used for the construction of new lines, for retiring outstanding notes issued in payment of construction work to provide working capital, and for the payment of a stock dividend, earnings having been invested in plant which might have been paid out in dividends as rapidly as accumulated.

Approved August 6th, 1912, after hearing.

RIVERSIDE TRACTION COMPANY—$500,000.00 BONDS.

Application was made by the Riverside Traction Company for approval of a proposed issue of bonds to the par value of $500,000.00, the proceeds to be used for construction of a power plant at Burlington, sub-stations at Riverside, Bordentown and Burlington, transmission lines, new cars and construction work.

Approved August 6th, 1912.

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ELIZABETH AND TRENTON RAILROAD COMPANY—$990,000.00 BONDS.

Application was made by the Elizabeth and Trenton Railroad Company for approval of a proposed issue of bonds to the amount of $990,000.00, to be used for rehabilitation, construction and extension of its lines of railway.
Approved August 6th, 1912, after hearing.

ELIZABETH AND TRENTON RAILROAD COMPANY—MORTGAGE—$1,200,000.00—LOGAN TRUST COMPANY OF PHILADELPHIA.

Application was made to the Board by the Elizabeth and Trenton Railroad Company for approval of a mortgage in the sum of $1,200,000.00 to the Logan Trust Company of Philadelphia, copy of which mortgage was filed with the Board.

ELMER WATER COMPANY—$15,000.00 STOCK—$35,000.00 BONDS.

Application was made by the Elmer Water Company for approval of a proposed issue of capital stock to the par value of $10,000.00, and bonds to the par value of $40.000.00. In lieu of approving the issues as proposed the Board approved issues of $15,000.00 stock and $35,000.00 bonds.
Approved September 3rd, 1912, after hearing.

LONG BRANCH SEWER COMPANY—$20,000.00 DEBENTURE BONDS.

Application was made by the Long Branch Sewer Company for approval of a proposed issue of debenture bonds to the amount of $20,000.00 for the purpose of providing for extensions and improvements.
Approved September 10th, 1912, after hearing.

BAY HEAD WATER COMPANY—$29,925.00—CAPITAL STOCK.

Application was made by the Bay Head Water Company for approval of a proposed issue of capital stock to the par value of $29,925.00, of which $9,925.00 was to be used for providing a stock dividend, and $20,000.00 for improvements to and enlargements of the company's plant.
Approved September 10th, 1912, after hearing.

NORTHAMPTON, EASTON AND WASHINGTON TRACTION COMPANY—$750,000.00 BONDS.

Application was made by the Northampton, Easton and Washington Traction Company for approval of a proposed issue of mortgage bonds to the par value of $750,000.00. Approved upon agreement by the company that the bonds should be employed in conformity with the purposes set forth by the company in its petition, and upon the further condition that the mortgage be so reframed as to provide that the privilege of redemption should in no case be exercised except upon approval of the Board or such body as may succeed to its powers.
Approved September 10th, 1912, after hearing.

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STONE HARBOR WATER COMPANY—$12,000.00 BONDS.

Application was made by the Stone Harbor Water Company for approval of a proposed issue of bonds to the par value of $25,000.00.

Approval was given to a proposed issue of bonds to the par value of $12,000.00. Of this the proceeds of approximately $9,000.00 were required to be applied to the payment for a portion of the present plant, amounting to the difference between the actual cost of the present plant and the proceeds of the bonds already issued for such construction and (2) for new equipment for further extensions of plant and system.

Approved September 11th, 1912, after hearing, Commissioner Daniels dissenting. Majority and minority opinions are published in formal findings and decisions of the Board.

VULCAN ELECTRIC LIGHT, HEAT AND POWER COMPANY—TRANSFER OF CAPITAL STOCK.

Application was made by the Vulcan Electric Light, Heat and Power Company for approval of transfer of all the capital stock on the books of said company to the Stone Harbor Electric Light and Power Company.

Approved September 17th, 1912, after hearing.

PUBLIC SERVICE GAS COMPANY—$1,300,000 STOCK.

Application was made by the Public Service Gas Company for approval of a proposed issue of stock to the amount of $1,300.000, the proceeds to be used for extension of plant of said company, which extension was described in detail in the petition.

Approved October 8th, 1912, after hearing.

PUBLIC SERVICE ELECTRIC COMPANY—$2,750,000 CAPITAL STOCK.

Application was made by the Public Service Electric Company for approval of a proposed issue of capital stock to the amount of $2,750,000, the proceeds to be used for extensions to plant, which extensions were described in detail in the petition.

Approved October 15th, 1912, after hearing.

NEW JERSEY AND PENNSYLVANIA RAILROAD COMPANY—$255,000. BONDS.

Application was made by the New Jersey and Pennsylvania Railroad Company for approval of a proposed issue of bonds to the amount of $255,000, of which $200,000 was for refunding and $55,000 for new construction. The entire issue was approved with the condition that the issue of $55,000 should be subject to such provisions as to amortization as the Board should make.

Approved October 29th, 1912, after hearing.

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NEPTUNUS WATER COMPANY AND VULCAN ELECTRIC LIGHT, HEAT AND POWER COMPANY—JOINT MORTGAGE—$5000—LESLIE S. LUDLAM, ET. AL.

Application was made to the Board by the Neptunus Water Company and the Vulcan Electric Light, Heat and Power Company for approval of joint mortgage in the sum of $5,000, to Leslie S. Ludlam, E. Clinton Hewitt, Thomas L. Ross, Harry Steitz, Albert Cooper, Morgan Hand, William J. Tyler and Samuel Steitz, copy of which mortgage was filed with the Board.

Approved November 1st, 1912.

FARMINGDALE LIGHTING COMPANY—$1000 CAPITAL STOCK.

Application was made by the Farmingdale Lighting Company for approval of a proposed issue of capital stock to the amount of $1,000, to be used for the purpose of completing the organization of the company.

Approved November 4th, 1912, after hearing.

ELECTRIC POWER COMPANY—$1000.00 CAPITAL STOCK.

Application was made by the Electric Power Company for approval of issuance by said company of ten shares of its capital stock for the purpose of completing the company's organization.

Approved November 12th, 1912, after hearing.

PENNS GROVE ELECTRIC LIGHT, HEAT AND POWER COMPANY—$25,000 CAPITAL STOCK AND $25,000 BONDS.

Application was made by the Penns Grove Electric Light, Heat and Power Company for approval of proposed issue of capital stock to the amount of $25.000 and bonds to the amount of $25,000, the proceeds to be used for the purpose of construction work.

Approved November 19th, 1912, after hearing.

PEOPLE'S WATER COMPANY OF PHILLIPSBURG—PROPOSED ISSUE OF $200,000 BONDS.

Application was made by the People's Water Company of Phillipsburg for approval of proposed issues of $108,920 stock and $200,000 bonds, the proceeds to be used for the purpose of contemplated improvements, and the future development of its plant. Approval of the proposed issue of stock was given May 28, 1912, but approval of the issue of bonds was withheld until after the mortgage securing the same had been submitted to and approved by the Board. The mortgage being submitted and approved, the issue of bonds was also approved.

Approved December 3rd, 1912, after hearing.

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SOUTH JERSEY GAS, ELECTRIC AND TRACTION COMPANY—PROPOSED ISSUE OF $139,000 BONDS.

Application was made by the South Jersey Gas, Electric and Traction Company for approval of a proposed issue of bonds to the amount of $139,000, the proceeds to be used for extension to plant of the company.

Approved December 10th, 1912, after hearing.

BRIDGETON ELECTRIC COMPANY—PROPOSED ISSUE OF $75,000 CAPITAL STOCK.

Application was made by the Bridgeton Electric Company for approval of a proposed issue of capital stock to the amount of $75,000, the proceeds to be used for the purpose of refunding and extension to boiler room and plant at Bridgeton.

Approved December 10th, 1912, after hearing.

Leases, Mergers, Agreements, Etc.

In the Matter of the Application of the Eastern Pennsylvania Power Company, a New Jersey Corporation, and the Eastern Pennsylvania Power Company, a Pennsylvania Corporation, for Leave to Acquire Property and Mortgage and Lease the Same. } **CERTIFICATE.**

Application being made by the Eastern Pennsylvania Power Company, a New Jersey Corporation, to the Eastern Pennsylvania Power Company, a Pennsylvania Corporation, by petition in writing for approval by the Board of Public Utility Commissioners.

(1) Of the installation of apparatus in petitioners' plants at Bernardsville and at Dover and in the Township of Chester and the Borough of Mendham and in connection with the erection of a transmission line between the said plant at Dover and the said plant at Bernardsville and the acquisition of the necessary property rights, real or personal, required in connection therewith by the New Jersey Company and the conveyance thereafter of the same by the Eastern Pennsylvania Power Company of New Jersey to the Eastern Pennsylvania Power Company of Pennsylvania in consideration of the corporation last named providing all moneys required for the acquisition, erection and construction thereof;

(2) Of the execution by the Eastern Pennsylvania Power Company of Pennsylvania thereafter of a supplemental mortgage to be made and delivered by it to the Commercial Trust Company of Philadelphia, Pennsylvania, as Trustee, under the mortgage made to it by the Pennsylvania Company dated August 1st, 1909, whereby the said Eastern Pennsylvania Power Company of Pennsylvania shall mortgage the said properties to the said Commercial Trust Company as Trustee as security for any bonds which may be issued under said mortgage, provided, however, that the amount of said lien upon said properties shall be for a sum or amount not exceeding Forty-eight Thousand Dollars ($48,000);

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(3) Of the leasing of said properties so subjected to the said mortgage dated August 1st, 1909, to the Eastern Pennsylvania Power Company of New Jersey on the terms and conditions and for the rental specified in a certain lease made by the Eastern Pennsylvania Power Company of Pennsylvania, to the Bernards Electric Company dated August 14th, 1911, and that the Eastern Pennsylvania Power Company of New Jersey may also execute said lease and enter in and upon the enjoyment of the leased premises;

The Board of Public Utility Commissioners after hearing and investigation, no reason appearing to the contrary, hereby on this second day of January, nineteen hundred and twelve, approves the proposed sale, acquisition of property, mortgaging and leasing same, as referred to in said petition and the petition is made, by reference herein thereto, part of this certificate.

Dated January 2nd, 1912.

In the Matter of the Joint Application of the Easton Gas and Electric Company, a Pennsylvania Corporation, the Eastern Pennsylvania Power Company, a Pennsylvania Corporation, and the Eastern Pennsylvania Power Company, a New Jersey Corporation, for Permission to Sell and Acquire Property to Mortgage and Thereafter to Lease the Same. } **CERTIFICATE.**

Application being made by the Easton Gas and Electric Company, a Pennsylvania Corporation, the Eastern Pennsylvania Power Company, a Pennsylvania Corporation, and the Eastern Pennsylvania Power Company, a New Jersey Corporation, by petition in writing.

(1) For approval by the Board of Public Utility Commissioners of the sale, by the Easton Gas and Electric Company of Pennsylvania to the Eastern Pennsylvania Power Company, a Pennsylvania Corporation, of the property, real, personal and mixed, in Phillipsburg, New Jersey, and territory adjacent thereto, connected with the business of the said Easton Gas and Electric Company of supplying light, heat and power, by means of electricity;

(2) For permission to the said Eastern Pennsylvania Power Company of Pennsylvania, upon the conveyance of said properties to it, to subject said properties by supplemental mortgage to the lien of its mortgage dated August 1st, 1909, to the Commercial Trust Company, of Philadelphia, as trustee;

(3) For permission thereafter to the Eastern Pennsylvania Power Company of Pennsylvania to lease to, and permission to the Eastern Pennsylvania Power Company of New Jersey to take on such lease of said properties for a term of nine hundred and ninety-nine years, upon the same general covenants, terms and conditions as contained in a certain lease dated February 1st, 1911, hitherto made by the Eastern Pennsylvania Power Company of Pennsylvania to the Eastern Pennsylvania Power Company of New Jersey, as heretofore modified and changed by this Board on a fixed annual rental to be specified therein of $3,000 and seven and one-half per cent. per annum on the cost of all improvements;

The term "improvements" as hereinbefore used is hereby defined by the Board to mean such additions and betterments as will result in a net increase in the value of the property of the company.

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The Board of Public Utility Commissioners after hearing and investigation, no reason appearing to the contrary, hereby on this second day of January, 1912, approves the proposed sale, acquisition of property, mortgaging and leasing same, as referred to in said petition and the petition is made, by reference thereto herein, part of this certificate.

Dated January 2nd, 1912.

In the Matter of the Application for Approval of Agreement of Merger and Consolidation of the Lambertville Gas Light Company and the Flemington Gas Light Company, forming the New Jersey Northern Gas Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by petition in writing, for the approval of an agreement of merger and consolidation made the ninth day of January, in the year one thousand, nine hundred and twelve, by and between the Lambertville Gas Light Company and the Flemington Gas Light Company, forming the New Jersey Northern Gas Company (a copy of which agreement has been filed with the Board and by reference thereto herein is made part hereof),

The Board of Public Utility Commissioners on this thirteenth day of February, one thousand nine hundred and twelve, after examination and hearing, no reason to the contrary appearing,

HEREBY APPROVES the said merger and consolidation as provided for by the said agreement so filed.

Dated February 13th, 1912.

In the Matter of the Petition of the West Jersey and Seashore Railroad Company for Approval of the Sale of a Parcel of Land in Bridgeton, Cumberland County, New Jersey. } **CERTIFICATE.**

Application being made by the West Jersey and Seashore Railroad Company, by a petition in writing for approval by the Board of Public Utility Commissioners of the proposed sale and conveyance of a parcel of land situated in the City of Bridgeton, in the County of Cumberland, and State of New Jersey, which parcel of land is shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty is by reference thereto, herein, made part hereof.

The Board of Public Utility Commissioners after hearing and investigation made upon the ground now determines and concludes that the land so proposed to be conveyed is neither presently or prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing.

Hereby, on this twentieth day of February, nineteen hundred and twelve, APPROVES the proposed sale and conveyance of said land, so shown on the said blueprint annexed to said petition.

Dated February 20th, 1912.

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In the Matter of the Application of the United New Jersey Railroad and Canal Company for Approval of the Sale of a Parcel of Land in South Brunswick Township, Middlesex County. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the United New Jersey Railroad and Canal Company, by petition in writing, for approval of the proposed sale and conveyance of a parcel of land situate in South Brunswick Township, in the County of Middlesex and State of New Jersey, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein made part hereof.

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

Hereby, on this twenty-sixth day of March, nineteen hundred and twelve, APPROVES the proposed sale and conveyance of said land, so shown on the said blueprint annexed to said petition.

Dated March 26th, 1912.

In the Matter of the Application of the Pennsylvania Tunnel and Terminal Railroad Company, for Approval of an Agreement between that Railroad Company and the Pennsylvania Railroad Company, for the Operation of the Railroad and Appurtenances of the Tunnel Company by the Pennsylvania Railroad Company, as Agent for the Tunnel Company, from May 1st, 1912, until March 31, 1913. } **CERTIFICATE OF APPROVAL.**

Application having been made by the Pennsylvania Tunnel and Terminal Railroad Company, by petition in writing, for approval by the Board of Public Utility Commissioners of an agreement between the said Pennsylvania Tunnel and Terminal Railroad Company and the Pennsylvania Railroad Company for the operation of the railroad and appurtenances of the Pennsylvania Tunnel and Terminal Railroad Company by the Pennsylvania Railroad Company, as agent, from the first day of May, nineteen hundred and twelve, until and including the thirty-first day of March, nineteen hundred and thirteen;

The Board of Public Utility Commissioners, after hearing and due consideration, ORDERS that the prayer of the petitioner be and the same is hereby granted, and the said agreement, providing for the operation of the railroad and appurtenances of the Pennsylvania Tunnel and Terminal Railroad Company by the Pennsylvania Railroad Company, as agent, for the period above mentioned, is hereby approved.

Dated April 9th, 1912.

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In the Matter of the Application for Approval of Agreement of Merger and Consolidation of the Pennsgrove Gas Company, Bridgeport Gas Company and New Jersey Gas Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by petition in writing, for the approval of an agreement of merger and consolidation made the thirteenth day of February, one thousand nine hundred and twelve, by and between the Pennsgrove Gas Company, the Bridgeport Gas Company and the New Jersey Gas Company (a copy of which agreement has been filed with the Board and by reference thereto herein is made part hereof).

The Board of Public Utility Commissioners on this second day of April, one thousand nine hundred and twelve, after examination and hearing, no reason to the contrary appearing,

HEREBY APPROVES the said merger and consolidation as provided for by the said agreement so filed.

Dated April 2nd, 1912.

In the Matter of the Application for Approval of Agreement of Merger and Consolidation of the Lehigh and Hudson River Railway Company, the Mine Hill Railroad Company, the South Easton and Phillipsburg Railroad Company of New Jersey and the South Easton and Phillipsburg Railroad Company of Pennsylvania. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by petition in writing, for the approval of an agreement of merger and consolidation made the ninth day of February, in the year one thousand nine hundred and twelve, by and between the Lehigh and Hudson River Railway Company, the Mine Hill Railroad Company, the South Easton and Phillipsburg Railroad Company of New Jersey and the South Easton and Phillipsburg Railroad Company of Pennsylvania (a copy of which agreement has been filed with the Board and by reference thereto herein is made part hereof).

The Board of Public Utility Commissioners on this second day of April, one thousand nine hundred and twelve, after examination and hearing, no reason to the contrary appearing,

HEREBY APPROVES the said merger and consolidation as provided for by the said agreement so filed.

Dated April 2nd, 1912.

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In the Matter of the Application of the Hudson and Middlesex Telephone and Telegraph Company to Sell Certain Rights and Property. } **CERTIFICATE.**

The Board of Public Utility Commissioners on March 22d, 1912, issued its certificate of approval to the Monmouth Lighting Company for an issue of capital stock to the amount of fourteen thousand dollars, and first mortgage bonds to the amount of fifty-eight thousand dollars.

The purpose of this issue was in part to buy certain rights and property of the Hudson and Middlesex Telephone and Telegraph Company, as declared in the application of the Monmouth Lighting Company.

The purpose having been approved by the Board and application having been made by the Hudson and Middlesex Telephone and Telegraph Company, for approval by the Board of the sale of certain of its rights and property to the Monmouth Lighting Company, the Board

HEREBY GRANTS said application and approves of the sale by the Hudson and Middlesex Telephone and Telegraph Company of its rights and property to the Monmouth Lighting Company, in accordance with said application.

Dated July 1st, 1912.

In the Matter of the Application of the Freehold and Jamesburg Light Company to Sell Certain Rights and Property. } **CERTIFICATE.**

The Board of Public Utility Commissioners on March 22nd, 1912, issued its certificate of approval to the Monmouth Lighting Company for an issue of capital stock to the amount of fourteen thousand dollars and first mortgage bonds to the amount of fifty-eight thousand dollars.

The purpose of this issue was in part to buy certain rights and property of the Freehold and Jamesburg Light Company, as declared in the application of the Monmouth Lighting Company.

This purpose having been approved by the Board and application having been made by the Freehold and Jamesburg Light Company for approval by the Board of the sale of certain of its rights and property to the Monmouth Lighting Company, the Board

HEREBY GRANTS said application and approves of the sale by the Freehold and Jamesburg Light Company of its rights and property to the Monmouth Lighting Company, in accordance with said application.

Dated July 1st, 1912.

In the Matter of the Application of the Elizabeth and Trenton Railroad Company for Approval of Lease to the Trenton Terminal Railroad Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Elizabeth and Trenton Railroad Company, by petition in writing for approval of lease of its property, rights and franchises to the Trenton Terminal Railroad Company,

The said Board, after hearing, consideration of the recitals in said petition and the results of the investigation made by the Chief Inspector of its Utilities Division,

HEREBY APPROVES said proposed lease.

Dated July 2nd, 1912.

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In the Matter of the Application of the West Jersey and Seashore Railroad Company for Approval of the Sale of a Parcel of Land on Windsor Street, in the City of Camden. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of the proposed sale and conveyance of a parcel of land situated on Windsor Street, in the City of Camden, New Jersey, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty, is by reference thereto herein made part hereof.

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY, on the ninth day of July, nineteen hundred and twelve APPROVES the proposed sale and conveyance of said land so shown on the said blueprint annexed to said petition.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Approval of the Sale of a Parcel of Land on Atlantic and Ventnor Avenues, in the City of Atlantic City. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of the proposed sale and conveyance to the City of Atlantic City of a parcel of land situated on Atlantic and Ventnor Avenues, in the City of Atlantic City, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty, is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY, on the ninth day of July, nineteen hundred and twelve, APPROVES the proposed sale and conveyance of said land on the said blueprint annexed to said petition.

In the Matter of the Application of the Public Service Railway Company for Approval of Lease of the Riverside Traction Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Public Service Railway Company, by petition in writing, for approval of a lease, dated April 1st, 1912, made by Riverside Traction Company to the petitioner, of the franchises and lines of railway, etc., of said Riverside Traction Company (a copy of which lease is annexed to said petition).

The said Board of Public Utility Commissioners, after due consideration, APPROVES said lease, conditioned upon assent to, and acceptance of, the following terms and conditions:

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(1) That the entire face value of the outstanding capital stock of the Riverside Traction Company be paid up in full before possession is taken by the lessee under said lease.

(2) That the approval hereby given shall not in any proceedings affecting rates nor in other proceedings be taken as determining, or raising, or justifying a presumption, that the face value of the now outstanding securities of the Riverside Traction Company provide a proper base upon which earnings may reasonably be fixed; and

(3) That the fourth article of said lease be reframed so as to make obvious the fact that the Riverside Traction Company has absolute and unencumbered ownership of the securities of the lighting and power companies mentioned in said lease.

Assent to and acceptance of these conditions shall be evidenced by the formal execution by the said companies of said lease or the entry into possession by the lessee thereunder.

Dated July 9th, 1912.

In the Matter of the Application of the Pennsylvania Railroad Company for Approval of a Grant and Agreement as to Crossings and Privileges between the United New Jersey Railroad and Canal Company, the Pennsylvania Railroad Company and the Jersey Central Traction Company, at South Amboy, New Jersey. } **CERTIFICATE.**

Application being made by the Pennsylvania Railroad Company by petition in writing, dated June 8th, 1912, for approval by the Board of Public Utility Commissioners, of proposed grant and agreement as to crossings and privileges between the United New Jersey Railroad and Canal Company, the Pennsylvania Railroad Company and the Jersey Central Traction Company at South Amboy, New Jersey, a copy of which grant and agreement is annexed to said petition. and to which for greater certainty, the same by reference thereto herein is made part hereof, the Board of Public Utility Commissioners, after hearing and investigation made upon the ground,

HEREBY, on this ninth day of July, nineteen hundred and twelve, APPROVES said proposed grant and agreement in form as submitted with said petition.

In the Matter of the Application of the Passaic Water Company for Approval of Sale of Property in Acquackanonk Township. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Passaic Water Company by petition in writing for approval of the sale and conveyance to the Acquackanonk Water Company of water mains in Acquackanonk Township, which mains are shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty is by reference thereto herein made part hereof.

The Board of Public Utility Commissioners after hearing and investigation, no reason to the contrary appearing, hereby on this thirtieth day of July, 1912, APPROVES the sale and conveyance to the Acquackanonk Water Company of said water mains in Acquackanonk Township as shown on said blueprint annexed to said petition.

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In the Matter of the Application of the Passaic Water Company for Approval of Sale of 8.52 Acres of Land in Paterson. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Passaic Water Company, by petition in writing, for the approval of the sale and conveyance to the Society for Establishing Useful Manufactures of 8.52 acres of land, situated in the City of Paterson, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty is by reference thereto herein made part hereof.

The Board of Public Utility Commissioners after hearing and investigation, no reason to the contrary appearing, hereby on this thirtieth day of July, 1912, APPROVES the sale and conveyance of said land so shown on the said blueprint annexed to said petition.

In the Matter of the Application of the Passaic Water Company for Approval of Sale of 226.10 Acres of Land in Passaic County. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Passaic Water Company by petition in writing, for the approval of the sale and conveyance to Doctor Samuel K. Owen, Doctor George C. Coates, Eugene Bailey, Louis W. Havens and Paul Wetteck, all of the Town of Butler, Morris County, New Jersey, of 226.10 acres of land situated in Passaic County, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty is by reference thereto herein made part hereof.

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, hereby on this thirtieth day of July, 1912, APPROVES the sale and conveyance of said land, so shown on the said blueprint annexed to said petition.

In the Matter of the Application of the Hudson and Manhattan Railroad Company for Permission to Sell a Parcel of Land in the City of Jersey City, Known as Block Number 186. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by the Hudson and Manhattan Railroad Company, by petition in writing, for approval of sale of a parcel of land known as block No. 186, in the City of Jersey City, bounded on the north by Fourteenth Street, on the south by Thirteenth Streeet, on the east by Provost Street, and on the west by Henderson Street, as shown on blueprint filed with said petition, and the Board being satisfied, after investigation by the Chief Inspector of its Railroad Division, that said parcel of land cannot be used in connection with track operation by said company, the said Board

HEREBY GRANTS said application, and APPROVES said proposed sale of block No. 186, in Jersey City, by said Hudson and Manhattan Railroad Company.

Dated August 6th, 1912.

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In the Matter of the Application of the Public Service Railway Company for Approval of Proposed Equipment Trust Agreement. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, the Public Service Railway Company, by petition in writing, for approval of a proposed Equipment Trust Agreement, by and between Arthur E. Newbold and Public Service Railway Company (a copy of which was filed with the Board July 27th, 1912, and is by reference thereto made part of this approval),

The Board of Public Utility Commissioners, after investigation and due hearing, no reason to the contrary appearing,

HEREBY, on this twenty-seventh day of August, nineteen hundred and twelve, APPROVES said Equipment Trust Agreement.

In the Matter of the Application of the Public Service Railway Company for Approval of Lease to Edward H. Radel, of Property on Lincoln Avenue, in the City of Orange. } **CERTIFICATE.**

Application being made to the oBard of Public Utility Commissioners, by the Public Service Railway Company, by petition in writing, for approval of a proposed lease to Edward H. Radel, for a period of ten years, subject to termination on six months' notice, of a building on Lincoln Avenue, in the City of Orange, formerly used as a car barn,

The said Board, after hearing, consideration of the recitals in said petition and the results of the investigation made by the Chief Inspector of its Utilities Division,

HEREBY APPROVES said proposed lease, the copy of which, filed with this Board, is made part hereof.

Dated August 27th, 1912.

In the Matter of the Application of the West Jersey and Seashore Railroad Company, for Approval of Sale of a Strip of Land Containing 0.558 of an Acre, in Camden. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by the West Jersey and Seashore Railroad Company, by petition in writing, for approval of the proposed sale and conveyance of a strip of land situated in the City of Camden, New Jersey, containing 0.558 of an acre, more or less, lying southeasterly of and adjoining land of said West Jersey and Seashore Railroad Company, and extending from Wright Avenue to Ninth Street, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty, is by reference thereto herein made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing.

HEREBY, on this twenty-seventh day of August, nineteen hundred and twelve, APPROVES the proposed sale and conveyance of said land so shown on the said blueprint annexed to said petition.

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In the Matter of the Application of the Atlantic City Electric Company for Permission to Sell Property Belonging to the Company but no Longer Necessary to the Company in the Operation of Its Plant. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by the Atlantic City Electric Company, for approval of the proposed sale of the real estate, buildings, appliances and equipment comprising the old plant of the Atlantic City Electric Company, which property is described in said petition,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, hereby on this third day of September, nineteen hundred and twelve, APPROVES said proposed sale of property, subject to the following conditions:

1st: That the Atlantic City Electric Company report to the Board in detail the prices obtained from the sale of each item of apparatus, when it is sold and the proceeds from the sale of the building, land and other property.

2nd: That the Atlantic City Electric Company charge off to depreciation the difference between the salvage value of the old plant and the amount at which the old plant is now carried on the books of the company. If this cannot be done in one year, permission is hereby given to carry out the transaction through the account known as "Property Abandoned."

3d: That a detailed report of the condition of this account shall be furnished with the annual report of the Atlantic City Electric Company to the Board, as long as the account appears on the books of the company.

September 3d, 1912.

In the Matter of the Application of the United New Jersey Railroad and Canal Company for Approval of the Sale of a Tract of Land, in the Town of Harrison, Hudson County, New Jersey. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by the United New Jersey Railroad and Canal Company, by petition in writing, for approval of the proposed sale and conveyance of a tract of land situate in the Town of Harrison, Hudson County, New Jersey, which land is shown in said petition by means of a blueprint annexed thereto, which blueprint, for greater certainty, is by reference thereto herein made part hereof;

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and no reason to the contrary appearing,

HEREBY, on this third day of September, nineteen hundred and twelve, APPROVES the proposed sale and conveyance of said land, so shown on the said blueprint annexed to said petition.

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In the Matter of the Application of the Pennsylvania Railroad Company, Lessee of the United New Jersey Railroad and Canal Company, for Permission to Sell a Lot of Land in the City of Trenton, New Jersey, Containing 5,290 Square Feet. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by the Pennsylvania Railroad Company, Lessee of the United New Jersey Railroad and Canal Company, by petition in writing, for approval of the proposed sale and conveyance of a lot of land, situate in the City of Trenton, containing 5290 square feet, which lot of land is shown in said petition by means of a blueprint annexed thereto, which blueprint for greater certainty is, by reference thereto herein, made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing, now determines and concludes that the land so proposed to be conveyed is neither presently nor prospectively necessary for the corporate use of the applicant, and

HEREBY, on this fourth day of November, one thousand nine hundred and twelve, APPROVES the proposed sale and conveyance of said land so shown on the said blueprint annexed to said petition.

ORDINANCES GRANTING PRIVILEGES TO PUBLIC UTILITIES AND SUBMITTED TO THE BOARD FOR APPROVAL.

ORDINANCE—VILLAGE OF RIDGEFIELD PARK—PUBLIC SERVICE RAILWAY COMPANY.

The Public Service Railway Company applied for approval of an ordinance passed by the Board of Trustees of the Village of Ridgefield Park granting consent to the construction and operation of a street railway in certain streets and roads in the village, the tracks constructed under this ordinance to be an extension from and connected with the line of street railway on the Bergen Turnpike in the Village of Ridgefield Park, operated by the Public Service Railway Company as part of its leasehold property. The privilege was granted for a period of fifty years.

Approved January 9th, 1912, after hearing.

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In the Matter of the Application of the Delaware and Atlantic Telegraph and Telephone Company for Approval of Sale of Property in the State of Delaware to the Diamond State Telephone Company. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Delaware and Atlantic Telegraph and Telephone Company by petition in writing, for the approval of the proposed sale of property, situate, in the State of Delaware, to the Diamond State Telephone Company, upon certain terms and conditions as set forth in said petition, which petition by reference thereto herein is made part hereof,

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY, on this tenth day of September, one thousand nine hundred and twelve, APPROVES said proposed sale and conveyance of said property upon condition that the stock to the amount of one million one hundred and fifty thousand dollars, held in the Treasury of said Delaware and Atlantic Telegraph and Telephone Company for re-issue be re-issued only after approval by the Board in each specific case after proper application therefor.

Dated September 10th, 1912.

In the Matter of the Petition of New Jersey Shore Line Railroad Company, for Approval of Lease to New York Central and Hudson River Railroad Company. } **ORDER.**

Application was made herein by New Jersey Shore Line Railroad Company, a railroad corporation of New Jersey, by petition in writing filed October 19th, 1912, for permission to lease its railroad and franchises of every kind and description (excepting its franchise to be a corporation) to the New York Central and Hudson River Railroad Company, a railroad corporation of the State of New York, whose road connects with the road of the New Jersey Shore Line Railroad Company over an intervening line of another railroad company.

The Board of Public Utility Commissioners, now, after due consideration, on this first day of November, 1912, hereby approves said lease (a copy of which is annexed hereto) and grants permission to the New Jersey Shore Line Railroad Company, a corporation of New Jersey, to lease the property and franchises described in said lease, to the said New York Central and Hudson River Railroad Company, a corporation of the State of New York, pursuant to the provisions of said proposed lease. This permission, however, shall not be construed to be an approval of any renewal of said lease pursuant to the terms thereof

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ORDINANCE—TOWNSHIP OF HANOVER—PUBLIC SERVICE GAS COMPANY.

The Public Service Gas Company applied for approval of an ordinance of the Township Committee of the Township of Hanover granting permission to the Public Service Gas Company to lay gas pipes beneath certain streets and roads in the township. The Board objected to this ordinance in its original form on the following grounds:

(1) That the ordinance provided that when accepted it should operate as a contract between the municipality and the company.

(2) That it provided that the gas to be furnished should be of the quality and standard required by the statute of the State of New Jersey, and

(3) Because of a provision fixing rates for service.

The statute creating the Board of Public Utility Commissioners and prescribing its powers and duties vests with the Board power to prescribe standards and to fix just and reasonable rates and it appeared to the Board that, in the event of the ordinance containing a provision fixing standards and rates specifically, it should be so framed as to indicate clearly that it is not the purpose or intent in anywise, to affect the exercise by the Board of the power vested in it.

The ordinance was subsequently amended and approved by the Board. The term of the grant was for fifty years.

Approved January 16th, 1912, after hearing.

ORDINANCE—BOROUGH OF HAWORTH—NEW YORK TELEPHONE COMPANY.

The Borough of Haworth granted to the New York Telephone Company permission to construct, operate and maintain overhead and underground distribution systems in connection with its telephone business. This ordinance provides that after the lapse of fifteen years from the date of its passage, steps may be taken by the Borough authorities to have all or a portion of the wires placed under ground.

Provision is made for arbitration in the event of the Borough and the Telephone Company being unable to agree as to the necessity or desirability of the change

The privilege was granted for a term of fifty years, with the proviso, that at the expiration of twenty-five years or any time thereafter "the Borough may, by ordinance, amend, alter or modify the terms or conditions thereof, except as to money compensation, in view and in consideration of the then existing status of the relations between the Company, the Borough and telephone subscribers, within the Borough," &c. Any amendments made are to be subject to approval by the Board of Public Utility Commissioners.

Approved February 6th, 1912, after hearing.

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ORDINANCE—CITY OF VENTNOR CITY—WEST JERSEY AND SEASHORE RAILROAD COMPANY.

Application was made for the approval of an ordinance of the City of Ventnor City confirming in and granting to the West Jersey and Seashore Railroad Company track rights and privileges on Atlantic Avenue in Ventnor City, New Jersey.

The ordinance provides for the laying of tracks by the railroad company along and across certain streets and avenues in the city, and refers to thirty-one crossings, their locations to be designated by the city.

Supplementing the petition for approval there was filed with the Board a certified copy of a resolution adopted by the Common Council of Ventnor City designating the locations of the thirty-one crossings.

Approved March 22nd, 1912, after hearing.

ORDINANCES—BOARD OF STREET AND WATER COMMISSIONERS OF JERSEY CITY—PUBLIC SERVICE RAILWAY COMPANY.

Application was made for the approval of five ordinances of the Board of Street and Water Commissioners of Jersey City, passed December 2nd, 1911, amended by ordinances passed the same date, granting permission to the Public Service Railway Company to construct, operate and maintain extensions to its street railway system in the City of Jersey City.

Approved April 20th, 1912, after hearing.

ORDINANCE—TOWN OF MONTCLAIR—PUBLIC SERVICE RAILWAY COMPANY.

Application was made for the approval of an ordinance of the Town of Montclair granting permission to the Public Service Railway Company to construct, operate and maintain a "Y" connection between the track in Bloomfield Avenue and the passing siding in Valley Road in said town.

Approved April 9th, 1912, after hearing.

ORDINANCE—TOWN OF MONTCLAIR—PUBLIC SERVICE RAILWAY COMPANY.

Application was made for approval of an ordinance of the Town of Montclair granting permission to the Public Service Railway Company to locate, construct, operate and maintain connections between its tracks in Bloomfield Avenue and the single track in Valley Road in said town.

Approved April 9th, 1912, after hearing.

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ORDINANCE—TOWN OF MONTCLAIR—UNITED ELECTRIC COMPANY.

Application was made for approval of an ordinance of Town of Montclair granting to the United Electric Company the right to place poles and wires through and upon certain streets and highways in said town and to install and construct electric conduits under certain streets and highways. The permission was granted for a term of twenty years, subject to the right of the municipality to purchase the property at the expiration of the tenth year.

Approved April 9th, 1912, after hearing.

ORDINANCE—BOROUGH OF GARWOOD—NEW YORK TELEPHONE COMPANY.

The New York Telephone Company was granted a privilege by ordinance of the Borough of Garwood to use various streets, highways and roads for overhead and underground construction. This ordinance granted the privilege for a term of fifty years and contained certain provisions which caused the Board in giving its approval to make the same subject to the condition that "the ordinance shall hold and be binding between the Borough of Garwood and the New York Telephone Company save only as the Board of Public Utility Commissioners under its statutory power may hereafter alter the rates or areas of service prescribed by said ordinance."

Approved April 12th, 1912, after hearing.

BOARD OF CHOSEN FREEHOLDERS, SOMERSET COUNTY—RESOLUTION NEW YORK TELEPHONE COMPANY.

The New York Telephone Company applied to the Board for approval of a resolution of the Board of Chosen Freeholders of Somerset County, adopted December 12th, 1911, granting permission to said company to construct, maintain and operate for its local and through lines an underground system in, through and under Main Street, in the Township of Bernards, from Church Street to a point approximately one hundred feet west of Claremont Avenue. The privilege was granted for a term of fifty years.

Approved April 30th, 1912, after hearing.

BOARD OF CHOSEN FREEHOLDERS, MIDDLESEX COUNTY—RESOLUTION NEW YORK TELEPHONE COMPANY.

The New York Telephone Company applied for approval of a resolution of the Board of Chosen Freeholders of Middlesex County, granting permission to the said company to construct, maintain and operate for its local and through lines underground conduits, cables, etc., in, through and under Amboy Avenue, Perth Amboy, for a distance of about one hundred feet. The privilege was granted for a term of fifty years.

Approved April 30th, 1912, after hearing.

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BOARD OF CHOSEN FREEHOLDERS, HUNTERDON COUNTY—RESOLUTION NEW JERSEY NORTHERN GAS COMPANY.

The New Jersey Northern Gas Company applied for approval of a resolution of the Board of Chosen Freeholders of Hunterdon County, granting permission to said company to lay its mains, pipes and conduits under the stone road leading from Lambertville to Flemington.

Approved April 30th, 1912.

TOWNSHIP OF HOLMDEL—ORDINANCE—NEW YORK TELEPHONE COMPANY.

The New York Telephone Company applied for approval of an ordinance of the Township of Holmdel, passed March 8th, 1912, granting permission to said company to use the various streets, roads, &c., in the township for the purpose of constructing above the surface thereof its local and through lines. The privilege was granted for a term of fifty years.

Approved May 10th, 1912, after hearing.

TOWN OF MONTCLAIR—SEVEN ORDINANCES—PUBLIC SERVICE RAILWAY COMPANY.

The Public Service Railway Company applied for approval of seven ordinances of the Town of Montclair. These ordinances granted permission to the Public Service Railway Company to construct passing sidings in Montclair, in Elm Street, southwest of Bloomfield Avenue, and in Valley Road at the following named places: north of Lorraine Avenue, south of Wildwood Avenue, northeast of Elston Road, south of Holland Terrace, southwest of the dividing line between the Counties of Essex and Passaic and south of Chestnut Street. The ordinances were passed March 11th, March 25th and April 8th, 1912.

Approved May 14th, 1912, after hearing.

CITY OF LONG BRANCH—ORDINANCE—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of an ordinance of the City of Long Branch, passed March 18th, 1912, as amended by an ordinance, passed April 15th, 1912.

The ordinance granted permission to the New York Telephone Company to use streets, roads, &c., in the City of Long Branch not designated in ordinances previously passed. The ordinance was granted for a period of twenty years.

Approved May 14th, 1912, after hearing.

SEA ISLE CITY—ORDINANCE—STANDARD GAS COMPANY.

The Standard Gas Company applied for approval of an ordinance of the City of Sea Isle City, passed March 11th, 1912, and the amendment to same passed May 14th, 1912. The ordinance and amendment gave to the Standard Gas Company the right to lay its pipes through and under the streets, highways, etc. The privilege was granted for a term of fifty years.

Approved June 14th, 1912, after hearing.

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TOWNSHIP OF BERKELEY—ORDINANCE— PENINSULA WATER COMPANY.

The Peninsula Water Company applied for approval of an ordinance of the Township of Berkeley, Ocean County, passed May 3rd, 1912, granting said company permission to lay water mains and conduits under the roads, streets, etc., in the township. The privilege was given for a term of fifty years.

Approved June 11th, 1912, after hearing.

ORDINANCE—TOWN OF KEARNY—NEW YORK TELEPHONE COMPANY

The New York Telephone Company applied for approval of an ordinance of the Town of Kearny granting permission to use various streets, roads, avenues and highways for overhead and underground construction. The ordinance granted the privilege for a term of fifty years.

Approved June 25th, 1912, after hearing.

ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS OF JERSEY CITY—PUBLIC SERVICE RAILWAY COMPANY.

The Public Service Railway Company applied for approval of an ordinance of the Board of Street and Water Commissioners of the City of Jersey City granting permission to construct, operate and maintain a connection between said company's southeasterly track in Summit Avenue, northeast of Congress Street, and its southeasterly track in Summit Avenue, southwest of Congress Street; to re-locate the existing connection between its single track in Congress Street, southeast of Summit Avenue, and its present northwesterly track in Summit Avenue, northeast of Congress Street; and to locate, construct, operate and maintain a connection between its single track in Congress Street and the southeasterly track in Summit Avenue, Jersey City.

Approved July 2nd, 1912, after hearing.

ORDINANCE—TOWNSHIP OF UNION, OCEAN COUNTY—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

The Delaware and Atlantic Telegraph and Telephone Company applied for approval of an ordinance of the Township of Union, Ocean County, granting permission to said company to use the public roads, streets, alleys and highways of the Township for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved July 9th, 1912, after hearing.

ORDINANCE—CITY OF PATERSON—PUBLIC SERVICE RAILWAY COMPANY.

The Public Service Railway Company applied for approval of an ordinance of the Board of Public Works of the City of Paterson granting said company permission to install a "wye" at Lakeview car barn.

Approved July 9th, 1912, after hearing.

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ORDINANCE—BOARD OF CHOSEN FREEHOLDERS—GLOUCESTER COUNTY—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

The Delaware and Atlantic Telegraph and Telephone Company applied for approval of an ordinance of the Board of Chosen Freeholders of Gloucester County to use the county roads of the County of Gloucester for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved July 9th, 1912, after hearing.

ORDINANCE—CITY OF ATLANTIC CITY—VENICE PARK RAILWAY COMPANY.

The Venice Park Railway Company applied for approval of an ordinance of the City of Atlantic City granting permission to said company to construct, maintain and operate a street railway on certain streets in Atlantic City. The privilege was granted for a period of thirty years. The ordinance was approved on condition that where the tracks of the Venice Park Railway cross the tracks of the Atlantic City and Shore Railroad, derails be installed at a distance sixty feet from the nearest rail of the track of the Atlantic City and Shore Railroad.

Approved July 19th, 1912, after hearing.

ORDINANCE—BOROUGH OF KEYPORT—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of an ordinance of the Borough of Keyport granting said company permission to use various streets, roads, avenues, etc., in the Borough for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved July 19th, 1912, after hearing.

RESOLUTION—BOARD OF CHOSEN FREEHOLDERS COUNTY OF BERGEN—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of a resolution of the Board of Chosen Freeholders of Bergen County, granting permission to said company to use certain parts of Paterson Plank Road in connection with its underground system. The privilege was granted for a term of fifty years.

Approved July 19th, 1912, after hearing.

ORDINANCE—TOWNSHIP OF STAFFORD—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Township of Stafford, granting permission to said company to use the public roads, streets, alleys and highways in the township for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved July 19th, 1912, after hearing.

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ORDINANCE—BOARD OF CHOSEN FREEHOLDERS—COUNTY OF CAPE MAY—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Board of Chosen Freeholders of the County of Cape May granting permission to said company to use the county roads for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved July 19th, 1912, after hearing.

ORDINANCE—TOWNSHIP OF OCEAN, OCEAN COUNTY—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

The Delaware and Atlantic Telegraph and Telephone Company applied for approval of an ordinance of the Township of Ocean, Ocean County, granting permission to said company to use the roads, streets, alleys and highways of the township for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved July 19th, 1912, after hearing.

ORDINANCE—TOWNSHIP OF EAST AMWELL, HUNTERDON COUNTY—NEW JERSEY NORTHERN GAS COMPANY.

The New Jersey Northern Gas Company made application for approval of an ordinance of the Township of East Amwell, Hunterdon County, granting permission to said company to lay its pipes, mains, etc., in and along the streets, public roads, etc., of said township. The privilege was granted for a term of fifty years.

Approved July 19th, 1912, after hearing.

ORDINANCE—TOWNSHIP OF WEST AMWELL, HUNTERDON COUNTY—NEW JERSEY NORTHERN GAS COMPANY.

The New Jersey Northern Gas Company made application for approval of an ordinance of the Township of West Amwell, Hunterdon County, granting permission to said company to lay its pipes, mains, etc., in and along the streets, public roads, etc., of said township. The privilege was granted for a term of fifty years.

Approved July 19th, 1912, after hearing.

ORDINANCE—BOROUGH OF ELMER—ELMER WATER COMPANY.

Application was made by the Elmer Water Company for approval of an ordinance of the Borough of Elmer granting permission to said company to construct and maintain water works in the Borough, and to lay mains, pipes, etc., in the streets, avenues, public roads and highways. The privilege was granted for a term of fifty years.

Approved July 30th, 1912, after hearing.

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ORDINANCE—BOARD OF STREET AND WATER COMMISSIONERS OF JERSEY CITY—PUBLIC SERVICE RAILWAY COMPANY.

The Public Service Railway Company applied for approval of an ordinance of the Board of Street and Water Commissioners of the City of Jersey City granting permission to the Public Service Railway Company to construct and operate connections between certain of its tracks in Jersey City.

Approved August 13th, 1912, after hearing.

ORDINANCE—TOWNSHIP COMMITTEE OF MARLBORO—MONMOUTH LIGHTING COMPANY.

The Monmouth Lighting Company applied for approval of an ordinance of the Township of Marlboro granting permission to said company to construct and operate a plant and necessary equipment for a system of electric light, heat and power supply, using therefor certain streets and highways in the township. The privilege was granted for a term of fifty years.

Approved August 13th, 1912, after hearing.

ORDINANCE—BOROUGH OF SECAUCUS—NEW YORK TELEPHONE COMPANY.

The New York Telephone Company applied for approval of an ordinance of the Borough of Secaucus granting permission to said company to use the streets, roads, alleys and highways of the Borough for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved August 13th, 1912, after hearing.

ORDINANCE—SEA ISLE CITY—STANDARD GAS COMPANY.

The Standard Gas Company applied for approval of an ordinance authorizing the Standard Gas Company to construct a siding in connection with the Atlantic City Railroad in Sea Isle City across Garrison and Brewster Streets.

Approved August 27th, 1912, after hearing.

ORDINANCE—BOROUGH OF FOLSOM—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

The Delaware and Atlantic Telegraph and Telephone Company applied for approval of an ordinance of the Borough of Folsom, Atlantic County, granting permission to said company to use the public roads, streets, alleys and highways of the Borough for overhead and underground construction. The privilege was granted for a period of fifty years.

Approved August 27th, 1912, after hearing.

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ORDINANCE—TOWNSHIP OF BERLIN—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

The Delaware and Atlantic Telegraph and Telephone Company made application for approval of an ordinance of the Township of Berlin, Camden County, granting permission to said company to use the public roads, streets, alleys and highways of the township for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved August 27th, 1912, after hearing.

ORDINANCE—TOWNSHIP OF UPPER PENNS NECK—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

The Delaware and Atlantic Telegraph and Telephone Company applied for approval of an ordinance of the Township of Upper Penns Neck, Salem County, granting permission to said company to use the public roads, streets, alleys and highways of the township for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved August 27th, 1912, after hearing.

ORDINANCE—CITY OF NEWARK—DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

The Delaware, Lackawanna and Western Railroad Company applied for approval of an ordinance of the Board of Street and Water Commissioners of the City of Newark, granting permission to said company to construct, maintain and operate an extension from a switch or siding on its property to the manufacturing establishment of the Westinghouse Electric and Manufacturing Company.

Approved September 10th, 1912, after hearing.

ORDINANCE—BOROUGH OF SURF CITY—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

The Delaware and Atlantic Telegraph and Telephone Company applied for approval of an ordinance of the Borough of Surf City granting permission to said company to use the public roads, streets, alleys and highways of the Borough for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved September 10th, 1912, after hearing.

ORDINANCE—BOROUGH OF BUTLER—NEW YORK TELEPHONE COMPANY.

The New York Telephone Company applied for approval of an ordinance of the Borough of Butler granting permission to said company to use the public roads, streets and highways for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved September 4th, 1912, after hearing.

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ORDINANCE—BOROUGH OF MENDHAM—NEW YORK TELEPHONE COMPANY.

The New York Telephone Company applied for approval of an ordinance of the Borough of Mendham granting permission to said company to use the public roads, streets, alleys and highways for overhead and underground construction. The privilege was granted for a term of fifty years.

Approved September 17th, 1912, after hearing.

ORDINANCE—BOROUGH OF HARVEY CEDARS—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Borough of Harvey Cedars granting permission to said company to use the roads, streets and highways of the Borough for overhead and underground construction. The permission was granted for a term of fifty years.

Approved October 8th, 1912, after hearing.

ORDINANCE—BOROUGH OF BOGOTA—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company, granting permission to the Borough of Bogota to construct and operate a street railway in Queen Anne Road in said borough. The permission was granted for a term of fifty years.

Approved October 15th, 1912, after hearing.

ORDINANCE—BOROUGH OF ORANGE—PUBLIC SERVICE RAILWAY COMPANY.

Application was made by the Public Service Railway Company for approval of an ordinance of the Borough of Orange granting permission to said company to construct, maintain and operate four connecting tracks between its present tracks in Main Street and tracks on private right of way south of Main Street in said city.

Approved October 29th, 1912, after hearing.

ORDINANCE—BOARD OF CHOSEN FREEHOLDERS OF MONMOUTH COUNTY—MIDDLESEX AND MONMOUTH ELECTRIC LIGHT, HEAT AND POWER COMPANY.

Application was made by the Middlesex and Monmouth Electric Light, Heat and Power Company for approval of an ordinance of the Monmouth County Board of Chosen Freeholders granting permission to the company to construct and maintain a pole line on the public road known as King's highway in the township of Middletown. The privilege was granted for a term of fifty years.

Approved November 12th, 1912, after hearing.

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RESOLUTION—BOARD OF CHOSEN FREEHOLDERS ESSEX COUNTY—NEW YORK TELEPHONE COMPANY.

Application was made by the New York Telephone Company for approval of a resolution of the Board of Chosen Freeholders of the County of Essex granting permission to said company to construct its poles, lines, etc., upon, over and across Mountain Avenue from a point about one half mile north of Green Brook Road to a point about one mile north of said road, in the Borough of North Caldwell. The privilege was granted for a term of fifty years.

Approved November 12th, 1912, after hearing.

ORDINANCE—CITY OF CAMDEN—CAMDEN HORSE RAILROAD COMPANY.

Application was made by the Camden Horse Railroad Company for approval of an ordinance of the City of Camden granting permission to said company to construct, maintain and operate an extension to its street railway system in said city from tracks now constructed and being operated in North Fifth Street in said city and consisting of a single track in North Fifth Street with connections between same and to its tracks in Market Street. The privilege was granted for a term of fifty years.

Approved November 19th, 1912, after hearing.

ORDINANCE—BOARD OF PUBLIC WORKS, PATERSON—PUBLIC SERVICE RAILWAY COMPANY.

Applications were made by the Public Service Railway Company for approval of two ordinances of the City of Paterson granting permission to said company to construct, operate and maintain extensions to and connections with its tracks in certain streets in said city.

Approved November 19th, 1912, after hearing.

ORDINANCE—BOROUGH OF PENNS GROVE—PENNS GROVE ELECTRIC LIGHT, HEAT AND POWER COMPANY.

Application was made by the Penns Grove Electric Light, Heat and Power Company for approval of an ordinance of the Borough of Penns Grove granting permission to said company to construct its lines, poles, etc., in, along and under the roads, streets, alleys, etc., in said Borough. The privilege was granted for a term of fifty years.

Approved November 19th, 1912, after hearing.

ORDINANCE—CITY OF LONG BRANCH—JERSEY CENTRAL TRACTION COMPANY.

Application was made by the Jersey Central Traction Company for approval of an ordinance of the City of Long Branch, granting permission to said company to construct, operate and maintain an electric street railway in said city. The permission was granted for a term of fifty years.

Approved November 26th, 1912, after hearing.

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ORDINANCE—BOARD OF CHOSEN FREEHOLDERS, MONMOUTH COUNTY—JERSEY CENTRAL TRACTION COMPANY.

Application was made by the Jersey Central Traction Company for approval of an ordinance of the Board of Chosen Freeholders of Monmouth County, granting permission to said company to construct, operate and maintain an electric street railway in the Borough of Red Bank, the permission being granted for a term of fifty years.

Approved November 26th, 1912, after hearing.

ORDINANCE—BOROUGH OF RED BANK—JERSEY CENTRAL TRACTION COMPANY.

Application was made by the Jersey Central Traction Company for the approval of an ordinance of the Borough of Red Bank granting permission to said company to construct, operate and maintain an electric street railway in the Borough of Red Bank. The privilege was granted for a term of fifty years.

Approved November 26th, 1912, after hearing.

ORDINANCE—TOWNSHIP OF ELSINBORO (SALEM COUNTY)—DELAWARE AND ATLANTIC TELEGRAPH AND TELEPHONE COMPANY.

Application was made by the Delaware and Atlantic Telegraph and Telephone Company for approval of an ordinance of the Township of Elsinboro, Salem County, authorizing said company to erect, construct, lay and maintain all necessary poles, wires, cables, etc., for its lines in said township, the privilege being granted for a term of fifty years.

Approved December 10th, 1912, after hearing.

New Crossings at Grade.

In the Matter of the Application of Public Service Railway Company to Construct and Lay a Track, at Grade, Across the Tracks of Erie Railroad Company, at Market Street and Park Avenue, in the City of Paterson. } **CERTIFICATE.**

The Board of Public Utility Commissioners having heretofore, and on September sixth, nineteen hundred and ten, approved an ordinance of the Board of Public Works of the City of Paterson, passed August 2nd, 1910, and approved August 3rd, 1910, entitled "An Ordinance granting permission to Public Service Railway Company to construct, operate

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and maintain additional street railway tracks and connections along the route of its street railway in the City of Paterson, County of Passaic, and State of New Jersey," which ordinance, so approved, among other things granted permission to said Public Service Railway Company to construct and lay a track, at grade, across the tracks of the Erie Railroad Company at Market Street and Park Avenue, in said City of Paterson, and application now being made to said Board, by said Public Service Railway Company, for the permission required by Section 21 of Chapter 195, P. L. 1911, to construct and lay said track, permission to construct and lay which was given by said ordinance at grade across the tracks of the Erie Railroad Company at Market Street and Park Avenue, in said City of Paterson, in accordance with said ordinance, the said Board of Public Utility Commissioners, now, after notice to the Erie Railroad Company, and after due hearing, determines that no reason appears why the permission so sought should not be granted and further determines that the construction of said track will constitute an added factor of safety and the permission sought as aforesaid, is, therefore HEREBY GRANTED, subject to the terms of said Ordinance.

Dated January 2nd, 1912.

In the Matter of the Application of Charles H. Clouting Company for Permission to Construct a Siding at Grade Over the Tracks of the West Jersey and Seashore Railroad Company Across a Part of Second Avenue and Twenty-ninth Street, at Peermont, in Avalon Borough, Cape May County, New Jersey. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners by Charles H. Clouting Company, by petition in writing, for permission to construct an industrial siding at grade over the tracks of the West Jersey and Seashore Railroad Company, across a part of Second Avenue and Twenty-ninth Street, at Peermont, in the Borough of Avalon, Cape May County, New Jersey, said application being accompanied by a copy of a resolution of the Mayor and Council of the Borough of Avalon, granting consent for the construction of said crossing, and copy of an agreement entered into between the West Jersey and Seashore Railroad Company and Charles H. Clouting Company for the construction of the crossing;

The Board of Public Utility Commissioners HEREBY GRANTS its consent to the construction of said siding, upon condition that the said West Jersey and Seashore Railroad Company shall not permit any car or cars, or locomotive or other rolling stock to remain standing on said Second Avenue or Twenty-ninth Street, and shall not permit any locomotive or car to block the crossings 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 Avenue or 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 Avenue or Street.

Dated January 23rd, 1912.

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In the Matter of the Application of the Victor Talking Machine Company for Permission to Lay and Maintain a Railroad Track Across Delaware Avenue, in the City of Camden, New Jersey, from the West Side House Line Thereof to the East Side House Line Thereof. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners, by the Victor Talking Machine Company, by petition in writing, for permission to lay and maintain a railroad track across Delaware Avenue, in the City of Camden, New Jersey, from the west side house line thereof to the east side house line thereof, said application being accompanied by a certified copy of an ordinance of the Council of the City of Camden, passed December 28th, 1911, granting permission for the construction of said crossing;

The Board now, after investigation and hearing, no reason to the contrary appearing, HEREBY GRANTS its consent for the construction of said railroad track across Delaware Avenue, in the City of Camden subject to the conditions contained in said Ordinance, and subject to the further conditions that said track be laid so as to conform to the track now laid on the east side of Delaware Avenue, and that all movements over same be protected by a flagman.

Dated January 23rd, 1912.

In the Matter of the Application of the Board of Street and Water Commissioners of Jersey City for Permission to Construct Carbon Place at Grade Across the Tracks of the West Side Connecting Railroad, in the City of Jersey City. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by the Board of Street and Water Commissioners of the City of Jersey City, by petition in writing for permission to construct Carbon Place at grade, across the tracks of the West Side Connecting Railroad, in the City of Jersey City, as set forth in said petition, which petition by reference thereto, is hereby made part hereof.

The said Board, after investigation and hearing HEREBY GRANTS permission to said Board of Street and Water Commissioners to construct said Carbon Place across the tracks of said West Side Connecting Railroad at grade as set forth in said petition.

Dated February 27th, 1912.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Permission to Construct an Additional Track, at Grade, Across Montpelier Avenue in the City of Atlantic City. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company, by petition in writing, for permission to construct an additional track, at grade, across Montpelier Avenue in the City of Atlantic City, within and along

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the right of way of its Chelsea Branch, said application being accompanied by a certified copy of an Ordinance of the City Council of the City of Atlantic City, passed October 9th, 1911, and approved by the Mayor of said City on same date, granting consent for the construction of said additional track;

The Board of Public Utility Commissioners HEREBY GRANTS its consent to the construction of said additional track, at grade, across Montpelier Avenue in the City of Atlantic City, within and along the right of way of its Chelsea Branch, subject to the conditions contained in said ordinance, and subject also to the further conditions that the said West Jersey and Seashore Railroad Company shall not permit any car or cars or locomotive or other rolling stock to remain standing on said Montpelier Avenue, 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 Avenue 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 Avenue.

Dated February 27th, 1912.

In the Matter of the Application of the West Jersey and Seashore Railroad Company for Permission to Construct Two Additional Tracks, at Grade, Across Montpelier Avenue in the City of Atlantic City. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners by the West Jersey and Seashore Railroad Company by petition in writing, for permission to construct two additional tracks, with the necessary switches and connections, at grade, across Montpelier Avenue in the City of Atlantic City, in and through its right of way, known as the Chelsea Branch, said application being accompanied by a certified copy of an ordinance of the City Council of the City of Atlantic City, passed June 26th, 1911, and approved by the Mayor of said City, June 27th, 1911, granting consent for the construction of said additional tracks;

The Board of Public Utility Commissioners HEREBY GRANTS its consent to the construction of said two additional tracks, with the necessary switches and connections, at grade, across Montpeiler Avenue, in the City of Atlantic City, in and through the right of way of said Company, known as the Chelsea Branch, subject to the conditions contained in said ordinance, and subject also to the further conditions that the said West Jersey and Seashore Railroad Company shall not permit any car or cars or locomotive or other rolling stock to remain standing on said Montpelier Avenue, 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 Avenue 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 Avenue.

Dated April 16th, 1912.

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In the Matter of the Application of the Maxwell Improvement and Educational Association for Approval by the Board of the Construction of a New Crossing at Grade on the Medford Branch of the West Jersey and Seashore Railroad Company at Haddonfield. } **DISMISSAL OF PETITION.**

Application having been made by the Maxwell Improvement and Educational Association, by petition in writing, to the Board of Public Utility Commissioners for its approval of the construction of a new crossing at grade on the Medford Branch of the West Jersey and Seashore Railroad Company at Haddonfield,

The Board, after hearing, examination of the site of the proposed crossing by its Inspector, and consideration of his report thereon, is of the opinion that the crossing desired by the petitioner is not necessary for the public convenience, and the application for the approval of the same is hereby DISMISSED.

Dated March 12th, 1912.

In the Matter of the Application of the Phillipsburg Horse Car Railroad Company for Permission to Construct a Second Crossing Over the Tracks of the Pennsylvania Railroad Company at Union Square in Phillipsburg. } **CERTIFICATE.**

Application being made by the Phillipsburg Horse Car Railroad Company for permission to construct a second crossing over the tracks of the Pennsylvania Railroad Company, at Union Square, in Phillipsburg, and notice of such application having been given to the municipal authorities of the Town of Phillipsburg, and the officials of the Pennsylvania Railroad Company,

The Board of Public Utility Commissioners after investigation and due hearing HEREBY GRANTS permission to the Phillipsburg Horse Car Railroad Company to construct a second crossing over the tracks of the Pennsylvania Railroad Company at Union Square in Phillipsburg, upon condition that derails be placed in all tracks connected with signals on the Pennsylvania Railroad, operated by man in tower, under the supervision of the Pennsylvania Railroad Company.

Dated April 2nd, 1912.

In the Matter of the Application of the Lehigh Valley Railroad Company for Permission to Construct Four Additional Tracks at Grade, Across Cottage Street, in the Town of Irvington. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners by the Lehigh Valley Railroad Company, by petition in writing for permission to construct four additional tracks at grade, across Cottage Street, in the town of Irvington, said application being accompanied by a copy of a resolution of the Town Council of Irvington, granting consent for the construction of the said additional tracks; the Board of Public Utility Commissioners,

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HEREBY GRANTS its consent to the construction of the said additional four tracks at grade, across Cottage Street, in the town of Irvington, subject to the following named conditions:

That the said Lehigh Valley Railroad Company keep a watchman at the crossing at Cottage Street on duty from 7 o'clock in the morning until 6 o'clock in the evening each day trains are operated over said crossing; that if any locomotive, car or cars or other rolling stock is operated across Cottage Street during the hours when the watchman is not on duty, said Company shall not permit said locomotive, car or cars or other rolling stock 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.

This approval is subject further to compliance with any further conditions which have been imposed by the Town Council of the Town of Irvington, as a precedent to the said Town Council granting its permission for the construction of said additional tracks at grade.

Dated April 15th, 1912.

In the Matter of the Application of Diamond and Company, Inc., for Permission to Construct a Siding at Grade, from the Tracks of the West Jersey and Seashore Railroad Company, Across a Portion of Washington Avenue, in the City of Wildwood (formerly Borough of Holly Beach), Cape May County, New Jersey. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners, by Diamond and Company, Inc., by petition in writing, for permission to construct an industrial siding, at grade, from the tracks of the West Jersey and Seashore Railroad Company, across a portion of Washington Avenue, in the City of Wildwood, (formerly Borough of Holly Beach), Cape May County, New Jersey, said application being accompanied by a copy of a portion of the minutes of the meeting of the Holly Beach Borough Council, held November 9, 1911, granting consent for the construction of said siding, and copy of an agreement entered into between the West Jersey and Seashore Railroad and Diamond and Company, Inc., for the construction of the crossing;

The Board of Public Utility Commissioners HEREBY GRANTS its consent for the construction of said siding upon condition that the said West Jersey and Seashore Railroad Company shall not permit any car or cars, locomotive or other rolling stock to remain standing on said Washington Avenue, 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 avenue 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 avenue.

Dated April 29th, 1912.

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In the Matter of the Application of Leslie, Elliott and Company to Construct a Commercial Siding at Grade, Across East Railway Avenue and the Tracks of the Public Service Railway Company, in the City of Paterson. } **CERTIFICATE.**

Leslie, Elliott and Company applied to the Board of Public Utility Commissioners for permission to lay and maintain a commercial siding from their place of business, Iowa and East Railway Avenue, in the City of Paterson, across East Railway Avenue, and across the tracks of the Public Service Railway Company on said avenue to the main line of the Erie Railway Company. There was filed with the Board a copy of a communication from the City Clerk of the City of Paterson, showing the permission of the Board of Aldermen of said City to construct a track across East Railway Avenue; there was also submitted a copy of an agreement between Leslie, Elliott and Company and the Public Service Railway Company, authorizing the construction of the siding across the tracks of said Public Service Railway Company.

It appearing to the Board that there is no objection on the part of the authorities of the City of Paterson to the construction of the crossing across the highway; that agreement has been reached between Leslie, Elliott and Company and the Public Service Railway Company for the crossing of the tracks of the latter, and it further appearing that the siding is required for the business of Leslie, Elliott and Company, the Board of Public Utility Commissioners, no reason to the contrary appearing,

HEREBY GRANTS to Leslie, Elliott and Company permission to construct a track across East Railway Avenue, at grade, in the City of Paterson, and across the tracks of the Public Service Railway Company, located on said avenue, subject 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 East Railway 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; nor shall it permit any locomotive, car or train to cross East Railway Avenue 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 crossing said East Railway Avenue.

That a man carrying a red flag shall precede all locomotives, cars or trains operated over said crossing to give warning of their approach. In foggy weather red flags must be displayed on East Railway Avenue not less than five hundred feet from the crossing thereof, and on both sides of said crossing. That no locomotive, car or train shall be permitted to pass over the crossing, except during the hours of daylight, and that all locomotives, cars and trains shall be brought to full stops close to and before crossing the avenue.

Dated May 14th, 1912.

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In the Matter of the Application of the Township Committee of Stafford Township, to Construct a New Crossing at Grade, Across the Tracks of the Philadelphia and Beach Haven Railroad in the Township of Stafford, Ocean County.

The Committee of the Township of Stafford, Ocean County, applied to the Board for permission to construct a new crossing at grade at Bay Avenue, across the tracks of the Philadelphia and Beach Haven Railroad in said township. On this application, hearing was held, notices of which were sent to the Township Committee and to the Philadelphia and Beach Haven Railroad Company.

After such hearing and a consideration of the testimony adduced thereat, the Board of Public Utility Commissioners is of the opinion that the permission prayed for should be granted and does hereby grant to the Township Committee of the Township of Stafford, in the County of Ocean, permission to construct the highway in said township known as Bay Avenue across the tracks of the Philadelphia and Beach Haven Railroad so as to make a new crossing at grade.

Dated June 7th, 1912.

In the Matter of the Application of the Atlantic Seashore Improvement Company to Construct Crossings at Grade Over the Tracks of the West Jersey and Seashore and the Atlantic City Railroads at Strathmere, Cape May County.

CERTIFICATE.

The Atlantic Seashore Improvement Company applied to the Board for permission to construct new crossings at grade across the tracks of the West Jersey and Seashore Railroad and the tracks of the Atlantic City Railroad at Sumner Road, Vincent Road and Willard Road at Strathmere, Upper Township, Cape May County. The Township Committee joined in this application, on which hearing was held. Notices of this hearing were sent to the applicant, the West Jersey and Seashore and the Atlantic City Railroad Companies, and the Board caused an examination of the places of the proposed crossings to be made by its Inspector who submitted a report thereon.

After considering the testimony, adduced at the hearing, and the report of its Inspector, the Board is of the opinion that permission should be given to construct a new crossing at grade across the tracks of the West Jersey and Seashore Railroad at Willard Road, and a new crossing at grade across the tracks of the West Jersey and Seashore Railroad and the Atlantic City Railroad at Sumner Road in Strathmere, and such permission is hereby given. This permission is subject to the conditions that the crossing at Vincent Road be vacated and that permission heretofore given to cross the tracks of the Atlantic City Railroad at Bay View Avenue (referred to in finding of the Board dated July 14th, 1911, as Holliday Street) be revoked, and such permission is hereby revoked.

Dated June 14th, 1912.

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In the Matter of the Application of the Marine Freezing Company for an Order Requiring the West Jersey and Seashore Railroad Company to Re-Construct a Track Across New York Avenue, in the Borough of North Wildwood.

MEMORANDUM.

The Marine Freezing Company represented to the Board that it does a large fish freezing business and ice making business in the Borough of North Wildwood at Anglesea; that the present shipping facilities of the petitioner are not large enough to take care of its freight and express shipments, and that in order to take care properly of this business it is necessary to have constructed another siding connecting with the tracks of the West Jersey and Seashore Railroad. To construct this siding requires the change of a narrow gauge road to a standard gauge road, at grade across New York Avenue, in the Borough of Wildwood, to connect with the present siding of the petitioner on the railroad company's property.

The Board was asked to issue an order requiring the West Jersey and Seashore Railroad Company to re-construct the existing gauge of the narrow track gauge to a standard steam railroad gauge and to connect the said siding with the petitioner's present siding on the railroad company's property.

Hearing was held on this petition on May 28th, 1912, notices of said hearing being given to the petitioner, the Borough of North Wildwood, and the West Jersey and Seashore Railroad Company, all of whom were represented thereat. The Chief Inspector of the Railroad Division of the Board has at the direction of the Board examined the site of the crossing and proposed track connection and made a report thereon.

Following a consideration of the testimony adduced at the hearing and the report of its Inspector, the Board is of the opinion that permission should be given to change the narrow gauge crossing of New York Avenue to a standard gauge crossing and hereby gives its permission to make such change on the following conditions:

(1) That no locomotive, car or cars, or other rolling stock shall be permitted to block the crossing of said Avenue by standing on or running over same for more than five minutes at a time either on the standard gauge crossing now in place or on the proposed additional standard gauge crossing; that no locomotive, car or cars shall be permitted to run over the crossing on either of said sidings at a greater speed than six miles per hour and that a flagman shall give warning at the crossings of the approach of any and all locomotives and cars.

(2) That in the construction of the new siding no change shall be made in the loading platform, along which said siding will run, so as to decrease the capacity of said platform.

The petitioner refers to an agreement between the Marine Freezing Company and the West Jersey and Seashore Railroad Company whereby it is alleged the railroad company agreed on certain terms to re-construct the existing gauge of the narrow gauge track to a standard steam railroad gauge and to connect the siding with the petitioner's present siding. The Board is asked to issue an order compelling the West Jersey and Seashore Railroad Company to perform the work called for by the agreement. The railroad company has notified the Board that it has "no objection to the construction of this crossing providing the necessary municipal legislation and the consent of your Board is obtained."

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The law gives this Board power to require a railroad company "to construct, maintain and operate, upon reasonable terms, a switch connection with any private side track, which may be constructed by any shipper to connect with the railroad where in the judgment of the Board such connection is reasonable and practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same."

It is questionable if the work required of the railroad company by the petitioner and which it is alleged the railroad company has agreed to perform does not go beyond that which the Board can order done under the above provision of the law.

In view, however, of the apparent agreement of the railroad company to the construction of the crossing the Board does not deem it necessary to consider at this time how far an order issued by it in the premises may go or to issue any order to the company.

Dated June 14th, 1912.

In the Matter of the Application of American Dredging Company for Construction of a New Crossing at Grade, at Front Street, Camden. } **CERTIFICATE.**

The American Dredging Company applied to the Board for permission to construct a siding along Front Street in the City of Camden, to connect with the tracks of the West Jersey and Seashore Railroad.

Accompanying the petition was a map showing the location of the proposed siding and a copy of an ordinance of the City of Camden, passed January 31st, 1901. This ordinance authorized the United New Jersey Railroad and Canal Company and the Pennsylvania Railroad Company, lessee, to construct and operate a railroad upon and along Front Street and to construct and operate such sidings into manufactories and other business establishments "now or hereafter located on said Front Street as the same shall from time to time be required." Hearing was held on this petition and the Board caused an inspection and report on the site of the proposed siding to be made by the Chief Inspector of its Railroad Division.

It appears that the street at the site is not used for vehicles or by pedestrians. The Board of Public Utility Commissioners, no reason to the contrary appearing,

HEREBY GRANTS to the American Dredging Company permission to construct a connecting track between its property and the track of the West Jersey and Seashore Railroad Company, on and along Front Street in the City of Camden, as shown by the map accompanying the application, subject to any and all conditions and limitations imposed by the ordinance of the City of Camden, granting the permission to contract and operate sidings on Front Street.

Dated June 14th, 1912.

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In the Matter of the Application of the Central Railroad Company of New Jersey for Permission to Construct a Single Track Railroad at Grade, Across Woodbridge Avenue in the Township of Woodbridge, Middlesex County, New Jersey. } **CERTIFICATE.**

The Central Railroad Company of New Jersey filed an application dated June 10th, 1912, for permission to construct its single track railroad at grade across Woodbridge Avenue in the Township of Woodbridge, Middlesex County, New Jersey, to connect the tracks of its Perth Amboy Branch with the Port Reading Railroad for the purpose of facilitating the interchange of freight traffic between its railroad and that of the Port Reading Railroad, as shown on plan, No. 99A-5, attached to said petition, and forming part thereof.

The Board of Public Utility Commissioners, after hearing, HEREBY GRANTS to the Central Railroad Company of New Jersey permission to construct a single track railroad at grade across Woodbridge Avenue, in the Township of Woodbridge, Middlesex County, New Jersey, in accordance with the plan attached to and forming part of the petition herein, subject, however, to the condition that the crossing be protected, while all movements are being made over it, by a flagman preceding every car, engine or train moving across said crossing.

Dated July 9th, 1912.

In the Matter of the Application of the Central Railroad Company of New Jersey for Permission to Construct a Double Track Railroad at Grade Across the Rahway Road in the Township of Woodbridge, Middlesex County, New Jersey. } **CERTIFICATE.**

The Central Railroad Company of New Jersey filed an application dated June 10th, 1912, for permission to construct its double track railroad at grade across Rahway Road in the Township of Woodbridge, Middlesex County, New Jersey, to connect the tracks of its Perth Amboy Branch with the Port Reading Railroad for the purpose of facilitating the interchange of freight traffic between its railroad and that of the Port Reading Railroad, as shown on plan No. 99A-5, attached to said petition, and forming part thereof.

The Board of Public Utility Commissioners, after hearing, HEREBY GRANTS to the Central Railroad Company of New Jersey permission to construct a double track railroad at grade across Rahway Road in the Township of Woodbridge, Middlesex County, New Jersey, in accordance with the plan attached to and forming part of the petition herein, subject, however, to the condition that the crossing be protected, while all movements are being made over it, by a flagman preceding every car, engine or train moving across said crossing.

Dated July 9th, 1912.

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In the Matter of the Application of the Stone Harbor Terminal Railroad Company for Permission to Construct a New Crossing at Grade at the Public Highway Known as "Main Seashore Road" in the Village of Cape May Court House. } **CERTIFICATE.**

Application being made by the Stone Harbor Terminal Railroad Company to the Board of Public Utility Commissioners, by petition in writing, for permission to construct a crossing at grade over the Main Seashore Road, in the Village of Cape May Court House, said application being accompanied by a resolution of the Board of Chosen Freeholders of Cape May County, granting permission to said Company to construct said crossing, the Board, after hearing, no reason to the contrary appearing,

GRANTS permission to the Stone Harbor Terminal Railroad Company to construct a crossing at grade across the Main Seashore Road, in the Village of Cape May Court House, subject to all conditions and limitations imposed by the resolution of the Board of Chosen Freeholders of Cape May County, which accompanied the petition filed with this Board, and subject to the further condition that no car, engine or train shall be permitted to pass over said crossing at a greater speed than ten miles per hour.

Dated July 12th, 1912

In the Matter of the Application of the Stone Harbor Terminal Railroad Company for Permission to Use a Portion of Reading Avenue, in the Village of Cape May Court House. } **CERTIFICATE.**

Application being made by the Stone Harbor Terminal Railroad Company to the Board of Public Utility Commissioners, by petition in writing for permission to use a portion of Reading Avenue, in the Village of Cape May Court House, the Board, after hearing, no reason to the contrary appearing, hereby

GRANTS permission to the Stone Harbor Terminal Railroad Company to lay its tracks and roadbed along Reading Avenue in said Village of Cape May Court House, upon the northwesterly side of said avenue, and adjacent to the right of way of the Atlantic City Railroad Company.

Dated July 12th, 1912.

In the Matter of the Application of the Stone Harbor Railroad Company for Permission to Use a Portion of Ninety-Sixth Street, in Stone Harbor, New Jersey. } **CERTIFICATE.**

Application being made by the Stone Harbor Railroad Company to the Board of Public Utility Commissioners, by petition in writing, for permission to use a portion of Ninety-sixth Street, in Stone Harbor, and hearing having been held thereon, the Board, after such hearing, no reason to the contrary appearing,

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HEREBY GRANTS permission to the Stone Harbor Railroad Company to lay its single track at grade on Ninety-sixth Street between the Great Channel and Second Street, a distance of about eighteen hundred feet, in Stone Harbor, upon condition that no engine, car or train shall pass along said Ninety-sixth Street, in Stone Harbor, between the Great Channel, and Second Street, at a greater speed than fifteen miles per hour.

Dated July 12th, 1912.

In the Matter of the Application of Ellwood W. Watson, for Permission to Construct Two Crossings at Grade Over the Tracks of the Trenton Terminal Railroad Company in the Township of Hamilton, Mercer County, New Jersey. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners, by Ellwood W. Watson, for permission to construct two new crossings at grade, over the tracks of the Trenton Terminal Railroad Company, in the Township of Hamilton, County of Mercer and State of New Jersey, as shown upon a map accompanying said petition, which map is by reference thereto herein made part hereof;

The Board of Public Utility Commissioners, after hearing and investigation made upon the ground, no reason to the contrary appearing,

HEREBY GRANTS permission to said Ellwood W. Watson, to construct the two said crossings at grade over the tracks of said Trenton Terminal Railroad Company, as shown in said petition hereinbefore referred to, upon condition that standard crossings signs be erected at said crossings, and that in the matter of planking said crossings the construction be standard.

Dated August 6th, 1912.

In the Matter of the Application of the Elizabeth and Trenton Railroad Company for Permission to Cross Certain Roads at Grade with its Tracks in the Township of Linden, Union County, and in the Townships of Raritan and Woodbridge, Middlesex County. } **CERTIFICATE.**

Application being made to the Board of Public Utility Commissioners by the Elizabeth and Trenton Railroad Company, by petition in writing, for permission to cross the following roads at grade with its tracks, at the point of intersection of its filed right of way with said roads: Wood Avenue and Tremley Road, in the Township of Linden, Union County; Rahway Avenue, Sewaren Road, Blair Road, Woodbridge Road, Georges Road, Iselin Road, Poor Farm Road, three crossings of the Woodbridge and Metuchen Road, all in the Township of Woodbridge, Middlesex County; and Lafayette Avenue, Amboy Avenue, Pierson Avenue, Bonhamtown and Metuchen Road, Post Road, Bonhamtown Road and Piscataway Road, all in the Township of Raritan, Middlesex County, all of said crossings to consist of a single track, with the exception

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of Amboy Avenue, in the Township of Raritan, which is to be crossed by a double track, said crossings to be approximately at the angles to the center lines of the roads as shown on schedules numbered from one to nineteen, both inclusive, filed with said petition, and which by reference thereto herein is made part hereof.

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing, HEREBY GRANTS permission to said Elizabeth and Trenton Railroad Company to cross said roads at grade upon condition that standard grade crossing signs be erected at each crossing and that the crossings be constructed in a safe and workmanlike manner.

Dated August 13th, 1912.

In the Matter of the Application of the West Jersey and Seashore Railroad Company, for Permission to Construct and Lay, at Grade, a Spur or Siding Crossing Delaware Avenue and Penn Street, to and Over Certain Lands of the Joseph Campbell Company, in the City of Camden, New Jersey. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners, by the West Jersey and Seashore Railroad Company, by petition in writing, for permission to construct and lay, at grade, a spur or siding crossing Delaware Avenue and Penn Street, to and over certain lands of the Joseph Campbell Company, in the City of Camden, New Jersey, as shown upon the blueprint annexed to said petition, and which blueprint by reference thereto is hereby made part hereof, said application being accompanied by copy of an ordinance of the City of Camden, passed February 27th, 1896, authorizing the Camden and Atlantic Railroad Company (West Jersey and Seashore Railroad Company) to lay a railroad track or tracks and operate freight cars on Delaware Avenue;

The Board of Public Utility Commissioners, after hearing and investigation, HEREBY GRANTS consent to the construction of said spur or siding, as prayed for in said petition.

Dated August 13th, 1912.

In the Matter of the Application of the E. I. DuPont DeNemours Powder Company for Permission to Construct a Standard Gauge Siding and a Tramway or Industrial Track at Grade, Across the Road Leading from Mount Arlington to Kenvil and Also for Permission to Construct a Standard Gauge Siding, at Grade, Across the Road Leading From Kenvil to Berkshire Valley, in the Township of Roxbury, County of Morris, and State of New Jersey. } **CERTIFICATE.**

The E. I. DuPont deNemours Powder Company applied to the Board of Public Utility Commissioners for permission to construct a tramway or industrial track and a standard gauge siding at grade over and across the road leading from Mount Arlington to Kenvil and also for permission

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to construct a standard gauge siding at grade over and across the road leading from Kenvil to Berkshire Valley, all in the Township of Roxbury, County of Morris and State of New Jersey.

Accompanying the petition was a map showing the location of said proposed crossings, copy of an Ordinance of the Township Committee of Roxbury, passed June 5th, 1912, granting permission to said company to lay and maintain a siding and tramway at grade over the Mount Arlington Road and a siding at grade over the Berkshire Valley Road, also copy of a Resolution of the Board of Chosen Freeholders of Morris County granting permission to said company to lay and maintain a standard gauge siding and a tramway crossing at grade over and across the road leading from Kenvil to Mount Arlington.

Hearing was held upon this petition and the Board caused an inspection and report on the sites of the proposed crossings to be made by the Chief Inspector of its Railroad Division. The Board of Public Utility Commissioners, no reason to the contrary appearing,

HEREBY GRANTS to the E. I. DuPont deNemours Powder Company permission to construct a tramway or industrial track and a standard gauge siding at grade over and across the road leading from Mount Arlington to Kenvil, in the Township of Roxbury, County of Morris and State of New Jersey, upon condition that a standard crossing sign, as approved by the Board, April 15th, 1912, be erected on both sides of said tramway and siding crossings; that the crossings be planked the full width of the road now used; that the trees be cut back not less than fifty feet from highway and not less than twenty-five feet from each side of track; that no engine, car or train be operated over the siding crossing at a greater speed than ten miles per hour, and that all such movements be protected by a flagman.

The Board also grants permission to the E. I. DuPont deNemours Powder Company to construct a standard gauge siding at grade over and across the road leading from Kenvil to Berkshire Valley in the Township of Roxbury, County of Morris and State of New Jersey, upon condition that a standard "two-crossing" sign, as approved by the Board, April 15th, 1912, be erected at the crossing and that at all times the trees be cut back the same distance from the highway as at the present time.

Dated August 13th, 1912.

In the Matter of the Application of the Wildwood and Delaware Bay Short Line Railroad Company for Permission to Lay Tracks at Grade on Oak Avenue, and Across Susquehanna (Sherman) Avenue, Hudson Avenue and Park Avenue, All in the Borough of Wildwood. } **CERTIFICATE.**

Application being made by the Wildwood and Delaware Bay Short Line Railroad Company, to the Board of Public Utility Commissioners, by petition in writing, for permission to lay its tracks at grade, in the Borough of Wildwood, County of Cape May, and State of New Jersey on Oak Avenue, from the westerly side of Philadelphia Avenue westward, to the City line at Sunset Lake and across Susquehanna Avenue, (Sherman), Hudson Avenue and Park Avenue, said application being accompanied by an ordinance of the Borough of Wildwood, passed May 16th, 1910, granting permission to said company, among other things, to construct said crossings,

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The Board, after hearing, no reason to the contrary appearing, grants permission to the Wildwood and Delaware Bay Short Line Railroad Company to construct its track at grade on Oak Avenue as aforesaid, and to construct its track at grade across Susquehanna Avenue (Sherman), Hudson Avenue and Park Avenue, subject to all conditions and limitations imposed by the ordinance of the Borough of Wildwood, Cape May County, which accompanied the petition filed with the Board, and subject to the further following conditions:

1. That standard crossing signs be placed at Susquehanna Avenue (Sherman), Hudson Avenue and Park Avenue.
2. That the track on Oak Avenue occupy not more than 14′ in width.
3. That all engines, cars or trains reduce speed to 15 miles per hour when running between Susquehanna and Park Avenues, and to 10 miles per hour over Park Avenue and from there to the terminus.

Dated September 10th, 1912.

In the Matter of the Application of the Wildwood and Delaware Bay Short Line Railroad Company for Permission to Construct a New Crossing at Grade Over the Main Seashore Road Near Rio Grande, in the County of Cape May, New Jersey. } **CERTIFICATE**

Application being made by the Wildwood and Delaware Bay Short Line Railroad Company, to the Board of Public Utility Commissioners, by petition in writing, for permission to construct its track at grade across the main Seashore Road, leading from Cape May Court House to Cape May City, near Rio Grande, in the County of Cape May, New Jersey, said application being accompanied by copy of an ordinance of the Board of Chosen Freeholders of the County of Cape May, approved August 5th, 1910, granting permission to said company, among other things, to construct crossings,

The Board, after hearing, no reason to the contrary appearing, grants permission to the Wildwood and Delaware Bay Short Line Railroad Company to construct its tracks at grade across the main Seashore Road, leading from Cape May Court House to Cape May City, near Rio Grande, in the County of Cape May, New Jersey, subject to all conditions and limitations imposed by said ordinance of the Board of Chosen Freeholders of Cape May County, which accompanied the petition filed with this Board, and subject also to the following further conditions:

1. That a standard crossing sign be erected on each side of the track.
2. That an electric warning bell be installed at the crossing.
3. That all cars, engines or trains reduce speed to ten miles per hour while passing over the crossing.
4. That trees at the crossing be cut back so that trains can be seen from the highway, when 75′ from the track.

Dated September 10th, 1912.

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In the Matter of the application of Reuben T. Johnson and Reuben Mount, Trading as Johnson and Mount, for Permission to Construct a Railroad Siding Over the Tracks of the West Jersey and Seashore Railroad, at Grade, Across Holly Beach Avenue and Bennett Avenue, in the City of Wildwood, Cape May County, New Jersey. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners, by Reuben T. Johnson and Reuben Mount, trading as Johnson and Mount, by petition in writing, for permission to construct and lay at grade a spur or siding from the tracks of the West Jersey and Seashore Railroad across Holly Beach Avenue and Bennett Avenue, in the City of Wildwood, Cape May County, New Jersey, as shown upon blueprint submitted with said petition, which blueprint by reference thereto is hereby made part hereof, and said petition, being accompanied by a copy of ordinance No. 16, of the City of Wildwood, approved July 18th, 1912, authorizing the construction of the siding referred to above.

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY GRANTS to said Johnson and Mount, permission to construct said siding, at grade, as prayed for in said petition, upon the following conditions:

1. That the crossing, for its full width, be planked not less than one hundred feet in length, one plank to be placed on the outside of each rail;
2. That the rate of speed of trains over the crossing does not exceed six miles per hour;
3. That no engine, car or train pass over the crossing, unless protected by a flagman.

Dated September 24th, 1912.

In the Matter of the Application of Harry W. Ellis for the Establishment of a permanent Grade Crossing at Anglesea Avenue, Ocean Gate, Ocean County, New Jersey, Over the Tracks of the Philadelphia and Long Branch Railroad Company. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners, by Harry W. Ellis, by petition in writing, for the approval of the establishment of a permanent grade crossing at Anglesea Avenue, Ocean Gate, Ocean County, New Jersey, over the tracks of the Philadelphia and Long Branch Railroad, said application being accompanied by a certified copy of a Resolution of the Township Committee of Berkeley Township adopted September 6th, 1912, granting consent of the Township Committee to the establishment of a grade crossing at Anglesea Avenue, across the tracks of the Philadelphia and Long Branch Railroad Company,

The Board of Public Utility Commissioners, after investigation and hearing no reason to the contrary appearing,

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HEREBY APPROVES of the establishment of a permanent grade crossing at Anglesea Avenue, Ocean Gate, in the County of Ocean, New Jersey, across the tracks of the Philadelphia and Long Branch Railroad, upon condition that the first grade crossing west of Ocean Gate Station, known as "Hay Road," be abolished and vacated; that the trees at Anglesea Avenue be cut back for a distance of fifty feet from the track, and twenty-five feet each side of the avenue, and that no obstruction of any kind be placed within fifty feet of said crossing.

Dated September 24th, 1912.

In the Matter of the Application of Christian Hiering for the Establishment of a Permanent Grade Crossing at Sheridan Avenue, North Seaside Park, Ocean County, New Jersey, Over the Tracks of the Philadelphia and Long Branch Railroad Company. } **CERTIFICATE**

Application being made to the Board of Public Utility Commissioners, by Christian Hiering, by petition in writing, for the Board's approval of the establishment of a permanent grade crossing at Sheridan Avenue, North Seaside Park, Ocean County, New Jersey, over the tracks of the Philadelphia and Long Branch Railroad Company, said application being accompanied by certified copy of a resolution of the Township of Berkeley, Ocean County, granting consent of the Township Committee to the establishment of the grade crossing, as prayed for in said petition, and the abolition of the present grade crossing, over the tracks of the said railroad, at a point about three hundred and fifty-six feet south of said Sheridan Avenue, and between Sherman Avenue and Grant Avenue,

The Board of Public Utility Commissioners, after investigation and hearing, no reason to the contrary appearing,

HEREBY APPROVES of the establishment of a permanent grade crossing at Sheridan Avenue, North Seaside Park, Ocean County, New Jersey, crossing the tracks of the Philadelphia and Long Branch Railroad Company, upon condition that on the establishment of said grade crossing at Sheridan Avenue, the present crossing between Sherman Avenue and Grant Avenue, over the tracks of the said Philadelphia and Long Branch Railroad be abolished and vacated.

Dated September 24, 1912.

In the Matter of the Joint Application of the West Jersey and Seashore Railroad Company and the Victor Talking Machine Company for Permission to Construct and Lay at Grade, a Spur or Siding, Across Delaware Avenue and Cooper Street in the City of Camden, New Jersey. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners, by the West Jersey and Seashore Railroad Company and the Victor Talking Machine Company, by joint petition in writing, for permission to construct and lay, at grade, a spur or siding crossing Delaware Avenue and Cooper Street, to and over certain lands of the said

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Victor Talking Machine Company, in the City of Camden, County of Camden, New Jersey, as shown upon a blueprint annexed to said petition, which said blueprint and petition by reference thereto herein are made part hereof, said application being also accompanied by a certified copy of an ordinance of the City of Camden, passed September 26th, 1912, authorizing the construction of said spur or siding.

The Board of Public Utility Commissioners, no reason to the contrary appearing, HEREBY GRANTS consent to the construction of said spur or siding at grade, as prayed for in said petition, subject to the conditions contained in said Ordinance of the City of Camden, and subject further to the following conditions:

1. That the entire track through Cooper Street be planked or paved in order to allow vehicles to pass over the same.
2. That movements over the siding do not exceed a speed of six miles per hour.
3. That all movements over the siding be protected by a flagman.
4. That no cars be allowed to stand on Cooper Street at any time to exceed four minutes.

Dated October 8th, 1912.

In the Matter of the Joint Application of the United New Jersey Railroad and Canal Company, Pennsylvania Railroad Company, Lessee, and the Ault and Wiborg Company, for Permission to Construct a Siding at Grade in the Bed of Washington Street, Crossing Morgan Street, in the City of Jersey City to the Works of the Latter Company. } **CERTIFICATE.**

Application having been made to the Board of Public Utility Commissioners, by joint petition in writing of the United New Jersey Railroad and Canal Company, Pennsylvania Railroad Company, Lessee, and the Ault and Wiborg Company for permission to construct and lay, at grade, a spur or siding in the bed of Washington Street, crossing Morgan Street, Jersey City, to the works of said Ault and Wiborg Company, as shown upon the blueprint annexed to said petition, which blueprint, by reference thereto, is hereby made part hereof, said application being accompanied by a certified copy of an ordinance of the Board of Street and Water Commissioners of the City of Jersey City, passed July 8th, 1912, authorizing the construction of said spur or siding, at grade.

The Board of Public Utility Commissioners, after hearing and investigation, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said spur or siding as provided for in said petition, subject to the conditions contained in said ordinance, and subject further to the following conditions:

1. That the space between the tracks be paved in the same manner as the rest of the street.
2. That Trilby rails be used.
3. That no car or cars be allowed to stand on the new extension north of Morgan street.
4. That no movement from the siding exceed a speed of six miles per hour.
5. That all movements over the siding be protected by a flagman.

Dated November 12th, 1912.

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In the Matter of the Application of the Pennsylvania Railroad Company for Permission to Construct a Freight Track or Siding at Grade Across Meadow Avenue, in the City of Rahway. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners, by petition in writing by the Pennsylvania Railroad Company for permission to lay a freight track or siding at grade, across Meadow Avenue, (west of New Brunswick Avenue and east of present siding of the New Jersey Steel Company), in the City of Rahway, New Jersey, as shown upon a blueprint annexed to said petition, which said blueprint and petition, by reference thereto herein, are made part hereof, said application being also accompanied by a certified copy of an ordinance of the City of Rahway, passed December 10th, 1912, authorizing the construction of said freight track or siding,

The Board of Public Utility Commissioners, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said freight track or siding, at grade, as prayed for in said petition.

Dated December 17th, 1912.

In the Matter of the Application of the Ferracute Machine Company for Permission to Construct a Spur or Siding at Grade, from Tracks of the West Jersey and Seashore Railroad Company, Across Elm Street, Bridgeton, to the plant of said Ferracute Machine Company. } **CERTIFICATE**

Application having been made by the Ferracute Machine Company, by petition in writing, for permission to construct a spur or siding from tracks of the West Jersey and Seashore Railroad Company, crossing at grade Elm Street, in the City of Bridgeton, to lands of said Ferracute Machine Company, as shown upon a blueprint annexed to said petition, which said blueprint and petition, by reference thereto herein, are made part hereof, said application also being accompanied by a certified copy of a resolution of the City Council of Bridgeton, passed December 3rd, 1912, granting permission for the construction of said siding,

The Board of Public Utility Commissioners, after hearing, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said spur or siding at grade, as prayed for in said petition, subject to the following conditions:

1. That the crossing be planked for sixteen feet in length.
2. That a standard crossing sign be erected.
3. That all movements over the siding be protected by a flagman.
4. That movements over the siding do not exceed six miles per hour.

Dated December 17th, 1912.

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In the Matter of the Application of the Beach Haven Construction Company, for Permission to Construct a Siding, at Grade, from the Tracks of the Pennsylvania Railroad Company Across First Street, South Street and Amber Street in the Borough of Beach Haven, to the Plant of Said Company. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners, by petition in writing, by the Beach Haven Construction Company, for permission to construct and lay, at grade, a spur or siding from the tracks of the Pennsylvania Railroad Company, across First Street, South Street and Amber Street, in the Borough of Beach Haven to the plant of said Beach Haven Construction Company, as shown upon the blueprint annexed to said petition, which said blueprint and petition by reference thereto herein are made part hereof, said application being also accompanied by a communication from the Borough Clerk of the Borough of Beach Haven, advising that at a meeting of the Borough Council, held Monday, December second, nineteen hundred and twelve, permission for the construction of said new crossings at grade was granted to said Beach Haven Construction Company,

The Board of Public Utility Commissioners, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said spur or siding at grade as prayed for in said petition, subject to the following conditions:

That when First Street, South Street and Amber Street are opened for traffic, standard crossing signs be erected, crossings planked, and all movements over the siding be protected by a flagman, speed of such movements not to exceed six miles per hour.

Dated December 17th, 1912.

In the Matter of the Application of the Board of Chosen Freeholders of Cumberland County, the City of Millville and the State Road Department for Permission to Extend the Road Leading from Landis Avenue in the Township of Landis to a Point in North High Street in the City of Millville at Grade, Across a Spur or Siding of the West Jersey and Seashore Railroad Company's Tracks in the City of Millville. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners by joint petition in writing by the Board of Chosen Freeholders of the County of Cumberland, the City of Millville and the Road Department of the State of New Jersey, for permission to extend, at grade, across a spur or siding track of the West Jersey and Seashore Railroad Company in the City of Millville, State of New Jersey, the recently improved county road leading from Landis Avenue, in the Township of Landis, to a point in North High Street, in the City of Millville.

The Board of Public Utility Commissioners, after hearing, at which all the parties in interest were represented, no reason to the contrary appearing,

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HEREBY GRANTS consent for the extension of said county road at grade, across the spur or siding track of the West Jersey and Seashore Railroad Company, as prayed for in said petition, subject to the following conditions:

1. That standard crossing signs be erected.
2. That all movements over the crossing be protected by a flagman.
3. That movements over the crossing do not exceed a speed of six miles per hour.

Dated December 17th, 1912.

In the Matter of the Joint Application of the West Jersey and Seashore Railroad Company and Stinson and Dickensheets, Inc., for Permission to Construct and Lay, at Grade, a Spur or Siding Crossing Cumberland Street, to and Over Certain Lands of Said Stinson and Dickensheets, Inc., in the City of Gloucester, Camden County, New Jersey. } **CERTIFICATE**

Application having been made to the Board of Public Utility Commissioners, by joint petition in writing, by the West Jersey and Seashore Railroad Company and Stinson and Dickensheets, Inc., for permission to construct and lay at grade, a spur or siding crossing Cumberland Street to and over certain lands of Stinson and Dickensheets, Inc., in the City of Gloucester, Camden County, New Jersey, as shown upon a blueprint annexed to said petition, which said blueprint and petition, by reference thereto herein, are made part hereof, said application being also accompanied by a certified copy of an ordinance of the City of Gloucester, passed by the Mayor and Council of said City, October 3rd, 1912, authorizing the construction of said spur or siding,

The Board of Public Utility Commissioners, no reason to the contrary appearing,

HEREBY GRANTS consent to the construction of said spur or siding at grade, as prayed for in said petition, subject to the conditions contained in said ordinance of the City of Gloucester, and subject further to the following conditions:

1. That the crossing be planked the entire width of the street.
2. That all movements over the siding be protected by a flagman.
3. That movements over the siding do not exceed a speed of six miles per hour.

Dated December 17th, 1912.

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Inspection of Railroads.

The following are from reports of inspectors on inspections of railroads:

ATLANTIC CITY RAILROAD.

Main Line.

This road extends from Kaighns Point to Atlantic City, a distance of fifty-five and five-tenth miles. It is double track ballasted with stone, with the exception of that part beween Pleasantville and Atlantic City, which is ballasted with cinders.

It is laid with ninety pound rail, twelve hundred tons of new laid since last inspection. The track has been well maintained and is in first-class condition.

Bridges.

Bridges across meadows north of Atlantic City are now being repaired by carpenters. Wing walls on No. 9 are old and in poor condition. No. 13 has recently been on fire at southeast corner. Girders should be carefully gone over for loose rivets, scraped and painted. The other bridges are in good condition.

Recommendations.

Repair wing walls on No. 9. Examine No. 13 for loose rivets and scrape and paint girders.

Gloucester Branch.

This branch extends from Gloucester Junction to Greenloch, a distance of eleven miles. It is a single track, ballasted with gravel and cinders. The track is laid with ninety, eighty and seventy-six pound rail. Eleven thousand feet of eighty, and two thousand feet of ninety pound rail, replacing the seventy-six pound, has been laid since last inspection. The track has been well maintained, and is in good condition.

Bridges.

Defective ties have been renewed on No. 6 as recommended. Nos. 3, 7 and 8 timber trestles are under consideration for replacing with concrete; No. 3 as an arch and No. 7 and No. 8 as culverts. Their present condition is only fair, and considerable repair work will be necessary in the near future if they are to be maintained in wood. All the others are in good condition.

Williamstown Branch.

This branch extends from Williamstown Junction to Mullica Hill, a distance of nineteen and seven-tenth miles. It is a single track ballasted with gravel and cinders. The track is laid with eighty, seventy-six and seventy pound rail. Thirty-five hundred feet of eighty-pound rail,

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replacing seventy pound rail has been laid since last inspection. The track has been well maintained, and is in good condition.

Bridges.

The three wooden trestles on this branch are in fair condition.

Cape May Division.

This division extends from Winslow Junction to Cape May, a distance of fifty-four and two-tenths miles. Double track to Woodbine Junction, and single track from there to Cape May. Twenty-two and five-tenth miles ballasted with cinders. The track is laid with ninety pound rail. The track has been well maintained, and is in first class condition.

Bridges.

The bridges on this branch are all maintained in good condition.

Sea Isle City Branch.

This branch extends from Tuckahoe to Sea Isle City, a distance of twelve and one-tenth miles. It is a single track, ballasted with gravel and cinders, laid with seventy and eighty pound rail; nine thousand feet of eighty pound rail has been laid, replacing the seventy pound rail since last inspection. The track between Tuckahoe and Ocean City Junction is in good condition. From there to Sea Isle City, fair to good, but safe for the traffic.

Bridges.

Recommendations for ties on Nos. 4 and 5 have been carried out and condition of bridges greatly improved. Two poor caps were noted in No. 3 and several poor stringers in No. 5. A speed limit of ten miles per hour is in effect over the two drawbridges on this branch, which is sufficient for safety. The other bridges are in fair condition.

Recommendations.

Renew two caps in No. 3 and defective stringers in No. 5.

Ocean City Branch.

This Branch extends from Ocean City Junction to Ocean City, a distance of ten and three-tenth miles. It is single track ballasted with gravel and cinders. It is laid with eighty and ninety pound rail, three hundred tons of ninety has replaced the eighty since last inspection. The track has been well maintained, and is in good, safe condition for the traffic.

Bridges.

Bridges are all in good condition except stringers on No. 2. Some are soft and fires have occurred at several places. Damaged ones should be renewed or reinforced.

Recommendations.

Senew or reinforce defective stringers in No. 2.

Mississippi Avenue Branch.

Bridges.

The only bridge on this branch has had new stringers and caps since last inspection, and is now in good condition.

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BALTIMORE AND NEW YORK RAILROAD.

(Including Staten Island Rapid Transit.)

This road extends from Arthur Kill bridge to Cranford, a distance of five and two-tenth miles. One and eighty-five one-hundredths double track, balance single. The track is laid with eighty-five pound rail ballasted with stone. It is used for freight purposes only, and is in safe condition for the traffic.

Recommendations.

That not less than three hundred and fifty ties to the mile be placed in main track this year.

Bridges.

The recommendation that all defective ties be renewed on the bridge over the Pennsylvania Railroad has been carried out in part. A few new ones have been spotted in, but in insufficient number. At least thirty-five more are needed, and these should be put in before June 1st, 1912.

Bridge seats are foul with dirt and cinders and require more frequent cleaning.

Joints in west abutment pier of Arthur Kill drawbridge are opening in the upper courses and in the lower courses near the water line. These joints should be raked out and pointed with Portland cement mortar.

An inspection was made on foot of the timber trestle through Elizabethport west of the Arthur Kill bridge. It is about 4,000 feet long and contains four iron bridges. While this trestle is maintained in a condition which may be termed temporarily safe, the repairs it is receiving at the present rate are insufficient to carry it indefinitely in a safe condition. It was found that all the bracing timber was second-hand and in many cases rotten and loose at the ends. Posts and braces which in the main were sound, have had rotten ends cut off and have been blocked up on the sills. Often this blocking was too high. Occasionally short pieces of post timber have been inserted vertically with scant splicing. Where such repairs have been made a single cheek piece of 4″x10″ timber is spiked to but one side of the combination.

In its highest part the trestle is 35′ from ground to base of rail. In several places whole bents have been cut off about 3 feet above the ground for the sake of removing decayed timber, and low bents have been placed underneath them. They have been tied together generally by two lines of old light timbers spiked across the top of the upper sills but not dapped over them.

Stringers are 2-8″x16″ per rail on spans of about 12 feet, with an additional stringer in many places. Ties are in fair condition. The trestle is restricted to slow speed train movements

From a good trestle originally having long and sound timber, it is, through the continuous process of partial repair, degenerating into an assemblage of small pieces inadequately spliced and braced.

Plans have been prepared for replacing the entire trestle with filling. For a considerable distance the filling will necessarily be confined between low retaining walls parallel to the track because the right of way is too narrow to allow the fill to take its natural slope. At openings abutments have been designed for bridges adequate for unrestricted modern service. Some of these locations are fixed beyond dispute while discussion on others is still pending. Some filling has been done at each end. The present bridges over South Front Street and the Sound Shore Branch of the Central Railroad of New Jersey are light, having been built in 1889 for a loading of 2-86 ton consolidation engines plus 3,000 pounds per lineal foot.

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If such walls, filling and bridges as are located on the fixed location, say from station 366 plus 00 eastbound to station 357 plus 00, were built at the present time, 900 lineal feet of the highest part of the trestle would be eliminated, leaving the portions still under discussion for future action.

On the western end of the trestle the bridge over Stephenson's siding could be built on lines already laid down, eliminating about 120 lineal feet of trestle.

It would, therefore, seem to be in the interest both of safety and economy that as much of this trestle be eliminated at the present time as possible, hence the recommendations.

Recommendations.

Complete renewals of defective ties on bridges over Pennsylvania Railroad, placing at least 35 new ties there before June 1st, 1912.

Clean all bridge seats.

Clean and point all open joints in west abutment pier of Arthur Kill drawbridge.

Replace trestle at Stephenson's siding with modern bridge and fill.

Build walls, abutments, bridges and complete filling between Arthur Kill bridge and site of east abutment of Amboy Avenue.

Thoroughly repair remaining part of trestle by spiking cheek pieces on each side of all posts which have been cut off and blocked up, substituting continuous posts wherever the blocking is more than a single 12″ piece on top of sill.

Repair and secure all bracing as marked on trestle and, longitudinally along those bents which have been cut off and underpinned in the higher part of the trestle, place adequate timbers on the sills against the plumb posts, dapped and securely fastened in place.

BARNEGAT CITY RAILROAD.

This road extends from Barnegat City Junction to Barnegat City, a distance of eight and seven-tenth miles. It is single track, laid with sixty-pound rail, ballasted with sand and cinders. Two thousand yards of cinders have been placed under track and tie renewals made as recommended on last inspection, which has improved the track very much. While it is not in good condition, it is reasonably safe for the traffic, viz., two trains daily for eight months in the year, and four trains daily the balance of the year at a speed of twenty miles per hour.

Recommendations.

That not less than twenty-two hundred and thirty ties be placed in main track within the next thirty days.

Bridges.

The fourteen pile trestle bridges on this line are in good condition and safe for the maximum speed of twenty miles per hour.

CENTRAL RAILROAD OF NEW JERSEY.

New Jersey Central Division—Main Line.

This line extends from Jersey City to Phillipsburg, a distance of seventy-two and two-tenth miles. There are four tracks from Jersey City to Bound Brook Junction and two from Bound Brook Junction to Phillipsburg, all

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ballasted with stone. All four tracks from Jersey City to Bound Brook Junction are laid with one hundred pound rail; No. 1 track Bound Brook Junction is laid with one hundred pound; track No. 2 is laid with ninety pound, but is being replaced by one hundred pound. All of the tracks are in first-class condition. A subway is now being built just east of Cranford, which eliminates a grade crossing at that point.

New east bound station is being built at Westfield; new shelter shed has been erected for east bound traffic at Dunellen.

Bridges.

The bridges on this line are all in good condition. Overhead bridges at Walnut and Gordon Streets, Roselle, have been completed and are fine examples of modern highway bridges. New undergrade bridges have been built east of Cranford and the 17′ Center Street arch in Phillipsburg has been replaced with a concrete arch of 50′ span.

All the bridges through Bound Brook will be overhauled this year when the track is raised 7′. No. 31.84 (old 79) at Bound Brook Junction has been retied instead of being replaced with a concrete arch as contemplated last year.

Newark and New York Branch.

This branch extends from Communipaw to Newark, a distance of seven and one half miles. It is a double track, laid with ninety pound rail, ballasted with stone. The ninety pound rail will be replaced with one hundred pound this year. The track is in good condition. A handsome, commodious station has been built at East Ferry Street.

Bridges.

Work between West End and Brills Junction is well under way. The bridges are all under reconstruction and traffic is carried on temporary structures until the work described in last report is completed. This work is expected to be finished in 1913.

Bridges between Brills Junction and Newark, Nos. 181 to 199 inclusive, have had tie renewals and new grade line established.

Other bridges are in good condition.

Newark and Elizabeth Branch.

This branch extends from Brills to Elizabethport, a distance of seven and two-tenth miles. It is a double track, laid with ninety pound rail, ballasted with cinders, and is in good condition.

Bridges.

Bridges are in good condition. Guard rails have been lengthened on the four bridges as recommended.

Perth Amboy Branch.

This branch extends from Elizabethport to Perth Amboy, a distance of eleven and six-tenth miles. It is double track, laid with ninety pound rail, ballasted with stone, and is in good condition.

The entire branch will be laid with one hundred pound rail this summer. The track has been elevated from First Avenue, Elizabethport, for a distance of three-quarters of a mile south, which eliminated Second Avenue crossing and opened Third Avenue, both passing under tracks. The new station with subway is now under course of construction between First and Second Avenues.

Bridges.

The new grade line through South Elizabeth recently put in service includes new undergrade bridges over Second and Third Avenues, a concrete arch subway at the new station and a Sherzer rolling lift bridge over the Elizabeth River. The other bridges are in good condition.

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Sound Shore Branch.

This branch extends from Elizabethport to Chrome, a distance of seven miles. It is a single track, laid with eighty pound rail, ballasted with cinders. The track has been well maintained, and is in good, safe condition for the traffic.

Bridges.

The bridges on this branch are all in good condition.

South Branch.

This branch extends from Somerville to Flemington, a distance of fifteen and five-tenth miles. It is a single track, ballasted with gravel and cinders, laid with eighty-five and ninety pound rail. The track is in good, safe condition for the traffic.

Recommendations.

That all low switch stands in main track where trains run against the points of switch that are not connected with distant signals or in yards where speed is reduced, be replaced with the high standard now in use on this road.

Bridges.

Bridges are maintained in safe condition for the traffic. Abutments on the two bridges over South Branch of Raritan River are still shored. They will probably be encased in concrete.

High Bridge Branch.

This branch extends from High Bridge to Rockaway, a distance of thirty and four-tenth miles. It is a single track, laid with ninety, eighty-five and seventy-six pound rail. The ninety pound has replaced the seventy since last inspection. The track is ballasted with gravel and cinders. Tie renewals have been made and other work has been done pertaining thereto to keep the track in safe condition for the traffic.

Bridges.

Guard rails have been extended on Bridge No. 346 as recommended. The remaining bridges are all small and in good condition.

Ogden Mine Branch.

This branch extends from Hopatcong Junction to Edison, a distance of fifteen and three-tenth miles. It is a single track laid with eighty and ninety pound rail between Hopatcong Junction and one mile west of Hopatcong, balance to Edison eighty-five and sixty-two. It is ballasted with gravel and cinders. Between Hurds and Edison, the track is only in fair condition, but safe for the traffic, wihch consists of two trains each way two days a week. The track between Hopatcong Junction and Hurds has been well maintained, and is in good, safe condition for the traffic.

Bridges.

The bridges on this branch are all maintained in good condition.

Dover and Rockaway Branch.

Bridges.

Bridges are all in good condition.

Hibernia Branch.

Bridges.

Standard inside guard rails have been placed on bridges Nos. 283 and 284, carrying out the recommendations. Other bridges are in good condition. No. 283 is still shored up, making it safe for the traffic.

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Southern Division—Main Line.

This road extends from Red Bank to Bayside, a distance of one hundred and four and four-tenth miles. It is a single track, ballasted with gravel and cinders. The track is laid with ninety, eighty-five, eighty, seventy-six, seventy and sixty pound rail. The sixty is all laid south of Winslow Junction, where the traffic is light and no fast trains.

This line is being improved every year in replacing the light rail with heavier. The track between Red Bank and Bridgeton is in good, safe condition; between Bridgeton and Bayside it is only fair, but on account of the light traffic and slow speed, it is in safe condition for the traffic.

Recommendations.

On my inspection made in 1911 I recommended that unless derails wer installed at Vineland and Bridgeton Junction that the signals be moved back to a distance of not less than two hundred and fifty feet from crossing. This has not been done. I now *recommend* that the signals be moved back both on the Central and the West Jersey and Seashore Railroads within the next thirty days.

Bridges.

The recommendations made in 1911 have not been carried out, except in the matter of castings at ends of guard rails. The broken ones have been replaced with new ones, and some of these have since broken. They are all to be made good. Bridge No. 50 has an entire new deck completing the recommendations of 1910. Bridges Nos. 57, 77, 78 and 79 are listed for repairs by the company, but the recommendations are repeated for them and for No. 58. The other bridges north of Bridgeton are in fair to good condition. South of Bridgeton where the traffic is light, the bridges are fair to poor. Nos. 90, 97, 98 and 99 should be thoroughly overhauled and repairs made amounting to a general rebuilding. No. 100 should have north bulkhead repaired or replaced with pipe and filled, if the bottom is found suitable.

Recommendations.

Nos. 57, 90, 97, 98 and 99—make general repairs to deck and substructure.
No. 58—Place at least ten new ties in deck.
No. 76—Renew defective ties. Eight will be sufficient for the present.
No. 77—Renew 22 ties and 2 guards.
No. 78—Renew 7 ties, 1 cap and guards.
No. 79—Renew 26 ties.
No. 100—Repair north bulkhead or replace with pipe and fill.

Freehold Branch.

This branch extends from Matawan to Freehold, a distance of twelve miles. It is single track, ballasted with cinders. The track is laid eleven and one-half miles of sixty and sixty-six pound rail, and one-half mile of ninety, ballasted with cinders. While the track is safe for the traffic, the rail is light and getting worn, and should be replaced as early as practicable.

Recommendations.

That the light rail be replaced as early as practicable.

Bridges.

Bridge No. 12 has had new deck and extensive overhauling, and No. 4 has had new deck, thus carrying out the recommendations of 1911.

The remaining bridges are maintained in safe condition. Guard rail point has been taken off of North end No. 1. It should be replaced.

Recommendations.

Place standard bevelled block on North end guard rail bridge No. 4.

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Sea Shore Branch.

This branch extends from Matawan to Eatontown, a distance of twenty-five and six-tenth miles. Single track, ballasted with gravel and cinders from Matawan to Atlantic Highlands; double track from Atlantic Highlands to West End and single track from East Long Branch to Eatontown. It is laid as follows: Matawan to Atlantic Highlands, seventy and eighty-five pound rail; Atlantic Highlands to West End, eighty-five, seventy-six, seventy and sixty pound rail; East Long Branch to Eatontown, seventy and sixty-six pound rail. The track between East Long Branch and Eatontown is only in fair condition, but safe for the traffic, viz., six trains per day. The balance of the track has been well maintained, and is in good condition. Derails should be placed in electric tracks at Main Street crossing, Eatontown.

Bridges.—Bridge 27 has been replaced with 48" c. i. pipe. The other recommendations have been carried out, except No. 32, which is to be attended to within a few days. On No. 30½ a sidewalk is being constructed, which will prevent considerable traffic across the tracks. The eastern end of the trestle approach will be filled, and the remainder replaced with girders and concrete piers. All double track. On No. 15 the track is in poor alignment. The remaining bridges are maintained in good condition.

Recommendation.—Realign track across bridge No. 15.

Toms River Branch.

This branch extends from Lakehurst to Barnegat, a distance of twenty-two and two-tenth miles. It is a single track, ballasted with gravel and cinders. The track is laid with seventy and sixty-six pound rail. It has been well maintained, and is in good safe condition for the traffic.

Bridges.—Bridge No. 65 has a new deck as recommended. All bridges now have inside guard rails with standard cast iron points 60′ beyond ends of bridge. The maintenance work scheduled for this summer is sufficient to keep the bridges in safe condition for the traffic.

Cumberland and Maurice River Branch.

This branch extends from Bridgeton Junction to Bivalve, a distance of twenty-two miles. It is a single track, laid with sixty pound rail, ballasted with cinders and gravel. It has been well maintained, and is in good, safe condition for the traffic.

Bridges.

All the recommendations of 1911 have been carried out, except placing guard timbers on two small bridges, Nos. 106 and 108, and renewing poor guard timber on No. 105. Ties on this last bridge are getting poor and a few new ones should be spotted in to carry it till the entire deck is renewed. The remaining bridges are maintained in sufficiently good condition for the light traffic on this branch.

Recommendations.

Renew defective guards and ties on No. 105 and place guards on Nos. 106 and 108.

DELAWARE, LACKAWANNA & WESTERN RAILROAD COMPANY.

Main Line.

This line extends from Hoboken to Denville Junction, 37 and 37/100th miles. Between Hoboken and Denville Junction, the track is laid with 80

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and 91 pound rail. It extends via Boonton Branch from Bergen Junction to Delaware Bridge, 79 and 17/100th miles. It is laid between these points with 80, 90, 91 and 101 pound rail. There are four tracks between Hoboken and Hackensack Draw, three tracks Newark and Fifteenth Street, also between Highland Avenue and Milburn, balance double track. It is stone ballast between Bergen Junction and Netcong via Booton Branch, also between Hoboken and Highland Avenue, Orange Branch, balance stone gravel, slag and cinders.

Betterments have been made in the way of placing 3222 tons of 101 and 1000 tons of 91 pound rail in main tracks, 9738 yards of stone ballast has been placed under track this year. New station is being built at Mountain Lake. The track is in good condition.

Bridges.

Maintenance work outlined is sufficient to keep these bridges in good condition. All new bridge floors have 10″x10″ ties spaced 16″ on centers and have shouldered tie plates with screw spikes.

Two through plate girder bridges east and one west of Maplewood have had gussets moved in to give standard clearance. Bridge east of South Orange has been reinforced. Quite a number of bridges are listed for new decks. When this work is done the bridges should be in excellent condition.

Recommendations are being carried out. Rockaway River bridges are to have new decks. A latch has been placed on each leaf of the canal draw in Dover, and also a rod with turn-buckle between ten pairs of girders. This should make the situation safe. This mechanism, however, is operated by hand lifts which are not locked, so that it is possible for any one to unlatch the bridge. A bar and lock should be placed in them so that they cannot be tampered with. This is promised to be done. Guard rails should be laid on each draw span, and, on the west bound track, they should be extended around the curve leading to this bridge.

Guard rails are not in place on the two west bound tracks of the bridge over Hoboken Avenue in Hoboken.

Recommendations.

Place guard rails on the two west bound tracks of Hoboken Avenue bridge.

Place inside guard rails on both leaves of Canal drawbridge in Dover. Extend guard rails on west bound track around curve leading on to this bridge. Lock all latch handles on this draw so they cannot be tampered with.

Warren Railroad.

Bridges.

Bridges are maintained in good condition. The undergrade highway crossing at Buttzville is finished and the old grade crossing closed.

Boonton Branch.

Bridges.

The recommendations are being carried out. The bridges which have not received attention have had material ordered for them which will be put on as soon as received. Others have had renewals made to carry them until complete renewals are made. Considerable work has been done resulting in greatly improved conditions. Seats are cleaner than formerly. A new undergrade bridge is being built over highway at Mountain Lakes. The west abutment of High Bridge is being reinforced with concrete. When this is completed, the east abutment will be similarly treated. Except for the uncompleted work, the bridges are in good condition.

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Passaic and Delaware Branch.

This branch extends from Summit to Gladstone, a distance of 21 and 5/10ths miles. It is single track, laid with 75 and 85 pound rail, ballasted with gravel and cinders in good quantity. The track has been well maintained, and is in good condition. A new station has been built at Basking Ridge.

Bridges.

The maintenance work outlined by the company is sufficient to keep the bridges in good condition, and safe for the traffic. A wooden bridge east of Basking Ridge is to be replaced with a deck plate girder this year.

Chester Branch.

This branch extends from Chester Junction to Chester, a distance of ten miles. It is single track, ballasted with gravel and cinders. The track is laid with 80 and 67 pound rail. The 60 pound rail has been replaced with 80 since last inspection. The track has been maintained in safe condition for the traffic.

Bridges.

Bridges are all in good condition.

Sussex Branch.

This branch extends from Netcong to Franklin Furnace, and from Branchville Junction to Branchville, a distance of 30 and 5/10ths miles. It is single track, ballasted with gravel and cinders. The track is laid with 80 pound rail from Netcong to Newton, balance with 75 pound. The track has been maintained in safe condition for the traffic.

Bridges.

The condition of the bridges has greatly improved. Seats are kept cleaner since this work has been under the Bridge Department. The bridges west of Andover and east of Straders are new. The one west of New York, Susquehanna and Western Railroad crossing is to have new abutments. The remaining bridges are in good condition.

Branchville Branch.

Bridges.

All the bridges on this branch have been rebuit or are under reconstruction except the two at Branchville, which are to be completely overhauled this fall. The first one east of Branchville is to have a new deck and the second is to have new concrete tops to masonry and plate girders substituted for the present wooden trestle.

Hampton Branch.

The branch extends from Washington to Hampton, a distance of 4 and 8/10ths miles. It is single track, laid with 67 pound rail, ballasted with gravel and cinders. The track is in safe condition for the traffic.

Bridges.

On the bridge over the Musconetcong at Changewater ties have not been renewed. Nearly all the new ones are delivered at site. Work of putting them on the bridge is to begin in two weeks. Otherwise the bridges are in good condition.

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Phillipsburg Branch.

This branch extends from Washington to Phillipsburg, a distance of 13 and 7/10th miles. It is single track, laid with 75 pound rail, ballasted with gravel and cinders. The automatic lap signals that were being installed last year have been completed. The track is in good condition.

Bridges.

Work of replacing the smaller openings with concrete has continued. The first bridge east of New Village is to be rebuilt as soon as track elevation is complete. The other bridges are good.

Rockaway Branch.

This branch extends from Denville Junction to East Dover, a distance of three and six-tenths miles. It is single track, ballasted with gravel and cinders, laid with 80 pound rail. It has been well maintained, and is in good condition.

Bridges.

Bridges are in good condition.

Cut Off Line.

This road extends from Port Morris Junction to Slateford Junction, a distance of twenty-eight and nfty-three hundredths miles. It is double track, laid with 101 and 91 pound rail. All treated ties with screw spikes and tie plates, all stone ballast except heavy fills, same being ballasted with slag and cinders. One and nine one-hundredths miles of this traek is in Permasgeranice. The whole road is fully equipped with automatic signals, and is in first class condition. Contract has been let for new station at Blairstown.

Bridges.

The bridges on this line are new. All are of concrete except two at the east end which are steel plate girders. All are in good condition.

Montclair Branch.

This branch extends from Roseville Junction to Montclair, a distance of four miles. Double track to Bloomfield, single from there to Montclair. Second track is now being laid from Bloomfield and will be in service this winter. The track is laid with 80 and 90 pound rail, ballasted with stone and gravel. Work is now being done through Glen Ridge, which eliminates the heavy grade at that point, also eliminated Hillside Avenue crossing, which is now under grade. A new station is now being built at Montclair, with six passenger tracks. In connection with this work, the following highway grade crossings have been eliminated.

Grove Street, now overhead.
Pine Street, now to have foot-walk only.
Bay Street, now under construction as undergrade.
Bloomfield Avenue, now overhead.
When this work is completed, the road will be in first class condition.

Bridges.

Continuing the improvements of last year through Bloomfield, the work of rebuilding all the bridges has been well advanced. Through Glen Ridge and Montclair, the bridges are all under construction on the new grade line and all are being built for double track.

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All the structures are steel and concrete, and all are to have solid floors with ballast excepting only the deck plate girder span over Second River, Bloomfield, which was the only one not seriously affected by the improvements.

ERIE RAILROAD COMPANY.

Main Line.

This road extends from Jersey City to a point one mile west of Mahwah in New Jersey, a distance of thirty miles. There are four tracks from Jersey City to Rutherford Junction, with the exception of over Hackensack Bridge, where there are two. Two tracks from Rutherford Junction to Ridgewood Junction; from Ridgewood Junction to State Line, four. All tracks ballasted with stone, with the exception of the two passenger tracks over the new line between Hackensack Bridge and Croxton, which are ballasted with gravel. Twelve miles of track have been laid with one hundred pound rail since last inspection. Sixteen more to be laid this year which will make forty-seven miles of one hundred pound rail, balanre ninety. This does not include the one hundred pound between Jersey City and west end of open cut. The tracks are in good condition

Bridges.

Recommendations of 1911 have been complied with and bridges are in good condition except for cleanliness and as noted below. On the meadows, Berry's Creek draw will soon be eliminated, due to the completion of a canal diverting the creek into the Hackensack River above the railroad. A small opening will be maintained here. No. 6.34. Fish Creek, is being reinforced by placing an additional bent under center of spans to provide for heavy engines of the Mikado type. All the bridges on the main line are to be reinforced where necessary for these engines. No. 8.29 is to have a new steel span under east bound freight track. No. 10.22, Passaic River draw, shows no further indication of cracking in east abutment. Some loose rivets were noted in end posts connection of fixed span and lower laterals of this span are slack. No guard rails are on No. 10.29, 80′ 9″ long.

Recommendations.

10.22. Cut out and redrive loose rivets and adjust lower laterals.
10.29. Place standard inside guard rails on both tracks.
Keep bridges clean.

Northern Railroad Division.

This road extends in New Jersey from Bergen Junction to the New York State Line east of Tappan, a distance of twenty-one and one-half miles. It is double track, ballasted with stone for a distance of eighteen miles, the balance with cinders and gravel. Three and one-half miles of stone ballast has been placed under track this year. The track is laid with eighty pound rail. One mile of new has been placed in track since last inspection.

Work is now under way to make this a four track road from Bergen Junction or Croxton, as it is now called, to Granton Junction, using the west bound track of the New York, Susquehanna and Western for west bound,

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the east bound of the Northern for east bound passenger track, the two outside tracks for freight. Sufficient tie renewals have been made and other work done pertaining thereto to keep the road in safe condition for the traffic.

Bridges.

Bridges have all been renumbered to correspond with the mile posts from Jersey City. Instructions have been issued to section foremen to clean bridge seats once a month. Notwithstanding this order, they are not kept as clean as they should be. Bridge 18.14 (old 15.88) 31′ 2″ long, has not had guard rails put on as recommended. Bridge 8.61, 32′ 4″ long also has no guard rails.

All small openings are being replaced with concrete tops and ballasted track where renewals are necessary.

Maintenance repairs on the bridges of this line are sufficient to keep them in good condition.

Recommendations.

Place inside guard rails on bridges Nos. 8.61 and 18.14. Keep metal work and bridge seats clean.

New Jersey and New York Division.

This division 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 is double track, balance single. The track is laid with seventy-two pound rail, with the exception of five miles of eighty which has been laid since last inspection. Ten additional miles of eighty pound will be laid this month. Six miles of track is ballasted with stone, the balance with gravel and cinders in good quantity.

Automatic electric signals have been installed from Oradel to State Line, making it impossible for trains to collide unless two signals are passed at danger. This equips the entire road with automatic signals. When the additional rail is laid and the tie renewals are completed, the track will all be in good condition. That part not completed is in safe condition for the traffic.

Bridges.

Bridges are numbered to correspond with mile posts from Jersey City. They are in good condition except for protection of ends of guard rails.

Recommendations.

14.83. Place block at guard rail on west bound track. 21.20. Place block at west guard rail end.

Newark Branch.

This road extends from Greenwood Lake Junction to Paterson Junction, a distance of sixteen miles. There are four miles of double track, balance single. The track is laid with ninety pound rail to one-half mile east of Harrison, balance eighty. Two and one-half miles of stone ballast has been laced under track since last inspection. The balance is ballasted with gravel and cinders. Four miles of new eighty pound rail has been laid since last inspection. South Paterson, Allwood and Essex Stations have been painted this year. Newark station is now being painted. The track has been well maintained, and is in good condition.

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Bridges.

Recommendations of 1911 have not been carried out. Bridge 8.04 (old 5.49) over the Passaic River at Newark is in very poor condition due to age, overstress and neglect. Steps should immediately be taken to replace it with a modern structure. A bevelled block should be placed at west end of east bound guard rails, and east end of west bound guard rails should be brought together in center of track and protected with standard casting.

The other bridges on the line are in good condition, except that they are not cleaned often enough. All are now numbered by mile posts from Jersey City.

Recommendations.

Replace 8.04 with a modern bridge and protect guard rails as described above. Keep bridges clean.

Bergen County Branch.

Bridges.

Bridges have been renumbered by mile posts from Jersey City. Ties have been renewed on No. 11.12 (old 2.12) where necessary. Ties are framed for No. 15.06 (old 6.34) and are to be put on as soon as the new rail is laid. The recommendations made in 1911 have thus been complied with except for keeping bridges clean. While some work has been done in the direction they should be kept much cleaner than they are. On No. 15.06, which is 68′ 3″ long, there is no guard rail on west bound track. Otherwise the bridges are in good condition.

Recommendations.

15.06. Place inside guard rail on west bound track. Keep all bridge seats clean.

New York and Greenwood Lake Division.

This road extends from Croxton to Sterling Forest, a distance of forty-three miles. There are sixteen miles of double track, balance single. The track is laid with eighty pound rail between Croxton and Ringwood Junction; from Ringwood Junction to Sterling Forest, with ninety. The seventy-four pound was replaced with eighty this year. Seven miles of stone ballast has been placed under track since last inspection, also three miles of gravel. The track has been well maintained, and is in good condition.

Main Line.

Bridges.

Bridges have been renumbered according to mile post from Jersey City.

The recommendations of 1911 have only partially been carried out and are therefore repeated. No. 5.51, 38′ long has not had guard rails put on. Guard rail ends are unprotected in some instances mentioned in detail under recommendations. No. 4.13 is having new rail sleeves put on and rails renewed where they are battered down more than 1/4″. No. 8.72 has been raised to new grade line. No. 8.90 is now a 6′ concrete arch replacing a timber trestle. No. 19.34, over Passaic River at Singac, is having plate girder spans substituted for the trestle on the river portion. The west approach trestle is to remain. No. 23.16 has had repairs which will carry it

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until rebuilt. No. 30.77 is a single track through truss bridge remodeled from an old, double track, main line bridge. It replaces a wooden trestle 150′ long. No. 34.33, a wooden trestle 187′ long, is being replaced by two spans of deck plate girders. No. 39.13 is being lengthened. It will have one new abutment and new girders when completed. The remaining bridges are in fair condition; considerable work will be necessary to bring them up to first class condition during the coming year. Nos. 35.69 and 35.72 could have solid floors when renewals become necessary.

Recommendations.

5.51. Place inside guard rails on both tracks. Place blocks protecting guard rail points on bridges Nos. 7.60, 7.75, 19.34, 20.08 and 23.16. Renew defective ties on bridges Nos. 7.44, 7.60, 7.75, 8.72, 10.23, 10.34, 10.47, 23.10, 27.85, 27.89, 28.85 and 41.93.

New York and Greenwood Lake Division.—Orange Branch.

This branch extends from Forest Hill to West Orange, a distance of four miles. The track is laid with eighty pound rail, ballasted with cinders and gravel in good quality. The track is in good, safe condition for the traffic.

Bridges.

Bridges have been renumbered according to mile post from Jersey City. No. 10.20 over the Delaware, Lackawanna and Western Railroad at Watsessing is complete except for guard rails. This bridge is 49′ long. The other bridges are in fair to good condition. No. 1086, a pile trestle, is to be replaced with a concrete arch this year.

Recommendation.

Place inside guard rails on bridge No. 10.20.

New York and Greenwood Lake Division.—Caldwell Branch.

This road extends from Great Notch to Essex Fells, a distance of six miles. It is single track, ballasted with gravel and cinders. The track is laid with seventy-four pound rail. I notice a number of unsound switch ties which should be renewed. The track is in safe condition for the traffic.

Recommendations.

Renew all unsound switch timber within the next thirty days.

Bridges.

Bridges are now numbered according to mile posts from Jersey City. The recommendation for cast iron nose blocks at ends of guard rails has not been carried out and is therefore repeated. No. 20.92 has been replaced with a concrete top. No. 17.12 is to be replaced with pipe and filled in. Material is on hand for repairs to No. 18.20 over Peckman's Brook. The remaining bridges are in fair to good condition.

Recommendations.

On bridges 18.20 (old 1.76) and 18.30, place blocks at guard rail points.

New York and Greenwood Lake Division.—Ringwood Branch.

This branch extends from Ringwood Junction to Ringwood, a distance of three miles. It is a single track, laid with seventy-four pound rail, ballasted with gravel and cinders. It is in safe condition for the traffic.

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Bridges.

The bridges on this branch are all being reinforced for the G-12 class of engines. They are now limited to the H-4 class. All are in good condition.

LEHIGH AND HUDSON RIVER RAILROAD.

This road extends from Mansfield Street east of Belvidere to State Line east of Vernon, a distance of forty-seven miles. Single track laid with 80 and 100 pound rail, ballasted with gravel and cinders. Twenty miles of gravel and ten miles of cinder ballast have been placed under track this year, also two miles of 100 pound rail laid this year. Treated ties are being used in main track, all of which is in first class condition.

Bridges.

Work has continued in a satisfactory manner, all recommendations concerning bridges having been carried out. Four open culverts have been rebuilt and one replaced with pipe and filled. Ten have been extensively repaired and six have had reinforced concrete tops placed on them. Two steel spans have been painted. The work remaining to be done includes the substitution of concrete tops on smaller culverts and tie renewals on some of the trestles, particularly No. 74, the ties on which are getting in poor condition. Decks on Nos. 133, 134 and 135 are in fair condition, but will require attention before very long.

Recommendations.

Renew defective ties on bridge No. 74.

LEHIGH AND NEW ENGLAND RAILROAD.

This road extends in New Jersey from Liberty Corners to Swartswood Junction and from Hainesburg Junction to Delaware River Bridge, a distance of twenty-three and seven-tenths miles. It is a single track, laid with sixty pound rail, with the exception of four thousand feet through Baleville, which is laid with eighty pound rail. The track is ballasted with cinders and gravel. The light sixty pound rail should be replaced with heavier on curves. While it is not unsafe, it should be replaced as soon as conditions will permit. The traffic is light and the slow speed makes it safe for the traffic.

Recommendations.

That not less than three thousand ties be placed in main track this year. That the short ties under switch and frog just west of Sussex be replaced with regular length switch ties. That the light rail on the curves be replaced with heavier as soon as conditions will permit.

Bridges.

Recommendations made at time of last inspection have all been carried out and condition of bridge is greatly improved. No. 7 is still shored up. Ties are getting soft and should be replaced with sound ones and

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both running and guard rails should be spiked to every tie in order to insure safety. Otherwise it is in safe condition until next year, when it is to be rebuilt.

No. 3, a cattle pass, has been rebuilt in concrete.

No. 13 should have riprap placed around west abutment and have channel straightened. Material damaged by fire at the east end should be renewed.

No. 23 has had the arch top removed, walls raised and I beam stringers put on, giving additional under clearance.

A new deck should be placed on No. 29 and general repairs made to the rest of the structure; or it should be replaced with pipe and filled in.

Ties on No. 30 should be renewed.

Guard rail on No. 33 should be fully spiked and bridge seats cleaned.

Otherwise the bridges are in fair to good condition.

Recommendations.

Renew defective ties and fully spike both running and guard rails, on No. 7.

No. 13. Place riprap around west abutment, straighten channel and renew timber damaged by fire.

No. 29. Make general repairs including new deck or replace with pipe.

No. 30. Renew defective ties.

No. 33. Fully spike guard rail and clean bridge seats.

LEHIGH VALLEY RAILROAD.

Main Line.

This line extends in New Jersey from Jersey City to Phillipsburg, a distance of 76 miles. It is double track. That part from Park View, a distance of 9 7-10 miles, is for freight traffic only. The track is laid with ninety one hundred and one hundred and ten 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 Lansdowne, and eight miles of four track between Potter and New Market.

Betterments have been made in the way of laying 22 1-10 miles of one hundred pound rail and 6 3-10 of one hundred and ten pound. All treated ties are being placed in main track. 3120 cubic yards of stone ballast placed under track this year. The track has been well maintained, and is in first-class condition.

Bridges.

M. P. 12 near Park View to Jersey City.

Considerable work has been done on this part of the line during the past year. No. 10-a has had an entire new deck including approaches and No. 10 has been replaced with two 60″ cast iron pipes. When grade revision is completed west of Oak Island crossing, some of the smaller openings over the drainage ditches might be replaced with cast iron pipes. These small open deck trestles are in good condition. No. 8 has recently been rebuilt and squared up. Nos. 6, 6a and 6b, the Bay bridge and its long approaches, have received all new stringers and deck on the east bound track. The west bound track has been repaired and reinforced with the best of the old material from the east bound track.

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The draw center and fenders are undergoing complete overhauling. No. 5d has had a new deck. Nos. 45b, 45c and 45e are to have new decks in 1913, and No. 45a is apparently good for two years. The other bridges are in good condition.

Bridges.

State Line at Phillipsburg to M. P. 12 near Park View.

The bridges on this division are well maintained. Following is a summary of the work done on the main line since the inspection of 1911. The same excellent work has continued, resulting in greatly improved conditions: Thirteen bridge floors have been renewed, nine bridges and arches pointed, thirty bridges wholly and seventeen partly painted, while on forty-one others miscellaneous repairs and renewals have been made to various parts of the structures.

There remain to be done before the close of 1912, eight bridge floors to be renewed, twenty-four bridges and arches to be pointed and twelve bridges to be painted.

Bridges Nos. 50a and 51b are being widened to accommodate the new No. 3 track.

National Dock Branch.

This branch extends from National Junction to Constable Hook; 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 78 and 90 pound rail, ballasted with stone and cinders. It is used for freight traffic only. It is in good, safe condition.

Bridges.

On this branch the bridges are in fair to good condition. N. D. 7 has been replaced with two 48" cast iron pipes. N. D. 4-a is to receive extensive renewals to bents and sills. The deck is in good condition. Two bridges over city streets are to be placed in trestle leading to Waldo Avenue and the remaining part of trestle filled.

Perth Amboy Branch.

This branch extends from South Plainfield to Perth Amboy, a distance of 9 6-10 miles. It is double track, ballasted with gravel and cinders. The track is laid with 80 and 90 pound steel rail. It is in good, safe condition for the traffic.

Bridges.

The bridges on this branch are all in good condition.

Raritan River Branch.

This branch extends from Raritan Junction to Raritan, a distanec of 5 miles. The track is laid with one mile of 90 pound rail, balance 66 ballasted with gravel and cinders. It is single track used for freight traffic only. It is in safe condition for the traffic.

Bridges.

Considerable work has been done on this Branch, P E-20 has had a new deck; P E 20-a has been rebuilt with a remodelled deck plate girder from main line bridge No. 35. Work here is complete except for inside guard rails and tie plates, which are to be put on in a few days.

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A temporary opening, P E 20-b has been created for an industrial railroad.

The remaining bridges are all in good condition.

Clinton Branch.

This branch extends from Landsdowne to Clinton, a distance of 2 1-2 miles. It is single track, laid with 66 pound rail, ballasted with gravel and cinders. It is in good, safe condition for the traffic.

Bridges.

Inside guard rails are on all bridges as recommended. A new deck has been placed on No. 58. No. 57 is to have a new deck this fall. The remaining bridges are new and in good condition.

Pittstown Branch.

This branch extends from Landsdowne to Pittstown, a distance of four miles. It is single track laid with 76 pound rail, ballasted with gravel and cinders. The track is in good, safe condition for the traffic.

Bridges.

New decks have been placed on P. I. 58, P. I. 58c and P. I. 60. The bridges are now all in good condition.

MORRISTOWN AND ERIE RAILROAD.

This road extends from Essex Fells to Morristown, a distance of ten and eight-tenth miles.

The track is laid with eight and four-tenths of eighty pound rail, balance with sixty-two, ballasted with gravel and cinders. Fifty tons of new eighty pound steel rail will be placed in track this year, replacing the sixty-two pound.

All track recommendations made on last inspection have been complied with. The heavy rains have filled some of the mud cuts, which should be cleaned as soon as practicable. The track has been well maintained and is in safe condition for the traffic.

Recommendations.

That two thousand ties be placed in track this year.

That all cuts be cleaned within the next sixty days.

Bridges.

The work of carrying out the recommendations outlined in report of November 21st, 1911, has been started, but none of it has been completed. The private siding west of Whippany is in the same condition except that the smaller of the two bridges on it has a bent placed at the west end and the center cribbing rebuilt, making it temporarily safe. A concrete pier and abutments are to be built here. Operation on this siding is limited to 30 ton cars placed by idlers. No men are allowed to ride on the cars. Filling has not been completed back of the retaining wall on same siding. Brush and other flotsam are allowed to collect and bear against the trestle, which should be kept open. Wall caps have

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been delivered at the first bridge east of Whippany and at the first bridge west of Hanover for replacing the condemned material now in. Bridge seats have been cleaned, but are again foul. They should receive attention at least once a month. No painting has been done. Piles have been driven at Whippany River and the two other meadow bridges for new substructure. Repairs have been made to caps and sills in trestle at Morristown.

The remaining bridges are in the same general condition as when last inspected.

Recommendations.

On siding west of Whippany, complete the filling back of retaining wall and clean out accumulation of brush and rubbish bearing against the trestle. Place the new wall caps on bridges east of Whippany and west of Hanover, all within the next thirty days.

Clean bridge seats at least once each month.

Paint the two plate girder bridges east of Hanover and Beaufort.

NEW YORK AND LONG BRANCH RAILROAD.

This road extends from Perth Amboy to Bay Head Junction, a distance of thirty-eight and four-tenth miles. It is double track, ballasted with twenty-one miles of stone; balance, gravel and cinders. The track is laid as follows: Twenty-seven miles ninety-pound rail; three and ninety-eight one-hundredths seventy-six, seven and thirty-four one-hundredths eighty. North bound twenty-nine 79-100 of ninety-six and 14-100 eighty, balance seventy-six. Eleven hundred tons of ninety pound rail laid since last inspection. The track has been well maintained, and is in good condition.

Bridges.

Reconstruction of bridges on this line is progressing very favorably—the new work completed and projected, being designed to eliminate the remaining single track and bring all construction up to the modern requirements for heavy traffic and high speed. The two large trestles at Matawan and Red Bank are restricted to 35 miles per hour and general instructions have been issued and printed in the working time tables prohibiting the use of air on these trestles except in case of emergency. Discipline is strictly enforced regarding this order.

The lift rails at Raritan River draw are being replaced with miter rails. Those on north bound track are in service and those on south bound track will be put in next week.

The old draw at Morgan is to be replaced with a modern lift bridge this fall. Matawan trestle has had new ties spotted in alongside of old ones, making traffic safe. New track is in good surface, and line.

The ties on Hendrickson's and Field's bridges are poor and should be renewed. On the Red Bank trestle ties have not been renewed as recommended. It is the intention to make general renewals of about one-third of these ties within a year. Some of the ties are in bad condition and should have good ones spotted in alongside of the poor ones to carry till general renewals are made. This should be done before summer traffic grows heavy.

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At Parker's Creek some light repairs to masonry have been made but not in the way of underpinning the piers recommended. It is understood that this will be done this year.

Oceanport bridge is being rebuilt, all but the draw span. Two through plates under span are to go south of the draw and one north of it. The rest is to be filled. Concrete piers and abutments are being built and the entire crossing will have a new standard deck.

New abutments are in process of construction at Interlaken and N. Asbury (Deal Lake.)

Both Wreck Pond bridges are to be rebuilt. The north one with I beams, which have been delivered at site, and the south one with a through plate girder on concrete abutments. Work is under way.

Manasquan draw has just been put in service. Only one track is in use, but the second track will be completed within the next ten days, thus making the entire line double track. The new draw is a Sherzer Colling lift bridge with pile trestle approaches. 200′ of trestle have been rebuilt at each end of draw.

Recommendations.

Place within the next thirty days ties between poor ones in Red Bank trestle, particularly at the north end, and spike rails to these so as to insure safe operation till ties are generally renewed. Underpin substructure at Parker's Creek with concrete worked in well around piles.

Place new decks on both Hendrickson's and Field's bridges before July 1, 1912.

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPAY.

Main Line.

This line 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, the balance single. From West End to Granton the track is laid with seventy pound rail, the balance eighty. It is ballasted with gravel and cinders. Two miles of new eighty pound steel rail has been laid, fifteen miles more will be laid this year, part of which is now on ground. That part of the track has been abandoned since December 1st last, except for freight and storage purposes. It will be placed in service again this year in connection with the Northern Railroad, making four tracks. The track has been well maintained, and is in good condition.

Bridges.

Recommendations of 1911 have been complied with. Bridge No. 3.51 over County Road has been reinforced for heavy traffic and is complete except for guard rails. No. 3.08 is being taken down. No. 18.62 at Dundee Lake has been completed. It is now a double track deck plate girder bridge 452′ long on concrete piers. Material for rebuilding No. 34.86 has been delivered at site. Girders have been delivered for some time at Charlottsburg for replacing No. 42.69. It is dsirable that the use of the old bridge at this point be discontinued as soon as possible. No. 65.19

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is being rebuilt as a through plate girder on concrete abutments. Reports show No. 96.88 to keep in fair condition under the limited loading and speed. The following bridges over 20' long are without inside guard rails: Nos. 3.51 (122'); 24.05 (37'); 30.37 (30' 6"); 453.50 (30' 6"). Too much dirt is allowed to accumulate on bridge seats and on the chords of deck bridges. West of Passaic Junction the bridges are generally old, light, and loaded considerably higher than they were designed for. They are being frequently and carefully inspected and are reported to be acting well under load. East of Passaic Junction the bridges are all dsigned for heavier service and are in fair condition.

Recommendations.

Place inside guard rails on bridges Nos. 3.51, 24.05, 30.37 and 53.60.
18.62. Bevel off blocks at east end of west bound guard rail.
34.95. Renew defective ties.
Wye at Pompton Junction. Place bevelled blocks at guard rail points.
Drive down spikes where they have worked up in guard rail blocks.
Keep bridges clean.

Edgewater Branch.

This branch extends from Little Ferry Junction to Edgewater, a distance of three miles. Fifty-two hundred feet of track is tunnelled under the Palisades. The track is laid with eighty and seventy pound rail, ballasted with stone gravel and cinders. It is double track. Some of the eighty pound rail is badly worn. This is now being replaced. It is used for freight purposes only, and is safe for the traffic.

Bridges.

The recommendations of 1911 have all been carried out. The bridges are all in fair to good condition.

Passaic Branch.

This branch extends from Passaic Junction to Passaic, a distance of three miles. It is single track, laid with seventy-one pound rail, ballasted with gravel and cinders. It is used for freight purposes only, and is safe for the traffic.

Bridges.

Bridges are in fair to good condition. Repairs are being made to No. 19.49 over the Passaic River.

Middletown Branch.

This branch extends from Beaver Lake to State Line east of Unionville, a distance of twenty miles. It is single track laid with seventy, seventy-one and eighty pound rail, ballasted with gravel and cinders. It was recommended on last year's inspection that the worn rail be replaced. This was not done, but rail is being released from the main line and ten miles will be replaced this year, which will leave but two miles in track. The roadbed has been much improved and when second eighty pound rail is laid will be in good safe condition.

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Bridges.

The bridges on this branch are all in fair to good condition. No. 56.46 has been renewed as a deck plate girder on concrete abutments. No. 66.13 has abutments partly built, but owing to legal difficulties work has been discontinued.

Recommendations.

Place inside guard rails on bridge No. 53.79.

Delaware Branch.

This branch extends from Delaware to Columbia Junction ,a distance of three miles. It is single track, laid with 70 pound rail, ballasted with gravel, cinders and dirt. There is needed in main track four hundred and eighty-seven ties. The most of them are on the ground and now being placed in track. Also a set of switch timber at the switch leading to Turn Table at Delaware. All openings on line are in good condition. Track is safe for the traffic.

Recommendations.

That 487 ties be placed in main track this year.
That the switch timber be renewed in switch leading to Turn Table at Delaware.

Dundee Spur.

Bridges.

This entire line is used for a freight switching movement. All the bridges are in fair to good condition except that ties on No. 1.48 are cut by derailments. This condition could probably be prevented by placing a single guard rail on the inside of curve at such distance from the running rail as to engage the outside of the wheel flanges, and it is so recommended.

PEMBERTON & HIGHTSTOWN RAILROAD COMPANY.

This road extends from Hightstown to Pemberton, a distance of twenty-five miles. It is single track, laid with 50 and 60 pound steel rail. While the rail is light, it is in good condition and safe for the traffic. The track is in fair line and surface. There are quite a large number of unsound ties in the track, also a number of unsound switch ties, all of which should be renewed within the next sixty days.

Recommendations.

That not less than 1600 ties be placed in main track and all unsound switch ties be replaced this year.

Bridges.

The bridges on this line are in fair to good condition, the renewals outlined by the company being sufficient to maintain them in safe condition. Material for such renewals has been ordered and will be put

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in as soon as received. Ties have been delivered at site for a new deck on No. 8. Bridges Nos. 15, 17 and 18 are without inside guard rails.

Recommendations.

Place standard inside guard rails on bridges Nos. 15, 17 and 18, before January 1st, 1913.

PENNSYLVANIA RAILROAD.

New York Division—Main Line.

This division extends in New Jersey from Jersey City to Delaware River, a distance of fifty-six and seven-tenths miles. There are four tracks with the exception of a short distance through Newark where there are two.

All tracks are laid with one hundred pound rail ballasted with stone. Four thousand five hundred ton of new one hundred pound steel has been placed in track since last inspection. The track and roadbed are in first-class condition. The work of elevating the tracks is progressing rapidly between Linden and Colonia, which when completed will eliminate all highway grade crossings between these points.

Bridges.

Work is well under way on the seven miles of change of grade through Rahway. Bridge abutments and retaining walls east of the present tracks have been built and filling for the new grade has begun. A new overhead bridge is under construction, replacing the grade crossing at Dark Lane. Three new overhead bridges in Trenton are in various stages of completion, replacing old structures which were inadequate for the traffic. The bridges on the line are in good condition.

New York Bay Branch.

This road extends from Waverly to Greenville, a distance of four miles. It is double track laid with eighty per cent. one hundred pound rail, balance eighty-five, ballasted with cinders. It is used for freight traffic only, and is in safe condition.

Bridges.

This branch is used only for freight, and speed is restricted to fifteen miles per hour. Across the Newark Bay draw, which is used jointly by the Lehigh Valley Railroad, speed is restricted to six miles per hour. The bridges are all in good condition.

Waverly and Passaic Branch.

This road extends from Waverly around Newark to the Meadow Shops, a distance of four miles. It is double track, ballasted with cinders, laid with one hundred pound rail. It is used for freight traffic only, and is in good safe condition.

Bridges.

This branch is used for freight service and is operated at a speed not exceeding fifteen miles per hour. The bridges are all in good condition except No. 9 1-2, the abutments of which are shored up to insure safety. 48″ cast iron pipe is at site for replacing the small bridge over Wheeler's Ditch.

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Perth Amboy and Woodbridge Branch.

This branch extends from Rahway to Perth Amboy Junction, a distance of six and nine-tenths miles. It is doubletrack, ballasted with stone laid with eighty-five and one hundred pound rail. Five hundred tons of new one hundred pound rail have replaced the eighty-five since last inspection. This road is in good condition.

Bridges.

Due to the change of grade at Rahway, a new track has been built across Sucker Brook on plate girders with trestle approach. The bridges are all in good condition.

Millstone Branch.

This branch extends from Millstone Junction to Millstone, a distance of six and six-tenths miles. It is single track ballasted with cinders. The track is laid with sixty-five per cent eighty-five pound rail, balance one hundred. The track and roadbed have been well maintained, and are in good, safe condition for 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. It is single track ballasted with gravel and cinders. The track is laid thirty per cent one hundred pound rail, fifty per cent eighty-five, balance seventy-five. Sufficient tie renewals have been made and other work done pertaining thereto to keep the track in safe condition for the traffic.

Bridges.

There is but one bridge on this branch, a small timber trestle, maintained in good condition.

Princeton Branch.

This branch extends from Princeton Junction to Princeton, a distance of three and two-tenths miles. It is double track, but is run as single except at times of heavy traffic. It is laid with eighty-five pound rail ballasted with gravel and cinders. It is in good, safe conditoin for the traffic.

Bridges.

There is but one bridge on the branch, over the canal and Millstone River. Material is on hand for making repairs to deck and timbering, maintaining it in good condition.

Bridges.

All the recommendations made last year have been carried out except in regard to the old stone arch No. 85. Here concrete wing walls have been built so that there is no further danger from spreading, but lining it with concrete, as done in many other cases was found to be impracticable, because of insufficient clearance. The arch stones are loose and

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the arch generally is in very poor condition. There is plenty of room between the back of the arch and the ties to put in a concrete reinforcement. The arch could then be grouted and the soffit pointed without changing the clearance underneath. This construction is, therefore, recommended at this place. Much rebuilding is listed for 1912, chiefly in the repair or rebuilding of old masonry which is rapidly breaking up under the increasing live loads.

On the Trenton connection, Bridge No. 1 is to be replaced with heavier girders and a concrete slab floor. No. 14 has cast iron pipe on the ground ready to be placed under the track. No. 16 is being rebuilt. No. 20 is having ties placed on passing track. No. 28 is being lined and extended in reinforced concrete. No. 44 is to be lined with reinforced concrete in 1912. No. 46 to be replaced with cast iron pipe in 1912. No. 54 is temporarily shored up, and is to be entirely rebuilt this year. No. 93 is to have standard deck, and No. 96 is to be lined with reinforced concrete in 1912. The work completed is well done.

In addition to the above work, the following recommendations are submitted:

Recommendations.

That the following work be done before the close of 1912:

No. 4. Repair and point stone piers.

No. 7. Point stone piers.

No. 9. Point masonry. This bridge could be replaced with cast iron pipe.

No. 21. Point center pier.

No. 83. Point masonry.

No. 85. Reinforce back of arch with concrete and point stonework.

No. 87. Repair wing walls and point masonry.

No. 92. Rebuild south abutment.

Flemington Branch.

This branch extends from Lambertville to Flemington, a distance of eleven and five-tenth miles. It is single track, laid with one and nine-tenths miles of seventy pound rail, four-tenths of eighty-five, one and two-tenths of sixty pound, balance sixty-seven. One and one-half miles of one hundred pound will replace sixty-seven, and three-quarters of a mile of seventy to replace sixty pound will be laid this year. The track is well ballasted with cinders. There is quite a number of unsound ties in track which are now being replaced. The maximum speed on this branch is forty-five miles per hour, which, in my judgment, is excessive. The track is safe for the traffic for a speed of forty miles per hour.

Recommendations.

That not less than three hundred ties to the mile be placed in track before September 1st this year, and the maximum rate of speed be forty miles per hour.

Bridges.

Bridge No. 5 has had a new deck as recommended last year. The bridges on this line are generally old and light. Masonry is cracking in many places, and should receive a general overhauling. The bridges particularly noted are named in the recommendations. Where repair work has been done, their condition shows great improvement. Some of the smaller openings could be replaced with pipe or slab tops.

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Recommendations.

Repair and point backwalls on Bridge No. 2.
Repair abutments on Bridge No. 4.
Repair backwalls on Bridge No. 6.
Repair backwalls on Bridge No. 7.
Replace two culverts about one mile north of Bowne Station, with cast iron pipes.
Put new deck on Bridge No. 15.
Repair south abutment on Bridge No. 18.
Repair north abutment on Bridge No. 24.

Amboy Division—Main Line.

This division extends from Camden to South Amboy, a distance of sixty-one and two-tenths miles. It is double track from Camden to Bordentown, excepting a short distance through Burlington; single from Bordentown to Old Bridge; double from Old Bridge to South Amboy. It is laid with eighty-five pound rail, ballasted with gravel and cinders in good quantity. The track has been well maintained, and is in good, safe condition for the traffic. Recommendations made on last inspection have been complied with.

Recommendations.

That derails be placed in all sidings at Jamesburg Junction, where, if brakes are released, cars would run out on main track.

Bridges.

Bridges between Camden Terminal and Fish House Station at Mile Post 4.60 now come under the Camden Terminal Division, and will be reported under that heading.

No. 13 is to be raised and a larger span placed across the channel. No. 26, a pile trestle 83′ long, is being replaced by a deck plate girder on concrete abutments. No. 32, a pile trestle 138′ long, is being replaced with a double track reinforced concrete slab bridge in four spans, on concrete piers and abutments. No. 33 is a reinforced concrete slab, 28′ clear span on concrete abutments, replacing a 70′ pile trestle. No. 39 is a two span through plate girder bridge on a curve of about 6 deg., resting on concrete abutments and a center support of two framed timber bents. It is proposed to replace these timber bents with steel columns. This change is desirable, and at the same time an efficient system of lateral bracing should be placed in the bridge replacing incomplete screw lateral rods now in place. Preference should be given to a stiff system with riveted connections. No. 36 has been replaced with a reinforced concrete slab of 20′ clear span No. 20, a pile trestle 99′ long, could advantageously be replaced with a small deck span.

Considerable improvement is noted in the bridges in general, much good work having been accomplished since the last inspection over the entire division.

Recommendations.

When columns are placed under center of bridge No. 39, place an efficient system of stiff lateral bracing in the bridge.

Burlington Branch.

This road extends from Mount Holly to Burlington, a distance of seven and three-tenths miles. It is single track, laid with sixty per cent.

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sixty pound rail, balance seventy. It is ballasted with gravel and cinders. Maximum speed thirty miles per hour. It is safe for the traffic.

Bridges.

Tie renewals and general repairs have been made to Bridge No. 2 as recommended. No. 1 is to be raised, repaired and a larger opening made over the channel. Otherwise, the bridges on this branch are in good condition.

Kinkora Branch.

This branch extends from Kinkora to Lewistown, a distance of ten and seven-tenths miles. It is single track laid with two miles of eighty-five pound rail, balance seventy. It is ballasted with cinders in good quantity. The track has been well maintained, and is in good, safe condition for the traffic.

Bridges.

But two open deck bridges remain on this branch. They are in fair condition, and are to be replaced with concrete slabs in 1913.

Bordentown Branch.

This branch extends from Bordentown to Trenton, a distance of six and one-tenth miles. It is single track, laid with eighty-five pound rail ballasted with gravel and cinders. The track has been well maintained, and is in good safe condition for the traffic. Derails should be placed in electric road, at Broad Street.

Bridges.

Bridges are all in good condition except No. 2, a pile trestle on curve, which is to be rebuilt before August 1st this year. Speed over it is restricted to twenty miles an hour.

Jamesburg Branch.

This Branch extends from Jamesburg Junction to Monmouth Junction, a distance of six miles. It is double track, laid with eighty-five pound rail, ballasted with gravel and cinders. The track has been well maintained, and is in good safe condition for the traffic.

Bridges.

The one undergrade bridge on this branch, No. 2, has been replaced with a reinforced concrete double track slab of 20′ clear span on concrete abutments.

Freehold and Jamesburg Branch.

This branch extends from Jamesburg Junction to Sea Girt, a distance of twenty-seven and five-tenths miles. It is a single track, laid with eighty-five pound rail, ballasted with cinders. The track has been well maintained, and is in first-class condition.

Bridges.

No. 2 has new standard deck and stringers as recommended last year. No. 3 is to be rebuilt as a two span concrete slab, each 28′ clear span.

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This will replace 113′ of pile trestle.

Cattle pass east of bridge No. 3 is being replaced with a concrete slab.

No. 6 is being replaced with a concrete slab 24′ clear span. It is now a 48′ pile trestle.

No. 17 has been replaced with a 10′ concrete slab eliminating 44′ of pile trestle.

The other bridges on the branch are in good condition.

Camden and Burlington County Branch.

This road extends from Pemberton to Camden, a distance of twenty-two and five-tenths miles. It is a single track, laid with eighty-five pound rail, ballasted with gravel and cinders. On account of the wet weather, it is a little out of surface in spots, but fully safe for the traffic.

Bridges.

Line has been relocated at Hainesport and a new bridge built at No. 6 replacing 180′ of trestle and a 43′ A. frame draw. The new bridge is a through plate girder span with ballasted floor, flanked by two deck plate girder spans on concrete piers and abutments. No. 2 has also been replaced with a concrete arch in two spans of 20′ each. The old structure here was a 10 span pile trestle 115′ long.

The remaining bridges are in fair to good condition except No. 7, which needs a general overhauling. Material is on hand for making the necessary repairs.

Medford Branch.

This branch extends from Medford Junction to Medford, a distance of six and one-tenth miles. It is single track, laid with seventy pound steel rail, ballasted with gravel and sand. There are a number of unsound ties in track. There are eight trains running over this branch each day. Maximum rate of speed thirty miles per hour. The track is in safe condition for the traffic.

Recommendations.

That not less than fifteen hundred ties be placed in track this year.

Bridges.

The recommendations for No. 6 have been carried out by substituting a 10′ concrete arch for the 96′ pile trestle.

Quite a number of poor ties were noted on No. 5. This small pile trestle could be replaced with a small culvert.

Concrete has been let for rebuilding trestle No. 2 168′ long with the older girders from No. 38, main line, on concrete piers and abutments.

Recommendations.

Renew defective ties on Bridge No. 5.

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PHILADELPHIA AND LONG BRANCH RAILROAD.

This road extends from Birmingham to Bay Head, a distance of forty-six and one-tenth miles. It is single track, laid with seven miles of seventy pound rail, balance eighty-five. It is ballasted with gravel and cinders in good quantity. The track has been well maintained, and is in good, safe condition.

Bridges.

Bridge No. 24 is being filled.

No. 17 has been replaced with a cast iron pipe. Filling is partly completed. No. 13, Strings are now all new, 2-10″ x 16″ per rail eastward from the draw. Some poor ties were noted on this part of the bridge. Preparations are being made for building a new draw span to th east of the present one. The trestle west of the draw has not been repaired as recommended, but it is understood that the material is ordered for it. A special report will be made on this bridge,

A concrete slab, 8′ clear span, has been placed in service west of Browns Mills Junction. Nos. 10, 8, 5, 4, 3 and 2, all pile trestles, aggregating 581′ in length, gravel has been placed over and between the ties to lessen the danger from fire which is great, due to their remote location. Comparatively small openings would serve in all of these places and where renewals are necessary, it is very desirable that some fireproof construction be adopted for these bridges.

The remaining bridges on this line are in good condition.

Island Heights Branchh.

This branch extends from Island Heights Junction to Island Heights, a distance of one and two-tenths miles. It is single track, laid with seventy pound rail, ballasted with gravel. It is in good condition.

Bridges.

The one bridge on this branch is across Toms River, and contains a deck plate girder draw span. Total length is 1806′. Considerable damage has been done to the structure by ice during the past winter, and the track is in poor line across it. Speed is restricted to ten miles per hour, which is safe operation. The bridge will be generally overhauled this year.

PHILADELPHIA AND BEACH HAVEN RAILROAD.

This road extends from Manahawken to Beach Haven, a distance of twelve miles. It is single track, ballasted with gravel and cinders. The track is laid with sixty pound rail. Betterments have been made since last inspection in the way of placing eight thousand yards of cinder ballast under track and two miles of eighty-five and one hundred pound seconds. Steel rails are now being laid replacing sixty pound.

The track is in good, safe condition for the traffic.

Bridges.

The recommendation for rebuilding the second third of bridge No. 2 before the summer season of 1912 was not carried out. This week, however, work was started at the bridge on these renewals. Much of the

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material is on hand and men are framing ties for the work. Eight or ten weeks will be required to complete the third now under way.

A new Howe truss draw has been built at No. 6. This structure is the same length as the old bridge, but is heavier. Rails have butt ends held in line by a short cast iron shoe plate. The rail gap is between 2″ and 3″. The matter of placing a rail lock on this bridge is under consideration by the company.

The remaining bridges are all in good condition.

Recommendations.

No. 2. After completing repairs to the present third this year, rebuild the remaining third before the summer season of 1913.

No. 6. Place approval rail lock at draw, properly interlocked with signals.

PHILADELPHIA AND READING RAILWAY

Main Line.

This road extends in New Jersey from the Delaware River to Bound Brook Junction, a distance of twenty-one miles. It is double track with a number of center sidings. Thirty-three miles are laid with one hundred pound rail, balance ninety. It is ballasted with stone. The track and roadbed are in first-class condition.

Bridges.

Work is progressing favorably on the new Delaware River bridge No. 29. During construction speed is restricted to 20 miles per hour for passenger trains and 10 miles per hour for freight trains across the old bridge directly alongside. This restriction also applies to bridge No. 30 over the Pennsylvania Railroad and Canal immediately east of No. 29.

Light repairs of a temporary nature have been made to the decks of bridges Nos. 41, 47, 60 and 62 as recommended last year. A special report will be made in the near future on No. 41. Several poor ties were noted in No. 34, chiefly in the westbound track. The remaining bridges are in fair to good condition.

Recommendations.

Renew defective ties on bridge No. 34.

Trenton Branch.

This branch extends from Trenton to Trenton Junction, a distance of three and seven-tenths miles. It is a single track, ballasted with cinders, laid with eighty pound rail. The track is in good, safe condition.

Bridges.

There are no bridges on this branch.

Port Reading Branch.

This branch extends from Port Reading Junction to Port Reading, a distance of twenty-one miles. It is a single track laid with eighty pound rail, ballasted with cinders. It is used for freight traffic only. It is in good, safe condition for the traffic.

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Bridges.

Repairs have been made as recommended last year. Nos. 22 and 28 have new decks, the other having been repaired so as to carry the traffic safely until complete renewals are made. The small drain in Woodbridge Cut has been rebuilt. Top of center pier on No. 7 has been rebuilt in concrete, replacing broken seat stones.

Roller nests under east end of south trusses on bridges Nos. 3 and 4 have become displaced. On No. 3 the roller spacing bar is probably broken. These roller nests should be cleaned, repaired and replaced.

The remaining bridges are in fair condition.

Recommendations.

Clean expansion ends of bridges Nos. 3 and 4 and repair and replace roller nests under east ends of the south trusses of each bridge.

RAHWAY VALLEY RAILROAD.

This road extends from Aldene to Summit, a distance of eight miles. It is single track. The track is laid with five and one-half miles of seventy pound rail and two and one-half miles of sixty pound rail.

The heavy rains have filled up the mud cuts which should be cleaned as soon as can be done. The drain pipes are also stopped. This should be looked after at once. The deterioration of ties especially west of Kenilworth has been very great since last inspection. As this part of the line has been in use for about six years makes this condition possible. Mr. Dankel informs me that he has purchased five thousand ties, a number of which are now on hand, and will place them in track this year, which will place the track in good, safe condition.

Recommendations.

That all ditches be cleaned so as to give the necessary drainage within the next sixty days.

That the new switch ties be placed in both switches at Kenilworth Station.

That five thousand ties be placed in track this year.

Bridges.

The recommendations for putting the trestle approach to the Rahway River bridge in good surface and alignment have been carried out. Speed is restricted to 15 miles per hour across the trestle.

The abutments of Van Winkle's Brook bridge have been damaged by a washout. The bridge is temporarily shored up and speed is restricted to 10 miles per hour, which is considered safe until the abutments are rebuilt. The other bridges are all in good condition.

RARITAN RIVER RAILROAD.

This road extends from New Brunswick to South Amboy, a distance of twelve and three-tenths miles. It is single track. The track is laid with eighty pound rail, ballasted with gravel and cinders. The recent hard rains have filled the ditches, but this work is now being taken care of

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and will be completed within the next thirty days. Sufficient tie renewals have been made to meet the requirements, and the road has been maintained in a good, safe condition. The Public Service Electric line crosses the track on the Main Line at Roberts Crossing, also at Quades Crossing on the Sayreville Branch, derailed on one side only. Both the approaches should be derailed, and I so RECOMMEND.

Bridges.

All the bridges on this line are in good condition, except the masonry of the bridge over the Camden and Amboy Railroad in South Amboy. Both of the abutments of this bridge should have all joints raked out and pointed with Portland cement mortar. The center pier is narrow and shows cracks with some indications of loosening stones. This pier should be thoroughly overhauled, grouted and pointed as described above, putting it in condition to be unquestionably safe.

Bridge at mile post 3.00 is a temporary structure which will be abandoned when the line is relocated at this point.

The remaining bridges are new, having been rebuilt since 1908.

Recommendations.

Repair substructure of bridge over the Camden and Amboy Railroad as indicated above.

TUCKERTON RAILROAD.

This road extends from Whitings to Tuckerton, a distance of twenty-nine miles. It is single track, ballasted with gravel and cinders, principally gravel. The track is laid with sixteen miles of sixty pound, six miles of eighty, and seven miles of eighty-five pound steel rail. Eight hundred tons of eighty-five pound steel rail laid since last inspection. The track has been well maintained, and is in good, safe condition for the traffic.

Bridges.

Inside guard rails have been placed on Manahawken bridge as recommended. The other recommendations have not yet been completed. Material is ordered for complying with all of them and will be in place before June 26th when the summer schedule goes into effect. Bridges at Pancake and Davenports should have standard inside guard rails. Renewals programmed for the remaining bridges are sufficient to maintain them in safe condition for the traffic.

Recommendations.

Place standard inside guard rails on Pancake and Davenports bridges.

WEST JERSEY AND SEASHORE RAILROAD.

Atlantic City Division—Main Line.

This line extends from Camden to Atlantic City, including the Van Hook Cut-off in Atlantic City, a total distance of sixty-one and 1-10ths miles. It is double track, ballasted with stone laid with one hundred pound rail, and in first-class condition.

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Bridges.

Bridge No. 107 has been replaced with three 60" cast iron pipes as noted in special report. No. 106 has girders under south bound track shored on timber bents on piles making it safe for the heavier engines. Under the north track the girders are deeper. The masonry is in fairly good condition except for backwalls on south bound track which are loose. This bridge might be eliminated by substituting cast iron pipes similar to No. 107 when renewals are next found to be necessary. In the meantime, the backwalls on south bound track should be repaired and masonry pointed.

The draw at Atlantic City is to have hand operation changed to electric motor as soon as the ordered material arrives. The other bridges are all in good condition.

Recommendations.

Repair backwalls on No. 106 and point masonry.

Chelsea Branch.

Bridges.

The two small pile trestles on this branch are in good condition.

Medford Branch.

This branch extends from Haddonfield to Medford, a distance of eleven and 9-10ths miles. It is single track, laid with sixty pound rail, ballasted with sand, gravel and cinders. It is only in fair condition, but safe for the traffic and speed, viz., forty miles per hour maximum. Ties are on the ground for renewals, which should be done as early as practicable.

Recommendations.

That all unsound ties be replaced before September 1st this year; that targets be placed on all spindle switch stands within the next sixty days.

Bridges.

A plate girder has been placed in trestle on bridge No. 115, and approach trestles reinforced. The small timber bridge one-half mile south of Elmwood road should be replaced with a cast iron pipe.

The bridges are otherwise in good condition.

Van Hook Street Cut Off.

Bridges.

Bridges are all comparatively new. They are in all cases steel girders having ballasted floors and masonry abutments. Inside guard rails are in place on them, but in several places the blocks at their ends are missing. Otherwise, they are in good condition.

Recommendations.

Place standard bevelled blocks at all guard rail ends where at present omitted.

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Camden Terminal Division.

Bridges.

Bridges through Camden are new steel girders on masonry abutments. Besides these there is a deck plate girder draw bridge over Cooper River and two small steel deck spans. All are in good condition.

Cape May Division—Main Line.

This division extends from Camden to Cape May, a distance of eighty-two and 4-10ths miles. Double track, Camden to Newfield; single, Newfield to Mount Pleasant; double, Mount Pleasant to Sea Isle Junction; single, Sea Isle Junction to Cape May. It is laid with one hundred pound rail, ballasted with stone ballast for a distance of thirty-four miles, balance gravel and cinders. After leaving Camden Yard, overhead wires are used through the City of Camden and Gloucester and third rail from there to Millville. Steam trains are also operated over this line between Millville and Cape May, also between Glassboro, Woodbury and Camden. The track has been well maintained and is in good condition. There is also four miles of third track between Camden and Glassboro.

Bridges.

Bridges on this line are all maintained in good condition.

Penns Grove Branch.

This branch extends from Woodbury to Penns Grove, a distance of twenty-one and 7-10ths miles. It is single track, laid with eighty-five and seventy-five pound rail, ballasted with cinders. All the light rail has been replaced by eighty-five since last inspection. The track has been well maintained and is in good ,safe condition for the traffic.

Recommendations.

That targets be placed on all spindle switch stands within the next sixty days.

Bridges.

The bridges on this branch are all maintained in safe condition for the traffic. There are three draw bridges over which a maximum speed of six miles per hour is allowed.

No. 209, over Raccoon Creek has had extensive repairs made recently, and is in good condition. The other two are old and not in good line, but are safe for the above speed.

Some of the smaller timber openings could, with apparent economy, be replaced with permanent structures in metal or concrete.

Recommendations.

Realign track across Mantua Creek and Repaupo Creek draws.

Salem Branch.

This branch extends from Woodbury to Salem, a distance of twenty-eight and 7-10ths miles. It is single track, laid with eighty-five pound rail, ballasted with gravel and cinders. There are quite a large number of unsound ties in track in different places. Ties are on the ground for their replacement which should be done within the next sixty days. The recommendation that targets be placed on all spindle switch stands has not been complied with. The track is in safe condition for the traffic.

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Recommendations.

That all unsound ties be renewed.
That targets be placed on all spindle switch stands, all to be done within the next ninety days.

Bridges.

Bridge No. 19 contains many poor ties and stringers. No. 20 has some poor caps. No. 22 has been replaced with a 30′ concrete arch and small bridge at Moore's Run has been replaced with a 48″ cast iron pipe.
The remaining bridges are all in good condition.

Recommendations.

Renew defective ties and stringers on bridge No. 19.
Renew defective caps on bridge No. 20.

Quinton Branch.

This branch extends from Alloway Junction to Quinton, a distance of four and 3-10ths miles, single track, ballasted with gravel and cinders, laid with seventy pound rail. The recommendation that targets be placed on all spindle switch stands has not been complied with. The track is in safe condition for the traffic.

Recommendations.

That targets be placed on all spindle switch stands.

Bridges.

The bridges on this branch are maintained in good condition for the traffic.

Elmer Branch.

This branch extends from Riddleton Junction to Elmer, a distance of ten and 3-10ths miles. It is single track laid with seventy pound rail, ballasted with cinders and gravel. It has been well maintained and is in safe condition for the traffic.

Bridges.

The one bridge on this branch, No. 30½, is an I beam structure on concrete abutments. The ties are poor and widely spaced. They should be renewed and spaced not over 6″ apart in the clear.

Recommendations.

Place standard deck on bridge No. 30½.

Bridgeton Branch.

This branch extends from Glassboro to Bridgeton, a distance of twenty-eight and eight-tenths miles. It is single track laid with sixty pound rail with the exception of one and two-tenths miles, which is laid with one hundred. It is ballasted with gravel and cinders and in safe condition for the traffic.

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Bridges.

Bridges outside of Bridgeton are maintained in good condition. In Bridgeton No. 39 and No. 40, small pile trestles, have poor stringers, and No. 40 needs extensive overhauling. Both of these bridges could be replaced with concrete culverts with slab or I beam tops. No. 38 could be replaced with cast iron pipe when renewals become necessary.

Recommendations.

Thoroughly overhaul bridges No. 39 and No. 40, renewing all defective timber in each or replace them with bridges of permanent character.

Maurice River Branch.

This branch extends from Manumuskin to Maurice River, a distance of nine and eight-tenths miles. It is single track, laid with eighty-five pound rail ballasted with gravel and cinders. The track has been well maintained, and is in safe condition for the traffic.

Bridges.

The two small pile trestles on this branch are in good condition.

Ocean City Branch.

This branch extends from Sea Isle Junction to Ocean City, a distance of sixteen and four-tenths miles. It is single track, laid with sixty, seventy, eighty-five and one hundred pound rail. Four miles of the sixty has been replaced by one hundred since last inspection. It is ballasted with gravel and cinders. The track is in good, safe condition for the traffic.

Recommendations.

That targets be placed on all spindle switch stands not connected with switch signals or other safety appliances.

Bridges.

There are two draw bridges on this branch over which the maximum speed is six miles per hour. All the bridges have recently been overhauled and are in good condition.

Stone Harbor Branch.

This branch extends from Sea Isle City to Stone Harbor, a distance of eight miles. It is single track, laid with sixty and seventy pound rail, ballasted with gravel and cinders. The track has been very much improved since last inspection by placing ten thousand yards of cinders ballast under it. The track is in safe condition for the traffic.

Recommendations.

That targets be placed on all spindle switch stands not connected with switch signals or other safety appliances.

Bridges.

The bridge across Townsend's Inlet, 4300' long, is the only one on this branch. Speed is restricted to six miles per hour across it. Because of its exposed locations, it is under constant inspection and renewals are frequently made, maintaining it in fair condition and safe for the traffic.

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Wildwood Branch.

This branch extends from Wildwood Junction to Wildwood, a distance of seven and six-tenths miles. Two miles of double track, balance single, laid with one hundred pound rail, ballasted with gravel and cinders. The track is in good, safe condition for the traffic.

Bridges.

Bridge No. 56 over Grassy Sound is in good condition except for a few ties and guard timbers which are beginning to get soft. Rails are slightly out of line at ends of draw span. Light repairs are all that is necessary to bring it to good condition. The three other bridges are in good condition.

Recommendations.

Renew defective ties and repair guard timbers, also adjust rails at ends of draw span on bridge No. 56.

Newfield Branch.

This branch extends from Newfield to Atlantic City, a distance of thirty-four and two-tenths miles. It is double track third rail ballasted with cinders. The track is laid with eighty-five pound rail and is in first-class condition. In addition to the electric trains, there is one local freight train running over this line.

Bridges.

Bridges on this line are all maintained in safe condition. Inside guard rails are of various lengths on facing ends. They should be at least two rail lengths beyond ends of bridges in all cases.

Ties on Thoroughfare bridge at Atlantic City are getting in poor condition. They are to be renewed this year. The draw is to be changed from hand to electric motor operation, material for which has been ordered.

Recommendations.

Extend guard rails on facing ends of all bridges at least two rail lengths beyond end of bridges.

WEST SHORE RAILROAD.

This road extends in New Jersey from Weehawken to Tappan, a distance of nineteen miles. It is double track. That part through the tunnel and six miles of main line is laid with one hundred pound rail, balance eighty. The tracks in tunnel will be replaced with new one hundred pound rail this year. The track is ballasted with stone and is in good condition. The plant for ventilating the tunnel has been completed, located at the west end. While it will not clear the tunnel of smoke at the east portal when there is an east wind, it is doing very good work, and the results obtained warranted its installment.

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Bridges.

The bridges on this line are in good condition except for the points indicated below. Guard rails in some instances are too short on receiving ends, particularly where bridges are on curve. Bridge seats are not kept clean and free from accumulation of cinders. Some of the ties on No. 11 need renewing and the iron work on No. 4 needs painting. No. 8 is having general repairs made to trestle approaches, bringing them up to standard. Speed across this bridge and draw is limited to twenty miles per hour.

Recommendations.

Clean all bridge seats.
Renew defective ties on No. 11.
On receiving ends of bridges No. 4 and No. 12 extend guard rails to 100 feet beyond backwalls.
Paint steel work of No. 4.

New Jersey Junction Branch.

This road extends from Weehawken to Jersey City, a distance of four miles. It is double track, ballasted with cinder and gravel, laid with eighty pound rail. It is used principally for freight, but four passenger trains run over it each day. The track is in fair condition, fully safe for the traffic.

Bridges.

Bridges are in fair condition except ties on No. 4, which contains many poor ones. This bridge is to be generally overhauled this year.

Recommendations.

Renew defective ties on No. 4.

WHARTON AND NORTHERN RAILROAD.

This road extends from Wharton to Green Pond Junction, from Wharton Junction to a connection with the Central Railroad of New Jersey, and from Oreland Junction to Oreland, a total distance of twenty-one miles. It is single track. The track is laid with three miles of eighty pound, 3½ miles of eighty-five, one mile of ninety and the balance sixty pound. The track is ballasted with stone and cinders. A large number of ties have been placed in track this year, but there are still 3200 required to place the track in safe condition for the winter. There are a number of decayed switch ties in the majority of the switches. These must be replaced before winter sets in.

Recommendations.

That 3200 ties be placed in track before November 1st this year. That not less than 400 of this number be placed on the Central connection. That all unsound switch timber be replaced this year. That the maximum rate of passenger trains be twenty-five miles per hour, and freight trains eighteen miles per hour.

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Bridges.

A new floor with treated ties has been placed on the Port Oram Bridge. Inside guard rails have been laid on this bridge and over the trestle connecting with and completing it over the Central bridge.

Recommendations.

That the masonry be repointed and the hewn ties be replaced by regular bridge ties spaced six inches on the bridge over Green Pond Brook. That a new floor be placed on bridge over Timber Brook.

INSPECTION OF ELECTRIC RAILWAYS.

The following are from inspectors' reports on inspections of electric railways.

ATLANTIC CITY AND SHORE RAILROAD COMPANY.

This road extends from Ocean City to Longport, a total distance of twenty-four and 81/100 miles; Somers Point to Ocean City, a distance of two and 70/100 miles, is single track. Three miles and 70/100 of this distance the cars are run over the third rail of the West Jersey and Seashore Railroad, also between drawbridge and Meadows Tower, the road is operated by third rail.

The track between Atlantic City and Ocean City is ballasted with cinders and gravel. The Longport end, with the exception of two miles, is now being ballasted with stone ballast and creosoted. This track is laid with 70, 76 and 80 pound tee rail; 85 tee, Pennsylvania Railroad, Sec. 235-South Carolina Avenue, Adriatic Avenue to Crematory. 7″ Penna. Steel Co. Sec. 217, 85 Tee Penna. Steel Co. Sec. 235 7″ ten pound Steel Co. Sec. 206. The track between Ocean City and Somers Point is laid with 80 pound rail. The track has been maintained in safe condition for the traffic.

Recommendations.

That all unsound ties be replaced by December 1st, this year.

Bridges.

The decks of the two bridges near Atlantic City are getting in poor condition. On the high trestle over the P. R. R. and the A. C. R. R. tracks ties and guards are marked for renewal. Many poor and decayed ties were noted in these trestles which should be renewed. A sufficient number of renewals have been marked on the high trestle to maintain it in good condition if they are put in this year. On the trestle over Rainbow Channel, 29 bad ties were counted. The bridges on the South end of the line are built of creosoted timber and piling and are generally in better condition than those at the North end. While the track is slightly out of line on them, they are safe for the maximum speed of 15 miles per hour to which they are limited. They are provided with proper inside guard rails.

The two through plate girder draw bridges at Somers Point and Ocean City are in good condition and are restricted to a speed of 4 miles per hour.

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There are two overhead bridges at Somers Point. Trusses are half through, riveted, lattice girders on concrete abutments. Both are in good condition.

Ties are 7″ x 9″ and 8″ x 10″ laid flat and spaced 20″ centers on all bridges. Guards are 6″ x 8″ notched over the ties. Stringers are 2′ 8″ x 16″ per rail on 14′ spans. 4 pile bents are used in shallow water and 5 pile bents in deep water. In the latter case the two outer piles are battered. All bents are diagonally braced. High Bridge has framed bents of 12″ square timber on piles. Bents have 4 vertical posts and 2 on batter. All securely braced.

Over the two steam railroads are two through plate girder spans with steel floor systems, having girders supported on steel columns. There is a reverse curve on the highest part of the trestle around which and across the two steel bridges inside guard rails are properly in place. On the approaches only one inside guard rail is in place. The other guard rail should be lengthened so that a complete double line of inside guard rails should run from end to end of the bridge, and on the end facing the direction of traffic they should extend at least two rail lengths beyond the ends of the bridge with their ends brought together on any easy curve to center of track and have points protected with a sloping block the same as on bridges at south end of the line.

At Beach Thorofare guard rails on facing ends should be similarly treated. Recommendations covering these points were made resulting from inspection of October 27th, 1909, but have not been carried out. They are therefore repeated.

When ties are renewed in any considerable quantity, they should be respaced so the clear distance between them will not exceed 6″, in order to lessen the danger from the wheels of a derailed car catching between them.

Recommendations.

Rainbow Channel. Renew defective ties.

Beach Thorofare.—Renew defective ties and timber. Bring guard rails together to a point in center of track at ends of bridge facing the direction of traffic, and protect such point by a standard bevelled block.

High Trestle.—Continue guard rails so they will extend in double line full length of trestle on both tracks, and on facing ends two rail lengths beyond end of bridge. Bring facing ends together in center of track and protect them with a standard bevelled block.

Renew defective ties and timber. Space new ties to 6″ clear between them.

BRIDGETON & MILLVILLE TRACTION CO.

This report also includes Bridgeton Rapid Transit Company, which is under lease to the Bridgeton & Millville Traction Company, for a term of years. The line of the holding company runs from Millville to Bridgeton, a distance of 11 miles, single track with three turnouts. This portion of the line is on private right-of-way, the track taking the side of the Bridgeton-Millville turnpike, a toll-road which is owned and operated by the Traction Company. From Bridgeton, the line runs south to Port Norris, a distance of 20 miles, single track, with 11 turn-outs, and passing through the towns of Fairton, Cedarville, Newport and Dividing Creek. The line for the most part is operated on the side of the highway under franchises from the various townships through which it passes; a portion is run on private right-

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of-way. From Port Norris the line continues to its termination, Bivalve, a distance of one mile, with one turn-out. A freight car is operated from Bivalve to Millville, making two round trips a day, carrying milk and oysters north to Bridgeton and Millville.

BRIDGETON RAPID TRANSIT CO.

This line is composed of approximately nine miles of track in the streets and highways of Bridgeton and the line running to Tumbling Dam Park, a pleasure resort owned by the Traction Company.

Track.

From Millville to Bridgeton.

Built in 1892.
Retied 1911.
Rail T 48#.
Ties chestnut.
Joints standard 6 bolts.
Switches spring.
Gauge standard 4′ 8½″.
Ballast gravel.

From Bridgeton to Bivalve.

Built in 1892.
Rail T 60#.
Ties chestnut.
Joints standard 6 bolts.
Switches spring.
Gauge standard 4′ 8½″.
Ballast gravel.
U. S. Block signals, at sidings.
Jack boxes every ½ mile.
In City of Bridgeton 2,000′ T rail 48#, remainder T rail 60#.
Special work on all curves.
Company maintains roadway between tracks and 18″ on either side of rails.

Steam Crossings.

West Jersey & Seashore: Protected by flagman and gates.
Central Railroad of New Jersey: Unprotected. There is very little operation over this railroad.

Overhead Construction.

In Bridgeton, span wire, chestnut poles.
Remainder of line bracket construction, chestnut poles.
Trolley wire copper, gauge 3/0.
Feeders one to four.
Two aluminum 800,000 capacity.
Two copper 4/0 capacity.

High Tention Line.

From Newbury to Bivalve, 11,000 volts.
Poles also carry ground wire for lightning arrester and telephone wires.

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Bridges and Structures.

From Bridgeton to Port Norris.

Over Rocap Run. Abutments concrete. Span 10′. One 15″ I beam under each rail. Ties chestnut, 8x10x9′. Timber guard 6x8″ bolted to every other tie. Steel guard rails carried well off bridge. Two small concrete arches at Fairton.

Over mill race at Cedarville. Abutments concrete. Span 8′. One 15″ I beam under each rail. Ties chestnut, 8x10x9′. Timber guard 6x8″ bolted to every other tie. Steel guard rail carried well off bridge.

Newport County Bridge. Abutments concrete. Span 10′. One 15″ I beam under each rail. Ties chestnut, 8x10x9′. Timber guard 6x8″ bolted to every other tie. Steel guard rails carried well off bridge.

At Beaver Dam. Abutments concrete. Span 20′. One 15″ I beam under each rail. Ties chestnut, 8x10x9′. Timber guard 6x8″ bolted to every other tie. Steel guard rails carried well off bridge.

Over Dividing Creek. Abutments masonry. 70′ span. Swing draw 32′.

From Port Norris to Bivalve.

Over drainage ditch. Abutments concrete. Span 6′. One 15″ beam under each rail. Ties chestnut, 8x10x9′. Timber guard 6x8″ bolted to every other tie. Steel guards carried well off bridge.

Over drainage ditch. Abutments concrete. Span 6′. One 15″ beam under each rail. Ties chestnut, 8x10x9′. Timber guard 6x8″ bolted to every other tie. Steel guard rails carried well off bridge.

Over Dickey's Ditch. Abutments cribbings. Span 100′. Seven bents 10′ centre to centre Four piles to each bent. Total length of bridge 100′. Two 15′ I beams under each rail.

Substation at Fairton.

Brick. 50 x 60′. Tile roof.

Car Barns at Bridgeton.

Two (one, capacity 20 cars). 3 tracks with repair pits. Dimensions 100 x 150′. Brick walls. Galvanized iron roof. The other is 50 x 100′. Galvanized iron sides and roof.

Power.

5 50 volts. Power leased from Bridgeton Electric Company.

BURLINGTON COUNTY TRANSIT CO.

The Burlington County Transit Company's line occupies the streets of Burlington under franchise. It parallels the tracks of the Riverside Traction Co. through a portion of the town, the two tracks being used jointly by both companies as double track. Between Burlington and Mt. Holly, the line is entirely on private right-of-way, 15′ and 30′ wide, except for 7100′ on the Burlington end, which is on the side of the highway, under franchise from Burlington Township and the County of Burlington. To the end of Mt. Holly, the tracks cannot take the street under franchise, and from Mt. Holly to Moorestown, the tracks are located on the side of the

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public road under franchise from the Townships of Lumberton, Mt. Laurel and Chester. The entire length of the line from Burlington to Moorestown is 16 miles with 11 passing sidings.

Bridges and Structures.

Just north of Mt. Holly the line crosses the Pennsylvania Railroad with a plate girder bridge, with short timber trestle approaches, the railroad tracks being in a cut.

In order to use the highway bridge at Washington Street in Mt. Holly, it was found necessary to place a 36″ box girder under each rail.

On the highway drawbridge at Hainesport, the rails are laid on the bridge planking at Long Crossing, and an underpass for the electric line and highway was constructed under the P. R. R., the railroad tracks being carried by a through plate girder span on cut stone abutments.

Pile trestle bridge across the mill stream at Parrees Park and across Parker Creek at Hartford have been replaced lately by modern concrete and steel bridges.

The power house, car house, store yard and office are located near Hainesport, on a tract of land 4.43 acres in extent. The car house and shop are in one building, 30′ 6″ wide x 175′ long. The building is wood frame, covered with galvanized iron. The car house will hold four cars and the shop two, the floor of the shop being depressed in lieu of a pit.

Track and Roadway.

The rail is 7″ 73# train girder through Burlington, 6″ 60# T through Mt. Holly and 60# standard T the remainder. The ties are chestnut and oak, 6 x 6 x 7′, placed 2′ center. 3,000 new ties were put in this year, a 10% yearly renewal being anticipated, in the future. 8″ x 9″ crown bonds are used, and about 400 twin terminal bonds were recently installed. About ½ of the track is ballasted with cinders, and the remainder will be done in the near future. Gauge is 5′. Split switches are used outside of the city and of 11 sidings, 10 have been recently equipped with new frogs. The special work in the public streets is built up type. Turnouts are located for 10 minute headway.

Equipment.

The company owns 10 double truck passenger cars, 4 of the closed type and 6 are Brill semi-convertible type, 1 Brill sweeper and 1 work car, single truck McGuire motor Westinghouse No. 3. The trucks are Brill 27-G and electrical equipment consists of 4 Westinghouse #49 motors to each car, with the exception of the work car, which is equipped with two motors. Weight of cars, (5) 36 600# (6) 37 100#, length 39′, seating capacity 42.

Accessories.—Electric heater JM-8-K, lights 15 and 20, headlights 12″, two incandescents.

Fender #2 W. S. fender.
Register SM-S Q #5.
Air Brakes Christianson AA-1.
Motor WH #49, total H. P. 140.
Gear ratio 14/68.
Speed miles per hour, 25.
Controllers, two on each car. Type K-12.
Circuit breakers, 2 on each car.
Trolleys, 2 on each car.

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Shop Equipment.

Lathe. New Haven 28 x 12. Shaper, R. A. Kelly & Co. 15″ stroke. Drill press, Prentice 16″. Grinder. Bridgeport S. E. W. Co. Motor, Crocker Wheeler 7.5 H. P. 500 volts, 13 amperes, 950 RPM. Main shaft, 30′, 2½″ diameter.

Signals.

At the crossing with the P. R. R. at Washington Street, Mt. Holly, the company is required by the P. R. R. to maintain and operate an interlocking system with a tower. The entire line is protected with hand throw signals of the Ramsey type.

Power.

The power house is 47′ wide and 111′ long, being of brick with steel roof trusses. There are 3 Sterling boilers of 250 H. P. each, 2 300-K. W. D. C. generators, each belted to a 470 H. P. simple condensing engine, operated at 130 RPM. An Eynon Evars exhaust condenser is installed. Water is taken from Rancocas Creek.

The company has recently purchased two miles of 500.000 c. mil feeder wire, and one mile of trolley wire. This is being installed. The line in general is being put into good condition and approximately $9,000 has been expended for this purpose during the last year.

Metal Bridges.

There are four metal bridges on this line, located as follows, all of single track: The two Rancocas Creek bridges are used jointly as highway bridges.

1. Through plate girder span on columns over the Burlington Branch of the Pennsylvania R. R. in Mount Holly.
2. Through plate girder span on stone and concrete abutments, over Rancocas Creek in Mount Holly.
3. Half through lattice riveted draw and fixed span over south branch of Rancocas Creek at Hainesport.
4. A deck "I" beam span on concrete abutments over Parker's Creek at Hartford.

The maximum live loads were ascertained to be a car 41.5 feet long over all, 16.7 feet center to center of trucks, and 4 feet center to center of truck axles, weighing empty 24.000 pounds, and seating 42 persons. In the computation, the weight assumed per wheel was 4,250 pounds.

Measurements were taken wherever possible and stresses computed.

Owing to the time of the year and weather, a thorough inspection was impracticable at the two Rancocas Creek bridges, but so far as could be determined, they were in fair to good condition, except that the paint on the Hainesport Crossing is blistering and peeling off considerably in places. These places should be scraped and primed when the weather has moderated, so that the danger from frost is over.

The bridges figured were found to be stressed well within safe limits and in good condition generally.

The wall plates under the ends of the I beams at Parker's Creek have shifted, and should be reset and fixed in a position central under the ends of the beams.

Recommendations.

First: Reset and center the wall plates under the ends of the I beams at Parker's Creek Bridge.

Second: Scrape and prime the blistering and peeling paint on Hainesport Bridge when the weather conditions will permit.

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Bridges.

It was found that while the bridge over the mill stream at Rancocas Park has been rebuilt within the last few years, and is in fair condition, some minor repairs are needed to put the bridge in safe condition. Following is a general summary of the construction of the bridge:

Abutments, concrete.
Span, 27 feet between abutments.
Bents, two 3-pile bents at center of span. 1 12x12 cap; 1 10x10 cap.
Stringers, 2 8x16 under each rail.
Ties, 6 x 8 spaced 18″ centers.
Guard timber, 6 x 8 bolted to ties.

Recommendations.

The stringers are in good condition, with the exception of one on the south side of the bridge on the west end where longitudinal sheering has commenced. While this is not a serious matter at the present time, it would be better to bolt the two stringers together with at least four bolts, filler blocks to be put between stringers to prevent lateral deflection, bolts to be staggered and placed at one-foot centers.

The "shims" under ties should be removed and stringers elevated to give proper bearing. The stringers have poor bearings on concrete abutments. They should be elevated, and a firm even bearing the entire width of the stringers be obtained. Timber guard at the south end of the bridge on the side nearest to the highway should be renewed.

To facilitate location, counting from the south end ties number 1, 7, 13 16 should be renewed. This work to be finished by February 29th, 1912.

In the inspection of the bridge over the Mount Holly Branch of the Pennsylvania Railroad, the following recommendations are found to be necessary:

Recommendations.

The ties which are on the bridge at the present time are of insufficient dimension and are spaced too far apart. They should be replaced by 6 x 8 ties dapped ½″ over girders and spaced 12″ centers.

One 6 x 16 stringer on the west end of the bridge on the north side should be replaced. Guard rails to be carried entirely beyond the bridge, and around curve on both sides.

ELIZABETH AND TRENTON RAILROAD.

The road extends from Milltown Junction to Trenton, a distance of 22 3/10 miles. It is single track, laid with 60 pound steel rail, ballasted with gravel, cinders and sand. It is operated by overhead trolley, manual electric signals and telephones. The track is very much run down. Ten thousand ties have been placed in track this year, and fourteen thousand more are needed to place the road in good, safe condition. They promise to place this additional number in track before winter sets in. The track is out of line and surface where tie renewals have not been made, especially the eastern end. The ditches in a number of the cuts are full and must be cleaned before freezing weather sets in. The track is reasonably safe for the traffic. That part where renewals have been made is in good condition.

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Recommendations.

That not less than fourteen thousand ties be placed in track this year: that the track be put in good line and surface; that the ditches in all cuts be cleaned before freezing weather sets in.

Bridges.

The bridges on this line are generally in better condition than when last inspected. The largest one, over the Pennsylvania Railroad near Dayton, is being extensively overhauled. The others are to receive attention as soon as the men can get to them.

Inside guard rails are on all bridges over 30′ long, but in many places their ends have not been brought together in the center of the track, and such points protected by a block sloped off to prevent anything from catching on them.

The following points were noted for attention before the close of the year:

Recommendations.

Lawrence's Brook.—Renew 1 stringer and 1 guard.
Beaver Dam Brook.—Renew 2 ties and 1 guard
Two small drains east of Cranbury Brook.—Renew 1 tie each.
Riley's Brook.—Renew 2 guards.
Pond Run.—Supply guards along one side.
Bring all guard rails to a point in center of track and protect such points with bevelled blocks.

FIVE MILE BEACH PASSENGER RAILWAY.

This line is a single track electric road with one loop and sidings. Overhead construction is used. The holding company, which is the Wildwood Electric & Traction Company, built the first line in 1901. This ran from Rio Grande to Anglesea, and in 1906, the line was built to Wildwood Crest. The Main Line is now taken as far as from Wildwood Crest to Anglesea, and the line to Rio Grande is known as a spur. This road is run to capacity only in the summer months, although two cars are run during the rest of the year.

Following is a report of physical features of track and roadway:

Main Line.

Length of single track, 5 miles.
Number of sidings, 7. Capacity, 2 cars.
Switches, spring.
Rail, 70 lb. "T."
Bond, protected cable type.
Paving, pressed brick through Borough of Holly Beach; macadam through Borough of Wildwood Crest; gravel through Boroughs of Wildwood and North Wildwood
Foundations, ties laid on longitudinal concrete beam in Borough of Wildwood Crest and partly in Borough of Holly Beach (length, one mile.) 2,000 feet concrete beams are supported by 12″ x 12″ Y. P. piles.

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Rio Grande Spur.

Length, one-half mile.
Turn-outs, one. Switch and tail track at Rio Grande.
Rail, 70 lb. "T."
Bond, protected cable type.
Roadway, gravel.
Railroad crossing, spur crosses Wildwood Branch of Pennsylvania Railroad. Crossing is protected by P. R. R. flagman, and derails on trolley line.
Spur to car barn, 1,000 feet. Same construction as rest of line.
Rolling stock, open cars, (14) 22 ft. long. Single truck. 10-bench cross seat.

MILLVILLE TRACTION COMPANY.

The Millville Traction Company operates from Millville to Vineland, single track operation, with passing sidings. There is also a local division running through the streets of Millville and connecting in Millville with the cars of the Bridgeton & Millville Traction Company. An adequate service is maintained in Millville and Vineland, but owing to the competition with the electric trains of the West Jersey & Seashore Railroad, the road is operating at a distinct loss.

It has been the policy of the management of this company, however, to put back into the road anything that was taken out, the result being that the track is in good surface and alignment, cars being able to maintain a fast schedule. Through the loss of one car recently, the road is somewhat crippled for rolling stock, and the cars have not been cleaned for some time. This should be remedied.

Carrying out their policy of efficient maintenance, the company will reconstruct .446 miles of line on High Street, Millville. Provision is also made for 300 feet of track on Main Street, Millville. The material for this work is already on the ground. 7″ T rail 60 feet long is to be used. This work will be prosecuted as soon as the weather will permit.

In 1911 approximately 1500 ties were placed in the track, many of these being treated with carbolineum. This method of preservation the company pursues at their plant in Millville.

Following is a resume of the general features:

Track.

Vineland Division, 9.316 miles.
Local Division (Millville), 1.849 miles.
Union Lake Park spur, .765 miles.
Park to Junction, .850 miles.
Gravel pit spur 1 mile.
Type of Rail—40 lb. "T." In Vineland, 2,000 ft. 9″ girder.
Ties.—Chestnut.
Joints.—4 and 6 bolt. In Vineland, continuous joint.
Bonding.—4/0 copper.
Paving—2,000 ft. brick in Vineland. Remainder of line, sand ballast.
Lightning Arrestors.—Garton Daniels.
Signals—Block, Ramsey hand throw type.

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Overhead Construction.

Poles.—Chestnut.

Span Wire.—In Vineland, 1.4 miles. In Millville, 1.92 miles. Remainder, side bracket construction.

Trolley Wire.—2/0 capacity, copper.

Feeders.—2 4/0 capacity. 1 500,000 cir. m. aluminum.

Passing Sidings on Vineland Division.

Four.

Railroad Crossings, Millville.

2 tracks into Whithall-Tatem Glass Company, unprotected.
1 track on Dock Street (industrial siding), unprotected.
2 tracks into Millville Manufacturing Company.

Railroad Crossings, Vineland Division.

2 tracks into Clayville Brick & Mining Co., unprotected.

Bridges.

Across Cape May Division, West Jersey and Seashore R. R.

Abutments, first class rubble.
Span, 50 feet.
Type, half through plate girder.
Depth of girder, 5 feet.
Ties, spaced 1 ft. centers 12″ x 12″ Y. P.
Ties rest on angle iron brackets riveted to girder.
Transversal lateral bracing every 10 feet.
Bridge is in good condition, but paint has started to peel.
It is RECOMMENDED that bridge be repainted within the year.

Over Mill-Race at Union Lake.

Span, 50 feet.
Retaining wall, wooden crib, 1 26″ I beam under each rail.
5 bents, 10 ft. center to center.
Bents, 4 plumb posts, 12″ x 12″ Y. P.
2 batter posts, 12″ x 12″ Y. P.
Caps, 14″ x 14″ Y. P.
Transversal bracing, 3″ x 10″ Y. P. bolted to posts.
This bridge is on line to gravel pits and is not used for passenger traffic.
This bridge is in good condition, and there are no recommendations at this time.

Across Spillway, Union Lake Dam.

Single track wooden trestle bridge, with foot-walks.
Span, 175 feet.
Width, 12 feet.
Abutments, stone.
Stringers, 12″ x 12″ Y. P.
12 bents, 12 ft. centres.
Bents, 2 plumb posts, 10″ x 10″ Y. P.
2 batter posts 10″ x 10″ Y. P.
Caps, 10″ x 10″.
This bridge is also on line to gravel pits, and is not used for passenger traffic.
The bridge is in good condition, with the exception of the plank walks on each side of the track.

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Although this bridge is not used to any great extent for foot travel, it is RECOMMENDED that at least one foot-path be repaired.

Shop at Millville.

Building, wood, 30 x 150 ft.
Contains 2 pit tracks. Equipped with electric jacks, wheel lathe, storeroom, blacksmith-shop.

Storage Barn.

Wood, 200 x 50 feet. 2 tracks.

Power House.

Brick, 50 x 30 ft. Double Ball and Wood reciprocating engine, 300 h. p. 1 G. E. multiple polar generator. Volts 500, amperes 360. 1 Ames engine, 340 h. p. Direct current generator (G. E.) volts 525, amps. 348. Condensor, Worthington, 12 x 14 x 10 ft., 1200 h. p. 2 boilers, 125 h. p. each.

Recommendations.

That steps be taken to have the cars of this company cleaned at least once a week, special attention being given to the windows.
That the steel girder bridge spanning the Cape May Division of the West Jersey & Seashore Railroad be painted within the year 1912.
That repairs be made to the foot wall on bridge over the Spillway of the Union Lake Dam to afford safe passage for such pedestrians as use this bridge. To be completed before May 1st, 1912.

MONMOUTH COUNTY ELECTRIC COMPANY.

As stated before this Board at the time of the previous inspection of this company's line made November 28th, 1911, there is a wooden trestle located at Eatontown, which is badly in need of repair. At the time of inspection, it was intimated by the company that the trestle would be replaced with a modern steel structure. As sufficient time has elapsed to enable the company to come to a decision in this matter, and as nothing has been done a further inspection has been made. It is strongly RECOMMENDED that the company replace the structure, as the cost of the needed repairs would go a long way towards the erection of a modern permanent structure. Recommendations are as follows:

Bents.

(To make the location of the affected parts an easy matter, the bents have been numbered from north to south.)
Bent #2.
New sill.
New cap.
Bent #3.
1 new batir post.
Bent #4.
New sill.
1 new batir post.

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Bent #5.
New sill.
New cap.

Bent #6.
1 new batir post.

Bent #7.
New sill.
1 new batir post.
New cap.

Bent #8.
New sill.
New elevation blocks under sill.

Bent #9.
New cap.
New sill.
1 new batir post.

Bent #10.
New sill.

Bent #11.
New sill.

Bent #12.
New sill.
1 new batir post.
1 new plumb post.
Elevation blocks under sill.

Bent #13.
New sill.
1 new cross brace.
Elevation blocks under sill.

Bent #14.
1 new batir post.
1 new cross brace

Bent #15.
New sill.
1 new batir post.
1 new plumb post.
New cap.

Bent #16.
New sill.
New cap.
2 new batir posts.
Elevation blocks under sill.

Bent #17.
New sill.
1 new batir post.

Bent #18.
New sill.
1 new batir post.
Span over railroad, through plate girder in good condition, but should be painted.

Bent #19.
New cap.
New sill.
1 new batir post.
1 new cross brace.

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Bent #20.
New sill.
2 new plumb posts.
2 new batir posts.

Bent #21.
1 plumb post.
1 batir post.
New sill.

Bent #22.
New sill.
1 plumb post.

Bent #23.
New sill.
1 plumb post.
1 batir post.

Bent #24.
New sill.
New cap.

Bent #25.
1 new batir post.

Bent #26.
New sill.
1 plumb post

Bent #28.
New sill.

Bent #29.
New sill.
1 batir post.

Bent #30.
New sill.
2 batir posts.
2 plumb posts.

Bent #31.
New sill.
1 batir post.

Bent #32.
New cap.

Stringers.

To be replaced:
One stringer between bent 1 and 3.
One stringer between bent 6 and 8.
One stringer between bent 10 and 11—span over Finkle Lane.
One stringer between bent 15 and 16.
One stringer between bent 16 and 18.
One stringer between bent 19 and 21.
One stringer between bent 27 and 29.

Deck.

6 x 8 wooden guard to be renewed.
Iron railing supports to be tightened.
Foot walk to be renewed or removed.
Posts to be placed under all ties which sustain standards for trolley wire.

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Ties.

Between bent 6 and 7, two ties.
Between bent 8 and 9, two ties.
In railroad span, five ties.
Between bent 20 and 21, two ties.
Between bent 24 and 25, two ties.
Between bent 26 and 27, two ties.
Between bent 28 and 29, two ties.
Work to be started immediately, and to be finished before May 15th, 1912.

MORRIS COUNTY TRACTION COMPANY.

The Morris County Traction Company runs from Elizabeth on the south to its northern terminus at Bertrand's Island on Lake Hopatcong. The road is at present being operated from Elizabeth to Summit, and from Morristown to Bertrand's Island. Construction work is still going on from Summit to Morristown. This will be in operation in Spring, leaving a short stretch between Madison and Morristown which cannot be constructed until the litigation concerning the condemning of right of way between these points is settled.

Since the present company has taken over the road, the old work has been largely reconstructed, track realigned and surfaced, overhead work renewed, bridges built or rebuilt, a new power station installed, streets paved and roads made, all in a manner which reflects credit on the engineers and management—in fact the general policy seems to be to construct a road that is lasting, easy of maintenance and amply sufficient to take care of the increase in traffic which will accrue to it through the building up of the country through which it passes—itself being a large factor in the population of the community.

(EASTERN DIVISION.)

Track and Roadway.

CITY OF ELIZABETH:

3300 feet leased from Public Service Railway Company.

UNION TOWNSHIP:	Old track.	New track.
Double track		2.7 miles
Single track		2.13 "
Overhead work		7.33 "

SPRINGFIELD TOWNSHIP:

Double track		1.7 "
Single track		.3 "
Overhead		3.68 "

CITY OF SUMMIT:

Construction not completed.

CHATHAM BOROUGH:

Double track		1.3 miles
Single track		.35 "

Overhead under construction.

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MADISON BOROUGH:	New track.
Double track	1.7 miles
Single track	.76 "

Overhead under construction.
Private Right of Way, 27,454 feet.

BRANCHES:

To Maplewood, 6530 feet.
To Millburn, 5500 feet.
Number of turn-outs, eight.
Rail, 80 lb. girder; 70 lb. "T."

Overhead Construction: Side pole and bracket.

Trolley wire, 4/0 capacity.
Feeders, 2,500,000 cir. m. capacity.
Power leased from Public Service in City of Elizabeth.
Sub-station at Millburn.

(WESTERN DIVISION.)

Track and Roadway.

MORRISTOWN:	Old track.	New track.
Double track		.87 miles
Single track	1.43 miles	.53 "
Overhead	1.43 "	1.33 "

Rail, Trilby; weight, 90 lbs.

HANOVER TOWNSHIP:		
Double track		.21 miles
Single track	.74 miles	4.94 "
Overhead	.74 "	6.43 "

Rail, "T:" weight, 70 lbs.

ROCKAWAY TOWNSHIP:		
Double track	.1 miles	.09 "
Single track	3.65 "	1. "
Overhead	3.86 "	1.18 "

ROCKAWAY BOROUGH:		
Double track		.15 miles
Single track		1.21 "
Overhead		1.63 "
Sidings		.2 "

Rail, "T:" weight, 70 lbs.

DOVER:

Double track, 1.05 miles.
Single track, 1.1 miles.
Overhead, 3.2 miles.
Rail, girder; weight, 80 lbs.

RANDOLPH TOWNSHIP:

Double track, .08 miles.
Single track, 2.37 miles.
Overhead, 2.53 miles.

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ROXBURY TOWNSHIP:	Old track.	New track.
Double track	.28 miles	.06 miles
Single track	5.14 "	1.21 "
Overhead	5.69 "	1.98 "

Rail, "T;" weight, 70 lbs.

BRANCHES.

MORRIS PLAINS ASYLUM:

The traction company operates over 5,607 feet of track leased by the State of New Jersey to the D. L. & W. Railroad. 1,333 feet built by the Morris County Traction Company.

BOONTON BRANCH:

From Denville Junction to Boonton, 25,886 feet.
Sidings, 3.
Rail, "T;" weight, 70 lbs.
In Boonton 6,000 feet of 80 lb. girder rail.

WHARTON BRANCH:

5,555 feet. No turn-outs.
Rail, girder; weight, 80 lbs.
Beyond Landing, Lake Hopatcong, the Traction Company operates over 3,439 feet of track, leased from D. L. & W. R. R. This is protected by staff signals. From this point, Traction Company operates over Hopatcong Shore Railroad Company's tracks to Bertrand's Island. This is a subsidiary company.

Bridges on Western Division:

OVER WATCHUNG CREEK:

Span, 20 feet; abutments, concrete; 2 20 ft. I beams under each rail; channel bracing: deck, standard construction; culvert, 48" cast iron pipe, concrete head walls.
Cattle pass on Davenport farm.
Span, 6 ft.: abutments, concrete: 3 5" I beams under each rail.

ACROSS LACKAWANNA R. R.:

Approaches, 30.4 ft.: 2 24" I beams under each rail. The railroad span, 66 feet; 6 ft. plate girder; standard deck, concrete culvert; 6 x 8 reinforced concrete slab construction.

VIADUCT ACROSS POWDER MILL GULCH:

Length, 260 ft. over all; spans, 10 ft.; 1 24" I beam under each rail; bents, steel lattice, concrete pedestals; abutments, concrete.

UNDER PASS, D. L. & W. MAIN LINE:

6 ft. plate girder: Cooper E. 50 loading: abutments, concrete.

OVER DEN BROOK:

Span, 28 ft.; 2 24" I beams under each rail; abutments, concrete; deck, standard.

ACROSS MORRIS & ESSEX CANAL, WIGGIN'S BRANCH:

Span, 49 feet; 6 ft. plate girder; abutments, concrete; deck, standard.

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ACROSS MORRIS & ESSEX CANAL, DICKERSON'S BRANCH:

Span, 50 ft.; 6 ft. plate girder; abutments, concrete; deck, standard.

ACROSS HIGH BRIDGE BRANCH OF CENTRAL RAILROAD:

Span, 20 ft.; 2 20" I beams under each rail. Abutments, concrete; deck, standard.

ACROSS LACKAWANNA R. R., MORRIS & ESSEX MAIN LINE:

Span, 20 ft.; 6 ft. plate girders; approaches, concrete.

ACROSS MORRIS & ESSEX CANAL AT LEDGEWOOD:

Span, 60 ft.; 6 ft. plate girder; abutments, concrete; deck, standard. Power plant, car shops at Dover.

MOUNTAIN RAILWAY COMPANY.

This is a single track line, two miles in length, with two sidings and three switchbacks, two of which may be used for passing sidings on two car operation. The line runs from Christopher Street, Orange Valley, across in a general northwesterly direction to Rock Springs at Northfield Avenue, West Orange. In summer, two cars are operated, but in winter one car can easily take care of the traffic.

The first railway to operate up the Orange Mountains was a cable road. This was superseded by an overhead trolley system, but after a bad accident in which a car ran away down the mountain through failure of the brakes, it was decided to lengthen the line and ease the grades by taking a winding course up the mountain. To this end, three switchbacks were put in, the grades being on the various slopes 9.5%, 7%, 7.5% to the top of the mountain, and on Northfield Avenue approximately 4% is obtained. There are two derailing switches installed on the steepest grade. These were originally constructed to throw a car off into the ditch, but have been recently changed to "sand switches,"—a form highly to be recommended on steep grades, as when the car takes the derail the progress is checked by running through long channels of sand.

The track, roadway and equipment are in good condition and every reasonable care seems to be taken to provide for the safety of passengers.

Structures.

There are no bridges on this line.

Power.

Power is leased from Public Service Electric Company, 550 volts on separate feeder from plant.

NORTH JERSEY RAPID TRANSIT COMPANY.

This line is a single track line, running from Broadway, Paterson to Suffern, N. Y. This road has been in operation since June, 1911. The track, roadway and structures are all of standard construction, and are well kept up. The only construction going on at present is the building of shelter stations at various points along the line.

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Track and Roadway.

Length of single track in New Jersey, 14.6 miles.
Number of turn-outs, 8.
Rail, "T;" weight, 75 lbs.
Ties, chestnut, oak.
Line signals, U. S. recording.
Steam road connection with Erie Railroad at Allendale.

Bridges and Structures.

Bergen County Bridge, over Bergen County Branch, Erie R. R.
Total length, 1,155 feet; railroad span, 114 feet.
Type, Pratt pony truss; railroad span, 85 feet, through plate girder; approaches, 30 feet; plate deck girders.
3 reinforced concrete slab bridges across Hohokus Brook.
2 spans of 26 feet.
Waldrick Bridge, across Y tracks of Erie; total length, 282 feet; deck plate girders; 30-foot spans; 30-inch I beams; 20 foot spans, 24-inch I beams; 242 foot span, 27½ inch I beams.
Over small stream, concrete slab construction, reinforced with ⅞" twisted steel rods; span 12 feet across Voll Brook; flat slab concrete reinforced with 1 inch twisted steel rods.
Over brook: Flat concrete slab, span 10 feet, over Mahwah River; deck plate girders; 2 30 foot spans.
Power leased from Public Service 13,000 a. c.

PHILLIPSBURG HORSE CAR RAILROAD.

The Phillipsburg Horse Car Railroad is a single track electric line, with sidings, operating under a traffic agreement with the controlling corporation, (namely, the Easton Transit Company) over the tracks of the Easton Transit Company from Centre Square in the town of Easton, Pa., a distance of 2/10th miles to the western end of the Delaware River Bridge. The line is operated from the western end of the bridge to the eastern end of the bridge, under certain trackage rights—the Phillipsburg Horse Car Railroad Company paying a certain sum as a lease. This is a distance of 1/10th of a mile. At this point the line enters the town of Phillipsburg, and divides, being designated as the South Main Street Division and the North Main Street Division. South Main Street Division, which runs through the streets of Phillipsburg, and taking the side of the highway under franchise, runs to the town of Alpha, where large portland cement works are located. This is a distance of 3.83 miles, all on public streets and ways. The other section of the line, namely the North Main Street Division, also operates through the streets of Phillipsburg, and on the public ways, a distance of 2.711 miles to a point in close proximity to the Ingersoll Rand Drill Works. .188 miles of this division is on private right of way, being the only private right of way belonging to the company. A steel and concrete car repair house has been erected in Phillipsburg, with a capacity of 20 cars. Power is supplied by the Easton Power Company, which is a subsidiary company to the Easton Transit Company. The overhead construction is for the most part good, cross span construction being used in the streets of Phillipsburg and wood side pole and bracket being used when the line takes the side of the highway. The track is largely of the same type, namely a tram girder rail with built up joints on chestnut ties, 3 foot centres, being filled in between rails except on private right of way. A modification of the Ramsey hand-throw signal is used on all switches.

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The track in general is of poor surface and alignment, and while much could be done in the way of temporary repairs, it would seem that as so much work would have to be done to rehabilitate the present line, that with a comparatively small additional cost, the line could be entirely rebuilt.

When the line is rebuilt, it is further RECOMMENDED that a change be made from the present gauge, namely 5′ 2¼″ to what is known as the standard gauge or 4′ 8½″. The benefits derived from this change would be manifold. The controlling company at present operates over a standard gauge track, and the difference in gauges precludes any possibility of change of equipment on these lines, which of course would be extremely advantageous. There are certain types of equipment which would not have to be duplicated, namely, the snow plows, scrapers and sweepers. Also when a car of the Phillipsburg Horse Car Railroad was to be repaired, it could readily be run to the shops of the Easton Transit Company, where all the facilities are had for making any and all repairs. Another benefit which would accrue from this change of gauge would be that it would allow the entrance of the Easton & Washington Traction Company into the centre of the town, which the difference in gauge now prohibits.

Recommendations.

It is therefore RECOMMENDED that the tracks of the Phillipsburg Horse Car Railroad Company be rebuilt to conform as nearly as possible to the standard construction used on their lines in Easton, and further

That the present gauge, namely, 5′ 2¼″, be changed to the standard gauge or 4′ 8½″.

No time is mentioned in these recommendations, as the matter will require consideration by the company.

TRENTON, PENNINGTON & HOPEWELL STREET RAILWAY CO.

An inspection has been made over the Trenton, Pennington & Hopewell Line of the Trenton & Mercer County Traction Corporation. The Company has been doing a certain amount of work on this line for the past year in the matter of re-tieing the line, but the work done has been entirely insufficient for the safe operation of this line. There are numerous places along the line where it is possible to pull out spikes with the fingers, also over long stretches of track, the bolts which fasten the joints have worked loose. If this is allowed to go for any length of time, the joints naturally would soon wear out. The straight track, at what is known as Feed Mill siding, is in absolutely dangerous condition, not one spike in ten is of any value as to holding the rail, and it is possible to shake a 30-foot length of rail with the foot.

Following is a list of the various renewals which should be made:

Greene's Curve, north from Geene Lane, 800 new ties, resurfaced and realigned.

South of Ewingville, 150 ties, realigned and resurfaced.

In culvert south of Cornell switch, track to be realigned and resurfaced.

On tangent north of Cornell siding, 500 ties.

Track south of new siding, realigned and resurfaced, 500 ties.

Track for approximately 1,000 feet south of Pennington siding, to be resurfaced and realigned.

Straight track at Feed Mill siding to be completely re-tied.

Track north of bridge across Philadelphia & Reading Railroad, 50 ties.

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Track for 100 feet north of Philadelphia & Reading Railroad Crossing to be realigned and resurfaced, south of Calena Siding, 300 ties.

South of Philadelphia & Reading spur to quarry, 200 ties.

Note.—It is thought that the company intends to relocate its line at this point. If this is the case, the recommendation concerning this portion of the track may be discarded.

From Marshall's Corner to School House, 200 ties.

Track on curve south of Stony Brook to be resurfaced, giving sufficient elevation to outside rail.

Track between Stony Brook bridge and Pennington and Hopewell pikes, 50 ties.

At Stone Crusher Switch, 50 ties.

It will also be necessary to go over the entire line and wherever joints are exposed so that there is possibility of their working loose, that nut locks of approved pattern be placed on the bolts. Further the spikes on the track which are not affected by these recommendations be driven home, and if necessary be redriven in solid wood.

TRENTON, LAWRENCEVILLE AND PRINCETON R. R.

This road extends from Trenton to Princeton, a distance of eleven and five-tenth miles. It is operated by overhead trolley. It is single track, ballasted with stone cinders, gravel and dirt. The track has been very much run down, but is now being put in good condition. It is laid with 60-pound rail which is in good, fair condition. About seven miles of track have been entirely retied, ten thousand ties have been used for the purpose. There is still between four and five miles that have not been completed but will be by November 1st. There is considerable track that needs filling in, also lining and surfacing, more noticeable where tie renewals have not been made. The ditches should be cleaned before winter sets in, also renew cattle guards at crossings. The track is in safe condition where tie renewals have been made, and reasonably so where they have not for the rate of speed, which is about twenty miles per hour.

Recommendations.

That all unsound ties be renewed before November 1st this year.

That the track be lined and surfaced and filled in and ditches cleaned before the winter sets in, and that the cattle guards be put in shape this year.

Bridges.

Except in the case of Stony Brook Bridge, none of the recommendations made in the report of Aug. 28, 1911, have been complied with.

At Stony Brook, the wooden trestle approaches at each end have been replaced with the plate girders previously reported at site, which girders have been altered to fit the existing masonry and new stone abutments have been built at each end.

The company is preparing to rebuild all the remaining wooden bridges in permanent form. Meanwhile the restriction of coal and freight cars to loads not exceeding 80,000 pounds over all bridges is still in effect as recommended in report of Aug. 28, 1911.

Considering the fact that the contemplated repairs are more comprehensive than recommended, a further recommendation is herein made stating the time in which a reply should be made stating definitely what construction is proposed for each bridge.

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Recommendations.

Within 30 days from date hereof, the Trenton, Lawrenceville and Princeton Railroad Company will submit to the Board of Public Utility Commissioners, a report with plans where necessary, showing in detail what construction has been adopted for the rebuilding or repair of each of the bridges on this line, stating the time when such work may reasonably be started.

INSPECTION AND CALIBRATION OF GAS METER PROVERS.

On October 17th, 1911, the Board after due hearing adopted rules establishing adequate and serviceable standards and just and reasonable regulations to be observed and followed by companies engaged in the production, sale and distribution of gas in the State of New Jersey.

Rule I. States that a meter may be considered correct if, when passing gas at the rate of six cubic feet per hour per light capacity, it shows, in comparison with a standard gas prover, an error which is not greater than two per cent.

Rule IV. Each gas company shall provide itself with equipment necessary for testing meters, such equipment to consist of a standard meter prover with suitable accessories. Each prover will be inspected by the Board and furnished with an inspection tag or plate. Provers will be set up permanently in the location where they are to be used, and will be tested by an Inspector of the Board, using a standard cubic foot bottle which has been previously calibrated and certified by the National Bureau of Standards at Washington.

On or about January 1st, 1912, the standard cubic foot bottle, to be used by inspectors of the Board in testing meter provers of the gas companies in accordance with Rule 1V. as quoted above, was received from the National Bureau of Standards, where it had been sent to be tested. This bears the seal of the Bureau; and a certificate No. 511 issued by it shows that the bottle has been tested and calibrated by the Bureau.

In order to familiarize the inspectors of the Board with the use of the standard cubic foot bottle, some time was spent in testing and experimenting at the meter testing rooms of the Gas Inspector of the City of Newark. The bottle was then sent to the meter rooms of the Pubilc Service Gas Company in Newark, and subsequently tests have been made.

When provers are found to be correct, the prover scale is sealed to the prover bell by means of a wire which is passed through a small hole drilled in the top of the scale and the two ends of wire are brought together and soldered to the bell. These ends are then covered with sealing wax held in place by means of a small tin ring which is also soldered to bell or prover. The wax is then stamped with a steel stamp showing the number and date of the test. This makes it impossible to remove the seal from the prover without breaking the seals of the Inspectors, and it also furnishes a means of identifying each prover as by comparing the number stamped in wax on prover bell with the corresponding number on the prover test card on file in the office of the Inspectors of the Board, a complete report on the results of the test can be obtained.

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All provers in the State have now been tested, with the exception of th provers which have been rejected and which will have to be r ated, the work of testing meter provers is complete.

Examination of the accompanying table of tests s he general conditions surrounding the testing of gas meters w isfactory. The detailed reports, submitted in connection wit ve con- tained recommendations referring to several f orrec- tion:

1st. The gas meter prover itself consi ns.

2nd. The conditions of the room r cial reference to maintenance of fa

3rd. The lighting, natural c

4th. The space and facil on promptly and efficiently

The results obtained complied with the r

TESTS OF GA

State Serial Number.	Company.	Location of Prover.	Manufacturers Name.	Size Cu. Ft.	No.	Result
1	Public Utility Commission	Stevens Institute, Hoboken	N. Y. Imp. Meter Co.	5	86	Passed
2	City of Newark	City Hall Annex, Newark	American Met. Co.	10	None	Rejected
3	" "	" "	" "	5	74	Passed
4	Public Service Gas Co.	" "	" "	5	129	Fault
5	" " "	" "	" "	5	280	Passed
6	" " "	" "	" "	5	108	"
7	Elizabethtown Gas Light Co.	35 Front St., Newark	" "	5	107	Passed cond
8	Cranford Gas Light Co.	35 " " "	" "	5	136	Passed
9	Elizabethtown Gas Light Co.	124 Broad St., Elizabeth	" "	5	144	"
10	Rahway Gas Light Co.	205 Broad St., Westfield	" "	5	102	"
11		124 Broad St., Elizabeth	" "		None	Rejected
12	Perth Amboy Gas Light Co.	Hamilton & Central Sts., Rahway	" "		41	5 "
13	Public Service Gas Co.	151 Smith St., Perth Amboy	" "		229	5 "
14	Freehold Gas Light Co.	George St., S. Amboy	" "		None	5 "
15	Atlantic Highlands Gas Co.	Main & Spring Sts., Freehold	" "		286	5 "
16	Consolidated Gas Co. of N. J.	Garfield Ave. Wks., Jersey City	" "		None	5 Passed
17	" "	" "	" "		None	10 Rejected
18	" "	" "	" "		163	5 "
19	" "	" "	" "		296	10 "
					288	5 "
					303	Passed
					None	Rejected
					103	"
					256	"
					239	"
					252	"
					248	"
					103	"
					106	Passed
					251	"
					84	"
					None	"
					None	Rejected
					138	Passed
					None	Rejected
					None	Passed
					6	"
					110	"
					None	Rejected
					11	Passed
					11	"
					No	"
						"
37			Griffin & Co.			
38			None			
39			Am. Mtr. Co., Phila.			
40	Pu		Helme & McIlhenny			
41	"		Am. Mtr. Co., Phila.			
42	"		" " " "			
43	"		" " " "			
44	"		Not Known			
45	"		Am. Mtr. Co.			
46	"		Helme & McIlhenny			
47	"		Am. Mtr. Co.			
48	"		" " "			
49	"		Not known			
50	"		Am. Mtr. Co.			
51	Ocean County Gas Co.	47 Prospect St., Ridgewood	McDonald Co.			
		40 Columbia St., Passaic	Am. Mtr. Co.			
		9 Washington St., Toms River	McDonald Co.			
			Helme & McIlhenny			

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IETER PROVERS.

Result of Tests of Prover Scales.						
st Test.		Second Test.		Third Test.		REMARKS.
	Date.	Results.	Date.	Results.	Date.	
	7/31/12					
	7/30/12					Impossible to make test owing to lack of guide rods.
	7/30/12					
cloid	3/11/12	Passed	11/21/12			
	3/12/12					
	3/12/12					
	3/26/12					
	3/21/12					To be relocated owing to radiator.
	3/26/12					
	3/28/12	Marked new scale	4/6/12	Passed	4/10/12	Rejected owing to poorly graduated scale, no guide rods. Conditions corrected. Prover O. K.
	3/29/12					To be relocated owing to radiator.
	4/3/12	Rejected	6/27/12			Leaks in prover. Does not balance. Incorrect scale.
	4/12/12					Leaks in water gauge to be repaired.
	4/17/12	Marked new scale	4/23/12	"	4/29/12	Rejected owing to incorrect scale. To be relocated.
	4/24/12					To be relocated. New connections.
	4/26/12					
	5/1/12	Marked scale	5/2/12	"	5/16/12	Rejected owing to incorrect scale.
	5/6/12	Passed on	10/3/12			Condemned owing to location. No ther-
	5/7/12	condition				mometer.
	5/8/12	Marked scale	5/10/12	"	5/14/12	Rejected owing to incorrect scale and binds between roller and guide rods.
	5/20/12					Incorrect scale.] Cycloid too light.
	5/20/12					Incorrect scale. Binds between roller and guide rods.
	5/21/12					Incorrect scale. Leaks in valve.
	5/22/12					Incorrect scale.
	5/23/12					
	6/4/12					Incorrect scale.
	6/5/12					Incorrect scale.
	6/6/12					Incorrect scale.
	6/7/12					Incorrect scale.
	6/8/12					Provided cycloid weight be corrected. Also leak in valve repaired.
	6/11/12					Incorrect scale. Cycloid weight too light. Lack of guide rods and thermometer.
	6/12/12					Incorrect scale. Cycloid weight too light.
	6/13/12	Passed	12/6/12			Incorrect scale.
	6/25/12	"	12/24/12			Incorrect Scale.
	6/25/12	"	12/24/12			Incorrect scale.
	6/26/12	"	12/26/12			Incorrect scale.
	7/1/12					Incorrect scale.
	7/3/12					
	7/9/12					Provided binds be eliminated.
	7/10/12					Provided binds be eliminated.
	7/11/12					Provided prover be equipped with guide rods.
	7/12/12					Incorrect scale.
	7/15/12					
	7/16/12					Incorrect scale.
	7/17/12	"	12/17/12			Provided correct cycloid weight be attached.
	7/18/12					
	7/22/12					
	7/23/12					Binds. Leaks in air valves. Movable pointer.
	7/24/12					
	7/25/12					
	7/25/12					Provided air valve be repaired, fixed pointer and suitable connection be attached.
	9/26/12					

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TESTS OF GAS METE

State Serial Number.	Company.	Location of Prover.	Manufacturer's Name.	No.	Size Cu. Ft.	Resu
52.	Public Service Gas Co.	42nd St. & Ave. B., Bayonne	Am. Mtr. Co.	8	5	Passe
53	" " " "	" " " " "	" " "	None	5	"
54	" " " "	16 Tuers Ave., Jersey City	" " "	99	5	"
55	" " " "	16 " " " "	Unknown	None	5	
56	" " " "	St. Paul & James Ave., Jersey City	Am. Mtr. Co.	None	10	Passe
57	" " " "	" " " " "	McDonald	None	5	Rejec
58	" " " "	" " " " "	"	None	5	Passe
59	" " " "	" " " " "	Am. Mtr. Co.	None	5	"
60	" " " "	" " " " "	McDonald	None	5	Rejec
61	" " " "	" " " " "	"	None	10	"
62	" " " "	" " " " "	Am. Mtr. Co.	None	5	Passe
63	" " " "	" " " " "	" " "	None	5	"
64	" " " "	Clinton & Elm Sts., W. Hoboken	" " "	98	5	"
65	" " " "	" " " " "	" " "	116	5	"
66	" " " "	Clinton & 13th Sts., Hoboken	" " "	9	5	"
67	" " " "	" " " " "	D. McDonald	None	5	"
68	" " " "	35 Front St., Newark	Am. Mtr. Co.	279	5	"
69	" " " "	35 " " "	" " "	Co. 3	5	"
70	" " " "	35 " " "	" " "	Co. 4	5	"
71	" " " "	35 " " "	" " "	Co. 1	5	"
72	" " " "	35 " " "	" " "	Co. 2	5	"
73	" " " "	35 " " "	" " "	Co. 10	5	"
74	" " " "	35 " " "	" " "	121	5	"
75	" " " "	35 " " "	" " "	Co. 12	5	"
76	" " " "	35 " " "	" " "	Co. 11	5	"
77	" " " "	35 " " "	" " "	Co. 7	5	"
78	" " " "	35 " " "	" " "	Co. 8	5	"
79	" " " "	35 " " "	" " "	Co. 13	10	"
80	" " " "	Hackensack	" " "	None	5	"
81	" " " "	Paterson	D. McDonald	None	5	"
82	" " " "	Princeton	American	260	5	"
83	" " " "	New Brunswick	Am. Mtr. Co.	R-2	5	Rejec
84	" " " "	Plainfield	" " "	R-1	5	Passe
85	New Jersey Northern Gas Co.	Flemington	J. J. Griffin Co.	313	5	Rejec

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PROVERS—Continued

Results of Tests of Prover Scales.

'st Test.	Second Test.		Third Test.		
Date.	Results.	Date.	Results.	Date	REMARKS.
10/8/12					Provided new cycloid be attached. Valves repaired, prover relocated and thermometer attached.
10/8/12					Provided prover be relocated, guide rods and accurate thermometer attached.
10/24/12					Provided prover be relocated.
10/24/12	Passed	12/20/12			Incorrect scale.
10/25/12					
10/29/12	"	12/20/12			Incorrect scales.
10/29/12					
10/30/12	"	12/20/12			Provided prover be relocated and guide rods attached.
10/30/12	"	12/20/12			Incorrect scales.
10/31/12	"	10/31/12			Impossible to test owing to binds.
11/14/12					
11/14/12					
11/15/12					
11/15/12					
11/19/12	"	12/20/12			Provided certain changes be made in illumination of testing room.
11/19/12	"	12/20/12			Provided certain changes be made in illumination of testing room.
11/21/12					
11/26/12					
11/26/12					
11/26/12					
11/29/12					
11/29/12					
12/4/12					
12/9/12					
12/11/12					
12/11/12					
12/11/12					
12/12/12					
12/17/12					
12/19/12					
12/24/12					
12/26/12					Binds between rollers and guide rods.
12/27/12					
12/30/12					Impossible to make accurate test owing to temperature conditions.

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Inspectors' Report on Accidents.

PENNSYLVANIA RAILROAD—Derailment—November 17, 1911—Monmouth Junction.

As passenger train No. 132 was passing over cross-over on track No. 1 to track No. 2, on the main line of the Pennsylvania Railroad, at Monmouth Junction, at 5:04 P. M., November 17th, it was derailed; engine was thrown on the left side with pilot over westbound passenger track. Four Pullmans were derailed, and three coaches remained on track. Investigation developed that the train was running at a high rate of speed over the cross-over, although there is a limit of speed of fifteen miles per hour at this point. The accident resulted in the deaths of the engineer and fireman, and slight injuries to the baggage-master.

This accident was made the subject of investigation by the Board; its formal finding referring to the same will be found in that section of this report devoted to the formal findings of the Board.

WEST JERSEY AND SEASHORE RAILROAD—Crossing Accident—November 28, 1911—Clayville.

As light engine No. 6039, of the West Jersey and Seashore Railroad Company, was backing up on siding leading to the Clayville Mining and Brick Company's Works, it collided with car No. 14 of the Millville Traction Company, on the highway near Clayville, The engine was derailed, and the trolley car completely demolished.

Inspector recommended that derails be placed in Traction Company's track, seventy-five feet from nearest rail; that the lever for operating same be not more than six feet from steam track, and so constructed that normal position must be for ground, and the derail must be held in place by conductor while car is passing over; the conductor to see and know that the way is clear before signalling the motorman to proceed.

As this recommendation was not complied with by the Company, the Board issued a formal order, under date of February 5th, 1912, which will be found in that section of this report devoted to formal findings of the Board.

ERIE RAILROAD—Crossing Accident—December 1, 1911—County Road.

As engine No. 13 was passing over County Road Crossing on the Northern Railroad of New Jersey, it struck a vehicle and slightly injured the driver. The crossing is on a level grade, protected by gates and bell, gates being operated from a tower from 7 A. M. to 7 P. M.

Inspector recommended that as additional trains are being run over this crossing between 7 P. M. and 7 A. M., the crossing should be protected at all hours.

The Company advised that arrangements had been made to place flagman at this crossing temporarily, it being the Company's intention, as soon as practicable, to carry the traffic across the New York, Susquehanna and Western Railroad Company's overhead bridge at this point, when the situation as to the necessity for protection will be materially altered.

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ERIE RAILROAD—Electric Car struck on crossing—December 1, 1911—Carlstadt.

As car No. 1917, of the Public Service Railway Company, was passing over crossing at the east end of Carlstadt Station, it collided with New Jersey and New York Railroad train No. 601. The rear end of the street railway car was struck, turned partly around, and the body badly damaged. The crossing was protected by gates from 7 A. M. to 12 o'clock midnight.

Certain recommendations were made and submitted to the Railroad Company and the Street Railway Company. Following several hearings and the taking of testimony, the Board filed a formal decision in the matter under date of May 31, 1912, which will be found in that section of this report devoted to formal findings of the Board.

NEW YORK AND LONG BRANCH RAILROAD—Crossing Accident—December 5, 1911—Hazlet.

As passenger train No. 216, of the Pennsylvania Railroad, was crossing Hazlet Avenue, Hazlet, on December 5th, at 2 P. M., it struck a horse pulling a snow scraper. There are two main tracks at Hazlet Avenue, with a siding on the easterly side ending near the northeasterly corner of the highway. It was stated that Keyport Road, the next crossing north of Hazlet Avenue, is protected by gates during the entire year, while Hazlet Avenue is protected by flagman only during the Summer schedule.

Inspector recommended that cars be not allowed to stand on the siding nearer than one hundred and fifty feet north of the highway, and that notice to this effect be displayed on a board located at said point.

The Company stated it has arranged to comply with the recommendation.

DELAWARE, LACKAWANNA & WESTERN RAILROAD—Crossing Accident—December 13, 1911—Millburn.

A passenger alighting from train No. 287 at Millburn Station, crossed over siding south of the station and was struck by engine No. 620, and fatally injured. As all persons alighting from passenger trains, desiring to proceed south of the station, are obliged to cross this siding track, the Inspector recommended that movements over the same be protected by one of the trainmen.

At a meeting of the Board on January 9th, 1912, the recommendation was taken up for consideration, and formally endorsed by the Board.

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD—Head-on Collision—December 26, 1911—Stockholm.

As second class train No. 962, consisting of engine and twenty-one cars, was passing Stockholm, at 2:02 A. M., December 26th, it collided head-on with light engine No. 111, badly wrecking both engines and blocking track for fourteen hours, killing one employee and injuring four others. Engine No. 111 left North Paterson at 12:50 A. M., with orders to run extra to Beaver Lake. Engineer should have taken siding for No. 962 at Oak Ridge, as his order gave him no right other than to run extra, keeping out of the way of all regular or schedule passenger trains.

This accident was made the subject of a formal hearing before the Board. The Board's finding with respect to this will be found in that section of this report devoted to formal findings of the Board.

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NEW YORK AND GREENWOOD LAKE RAILROAD—Crossing Accident—December 27, 1911—Soho Park.

As train No. 509 was crossing Willetts Street, five hundred feeet west of Soho Park, it struck a vehicle, slightly injuring the driver. The street is crossed at right angles by three tracks, two main and one siding. There was no protection at the crossing, but it was stated that the view is good in all directions. Inspector stated that a box car was standing on the siding close to the sidewalk.

Inspector recommended that standard warning sign be erected at this crossing, and that cars be kept sixty feet from sidewalks, clearance boards to be erected indicating the distance.

The recommendation was adopted by the Company.

RARITAN RIVER RAILROAD—Crossing Accident—December 28, 1911—Near South River.

Train of the Raritan River Railroad, westbound, struck a vehicle at crossing known as Back Road, on the Serviss Branch near South River, at 12.30 P. M., December 28, 1911, demolishing same and killing the two occupants and both horses. It was stated by the Inspector that the view from either approach is unobstructed when within sixty feet of the track. There are but two regular train movements over this branch daily, with occasional exceptions, depending on the amount of freight to be removed. The train consisted of an engine and nine cars, the engine pulling two and pushing seven. A brakeman was on the front end of coal car; conductor and another brakeman on the second car. It was further stated that the brakeman say the wagon approaching, but thought it would stop before reaching the crossing. The usual crossing signal was blown, but evidently was not observed by the occupants of the vehicle.

Inspector recommended that a whistling board be placed five hundred feet from each side of the crossing; that when engines are pushing cars, engineer should sound the whistle at such distance from the crossing as will properly notify pedestrians or vehicles on the road that train is approaching; that when engines are pulling cars whistles be sounded at the boards; also that speed of trains over this crossing be not greater than ten miles per hour.

Following correspondence with the Railroad Company, it developed that it would be impossible to comply with the recommendation for a speed of ten miles, as at this point heavy trains are obliged to attain a speed of at least fifteen miles in order to make the 1½% grade and 12° curve just north of this crossing. The recommendation was, therefore, amended to allow a speed of fifteen miles per hour over the crossing.

The recommendation was adopted by the Company.

WEST SHORE RAILROAD—Crossing Accident—December 29, 1911—Ridgefield Park.

As two passengers alighted from New York, Susquehanna and Western train No. 941, due at Ridgefield Park at 5:14 P. M., instead of walking to crossing, which is protected by flagman and warning bell, they started to cross tracks seventy-five feet west of crossing, and were struck by the Continental Limited on the West Shore Railroad, which was forty-five minutes late and running at a high rate of speed. Inspector stated that this train could have been seen for a distance of two thousand feet, but that the noise from the train they had just left prevented the passengers from hearing the same. It was further stated that there is an overhead bridge twenty-two feet in height at the west end of the station, but this is seldom used.

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it was recommended by the Inspector:

(1.) That an inter-track fence be built commencing at the cross-over east of the station and extending as far west as conditions may demand.

(2.) That a fence be built at the west end of the New York, Susquehanna and Western Railroad Station to prevent passengers from crossing track at that point;

That pending compliance with these recommendations, when a New York, Susquehanna and Western Railroad passenger train is standing at the station, West Shore trains reduce speed to twenty miles per hour while passing this point.

The Board was advised that both Companies would comply with the recommendations.

DELAWARE, LACKAWANNA & WESTERN RAILROAD—Man struck by train—January 19, 1912—Chatham.

A commuter from Chatham, intending to take train No. 374, which was standing at station, walked up westbound track, and while crossing the track sixty feet east of the crossing, was struck by bumper beam of engine No. 949, and fatally injured. The station is located on the east side of the tracks between two highway crossings, which are protected by gates. Inspector stated that there is space enough on the Company's right of way opposite the station for the erection of a platform and shelter shed, and conditions are such that an inter-track fence would cause little inconvenience to passengers living on the east side of the tracks.

It was recommended by the Inspector that an inter-track fence be built, extending as far east and west of the crossings as conditions demand.

After correspondence with the Company, it developed that plans are being prepared for the elevation of the road through Chatham; the elimination of grade crossings, and the construction of a new station, and the Company submitted that in view of this, they are reluctant to spend any money on the existing situation. After hearing, the Board adopted a Memorandum in the matter, which will be found in that section of this report devoted to formal findings of the Board.

WEST JERSEY AND SEASHORE RAILROAD—Crossing Accident—February 3, 1912—Glassboro.

As electric express train No. 1038 of the West Jersey and Seashore Railroad was passing over Boulevard Crossing in Glassboro, at 12:01 P. M., February 3rd, it struck a wagon, demolishing same, fatally injuring the driver and killing the horse. There are two main electric tracks and one siding track at this crossing. Inspector reported that there was no protection at the crossing, but as all trains on the main line do not stop at Glassboro, there is a speed limit of twenty-five miles per hour through the municipality. West of the main tracks are two tracks of the Bridgeton Branch, with cross-over in the highway. Inspector stated that when approaching from the westerly side, owing to the location of shelter house, tower, water tank and the possibility of cars standing south of the highway on the Bridgeton Branch tracks, the view of northbound trains is obstructed, and the view of southbound trains is only fair, owing to the curve north of the highway. Approaching from the easterly side, the station building obstructs the view of northbound trains after passing a point about one hundred and seventy-five feet from the crossing, but before reaching the easterly line of the station building the view of trains is good, and after passing this building line the highway and tracks converge until the crossing is reached, rendering the situation dangerous. View of southbound trains is obstructed, owing to the

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curve and trees along the embankment of the right of way. It was also stated that there is considerable travel over the highway, as a connecting road west of the tracks has been constructed between the Malaga Turnpike and the Boulevard, thus increasing travel over the Boulevard crossing.

It was recommended by the Inspector that a flagman be placed at this crossing between 7 A. M. and 8 P. M.

The recommendation was adopted by the Company.

WEST JERSEY AND SEASHORE RAILROAD—Crossing Accident—February 2, 1912—Gloucester.

Southbound extra freight train No. 6031, while passing over Monmouth Street Crossing, Gloucester, at 7:02 A. M., February 2nd, struck and fatally injured a woman. The crossing was protected by a flagman between 7 A. M. and 7 P. M.

When the accident occurred the flagman was not on duty; he arriving immediately after the accident. At this crossing, which is the first north of the station building, there are three main tracks. The station building is on the southbound side, with shelter shed on northbound side, and inter-track fence between tracks. This woman intended to cross over to northbound side to board a train leaving a few minutes after seven, and as she started to walk diagonally over the crossing she failed to notice the approach of the southbound train.

It was recommended by the Inspector that this crossing be protected by the installation of gates, same to be operated between the hours of 6:30 A. M. and 8 P. M.

The recommendation was adopted by the company.

LEHIGH & HUDSON RIVER RAILWAY—Crossing Accident—February 8, 1912—Woodruff's Gap.

As a vehicle was passing over the highway crossing just west of Woodruff's Gap Station, it was struck by train No. 25, and the driver seriously injured. There is one track at this crossing; the north approach is on a descending grade and trains can be seen for two thousand feet when thirty feet from the track. Inspector reported that driving south the view for eastbound trains is unobstructed, but for westbound trains badly obstructed by station building and creamery. There is considerable traffic over this crossing, it being the main road to Lafayette and Culver Lake.

It was recommended by the Inspector that a standard crossing sign be erected, and a standard crossing alarm bell be installed; also that a distance sign be erected on the north side of crossing, not less than one hundred and fifty feet from same, reading—"Danger—150 feet to Railroad Crossing."

The recommendation was adopted by the Company.

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD—Man struck by train—February 10, 1912—Little Ferry.

As a passenger alighted from West Shore train at Little Ferry, he passed through the waiting room and attempted to cross the New York, Susquehanna and Western Railroad tracks fifty feet west of the crossing, and was struck by train No. 943, due at 6:05 P. M., and fatally injured. Little Ferry is used as a union station, and stands between the tracks of the two roads mentioned. The crossing at the station is protected by gates, and persons using the station should pass over the crossing.

Inspector recommended that a fence be erected alongside the eastbound track, commencing at the gate and running one hundred feet west of same.

The recommendation was adopted by the Company.

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WEST JERSEY & SEASHORE RAILROAD—Crossing Accident—February 10, 1912—Camden.

As passenger train No. 838, northbound, on the West Jersey and Seashore Railroad, was passing over Jefferson Street, Camden, at 7.30 P. M., February 10, it struck a wagon, demolishing same, and killing the driver. The crossing was protected by flagman from 6 A. M. to 6 P. M., and bell from 6 P. M. to 6 A. M. Inspector stated that the view from easterly and westerly approaches is obstructed by buildings and cars standing on siding tracks. It was further stated that a boy riding on rear of the wagon called out to the driver that crossing bell was ringing, but the driver proceeded. There is considerable travel over this crossing, as a large number of manufacturing plants are located near same, and there are a large number of train movements over the tracks about 6 P. M., the time the flagman is scheduled to leave the crossing.

Inspector recommended that the hours of the watchman should extend to 7 P. M., instead of 6 P. M.

The recommendation was adopted by the company.

WEST SHORE RAILROAD—Brakeman struck by switch stand—February 21, 1912—Weehawken.

As brakeman of the West Shore Railroad was riding on side of car No. 26,087, he was struck by switch stand, knocked off car, under same, and fatally injured. Inspector reported that this switch stand is thirty-eight inches high, thirty-seven inches from rail, and that the location of the tracks will not allow any greater clearance.

The Inspector recommended that when renewals are made, lower stands should replace the high ones now in use.

The recommendation was adopted by the Company.

CENTRAL RAILROAD OF NEW JERSEY—Struck by overhead bridge—March 2, 1912—Elizabeth.

While extra freight No. 4692, main line of the Central Railroad, was passing under Cherry Street bridge, Elizabeth, at 1.30 A. M., March 2nd, brakeman walking over the train was struck and injured by said bridge. Inspector stated that the accident was caused by the brakeman getting on top of cars after the train had passed bridge guards, and before reaching the bridge. It was further stated that this bridge is of the low type, and owing to this fact and the further fact that at times the ropes of the guards become tangled and are blown over the span rope by exhaust from engines and high winds, trainmen are apt to pass under the guards without receiving the necessary warning.

Inspector recommended that the bridge be raised, and that the officials of the Railroad Company take the matter up with the City of Elizabeth, with a view to carrying out the recommendation.

Copy of this report was sent to the Railroad Company and the Mayor of the City of Elizabeth, stating that in the opinion of the Board it would be desirable for the representatives of the City and the Railroad Company to arrange for a conference to consider the matter.

CENTRAL RAILROAD OF NEW JERSEY—Struck by overhead bridge—March 6, 1912—Somerville.

As freight train No. 95, main line of the Central Railroad, was passing under Centre Street bridge, Somerville, at 8 P. M., March 6th, fireman, who was passing over the tender to observe whether there was sufficient water in the tank, was struck by said bridge and fatally injured. Inspector stated that the fireman attempted to pass over the tender to reach

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the tank after the train had passed the bridge guards and before reaching the bridge. It was further stated that this bridge is of the low type, and owing to this fact and the further fact that at times the ropes of the guards become tangled and are blown over the span rope by exhaust from engines and high winds, trainmen are apt to pass under the guards without receiving the necessary warning.

The Inspector recommended that the bridge be raised, and that the officials of the Railroad Company take the matter up with the City of Somerville, with a view to carrying out the recommendation.

Copy of this report was sent to the Railroad Company and the Mayor of the City of Somerville, stating that in the opinion of the Board it would be desirable for the representatives of the City and the Railroad Company to arrange for a conference to consider the matter.

PENNSYLVANIA RAILROAD—Crossing Accident—March 14, 1912—Burlington.

Train No. 494, northbound, on the Amboy Division of the Pennsylvania Railroad, struck a vehicle at Washington Street, Burlington, on March 14th, at 3:50 P. M., demolishing same and injuring the driver. This crossing is unprotected. The single main track is located in the centre of the highway. A drill train was standing on siding, and partially obstructed the view of the approaching train. From the nature of the accident, it appeared that the driver saw the train approaching and attempted to turn, but before the wagon could clear the tracks the engine struck the rear of the vehicle. It was reported by the Inspector that there is a speed regulation of ten miles per hour between West Burlington and East Burlington, and

The Inspector recommended that engineer comply strictly with such speed regulation, and that if such regulation is not complied with, protection will be recommended at Washington Street.

The recommendation was adopted by the Company.

ERIE RAILROAD—Crossing Accident—March 15, 1912—Waldwick.

As a vehicle was crossing the tracks at the highway seventy-five feet east of Waldwick Station, it was struck by train No. 329, the driver injured, horse killed and wagon badly damaged. Inspector reported that the view is not good, except when travelling east on the highway for eastbound trains. The crossing is protected by crossing alarm bell and gates, operated by man in tower from 7 A. M. to 7 P. M.

The Inspector recommended that the gates be operated between the hours of 6 A. M. to 10 P. M.

The recommendation was adopted by the Company.

PENNSYLVANIA RAILROAD—Collision—March 21, 1912—Near Barnegat Pier.

As passenger train No. 398, eastbound, from Camden to Long Branch, on the Philadelphia and Long Branch Division of the Pennsylvania Railroad, was passing switch No. 2, located between Ocean Gate and Barnegat Pier, at 6:04 P. M., March 21st, it took siding track and collided with local freight train No. A-15 standing on the siding, partially destroying both engines, tenders baggage and mail cars; killing two employees, injuring four employees and five passengers. The Engineer stated that as he approached switch No. 2 he saw headlight of the local freight about half a mile distant, but could not see switch light owing to fog hanging close over the ground. From the main track at switch No. 2, switch leads to passing siding and from that a spur track known as "maintenance of way track" for storing equipment. The passing siding is 1350 feet long. Block signals controlling movements of trains from the west are located at Island Heights Junction; from the east

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at Seaside Park, a distance of 5.1 miles. During the Summer schedule there is an additional block and telegraph station at the west end of Barnegat Pier. As local freight train cleared switch No. 2 to take passing siding, the conductor and flagman got off, flagman threw the switch while the conductor telephoned from the booth at the switch to Island Heights reporting his train "into clear." As train was backing, it appears that the flagman instead of waiting at the switch to set it for the main line movement, went back into the caboose, leaving the conductor to set same, after telephoning, which the conductor failed to do. Switch No. 2 is half high banner with Century stand, and the flagman claimed that after throwing switch for siding he turned the lever into keeper, put in the lock but did not lock it when he set switch for main line movement. Engineer of passenger train, which was running at a speed of fifty miles per hour, when within one half mile of switch saw headlight of engine on siding track, but did not observe switch light on account of mist and fog; got clear block at Island Heights, seeing headlight of engine on siding track, believed he had a clear track; the first reduction of speed, under such conditions, would be for the Barnegat Pier stop. When within six hundred feet of switch No. 2 the Engineer got first glimps of red light of switch. Emergency brakes were applied immediately, but before train was stopped it took siding, colliding with freight train and shoving it some distance on siding. All cars of passenger train took the siding with rear car about fifty feet east of switch. It was estimated that the speed of train that passed over No. 10 frog was thirty-five to forty miles per hour. Flagman of the passenger train immediately after the collision ran back with lantern, and as he passed the switch light he saw clearly it showed "red." This statement was verified by Engineer of passenger train and a fireman who was riding as a passenger, who examined the condition of the light while investigating the cause of the accident.

The Inspector recommended that a distant signal in connection with Switch No. 2 be installed.

This recommendation was endorsed and adopted by the Board.

NEW YORK AND GREENWOOD LAKE RAILROAD—Woman struck by train—March 30, 1912—Glen Ridge.

This woman arrived at the Glen Ridge Station about twenty minutes before the arrival of train No. 507; sat in station until the train was due, then crossed track in front of train and was killed. Inspector stated that in boarding westbound trains passengers cross both tracks to platform opposite station. The highway crossing just east of the station is protected by flagman during the day, the flag house being located on the north side of the tracks east of the crossing seventy-five feet from the station.

The Inspector recommended that the flag house be moved west of the crossing where the flagman could protect the crossing as well as persons crossing to board trains.

The recommendation was adopted by the Company.

PENNSYLVANIA RAILROAD—Crossing Accident—April 3, 1912—Perth Amboy.

As train No. 304, northbound, on the Perth Amboy Branch of the Pennsylvania Railroad, was passing over Hall Avenue Crossing Perth Amboy, at 6:02 A. M., April 3rd, it struck a vehicle, damaging same, and slightly injuring the driver. This crossing is single track, with a curve east of the highway, and was protected by gates between the hours of 6:45 A. M. and 6:45 P. M. Inspector stated that the view from either approach is only fair; that as travel over the highway is considerable, it should be protected

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from 6:00 A. M. to 6:45 P. M., and recommended that the crossing be protected from 6:00 A. M. to 6:45 P. M.

The recommendation was adopted by the Company.

CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—April 9, 1912—Bayonne.

As Standard Oil Company's Engine No. 2 was shoving a draft of cars in the yard of the Standard Oil Company in Bayonne, at 4:30 P. M., April 9th, it struck a wagon, damaging same and fatally injuring the driver. This crossing is protected by a watchman of the Standard Oil Company, who was on the crossing when the vehicle was struck. The Inspector stated that while investigating conditions at the crossing he noted cars standing on the siding track close to the highway line, and was informed that this is a general condition. As the highway runs parallel with the tracks for some distance west of the crossing the moving cars could not be seen by the driver of this vehicle, owing to the cars standing on the siding track. The Inspector further stated that in his opinion watchman should cross over to the southerly side of track and flag vehicles approaching on the highway, then re-cross to northerly side and protect vehicles coming from that direction, when eastbound movements are to be made over the crossing. Inspector reported that the Yard Master of the Standard Oil Company advised that instructions will be issued to protect the crossing as suggested.

WEST JERSEY & SEASHORE RAILROAD—Crossing Accident—April 11, 1912—Camden.

As northbound train No. 256, of the West Jersey and Seashore Railroad, was passing over Mechanic Street, Camden, at 8:26 A. M., April 11th, it struck a bakery wagon, demolishing same and slightly injuring the driver and another occupant. The main line tracks are crossed diagonally by Mechanic Street, and about sixty feet north Lewis Street also diagonally converges at the tracks. At the northeasterly corner of Lewis Street is a double alarm bell located about one hundred feet from Mechanic Street. Mechanic Street was not protected, with the exception of such protection as the bell located at Lewis Street would give. There are no crossing signs at either approach on Mechanic Street. Inspector reported that approaching from the easterly side of Mechanic Street, the view of northbound trains is good, when within one hundred and fifty feet of the northbound rail, and fair of southbound trains. Approaching from the westerly side, after passing a row of buildings on the southerly side, a view is had of trains passing around the curve south of the crossing. Approaching closer, the view is entirely obstructed by a tool house located on the southwesterly corner. The view of southbound trains is unobstructed within a reasonable distance of the track.

The Inspector recommended that an electric alarm bell be installed on the southeasterly corner of the crossing, and that tool house on the southeasterly corner be removed.

The recommendation was adopted by the Company.

DELAWARE, LACKAWANNA & WESTERN RAILROAD—Crossing Accident—April 13, 1912—Andover.

As vehicle was crossing tracks at Andover, it was struck by train No. 609 of the Delaware, Lackawanna and Western Railroad, on April 13th, the driver injured, both horses killed and wagon demolished. Inspector stated that the view at this crossing, which is the main road to Newton, is bad. Trains cannot be seen in either direction for more than five hundred feet when within thirty feet from track. There was no protection at the crossing.

The Inspector recommended that a standard warning bell be installed.

The recommendation was adopted by the Company.

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LEHIGH VALLEY RAILROAD—Crossing Accident—April 13, 1912—Roselle Park.

As extra engine No. 1682, eastbound, on the Lehigh Valley Railroad, was passing over Chestnut Street Crossing, Roselle Park, at 2:25 A. M., April 13th, it struck a milk wagon, demolishing same and killing the driver. At this point there are two main line tracks and two siding tracks, with butting blocks on the westerly side of the crossing. The crossing is protected by gates, operated night and day. The gateman is notified of the approach of trains by signal bells operated in shanty. It appeared from investigation that there is a roadway between the arm of the gate over the sidewalk on the northwesterly corner and the standing cars at the butting blocks, this roadway leading to the freight house.

It was suggested that it would be safer to close the roadway between the butting blocks and the sidewalk, and this the Company did.

ERIE RAILROAD—Crossing Accident—April 26, 1912—Passaic.

As milk wagon was being driven over Harrison Street, Passaic, at 4:53 A. M., April 26th, it was struck by train No. 103, causing slight damage to the wagon. This crossing was protected by automatic crossing bell, and by crossing gates between the hours of 6 A. M. and 7:30 P. M.

The Inspector recommended that on account of the track on both approaches being on curve, and the view obstructed, the crossing be protected night and day.

The recommendation was adopted by the Company.

CENTRAL RAILROAD OF NEW JERSEY—Brakeman caught between gate and side of car—May 3, 1912—Plainfield.

As drill engine No. 65 was shoving two cars in Lonzeaux Lumber Yard, at Plainfield, a brakeman, who was riding on side of car, was caught between gate and side of car, and injured.

The Inspector recommended that the distance between the gate and the nearest rail be not less than five feet.

The Company advised it would take up with the Lumber Company the question of providing clearance recommended.

ERIE RAILROAD—Crossing Accident—May 17, 1912—Ridgefield.

As a vehicle was crossing the highway west of Ridgefield Station, it was struck by train No. 238, and the driver killed. There are two main line tracks and one siding track at this crossing, protected by an alarm bell and gates operated by man in tower between the hours of 7 A. M. and 7 P. M. Inspector stated that the view is obstructed in both directions; that persons driving cannot see trains until within a few feet from track. Investigation developed that the highway is used at night during the summer by a number of farmers going to market.

The Inspector recommended that the crossing be protected between the hours of 6:40 A. M. and 11:45 P. M.

The recommendation was adopted by the Company.

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD—Woman struck by train—May 17, 1912—Oakland.

This woman was about to cross the tracks to the highway just east of Oakland Station, when she was struck by a train and injured. This road is crossed by one track, protected by a flagman between the hours of 7 A. M. and 7. P. M. Inspector stated that trains can be seen when sixty feet from track for a distance of five hundred feet; that the view is then obstructed by station until within twenty feet from track, when they can again be seen for five hundred feet; that the westbound tracks can be seen for one

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thousand feet when fifty feet from track; the above applying to persons travelling west. Travelling east when twenty feet from track westbound trains can be seen for one thousand feet. Eastbound, when thirty feet from track, for the same distance.

The Inspector recommended that the crossing be protected by standard warning bell in addition to the protection now afforded, and that the flagman remain on duty until after train No. 908 has passed.

The recommendation was adopted by the Company.

NEW YORK & GREENWOOD LAKE RAILROAD—Man struck by train—May 22, 1912—Little Falls.

Train No. 513, while passing over Stevens Avenue Crossing, Little Falls, on May 22nd, struck and killed a man. It was reported that trains can be seen in either direction for eight hundred feet when fifty feet from the track. Investigation developed that this man was eighty years old and deaf. The Inspector noted that the warning sign at the crossing was rusted, so that the letters could not be read.

The Inspector recommended that this sign be replaced by a standard sign.

The recommendation was adopted by the Company.

RARITAN RIVER RAILROAD—Crossing Accident—June 5, 1912—South River.

As train No. 3, westbound, on the Raritan River Railroad, was passing over Willett Avenue Crossing, South River, at 9:50 A. M., June 5th, it struck a wagon, demolishing same, and seriously injuring the driver. At this crossing, which is unprotected, there are three tracks, one main line on curve and two siding tracks. Inspector stated that when approaching from the southerly side the view of westbound trains is obstructed by buildings and siding track on which cars stand. It was further stated there are few train movements over the crossing, and travel over the highway is light, the road being simply a path for travel over the tracks. It was also stated that regular alarm was sounded for the crossing; engineer saw the vehicle and sounded the whistle again.

The Inspector recommended that whistling board be located at proper distance at both sides of the crossing.

The recommendation was adopted by the Company.

CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—June 17, 1912—Lincoln.

As observation engine No. 900, westbound, on No. 2 track, of the Central Railroad, was passing over Cedar Avenue Crossing, Lincoln, at 3 P. M., on June 17th, it struck an automobile, demolishing same, fatally injuring two occupants, and seriously injuring the chauffeur. The automobile approached the crossing from the northerly side. At this crossing are four tracks of the Central Railroad and two of the Lehigh Valley Railroad. Between the Lehigh Valley and Central tracks is a space of forty-five feet with grade to Central tracks, the latter tracks being about three feet higher than those of the Lehigh Valley. The crossing is one hundred and ten feet in length. Inspector stated that approaching from the easterly side, there is a good view of eastbound trains on the Lehigh Valley; fair view of westbound trains, and a good view of trains in both directions on the Central Railroad. Approaching from the northerly side, the view of westbound trains of the Central Railroad is obstructed by brush and trees until a point is reached about fifty feet from the nearest rail when westbound trains can be seen for about one-quarter of a mile, and eastbound trains, owing to curve west of the highway, about one-eighth of a mile. Before reaching track No. 2, from the northerly side, it is necessary to pass over a siding track and westbound local

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track. It was stated that a good view of the observation engine could have been had about fifty feet from track. There was no protection at this crossing for either railroad. At both approaches there is a small railroad sign, also sign "Danger—Two Crossings," the latter signs having been placed at the crossing at the request of this Board.

The Board recommended "that crossing signs be erected both by the Central Railroad Company of New Jersey and the Lehigh Valley Railroad Company, in accordance with the standards adopted by this Board; that a loud crossing alarm bell be installed midway between the tracks of the two roads, which will ring on the approach of all trains, said bell to commence ringing when trains are not less than two thousand feet from crossing, and continue to ring until they have passed over same."

The recommendations were adopted by the Companies.

WEST JERSEY & SEASHORE RAILROAD—PUBLIC SERVICE RAILWAY —Collision—June 29, 1912—Camden.

As crosstown car of the Public Service Railway Company No. 3024 arrived at Kaighn's Avenue, Camden, at 11:45 P. M., June 29th, flagman of the Railroad Company was flagging approaching northbound electric train, but the motorman of the trolley car evidently thought the signal was intended for him, for after slowing down, he called to his conductor that it was all right, and throwing on his power started across the tracks. The motorman of the electric train attempted to stop, but not in time to avert the collision. The trolley car was turned almost completedy around and crushed considerably; the motorman and two passengers were injured. Inspector stated that the motorman was a new man on the line, and thinking the signal of the flagman was for him, he did not think it necessary to wait until the conductor preceded him across the tracks, as is the usual rule. The conductor, however, knowing that he should precede the car over the tracks, was just preparing to alight from the rear platfom and go ahead when the motoman threw on his power and went across. In order to avoid any repetition of an accident of this sort,

It was recommended by the Inspector that derails be placed in the trolley tracks on the east and west sides of the steam railroad tracks, the operating mechanism to be in the centre between the north and southbound passenger tracks of the West Jersey and Seashore Railroad, the work to be started forthwith and finished within sixty days.

After hearings, this recommendation was modified to allow the placing of levers five feet from steam railroad tracks and outside of all obstructions to view.

The recommendation was adopted by the Company.

CENTRAL RAILROAD OF NEW JERSEY—Man struck by train—June 30, 1912—Jersey City.

As extra engine No. 177, eastbound on the Newark Branch of the Central Railroad was passing over Randolph Avenue, Jersey City, at 12:45 A. M., June 30th, it struck and injured a man. There are three tracks at this crossing—two main line and one siding. Between the east and westbound tracks is an intertrack fence, ending at the westerly side of Randolph Avenue. The crossing is protected by gates, operated from 6 A. M. to 7 P. M.; in addition to the gates, by an automatic bell from 7 P. M. to 6 A. M. The gateman on leaving the crossing at night adjusts the switch so that the bell will ring for the approach of all trains, protecting the crossing during the hours he is not on duty.

The Inspector recommended that, in order to assure proper adjustment of the switch before the gateman leaves the crossing, he adjust the bell to ring one-half hour before leaving the crossing.

The recommendation was adopted by the Company.

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NEW YORK, SUSQUEHANNA & WESTERN RAILROAD—Crossing Accident, July 1, 1912—Ridgefield Park.

As vehicle was proceeding over the roadway of the West Shore and New York, Susquehanna and Western Railroads, at Ridgefield Park, July 1st, it was struck by a train, and the horse killed. This crossing is located at the east end of the station. The West Shore tracks are protected by man on the ground and crossing alarm bell. The New York, Susquehanna and Western Railroad tracks have no protection. The view of eastbound trains was reported to be poor.

The Inspector recommended that the crossing be protected by flagman between the hours of 6:30 A. M. and 6:30 P. M.

The New York, Susquehanna and Western Railroad Company requested that it be allowed to make arrangements with the West Shore Railroad Company to have its watchman protect the crossing of the New York, Susquehanna and Western Railroad, by keeping the gate closed on the West Shore side against vehicles when trains are approaching from either direction on the New York, Susquehanna and Western Railroad. It was stated by the Company that as views approaching from the river side are exceptionally good, there should be no necessity for providing any protection for vehicles approaching from this direction. The recommendation was changed to read "Install a crossing alarm bell on the southwest side of crossing, New York, Susquehanna and Western Railroad."

The recommendation was adopted by the Company.

WEST JERSEY & SEASHORE RAILROAD—Crossing Accident—July 3, 1912—Malaga.

As an automobile was proceeding over the crossing north of Malaga Station, at 8.49 P. M., July 3rd, it was struck by southbound electric train No. 1121, on the West Jersey and Seashore Railroad; two occupants seriously injured and two occupants fatally injured. The automobile was badly damaged. There was no protection at this crossing, which runs at an angle with the tracks and crosses diagonally. Inspector stated that for a considerable distance on the northeast side there is a good view of trains in either direction; that approaching from the southwesterly side, after passing beyond a point about one hundred feet from the rail, a good view of trains is afforded in each direction. It was further stated that as the train approached the crossing the motorman saw the rear lights of the automobile and blew the crossing whistle; as the train approached closer, the motorman observing the automobile, again sounded the whistle, but thought the machine would stop before crossing the northbound track; when he observed that it did not, he threw on the emergency brakes and brought the train down to twenty miles per hour. The headlight was lighted and switch for engine bell turned. There are no lights on the crossing and no houses in the immediate vicinity.

Inspector recommended that an automatic alarm bell be installed at the crossing.

The recommendation was adopted by the Company.

WEST JERSEY & SEASHORE RAILROAD—Crossing Accident—July 3, 1912—Vineland.

As northbound electric train No. 1220, on the West Jersey and Seashore Railroad was passing over Soldiers' Home Crossing in Vineland, at 7:41 A. M., on July 3rd, it struck a wagon, demolishing same and fatally injuring one occupant, and slightly injuring another. At this crossing, which is not protected, there is a single track with the usual railroad sign located on each side. On the westerly and easterly side of the right of way is a broad boulevard, with no obstruction at or near the crossing, except a row of trees

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on the southeast corner. After passing the line of trees the view is good. Inspector stated that the approach to the crossing could be made less dangerous by the removal of the lower branches of trees, and this was recommended.

The recommendation was adopted by the Company.

NEW YORK & LONG BRANCH RAILROAD—Crossing Accident—July 9, 1912—Belmar.

As an automobile bakery wagon was crossing Sixteenth Avenue, Belmar, at 5:50 A. M., July 9th, it was struck by train No. 278, northbound, the automobile damaged and the chauffeur seriously injured. At this crossing, which is protected from 6:20 A. M. to 8:25 P. M., by flagman, there are two main tracks. From the tracks to a point several hundred feet away the view of northbound trains is unobstructed for one thousand feet to the south. To the north the view was partially obstructed by brush and trees, which Inspector stated have been removed since the accident occurred. It was further stated that approaching from the west, the view is only fair; that the hour the accident happened the flagman was not on duty. It was further stated that there is a small railroad sign on the crossing.

The Inspector recommended that standard sign, adopted by this Board, be located at crossing in place of the small sign, and that brush be cleared as far as possible on the southwest corner.

The recommendation was adopted by the Company.

ERIE RAILROAD—Passenger Struck by train—July 22, 1912—Westwood.

As a passenger was standing at Westwood Station, he was struck by train No. 622 and seriously injured. The Inspector stated that the platform at this station is gravelled and screened about ten feet wide, slanting toward the track, and being even with the top of the rail. It was further stated by the Inspector that there should be a dividing line, so that passengers may know how much of the platform is reasonably safe to use.

It was recommended that a curb line, similar to that being built at Maywood, be placed at this station.

The Company objected. After hearing on October 8th, at which the Company's representative stated that the Company is projecting certain changes in its tracks which will be made next spring and asked that it be relieved from building the curb line until the track change is made, this was agreed to, and the matter was laid over until May 6th, 1913.

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD—Side Swipe Collision—July 22, 1912—Passaic Junction.

As extra No. 96 left train in Coalburg Yard, placed caboose behind engine and was moving backward with caution card, it ran by distant electric signal at danger located nine hundred feet east of cross-over from the Bergen County Short Cut, over which Erie extra No. 1873 was passing, colliding with same, turning over Erie car No. 28552, derailing caboose and injuring engineer of extra No. 96. The accident occurred at 1:30 A. M., July 22nd. Located just east of Coalburg Yard is a caution signal; when this is passed at danger a caution card is given to conductor and engineer, which gives them to understand that there is a train in the block, or cross-over is being used, which compels them to run at a reduced speed looking out for same. In this case, the caution card was handed to brakeman, who gave it to the engineer, the conductor not receiving any. The signal which is supposed to protect the cross-over is located one mile further west. This is painted yellow, and is known as distant electric signal. Trains come to a full stop when this signal is at danger, and then proceed cautiously. About fourteen hundred feet west is located a red semaphore block signal. The Inspector stated that as

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the electric signal is for the sole purpose of protecting the cross-over, and the switch leading thereto, it should be painted red and called a home signal, when if no danger trains should stop and stay for unless out of order, the cross-over would be in use, and the Inspector so recommended.

On November 26th the Company wrote, describing the operation of trains between Rochelle Park and Passaic Junction. The Inspector reported that this operation meets the requirements and is safe, and withdrew his recommendation of July 22nd.

NEW YORK, SUSQUEHANNA & WESTERN RAILROAD—Crossing Accident—July 25, 1912—Hamburgh.

As a vehicle was proceeding over the crossing of the New York, Susquehanna and Western Railroad, one mile west of Hamburgh, on July 25th, it was struck by train No. 903, and the driver seriously injured. This road crosses the track diagonally on a descending grade from the south. The views are good, with the exception of westbound trains when driving from the south, when the view is obstructed by a bank on the southwest side of crossing.

Inspector recommended that this bank be cut back, so a better view may be had of westbound trains.

The recommendation was adopted by the Company.

WEST JERSEY AND SEASHORE RAILROAD—Crossing Accident—July 26, 1912—Collingswood.

As light engine No. 6082 of the West Jersey and Seashore Railroad was passing over Collings Avenue crossing, Collingswood, at 9:40 P. M., July 26th, it struck an automobile with four occupants, demolishing same, fatally injuring two occupants, and slightly injuring the two others. At this crossing are two main tracks. The crossing is protected by gates between the hours of 6 A. M. and 8:30 P. M.; Sundays from 6:30 A. M. to 9:30 P. M. There is also an automatic alarm bell with circuit covering seven-eighths of a mile north and south of crossing. The automobile approached from the west, and to reach the track on which it was struck it was necessary to cross the southbound track. Seventy-five feet west of southbound track trains northbound can be seen for about fifteen hundred feet. As northbound trains approach closer to the highway the shelter shed on the southbound side somewhat obstructs the view. The view of southbound trains is unobstructed for about one thousand feet. At a point eighteen feet from the southbound track, within the line of the shelter shed, there is a good view of northbound trains. The Inspector stated that the alarm bell was ringing, also bell of engine. Crossing signs are located on both sides of the track. The crossing is well lighted.

It was recommended by the Inspector that the crossing be protected for the full twenty-four hours each day.

The recommendation was adopted by the Company.

LEHIGH VALLEY RAILROAD—Crossing Accident—August 6, 1912—Flemington.

As extra train No. 494 was passing over the crossing leading from Flemington to the Fair Grounds, at 3:32 P. M., August 6th, it struck an automobile bus, seriously injuring the chauffeur and slightly injuring one of the occupants. At this crossing, which was unprotected, there is one track. The Inspector stated that from the northerly side, the view of trains in either direction is good; that from the southerly side, the view of trains from Flemington is obstructed by a corn field on an embankment, fence rails and shelter shed; that the view of trains in other direction is fair, but with cars on the siding track, standing close to the highway, the view would be

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obstructed. It was reported that there are about eighteen movements daily over this branch, except on days when fairs are held on the grounds; that the highway is one of the main roads from Flemington to Lambertville, and that there is considerable travel over the crossing, and heavy travel during the time fairs are in progress.

It was recommended by the Inspector that the Company arrange to have the southeasterly corner of the highway cleared, so as to afford a reasonable view of trains, or to establish a speed of six miles per hour over the crossing for trains from Flemington to Flemington Junction; that a flagman be stationed on the crossing during the time fairs are in progress; that a whistling post be established for the highway, and that standard crossing signs be erected.

The recommendations were adopted by the Company.

WEST JERSEY & SEASHORE RAILROAD—Crossing Accident—August 13, 1912—Atlantic City.

As express train No. 1136, Atlantic City to Camden, was passing over Ohio Avenue, Atlantic City, at 11:02 P. M., August 13th, it struck a bus, demolishing same, slightly injuring the driver and killing the horse. There are thirteen tracks at this crossing—two main line electric tracks on the southerly side. On the northerly side the first six tracks, including the two main tracks for steam trains, are protected by gates, operated from a tower between the hours of 6 A. M. and 9 P. M. There is no gate protection for the remainder of the tracks on the highway. In addition to the gates, the tracks were protected by two flagmen on the ground from 6 A. M. to 9 P.M., one flagman protecting the main tracks of the steam line, and the other flagman protecting the electric line tracks. The Inspector stated that from the southerly approach the view of trains in both directions is obstructed by building located close to track; that on the northerly side the approach is obstructed by buildings on both sides, also located near the tracks.

The Inspector recommended that the flagman's hours during the summer schedule be extended for all movements over the highway until the last scheduled north and south bound train passes.

The recommendation was adopted by the Company.

PENNSYLVANIA RAILROAD—Crossing Accident—August 21, 1912—Burlington.

As engine of freight train A-30 was passing over Bordentown Avenue, Burlington, near the connection of Mount Holly tracks with the main line of the Amboy Division, at 4:13 A. M., August 21st, it struck a wagon, damaging same and injuring the driver. There are two tracks at this crossing. Approaching from the northerly side, the view is only fair; approaching from the southerly side, the view of eastbound movements is fair—the view of westbound movements is obstructed by buildings. Inspector stated that there are not many train movements over the tracks, but

Recommended, owing to the view being limited, that speed of all movements be limited to six miles per hour, and that standard grade crossing signs be installed.

The recommendations were adopted by the Company.

ERIE RAILROAD—Crossing Accident—September 7, 1912—Paterson.

Train No. 548 struck a vehicle on Keene Street Crossing, Paterson, September 7th, slightly injuring a woman occupant and damaging the wagon. There are five tracks at this crossing, two main and three siding, and the crossing was protected by a flagman between the hours of 6:30 A. M. and 6:30 P. M.

It was recommended by the Inspector that protection be extended to 9 P. M.

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The Company requested that the recommendation be modified, and that it be allowed to install crossing alarm bell, to be operated from 6:30 P. M. until the watchman comes on duty in the morning. The Chief Inspector of the Railroad Division of the Board requested that the alarm bell, if installed, be operated during the full twenty-four hours of the day and night, the flagman to remain on duty as at present. This the Company agreed to, and the recommendation was changed.

CENTRAL RAILROAD OF NEW JERSEY—Crossing Accident—September 7, 1912—Keansburg.

While extra work train No. 272 was working in yard in Keansburg, at 2:25 P. M., September 7th, it struck an automobile on the first highway crossing west of the station. This crossing is protected by an alarm bell. On the day of the accident the bell had been cut out, as the work train was moving continually over the crossing on account of construction work near the highway. Inspector stated that from the northerly approach a fair view of trains is had in either direction; that from the southerly side, at a point sixty feet from the track, the view is good in both directions.

The Inspector recommended that when work is being done close to highways, necessitating the cutting out of crossing alarm bells, flagman should be placed on crossing during the time the bell is out of service; also that brush on the northwesterly side of crossing be cut, if the same is within the right of way line.

The recommendations were adopted by the Company.

WEST JERSEY & SEASHORE RAILROAD—Crossing Accident—September 9, 1912—Minotola.

As train No. 1079, southbound, on the electric line of the West Jersey and Seashore Railroad, cleared the southerly side of the road crossing approaching Minotola Station, at 6:03 P. M., September 9th, a woman riding a bicycle went around rear end of train and attempted to cross the southbound track, when she was struck and fatally injured by extra work train No. 6067. The station building at Minotola is on the southwesterly side, about two hundred feet from the highway. Between the north and south bound tracks is a standard inter-track fence. The crossing was protected by electric bell, operated by station agent. At the station is a sign reading "Crossing bells are not in use from 12 P. M. to 5:30 A. M." Inspector stated there are a large number of movements, both local and express, through Minotola, to and from Atlantic City and Camden. It was further stated that there is considerable traffic over the highway.

It was recommended by the Inspector that gates be installed at the crossing, to be operated daily from 6 A. M. to 7 P. M.

The recommendation was adopted by the Company.

WEST JERSEY & SEASHORE RAILROAD—Crossing Accident—September 15, 1912—Malaga Road Crossing.

As Atlantic City express train No. 1144, northbound, on the electric line of the West Jersey and Seashore Railroad, was passing over Malaga Road Crossing, between Malaga and Iona, at 11:50 P. M., September 15th, it struck a furniture van, demolishing same, killing three occupants also two horses.

The conditions at the crossing at Malaga were made the subject of a complaint to the Board by the Franklin Township Committee. The Board's formal recommendation, referring to this complaint, will be found in that section of this report devoted to formal findings of the Board.

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WEST JERSEY & SEASHORE RAILROAD—Crossing Accident—September 25, 1912—Shore Road Crossing, south of Malaga Station.

As train No. 1056, northbound, on the electric line of the West Jersey and Seashore Railroad, was passing over Shore Road Crossing, south of Malaga Station, at 12:48 P. M., September 25th, it struck an automobile, damaging same, killing one occupant and injuring another. This highway crosses the two main tracks diagonally. There are large standard crossing signs on both sides, also illuminated signs, bearing the inscription "Caution—Railroad Crossing 250 feet." There was no protection at the crossing, excepting during the Summer schedule, when a flagman is on duty Saturdays, Sundays and Mondays.

The Inspector recommended that an automatic electric alarm bell be installed at the crossing.

The recommendation was adopted by the Company.

This crossing is among those complained of to the Board by the Franklin Township Committee. The Board's formal finding will be found in that section of this report devoted to formal findings.

PENNSYLVANIA RAILROAD—Collision—September 27, 1912—Perth Amboy.

As passenger train No. 333, southbound, on the Perth Amboy Division of the Pennsylvania Railroad, was passing switch for Langan's siding, in Perth Amboy, at 2:47 P. M., September 27th, it ran into open switch and collided with freight cars standing on siding, slightly injuring three passengers. It was claimed by the Engineer that pedestrians walking close to the rails prevented him from seeing the signal at the switch. It was reported by the Inspector that this switch signal is of the low type, known as the pot signal. At the time of the accident this switch, located one hundred and thirty-three feet from point of collision, had been left open by crew of freight train working at siding prior to the accident. The Inspector stated that while investigating the accident it was noticed that derail was closed when switch was set for main track movement. When switch is in this position derail should be open to protect cars from fouling main track.

It was recommended by the Inspector that a higher switch stand be installed, and that the derail and switch be connected so as to insure the derail in siding when switch is set for main track movement.

The recommendation was adopted by the Company.

PENNSYLVANIA RAILROAD—Crossing Accident—October 1, 1912—Perth Amboy.

As light engine No. 783, northbound, on the Perth Amboy Branch of the Pennsylvania Railroad, was passing over Hall Avenue, Perth Amboy, at 5:25 A. M., October 1st, it struck a bakery wagon, damaging same and slightly injuring the driver. This crossing was protected by a flagman from 6 A. M. to 6:45 P. M., this protection covering all passenger train movements, with the exception of four trains on weekdays and one on Sundays. It was stated by the Inspector that approaching from the east, buildings obstruct the view of trains in both directions at a point forty feet from the track; that approaching from the west, the view of eastbound trains is obstructed at a point about twenty feet from the track, and of westbound trains thirty feet from the track. It was further stated that the crossing signs are small and not in proper position to be seen when travelling on the highway approaching the crossing.

It was recommended by the Inspector that the standard crossing signs recently adopted by the Board be placed at both approaches.

The recommendation was adopted by the Company.

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NEW YORK, SUSQUEHANNA & WESTERN RAILROAD—Collision—October 28, 1912—Little Ferry.

Erie extra No. 1682, with fifty-four cars, en route to Little Ferry Junction, collided with Lehigh and New England extra No. 34, with thirty-four cars, at cross-over east of Little Ferry draw at 9:18 P. M., October 28th. Seven cars were derailed. Extra No. 34 was pulling out of switch, necessitating crossing eastbound track. Permission to make this movement was given by towerman, located at Little Ferry Station, five hundred feet west of cross-over. It was stated by the Inspector that the towerman should have held block five hundred feet west of his tower at danger until extra No. 34 cleared westbound track. Instead of doing this he gave extra No. 1862 a clear block, causing it to run into the side of extra No. 34.

The Inspector recommended that a signal be installed east of the fouling point to govern movements from the switches east of the draw bridge west of eastbound track, to be interlocked with signal on eastbound track west of Little Ferry, making it impossible to give a clear signal while trains are using the cross-over; the same to apply to signals governing cross-over in connection with signal west of Little Ferry.

The Company advised that the track circuit controlling the signal had been changed to include the signals east and west of the draw bridge, so that if any of these switches are in a reverse position the eastbound and westbound draw bridge signals and block signals will indicate "stop." This was referred to the Board's Inspector, who requested that facing point switch on eastbound track east of bridge be bolt locked, so that trains cannot come out or foul main line until towerman west of bridge unlocks same. The Company advised that the switch referred to will be electrically locked. Inspector advised this was satisfactory.

PUBLIC SERVICE RAILWAY—Derailment—January 28, 1912—Bodine's Corner.

As car No. 1946, on the line from New Brunswick to South Amboy, was rounding Bodine's Corner, at 1.50 A. M., January 28th, it was derailed, the motorman slightly injured and the conductor fatally injured. As the car proceeded down George's Road, on a descending grade, the conductor left the back platform, walked through the car and tried to open the front door, but finding it locked rapped on the glass. The motorman turned and opened the door to ascertain what was wanted; as he turned back he saw that the car was on the curve, which is very sharp; he threw off his power and attempted to apply his air brake, but it was too late. The car left the rail, crossing the frozen macadam road, struck a cherry tree 16″ in diameter, breaking it off and throwing it some twenty feet. The front platform of the car was demolished. In the opinion of the Inspector the accident was caused by the motorman not observing the proper caution in watching the curve, and in the conductor disobeying the rule, which requires conductors to remain on rear platform when descending steep grades. As the primary cause of the accident was in the fact that the motorman was forced to turn around and leave his controller handle to throw open the latch on door, it was the opinion of the Inspector that a latch which could be thrown not only from the outside, but from the inside, should be installed on all doors of the type similar to that on this car.

The Inspector recommended that all cars having double doors which are fastened by a latch which is operated from the outside, be equipped with a latch which is operated from both outside and inside.

This matter was taken up with the Railway Company, and, following a hearing, the Board modified the recommendation of the Inspector, so as to allow the Railway Company to remove all locks from doors of cars.

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PUBLIC SERVICE RAILWAY—Collision—February 9, 1912—Newark.

Springfield Line car No. 2139, eastbound, at 7:10 A. M., February 9th, collided with Bergen Line car No. 137, northbound, injuring fifteen passengers. The Bergen Line car had stopped to allow passengers to alight. The motorman stated that after starting the car he looked up and saw a Springfield Avenue car coming towards him at a very high rate of speed, about forty feet away. As the Bergen car was of the small type, equipped only with hand brake, the motorman threw on full power in an attempt to cross the tracks in front of the Springfield car. As a result the Bergen car was struck with such force that it was thrown completely off and overturned. The car contained thirty-seven passengers, fifteen of whom were removed to the hospital. The majority of the injuries were due to bruises and broken glass, although the stove, by which this car was heated, was overturned, and several passengers severely burned. The motorman of the Springfield Avenue car said that he applied air, but the wheels slid; that he then reversed his control and used sand, but was unable to bring his car to a stop.

The Inspector recommended that the Public Service Railway Company take steps to abolish all stoves located in the body of cars, and install a system of heating which will not be a probable danger to passengers in case of accident.

The formal finding of the Board, referring to this accident, will be found in that section of this report devoted to formal findings of the Board.

TRENTON & MERCER COUNTY TRACTION CORPORATION—Crossing gate struck car—March 23, 1912—Trenton.

Car No. 104, of the Trenton and Mercer County Traction Corporation, became defective at Liberty Street, Trenton, about 12:40 A. M., March 23rd. Car No. 212, which was following, coupled on to push the defective car toward the barn. As these cars were crossing the Bordentown Branch of the Pennsylvania Railroad, at South Broad Street, Trenton, they were in danger of being struck by a train. The gate on the north side of the crossing was smashed, being pulled entirely from its foundations, and two windows in the rear car were broken. The gateman stated that the gates on the north side were down, and that he did not have opportunity to put the gate down on the south side; that when the car would not stop he attempted to raise gates on the north side.

The following recommendations were submitted, which were taken up for hearing on April 16th:

1. That the rigid gate on the southeast side of the crossing at Broad and Canal Streets be changed to a type having a swing end to enable the Traction Company to place the trolley wire on the northbound track in proper line.
2. That when the gate is replaced by one of suitable design, having a swing arm, the Traction Company place the trolley wire in proper alignment, and further place trolley guards of acceptable design over the trolley wires.
3. That a derail be installed in the northbound trolley track at a point approximately sixty-five feet from the steam railroad crossing, but which will be definitely located on acceptance of this recommendation. This derail to be operated by the gateman at the crossing.

The derailer and trolley guards have been installed and are in operation.

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ATLANTIC COAST ELECTRIC RAILWAY—Head-on Collision—June 27, 1912—Cedars.

Car No. 38, from Asbury Park to Pleasure Bay, proceeding north, met car No. 21, southbound, and collided head-on at the middle curve in the Cedars at 6:30 A. M., June 27th. Both cars were damaged, and some few passengers slightly injured. Track was being renewed from a point north of Cedar Lane to Second Avenue, Hollywood, which necessitated single track operation, one cross-over being at Elberon Station, the other at Second Avenue, Hollywood. Car No. 38 was five minutes behind schedule, and had been following another car north. Car No. 21, southbound, was waiting on siding at Second Avenue, Hollywood. As the car preceding No. 38 passed, the crew of car No. 21 asked where No. 38's follower was. The crew of No. 38 did not know, so after waiting for several minutes, an Inspector who was on car No. 21 decided to proceed ahead. When the motormen of the cars saw each other, they attempted to reverse, but as the rail had been recently greased, the cars came together with considerable force.

The Inspector recommended that, if in the future single track operation is attempted, some suitable form of signal be installed.

The Company did not object to the recommendation, and stated that the construction work was completed, and it would not be likely to use single track for some time.

Causes of Accidents.

The causes of the accidents which occurred on steam railroads from December 1st, 1911, to December 1st, 1912, were as follows:

	Killed.	Injured.
Collisions—		
Passengers,	..	37
Employees,	5	60
Others,	..	3
Crossing Track at Highway—		
Passengers,	1	..
Employees,	..	2
Others,	58	87
Derailments—		
Passengers,	..	3
Employees,	..	18
Others,	..	..
At Bridges and Tunnels—		
Passengers,	..	..
Employees,	..	15
Others,	..	..
Struck by Locomotives or Cars—		
Passengers,	2	2
Employees,	73	56
Others,	2	6
Getting on or off Trains—		
Passengers	8	51
Employees	1	39
Others	..	2
Coupling or Uncoupling Cars—		
Passengers,	..	..
Employees,	1	27
Others,	..	..
Other Causes—		
Passengers,	5	13
Employees,	40	273
Others,	4	9
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The causes of the accidents which occurred on electric railways from January 1st, 1912, to January 1st, 1913, were as follows:

	Number.	Killed.	Injured.
Derailments—	297		
Passengers,		..	19
Employees,		1	3
Others,		..	1
Struck by Cars—			
Employees,		..	1
Others,		36	316
Collisions—	17		
Passengers,		..	50
Employees,		..	9
Getting On and Off Cars—			
Passengers,		1	9
Air Tank Explosion—			
Passengers,		..	6
Collapse of Bridge—			
Passengers,		..	3
		38	417

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