

# HOUSE . . . . No. 1150

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By Mr. Birmingham of Boston, petition of Leo M. Birmingham that Congress be memorialized in favor of restoring to the states the right to regulate and control local public utilities. Constitutional Law.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

Resolutions memorializing Congress in Favor of Legislation to restore to the States the Regulation and Control of their Public Utilities.

1 *Whereas*, The commonwealth of Massachusetts  
2 finds that its established method of regulation and  
3 control of its public utilities is threatened by the  
4 existing right to seek in the federal courts injunctions  
5 restraining the enforcement of the orders of its de-  
6 partment of public utilities; and

7 *Whereas*, The laws and the courts of this com-  
8 monwealth are fully adequate to protect the rights of  
9 public utility companies, including such rights as  
10 may be guaranteed to them by the constitution of  
11 the United States; and

12 *Whereas*, Local self-government is a fundamental  
13 of democracy of great and increasing importance; and

14 *Whereas*, There are pending before the federal  
15 congress measures designed to protect the people of

16 this state by preventing the interference by the  
17 federal courts other than the supreme court of the  
18 United States in matters involving the regulation of  
19 local public utilities, and to place the control of such  
20 local utilities in the first instance in the courts and  
21 duly constituted agencies of the locality affected;  
22 be it

23 *Resolved*, That the congress of the United States  
24 be, and it is hereby, respectfully memorialized to  
25 enact with all convenient speed such legislation as  
26 will prevent action by the federal courts in all cases  
27 in respect to public utilities in which local judicial  
28 authorities and local regulatory agencies are empow-  
29 ered to prevent the abuse of exorbitant or confiscatory  
30 rates by a local public utility until the highest court  
31 of the states has passed thereon; and be it further

32 *Resolved*, That certified copies of these resolutions  
33 be sent by the secretary of the commonwealth to the  
34 presiding officers of both branches of congress, and  
35 to each of the senators and representatives from  
36 Massachusetts.



