

# HOUSE . . . . No. 162.

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[Introduced on leave by Mr. GROVER of Canton. Read and referred to the committee on Mercantile Affairs.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-four.

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### AN ACT

To establish a Board of Telephone Commissioners.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The governor by and with the con-  
2 sent of the council shall appoint three citizens of  
3 this Commonwealth, who shall constitute a board  
4 of telephone commissioners, and the governor shall  
5 designate the chairman thereof. Said board shall  
6 have a clerk to be appointed by the governor with  
7 the consent of the council, who shall keep a full  
8 and faithful record of its proceedings, and shall  
9 serve such notices and perform such other duties  
10 as the commissioners may require, and shall be

11 sworn before entering upon the discharge of his  
12 duties.

1     SECT. 2. One of said commissioners shall be  
2 appointed for one year, one for two years, and one  
3 for three years from the first day of July, eighteen  
4 hundred and ninety-four, and annually thereafter  
5 the governor shall appoint, as hereinafter pro-  
6 vided, one commissioner to serve for three years  
7 from the first day of July, in the year of his ap-  
8 pointment, and until his successor is appointed  
9 and qualified. If a vacancy occurs by resignation  
10 or otherwise, the governor shall in like manner  
11 appoint a commissioner for the residue of the  
12 term, and may, with the consent of the council,  
13 remove any commissioner for cause after notice  
14 and hearing.

1     SECT. 3. Said commissioners shall be sworn  
2 to the faithful performance of the duties of their  
3 respective offices before entering upon the dis-  
4 charge of the same; shall not be in the employ  
5 of or own any stock in any telephone company or  
6 be in any way directly or indirectly interested pe-  
7 cuniarily in the manufacture or sale of telephone  
8 instruments, or any article or commodity used  
9 by telephone companies, or used for any pur-  
10 pose connected with the manufacture and sale of  
11 telephones.

1     SECT. 4. The annual salary of the chairman  
2 of the board shall be three thousand dollars, and

3 that of the other commissioners two thousand five  
4 hundred dollars, each to be paid monthly from  
5 the treasury of the Commonwealth. The com-  
6 missioners shall be provided with an office in the  
7 state house or in some other suitable place in the  
8 city of Boston in which their records shall be  
9 kept.

1 SECT. 5. The board may expend a sum not  
2 exceeding one thousand dollars annually in pro-  
3 curing necessary books, statistics and stationery,  
4 and in defraying expenses, incidental and neces-  
5 sary to the discharge of their duties; and a sum  
6 not exceeding two thousand dollars annually in  
7 defraying the compensation and expenses of their  
8 clerk, payable monthly from the treasury of the  
9 Commonwealth.

1 SECT. 6. The annual expenses of the commis-  
2 sioners and clerk, including salaries, shall be borne  
3 by the several telephone companies in proportion  
4 to their gross earnings, and shall be assessed and  
5 recovered in the manner provided for the assess-  
6 ment and recovery of the expenses of the rail-  
7 road commissioners.

1 SECT. 7. Every telephone company shall an-  
2 nually make a return to said board in a form and  
3 at a time prescribed by said board, setting forth  
4 the amount of its authorized capital, its indebted-  
5 ness and financial condition on the first day of  
6 January preceding, and a statement of its income

7 and expenses during the preceding year, together  
8 with its dividends paid or declared, and a list con-  
9 taining the names of all its salaried officers and  
10 the amount of the annual salary paid to each; and  
11 said return shall be signed and sworn to by the  
12 president and treasurer of said company and a  
13 majority of its directors. Every such company  
14 shall also at all times on request furnish any state-  
15 ment or information required by the board con-  
16 cerning the condition, management and operations  
17 of the company and shall comply with all lawful  
18 orders of said board.

1     SECT. 8. Said board shall have the general su-  
2 pervision of all corporations engaged in the man-  
3 ufacture and sale of telephone instruments and in  
4 the operation of telephone lines, and shall make  
5 all necessary examinations and inquiries and keep  
6 themselves informed as to the compliance of the  
7 several corporations with the provisions of law.

1     SECT. 9. Upon the complaint in writing of  
2 the mayor of the city or the selectmen of the  
3 town in which a telephone line is in any part op-  
4 erated or located, or of twenty customers of any  
5 telephone company, either of the character and  
6 quality of the service, or of the price for the use  
7 of telephone instruments, or of messages sent by  
8 telephone, the board shall notify the company of  
9 such complaint by leaving at their office a copy  
10 thereof, and shall thereupon, after notice, give a  
11 public hearing to such petitioner and such com-

12 pany, and after said hearing may order, if they  
13 deem just and proper, any reduction in the price  
14 for the use of telephone instruments or improve-  
15 ment in the quality of service, or may order any  
16 reduction in the price of messages sent by tele-  
17 phone, and they shall pass such orders and take  
18 such action as are necessary thereto, and a report  
19 of the proceeding and the result thereof shall be  
20 included in their annual report to the legislature.

1     SECT. 10. The board, whenever any such com-  
2 pany violates or neglects in any respect to comply  
3 with the provisions of any law or refuses or neglects  
4 to comply with any lawful order of the board, shall  
5 give notice thereof in writing to such corporation  
6 and to the attorney-general, who shall take such  
7 proceedings thereon as he may deem expedient.

1     SECT. 11. Any court having jurisdiction in  
2 equity, in term time or vacation, may, on the  
3 application of said board, by any suitable process  
4 or decree in equity, enforce the provisions of this  
5 act and the lawful orders of said board.

1     SECT. 12. The board shall make an annual  
2 report of its doings to the legislature in January,  
3 with such suggestions as to the condition of  
4 affairs or conduct of the telephone company as  
5 may be deemed appropriate.

1     SECT. 13. This act shall take effect upon its  
2 passage.





