

HOUSE No. 259.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 28, 1883.

The Committee on Mercantile Affairs, to whom was referred the petition of Byron Weston of Dalton, and others, for legislation concerning telephone companies and exchanges, and several petitions relative to the subject from the cities and towns of Boston, Fall River, Lynn, Worcester, Newburyport, Stockbridge, Ashland, West Stockbridge, Pittsfield, Littlefield, Westfield, Gloucester, Monson, Lee, Everett, Dalton, North Adams, and Taunton, report the accompanying Bill.

For the Committee,

JESSE L. NASON.

Mr. RANDALL of Bristol, and Mr. DENHAM of New Bedford, dissent.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-three.

AN ACT

Relating to Telephone Companies and to Regulate
the Use and Rental of Telephones.

*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. Every telephone corporation now
2 or hereafter to be incorporated under the laws of
3 this Commonwealth, or any foreign telephone cor-
4 poration doing business in this Commonwealth, or
5 any firm or person engaged in the business of leas-
6 ing telephones or supplying the public with tele-
7 phones, telephonic connection or service, or own-
8 ing, leasing or operating a telephonic exchange
9 shall, on the written application of any corpora-
10 tion, firm or person, including any telephone, tele-
11 graph messenger, news or stock quotation com-
12 pany, furnish without unreasonable delay, without
13 discrimination and without additional charges at
14 customary uniform and equal rates, all the proper
15 or necessary wires, instruments and fixtures,

16 as well as connection with the central office or tele-
17 phone exchange, if desired, provided said appli-
18 cant for the telephone connection or its use shall
19 tender or pay the usual uniform or customary
20 charges therefor, or usual, uniform or customary
21 rental sum, and shall connect the telephone of
22 such person, firm, or corporation having a con-
23 nection with the same, or with a connecting
24 exchange or central office, whenever requested
25 so to do without regard to the character of the
26 message to be transmitted, provided it is not
27 obscene nor profane.

1 SECT. 2. Every corporation, firm, or person
2 doing a telephone business covered by the pro-
3 visions of section one of this act shall make a
4 schedule of regular, uniform and equal rates
5 for all corporations, firms or persons, and shall
6 not charge a greater sum or rental to any new
7 subscriber than is at the time charged or received
8 for the same equal or similar service for other
9 corporations, firms or persons, the purpose of this
10 section being to prevent all discrimination in tolls
11 and rentals.

1 SECT. 3. Every corporation, firm or person
2 doing a telephone business covered by the pro-
3 visions of section one of this act may make
4 uniform and reasonable regulations for the
5 conduct of their business, but shall not ask nor
6 oblige any corporation, firm or person applying
7 for a telephone, or any subscriber, to sign any

8 contract or agreement which shall make or con-
9 sent to any discrimination as to corporations,
10 firms or persons, or uses to which the telephone
11 shall be put, or to permit the taking out of the
12 telephone or restricting its use, so long as pay-
13 ment for it or its use is not refused or neglected,
14 or to limit the rights secured under this act,
15 and no such contract or agreement shall be a
16 defence to any action instituted to recover any
17 penalty prescribed by a statute of this Common-
18 wealth.

1 SECT. 4. Every corporation, firm or person
2 doing a telephone business covered by the pro-
3 visions of section one of this act, may take out
4 its telephone and refuse connection with the
5 exchange to such persons, firms and corporations
6 as shall refuse or neglect for thirty days to pay
7 the charge or rental as provided in this act.
8 Every line connecting any person, firm or cor-
9 poration with a telephone exchange or central
10 office, or running through or to an exchange or
11 central office, shall be a public line, and pro-
12 visions of section ten of chapter one hundred and
13 nine of the Public Statutes shall apply in regard
14 thereto.

1 SECT. 5. For every violation of the provis-
2 ions of this act, the person, firm or corporation
3 refusing or neglecting to comply shall forfeit not
4 less than fifty dollars for each and every such
5 violation, and not less than fifty dollars for each

6 and every day during which they shall neglect to
7 furnish telephone facilities upon request, as pro-
8 vided by section one of this act, these penalties
9 to be recovered by the person or persons making
10 such request.

1 SECT. 6. The provisions of this act are in-
2 tended to amend chapter one hundred and seven-
3 teen of the acts of eighteen hundred and eighty,
4 in so far as that act is inconsistent with the pro-
5 visions of this act.

1 SECT. 7. This act shall take effect upon its
2 passage.

