

Commission, for the purpose of having such violation stopped and prevented either by mandamus or injunction. Counsel to the Commission shall thereupon begin such action or proceeding by a petition in any of said courts, as the case may require, alleging the violation or the threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify the time, not exceeding twenty days after service of a copy of the petition, within which the gas corporation or electrical corporation complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical requirement. Such other persons or corporations as it shall seem to the court necessary or proper to join as parties in order to make its order, judgment or writs effective may be joined as parties upon application of Counsel to the Commission. The final judgment in any such action or proceeding shall either dismiss the action or proceeding, or direct that a writ of mandamus or an injunction issue as prayed for in the petition, or in such modified or other form as the court may determine will afford the appropriate relief.

If it be alleged and established in an action brought in any court for the collection of any charge for gas or electricity, that a price has been demanded in excess of that fixed by the Commission, or by law in the municipality or county wherein the action arose, no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such action.

#### TELEPHONE AND TELEGRAPH COMPANIES.

SEC. 39. *And be it further enacted*, That this Act shall apply to telegraph companies, telephone companies, telephone lines and telegraph lines within this State, and to persons and corporations engaged in the transmission of intelligence within this State by telephone or telegraph.

The Commission shall have within its discretion (1) general supervision of all persons having authority under any general or special law or under any charter or franchise to lay down or erect or maintain poles, wires, pipes, conduits or other fixtures in, over or under the streets, highways and public places for the purpose of furnishing facilities for the transmission of intelligence by electricity. (2) Shall investigate and ascertain, from time to time, the service supplied by such persons and corporations; shall examine all the methods employed by such