

No. 217.

A N A C T

To incorporate the Philadelphia and Wilkesbarre telegraph company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That James Cox, Samuel D. Moore, J. Gillingham Fell, Josiah White, Erskine Hazzard, Matthew L. Bevan, Matthew Newkirk, John Brock, George Abbott, Henry Cope, W. D. Cox, F. A. Comly, James Page, Jenkins Ross, Joseph Fisher, Edwin Walter, Lewis Audenreid, Richard Jones, M. C. Jenkins, Charles Ferguson, W. S. B. Smith, George R. Field, James Rowland, William Wallace, C. E. Spangler, J. R. White, George H. Hart, F. B. Haas, F. N. Buck, J. L. Baum, Samuel L. Davis, F. Hinchman and A. C. Goell, and John Thomason of Philadelphia; Samuel D. Ingham, James S. Rich, John Fox, Henry Chapman, Thomas Ross, Caleb E. Wright, John Davis, Henry J. C. Taylor, Caleb N. Taylor, Charles H. Matthews, James L. Shaw, Samuel A. Smith, William S. Hendrie, William Carr, John Ruckman and John S. Bryan of Bucks county; James M. Porter, Alexander E. Brown, Henry D. Maxwell, Anthony M'Coy, Richard Broadhead, Philip Goepf and Charles A. Luckenbach of Northampton county; Henry King, John S. Gibbons and John D. Morris of Lehigh county; Asa Packer and E. A. Douglas, of Carbon county, and Hendrick B. Wright, John N. Conyngham, Luther Kidder, Chester Butler, G. W. Hollanback, Harrison Wright, E. D. Mallory, E. W. Reynolds, A. C. Jauney, G. Bennett, A. L. M'Clinck, J. S. Slocum and W. C. Gilhirst, of Luzerne county, and such other persons as may hereafter become stockholders in the company called "The Philadelphia and Wilkesbarre telegraph company," their successors and assigns, shall be and they hereby are made and constituted a body politic and corporate, for the purpose of making, using and maintaining telegraph lines and communications between the city of Philadelphia and the borough of Wilkesbarre, and intermediate towns and villages, by the name, style and title of "The Philadelphia and Wilkesbarre telegraph company;" and by the same name, style and title shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation; may sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity, of record and otherwise, may purchase, receive, have, hold and enjoy to them, their successors and assigns, all such lands, tenements and hereditaments, goods and chattels and estates, real, personal and mixed, of what kind and quality soever as may be necessary for the purposes of the said corporation; and the same from time to time may sell, convey, mortgage, encumber, charge, grant, alien and dispose of; to make dividends of such portions of their profits as they may deem proper; and also to make and have a common seal, and the same to alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws or ordinances, rules and regulations as may be necessary or convenient for the government of the corporation hereby created, not being contrary to the constitution and laws of the

Corporators.

Incorporate.
Purpose.Style.
Privileges.

Proviso.

United States or of this commonwealth; and generally may do all and singular the matters and things which to them shall lawfully appertain to do for the well being of the said corporation, and the management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as to give to the said corporation any banking privileges, or franchises, or any privileges or franchises but such as may be necessary or incident to the making, using and maintaining the said telegraph lines and communications.

Capital stock.

SECTION 2. That the capital stock of the corporation hereby created shall be two hundred dollars per mile for each mile of single telegraphic wire erected by the same, in shares of twenty-five dollars each, certificates of which shall be issued to such person or persons, corporation or corporations other than counties, townships or municipal corporations, who have heretofore subscribed or paid money, or may hereafter subscribe or pay money for the construction of said telegraph lines, for the number of shares which he, she or it may have, or shall subscribe for, or hold in the said corporation, signed by the president, and countersigned by the secretary, and sealed with the common seal; which stock shall be transferable in person or by attorney, executors, administrators, guardians, trustees or officers, under such regulations as may be provided by the by-laws: *Provided*, That if the business of the said corporation shall require any additional wire or wires, it shall and may be lawful for such corporation to increase the capital stock of the same fifty dollars per mile for each mile of additional wires so required and erected in similar shares of twenty-five dollars each, to be issued and transferred as aforesaid.

Transferable.**Proviso.****Corporations may subscribe, except, &c.**

SECTION 3. That it shall and may be lawful for any corporation or body corporate, other than counties, townships and municipal corporations, to subscribe for and hold one or more shares of the capital stock in the said corporation hereby incorporated.

Power to purchase, make and maintain connecting or side line.

SECTION 4. That the said corporation hereby created shall have power to purchase, make, use and maintain any connecting or side lines which are now or hereafter shall be within Philadelphia, Montgomery, Bucks, Northampton, Monroe, Lehigh, Carbon, Schuylkill, Luzerne and other counties; and also shall have power, by contract with other persons or bodies politic, to make, connect, use and maintain their lines of telegraph with lines of like kind out of this state.

Meeting.

SECTION 5. That the persons named in the first section of this act, or any four of them, shall call a meeting, to be held on the first Tuesday of September next, or at any previous time, of the corporate body hereby created, giving three weeks' notice of the time and place of holding the same, in at least one newspaper in the city of Philadelphia, and one in each of the boroughs of Doylestown, Easton, Allentown, Mauch Chunk and Wilkesbarre, for the purpose of choosing a president, secretary and treasurer, and ten directors; which ten directors, with the president, shall constitute the board of directors for the management of its affairs.

Term of office.

SECTION 6. That the president, directors, secretary and treasurer of said corporation hereby created, shall hold their offices for the term of one year, and until their successors shall be elected; and shall exercise all such powers pertaining to the making, maintaining, use and management of said telegraph lines, and the affairs, interest and business of the said corporation, authorized by its by-laws, and not incompatible with the constitution and laws of this state and of United States.

Annual meeting.

SECTION 7. That the annual meeting of the said corporation shall be held on the first Tuesday of September in each and every year here-

after, unless the stockholders, at an annual meeting, shall otherwise direct; and special meetings shall be called by the president and directors, whenever in their opinion the interests of the company may require it, or when it may be demanded by persons holding one-third of the capital stock; such reasonable notice to be given of the time and place of holding such meetings as may be prescribed by the by-laws of the corporation.

SECTION 8. That at every election for officers, each share shall entitle the holder thereof to one vote, to be given by ballot: *Provided*, That no one stockholder shall be entitled, on account of the stock held by him, to cast more one-sixth of the entire vote to which all the shares, if held singly, would be entitled; and absent stockholders may vote by agents or proxies, producing written authorities: *And provided also*, In the event of an equal number of votes being cast for two or more candidates, in any election for officers, the choice between them shall be determined by lot.

SECTION 9. That it shall and may be lawful for the said corporation hereby created, to erect and construct works, edifices, fixtures and structures along and across any of the roads, highways, streets and waters within the states, along or across which they shall convey their wires; the said works to be so placed as not to interfere with the common use of such roads, highways, streets and waters; and the said corporation, and all other persons by them authorized, appointed or employed, shall have power and authority to enter into and upon, hold, occupy and enjoy any land for the purpose of locating and constructing the said telegraph lines, and using, repairing, maintaining and enjoying the same, upon which the same may be located, or which may be necessary or convenient for the location of the same: *Provided*, That such compensation previous thereto shall be made, secured or tendered to the owner or owners of the land, as shall be agreed upon between the parties, or in such manner as is hereinafter mentioned.

SECTION 10. That if the said corporation, and the owner or owners of any land through which the said telegraph lines shall pass, cannot agree upon the price or compensation to be paid by the said corporation, for such land taken or used, or the damages done thereto, it shall and may be lawful for either party to apply to the court of common pleas for the county in which such lands shall lie, by petition, stating the facts in relation thereto; and thereupon it shall be the duty of said court to appoint three disinterested persons of the proper county, or of any county adjoining, and to fix a time not less than twenty, nor more than thirty days thereafter, for the said viewers to meet upon the premises where the damages are alleged to be sustained, of which time and place, notice shall be given by the party petitioning, to said viewers, and to the other party, and the said viewers when so met, shall be first sworn or affirmed justly and equitably to assess the damages, if any, which may have been, or are likely to be sustained by the owner or owners of such land, and shall then view the premises, and justly and equitably assess and estimate the damages which may have been sustained, or are likely to be sustained by the owner or owners of such lands, through which the said telegraph lines shall pass, and deducting from the damages the value of the advantages and benefits which will be likely to accrue to the owners of said land, from the said telegraph lines or works connected therewith, and to make out a report of their assessment of damages, signed by the said viewers, and return the same to the court appointing them, at the next term thereof, which report being confirmed by said court, shall be considered a judgment of the said court, and collected in like manner as other judgments of the same

Proviso. court are collected, with the costs of the court: *Provided*, That if the proper officer of the said company, at any time before application made by either party, for the appointment of viewers in manner hereinbefore directed, shall tender to the owner or owners of said land, a sum of money in full compensation for his said damages, shall not be liable for costs on any subsequent proceeding, unless such owner of land shall receive a larger sum than the previous tender of said company:

Proviso. *Provided however*, That the said judgment shall be subject to reversal, upon appeal, or by writ of error taken by either party, as other judgments in the same court are liable.

Penalty for injuries to property of company. SECTION 11. That if any person or persons shall wilfully or knowingly break, injure, destroy or interrupt the telegraph lines and communications, or any part thereof, or any work, erection, edifice, structure or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall pay to the said corporation one hundred dollars for said offence, and shall be further liable for all damages which the said corporation may suffer in repairing the injury, and from the interruption of their business, to be recovered in an action of trespass; and if any person incurring the penalty aforesaid, shall through insolvency, or other cause, be unable or shall fail to pay the penalty or damages aforesaid, and shall a second time commit trespass upon the said lines, or any part thereof as aforesaid, he, she or they shall be liable upon conviction thereof, to an imprisonment in the county jail, of not less than one month, nor more than six months.

Corporation to give immediate dispatch to communication of officers of this state or of the United States. SECTION 12. That the said corporation shall be bound on application of any of the officers of this state, or the United States, acting in the event of any war, insurrection, riot, or other civil commotion, or resistance, or public authority, or in the prevention or punishment of crime, or with the arrest of persons charged or suspected thereof, to give to the communication of such officers, immediate dispatch: for transmitting such communications the company shall charge no higher price than for private communications of the same length.

Dividends. SECTION 13. Dividends of the profits of the company shall be declared semi-annually, in the months of January and July, in each year:

Proviso. *Provided*, That no dividends shall be declared, which shall impair the capital stock of said company: *And provided further*, That all dividends over twelve per centum per annum, shall be paid to the state treasurer, for the use of the commonwealth.

Notice of meetings. SECTION 14. All meetings of the stockholders shall be held at such time and place as shall be fixed by the by-laws, and three weeks' notice shall be given of each and every such meeting, in at least one newspaper in the city of Philadelphia, and one in each of the boroughs of Doylestown, Eason, Allentown, Mauch Chunk and Wilksbarre.

Telegraph companies required to receive on their lines all messages, &c. SECTION 15. That the various telegraph companies within the limits of this state, be required to forward and receive over their lines, all messages that may be offered for transmission, by individuals or incorporated companies: *Provided*, The parties offering such messages or despatches, tender for the transmission thereof, the amount of the usual fee for such transmission; and in case of a refusal or neglect on the part of any of the agents of the telegraph lines in this state, to send or receive in their regular order, except as hereinbefore excepted, such messages or despatches by telegraph, the company shall be liable to a fine of one hundred dollars for each and every message so refused or neglected, to be sued for and recovered before any justice of the peace of this commonwealth, as debts of like amount are recovered, the one half of said fine to go to the state, and the other half to the party suing for the same: *And provided further*, That in any suit to be brought for

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the recovery of said fine, notice served on the president, director, agent, or either of them shall be sufficient.

SECTION 16. That before this act, or any act hereafter passed, incor-Tax. porating any telegraph companies, shall be enrolled, or have the effect of a law, a tax of one hundred dollars shall be paid into the state treasury, for the use of the commonwealth, upon every such act of incorporation, in lieu of the enrolment tax provided for by law.

SECTION 17. The legislature hereby reserves the right to alter, Reservation. amend, or repeal this charter, whenever its provisions shall be found injurious to the citizens of this commonwealth: *Provided however,* That no injustice shall be done to the corporators.

WILLIAM F. PACKER,
Speaker of the House of Representatives.

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 218.

A SUPPLEMENT

To an act, entitled "An Act authorizing the faculty of Pennsylvania college to confer the degree of doctor of medicine," passed the sixth day of March, one thousand eight hundred and forty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Anspack, Charles H. Baker, Robert Bald, Martin Buehler, Wil-Corporators. liam Dulty, John W. Forney, Louis C. Jungerich, William D. Kelly, Henry Lelar, William W. Longstreth, John M'Allister, Joseph Patterson, Morris Patterson, Thomas Robins and Ambrose W. Thompson, be and they hereby are created and erected into a body politic and corporate, in deed and in law, by the name, style and title of Style. "The trustees of the medical department of Pennsylvania college," Privileges. and by that name shall have perpetual succession, shall be able to sue and be sued, to plead and be impleaded, and shall be able and capable in law and equity, to take and to hold to them and their successors, by grant, gift, devise, or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings, for the use of the said medical department of Pennsylvania college; and also to take and to hold for the use of the said medical department, any goods, chattels or moneys by grant, gift, bargain, sale, will, devise, or bequest, from any person or persons whatsoever: *Provided,* That the real estate of which Proviso.