

tion for damages sustained upon the Philadelphia and Columbia railroad, on the sixth day of May, Anno Domini one thousand eight hundred and forty-four.

Time for the final completion of the Bald Eagle and Nittany Valley turnpike and railroad, extended.

SECTION 2. That the time for the final completion of the Bald Eagle and Nittany Valley turnpike and railroad, be and is hereby extended until the first day of September, one thousand eight hundred and forty-nine, and that no failure on the part of the said company to complete the said work before that time, shall be deemed a forfeiture of their corporate privileges: *And further*, That no neglect on the part of the stockholders of said company to hold the annual election, provided for by the fourth section of the said act, shall be deemed to affect their corporate rights or privileges.

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

GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.

No. 382.

AN ACT

To incorporate the North American 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 Isaac G. M'Kinley, Henry Buehler, James M'Cormick, William Colder, senior, Philip A. Small, D. G. Barnitz, J. Lee, Z. Barnum, H. J. Rogers, Joshua P. Eyre, John M. Broomhall, and Mark Brooke and their associates, and such other persons as may hereafter become stockholders in the company called "The North American telegraph company," their successors and assigns, shall be and they are hereby made and constituted a body politic and corporate, for the purpose of making, using and maintaining telegraph lines and communications through this state, between the city of Philadelphia and the cities of New York, Baltimore, Washington city, D. C., and intermediate towns and villages, by the name, style and title of "The North American 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, lands, tenements and hereditaments, goods, chattles, and all estate, real, personal and mixed, of what kind and quality soever, and

Corporators.

Location.

Style.

Privileges.

the same from time to time may sell, convey, mortgage, grant, alien and dispose of, to make dividends of such portions of their profits, as they may deem proper; and also 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 and regulations, as shall appear necessary or convenient for the government of said corporation hereby created, not being contrary to the constitution and laws of the United States and 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 said corporation, and the due management and ordering of the affairs and business of the same: *Provided*, *Proviso.* That nothing herein contained shall be so considered and construed as giving 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 or maintaining the said telegraph lines and communications.

SECTION 2. That the capital stock of the said corporation hereby created, shall be one hundred and twenty-five thousand dollars, in *Capital stock.* shares of one hundred dollars each; certificates of which shall be issued *Certificates of* 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 *Transferable.* person or by attorney, executors, administrators, guardians, trustees or officers, under such regulations as may be provided by the by-laws.

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

SECTION 4. The said corporation shall have power to connect, by *May connect* contract with other persons or corporations having other telegraphic *with other tele-* lines within or out of this state, for the purpose aforesaid, and may *graphic lines.* organize and act, when seventy-five thousand dollars shall have been subscribed, and if deemed necessary by the directors and a majority of the stockholders, the capital stock may be increased to two hundred and fifty thousand dollars.

SECTION 5. That the persons named in the first section of this act, *Organization.* or any five of them, shall call a meeting, to be held on the first Tuesday of June next, or at any other convenient time, of the corporate body hereby created, given three weeks' notice of the time and place of holding the same, in at least one newspaper in the city of Philadelphia and the borough of Harrisburg, for the purpose of choosing a president, *Officers.* secretary and treasurer and four directors, which four directors, with the president, shall constitute the board of directors for the management of its affairs.

SECTION 6. That the president, directors, secretary and treasurer of said corporation hereby created, shall hold their offices for the term of *Term of office.* 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 the United States.

SECTION 7. That the annual meeting of the said corporation shall be *Annual meeting.* held on the first Tuesday of May, in each and every year hereafter,

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.

Votes.
Proviso.

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 than 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.

Proviso.

May erect and
construct works,
edifices, fixtures,
&c.

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 this state, along or across which they shall convey their wire towards the Delaware state line, in the direction of Washington city, and to the New Jersey state line in the direction of New York ; 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.

Proviso.

Damages, how
adjusted.

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 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 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 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, said company 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 : *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. Proviso.

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. Penalty for injuries to telegraph lines, &c.

SECTION 12. That the said corporation shall be bound, on application of any of the officers of this state or of the United States, acting in the event of any war, insurrection, riot or other civil commotion or resistance of 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. Communications of officers of this state or of the United States, in the event of war, riot, &c., to have immediate dispatch.

SECTION 13. Dividends of the profits of the company shall be declared semi-annually, in the months of January and July in each year : *Provided*, That no dividends shall be declared which shall impair the capital stock of said company : *And provided further*, That on all dividends over twelve per centum per annum there shall be paid to the state treasurer, for the use of the commonwealth, a tax of twenty-five per centum. Dividends. Proviso. Proviso.

SECTION 14. All meetings of the stockholders shall be held at such time and place as the president and directors or a majority of them shall determine, and three weeks' notice shall be given of each and every such meeting, in at least one newspaper in Philadelphia, one in Baltimore and one in Harrisburg. Meetings of stockholders.

SECTION 15. The legislature hereby reserves the right to alter, 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. Reservation. Proviso.

WILLIAM F. PACKER,
Speaker of the House of Representatives.
GEORGE DARSIE,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.