

times of arrival and departure of their trains, or to change any general regulation of the company.

Annual report of the affairs of the company.

SECTION 20. That each and every railroad company incorporated under this act shall annually, in the month of January, make a full report of the condition of its affairs to the auditor of state, showing the amount of the capital stock of such company; the gross amount of tolls or receipts during the previous year; the cost of repairs and incidental expenses; the net amount of profits, and the dividends made, with such other facts as may be necessary to a full statement of the affairs and condition of such road; and the auditor shall annually present an abstract copy of such report to the general assembly.

Width of track.

SECTION 21. The width of the track or guage of all roads under this act shall be four feet ten inches between the rails.

Semi-annual pay to stockholders.

SECTION 22. It shall be lawful for the directors of any railroad company semi-annually to compute, allow and pay to its stockholders, interest at the rate of six per centum on all moneys theretofore paid as capital stock, to be set apart and paid in stock or cash, as the directors may determine: *Provided*, That they shall not allow or pay any interest in cash to stockholders while any debt of such railroad company, for labor or materials, shall be due and unpaid; *And provided further*, That the capital stock shall in no case be reduced by such payment of interest; and any railroad company may establish a principal office in the manner and for the purpose named in the sixteenth section of this act.

Proviso.

JOSEPH S. HAWKINS,  
*Speaker of the House of Representatives.*  
CHARLES B. GODDARD,  
*Speaker of the Senate.*

February 11, 1848.

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[ 1849. ]

No. 423.

## AN ACT

To authorize the Western telegraph company to construct lines of telegraph wires through Pennsylvania, in a direction from Baltimore to the Ohio river.

Preamble.

WHEREAS, The legislature of the state of Maryland passed an act to authorize a company to construct lines of telegraph wires from Baltimore to the western limits of the state of Maryland:

*And whereas*, The assent of the legislature of this commonwealth is requested, to authorize the said company to conduct lines of telegraph through such part of this state as may be found expedient and necessary, in the direction of the Ohio river; therefore,

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 the assent of this commonwealth be and the same is hereby given and granted to the Western telegraph company, incorporated by the state of Maryland, in and by virtue of an act of the legislature of that state, passed the fourth day of February, one thousand eight hundred and forty-seven, so far as to allow and permit the said company to locate, construct and maintain a continuation of said lines of telegraph wires through the state of Pennsylvania, in a direction from the city of Baltimore to the city of Pittsburg, and to the Virginia state line : *Provided,* That the said telegraph company shall construct a branch or lateral line from Brownsville, Fayette county, to Waynesburg, Greene county, whenever the citizens of Greene county shall subscribe fifteen hundred dollars' worth of stock in said branch or lateral line.

Consent of commonwealth given to the Western telegraph company to construct their lines of telegraph.

Proviso.

SECTION 2. That the said company, their officers, engineers and assistants may make such examinations of and upon the territory of this state laying and being in the direction aforesaid, as will be necessary to enable the said company to make a proper and judicious location, and to make, construct, complete and maintain the said lines of telegraph in the direction aforesaid, upon the same and like principles and plans in all respects, and under and subject to the same regulations, powers, immunities, privileges, conditions and restrictions of what kind soever as are given, granted, enjoined, enacted and provided for in the said act of the state of Maryland, so far as the same or any clause or part thereof may not be inconsistent with this act.

Powers.

SECTION 3. That it shall and may be lawful for the said company to erect and construct works, edifices, fixtures and structures along and across any of the roads, highways, streets and waters within this state, the said works to be so placed as not to interfere with the common use thereof; and the said company 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 any land, as shall be agreed upon between the parties, or in such manner as is hereinafter mentioned.

Erect and construct works, &c.

Proviso.

SECTION 4. That if the said corporation and the owner or owners of any lands 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 said lands shall lie, by petition, stating the facts in relation thereto; and thereupon it shall be the duty of said court to appoint five disinterested persons of the proper county, or of any adjoining county, 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 ten days' 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, or

Damages to land, how ascertained and adjusted.

are likely to be sustained by the owner or owners of such land through which the said telegraph lines shall pass, and deducting from the damages the value of the advantages and benefits which may have accrued, or are 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 court are collected, with the costs of 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.

Proviso.

Penalty for injuries to telegraph lines, works, &c.

SECTION 5. 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 erected by said company, or to be erected by them in pursuance of this act, he, she or they shall pay 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 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.

President and treasurer of company to make and transmit statement to auditor general.

SECTION 6. That when said company shall have completed their line of telegraphic wires, or any portion thereof, within this state, the president and treasurer of said company shall prepare and communicate to the auditor general of this commonwealth, a statement under oath or affirmation of said president and treasurer, setting forth the cost of all the works of said company within this state; and the stock of said company, in amount equal to such cost, is hereby made subject to taxation for the use of the commonwealth, in the same manner and at the same rate as the stock of other companies incorporated by the laws of this state is subject; and it shall be the duty of the said company, upon the declaration of any dividend, to cause their treasurer to retain out of such dividend and pay into the treasury of this commonwealth, the amount of tax to which such portion of their stock may be liable.

Enrolment tax.

SECTION 7. That before this act shall be enrolled or have the force and effect of law, said company shall pay into the state treasury, for the use of the commonwealth, one hundred dollars, in lieu of the enrolment tax now provided by law.

Graduation tax on dividends of telegraph companies.

SECTION 8. That the dividends of this company, and of all other telegraph companies heretofore or hereafter incorporated by the legislature of this commonwealth, shall be subject to the graduated tax imposed upon the dividends of the Pennsylvania Central telegraph company, in lieu of all other tax upon the dividends imposed upon any such company or companies.

SECTION 9. The legislature reserves the right to alter, amend or Reservation. revoke any and all of the provisions of this act, whenever they shall be misused or found injurious to the citizens of this commonwealth.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

GEORGE DARSIE,

*Speaker of the Senate.*

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

WM. F. JOHNSTON.

#### No. 424.

#### AN ACT

To authorize the canal commissioners to sell and convey certain real estate upon the Franklin line of the Pennsylvania canal; to allow the Franklin canal company to construct a railroad; extending the time for settlement of claims on the Conneaut line, and relating to an election district.

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 Canal commis- sioners authorized the canal commissioners be and they are hereby authorized to sell at public sale, after due and timely public notice given in the newspapers to sell certain published in the counties of Erie, Crawford and Venango, the several real estate. lots or parcels of land owned by the commonwealth along the line of the Franklin division of the Pennsylvania canal, together with the lock houses and other buildings thereon erected, and the appurtenances belonging thereto.

SECTION 2. The said canal commissioners are further authorized and To sell a certain empowered to sell at public sale the state dam erected across the French dam and out-let creek, at the borough of Franklin, in the county of Venango, together lock erected with the out-let lock, the water power, together with the rights and across French privileges pertaining thereto, as also the lots or parcels of land attached creek. to said dam and lock; the property to be sold to the highest bidders, on such terms and conditions as in the opinion of the commissioners will be most conducive to the interest of the state; and the said canal commissioners are hereby directed and empowered to make a deed or deeds of conveyance, vesting in the purchaser or purchasers the interest of the commonwealth, of, in and to the said property: *Provided however,* Proviso. That the said canal commissioners shall be satisfied that the sale of said property will not be prejudicial to the interests of the commonwealth.

SECTION 3. *It shall be, and it is hereby directed to be, a condition Condition of sale of the sale of the dam and lock at Franklin aforesaid, that the pur- of said dam and chaser or purchasers of the said dam and lock, and their heirs and as- lock. signs forever, shall be and they are hereby required to keep the said dam and lock in a state of good repair.*