

No. 19.

AN ACT

To incorporate the 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 Samuel Small, John Evans, Jacob Emmitt, George S. Morris, Charles Weiser, George King, D. G. Barnitz, Philip A. Small, Charles A. Morris, W. S. Roland, John L. Mayer, John Herr, Doctor A. Small, Samuel Bechtol, Doctor Luke Rouse, Henry Kauffelt, N. P. Buckley, and their associates, are hereby created a corporation and body politic, for the purpose of erecting and maintaining a line of electric telegraph on the routes leading from Harrisburg to Baltimore, in the state of Maryland, by way of York, with a view of transmitting intelligence by means thereof, under the name and style of the "American telegraph company."
- Corporators.**
- Purpose.**
- Style.**
- Capital stock.**
- Proviso.**
- SECTION 2.** That the stock of said company shall consist of shares of one hundred dollars each, to be issued to those who have heretofore, or may hereafter furnish funds for the construction and improvement of said line of telegraph, as may be agreed upon: *Provided.* That the funds to be raised for the construction of said line of telegraph, putting the same in operation, and from time to time adding to and improving it, and paying the expenses thereof, shall be only applied to that purpose, and shall not be invested or employed for any other purpose whatever.
- Power.**
- SECTION 3.** The said company shall have power to enter upon any private property for the establishment of their lines of telegraphic wires; but not until they shall have made proper compensation to the owner or owners, or given adequate security therefor.
- Organization.**
- Officers.**
- Annual meeting.**
- Special meeting.**
- SECTION 4.** 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 second Tuesday of March, one thousand eight hundred and forty-nine, of the corporate body hereby created, giving three weeks' notice of the time and place of meeting, in at least one newspaper published in Baltimore, York and Harrisburg, for the purpose of choosing a president and treasurer to act as secretary, and a board of directors not exceeding five persons: annual meetings of said corporation shall be held on the second Tuesday of July in each year, 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 stock: such reasonable notice to be given of the time and place of such meetings, as may be prescribed by the by-laws of the corporation.
- Term of office.**
- SECTION 5.** That the president, directors, treasurer and secretary, shall hold their office for one year, and until their successors shall be elected; and shall exercise such powers pertaining to the building and management of said telegraph, not incompatible with the constitution and laws of this state and of the United States, as may be authorized by the by-laws of said corporation.

SECTION 6. That at every election, each share shall entitle its holder to one vote, except that no stockholder shall be entitled to give more than one-sixth of the entire vote to which the stockholders are entitled; and absent stockholders may vote by agents or proxies, producing written authority: in case of a tie, the election shall be decided by lot. Votes.

SECTION 7. That the American telegraph company hereby incorporated, shall have power to sue and be sued, complain and defend in any court of law or equity having competent jurisdiction; to make and use a common seal, and the same to alter at pleasure; to purchase and hold such real and personal estate, as the lawful purposes of the corporation may require, and the same to sell and convey when no longer so required; to appoint such officers and agents as may be necessary to manage the business of the corporation, and to allow them a suitable compensation; and to make by-laws not inconsistent with any existing laws, for the management of its property, the regulation of its affairs, and the transfer of its stock. Powers.
Seal.
Purchase lands.

SECTION 8. That the corporation hereby created shall have power, by contracts with other persons or bodies politic, to connect their lines of telegraph with lines out of this state. Connect lines.

SECTION 9. That the American telegraph company shall have power to set up their fixtures along and across any of the roads, streets, or waters of this state, passed over by their line of telegraphic wires, without its being deemed a public nuisance, or subjected to be abated by any private person; the said fixtures to be so placed as not to interfere with the common use of such roads, streets and waters, or with the convenience of any land-owner, more than is unavoidable; but the said corporation shall be responsible for any damages which any person or corporation may sustain, by the erection, continuance and use of such fixtures; and in any action brought for the recovery thereof, by the owner or possessor of any lands, the damages to be awarded may, at the election of such corporation, include the damage of allowing the said fixtures permanently to continue; on payment of which damages, the right of the corporation to continue such fixtures shall be confirmed, as if granted by the parties to the suit: *Provided*, That no person, or body politic, shall be entitled to sue for, or recover damages as aforesaid, until the said corporation, after due notice, shall have failed or refused to remove, in reasonable time, the fixtures complained of; and every person who shall destroy, or commit trespass upon fixtures of said corporation, erected in pursuance of the authority hereby given, actually interrupting, or with intent to interrupt the operations of the telegraph, shall be liable for all damages which the said corporation may suffer, in repairing the injury, and in the interruption of their business, to be recovered in an action of trespass. Further powers.
Responsible for damages.
Proviso.

SECTION 10. The said company may, if deemed expedient, purchase the line or wires of any other telegraph, when they have obtained the right of the owners thereof so to do; and in the event of any such purchase, the capital stock of said company may be increased to an amount sufficient to cover any such purchase. May purchase
wires of any
other telegraph.

SECTION 11. 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 the arrest of persons charged or suspected thereof, to give to the communication of such officers immediate despatch; and if any officer, operator or clerk of said company, shall refuse, or knowingly omit to transmit such communications, or shall designedly alter or falsify the same for any purpose whatever, he shall be subject to fine and Penalty. Restrictions.

imprisonment in proportion to the aggravation of the offence, upon indictment and conviction thereof, before any court of competent jurisdiction, for transmitting such communications: the company shall charge no higher price than for private communications of the same length.

Dividends.

SECTION 12. That dividends of the actual profits of the company shall be declared semi-annually, in the months of January and July, in each year: *Provided*, That no dividend shall be declared which shall impair the capital stock of said company: *And provided further*, That all dividends over and above twelve per centum, shall be deemed due to the commonwealth, and shall be paid over by the company to the state treasurer.

Proviso.

Proviso.

Injuries, how punished.

SECTION 13. That if any person or persons shall wilfully and knowingly break, injure, set fire to, or destroy the said telegraph, or any part thereof, or any work, device or part thereof erected, or to be erected by the said company, or by any other company incorporated by the laws of this commonwealth, or shall wilfully and knowingly place any obstruction in, upon or against the said telegraph, or any work or device or part thereof, such person or persons shall, upon conviction of such offence, in any court of quarter sessions of this commonwealth, be sentenced to pay the damages caused by such offence, and to be imprisoned in the jail of the proper county, for any period not exceeding one year, at the discretion of the court.

Not to issue notes, &c.

SECTION 14. This corporation shall not be permitted to issue any note, token, device, scrip, or other evidence of debt, to be issued as a currency.

Limitation.

Reservation.

Proviso.

SECTION 15. That this act of incorporation shall endure for twenty years from its passage; and the legislature reserves to itself the right to alter or annul this act of incorporation at pleasure: *Provided*, That no injustice shall be done the corporators.

WILLIAM F. PACKER,

Speaker of the House of Representatives.

GEORGE DARSIE,

Speaker of the Senate.

APPROVED—The twenty-sixth day of January, A. D. one thousand eight hundred and forty-nine.

WM. F. JOHNSTON.