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UNITED STATES OF AMERICA.

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ADDENDA.

—•••—
LAWS

OF THE

UNITED STATES

AND THE SEVERAL STATES

AND

CANADA,

RELATING TO

TELEGRAPHS.

—•••—
COMPILED FOR

The Baltimore & Ohio Telegraph Co.

—•••—
By William Hadden

NEW YORK:
OCTOBER, 1884.



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ALABAMA.

REVISÉD STATUTES, 1876.

CHAPTER II.**TAKING PRIVATE PROPERTY FOR RAILROAD AND OTHER
PUBLIC USES.**

SEC. 3580. Whenever any corporation, or person, of this State, or any telegraph company incorporated by another State, and proposing, under the laws of this State, to extend its lines into or through the same, shall be entitled to acquire or take any land or interest therein, or to have a way, privilege, easement or right of use over or upon such land, or a franchise or easement belonging to another person or corporation, or to take therefrom earth or water appurtenant to such land, and shall not agree with the owner, or person or corporation authorized to sell or control the same, for the purchase thereof, application therefor may be made by petition to the probate court, particularly describing the parcel or parcels of land, or franchise or easement, over which the way, privilege, easement, or right of use is claimed, which petition must be filed in the probate court of the county in which the lands are situated, or of same county into or through which the right of franchise or easements in such lands extends, if the claim be over or upon a franchise or easement; and the petition must set forth all the use, easement, privilege or other right claimed therein; and the agent and employés of the petitioner may previously enter peaceably upon, and survey and lay off the land claimed.

SEC. 3581. The probate court of every county in this State, shall be at all times open for the filing of such petitions, and the proceedings thereupon; and upon the filing of any such

R. M. H. Sept. 13/17

petition, shall have and take jurisdiction of the subject matter thereof. The proceedings in the cause shall be *in rem* in respect to such parcel or parcels of land, and shall conform as nearly as may be, except as otherwise herein provided, to the proceedings *in rem* in the admiralty courts, and be conducted according to the rules of such courts so far as applicable.

PUBLIC ACTS OF THE STATE OF CONNECTICUT.

CHAPTER III.

AN ACT CONCERNING CORPORATIONS.

*Be it enacted by the Senate and House of Representatives in
General Assembly convened:*

SECTION 1. Every private corporation may, when no other provision is specially made, receive, purchase, hold, sell, and convey, real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited in its charter; may sue and be sued, complain and defend in any court; have a common seal which it may alter at pleasure; elect, in such manner as it may determine, all necessary officers, fix their compensation and define their duties and obligations; and may make by-laws, consistent with law, for its government, the regulation of its affairs, and the management of its property.

General power
of private cor-
porations.

SECTION 2. The name of every such corporation which shall be hereafter created shall indicate that it is a corporation.

To have name
indicating
them to be
corporations.

SECTION 3. This act shall take effect from its passage.

Approved, February 27, 1883.

CHAPTER XXX.

AN ACT CONCERNING TELEGRAPH COMPANIES.

*Be it enacted by the Senate and House of Representatives in
General Assembly convened:*

Whenever any telegraph company has mortgaged or shall

Mortgages by

telegraph
companies.

mortgage its line of telegraph to secure its bonds or other evidences of indebtedness, or shall include in said mortgage all or any part of its lines, appliances, machines, or machinery, whether owned by it at the date of said mortgage or those thereafter to be acquired by it, or both, such mortgage shall be deemed valid and effectual, as respects all the property therein included, as aforesaid, and may be foreclosed in the same manner as mortgages of real estate, and the record thereof in the office of the Secretary of State shall be a sufficient record and notice to protect the title under the mortgage, notwithstanding such company may remain in possession of all or any part of the mortgaged property; and all mortgages heretofore presented and filed for record in the office of the Secretary of State shall be valid from the date of such filing.

Approved, March 12, 1884.

CHAPTER LXIII.

AN ACT CONCERNING CORPORATIONS.

*Be it enacted by the Senate and House of Representatives in
General Assembly convened:*

Certificate of
organization
of private
corporation
to be filed in
the secre-
tary's office.

SECTION 1. The charter of every private corporation hereafter granted, unless said corporation shall be organized, and a certificate of such organization sworn to by the president or secretary, or, if there be no such officers, by an officer having custody of the records of such corporation, shall be filed in the office of the Secretary of State within two years from the date of the approval of its charter, shall be void.

Charters of un-
organized
corporations
when void.

SECTION 2. The charter of every corporation heretofore granted, under which no corporation shall have been organized before the first day of June, 1885, shall be void.

Proxy voting.

SECTION 3. At all meetings of corporations, having a capital stock, stockholders may vote in person or by an attorney duly authorized thereto.

SECTION 4. Chapter ninety-eight, of the public acts of 1883 (page 279), is hereby repealed.
 Approved, March 26, 1884.

CHAPTER LXXII.

AN ACT RELATING TO SPECIAL TAXES ON CORPORATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. Section ten of chapter five, title twelve of the general statutes (page 169), as amended by chapter eighty-three of the public acts of 1882 (page 164), is hereby amended so that the same shall read as follows: The secretary, treasurer, superintendent, or manager of each telegraph or telephone company doing business in this State shall, within the first ten days of October, 1884, deliver to the Comptroller a sworn statement of the gross amount of receipts at each of its offices or places of doing business in this State for telegraphic or telephonic messages, and for the use of telegraphic or telephonic instruments and wires, from the first day of October, 1883, inclusive, to the first day of July, 1884, and shall annually thereafter, within the first ten days of October, deliver to the Comptroller a sworn statement of the gross amount of receipts at each of its offices or places of doing business in this State, for telegraphic or telephonic messages, and for the use of telegraphic or telephonic instruments and wires, during the year preceding the first day of July then last past. And each of said companies shall, within the first twenty days of October, 1884, pay to the State two per cent. of the gross amount of all said receipts for telegraphic or telephonic messages, and for the use of telegraphic or telephonic instruments and wires, paid to it in this State, from the first day of October, 1883, inclusive, to the first day of July, 1884, and shall annually thereafter, within the first

Returns by and taxes on telegraph and telephone companies.

twenty days of October, pay to the State two per cent. of the gross amount of all receipts for telegraphic or telephonic messages, and for the use of telegraphic or telephonic instruments and wires, paid to it in this State during the year preceding the first day of July then last past, which sum shall be in lieu of all other taxes upon its estate, used exclusively in its telegraphic or telephonic business; but when any such telegraph or telephone company shall fail to make such returns, the treasurer may accept from it ten thousand dollars in lieu of the sum then due under this section.

Repeal, saving
all dues to the
State.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed, but this repeal shall not affect the right of the State to demand and receive, or the duty of any person or corporation to pay any taxes, moneys, or penalties which have been or may become due to the State under the provisions of said chapter five, title twelve, of the general statutes, as the same have been amended, prior to this amendment and repeal.

Approved, April 2, 1884.

CHAPTER XCVI.

AN ACT AMENDING AN ACT RELATING TO TELEGRAPH POLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section thirty-four of chapter four, title twenty, of the general statutes (page 505) is hereby amended so that the same shall read as follows: Every person who shall unlawfully and intentionally injure or destroy any of the lines, posts, piers, or abutments, or the material or property belonging thereto, of any telegraph or telephone company, or shall wilfully or recklessly interrupt the use of any telegraph or telephone wires without first giving to such company the notice required by law; and every person who shall place any telegraph or telephone poles, posts, piers, or

Wilful injury to
property of
telegraph or
telephone
companies.

abutments, in, upon, or over any highway without the consent of the adjoining proprietors or without the approval in writing of a county commissioner, as now provided by law, or shall wilfully injure any tree in such highway for the purpose of constructing or maintaining therein any telegraph or telephone fixtures or wires, without the consent of the adjoining proprietor, shall be fined not more than two hundred dollars, or imprisoned not more than one year, or both.

Injury to trees, etc., for telegraph or telephone construction.

Approved, April 4, 1884.

CHAPTER CXIX.

AN ACT RELATING TO TELEGRAPH COMPANIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Every electric telegraph company engaged in the business of dispatching messages for the public shall, in towns where no free delivery is maintained, deliver all dispatches to the persons to whom the same are addressed, or their agents, by messenger, upon prepayment by the person sending such dispatch of any charge due for such delivery, provided such persons addressed, or their agents, reside within one mile of the telegraph station to which the dispatch is sent, under a penalty of twenty dollars, to be recovered by the persons to whom the dispatch should have been delivered as aforesaid, in an action on this statute.

Telegraphic dispatch to be delivered on prepayment of charge.

Approved, May 1, 1883.

LAWS OF NEW YORK.

CHAPTER 378.

An Act to amend the Penal Code, passed May 28th, 1884;
three-fifths being present.

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

SECTION 1. Section five hundred and fourteen of the Penal
Code is hereby amended so as to read as follows:

§ 514. A person who either, * * * * *

2. Who, with intent to injure or defraud, shall falsely make,
alter, forge or counterfeit, shall cause, aid, abet, assist or other-
wise connive at, or be a party to, the making, altering, forging
or counterfeiting of any letter, telegram, report or other written
communication, paper or instrument, by which making, alter-
ing, forging or counterfeiting, any other person shall be in any
manner injured in his good name, standing, position or general
reputation; or

3. Who shall utter, or shall cause, aid, abet or otherwise
connive at, or be a party to, the uttering of any letter, telegram,
report or other written communication, paper or instrument,
purporting to have been written or signed by another person, or
any paper purporting to be a copy of any such paper or writing
where no original existed, which said letter, telegram, report or
other written communication, paper or instrument, or paper
purporting to be a copy thereof, as aforesaid, the person utter-
ing the same shall know to be false, forged or counterfeited,
and by the uttering of which the sentiments, opinions, con-
duct, character, prospects, interests or rights of such other per-
son shall be misrepresented or otherwise injuriously affected,

Is guilty of forgery in the third degree.

§ 2. This act shall take effect immediately.

CHAPTER 414.

An Act to amend chapter six hundred and ninety-four of the laws of eighteen hundred and sixty-seven, entitled "An Act in relation to the valuation of the property of railroad companies in school districts, for the purpose of taxation," and to extend the provisions of this act to telegraph, telephone and pipe-line companies. Passed May 31st, 1884; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of chapter six hundred and ninety-four of the laws of eighteen hundred and sixty-seven is hereby amended so as to read as follows:

§ 1. It shall be the duty of the town assessors, within fifteen days after the completion of their annual assessment list, to apportion the valuation of the property of each and every railroad, telegraph, telephone and pipe-line company as appears on such assessment list, among the several school districts in their town, in which any portion of said property is situated, giving to each of said districts their proper portion, according to the proportion that the value of said property in each of such districts bears to the value of the whole thereof in said town.

SECTION 2. Section two of chapter six hundred and ninety-four of the laws of eighteen hundred and sixty-seven is hereby amended so as to read as follows:

§ 2. Such apportionment shall be in writing and shall be signed by said assessors, or a majority of them, and shall set forth the number of each district and the amount of the valuation of the property of each railroad, telegraph, telephone and pipe-line companies apportioned to each of said districts; and such apportionment shall be filed with the town clerk, by said assessors or one of them, within five days after being made; and the amount so apportioned to each district shall be the valuation of the property of each of said companies, on which all taxes against said companies in and for said districts shall be levied and assessed, until the next annual assessment and apportionment.

§ 3. This act shall take effect immediately.

CHAPTER 534.

An Act in relation to telegraph and electric light companies in cities of this State. Passed June 14th, 1884; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All telegraph, telephonic and electric light wires and cables used in any incorporated city of this State, having a population of five hundred thousand or over, shall hereafter be placed under the surface of the streets, lanes and avenues of said city.

§ 2. Every corporation, association or person owning or controlling telegraph, telephonic, electric or other wires and cables, including what is known as telegraph poles, and other appurtenances thereto, shall, before the first day of November, eighteen hundred and eighty-five, have the same removed from the surface of all streets or avenues in every such city of this State.

§ 3. In case the owners of the property above enumerated shall fail to comply with the provisions of this act within the time herein specified and limited, the "local governments" of the said cities of this State shall then, and they are hereby directed to, remove, without delay, all telegraph, electric light and such other wires, cables and poles, wherever found above ground, within the corporate limits of their respective cities.

§ 4. No city in this State shall grant any exclusive privilege or franchise under this act to any corporation or individual by which a monopoly may be created or competition prevented on equal terms.

§ 5. This act shall take effect immediately.

THE GENERAL CORPORATION LAW
OF
PENNSYLVANIA,

(Approved 29th April, 1874.)

AND SUPPLEMENTARY ACTS.

GENERAL POWERS.—Corporations may be formed under the provisions of this act by the voluntary association of five or more persons, for the purposes, and in the manner mentioned herein, and when so formed, each of them by virtue of its existence as such, shall have the following powers, unless otherwise specially provided :

First. To have succession by its corporate name for the period limited by its charter, and when no period is limited thereby, or by this act, perpetually, subject to the power of the general assembly, under the constitution of this commonwealth.

Second. To maintain and defend judicial proceedings.

Third. To make and use a common seal and alter the same at pleasure.

Fourth. To hold, purchase and transfer such real and personal property as the purposes of the corporation require, not exceeding the amount limited by its charter or by law.

Fifth. To appoint and remove such subordinate officers and agents as the business of the corporation requires, and to allow them a suitable compensation.

Sixth. To make by-laws not inconsistent with law, for the management of its property, the regulation of its affairs and the transfer of its stock.

Seventh. To enter into any obligation necessary to the transaction of its ordinary affairs.

CLASSES.—The purposes for which the said corporations may be formed shall be as follows, and shall be divided into two classes :

FIRST CLASS—CORPORATIONS NOT FOR PROFIT.

SECOND CLASS—CORPORATIONS FOR PROFIT.

The construction and maintenance of a telegraph line.

Constructing, maintaining and leasing lines of telegraph for the private use of individuals, firms, corporations, municipal and otherwise for general business, and for police, fire alarm or messenger business, or for the transaction of any business in which electricity over or through wires may be applied to any useful purpose.

MODE OF INCORPORATION.—The charter of an intended corporation must be subscribed by five or more persons, three of whom at least must be citizens of this commonwealth, and shall set forth—

CONTENTS OF CERTIFICATE.

The name of the corporation.

The purpose for which it is formed.

The place or places where its business is to be transacted.

The term for which it is to exist.

The names and residences of the subscribers and the number of shares subscribed by each.

The number of its directors and the names and residences of those who are chosen directors for the first year.

The amount of its capital stock, if any, and the number and par value of shares into which it is divided.

CHARTERS FOR CORPORATIONS OF THE SECOND CLASS.

The following additional rules have recently been adopted by the Secretary of the Commonwealth.

First. The notice of intention to apply for a charter must give the names of the five subscribers to the Charter.

Second. The charter must be on file in the office of the Secretary of the Commonwealth during the three week of publication.

Third. In the notice published, a time must be designated within or at which the application will be made, and that time must be at least twenty-one days after first publication.

December, 1883.

CERTIFICATES FOR SECOND CLASS.—The certificate for a corporation embraced within the second class, named in the foregoing section, shall set forth all that is hereinbefore required to be set forth, and except building and loan associations, shall also state that ten per centum of the capital stock thereof has been

paid in cash to the treasurer of the intended corporation, and the name and residence of such treasurer shall be therein given.

ACKNOWLEDGMENT.—The same shall be acknowledged by at least three of the subscribers thereto, before the recorder of deeds of the county in which the chief operations are to be carried on, or in which the principal office is situated, and they shall also make and subscribe an oath or affirmation before him, to be endorsed on the said certificate, that the statements contained therein are true. PRESENTATION TO GOVERNOR.—The said certificate, accompanied with proof of publication of notice as hereinbefore provided, shall then be produced to the governor of this commonwealth, who shall examine the same, and if he find it to be in proper form and within the purposes named in the second class, specified in the foregoing section, he shall approve thereof and endorse his approval thereon, and direct letters patent to issue in the usual form, incorporating the subscribers and their associates and successors into a body politic and corporate, in deed and in law, by the name chosen. RECORDING CERTIFICATE.—And the said certificate shall be recorded in the office of the secretary of the commonwealth, in a book to be by him kept for that purpose, and he shall forthwith furnish to the auditor general an abstract therefrom, showing the name, location, amount of capital stock, and name and address of the treasurer of such corporation. The said original certificate, with all of its endorsements, shall then be recorded in the office for the recording of deeds, in and for the county where the chief operations are to be carried on, and from thenceforth the subscribers thereto, and their associates and successors, shall be a corporation, for the purposes and upon the terms named in the said charter.

CHARTER.—The charter for the incorporation of a company to maintain a telegraph line, shall, in addition to what is hereinbefore required, also state—

The general route of the line of telegraph.

The points to be connected.

Clause 1. CONSTRUCTION OF LINE.—Such corporation shall be authorized, when incorporated as hereinbefore provided, to construct lines of telegraph along and upon any of the public roads, streets, lands or highways, or across any of the waters

within the limits of this State, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, but the same shall not be so constructed as to incommode the public use of said roads, streets or highways, or injuriously interrupt the navigation of said waters; and this act shall not be so construed as to authorize the construction of a bridge across any of the waters of this State.

Clause 2. CONDEMNING PROPERTY.—In all cases where the parties cannot agree upon the amount of damages claimed, or by reason of the absence or legal incapacity of the owner or owners no such agreement can be made, for the right to enter upon lands or premises for the purposes named in this section, the company shall tender a bond, or have the same filed in the manner provided in the forty-first section of this act, and proceedings shall be had as therein set forth.

Clause 3. RIGHT TO CONNECT WITH OTHER LINES.—The said telegraphic corporation shall have the right to connect its lines of telegraph with any other line operating within this State; and it shall be the duty of any corporation or person owning any other telegraph line doing business within this State to permit such connection, and to receive dispatches from and for other telegraph lines and corporations, and from and for any individual, and on payment of their usual charges to individuals for transmitting dispatches, as established by the rates and regulations of such telegraph line, to transmit the same with impartiality and good faith, under penalty of one hundred dollars for every neglect or refusal so to do, to be sued for as debts of like amount are by law recoverable, and to be recovered with costs of suit in the name and for the benefit of the person or persons sending or desiring to send such dispatch.

Clause 4. ACQUISITION OF COMPETING LINES PROHIBITED.—No such telegraph company shall be consolidated with or merged in any other company owning a competing line of telegraph, nor shall the stock or bonds of any such telegraph company, to an amount sufficient to control the same, be held or owned by any company owning a competing line of telegraph, nor shall any company owning a competing line acquire, by purchase or otherwise, any other competing line of telegraph.

Clause 5. CHARGE FOR DELIVERING MESSAGES.—The charge by all telegraph companies organized under this act, and those accepting the provisions thereof, for the transmission of any telegraphic dispatch, shall include the charge for the delivery thereof, and no extra or additional charge shall be made for such delivery.

INCORPORATION OF ADDITIONAL TELEGRAPH COMPANIES.—Corporations of the second class may be formed and created in the manner provided for by the act to which this is a supplement, and with all the rights and powers therein granted, for the purpose of constructing, maintaining and leasing lines of telegraph for the private use of individuals, firms, corporations, municipal and otherwise, for general business, and for police, *fire alarm or messenger business*, or for the transaction of any business in which electricity over or through wires may be applied to any useful purpose.

The business of such corporation may be wholly within or partly within and partly without the limits of any city, borough or township in this State, or partly in any other state or states.

CHARTER.—That in lieu of the requirements of the first paragraph of the thirty-third section of the act to which this is supplementary, approved April twenty-ninth, one thousand eight hundred and seventy-four, the charter for the incorporation of companies under the provisions of this act shall state :

First. In what counties in this State it is proposed to carry on business.

Second. In what other states it is proposed to carry on business.

CONSENT OF MUNICIPALITY.—Before the exercise of any of the powers given under this act, application shall be first made to the municipal authorities of the city, town or borough in which it is proposed to exercise said powers, for permission to erect poles or run wires on the same, or over or under any of the streets, lanes or alleys of said city, town or borough, which permission shall be given by ordinance only, and may impose such conditions and regulations as the municipal authorities may deem necessary: *Provided*, That cities of the first class shall be exempted from the provisions of this act.

TITLE.—The act, entitled “An act for the creation and regulation of corporations,” approved April twenty-ninth, one thousand

eight hundred and seventy-four, shall hereafter be cited and known as the corporation act of one thousand eight hundred and seventy-four.

30. TELEGRAPH COMPANIES.

PENALTY FOR CONSOLIDATION.—Whenever any telegraph corporation, telegraph association or telegraph company, chartered for telegraph purposes, and owning and controlling a telegraph line in this State, shall consolidate with any other telegraph corporation, telegraph association, or telegraph company, chartered for telegraph purposes and owning and controlling a competing telegraph line, the said competing telegraph lines and all franchises and property connected therewith, for the operation of the same within this State, shall be forfeited to and become the property of this Commonwealth.

PENALTY FOR CONTROLLING COMPETING COMPANY.—Whenever any such corporation, association or company, owning and controlling a line of telegraph, shall hold a controlling interest in the stock or bonds of any such other telegraph corporation, association or company, owning a competing line of telegraph, or shall acquire by purchase or otherwise any other competing line of telegraph, the stock or bonds so held, and the telegraph line, together with all franchises so purchased or otherwise acquired, shall be forfeited to and become the property of the Commonwealth.

HOW FORFEITURE DECREED—PROCEEDINGS.—Whenever any telegraph line, franchises, property, stocks, bonds become forfeited and escheat to the Commonwealth, under the first and second sections of this act, such forfeiture and escheat may be decreed under proceedings by *quo warranto* in any court of common pleas of this State, from which decree any party interested may appeal to the Supreme Court at any time within six months after such decree, and not afterwards: *provided*, That any holder of stock or bonds of any such telegraph company, who shall have been opposed to the consolidation with or sale to the competing company, or shall not have assented thereto or acquiesced therein, may be admitted as a co-defendant in such *quo warranto* proceedings, and upon proof of such opposition or want of assent or acquiescence to the satisfaction of the court, it

shall be lawful for the court to so mould the decree as to be without prejudice to right of such innocent stockholder to hold his stock ; and in case of an innocent bondholder that he shall be entitled to such *pro rata* share of the proceeds of the sale by the Commonwealth, as hereinafter provided, as his bonds shall bear to the whole amount outstanding ; but in no case to exceed the par value of his bonds and accrued interest thereon.

SALE—DEED.—After a final decree of the court establishing the forfeiture and escheat to the Commonwealth, as provided in section three of this act, the Auditor General shall expose to sale by public auction, at the capitol, in Harrisburgh, the telegraph line, franchises, property, stocks and bonds so escheated, after notice of said sale by publication for four successive weeks in at least one newspaper in each county through which the escheated telegraph line passes, and at said sale the said telegraph line, franchises, property, stocks and bonds shall be sold to the highest and best bidder for cash : *Provided*, That no such corporation, association, or company, owning or operating a competing line of telegraph, shall become a purchaser at said sale ; and upon the payment of the price at which the same shall be thus sold, and the filing with the Secretary of State of the certificate of the State Treasurer, that the money has been so paid, together with the certificate of the Auditor General setting forth the fact and terms of the sale, a deed for the telegraph line, franchises, property, stocks and bonds so sold, shall be executed in the name and under the seal of the Commonwealth, to the purchaser or purchasers, signed by the Governor and attested by the Secretary of State, which deed shall vest in the purchaser or purchasers a valid and sufficient title thereto.

POWERS OF COURT TO ASCERTAIN FACTS.—The said court shall have power to summon the officers of any such corporations, associations or companies, or either of them, by subpoena, citation or otherwise, as the said court shall direct, to appear before said court and produce all of its or their books and papers, and to examine them upon oath, to ascertain whether they are or any of them have violated the twelfth section of the sixteenth article of the Constitution of this Commonwealth, and shall have power to enforce their appearance by attachment, as in case of other witnesses, or the said court may direct to be filed a bill of dis-

covery in the said court against the officers, directors or trustees of any such corporations, associations or companies or either of them, which the defendants therein shall answer under the compulsion usual in such cases, and the evidence so taken and their answers may be used, in the said proceedings, to assert the rights of the Commonwealth.

PURCHASERS CREATED CORPORATION.—The purchaser or purchasers for or on whose account any telegraph line, franchises or property shall be purchased from the Commonwealth, as authorized by this act, where an organization is effected and a certificate filed as required in the proviso hereto, shall be and they are hereby constituted a body politic and corporate, and shall be vested with all the right, title, interest, property, claim and demand in law and equity of, in and to such telegraph line, with its appurtenances and with all the rights, powers, immunities, privileges and franchises of the said corporation, association or company owning the said telegraph line, property and franchises at and immediately before the forfeiture thereof under sections one and two of this act. ORGANIZATION—POWERS.—And the person or persons, for or on whose account any such telegraph line, property and franchises shall be purchased, shall meet, within thirty days after the delivery of the deed from the Commonwealth, public notice of the time and place of such meeting having been given, at least once a week for two weeks, in at least one newspaper, published in the city of Harrisburg, and organize said new corporation by electing a president and board of six directors, (to continue in office until the first Monday of May succeeding such meeting, when, and annually thereafter, on the said day a like election for a president and six directors shall be held to serve for one year,) and shall adopt a corporate name and common seal, determine the amount of the capital stock thereof, and shall have power and authority to make and issue certificates therefor to the purchaser or purchasers aforesaid, to the amount of their respective interests therein, in shares of fifty dollars each; and may then, or at any time thereafter, create and issue preferred stock to such an amount, and on such terms, as they may deem necessary; and from time to time issue bonds, at a rate of interest not exceeding seven per centum, to any amount not exceeding their capital stock, and to secure the same by one or more mortgages

upon the telegraph line, property and franchises, or on any part or parts thereof: *Provided*, That the person or persons for or on whose account the purchase is made, shall organize by the election of a president and a board of directors as above provided within three calendar months after the delivery of the deed from the Commonwealth, and within one calendar month after such organization make a certificate thereof under its common seal, attested by the signature of its president, specifying the date of such organization, the corporate name adopted, the amount of capital stock and the names of the president and directors, and transmit the said certificate to the Secretary of State at Harrisburg, to be filed in his office and there remain of record, and a certified copy of such certificate, so filed, shall be evidence of the corporate existence of said new corporation.

WIRES PASSING OVER PROPERTY—PRESCRIPTION.—Whenever any wire or cable used for any telegraph, telephone, electric light, or other wire, or cable for electric purposes, is or shall be attached to, or does or shall extend upon, or over any building or land, no lapse of time whatsoever shall raise a presumption, or justify a prescription of any perpetual right to such attachment or extension.

LAWS OF TEXAS.

ACT APPROVED MAY 4TH, 1882—GENERAL LAWS OF TEXAS.

From every chartered telegraphic company within this State there shall be collected one cent for every full rate message sent by any person within this State to any person within this State, and one-half that for any message less than a full rate message so sent. This tax to be paid quarterly to the Comptroller on the sworn statement of the chief manager of said company or companies, or any other officer authorized by said company to make such statement, who shall keep a record of such messages, and the receipts of the Comptroller under seal shall be issued to said company or companies, certified copies of which shall be evidence of the payment of the State tax, provided railroad messages for running their trains and for company use shall not be taxed; provided further that nothing herein contained shall authorize the levy or collection of any county or municipal tax upon such chartered companies for messages sent and messages sent on official business by officers of the United States.

REVISED STATUTES OF TEXAS.

TITLE XX.

CHAPTER II.

ARTICLE 565. Private corporations may be created by voluntary association of three or more persons for the purposes and in the manner hereinafter mentioned.

ARTICLE 566. The purposes for which private corporations may be formed are—

10th. The construction and maintenance of a telegraph line.

22d. For any other purpose intended for mutual profit or benefit not otherwise especially provided for and not inconsistent with the constitution and laws of this State.

ARTICLE 567. A charter must be prepared setting forth—

1. The name of the corporation.
2. The purpose for which it is formed.
3. The place or places where its business is to be transacted.
4. The term for which it is to exist.
5. The number of its Directors or Trustees, and the names and residences of those who are appointees for the first year.
6. The amount of its capital stock, if any, and the number of shares into which it is divided.

ARTICLE 568. The charter of an intended corporation must be subscribed by three or more persons, two of whom, at least, must be citizens of this State, and must be acknowledged by them before an officer duly authorized to take acknowledgments of deeds.

ARTICLE 569. Such charter shall thereupon be filed in the office of the Secretary of State, who shall record the same at length in a book to be kept for that purpose, and retain the original on file in his office. A copy of the charter, or the record thereof certified under the great seal of the State, shall be evidence of the creation of the corporation.

ARTICLE 570. The existence of the corporation shall date from the filing of the charter in the office of the Secretary of State, and the certificate of the Secretary of State shall be evidence of such filing.

ARTICLE 571. Any private corporation heretofore organized or incorporated, or which may hereafter be organized or incorporated, for any of the purposes mentioned in this chapter, may amend or change its charter or act of incorporation, by filing, authenticated in the manner required by this chapter as to an original charter of incorporation, such amendments or changes with the Secretary of State; and in case of a corporation created by special act of the legislature, said corporation shall cause the amendments or changes in its charter to be au-

thenticated as required in the case of an original charter of incorporation, and filed with the Secretary of State, together with the original charter of such company, and such amendments thereto, or changes therein, if any, as have been made by special act of the legislature, and the same shall be recorded by the Secretary of State, followed by the proposed amendments or changes thereof.

ARTICLE 572. The amendments or changes provided for in the preceding article shall take effect and be in force from the date of the filing thereof with the Secretary of State, and the certificate of the Secretary of State shall be evidence of such filing.

ARTICLE 573. No amendments or changes violative of the constitution or laws of this State, or of any of the provisions of this title, shall be of any force or effect which are not germane to the original purposes or charter of incorporation, and calculated to carry out and effect the same.

ARTICLE 574. All charters, or amendments to charters, under the provisions of this chapter, shall be subject to the power of the legislature to alter, reform or amend the same.

NOTE.—Chapter 15, Acts 1879, provides that the department of State shall charge and collect a fee of five dollars for such charter, or amendment or supplement thereto of a private corporation created for religious, literary, benevolent or scientific purposes; and a fee of twenty-five dollars for each charter, or amendment, or supplement thereto of a private corporation created for any other purpose (except railway and telegraph companies, which pay a fee of one hundred dollars); fees to be paid on filing charter for record.—L.

LAWS OF TEXAS.

TELEGRAPH COPORATIONS.

ARTICLE 622. Corporations created for the purpose of constructing and maintaining magnetic telegraph lines are authorized to set their poles, piers, abutments, wires and other fixtures

along, upon and across any of the public roads, streets and waters of this State, in such manner as not to incommode the public in the use of such road, streets and waters.

ARTICLE 623. Such companies are also authorized to enter upon any lands, whether owned by private persons in fee or in any less estate, or by any corporation, whether acquired by purchase or by virtue of any provision in the charter of such corporation, for the purpose of making preliminary surveys and examinations with a view to the erection of any telegraph lines, and from time to time to appropriate so much of said lands as may be necessary to erect such poles, piers, abutments, wires and other necessary fixtures for a magnetic telegraph, and to make such change of location of any part of said lines as may from time to time be deemed necessary, and shall have a right of access to construct said line, and, when erected, from time to time as may be required to repair the same, and may proceed to obtain the right of way and to condemn lands for the use of the corporation in the manner provided by law in case of railway corporations.

ARTICLE 624. No corporation shall have power to contract with any owner of land for the right to erect and maintain a telegraph line over his lands to the exclusion of the lines of other companies.

ARTICLE 625. Any corporation created as herein provided, may contract, own, use and maintain any line or lines of telegraph, whether wholly within or wholly or partly beyond the limits of this State, and shall have power to lease or attach to the line or lines of such corporation other telegraph lines, by lease or purchase, and may join with any other corporation or association in constructing, leasing, owning, using or maintaining their line or lines, upon such terms as may be agreed upon between the directors or managers of the respective corporations, and may own and hold any interest in such line or lines, or may become lessees thereof on such terms as the respective corporations may agree.

ARTICLE 626. The corporate authorities of any city, town or village through which the line of any telegraph corporation is to pass, may, by ordinance or otherwise, specify where the posts, piers or abutments shall be located, the kind of posts that shall be used, the height at which the wires shall be run, and

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such company shall be governed by the regulations thus prescribed; and after erection of said telegraph lines the corporate authorities of any city, town or village shall have power to direct any alteration in the erection or location of said posts, piers or abutments, and also in the height at which the wires shall run, having first given such company or its agents opportunity to be heard in regard to such alteration.

ARTICLE 627. Any telegraph company now organized, or which may hereafter be organized, under the laws of this State, may, at any regular meeting of the stockholders thereof, by vote of persons holding a majority of shares of the stock of such company, unite or consolidate with any other company or companies now organized, or which may hereafter be organized, under the laws of the United States, or of any State or territory, by the consent of the company with which it may consolidate or unite; and such company so formed may hold, use and enjoy all the rights and privileges conferred by the laws of Texas on companies separately organized under the provisions of this title and be subject to the same liabilities.

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