TELEGRAPH COMPANIES
Act 59 of 1851

AN ACT to authorize the formation of telegraph companies.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851.

The People of the State of Michigan enact:

484.151 Telegraph companies; incorporators.

Sec. 1. That any number of persons may associate for the purpose of constructing a line of wires of telegraph through this state, or from and to any point within this state, upon such terms and conditions, and subject to the liabilities prescribed in this act.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2049;—CL 1871, 2625;—How. 3693;—CL 1897, 6667;—CL 1915, 8767;—CL 1929, 11663;—CL 1948, 484.151.

484.152 Telegraph companies; certificate of organization, contents, filing.

Sec. 2. Such persons, under their hands and seals, shall make a certificate which shall specify:

1st. The name assumed to distinguish such association, and to be used in its dealings, and by which it may sue and be sued;

2nd. The general route of the line of telegraph, designating the points to be connected;

3rd. The capital stock of such association, and the number of shares into which the stock shall be divided;

4th. The names and places of residence of the shareholders, and the number of shares held by each of them respectively;

5th. The term of its existence, not to exceed 30 years; which certificate shall be proved or acknowledged, and recorded in the office of the clerk of the county where any office of such association shall be established, and a copy thereof filed in the office of the secretary of state; such acknowledgment may be taken by any officer authorized to take the acknowledgment of deeds of real estate, at the place where such acknowledgment is taken.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2050;—CL 1871, 2626;—How. 3694;—CL 1897, 6668;—CL 1915, 8768;—CL 1929, 11664;—CL 1948, 484.152.

484.153 Body corporate; certified copy of certificate as evidence.

Sec. 3. Upon complying with the provisions of the last preceding section, such association shall be, and hereby is declared to be a body corporate, by the name designated in said certificate, and a copy of said certificate duly certified by the clerk of the county where the same is filed and recorded, or by the secretary of state, may be used as evidence in all courts and places, for and against any such association.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2051;—CL 1871, 2627;—How. 3695;—CL 1897, 6669;—CL 1915, 8769;—CL 1929, 11665;—CL 1948, 484.153.

484.154 Power to hold realty; officers and agents; rules and by-laws.

Sec. 4. Such association shall have power to purchase, receive and hold and convey such real estate, and such only, as may be necessary for the convenient transaction of the business, and for effectually carrying on the operations of such association, and may appoint such directors, officers and agents, and make such prudential rules, regulations and by-laws as may be necessary in the transaction of their business, not inconsistent with the laws of this state or of the United States. But this section shall not be so construed as to authorize any such association to hold any real estate except such as shall be actually occupied by such association in the exercise of its franchises.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2052;—CL 1871, 2628;—How. 3696;—CL 1897, 6670;—CL 1915, 8770;—CL 1929, 11666;—CL 1948, 484.154.

484.155 Telegraph lines; construction, restrictions.

Sec. 5. Such association is authorized to enter upon, and construct, and maintain lines of telegraph through, along, and upon any of the public roads and highways, or across or under 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: Provided, That the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the construction of any bridge across any of the waters of this state: And provided, further, That this act shall not be construed to authorize any such association to injure, deface, tear, cut down,

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or destroy any tree or shrub planted along the margin of any highway in this state, or purposely left there for shade or ornament. Said association, instead of running or placing their wires on posts, may, if they choose, run or place the same under ground, with a suitable or proper covering for the protection of the same; and any part of this act, or any law made or to be made, providing for the appraisement of damages to any person injured by the construction or maintenance of such line or lines, shall be construed to include damages occasioned by the construction of said lines under ground, as provided by this act.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2053;—Am. 1863, Act 240, Eff. June 22, 1863;—CL 1871, 2629;—Am. 1873, Act 28, Eff. July 31, 1873;—Am. 1875, Act 129, Imd. Eff. Apr. 27, 1875;—How. 3697;—CL 1897, 6671;—CL 1915, 8771;—CL 1929, 11667;—CL 1948, 484.155.

484.156 Aggrieved property owner; remedy, procedure.

Sec. 6. If any person over or through whose lands said lines shall pass, upon which said posts, piers or abutments shall be placed, or through whose lands said lines shall be run under ground, shall consider himself aggrieved or damaged thereby, it shall be the duty of the circuit court of the county within which said lands are, on the application of such person, and on notice to said association (to be served on the president or any director), to appoint 3 discreet and disinterested persons as commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of said commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damages sustained by said applicant by reason of said lines, posts, piers, or abutments, which appraisal shall be in writing, signed by said commissioners or a majority of them, and filed in the office of the clerk of said court. Said report or appraisal may be confirmed by said court at any term thereof, and the court shall appoint some day when it will consider said report or appraisal and objections against the confirmation thereof on the part of all parties interested therein, notice of which day shall be given to said association by service thereof on the president or any director. Said objections shall be as to matters of substance, and shall be filed with the clerk of said court, in writing, but may be argued, and the hearing of said report and objections may be adjourned from time to time until said report or appraisal be confirmed or otherwise disposed of. Upon the confirmation of said report or appraisal, in case any damages be adjudged to said applicant, such association shall pay the amount thereof with costs of such appraisal; said costs to be liquidated and ascertained on said award. In case no damages shall be reported to have been sustained by such applicant, and the report thereof being confirmed said applicant shall thereafter be held to have sustained no loss or damage by reason of said lines. In case said report or appraisal shall not be confirmed, it shall not prejudice the right of such applicant to renew his application. Said commissioners shall receive for their services 2 dollars for each day they are actually engaged in making such appraisal.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2054;—Am. 1863, Act 240, Eff. June 22, 1863;—CL 1871, 2630;—How. 3698;—CL 1897, 6672;—CL 1915, 8772;—CL 1929, 11668;—CL 1948, 484.156.

484.157 Injury to line; penalty.

Sec. 7. Any person who shall unlawfully or intentionally injure, molest, or destroy any of said lines, posts, piers or abutments, or the materials or property belonging thereto, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding 500 dollars, or imprisonment in the county jail, not exceeding 1 year, or both, at the discretion of the court before which the conviction shall be had.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2055;—CL 1871, 2631;—How. 3699;—CL 1897, 6673;—CL 1915, 8773;—CL 1929, 11669;—CL 1948, 484.157.

484.158 Stockholder's liability for corporate debts; contribution.

Sec. 8. The stockholders of every association organized in pursuance of this act, shall be jointly and severally, individually liable for the payment of all debts and demands for labor performed, and materials furnished for such association, which shall be contracted, or which shall be, or shall become due during the time of their holding such stock; but no stockholder shall be proceeded against for the collection of any such debt or demand against such association, until judgment thereon shall have been obtained against the association, and an execution returned unsatisfied in whole or in part, or unless such association shall be dissolved; and every stockholder against whom any such recovery shall have been had for labor and materials furnished, shall have the right to recover the same of the other stockholders in said corporation, in ratable proportion to the amount of stock they shall respectively hold.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2056;—CL 1871, 2632;—Am. 1875, Act 149, Imd. Eff. Apr. 28, 1875;—How. 3700;—CL 1897, 6674;—CL 1915, 8774;—CL 1929, 11670;—CL 1948, 484.158.

484.159 Annual report; contents; failure to make, liability of directors.

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Sec. 9. Every such corporation shall, annually, within 10 days from the first of January, make a report which shall state the amount of capital and the amount actually paid in, the investment of any portion of the earnings of such company in its business, and the whole amount of money which has at any time been borrowed and then remaining unpaid; the commencement, general route, termination and length of the lines of the wires of such company, and the names of the places through which they pass; which report shall be signed by the president and a majority of the directors, and shall be verified by the oath of the president or secretary of such corporation, and filed in the office of the clerk of the county in which the business of any such company is carried on, and a duplicate thereof in the office of the secretary of state; and if any such company shall fail so to do, all the directors thereof shall be jointly and severally liable for all the debts of the company then existing, and that shall be contracted before such report shall be made.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2057;—CL 1871, 2633;—How. 3701;—CL 1897, 6675;—CL 1915, 8775;—CL 1929, 11671;—CL 1948, 484.159.

484.160 Annual tax; in lieu of other state taxes.

Sec. 10. All corporations formed under this act shall pay to the treasurer of the state of Michigan an annual tax of 1 per-centum on the whole amount of capital actually paid in, and any investment of the earnings of any such company in their business, shall be considered as so much capital paid in; also, upon all sums of money at any time borrowed by any such company and then remaining unpaid in whole or in part; which tax shall be paid on the first Monday of February in each year, and shall be estimated upon the report of such company for that year, made as required by section 9 of this act; and such tax shall be in lieu of all state taxes upon the real and personal estate of such company.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2058;—CL 1871, 2634;—How. 3702;—CL 1897, 6676;—CL 1915, 8776;—CL 1929, 11672;—CL 1948, 484.160.

484.161 Shares of stock; status as personalty, transfer, purchase in other corporations.

Sec. 11. The stock of any such corporation shall be deemed personal estate, and shall be transferable in such a manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid for any purpose whatever except to render the person to whom it shall be transferred liable for the debts of such company, according to the provisions of this act, until the same shall have been entered upon the books of the corporation, so as to show the names of the parties, by and to whom transferred, the number and designation of the shares, and the date of the transfer, and no shares shall be transferable until all previous calls or assessments thereon shall have been fully paid in, or shall have been declared forfeited for the non-payment of calls thereon. It shall not be lawful for any such corporation to use any of their funds in the purchase of, or in any manner to purchase stock in any other corporation.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2059;—CL 1871, 2635;—How. 3703;—CL 1897, 6677;—CL 1915, 8777;—CL 1929, 11673;—CL 1948, 484.161.

484.163 Books; inspection, use as evidence; penalty, forfeiture.

Sec. 13. It shall be the duty of the directors of every such corporation or company to cause books to be kept by the treasurer or secretary or other officers thereof, containing the names of all persons, alphabetically arranged, who are or shall within 6 years have been stockholders of such company, and showing their place of residence, the number of shares of stock held by them respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall be kept open in the principal office of every such company in every county in which such company transact [sic] business, for the inspection of stockholders and creditors of such company and their personal representatives; and any and every such person shall have a right to make extracts from any such book. Such books shall be presumptive evidence of the facts therein stated in favor of the plaintiff, in any suit or proceeding against such company, or against any 1 or more stockholders. Every officer or agent of any such company, who shall fail or neglect to make any proper entry in any such book, or shall neglect or refuse to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of 50 dollars for every such neglect or refusal, or for neglecting to keep such books open for inspection as aforesaid.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2061;—CL 1871, 2637;—How. 3705;—CL 1897, 6679;—CL 1915, 8778;—CL 1929, 11674;—CL 1948, 484.163.

484.164 Transmission of dispatches; penalty.

Sec. 14. It shall be the duty of the owner or association owning any telegraph line, doing business within this state, to receive dispatches from and for other telegraph lines and associations, and from and for any

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individual, and on payment of their usual charges for individuals for transmitting dispatches, as established by the rules and regulations of such telegraph line, to transmit the same with impartiality and good faith, under the penalty of 100 dollars for every neglect or refusal so to do, 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.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2062;—CL 1871, 2638;—How. 3706;—CL 1897, 6680;—CL 1915, 8779;—CL 1929, 11675;—CL 1948, 484.164.

484.165 Transmission of dispatches; order of transmission; penalty.

Sec. 15. It shall likewise be the duty of every such owner or association, to transmit all dispatches in the order in which they are received, under the like penalty of 100 dollars, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order, as herein prescribed; Provided, however, That arrangements may be made with the proprietors or publishers of newspapers, for the transmission for the purpose of publication of intelligence of general and public interest, out of its regular order.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2063;—CL 1871, 2639;—How. 3707;—CL 1897, 6681;—CL 1915, 8780;—CL 1929, 11676;—CL 1948, 484.165.

484.166 Divulging contents; willful failure to transmit; penalty, civil liability.

Sec. 16. Any person connected with any telegraph company in this state or connected with any such company transacting business in this state, either as clerk, operator, messenger, or in any other capacity, who shall willfully or negligently divulge the contents or the nature of the contents of any private communication entrusted for transmission or delivery to the agent, clerk, operator, messenger, or other person in the employ of such company, or who shall willfully refuse or neglect to transmit or deliver the same, shall, on conviction before any court, be adjudged guilty of a misdemeanor and shall suffer imprisonment in the county jail where such conviction shall be had, for a term not exceeding 6 months, or shall pay a fine not exceeding 500 dollars, in the discretion of the court; and such company shall be liable to the party aggrieved for all damages sustained thereby.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2064;—CL 1871, 2640;—How. 3708;—CL 1897, 6682;—CL 1915, 8781;—CL 1929, 11677;—CL 1948, 484.166.

484.167 State's lien for taxes; sale; surplus.

Sec. 17. The state shall have a lien upon any line constructed under this act, and its appurtenances, and for all taxes which may accrue thereon to the state, by virtue of the provisions of this act, which shall have precedence of all other liens; and in case the tax or any part thereof shall remain unpaid at the time hereinbefore provided for its payment, then the state treasurer shall have power, and it is hereby made his duty, to advertise such line for sale for the amount of such tax remaining unpaid, in some newspaper published in the city of Detroit, by giving 3 weeks' previous notice, and to sell the same accordingly for the amount of tax and interest and charges of sale: Provided, The same shall not be paid before the time of sale, and the surplus money, if any, shall be paid to the owner or owners of such line.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2065;—CL 1871, 2641;—How. 3709;—CL 1897, 6683;—CL 1915, 8782;—CL 1929, 11678;—CL 1948, 484.167.

484.168 Amendment or repeal of act.

Sec. 18. The legislature may at any time alter, amend or repeal this act, and any such alteration or amendment shall act as an alteration or amendment of the corporate rights of all companies formed, created, organized or at any time doing business under its provisions; or they may annul or repeal any corporation formed under this act; but such alteration, amendment, annulling or repeal shall not, nor shall the dissolution of any such company, take away or impair any remedy given for or against any such corporation, its stockholders or officers for any right acquired or liability which shall have been previously incurred.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2066;—CL 1871, 2642;—How. 3710;—CL 1897, 6684;—CL 1915, 8783;—CL 1929, 11679;—CL 1948, 484.168.

484.169 Immediate effect.

Sec. 19. This act shall take effect immediately.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851;—CL 1857, 2066;—CL 1871, 2642;—CL 1915, 8784;—CL 1929, 11680;—CL 1948, 484.169.

484.170 Appraisal of damages; lands in more than 1 county.

Sec. 20. When any person owning or occupying lands lying in or extending into 1 or more counties, shall desire to have the damages occasioned by the passing or extension of said lines over or through the said lands

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appraised, the circuit court for any county in which any part of the said lands may lie shall have power to appoint commissioners, as provided in section 6, to appraise the damages to such person upon all the lands so owned or occupied by him, whether they lie in the county where the said court is held or not, provided they are contiguous to each other.

History: Add. 1863, Act 240, Eff. June 22, 1863;—CL 1871, 2643;—How. 3711;—CL 1897, 6685;—CL 1915, 8785;—CL 1929, 11681;—CL 1948, 484.170.

484.171 Appraisal of damages; contiguous lands of same person.

Sec. 21. Whenever any person shall apply to any circuit court for the appointment of commissioners to appraise the damages to any lands owned or occupied by him, under the provisions of this act, and it shall appear to said court that such person owns or occupies other lands contiguous thereto, whether in the county where said court is held or otherwise, it shall be the duty of said circuit court to authorize and require said commissioners to appraise the damages to such applicants upon all [the] contiguous lands of such person, in whatever county they may lie, unless said association shall otherwise consent in writing.

History: Add. 1863, Act 240, Eff. June 22, 1863;—CL 1871, 2644;—How. 3712;—CL 1897, 6686;—CL 1915, 8786;—CL 1929, 11682;—CL 1948, 484.171.

484.172 Amendment to articles; filing, recording, use of certified copy as evidence.

Sec. 22. It shall and may be lawful for any telegraph company organized as a corporation under the laws of this state, by the vote of 2/3 of its stockholders in value at any regular or special meeting, to amend its articles of association in any or all the particulars specified in the original articles, and in case of such amendment it shall be the duty of the president and secretary of the company to execute, acknowledge, and cause to be filed and recorded in the office of the clerk of the county where the principal office of the company is located, and in the office of the secretary of state an instrument in writing reciting the action of such stockholders, and setting forth the entire articles as amended, a copy of which said instrument, duly certified by said clerk or the secretary of state, may be used in evidence in all courts and places for and against said corporation.

History: Add. 1873, Act 14, Imd. Eff. Feb. 20, 1873;—How. 3713;—CL 1897, 6687;—CL 1915, 8787;—CL 1929, 11683;—CL 1948, 484.172.

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