

in the year one thousand eight hundred and forty-nine; with all the powers and privileges, and subject to all the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, April 9, 1849.*]

An Act concerning Stony Beach, in Hull.

Chap. 92.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any person or persons who shall take or carry away any sand, gravel, or stone, from Stony Beach, in the town of Hull, shall forfeit and pay, to the use of the town of Hull, for each offence, a sum not exceeding one hundred dollars, nor less than twenty-five dollars, to be recovered by indictment, in any court competent to try the same. [*Approved by the Governor, April 9, 1849.*]

Penalty for taking or carrying away sand, gravel, &c.

An Act concerning Electric Telegraph Companies and Electric Telegraphing.

Chap. 93.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. Every company, for the transmission of intelligence by electricity, which now is, or may be, incorporated, and every owner, or association, engaged in telegraphing for the public, by electricity, in this State, shall be subject to the liabilities and governed by the provisions contained in this act.

All telegraph companies subject to this act.

SECT. 2. Any company incorporated for the purpose, may construct lines of electric telegraphs, upon and along any of the highways and public roads, and across any of the waters within the limits of this State, by the erection of necessary fixtures, including posts, piers, or abutments, for sustaining the wires of such lines; *provided* the same shall be so constructed as not to incommode the public use of said highways or roads, or endanger or interrupt the navigation of said waters; nor shall this act be so construed as to authorize the erection of any bridge across any of the waters of this State.

Telegraph lines may be established along all highways, &c.

Proviso.

SECT. 3. The selectmen of any town, or mayor and aldermen of any city, through which the lines of such company are to pass, shall give said company their writing, specifying where the posts may be located, the kind of posts that may be used, the height at which, and the places where, the wires may be run, which writing shall be recorded in said town or city, and such company, in building its line, shall follow the regulations of such writ-

Selectmen, &c., to direct where, and what posts, may be fixed, &c.

ing. After the erection of said telegraph lines, the said selectmen and mayor and aldermen shall have power to direct any alteration in the location or erection of said posts, piers, or abutments, and also in the height at which the wires may run, having first given such company or its agents opportunity to be heard on such alteration, and such decision shall be recorded in the registry of said town or city.

And may direct alterations, &c.

Proviso.

Owners of land may apply for damages, to selectmen, &c.

SECT. 4. Any person owning land or tenements, near to or adjoining a highway or road, along which said lines shall be constructed by any incorporated company, who shall consider himself in any manner damaged thereby, may apply to the selectmen of any town, or mayor and aldermen of any city, in which said lands lie, within three months after such construction, to assess and appraise his damage. The appraisers, aforesaid, before they enter upon their duties, shall severally take an oath, or affirmation, before a justice of the peace, faithfully and impartially to perform the duties required of them by this act; and said appraisers shall, on view, make a just appraisal of the loss or damage to the applicant by reason of said construction, duplicates of which appraisal shall be made in writing, signed by said appraisers, one copy of which shall be delivered to said applicant, and the other to said company, or its agent, on demand. If said appraisers assess any damage to said applicant, said company shall pay said damages, with the costs of the appraisers; but, if said appraisers award that the applicant has suffered no damage, the said applicant shall pay the costs of the appraisers.

May have a jury.

R. S. ch. 24.

Any person, aggrieved by the assessment of damages provided for in this section shall be entitled to have the matter of his complaint determined by a jury, and, in case application for a jury be made, the proceedings shall be according to the provisions of the seventy-sixth section of the twenty-fourth chapter of the Revised Statutes, concerning town ways and private ways. If the jury increase the damages, the damages and all charges shall be paid by the company, otherwise the charges, arising on such application, shall be paid by the applicant.

Compensation.

SECT. 5. The said selectmen and mayor and aldermen shall have and receive, for their services performed under this act, each the sum of two dollars per day.

Duties of telegraph companies.

SECT. 6. Every such company and every owner or association, engaged in telegraphing for the public, by electricity, in this State, shall receive despatches from and for other telegraph lines, companies, and associations, and from and for any individual; and, on payment of the usual

charges for transmitting despatches, according to the regulations of such company, owner, or association, shall transmit the same faithfully and impartially; and, for every wilful neglect or refusal so to do, the company, owner, or association, as the case may be, shall be liable to a penalty of not more than one hundred dollars, with costs of suit, to be recovered in the name and for the benefit of the person or persons, association, or company, sending, or desiring to send, such despatch.

Penalty for neglect.

SECT. 7. Any person who shall unlawfully and intentionally, injure, molest, or destroy, any of the lines, wires, posts, piers, or abutments, or any of the materials or property of such company, owner, or association, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding two years, or both, at the discretion of the court having cognizance thereof.

Penalty for injuring, &c., any of the lines, wires, &c.

SECT. 8. Any railroad corporation, chartered by this State, may become a stockholder in a telegraph company, whose line of telegraph connects, or is to connect, two or more places, on the line of said railroad, to an amount not exceeding two hundred dollars for each mile of said railroad so connected.

Railroad corporations may hold stock in telegraph companies.

SECT. 9. Telegraphic corporations shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, April 9, 1849.*]

General powers and duties.
R. S. ch. 44.

An Act concerning the Newburyport Railroad Company.

Chap. 94.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

1846, ch. 90.
1848, ch. 285.

The time specified for completing the Newburyport Railroad, as specified in the fourth section of an act, entitled "An Act to establish the Newburyport Railroad Company," passed on the eleventh day of March, in the year one thousand eight hundred and forty-six, is extended one year beyond the time fixed in said act. [*Approved by the Governor, April 9, 1849.*]

Time for completing road extended one year.

An Act to incorporate the Proprietors of the Lee Street Church, in Lowell.

Chap. 95.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECT. 1. James G. Carney, Jonathan White, Hazen Elliott, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Lee Street

Corporators.