

fixtures along and across any of the roads, streets, or waters of this State, without its being deemed a public nuisance, or subject to be abated by any private persons; 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 a 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 pay to the said corporation one hundred dollars for such offence, and shall be further 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; and, if any person incurring the penalty aforesaid, shall, through insolvency or other cause, be unable, or shall fail to pay the penalty and damages aforesaid, and shall a second time destroy or commit a trespass upon said fixtures, he shall be subject to imprisonment, not less than one month, nor over six months in the county jail, on conviction thereof, before a court of competent jurisdiction.

SEC. 10. *Be it further enacted*, That it shall be lawful for the companies hereby incorporated, or others, proprietors of Morse's Electro Magnetic Telegraph, to construct lines of telegraph along the common roads and streets of this State, and with the permission of the owners thereof, along all turnpikes, rail roads and canals, for the purpose of communicating between any of the towns and villages in this State or beyond its limits, and the main lines of said companies, and with each other, subject to all the terms and conditions in this act contained.

*Proviso.*

May construct lines, &c.