

SEC. 6. *And be it enacted*, That any company in-
 corporating under this act, shall first obtain the written
 consent of any person or persons over whose lands said
 lines are intended to pass, or upon whose lands said
 posts, piers or abutments, are intended to be placed; but
 if such consent cannot be had, then the president and
 directors, on behalf of the company, shall apply to a
 justice of the peace of the county where such lands are,
 which justice shall thereupon issue his warrant, direct-
 ed to the sheriff of county, commanding him to sum-
 mon twelve disinterested persons, qualified to serve as
 jurors in the Circuit court, to meet at the proper place
 as directed by said justice, and the said sheriff shall
 qualify the said persons either by oath, or affirmation,
 as the case may be, faithfully and impartially to perform
 the duties required of them by this act; and it shall be the
 duty of the said jury to make a just and equitable ap-
 praisal of all the loss or damage that may be sustained
 to any person or persons over whose lands said posts,
 piers or abutments are intended to be placed, and make
 a true return and inquisition of the amount of damage
 that may be sustained by the owner or owners of said
 lands, in writing, under their hands and seals, and
 the sheriff shall make return of the inquisition so
 found, to the clerk of the Circuit court of the coun-
 ty, and such clerk shall file the same, and lay it
 before the Circuit court, at its next session, and such
 inquisition shall be confirmed by said court, unless
 good cause be shewn to the contrary, and when con-
 firmed, shall be recorded by the clerk at the expense of
 the company; and in case any damage shall be ad-
 judged to any person or persons as aforesaid, then the
 association or corporation shall pay the amount thereof,
 with costs of said appraisal before proceeding to erect
 any posts, piers or abutments as aforesaid.

SEC. 7. *And be it enacted*, That any person who
 shall unlawfully and 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 five hundred
 dollars, or imprisonment in the county jail not exceed-
 ing one year, or both, at the discretion of the court
 before which the conviction shall be had; *Pro-*
vided, that the wires or cords located or stretched,
 or extended from one post or pole to another in
 such manner as to prevent the owner of any tim-
 ber growing along the line of such telegraph, from
 cutting and felling the same, and should the owner of
 any timber growing along such line of telegraph, in

CHAP. 369.

Condemnation of land.

Injury of lines, posts, &c. deemed a misdemeanor.

Proviso.