

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1853.

Augusta:
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

THIRTY-SECOND LEGISLATURE.

HOUSE.]

[No. 15.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FIFTY-THREE.

AN ACT relating to telegraph lines and companies.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. Any number of persons may associate
2 for the purpose of constructing a line of wires of
3 telegraph through this state, or from and to any point
4 within this state, upon the terms and conditions, and
5 subject to the liabilities, hereinafter prescribed.

SECT. 2. Such persons, under their hands and
2 seals, shall make a certificate which shall specify the
3 name assumed to distinguish such association, and to
4 be used in its dealings, and by which it may sue and
5 be sued ; the general route of the line of telegraph,

6 designating the points to be connected; the capital
7 stock of such association; and the number of shares
8 held by each of them respectively; and the period at
9 which such association shall commence and termi-
10 nate; which certificate shall be deposited in the
11 office of the secretary of state.

SECT. 3. Upon complying with the provisions of
2 the last preceding section, such association shall be a
3 body corporate, by the name designated in said cer-
4 tificate; and a copy of said certificate, duly certified
5 by the secretary of state, may be used in evidence in
6 all the courts and places, for and against any such
7 association.

SECT. 4. Such association shall have power to
2 purchase, receive, hold and convey, such real estate,
3 and such only, as may be necessary for the conven-
4 ient transaction of the business, and for the effectually
5 carrying on the operations of such association, and
6 may appoint such directors, officers, and agents, and
7 make such prudential rules, and regulations and by-
8 laws, as may be necessary in the transaction of their
9 business, not inconsistent with the laws of this state
10 or of the United States.

SECT. 5. Any company, incorporated for the pur-

2 pose, may construct lines of telegraph, upon and
3 along any of the highways and public roads, and
4 across any of the waters within the limits of this state,
5 by the erection of necessary fixtures, including posts,
6 piers, or abutments, for sustaining the wires of such
7 lines; *provided*, the same shall be so constructed as
8 not to incommode the public use of said highways or
9 roads, or endanger or interrupt the navigation of said
10 waters; nor across any of the waters of this state.

SECT. 6. The selectmen of any town, or mayor
2 and aldermen of any city, through which the lines of
3 such company are to pass, may direct said company
4 in writing where the posts may be located, the kind
5 of posts that may be used, the height at which, and
6 the places where, the wires may be run, which writing
7 shall be recorded in said town or city, and such com-
8 pany, in building its line shall follow the regulations
9 of such writing. After the erection of said telegraph
10 lines, the said selectmen and mayor and aldermen
11 shall have power to direct any reasonable alteration
12 in the location or erection of said posts, piers or
13 abutments, at the expense of the party requiring it,
14 and also in the height at which the wires may run,
15 having first given such company or its agents oppor-

16 tunity to be heard on such alteration, and such decis-
17 ion shall be recorded in the registry of said town or
18 city.

SECT. 7. Any person owning land or tenements, near
2 to or adjoining a highway or road, along which said
3 lines shall be constructed by any incorporated com-
4 pany, who shall consider himself in any manner dam-
5 aged thereby, may apply to the selectmen of any
6 town, or mayor and aldermen of any city, in which
7 said lands lie, within three months after such con-
8 struction, to assess and appraise his damage. The
9 appraisers, aforesaid, before they enter upon their
10 duties, shall severally take an oath, or affirmation,
11 before a justice of the peace, faithfully and impartially
12 to perform the duties required of them by this act ;
13 and said appraisers shall, on view, make a just ap-
14 praisal of the loss or damage to the applicant, by rea-
15 son of said construction, duplicates of which appraisal
16 shall be made in writing, signed by said appraisers,
17 one copy of which shall be delivered to said appli-
18 cant, and the other to said company, or its agent, on
19 demand. If said appraisers assess any damage to
20 said applicant, said company shall pay said damages,
21 with the costs of the appraisers ; but if said apprais-

22 ers award that the applicant has suffered no damage,
23 the said applicant shall pay the costs of the appraisers.
24 Any person aggrieved by the assessment of damages
25 provided for in this section, shall be entitled to have
26 the matter of his complaint determined by a jury,
27 and in case application for a jury be made, the pro-
28 ceedings shall be according to the provisions of the
29 twenty-fifth chapter of the revised statutes, concern-
30 ing townways and privateways. If the jury increase
31 the damages, the damages and all charges shall be
32 paid by the company, otherwise the charges arising
33 on such application shall be paid by the applicant ;
34 *provided, however,* that no enjoyment by any person
35 or corporation, for any length of time of the privilege
36 of having or maintaining telegraph posts, wires or
37 apparatus, in, upon, over, or attached to, any build-
38 ings or lands of other persons, shall be deemed to give
39 a legal right to the continued enjoyment of such
40 easement, or raise any presumption to a grant
41 thereof.

SECT. 8. The said selectmen, and mayor and al-
2 dermen shall have and receive for their services per-
3 formed under this act, each the sum of two dollars
4 per day.

SECT. 9. Every such company and every owner or
2 association, engaged in telegraphing for the public,
3 by electricity in this state, shall receive despatches
4 from and for other telegraph lines, companies, and
5 associations, and from and for any individuals, and,
6 on payment of the usual charges for transmitting des-
7 patches, according to the regulations of such com-
8 pany, owner or association, shall transmit the same
9 faithfully and impartially ; and for every willful neg-
10 lect or refusal so to do, the company, owner or asso-
11 ciation, as the case may be, shall be liable to a pen-
12 alty of not more than one hundred dollars, with costs
13 of suit, to be recovered in the name and for the ben-
14 efit of the person or persons, association or company,
15 sending or desiring to send such despatch.

SECT. 10. Any person who shall unlawfully and
2 intentionally injure, molest or destroy any of the lines,
3 wires, posts, piers, or abutments, or any of the mate-
4 rials or property of such company, owner or associa-
5 tion, shall, on conviction thereof, be deemed guilty of
6 a misdemeanor, and be punished by a fine not ex-
7 ceeding five hundred dollars, or imprisonment not
8 exceeding two years, or both, at the discretion of
9 the court having cognizance thereof.

SECT. 11. Any railroad corporation, chartered by
2 this state, may become a stockholder in a telegraph
3 company, whose line of telegraph connects, or is to
4 connect, two or more places, on the line of said rail-
5 road, to an amount not exceeding two hundred dol-
6 lars for each mile of said railroad so connected.

SECT. 12. Telegraph corporations shall have all
2 the powers and privileges, and be subject to all du-
3 ties, restrictions and liabilities set forth in the seventy-
4 sixth chapter of the revised statutes, so far as the
5 same are not inconsistent with the provisions of this
6 act.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 23, 1853. }

ORDERED, That 350 copies of the foregoing Bill (laid on the table by Mr. Tabor of Houlton) be printed for the use of the Legislature.

A. B. FARWELL, *Clerk.*