

Every Telegraph Company must, at each and every SEC. 136. point where the wires of any line of telegraph may cross any public or private road, erect substantial, durable Revised Code of 1867. and permanent posts or piers, to prevent the falling of the wires, so as to obstruct or interfere with the travel on such road. And upon failing to erect posts or piers, as herein prescribed, and upon the falling of any telegraphic wires, so as to obstruct or interfere with the travel along any private or public road, it is the duty of any justice in the county, upon complaint that the wires of any telegraph lines have fallen across or along any road, private or public, to issue notice to any officer or agent of such company, to be found within the county, to appear before him at such time, not short of ten days' notice, as he may appoint, and upon proof that the wires are down, or have been down for one day, he shall enter a fine of not less than ten or more than fifty dollars for every day the wires are permitted to remain down.

If no officer or agent of the company is found in the SEC. 1363. county, then and in that case notice posted at two or more places near the line of telegraph, in the neighborhood of where the wires have fallen, citing the company, for five days, to appear before a Justice of the Peace, shall be deemed and held sufficient notice, and if the company shall not defend, by some agent or officer, fine may be entered by default; and if the company shall fail or refuse, for the space of sixty days, to pay any fine imposed under the Act, such telegraph line shall be deemed a public nuisance, and upon due notice the same shall be subject to be abated as such, by proceedings before the Circuit Court of the county in which such wires shall be permitted to continue down, in the same manner as other nuisances are abated.

The right of way is granted to any person having SEC. 1364. the right to construct telegraph lines within the State, upon the margin of any public highway.

Any person who wilfully cuts, pulls down, destroys, SEC. 3741. or in any manner injures any telegraph line or post, or