

tion 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 damages 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 refuse to remove, in reasonable time, the fixtures complained of, or the President and Directors of the said Company may apply to a Justice of the Peace of the county or city where such lands are, who shall thereupon issue his warrant, directed to the Sheriff of said county or city, commanding him to summon twelve disinterested persons, qualified to serve as jurors, to meet at the proper place, as directed by the said Justice; and the Sheriff shall qualify the said persons by oath or affirmation, faithfully to perform the duties required of them by the next succeeding Section.

Damages.

Jurors.

Sec. 130. *And be it enacted*, That the said jury shall make a just and equitable appraisement of all the loss or damage that may be sustained by any person or corporation, on or over whose lands or bridges said posts, piers or abutments are intended to be placed, and shall make a true return and inquisition thereof, in writing, under their hands and seals.

Loss or damage.

Sec. 131. *And be it enacted*, That the Sheriff shall make return of the inquisition so found to the Clerk of the Circuit Court of the county, who shall file the same and lay it before the said court at its next session; and such inquisition shall be confirmed by said court, unless good cause be shown to the contrary, and when confirmed, shall be recorded by the clerk at the expense of the corporation; but if set aside, the said court may direct another inquisition to be taken in the manner above prescribed. The valuation of such loss or damage when paid or tendered to the owner or owners of the property, or his, her, or their legal representatives, shall entitle the said corporation to the easement

Inquisition.

Valuation.