

TELEGRAPH COMPANIES (EXCERPT)
Act 59 of 1851

484.156 Aggrieved property owner; remedy, procedure.

Sec. 6.

If any person over or through whose lands said lines shall pass, upon which said posts, piers or abutments shall be placed, or through whose lands said lines shall be run under ground, shall consider himself aggrieved or damaged thereby, it shall be the duty of the circuit court of the county within which said lands are, on the application of such person, and on notice to said association (to be served on the president or any director), to appoint 3 discreet and disinterested persons as commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of said commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damages sustained by said applicant by reason of said lines, posts, piers, or abutments, which appraisal shall be in writing, signed by said commissioners or a majority of them, and filed in the office of the clerk of said court. Said report or appraisal may be confirmed by said court at any term thereof, and the court shall appoint some day when it will consider said report or appraisal and objections against the confirmation thereof on the part of all parties interested therein, notice of which day shall be given to said association by service thereof on the president or any director. Said objections shall be as to matters of substance, and shall be filed with the clerk of said court, in writing, but may be argued, and the hearing of said report and objections may be adjourned from time to time until said report or appraisal be confirmed or otherwise disposed of. Upon the confirmation of said report or appraisal, in case any damages be adjudged to said applicant, such association shall pay the amount thereof with costs of such appraisal; said costs to be liquidated and ascertained on said award. In case no damages shall be reported to have been sustained by such applicant, and the report thereof being confirmed said applicant shall thereafter be held to have sustained no loss or damage by reason of said lines. In case said report or appraisal shall not be confirmed, it shall not prejudice the right of such applicant to renew his application. Said commissioners shall receive for their services 2 dollars for each day they are actually engaged in making such appraisal.

History: 1851, Act 59, Imd. Eff. Mar. 20, 1851 ;-- CL 1857, 2054 ;-- Am. 1863, Act 240, Eff. June 22, 1863 ;-- CL 1871, 2630 ;-- How. 3698 ;-- CL 1897, 6672 ;-- CL 1915, 8772 ;-- CL 1929, 11668 ;-- CL 1948, 484.156