

the damages shall be reduced, the original assessment shall be abated to the extent of said reduction and if the sum assessed by the commissioners has been paid by the company, the court shall render judgment against the said owner or owners of said land for the amount of said reduction, and the costs of the caveat shall as in other cases be adjudged to be paid by the unsuccessful party. CHAP. 59.

SEC. 5. *And be it further enacted*, That if any defendant in any caveat filed under this act shall be a minor, or a person non compos mentis, the court may direct notice of the caveat to be given to the guardian or committee, if any, and if none, the said court shall appoint a guardian ad vitem, and upon such notice being given or appointment made, and the appearance of the guardian, as it may deem reasonable and just, the court may direct the trial to proceed, and if the defendant be a non resident, the court may order notice of the substance and object of the caveat to be given to him, her or them by publication or otherwise as it may deem reasonable, and on such notice being given may proceed to hear and determine the cause. Notices of caveat in certain cases.

SEC. 6. *And be it further enacted*, That the clerk of the said courts to whom any assessment shall be returned, and any damages paid, shall be entitled to such fees as by law he is now entitled to for similar services, and his official bond shall be liable for any failure to discharge the duties hereby prescribed in the same manner as for any breach of duty. Clerk's fees.

SEC. 7. *And be it further enacted*, That this act, except the first section, shall be in force from its passage. In force.