§ 60. Entry upon lands for purposes of United States survey. Any person employed under and by virtue of an act of congress of the United States, passed the tenth day of February, one thousand eight hundred and seven, and of the supplements thereto, may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying and doing any other act which may be necessary to carry out the objects of said laws, and may erect any works, stations, buildings and appendages requisite for that purpose, doing no unnecessary injury thereby.

If the parties interested can not agree upon the amount to be paid for damages caused thereby, either of them may petition the supreme court in the county in which the land is situated, which court shall appoint a time for a hearing as soon as may be, and order at least fourteen days' notice to be given to all parties interested, and with or without a view of the premises, as the court may determine, hear the parties and their witnesses and assess damages.

The person so entering upon land may tender to the party injured amends therefor, and if in case of appeal to the supreme court the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs, otherwise the prevailing party shall recover costs.

The costs to be allowed in all such cases shall be the same as allowed according to rules by the court.

If any person shall wilfully deface, injure, or remove any signal, monument, building, or other property of the United States coast and geodetic survey, constructed or used under or by virtue of the acts of congress aforesaid, he shall forfeit a sum not exceeding fifty dollars for each offense, and shall be liable for damages sustained by the United States in consequence of such defacing, injury or removal, to be recovered in an action on the case in any court of competent jurisdiction.