

examine witnesses under oath, and fully inquire into the questions in dispute, and after ascertaining the same, shall, within twenty days thereafter, file a report thereof with said judge, and which report, together with the notice of application and the order of appointing said commissioners, the said judge shall file within ten days after receiving the same, in the office of the clerk of the court of common pleas of said county, and which report shall be final and conclusive against all parties, their heirs and assigns, unless the same shall be appealed from in manner herewith provided. (a)

Report to be filed.

35. SEC. 4. That either party may appeal, within thirty days after the filing of said reports, to the circuit court of said county, by filing with the clerk of said court, within said time, a notice of dissent from said report, in which the party dissenting shall state the ground of the dissent, and in such case the said circuit court shall have full power and authority to try and determine said appeal, and the decision of said court shall be final and conclusive between all parties, their heirs and assigns; *provided, however,* that either party, upon application to the court and upon ten days' notice, in writing, to the opposite party, may demand and shall be entitled to a trial by jury of the matter in controversy, in like manner as issues of fact are now tried in the circuit courts of this state, which said jury may be a struck jury, and shall be summoned in the manner now provided by law for the summoning of petit juries, or struck juries, as the case may be, in the circuit court, and the circuit court of said county shall, on application of either party to said controversy, direct a proper issue for the trial of said controversy to be formed between the said parties, and the trial thereof shall proceed in like manner as other jury trials in said circuit court, and with the same rights of appeal by writ of error or otherwise, as now provided and practiced in the courts of law of this state in cases of trial by jury; judgment therein shall have the same force and effect as judgments in cases of jury trial in said courts now have.

Parties aggrieved may appeal to circuit court.

Proviso.

36. SEC. 5. That the surveyor shall receive for his services the sum of three dollars per day, and the remaining two commissioners two dollars per day, for each day employed, and the judge shall receive one dollar and fifty cents for each order made in the proceedings, which fees and all costs shall be paid by the party against whom said report, decision or verdict is made or rendered.

Compensation of commissioners, &c., and by whom paid.

(a) Special authority delegated by the legislature for the purpose of taking a man's property against his will must be strictly pursued, and it must appear to have been so pursued on the face of the papers, and especially should it appear that notice

of the meeting of commissioners, assuming to have such authority as is claimed under this act, was given, or that the parties interested were present. *Davis v. Howell*, 13 Vr. 280.

## Ferries.

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| <ol style="list-style-type: none"> <li>1. Rates of ferrage, how fixed.</li> <li>2. Table of, posted up.</li> <li>3. Clerk's fee for copy.</li> <li>4. Penalty for overcharge.</li> <li>5. Good boats, &amp;c., to be kept.</li> <li>6. Penalty for using insufficient boats.</li> <li>7. Penalty for not having sufficient implements or skillful ferrymen.</li> </ol> | <ol style="list-style-type: none"> <li>8. Penalty for delaying passengers, &amp;c.</li> <li>9. Ferryman's authority.</li> <li>10. Persons to be carried over ferries according to their arrival.</li> <li>11. Good wharves, &amp;c., to be kept.</li> <li>12. Corporations owning and enjoying ferry rights may sell franchise for operating ferries.</li> </ol> |
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### An act concerning ferries.

Rev. 408.

Passed February 6, 1799.

R. S. 542.

1. That the board of chosen freeholders shall be, and they hereby are empowered and directed to fix the rates to be taken at the several ferries within their respective counties, and the same, from time to time, to revise, alter, amend, or make anew at their discretion. (a)

Board of freeholders to fix rates to be taken at ferries.

(a) Applies to ferries of which only one landing is in the county and the other in another state. *Freeholders of Hudson*

*v. State*, 4 Zab. 718. See *Columbia Bridge Co. v. Geisse*, 5 Vr. 268, 6 Vr. 558. *S. C.*, 9 Vr. 39, 530.

A table of rates to be posted up at the ferry.

2. That the owner or keeper of every ferry shall put up and maintain, where such ferry is kept, a post, with a table of the rates, fairly printed, written or painted, in large capitals, fixed and allowed by the said board, annexed thereto, and set up such post, with the table aforesaid, so near the place where the passengers enter the boat used for such ferry, that the said table and rate shall be open and visible to the said passengers; and if the owner or keeper of any ferry shall fail, neglect or refuse to put up and maintain a post and table of rates, in the manner and form aforesaid, he shall, for every day he may so fail, neglect or refuse, forfeit and pay one dollar, to be recovered by action of debt, with costs of suit, by any person who will prosecute for the same.

Clerk's fees.

3. That the clerk of such board shall be entitled to receive, for a copy of the rates aforesaid, certified under his hand, the sum of fifty cents.

Penalty for taking greater ferriage than the rate fixed.

4. That if any ferryman, keeper of a ferry, or his servant, shall demand or take a greater sum for ferriage, than the rate fixed by the said board, he shall, for every such offense, forfeit and pay three dollars, to be recovered by action of debt, with costs of suit, by any person who will prosecute for the same.

Every ferry to be provided with good boats and skillful ferrymen.

5. That the owner or keeper of every ferry shall, at all times, be provided with good and tight boats, flats, wherries or other vessels, suited to such ferry, sufficient in size, strength, steadiness and accommodation, for the safe and speedy transportation of passengers, horses, cattle, carriages and goods, well furnished with sails, oars, setting-poles, or other necessary implements, and men, prudent, skillful, able-bodied, sufficient and competent to such business and service.

Penalty for using insufficient boats.

6. That no ferryman shall carry or attempt to carry any person over any ferry in a boat, flat, wherry, or other vessel, that is not good and sufficient according to this act, under the penalty of ten dollars, to be recovered by action of debt, with costs of suit, by any person who will prosecute for the same.

Penalty for not having sufficient implements or skillful ferrymen.

7. That every owner or keeper of a ferry, who shall not provide good and sufficient sails, oars, setting-poles or other necessary implements as aforesaid, and such man or men as the condition of the passage shall require, qualified according to this act, for the safe and speedy transportation of passengers, horses, cattle, carriages, and goods, shall, for every default therein, pay two dollars, to be recovered by action of debt, with costs of suit, by any person who will sue for the same.

Penalty on ferrymen who shall deny or delay to carry over passengers.

8. That every ferryman shall give constant and diligent attendance at his ferry, and shall not deny or unnecessarily delay the carrying over any passenger, horses, cattle, carriages or goods, upon the penalty of three dollars for every such offense, to be recovered by action of debt, with costs of suit, by any person who will sue for the same; and such ferryman shall also be liable to an action for damages, at the suit of the party aggrieved; *provided always*, no ferryman shall be obliged to put off from his wharf or shore, and pass the said ferry, when it manifestly appears to be hazardous or dangerous for him so to do, on account of any storm, tempest, fresh, or ice.

Ferrymen may keep or put persons out of their boats.

9. That every ferryman shall have authority to keep or put out of his ferry-boat or other vessel, any person who shall attempt or press to enter, or who shall enter or stay in his said boat or vessel, contrary to his order; and such person so doing contrary to his order, shall pay one dollar for every offense, to be recovered by action of debt, with costs of suit, by any person who will sue for the same.

Persons shall be carried over ferries according to their arrival.

10. That all persons shall be received into such ferry-boats or vessels, and carried over the ferry according to their arrival or first coming to the said ferry; and any ferryman acting contrary to this rule, shall be liable to the penalties prescribed in and by the eighth section of this act; *provided*, all public officers, and such as go on public or urgent occasions, as posts, couriers, physicians, surgeons and midwives, shall be carried over first or with the first.

Owners of ferries to keep good wharves, &c.

11. That all owners or keepers of ferries shall make, keep and maintain good and safe wharves or places of landing, where they are wanted, upon

penalty of forfeiting such sum as the inferior court of common pleas of the county, where the same shall be wanted, shall, upon complaint to them made, determine and adjudge to be sufficient to make or repair such wharf or convenient landing; which forfeiture shall, by order of the said court, be appropriated and laid out for that purpose.

**An act to authorize land improvement companies having authority to purchase and enjoy a ferry or ferries, to sell and transfer their franchise or franchises of operating a ferry or ferries and the property connected therewith.**

Approved March 22, 1888.

P. L. 1888, p. 198.

**12. SEC. 1.** That any corporation organized under any law of this state for the purpose of laying out and improving such lands as it is authorized to own or purchase, and having power under its act of incorporation or any supplement thereto, to purchase and enjoy ferry rights, shall have power whenever the directors of such company deem it advisable to separate such ferry rights from the other property and franchise of such company, to sell and transfer its franchise of owning, operating and enjoying a ferry or ferries and all its property, real and personal, connected therewith or appurtenant thereto, to any other corporation organized or to be organized under the laws of this state, authorized by law to transact the business of transporting goods, merchandise or passengers by water, at such price and upon such terms as may be agreed upon by and between the directors of said two corporations, and to receive payment therefor either in money, property or in the capital stock of such purchasing corporation; and after such sale and transfer it shall be lawful for the corporation purchasing such franchise or franchises and the property connected therewith or appurtenant thereto, to possess and enjoy the same as fully in all respects as the corporation selling the same by its charter or any supplement thereto is authorized to enjoy such rights and franchises; *provided, however,* that this act shall not apply to any corporation unless such corporation shall first and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement, to be approved by the governor and attorney-general, waiving all rights of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state, if any there exist, to take the property of such corporation under any existing law of the state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

Corporations running and enjoying ferry rights may sell franchise for operating ferries.

Proviso.

## Fertilizers.

1. Fertilizers offered for sale shall be accompanied with analysis.
2. Who shall inspect fertilizers, and his duties.
3. Dealers may obtain analysis from inspector.
4. Fee for making certificate of analysis.
5. Penalty for selling without analysis.
6. Penalty, how sued for.
7. Amended by section 8.
8. Penalty for selling commercial fertilizer without analysis.

**An act to regulate the manufacture and sale of fertilizers.**

Approved March 24, 1874.

P. L. 1874, p. 90.

**1.** That every commercial fertilizer which shall be offered for sale in this state shall be accompanied by an analysis, stating the percentage therein of ammonia or its equivalent of nitrogen of potash, in any form or combination, soluble in distilled water; and of phosphoric acid in any form or combination; the portion of phosphoric acid soluble in distilled

Fertilizers offered for sale shall be accompanied with analysis.