

C H A P.  
LXXXIII.  
New ferries  
may be esta-  
blished, &c.

III. AND BE IT ENACTED, That when and so often as it shall happen, that by the lawful alteration of an old road, or the opening of a new road, leading to any creek or river, a communication over and across the same, by means of a ferry, shall, in the judgment of the respective county courts, be deemed useful and necessary, in every such case it shall be lawful for the justices of the said county courts, and they are respectively hereby authorized and empowered, to establish and regulate a public ferry at every such place, and to license any approved person or persons to keep the same, and to ascertain the prices of ferriage thereat, and the number of boats and hands to be employed, and to require recognizances, with sufficient securities, for keeping the same, in like manner, to all intents and purposes, as the said courts are now required by law to do in cases of ferries heretofore established.

Penalty for  
keeping ferry  
without licence,  
&c.

IV. AND BE IT ENACTED, That if any person or persons whatever shall, after the first day of April next, presume to keep a ferry for hire or reward at any place where a ferry is now, or shall hereafter be established, without obtaining a licence, and entering into a recognizance, and complying with the several requisites directed by the existing laws in relation to ferries, every such person shall forfeit and pay the sum of fifty dollars for every offence, and moreover shall be subject to all and singular the like penalties as are imposed upon licensed ferrymen for neglect of duty.

Court, in cer-  
tain cases, may  
issue a warrant,  
&c.

V. AND BE IT ENACTED, That if the proprietor or proprietors of the land at any place now used as a public ferry, or where a public ferry may hereafter be established or set up according to the provisions of this act, shall refuse or neglect for the space of two months to take out a licence agreeably to this act, or to rent the houses and land commonly used with, or necessary for, such ferry, to some person to be approved of by the said court, who will take out a licence for the same, or be under any disability to take out a licence, or to rent as aforesaid, by reason whereof the same shall be delayed to be done, to the inconvenience of the public, for the space of three months beyond the annual time for granting such ferry licences, in such case the county court of the county in which such land shall lie, shall issue their warrant to the sheriff of their county, to summon twelve respectable disinterested persons, qualified by law to be jurymen, and also the surveyor of the county, to meet on the premises, on a day by him to be appointed, of which due and timely notice shall be given by the said sheriff to the owner or owners, possessor or possessors, of such land; and the said jury shall then and there, upon viewing the place, determine how much land, not exceeding two acres, and not including the dwelling-house, garden, orchard or meadow, of the owner or possessor, or any part thereof, shall be necessary and most convenient to be laid off for the use of such ferry, and the said surveyor, under their direction, shall survey and lay off the same, and make a correct plot and certificate thereof, and shall deliver the same to the said sheriff, to be returned to the said county court; and the said jury shall then and there estimate the value of the said land, in doing which they shall take into consideration all the advantages of its situation for the purposes of keeping a ferry, or pursuing any other business, having first taken an oath, or affirmation, as the case may be, justly and impartially to value the said land; and they shall make an inquest of their proceedings as aforesaid, under their hands and seals, which shall be returned by the said sheriff, with the certificate and plot, aforesaid, to the next county court; and if the proprietor of the said land shall think himself aggrieved by the quantity of land laid off, or by the manner of laying off the same, or by the valuation thereof by the said jury, it shall and may be lawful for him or her to apply to the said county court, at any time before the end of the next court to that at which the inquest aforesaid shall be returned, who may, in a summary way, examine the said proceedings, and ratify or correct the same in any of the particulars above mentioned, and shall thereupon order and adjudge that the said land shall thenceforward become the property of the said county for ever, upon the value thereof as aforesaid being paid to the said owner or owners; and the clerk of the said county court shall transmit a copy of such order and judgment of the said court, and a certificate of the valuation of the land condemned, to the levy court of the same county, who shall assess and levy the same in the same manner as other county expences, and shall order such sum, when levied, to be paid over to the person or persons entitled to receive the same, as being interested in such condemned land; and it shall thereupon be lawful for the said court to direct the necessary buildings to be erected thereon at the expence of the county, and the same shall be annually rented out by them for the use and benefit of the said county; provided always, that in cases of infancy, or other legal disability, it shall and may be lawful for such infant or other person, or his or her legal representative, whose land may be condemned under the provisions of this act, at any time within three years after the removal of such disability, to repay to the levy court aforesaid, or their collector, the amount of the valuation of such condemned land, if the same shall have been paid as above directed, and also the real value, at the time of such disability being removed, of any buildings or other improvements that may have been erected thereon at the expence of the county, or if the same be refused, to make a tender thereof,