

or deposit as aforesaid of the same, shall vest in said corporation the lands by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said trustees by said owner or owners under their hands and seals; if either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice so served or published shall vest in said courts full power to hear and determine said appeal, and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury; and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such lands as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal, and also to order any jury which may be impaneled and sworn to try any such appeal, to view the premises in question during said trial; and the right of said trustees to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land, or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded, when tendered; and upon the final determination of any such appeal, the said court shall render such judgment in favor of the one party and against the other as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution, as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

81. SEC. 4. That this act is a public act and that all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

When appeal may be made.

Trial by jury.

Court may order a struck jury or a jury of view.

By whom costs of appeal paid.

Repealer.

An act to authorize township committees or other governing bodies of townships, villages or boroughs to raise, by taxation, moneys to establish or aid public libraries and free reading-rooms.

P. L. 1895, p. 380.

Approved March 20, 1895.

When townships, villages and boroughs may appropriate \$1,000 to library.

82. SEC. 1. That it shall be lawful for the township committee or the boards of trustees or other governing body of any township or village or borough in this state, to raise by taxation any sum not exceeding one thousand dollars annually, to aid public libraries and free reading-rooms in any such municipality in this state, provided the same be first assented to by a majority vote of the legal voters of any such municipality, at their annual election.

Liens.

I. AGAINST SHIPS, STEAMBOATS, &c.

1. Amended by section 46.
2. Amended by section 44.
3. Application for, what to specify.
4. To whom warrant to be issued and what to command.
5. How warrant executed and returned.
6. No other warrant to issue till first superseded.
7. Notice of issuing of warrant to be published.
8. What notice to contain.
9. Any creditor may deliver to officer an account of his demand.
10. Liens to cease unless delivered in time limited.
11. Owner, consignee, &c., may apply for order to discharge warrant.
12. Person applying for order to give bond.
13. Warrant discharged on delivery of bond.
14. Bond for common benefit of attaching creditors.
15. Declaration in suit upon bond. What to be stated and averred.
16. Defendant's plea.
17. When verdict or judgment is for \$20 or upwards, plaintiff to have execution, &c.
18. If for less than \$20, judgment entered against plaintiff. Costs.

19. When officer to direct sheriff, &c., to proceed to sell vessel, &c.
 20. If claims can be satisfied by sale of tackle, vessel not to be sold.
 21. Sheriff or constable to proceed to sell vessel, &c., within twenty days after order.
 22. Return of sale. Proceeds.
 23. Notice of distribution of proceeds.
 24. Distribution, how made.
 25. In case of contest, objections to be filed.
 26. Parties may agree upon referees.
 27. In case of refusal of parties to select referees, officer to name.
 28. Referees, how selected.
 29. Officer to certify selection.
 30. Certificate to be filed. Rule to be entered.
 31. Powers and duties of referees.
 32. Report of referees.
 33. Parties may except to report, &c.
 34. Upon confirmation of report, distribution to be made.
 35. When distribution made, sheriff to pay over proceeds of sale.
 36. Distribution to be made pro rata, if proceeds insufficient to pay all liens.
 37. Proceedings to be filed with county clerk within thirty days after distribution made.
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 39. No lien to be enforced against vessels seized under process out of United States courts.
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 41. Officer may issue warrant, when.
 42. Warrant to issue in twenty days or lien cease.
 43. Act to apply to all vessels. Record of proceedings. Fees and costs.
 44. Lien may be enforced by warrant.
 45. Repealed.
 46. What debts to be a lien on vessels.
 47. Repealer.
- II. LIEN OF KEEPERS OF HOTELS, BOARDING-HOUSES, LIVERY STABLES, &c.
48. Keeper of hotel, &c., to have lien on baggage of boarders, &c.
 49. Baggage, &c., may be sold.
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- IV. LIENS FOR WORK, &c.
64. Lien for repairs not impaired by recovery of judgment.
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 71. Lien not impaired by recovery of judgment.

I. Against ships, steamboats, &c.

An act for the collection of demands against ships, steamboats and other vessels.

Approved March 20, 1857. P. L. 1857, p. 382.

1. [Amended by Sec. 46, *post.*]

2. [Amended by Sec. 44, *post.*]

3. That such application shall be in writing, and shall specify :

Application for, what to specify.

I. By whom such debt was contracted, and for what ship or vessel.

II. The items composing such debt.

III. It shall be verified by the affidavit of the creditor, or of the person making the application in his behalf, stating that the sum claimed in such account is justly due to the person in whose behalf such application is made, over and above all payments and discounts.

And the facts and circumstances to establish such demand shall also be verified by the affidavits of one or more disinterested witnesses.

4. That the officer to whom such application shall be made, shall thereupon issue his warrant to the sheriff or any constable of the county, or, in their absence, to any coroner of the county, commanding him to attach, seize, and safely keep such ship or vessel, her tackle, apparel and furniture, to answer all such liens as shall be established against her, according to law, and to make return of his proceedings under such warrant to the said officer, within ten days after such seizure.

To whom warrant to be issued and what to command.

5. That the sheriff or other officer to whom any such warrant shall be directed and delivered, shall forthwith execute the same, and shall keep the ship or vessel and other property seized by him, to be disposed of as hereinafter directed ; he shall, also, within ten days after such seizure, make a return to the officer who issued the warrant, stating therein particularly his doings in the premises, and shall make out, subscribe, and annex thereto, a just and true inventory of all the property so seized ; which inventory shall be signed by him and annexed to his return.

How warrant executed and returned.

No other warrant to issue till first superseded.

Notice of issuing of warrant to be published.

What notice to contain.

Any creditor may deliver to officer an account of his demand.

Liens to cease unless delivered in time limited.

Owner, consignee, &c., may apply for order to discharge warrant.

Person applying for order to give bond.

Warrant discharged on delivery of bond.

Bond for common benefit of attaching creditors.

Declaration in suit upon bond, what to be stated and averred.

6. That whenever any such warrant shall be issued, no other warrant shall issue against the same ship or steamboat, or other craft or kind of vessel, unless the first warrant be superseded.

7. That the officer issuing any such warrant, shall thereupon immediately (a) order the notice hereinafter directed, to be published in one or more of the newspapers printed in the county to which the warrant shall be issued; and if there be none printed in such county, then in a newspaper printed nearest to such county, once a week for three months successively, or oftener, if he shall deem proper.

8. That such notice shall contain the following matters :

I. It shall state the issuing of such warrant, the name of the vessel seized, the port or place to which she belongs, and the name of her last commander.

II. It shall require all persons who claim to have any demands against said ship or vessel, her tackle, apparel or furniture, under the provisions of this act, to deliver an account of their respective claims to the said officer, within two months from the first publication of such notice, or that their remedy against such vessel will be forfeited.

III. It shall state that such vessel will be sold for the payment of the claims against such vessel, unless the owner, consignee or commander thereof, or some person interested therein, appear and discharge such warrant according to law, within three months from the first publication of such notice.

9. That any person having any lien under the provisions of this act, upon the property so seized, may deliver to the said officer an account in writing of his demand, accompanied by such affidavits and proofs as are hereinbefore prescribed, in relation to the first application by any creditor; and he shall thereupon be deemed an attaching creditor, and be entitled to the same benefits and advantages, and subject to the same responsibilities and obligations as the creditor at whose instance such warrant originally issued.

10. That all liens under this act upon the property so seized, an account of which shall not be presented to the said officer within the time limited in the notice, shall cease.

11. That the owner, consignee, agent, or commander of any vessel seized by virtue of any warrant issued pursuant to the provisions of this act, and any person interested in such vessel, may at any time before an order of sale shall be made as hereinafter mentioned, apply in person or by attorney, to the officer who issued such warrant, for an order to discharge the same.

12. That such person shall execute and deliver to the officer to whom such application is made, a bond to the creditors prosecuting such warrant, in a penalty at least double the amount of the debts sworn to by such creditors, with such security as shall be approved by such officer, conditioned that the obligors therein will pay the amount of all such claims and demands as shall have been exhibited, which shall be established to have been subsisting liens upon such vessel, pursuant to the provisions of this act, at the time of exhibiting the same respectively. (b)

13. That upon such bond being executed and delivered, the said officer shall thereupon grant his order, discharging the warrant that may have been issued by him; and no further proceedings against the vessel so seized, shall be had under the provisions of this act, founded upon any demands included in such bond.

14. That every such bond shall be held for the common benefit of all the attaching creditors, and may be prosecuted by any of them jointly, or by any one of them separately, in respect to his separate demand.

15. That in the suit upon such bond, the attaching creditors, respectively, shall state in their declaration their respective demands, alleging the work to have been done, or the materials or articles furnished, or the expenses incurred, at the request of the master, owner, agent, or consignee, of such vessel, as the case really was, averring that the claim therefor was

(a) A failure of such officer to give immediate notice will not vitiate the proceedings. *Gaddis ads. Howell, 2 Vr. 313.*
 (b) Such bond is good although the prior proceedings have been irregular. *Gaddis ads. Howell, 2 Vr. 313.* A declaration

upon such bond should set forth the particular circumstances which entitle the plaintiff to a lien upon the vessel. *Lovegrove v. Kuser, 27 Vr. 22.*

a subsisting lien on such vessel at the time of the exhibition thereof, as hereinbefore provided; and shall assign, as a breach of the condition of such bond, the non-payment of the claim of such creditor.

16. That to such declaration, the defendants may plead as in other actions of debt on bond, and may plead to such assignment of breaches; and the same proceedings shall be had on such bond as provided by law on bonds with other conditions than for the payment of money.

Defendant's plea.

17. That if it shall be found by the judgment in such suit, or by the verdict of the jury impaneled to try any issues joined therein, that the sum of twenty dollars or upwards was due to any plaintiff in such suit, upon any claim or demand which, by the provisions of this act, was a subsisting lien upon such vessel, at the time of the exhibition thereof, as herein provided, judgment shall be rendered that such plaintiff have execution for the amount of such claim.

When verdict or judgment is for \$20 or upwards, plaintiff to have execution, &c.

18. That if it shall be so found that nothing, or a less sum than twenty dollars, was due to any plaintiff in such suit, as specified in the last section, judgment shall be entered against such plaintiff, that he take nothing by his writ; and the court shall award to the defendants the costs incurred by them in resisting the claim of such plaintiff; and if it shall be found that twenty dollars, or a greater sum, is due to such plaintiff in such suit, the costs of the attachment, together with the sheriff's, constable's or coroner's fees and expenses in keeping such ship or vessel, shall be taxed in the plaintiff's bills of costs, in such suit on such bond so directed to be given as aforesaid.

If for less than \$20, judgment entered against plaintiff.

Costs.

19. That if the creditors, who shall have exhibited their claims as herein provided, shall not have been satisfied, and if such warrant shall not have been discharged as before provided, within the time for that purpose limited, the officer who issued the same, within one month after the expiration of the time so limited, upon due proof of the publication of the notice herein required, shall issue his order to the sheriff, or other officer, who seized the vessel under such warrant, directing such sheriff or other officer to proceed and sell the vessel so seized, her tackle, apparel and furniture, and shall state in such order the amount necessary to be raised to satisfy such claims and expenses.

When officer to direct sheriff, &c., to proceed to sell vessel, &c.

20. That if it shall appear to such officer, that the claims exhibited before him, and the expenses of the proceedings, can be satisfied by a sale of the tackle, apparel and furniture of such vessel, or of some part thereof, without selling such vessel, he shall modify his order accordingly.

If claims can be satisfied by sale of tackle, vessel not to be sold.

21. That within twenty days after the service of such order, the sheriff or constable shall proceed and sell the vessel so seized by him, her tackle, apparel and furniture, or such part thereof as shall be sufficient to satisfy the claims exhibited and the expenses incurred, upon the same notice, in the same manner, and in all respects subject to the provisions of law in case of the sale of personal property upon execution.

Sheriff or constable to proceed to sell vessel, &c., within twenty days after order.

22. That the sheriff or other officer shall return to the officer granting such order, his proceedings under the same; and the proceeds of such sale, after deducting his fees and expenses in seizing, preserving, watching and selling such vessel, shall be retained by such sheriff in his hands, to be distributed and paid as hereinafter directed.

Return of sale.

Proceeds.

23. That at the time of issuing any such order of sale, the officer granting the same shall order a notice to be published in the same newspaper in which the notice of seizure was printed, as hereinbefore directed, once in each week for three weeks, requiring all persons who have exhibited any claims against such vessel, and the owner, agent, consignee, master, and all other persons interested in such vessel to appear before him at a day therein to be specified, not less than thirty days and not more than forty days from the first publication of such notice, to attend a distribution of the proceeds arising from the sale of such vessel, her tackle, apparel and furniture.

Notice of distribution of proceeds.

24. That on the day appointed in such notice the officer shall hear the allegations and proof of the parties, and make distribution of the proceeds arising from such sale, after deducting the expenses of the proceedings,

Distribution, how made.

- among the creditors who shall have exhibited their claims as herein provided, unless the claims of such creditors, or of some of them, be contested by the owner, agent, consignee, or master of such vessel, or by some other of such creditors.
- 25.** That in case of such contest, the party making the objection shall file with the officer a written statement thereof, and his desire that the claims so objected to, be referred to referees, to examine and report thereon.
- 26.** That the party making such objection, and the creditors whose claims are contested, may agree upon three indifferent persons, by a writing to that effect, signed by them and filed with such officer.
- 27.** That if such referees be not selected by agreement, then the party making objection shall nominate two disinterested persons, and the creditor or creditors whose claims are contested, shall also nominate two indifferent persons; or if either of them refuse or neglect, the officer before whom the proceedings are pending, shall name two indifferent persons for the party or parties so refusing or neglecting.
- 28.** That the names of the persons thus nominated shall be written on four distinct pieces of paper, as similar in all respects as may be, which shall be rolled up separately and put into a box, and from thence said officer shall draw out three of them, and the persons whose names are so drawn shall be the referees to determine the controversy.
- 29.** That the officer before whom they shall be selected, shall certify such selection in writing, and deliver a duplicate of the same, or of the written agreement of the parties, appointing referees, to each of the parties.
- 30.** That such certificate or agreement shall be filed in the office of the clerk of the circuit court or court of common pleas, or county clerk, if such vessel was seized within the county, as shall be directed by such officer; and a rule shall thereupon be entered by such clerk, in vacation or in term, appointing the persons so selected referees to determine such controversy.
- 31.** That such referees shall have the same powers and be subject to the like duties and obligations, and shall receive the same compensation as referees appointed by the superior courts in personal actions depending therein.
- 32.** That the report of the referees shall be filed in the same office where the rule for their appointment was entered, and shall be conclusive on the parties, if not vacated by the court to which it was made.
- 33.** That either party shall have the same right to except to such report, as in cases of reference during the pendency of a suit, and the court shall proceed thereon in the like manner, and may in its discretion, appoint new referees and direct a new hearing; judgment for costs shall be rendered against the failing party, and execution shall be awarded thereon, as in other cases.
- 34.** That upon the final report of such referees being confirmed, the officer before whom the proceedings were pending shall proceed to make distribution of the proceeds of the sale of such vessel, her tackle, apparel and furniture, after deducting the expenses of the proceedings before him, among the attaching creditors, according to such report.
- 35.** That when a distribution shall be made by such officer, pursuant to either of the foregoing provisions, he shall make an order on the sheriff or other officer, having such proceeds in his hands, directing him to pay the same to the several attaching creditors entitled thereto, according to such distribution, and the same shall be paid accordingly; and all moneys remaining in the hands of such sheriff or other officer, after such payment and after deducting his commission, shall be paid to the owner, agent, consignee, or master of such vessel.
- 36.** That if the proceeds arising from the sale of any vessel shall not be sufficient, after deducting all legal charges, to satisfy all the liens against such vessel, exhibited as herein provided, the officer ordering such sale shall order a fair and just distribution of such proceeds among the creditors whose claims shall have been ascertained by him, or by the report of referees as herein provided, in a just and equal proportion to the amounts of such claims respectively.
- In case of contest, objections to be filed.
- Parties may agree upon referees.
- In case of refusal of parties to select referees, officer to name.
- Referees, how selected.
- Officer to certify selection.
- Certificate to be filed.
- Rule to be entered.
- Powers and duties of referees.
- Report of referees.
- Parties may except to report, &c.
- Upon confirmation of report, distribution to be made.
- When distribution made, sheriff to pay over proceeds of sale.
- Distribution to be made pro rata if proceeds insufficient to pay all liens.

37. That every officer who shall issue any warrant pursuant to the foregoing provisions, shall cause the applications, affidavits, and proofs presented to him by the attaching creditors, and copies of all warrants issued, and all orders made by him, with a bill of the fees and expenses allowed by him, to be filed in the office of the clerk of the county within thirty days after the order of distribution made by him; such a report and a duly-certified copy thereof by the clerk, shall be conclusive evidence that the proceedings stated therein were had before such officer, and upon such report being made, the circuit court may correct any errors that shall appear to have been committed in the proceedings, and make such order as shall be just, and may remit the proceedings to the officer who issued the warrant, or the court may proceed to do such acts and things as shall be necessary.

Proceedings to be filed with county clerk within thirty days after distribution made.

38. That every sheriff or other officer to whom a warrant may have been delivered, may be compelled by the officer having jurisdiction over the proceedings thereon, to return the inventory required to be taken by him, and to pay over moneys in his hands pursuant to any order for that purpose, by an order of such officer, and by process of attachment for disobedience thereof, on the application of any creditor.

Sheriff or other officer may be attached for disobedience of order.

39. That no proceedings under this act to enforce the liens authorized by the provisions thereof, shall be had against any vessel which shall have been seized by virtue of process issuing from any court of the United States having admiralty jurisdiction, while such vessel is actually held under such seizure; nor against any vessel which shall have been sold by order of such court, except for debts contracted after such sale; but nothing in this section contained shall be construed to impair the validity of any liens created by this act, the payment of which shall be decreed in any court of the United States.

No lien to be enforced against vessels seized under process out of United States courts.

40. That whenever any ship or vessel shall have been run down or run afoul of by any other ship or vessel, through the negligence or willful misconduct of those navigating such other ship or vessel, and shall thereby have sustained damage to the extent of twenty dollars or upwards, the owner of said ship or vessel so sustaining damage shall have a lien upon the ship or vessel causing such damage in the manner aforesaid, her tackle, apparel and furniture, to the extent of such damage; the master, owner, agent, or consignee of the ship or vessel so receiving damage making an application in writing to the same officer as appointed, setting forth the name of the ship or vessel causing the damage, and the manner in which said damage was done, and the amount of said damage; and said application shall be verified by the owner or master navigating the vessel so damaged, and the facts contained in said affidavit shall also be verified by one or more disinterested witnesses.

Proceedings where vessels have been run down or run afoul of.

41. That the officer to whom said application is made, in case he is satisfied that said damage arose from negligence or willful misconduct on the part of those navigating the vessel causing the damage, may issue his warrant as provided in the fifth section of the act above referred to; and all proceedings under said warrant shall conform to the provisions of the said act.

Officer may issue warrant, when.

42. That the lien provided for under this act shall cease, unless a warrant shall issue within twenty days after the damage shall be done.

Warrant to issue in twenty days or lien cease.

43. That this act shall apply to all vessels or other craft, whether the same shall be enrolled or licensed or otherwise; (a) that the officer issuing such warrant, and acting in all the proceedings aforesaid, shall, after the final end and determination of such proceedings, file all the papers used in and about such proceedings, including the judgment and every other matter connected therewith, with the clerk of the county, who shall record the same in a book to be obtained and kept for that purpose; and such record, certified under his official seal, shall be received as evidence in all courts of law or equity; that the fees, costs and expenses arising in such proceedings shall be the same as allowed in the court of common pleas in

Act to apply to all vessels.
Record of proceedings.

Fees and costs.

(a) Applies to foreign vessels. *Randall v. Roche*, 1 Vr. 220.

this state, and governed and regulated by the fees and costs allowed in such court.

Supplement.

Approved March 20, 1878.

P. L. 1878, p. 158.

44. SEC. 1. That the second section of the act to which this is a supplement, which is in the words following, to wit [see Sec. 2, *ante*], be and the same is hereby amended so that the same shall read and be in the words following, to wit :

Lien may be enforced by warrant.

[Any person having due him any sum upon any debt contracted for any of the purposes hereinbefore specified may make application to any officer authorized by law to perform the duties of a commissioner, appointed by the justices of the supreme court to take special bail and to administer oaths or affirmations, or to one of the justices of the supreme court, or to one of the judges of the court of common pleas of the county, for a warrant to enforce the lien of such debt, and to collect the amount thereof.] (a)

45. SEC. 2. [Repealed by Sec. 47, *post.*]

Supplement.

Approved April 24, 1884.

P. L. 1884, p. 248.

46. SEC. 1. That the first section of the act to which this is a supplement, be and the same is hereby amended so as to read as follows :

What debts to be a lien on vessels.

[That whenever a debt shall be contracted by the master, owner, agent or consignee of any ship or vessel within this state for either of the following purposes :

I. On account of any work done, or materials or articles furnished in this state, for or towards the building, repairing, fitting, furnishing or equipping such ship or vessel ;

II. For such supplies, provisions and stores furnished within this state for the use of such ship or vessel at the time when the same were furnished ;

III. On account of the towing of such ship or vessel, the wharfage of such ship or vessel, and the expenses of keeping such ship or vessel in port, including expenses incurred in taking care of and employing persons to watch such ship or vessel ; such debt shall be a lien upon such ship or vessel, her tackle, apparel and furniture, and continue to be a lien on the same until paid, and shall be preferred to all other liens thereon, except mariners' wages.] (b)

Repealer.

47. SEC. 2. That the act entitled "A supplement to an act entitled 'An act for the collection of demands against ships, steamboats and other vessels,' approved March twentieth, eighteen hundred and fifty-seven," which supplement was approved March eighteenth, eighteen hundred and fifty-eight [see Rev., p. 591, §§ 44, 45], and the second section of an act entitled "A supplement to the act entitled 'An act for the collection of demands against ships, steamboats and other vessels,' approved March twentieth, one thousand eight hundred and fifty-seven," which last supplement was approved March twentieth, one thousand eight hundred and seventy-eight [see Sec. 45, *ante*], and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed ; *provided*, that nothing in this act shall apply to or affect any debt contracted before this act takes effect.

Proviso.

(a) The lien given by this section may be enforced in the United States district court in admiralty. *Winslow v. A Floating Steam Pump, &c.*, 2 N. J. L. J. 124.

(b) The lien is expressly given when the work is done or the materials or articles are furnished in this state, and it matters not where the contract was made. *Baeder v. Currite*, 15 Vr. 208. When the contract was to put the vessel in complete repair as

soon as possible, and a dispute arose between the contracting parties before the completion of the work, the workman may recover to the extent of the work performed. *Id.* For decisions construing this section prior to its amendment, see *Randall v. Roche*, 1 Vr. 220. *Edwards v. Elliott*, 5 Vr. 96, 7 Vr. 449, 21 *Wall*. 532.

II. Lien of keepers of hotels, boarding-houses, livery stables, &c.

An act for the better protection of hotel, inn, and boarding-house keepers.

Approved April 6, 1865. P. L. 1865, p. 902.

48. SEC. 1. That all hotel, inn, and boarding-house keepers shall have a lien on all baggage and property belonging to boarders and lodgers at said hotel, inn, or boarding-house, for the amount of their bill or bills due to the proprietor thereof for the hire of rooms or board in said hotel, inn, or boarding-house, and shall have the right, without the process of law, to retain the same until the said amount of indebtedness is discharged, and all parties engaging rooms or board in said hotel, inn, or boarding-house may be summarily ejected by the proprietor thereof from said premises, upon the aforesaid proprietor giving to said parties so indebted a written notice of three days of the amount of said indebtedness, and their demand for the same, unless said parties shall have entered into an agreement with said hotel, inn, or boarding-house keepers for the mode and manner of payment for room or board other than those announced by notice in said hotel, inn, or boarding-house. (a)

Hotel, inn and boarding-house keepers to have a lien on all baggage and property of boarders, &c.

49. SEC. 2. That all baggage and property so held by said hotel, inn and boarding-house keeper shall, after the expiration of six months from the date of such detention, be sold at public auction, upon a notice published for three days in a public newspaper published in the city or town where said hotel, inn, or boarding-house shall be kept, and the proceeds thereof shall be applied to the payment of such lien and the expenses of such sale, and the balance, if any remaining, shall be paid over to the owner of such property or his representatives; and if said balance is not claimed by such owners within thirty days, then the said balance to be paid over to the overseer of the poorhouse of said city or town for the support of the poor. [See Sec. 54, *post.*]

Baggage and property may be sold for payment of bills.

50. SEC. 3. That whenever the proprietor or proprietors of any hotel, inn, or boarding-house shall provide a safe in the office of such hotel, inn, or boarding-house, or other convenient place, for the safe keeping of any money, jewels, or ornaments belonging to the guests or boarders thereof, by posting a notice stating the fact that such safe is provided, in which such money, jewels, or ornaments may be deposited, in the room or rooms occupied by such guest or boarder, in a conspicuous manner, and if such guest or boarder shall neglect to deposit such money, jewels, or ornaments in such safe, the proprietor or proprietors of such hotel inn, or boarding-house shall not be liable for any loss of such money, jewels, or ornaments, sustained by such guest or boarder, by theft or otherwise.

Proprietors of hotel, &c., not responsible if money and jewels not deposited in safe.

Supplement.

Approved April 11, 1867. P. L. 1867, p. 973.

51. SEC. 1. That in cases where no newspapers shall be published in any city, town, or township where any hotel, inn, or boarding-house shall be kept, the sale provided for in the second section of the act to which this is a supplement may be made upon a notice published for three days in a public newspaper published in the county where such hotel, inn, or boarding-house shall be kept, and circulating in the neighborhood thereof.

Notice of sale may be published in newspaper in county.

52. SEC. 2. [Repealed by act in P. L., 1870, p. 56.]

(a) A boarding-house keeper has not a lien under this section on the separate property of a married woman boarding at the house and living apart from her husband, if the husband has

engaged, and by express agreement promised to pay, her board. *Baker v. Stratton*, 23 Vr. 277.

An act for the better protection of livery stable, boarding and exchange stable keepers.

P. L. 1872, p. 23.

Approved March 5, 1872.

Livery stable keepers shall have lien on horses, carriages, &c., for amount of bill due.

53. SEC. 1. That all livery stable, boarding and exchange stable keepers, shall have a lien on all horses and other animals left with them in livery, for board, or sale, or exchange; and, also, upon all carriages, wagons, sleighs and harness left with them for storage, sale or exchange, for the amount of the bill due to the proprietor of any such stable for the board and keep of any such horse or other animal, and, also, for such storage; and shall have the right, without the process of law, to retain the same, until the amount of such said indebtedness is discharged. (a)

Property may be sold at public auction.

54. SEC. 2. That all property so held by any such livery stable, boarding, and exchange stable keeper shall, after the expiration of thirty days from the date of such detention, be sold at public auction; upon a notice of said sale being first published for the space of two weeks in some newspaper circulating in the city or township in which said livery or boarding and exchange stable is situate; and also, after five days' notice of said sale, set up in five of the most public places in said city or township, and the proceeds of said sale shall be applied to the payment of such lien, and the expenses of such sale; and the balance, if any remaining, shall be paid over to the owner of such property, or his representatives; and if the said balance is not claimed by such owner within sixty days after such sale, then the said balance to be paid over to the overseer of the poor of said city or township, for the support of the poor.

Notice of sale.

III. Lien of common carriers.

An act relative to the sale of unclaimed freight transported upon railroad, canal and express lines in this state.

P. L. 1873, p. 19.

Approved January 24, 1873.

When unclaimed goods and merchandise may be sold by order of a judge or commissioner for non-payment of expenses of transportation.

55. SEC. 1. That in all cases where the consignee or consignees, owner or owners of any goods, wares or merchandise, transported by any railroad, canal or express company in this state, or chartered by the laws of this state or any other state, to any designated station or point in this state, are unknown, cannot be found, refuse to receive or to pay the costs or expenses of transportation of such goods, wares and merchandise, it shall and may be lawful for any justice of the supreme court of this state, supreme court commissioner, or any judge of the court of common pleas residing in the county where such goods, wares or merchandise are consigned or directed, upon satisfactory proof made to him by such railroad, canal or express company, or their directors, superintendent or agent that such goods have been in their possession four months or over, and that the owner or owners, consignee or consignees, are unknown, cannot be found, have refused to receive or pay the costs and expenses of the transportation of said goods, wares and merchandise, to issue an order under his hand, commanding the sheriff or one of the constables of said county to sell said goods, wares and merchandise by public vendue, at the time, place, and in the manner in such order named; *provided*, that before such sale shall be made, public notice shall be given by such sheriff or constable of the time and place of such sale and the articles to be sold, and the person or persons to whom directed, by five notices, set up in five of the most public places in the neighborhood in which such goods, wares and merchandise were consigned or directed to be left, at least five days before the time of sale, and by three successive insertions within one week before the day of sale, in some daily newspaper (if any there be) published in the neighborhood of such place of sale; *provided further*, that when it shall be made to appear to the satisfaction of such justice, supreme

Order, to whom directed.

Public notice of sale to be given.

Proceedings in case of perishable property.

(a) The Lien given to a livery stable keeper for keeping a horse left with him by the owner is subsequent and subject to a prior recorded mortgage on the horse given by the owner. *Sullivan v. Clifton*, 26 Vr. 324.

court commissioner or judge, by due proof, by any railroad, canal or express company or their agents, that any goods, wares or merchandise by them transported and in their possession as aforesaid, are perishable, and that they would depreciate in value and loss occasioned by being longer kept, such justice, supreme court commissioner or judge, shall issue an order, directed as aforesaid, commanding sale of said goods, wares and merchandise, in such manner as he shall deem most expedient, a copy of either of which said orders and notice of sale shall be served personally, or be left at the place of residence or business, or sent by mail to the owner or consignee of said goods, by said sheriff or constable, if the residence of such owner or consignee to whom such goods are directed can be ascertained.

56. SEC. 2. That the fee of such justice, supreme court commissioner or judge, for the making and issuing of such order shall be two dollars, and the fee of such sheriff or constable in the posting of notices, service of order and notice required by this act and in making such sale, shall be three dollars, in addition to the costs of advertising in the newspapers required by this act, to be paid by such railroad, canal or express company.

Fees to be paid for order, notice and advertising.

57. SEC. 3. That the proceeds of said sale shall first be applied to defray the expenses of such sale, then to the account of transportation and storage of such railroad, canal or express company upon such goods, the balance (if any there be) shall be paid to the clerk of the county immediately, in which such goods were sold, who shall pay the same to the legal owner or consignee, upon order of said justice, supreme court commissioner or judge, made upon due proof of such claim; and if no such claim is made in two years, then said clerk shall pay the same into the school fund of this state.

Proceeds of sale, how applied.

Supplement.

Approved March 17, 1874.

P. L. 1874, p. 38.

58. SEC. 1. That it shall and may be lawful for railroad, canal and express companies in this state to collect from the various stations or places upon the line of their roads or works, at some suitable place, all the unclaimed goods, wares or merchandise consigned to said various stations or places, for the purpose of selling the same, as provided for in the act to which this is a supplement; *provided nevertheless*, that the notice required by the act to which this is a supplement, of the time and place of the sale of the said goods, wares and merchandise, shall be given in the manner required by said act.

Unclaimed freight may be collected from several depots and sold at one place.

The same notice as heretofore required shall be given.

59. SEC. 2. That the order for such sale required by the act to which this is a supplement, may be made by any justice of the supreme court of this state, supreme court commissioner, or any judge of the court of common pleas residing in the county where such goods, wares or merchandise shall be collected, as hereinbefore provided.

Order for sale, by whom made.

An act authorizing common carriers, factors and others to sell goods, wares, merchandise and other property unclaimed, upon which they have a lien.

Approved March 27, 1874.

P. L. 1874, p. 102.

60. SEC. 1. That it shall be lawful for common carriers, having a lien, either for freight, storage or other charges, upon goods, wares, merchandise or other property, and which shall have been or shall be thereafter unclaimed for three months, or upon which such freight or charges shall have remained, or shall hereafter remain unpaid for a like period of time, to sell such goods, wares, merchandise or other property at public auction, after notice by advertisement once a week for three weeks, in at least one newspaper published in the city or county where such sale is to be made, and by handbills posted at the place where such goods, wares or merchandise were originally consigned to, and at not less than twenty conspicuous places at the designated point of sale, at least ten days prior to such sale,

Common carriers may sell unclaimed freight.

Notice to be given.

- giving time and place of sale, and name of owner or consignee, if known or legible, address or marks thereon, if any, with a description or name of the article to be sold, and, when known, the place to which the same were consigned; and all goods, wares, merchandise or other property hereby authorized to be sold which may be in the custody of or stored by any common carrier at any depot, station or other place, may be removed therefrom, and sold at such cities or towns or boroughs within this state as such carriers may deem the best market for the articles to be sold, and that such sale may be made in bulk, in the original packages as marked and consigned, contents unknown, or by the piece, as may, in the judgment of the carriers, realize the largest amount to the owners.
- 61. SEC. 2.** That in all cases where goods, wares, merchandise or other property shall be perishable or damaged, and which the owner or consignee shall for that or any other reason refuse to receive, or by reason of the owner or consignee being unknown, it shall be lawful for the carrier or other having a lien upon the same as aforesaid to sell the same by public outcry, or auction, upon such notice thereof as the nature of the case may reasonably seem to require or admit of.
- 62. SEC. 3.** That the proceeds of all sales made under the authority of this act, after deducting freight, storage and charges which may be due, as well as advertising, cost of selling and other reasonable expenses, shall be paid to the owner of such property, upon satisfactory proof of such ownership; *provided*, that such proof be made within two years from the date of such sale; and on failure to make such proof at the expiration of that period, such surplus shall be paid into the state treasury for the use of the state.
- 63. SEC. 4.** That all acts or parts of acts which are supplied by this act are hereby repealed.

May collect the goods at one place and sell them.

Perishable goods may be sold at public auction.

Proceeds of sale, how disposed of.

Repealer.

IV. Liens for work, &c.

An act authorizing persons having liens for work, labor or materials employed in the repair and construction of any article to enforce such lien.

Approved February 16, 1885.

P. L. 1885, p. 25.
Lien for repairs not impaired by recovery of judgment.

64. SEC. 1. That the lien which any person may have upon any chattel in his possession for labor or materials bestowed or employed in the repair or construction thereof, shall be in no wise waived, merged or impaired by the recovery of any judgment for the moneys due for such labor or materials; and such lien may be enforced by levy and sale under execution upon such judgment.

Supplement.

Approved May 9, 1889.

P. L. 1889, p. 424.
Lien on goods for work may be enforced by sale after three months.

65. SEC. 1. That the lien which any person may have upon any goods or chattels in his possession for labor or materials bestowed or employed in the repair or construction thereof, and the amount due thereon, either in whole or in part, shall remain unpaid for the space of three months after the same became due and payable, it shall be lawful for the person having said lien to expose the same at public auction, upon a notice of said sale being first published for the space of two weeks preceding the day of sale in some newspaper published in the county in which said goods or chattels are located, and also five days' notice of said sale set up in five of the most public places in said city or township, and if the residence can be ascertained of the owner or owners of said goods or chattels, a copy of the printed notice be mailed to said owner or owners, at least five days before the day of sale; and the proceeds of said sale shall be applied to the payment of such lien and the expenses of such sale; and no more of such goods or chattels shall be sold, if they are of such nature as to be easily separated or divided, than shall be necessary, as near as may be, to pay such lien and expenses, and the balance, if any, shall be paid to the owner of such goods or chattels when the goods or chattels shall be taken away or settled for in full.

Proceeds, how applied.

An act in relation to the lien of dyers upon goods in their possession.

Approved March 23, 1888.

P. L. 1888, p. 222.

66. SEC. 1. That all persons or corporations engaged in the business of dyeing any cotton, woolen or silk yarns or goods shall be entitled to a lien upon the property of others which may have come into their possession for the purpose of being dyed, for the amount of any account that may be due them from the owners of such yarns or goods by reason of work and labor performed and materials furnished in and about the dyeing of the same or other goods of such owner or owners.

Dyers entitled to lien upon goods in their possession.

67. SEC. 2. That such lien shall not be waived, merged or impaired by the recovery of any judgment for the moneys due for such work, labor or materials, and such lien may be enforced by levy and sale under execution upon such judgment.

Lien not waived by recovery of judgment.

An act in relation to the lien of manufacturers, spinners and throwsters of cotton, woolen and silk goods.

Approved May 9, 1889.

P. L. 1889, p. 425.

68. SEC. 1. That all persons or corporations engaged in the business of manufacturing, spinning or throwing cotton, wool or silk into yarn or other goods, shall be entitled to a lien upon the goods and property of others that may come into their possession for the purpose of being so manufactured, spun or thrown into yarn or other goods, for the amount of any account that may be due them from the owners of such cotton, wool or silk, by reason of any work and labor performed and materials furnished in or about the manufacturing, spinning or throwing of the same or other goods of such owner or owners.

Lien on cotton, wool or silk goods.

69. SEC. 2. That such lien shall not be waived or impaired by the recovery of any judgment for the moneys so due, and for the work and labor performed and materials furnished; and such lien may be enforced by levy and sale under execution upon such judgment.

Lien not impaired by recovery of judgment.

An act in relation to the lien of finishers of silk and other goods of which silk is a component part.

Approved June 13, 1890.

P. L. 1890, p. 469.

70. SEC. 1. That all persons or corporations engaged in the business of finishing silk or other goods of which silk is a component part, shall be entitled to a lien upon the goods and property of others that may come into their possession for the purpose of being finished and prepared for sale, for the amount of any account that may be due them from the owner of such goods, by reason of any work and labor performed and materials furnished in the finishing and preparing for sale of the same or other goods of such owner.

Lien of persons and corporations on silk goods for work.

71. SEC. 2. That such lien shall not be waived or impaired by the recovery of any judgment for the moneys so due, and for the work and labor performed and materials furnished; and such lien may be enforced by levy and sale under execution upon said judgment.

Lien not impaired by recovery of judgment.

Limitation of Actions.

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| <ol style="list-style-type: none"> 1. Sixty years' possession good title. 2. In what cases thirty years a bar. 3. Surveys inspected, &c., bar against proprietors. 4. Boundaries of lands between persons, how ascertained. 5. What surveys of no avail without previous notice to the possessor. 6. Prior surveys to have preference, &c. 7. To what cases this act shall not extend. 8. Actions within six years. | <ol style="list-style-type: none"> 9. Actions within four years. 10. Actions for words. 11. Against whom not to run. 12. Amended by section 30. 13. Actions on sealed instruments. 14. Judgments. 15. Non-residents excepted. 16. Extended in case of death. 17. New promise to be in writing. |
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