

CHAPTER XLVI.

An act granting to O. H. Kelley the right to establish and maintain a Ferry across the Mississippi River.

- SECTION 1.** Ferry charter granted to Oliver H. Kelley.
2. Kind of boat to be kept and how it shall be attended.
 3. Rates of toll to be charged.
 4. Privileges granted to O. H. Kelley.
 5. Bond to be executed and the liabilities under it.
 6. Remedy for injuries sustained on account of non-compliance with the provisions of the charter.
 7. Right to amend or repeal reserved.

Be it enacted by the Legislative Assembly of Minnesota Territory:

SECTION 1. That Oliver H. Kelley, his heirs, executors, or assigns, shall have the exclusive right and privilege for the period of fifteen years, of keeping and maintaining a ferry across the Mississippi River, between the counties of Cass and Benton, above and near the mouth of Crow River, in the Territory of Minnesota; and no other ferry shall be established within half a mile above or below said ferry. Ferry charter granted.

SEC. 2. That said O. H. Kelley shall at all times keep a safe and good boat or boats, in good repair, sufficient for all persons wishing to cross said ferry, and shall give prompt and ready attendance on passengers and teams, on all occasions, and at all hours, both at day or night; but persons wishing to cross at said ferry in the night may be charged double fare as hereinafter prescribed. Kind of boat required.

SEC. 3. The rates charged for crossing said ferry shall not exceed the following: Rates of toll.

For each foot passenger.....	10 cents.
“ horse, mare, gelding, mule or ass, with or without rider,.....	15 “
“ two-horse, or two-ox team, loaded or unloaded with drivers.....	25 “
“ single horse carriage.....	25 “
“ additional cow or ox.....	10 “
“ swine or sheep.....	5 “

All freight, lumber, merchandize or other articles not in teams, at the rate of ten cents per bbl. fifty cents per thousand feet of lumber, and five cents per cwt. of all other articles.

Right to build a
bridge.

SEC. 4. The said O. H. Kelley shall have the privilege of building a bridge from the head of Kelley's Island to the main shore on the West side of the river, for the accommodation of persons and teams crossing at the said ferry, but sufficient space must be left between the abutments of said bridge so as not to interfere with the running of logs or rafts. And persons paying ferriage shall not be charged toll for crossing said bridge.

Bond to be filed.

SEC. 5. The said O. H. Kelley shall, within one year after the passage of this act, file or cause to be filed with the clerk of the board of county commissioners of Benton county, a recognizance of the said board, with two or more sufficient sureties to be approved by the said board, in the penal sum of five hundred dollars, conditioned that he will fulfill all the conditions that are imposed upon him in the foregoing section; in case of a failure to do so, he shall forfeit all the benefits that might have accrued to him from its passage.

Remedy of in-
jured parties.

SEC. 6. Any person who shall sustain any injury by the negligence or default of said Kelley, or of the ferryman in his employ, may have a remedy by an action upon the bond required in this act.

Right of repeal.

SEC. 7. This act may be amended or modified at any time by the Legislature of this Territory.

J. S. NORRIS,

Speaker of House of Representatives.

WM. P. MURRAY,

President of Council.

APPROVED—March second, eighteen hundred and fifty-five.

W. A. GORMAN.

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

J. TRAVIS ROSSER,

Secretary of Minnesota Territory.