

CHAPTER LXXVI.

*An Act to authorize the establishment and regulation of Ferries.***SECTION 1.** Ferry Charters—Board of County Supervisors to grant.

1. Supervisors of counties on either side of a stream may grant ferry rights.
2. Tax per annum for licenses.
3. Licenses granted, to be sealed and attested.
4. Public notice of application for license.
5. Requirements of the persons obtaining license.
7. Rates of ferrage to be established by Board of Supervisors.
8. Prohibition against fraud, unless license has been obtained—penalty for violation.
9. Failure to pay tax—file receipt for license—mit to be brought therefor.
10. Annual taxes for ferrage to be paid in advance.
11. Bond to keep the ferry in proper condition to be filed.
12. Repeal of acts inconsistent.
13. Act takes effect within sixty days after passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Board of County Supervisors of any county in this State, may grant a license to any person applying therefor to keep a Ferry across any stream within their respective counties, upon being satisfied that a ferry is necessary at the point applied for, but no ferry shall be established within one-half mile of any ferry already established.

Supervisors may
grant ferry char-
ters

SEC. 2. In all cases when the stream over which a ferry is sought to be licensed, runs between two counties, the Board of County Supervisors of either county shall have as full jurisdiction in the premises as though the stream was wholly within the county of which they are Supervisors, and when the County Supervisors of either county shall have exercised jurisdiction under this Act, and shall have established any ferry thereunder, the County Supervisors of no other county shall have any power to exercise any jurisdiction over such ferry, while the same is in legal existence; *Provided further,* That where the Mississippi River, or any other river, lake or bay forms any portion of the boundary line of the State of Minnesota, the Board of Supervisors in their respective counties shall grant licenses and exercise all the power conferred upon them by the provisions of this Act, so far as the same does not conflict with the rights of other States.

Supervisors on
either side of a
stream may grant
ferry rights

SEC. 3. The Board of County Supervisors shall tax such sum as may appear reasonable, not less than five, nor more than fifty dollars per annum, and the person to whom such license shall be granted, shall pay to the County Treasurer

Tax per annum
for license

the tax for one year in advance, and file the receipt therefor with the Register of Deeds, and shall also pay to the said Register one dollar as fee for issuing said license.

Sec. 4. All license for ferries granted under the provisions of this Act, shall be sealed with the seal of the Board of County Supervisors, and signed by the Chairman of the Board, attested by the Register of Deeds, and may be ^{License to be attested with the seal} granted for any period not exceeding six years.

Sec. 5. All persons intending to apply for a license, shall give notice of their intention to apply for a license for ^{Public notice of application for license} a ferry, at a certain point, by posting up at least three notices in public places, in the neighborhood where the ferry is proposed to be kept, twenty days prior to such application; *Provided*, That when application shall be made for a renewal of a license, where the former license has expired, the same may be granted or renewed without previous notice or petition.

Sec. 6. Every person obtaining a license to keep a ferry, shall provide and keep in complete repair the necessary boat or boats, for the safe conveyance of persons and property, and shall keep a sufficient number of hands to give ^{Requirements of the persons obtaining license} due attendance from daylight in the morning until dark in the evening; and shall moreover, at any hour in the night or day, when called upon for the purpose, convey the United States Mail, or any person or persons, desiring to cross the same with or without teams or vehicles across said Ferry; *Provided*, That when the stream is impassable from the high stage of water, or from the drift ice in the river, or when the river is frozen over, no damages shall be recovered for a failure or refusal to convey any person or property across said stream.

Sec. 7. Whenever a Board of County Supervisors of any county shall grant a license to keep a ferry across any ^{Rate of ferriage to be established by supervisors} stream, the said Board shall establish the rate of ferriage, which may be demanded for the transportation of persons or property; and the Register of Deeds shall furnish to every person to whom a license has been granted, a list of the rate of ferriage allowed at said ferry; which list the ferry keeper shall post up at the door of his ferry house, or in some other conspicuous place, near the landing of said ferry, and any person who shall demand or receive more than the amount so designated for ferrying, shall pay such sum, not exceeding twenty dollars, as any Court having competent jurisdiction shall determine, to be recovered in an action of debt, by any person suing for the same.

Sec. 8. No person shall be allowed to establish, run or maintain upon any waters within this State any ferry upon ^{Ferries to be run without license—penalty} which to convey, carry or transport any persons or property for hire or reward, without first obtaining a license therefor as herein before provided. Any person or persons violating the provisions hereof, shall for each offense forfeit and pay

the county wherein such offense shall be committed, or in any county where said ferry may terminate, the sum of five dollars, to be recovered in a civil action, in the name of such county, before any Justice of Peace within the county where such suit may be brought, and in case of recovery, the said county shall recover the same costs, as in other civil actions, before Justices of the Peace. But this Act shall not be so construed as to prevent the establishing, maintaining and running free ferries.

Failure to pay li-
cense and file re-
ceipt—suit to be
instituted

SEC. 9. Any person, who shall have obtained a license for a ferry shall pay his yearly tax to the County Treasurer, and file the Treasurer's receipt with the Register of Deeds, and whenever there shall be a failure of filing such receipt on the part of any person or person, having a license to keep a ferry, for twenty days after the expiration of the time, when such tax shall become due, the Register of Deeds shall forthwith cause suit to be brought against such person or persons, so failing as aforesaid, in the name of the Board of Supervisors of the county, for said tax, with ten per cent. interest thereon; and every such failure to pay said tax, as aforesaid, within twenty days after the time it becomes due, shall annul the license of any such person or persons so failing as aforesaid.

Advance payment
of ferry tax

SEC. 10. All annual taxes for ferries shall be paid in advance; and no license for a ferry for a longer period than one year, shall be granted at a special meeting of any Board of Supervisors, nor shall the payment of any annual tax imposed by this Act, be valid or complete, until the Treasurer's receipt shall have been filed in the Register of Deeds' office.

Bond to keep fer-
ry in proper con-
dition—to be filed

SEC. 11. The Board being satisfied that a ferry is needed at such place, and that the applicant is a suitable person to keep it, must grant the license, which, however, shall not open until the applicant files a bond with sureties, to be approved by the Board, in a penalty not less than two hundred dollars, with a condition that he will keep the ferry in proper condition for ferrying, and attend the same at all times fixed by the Board for running the same, that he will neither demand nor take any illegal tolls, and that he will perform all other duties, which are or may be enjoined on him by law, which bond shall be filed in the office of Register of Deeds.

SEC. 12. All acts or parts of acts inconsistent with this Act are hereby repealed.

SEC. 13. This Act shall take effect after the expiration of sixty days from and after its passage.

GEORGE BRADLEY,

Speaker of the House of Representatives.

WILLIAM HOLCOMBE,

President of the Senate.

APPROVED—August thirteenth one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 18, 1858.

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

FRANCIS BAASEN, Secretary.

CHAPTER LXXVII.

An Act to organize and discipline the Militia and Volunteer Militia.

- SECTION 1.** Citizens of the State subject to enrollment in the militia.
2. Militia divisions—limits of First Division, and appointment of officers.
 3. Limits of Second Division.
 4. Limits of Third Division.
 5. Governor to be Commander-in-Chief; appointment of officers.
 6. Division into brigades.
 7. State Auditor to notify County Auditors of the duties of Assessors; public notice of the same to be given in newspapers.
 8. Duties of Assessors; to make list of persons subject to enrollment; provisions to secure a complete enrollment.
 9. When enrolled militia may be called into service; discipline and rank while in service.
 10. Volunteer militia; manner of organizing.
 11. Volunteer companies to be numbered; first organized to be first and senior in rank.
 12. Organization into battalions and regiments.
 13. Officers to make returns; when and what to be returned.
 14. Term of service in volunteer companies to be five years.
 15. Adoption of constitution and by-laws by volunteer companies.
 16. Military commissions to expire in five years from date; vacation of office by absence; removal from office.
 17. Uniform of volunteer companies; provision exempting present organized companies from adopting same for five years.
 18. Major-Generals authorized to organize volunteer companies.
 19. Uniform complete; members of volunteer companies free from arrest while going to and returning from parade or muster.
 20. Fine for refusal to attend muster or parade required by this Act.
 21. Assessment of fines by company officers; manner of collecting fines.
 22. Amount of fines to be assessed upon officers; manner of collecting the fines.
 23. Fines and penalties for disturbing musters.
 24. Fines against minors and others.
 25. Courts to grant process for prosecuting fines and penalties to final judgment.
 26. Courts of suit where State fails, to be paid out of State treasury.
 27. Powers of sheriffs and mayors in riots; penalty for neglect to obey orders of sheriff.
 28. Authority to commandants to call out their respective commands.
 29. Pay of volunteer companies while under orders of sheriff or mayor.
 30. Three company musters to be held in each year.
 31. Annual encampment of each brigade; public notice thereof.