

CHAPTER 327.

[S. F. No. 315.]

AN ACT GRANTING TO F. H. MILLIGAN, S. HIRSCHHEY, M. E. DRURY, J. H. EVANS, LUCAS KWEHN, JOHN SCHWIRTZ, H. B. JEWELL, L. M. GREGG, JOSEPH O'DINK, W. L. LINCOLN, PETER MONROE, JOSEPH MEYER, C. C. HIRSCHHEY, V. SHEBAT, ERICK ALME, J. G. LAURENCE AND W. F. DUGAN, THEIR HEIRS AND ASSIGNS, THE RIGHT TO ESTABLISH AND MAINTAIN A FERRY ACROSS THE MISSISSIPPI RIVER AT AND NEAR THE CITY OF WABASHA.

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

SECTION 1. That F. H. Milligan, S. Hirschhey, M. E. Drury, J. H. Evans, Lucas Kwehn, John Schwirtz, H. B. Jewell, L. M. Gregg, Joseph O'Dink, W. L. Lincoln, Peter Monroe, Joseph Meyer, C. C. Hirschhey, V. Shebat, Erick Alme, J. G. Laurence and W. T. Dugan, their heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the period of fifteen (15) years from the time at which this act takes effect, of keeping and maintaining a ferry across the Mississippi river between the village of Reads in the county of Wabasha and that point in the township of Minneiska in said county known as the town of West Newton.

SEC. 2. That said persons mentioned in section number one (1) of this act, their heirs or assigns shall within ten (10) days from the time when this act takes effect, place and maintain at the city of Wabasha between the aforesaid points a good and sufficient boat or boats for the accommodation and carriage of all persons, teams, animals, or other property and shall at all times between the hours of five (5) in the morning and nine (9) at night from the first (1st) day of April to the first (1st) day of October and between the hours of seven (7) in the morning and seven (7) at night during the remainder of the year, give ready and prompt attendance on passengers and teams; *Provided*, that such ferriage shall not be required when by reason of floating ice or other sufficient cause, the same would be imprudent or dangerous.

SEC. 3. The said persons mentioned in section number one (1) of this act, their heirs or assigns, shall within ten (10) days after the time at which this act takes effect file with the clerk of the board of county commissioners of said county, a bond in the penal sum of five hundred dollars (\$500) conditioned that they will perform all duties imposed upon them by this act. Such bond may be sued upon by any person or persons aggrieved by any non-compliance with the provisions of this act.

SEC. 4. That for every neglect to keep and maintain a good and sufficient ferry or to give prompt and proper attendance upon any persons or team wishing to cross said ferry, said persons mentioned in section number one (1) of this act, their heirs and assigns and the

sureties on the aforesaid bond shall be liable to a penalty not exceeding twenty-five dollars (\$25) to be recovered by the persons aggrieved for his own use, and they shall also be liable for all damages caused to any person by any such neglect.

SEC. 5. The rates charged for crossing at said ferry shall not exceed the following: For each foot passenger, ten (10) cents; for each horse or mule with rider, twenty-five (25) cents; for each two (2) horse, two (2) mule or yoke of oxen with vehicle of any kind loaded or unloaded, with or without driver, fifty (50) cents; for each single horse or mule with vehicle of any kind, with or without driver, forty (40) cents; for each horse, mule, ox or cow not included in the above, fifteen (15) cents; for each sheep or swine, ten (10) cents; for merchandize or other articles not conveyed by teams, per hundred pounds, twenty (20) cents; for lumber, per thousand feet, fifty (50) cents.

SEC. 6. If said persons mentioned in section No. one (1) of this act, their heirs or assigns shall demand or charge any greater sum or sums for ferriage than are hereby allowed, said parties and the sureties on said bond shall be liable to the party aggrieved in the sum of twenty dollars (\$20) for each and every such act.

SEC. 7. No other persons than the said persons herein before mentioned in section No. one (1) of this act, their heirs and assigns shall keep or operate any ferry between the said points after the establishment of the ferry herein allowed, without the written permission of the said persons hereinbefore mentioned, their heirs and assigns, and every person who shall carry for reward or hire any person, animal or chattel across said river, between such points, without such permission, shall be liable to said persons hereinbefore named in section No. one (1) of this act, their heirs or assigns in the sum of twenty-five dollars (\$25) for each and every person, animal or chattel so carried, and may also be retained by injunction at the suit of any persons hereinbefore named in section No. one (1) of this act, their heirs or assigns: *Provided*, That nothing herein contained shall be construed to interfere with, change or take away any rights or exclusive privileges now held by any person by virtue of any license heretofore granted by the city of Wabasha, the village of Reads or the board of county commissioners of the county of Wabasha.

SEC. 8. The state of Minnesota hereby reserves the right to resume, annul or change the privileges herein granted, and the condition upon which such privileges are granted, at any time upon satisfactory proof that the requirements of this act have not been complied with by said persons hereinbefore mentioned in section No. one (1) of this act, their heirs or assigns.

SEC. 9. This act shall take effect and be in force from and after the seventh (7) day of March, A. D., one thousand eight hundred and eighty-eight, (1888).

Approved February 21, 1887.