

CHAPTER CXXIII.

An Act granting to Samuel D. Van Gorder, his heirs, executors, administrators and assigns, the right to establish and maintain a ferry across the Mississippi river at Winona, in the county of Winona.

March 6, 1868.

- SECTION 1. Exclusive right and privilege granted to Samuel D. Van Gorder for the keeping and maintenance of a ferry—term of years—in the city of Winona.
2. When said charter to go into effect—to be run at all hours of the day and night—what to be considered a hindrance.
 3. May land boat or boats on any public levee, highway or street within the city limits.
 4. To give bond conditioned that he will fulfil all the duties imposed by this act—when rights may be forfeited.
 5. Penalty for every neglect to keep good and sufficient boats or failure to give prompt and due attendance.
 6. Rates of ferrage.
 7. Penalty for charging more than the rates provided by this act.
 8. Penalty for any other person working a ferry within the limits prescribed by the provisions of this act.
 9. Repeal of inconsistent acts.
 10. When act to take effect.

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

SECTION 1. That Samuel D. Van Gorder, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the period of ten years from and after the passage of this act, of keeping and maintaining a ferry across the waters of the Mississippi river at a point in the city and county of Winona, in this state, where Center street, if extended northwardly across the public levee, would intersect said river, and above and below said point, at any place within the corporate limits of said city, and no other ferry shall be established within said corporate limits of said city during said period of ten years.

Right granted to maintain a ferry—term of years—where.

SEC. 2. The said Samuel D. Van Gorder, his heirs or

When charter to go into effect—to run at all hours—what considered a hindrance.

assigns, shall, within sixty days after the passage of this act, place and maintain at the aforesaid place, such good and sufficient boat or boats as may be necessary to convey across said river all teams, horses, cattle and other property, and for the accommodation of foot passengers desirous of crossing said river, and shall at all times give ready and prompt attendance on passengers and teams on all occasions, and at all hours of the day or night. *Provided*, That such ferryage shall not be required when, by reason of high winds, ice, or other good and sufficient cause, the same would be rendered imprudent or dangerous.

Where may land boats.

SEC. 3. The said party may land his boats, passengers and property, on any public levee, highway or street which now does or may hereafter terminate within the corporate limits above specified, or on the lands therein of any person or persons owning the same, he having first procured the permission of such owners so to do.

To give bonds—when right may be forfeited.

SEC. 4. The said Samuel D. Van Gorder, his heirs or assigns, shall, within sixty days after the passage of this act, file or cause to be filed with the clerk of the board of county commissioners of the county of Winona, a bond to said board, with two or more sureties, to be approved by the said clerk in the penal sum of one thousand dollars, conditioned that he will fulfil all the duties imposed upon him by this act, and in case of failure so to do he shall forfeit all the rights, privileges and benefits that might accrue to him from its passage.

Penalty for neglecting to keep boats, &c.

SEC. 5. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attendance upon all persons wishing to cross said ferry, the aforesaid party and his sureties upon said bond shall be liable to a penalty not exceeding ten dollars, to be recovered by and for the use of said county, in a civil action before any court having competent jurisdiction, and shall be further liable in like action for all damages any person may sustain by reason of the neglect of the aforesaid party to fulfil any of the duties imposed upon him by this act.

SEC. 6. The rates charged for crossing at said ferry, shall not exceed the following :

Rates of ferryage	For each foot passenger,	-	-	-	\$ 0 10
	For each horse or mule with rider,	-	-	-	25
	For each two horse or two mule team, or yoke of oxen with vehicle of any kind, loaded or unloaded, with or without driver,	-	-	-	60
		-	-	-	

For each single horse or mule with vehicle with or without driver, - - -	50
For each horse, mule, ox or cow not included in the above, - - -	20
For each swine or sheep, - - -	5
For merchandise, or other articles not conveyed by teams, the property of any one person per hundred, for the first two hundred pounds, -	20
For any excess above two hundred pounds, per hundred - - -	10
For lumber per thousand, - - -	50

Provided, That persons crossing at said ferry between the hours of eight o'clock P. M. and five o'clock A. M. may be charged double said rates.

SEC. 7. If the said party his heirs or assigns, or any ferryman, or other person employed by him shall take, exact or receive any greater or higher rate of ferryage for transporting persons, goods or chattles, or other things whatever, than is allowed by this act, the said party, his heirs or assigns, and his surities upon said bond shall be liable to the party aggrieved in the sum of five dollars for every such act, which may be recovered before any justice of the peace of this state having by law jurisdiction over the same.

SEC. 8. If any person or persons other than the said Samuel D. VanGorder his heirs, executors, administrators or assigns shall, after the establishment of the said ferry as aforesaid, set up, keep or maintain any ferry, or shall carry any persons, animals, goods or chattles for him or pay across the said Mississippi River, within the points above specified, every such person, for every such offence shall forfeit and pay to the said Samuel D. Van Gorder, his heirs or assigns the sum of twenty five dollars, to be recovered in a civil action before any court having competent jurisdiction.

SEC. 9. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 6, 1868.