

CHAPTER CCCII.

AN ACT GRANTING THE CITY OF WINONA THE RIGHT TO ESTABLISH AND OPERATE AND MAINTAIN A FERRY OR FERRIES ACROSS THE MISSISSIPPI RIVER AT THE CITY OF WINONA, AND TO BUILD AND MAINTAIN A WAGON ROAD OR WAGON ROADS IN THE STATE OF WISCONSIN, LEADING TO SAID FERRY OR CITY.

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

SECTION 1. That there be, and hereby is granted to the city of Winona, in the county of Winona, in said state, in its corporate capacity, the exclusive right and privilege of establishing, keeping, operating and maintaining a ferry or ferries across the Mississippi river between the States of Minnesota and Wisconsin, opposite the corporate limits of said city perpetually from and after the sixth day of March, eighteen hundred and seventy nine, with full power to purchase or construct all necessary and convenient boats, vessels, machinery, docks, piers, ferry houses and other appurtenances to such business.

SEC. 2. That the said city of Winona, through its common council, may by ordinance determine and decide that such ferry or ferries shall be run, operated and maintained without cost to the traveling public, or shippers using the same, or in case such council should determine, for the best interests of said city, that said ferry or ferries, or any of them, should be operated altogether or in part for compensation, toll or pay, they may by ordinance control, fix and regulate the rates and charges for ferriages upon said ferry or ferries, whether operated by said city or its lessees.

SEC. 3. That the said common council of said city may at any time by ordinance lease, for rent or otherwise such rights and privileges to establish, operate and maintain such ferry or ferries, within said limits or any portion of said limits, to any person or persons who shall construct and carry on and operate the ferry or ferries. *Provided*, that no lease or letting of any ferry shall be for a longer term at one time than ten years; *and provided further*, that no lease or letting shall be made without reserving the right of said city to terminate said lease or letting at any time within the said ten years, upon the payment by the said city to the lessee or lessees of a sum sufficient to reimburse him for any outlay in constructing boats, docks or levee, landing places or ferry buildings, upon such lessees conveying the same to said city, free of incumbrance; *and provided further*, that the lease or letting shall not be deemed to be a privilege, which shall, upon the termination of the lease or letting by the terms of this proviso, bear any value for which payment shall be demanded of said city by the lessee or his legal representatives; *provided further*, that in case of a grant or lease of any ferry

privilege to any person or persons, there shall, prior to any passage of any ordinance making such lease, be filed with the recorder of said city by the lessees, a bond executed to said city, in such sum and with such surety as may be determined upon by said common council for the compliance with the terms of the ordinance making such lease, and the provisions of this act.

SEC. 4. That the said city of Winona shall have power through its common council, by ordinance, to appoint regulate and control the place or places of landing and departure of such ferry or ferries, and the running time thereof; and to provide regulations for the general management of the same.

SEC. 5. If any company or companies, person or persons, other than the said city or its lessees shall, after the establishment of any ferry or ferries as aforesaid, set up, keep, or maintain any ferry, or shall carry any person, animal, goods or chattels for hire or pay across the said Mississippi river, within the limits above specified, every such company or person, for every offence, shall forfeit and pay to the said city of Winona, the sum of twenty-five dollars, to be recovered in a civil action, before any court having competent jurisdiction, and every such person for every such offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any magistrate or court having jurisdiction, shall be fined not more than fifty dollars for each and every offense; and pay all cost of prosecution; and be imprisoned in the county jail until such fine and costs shall be paid not exceeding sixty days.

SEC. 6. That there be and hereby is granted to the city of Winona, in its corporate capacity, the right and authority to construct, keep and maintain, or to aid in constructing, keeping and maintaining any wagon road or wagon roads in the state of Wisconsin, leading to and terminating at said ferry landing, or at any point opposite to said corporate limits of said city of Winona, with full power to construct all necessary and convenient bridges, culverts, piling and docks, to render said road passable and easy for travel.

SEC. 7. The net cost and expenses to said city of building, establishing, keeping, operating and maintaining said ferry or ferries, and said road and bridges shall be paid out of the general fund of said city.

SEC. 8. The said city of Winona is hereby authorized to execute, by its mayor and recorder, under the direction of its common council, under corporate seal, its bond or bonds of indemnity, to any town or towns, or board or boards of supervisors of such town or towns in the state of Wisconsin, in which such road or roads, or any part thereof shall be located, in such penal sum as may be deemed necessary or proper; conditioned that the city of Winona shall keep said road or roads in a safe condition and in good repair; and to indemnify said town or towns from all liabilities they shall incur on account of any failure of said city, or said town or towns, to keep and maintain said road or roads in safe condition and in good repair.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved February 15th, 1879.