

THE
STATUTES AT LARGE
OF THE
STATE OF MINNESOTA

COMPRISING

THE GENERAL STATUTES OF 1866

As amended by subsequent Legislation to the close of the Session of 1873

TOGETHER WITH

ALL LAWS OF A GENERAL NATURE IN FORCE, MARCH 7, A.D. 1873

WITH REFERENCES TO

JUDICIAL DECISIONS OF THE STATE OF MINNESOTA, AND OF OTHER
STATES WHOSE STATUTES ARE SIMILAR

TO WHICH ARE PREFIXED

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT,
THE ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA

VOL. I.

COMPILED AND ARRANGED BY

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1873

CHAPTER XXII.*

OF THE ESTABLISHMENT AND REGULATION OF FERRIES.

(This Chapter is the Act of February 28, 1867. S. L. 1867, 45.)

SEC.

1. County commissioners may license.
2. Jurisdiction of.
3. License to be sealed.
4. County commissioners may levy tax.
5. Duty of ferry keepers.
6. How license to be applied for.

SEC.

7. County commissioners to establish rates of ferriage.
8. License must be taken out.
9. Where ferry situated.
10. Ferry keeper to give bonds.
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SECTION 1. *County commissioners may license.*—The board of county commissioners 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 the party applying is a suitable person to keep it, and that a ferry is necessary at the point applied for; but no ferry shall be established within one-half mile of any established ferry.

SEC. 2. *Jurisdiction of county commissioners.*—In all cases where the stream over which a ferry is sought to be licensed runs between two counties, the board of county commissioners of either county shall have as full jurisdiction in the premises as though the stream was wholly within the county of which they are commissioners; and when the commissioners of either county shall have exercised jurisdiction under this chapter (act), and shall have established any ferry thereunder, the county commissioners of no other county shall have any power to exercise any jurisdiction over such ferry, while the same is in legal existence: *provided*, that, when the stream forms any portion of the boundary line of the state of Minnesota, the board of commissioners, in their respective counties, shall grant license, and exercise all the powers conferred upon them by the provisions of this chapter (act), so far as the same does not conflict with the rights of other states: *provided further*, that when application shall be made in two counties for license for ferries at the same point, the county commissioners of the county in which notice of the intention of such application was first filed with the county auditor, shall exercise jurisdiction in the matter.

SEC. 3. *License to be sealed.*—All licenses granted under the provisions of this chapter (act), shall be sealed with the seal of the county commissioners, and signed by the chairman of the board, and attested by the county auditor, and may be granted for any period not exceeding ten years.

SEC. 4. *County commissioners may levy tax.*—The county commissioners shall tax such sum as may appear reasonable, not less than five nor more than two hundred dollars per annum; and the person to whom such license shall be granted,

* A grant of a ferry to two persons must be accepted by both, or it will be inoperative, 20 Wis. 458. The granting of a ferry charter to one man does not exclude others unless specially restricted, *Perrin v. Oliver*, 1 Minn. 206. The right to operate a ferry is a franchise, etc., *McRoberts v. Washburn*, 10 Minn. 23.

shall pay to the county treasurer the tax for one year in advance, and take duplicate receipts therefor, one of which he shall file with the county auditor within ten days thereafter.

SEC. 5. *Duty of ferry keepers.*—Any person obtaining a license to keep a ferry, shall provide and keep in complete repair the necessary boats for the safe conveyance of persons and property, and shall keep a sufficient number of hands to give due attendance from daylight in the morning until dark in the evening, and shall, moreover, attend at any hour of the night or day, when called upon, for the purpose of conveying the United States mail, or any person or persons desiring to cross the same, with or without a team, or vehicle, across said ferry: *provided*, that when the stream is impassable from the high stage of water, wind, and storm, or drift ice in the river, or when the river is frozen over, no damage shall be recovered by a failure or refusal to convey any person or property across said stream.

SEC. 6. *How license applied for.*—All persons intending to apply for a license, shall give notice of their intention to apply for a license for a ferry at a certain point, by posting up at least three notices in the most public places in the neighborhood where the ferry is proposed to be kept, and filing a copy thereof with the county auditor, at least ten days prior to the presentation of such application to the county commissioners: *provided*, that when application shall be made for a renewal of license where a former license has expired, the same may be granted or renewed without previous notice or petition.

SEC. 7. *Rate of ferriage.*—Whenever the board of county commissioners of any county shall grant a license to keep a ferry across any stream, the said board shall establish the rate of ferriage which may be demanded for the transportation of persons or property; 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 by an action of debt by any person suing for the same.

SEC. 8. *Must take out license.*—No person shall be allowed to establish, run, or maintain, upon any water in this state, any ferry upon which to convey, carry, or transport any persons or property, for hire or reward, without first obtaining a license therefor as hereinbefore provided: *provided*, this chapter (act) shall not be so construed as to prevent the establishing, maintaining, and running (of) free ferries.

SEC. 9. *Ferry to be taxed.*—Any ferry (heretofore established under former laws by license of county commissioners or charter from the legislature), across any stream in this state, shall be taxed the same as those granted by the provisions of this chapter (act); and all ferries shall be deemed situated in the county where the ferry house is situated, and no ferry shall be liable to pay tax to but one county.

SEC. 10. *To execute bond.*—Any person obtaining a license to run a ferry under the provisions of this act, shall first execute a bond, to be approved by the county board, in a penalty (of) not less than five hundred dollars, with conditions, that he will keep the ferry in proper condition for ferrying, and attend the same at all times fixed by law for running the same; that he will neither demand nor take illegal tolls, and that he will perform all the other duties which are or may be enjoined on him by law, which bond shall be filed with the county auditor.

SEC. 11. *Application, how made.*—Any person desiring to obtain a ferry license for a ferry across any stream in any unorganized county in this state, shall

apply to the county commissioners of the county to which they are attached for judicial purposes, and the commissioners of such county shall have as full jurisdiction as though the said stream was wholly within the county of which they are commissioners.

SEC. 12. *Limitation of license.*—The foregoing provisions of this chapter (act) shall not apply to any stream, as far as the same is bordered by any city, borough, or incorporated town in this state; but the common council or board having the management or control of the public affairs of such city, village, borough, or incorporated town shall have the sole and exclusive right to grant ferry licenses across such stream, as far as the same is bordered by such city, village, borough, or incorporated town respectively, and to make and enforce such regulations for such ferries and ferry licenses as such common council or board may deem proper: *provided*, that such license shall not be granted for any period exceeding ten years; *and provided further*, that this section shall not be so construed as to affect or abridge the rights of the county commissioners in any county other than the one in which such city, village, borough, or incorporated town is situated: *provided, however*, that any ferry established by the council or board of any city, village, borough, or incorporated town shall have the same rights and effect as if established by the county commissioners of the county in which the city, village, borough, or incorporated town is situated.