

## CHAPTER 5.

AN ACT TO DISSOLVE THE MARRIAGE CONTRACT  
EXISTING BETWEEN MALINDA METCALF AND MOR-  
RIS METCALF.*Be it enacted by the Legislative Assembly of the Territory of  
Dakota:*Malinda Met-  
calf and Morris  
Metcalf divorced

Section 1. That the marriage contract heretofore existing between Malinda Metcalf and Morris Metcalf, be and the same is hereby dissolved, and the said parties are hereby restored to all the rights and privileges of unmarried persons.

To take effect  
when.

Sec. 2. This act shall take effect and be in force from and after its passage.

APPROVED January 9, 1883.

## FERRIES.

## CHAPTER 6.

AN ACT TO AUTHORIZE E. CHAPPEL AND J. S. PRES-  
CHO TO ESTABLISH AND RUN A FERRY ACROSS THE  
MISSOURI RIVER AT YANKTON.*Be it enacted by the Legislative Assembly of the Territory of  
Dakota:*E. Chappel and  
J. S. Prescho  
have this bill  
passed.

Section 1. That E. Chappel and J. S. Prescho, their heirs, executors, administrators and assigns shall have, for the period of twenty-five years, the exclusive right and privilege of carrying persons and property across the Missouri river at a point opposite the foot of Douglas Avenue, in the town of Yankton, in the county of Yankton, Territory of Dakota. And said ferry franchise shall extend from said point four miles up, and four miles down said river. And it shall be unlawful for any other

person or persons to run a ferry, for pay, within said limits, after said ferry owners shall have complied with the requirements of this act.

Sec. 2. The said Chapel and Presho, their heirs, executors, administrators or assigns shall, on or before the first day of May, A. D. 1863, place or cause to be placed at said ferry a safe and sufficient boat or boats to convey across said river all persons, teams, live stock, freight and other property that may be on either side of said river and ready to be conveyed across; and shall run, or cause the said boats to be run, at all hours of the day from sunrise to sunset, except in winter, or when the navigation of said river is dangerous on account of running ice or foggy and tempestuous weather. Their duties.

Sec. 3. The owners of said ferry privilege shall be allowed to charge the following rates: Rates of ferryage.

For two horses, mules or oxen, and wagon, with driver and load, one dollar.

For two horses, mules and buggy, with driver, one dollar.

For each additional pair of horses, mules or oxen in a team, fifty cents.

For one horse or mule with buggy and driver, one dollar.

For each lead horse or mule, twenty-five cents.

For loose cattle per head, twenty cents.

For sheep and swine per head, ten cents.

For freight, per hundred, ten cents.

And for lumber per thousand feet, one dollar.

Sec. 4. The said F. Chapel and J. S. Presho, or their heirs, executors, administrators, or assigns, shall, on or before the first day of May, A. D. 1863, execute and file in the office of the register of deeds in and for the said county of Yankton, a bond with ample security, to be approved by said officer, in the penal sum of two thousand dollars, conditioned that they faithfully discharge the duties of ferrymen, and that they will conduct and run said ferry agreeable to the provisions and stipulations of this act. And in case that the said parties herein named shall fail to comply with either or all of the provisions, of this act, then any other person or persons who shall, within thirty days after default has been made, comply with the provisions of this act, shall have all the rights and privileges that are hereby conferred upon said Chapel and Presho. File bond.

Rates to be  
posted.

Sec. 5. The said ferry owners shall cause a written or printed bill of the rates fixed in section three of this act, to be posted up in a conspicuous place near said ferry landing, on both sides of said river, and said bill of rates shall be kept up in view of the passing public.

If person sus-  
tain injury.

Sec. 6. Any person or persons, corporation or corporations, feeling aggrieved, or being damaged in person or property by the negligence, or by the willful act or acts of said ferry owners, or their employees, or by the violation, on the part of said ferry owners or their employees, of either or any of the provisions of this act, or by being charged a higher rate of ferryage than is herein allowed, may have a cause of civil action upon the bond required by this act, in any court of justice of competent jurisdiction in this territory; and all amounts of damage which may be decreed by said court, together with all the attending costs, shall be collected as provided by law in other civil actions. And should the said ferry owners fail to pay the said damages and costs so adjudged, they shall forfeit all the rights and privileges herein conferred upon them.

To take effect  
when.

Sec. 7. This act shall take effect from and after its passage and approval: the legislature hereby reserves to itself the right to alter, change, modify or repeal at pleasure the said charter and all rights, privileges, and immunities by this act granted to said Chapel and Preshe, their heirs, executors, and administrators and assigns, or any portion thereof.

APPROVED January 3, 1863.

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## CHAPTER 7.

### AN ACT GRANTING A FERRY CHARTER ACROSS THE MISSOURI RIVER NEARLY OPPOSITE PONCA, NE- BRASKA TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory of  
Dakota :*

Asa Madison  
and Isaiah  
Boman have fer-  
ry privileges.

Section 1. That Asa Madison and Isaiah Boman, their heirs, executors, administrators, and assigns, shall have the exclusive privilege for the period of ten years, of keeping and

maintaining a ferry across the Missouri river, nearly opposite Ponca, Nebraska Territory, and for the distance of three miles above and below said point. Said incorporators to fix said point by some permanent mound or other object, before filing their bond.

Sec. 2. That said parties shall, at all times, keep a safe and good boat, or boats, in good repair for the accommodation of all persons wishing to cross said ferry, and shall give prompt and ready attention to all passengers, freight or teams, on all occasions, from sunrise to sunset, except in tempestuous weather. <sup>Their duties.</sup>

Sec. 3. The rates charged for crossing said ferry shall not exceed the following, to wit: <sup>Rates of ferry-  
age.</sup>

For two horses, mules or oxen and wagon, with driver, one dollar.

For each additional pair of horses, mules or oxen, thirty cents.

For each two horses or mules and buggy, with driver, seventy-five cents.

For each one horse or mule, with buggy and driver, fifty cents.

For each lead horse or mule, twenty-five cents.

For loose cattle, per head, fifteen cents.

For sheep and hogs, per head, ten cents.

For each hundred pounds of freight or merchandize, ten cents.

For each thousand feet [of] lumber, one dollar.

Sec. 4. Said incorporators shall, within six months after the passage of this act, file, or cause to be filed, in the office of the clerk of the board of county commissioners of the county within which said ferry is situated, a bond to said board, with one or more sureties, to be approved by said board, in the penal sum of five hundred dollars, conditioned that they will fulfill all the duties that are imposed upon them in this act, and in case of failure or neglect to do so, they shall forfeit all the benefits that might have accrued to them from the passage of this act, but any other parties who shall comply with the conditions of this charter within three months thereafter shall be entitled to all the benefits of this act. <sup>File bond.</sup>

If person sus-  
tain injury.

Sec. 5. Any person who shall sustain any injury from the negligence or default of said ferry or ferrymen, in their employ, may have a remedy, by an action upon the bond required in this act.

To take effect  
when.

Sec. 6. This act shall take effect and be in force from and after its passage and approval.

APPROVED January 3, 1863.

## CHAPTER 8.\*

### AN ACT GRANTING TO ELLIS WALL AND HIS HEIRS A CHARTER TO A FERRY ACROSS THE MISSOURI RIVER.

*Be it enacted by the Legislative Assembly of the Territory of  
Dakota:*

Ellis Wall has  
what privileges.

Section 1. That Ellis Wall, his heirs, executors, administrators, or assigns, shall have the exclusive privilege, for the period of ten years, of keeping and maintaining a ferry across the Missouri river at a point opposite Greenwood, in said territory, and for a distance three miles above and below said point.

His duties.

Sec. 2. That said Wall shall at all times keep good and safe boats, in good repair, for the accommodation of all persons wishing to cross said ferry, and shall give prompt and ready attention to all passengers and teams, on all occasions, from sunrise to sunset, except in tempestuous weather.

Rates of ferri-  
age.

Sec. 3. The rates charged for crossing said ferry shall not exceed the following, to-wit:

For two horses, mules, or oxen, and wagon, with driver, one dollar.

To each additional pair of horses, mules, or oxen thirty cents.

For each two horses, or mules, and buggy, with driver, seventy-five cents.

For each one horse, or mule, with buggy with driver, fifty cents.

For each led horse or mule, twenty-five cents.

For loose cattle, per head, fifteen cents.

For sheep and hogs, per head, ten cents.

For each hundred weight of freight and merchandize ten cents.

For each thousand feet of lumber, one dollar.

Sec. 4. That said Ellis Wall shall within six months after ~~shall file bond.~~ the passage of this act, file or cause to be filed in the office of the clerk of county commissioners, within which said ferry is situated, a bond to said board, with one or more sureties, to be approved by said board, in the penal sum of five hundred dollars, conditioned that he will fulfill all the duties that are imposed upon him in this act, or in case of failure or neglect to do so, he shall forfeit all the rights and privileges that might have accrued to him from the passage of this act.

Sec. 5. Any person who shall sustain any injury from the <sup>Any person ag-</sup> negligence or default of said ferry or ferryman in his employ, <sup>grieved.</sup> may have a remedy by an action upon the bond required in this act.

Sec. 6. This act shall take effect from and after its passage. <sup>To take effect when</sup>

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\* See Governor's message No. 2, published on page 277.