

FERRIES

CHAPTER LV.

AN ACT GRANTING TO JOHN CAIN AND CORNELIUS CAIN A FERRY CHARTER ON THE MISSOURI RIVER.

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

John Cain and
Cornelius Cain
have ferry priv-
ileges.

Section 1. That John Cain, Cornelius Cain, their heirs, administrators, and assigns, shall have the exclusive privilege for the period of fifteen years, of keeping and maintaining a ferry on the Missouri river, at a point where the range line between ranges 50 and 51 west, intersects the Missouri river, and said privilege shall extend three miles above, and a like distance of three miles below said point.

Their duties.

Sec. 2. The said grantees shall at all times keep a good and sufficient boat or boats in good repair, for the accomodation of all persons wishing to cross at said ferry, and shall give prompt and ready attention to all persons, teams or freight, on all occasions from sunrise to sunset, except when the navigation of said river is rendered dangerous, by reason of high water, floating ice, fogs, or tempestuous weater.

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, with wagon and driver, one dollar.

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

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

For each one horse, or mule, and buggy, with driver, seventy-^{same.}
five cents.

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

For loose cattle, per head, twenty cents.

For each footman, fifteen cents.

For sheep and hogs, per head, ten cents.

For each hundred weight of merchandise, ten cents.

For each thousand feet of lumber, one dollar.

Sec. 4. The said grantees, shall, within six months after ^{File bond.}
the passage of this act, file or cause to be filed in the office of
register of deeds, in the county of Cole, a bond to said reg-
ister, in the penal sum of five hundred dollars, with one or
more sureties, to be approved by said register of deeds, con-
ditioned that they will fulfill all the duties imposed upon them
by the provisions of this act, and in case of a failure or neglect
to do so, they shall forfeit all the benefits that might have
accrued to them by this act.

Sec. 5. Any persons who shall sustain any injury from the ^{Person sustain}
negligence or default of said grantees or the ferryman in their ^{injury.}
employ, may have a remedy by a civil action upon the bond
required in this act.

Sec. 6. This act shall be in force from and after its pas- ^{When take effect}
sage.

Approved, January 13th, 1864.

CHAPTER LVI.

AN ACT GRANTING TO J. B. GREENWAY AND HIS
HEIRS AND ASSIGNS, THE RIGHT TO KEEP AND
MAINTAIN A FERRY ON THE DAKOTA RIVER.

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

Section 1. That J. B. Greenway, his heirs and assigns, ^{J B Greenway}
shall have the exclusive right and privilege for the period of ^{to have ferry}
^{privilege.}

five years from and after the approval of this act, to keep and run a ferry across the Dakota river, at a point on said river, where said Greenway has now a ferry, near the south boundary of sec. 34, in township 94 north, range 55 west of the 5th principal meridian, Dakota; and said ferry franchise shall extend from said point up and down said river as far as the present farm of said Greenway extends on said river.

Time

Sec. 2. That the said Greenway, his heirs or assigns, shall keep a good and reliable boat at said ferry, and give ready attention to it at all times.

Rates.

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

For two horses, mules or oxen and wagon or carriage, thirty cents.

For each additional horse, mule or ox, ten cents.

For one horse and buggy, twenty cents.

For man and one horse, fifteen cents.

For each loose horse or mule, and for each head of cattle, ten cents.

Sheep or swine, ten cents.

Sec. 4. That [said] Greenway, his heirs and assigns, shall not be responsible for any accidents at said ferry except accidents occasioned by the negligence of the ferryman or ferrymen in charge of said ferry.

Take effect when

Sec. 5. This act shall take effect from and after its passage. Approved, January 12, 1864.

CHAPTER LVII.

AN ACT GRANTING TO OLE SAMPSON A FERRY CHARTER ACROSS THE MISSOURI RIVER OPPOSITE ST. HELENA, NEBRASKA TERRITORY.

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

Section 1. That Ole Sampson, his heirs, executors, administrators and assigns, [shall] have the exclusive privilege, for the

Edw Strahm to have ferry privilege

period of twenty years, of keeping and maintaining a ferry across the Missouri river opposite St. Helena, Nebraska territory, and for the distance of three miles above and below said point on the Missouri river.

Sec. 2. That said Ole Sampson, his heirs, executors admini- ^{Duties.}strators or assigns, 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.

Sec. 3. The rates charged for crossing said ferry shall not ^{Rates of ferriage.}exceed the following [rates,] to wit:

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 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 pounds of freight or merchandise, ten cents.

For each thousand feet of lumber, one dollar.

Sec. 4. This act shall take effect from and after its passage ^{Take effect when}and approval.

Approved, December 30, 1863.

CHAPTER LVIII.

AN ACT GRANTING TO ANDREW PETERSON, HIS
HEIRS AND ASSIGNS THE RIGHT TO KEEP AND
MAINTAIN A FERRY ON THE VERMILLION RIV-
ER,

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

- Andrew Peter-
son to have fer-
ry privileges.** Section 1. That Andrew Peterson, his heirs and assigns, shall have the exclusive right and privilege, for the period of five years from and after the passage of this act, to keep and run a ferry across the Vermillion River, within the boundary lines of land now claimed by him as a homstead.
- Fair duties.** Sec. 2. That the said Peterson, his heirs or assigns shall keep a good and reliable boat at said ferry, and give ready attention to it at all times from sunrise to sunset.
- Rates of ferri-
age.** Sec. 3. That rates charged for crossing at said ferry shall not exceed the following, to wit:
For two horses, mules or oxen and wagon or carriage, twenty-five cents.
For each additional horse or mule or ox, ten cents.
For one horse and buggy, twenty cents.
For man and one horse, fifteen cents.
For each horse or mule, and for each head of cattle, ten cents.
Sheep or swine five cents.
- How responsi-
ble.** Sec. 4. That said Peterson, his heirs and assigns, shall not be responsible for any accidents at said ferry, except accidents occasioned by the negligence of the ferryman, or ferrymen in charge of said ferry.
- Take effect when** Sec. 5. This act shall take effect from and after its passage.
Approved, January 13, 1864.

CHAPTER LIX.

AN ACT GRANTING TO JOHN STANAGE A CHARTER
FOR A FERRY ON THE DAKOTA RIVER.

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

Section 1. That John Stanage, his heirs, executors, administrators, and assigns, shall have the exclusive right and privilege of keeping and maintaining a ferry on the Dakota river, in the county of Yankton, at a point on said river, commencing where his ferry now is situated, opposite his dwelling house on his homestead claim, to wit: The northeast quarter of the northeast quarter, and lot number one of section one, in township ninety-three, range fifty-five, and the west half of the north west fractional quarter of section six, in township ninety-three, range fifty-four; and from the point above named the said franchise shall extend up and down said river as far as the above described land extends on said river.

John Stanage to
have ferry priv-
ileges.

Sec. 2. That the franchise hereby granted shall continue for a period of twenty-five years from and after the date of the approval of this act.

Continue how
long.

Sec. 3. That said John Stanage, or his heirs, executors, administrators, or assigns shall, within eight months after the passage and approval of this act, file, or cause to be filed, in the office of the register of deeds of the said county of Yankton, a bond to said county, for the use of the public, in the penal sum of five hundred dollars, with sufficient security, to be approved by said register of deeds; said bond to be conditioned that he, the said John Stanage, his heirs, executors, administrators, or assigns, will fulfill the duties that are imposed upon him, or them, in this act; and in case of his, or their, neglect or failure to file the bond as required by this section, he, or they, shall forfeit all the benefits that might have accrued to him, or them, from this charter.

File bond.

Duties.

Sec. 4. That said John Stanage, his heirs, executors, administrators, or assigns, may, at any time after the passage and approval of this act, put the said ferry in operation, after which he, or they, shall keep a safe and sufficient boat, or boats, at said ferry, for the accommodation of all persons wishing themselves, their teams, stock, freight, or lumber crossed over said river at said ferry; and shall give prompt and ready attention to all passengers, teams, freight, stock, and other articles ready to be crossed, at all times, from sunrise to sunset, excepting in winter, and when the crossing of said river is rendered unsafe and dangerous from high water, floating ice, or tempestuous weather.

If person sustain injury.

Sec. 5. That any person or persons, corporation or corporations who shall suffer any damage or injury to person or property, at said ferry, from the negligence or default of the person or persons in charge of said ferry, or from a defect in the boat, or boats, at said ferry, or who have been charged a higher rate at said ferry than is allowed by the following section, may have a remedy by a civil action upon the bond required in this act, in any court, of competent jurisdiction.

Rates of ferryage.

Sec. 6. That the rates charged at said ferry shall not exceed the following:

For each foot passenger, five cents.

For each horse or mule and rider, fifteen cents.

For loose horses or mules, per head, ten cents.

For sheep or swine, per head, five cents.

For loose cattle, per head, ten cents.

For two horses, two mules, or two ox team, with or without load twenty-five cents.

For each additional span of horses, mules, or oxen ten cents.

For each single horse and carriage, twenty-five cents.

On all freight, merchandise, lumber or other articles, not on vehicles, at the rate of five cents per one hundred pounds.

And fifty cents per one thousand feet of lumber.

To post up rates.

Sec. 7. That said John Stanage, his heirs, executors, administrators, or assigns, are required to keep posted up, at or near said ferry, in view of the passing public, a bill of the rates allowed by this act.

Sec. 8. That this act shall take effect from and after its passage and approval by the Governor.

Approved, December 24th, 1863.

CHAPTER LX.

AN ACT GRANTING TO SABY STRAHM A CHARTER FOR A FERRY ON THE MISSOURI RIVER. AT YANKTON.

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

Section 1. That Saby Strahm, his heirs, executors, administrators and assigns, shall have the right and privilege of establishing and maintaining a ferry on the Missouri river, at a point on said river, between the foot of Broadway and Douglas avenue, in the town of Yankton, in the county of Yankton; with the exclusive privilege of carrying persons and property across the Missouri river, at said point for the period of fifteen years from and after the date of the passage and approval of this act. 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 Saby Strahm, his heirs, executors, administrators or assigns, shall have complied with the requirements of this act.

Saby Strahm to have ferry privileges.

Sec. 2. That said Saby Strahm, his heirs, executors, administrators or assigns, shall, on or before the first day of June A. D. 1864, place or cause to be placed at said ferry a safe and suitable boat or boats, and shall convey across said river all passengers, 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 boat or boats to be run, at all times when required, from sunrise to sunset, except in winter, or when the crossing of said river is dangerous and un-

Duties.

safe on account of floating ice, high water, foggy and tempestuous weather.

File bond.

Sec. 3. That said Saby Strahm, his heirs, executors, administrators, or assigns, shall, on or before the first day of June, A. D. 1864, execute and file in the office of the register of deeds in and for the county of Yankton, in the territory of Dakota, a bond with ample security, to be approved by said officer, in the penal sum of two thousand dollars, conditioned that said Saby Strahm, his heirs, executors, administrators or assigns, shall faithfully fulfill and discharge the duties of ferry-men, and that he or they will conduct and run said ferry agreeable to the provisions and stipulations of this act. And in case that the said Saby Strahm, his heirs, executors, administrators or assigns, shall fail to comply with the requirements, or either of them, of this and the preceding section of this act, then he or they shall forfeit all the rights and privileges granted to him and them by this act. And after default has been made as mentioned in this section, then any other person or persons who shall file the bond, furnish the boat or boats, and run the ferry agreeable to the requirements of this act, he or they shall have all the rights and privileges that are by this act conferred upon said Saby Strahm, his heirs, executors, administrators and assigns.

Rates to be posted.

Sec. 4. That the said ferry owner or owners shall cause a written or printed bill of the rates allowed by the following section of this act, to be posted up in a conspicuous place at or 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.

Rates of ferryage

Sec. 5. That the owner or owners, of said ferry privilege shall be allowed to charge the following rates for crossing at said ferry :

For two horses, mules or oxen and wagon, with or without load, one dollar.

For two horses or 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 led horse or mule, twenty-five cents.

For loose cattle, per head, twenty-five cents:

For sheep and swine, per head, ten cents.

For freight per hundred, ten cents.

For lumber per M feet, one dollar.

And for each foot passengor, fifteen cents.

Sec. 6. That 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 owner or owners, or his or their employees, or by the violation, on the part of said ferry owner or owners, or his or their employees, of all or either of the provisions of this act, or by being charged a higher rate of ferriage than is allowed by this act, may have a cause of civil action upon the bond required by this act, in any court of justice within this territory of competent jurisdiction, and all amounts of damage that may be decreed by such court, together with the costs of suit, shall be collected as provided by law in other civil actions.

Persons sustaining injury may recover damages, how,

Sec. 7. That chapter 6 of the Private Laws of 1862 and 63, entitled "An act to authorize F. Chapel and J. S. Preshe to establish and run a ferry across the Missouri river, at Yankton," approved January 3, 1863, be and the same is hereby repealed.

certain act repealed.

Sec. 8. That the legislative assembly hereby reserves to itself the right to alter, change, modify or repeal at pleasure the franchise hereby granted.

Rights reserved.

Sec. 4. That this act shall take effect from and after its passage and approval by the Governor.

Take effect when

Approved, December 24th, 1863.

CHAPTER LXI.

AN ACT GRANTING TO CHARLES E. ROWLEY AND HIS HEIRS, A CHARTER FOR A FERRY ACROSS THE MISSOURI RIVER.

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

Charles E. Rowley to have ferry privileges.

Section 1. That Charles E. Rowley, his heirs, executors, administrators, or assigns, shall have the exclusive privilege for the period of twenty years, of keeping and maintaining a ferry across the Missouri river at a point at the centre of section thirteen, township No. twenty-three north, range No. fifty-nine west, in the town of Bon Homme, in said territory, and for a distance of two miles above and two miles below said point.

His duties.

Sec. 2. That said Rowley 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 when the navigation of said river is dangerous on account of ice running in said river, or foggy, or tempestuous weather.

Rates of ferrisage.

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

For two horse, mules or oxen and wagon with driver, with or without 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 led horse or mule twenty-five cents.

For loose cattle per head, fifteen cents.

For sheep and swine, ten cents.

For freight per hundred, ten cents.

And for lumber, per thousand feet, one dollar.

To file bond.

Sec. 4. Said Rowley shall, on or before the fourth day of

July, one thousand eight hundred and sixty-four, file, or cause to be filed in the office of the register of deeds of Bon Homme county, a bond with one or more sureties, to be approved by the county commissioners of said county, in the penal sum of five hundred dollars, conditioned that they will fulfill all the duties that are imposed upon them by this act.

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

Sec. 6. This act shall take effect from and after its passage and approval by the governor. When take effect

Approved, January 7, 1864.

CHAPTER LXII.

AN ACT GRANTING TO ANTHONY ROPALLE, JOHN DILLON, JAMES F. SMALL, AND CHARLES MCCARTHY A CHARTER FOR A FERRY ACROSS THE MISSOURI RIVER, NEAR THE MOUTH OF PONCA CREEK.

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

Section 1. That Anthony Ropalle, John Dillon, James F. Small, and Charles McCarthy, their heirs, executors, and assigns, shall have, for a period of twenty-five years from and after the passage of this act, the exclusive privilege of establishing, maintaining, and keeping a ferry on the Missouri river, for the purpose of crossing the same at the place hereinafter designated. Certain parties to have ferry privileges.

Sec. 2. That such exclusive right to keep such ferry shall extend a distance of five miles up, and five miles down the Missouri river, from a point at or near the mouth of Ponca Creek, and it shall be unlawful for any other person or persons to establish or keep a ferry within the said limits. Limits defined.

Sec. 3. The above named persons, or their legal representa- Their duties.

tives, shall, as soon as practicable proceed to build and establish at their place of crossing, a good and sufficient ferry boat, and shall give prompt and ready attention from sunrise until sunset of each day, to crossing all persons and their property with the least possible delay, except when the navigation of the said river is dangerous.

File bond.

Sec. 4. The above named persons, heirs, and assigns, shall, before running said ferry boat, file with the clerk of the board of county commissioners, a bond to said county, for the use of any person complaining, in the penal sum of five hundred dollars, with one or more good and sufficient sureties, to be approved by said officer, conditioned that they will well and faithfully fulfill all the duties imposed on them in this act.

Rates of ferryage.

Sec. 5. The owners above named shall be allowed and it shall be lawful for them to charge the following prices for crossing at said ferry, viz :

For each pair of horses, mules, or oxen and wagon, one dollar.

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

For each horse, or mule and buggy, seventy-five cents.

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

For loose cattle, per head, fifteen cents.

For footmen, ten cents.

For cwt. of freight, ten cents.

For M feet of lumber, one dollar.

Rates to be posted.

Sec. 6. A list of the above rates shall be placed, by the said owners, on the ferry boat, or some conspicuous place near the landing ; and if the said owners shall tax and receive from any person a greater sum than is herein allowed for ferrying, he or they shall, upon conviction thereof, forfeit and pay to the party aggrieved the sum of ten dollars for each offence, and suit for the recovery of the same may be commenced by action of debt before a justice of the peace in the name of the party so aggrieved.

Recover damages—when.

Sec. 7. Any person or persons crossing or ferrying any person or property across said Missouri river within the above named limits, for compensation, shall be deemed guilty of an infringement of the privilege herein granted, and any person or

persons so offending shall forfeit and pay to the owners of said ferry, or their legal representatives, ten dollars for each person, or article of property, so carried over said river, to be recovered in an action of debt in the name of the owners of said ferry, or their legal representatives.

Sec. 8. The legislature hereby reserves the right to repeal or amend this said charter.

Sec. 9. This act shall take effect and be in force from and ^{when take effect} after its passage and approval.

Approved, January 14th, 1864.

CHAPTER LXIII.

AN ACT GRANTING TO C. M. DAVIS, N. WALL, AND
W. M. BARNUM AND ASSOCIATES, A CHARTER
FOR A FERRY ON THE MISSOURI RIVER AT OR
NEAR THE MOUTH OF THE YELLOW STONE
RIVER.

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

Section 1. That C. M. Davis, N. Wall, W. M. Barnum, and ^{who to have} their associates and assigns, shall have the exclusive privilege ^{ferry privileges} of keeping a ferry across the Missouri River in the Territory of Dakota, for the distance of fourteen miles on said river, commencing at a point on said river ~~at~~ or near the mouth of the Yellow Stone, and extending seven miles above and seven miles below said point, subject to such rates of toll as are, or may be hereafter imposed by the Legislative Assembly of Dakota.

Sec. 2. This act shall take effect from and after its passage. ^{Take effect when}
Approved, January 15, 1864.

CHAPTER LXIV.

AN ACT GRANTING TO ABRAM VAN OSDEL, AND HIS HEIRS AND ASSIGNS, THE RIGHT TO KEEP AND MAINTAIN A FERRY ON THE DAKOTA RIVER.

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

Abram Van Osdel to have ferry privileges.

Section 1. That Abram Van Osdel, his heirs and assigns, shall have the exclusive right and privilege, for the period of twenty-five years from and after the passage and approval of this act, to keep and run a ferry across the Dakota river at a point on said river where said grantee has now a ferry, situated on lot No. three, (3) of section thirteen, township ninety-three [north] range fifty-five west; and said ferry franchise shall extend from said point, up and down said river, as far as the present homestead claim of said Van Osdel extends on said river.

His duties.

Sec. 2. That the said Van Osdel, his heirs or assigns, shall keep a good and reliable boat at said ferry, and give ready attention from sunrise to sunset of each day, except at times when the crossing of said river would be rendered dangerous by ice, high water or tempestuous weather.

Rates of ferry.

Sec. 3. That the rates charged for crossing at said ferry shall not exceed the following [rates], to wit:

For two horses, mules, or oxen and wagon, or carriage, thirty cents.

For each additional horse, mule or ox, 10 cents.

For one horse and buggy, 20 cents.

For man and one horse, 15 cents.

For each loose horse or mule, and for each head of cattle, 10 cents.

Sheep or swine, 5 cents.

How responsible.

Sec. 4. That said Van Osdel, his heirs and assigns, shall not be responsible for any accident at said ferry, except accidents

occasioned by the negligence of the ferryman or ferrymen in charge of said ferry.

Sec. 5. This act shall take effect from and after its passage Take effect when and approval by the governor.

Approved, December 21st, 1863.

HISTORICAL SOCIETY

CHAPTER LXV.

AN ACT INCORPORATING THE HISTORICAL SOCIETY OF DAKOTA.

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

Section 1. That Newton Edmunds, Philemon Bliss, Melan-
 thon Hoyt, William E. Gleason, Henry C. Ash, D. T. Bramble, Names of mem-
 bers of corpor-
 ation
 M. K. Armstrong, Henry E. Gregory, James Tufts, J. K. Fow-
 er, J. R. Hanson, J. W. Evans, W. N. Collamer, Charles F.
 Picotte, John Hutchinson, William Jayne, A. W. Hubbard,
 J. B. S. Todd, B. M. Smith, George N. Propper, Sam'l Grant,
 James M. Allen, John M. Allen, John W. Boyle, G. M. Pin-
 ney, C. P. Booge, William Tripp, George P. Waldron, B. C.
 Fowler, M. M. Mattheison, William H. Wordebaugh, Charles
 E. Hedges, Walter E. Burleigh, A. J. Faulk, Hugh Compton,
 Franklin Taylor, Lassa Bothun, George W. Kingsbury, James
 M. Stone, Enos Stutsman, J. Shaw Gregory, John J. Thomp-
 son, John Mathers, John O. Taylor, Milton M. Rich, Daniel P.
 Bradford, Ezra M. Bond, Ole Bottolfson, Wilmot W. Brook-
 ings, Henry Brooks, Halvor Burgess, N. G. Curtis, Albert
 Gore, B. A. Hill, J. B. Hubbell, Peter Kegan, John Law-
 rence, Knud Larson, L. H. Litchfield, Asa Mattison, G. W.
 Pratt, Washington Reed, P. H. Risling, Duncan Ross, William
 Shriner, E. W. Wall, Jessy Wherry, A. W. Puett, Mahlon