

exclusive control of her child, Nettie C. Crandall, begotten in wedlock, until she shall arrive at the age of majority.

Sell and convey  
real estate.

Sec. 4. That the said Elizabeth D. Crandall, in her present name, or in the name she may rightfully assume, by virtue of this act, may grant, sell and convey real estate, and make and execute deeds therefor, which shall be binding both in law and equity.

When to take  
effect.

Sec. 5. This act shall take effect from and after its passage, any law now in force to the reverse notwithstanding.

APPROVED, January 13th, 1865.

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## FERRIES.

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### CHAPTER IV.

AN ACT GRANTING TO JOHN H. ROUSE, E. W. WALL  
AND C. H. McCARTHY A FERRY CHARTER [A]CROSS  
THE MISSOURI RIVER.

Ferry charter  
granted.

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

Section 1. That John H. Rouse, E. W. Wall and C. H. McCarthy, their 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 Niobrara, in Nebraska, five miles up and five miles down said river.

Duties of said  
company

Sec. 2. The said John H. Rouse, E. W. Wall and C. H. McCarthy, shall at all times keep a good and safe boat 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 and tempestuous weather.

Sec. 3. The owners of said ferry privilege shall be allowed <sup>Rates of ferriage.</sup> to charge the following rates; to-wit:

For two horses, mules or oxen, and wagon with driver, with or without load, one dollar and fifty cents;

For two horses, mules and buggy, with driver, one dollar and fifty cents;

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

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 loose cattle per head, twenty cents;

For freight per hundred, ten cents;

And for lumber per thousand feet, one dollar.

Sec. 4. Said John H. Rouse, E. W. Wall and C. H. McCarthy, <sup>to file bonds.</sup> shall before running said ferry, file or cause to be filed in the office of 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, 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, <sup>Remedy for injury.</sup> may have a remedy by an action upon the bond required in this act.

Sec. 6. All acts or parts of acts conflicting with this act <sup>Conflicting acts repealed.</sup> are hereby repealed.

Sec. 7. This act shall take effect from and after its passage <sup>When to take effect.</sup> and approval by the Governor.

APPROVED, January 12th, 1865.

## CHAPTER V.

## AN ACT GRANTING TO CHRISTOPHER MALONEY A FERRY CHARTER ACROSS THE MISSOURI RIVER.

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

Ferry charter  
granted to Chris-  
topher Maloney

Section 1. That Christopher Maloney, his heirs, executors, administrators and assignees, shall have the exclusive privilege for a period of ten years of keeping and maintaining a ferry across the Missouri river in said territory, at a point on the Missouri river, where the north line of section ten (10) township eighty-nine (89) north of range forty-eight (48) west, intersects said river and for the distance of two miles below said point.

Duties of said  
Maloney

Sec. 2. That said Maloney shall at all times keep a safe and good boat or boats in good repair for the accomodation 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; *Provided*, The said Christopher Maloney, his heirs, executors, administrators, or assignees, shall before running said ferry boat or boats, file or cause to be filed in the office of the board of county commissioners of the county within which said ferry is situated, a bond to said board, with one or more sufficient sureties to be approved by a majority of said board in the penal sum of five hundred dollars conditional, that he will fulfill all the duties that are imposed upon him in this act.

Time allowed to  
start ferry.

Sec. 3. That said Christopher Maloney, his heirs, executors, administrators, or assignees, shall within fifteen months after the passage of this act, have and maintain a good and sufficient boat or boats for the accomodation of persons wishing to cross the Missouri river at said point, and in case of failure or neglect to do so, he shall forfeit all benefits that may have accrued to him from the passage of this act, but any other person or persons residents of this territory who shall comply with the conditions of this act within three months thereafter shall be entitled to all the benefits of this act.

Sec 4. Any person who shall sustain any injury from the negligence or default of the said Christopher Maloney, or any person or persons in his employ, or in the employ of any persons who may establish a ferry under the provisions of this act may have a remedy by an action upon the bond required in this act.

Remedy for injury received.

Sec. 5 The rates for crossing said ferry shall not exceed the following, to wit :

Rates.

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

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

For each two horses or mules and buggy 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 swine per head, ten cents;

For each one hundred pounds of freight or merchandise unloaded, ten cents ;

For each thousand feet of lumber unloaded one dollar ;

And it shall be the duty of said ferryman running said ferry to post on his boat or near the landing in some conspicuous place, the said rates of toll allowed.

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

When to take effect.

APPROVED, January 2, 1865.

## CHAPTER VI.

AN ACT GRANTING TO JAMES TUFTS, ROBERT HAGERMAN, ENOS STUTSMAN, D. P. BRADFORD AND THEIR ASSOCIATES AND ASSIGNS A CHARTER FOR A FERRY AT OR NEAR THE MOUTH OF THE YELLOW STONE RIVER.

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

Granting ferry charter to Jas. Tufts and others.

Sec. 1. That James Tufts, Robert M. Hagerman, Enos Stutsman, D. P. Bradford and their associates, and successors be and are hereby declared a company incorporate for the purposes and with the power hereinafter specified to continue for the period of twenty years from and after the approval of this act.

Limits of said charter.

Sec. 2. That said company shall have exclusive right and privilege to establish, run and maintain during the period named in the preceding section a ferry on the Missouri river, at or near the mouth of the Yellow Stone river, and the exclusive franchise granted shall extend from said point up said Missouri river twenty miles, and down said point twenty miles, and also to extend from the mouth of the Yellow Stone river up the same for the distance of twenty miles, said company shall have the privilege of placing and running a ferry on the last named river at any point on the same within the limits mentioned.

Keep safe boats in good repair.

Sec. 3. Before said company shall run a ferry for pay as herein authorized, they shall place one or more safe and sufficient ferry boats at such place or places as they may determine within the said limits, and shall keep the same in good repair, and give prompt attention to all persons wishing to cross on the same at all hours from sunrise to sunset except when the navigation is obstructed by ice, or rendered dangerous by fogs, high winds or from other causes.

Sec. 4. Before said company shall be allowed to carry pas- <sup>To file bond.</sup>  
sengers, teams, stock or freight for pay, they shall file in the  
office of the Secretary of the territory a bond in the penal sum  
of one thousand dollars, to be approved by said officer con-  
ditioned for the faithful discharge of their duties as ferry-  
men.

Sec. 5. Any person being aggrieved by the neglect, miscon- <sup>Remedy for dam-</sup>  
duct or default of said company may have an action for dama- <sup>ages.</sup>  
ges by a civil action in any court of this territory of competent  
jurisdiction upon the bond required by this act.

Sec. 6. Said company shall be allowed to charge such rates <sup>Rates.</sup>  
of toll as are reasonable and just, or may be hereafter imposed  
by the Legislative Assembly of the territory of Dakota.

Sec. 7. Said company shall be known by the name and style <sup>Name of com-</sup>  
of "The upper Missouri ferry and transportation company" and <sup>pany.</sup>  
shall have the power to issue shares and to sell and assign the  
same.

Sec. 9. All acts and parts of acts conflicting with this act <sup>Conflicting acts</sup>  
are hereby repealed. <sup>repealed.</sup>

Sec. 6. This act shall take effect and be in force from and <sup>When to take</sup>  
after its passage and approval by the Governor. <sup>effect.</sup>

APPROVED, January 13th, 1865.

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CHAPTER VII.

AN ACT GRANTING TO MATTHIAS MITCHEL A FERRY  
CHARTER ACROSS THE BIG SIOUX RIVER.

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

Section 1. That Mathias Mitchel, his heirs, executors, ad- <sup>Granting to Mat-</sup>  
ministrators or assigns shall have the exclusive privilege, for <sup>thias Mitchell a</sup>  
<sup>ferry charter.</sup>

the period of ten years, from the passage of this act to keep and maintain a ferry across the Big Sioux river, at a point on said river in the county of Union at or near the center of the east line of section two, in township eighty-nine, north of range forty-eight west, and from said point his exclusive franchise shall extend one mile up and one half mile down said river.

To file bond.

Sec. 2. That said Matthias Mitchel his heirs, executors, administrators or assigns shall on or before the time upon which he or they shall commence to run said ferry for pay, file or cause to be filed, in the office of register of deeds of the county of Union a bond to said county, for the use of the public, in the penal sum of five hundred dollars with sufficient surety to be approved by said register of deeds, conditioned that he, the said Matthias Mitchel, his heirs or lawful representatives will fulfill all the duties that are imposed upon him, or them in this act, and in case of his or their failure or neglect to do so, he or they shall forfeit all the benefit that might have accrued to him or them from this act.

Keep a safe boat  
in good repair.

Sec. 3. Before the said Matthias Mitchel or his lawful representatives shall commence to run said ferry for pay, he or they shall place a good and safe flat boat at said ferry and so long thereafter as he or they shall run said ferry for pay he or they shall at times, keep a safe and good boat in good repair for the accommodation of all persons wishing to cross said river at said ferry and shall give prompt and ready attention to all passengers, teams or freight on all occasions, from sunrise to sunset, excepting in foggy or tempestuous weather, or when the crossing of said river is rendered dangerous by floating ice or by high water.

Bemedy for injury.

Sec. 4. Any person or persons who shall suffer any damage by the neglect, default or misconduct on the part of the person or persons having charge of said ferry may have a remedy by a civil action upon the bond required by this act, in any court of competent jurisdiction.

Rates.

Sec. 5. The rates charged at said ferry shall not exceed the following:

Foot passengers each, ten cents;

For each horse or mule with or without a rider, fifteen cents ;

For each head of loose cattle, five cents ;

For two horse, mule or cattle team, loaded or without load with driver, twenty-five cents ;

For each single horse or mule to carriage, twenty cents;

For each horse, mule or ox over two attached to a team, ten cents ;

For each head of swine or sheep five cents ;

All freight not attached to teams five cents per one hundred pounds ;

All lumber in the pile, fifty cents per M.

Sec. 6. Said Ferryman is required to keep a bill of his legal rates posted up in a conspicuous place at or near said ferry in view of the passing public. Rates to be posted up.

Sec. 7. This act shall take effect from and after its pas- When to take effect.  
sage.

APPROVED, January 9th, 1865.