

vacancies in county offices, and the persons so appointed shall hold their respective offices until the next general ensuing election, and until their successors are duly elected and qualified.

Governor may
appoint Notaries
public

Sec. 3. The Governor may appoint as many notaries public as he may deem necessary for said county.

Location of
county seat

Sec. 4. The county seat of said county is hereby located at Rawling's Springs.

Power of county
commissioners

Sec. 5. The County Commissioners of said county shall have the power, at any regular meeting of the Board, to make an order increasing the fees of county officers; *Provided, however,* That the fees of said officers shall not exceed three times what is now allowed by law.

Act to take effect
—when

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

Approved, Dec. 16, 1868.

FERRIES ON RED RIVER.

CHAPTER 36.

AN ACT AUTHORIZING THE GRANTING OF PERMITS TO ESTABLISH FERRIES ON THE RED RIVER OF THE NORTH AT POINTS WITHOUT THE LIMITS OF ORGANIZED COUNTIES.

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

Must file written
application for
such franchise

Section 1. That any person wishing to establish a ferry on the Red River of the North, at a point without the limits of

an organized county of this Territory, may file a written application for such franchise with the register of deeds of the nearest organized county of this Territory, setting forth the name and residence of such applicant, and the point at which such ferry is intended to be established.

Sec. 2. It shall be the duty of such register of deeds to place such application before the board of county commissioners of his county, at the next succeeding regular or special session thereof.

Sec. 3. It shall be the duty of said commissioners to consider and pass upon such application, and if they believe that such ferry is necessary to the public good, they shall grant the application and assess the sum of money that said applicant shall annually pay into the hands of the treasurer of the said county, for the use of the common schools of this Territory, and shall order the register of deeds to execute, under the seal of his office, a grant or permit to said applicant, authorizing him to establish such ferry, giving him, for the period of five years, the exclusive right and permission to run a ferry, for compensation, for a distance of two miles up, and two miles down said river, from the point indicated in the permit.

Sec. 4. Before the register of deeds shall deliver such permit to such applicant, the said applicant shall pay over to the treasurer of said county, the amount assessed for one year, as provided in section three, and shall file his bond, with personal security to be approved by the register of deeds, to the county commissioners of said county for the use of the public, in the penal sum of five hundred dollars, conditioned that said applicant shall, within three months from and after the date of said bond, construct and run one or more safe and sufficient boats at said ferry, and shall without unnecessary delay, and with reasonable care, cross persons and property whenever required, at all hours of the day, between sunrise and sunset, except when the crossing of said river [is rendered] dangerous or impracticable by wind, high water, ice or other cause.

Sec. 5. Any person suffering damage to person or property by the neglect, default, or misconduct of said ferry owner, or the person or persons in charge of said ferry, may have redress by civil action for damages and costs of suit upon the

bond required by section 4, in any court of this Territory, having competent jurisdiction.

Rates

Sec. 6. The rates for crossing of such ferry shall not exceed the following, to wit :

For two horses, mules or oxen and wagon, with or without load, thirty cents ;

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

For each two horses, or mules and buggy or light wagon, twenty-five cents ;

For each single horse or mule, and buggy or light wagon, twenty cents ;

For each single horse, mule or ox and cart, twenty cents ;

For each horse or mule and rider, ten cents ;

For each foot passenger, five cents ;

For each head of loose horses, mules, cattle, sheep or swine, five cents ;

For freight not on wagons, ten cents per hundred pounds ;

For lumber, not on wagons, fifty cents per one thousand feet.

Duty of ferryman

Sec. 7. It shall be the duty of said ferryman to keep posted up near his ferry, in view of the passing public, a bill of his lawful rates.

Duty of county treasurer

Sec. 8. It shall be the duty of county treasurers receiving money under the provisions of sections three and four, to forward the same without unnecessary delay, to the proper officer of the Territory, having charge of funds for common schools.

Case of failure

Sec. 9. In case of the failure or neglect of such ferry owner, annually, during the term of his permit, to pay into the hands of the county treasurer of the proper county, the amount assessed, as provided in section three, his permit shall be null and void as to the unexpired time.

Act to take effect
—When

Sec. 10. This act shall take effect from after and its passage and approval.

Approved, Dec. 25, 1868.