

CHAPTER XCVIII.

(Acts of 1859. Chapter LXIX.)

AN ACT regulating Ferries.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas:

SECTION 1. No person shall keep a ferry, so as to demand pay thereat, without a license. Not to be kept without license.

SEC. 2. Any person may petition the tribunal transacting county business of the county for license to keep a ferry, and if said tribunal believes such ferry necessary for the accommodation of the public, and that the petitioner is a suitable person to keep the same, it shall order the clerk to issue a license upon the payment of the tax assessed in such order: *Provided*, That license shall not be granted to any ferry within the limits granted to any other ferry, previously, by legislative enactment. Application for license, how made, &c.

SEC. 3. Such tax shall not be less than ten dollars nor more than five hundred dollars, to be paid to the use of the county. Tax not less than ten dollars.

SEC. 4. Upon the production of the receipt of the county treasurer for the tax to such clerk, he shall issue a license to keep a ferry at the place therein mentioned for one year. License to issue, when.

SEC. 5. Before the delivery of the license, such person shall give bond to the Territory, with sufficient surety, approved by such clerk, in such sum as the said tribunal shall order, conditioned for the faithful performance of the duties required by law at such ferry, which bond shall be filed in the office of such clerk. Bond to be given—conditions.

Rates of ferriage fixed by tribunal.

SEC. 6. The tribunal aforesaid shall fix the rate of ferriage at each ferry, and may at any time alter the same, having regard to the breadth and situation of the stream and publicity of the ferry. No change in the rates of ferriage shall go into effect during the continuance of any license.

License granted in vacation.

SEC. 7. The clerk of the tribunal aforesaid, in vacation, may grant ferry licenses, assess the tax and fix the rates for the same, and exercise all the powers of said tribunal touching the same.

Continue how long.

SEC. 8. Such license shall continue until the end of the next term of said tribunal, and the tax shall be assessed in proportion to the time for which the license is granted; and in all other respects the clerk and county treasurer shall proceed as upon licenses granted by the said tribunal.

Good boats to be kept.

SEC. 9. Every ferryman shall keep at his ferry a good boat or boats, in good repair, suitable to the wants, and sufficient hands to attend, on all occasions.

Penalty for neglect.

SEC. 10. Every ferryman failing to give such due attention, shall, for every offence, forfeit five dollars; and for failure to keep each boat in good repair, shall forfeit thirty dollars to the county where the ferry is situated, and he shall be liable for all damages that any person may sustain thereby, to be recovered by action in any court having jurisdiction.

Rates to be put up.

SEC. 11. Every ferryman shall keep a list of the legal rates of ferriage, printed or written in a legible hand, constantly posted up at some public place at the ferry or ferry house.

Penalty for failure.

SEC. 12. If any ferryman fail to comply with the provisions of the preceding sections, he shall, for every such offence, forfeit not less than ten dollars to the county.

Penalty for keeping ferry without license.

SEC. 13. If any person demand or receive pay for services as ferryman without a license, he shall forfeit to the county twenty dollars for every day he shall keep such ferry, or be imprisoned, not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment, to be recovered by indictment in the court of the proper county.

Liable to action.

SEC. 14. Such ferries shall be further liable in an action at law for all damages that may accrue to the person licensed to keep such ferry.

Penalties, how recovered.

SEC. 15. Any penalties imposed by this act may be recoverable before any court having jurisdiction, in the name of the county.

SEC. 16. Upon the failure of any ferryman to perform any duty required by this act, the county attorney shall commence and prosecute an action on the bond given by the ferryman, and the recovery of any penalty shall be no bar to any action on such bond.

Suit on bond, when and how instituted.

SEC. 17. Every offence under this act shall be prosecuted within one year.

Limitation.

SEC. 18. If any ferryman fail to perform his duties, the said tribunal may at any time revoke his license.

License may be revoked.

SEC. 19. If any such tribunal believes that any ferry in the county is so little used as not to justify the payment of license, they may, in their discretion, give to the keeper of such ferry a license without the payment of any tax.

License may be granted free from tax.

SEC. 20. Such tribunal shall take bond and fix the rates as in other ferries, and no ferry shall be licensed on the same side of the river, and in the same county, within one mile of any ferry that shall there be already licensed.

Tribunal to fix rates, &c. License not granted, when.

SEC. 21. If the master or commander of any steamboat shall land at the platform or known landing place of any public ferry, and shall intentionally obstruct the passage of any ferry boat, or moor or unload against, over or upon the same, without the consent of the owner of such ferry, such master or owner of such steamboat shall forfeit and pay to the legal possessor of such ferry landing fifty dollars for each offence, to be recovered by action of debt before a justice of the peace, and shall be liable to an action for damages, to be recovered before any court having competent jurisdiction.

Penalties on masters of boats for interfering with the rights of ferrymen.

SEC. 22. Persons who have heretofore or may hereafter obtain from the Legislature the privilege of keeping a ferry, shall pay annually to the clerk of the tribunal transacting county business such tax as said county tribunal may impose, not less than ten dollars nor more than five hundred, for the use of the county, and shall be subject to the same regulations as other ferries, and liable to the same penalties.

Tax imposed by tribunal to be paid annually.

SEC. 23. This act shall take effect and be in force from and after the first day of June next.

Approved February 8, 1859.