

make the qualified persons of the county perform duties as jurors as nearly as may be in rotation, and so that the same may not be unnecessarily burdensome to any of the citizens of the county, according to the best information that the said commissioners can obtain.

SECTION 16. Before the election of county commissioners for the year 1838, the duties herein required of the boards of county commissioners, and their clerks, shall be performed by the boards of supervisors of the several counties and their clerks, in cases where the election and organization of the boards of county commissioners, in any county shall not take place at least thirty days before the first day of the term of any district court to be held in that county. When supervisors to act.

SECTION 17. This act to be in force from and after its passage, and all laws contravening the provisions of this act be and the same are hereby repealed. Repealing clause.

Approved, Jan. 19, 1838.

No. 74.

AN ACT to regulate ferries.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That no person shall keep or use any ferry for transporting across any stream or lake, within or bordering this territory for profit or hire, unless licensed in the manner directed by this act, under the penalty of five dollars for each offense, recoverable by action of debt with costs by and in the name of any person who shall sue for the same before any justice of the peace of the county where such offense shall be committed; or if the same shall be committed on waters dividing two counties, then in either of such counties, which penalty when recovered to be paid into the county treasury; and if the offense shall happen on waters dividing two counties the one-half of the penalty shall be paid into the county treasury of such counties respectively. Unlicensed ferries prohibited.

SECTION 2. The board of county commissioners in each of the counties in this territory shall grant licenses for keeping ferries in their respective counties, to as Penalty, how recovered, and how disposed of. License, how granted.

many suitable persons as they may think proper; which license shall continue in force for a time to be fixed by the board of commissioners, not exceeding three years. And every person applying for such license, shall, before the same be granted enter into a

Recognizance. a recognizance to the United States in the sum of one hundred dollars, faithfully to keep and attend such ferry with a sufficient and safe boat, or with so many sufficient and safe boats as may be necessary during the several hours in each day and night, and at such several rates as the board of commissioners in the several counties shall from time to time order, direct and determine; and shall at all times when called upon, if the river or creek is passable, convey the mail and other public express across such ferry. And every person who shall offend herein, shall be indicted for the same before the district court of the proper county, and may be fined in any sum not exceeding twenty-five dollars for each offense, and the said board of commissioners shall direct the recognizance given such person to be estreated for the use of the county treasury; or when any waters over which a ferry may be directed, or used, divide two counties, the license obtained in form aforesaid in either of the said counties, shall be sufficient to enable a person obtaining the same to keep a ferry upon such waters.

Conditions and rates of ferrage, how fixed. SECTION 3. The board of county commissioners of the respective counties shall from time to time order, direct and determine the several hours, in each day and night, within which due attendance shall be given by each ferry keeper, and also the several rates of ferrage which the ferry keeper may demand and receive for the transportation of any person, goods, chattels and effects; a list of which rates each ferry keeper shall have posted on the door of his ferry house.

Clerks' fees. SECTION 4. The clerks of the respective boards, shall be entitled to receive, for entering each and every license granted by virtue of this act, and for a copy thereof two dollars.

Owner of adjacent land to be preferred. SECTION 5. No such license shall be granted to any person other than the owner of the land through which the highway, adjoining said ferry, shall pass, unless such owner shall neglect to apply for such license after notice as hereinafter provided.

SECTION 6. Whenever application for a license to

keep a ferry, shall be made by any person other than such owner, the board shall not grant a license to such person, unless proof shall be made, that the said applicant caused notice in writing to be given to such owner, at least eight days before the regular session of the board of commissioners, of his intention to make such application.

SECTION 7. If, at any time, the board of commissioners aforesaid shall grant a license to a person who has not before kept such ferry, the said grantee shall purchase the boats of the previous keeper, at the appraisal of three disinterested persons, to be appointed by the board aforesaid: *provided*, said appraisers shall adjudge said boats to be good and sufficient for the use of said ferry.

SECTION 8. *Be it further enacted*, That the provisions of this act, shall not be applicable to the county of Milwaukee, and the counties thereto attached for judicial purposes, in this territory.

SECTION 9. This act to take effect from and after the first organization of the board of county commissioners in the several counties of this territory.

Approved January 18, 1838.

No. 75.

AN ACT to establish a ferry across the Mississippi river, in this territory.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin*, That John Wilson, his heirs and assigns, are hereby authorized to establish and keep, or cause to be established and kept, a ferry across the Mississippi river at Davenport, in Scott county, with the exclusive privilege to the same, commencing at his ferry house on the bank of said river, thence down said river one mile, and up as far as Antoine Le Clair's reserve extends, for the term of ten years: *provided*, that the said John Wilson, his heirs, or assigns, shall be subject to all the laws now in force or that shall be in force in said territory in relation to ferries, tolls, &c.

SECTION 2. This act to take effect from and after