WEST VIRGINIA CODE CHAPTER 17 ARTICLE 18

WV Legislature

§17-18-1. Discontinuance of ferry by disuse.

Every ferry established and not discontinued before this code takes effect may continue to be kept. But if any such ferry, or any ferry that may hereafter be established, be disused for two years and six months, and any part of such time be after this code takes effect, it shall, by reason of such disuse, be ipso facto discontinued, without any judicial or other proceeding for that purpose.

WV Legislature

§17-18-2. Establishment of ferry -- Application; notice.

A person desiring to establish a ferry across any watercourse, whether it be a stream bounding the state or not, who owns or has contracted for the use of land at the point at which he wishes to establish the same, may present his application for the privilege to the county court of the county, or either of the counties, in or from which he desires to establish such ferry. But notice that the application has been presented, or of the intention to present the same, shall be posted at the front door of the courthouse, and three other public places in the district, in or from which such ferry is proposed, three weeks at least before the application is acted upon.

WV Legislature

§17-18-3. Same -- View of ferry site.

The county court, after notice has been given as aforesaid, shall appoint two or more viewers, or a committee of their own body, to view the place and report the advantages and disadvantages which, in their opinion, will result, as well to individuals as to the public, from the proposed ferry, and the facts and circumstances that may be useful to enable the court to determine whether the ferry ought to be established or not. The expenses of the proceeding shall be ascertained by the court and paid by the applicant. When proper, they shall cause notice of the pendency of such application to be given, in such manner as they may direct, to the parties interested, or any of them.

WV Legislature

§17-18-4. Same -- Decision on application; regulations for ferries.

Upon such report, and on any other proper evidence, the court may reject the application, or may, unless the watercourse at such place be the division line between two counties, grant leave to establish such ferry, and prescribe, subject to revision and alteration by the Public Service Commission, the number of hands and the number and kind of boats to be kept, and the rates of ferriage for persons and things at the same.

WV Legislature

§17-18-5. Same -- Ferry where watercourse is county boundary.

If, however, the watercourse be such division line, and the court be of opinion that the application ought to be granted, they shall certify such opinion to the county court of the other county, with the number of hands and the number and kind of boats, and the rates of ferriage, which they deem proper at the same, subject to revision and alteration by the Public Service Commission. The applicant may then apply to the county court of such other county, after notice therein as prescribed in section two of this article, and such court, upon the report already made, and any other proper evidence, may reject the application or grant the same on the terms prescribed by the other court.

WV Legislature

§17-18-6. Unauthorized ferry generally.

If any person or corporation shall, without having obtained the privilege to do so, as provided in the four next preceding sections, establish, keep or maintain a ferry over any watercourse, on or over which another ferry has been legally established, or shall keep a boat or other watercraft with a hand or hands generally ready to transport or carry any person, horse, carriage, wagon, cart or other thing, whether for reward or not, or shall for compensation furnish, hire or loan to another any boat, skiff or other watercraft, to be used for ferrying any person or thing over such watercourse, every person so offending shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined for each offense not less than twenty-five nor more than $200. And if the owner or occupant of any land bordering on any such stream shall suffer or permit another person who is keeping or maintaining any such ferry, or who is keeping such boat or other watercraft with such hand or hands with the object or for the purpose aforesaid, to use any part of the land so owned or occupied by him as a landing for such ferry, boat or other watercraft, he shall be guilty of a misdemeanor, and, on conviction, fined as aforesaid. And the owner or keeper of every such ferry, not legally established as aforesaid, and every person who shall keep such boat or watercraft as aforesaid, and the owner or occupier of any such land as aforesaid, shall moreover be liable to the owner or lessee of any ferry legally established over such watercourse for all damages he may sustain by reason of the unlawful keeping or maintaining of any such ferry, boat or watercraft on any such watercourse. But no ferry privileges or franchises shall preclude the erection of bridges over any watercourse, or entitle the owner of such privileges or franchises to damages in case of the erection of a bridge or bridges over any watercourse.

WV Legislature

§17-18-7. Operation of private boats.

The preceding section shall not be construed to prevent a person from going across any watercourse in his own boat, or taking therein his own property, or the members of his own family, or persons in his employment; nor to prevent a merchant or miller from carrying across a watercourse in his own boat, without reward therefor, any person bona fide engaged in the actual transportation to or from his store, mine, or mill, of grain, coal, timber or other produce.

WV Legislature

§17-18-8. Forfeiture for unlawful transportation.

In the case of a watercourse over which there is a lawfully established ferry, if any person, his horse or carriage, be unlawfully transported for reward over such watercourse, the person so transporting the same shall forfeit $20 to the proprietor of such ferry over such watercourse as is nearest to the place of such transportation.

WV Legislature

§17-18-9. Ferry wharves and landings -- Generally.

The proprietor of every ferry shall have a convenient wharf or landing made so as to be firm and dry. He shall also put up and maintain, at or near each landing of his ferry, a good and sufficient bell, conveniently hung and provided with a rope or other fixture for ringing the same; and he shall ferry persons or things from the point to which, as well as from the point from which, the ferry is established and receive therefor the rates established at such ferry.

WV Legislature

§17-18-10. Same -- Establishment of wharf at public landing; regulation of and limitations on such wharf.

Any person desiring the privilege of erecting a wharf at or on any public landing, not a part of a state road, may present a petition to the county court of such county for such privilege; but notice of the petition, or of his intention to present the same, shall be posted at the front door of the county courthouse and at three public places in the district in which it is proposed to erect such wharf, three weeks at least before the petition is acted upon. Such court upon petition and notice may grant such privilege upon such conditions and limitations, and fix such rates and charges for wharfage, as it sees fit, subject to revision and alterations by the Public Service Commission. But it may at any time afterwards, upon ten days' notice to the owner of such wharf, or his tenants, revoke such privilege or alter such conditions or limitations, subject to the regulatory power of said commission.

WV Legislature

§17-18-11. Same -- Wharf or pier on land along watercourse; abatement of wharf obstructing navigation.

Any person owning land upon a watercourse may erect a wharf on the same, or a pier or bulkhead in such watercourse, opposite his land, provided the navigation be not obstructed thereby, and provided such wharf, pier or bulkhead shall not otherwise injure the rights of any person. But the county court of the county in which such wharf, pier or bulkhead shall be, after causing ten days' notice to be given to the owner thereof of its intention to consider the subject, if it be satisfied that such wharf, pier or bulkhead obstructs the navigation of the watercourse, or so encroaches on any public landing as to prevent the free use thereof, may abate the same.

WV Legislature

§17-18-12. Duty to have boats and hands at ferry within six months after order establishing it; cessation of rights.

If any person to whom leave may be granted to establish a ferry shall not, within six months thereafter, have at such ferry the number and kind of boats, and the number of hands prescribed by the order granting such leave, he shall not, after such six months, have any rights under such order.

WV Legislature

§17-18-13. Ferry permit or license; certificate, bond, duties and hours of ferryman; night service; number of boats and hands.

The proprietor of every ferry shall keep at the same the number and kind of boats, and the number of competent hands prescribed by the order under which such ferry has been or shall be established, or by the order of the Public Service Commission. And it shall be unlawful for the proprietor of any ferry, or any person renting or leasing the same, at any ferry now established, or which may hereafter be established, on the watercourses of West Virginia or along the Ohio River, to engage in the business of ferryman, until he shall have obtained a permit or license from the county court, city, village or town council, or other tribunal in lieu thereof. Before such permit or license shall be granted, the applicant shall present to the authorities vested with the power to grant the same a certificate of good moral character, sober and temperate habits, with the requisite qualifications of a ferryman, together with a bond made payable to the State of West Virginia, in such penalty as the county court, city, village or town council, or other tribunal in lieu thereof, may fix, and with good security to be approved by the same, conditioned for the faithful performance of all duties required by law of such ferryman. And he shall promptly obey the summons given him by the ringing of such ferry bell, and ferry all persons and property during the hours which the county court, city, village, or town council, or other tribunal in lieu thereof, or the Public Service Commission, shall prescribe for the daily ferrying, and he shall also ferry any messenger going for a physician or surgeon, and ferry any physician or surgeon going to or returning from professional calls, also mail carriers and telegraph couriers, at all hours, whenever required to do so, when the rivers are in a condition to ferry over, for which night service, after the usual hours prescribed for daily ferrying, he shall be entitled to double the daily rate of compensation.

WV Legislature

§17-18-14. Posting rates.

The Public Service Commission may require the proprietor of a ferry to keep conspicuously posted at each landing a list of the rates lawfully chargeable at such ferry.

WV Legislature

§17-18-15. Prepayment of ferriage; unlawful ferriage.

The proprietor of any ferry may require lawful ferriage to be paid previously to a passage over his ferry. But if there be demanded at any such ferry more than is lawful, the proprietor shall forfeit to the party aggrieved so much as is illegally demanded and a further sum of not less than two nor more than $15.

WV Legislature

§17-18-16. Prompt passage; ferries from railroad stations.

If at any ferry there be a failure to give any person or property a passage over the same in a reasonable time, the proprietor thereof shall forfeit to such person not less than two nor more than $20. The owner or lessee of any ferry across a river between any city, town or village and a railroad depot or station, whether his ferryboat be propelled by steam or not, shall, whenever it can reasonably be done, cause such boat to be at the landing on the side on which such depot or station is on the arrival of each passenger train on such railroad, or within five minutes after such arrival, for the accommodation of passengers arriving on such train who may desire to cross such river, whether the arrival of such train be in the day or night, unless there be a bridge across such river at or near such ferry. He shall also, whenever it can reasonably be done, carry all persons desiring to take passage on any such train and their baggage across such river in time to enable them to do so before the departure of such train. Any owner or lessee of a ferry who shall fail to comply with the requirements of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined $50 for every such offense; and any party injured by such failure shall be entitled to recover therefor from such owner or lessee all damages sustained thereby.

WV Legislature

§17-18-17. Ferries across Shenandoah River.

The county court of any county in the State of West Virginia, through which the Shenandoah River runs, may establish on and across said river not more than three free ferries; and such ferries shall be provided with sufficient landings and boats, and such attendants for the boats, as may be necessary to accommodate public travel. The court shall pay all expenses of establishing such ferries, and of providing and maintaining the necessary boats and attendants therefor, out of the county treasury.

WV Legislature

§17-18-18. Interference by ferries in another state.

Any owner or occupier, or the agent of an owner or occupier, of a ferry on the shore of another state opposite or within two miles of a ferry established under the laws of this state across such river, who shall ferry from the shore of such river within this state, whether for or without reward, any person, horse, carriage, cattle, sheep, hogs or other stock, and carry the same across such river to the shore of such other state, without the consent of the proprietor of the ferry so established under the laws of this state, shall, for every such offense, forfeit to such proprietor $10.

WV Legislature

§17-18-19. Offenses and penalties; termination of ferry privilege.

Any proprietor of a ferry, or any ferryman, who shall violate any provision of this article, which makes the violation thereof a crime without specifying the grade or fixing the penalty, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than $20; and, moreover, if the proprietor of any ferry fail in any respect to comply with any section of this article, the county court in which such ferry is established may adjudge and declare all his privileges in respect to such ferry at an end, after first causing such proprietor to be summoned to show cause against such order.

WV Legislature