

## BOATS AND VESSELS.

AN ACT to provide for the collection of demands against Boats and Vessels.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That every boat or vessel used in navigating the waters of this Territory shall be liable, Cases in which boats or vessels shall be liable.

First, For all debts contracted by the master, owner, agent, or consignee thereof, on account of supplies furnished for the use of such boat or vessel, on account of work done or services rendered on board of such boat or vessel, or on account of labor done or materials furnished by mechanical tradesmen or others in and for building, repairing, fitting out, furnishing, or equipping such boat or vessel.

Second, For all sums due for wharfage or anchorage of such boat or vessel within this Territory.

Third, For all demands or damages accruing from the non-performance or mal-performance of any contract of affreightment, or any contract touching the transportation of persons or property entered into by the master, owner, agent, or consignee of the boat or vessel on which such contract is to be performed. And,

Fourth, For all injuries done to persons or property by such boat or vessel.

SEC. 2. Any person having a demand as aforesaid, instead of proceeding for the recovery thereof against the master, owner, agent, or consignee of a boat or vessel, may, at his option, institute suit against such boat or vessel by name. Suit may be instituted against boat, &c., by name.

SEC. 3. Any plaintiff, wishing to institute suit against a boat or vessel, shall file his complaint against such boat or vessel, by name, with the clerk of the district court of the county in which such boat or vessel may lie. Complaint to be filed with clerk of district court.

SEC. 4. The complaint shall set forth the plaintiff's demand in all its particulars, and on whose account the same accrued. It shall be verified by the affidavit of the plaintiff, or some credible person or persons for him, and shall stand in lieu of a declaration. And to set forth particulars of demand. Affidavit.

SEC. 5. Whenever any complaint, as aforesaid, shall be filed in the office of the clerk of the district court, it shall be his duty to issue a warrant, return- Warrant to issue.

- able as a summons, directing and authorizing the sheriff to seize the boat or vessel mentioned in the complaint, and detain the same in his custody, together with its tackle, apparel, and furniture, until discharged from such custody by due course of law.
- Proceedings in district court.** SEC. 6. Upon the return of any warrant issued by virtue of the preceding section, proceedings shall be had in the district court against the boat or vessel sued, in the same manner as if suit had been instituted against the person on whose account the demand accrued.
- The master, owner, &c., may plead to the action. Time and manner of pleading, &c.** SEC. 7. The master, owner, agent, or consignee of the boat or vessel may appear on behalf of such boat or vessel, and plead to the action.
- Bond being executed to the plaintiff, boat or vessel to be discharged.** SEC. 8. The district court may by rule prescribe the time and manner of pleading, of exhibiting or filing papers, or taking any needful step in any suit to be commenced under this act, when the time and manner are not prescribed by this law.
- Boat or vessel to be sold to satisfy judgment and costs.** SEC. 9. If the master, owner, agent, or consignee shall, before final judgment in any suit instituted by virtue of this act, give bond to the plaintiff with sufficient security to be approved of by the court, or the judge or clerk thereof in vacation, conditioned to satisfy the amount which shall be judged to be owing and due to the plaintiff in the determination of the suit, together with all costs accruing, such boat or vessel with the tackle, apparel, and furniture belonging thereto shall be discharged from further detention by the sheriff.
- If bond given, execution to issue against principal and security.** SEC. 10. If judgment shall be rendered against any boat or vessel in favor of the plaintiff, the court shall make an order directed to the sheriff commanding him to sell such boat or vessel, together with its tackle, apparel, and furniture, to satisfy the judgment and all costs that may have accrued in the cause, which order shall be executed and returned in the same manner as executions.
- Cases in which justices of the peace may** SEC. 11. If bond and security shall have been entered into according to the provisions of the ninth section of this act, and judgment shall have been rendered in favor of the plaintiff, execution shall be issued for the amount of judgment and costs in favor of the plaintiff against the principal and security in such bond.
- SEC. 12. Justices of the peace within their respective counties shall have cognizance of all cases arising under this act, wherein the demand claimed

shall not exceed the jurisdiction of a justice of the peace. have cognizance.

SEC. 13. In all their proceedings justices of the peace shall conform to the provisions of the law governing justices courts, and as near as may be to the provisions of this act as apply in the district court. Proceedings before justice of the peace.

SEC. 14. Each warrant issued by a justice of the peace under this act shall be returnable forthwith, and upon the return of such warrant it shall be the duty of the justice of the peace to hear and determine the complaint of the plaintiff in a summary manner. On return of warrant, justice to hear and determine complaint.

SEC. 15. All warrants issued by this act shall be served and returned as writs of attachment are served and returned. Warrants to be served, &c., as writs of attachment.

SEC. 16. Whenever an order of sale shall be made for the sale of a boat or vessel, with its tackle, apparel, and furniture, the sheriff or constable shall have power to sell such part thereof, or such interest therein, as shall be necessary to satisfy the amount of the judgment rendered in favor of the plaintiff, and all the costs that may have accrued. Such part or interest in boat &c., to be sold as will satisfy judgment and costs.

SEC. 17. Upon good and sufficient cause shown by the master, owner, agent, or consignee of any boat or vessel sued under this act, the court, or justice of the peace, may grant continuance of the cause, but no such continuance shall operate as a discharge of such boat or vessel from the custody of the sheriff or constable. On good cause shown by master, owner, &c., court may grant continuance. Not to operate as a discharge.

SEC. 18. No continuance of a cause under this act shall be granted to the plaintiff. No continuance to be granted to plaintiff.

SEC. 19. Sheriffs, constables, and other officers, shall receive the same fees and compensation for their services under this act as are allowed them in cases of suits of attachment. Officers' fees.

SEC. 20. In all cases arising under this act, if judgment shall have been rendered in favor of the plaintiff, the master, owner, agent, or consignee of the boat or vessel, or other person interested, may appeal from the judgment by giving bond and security in double the amount sued for, or sue out a writ of error as if they or either of them had been sued. Master, owner, &c., may appeal, or sue out writ of error.

SEC. 21. All actions against a boat or vessel, under the provisions of this act, shall be commenced and sued within one year after the cause of such action shall have accrued. To take effect and be in force from and after its passage. Limitation of actions.

APPROVED, December 20, 1838.