

FERRIES.

AN ACT to authorize Timothy Fanning to establish and keep a Ferry across the Mississippi river, at the town of Du Buque.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That Timothy Fanning, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river at the town of Du Buque, in the county of Du Buque, and to depart from and land at any place on the public landing of said town, which was set apart for public purposes by the act of Congress, approved 3d day of July, A. D. 1836, for the term of twenty years from the passage of this act: *Provided,* That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions, as other ferries are, or may hereafter be, by the laws of this Territory, fixing the rate of toll, and prescribing the manner in which licensed ferries shall be kept and regulated.

Ferry at Du Buque chartered for twenty years.

Proviso.

No court, &c., to authorize a ferry to be kept at Du Buque. Conditions of the grant.

Penalty for violation thereof.

SEC. 2. *And be it further enacted,* That no court, or board of county commissioners, shall authorize any person (unless as hereinafter provided for by this act) to keep a ferry within the limits of the town of Du Buque: *Provided,* That the said Timothy Fanning, his heirs or assigns, shall, within two years from the passage of this act, procure for said ferry a good and sufficient steam ferry boat, which shall be kept at said ferry for the transportation of all persons and their property across said river, without delay; and until said ferry boat shall be provided as aforesaid, the said Timothy Fanning shall keep at said ferry a good and sufficient number of flat boats, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river (when passable), without delay. And should the law regulating ferries now prescribed, or hereafter to be prescribed, be violated by the said Timothy Fanning, his heirs or assigns, or if no good and sufficient steam ferry boat be provided at the time required by this charter, upon proof thereof, to be made to the satisfaction of the board of county commissioners, or to the county court (as the case may be), of the county of Du Buque, the above charter, if so violated, shall be declared void, and said ferry shall thereafter be disposed of as other ferries

are under the laws regulating ferries. This act to be in force from and after its passage.

N. B. As far as this act may be construed to interfere with private rights —to vest in the county commissioners judicial powers—or to conflict with the provisions of the act of Congress referred to in the first section—I consider it will be void: in other respects valid. With this note of explanation, I give to it my assent. Note by the Governor.

APPROVED, December 14, 1838.

FERRIES.

AN ACT to authorize Joseph Williams and Charles Alexander Warfield to keep a ferry.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That Joseph Williams and Charles Alexander Warfield, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at Bloomington, in Muscatine county, and for one mile above and one mile below said town, to the east bank of said river, for the term of twenty years, from and after the passage of this act: *Provided*, Said Williams and Warfield shall, within two years from the passage of this act, establish and keep, or cause to be kept, a good and sufficient horse or steam ferry boat at the place aforesaid, for the safe conveyance of passengers and their property across said stream, without delay: *And provided* also, That said ferry, when so established, shall be subject to the same laws, and under the same restrictions, as other ferries are or may hereafter be by laws enacted, or to be enacted, in this Territory (or State as the case may be), fixing the rates of toll, and prescribing the manner in which licensed ferries are or shall be hereafter established and attended to. And should the law regulating ferries in any way be violated, and proof be made to the satisfaction of any court of competent jurisdiction, then the above charter, so violated, shall be declared void, and said ferry shall thereafter be disposed of as other ferries are under the laws regulating ferries: *Provided* also, That nothing in this act shall be so construed as to interfere with the right that any individual may have to the lands on either side of said river. *Provided*, nevertheless, That the owners of said ferry, before they shall occupy and use the landing on the said river,

Ferry at Bloomington chartered for twenty years.

Conditions of the grant.

Penalty for violating the act to regulate ferries.

Rights saved.

which shall or may belong of right to any other individual or individuals, shall first obtain the consent of said individual or individuals to use and occupy the same.

APPROVED, December 14, 1838.

FERRIES.

AN ACT to authorize John H. Sullivan and Adrian H. Davenport to establish and keep a ferry across the Mississippi river, at the town of Rockingham.

SEC. 1. Be it enacted by the Council and House of Representatives of the Territory of Iowa, That John H. Sullivan and Adrian H. Davenport, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Rockingham, in the county of Scott, within the following limits: commencing at a point in said town at the junction of Wapello street with said river, and extending from said point, up and down said river, one mile each way; and that said Sullivan and Davenport have the exclusive privilege of ferrying within the above limits for the term of twelve years: *Provided,* That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions, as other ferries are or may hereafter be by the laws of this Territory, fixing the rates of toll, and prescribing the manner in which licensed ferries shall be kept and regulated.

Ferry established at Rockingham.

Limits.

Exclusive privilege for twelve years.

Horse or steam ferry boat to be procured.

SEC. 2. And be it further enacted, That the said John H. Sullivan and Adrian H. Davenport, their heirs and assigns, shall, within two years from the passage of this act, procure for said ferry a good and sufficient horse or steam ferry boat, which shall be kept at said ferry for the transportation of all persons and their property across said river, without delay; and until said ferry boat shall be provided as aforesaid, the said Sullivan and Davenport shall keep at said ferry a good and sufficient flat boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay.

SEC. 3. This act to take effect from and after its passage.

Note by the Governor.

N. B. As far as this act may be construed to interfere with private rights, or the property of the United States, I consider it will be void; in other respects valid. With this note of explanation, I give to it my assent.

APPROVED, December 17, 1838.

FERRIES.

AN ACT to authorize J. S. Kirkpatrick to establish and keep a Ferry across the Mississippi river, at Belleview.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That J. S. Kirkpatrick, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Belleview, in the county of Jackson, for the term of twenty years, from the passage of this act: *Provided*, That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions, as other ferries are or may hereafter be by the laws of this Territory, fixing the rate of toll, and prescribing the manner in which licensed ferries shall be kept and regulated.

Ferry at Belleview chartered for twenty years.

Under same regulations and restrictions as other ferries.

SEC. 2. *And be it further enacted*, That said J. S. Kirkpatrick, his heirs and assigns, shall, within two years from the passage of this act, procure for said ferry a good and sufficient horse or steam ferry boat, which shall be kept at said ferry for the transportation of all persons, and their property across said river, without delay; and until said ferry boat shall be provided as aforesaid, the said J. S. Kirkpatrick shall keep at said ferry a good and sufficient number of flat boats, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay.

Horse or steam ferry boat to be procured.

SEC. 3. This act to take effect and be in force from and after its passage.

N. B. As far as this act may be construed to interfere with private rights, or the property of the United States, I consider it will be void; in other respects valid. With this note of explanation, I give to it my assent.

Note by the Governor.

APPROVED, December 17, 1838.

FERRIES.

AN ACT to regulate Ferries.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That no person shall be permitted to keep a ferry across any stream, except the Mississippi river, running through or bounding on any county in this Territory, without having first obtained a license, from the county commissioners' court of the proper county, for the purpose, as hereinafter provided.

License to be obtained from com. court.

Notice to be given by applicant.

SEC. 2. That the person applying for such license shall produce satisfactory evidence to the court, by the affidavit of the applicant, or otherwise, of his having given notice, by advertisement, set up in at least three public places in the township or neighborhood where the ferry is proposed to be kept, twenty days prior to the sitting of the court, of his intention to apply to such court for a license to keep a ferry.

Court authorized to grant license.

SEC. 3. That the court being satisfied that the notice hereby required has been given, that a ferry is needed at such place, and that the applicant is a suitable person to keep the same, are hereby authorized to grant to the applicant a license to keep the same for any term of time, not exceeding five years, on the applicant's paying into the county treasury of the proper county a sum to be fixed by the court, not less than two, nor more than fifty dollars annually; and on the applicant's producing the county treasurer's receipt for the payment of the sum so fixed, he or she shall receive from the clerk of the court a license, under the seal of the court, for a time not exceeding the term aforesaid, for which he or she shall pay the clerk the sum of fifty cents: *Provided*, That all ferries so established shall not be nearer than one mile of each other.

Proviso.

Rights of parties as to ferry license.

SEC. 4. That the person owning or possessing land on both sides of any stream, where a ferry is proposed to be established, shall have exclusive right of a license for a ferry at such place, and when the opposite banks are owned by different persons, the rights to the ferry shall be mutual, but if the owner does not apply, the court shall grant a license to any person applying for the same, except where either of the landings are not in a public highway, the consent of the owner of the ground shall first be had in writing: *Provided*, When any person shall apply for a renewal of his license at the same place where he has kept the preceding year, the same may be granted or renewed without notice or petition.

Renewal.

Duties of ferry keepers.

SEC. 5. That every person obtaining a license to keep a ferry shall provide, and keep in complete repair, a good and sufficient boat for the safe conveyance of persons and property, and when the river or creek, over which the ferry is kept, is passable, shall, with a sufficient number of hands to work and manage the boat, give due attendance from daylight in the morning until dark in the evening; and shall

moreover at any hour in the night or day (that the creek or river can be passed), when called upon for that purpose, convey the United States mail, or other public express, across said ferry. And if any person, having obtained a license as aforesaid, shall fail or neglect to perform the duties herein enjoined, or any of them, the person so offending shall forfeit and pay for every such offence a sum, not exceeding twenty dollars, to be recovered before any justice of the peace of the proper county, at the suit of any person prosecuting for, and making due proof of such failure or neglect. And if any keeper of a ferry, as aforesaid, shall demand and receive a higher rate or sum for ferriages than shall be allowed by law regulating ferries, the person so offending shall forfeit and pay for every such offence a sum, not exceeding ten dollars, recoverable before any justice of the peace of the proper county, by any person making due proof thereof, to be disposed of as hereinafter provided.

Penalty for non-performance.

And for receiving higher rates than allowed by law.

SEC. 6. That the court of county commissioners, at the same time they grant a license to keep a ferry, shall also fix the rate of ferriages which the ferry-keeper may demand and receive for the transportation of persons and property, and it shall be the duty of the clerk of said court to furnish every person, on taking out a license to keep a ferry, with a list of the rate of ferriages, which list the ferry-keeper shall post up at the door of his ferry house, or some conspicuous place convenient to said ferry.

Court to fix the rates of ferriage.

Rates to be posted up.

SEC. 7. That if any person shall keep a ferry without being duly authorized, the person so offending shall forfeit and pay a sum, not exceeding thirty dollars, to be recovered by any person suing for the same before any justice of the peace having jurisdiction thereof.

Penalty for keeping ferry without authority.

SEC. 8. That all actions or suits brought under the provisions of this act shall be in the name of the United States, and the court taking cognizance thereof, shall keep a record of all fines and forfeitures recovered under the same, and sheriffs, constables, and other officers shall pay all moneys, within thirty days after receiving the same, into the county treasury, and justices of the peace and clerks of courts, before whom any fine is recovered, shall present an accurate account thereof to the county treasurer, on or before the first day of June annually, and the clerks of courts shall in like manner return

Suits under the provisions of this act.

a list of all licenses by them issued, and to whom, and the price of each respectively, and it shall be the duty of the county treasurer to inform and prosecute all offenders against this act.

To take effect from 1st March. SEC. 9. This act to be in force and take effect from and after the first day of March next.

APPROVED, December 20, 1838.

FERRIES.

AN ACT to authorize Aaron Usher and Thomas M. Groom to establish a ferry across the Mississippi river.

Ferry in Muscatine county chartered for twenty years. SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Aaron Usher and Thomas M. Groom, their heirs and assigns, be and they are hereby authorized to establish and keep, or cause to be established and kept, a ferry across the Mississippi river, between the northwest bank of said river, opposite the town of Wyoming, in Muscatine county, and the lower landing for Illinois City on the southeast side of said river, or as near as practicable, for the term of twenty years, from and after the passage of this act: *Provided*, That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions, as other ferries are, or may hereafter be, by law in this Territory, fixing the rates of tolls, and prescribing the manner in which licensed ferries shall be kept and attended to: *And further provided*, That nothing in this act contained shall be so construed as to interfere with any other ferry, which has already been established by law across the said Mississippi river: *Provided* further, That the said Aaron Usher, and Thomas M. Groom, their heirs or assigns, shall within two years, from the passage of this act, procure a good and sufficient steam or horse ferry boat, which shall be kept at said ferry for the transportation of all persons and their property across said river, when passable, without delay; and until said ferry boat shall be provided as aforesaid, the said Usher and Groom shall keep, or cause to be kept, at said ferry, a good and sufficient flat boat or boats, with a sufficient number of hands to work the same, for the transportation of all persons as aforesaid across said river. And should the law regulating ferries now prescribed, or hereafter to

Conditions of the grant.

Forfeiture in case of non-performance.

be prescribed, be violated by the said Usher and Groom, their heirs or assigns, or if no good or sufficient steam or horse ferry boat be provided at the time and place required by this charter, upon proof thereof, to be made to the satisfaction of the district court of the proper county, this act shall be deemed and declared void, and said ferry shall thereafter be disposed of as other ferries are under the laws regulating ferries.

N. B. As far as this act may be construed to interfere with private rights, or the property of the United States, it will be considered void: in other respects valid. With this note of explanation, I yield to it my assent. Governor.

APPROVED, December 29, 1838.

FERRIES.

AN ACT to authorize Ralph Letton to establish and keep a ferry across the Mississippi river, at the town of Parkhurst.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That Ralph Letton, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Parkhurst, in the county of Scott, within the following limits: commencing at a point in said town known as the Public Landing, and extending from said point up and down said river, one mile each way; and that said Letton have the exclusive right or privilege of ferrying, within the above limits, for the term of ten years: *Provided,* That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions, as other ferries are, or may hereafter be, by the laws of this Territory (or state as the case may be), fixing the rates of toll, and prescribing the manner in which licensed ferries shall be kept and regulated.

Authority to keep a ferry at Parkhurst.

Limits.

Exclusive right for ten years.

SEC. 2. *And be it further enacted,* That the said Ralph Letton, his heirs and assigns, shall, within four years from the passage of this act, procure for said ferry a good and sufficient horse or steam ferry boat, which shall be kept at said ferry for the transportation of all persons and their property across said river, without delay; and until said ferry boat shall be provided as aforesaid, the said Letton, his heirs and assigns, shall keep at said ferry a good and sufficient flat boat, with a sufficient number of hands to work the same, for the transportation of all persons

Horse or steam ferry boat to be procured.

and their property across said river, when passable, without delay.

To take effect
from 1st April.

SEC. 3. This act to take effect and be in force from and after the first day of April next.

Note by the
Governor.

N. B. As far as this act may be construed to interfere with the property of the United States, or individual rights. It will be considered void: in other respects valid. With this note of explanation, I yield to it my assent.
APPROVED, January 4, 1839.

FERRIES.

AN ACT to authorize David W. Kilbourn to keep a ferry across the Mississippi river, at the town of Montrose.

Authority to
keep a ferry at
Montrose.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That David W. Kilbourn, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at Montrose, in Lee county, with the exclusive privilege to the same, for one mile above and one mile below said town, for the term of ten years.

Exclusive privilege for ten years.

SEC. 2. *Provided,* always, Said ferry, when so established, shall be subject to the same regulations and restrictions as other ferries are, or may be, by law, fixing the rate of toll, and prescribing the manner in which licensed ferries shall be kept and attended to:

Steam or horse
ferry boat to be
put in operation.

And provided further, That said Kilbourn shall put, or cause to be put, in complete operation a good steam or horse ferry boat, within the term of fifteen months, from and after the passage of this act: *Provided* also, That nothing in this act shall be so construed as to interfere with the right that any individual may have to the lands on either side of said river.

Rights saved.

SEC. 3. This act to take effect from and after its passage.

APPROVED, January, 19, 1839.

FERRIES.

AN ACT to authorize John Gaines, Otis Reynolds, and Company, to keep a ferry across the Mississippi river, above the Round Mound, at the Upper Mouth of Des Moines river.

Ferry in Lee
county.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That John Gaines, Otis Reynolds, and Company, their heirs and

assigns, be and they are hereby authorized to keep a ferry across the Mississippi river, opposite the Round Mounds, at the upper mouth of the Des Moines river, in the county of Lee, within the following limits: commencing at the upper mouth of said river, above the town of Warsaw, in the State of Illinois, extending up the Mississippi for the distance of two miles; and that the said John Gaines, Otis Reynolds, and Company, shall have exclusive privilege of ferrying within the above limits, for the term of fifteen years: *Provided*, That said ferry when so established, shall be subject to the same regulations, and under the same restrictions, as all other ferries are, or may be, by the laws of this Territory, fixing the rates of toll, and prescribing the manner in which licensed ferries shall be kept and regulated: *Provided* also, That nothing in this act shall be so construed as to interfere with the right that any individual may have to the lands on either side of said river.

SEC. 2. *And be it further enacted*, That the said John Gaines, Otis Reynolds, and Company, their heirs and assigns, shall, within two years, from the passage of this act, procure for said ferry a good and sufficient horse or steam ferry boat, which shall be kept at said ferry for the transportation of all persons and their property across the said river, without delay; and until said ferry boat shall be provided, the said John Gaines, Otis Reynolds, and Company, shall keep at said ferry a good and sufficient flat boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay.

APPROVED, January 21, 1839.

FERRIES.

AN ACT to authorize James Leonard, Oliver A. Crary, William H. Brown, and Charles Swan, to establish and keep a ferry across the Mississippi river, at the town of Charleston.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That James Leonard, Oliver A. Crary, William H. Brown, and Charles Swan, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Charleston, in the county of Jackson, for the term of twenty

Regulations
and restric-
tions.

years, from the passage of this act: *Provided*, That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions, as other ferries are, or may hereafter be, by the laws of this Territory, fixing the rates of toll, and prescribing the manner in which licensed ferries shall be kept and regulated: *Provided* also, That nothing in this act shall be so construed as to interfere with the right that any individual may have to the lands on either side of said river.

Rights saved.

Horse or steam
ferry boat to
be procured.

SEC. 2. *And be it further enacted*, That said Leonard, Crary, Brown, and Swan, their heirs and assigns, shall, within two years from the passage of this act, procure for said ferry a good and sufficient horse or steam ferry boat, which shall be kept at said ferry for the transportation of all persons and their property across the said river, without delay; and until said ferry boat shall be provided as aforesaid, the said Leonard, Crary, Brown, and Swan, shall keep at said ferry a good and sufficient number of flat boats, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay.

No ferry to be
kept within
half a mile.

SEC. 3. *And be it further enacted*, That no person shall be permitted to establish a ferry within one half mile, either above or below the ferry hereby established.

SEC. 4 This act to take effect and be in force from and after its passage.

APPROVED, January 21, 1839.

FERRIES.

AN ACT to authorize Francis P. Blevings to establish and keep a ferry across the Mississippi river, at the town of Nashville.

Ferry at Nash-
ville granted
for fifteen
years.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Francis P. Blevings and Company, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Nashville, in the county of Lee, for the term of fifteen years, from the passage of this act: *Provided*, That said ferry, when so established, shall be subject to the same regulations, and under the same restrictions, as other ferries are, or may hereafter be, by the

laws of this Territory, fixing the rates of toll, and prescribing the manner in which licensed ferries shall be kept and regulated: *Provided* also, That this act shall not be so construed as to interfere with the rights that any individual may have to the lands on either side of said river. Rights saved.

SEC. 2. No court, or board of county commissioners, shall authorize any person or persons to keep a ferry within the limits of the town of Nashville, one mile above and one mile below said town: *Provided*, That the said Francis P. Blevings and Company, their heirs and assigns, shall keep at said ferry a good and sufficient number of flat boats, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay; and that the said Francis P. Blevings shall, at the expiration of five years, procure a good and sufficient steam or horse ferry boat; and if no such steam or horse boat shall be procured at the end of five years, this act to be null and void. No ferry to be kept within certain limits. Conditions of the grant. Penalty for not procuring steam or horse boat.

APPROVED, January 21, 1839.

FERRIES.

AN ACT to authorize Aaron White to keep a ferry across the Mississippi river, at the town of Fort Madison.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Aaron White, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Fort Madison, commencing at the west line of the street west of Broadway, and extending up the Mississippi river two miles, and that said White, his heirs and assigns, have the exclusive privilege of ferrying within said limits for the term of twelve years. Ferry at Fort Madison. Exclusive privilege for twelve years.

SEC. 2. *Provided*, however, That said ferry, when so established, shall be subject to the same restrictions and regulations as other ferries are, or may hereafter be, by law in this Territory, fixing the rates of tolls, and prescribing the manner in which ferries shall be kept and attended to: *And provided further*, That the said White shall put in full and complete operation, at said ferry, a good steam or horse ferry Steam or horse ferry boat to be put in operation.

boat, within the term of twelve months, from and after the passage of this act.

Rights saved. SEC. 3. *Provided* also, That nothing in this act shall be so construed as to interfere with the right that any individual may have to the lands on either side of said river.

APPROVED, January 25, 1839.

FERRIES.

AN ACT to establish a ferry across the Mississippi river, at Fort Madison.

Ferry at Fort Madison. SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Joseph Webster, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Fort Madison, within the following limits, viz: commencing on the west side of the street below Elm street, and with the course of said river two miles down the same; and that the said Webster, his heirs and assigns, have the exclusive privilege of ferrying within the above limits for the term of ten years, from and after the passage of this act: *Provided*, That said ferry shall be subject to the same regulations and restrictions as other ferries are, or may be hereafter, by law in this Territory, fixing the rates of tolls, and prescribing the manner in which licensed ferries shall be kept.

Limits.

Exclusive privilege for ten years.

Horse or steam ferry boat to be kept. SEC. 2. *And be it further enacted*, That the said Joseph Webster, his heirs or assigns, shall keep, or cause to be kept, within the term of one year, at the place aforesaid, a good and sufficient boat or boats, to be propelled by horse or steam power, for the safe conveyance of persons and their property across said river, without delay; and until said steam or horse ferry boat shall be provided as aforesaid, there shall be kept at said ferry a good and sufficient flat boat or boats, with a sufficient number of hands to work the same, for the conveyance of all persons and their property across said river as aforesaid.

For any violation of the act to regulate ferries, charter to be void. SEC. 3. *And be it further enacted*, That should the law regulating ferries in any way be violated, and proof be made to the satisfaction of any court of competent jurisdiction, then the above charter, so violated, shall be declared void, and said ferry shall

thereafter be disposed of as other ferries are under the laws regulating ferries: *Provided*, That nothing in this act shall be so construed as to interfere with the right that any individual may have on either side of said river. Rights saved.

APPROVED, January 25, 1839.

FORCIBLE ENTRY AND DETAINER.

AN ACT to prevent forcible entry and detainer.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That no person or persons shall hereafter make any entry into lands, tenements, or other possessions, but in cases where entry is given by law; and in such cases not with strong hand, nor with multitude of people, but only in a peaceable and easy manner; and if any person from henceforth do to the contrary, and thereof be duly convicted, he shall be punished by fine. Fine for forcible entry.

SEC. 2. If any person shall enter upon or into any land, tenements, or other possessions, and detain and hold the same with force or strong hand, or with weapons, or breaking open the doors or windows, or other part of a house, whether any person be in or not, or by threatening to kill, maim, or beat the party in possession, or by such words or actions as have a natural tendency to excite fear, or apprehension of danger, or by putting out of door, or conveying away the goods of the party in possession, or by entering peaceably and then turning out by force, or frightening by threats or other circumstances of terror, or in any other way that would be a forcible entry or detainer at common law, the party out of possession, in such case every person so offending shall be deemed guilty of a forcible entry and detainer within the meaning of this act. Forcible entry and detainer within the meaning of this act.

SEC. 3. That a justice of the peace shall have authority to enquire by jury, as hereafter directed, as well against those who make unlawful and forcible entry into lands, tenements, or other possessions, and with strong hand detain the same, as against those who, having lawful and peaceable entry into lands, tenements, and other possessions, unlawfully and by force detain the same, and if it be found Authority to enquire by jury.