

Secretary's office, Iowa City,  
June 11, 1845.

This act having been returned by the governor, with his objections to its passage, to the legislative council (in which house it originated) was duly passed by a majority of two thirds—sent to the house of representatives, and there passed by a similar vote. By the organic law said act thereby became a law, and I hereby so declare it.

S. J. BURR,  
Secretary of Iowa Territory.

[43] CHAPTER 23.

STEAM BOATS.

AN ACT to prevent and punish the owners and masters of steam boats committing trespass upon the property of persons living in this territory, and for other purposes.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

SECTION 1. **Master taking wood, etc., to leave written notice on the spot.** That it shall be the duty of every master or owner of any steamboat navigating any river within or bordering upon this territory, whenever he or they shall take any wood or other property belonging to any citizen or citizens of this territory without the consent of such owner or owners, or in his or their absence, to make out or cause to be made out, a card or notice specifying the number of cords of wood and the amount and description of such other property with the day and date when the same was taken by said master or owner, and leave such card or notice in some conspicuous place where such wood or other property was taken, and where the same may be found by such owner or owners.

SEC. 2. **Failure to comply with first section, guilty of misdemeanor—fine not over \$100, nor less than \$10—imprisonment not exceeding 30 days.** If any master or owner of any steam boat, as aforesaid, shall neglect to comply with the provisions of the first section of this act, or shall fail to pay for said wood or other property when called upon to do so by such owner or owners thereof, every captain or owner of such steam boat shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, nor less than ten dollars, and shall moreover be liable to the party injured for the value of said wood or other property, also be imprisoned not exceeding thirty days at the discretion of the court.

SEC. 3. **Suit before justice, if damages exceed his jurisdiction, recoverable by presentment in district court.** Suit may be instituted before any justice of the peace of the proper county, for any violation of the first section of this act; and should the amount of the damages exceed the jurisdiction of the justice of the peace, the same shall be recovered by presentment or indictment in the district court.

[44] SEC. 4. **Master taking any water craft, liable to double damages.** If the master or owner of any steam boat, as aforesaid, shall at any time hereafter take or cause to be taken, any flat, keel-boat or other water craft from any person in this territory, for the purpose of aiding or assisting them in lighting said boat, or in any way conveying freight from, or to, said boat, or lighting the freight of said boat over either the upper or lower rapids of the Mississippi river or any bar or shoal or other place on said river, or any river of this territory, without the consent of the owner or owners, or

in his or their absence, and shall refuse to pay a reasonable compensation for the use of said flat, keel-boat or other craft; he or they shall forfeit and pay to the owner or owners thereof, double the amount of what may be considered by the court or jury, a fair compensation for the use of such craft, to be recovered by action of debt before any court having competent jurisdiction thereof.

**SEC. 5. Master liable for all damages.** If any master or owner of any steam boat as aforesaid, shall obtain any craft, as aforesaid, either with or without the consent of the owner or owners thereof, and shall lose, injure or destroy the same, or lose or misplace any apparatus belonging to the same, he or they shall be liable for all such damages to the owner or owners thereof.

**SEC. 6. Action by warrant or attachment—master held to bail—proviso, action to be brought within two years.** All actions brought under the provisions of this act, shall be by warrant or attachment, and the master or owner of said boat shall be held to bail in such sum as the court before which the suit is instituted shall require, until all damages shall be paid, together with costs of suit: provided, all such steam boats, as aforesaid, shall be held liable and responsible for all debts and damages arising under the provisions of this act, for a period of time not exceeding two years, and the same shall be a lien on said boat for that length of time, whether said boat shall be sold and transferred, or remain in possession of the original owner or owners.

**SEC. 7. Master leaving wharf after process served, liable for double damages.** If the master or owner of any steam boat, as aforesaid, after process is served on him or them by any constable, sheriff or other officer, as aforesaid, shall, with intent to avoid the payment or without securing such demand, leave the landing or wharf where such process is served, with his boat, he shall be liable for double the amount of the demand.

**SEC. 8. Master carrying off officer deemed guilty of misdemeanor—fine \$500.** Should any master or owner of any such steam boat, as aforesaid, take or carry off any constable, sheriff or other officer, forcibly and against his will, who may hereafter go on board of such steam boat to serve any process as provided for in this act, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined [45] in any sum not exceeding five hundred dollars, nor less than one hundred dollars.

**SEC. 9. Takes effect after July 4th, 1845.** This act to take effect and be in force from and after the fourth day of July next.

Approved, June 10th, 1845.

## CHAPTER 24.

### BAIL.

AN ACT to amend an act entitled "An act concerning bail," approved January 25, 1839.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

**SECTION 1. When bond is forfeited defendant not allowed to enter new bond.** That, hereafter, when any bail bond or recognizance is required by the court of any defendant or defendants in pursuance of an act (to which this is amendatory,) approved, January 25th, 1839, and the said bail bond or recognizance becomes forfeited in consequence of the defendant or defendants