

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

not complying with the conditions of the same, the said defendant or defendants shall not be permitted to enter into any further bail bond or recognizance.

SEC. 2. Forfeited bond to be prosecuted. That when the said recognizance or bail bond shall become forfeited, the same shall be prosecuted to final judgment; any provisions in the act to which this is amendatory to the contrary notwithstanding.

SEC. 3. All acts and parts, conflicting herewith, repealed. All acts and parts of acts that come in conflict with the provisions of this act, be and the same are, hereby repealed.

SEC. 4. This act to take effect after 1st of August next. This act to take effect and be in force from and after the first day of August next.

Approved, June 10th, 1845.

[46] CHAPTER 25.

TRESPASSING UPON LANDS.

AN ACT to punish persons trespassing upon lands.

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

SECTION 1. Persons removing property to pay double the value and costs. That, hereafter, if any person knowingly enter on the lands belonging to another person, fall, box, bore, or carry away any timber, stone or stone coal or minerals of any description; the person so offending shall forfeit and pay double the value of such timber, stone, stone coal or minerals, to be recovered, together with costs of suit, by the person injured before any justice of the peace or any court having jurisdiction thereof.

SEC. 2. Failing to pay, to be imprisoned not over 30 days. And hereafter when any person shall be found guilty of trespass according to the provisions of the preceding section, and shall on the rendition of judgment, neglect or refuse to pay said damages and costs of suit, or to give security for the payment of the same, it shall be the duty of the court before whom such judgment was rendered, to imprison said defendant in the county jail, if any in such county, and if not, then in the jail nearest said county, until said defendant shall pay or cause to be paid the aforesaid damages and costs: provided, said imprisonment shall not extend beyond the period of thirty days.

SEC. 3. Conflicting acts and parts of acts, repealed. All acts and parts of acts contravening the provisions of this act, be, and the same are, hereby repealed.

SEC. 4. Takes effect after August 10th, 1845. This act to take effect and be in force from and after the first day of August next.

Approved, June 10th, 1845.