

bor on the roads or streets aforesaid, under the direction of such persons as they may appoint annually; and they may appropriate such other sums raised on the taxable property, as they deem necessary for that purpose.

SECTION 13. The recorder shall receive such fees Compensation. for his services as the ordinances of said corporation shall prescribe; but the president and trustees shall receive no compensation.

SECTION 14. This act shall be favorably construed and received, in all courts of justice, as a public act, and copies thereof, provided under the authority of the legislative assembly, shall be received as evidence without further proof.

SECTION 15. This act may be altered, amended or repealed by any future legislature.

Approved January 19, 1838.

87.

AN ACT to prevent disasters on steamboats navigating the waters within the jurisdiction of Wisconsin territory.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That it shall be the duty of the owners of steamboats navigating on the rivers and lakes within the jurisdiction of this territory, to have a competent master, officers, and crew on board, and to have a substantial and sufficient engine, boiler or boilers, and to have the same at all times in good and safe order and condition, and have the vessel supplied with all necessary boats, tackle and furniture, and in every respect sea worthy. Duties of the owners of steamboats.

SECTION 2. In ascending and descending navigation, the said boats shall conform to the following regulations: the descending boat shall keep the shore, or bar, she may be on, until the ascending boat passes, and when both boats are running, the descending boat shall keep the middle of the channel, or in the deepest water, and in all cases, when it is practicable, leave room for the ascending boat to pass on either side. Rules for ascending and descending boats.

SECTION 3. When two boats meet in a contracted

- For boats meeting. part of the river, or in any narrow or intricate channel both boats shall stop their engines, or work them very slow, until they pass each other; and in the night time the descending boat shall not take any of the small shoots, but shall keep the main channel, in order to avoid the ascending boats.
- Duties and powers of masters of steamboats. SECTION 4. It shall be the duty of the masters and officers of all steamboats, to keep their vessels at all times well and steady trimmed, and particularly in coming to and departing from shore; and for that purpose the passengers, and all others on board the boat, shall strictly obey the directions of the master or officers on watch and keep the place or position they may be directed, and under such pecuniary fine or penalties as the rules and regulations of the boat in that behalf shall impose; which rules and regulations shall be constantly kept up, in at least five conspicuous and different parts of the boat.
- Liability of master and owners. SECTION 5. The master and owners shall be severally and jointly responsible for all damages which any person may sustain by the neglect or refusal to comply with the requisitions of the foregoing section.
- When negligence criminal. SECTION 6. If any loss of life shall ensue, from any neglect or refusal, on part of the officers, the officers on watch and conducting the boat at the time, shall be deemed guilty of the crime of manslaughter, and upon conviction thereof shall be punished accordingly.
- Racing prohibited. SECTION 7. It shall not be lawful for steamboats to run races for the trial of speed, or for any other purpose, and the owners and officers, severally and jointly, shall be liable and responsible for all damages, which any one may sustain from any accident or casualty which may happen during said race.
- Penalty therefor. SECTION 8. And moreover, in case of loss of life or lives, in consequence of said racing, the master of the boat, or person or persons having command thereof, for the time being, shall be deemed guilty of a high crime and misdemeanor, and on conviction thereof, shall be fined in a sum not exceeding five thousand dollars, nor less than five hundred dollars, or imprisoned for any time not exceeding ten years.
- Manner of landing passengers. SECTION 9. That in landing passengers from steamboats, the master shall cause the vessel to be brought to shore, whenever practicable and convenient, and especially when females or children are to be landed;

and whenever impracticable, or decidedly inconvenient so to do, may land the passengers in good, sufficient, and comfortable boats, to be at all times kept for that purpose, and managed by a sufficient number of civil, competent, and careful men. And during the time of disembarking from the steam boat into the small boat, and of leaving the vessel, the engine shall be stopped, and the speed of the vessel checked.

SECTION 10. Any neglect, or refusal, to comply with any of the requirements of the preceding section, shall subject the owners, and masters of the boat, to the payment of all damages that may result to any person or persons, from such neglect or refusal, and in the event of loss of life thereby, the master or officer in command of the boat for the time being, shall be deemed guilty of a high misdemeanor, and be punished as is provided for in the eighth section of this act. Penalty.

SECTION 11. It shall be the duty of the master and officers of any steam boat, carrying gunpowder as freight, to store the same in the safest part of the vessel, and separate and apart from articles liable to spontaneous combustion; and where in discharging the cargo it will not be necessary to carry any lighted lamp, torch or candle; and the master and officers failing to comply with the provisions of this section, shall forfeit one hundred dollars each, for every time the same shall be so neglected, which may be recovered by action of debt, the one-half to the person who shall sue for the same, and the other half to the use of the county, and shall moreover be liable for all damages which may happen to any person by reason of such neglect or failure. Gunpowder. Penalty.

SECTION 12. It shall not be lawful for any person or persons, to put or keep any gunpowder on any steam boat, without first giving the master or officers notice thereof, and any person or persons so offending, shall be liable to pay the sum of one hundred dollars, to, and for the use of any person who may sue for the same, in an action of debt, before any court having jurisdiction thereof; and moreover, the person or persons so offending shall be liable for all damages which may happen to any person thereby.

SECTION 13. Copies of this act shall be printed, and put in frames, and kept publicly placed in the cabin and steerage of each steam boat, navigating the riv- Copies of this act to be posted up.

ers or lakes within the jurisdiction of this territory, and a failure to comply with these provisions, shall subject the master and owners to a penalty of one hundred dollars, for each day the same shall be omitted, to be recovered in an action of debt, before any tribunal having jurisdiction thereof, one half to the use of the county in which the suit shall be brought, and the other to the use of the person who may sue for the same.

When this act
to take effect.

SECTION 14. This act shall be deemed a public act, and shall take effect from and after the first day of May one thousand eight hundred and thirty-eight, and the secretary of the territory shall cause authenticated copies thereof, to be published in one of the newspapers published in each of the cities of St. Louis, Mo., Louisville, Ky., Cincinnati, O., Chicago, Ill., and Detroit, Mich., and cause at least one number of each of said newspapers containing the same to be filed in his office; and such publication shall be deemed sufficient notice of this act, to all masters, officers and owners of steam boats, who may come within its provisions.

Approved, Jan. 19, 1838.

No. 88.

AN ACT to authorize evidence by the oath of parties.

When to prove
accounts by ad-
verse party.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That hereafter in all actions of debt, or assumpsit, commenced or hereafter to be commenced in any court in this territory, or the prosecution of any claim or demand to any court, when either party may not have a witness, or other legal testimony to establish his or her demand, discount or set-off, the party claiming such demand, discount, or set-off, may be permitted to prove the same by the testimony of the adverse party, by giving at least three days' notice to the adverse party, his agent, or attorney of his or her intention so to do. And if said adverse party shall not appear at the time of trial, or shall refuse to be sworn, or testify, then the party claiming the same shall be permitted to prove

When by his
own oath.