

sioned by a mill dam on said river, who shall construct and keep in repair to such dam a good and sufficient slope of the following dimensions, to wit: In length at the rate of six feet long for one foot high at the mouth of the slope, with a notch in the dam, the full width of the slope, of two feet deep for every eight feet high from the top of the dam to the bottom; said slope shall be at least fifty feet wide, and placed at such point in the dam as shall be designated by two disinterested persons, who shall be appointed by the county commissioners of the proper county, and sworn to the discharge of their duty, and whose report thereof shall be filed in the office of said commissioners' court; and any person appointed by the county commissioners to locate the said slope, who shall refuse to serve, shall forfeit and pay to and for the use of the county, the sum of one hundred dollars, to be recovered in an action of debt before any justice of the peace in said county.

SEC. 3. **Dams erected previous to the passage of act—owner's liability.** That if the dams in the second section of this act mentioned, shall have been erected before the passage of this act, the owner and occupant of the mill to which the same may be attached, shall not be liable under the first and second sections of this act, until after the first day of November, A. D. 1847.

SEC. 4. **Duty of court—good cause shown—further time.** That it shall be the duty of the court in which a party may be convicted under the second section of this act, to order that the interruption or obstruction be removed; unless for a good cause shown the court may allow a reasonable length of time to construct such slope, or repair the same, and the abatement of such obstruction may be stayed accordingly.

[58] SEC. 5. **Duty of officer—militia.** That the sheriff, or any officer to whom any process under this act may be directed, shall be authorized to execute the same anywhere in this state, and for that purpose may take to his assistance the power of the county, and if necessary may call upon the governor of the state for the militia.

SEC. 6. **Mill property liable.** That the mill property to which a dam may be attached, shall be liable for all fines and costs attending a prosecuting, wherein the party, owner or occupier, may be convicted.

SEC. 7. **Party injured—where suit brought.** That nothing in this act mentioned shall prevent a party injured, in consequence of an obstruction, as aforesaid, from recovering damages for such injury; and the party may bring his suit in the county where the injury was done, or where the defendant resides or may be found.

Approved, February 15th, 1847.

CHAPTER 46.

STATE ROAD.

AN ACT to locate and establish a state road therein named.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Commissioners—duties—route—proviso.** That Justus Clarke, John D. Wright and Michael Ramsay be, and they are hereby appointed to view, locate and establish a state road, commencing on the road leading from Burlington to Mount Pleasant, where the county road from Augusta intersects said road, near the house of Mr. Hitchcock, in Danville township; thence to the school house in school district No. 3, in Pleasant Grove township; thence

east eighty rods; thence north through the improvement of Mr. Ramsay; thence to the southeast corner of section 16, township 71 N., range 4 west; thence on said section line north two miles; thence east to the first half mile corner; thence north two miles; thence to intersect the Iowa City road from Burlington, near the house of Samuel Grubb, at the Virginia Grove, in Louisa county: provided, that the said commissioners have the liberty to make slight deviations from the points and route above specified, if upon a review of the same they should deem it to be necessary.

SEC. 2. When to meet. That said commissioners shall meet at the house of John D. Wright, in Pleasant Grove township, on the second Monday in March, or at any time within four months thereafter, for the purposes specified in the first section of this act.

SEC. 3. Assistance—compensation—proviso. That they are hereby authorized to employ the necessary [59] assistance, to survey, mark and locate the said road, and the commissioners and their assistants shall be entitled to receive such compensation as is allowed by general law for laying out and altering roads—in chapter 125, Revised Statutes—provided, that John D. Wright shall act as surveyor, and shall receive compensation as such only.

SEC. 4. Take effect. This act shall be in force from and after the first Monday in March, 1847.

Approved, February 15th, 1847.

CHAPTER 47.

TERRITORIAL ROAD.

AN ACT to relocate a part of a territorial road from Fairfield to the Indian boundary.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Commissioners—duties—route. That John Howell, George W. Troy and Samuel Shipley, of Jefferson county, be and they are hereby appointed commissioners to relocate a part of a territorial road, located in accordance with an act entitled "An act to locate a territorial road from Fairfield, in Jefferson county, to the Indian boundary line, in the direction of the Indian agency, at the Raccoon forks of the Des Moines river," approved 29th January, 1844, as follows, to wit: starting at the northwest corner of the town of Fairfield, thence north, to the middle of the first lane running west; thence west 160 rods; thence north to the first section line; thence west to a point 30 rods west of Henry Evans' house; thence, the nearest and best route, to the northeast corner of Sharp's farm; thence, the nearest and best route, to the northeast corner of N. Leche's farm; thence to the brick school house of school district No. 1, in Locust township, in Jefferson county; thence to the most northerly corner of Wm. Spurllocks' prairie field; thence to or near Maylen Wrights; thence, the nearest and best route, to intersect the old survey, where it crosses the Mahaska line.

SEC. 2. When to meet—surveyor, etc. Said commissioners shall meet at such time and place as they, or a majority of them, may agree, take to their aid a surveyor and such other help as may be deemed necessary, and proceed to locate and mark said alteration or relocation on the route specified in the preceding section, agreeably to an act entitled "An act to provide for laying out and opening territorial roads," approved, December 29th, 1838.