

SEC. 5. That the Secretary shall be entitled to ^{Fees.} demand and receive for copies so furnished, and attaching the seal thereto, twenty-five cents, for every folio of one hundred words, which, if required, must be paid in advance.

Approved January 16, 1840.

[Chap. 65.]

AN ACT to authorize William Warner to erect a dam across Big Cedar, in Henry county.

SECTION 1. *Be it enacted by the Council and House of* ^{To build dam.} *Representatives of the Territory of Iowa,* That William Warner, his heirs and assigns are hereby authorized to erect and keep a dam across Big Cedar, in Henry county, on the northwest quarter of section number nine, in township number seventy north, range seven west, which dam shall not be so constructed as to back water on any mill which may have been commenced or built previous to the passage of this act.

SEC. 2. Any person who shall destroy or in any ^{Wilful injury & misdemeanor.} wise injure said dam, shall be deemed to have committed a trespass, and shall be liable accordingly, and any person who shall wilfully or maliciously destroy or injure said dam shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owner may have sustained, or be imprisoned at the discretion of the court.

SEC. 3. Nothing herein contained shall authorize the individual named in this act, his heirs or assigns, to enter upon and flow the lands of any person without the consent of such person, and they shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity of said mill.

Approved January 16, 1840.

[Chap. 66.]

AN ACT to provide for the annual organization of the Council and House of Representatives of the Territory of Iowa.

SECTION 1. *Be it enacted by the Council and House of* *Representatives of the Territory of Iowa,* That the Secretary of the Council in office on the last day of any session of the legislature, shall remain in office until

the organization of the Council of the succeeding annual session.

Secretary to file certificate and make roll.

SEC. 2. That it shall be the duty of the secretary to receive and file all certificates of election issued for members of the Council from the offices of the clerks of the board of county commissioners of the several counties in this territory, and make a roll of the members who, from such certificates, appear to have been elected members of said Council.

Call to order.

SEC. 3. That the secretary, or if he should not be present, then some member or other person appointed by the members present, shall, at 12 o'clock meridian, on the day appointed for the meeting of the legislature, call the members so enrolled to order; the members shall then proceed to elect a president for the time being.

Committee of elections.

SEC. 4. That the Council, when so organized, shall appoint a committee of elections by ballot or viva voce, as a majority present shall determine, to consist of five members, who shall forthwith proceed to examine the credentials of members and all contested elections, (if any,) and report the same to the Council.

Election of officers.

SEC. 5. That after the decision of all cases of contested elections, the Council shall proceed to elect a president, secretary, and other officers to continue during the session.

SEC. 6. That the chief clerk of the House of Representatives in office on the last day of any session of the legislature, shall remain in office until the organization of the House of Representatives of the succeeding annual session.

Clerk to file certificates and make roll

SEC. 7. That it shall be the duty of the chief clerk to receive and file all certificates of election issued for members of the House of Representatives from the offices of the clerks of the board of county commissioners of the several counties in this territory, and make a roll of the members who, from such certificates, appear to have been elected members of said House of Representatives.

Call to order.

SEC. 8. That the said chief clerk or if he should not be present, then some member or other person appointed by the members present shall, at twelve o'clock meridian, on the day appointed for the meeting of the legislative assembly, call the members so enrolled to order; the members shall then proceed to elect a speaker for the time being.

SEC. 9. That the House, when so organized, shall appoint a committee of elections, by ballot or viva voce, as a majority present shall determine, to consist of five members, who shall forthwith proceed to examine the credentials of the members and all contested elections, (if any,) and report the same to the House.

SEC. 10. That after the decision of all cases of contested elections, the House shall proceed to elect a speaker, chief clerk, and other officers to continue during the session.

Approved January 16, 1840.

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[Chap. 67.]

AN ACT to authorize Adam Ritchie to erect a dam across Crooked Creek, in Henry county.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That Adam Ritchie is hereby authorized to erect a dam across Crooked Creek, in Henry county, in said territory, at a point on section six, township seventy-three north, range five west, which shall not exceed eight feet above low water mark.

SEC. 2. Any person who shall destroy or in any-wise injure said dam, shall be deemed to have committed a trespass, and shall be liable accordingly, and any person who shall wilfully or maliciously destroy or injure said dam, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owner may have sustained, or be imprisoned at the discretion of the court.

SEC. 3. Nothing herein contained shall authorize the individual named in this act, his heirs or assigns, to enter upon and flow the lands of any person without the consent of such person, and they shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity.

Approved January 16, 1840.