

the exclusive privilege for the term of fifteen years from the passage of this act: provided, that said ferry, when so established, shall be subject to the same rules and regulations, and under the same restrictions, as other ferries are, or may hereafter be, by the laws of this territory, fixing the rates of ferriage, and prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. Flat boats and other water crafts with sufficient number of hands to be kept—not to interfere with rights secured to Timothy Fanning. That said Thomas McCraney and James Churchman, their heirs and assigns, shall on or before the first day of April next, procure, and constantly keep for said ferry, a good and sufficient number of flat boats and other water crafts, with a sufficient number of hands, to carry all persons and their property, across said river, when passable, without delay: provided, that nothing in this act shall interfere with any rights secured to Timothy Fanning in his ferry charter.

SEC. 3. Non-user to work forfeiture. The non-user of the privileges of this act, for the space of one year after its passage, shall work a forfeiture of the same.

SEC. 4. Act may be amended or repealed. Any future legislature shall have power to alter, amend, or repeal this act.

SEC. 5. This act to take effect and be in force from and after its passage. Approved, 13th February, 1843.

CHAPTER 67.

DAM.

AN ACT to authorize Robert McKee and Ovid Grennell to construct a dam part way across the Des Moines river.

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

SECTION 1. [66] Robert McKee and Ovid Grennell, to erect a dam across the Des Moines river—location, dimensions of dam and lock—boats to pass free of toll. That Robert McKee and Ovid Grennell, be and they are hereby authorized to construct a dam across the Des Moines river, so far as the jurisdiction of the Territory of Iowa extends, opposite the town of St. Francisville, in the State of Missouri: provided, that they shall first erect a good and sufficient lock, one hundred and thirty feet in length, and thirty-five feet in width, for the purpose of letting steam boats, keel boats, rafts and other water-crafts, through said dam safe, without delay, toll free; said dam shall not exceed five feet high, above low water mark.

SEC. 2. Height of dam and lock—to be kept in good repair—time of completion. It shall be the duty of the said Robert McKee and Ovid Grennell to keep said dam and lock, at all times, in good repair, and to let all boats, rafts, and other water-crafts, through, without delay, free of toll; said dam shall be completed within two years from the passage of this act.

SEC. 3. Penalty for detention of boats—penalty for trespass upon dam. Any person who shall be unnecessarily delayed by reason of said dam, shall be entitled to recover, from the persons named in this act, in any court having competent jurisdiction of the same, the amount of damage they may prove to have sustained by reason of such detention.

SEC. 4. Imprisonment as for misdemeanor. Any person who shall destroy, or in anywise injure, said dam or lock, 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 or lock, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owners may have sustained, or be imprisoned, at the discretion of the court.

SEC. 5. Not to overflow other lands without the consent of owners—nuisances must be removed. Nothing in this act shall be so construed as to authorize the persons, named in this act, to enter upon and flow the lands of any person, without the consent of the owner. 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.

SEC. 6. This act to take effect and be in force from and after its passage.

Approved, 13th February, 1843.

[67] CHAPTER 68.

DAMS.

AN ACT authorizing the construction of Slopes in mill dams in Skunk river.

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

SECTION 1. Owners of dams holding charters may construct slopes—act extended to certain counties on. That all persons in the counties of Jefferson, Henry, Lee, and Des Moines, that are owners of mill dams in Skunk river, that passes through the above named counties, that have obtained charters for the construction of dams and locks in their respective mill dams, may construct and put in slopes.

SEC. 2. Time of construction and dimensions of slopes—those complying may have further time to comply with their charters granted. Those constructing good and sufficient slopes in said mill dams, within twelve months from the passage of this act, that will admit the passage of flat boats, rafts, and other water-crafts, at all times, with safety, when the river is in a good stage for safe navigation, shall have a further time of five years to comply with the provisions of their charters in constructing their locks.

SEC. 3. Forfeiture for failure to comply. Any owner or owners of mill dams, in the above named portion of said river, that have or have not, by any act of the legislature of this territory, obtained a charter for the construction of a lock, should fail in complying with the above provisions of this act, in the construction of good and sufficient slopes, and keep the same at all times in good repair, for the passage of flat boats, and other water-crafts, shall forfeit and pay any person the amount of damages they may prove to have sustained by reason of such detention, before any court having competent jurisdiction of the same.

SEC. 4. This act to take effect from and after its passage.

Approved, 13th February, 1843.