

SEC. 4. Take effect. This act to take effect and be in force from and after its passage.

Approved, February 11th, 1847.

CHAPTER 44.

STATE ROAD.

AN ACT to locate and establish a state road from Iowa City to the west line of Dallas county.

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

SECTION 1. Commissioners—duties. That Edward Ricord, of Iowa county, Nathan Williams, of Jasper county, and A. D. Jones, of Polk county, be and they are hereby appointed commissioners to locate and establish a state road, commencing at a point where the county road of Johnson county crosses Old Man's creek, near the house of James M'Crea, on section 31, township 79, north, range 6 west; thence, on the nearest and best route, to the county seat of Jasper county; thence to the county seat of Polk county; thence to the county seat of Dallas county; and thence to the west line of Dallas county, in the direction of Council Bluffs, on the Missouri river.

SEC. 2. Surveyor—compensation. That A. D. Jones, of the county of Polk, one of the commissioners named in the preceding section, shall act as surveyor in the location of said road, and shall receive such additional compensation as the county commissioners of the several counties shall deem reasonable.

SEC. 3. When to meet. Said commissioners, or a majority of them, shall meet at the commencement of said road, on the first day of April next, or within three months thereafter, and proceed to locate and establish said road agreeably to the provisions of an act for laying out and opening territorial roads, approved, December 27, 1838.

Approved, February 12th, 1847.

[57] CHAPTER 45.

SKUNK RIVER.

AN ACT to provide for the navigation of Skunk river.

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

SECTION 1. Navigable. That Skunk river from the forks thereof, in Keokuk county, to its mouth, is hereby declared a navigable stream.

SEC. 2. Obstructions—may be indicted—fine—proviso—slope—dimensions—where placed—who to designate—to be sworn—refusing to serve; forfeit—amount—how recovered. That any person or persons who shall in any wise obstruct or interrupt the navigation of said river, below the said forks, or continue such obstruction or interruption, may be indicted in any county bordering or touching upon said river; and upon conviction thereof shall be fined in any sum not less than one hundred dollars, to be assessed by the jury: provided, that no person shall be liable for an obstruction or interruption occa-

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