

Persons ex-  
empted from  
militia duty.

SEC. 26. *And be it further enacted*, That the following designated officers and persons be and they are hereby exempted from militia duty, viz: The members of the executive, legislative, and judiciary departments of the Government of the United States, and their respective officers, all custom house officers and their clerks, all postmasters and mail carriers actually employed in the care and conveyance of the mail of the United States, all ferrymen on post roads, the Secretary of the Territory, the members and officers of the Legislative Assembly during its session and fourteen days before and after each session, ministers of the gospel of every denomination, who prove to the commandant of the company, in whose beat or precinct they reside, that they have been regularly ordained or licensed, and are now in full communion with their respective churches, and no others.

Repealing  
clause.

SEC. 27. That all laws contrary to the provisions of this act are hereby repealed, and that this act take effect from and after its passage.

APPROVED, January 4, 1839.

## MILL DAMS.

AN ACT to authorize Benjamin Nye to build a dam across Pine river.

Authority to  
erect a dam  
and mills or  
other machinery.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Benjamin Nye, his heirs and assigns, are hereby authorized and empowered to build a dam across Pine river, at any point on the north-west quarter of section twenty-one, township seventy-seven, north, range one, east of the fifth principal meridian, and to erect mills or other machinery, as they may deem proper, or in any other manner to make use of the water power created thereby: *Provided*, Said dam, or mills, shall not interfere with the rights of any individual, or of the United States.

APPROVED, January 12, 1839.

## MILL DAMS.

AN ACT to authorize William Meek and Sons to erect a dam across the Des Moines river.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That William Meek and Sons be, and they are hereby authorized, to construct a dam across the Des Moines river, in Van Buren county, in said Territory, between sections eight and seventeen, in township sixty-eight, north, range eight, west of the fifth principal meridian; which said dam shall not exceed three feet in height, above common low water mark, and shall contain a convenient lock, not less than one hundred and thirty feet in length, and thirty-five feet in width, for the passage of steam, keel, and flat boats, rafts, and other water craft, provided said water craft will bear two tons burthen.

Authority to construct a dam.

Lock for the passage of boats.

SEC. 2. It shall be the duty of the persons, authorized in the preceding section of this act to build said dam, at all times to keep the lock in the same in good repair, and they shall, at all reasonable times, pass any water craft above mentioned through, free of toll, without any unnecessary delay. And any person who shall be unnecessarily detained, shall be entitled to recover of said owners double the amount of damages they shall prove to have sustained by reason of such detention.

Lock to be kept in repair, and boats passed without delay.

SEC. 3. Any person who shall destroy, or in anywise injure, either 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 lock or dam, 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.

Penalty for destroying or injuring dam or lock.

SEC. 4. Nothing herein contained shall authorize the individuals named in this act, their 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.

Not to enter upon or overflow lands without consent of owner. Nuisances to be removed.

SEC. 5. The legislature of this Territory (or State) may at any time alter or amend this act, so as to provide for the navigation of the said river.

This act may be amended.

When dam  
and lock to be  
completed.

SEC. 6. The dam and lock, specified in the first section of this act, shall be completed within three years, from the first day of May next.

Limitation of  
the act.

SEC. 7. The right of constructing and continuing the aforesaid dam and lock, across the Des Moines river, shall be vested in the said Wm. Meek and Sons, for the term of fifty years, from the first day of May next.

SEC. 8. This act to take effect from and after its passage.

APPROVED, January 17, 1839.

### MILL DAMS.

AN ACT to authorize Henry Eno and others to erect a dam across the Des Moines river.

Authority to  
construct a  
dam.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Henry Eno, George W. Howe, Seth Richards, and their associates, be and they are hereby authorized to construct a dam across the Des Moines river, in Van Buren county, in said Territory, at the point between the towns of North and South Bentonsport; which said dam shall not exceed three feet, above common low water mark, and shall contain a convenient lock, not less than one hundred and thirty feet in length, and thirty-five feet in width, for the passage of steam, keel, and flat boats, rafts, and other water craft, provided said water craft will bear two tons burthen.

Lock for the  
passage of  
boats.

Lock to be  
kept in repair,  
and boats pass-  
ed without de-  
lay.

SEC. 2. It shall be the duty of the persons, authorized in the preceding section of this act to build said dam, at all times to keep the lock in the same in good repair, and they shall, at all times, pass any water craft above mentioned through, free of toll, without any unnecessary delay. And any person, who shall be unnecessarily detained, shall be entitled to recover of said owners double the amount of damages they shall prove to have sustained by reason of said detention.

Penalty for de-  
stroying or in-  
juring dam or  
lock.

SEC. 3. Any person, who shall destroy, or in anywise injure, either 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 lock or dam, 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. 4. Nothing herein contained shall authorize the individuals named in this act, their heirs and assigns, to enter upon or overflow 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.

Not to enter upon or overflow lands without consent of owner. Nuisances to be removed.

SEC. 5. The legislature of this territory (or State) may at any time alter or amend this act, so as to provide for the navigation of the said river.

This act may be amended.

SEC. 6. The foregoing act shall cease and determine at the expiration of fifty years, from its date, unless a future legislature, having the control of the same, shall otherwise determine: *And provided further*, That said dam and lock shall be completed in five years, from the passage of this act.

Limitation of the act.

When dam and lock to be completed.

SEC. 7. *And be it further enacted*, That the said Henry Eno, George W. Howe, Seth Richards, and their associates, may at any time, within one year from the passage of this act, call a meeting of said company, by giving at least six weeks notice, in some newspaper printed within the Territory, or by posting up written or printed notices in three of the most public places in said county.

Meeting may be called within one year.

SEC. 8. And said company, when so convened, may call one of their number to preside, and may proceed to enact such by-laws, and rules and regulations, for the government of said company, as a majority of them may deem right and proper: *Provided*, Said by-laws do not conflict with the laws of the United States, or this Territory.

By-laws, rules, and regulations.

SEC. 9. All subsequent meetings shall be in such manner, and at such time and place, as a majority of said company shall direct

Subsequent meetings.

APPROVED, January 17, 1839.

## MILL DAMS.

AN ACT to authorize Robert Willson, his heirs or assigns, to erect a dam across Skunk river.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Robert Willson, his heirs or assigns, are hereby authorized to construct a dam across Skunk river, in Henry county, in said Territory, in section twenty-four, in township seventy-one, north, in range seven, west,

Authority to construct a dam.

Lock for the passage of boats. at the seat now occupied by said Robert Willson; said dam shall contain a convenient lock, not less than seventy-five feet in length, and fifteen feet in width, for passage of steam, keel, and flat boats, and rafts, and other water crafts.

Lock to be kept in repair, and boats passed without delay. SEC. 2. It shall be the duty of the person, authorized in the preceding section of this act to build said dam, at all times to keep the lock in the same in good repair, and he shall, at all reasonable times, pass any water craft above mentioned through, free of toll, without any unnecessary delay. Any person, who shall be unnecessarily detained, shall be entitled to recover of said owner, or owners, double the amount of damages they shall prove to have sustained by reason of such detention.

Penalty for destroying or injuring dam or lock. SEC. 3. Any person, who shall destroy, or in anywise injure, either 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 lock or dam, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined treble the amount of damages the owner, or owners, may have sustained, or be imprisoned, at the discretion of the court: *Provided*, Such imprisonment does not exceed three months.

Not to enter upon or overflow lands without consent of owners. Nuisances to be removed. SEC. 4. 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 he shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity.

This act may be amended. SEC. 5. The legislature of the Territory (or State) may at any time alter or amend this act, so as to provide for the navigation of the said river.

APPROVED, January 19, 1839.

## MILL DAMS.

AN ACT to authorize John Carter to erect a dam across Big Cedar, in Jefferson county.

Authority to erect a dam. SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That John Carter is hereby authorized to erect a dam across Big Cedar, in Jefferson county, in said Territory, at a

point on the north-east quarter of section thirty-three, in township No. seventy-one, north, range nine, west, which dam 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 22, 1839.

### MILL DAMS.

AN ACT to authorize Hiram C. Smith and ——— Cordell to erect a dam across Skunk river.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Hiram C. Smith and ——— Cordell be, and they are hereby authorized to construct a dam across Skunk river, in Henry county, in said Territory, at a point in section 28, township No. 70, north, range 5, west; which dam shall not exceed four feet above common low water mark, and shall contain a convenient lock, not less than one hundred and thirty feet in length, and thirty-five feet in width, for the passage of steam, keel, and flat boats, rafts, and other water crafts; *Provided*, Said water craft will bear two tons burthen: *And provided further*, That said dam and lock shall be completed within the term of four years from the passage of this act.

SEC. 2. It shall be the duty of the persons, authorized in the preceding section of this act to build said dam, at all times to keep the lock in good repair, and they shall, at all reasonable times, pass any water craft above mentioned through, free of toll,

without any unnecessary delay; and any person, who shall be unnecessarily detained, shall be entitled to recover of the owners double the amount of damages they shall prove to have sustained by reason of said detention.

Penalty for destroying or injuring dam or lock.

SEC. 3. Any person, who shall destroy, or in anywise injure, either 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 lock or 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.

Not to enter upon and overflow lands without consent of owner. Nuisances to be removed.

SEC. 4. Nothing herein contained shall authorize the individuals named in this act, their heirs and 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.

This act may amended.

SEC. 5. The legislature of this Territory (or State) may at any time alter or amend this act, so as to provide for the navigation of said river.

APPROVED, January 23, 1839.

## MILLS AND MILLERS.

AN ACT regulating Mills and Millers, and for other purposes.

Owners of land on one side of a stream, how to acquire a title on the other side.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That when any person, owning lands on one side of any stream or water course, the bed of which wholly, or in part, belonging to himself, or herself, and may be desirous of building a water grist mill, or saw mill, on such lands, or to erect any dam across such water course for that purpose, and shall not own the lands on the opposite side of such stream or water course, such person on application to the district court of the county where the opposite lands may be, may obtain a writ of *ad quod damnum*, to be issued, directed, and proceeded on as is hereinafter directed: *Provided*, That notice, in writing, of such application be given four weeks before said application by personal service on the owner or owners of such lands, his, her, or their agents, if to be found in the county, and if not, by

Application to district court.

Proviso, as to notice.