

A. Crary, William H. Brown and Charles Swan, to establish and keep a ferry across the Mississippi river, at the town of Charleston," shall be so amended as to give said Leonard, Crary, Brown and Swan, one year further time from the passage of this act, to procure for said ferry a horse or steam ferry boat.

SEC. 2. Forfeiture of charter for non-compliance with law. That if the horse or steam ferry boat be not completed and in operation within the time above specified, the charter referred to in the title of this act shall be rendered null and void.

Approved December 23, 1840.

[12] CHAPTER 16.

AN ACT for the partial dissolution of the bonds of matrimony now existing between John Philips and Nancy Philips.

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

SECTION 1. Partial dissolution of marriage contract. That the marriage contract now existing between John Philips and Nancy Philips, of said Territory, be so far dissolved as to permit the said parties to live separate and apart from each other.

SEC. 2. Nancy Philips authorized to sue, etc.—mother to retain children. That the said Nancy Philips be so far restored to the privileges of an unmarried woman as to be able to contract and be contracted with, to sue and be sued on such contracts, and to be released from all control or coercion whatever of the said John Philips; and that she also have the entire control and guardianship of her two children now in her possession, to-wit.: Eliza and Nancy Philips.

Presented to the Executive December 23, 1840.

CHAPTER 17.

AN ACT authorizing Henry M. Koonts and William Doak, Jr., to execute a deed to Rebecca A. Palmer.

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

SECTION 1. H. M. Koonts and William Doak, jr. authorized to execute deed to R. A. Palmer, for one acre of land—location of land. That Henry M. Koonts, guardian of Workman Hughes, Martha Jane Hughes, and Andrew Jackson Hughes, minor children of Samuel Hughes, sen.; and William Doak, jr., guardian of Hugh, Nancy, Edmund and Samuel Doak, minor children of said William Doak, jr., be and they are hereby authorized to make and execute a good warranty deed to Rebecca A. Palmer, of one acre of land for the purpose of a burying ground, and which is now used in that way, of and from the northeast quarter of section number thirty-four, township number sixty-eight north, of range number four west, in the county of Lee, and Territory of Iowa.

Approved December 23, 1840.

[13] CHAPTER 18.

AN ACT to authorize Samuel Troxell to erect a dam across Big Sugar Creek, in the County of Lee.

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

SECTION 1. Erection of dam authorized, and place. That Samuel Troxell, his heirs or assigns, be and they are hereby authorized to erect and keep a dam across Big Sugar Creek, on the north half of the northwest quarter of section thirty, range five west, township sixty-eight, in the said county.

SEC. 2. Penalty for injury to dam—may be fined or imprisoned. Any person or persons who shall destroy, or in anywise 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 guilty of a misdemeanor, and on conviction thereof shall be fined treble the amount of damages the owner may sustain, or be imprisoned, at the discretion of the court.

SEC. 3. Not to enter upon lands of others, etc.—nuisances, etc., to be removed. Nothing herein contained shall authorize the individual named in this act, his heirs or assigns, to enter upon and overflow the lands of any other person or persons, without the consent of such person or persons; 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 December 23, 1840.

CHAPTER 19.

AN ACT to amend an act entitled, "An act to incorporate the town of Bloomington."

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

SECTION 1. Ferry privilege vested in corporation. That the president and trustees of the town of Bloomington, and their successors in office, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at Bloomington, in Muscatine county, and for one mile above and one mile below said town, to the east bank of said river.

SEC. 2. Ferry subject to legislative enactment. That said ferry, when so established, shall be subject to the same laws, and under the same restrictions, as other ferries are, or may hereafter be, by laws enacted, or to be enacted, in this Territory (or State,) fixing the rates of tolls and prescribing the manner in which licensed ferries are or shall be hereafter established and attended to.

[14] **SEC. 3. Corporation authorized to lease ferry, etc.** That the said president and trustees of the town of Bloomington, and their successors in office, shall have the full and entire control of said ferry, and the exclusive privilege of keeping the same; and may lease, for any term of years not exceeding ten years, said ferry, in such manner as they may deem most conducive to the interests of said town of Bloomington.

SEC. 4. Repeal reserved. Any subsequent Legislature may alter, amend or repeal this act.

Presented to the Executive December 29, 1840.