

running a race from a point in said quarter section so as to intersect said river at a point in the northwest quarter of [92] section number thirty-two, all in township number seventy-two north, range number seven west; which dam shall not exceed five feet above 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 crafts shall bear two tons burthen: and provided further, that said dam and lock shall be completed within four years from the passage of this act.

SEC. 2. Duty of persons building dam—damages for delay. 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.

SEC. 3. Penalty for injury to dam, etc. Any person who shall destroy, or in any wise 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.

SEC. 4. Not to flow lands of others, etc. 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.

SEC. 5. Power to amend. 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 15, 1841.

CHAPTER 82.

AN ACT to amend an act providing for the organization of townships.

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

SECTION 1. Duty of board of county commissioners—counties to be divided into townships, etc. That the board of county commissioners in each county not yet divided into townships, or in which there has been no election authorizing the organization of townships, shall, as soon as they are of opinion that the people of the county desire township organization, proceed to divide the county into townships, and discharge the duties required by "An act to pro-[93]-vide for the organization of townships," commencing with the fifth section of said act.

SEC. 2. Notice to be given—what notice to contain. That when a county is divided into townships, the county commissioners shall cause a notice to be put up at the place for holding elections in each township, containing the name and description of the boundary of such township; and in such counties as have one newspaper published therein, they shall cause the names and

description of the boundaries of the township in such county to be published in one such paper for two weeks.

SEC. 3. Repealing section. That so much of said act as contravenes the provisions of this act, are hereby superceded.

Approved January 15, 1841.

CHAPTER 83.

AN ACT to authorize Silas Deeds to erect a dam across Skunk river.

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

SECTION 1. Point at which a dam is to be erected—height, etc.—to contain lock—proviso—Ib. That Silas Deeds, his heirs or assigns, are hereby authorized to erect a dam across Skunk river, in Jefferson county, at a point in the north-east quarter of section thirty-six, in township number seventy-three north, of range number eight west, which dam shall not exceed five feet above 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 crafts will bear two tons burthen: and provided further, that said dam and lock shall be completed within four years from the passage of this act.

SEC. 2. Duty of builders of dam—damages for detention. 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 crafts 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.

SEC. 3. Penalty for injury, etc., to dam. 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 dam or lock, 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.

[94] **SEC. 4. Not to overflow lands of others, etc.** Nothing herein contained shall authorize the individual named in this act, his heirs or assigns, to enter upon and 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.

SEC. 5. Power to repeal. 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 15, 1841.