

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 That so much of said act as contravenes the provisions of this act, are hereby superceded.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