

CHAPTER 94.

AN ACT to authorize Peter Brewer and Company to build a bridge over Skunk river.

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

SECTION 1. Where bridge to be erected—proviso. That Peter Brewer, and such other persons as shall be connected with him in the undertaking, be and they are hereby authorized to build a bridge over Skunk river at or near the mouth of Long Creek: provided, said bridge shall be erected in three years' time.

SEC. 2. Of Bridge, etc. Said bridge shall have stone abutments and piers, and the wood work shall be made sufficiently strong and durable to render [103] the passage over the same safe to the heaviest kind of traveling vehicles.

SEC. 3. Height, etc.—duty of company. Said bridge shall be raised sufficiently high not to impair the navigation of the stream; or if said company otherwise desire, they may erect said bridge in such manner that a portion of the same may be raised after the manner of a drawbridge, for the purpose of permitting water crafts to pass; and in such case they shall always have some one in ready attendance to assist the passage of any boat, vessel, or other water conveyance.

SEC. 4. Style—powers—proviso—disposition of stock, etc. Said company shall be known by the name of and style of the "Skunk river bridge company," and by that name may sue and be sued, and shall have other corporate powers to adopt for themselves such by-laws and regulations for their government as a majority of the stockholders may deem expedient: provided, the same be not [in] contravention of the laws of the United States or this territory; shall have succession to them, their heirs and assigns, for fifteen years; and each member shall have power to sell or otherwise dispose of his interest in said bridge as he may desire, and his stock shall be liable to execution as personal property.

SEC. 5. Officers. Said company shall elect a president and three trustees, on any of whom a summons in law may be served under the same regulations and with like effect as in ordinary cases.

SEC. 6. Prohibition—limit of stock. Said company shall not exercise any banking privileges, and shall purchase no other personal or real property than may be necessary for the erection of said bridge; and the stock of said company, for the purpose aforesaid, shall not exceed ten thousand dollars, and may be held in shares of one hundred dollars each.

SEC. 7. Toll. The rate of toll for crossing over said bridge shall be such as the county commissioners of Lee and Des Moines counties shall together agree upon.

Approved, January 15, 1841.

CHAPTER 95.

AN ACT to authorize John Godden, his heirs or assigns, to build a dam across the Des Moines river.

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

SECTION 1. Point at which dam is to be constructed—height—to contain lock, etc. That John Godden, his heirs or assigns, are hereby authorized to construct a dam across the Des Moines river, in Van Buren county, in said

territory, opposite the town of Rising Sun, and below the mouth of Chequess Creek. Said dam shall not be more than three feet high 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 pas-[104]-sage of steam, keel, and flat boats, rafts, and other water crafts, provided said water crafts will bear two tons burthen.

SEC. 2. Duty of John Godden—penalty for detention. It shall be the duty of the said John Godden, his heirs or assigns, at all times to keep the lock in the dam authorized by the first section of this act in good repair; and shall, at all times, pass any steam, keel or flat boat, or other water craft above mentioned, through said lock, free of all charges or toll, and without any unnecessary delay; and if any person or persons shall be prevented unnecessarily, he or they shall be entitled to recover of said owner double the amount of damages he or they may have sustained by such delay.

SEC. 3. Penalty for injury to dam. 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 double 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.—Nuisances. Nothing herein contained shall authorize the individuals named in this act, their heirs or assigns, to enter upon or overflow the lands of any person, without the consent of such person, or to interfere with any other charter already granted on said Des Moines river, or with any mill now in operation, or any of the tributaries of said Des Moines river; 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 said territory (or state, as the case may be) may at any time alter or amend this act so as to provide for the navigation of said river.

SEC. 6. When dam to be completed. The dam and locks specified in the first section of this act shall be completed within three years after the third day of March, eighteen hundred and forty-one.

SEC. 7. Associates. The said John Godden may associate with himself such persons as he may see proper for the purposes above specified, who shall, when associated, be bound by the provisions of this act in the same manner of the said Godden.

SEC. 8. Charter for fifty years. The right of constructing said dam and lock across the Des Moines river at the place above mentioned shall be vested in the said John Godden, his heirs and assigns, for fifty years from and after the third day of March next, eighteen hundred and forty-one.

Approved, January 15, 1841.

[105] CHAPTER 96.

AN ACT to establish a territorial road from Moscow to Marion.

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

SECTION 1. Commissioners—route of road. That George Bumgardner, of Muscatine county, John W. Wilkinson, of Cedar county, and Harvey B. Burnap, of Linn county, be and they are hereby appointed commissioners to lay