

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

out and establish a territorial road from Moscow, in Muscatine county, to Marion, in Linn, via Rochester, Antwerp, and Mason's Grove, in Cedar county, and Ivanhoe, in Linn county.

SEC. 2. Meeting of commissioners. The commissioners aforesaid, or any two of them, shall meet at Moscow on the third Monday of April next, or any day thereafter during the year which they may agree upon to proceed to the discharge of their duties; and may adjourn from day to day as circumstances shall require.

SEC. 3. Duties of commissioners. That said commissioners shall discharge their duties in accordance with "An act to provide for laying out and establishing territorial roads," approved December 19th, 1838.

Approved, January 15, 1841.

CHAPTER 97.

AN ACT to locate a territorial road from Columbus City, in Louisa county, to Smith's Mills, in Henry county.

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

SECTION 1. Commissioners—route of road. That George Key, of Louisa county, James D. Spearman and John Milliford, of Henry county, be and they are hereby appointed commissioners to view and locate a territorial road, commencing at Columbus City, in Louisa county; thence on the nearest and best route to intersect the west line of section number two; thence on the section line west of sections eleven, fourteen, twenty-three and twenty-six, in township number seventy-one north, range number five west; and from thence on the nearest and most approved route to Smith's Mills, on Skunk river.

SEC. 2. Meeting of commissioners. That said commissioners, or a majority of them, meet at Columbus City on the first Monday of April next, and shall proceed to locate said road according to the provisions of "An act to establish territorial roads;" and if said commissioners, or a majority of them, shall fail to meet as is herein specified, it shall be legal for [106] said commissioners, or a majority of them, to meet at such time thereafter during the present year as they may agree upon, who shall then proceed to locate said road as above directed.

SEC. 3. Pay of commissioners, surveyor, etc. That the commissioners, surveyor and chain carrier, employed to locate the road herein specified, shall receive such compensation for their services as the respective boards of commissioners for the counties of Louisa and Henry may think proper to allow them, and no more.

Approved, January 15, 1841.

CHAPTER 98.

AN ACT to provide for the survey of a territorial road from Burlington, through Henry county, to Keosauqua, in Van Buren county, and the Missouri line.

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

SECTION 1. Commissioners—route of road. That Warren Dee, of Des Moines county, John S. Stephenson, of Henry county, and Isaiah M'Mana-