

CHAPTER 100.

AN ACT to authorize John R. Sparks and his associates to erect 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 of construction of dam—height—lock. That John R. Sparks and his associates, be and they are hereby authorized to construct a dam across [108] the Des Moines river, in Van Buren county, in said territory, on the southwest quarter of section number twenty-seven in township sixty-nine, range nine west, which dam shall not exceed three feet in height above common low water mark, and shall contain a convenient lock not less than one hundred and twenty feet in length and twenty 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.

SEC. 2. Lock to be kept in repair, etc.—penalty 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 the same 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 said owners double the amount of damages they shall prove to have sustained by reason of such detention.

SEC. 3. Penalty for injury to dam, etc. 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 and maliciously destroy or injure said lock or dam shall be guilty of a misdemeanor, and on conviction thereof shall be fined treble the amount of damage the owners may have sustained, or be imprisoned, at the discretion of the court.

Sec. 4. Not to flow lands of others—nuisances. Nothing herein contained shall authorize the individuals named in this act, their heirs or assigns, to enter upon and overflow the lands of any person without the consent of such person; and they shall remove all nuisances as may be occasioned by the erection of said dam which may endanger the health of the vicinity.

SEC. 5. Power to amend, etc. The legislature of this territory (or state) may at any time alter or amend this act, so as to provide for the navigation of the said river.

SEC. 6. Three years allowed. The dam and lock specified in the first section of this act shall be completed within three years from the first day of May next.

SEC. 7. Charter for fifty years. The right of constructing and continuing the aforesaid dam and lock across the Des Moines river shall be vested in the said John R. Sparks and associates, their heirs and assigns, for the term of fifty years from the first day of May next.

SEC. 8. To take effect. This act to take effect from and after its passage.

Approved January 15, 1841.