

SEC. 3. Each member liable for the performance of contracts. Each member of said institution shall be personally liable, for the performance of all contracts and obligations, entered into by the same.

Approved January 11, 1842.

CHAPTER 11.

AN ACT to locate and establish a territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county.

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

SECTION 1. Names of commissioners—route of road. That Joel Bailey, of Delaware county, Edward Steel, of Dubuque county, and Mahon Lupton, of Jones county, be and they are hereby appointed commissioners, to locate and establish a territorial road, viz.: from the county seat of Delaware, to Dillon's mill; thence across the river and running the west side of the Makoqueta, to the falls on said river, at the town of West Cascade.

SEC. 2. When and where commissioners to meet—oath to be taken. That the said commissioners, or any two of them, shall meet at West Cascade, on the first Monday in April next, or at such other time as they, or a majority of them may agree upon, within twelve months thereafter, for the performance of said duty; and prior to commencing the same, shall take and subscribe before some justice of the peace, the usual form of oath, for the faithful discharge of their duties.

SEC. 3. Compensation of commissioners, surveyors, etc.—how paid. That the said commissioners and the surveyor, shall each receive the sum of two dollars and fifty cents per day; and the chain carriers and markers shall each receive the sum of one dollar and fifty cents per day, during the time they may be necessarily employed on said road; to be paid according to an act entitled "an act to locate and establish territorial roads."

Approved January 18, 1842.

CHAPTER 12.

AN ACT to authorize Perriander Pollock, and others, to erect a dam across the Wabesipinicon river.

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

SECTION 1. Authority to erect a dam—where—height of dam—width and length of lock. That Perriander Pollock, and his associates, be and they are hereby authorized, to erect a dam across the Wabesipinicon river, in Clinton county in said territory; on the southeast quarter of section eight, in township eighty, north, range two east of the fifth principal meridian; which said dam, shall not exceed two and a half feet in height, above common low water mark; and in said dam, shall be constructed a lock or apron, at least thirty feet wide, and eighty feet long, so as to admit of boats to descend, and ascend, with safety.

SEC. 2. Persons guilty of injury to said dam guilty of misdemeanor—penalty. That any person who shall destroy or otherwise injure said dam,

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, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owners may have sustained, or be imprisoned at the discretion of the court.

SEC. 3. **Dam must not occasion nuisance.** Nothing herein contained, shall authorize the individuals named in this act, their heirs or 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. 4. **Act may be repealed.** That nothing in this act shall be so construed, as to prevent the future legislature of this territory or state, to repeal the same if deemed expedient.

SEC. 5. This act to take effect and be in force from and after its passage.

Approved January 18, 1842.

[11] CHAPTER 13.

AN ACT to divorce Naomi Williams, from her husband, Edward Y. Williams.

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

SECTION 1. That the marriage contract heretofore existing between Naomi Williams and Edward Y. Williams, be and the same is hereby dissolved; and that hereafter she be called and known, by the name of Naomi Jones.

Approved January 18, 1842.

CHAPTER 14.

AN ACT to locate and establish a territorial road from Thos. Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county.

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

SECTION 1. **Names of commissioners—route of road.** That Jacob Lebo, Joseph W. Bigger, and Prior Scott, of Linn county, be and they are hereby appointed commissioners, to locate and establish a territorial road from Thomas Lingle's Mill, in Johnson county, via Westport to Marion, in Linn county, on the most practicable route.

SEC. 2. **When and where commissioners to meet—compensation of commissioners, surveyors, etc.** That said commissioners, or a majority of them, shall meet at Thomas Lingle's on the first Monday in May next, or at such other time within three months thereafter, as they may agree upon; and shall proceed to locate said road according to the provisions of an act, to locate and establish territorial roads; and shall receive per day while necessarily employed in the execution of said duties, the following compensation: the commissioners each the sum of two dollars; the surveyor the sum of two dollars; and all other necessary hands, the sum of one dollar and fifty cents.

Approved January 18, 1842.