

and in all things conformable to the provisions of this act; and moreover, all such real estate so sold, may be redeemed in the same manner and within the same period of time, as is, or may be provided by law, in case of any real estate sold for any county tax.

**SEC. 16. Power to repeal, etc., reserved.** This act may be altered, amended or repealed, by any future legislature of this territory, whenever a majority of the citizens of the said town of Mount Pleasant, shall petition for the same.

Approved January 25, 1842.

[17] CHAPTER 20.

AN ACT to authorize Rachael Holcomb, as administratrix of the estate of Milo Holcomb, deceased, and as guardian of Elvin Milo Holcomb, minor heir of Milo Holcomb, deceased, to sell and convey certain real property.

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

**SECTION 1. Authority to sell and convey real property—time of credit.** That Rachael Holcomb, administratrix of Milo Holcomb, deceased, and guardian of Elvin Milo Holcomb, minor heir of said Milo Holcomb, deceased, is hereby authorized, either at private or public sale, to sell and to convey the following described real property, of which Milo Holcomb deceased, late of Washington county, died seized, to-wit: the northeast quarter of section number thirty-one, in township number seventy-four, north of range seven west, containing one hundred and sixty acres, on a credit not exceeding five years; or on payments to be made annually or otherwise, within five years subsequent to such sale, and conveyance as she may deem proper; which credits and payments are to be secured by mortgage, or other approved security.

**SEC. 2. To be appraised—appraiser under oath—value to be sold for.** That prior to any sale of the property aforesaid, said Rachael Holcomb shall cause said property to be appraised by three disinterested freeholders of said county; said freeholders being under oath or affirmation, to appraise the same according to the best of their knowledge and judgment; said oath or affirmation to be administered by, and filed together with said appraisement, with the clerk of district court of said county; and said property shall not be sold for less than three-fourths of the appraised value aforesaid.

**SEC. 3. Return of sale to the court—deed to be executed.** That upon the sale of the property aforesaid, said Rachael Holcomb, shall make a true and correct return to the district court of said county, at the next term of said court after said sale; and the court being satisfied that said sale has been made in compliance with this act, shall confirm the same; and upon the confirmation of said sale by the court, as aforesaid, the said Rachael Holcomb shall make and execute to the purchaser or purchasers, a good and sufficient deed in fee simple, for the said property; which said deed shall convey all the interest, right and title, of said heirs of said Holcomb to the said property, to the purchaser or purchasers.

**SEC. 4. Dower right.** That three-tenths of the proceeds of the sale of said property, shall be retained and held by said Rachael Holcomb, in lieu of her dower of the same; and the balance shall be retained and accounted for, as the assets of said estate by said administratrix.

**SEC. 5. Loan of proceeds.** That the said Rachael Holcomb shall, immediately upon the receipt of any payments from the purchaser or purchasers of

the real estate aforesaid, loan the same at an interest of at least six per centum per annum, (excepting the three-tenths of the same allowed by the fourth section of this act) and which shall be accounted for by the said administratrix, as assets of said estate.

**SEC. 6. To give security.** That the said administratrix as aforesaid, on or before the day of making out a deed, as provided for in the third section of this act, shall [18] give good and sufficient security, to be approved of by the district court aforesaid, for the faithful performance of the duties required of her by this act.

**SEC. 7.** This act to take effect and be in force from and after its passage. Approved January 25, 1842.

## CHAPTER 21.

AN ACT to authorize Jason Wilson to erect a dam across Skunk river, in Lee county.

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

**SECTION 1. To construct a dam—point where constructed—manner of construction—time of completion.** That Jason Wilson, his heirs and assigns, are hereby authorized, to construct a dam across Skunk river in Lee county, in said territory, at a point on the southeast quarter of section seven, in township sixty-nine, north of range four west; which dam shall not exceed four feet 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 passage of steam, keel, and flat-boats, rafts, and other water-crafts: provided, said water-craft will bear two tons burden: and provided, further, that said dam and lock shall be completed within the term of four years, from the passage of this act.

**SEC. 2. To keep lock in repair—toll free—damages.** That 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-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 the owners, double the amount of damages they shall prove to have sustained, by reason of said detention.

**SEC. 3. Penalty for injury—damages on conviction.** That 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 lock or dam, shall be deemed guilty of a misdemeanor; and on conviction thereof, shall be fined treble the amount of the damages the owner may have sustained, or be imprisoned at the discretion of the court.

**SEC. 4. Flowing other lands.** That nothing herein contained, shall authorize the individuals named in this act, their heirs and 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. 5. To be amended or repealed.** That the legislature of this territory or state, may at any time alter, amend or repeal this act, so as to provide for the navigation of said river.

Approved January 25, 1842.