

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.