

[21]. CHAPTER 25.

AN ACT supplementary to an act entitled "An act to authorize evidence by the oath of parties."

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

SECTION 1. Examination of parties in suit—proof of set-off or demand—proof of keeping correct accounts. That upon the examination of either party, upon the application of the opposite party, in any suit in any court in this territory, said suit being founded on contract, should said party be unable to testify to the correctness or incorrectness of any item or items, in the demand or set-off, the party wishing to prove said demand or set-off shall be allowed to swear to the correctness of said item or items; provided they shall have been charged by him in a regular account, and he shall prove by competent testimony that he is in the habit of keeping his account or accounts correctly.

SEC. 2. This act to be in force and take effect from and after its passage. Approved January 28, 1842.

CHAPTER 26.

AN ACT to authorize the county commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a ferry across the Des Moines river at Watertown.

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

SECTION 1. Grant of license for ferry for five years—regulation. That the county commissioners of Van Buren county, be and they are hereby authorized and directed to grant a license to Jesse Wright and Henry Bateman, of said county, for the term of five years, to keep a ferry across the Des Moines river opposite Watertown: provided, said Wright and Bateman shall in all respects be subject to the law regulating ferries in this territory.

SEC. 2. Construction of act. This act shall not be so construed as to prevent L. P. Harris, his heirs or assigns, from obtaining a license to keep a ferry at any subsequent time.

SEC. 3. This act shall be in force from and after its passage. Approved January 28, 1842.

CHAPTER 27.

AN ACT to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river at the mouth of Nassua Slough.

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

SECTION 1. Right to keep a ferry—term of years—subject to regulations—construction of act. That Robert M. G. Patterson, his heirs and assigns. [22] be and they are hereby authorized to establish and keep a ferry across

the Mississippi river at or near the mouth of Nassau slough, in the county of Lee, for the term of ten years from the passage of this act: provided, that said ferry, when so established, shall be subject to the regulations, and under the same restrictions, as other ferries are or may hereafter be by the laws of this territory, fixing the rates of tolls, and prescribing the manner in which licensed ferries shall be kept and regulated: provided also, that this act shall not be so construed as to interfere with the right that any individual may have to the lands on either side of the river.

SEC. 2. Privilege of others—boat and number of hands—time allowed. That no court or board of county commissioners shall authorize any person or persons to keep a ferry within the limits of one mile above the mouth of said Nassau slough: provided, that the said Robert M. G. Patterson shall keep at said ferry a good and sufficient flat-boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay, within five months from the passage of this act: and the said Robert M. G. Patterson shall, within five years, procure a good and sufficient horse or steam ferry boat.

SEC. 3. This act to take effect from and after its passage.

Approved January 28, 1842.

CHAPTER 28.

AN ACT to incorporate the Washington Manufacturing Company.

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

SECTION 1. Body politic—to sue and be sued—conveying estate—value of property. That Williard Hammond, James H. Gower, and Robert Gower, and such other persons as may associate themselves with them, be and they are hereby created a body politic and corporate, to be known by the name and style of the Washington Manufacturing Company and by that name shall have perpetual succession; may sue and be sued in all courts of law or equity, and shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real, personal, or mixed, so far as may be necessary for the purposes herein named; and for all other purposes necessary to consummate the objects of this incorporation: provided the value of said property shall not exceed forty thousand dollars.

SEC. 2. Power to construct a dam—lock—dimensions—time of construction. That said Williard Hammond, James H. Gower, Robert Gower, their associates and successors, be and they are hereby authorized, to construct a dam across the Cedar River, at Washington ferry in Cedar county; which said dam shall not exceed five feet in height, and shall contain a convenient lock, at least one hundred and twenty-five feet in length, and at least thirty-five feet in width; which said lock shall always be kept in a condition convenient and practicable, for the passage of steam, keel, and flat-boats, rafts, and other crafts; and shall be finished within three years from the passage of this act.

SEC. 3. Repair of lock—passage of boats free of toll—damages for detention. That said company shall at all times, keep said lock in good repair; and shall, at all times, on the arrival of any boat or other water-[23]-craft as before specified, pass the same through said lock free of toll and without any unnecessary delay; and any person who shall be unnecessarily detained, shall be entitled to recover of said owners, double the amount of damage he may sustain by reason of such detention.