

That from and after the passage of this act, it shall be the duty of all judges of probate, their executors, or administrators, who now hold or may hereafter hold that office, to deliver over to the successors in office of the said judges of probate, all books and papers relating to said office of judge of probate in their possession, and upon failure to do so within five days after demand, by the successor of said judges of probate, they shall be liable to indictment and punishment by fine, not exceeding one thousand nor less than one hundred dollars.

SEC. 2. Duty of judges of probate whose term of office expired before the passage of this act—liable to indictment. That it shall be the duty of all judges of probate, whose term of office expired before the passage of this act, to deliver over to their successors in office, all books and papers relating to their office, within five days after demanded by their successors, and upon their failure so to do, after such demand, they shall be liable to indictment, and the same punishment as is provided for in the first section of this act.

Approved, February 16, 1842.

CHAPTER 74.

AN ACT to authorize Joseph Stephens, to erect a dam across Skunk river.

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

SECTION 1. Authority to construct a dam—at what point—height of dam—not to back upon dam above—lock to be constructed. That Joseph Stephens, his heirs or assigns, be and they are hereby authorized, to construct a dam across Skunk river, on the north-east quarter of section thirty-four, of township seventy north, and range four west, in the county of Henry; said dam may be built any height not exceeding six feet, provided it shall not back water upon the dam at Smith's mills, and shall have a convenient lock, not less than twenty-five [65] feet wide, and one hundred and twenty feet long, for the passage of boats, rafts, and other water-crafts.

SEC. 2. Good repair of lock. That the said lock shall at all times be kept in good repair, and conditioned to pass any water-craft as above mentioned, free of toll without unnecessary delay.

SEC. 3. Liability for injury to dam—Penalty for maliciously injuring or destroying dam. That any person who shall destroy or 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 dam or lock, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owner or owners may have sustained, or be imprisoned at the discretion of the court.

SEC. 4. Not to flow land of others—nuisances to be removed. That nothing herein contained, shall authorize the owner or owners of said dam, their heirs or assigns, to enter upon and flow the lands of any person without the consent of such person; and he shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health in the vicinity.

SEC. 5. Not to interfere with navigation. That the legislature of the territory or State, may at any time, alter, amend, or repeal this act, so as to provide for the navigation of said river.

Approved, February 16, 1842.