

CHAPTER 79.

AN ACT relative to the navigation of the Maquoqueta river.

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

SECTION 1. River declared to be a public highway—any obstruction a misdemeanor. That the Maquoqueta river, be and it is hereby declared to be a public highway, for all navigable purposes whatsoever; and if any person shall in any manner, impede or obstruct the navigation of said river, he shall be considered to have committed a misdemeanor, and on conviction thereof, shall be fined and imprisoned at the discretion of the court.

SEC. 2. Owners of mill dams to construct schutes or locks for the passage of boats. That in case of any obstructions in said river, by mill dams or other dams, prior to the passage of this act, it shall be the duty of the owner or owners of said mill dams or other dams, to forthwith construct such schutes or locks in said dams, as will admit flat-boats, or other boats, crafts, etc., to pass with safety; that said schutes or locks shall be at least twenty feet wide, and one hundred and twenty feet long, and shall be completed so as to pass boats and other crafts, within two years from the passage of this act.

Approved, February 16, 1842.

[68] CHAPTER 80.

AN ACT amendatory of an act to regulate ferries, approved December 20, 1838.

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

SECTION 1. Power of board of commissioners to regulate ferries. That the several boards of commissioners of the counties of this Territory, are hereby empowered and required to regulate and establish the rates of ferriage, on every ferry in their respective counties, kept by authority of a charter from a Legislative Assembly.

SEC. 2. Duty of clerks of commissioners, and keepers of ferries. That the duty of the clerk of said boards, in such cases, shall be the same as that prescribed in section six of the act to which this is amendatory; and the duty and liability of the keepers of such ferries shall be the same as that prescribed in said act, so far as the same may not be contradictory to those in the charter granted them.

Approved, February 16, 1842.

CHAPTER 81.

AN ACT to authorize Samuel Wells to build a dam across Skunk river.

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

SECTION 1. Right to build a dam—point to build. That Samuel Wells, his heirs and assigns, be and they are hereby authorized to build and keep a dam across Skunk river, on the southeast quarter of section number six, in town-

ship number seventy-four, north, of range number nine west of the fifth principal meridian.

SEC. 2. Liability for injury—Liability for malicious injury. That any person or persons who shall destroy or in any wise 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 guilty of a misdemeanor, and on conviction thereof shall be fined treble the amount of damages the owner may sustain.

SEC. 3. Not to flow other lands or mill wheels.—removal of nuisances—may be amended or repealed. That nothing herein contained shall authorize the individual named in this act, his heirs and assigns, to enter upon and flow the lands or mill wheels of any person or persons, without the consent of such person or persons; 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 of said dam. This act may be amended, altered, or repealed by any subsequent Legislature.

Approved, February 16, 1842.

[69] CHAPTER 82.

AN ACT to authorize John R. Sloan to keep a ferry across the Mississippi river at the town of Camanche, in Clinton county.

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

SECTION 1. Right to keep a ferry—for term—subject to certain regulations. That John R. Sloan, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river at the town of Camanche, in Clinton county, for the term of ten years, from the first of April next: provided, that said ferry, when so established, shall be subject to the same regulations, and be under the same restrictions, as other licensed ferries are or may hereafter be, by the laws of this Territory, fixing the rate of tolls, and prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. Time for procuring boats and hands. That the said John R. Sloan, his heirs and assigns, shall, within three months from the passage of this act, procure for said ferry a sufficient number of flat-boats and other water crafts, with a sufficient number of hands to work the same, which shall be kept at said ferry, for the transportation of all persons and their property across said river without delay.

Approved, February 16, 1842.

CHAPTER 83.

AN ACT to provide for levying a tax on real and personal property for road purposes.

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

SECTION 1. Power to levy a tax for road purposes. That hereafter the board of commissioners in each county in this Territory, may at the same time they make a levy of taxes for county purposes, also fix a per centum on real