

SEC. 6. That all deeds and other instruments of conveyance shall be made by order of the trustees, sealed with the seal of the corporation, signed by the president, and be by him acknowledged in his official capacity, in order to insure their validity.

SEC. 7. That this act shall be in force and take effect from and after its passage.

Approved, 3d February, 1843.

[59] CHAPTER 60.

DAM.

AN ACT to authorize Robert McKee and Ovid Grennell to construct a dam part way across the Des Moines river.

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

SECTION 1. **Robert McKee and Ovid Grennell, to erect a dam across the Des Moines river—location, dimensions of dam and lock—boats to pass free of toll.** That Robert McKee and Ovid Grennell, be and they are hereby authorized to construct a dam across the Des Moines river, so far as the jurisdiction of the territory of Iowa extends, opposite the town of St. Francisville, in the state of Missouri: provided, that they shall first erect a good and sufficient lock, one hundred and thirty feet in length, and thirty-five feet in width, for the purpose of letting steam boats, keel boats, rafts and other water-crafts, through said dam safe, without delay, toll free; said dam shall not exceed five feet high, above low water mark.

SEC. 2. **Height of dam and lock—to be kept in good repair—time of completion.** It shall be the duty of the said Robert McKee and Ovid Grennell to keep said dam and lock, at all times, in good repair, and to let all boats, rafts, and other water-crafts, through, without delay, free of toll; said dam shall be completed within two years from the passage of this act.

SEC. 3. **Penalty for detention of boats—penalty for trespass upon dam.** Any person who shall be unnecessarily delayed by reason of said dam, shall be entitled to recover, from the persons named in this act, in any court having competent jurisdiction of the same, the amount of damage they may prove to have sustained by reason of such detention.

SEC. 4. **Imprisonment as for misdemeanor.** Any person who shall destroy, or in any wise injure, 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 [60] 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 owners may have sustained, or be imprisoned, at the discretion of the court.

SEC. 5. **Not to overflow other lands without the consent of owners—nuisances must be removed.** Nothing in this act shall be so construed as to authorize the persons, named in this act, to enter upon and flow the lands of any person, without the consent of the owner. 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. 6. This act to take effect and be in force from and after its passage.

Approved, 13th February, 1843.