

ond Monday in April next, or within three months thereafter, at such time as may be agreed upon by said commissioners, or a majority of them, and shall proceed to the discharge of their duty according to an act to provide for laying out and opening territorial roads, approved, December 29th, 1838.

**SEC. 3. Surveyors and commissioners compensation.** That said commissioners, surveyor, chain carriers and markers, shall receive such compensation for their services as may be allowed by the county commissioners of Van Buren county.

**SEC. 4.** This act shall be in force from and after its passage.

Approved, 13th February, 1843.

#### [64] CHAPTER 65.

##### ROAD.

AN ACT to locate a territorial road from Cascade, in Dubuque county, to O. A. Olmstead's mill, in Delaware county.

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

**SECTION 1. Names of commissioners and route of road—Dubuque and Delaware not to incur expense thereby.** That Edwin Steel, William Chadwell, and O. A. Olmstead, be and they are hereby appointed commissioners to locate and mark a territorial road commencing at Cascade, in Dubuque county, running from thence the nearest and best route to or near O. A. Olmstead's mills in Delaware county, said commissioners or a majority of them shall meet at Cascade on the third Monday of June next, or as soon thereafter as shall be convenient, and proceed to locate and mark said road as above described: provided, that the counties of Dubuque and Delaware shall not be charged with any of the expenses for locating and marking the road aforesaid.

**SEC. 2.** This act to take effect from and after its passage.

Approved, 13th February, 1843.

#### CHAPTER 66.

##### FERRY.

AN ACT to authorize Thomas McCraney and James Churchman to keep a ferry across the Mississippi river, at or near the upper end of the City of Dubuque.

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

**SECTION 1. [65] Thomas McCraney and Jas. Churchman to keep a ferry across Mississippi river near Dubuque—privileges and term of years—rate of ferriage.** That Thomas McCraney and James Churchman, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at or near the north end of Dubuque city, departing from the west bank, between the upper end of the canal and the mouth of Lake Pocosta, to the east bank of the Mississippi, in Wisconsin, with

the exclusive privilege for the term of fifteen years from the passage of this act: provided, that said ferry, when so established, shall be subject to the same rules and regulations, and under the same restrictions, as other ferries are, or may hereafter be, by the laws of this territory, fixing the rates of ferriage, and prescribing the manner in which licensed ferries shall be kept and regulated.

**SEC. 2. Flat boats and other water crafts with sufficient number of hands to be kept—not to interfere with rights secured to Timothy Fanning.** That said Thomas McCraney and James Churchman, their heirs and assigns, shall on or before the first day of April next, procure, and constantly keep for said ferry, a good and sufficient number of flat boats and other water crafts, with a sufficient number of hands, to carry all persons and their property, across said river, when passable, without delay: provided, that nothing in this act shall interfere with any rights secured to Timothy Fanning in his ferry charter.

**SEC. 3. Non-user to work forfeiture.** The non-user of the privileges of this act, for the space of one year after its passage, shall work a forfeiture of the same.

**SEC. 4. Act may be amended or repealed.** Any future legislature shall have power to alter, amend, or repeal this act.

**SEC. 5.** This act to take effect and be in force from and after its passage. Approved, 13th February, 1843.

## CHAPTER 67.

### 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. [66] 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.