

[68] CHAPTER 69.

DAM.

AN ACT to authorize Arthur Thomes and others to erect 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. Arthur Thomes and others to erect a dam part way across the Des Moines river—location, dimensions of dam and lock. Thomes and sons, and such other persons as may associate themselves with said Thomes and sons, be and they are hereby authorized to erect a dam across the Des Moines river so far as this territory has jurisdiction. Said dam shall be within the limits of section twenty, in township sixty-seven, north of range seven west, in Lee county; which dam shall not exceed five feet in height, above common or low water mark, and shall contain a convenient lock, not less than one hundred and thirty feet in length, and thirty-five feet in width, for the passage of steam, keel and flat boats, rafts and other water-crafts.

SEC. 2. Dam and lock to be kept in good repair—boats to pass through free of toll and without delay—penalty for detention. It shall be the duty of the persons authorized in the preceding section of this act, to build said lock and dam, and at all times to keep the lock in the same in good repair, and they shall at all times, on the arrival of any boat or other water-craft as above specified, pass the same through free of toll or charge, without any unnecessary delay, and any person who shall be unnecessarily detained, shall be entitled to recover of said owners double the amount of damages they shall have sustained by reason of such detention.

SEC. 3. Not to obstruct the navigation of the river. It shall be the duty of said Arthur Thomes and his associates, before they put in any timber, rock or other materials for building said dam, to build, erect and put in good and successful operation said [69] lock as before specified, so that they will not in any wise obstruct the navigation of said river.

SEC. 4. Not to flow the lands of others without consent of the owners—nuisances must be removed. Nothing herein contained shall authorize the above named individuals or their associates, to enter upon or flow the lands of any person, without the consent of such person, and they shall remove all such nuisances as may be occasioned by the erecting of said dam, which may endanger the health of the citizens in its vicinity.

SEC. 5. Time of completion. The said dam and lock, specified in this act, shall be completed within three years from the first of October, one thousand eight hundred and forty-three.

SEC. 6. Act may be altered or amended. The legislature of this territory may at any time hereafter alter, or amend this act so as to provide for the navigation of said river.

SEC. 7. This act to take effect and be in force from and after its passage.

Approved, 13th February, 1843.