

and thence in an easterly direction until said road intersects the county road north of William Myers', shall, to all intents and purposes, be deemed a territorial road.

**SEC. 3. Appointment of commissioners; may change any part of road described in 2d section; within when and how to proceed.** That Oliver Tunston, Philip B. Hogan and Elias McCants, be and they are hereby appointed commissioners, with full power and authority to change or re-locate any part of said road, as described in section second of this act, at any time within six months from the passage hereof: provided, however, that it shall be legal for either of said commissioners to act as surveyor, chain carrier or marker.

**SEC. 4. Time of taking effect.** This act shall take effect and be in force from and after its passage.

Approved, 12th February, 1844.

## CHAPTER 92.

### CONGREGATIONAL CHURCH.

AN ACT to incorporate the board of trustees of the Congregational Church and Society of Burlington.

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

**SECTION 1. Organization of, name and style of; general powers, limitation of property.** That Abner Leonard, William B. Ewing, Seth S. Ransom, James G. Edwards and Albert S. Shackford, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of "The Congregational Church and Society of Burlington," and by that name may have succession, and shall be able in law and equity to sue and be sued, and to hold estate, real, personal and mixed, to an amount not exceeding fifteen thousand dollars.

**SEC. 2. First meeting, by whom called; notice of, how given.** It shall be the duty of the above named trustees to call a meeting of said church and society as soon as practicable after the passage of this act, by giving at least ten days notice of such meeting by [109] public proclamation on two successive Sabbaths immediately previous to such meeting, in the congregation, while convened for public worship, stating the precise objects for which such meeting is called; and all future calls for meetings of business shall embrace the objects for which such meeting or meetings are called.

**SEC. 3. May make by-laws for government of; may elect trustees; their term of office, powers and duties; restriction upon alienation of stock, general restriction as to spiritual matters.** The church and society may, at their first meeting, or at the meeting to which they may adjourn, make, ordain and establish, such rules, regulations and by-laws, not inconsistent with the laws of the United States or this territory, for the erection, regulation, sale, disposal and control of the property and buildings belonging to the said church and society, as they may deem fit and proper, and elect five trustees to serve for one year, and until others be elected in a similar manner; which trustees shall have the control and management of the property of said church and society, to sell and convey pews and other property, subject to the ratification of the church and society: provided, that the provisions of this act shall not be construed so as to enable the church and society, nor their trustees, to alienate the

stock of any contributor in the property and buildings, in proportion to the amount of stock contributed: and provided also, that the provisions of this act be not construed to hinder the members of the said Congregational church of Burlington the election of their own spiritual officers, the worship of Almighty God, the exercise of church discipline, the instruction of Sabbath school, etc., etc., according to the practice of churches generally, in the use of said property and buildings, and according to the constitution, confession of faith, and covenant adopted by said church.

**SEC. 4. Who competent to act at first meeting.** The male church members, and the original contributors to the building of the church, shall be the only competent persons to act in forming rules and by-laws at the first meeting contemplated in the charter.

**SEC. 5. Time of taking effect.** This act to take effect and be in force from and after its passage.

Approved, 12th February, 1844.

## CHAPTER 93.

### DAM.

AN ACT to authorize Hugh Boyle and Ralph Bissell to erect a dam across Skunk river.

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

**SECTION 1. Dam, when to be constructed; lock, extent of; when to be constructed.** That Hugh Boyle, of the county of Lee, [110] and Ralph Bissell, of the county of Henry, their heirs or assigns, are hereby authorized to construct a dam across Skunk river, in Henry county, in town 70 north, range six west, and at section No. twenty-five of said township, at the seat now owned by said Boyle and Bissell. Said dam shall contain a convenient lock, not less than one hundred and thirty-five feet in length and thirty-five feet wide: provided, that if said Boyle and Bissell shall construct a good and sufficient slope in said dam, that will admit the passage of flat boats, rafts and other water crafts, at all times with safety, when the river is in a good stage for safe navigation, they shall have four years from the first day of February, 1844, to construct said lock.

**SEC. 2. Not to obstruct navigation; if obstructed amount of penalty.** It shall be the duty of the persons hereby authorized to build said dam to keep said lock or slope in good repair, so that persons navigating said river may be passed without toll or unnecessary delay. Any person who shall be unnecessarily detained, shall be entitled to recover of said owners double the amount of damages they shall prove to have sustained by reason of such detention.

**SEC. 3. Injury to, how redressed, amount of penalty.** Any person who shall destroy, or in anywise injure, either said dam or lock, shall be deemed to have committed a trespass, and shall be liable accordingly; and any person or persons who shall wilfully or maliciously destroy or injure said lock or dam, 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 interfere with rights of others.** Nothing herein contained shall authorize the individuals named in this act, their heirs or assigns, to enter upon and flow the lands, or otherwise interfere with the rights and priv-