

CHAPTER 128.

STATE ROAD.

AN ACT to establish a state road therein named.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Commissioners.** That Solomon Jackson, of the county of Lee, Jesse Hughes, of the county of Van Buren, and Benjamin D. Workman, of the county of Jefferson, be and they are hereby appointed commissioners to locate a state road, leading from Keokuk, in the county of Lee, by the way of Charleston, in said county, thence to Washington, in Henry county, thence to Sigler's mill on Big Cedar, and from thence on the nearest and best ground to intersect the state road leading from Glasgow to Fairfield, in the county of Jefferson.

SEC. 2. **When to meet.** The said commissioners or a majority of them, shall meet at the city of Keokuk, in Lee county, on the first day of May next, or within sixty days thereafter, and after taking an oath or affirmation [157] faithfully and impartially to discharge the duties of their appointments, they shall take to their assistance a skillful surveyor, and other necessary hands, who shall likewise take an oath or affirmation for the faithful discharge of their duties. They shall proceed to establish and lay out said road on the nearest and best route between the several points taking into consideration the public interest, and at the same time doing as little damage to private property as the public convenience will admit.

SEC. 3. **Compensation.** Said commissioners shall be governed by and be paid in accordance with the existing laws on the subject of laying out state roads.

SEC. 4. **Take effect.** This act to take effect and be in force from and after its passage.

Approved Jan. 15, 1849.

CHAPTER 129.

CEDAR RIVER.

AN ACT to authorize James H. Gower, Charles W. Gower and Robert Gower or their heirs or assigns to improve Cedar river by the erection of a dam and lock.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Authority to erect dam.** That James H. Gower, Charles W. Gower and Robert Gower, of Linn township, Cedar county, their heirs and assigns be and they are hereby authorized to erect a dam across Cedar river, in Cedar county within the limits of section number twenty-eight, (28) in township eighty-one, (81) north of range number four, (4) west of the fifth (5) principal meridian.

SEC. 2. **Dimension of lock and dam.** Said dam shall not exceed in height five feet above low water mark, and shall contain a lock not less than one hundred and thirty feet in length and thirty feet in width, and so constructed as to allow the passage of all boats and water crafts navigating said river.

SEC. 3. In event of improvement of river corporators to be compensated. *Be it further enacted,* that in case the said river shall hereafter be improved by the authority of law, the general assembly shall provide for a compensation to said James H. Gower, Charles W. Gower and Robert Gower, their heirs and assigns to be paid by the state, or any company that may have the benefit of any improvement of the navigation of said river; *provided,* that said compensation shall only be to the extent of the benefit derived from said dam and lock.

[158] **SEC. 4. Liability of persons injuring dam or lock.** Any person, or persons, who shall injure said dam or lock, or any part thereof, in navigating said river, or otherwise, shall be liable to any sum not exceeding double the amount of damages assessed.

SEC. 5. Not to impede navigation. Nothing in this act shall allow the said James H. Gower, Charles W. Gower, and Robert Gower, their heirs or assigns, to impede the navigation of said river, or otherwise interfere with the rights and privileges of any person, without the consent of such person.

SEC. 5. Take effect. That this act shall take effect from and after its passage, and may be altered or repealed by any future legislature.

Approved, Jan. 15, 1849.

CHAPTER 130.

CLAYTON COUNTY.

AN ACT for the re-location of the county seat in Clayton county.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Voters of Clayton county to vote for county seat. That, the legal voters of Clayton county shall vote, at the April election of 1849, for three points, to wit: Garnavillo, Guthenburg, and Elkador, and if upon canvassing the votes, it is ascertained that any one point has received a majority of votes over all others, then that shall be and remain the permanent seat of justice of said Clayton county; but, if no one point shall receive such majority, then the legal voters of said county shall vote, on the first Monday in May thereafter, for the two points which received the highest number of votes at the April election, and the point receiving the highest number of votes shall be and remain the permanent seat of justice of said county of Clayton.

SEC. 2. Election to be conducted in accordance with law. Said election shall be conducted as other elections under the laws of this state. All acts and parts of acts, coming in conflict with this act, be and the same are hereby repealed.

SEC. 3. Take effect. This act to take effect from and after its publication in the Miner's Express.

Approved, Jan. 15, 1849.

Published in Miner's Express, Feb. 6th, 1849.