

LOCAL LAWS

OF THE

TERRITORY OF IOWA

ENACTED AT THE SESSION OF THE LEGISLATURE WHICH COMMENCED ON THE FIRST MONDAY OF DECEMBER, 1842

PUBLISHED BY AUTHORITY

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1843

SECRETARY'S OFFICE, }
March 1, 1843. }

I do hereby certify that the Acts, Resolutions and Memorials, hereinafter published, have been compared with the copies on file in this Office, and that they correspond in every respect with said copies.

O. H. W. STULL,
Secretary of Iowa Territory.

LAWS OF IOWA

[3] CHAPTER 1.

ROAD.

AN ACT to re-locate a part of the territorial road leading from West Point, in Lee county, to Salem in Henry 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—when and where to meet.** That Elkanah Perdew, John Burns and Elijah Creele, are hereby appointed commissioners to relocate so much of the territorial road leading from West Point, in Lee county, to Salem, in Henry county, as lies between Benjamin Graham's and the north line of Lee county. Said commissioners shall meet at the house of said Graham on the second Monday of February next, or as soon thereafter as convenient, and proceed to relocate so much of said road as above described.

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

JAMES M. MORGAN,
Speaker of the House of Representatives.

JOHN D. ELBERT,
President of the Council.

Approved, 19th December, 1842.

JOHN CHAMBERS.

[4] CHAPTER 2.

A. SCOTT BROWNLEE.

AN ACT granting to A. Scott Brownlee and others, the right to construct a mill race.

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

SECTION 1. **Authority to construct a mill race through the public lands granted—route of race—privilege to construct works.** That A. Scott Brownlee and his associates, their heirs and assigns, be and are hereby authorized to dig or construct through the public lands a canal or race of such capacity as may be necessary for milling purposes, from a point on the Waubsipinicon river, near to the southwest corner of section one, in township eighty (80) of range

two (2) east of the (5) fifth principal meridian, or from the southwest side of fraction number (3) three in said section, towards and through the south half of the northeast quarter of the section aforesaid to the foot of the bluff on the north side of the Waubsipinicon bottom; thence along and as near to the foot of the bluff as conveniently may be, to fraction number (1) one, in section number (6) six, in township (80) eighty of range (3) three east of the (5) fifth principal meridian; thence by the course of the large sloughs and bayous on the northern side of section (5) five, of the last above mentioned township, and the channel on the northern side of what is commonly known as Quinn's Island, to discharge the waters of such race again into said river, and to construct such works as may be necessary for the efficiency and security of the said race, and for the advantageous use of the same for the purposes aforesaid.

SEC. 2. Penalty for injury to. Any person or persons who shall obstruct or destroy, or in anywise injure said race, or any works appurtenant thereto, shall be deemed to have committed a trespass, and shall be liable accordingly. And any person who shall wilfully or maliciously obstruct, destroy, or in any wise injure said race, or any of the works appurtenant thereto, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined treble the amount of the damages the owners may have sustained, or be imprisoned, at the discretion of the court.

[5] **SEC. 3. Act to continue in force until sale of public lands—may be altered or amended.** This act to take effect from and after its passage, and continue in force till the public lands aforesaid shall have been sold by the general government: provided, that the legislature shall at all times have the power to alter, amend, or repeal this act.

Approved, 3d January, 1843.

CHAPTER 3.

DES MOINES COUNTY.

AN ACT to legalize the acts of the County Commissioners of Des Moines county in certain cases.

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

SECTION 1. Act of county commissioners of, in appointing Wm. B. Remy county recorder, made good and valid. That the acts of the county commissioners of Des Moines county, in correcting the assessment roll for the year eighteen hundred and forty-one, and the appointment of William B. Remy, county recorder, for said county, to fill the vacancy of John M. Garrigues, deceased, be and the same are hereby declared good and valid in law.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, 3d January, 1843.

CHAPTER 4.

ROAD.

AN ACT to authorize the Board of Commissioners of Van Buren County to establish a certain road.

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

SECTION 1. **County commissioners of Van Buren county authorized to locate a certain road—route of same.** That the board of commissioners of Van Buren county are hereby authorized to establish a road that was surveyed by their order, in July, 1841, commencing at or near the southeast corner of section seven of fractional township sixty-seven, north of range eight west, and running from thence to Keosauqua, so as to terminate where it intersects the road leading from Bentonsport, by Columbus, to Keosauqua.

Approved, 3d January, 1843.

CHAPTER 5.

PHILIP ROCLURE.

AN ACT to change the name of Philip Roclure.

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

SECTION 1. **Changed to Philip Reddick.** That the name of Philip Roclure, of Linn county, in said territory, and a natural born citizen of Germany, be and the same is hereby altered and changed to Philip Reddick, and that he shall hereafter be known and called by the name of Philip Reddick, which shall be his lawful name: provided, that such change of name shall in no way effect the collection of debts owing to or due from the said Roclure, or in any way effect his legal rights.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, 6th January, 1843.

CHAPTER 6.

UNIVERSALIST SOCIETY.

AN ACT Supplementary to an act entitled "an Act to grant certain lots of lands in Iowa City, for Church and Literary purposes, approved July 31, 1840.

Be it enacted by the Council and House of Representatives [7] of the Territory of Iowa:

SECTION 1. **Additional time granted to complete house for worship.** That the denomination of Christians known as the First Universalist Society of Iowa City, be, and they are hereby allowed, in addition to the time given in the above

recited act, an extension of one year for the purpose of completing their church, which is now commenced on the west half of Church Reserve, block sixty-six, in Iowa City.

SEC. 2. This act to be in force from and after its passage.

Approved, 7th January, 1843.

CHAPTER 7.

ROAD.

AN ACT to locate a territorial road from Bennett's mill in Buchanan county, via the county seat of Delaware, to Olmstead's mill in said county.

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

SECTION 1. **Commissioners named and route of road—when and where to meet.** That Robert W. Green, Joel Bailey, and O. A. Olmstead, be, and they are hereby appointed commissioners to locate and mark a territorial road, commencing at Bennett's Mill, in Buchanan county, by the county seat of Delaware county, thence to intersect the road leading from Marion, in Linn county, to the city of Dubuque, at or near Olmstead's Mill, in Delaware county. Said commissioners, or a majority of them, shall meet at Bennett's Mill, in Buchanan county, on the first Monday of June next, or as soon thereafter as convenient, and proceed to locate and mark said road as above described.

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

Approved, 12th January, 1843.

[8] CHAPTER 8.

COUNTY.

AN ACT to relocate the county seat of Lee county.

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

SECTION 1. **Names of commissioners—time and place of meeting.** That Thomas O. Wamsly, of Henry county, Isaac N. Selby, of Van Buren county, and Stephen Gearheart, of Des Moines county, are hereby appointed commissioners to relocate the seat of justice of Lee county, and it shall be their duty to meet at Franklin, in said county, on the second Monday in March next, and they, or a majority of them, shall proceed forthwith to select a suitable place for said seat of justice; and they shall not be restricted in said selection more than to do equal justice to all the inhabitants of the county as near as possible.

SEC. 2. **Oath of commissioners and form.** That the commissioners aforesaid shall each, before entering upon their duties as such commissioners, take and subscribe before some justice of the peace, or other person authorized to administer oaths, the following oath, viz.: I, A. B., do solemnly swear, or affirm, that I am not, either directly or indirectly, interested in the relocation or removal of the seat of justice of Lee county, and that I am not the owner of any real estate, of any kind, in said county and that I do not hold any equitable claim to any real estate in said county; and I do further swear, or affirm, that I

will perform the duties imposed upon me by the law by which I am appointed, and that I will honestly and faith- [9] -fully, according to the best of my abilities, and in strict compliance with said law, discharge all the duties enjoined upon me by said law, without the slightest partiality towards any person or persons and without bias from fear, favor or recompense, or the hope of any gain or advantage to me in any respect whatever.

SEC. 3. Proceedings to be committed to writing—to be recorded. That said commissioners, or a majority of them, immediately after they have selected a suitable place for the seat of justice of said county of Lee, shall commit their proceedings to writing, describing the place they have selected, together with the quarter section or such part or parts of sections, township and range, and shall deliver the same with any donations of any kind, deed or deeds, for land which they may receive, to the clerk of the board of county commissioners of Lee county, whose duty it shall be to receive and record the same in the order book of the proceedings of said board, and to notify said board thereof immediately.

SEC. 4. Commissioners not to be interested persons. If it shall be shown at any time that either of said commissioners, named in the first section of this act, were interested in said relocation or received any gratuity or reward or any promise thereof, other than what is by this act allowed, such commissioners shall be liable to indictment for perjury and be liable to the penalty for said crime.

SEC. 5. Place selected to be permanent seat of justice. That the place so selected by said commissioners shall be and remain the seat of justice of Lee county.

SEC. 6. Courts to be held at Fort Madison for certain time. That the courts shall be held at Fort Madison until a sufficient house shall be furnished by the county, or some person or persons, to hold the courts in at the seat of justice, and so soon as such house shall be furnished it shall be the duty of the board of county commissioners of said county to give notice thereof by public advertisement, and from that time the courts shall be held at the seat of justice.

SEC. 7. Duty of commissioners relative to a new court house at the new seat of justice. It shall be the duty of the board of county commissioners of Lee county, to proceed to erect a court house and such other public building or buildings as they may deem necessary at the seat of justice, so as aforesaid selected.

SEC. 8. Provision against the failure of commissioners to meet—seat of justice may be located at Fort Madison. That if the said commissioners, by this act appointed to relocate the seat of justice of Lee county, shall fail or refuse to meet at the time and place named in the first section of this act, and perform the duties enjoined on them, it shall be lawful and it is hereby made their duty to meet at said place at any time within one month after said time as aforesaid appointed, that they or a majority of them may agree upon, and then and there perform the duties by this act enjoined; but [10] nothing in this act shall be so construed as to prevent the commissioners from locating the county seat at Fort Madison.

SEC. 9. Sheriff to notify commissioners of their appointment, and to serve other notices—allowance for the same. It shall be the duty of the sheriff of Lee county, to notify the commissioners by this act appointed, of their appointment, at least ten days before the time appointed for them to meet, and to serve such other notices as he may be directed to do by the board of county commissioners of Lee county, or their clerk, for which said board shall make him a reasonable allowance, to be paid out of the treasury of said county.

SEC. 10. Per diem and mileage of commissioners. The said commissioners shall receive three dollars per day for the time they shall be necessarily em-

ployed in the relocation of said seat of justice, and three dollars for every twenty-five miles travel, on the usually traveled route, in going to the place appointed for them to meet, and in returning home, to be paid out of the treasury of Lee county.

SEC. 11. This act to be in force from and after its passage.

Approved, 13th January, 1843.

CHAPTER 9.

ROAD.

AN ACT to locate a certain territorial road therein named.

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

SECTION 1. **Names of commissioners, and route of road—when and where to meet.** That Arthur Thomas, of the county of Dubuque, William Ward and Daniel Brown of Jackson county, be and they are hereby appointed commissioners to locate and mark a territorial road, commencing at Cascade in Du Buque county, and running thence the nearest and best route to or near the mouth of Tete Des Morts in Jackson county. Said commissioners or a majority of them, shall meet at Cascade on the third Monday of June next, or as soon thereafter as convenient, and proceed to locate and mark said road as above described: provided, that the petitioners for said road shall pay all expenses for locating and marking said road.

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

Approved, 16th January, 1843.

[11] CHAPTER 10.

ROAD.

AN ACT to relocate a part of the territorial road leading from Fort Madison, in Lee county to Fairfield in Jefferson county.

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

SECTION 1. **Commissioners' names and route of road—when and where to meet.** That Ira Tillotson, Andrew Kennady and William Daugherty be and they are hereby appointed commissioners to relocate so much of the territorial road running from Fort Madison, in Lee county, to Fairfield, in Jefferson county, as lies between James Galliher's and David C. Brown's, in Jefferson county. Said commissioners, or a majority of them, shall meet at the house of David C. Brown on the third Saturday in March next, and proceed to relocate that part of said road above described.

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

Approved, 16th January, 1843.

CHAPTER 11.

ROAD.

AN ACT to relocate a part of a territorial road leading from Davenport in Scott county to Marion in Linn county.

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

SECTION 1. Commissioners names and route of road—where and when to meet—duty of commissioners—Cedar county to be at no expense. That Washington A. Rigby, William Mason, and Bunak Weeks, be and they are hereby appointed commissioners to relocate all that part of the territorial road leading from Davenport, in Scott county, to Marion in Linn county, which lies in Cedar county [12] between the mile post marked forty-four miles to Davenport, and the mile post marked forty-eight miles. It shall be the duty of said commissioners, or a majority of them, to meet at Daniel Comstock's on the first Monday in April next, or on such day thereafter as they may agree upon, and having been duly sworn to proceed to relocate and establish said road on the nearest and best route between said before-mentioned points, having due reference to the accommodation of the citizens on said route as well as the public generally. Said commissioners conforming in other respects to the general act providing for laying out and opening territorial roads: provided, the said county of Cedar shall be subject to no expense by said relocation.

Approved, 18th January, 1843.

CHAPTER 12.

McCARVERSTOWN.

AN ACT to change the name of the town of McCarverstown, in Henry county to Lowell.

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

SECTION 1. That the name of the town of McCarverstown, in the county of Henry, be and the same is hereby changed to Lowell.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, 20th January, 1843.

CHAPTER 13.

ROAD.

AN ACT to establish a territorial road in Lee county.

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

SECTION 1. Commissioners' names. That William Chance, Jacob Coon and Wil-[13]-liam Killgore of Lee county, be and they are hereby appointed commissioners to locate and mark a road commencing at the Des Moines river

in said county below Smith's mills, opposite a road leading from Waterloo in Missouri, to said river; to run thence in a direction to Fort Madison by R. B. Robinsons, and intersecting the road leading from Fort Madison, to Farmington, at or near William Skinners.

SEC. 2. When and where to meet—failure provided for—not to pass through certain enclosures. That said commissioners, or a majority of them, shall meet at William Chances on the first Monday in May next, and shall proceed to locate said road, according to the provisions of an act to establish territorial roads, and if said commissioners or a majority of them shall fail to meet as herein specified, it shall be legal for them to meet at such time thereafter, within six months after said time, as they may agree upon, and shall then proceed to locate said road as above directed; provided, that in laying out said road, they shall not run it through any person's enclosure, without the consent of the owner, unless a sufficient way cannot be had without.

SEC. 3. Compensation to commissioners, surveyors, etc. That the commissioners, surveyor, chain carriers and other hands employed to locate said road as herein specified, shall receive such compensation for their services as the board of county commissioners may think proper to allow them.

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

Approved, 21st January, 1843.

CHAPTER 14.

GEORGE BUMGARDNER.

AN ACT to allow George Bumgardner, and others, further time to file in the secretary's office a plat of the survey of a certain territorial road.

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

SECTION 1. Further time to file a plat of survey of road granted. That George Bumgardner, Charles Nealy, and H. H. Winchester, be allowed until the first day of February next to file in the secretary's office of said territory a plat of the survey of a territorial road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county.

[14] **SEC. 2. When filed, road to be a public highway.** And if said plat is so filed the said road shall be, in law, a public highway.

Approved, 21st January, 1843.

CHAPTER 15.

COUNTY.

AN ACT to legalize the acts of the sheriff of Clayton county.

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

SECTION 1. That the bond executed by Ambrose Kenedy, sheriff of Clayton county, and his securities, approved December 26th, 1842, shall be good and valid, in law, as if the same had been approved on the first day of the October term of the district court for said county, in the year 1842.

SEC. 2. That the official acts of the aforesaid Ambrose Kenedy, sheriff, shall be as good and valid, in law and equity, as if said bond had been approved at the time specified by the statute in such cases made and provided.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved, 21st January, 1843.

CHAPTER 16.

ROAD.

AN ACT to locate a territorial road from Moscow, in Muscatine county, to intersect a road from Bloomington to Iowa City at or near Hudson, in Muscatine county.

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

SECTION 1. **Names of commissioners.** That Daniel L. Healy, John Wilson, Sen'r., and George W. Hunt, of Muscatine county, be and they are hereby appointed, to locate a territorial road from Moscow in Muscatine county, to intersect a road from Bloomington to Iowa City, at or near Hud-[15]-son, in Muscatine county. Said commissioners shall meet at Moscow on the first Monday in April next, or at such other time, within three months thereafter, as said commissioners shall agree upon.

SEC. 2. **Authority to employ surveyors and assistants—compensation of same.** That said commissioners shall take to their assistance a surveyor, and such number of chain carriers and other hands, as the said commissioners may deem necessary; which said surveyor, chain carriers and others so employed as aforesaid, shall be entitled to such compensation as may be allowed by the board of county commissioners of said county.

SEC. 3. This act to be in force from and after its passage.

Approved, 21st January, 1843.

CHAPTER 17.

ROAD.

AN ACT to relocate a part of a territorial road in Henry county.

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

SECTION 1. **Commissioners' names and route of road.** That Abraham Updegraff, William Nichols and Peter Moore, be and they are hereby appointed commissioners to relocate that part of the territorial road from Mount Pleasant to Trenton, in Henry county, that runs through sections 24 and 13 in Trenton township, upon the same ground that is now used or traveled on in said sections.

SEC. 2. **Where and when to meet.** That said commissioners, or a majority of them, shall meet at Solomon Blacks on the second Monday in March next, and proceed to relocate and establish said road.

SEC. 3. **Surveyors and assistants—compensation of same.** That said commissioners shall take to their assistance a surveyor, and such number of chain carriers and other hands, as the said commissioners may deem necessary; which said surveyor, chain carriers and others so employed as aforesaid, shall be entitled to such compensation as may be allowed by the board of county commissioners of Henry county.

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

Approved, 21st January, 1843.

[16] CHAPTER 18.

INCORPORATION.

AN ACT to incorporate the Scott county Hydraulic company.

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

SECTION 1. Names of corporators—name and style of company—election of clerk, and use of the seal. That Antonie Leclair, George L. Davenport, John Owens, Ambrose C. Fulton, Thomas S. Hoge, Daniel T. Newcomb, James Davenport, Egbert S. Barrows, Jabez A. Burchard, Jr., and Harvey Leonard, with such other persons as shall be associated with them for the purposes herein-after specified, and their successors, be and they are hereby created a body corporate and politic, by the name and style of the Scott County Hydraulic Company, and as such, shall be capable of electing a clerk and other officers, of using a seal and of exercising the usual and necessary powers of a corporate body for the purposes specified.

SEC. 2. Amount of capital stock—dividend of shares—regulation of shares. That the capital stock of said company shall consist of not more than one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be subscribed and paid for under such regulations as the aforesaid corporators, owning a majority of the stock of said company, shall prescribe.

SEC. 3. Authority to make by-laws. That said company, when formed, shall have power to make all by-laws necessary for the regulation of said company, and the trans-[17]-fer of stock; provided, the by-laws shall not be inconsistent with the laws of this territory or of the United States.

SEC. 4. Not valid without the sanction of the owners of a majority of the stock subscribed. That the by-laws of the company shall not be valid or binding until they shall have received the sanction of the vote of the owners of a majority of the stock subscribed.

SEC. 5. When to appoint a board of directors—time and manner of appointment. That so soon as ten thousand dollars of the capital stock shall have been subscribed, the stockholders owning a majority of the stock subscribed by said company, shall have power to appoint a board of five directors, one of whom shall be president of said company, and the election of directors shall take place annually thereafter, at Davenport, in such manner as the by-laws shall prescribe.

SEC. 6. A record of stock subscribed to be kept, etc.—records at all times to be open to inspection of claimants against the company. The company shall cause a record to be kept of all stock subscribed, and all transfers of stock, with owners' names, and amount held by each; which records shall at all times be open to the inspection of those having claims against said company, and no transfer of stock shall be legal until entered upon said records.

SEC. 7. Office to be kept in Davenport. That said company shall keep the office of its clerk, and its records and papers, in the town of Davenport, in said Scott county.

SEC. 8. Power to use water—not to enter upon other lands without consent of owners—highways not to be obstructed. That the company shall have power to take from the Mississippi river sufficient water for their purpose, at such point on the Upper or Rock Island rapids in Scott county, as they may deem proper, and convey the same over or through any suitable ground, by means of a race, canal or water-way, of such capacity as shall be deemed sufficient,

to any point which may be selected by said company not more than two miles from said town of Davenport; provided, that said company shall not enter upon the lands not owned by the company for the purpose of making drains or ditches, or for any other purpose, without the consent of the owner of such land; provided further, that said company shall in nowise obstruct any public highway.

SEC. 9. Power to dispose of water privileges. That the company shall have power to dispose of any water privilege or power, which they may create under the provisions of the eighth section of this act, either by sale of any part or the whole of their interest in said water power, or by lease of the same, precisely as individuals could or might dispose of their private property.

SEC. 10. Power to purchase lands, etc., necessary for their purpose—privileges to cease, unless ten thousand dollars be paid within twenty-four months from date of this act—act may be amended or repealed. That the company shall have power to purchase and own in their corporate name any ground, mills and water privilege which may be necessary for the purpose of obtaining and securing the right to direct the water of their race or canal, and to locate and construct the water-way through or upon the same, together with any quantity of ground that the company may deem necessary for the purpose of creating and employing the water power of said company, and for the erection of suitable works and buildings for the accommodation of any and all manufacturing establishments which may be put in operation by the water power, to be created under this act of incorporation; provided, that all the rights, privileges and immunities created by this act shall cease and be utterly void unless the sum of ten thousand dollars shall be subscribed and actually paid in, of the capital stock of said company, within twenty-four months from the date of this act.

SEC. 11. That any future legislature may alter or repeal this act.

Approved, 21st January, 1843.

CHAPTER 19.

ROAD.

AN ACT to authorize the county commissioners of Johnson county to vacate a part of the territorial road leading from Wyoming to Iowa City; also, to relocate a part of said road.

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

SECTION 1. Names of commissioners, and route of road. That the county commissioners of the county of Johnson be and they are hereby authorized to vacate so much of the territorial road, leading from Wyoming to Iowa City, as lies within the northwest quarter of section fifteen, township seventy-nine, range six west of the fifth principal meridian; also to relocate that part of said road which runs through the northeast quarter of the section, township and range aforesaid, if they think public convenience requires the same.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, 24th January, 1843.

[19] CHAPTER 20.

ROAD.

AN ACT to locate a certain territorial road therein named.

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

SECTION 1. Commissioners names, and route of road—when and where to meet. That H. W. Gray, of Linn county, O. A. Olmstead, of Delaware county, and Philip Hogan, of Dubuque county, be and they are hereby appointed commissioners to locate and mark a territorial road, commencing on the road leading from Iowa City to Prairie Du Chien, at Jonathan H. Jenkins' in Linn county, thence to intersect the road leading from Dubuque to Fort Atkinson, at Philip Hogan's, thence to the city of Dubuque. Said commissioners, or a majority of them, shall meet at the house of Jonathan H. Jenkins on the second Monday of June next, or as soon thereafter as convenient, and proceed to locate and mark said road as above designated.

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

Approved, 24th January, 1843.

CHAPTER 21.

INCORPORATION.

AN ACT to establish a seminary of learning at Grandview, in Louisa county.

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

[20] **SECTION 1. Names of corporators declared a body politic—powers.** That there shall be established in the town of Grandview, in Louisa county, a seminary of learning for the instruction of young persons in science and literature, to be called The Grandview Seminary, and that Henry Rockafellow, William Thompson, John Ronalds, Spencer Wilson, Robert Childers, Gabriel Walling, George Humphrey, Alexander Ross, Martin Gray and Clark Alexander, and their associates and successors, are hereby declared a body politic and corporate, in law, by the name and style of The Grandview Seminary.

SEC. 2. To acquire and possess real and personal estate—to sue and be sued and to use a seal. And the corporation before named shall have perpetual succession and power to acquire and possess property, real and personal, and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure, and the said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law and equity, and they may have and use a common seal with power to alter the same at pleasure.

SEC. 3. Number of shares—made personal property and transferable. The stock of said seminary shall consist of shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as may be prescribed by the board of trustees: provided, that the funds, privileges and immunities of said corporation shall be used for no other purpose than that of education.

SEC. 4. Seminary to be managed by a board of trustees—number, and time, and manner of election of officers—notice of time and place for holding same,

to be posted up in public places. The corporate concerns of said seminary shall be managed by a board of trustees, consisting of five members, three of whom shall constitute a quorum for the transaction of business. They shall be elected by the stockholders on the first Monday of April annually, and shall hold their offices for the term of one year, and until their successors are duly elected. In the election of trustees each stockholder shall be entitled to one vote for every share by him owned, and may vote in person or by proxy. Said trustees shall elect one of their number to be president of their board, and shall have power to fill vacancies in their own body. If any election shall not be made on the day designated by this act, such election may be held on any other day, provided a notice of the time and place of holding such election, signed by three of the [21] stockholders, be posted up at two or more public places, in and near the town of Grandview aforesaid, twenty days before such election.

SEC. 5. **Power of trustees to appoint agents and other officers—to make by-laws, etc.—to make deeds.** The board of trustees shall have power to appoint subordinate officers and agents, to make, ordain, and establish such ordinances, rules and regulations as they may deem necessary for the good government of said seminary, its officers, teachers and pupils, and for the management of the property and affairs of the said corporation to the best advantage, not inconsistent with the laws of the United States, nor of this territory.

SEC. 6. **Same to be signed by the president, two of the board attest.** 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 by him acknowledged in his official capacity, and attested by two other members of the board of trustees.

SEC. 7. **Act may be amended or repealed.** That any future legislature shall have power to alter, amend or repeal this act, which shall take effect from and after its passage.

Approved, 24th January, 1843.

CHAPTER 22.

GEORGE DUDEN.

AN ACT to legalize the acts of George Duden, a justice of the peace.

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

SECTION 1. That the appointment of George Duden to the office of justice of the peace in Van Buren township, Van Buren county, by the trustees of said township, is hereby made valid for the time he was appointed to fill said office, and that all his acts as justice of the peace, since his appointment by said trustees, are hereby made good and valid, in the same manner as if he had been elected and duly qualified, as provided by the law for the election of justices of the peace.

[Presented, 24th January, 1843; retained three days by the governor, and takes effect without his approval.]

[22] CHAPTER 23.

JACOB MINTUN.

AN ACT to legalize the acts of Jacob Mintun, a justice of the peace.

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

SECTION 1. That the official acts and proceedings of Jacob Mintun, who was appointed a justice of the peace in the spring of 1842, by the trustees of the township of Wapello, in the county of Louisa, are hereby declared to be as legal and as valid to all intents and purposes as if the said Jacob Mintun had been duly elected a justice of the peace for said township, at the annual township election.

SEC. 2. This act shall take effect and be in force from and after its passage.

[Presented, 24th January, 1843; retained three days by the governor, and takes effect without his approval.]

CHAPTER 24.

FERRIES.

AN ACT to authorize William Benham and David B. Sears, to keep a ferry across the Mississippi river, near the head of Rock Island.

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

SECTION 1. **William Benham and David B. Sears, to keep a ferry across Mississippi river at the head of Rock Island—privileges and term of years—regulations and restrictions.** That William Benham and David B. Sears, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river at the head of Rock Island, from fractional section thirty-two, in township number seventy-eight, north of range number four, east of the fifth principal meridian in the county of Scott, with the exclusive privilege, for the distance of one mile above, and one mile below said fractional section, for the term of [23] ten 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 rate of toll and prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. **Boats and hands to be kept.** That said William Benham and David B. Sears, 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 convey all persons and their property across said river, when passable, without delay.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved, 26th January, 1843.

CHAPTER 25.

INCORPORATION.

AN ACT to amend an act entitled an act for the incorporation of the town of Farmington, in Van Buren county, Iowa Territory.

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

SECTION 1. **Taxes to be levied on real and personal estate—improvements of lanes, alleys and side-walks.** That the president and councilmen shall have power to direct the levy of taxes upon all real and personal estate within the limits of said corporation, not exceeding one-half per centum upon said real and personal estate in any one year, to regulate and improve the lanes and alleys, and to determine the width of side walks.

SEC. 2. **President and council to lay off districts—to appoint overseers, and duty of same.** And the president and councilmen shall lay the said district off into not less than two nor more than four sections, as they may think necessary, and shall appoint one overseer to each section, so laid off, who shall hold his office for one year from the time of his appointment. The said overseers shall report to the president and councilmen at such times and in such manner as they may direct.

[24] SEC. 3. **Other acts repealed.** That all acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

SEC. 4. This act to take effect from and after its passage.

Approved, 26th January, 1843.

CHAPTER 26.

ROADS.

AN ACT to legalize the location of certain territorial roads.

Whereas, Gabriel Walling of Louisa county, Richard Lord of Muscatine county, and George W. Hawkins of Johnson county, were made commissioners by an act of the legislature, and authorized to lay out and establish a territorial road from Black Hawk, in Louisa county, via Grandview, to Iowa City, in Johnson county, and as said commissioners did not in all respects lay out and establish said road agreeably to the provisions of said act. Therefore,

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

SECTION 1. That the road or roads located and established by said Gabriel Walling, Richard Lord and George W. Hawkins, during the year eighteen hundred and forty-one, and returns of their proceedings made to the county commissioners, be and the same are hereby legalized.

SEC. 2. And be it further enacted, that so much of the territorial road between Burlington and Black Hawk, lying and being in the county of Louisa, that was located and established by Samuel Fullenwider, Wesley Swank and James Clark, of Des Moines, in the year eighteen hundred and forty-one, agreeably to an act of the legislature of this territory, authorizing the location of said road, but returns not to be made to the county commissioners of said Louisa county according to law, be and the same is hereby legalized.

SEC. 4. That the commissioners, surveyors and other hands employed in locating the roads referred to in the first section of this act, shall have such compensation for their services as the county commissioners of the counties

through which said roads pass, may order and direct; provided, however, that the county of Johnson shall not pay any portion of the expense created in locating said roads.

Approved, 26th January, 1843.

[25] CHAPTER 27.

ROAD.

AN ACT to relocate a part of the territorial road leading from Trenton, in Henry county, to Washington, in Washington county.

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

SECTION 1. Commissioners' names and route of road. That Thomas Gaskel, John Black and Charles Clifton are hereby appointed commissioners to relocate so much of the territorial road, commencing at the place where the said territorial road leaves a certain county road, running from Mount Pleasant to Holcomb's Mill, in Washington county, and proceed to locate the territorial road on said county road until it strikes the northwest corner of the northeast quarter of section nine, in township No. seventy-three, north of range seven west, and from thence on a due north line to intersect the old road in Washington county. Said commissioners shall meet at the house of Widow Plunkett's on the first Monday of March next and proceed to relocate so much of said road, as above described, according to law.

SEC. 2. Surveyors and assistants—their compensation. That said commissioners shall take to their assistance one surveyor, two chain carriers, and such other hands as a majority of them may deem necessary, for which services they shall severally receive such compensation as may be allowed by the county commissioners of Henry county.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved 28th January, 1843.

[26] CHAPTER 28.

ROAD.

AN ACT to relocate a certain part of the territorial road running from Burlington to Keosauqua, in Van Buren county, via Salem, in Henry county.

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

SECTION 1. Commissioners' names and route of road. That Aaron Cox, David Wilson and Jonathan Pickering, of the county of Henry, be and they are hereby appointed commissioners to relocate a part of the above mentioned road that lies between the ford of Prairie creek and Thomas Cooks, in Jackson township, Henry county.

SEC. 2. Where and when to meet—surveyor and assistants. It shall be the duty of said commissioners, or a majority of them, to meet at the house of Thomas Cooks, on the third Monday of March next, or within six weeks thereafter, as may suit their convenience. Said commissioners shall take to their assistance one surveyor, and such other hands as they may think necessary, and after being duly qualified according to law, made and provided in such cases, shall proceed to relocate and establish all that part of said road.

SEC. 3. Their compensation. Said commissioners and their assistants, shall receive such compensation for their services as the county commissioners of the county of Henry, shall deem just and right.

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

Approved, 28th January, 1843.

[27] CHAPTER 29.

DUBUQUE.

AN ACT to amend an act to incorporate the city of Dubuque.

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

SECTION 1. **Power of mayor and aldermen to regulate the city.** That the mayor and aldermen of the city of Du Buque, shall have the charge and control of the public squares in said city, and full power to remove all obstructions from the same, required by the public interest.

SEC. 2. This act to take effect and be in force from and after its passage.
Approved, 28th January, 1843.

CHAPTER 30.

DENTON J. SNYDER.

AN ACT for the relief of Denton J. Snyder, Sheriff of Muscatine county.

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

SECTION 1. **Authority to collect taxes in Muscatine county.** That Denton J. Snyder, sheriff of Muscatine county, an ex-officio collector of taxes, be and he is hereby authorized to cause notices to be posted up in three of the most public places in each township of said county, stating in said notices what day (which time shall not be less than thirty days from the time of posting up said notices) said collector, or his deputy, will attend at the place of holding the elections in each township for the purpose of receiving the taxes of eighteen hundred and forty-two, as is provided in like manner in an act to amend an act concerning costs and fees, approved February fifteenth, eighteen hundred and forty-two.

[28] SEC. 2. **Appointment of day of sale.** That the board of commissioners of said county are hereby authorized to appoint such day for the sale of property for the payment of taxes, as they shall deem proper, and to do all things necessary to enable said collector to make a speedy collection of the taxes for the year eighteen hundred and forty-two.

Approved, 28th January, 1843.

CHAPTER 31.

BRAXTON W. GILLOCK.

AN ACT for the relief of B. W. Gillock, ex-sheriff of Lee county.

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

SECTION 1. That for the purpose of enabling B. W. Gillock, ex-sheriff of the county of Lee, to collect the taxes due said county for the year eighteen hundred and forty, the county commissioners of said county be and they are hereby authorized to extend such further time to the said B. W. Gillock as they may deem necessary.

SEC. 2. This act to take effect and be in force from and after its passage.
Approved, 30th January, 1843.

CHAPTER 32.

ROAD.

AN ACT to legalize the location of a certain territorial road.

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

SECTION 1. That a certain territorial road, located and surveyed by Thomas Hatfield and Robert Smith Jr., of Clinton county, and Samuel P. Higginson, of Cedar county, in the year A. D. 1841, leading from Camanche, in Clinton county, to Iowa City, in Johnson county, in accordance with the provisions of an act of the legislative assembly, entitled an act to establish certain territorial roads, approved January 7th, 1841, be and the same is hereby declared a territorial road, and as good and valid in law, to all intents and purposes as if the same had been located, surveyed and the plat and field notes returned [29] to the secretary's office within the time prescribed by the law regulating the laying out and opening territorial roads, approved December 29th, 1838.

SEC. 2. This act to take effect and be in force from and after its passage. Approved, 1st February, 1843.

CHAPTER 33.

ROAD.

AN ACT to establish a certain territorial road.

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

SECTION 1. **Names of commissioners, and route of road.** That William Maxon, Elisha Henry and Andrew Brisbine, be and they are hereby appointed commissioners to extend the road across the Wapsenonoc creek, in Cedar county, so as to intersect the Bloomington and Rockingham territorial roads, on the nearest and best route, in the direction to Iowa City and Bloomington.

SEC. 2. **When and where to meet—surveyors and assistants—their compensation.** That said commissioners shall meet at the house of Andrew Brisbine, in Cedar county, on the third Monday in March next, or on such other day thereafter as they may agree upon, and shall proceed to the discharge of their duties in accordance with the provisions of an act entitled an act for opening and regulating roads and highways, approved January 17th, 1840; provided, that said commissioners shall receive for their services one dollar and twenty-five cents for each day they shall be necessarily employed in the discharge of their duty, and provided further, all the expenses of establishing said road shall be paid by said petitioners.

Approved, 1st February, 1843.

[30] CHAPTER 34.

NASHVILLE SEMINARY.

AN ACT to establish a seminary of learning at the town of Nashville, in the county of Lee.

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

SECTION 1. **Names of corporators—name and style of association.** That there shall be established a seminary of learning at the town of Nashville, in

the county of Lee, for the instruction of young persons of both sexes in science and literature, to be called the Union Academy at Nashville, and that James Anderson, Elias Smith, Alfred Beall, Cyrus W. Wheelock, Samuel Brierly, John Spain, Tuther Fuller, Josephus Beall, W. W. Wills, Joseph Taylor, William Parish, Justiet Sealy and their associates and successors are hereby declared a body politic and corporate in law, by the name of the Union Academy at Nashville.

SEC. 2. Powers to possess and sell property—to sue and be sued, to use a seal etc. And the corporation before named, shall have perpetual succession, and to acquire, possess, and retain, and enjoy property real and personal and mixed, and the same to sell, grant, convey, rent or otherwise dispose of at pleasure; and they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, in all courts of justice, and they shall have and use a common seal with power to alter it at pleasure.

SEC. 3. Number of shares, same made personal property and transferable. The stock of said academy shall consist of shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as may be prescribed by the board of trustees; provided, that the annual income of said corporation, not including tuition, shall not exceed the sum of two thousand dollars, and its funds, privileges and immunities shall be for no other purpose than that of education.

[31] **SEC. 4. Number of trustees, duty of—manner of election, and term of service—power to fill vacancies—notice of time and place of holding elections.** The corporation concerns of said academy shall be managed by a board of trustees, consisting of five members, three of whom shall constitute a quorum for the transaction of business. They shall be elected by the stockholders on the first Monday in May, annually, and shall hold their offices for the term of one year, and until their successors are duly elected. The election of trustees shall be by ballot, and each stockholder shall be entitled to one vote for every share owned by him to the amount of ten shares, and then, to one vote for every five shares over and above that amount. Any stockholder may vote in person or by proxy. Said trustees shall elect one of their number to be president of their board, and they shall have power to fill any vacancies in their own body. If an election shall not be made on the day designated in this act, such election may be held on any other day, provided a notice of the time and place of holding such election, signed by three stockholders, and to be affixed to the door of the most public house in Nashville, at least ten days before the election.

SEC. 5. Power to appoint subordinates—to make by-laws, with proviso. The board of trustees shall have power to appoint subordinate officers and agents, to make, ordain and establish such by-laws and ordinances, rules and regulations as they may deem necessary for the good government of said academy, its officers, teachers and pupils, and for the management of the property and officers of said corporation, to the best advantage; provided, that they shall not contravene the laws of the United States, or of this territory.

SEC. 6. Deeds, how, and by whom made. That all deeds and other instruments of writing, shall be made by order of the board of trustees, sealed with the seal of the corporation, signed by the president, and by him acknowledged in his official capacity.

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

Approved, 2d February, 1843.

[32] CHAPTER 35.

MOUNT PLEASANT.

AN ACT to amend an act entitled an act for the incorporation of the town of Mount Pleasant, in Henry county.

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

SECTION 1. **Qualifications of voters—time and place of electing officers.** That the qualified voters for members of the legislative assembly who have resided within the limits of said corporation for thirty days immediately preceding any such election, shall meet at some suitable place, within said corporation, on the first Monday in May next, and annually thereafter, then and there proceed to elect, by ballot, such officers as is [are] named in the second section of the act, to which this is amendatory, which said officers, when so elected, shall be governed in all respects agreeably to the provisions of said act.

SEC. 2. **Failure to elect works no forfeiture.** Any failure heretofore on the part of the qualified voters of said corporation to hold an election agreeable to the provisions of the act, to which this is amendatory, shall not be so construed as to work a forfeiture of said charter.

SEC. 3. This act shall take effect and be in force from and after its passage.
Approved, 3d February 1843.

[33] CHAPTER 36.

FERRY.

AN ACT to authorize Henry DeCamp and Samuel H. Colyer to keep a ferry across the Mississippi river at the town of Wyoming.

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

SECTION 1. **Henry Decamp and Samuel H. Colyer to keep a ferry across Mississippi river at Wyoming—privileges.** That Henry De Camp and Samuel H. Colyer, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Wyoming, in the county of Muscatine, with the exclusive privilege to the same within the following limits, to-wit: From any point within the boundary of said town, upon the Mississippi river, for a term of ten years.

SEC. 2. **Steam boat with sufficient number of hands to be kept—flat boat to be kept until steam boat be procured.** Said Henry De Camp and Samuel H. Colyer, their heirs or assigns, shall, within one year from the passage of this act, procure for said ferry a good and sufficient horse or steam ferry boat, with a sufficient number of hands to work the same, for the safe transportation of passengers and freight across said river at all times; and until said horse or steam ferry boat shall be so procured, said De Camp and Colyer, their heirs or assigns, shall procure, and constantly keep on hand, a sufficient number of flat and other boats, for the convenient transportation of persons and property across said river.

SEC. 3. **Restrictions, and rate of toll.** Said ferry, when so established, shall be subject to the same regulations and restrictions as other ferries are, or may be, by law, fixing the rate of toll and prescribing the manner in which licensed ferries shall be kept and regulated.

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

SEC. 5. This act to take effect from and after its passage.

Approved, 4th February 1843.

[34] CHAPTER 37.

ROAD.

AN ACT to relocate a part of a territorial road in Washington county.

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

SECTION 1. Route of road. That the territorial road which commences at a point where the military road crosses the north line of Washington county; thence to the north line of the state of Missouri via Washington, Brighton and Fairfield, be and the same is hereby changed so as to run from the fifteenth mile stake on said road south, or nearly south, to the northeast corner of the northwest quarter of section number seventeen, in township number seventy-five north, range number seven west; thence south on the half section line to the east end of North street in the town of Washington; thence west on said North street to Iowa street, in said town; thence south on said Iowa street, to Washington street; thence west on said Washington street to Marion street, in said town.

SEC. 2. Names of commissioners. That Joseph Adams, of Washington county, be and he is hereby appointed a commissioner to mark and locate said road.

SEC. 3. When and where to meet—surveyors and assistants. Said commissioner shall repair to the fifteen mile stake aforementioned, on the first Monday of April next, or any time within three months thereafter, for the purpose of locating said road.

SEC. 4. Their compensation. That the said commissioner may take to his assistance a competent surveyor, chain carriers and marker, if necessary, and shall receive such compensation as the county commissioners may deem just and reasonable.

SEC. 5. Former act repealed. An act entitled an act to relocate a part of a territorial road in Washington county, approved February 17th, 1842, be and the same is hereby repealed.

Approved, 4th February, 1843.

[35] CHAPTER 38.

IOWA MEDICAL SOCIETY.

AN ACT to incorporate the Iowa Medical Society.

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

SECTION 1. Names of corporators—name and style of association and powers—to sue and be sued, to use a seal—to hold and sell real and personal estate—amount of same limited—object of association. That E. Bliss, B. S. Olds, J. Bowen, J. D. Elbert, H. Murray, John Bell, Jr., John Bell, sen'r., Geo. J. Huey, John W. Finley, F. Andross, S. M. Ballard, R. D. Barton, Timothy Maxon, E. S. Barrows, J. M. Weatherwax and their associates, together with such as may associate with them, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of the "Iowa Medical Society," and by that name they may sue and be sued, plead and be

impleaded, in all courts of law and equity—may have a common seal and may change the same at pleasure;—they shall be capable of holding real or personal estate by gift, grant, or devise, and may sell and convey the same, provided the value thereof shall not exceed twenty thousand dollars, and the same shall be devoted exclusively to the object of promoting and elevating the cause of medical science and its collateral branches.

SEC. 2. **Power to form constitution and by-laws.** That they shall have power to form and ratify a constitution and adopt by-laws, for the government of such corporation; the management and regulation of its fiscal concerns; the admission of its members and election of its officers, together with all power necessary for corporate existence and the efficient management of its concerns; provided, that none of its by-laws or regulations shall contravene the laws of this territory or the United States.

SEC. 3. **When to take effect.** This act to be in force from and after its passage.

SEC. 4. **Act may be amended or repealed.** That any future legislature may alter, amend, or repeal this act.

Approved, 6th February, 1843.

[36] CHAPTER 39.

ROAD.

AN ACT to relocate the territorial road leading from Burlington, in Des Moines county, to the bridge on Sugar creek, in Lee county, via Fort Madison.

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

SECTION 1. **Commissioners names, and route of road—when and where to meet.** That Reuben Conly, of Lee county, and Richard Land and John Bailey, of Des Moines county, be and they are hereby appointed commissioners to relocate the territorial road leading from Burlington, in Des Moines county, via Fort Madison, in Lee county, to the bridge on Sugar creek, in said county. Said commissioners, or a majority of them, shall meet at Burlington on the first Monday of April next, or as soon thereafter as may be convenient, and proceed to relocate and mark said road, agreeably to an act entitled an act to provide for laying out and opening territorial roads, approved December 29th, 1838: provided, said road shall not exceed sixty feet in width.

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

Approved, 6th February, 1843.

CHAPTER 40.

VAN BUREN COUNTY.

AN ACT to authorize the Judge of Probate, of Van Buren county, to appoint a suitable person to transcribe the probate records.

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

SECTION 1. That the judge of probate, in Van Buren county, be authorized to employ some suitable person to transcribe in proper bound books, all the probate records made in said county previous to the month of August, A. D. 1841, and that the board of com- [37] -missioners for said county be required to pay for such transcribing, such price as they shall deem just and right.

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

Approved, 6th February, 1843.

CHAPTER 41.

HENRY HARDEN.

AN ACT granting further time to Henry Harden to file the plat of a certain territorial road, in the office of the secretary.

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

SECTION 1. That Henry Harden, of Jefferson county, have until the twelfth day of March next, to file in the secretary's office a plat of a survey of a territorial road leading from Fairfield, in Jefferson county, to the forks of Skunk river, in Washington county. Said road was surveyed and located under an act bearing date February 16th, 1842.

SEC. 2. That if said plat shall be filed within the time aforesaid, said road shall be as legal as if it had been filed within the time prescribed by law.

SEC. 3. This act to take effect from and after its passage.

Approved, 8th February, 1843.

CHAPTER 42.

DENMARK.

AN ACT to vacate certain streets in the town of Denmark, in the county of Lee.

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

SECTION 1. That the street commencing at the southeast corner of said town and running west to the southwest corner of said town, thence north as far as the southwest corner of out lot number sixteen, be and is hereby declared vacated and discontinued as effectually as if it never had been laid out.

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

Approved, 9th February, 1843.

[38] CHAPTER 43.

FORT MADISON.

AN ACT entitled an act to amend an act for the incorporation of the town of Fort Madison.

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

SECTION 1. **Sale of town lots for corporation taxes.** That all sales of town lots, for corporation taxes, in the town of Fort Madison, shall bear interest at the rate of fifty per cent. per annum on the amount of such sales.

SEC. 2. **Compensation of mayor and aldermen.** That the mayor and aldermen of Fort Madison may receive each the sum of one dollar, each meeting, for their services from and after the first of January, 1844.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved, 9th February, 1843.

CHAPTER 44.

FERRY.

AN ACT amendatory to an act entitled an act to authorize Robert M. G. Patterson to establish and keep a ferry.

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

SECTION 1. That the act authorizing Robert M. G. Patterson, his heirs or assigns, to keep a ferry, etc., be so amended as to extend the time specified in said act to the term of twenty years: provided, that said Patterson, his heirs or assigns, comply with all the provisions of the act to which this is an amendment.

Approved, 10th February, 1843.

[39] CHAPTER 45.

ST. PETERS.

AN ACT to provide for holding elections at St. Peters and other places.

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

SECTION 1. **County commissioners of Clayton county—to establish additional election precincts.** That it shall be the duty of the board of county commissioners of Clayton county, and they are hereby required to establish election precincts at each of the following places, to-wit: one at St. Peters, and one at some convenient place at Lake Pepin.

SEC. 2. **Notices of election to be made out and posted up.** That the clerk of the board of the county commissioners of said county of Clayton, shall forward to the judges of elections, at the above precincts, the requisite election notices, and it shall be the duty of the judges aforesaid, to cause the same to be set up in the same manner as is by law required of the sheriff in other precincts; and the notices thus put up shall be good and valid in law; any act to the contrary notwithstanding.

SEC. 3. **Returns of election made by clerk of the board of county commissioners.** The returns of the aforesaid election precincts, may be returned to the clerk of the board of county commissioners aforesaid, by any suitable person appointed by the aforesaid judges of elections, and such returns shall be good and valid.

SEC. 4. **County commissioners of Delaware county to establish additional election precincts—returns to be made by the clerk of board—notices of to be made out and posted up—county commissioners of Jackson county authorized to lay off additional election precincts, etc.** That it shall be the duty of the board of county commissioners of Delaware county, to establish a precinct for election purposes, at the town of Democracy, in Buchanan county. The returns of elections held at the aforesaid precincts, shall be returned to the clerk of the board of county commissioners of Delaware county, in the manner prescribed by law. And the board of commissioners of Jackson county are hereby authorized to lay off an additional precinct or town- [40] -ship, for election and

other purposes, to include Patrick Maloney's settlement, which is bounded by the Dubuque county line on the north.

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

Approved, 10th February, 1843.

CHAPTER 46.

SALEM.

AN ACT to amend an act incorporating the town of Salem, in Henry county, approved January the 14th, 1840.

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

SECTION 1. **Regulations relative to roads in town.** That the corporation limits of the town of Salem, exclusive of the lanes and alleys, shall constitute one road district, including all the roads and highways leading to and from said town, for the distance of one mile from the corporation limits.

SEC. 2. **Time of meeting of electors.** It shall be lawful hereafter for the inhabitants of said town, having the qualifications of electors, to meet in said town of Salem, on the second Monday of April, and annually thereafter, for the purpose of electing their officers, and shall be governed in all respects according to the provisions of said charter, to which this is an amendment.

SEC. 3. **Time of electing supervisor of roads.** It shall be lawful for the qualified voters, within the respective road districts, to meet on the second Monday above mentioned, in the town of Salem, and annually thereafter, and, in conjunction with the voters within the limits of the corporation, shall then proceed to elect their supervisor, or supervisors of roads and highways within the respective districts.

SEC. 4. **Other acts and parts of acts repealed.** All acts and parts of acts that come within the purview of this act, are hereby repealed.

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

Approved, 10th February, 1843.

[41] CHAPTER 47.

ROAD.

AN ACT to locate a territorial road from the northern boundary of Missouri to the town of Keosauqua, in Van Buren county.

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

SECTION 1. **Commissioners names and route of road.** That Charles Dailey, Thomas Cox, as commissioners, and Samuel Gilland, as surveyor, be and they are hereby appointed to locate and establish a territorial road, commencing at the southwest corner of section nine, in fractional township sixty-seven, north of range eight west, near the Missouri line; thence westward to the northeast corner of section thirty-six, township sixty-eight, north of range nine west; thence west eighty rods, between sections twenty-five and thirty-six; thence to James Burnes' smith shop; thence the shortest and best route to intersect the

territorial road, leading from Keokuk to the line at the town of Keosauqua, Van Buren county.

SEC. 2. Where and when to meet—surveyor and assistants—failure to meet provided for. That said commissioners and surveyor shall meet, at the place of commencing said road, on the first Monday in April next, and shall proceed to locate and establish said road, according to the provisions of an act to locate and establish territorial roads. And if said commissioners or surveyor, or a majority of them, should fail to meet at such time and place, as herein specified, it shall be the duty of the sheriff of Van Buren county to notify said commissioners of a day, to be by him appointed, of the time and place of a second meeting of said commissioners, who shall then proceed to locate said road as above directed.

SEC. 3. This act to take effect from and after its passage.

Approved, 10th February, 1843.

[42] CHAPTER 48.

JACKSON COUNTY ACADEMY.

AN ACT to incorporate the Jackson County Academy.

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

SECTION 1. Names of corporators—name and style of association—power to acquire and sell real and personal estate—to sue and be sued, to use a seal, etc. That there shall be established at Andrew, in Jackson county, a seminary of learning, for the instruction of youths of both sexes, in arts, science, and literature, to be known by the name and style of "The Jackson County Academy," and that M. H. Clark, John Forbes, N. Butteworth, S. S. Fenn, W. Hopkins, W. A. Warren, H. Herrington, R. B. Wykoff, O. A. Crary, J. S. Kirkpatrick, Joseph Mallard, and Robert Fowler, and their associates and successors, are hereby declared a body politic and corporate in law and in fact, by the name and style of "The Jackson County Academy," and by that name shall have perpetual succession, and power to acquire, possess, retain, and enjoy, mixed, personal, and real property, and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure; and they shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law or equity, and they shall have and use a common seal.

SEC. 2. Amount of shares made transferable. The stock of said academy shall consist of shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as may be prescribed by the board of trustees.

SEC. 3. Annual income limited—disposition of same. The annual income, exclusive of tuition, shall not exceed two thousand dollars, and that the total capital stock of said institution [43] shall not exceed fifty thousand dollars, and that its funds, privileges and immunities, shall be used for no other purposes than that of education.

SEC. 4. Time and manner of electing trustees—number and duty of same—may elect other officers—number of votes given and how. The stockholders of said academy shall, on the first Monday in October next, and on the same day annually thereafter, elect, by ballot, a board of trustees, consisting of twelve members, seven of whom shall constitute a quorum, whose duties shall be to transact and perform, or cause to be performed, all the functions, concerns and

business of said academy; and said stockholders shall elect or appoint such other officers as may, in their opinion, be requisite, and shall give such other directions to the board of trustees as may, in their estimation, be of importance to the corporation; and each stockholder shall be entitled to one vote for every share owned by him, to the amount of ten shares, and then to one vote for every five shares over and above that amount. Any stockholder may vote in person or by proxy.

SEC. 5. **Trustees to appoint president and other officers, with power to fill vacancies—to make by-laws, etc.—proviso.** The board of trustees shall, on their first meeting after elected, appoint from their number a president, and vice president, secretary and treasurer, and they shall have power to fill vacancies in their own body until the annual election; they shall have power to appoint subordinate officers, and to make, ordain, and establish such ordinances, regulations, rules and by-laws, as they may deem necessary for the interests and good government of said academy in its several departments and functions: provided, however, that such rules and regulations shall not contravene the laws of the United States, or of the territory or future State of Iowa.

SEC. 6. **Deeds to be made and how.** All deeds, or other instruments of writing or conveyance, shall be made by order of the board of trustees, sealed with the seal of the corporation, signed and acknowledged by the president, in his official capacity, in order to render them good and valid in law.

SEC. 7. **Act when to take effect.** This act shall take effect, and be in force, from and after its passage.

Approved, 10th February, 1843.

[44] CHAPTER 49.

KEOSAUQUA.

AN ACT to amend an act entitled an act, to incorporate the city of Keosauqua.

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

SECTION 1. **Certain words of certain lines in, repealed—fines for offences against ordinances—manner of recovering fines.** That the words within and between the words property, for, in the fifth line of the fifth section of the act to which this [is] amendatory, be and the same are hereby repealed, and that the sixth section of said act be so amended as to read; provided, that no person shall be fined exceeding fifty dollars for any one offence against any one ordinance; which fine may be recovered in a summary manner before any justice of the peace of competent jurisdiction.

SEC. 2. **Words in the original act stricken out and others inserted.** That the word "majority," in the fifth line of the second section of said act be repealed, and the word "plurality" substituted therefor.

SEC. 3. **Eighteenth section of original act repealed.** That the eighteenth section of said act be and the same is hereby repealed, from and after the first Monday of May next.

SEC. 4. **Use of county jail to be allowed to said city.** That the use of the county jail of Van Buren county be allowed to the authorities of said city, for the confinement of persons committed by any justice of the peace, in cases of the violation of the ordinances of said city.

SEC. 5. **Liability of mayor and aldermen for neglect of duty.** That the mayor shall be liable for any neglect or mal-practice in office in all respects as justices of the peace, are or may be liable by law.

SEC. 6. **Limits of said corporation to form a school district, under direction of mayor and aldermen subject to the laws of the territory.** That the limits of said corporation shall form a school district, which shall be under the direction and control of the mayor and [45] aldermen of said city, subject however, in all other respects, to the general laws of this territory relative to schools and school districts.

SEC. 7. This act shall take effect and be in force from and after its passage. Approved, 10th February, 1843.

CHAPTER 50.

FERRY.

AN ACT to authorize Ezra F. Denison and Newton P. Denison to keep a ferry across the Mississippi river.

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

SECTION 1. **Ezra F. and Newton P. Denison to keep a ferry across Mississippi river near mouth of Iowa river—privileges and term of years.** That Ezra F. Denison and Newton P. Denison, of the county of Louisa, in said territory, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi, at or near the mouth of the Iowa river, embracing a distance along the west bank of said Mississippi of two miles, extending one mile on either side of the said Iowa river from the middle of its channel; and the said Ezra F. Denison and Newton P. Denison, their heirs and assigns, shall have the exclusive privilege of ferrying within the above limits for the term of twenty years.

SEC. 2. **Regulations and restrictions—rate of tolls.** The ferry hereby established, shall be subject to the same regulations and restrictions as other ferries are, or may be hereafter, by law in this territory, fixing the rate of tolls, and prescribing the manner in which licensed ferries shall be kept.

SEC. 3. **Steam or horse boats with sufficient number of hands to be kept.** That the said Ezra F. and Newton P. Denison, their heirs and assigns, shall keep or cause to be kept at the place aforesaid, a good and sufficient boat, or boats, to be propelled by horse or steam power, for the safe conveyance of persons and their property, across said river without delay.

SEC. 4. **Not to interfere with the rights of others—act may be amended or repealed.** Nothing in this act shall be construed so as to interfere [46] with the rights that any person may have to the lands on either side of said river.

SEC. 5. Any future legislature may alter, amend, or repeal this act, which shall take effect from and after its passage.

Approved, 10th February, 1843.

CHAPTER 51.

FERRIES.

AN ACT regulating ferries across English river.

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

SECTION 1. **County commissioners of Washington county authorized to grant licenses for ferries across English river—pay for licenses not to be required—regulations and restrictions.** That the county commissioners of Washington

county, may, if they think proper, grant licenses to any person or persons, to keep a ferry or ferries across English river in said county, without compelling such person or persons to pay license; such ferry or ferries shall be in all other respects regulated according to the provisions of the law regulating ferries.

SEC. 2. This act to be in force from and after its passage.

Approved, 10th February, 1843.

CHAPTER 52.

HENRY COUNTY.

AN ACT authorizing the election of an additional justice of the peace and constable in Centre township, Henry county.

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

SECTION 1. **Authority to elect additional justices of the peace and constables given—Time and manner, and place of election.** That the voters of Centre township, Henry county, be and they are hereby authorized to elect on the first Monday [47] of April next, and at each annual meeting thereafter, an additional justice of the peace and constable, in and for said township, the said election to be conducted in every particular the same as that of other township elections.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, 10th February, 1843.

CHAPTER 53.

DAM.

AN ACT to authorize Isaac R. Campbell and others, to construct a dam across the Des Moines river, in the county of Lee.

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

SECTION 1. **Isaac R. Campbell and others to erect a dam across the Des Moines river—location, dimensions of dam and lock—time of completion of same.** That Isaac R. Campbell and company be and they are hereby authorized to construct a dam across the Des Moines river, in the county of Lee, so far as the jurisdiction of the territory of Iowa extends on said river, on the southeast quarter of section one, in township sixty-six north, range seven west, in the county of Lee: provided, the said Isaac R. Campbell and company shall, before they proceed to construct said dam, erect a good and sufficient lock for the purpose of letting boats of all kinds through said dam safe without delay. Which dam shall not exceed five feet above 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 boats, rafts and water crafts of all kinds. The said dam shall be completed within the term of two years from the passage of this act.

SEC. 2. **Lock to be kept in good repair and free of toll—penalty for detention.** It shall be the duty of the said Isaac R. Campbell and company to keep the lock and dam in good repair, and they, at all times, shall pass any water craft above mentioned through, free of toll, without delay; and any person, who shall be unnecessarily detained, shall be [48] entitled to recover of the owners double the amount of damages they shall prove to have sustained by reason of such detention.

SEC. 3. Penalty for trespass or injury. Any person who shall destroy, or in any wise injure either said dam or lock, shall be deemed to have committed a trespass and shall be liable accordingly. Any person who shall wilfully and 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 damage the owners may have sustained, or be imprisoned, at the discretion of the court.

SEC. 4. Not to overflow other lands—nuisances must be removed. Nothing herein contained shall be construed to authorize the individuals named in this act, their heirs or assigns, to enter upon and flow the lands of any person. 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. 5. This act to take effect and be in force from and after its passage.

Approved, 10th February, 1843.

CHAPTER 54.

LAUREL SUMMERS.

AN ACT for the relief of Laurel Summers.

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

SECTION 1. Certain claim to be paid by territorial treasurer. That the treasurer of the territory of Iowa, be required to pay to Laurel Summers the sum of one hundred and seventy dollars, out of any moneys not otherwise appropriated: provided, the said Summers shall produce to the treasurer aforesaid the certificate of the secretary of the territory, that the account of A. C. Donaldson, for carrying the mail between Davenport and Dubuque, during the session of the territorial legislature of A. D. 1838-'9, has been disallowed by the proper auditory officer at Washington.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, 10th February, 1843.

[49] CHAPTER 55.

WALTER BUTLER.

AN ACT for the relief of Walter Butler.

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

SECTION 1. Allowance of money. That there be allowed to Walter Butler the sum of one hundred and seventy-five dollars, for the use of library room, storage room, and for removing furniture, as per contract with the secretary; and that the secretary of the territory be required to pay the same out of any moneys, in his hands, not otherwise appropriated.

SEC. 2. To be paid by the secretary of territory. And that the sum of one hundred and fifty dollars be allowed him for rent of Secretary's office, to be paid out of any moneys, in the secretary's hands, not otherwise appropriated.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER 56.

FARMERS' HALF BREED LAND COMPANY.

AN ACT to incorporate the Farmers' Half Breed Land Company, in the county of Lee.

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

[50] SECTION 1. **Names of corporators—name and style of corporation—powers—to sue and be sued, to use a seal with power to alter the same—may hold and enjoy real and personal estate, purchase interest of other companies, etc., etc.—objects of association.** That Joseph Roberts, Robert Roberts, John Wright, James McMurry, David Galland, John Spaine, Hillis, A. Kerr, Elias Smith, Joseph Webster, Tibets, Daniel Hines, Theophilus Bullard, John South, Samuel Brierly, Johnson Meek, Wesley Elmore, P. N. Miller, Grisam Danks, John McCall, Aley Chance, and James Allen, of the county of Lee, with such other persons as shall hereafter be associated with them, for the purpose hereinafter specified, and their successors, be and they are hereby constituted a body corporate and politic, with succession, by the name and style of "The Farmers' Half Breed Land Company," and as such shall be capable of suing and being sued, answering and being answered, in all courts of justice; they may have a common seal, and may alter the same at pleasure; they shall be capable of purchasing, receiving, holding, and enjoying any estate, real and personal, necessary for the promotion of the objects of said company; [51] which objects are hereby declared to be to purchase from the several companies and persons who are interested in the Half Breed land, in the county of Lee, and to secure to each and every person interested and residing on the land, their homes, or lands, as they may desire, and to perfect the title to the same, and these corporate powers shall be used for no other purposes than above mentioned.

SEC. 2. **Amount of capital stock and amount of shares—regulations for payment of stock—installments collected by suits.** The capital stock of said company shall not consist of more than two hundred thousand dollars, to be divided into shares of not less than one hundred dollars each, which shall be subscribed and paid for under such regulations as said company, or a majority of them, may prescribe. The installments on such shares, when due and unpaid, may be collected at the suit of the directors of said company, at their direction, as other debts.

SEC. 3. **Power to make by-laws, restrictions of the same—to receive the sanction of stockholders.** Said company, when formed, shall have power to make all by-laws necessary for the regulation of the concerns of the company; provided, such by-laws shall not be inconsistent with the laws of the United States and the laws of this territory, and which by-laws shall not be valid or binding until they have received the sanction, by vote, of a majority of the stockholders.

SEC. 4. **Number of shares that may be taken—one vote allowed for each—stockholders may vote by proxy.** Any person may take as many shares as he may see proper. Each stockholder shall, in all elections held by said company, be entitled to one vote for every share by him subscribed to the amount of five shares, and one vote for every five shares over and above that number, and upon which all installments, duly called for, have been paid; and any stockholder may vote by proxy, appointed in writing, but none but a stockholder shall be a proxy.

SEC. 5. **Amount to be subscribed before the election of president and directors can take place—quorum to transact business—election of officers to be**

annual—time and place of election. So soon as twenty thousand dollars of the capital stock of said company shall have been subscribed, the stockholders, or a majority of them, shall have power to elect a board of nine directors, one of which shall be president of said company, and seven of whom shall be a quorum to transact business, and the election of directors shall take place annually thereafter, at such time, and on such notice being given, as the by-laws shall prescribe.

SEC. 6. Record of stock subscribed to be kept open for inspection—liability of stockholders. The company shall cause a book of record to [be] kept, in a suitable place for that purpose, of all stock subscribed, and all other proceedings, with the owners names, and the shares held by each, which record shall at all times be kept open for the inspection of all persons interested, or having claims against said company. The stockholders shall be individually liable for all the contracts and debts of the company in proportion to the amount of stock owned by each, and judgment against said company shall hold good in law against each stockholder.

[52] **SEC. 7. Commissioners to receive subscription— books to be opened for same—when and where—one per centum of amount subscribed must be paid at time of subscribing.** That the persons named in the first section of this act shall be commissioners to receive subscriptions, and also to do and perform all necessary acts to organize the company, and they are hereby authorized to cause books to be opened, at such time, and in such place, as a majority of them shall direct, to receive subscriptions to the capital stock of said company. The commissioners shall require one per centum upon each share to be paid at the time of subscribing.

SEC. 8. Commissioners to call a meeting of stockholders—notice of same to be posted up in public places—time and place of meeting—officers elected. That whenever the sum specified in the fifth section of this act shall be subscribed, the commissioners shall call a meeting of the stockholders, by causing at least two weeks notice, of the time and place of such meeting, to be posted in three of the most public places in the county, in which the books shall have been opened and the stock subscribed; and on such notice being given, the stockholders shall meet at the time and place appointed, and when so assembled may proceed to elect their directors, and adopt their regulations, as specified in this act.

SEC. 9. President and directors to take oath—treasurer to give bond with security—time and place of paying installments and notice thereof—stockholders not required to pay more than 10 per centum upon their stock at any one time. The president and directors, previous to their entering on the duties of their offices, shall severally take an oath or affirmation faithfully and impartially to discharge the duties of their offices, by virtue of the provisions of this act, and the rules of the corporation; they shall appoint a treasurer, who shall give bond, payable to the president and directors of The Farmers' Half Breed Land Company, with securities in double the amount that may be committed to his charge, for the faithful performance of the trust committed to him, and shall take an oath or affirmation faithfully to discharge the duties of his office, which said oath or affirmation and bond shall be filed in the office of the clerk of the district court of Lee county. The directors shall order and direct the time and place when the stockholders shall pay in their installments, and give notice thereof, as required by the eighth section of this act; neither shall any stockholder be bound to pay more than ten per centum on the amount of his stock, at one time, nor more than twenty per centum per annum in any one year, except by consent of a majority of the stockholders.

SEC. 10. Amount to be paid into the treasury before objects of company can be carried out—qualifications of officers. That whenever the sum of thirty

thousand dollars, in gold or silver coin, or current bank notes, may have been paid into the treasury of said corporation, it shall be the duty of said directors to carry out the objects of this association by purchasing the lands known as the "Half Breed Lands," ceded by the Sac and Fox Indians, situated in the county of Lee, in the name of said company, from all those compa- [53] -nies or others owning the said lands, and to hold the same for the use of the company and be disposed of as hereinafter provided.

SEC. 11. No person shall hold any office in said company unless he shall be a stockholder, and a resident on the Half Breed Tract.

SEC. 12. **Time to wind up the affairs of the company—manner of doing so.** So soon as the directors shall ascertain that they have purchased and obtained the rights and interest of the companies and individuals interested in said lands, it shall be their duty to proceed to wind up the affairs of the company, and to provide for the payment of all debts due, and against said company. The said directors, for and on behalf of said company, for the purpose of perfecting and securing the title to said land, and making an equal partition of the same amongst the stockholders, shall proceed to ascertain the amount of stock held by each person, and when so ascertained, they shall make out a complete list of the same, setting down the name of each stockholder, and shall cause the same to be published in some newspaper in the territory.

SEC. 13. **Duty of directors to examine lands and value the same—disposition of to holders—duty of holders to file title papers to claims with directors to be investigated—decision and disposition by directors.** The said directors shall proceed to examine the land, both occupied and unoccupied, and the value the same as in a state of nature, and all lands that are claimed and held by any stockholder shall be set apart by the directors, and conveyed by them to the person claiming or holding the same, in proportion to the amount of stock held by such stockholder and if any stockholder, at the winding up of the affairs of said company shall claim to hold an undivided interest in said land, as having purchased from the Half Breed, or other person, previous to the formation of said company, it shall be the duty of such person, so claiming the same, to file with the directors his or her title papers for allowance, and the said directors shall proceed to investigate the claim or claims of the person so filing such papers, and if they shall find said claim to be just, they shall set the same apart to the person claiming such interest, and execute a deed therefor; and if such person shall have claimed and improved any particular part or tract of land, the said undivided interest shall be laid upon the tract so claimed, so far as the same shall extend, for which no charge shall be made.

SEC. 14. **Residue of lands to be sold for payment of debts of company, or divided among the stockholders, pro rata.** If after the stockholders have drawn lands to the amount of stock held by each person, it shall appear that there is any land remaining, it shall be the duty of the directors to sell the same at its valuation, the proceeds of which shall be appropriated for the payment of debts against said company; but if there shall be no such debts, then the said proceeds shall be divided among the stockholders in proportion to the amount of stock held by each.

SEC. 15. **Powers given directors to make all rules and regulations to carry foregoing into execution—proviso.** The said directors shall have power to do all acts necessa- [54] -ry to carry into effect the objects of this act: provided, that nothing in this act shall be so construed as to authorize them to enter into any kind of speculation in said lands.

SEC. 16. **Act may be amended or repealed.** This act may be repealed, altered or amended, by any future legislature, and shall take effect, and be in force, from and after its passage.

Approved, 13th February, 1843.

CHAPTER 57.

DELAWARE COUNTY.

AN ACT to attach Delaware to Dubuque county, for judicial purposes.

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

SECTION 1. That the county of Delaware be and the same is hereby attached to the county of Dubuque for judicial purposes.

SEC. 2. This act to be in force from and after its passage.

Approved, 13th February, 1843.

CHAPTER 58.

WASHINGTON MANUFACTURING COMPANY.

AN ACT to amend an act, entitled an act to incorporate the Washington Manufacturing Company.

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

[55] SECTION 1. **Names of corporators—name and style—powers—to sue and be sued, to purchase or sell real and personal estate—amount of same limited.** That James H. Gower, Robert Gower, Jackomyer Baldwin and Peter Dilts, and such other persons as may associate themselves with them, be and they are hereby created a body politic and corporate to be known by the name and style of the Washington Manufacturing Company, and by that name shall have perpetual succession, may sue and be sued, in all courts of law or equity, and shall be capable in law, of purchasing, holding, selling, leasing and conveying estate, real, personal or mixed, so far as may be necessary for the purposes herein named, and for all other purposes necessary to consummate the objects of this incorporation; provided, the value of said property shall not exceed forty thousand dollars.

SEC. 2. **Authorized to construct a dam across Cedar river—location, dimensions of same, with lock—sluice for the passage of boats, rafts, etc., to be constructed—dimensions of same, time of completion—to be kept in good repair.** That said James H. Gower, Robert Gower, Jackomyer Baldwin and Peter Dilts, their associates and successors, be and they are hereby authorized, to construct a dam across the Cedar river, at Washington ferry, in Cedar county, which said dam shall not exceed five feet in height, and shall contain a convenient lock, at least one hundred and twenty-five feet in length, and at least thirty-five feet in width, or a sluice at least forty feet wide for the passage of steam, keel and flat boats, rafts and other water crafts; which said dam and lock or sluice shall be completed within four years from the passage of this act, and said lock or sluice shall, after completed, be kept in good repair for the passage of all kinds of water crafts without delay and free of charge.

SEC. 3. **Penalty for injury to works.** That if any person shall in any wise destroy or injure said dam, lock, or sluice, [he shall] be deemed to have committed a trespass, and shall be liable accordingly; and any person who shall wilfully and maliciously destroy or injure said dam, lock or sluice, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined

treble the amount of damages the owners may have sustained, and be imprisoned at the discretion of the court.

SEC. 4. Dam not to flow other lands without consent of owners—nuisances must be removed. That nothing in this act contained, shall authorize said [56] company to enter upon or flow the lands of any person, without the consent of such person, and said company shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of citizens in its vicinity.

SEC. 5. Notice for meeting of members for election of officers—power to make by-laws, proviso. That any member of said company, may at any time within one year from the passage of this act, by giving at least thirty days' previous notice, call a meeting of its members, and said company, when convened, shall call one of their number to preside, and may proceed to enact such by-laws, rules and regulations for its government, and such arrangements for the management and conduct of its business, as a majority of them may deem right and proper: provided, the same do not conflict with the laws of the United States and of this territory and future State of Iowa.

SEC. 6. Division of shares—aggregate amount of same not to exceed \$40,000. That the capital stock of said company shall be divided into shares of one hundred dollars each, and as many such shares may be created as the company may direct: provided, they do not in the aggregate exceed the sum of forty thousand dollars.

SEC. 7. Act may be amended or repealed—personal liability of stockholders for debts of company. That the legislature of the territory of Iowa, or state of Iowa, may at any time alter, amend or repeal this act. Each member of the Washington Manufacturing Company aforesaid, shall be personally liable for the payment of all debts due from the company.

SEC. 8. Dam obstructing navigation, privileges to be forfeited thereby. That said company shall, by said dam, in no case obstruct the free passage of any steam boat, flat boat, keel boat, or other water-craft, free of charge. In case of any violation of the above provisions, said company shall be liable to the owner or owners of any boat or water-craft, so obstructed, for damages in treble the amount sustained by such owner or owners.

SEC. 9. Certain sections of original act repealed. That in case said dam shall be found to present obstructions to the navigation of said river, then the privileges conferred by the provisions of this act, shall cease and be forfeited.

SEC. 10. That the third section of the act, to which this is amendatory, together with so much of the provisions of said act as contravenes the provisions of this act, be and the same are hereby repealed.

SEC. 11. That this act shall take effect and be in force from and after its passage.

Approved, 13th February, 1843.

[57] CHAPTER 59.

DENMARK ACADEMY.

AN ACT to incorporate an Academy in Denmark, Lee county.

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

SECTION 1. Name and style of association—names of corporators—made trustees, with term of office. That there shall be and hereby is estab-

lished in the town of Denmark, in Lee county, a literary institution for the purpose of instructing youth of both sexes in science and literature, to be called the Denmark Academy, and that Isaac Field, Reuben Brackett, Oliver Brooks, Hartwell J. Taylor and Asa Turner, Jr., and their successors, are hereby declared a body politic and corporate, in law, by the name and style of the trustees of the Denmark Academy, to hold their office for one year from the first Monday in March next, or till others shall be duly elected to succeed them in the manner hereinafter provided.

SEC. 2. Power to acquire and sell property—to sue and be sued, to use a seal. And the corporation before named, shall have perpetual succession and power to acquire, possess, retain and enjoy property, real, personal and mixed, and the same to sell, grant, convey, rent, or otherwise dispose of at pleasure, and they shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of justice; and they shall have and use a common seal, with power to alter the same at pleasure.

SEC. 3. Donations of property by certain individuals in Denmark to constitute stock—same to be sold and the interest of the fund arising therefrom to be used—amount of shares, made transferable—amount of income limited. That the stock of said academy shall consist first of the donation made by Timothy Fox, Lewis Epps, William Brown, and Curtis Shedd, proprietors of the town of Denmark, to-wit: one-half of all the lots in said town of Denmark, the amount arising from the sale of [58] which shall forever remain as a permanent fund, and the interest only be used, and in consideration of said donation the said proprietors shall be considered as holding three shares each in the stock of the said academy; second shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as may be prescribed by the board of trustees; provided, that the annual income of the said corporation (not including tuition) shall not exceed three thousand dollars, and that its fund, privileges and immunities shall be used for no other purpose whatever than education.

SEC. 4. Board of trustees elected—time and manner of, and term of office—election of president and power of same—time for so doing may be altered by notice. The corporate concerns of said academy shall be managed by a board of trustees consisting of five members, and three of whom shall constitute a quorum for the transaction of business; said board shall be elected by the stockholders on the first Monday in March, annually, and shall hold their office for the term of one year, and until their successors are duly elected. The election of trustees shall be by ballot, and each stockholder shall be entitled to one vote for each share by him owned to the amount of five shares, and one vote for every additional three shares. Any stockholder may vote in person or by proxy. Said trustees shall elect one of their number to be president of their board, and shall have power to fill all vacancies in their own body that may occur between their annual election. If any election of trustees shall not be made on the day designated by this act, such election shall be held on any other day, provided a notice of time and place of holding such an election, signed by the stockholders, be posted at two of the most public places in the town of Denmark, at least ten days before said election.

SEC. 5. Power to appoint subordinates, to establish ordinances, proviso—power to trustees to convey property—manner of doing so. The board of trustees shall have power to appoint subordinate officers and agents, to make, ordain and establish such ordinances, rules and regulations as they may deem necessary for the good government of said academy, its officers, teachers and pupils, and for the management of the property and affairs of the said corporation to the best advantage; provided, they shall not contravene any of the laws of the United States or of this territory.

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.

CHAPTER 61.

IOWA CITY.

AN ACT donating out lot No. 10, in Iowa City, to the citizens thereof.

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

SECTION 1. Conditions upon which grant is to be made. That out lot No. 10, in Iowa City, is hereby granted to the citizens of said city, for the purposes hereinafter expressed, and for no other purpose or use whatever: provided, the said citizens shall, as a condition of this grant, enclose and keep enclosed said lot, with a good and substantial fence.

SEC. 2. To be used as a public burying ground. The said lot is hereby declared to be a public burying ground, and as such shall at all times be free for that purpose under such rules and regulations as the citizens of Iowa City may establish, necessary to carry out the design and object of the aforesaid grant.

SEC. 3. Superintendence and future disposition of said lot in the hands of trustees to be elected by citizens. The superintendence and management of said burying ground shall be exercised by three trustees selected by the citizens of said city, at a public meeting to be held within two months after the passage of this act. Notice of the time and place shall be given two weeks previous to holding said meeting, by publication in the newspapers [61] of said city, or setting up at least five written notices, calling said meeting, at the most public places in said city. The persons, when chosen as above provided, shall hold their office, as trustees, for one year, and until their successors are chosen in manner aforesaid. Should Iowa City ever become incorporated, the management and control shall then be vested in the mayor and city council.

SEC. 4. Governor to execute deed for same. The governor is hereby authorized to execute a deed of conveyance to the citizens of said city, for the purpose and use aforesaid, as soon as notified of the election of trustees, as above provided.

Approved, 13th February, 1843.

CHAPTER 62.

ROAD.

AN ACT to establish a territorial road from Birmingham, Van Buren county, by the colony in Jefferson county, to the Indian Agency.

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

SECTION 1. Commissioners' names and route of road. That William Shepherd and Robert Rutledge, of Van Buren county, and John I. Mudget, of Jefferson county, be and they are hereby appointed commissioners to lay out and establish a territorial road from Birmingham, in Van Buren county, by the way of the colony, in Jefferson county, the nearest and best route to the Indian agency, if the late treaty with the Sac and Fox Indians is ratified.

SEC. 2. Where and when to meet. That the said commissioners shall meet at Birmingham, on such day as they may agree upon, not exceeding twelve months from the passage of this act, to discharge their duties.

SEC. 3. Surveyor and assistants—their compensation. Said commissioners shall take to their assistance one surveyor, and such other persons as shall be actually necessary for the laying out of said road, and shall receive such pay as the commissioners of Van Buren and Jefferson counties shall deem just.

Approved, 13th February, 1843.

[62] CHAPTER 63.

ROAD.

AN ACT to vacate a part of the plat of the town of Port Allen, and to legalize the relocation of a part of a territorial road.

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

SECTION 1. Directions to vacate. That all of the original plat of the town of Port Allen, in the county of Louisa, with the exception of blocks numbered 100, 101, 102, 103, 104, 116, 117, 118, 119, 120, 99, 91, 92, 93, 94, 95, 67, 68, 69, 70, 71, 72, 105, 89, 76, 52 and 36, and also except the street leading from the landing on the west side of the Cedar river, to the territorial road leading from the Mississippi river, via Blackhawk, Harrison, Fredonia, etc., to Iowa City, which street is hereby declared to be a part of said road, be and the same is hereby vacated.

SEC. 2. A part of territorial road legalized. That the relocation of that part of the territorial road from the Mississippi river, via Blackhawk, Harrison, and Fredonia, etc., to Iowa City, which lies between the town of Fredonia and Port Allen, made by Thomas Stoddard and James W. Isett, on the 4th Monday in March, 1843, is hereby declared to be as legal and as valid to all intents and purposes as if the plat of said road had been filed in the office of the secretary of the territory, within the time prescribed by law.

SEC. 3. This act shall take effect and be in force from and after its passage.
Approved, 13th February, 1843.

[63] CHAPTER 64.

ROAD.

AN ACT to review and establish a part of a territorial road leading from Fort Madison in Lee county, to Iowaville, in Van Buren 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. That E. A. Boyer, John Saylor and William Meacham, be and they are hereby appointed commissioners to relocate that part of said road as lies between Hiram Holmes and Iowaville, in Van Buren county.

SEC. 2. When and where to meet. That said commissioners, or a majority of them, shall meet at the house of Hiram Holmes, in said county, on the sec-

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.

SEC. 4. Imprisonment as for misdemeanor. Any person who shall destroy, or in anywise 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 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.

[67] CHAPTER 68.

DAMS.

AN ACT authorizing the construction of Slopes in mill dams in Skunk river.

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

SECTION 1. Owners of dams holding charters may construct slopes—act extended to certain counties on. That all persons in the counties of Jefferson, Henry, Lee, and Des Moines, that are owners of mill dams in Skunk river, that passes through the above named counties, that have obtained charters for the construction of dams and locks in their respective mill dams, may construct and put in slopes.

SEC. 2. Time of construction and dimensions of slopes—those complying may have further time to comply with their charters granted. Those constructing good and sufficient slopes in said mill dams, within twelve months from the passage of this act, 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, shall have a further time of five years to comply with the provisions of their charters in constructing their locks.

SEC. 3. Forfeiture for failure to comply. Any owner or owners of mill dams, in the above named portion of said river, that have or have not, by any act of the legislature of this territory, obtained a charter for the construction of a lock, should fail in complying with the above provisions of this act, in the construction of good and sufficient slopes, and keep the same at all times in good repair, for the passage of flat boats, and other water-crafts, shall forfeit and pay any person the amount of damages they may prove to have sustained by reason of such detention, before any court having competent jurisdiction of the same.

SEC. 4. This act to take effect from and after its passage.

Approved, 13th February, 1843.

[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.

CHAPTER 70.

LEE COUNTY.

AN ACT supplemental to an act entitled "An Act for the relocation of the seat of Justice of Lee county, approved 13th January, 1843.

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

SECTION 1. **Public buildings to be erected by county commissioners—time for doing so—to be done upon the faith of donations made or to be made, without expense to the county.** That it shall be lawful for the county commissioners of the county of Lee, to proceed at any time after a relocation of the county seat of said county is or shall be made by the commissioners appointed by the act to which this is a supplement, to erect such public buildings as they, or a majority of them, may deem necessary; provided, the same is done alone on the faith of donations which is or may hereafter be made for that purpose, by the proprietors and others interested in said relocation, but no part of such expenditure shall be paid for out of the county treasury, unless the same [is] contracted for one year after the said relocation.

SEC. 2. **Court house at Fort Madison to be retained for one year and then to be sold—proceeds to be divided and how.** That the county commissioners of Lee county shall retain the present court house, as the property of the county, for one year after the removal of the county seat from Fort Madison, after which time they may sell the same, together with the lots on which said court house stands, for the best price the same will bring at public sale, and they shall equally divide the proceeds of such sale between the corporation of Fort Madison, and James Wilson, and the county of Lee, in proportion to the amount each paid in the purchasing of said lots, and the erection of said court house, unless otherwise ordered by the future legislature.

SEC. 3. This act shall take effect, and be in force, from and after its passage.

Approved, 13th February, 1843.

CHAPTER 71.

PETIT JURORS.

AN ACT for the relief of petit jurors, in certain cases.

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

SECTION 1. **County commissioners of Van Buren, Des Moines, Lee and Dubuque, required to further pay jurors of 1842—clerk of district court to certify to the number of days each juror served—proviso.** That the board of county commissioners of Des Moines, Lee, Van Buren and Dubuque counties, be and they are hereby required to allow a further sum of one dollar per day to each petit juror who served as such at the district court of said counties under an act to amend an act concerning costs and fees, approved, February 15th, 1842, by presenting to said commissioners, from under the hand and seal of the clerk of the district court of said counties, a certified statement of the number of days served: provided, nothing in this act shall be so construed as to allow any juror any further compensation for the same days services for which he may have received pay from the marshal of said territory.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, 13th February, 1843.

[71] CHAPTER 72.

WASHINGTON COUNTY.

AN ACT to legalize the acts of certain road commissioners, in Washington county.

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

SECTION 1. Acts of road commissioners of—locating a certain road legalized. That the acts of Louis W. Day, R. B. Davis, and Almon Fairchild, of Washington county, commissioners appointed to locate a territorial road, commencing at the twenty mile stake, on the road leading from Iowa City to Burlington, on the south side of the Iowa river, to a point where the military road, leading from Iowa City to Mount Pleasant, crosses the same, be and the same are hereby declared lawful.

SEC. 2. Route of road. The road laid out by said commissioners, from the twenty-first mile stake, on the road leading from Iowa City to Burlington, on the west or south side of Iowa river, to intersect the military road near where said road crosses English river, be and the same is hereby declared a territorial road.

Approved, 15th February, 1843.

CHAPTER 73.

ROAD.

AN ACT to relocate a part of the territorial road leading from Burlington to Iowa City.

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

SECTION 1. Names of commissioners and route of road. That David Scott, of Des Moines county, be and he is hereby appointed a commissioner to review and establish a [72] part of the territorial road which lies between the town of Dodgeville and the Wappello road, commencing at a point north on said road parallel with the street called Flint, in said town; thence south with said street to the south side of said town, thence east to the section line dividing section 14 and 15 in township seventy-one, north of range three west; thence south with said line until it intersects the Mount Pleasant road; thence along said road until it intersects the road leading from Burlington to Wappello, at or near John Repley's, and that so much of said road as lies between the commencing point and the Wappello road, are hereby vacated.

SEC. 2. Surveyors and assistants—their compensation. That said commissioner shall take to his assistance one surveyor and two chain carriers who shall survey and mark said road as all other roads are marked, and the petitioners most interested shall pay all expense of said relocation, which shall be done within three months from the passage of this act.

SEC. 3. This act to take effect from and after its passage.

Approved, 15th February, 1843.

CHAPTER 74.

CLAYTON COUNTY.

AN ACT to relocate the county seat of Clayton county.

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

SECTION 1. Names of commissioners—time and place of meeting—to select a place for a seat of justice—restriction in doing so. That Hardin Nowlin of Dubuque county, [73] William Jonas of Jackson county and David Mowland of Delaware county, are hereby appointed commissioners to relocate the seat of justice for Clayton county, and it shall be their duty to meet at Prairie La Porte, in said county, on the first Monday in April next, and they, or a majority of them, shall proceed forthwith to select a suitable place for said seat of justice; and in such selection they shall not be restricted more than to do equal justice to all the inhabitants of said county as near as possible.

SEC. 2. Oath to be taken by commissioners, and form. That the commissioners aforesaid shall each before entering upon their duties aforesaid, take and subscribe before some person authorized to administer the same, the following oath, to-wit: I, A. B., do solemnly swear or affirm that I am not directly or indirectly interested in the relocation or removal of the seat of justice of Clayton county, and that I will faithfully and impartially perform the duty imposed on me by the law by which I am appointed, according to the best of my abilities, without partiality, favor or affection, or without bias from fear or reward, or the hope of reward, or of any advantage to me in any respect.

SEC. 3. Proceedings to be committed to writing—to be recorded by the clerk of the board of county commissioners. That said commissioners, or a majority of them, immediately after they have selected the place for the seat of justice of said Clayton county, shall commit their proceedings to writing, describing the place they have selected, together with the quarter section or such part or parts of sections, township and range, and also name the place, and shall deliver the same, with any donations of any kind, deed or deeds for land which they may receive, to the clerk of the board of county commissioners of Clayton county, whose duty it shall be to receive and record the same in the order book of the proceedings of said board, and to notify said board thereof immediately.

SEC. 4. Penalty for commissioners receiving any gratuity or reward other than this act allows. If it shall be shown at any time, that either of said commissioners named in the first section of this act, were interested in said location or received any gratuity or reward, or any promise thereof other than what is by this act allowed, such commissioners shall be liable to indictment for perjury and be liable to the penalty for said crime.

SEC. 5. Place selected to be permanent seat of justice. That the place so selected shall be and remain the seat of justice for Clayton county.

SEC. 6. Courts to be held at Prairie La Porte for the time being—new court house to be erected and notice of its completion given. That the courts shall be held at Prairie La Porte, until a sufficient house shall be furnished by the county or some person or persons, to hold the courts in at the seat of justice, and so soon as such house shall be furnished it shall be the duty of the board of county commissioners of said county, to give notice thereof by public advertise-[74]-ment posted in the different precincts at places where the elections are held, and from that time the courts shall be held at the seat of justice.

SEC. 7. Provision against failure of commissioners to meet. That if said commissioners by this act appointed to relocate the aforesaid seat of justice for Clayton county, shall fail or refuse to meet at the time and place named in the first section of this act, and perform the duties enjoined on them, it shall be lawful, and it is hereby made their duty, to meet at said place at any time within one month after said time as aforesaid appointed, that they or a majority of them may agree upon, and then and there perform the duties by this act enjoined.

SEC. 8. Per diem and mileage of commissioners. The said commissioners shall receive three dollars per day for the time they shall be necessarily employed in the relocation of said seat of justice, and three dollars for every twenty miles travel, on the usual travelled route, in going and returning from said place of meeting, to be paid out of the county treasury of Clayton county.

SEC. 9. Seat of justice may be fixed at Prairie La Porte—choice of location to be made by vote of citizens of county—time and manner of holding election—returns of election to be filed with county commissioners and recorded by the clerk of the board. Nothing in this act shall prevent the commissioners aforesaid from fixing the seat of justice at Prairie La Porte, if they think that the public interest requires it to be located at that place: provided, that if the legal voters of said county shall wish to decide between the place selected as the seat of justice and Prairie La Porte, and shall make the same known to the board of county commissioners of said county, by petition, signed by a majority of the legal voters of said county, it shall be the duty of said board to cause an election to be held on the first Monday in June next; said election to be conducted in the same manner as is prescribed by the law regulating general elections.

At the election aforesaid, the electors shall proceed to vote by ballot, those in favor of Prairie La Porte remaining the seat of justice shall vote Prairie La Porte on the ticket, those in favor of the selection made by the commissioners appointed by this act, shall vote the name of said place on their ticket. The votes thus given shall be returned and canvassed according to the law governing general elections; and the place receiving the greatest number of votes shall be and remain the seat of justice of said county. It shall be the duty of the clerk of the board of county commissioners to file the returns of the election aforesaid, in his office, and also to record the same in the record book of said county.

SEC. 10. This act to be in force from and after its passage.

Approved, 15th February, 1843.

[75] CHAPTER 75.

IOWA CITY COLLEGE.

AN ACT to incorporate the Iowa City College.

Whereas, it has been represented to the council and house of representatives of the territory of Iowa, that the quarterly meeting conference of the Methodist Episcopal Church, at Iowa City, have determined to establish a college institution in Iowa City, to the support of which they are pledged to use their efforts, and which college is forever to be conducted on the most liberal principles; accessible to all religious denominations, and designed for the benefit of our citizens in general. And, whereas, the convenience of Iowa City for a public institu- [76]-tion, the eligibility and healthfulness of its location, render it an appropriate place, and if conducted upon free and enlight-

ened principles, would be of immense benefit to the citizens of the territory of Iowa, by disseminating knowledge and useful literature. Therefore,

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

SECTION 1. Name and style of college—for the use of all religious denominations—names of trustees, and number of,—time and place of first meeting. That a seminary of learning shall be and the same is hereby established in Iowa City, the established seat of government for the territory of Iowa, to be known by the name and style of the "Iowa City College," which shall be founded and maintained forever, upon a plan the most suitable for the benefit of the youth of every class of citizens, and of every religious denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said college, according to their merit, under the direction of twenty-five trustees, to-wit: John M. Colman, Bartholomew Weed, George B. Bowman, Leonard Jewett, Anson Hart, Edward K. Hart, William C. Reagan, Peter H. Patterson, Jesse Bowen, James P. Carleton, John D. Elbert, John A. Parvin, Joseph Williams, Robert Lucas, John Demoss, Stephen B. Gardner, A. E. McArthur, Curtis Bates, Isaac P. Van Hagan, Robert Hamilton, James L. Thompson, Milton M. Jennison, Ephraim Killpatrick, Roswell H. Spencer, Adam Reister, Jesse P. Farley, who, with their successors, shall be trustees, of said institution and shall hold their first meeting at the place of its location on the first Monday in April, A. D. 1843.

SEC. 2. Power to hold and sell property—amount limited. That the said trustees, and their successors, by the name of "The Trustees of the Iowa City College," shall be a body politic and corporate, and as such forever to exist, and are hereby made able and capable in law to have, possess, purchase, receive, enjoy and retain, hold or dispose of, for the use of said college, lands, tenements, rents and annuities, and other hereditaments, in fee simple, or for a term of years, life, lives, or otherwise, and also monies, bonds, bills, notes, goods, chattles, interests or effects, of whatever nature, quality or kind soever, by the gift, bargain, sale or demise, of any person or persons, body politic or corporate, capable of making the same, and the same to grant, demise, sell, alien and confirm in such manner as they shall judge most conducive to the interest of said college. This college shall not hold a greater amount of real estate, exclusive of college edifices, than thirty thousand dollars.

SEC. 3. To sue and be sued. That the said trustees, and their successors, by the name and style of "The Trustees of the Iowa City College," as aforesaid, shall be capable, in law, to sue and be sued, plead and be impleaded, in [77] any court or courts of record, before any judge, judges or justices within this territory, and elsewhere, in all manners of suits, complaints, pleas, causes, matters and demands, of whatsoever kind, nature or form they may be, and all and every other matter, nature and thing therein to do, in as full and effectual a manner as any person or persons, body or bodies, politic or corporate, of like nature, within this territory, may or can do.

SEC. 4. Power of trustees to fill vacancies—penalty for absence and want of moral character—college to be under patronage of Methodist church—conference of same may employ agents to procure donations—shall appoint a board of visitors—duty of same to report. The said board of trustees shall have power to fill all vacancies that may occur in their own body, by death, resignation or otherwise, at their first meeting, after such vacancy or vacancies may occur, thus keeping up the full number of twenty-five forever, and whenever any trustee shall be absent from three stated semi-annual meetings, without good cause assigned at the fourth, or whenever a majority of all the

trustees shall declare any one of their body incompetent, for want of moral character, the board of trustees shall declare their seats vacant, the said board shall immediately proceed to fill such vacancies. The said trustees shall have the power to place said college under the patronage of the annual conference of the Methodist Episcopal church, in which said college may be situated, on the condition that the said annual conference shall employ an agent to solicit and procure donations for the erection of said college edifice; and said conference shall have the power of appointing annually, any number of visitors, not exceeding nine, who, or so many as shall convene with the board of trustees, shall constitute a joint board in the permanent appointments of all officers of said college. And the visitors, or as many as shall act, shall report to the conference next succeeding the appointment, the condition of the college, and whether it is conducted in conformity with its charter.

SEC. 5. Oath of office of trustees, and form—appointment of president of board and other officers—treasurer to give bond—his duties and penalty for breach of—duties of secretary—duties of president—president pro tem may be appointed. That the said trustees of the "Iowa City College," before entering upon the trust reposed in them, shall severally take the following oath of office, to be administered to them by any justice of the peace in the territory of Iowa, That is to say, I, A. B. do solemnly swear (or affirm,) that I will, to the best of my ability and judgment, faithfully and truly discharge the duties of a trustee of the "Iowa City College," pursuant to the laws of the territory of Iowa, the constitution of the United States, and the charter granted by the territory of Iowa establishing said college, without favor, affection, or partiality, so help me God. And the said trustees shall have power to appoint annually, from their own body, a president of the board, a treasurer, and a secretary, and the treasurer so appointed shall give bond, with such security and [78] in penalty as the trustees shall think proper, payable to the territory of Iowa for the use of said college, which bond shall, by the treasurer and his securities, be acknowledged before the clerk of the district court, of the United States in the territory of Iowa, in and for the county of Johnson, and by him certified and recorded in his office, a copy of which shall be evidence against said treasurer and his securities, for a breach thereof, and it shall be conditioned for the true and faithful discharge of his duty as treasurer of said college, and for the safe keeping of all monies, bonds, notes, deeds, mortgages, trusts or other property belonging to the institution, or which shall be put into, or from time to time come into his hands, which bond may be renewed whenever the said trustees shall require it. And it shall be the duty of said treasurer, to receive and safely keep all monies, bonds, notes, obligations, or conveyances, of real, personal or mixed property, belonging to said college; and shall not pay out any of said money except on the order of the president and countersigned by the secretary, and for any breach of said bond, the treasurer and securities may be proceeded against as upon other official bonds, in the proper courts of the territory of Iowa. The treasurer shall moreover once in every year, and as much oftener as the trustees may require, render to them an account of all monies in his hands, and all monies paid out, stating from whom and what source received, and to whom paid. And in case the treasurer shall fail or refuse to perform any of the duties required of him by this act, the trustees of said college shall have power to declare his office vacant, and proceed to the election of a treasurer to fill the vacancy. And it shall be the duty of every treasurer on leaving the office by removal, resignation or otherwise, upon the order of the board signed and countersigned as aforesaid, to pay and deliver all monies and other property in his hands belonging to said college, into the hands of his successor in office. And it shall be the duty of the secretary to keep a fair record of all the proceedings of the board of trustees, and at the close of every session,

lay them before the president for his signature, and to do and perform all other acts which by this charter may be required of him. And it shall be the duty of the president of the board to preside in all their meetings, when present, and to perform all duties which are required and usually performed by the presiding officer in all similar bodies; and in case of absence at the time of any meeting of the board, it shall be the duty of the trustees to appoint a president pro tem.

SEC. 6. Use of seal—appointment of president of college, faculty professors, etc.—authority to be jointly used by trustees and visitors—powers delegated to the faculty—visitors may make temporary appointments in faculty, subject to the approval of the whole board. That the said trustees and their successors, shall have authority to make and use a common seal, with such devices and inscrip-[79]-tions as they shall think proper, and the same to change, alter, and renew at pleasure; and shall also at any regular meeting of the board from time to time, forever hereafter, have full power and authority to constitute and appoint permanently, in such manner as they shall deem expedient, a president of the college or college of faculties, together with such professors and other instructors as may at any time be necessary to form an efficient faculty for the proper instruction of students in the arts and sciences, in the learned professions and in all the branches of liberal and professional instruction, as taught in the best colleges of our country, or in case the institution is placed under the patronage of the annual conference, as provided for in this act, then the power and authority granted in this section to the board of trustees, shall be jointly exercised by said trustees, and the visitors that may be present at any regular meeting of said board. And the said president and professors, with such other instructors as may by the trustees be included, shall be known and distinguished by the name of "The Faculty of the Iowa City College," and in that name shall be capable of exercising such powers and authorities, rights and privileges in the institution, as shall be delegated to them according to the by-laws enacted by the trustees. The said board of trustees, trustees and visitors, as the case may be, may at any meeting make a temporary appointment of any of the foregoing faculty, whose term of service shall expire at the next regular meeting of the board of trustees. And a majority of the board of trustees, or board of trustees and visitors, as the case may be, may at any time, by resolution to that effect, declare the appointment of office to any of the faculty or instructors vacant, and proceed to fill such vacancy at such meeting, or at any future meeting they may designate.

SEC. 7. Time of holding meeting of trustees—number to constitute a quorum—majority required to make ordinances. That the said trustees and their successors in office, shall meet at least twice every year, in stated semi-annual meetings, to be appointed by their own ordinances, and at such other times as by their said ordinances they may direct, for the purpose of transacting such business for the prosperity and welfare of the institution as may come before them, in all which meetings nine trustees being present shall constitute a quorum for transacting business. But a majority of said twenty-five trustees shall be required to make, pass and establish ordinances, rules and by-laws, not contrary to the laws of this territory, for the government of said college, and the proper education of its students, and by them to delegate to the president, professors and other teachers, such powers and authorities as they may judge expedient for the government of the institution. And the said majority of trustees [80] shall also have power at any legal meeting, to alter or amend any rules or regulations by them established, and to do all matters and things which they may deem expedient, for the faithful fulfilment of their trust.

SEC. 8. Board may admit gratuitously person or persons, under certain circumstances. That the said trustees and their successors, shall have authority, whenever in their opinion the funds of the institution may justify the measure, to admit gratuitously, in whole or in part, as the respective cases may require, such person or persons as they may think proper to enjoy the benefits of tuition in said college. And said trustees are hereby authorized to receive subscriptions, donations and bequests, either in money, personal, real or mixed property, for the purpose of enabling them to meet the expenditures requisite in establishing and continuing said institution.

SEC. 9. May hold a commencement and graduate students—may confer degrees, manner of—examination to be held, and when. That for the purpose of stimulating and encouraging the students in their progress, and promoting the general interests of the institution, the said trustees and faculty shall have full power and authority, once in every year or oftener, as they by an ordinance shall direct, to hold a public commencement, with exercises suited to the occasion, and to graduate with literary honors, such students as shall from time to time be found to have merited the same by their character and acquirements. And said trustees and faculty shall have power and authority in furtherance of the aforesaid objects, to confer upon the deserving any and all degrees in the arts and in the learned professions, whether honorary or otherwise, in as full and ample a manner as in any similar institution, and may issue, when they deem it expedient, testimonials or diplomas, bearing the seal of said college, as certificates of the same, signed by the president of the college. It shall also be the duty of the faculty, prior to each commencement, to hold a public examination in presence of such trustees as may be able to attend, and of other citizens, at which time all the students of said college shall be examined in the several branches of learning which they have respectively studied, and that the fidelity of the teachers and the diligence of their pupils may appear.

SEC. 10. Half lot in Iowa City donated to college upon certain conditions—when fulfilled deeds for the same to be executed, and how, and by whom. That there is hereby donated to the said college the following piece of ground, known and designated as the "north half of block No. five," in the city of Iowa, as designated in the plat of said city, on the following conditions to wit: That the said trustees shall erect or cause to be erected, within the city of Iowa, or its precincts, a college edifice or edifices, within five years from the passage of this act, worth the sum of five thousand dollars, or buildings for the pur-[81]-poses aforesaid, worth ten thousand dollars, within ten years from the passage of this act, and the proper officers of the territory are hereby required, as soon as the trustees of said college shall have made a bona fide commencement to build said college edifice or edifices, to execute to said trustees a bond for a deed to said lot of ground, and as soon as said buildings aforesaid shall be completed, according to the provisions of this section, it shall be the duty of the proper officers of the territory to execute to the trustees aforesaid a deed, in fee simple, to said lot of ground, to have and to hold, to use and dispose of the same, for the purposes aforesaid, and no other.

SEC. 11. Non-user of privileges works no forfeiture. This act is hereby declared to be a public act and shall be construed liberally for every beneficial purpose, hereby intended, and no omission to use any of the privileges, hereby granted, shall cause a forfeiture of the same, nor shall any gift, grant, conveyance, or devise, to or for the benefit of said college, be defeated or prejudiced, by any misnomer, misdescription, or informality, whatever: provided, the intention of the parties can be shown or ascertained beyond reasonable doubt.

SEC. 12. **Act may be amended or repealed.** This act may be altered, amended or repealed by any future legislature of the territory, or state, of Iowa: provided, however, that the real estate hereby donated to said college shall not revert to said territory.

SEC. 13. This act to take effect and be in force from and after its passage.

Approved, 15th February, 1843.

CHAPTER 76.

ROAD.

AN ACT to locate a territorial road in Henry and Washington counties and vacate a part of a territorial road in said counties.

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

SECTION 1. **Names of commissioners and route of road.** That C. T. Hendrix, John Easley, of Wash-[82]-ington county, and R. M. Pickle, of Henry county, be and they are hereby appointed commissioners to lay out and establish a territorial road from the late residence of Zeno Plunket, in Henry county, to intersect a county road leading from Washington to Holcomb's mill, in Washington county, at said mill.

SEC. 2. **When and where to meet.** That said commissioners may meet at said mill on such day as they may agree (not exceeding six months from the passage of this act) to discharge their duties.

SEC. 3. **Surveyors and assistants—their compensation.** Said commissioners shall be allowed one dollar and fifty cents per day, for their services, and shall employ one competent surveyor and as many laboring hands as may be necessary. The surveyor shall receive two dollars and fifty cents per day, and the laborers shall not receive to exceed one dollar per day, to be paid according to the provisions of an act to provide for the laying out and opening territorial roads, approved January 25th, 1839.

SEC. 4. **Vacation of part of old road.** That so much of a territorial road, leading from Trenton, in Henry county, to Washington, the seat of justice of Washington county, established by virtue of the 9th section of an act entitled an act establishing certain territorial roads, therein named, and approved January 14th, 1840, as lies between the late residence of Zeno Plunket, in Henry county, and Washington, in Washington county, be and the same is hereby vacated.

SEC. 5. **New survey declared a territorial road.** That the county road aforesaid, leading from Washington, the seat of justice of Washington county, to Holcomb's mill, in said county, be and the same is hereby declared a territorial road.

Approved, 15th February, 1843.

CHAPTER 77.

DIVORCE.

AN ACT to divorce certain persons therein named.

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

SECTION 1. [83] **John and Sally Armstrong.** That the bonds of matrimony heretofore existing between John Hanna Armstrong, of Des Moines county, late of Ohio county, Virginia, and Sally Armstrong, his wife, be and the same are hereby dissolved.

SEC. 2. **Bethany and James Shearman.** That the bonds of matrimony contract heretofore existing between Bethany Shearman, of Des Moines county, and James Shearman, be and the same are hereby dissolved, and that the said Bethany Shearman shall hereafter be known as Bethany Hall.

SEC. 3. **Maria S. and David Blanchard.** That the bonds of matrimony heretofore existing between Maria S. Blanchard and David Blanchard, of Des Moines county, be and the same are hereby dissolved, and that the said Maria S. Blanchard hereafter be known as Maria S. Wirt.

SEC. 4. **Mary and Rezin Duval.** That the bonds of matrimony contract heretofore existing between Mary Duval and Rezin Duval, of Van Buren county, be and they are hereby dissolved.

SEC. 5. **William A. and Catharine Cochran.** That the bonds of matrimony heretofore existing between William A. Cochran and Catharine Cochran, of Van Buren county, be and they are hereby dissolved.

SEC. 6. **Mary Ann and Reuben Smiley.** That the bonds of matrimony heretofore existing between Mary Ann Smiley and Reuben Smiley, of Lee county, be and they are hereby dissolved, and the said Mary Ann Smiley be authorized to retain her infant child and have the guardianship of the same, and the child to bear her maiden name (Lucus).

SEC. 7. **Henry and Ann Hart.** That the bonds of matrimony heretofore existing between Henry Hart and Ann Hart, of Johnson county, be and they are hereby dissolved.

SEC. 8. **Benjamin F. and Lucretia Piper.** That the bonds of matrimony heretofore existing between Benjamin F. Piper and Lucretia Piper, of Washington county, be and they are hereby dissolved.

SEC. 9. **Lucena and Rothens H. Scott.** That the bonds of matrimony heretofore existing between Lucena Scott and Rothens Howard Scott, of Lee county, be and they are hereby dissolved.

SEC. 10. **George C. and Ann Collins.** That the bonds of matrimony heretofore existing between [84] George C. Collins and Ann Collins, of Des Moines county, be and they are hereby dissolved.

SEC. 11. **David and Ann Elizabeth Slater.** That the bonds of matrimony heretofore existing between David Slater and Ann Elizabeth Slater, of the county of Dubuque, I. T., be and they are hereby dissolved.

SEC. 12. **Albert and Sophrony Hurd.** That the bonds of matrimony heretofore existing between Albert Hurd and Sophrony Hurd, his wife, of the county of Dubuque, I. T., be and they are hereby dissolved.

SEC. 13. **Nancy and James Moffit.** That the bonds of matrimony heretofore existing between Nancy Moffit and James Moffit, of Van Buren county, I. T., be and they are hereby dissolved.

SEC. 14. **Hester Ann and Robert Campbell.** That the bonds of matrimony heretofore existing between Hester Ann Campbell, of Clayton county, in the

territory of Iowa, and Robert Campbell, of said county, be and they are hereby dissolved, and that the said Hester Ann Campbell shall hereafter be known by the name of Hester Ann Grifeth.

SEC. 15. **Elizabeth and William Ridgeway.** That the marriage contract heretofore existing between Elizabeth Ridgeway, of the county of Louisa, Iowa territory, her husband, William C. Ridgeway, be and they are hereby dissolved.

SEC. 16. **Name of wife and children changed.** That the said Elizabeth Ridgeway shall hereafter be known by, and bear the name of Elizabeth Hurley, and the name of the infant child of the said parties, shall hereafter be that of Joseph Newell Hurley.

SEC. 17. **John A. and Huldah Street.** That the bonds of matrimony heretofore existing between John A. Street and Huldah Street, of the county of Johnson, and territory of Iowa, be and the same are hereby dissolved.

SEC. 18. **Edward and Sarah Falsome.** That the bonds of matrimony heretofore existing between Edward Falsome and Sarah Falsome, of Henry county, territory of Iowa, be and the same are hereby dissolved.

SEC. 19. **Elmira and Icabod Clemmonds.** That the bonds of matrimony heretofore existing between Elmira Clemmonds and her husband Jacob Clemmonds, of Lee county, Iowa territory, are hereby dissolved.

SEC. 20. This act to take effect and be in force from and after its passage.

[This bill having been returned by the governor with his objections thereto, and after reconsideration, having passed both houses by a majority of two-thirds, it has become a law this 16th day of February, A. D. 1843.]

[85] CHAPTER 78.

ROAD.

AN ACT to locate a territorial road in Louisa and Washington counties.

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

SECTION 1. **Names of commissioners and route of road.** That Isaiah P. Hamilton, and James P. Morgan, of Washington county, and Samuel Bell, of Louisa county, be and they are hereby appointed commissioners to locate and establish a territorial road from Richmond, in Washington county, on the nearest and best route to Columbus City, in Louisa county.

SEC. 2. **When and where to meet.** Said commissioners, or a majority of them, shall meet on the first Monday of May next, or within six months thereafter, at the town of Richmond, in Washington county, to discharge their duties.

SEC. 3. **Surveyors and assistants—their compensation.** Said commissioners shall be allowed one dollar and fifty cents per day, for their services, and shall employ one competent surveyor, and as many laboring hands as they may deem necessary. The surveyors salary shall not exceed two dollars per day, and the laborers shall not exceed one dollar per day, to be paid according to the provisions of an act to provide for the laying out and opening territorial roads, approved January 25th, 1839.

Approved, 16th February, 1843.

[86] CHAPTER. 79.

JAMES M. DENISON.

AN ACT to legalize the acts of James M. Denison, an acting Justice of the Peace in and for the county of Linn.

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

SECTION 1. Official acts as justice of the peace of Linn county made valid. That all and every official acts of James M. Denison, an acting justice of the peace, in Washington township, Linn county, done and performed by virtue of his election to said office, in April, A. D. 1842, be and the same are hereby declared to be as legal and valid, to all intents and purposes, as though the said James M. Denison had filed his official bond with the clerk of the district court of said county, as prescribed by statute.

SEC. 2. Proviso. That the acts of the said James M. Denison, hereafter done and performed as justice of the peace, by virtue of his said election, within the time for which he was elected, shall be legal and binding to all intents and purposes: Provided, always, That nothing in this act shall be so construed as to legalize any act or acts of the said James M. Denison, which would have been illegal, had he been a legal justice of the peace.

SEC. 3. This act to take effect from and after its passage.

Approved, 16th February, 1843.

[87] CHAPTER 80.

ROAD.

AN ACT to locate a territorial road, from a certain point on the territorial road leading from Bloomington to Iowa City, to the rapids on Cedar river.

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

SECTION 1. Names of commissioners and route of road. That Thomas Odell, of Muscatine county, Ebenezer A. Gray, of Cedar county, and Joshua King, of Johnson county, be and they are hereby appointed commissioners to lay out and establish a territorial road, from a point on the territorial road leading from Bloomington to Iowa City, west of the Cedar river, and at or near where the old Indian trail, leading from Cedarville in Muscatine county, to Washington ferry in Cedar county, crosses said road; thence running with said trail, as near as the ground will admit, to Jonathan Kingsberry's mill in Cedar county; thence on the nearest and best ground, for the public convenience, to the rapids on Cedar river, in Linn county.

SEC. 2. Where and when to meet—surveyors and assistants, oath of—acts for government of commissioners. That the commissioners, appointed as aforesaid, shall meet at Elias Overman's in Muscatine county, on the first Monday in May next, and proceed to locate said road by taking to their assistance a competent surveyor, two chainmen, and one marker, who, together with the commissioners, shall take an oath for the faithful performance of their respective duties. The commissioners shall in all other respects be governed by an "act to provide for laying out and opening territorial roads," approved, December 29, 1838.

SEC. 3. Compensation of surveyors and commissioners—certain counties not to incur any expenses thereby. That the commissioners, surveyor, and other hands aforesaid, shall receive for their services the following compensation: the commissioners and surveyor, one dollar and fifty cents each, per day; the chainmen and marker one dollar per day, for every day that they may be necessarily employed in locating said road; provided, that [88] no part of the expense of locating said road shall be paid from the treasury of either of the counties through which it passes.

SEC. 4. This act shall take effect and be in force from and after its passage.
Approved, 16th February, 1843.

CHAPTER 81.

WILSON STANLY.

AN ACT to legalize the acts of Wilson Stanly, administrator, and Mary Duval, administratrix, of the estate of Samuel G. Jackson, deceased.

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

SECTION 1. Acts as administrator of the estate of Samuel G. Jackson made good and valid. That the acts of Wilson Stanly, as administrator, and Mary Duval, late Mary Jackson, administratrix, of the estate of Samuel G. Jackson, deceased, be and the same are here made good and valid.

SEC. 2. Manner of collecting notes. That all notes or bonds given in the name of the said Wilson Stanly and Mary Jackson, now Mary Duval, as aforesaid, shall be collectable in the names of the administrators and administratrix of said Jackson's estate, and all suits commenced in their names shall not be abated, or in any otherwise affected, by anything informal or incorrect in the granting of letters of administration.

SEC. 3. Authority to sell certain real estate—notice of sale. That George G. Wright, now administrator, and Mary Duval, administratrix, of said Jackson's estate, are hereby authorized to sell all or such portion of the real estate of said Jackson, on the second Monday in April next, as shall be necessary to pay the debts against said Jackson's estate, by giving notice of the sale four weeks, in four of the most public places in Van Buren county, previous to said day of sale.

SEC. 4. This act to take effect from and after its passage.
Approved, 16th February, 1843.

[89] CHAPTER 82.

DAM.

AN ACT allowing the holders of a charter to erect a dam across the Des Moines at Bentonsport, further time, and vacate a portion of the town plat of Bentonsport.

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

SECTION 1. Holders of a certain charter to erect a dam across the Des Moines river at Bentonsport—further time to vacate a part of town Bentonsport—

time to complete dam—navigation of the river not to be impeded during progress of the work. That the holders of a charter to erect a dam across the Des Moines river, in Van Buren county, at the town of Bentonsport, approved January seventeenth, 1839, be allowed until the 17th day of January, 1845, to complete said dam and lock, as provided for in the original charter; provided, that nothing in this act shall authorize them to impede the navigation of said Des Moines river, during the time the said dam and lock are being erected.

SEC. 2.—What part of the plat of the town of Bentonsport to be vacated. Be it further enacted, that so much of the plat of the town of Bentonsport, in Van Buren county, that includes the lower public landing, or that portion of land known as the lower public landing, be and the same is hereby vacated.

SEC. 3. This act to take effect from and after its passage.

Approved, 16th February, 1843.

CHAPTER 83.

MUSCATINE LYCEUM.

AN ACT to incorporate the Muscatine Lyceum.

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

SECTION 1. [90] **Names of corporators—name and style of association—may hold and sell property—may sue and be sued, use a seal.** That D. Clark, J. C. Irvin, J. A. Parvin, E. E. Fay, and W. G. Woodward, their associates and successors, are hereby created a body corporate, by the name and style of "The Muscatine Lyceum," with perpetual succession, with power to acquire and possess property, real, personal, and mixed, and to manage and dispose of the same at pleasure; and such corporation shall have power to contract and be contracted with, to sue and be sued, to have and use a common seal, and to alter the same at pleasure.

SEC. 2. Objects of association. The objects of the above corporation shall be the establishment of a library and scientific apparatus, the cultivation of the arts and sciences and the diffusion of useful knowledge, which objects shall be pursued by such means, and in such manner, as may from time to time be prescribed in the by-laws of the institution: provided, the same are not inconsistent with the laws of the land.

SEC. 3. Appointment of president and other officers, powers and duties of same. The officers of the said lyceum shall be a president, vice president, secretary, and treasurer, with the powers and duties usually incident to those offices, together with such other officers, and with such tenure of office, as shall be prescribed in the by-laws.

SEC. 4. Members of the former Muscatine Lyceum to be members of this association—manner of admission of other members—place and manner of calling first meeting—officers in former institution to hold same in this. Those persons who now are members of the association styled "The Muscatine Lyceum," shall be members of this corporation, and entitled to vote at its meetings. Future members shall be admitted as shall be ordered in the by-laws. And those persons who now hold offices in the above named association shall continue to hold the same offices under this act, until a new election is ordered by the lyceum. And any two of the above officers may

call the first meeting under this act, by posting up notice of the time and place of the meeting, in two public places in the county of Muscatine, seven days, at least, before the day of meeting. No failure to elect officers at any time appointed, shall work a forfeiture of this charter, but such election may be ordered anew, and the former officers shall serve until new elections. Vacancies occurring by death, resignation, or removal, may be filled in such manner as shall be provided by the lyceum.

SEC. 5. Deeds to be sealed with seal of lyceum. All deeds and other instruments of conveyance shall be seal-[91]-ed with the seal of the corporation, signed by the president, and by him acknowledged in his official capacity.

SEC. 6. Act subject to the action of future legislature. This act shall take effect from its passage, and shall be subject to the future action of the legislature.

Approved, 16th February, 1843.

CHAPTER 84.

APPROPRIATION ACT.

AN ACT to provide for the compensation of members, officers, printers of the Legislative Assembly, and for other purposes.

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

SECTION 1. Pay and mileage of members of Council. That the following sums are hereby appropriated out of any monies in the hands of the secretary of the territory, [92] for the following purposes, to-wit:—For pay and mileage of the members of the council, three thousand two hundred and two dollars and fifty cents.

SEC. 2. Pay of officers of Council. For pay of officers of the Council, one thousand and eighty-nine dollars.

SEC. 3. Pay and mileage of members of House of Representatives. For pay and mileage of the members of the House of Representatives, six thousand four hundred and five dollars.

SEC. 4. Pay of officers of House of Representatives. For pay of the officers of the House of Representatives, one thousand and ninety-eight dollars.

SEC. 5. John D. Elbert extra pay as president of Council. To J. D. Elbert, for extra pay as president of the council, two hundred and twenty-five dollars.

SEC. 6. James M. Morgan extra pay as speaker of House of Representatives. To James M. Morgan, for extra pay as speaker of the House of Representatives, two hundred and twenty-five dollars.

SEC. 7. Secretary of territory for miscellaneous expenses. To the secretary of the territory for miscellaneous expenses of the legislative assembly, for the session of 1842 and '3, as vouchers, fifteen hundred and thirty dollars and fifty cents.

SEC. 8. S. C. Trowbridge, postage. To S. C. Trowbridge, (postmaster,) for postage of letters, papers, documents, etc., for the House of Representatives, the sum of three hundred and ten dollars and seventy-nine cents. For postage for the Council, two hundred and twenty-three dollars and fifty-three cents.

SEC. 9. Williams & Hughes for printing. To Williams and Hughes, for printing bills, etc., for the Council, seven hundred and eighty-five dollars and twenty-five cents; for legislative reports, one hundred and forty-four dollars.

SEC. 10. **Williams and Hughes for printing.** To Williams and Hughes, for printing rules, etc., for House of Representatives, twenty-one dollars and seventy-five cents; for printing legislative reports, two hundred and seventy-one dollars.

SEC. 11. **William Crum for printing.** To William Crum, for incidental printing for the House of Representatives, nine hundred and sixty dollars and forty-nine cents; for printing legislative reports, three hundred and eighty-eight dollars. To William Crum, for 86 tokens of paper, printing the rules of the Council and other incidental printing, as per bill, the sum of seventy-five dollars.

SEC. 12. **John B. Russell for printing journals of Council for 1841-'42.** To J. B. Russell, for printing the journal of the Council, for the session of 1841 and '2, as per resolution, seven hundred and fifty dollars.

SEC. 13. **Wilson and Keesecker for printing journal of House of Representatives for 1841-'42.** To Wilson and Keesecker, for printing of the House of Representatives, for the session of 1841 and '2, as per resolutions, seven hundred and fifty dollars.

SEC. 14. **B. F. Wallace for supervising, indexing and distributing journals of house of representatives for 1842-'43.** To B. F. Wallace, for supervising, indexing and distri- [93]- buting the journals of the house of representatives for the session of 1842 and '3, four hundred and fifty dollars, as per resolution.

SEC. 15. **Joseph T. Fales for supervising, indexing and distributing journals of council for 1842-'43.** To J. T. Fales, for supervising, indexing and distributing the journals of the council for the session of 1842 and '3, as per resolution, the sum of four hundred and fifty dollars.

SEC. 16. **Walter Butler, for rent, etc.** To Walter Butler, for storage, rents, removing furniture, etc., as per bill, one hundred and fifty dollars.

SEC. 17. **John Powell for preparing legislative halls.** To John Powell, for superintendence and personal labor in nailing down carpets, etc., fifty dollars.

SEC. 18. **Secretary, supervising, indexing and distributing laws of 1842-'43.** To the secretary of the territory, for supervising, indexing and distributing the laws of the session of 1842 and '3, as per resolution, four hundred and fifty dollars.

SEC. 19. **Secretary, for transporting of specie.** To the secretary, for cashing drafts and transporting specie, etc., fifty dollars, as per resolution.

SEC. 20. **F. H. Lee, for swearing members, etc.** To F. H. Lee, for swearing members of the house of representatives, and witnesses before committee, five dollars.

SEC. 21. **G. S. Hampton, for swearing witnesses before committee.** To G. S. Hampton, for swearing witnesses before investigating committee, fifteen dollars, as per resolution.

SEC. 22. **John H. McKenny for printing.** To John H. McKenny, for printing rules for library, ten dollars.

SEC. 23. **William L. Gilbert for swearing members of council.** To William L. Gilbert, for swearing members of the council, two dollars.

SEC. 24. **Certain newspapers for publishing act to provide for the expression of the opinion of the people on the question of state government.** To each of the following papers, thirteen dollars, for publishing an act to provide for an expression of the opinion of the people upon the subject of a convention, etc., approved, February the 16th, 1842, to-wit: Miners Express, Davenport Gazette, Iowa Sun, Bloomington Herald, Iowa Capital Reporter, Iowa Standard, Iowa Territorial Gazette, Hawkeye, and Lee county Democrat.

SEC. 25. **John Lewis, services as sergeant-at-arms of council.** To John Lewis, for three days services as sergeant-at-arms of the council, the sum of nine dollars.

SEC. 26. **James W. Woods, services as secretary of council.** To James W. Woods, late secretary of the council, for his attendance and services during the present session of the council, the sum of thirty-four dollars.

Approved, 17th February, 1843.

JOINT RESOLUTIONS

RESOLUTION No. 1.

WILSON & KESUCKER.

JOINT RESOLUTION fixing the compensation to Wilson & Kesucker for printing the Journal of the House of Representatives, 1841 & 42.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That Wilson and Kesucker be allowed the sum of six hundred and fifty dollars and thirty-four cents for printing the journals of the house of representatives for the session of 1841 and '42.

Approved, 6th February, 1843.

RESOLUTION No. 2.

JOHN B. RUSSELL.

JOINT RESOLUTION authorizing pay to John B. Russell for printing Journal of the Council 1841 and 1842.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That John B. Russell, editor of the Bloomington Herald, be allowed the sum of seven hundred and fifty dollars for printing the journal of the council, for the years 1841 and 1842, and that the secretary of the territory be and he is hereby authorized to pay the said John B. Russell the said sum out of any monies in his hands, not otherwise appropriated.

Approved, 9th February, 1843.

[96] RESOLUTION No. 3.

GEORGE S. HAMPTON.

JOINT RESOLUTION fixing the compensation of George S. Hampton, for services rendered the House of Representatives.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That George S. Hampton be allowed the sum of fifteen dollars, for services in swearing witnesses before a committee appointed by this house, and that the secretary of the territory be required to pay the same out of any monies not otherwise appropriated.

[Presented 11th February, 1843; retained three days by the governor, and takes effect without his approval.]

RESOLUTION No. 4.

DELAWARE COUNTY.

JOINT RESOLUTION relative to seals for Delaware county.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That Col. Thomas Cox, be and he is hereby authorized to employ C. M. Doolittle, of Jackson county, to furnish a full set of seals for Delaware county, and a seal for the district court of Clinton county; for which the said C. M. Doolittle shall receive such compensation out of the territorial treasury, as the legislature may hereafter direct.

Approved, 13th February, 1843.

RESOLUTION No. 5.

B. F. WALLACE & J. T. FALES.

JOINT RESOLUTION allowing to B. F. Wallace and Joseph T. Fales additional compensation.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That B. F. Wallace and Joseph T. Fales, each be allowed the sum of one hundred and fifty dollars in addition to the amount allowed them in the "act establishing the prices of public printing, etc.," for superintending the printing, indexing, distributing, etc., the journals of their respective houses the present session, and that the secretary of the territory be authorized to pay the same.

Approved, 14th February, 1843.

RESOLUTION No. 6.

SECRETARY OF TERRITORY.

JOINT RESOLUTION authorizing the payment of money to the secretary of the territory.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That the sum of fifty dollars be and the same is hereby allowed to O. H. W. Stull, secretary of the territory, for money advanced for the transportation of seventeen hundred and seventy-five dollars in specie, from Fairfield to Burlington; for traveling and personal expenses in negotiating and collecting various treasury drafts, and conducting the proceeds to Iowa City for the use of the legislative assembly.

Approved, 14th February, 1843.

RESOLUTION No. 7.

WILSON & KESUCKER.

JOINT RESOLUTION, allowing Wilson and Keesucker additional compensation for printing the Journals of the House of Representatives, of last session.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That Wilson and Keesucker, publishers of the Miners Express, be allowed the further sum of one hundred dollars for printing the journals of the house of representatives of the last session of the legislature, and that the secretary of the territory be required to pay the same to Wilson and Keesucker, out of any monies not otherwise appropriated.

Approved, 14th February, 1843.

[98] RESOLUTION No. 8.

WILLIAM CRUM.

JOINT RESOLUTION authorizing William Crum to print 1440 copies of the valuation law, and the act concerning costs and fees, in pamphlet form.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That William Crum, editor of the Iowa Standard, be employed to print fourteen hundred and forty copies of the valuation law, and fourteen hundred and forty copies of the act concerning costs and fees, in pamphlet form, and have the same ready by the sixteenth instant, for the use of the members of this legislature.

Approved, 16th February, 1843.

RESOLUTION No. 9.

JAMES M. HAWKINS.

JOINT RESOLUTION for the relief of the estate of James M. Hawkins, deceased.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That the administrators of the estate of James M. Hawkins, deceased, be allowed the sum of forty-five dollars, being a balance due him for postage of session 1841 and 1842, and that the treasurer of said territory be authorized to pay the above amount out of any money in the treasury, not otherwise appropriated.

Approved, 16th February, 1843.

RESOLUTION No. 10.

REVISED STATUTES.

JOINT RESOLUTION relative to the preparation, indexing and distributing of the revised statutes of the Territory.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That the secretary of the territory is hereby authorized to [99] employ a good and competent person to assist him in the preparation, indexing and supervising the printing of all the statutes of Iowa, revised or ordered to be reprinted at the present session, and that the said secretary be authorized, and he is hereby instructed, to pay the person thus employed, the sum of two hundred and fifty dollars, as a compensation for his labor.

And be it further resolved, that the secretary of the territory, is hereby required to cause to be distributed through all the counties of the territory, copies of the said revised statutes, according to their respective quotas, as prescribed by law, and that he be authorized to pay the sum of two hundred dollars for such distribution; provided, nothing in these resolutions shall be so construed as to authorize the payment of any of the expenses incurred by the passage of the above resolutions, out of the territorial treasury.

Approved, 16th February, 1843.

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