

duly elected. The election of trustees shall be by ballot, and each stockholder shall be entitled to one ^{Votes.} 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 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 stockholders, be affixed to the door of the most public house in Parkhurst, at least twenty days before said election.

SEC. 5. The board of trustees shall have power to ^{Power of trustees.} 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*, That they shall not contravene the laws of the United States or of this territory.

SEC. 6. That all deeds and other instruments of ^{Deeds, what valid.} 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. This act to take effect and be in force from and after its passage.

Approved December 30, 1839.

[Chap. 16.]

AN ACT to incorporate the Iowa Flouring Mill and Manufacturing company.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* ^{Corporate powers.} That Samuel Dunham and such other persons as may associate with him, are hereby incorporated and to be known by the name of the "Iowa Flouring Mill and Manufacturing Company," with perpetual succession; and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal, so far as the same may be necessary for the purposes hereinafter mentioned, and no farther; and in their corporate

name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and shall have, enjoy and may exercise all the powers, rights and privileges which may appertain to corporate bodies for the purposes mentioned in this act: *Provided*, The real and personal estate of said corporation shall not exceed the value of forty thousand dollars.

To construct a dam.

SEC. 2. That said Samuel Dunham and his associates, their heirs and assigns be and they are hereby authorized to construct a wing dam running from the south bank of the Iowa river out into said stream a distance of not more than twelve rods, at the point near the west line of the southwest fractional quarter of section twenty-seven, in township seventy-three north, range two west, where the slough or bayou known and described as the "Iowa slough" leaves said river: *Provided* said dam do not injure the navigation of said river.

Injury thereto a misdemeanor.

SEC. 3. Any person who shall destroy or in any wise injure said dam, 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, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined treble the amount of damages the owners may have sustained, at the discretion of the court.

Fine.

To construct a dam and race on the slough.

SEC. 4. That said company shall have the power to use said slough or bayou, without interruption for the purpose of carrying on their mills; and at such point or points as to them may seem advisable, to construct a dam in said slough or bayou, and to dig or construct a race from said slough, by which to discharge the water of said slough into the Mississippi river at the most convenient point.

Not to flow other lands.

SEC. 5. Nothing herein contained shall authorize the individuals in this act, their heirs or assigns, 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 erection of said dams, which may endanger the health of the citizens in its vicinity.

To remove nuisances.

First meeting.

SEC. 6. That the said Samuel Dunham may, at any time within one year from the passage of this act, call a meeting of said company, by giving at least sixty days' notice in some newspaper printed within the territory, or by posting up written or

printed notices in three of the most public places in the county.

SEC. 7. And said company, when so convened, may call one of their members to preside, and may proceed to enact such by-laws, rules and regulations, for the government of said company as a majority of them may deem right and proper: *Provided* said by-laws do not conflict with the laws of the United States or this territory. ^{By-laws.}

SEC. 8. All subsequent meetings shall be in such manner and at such time and place as a majority of said company shall direct. ^{Meetings.}

SEC. 9. That all transfers of stock or of any interest distinct or undivided to any portion of the real property of said company, shall be made by deed duly executed and recorded in the office of recorder for the county in which such real property may lie. ^{Transfers to be recorded.}

Approved December 31, 1839.

[Chap. 17.]

AN ACT to relocate the seat of justice in and for the county of Cedar.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Henry W. Wiggins, of Scott county, and J. G. McDonald, of Jackson county, and John Eagan, of Johnson county, be and they are hereby appointed commissioners to relocate and establish the seat of justice in and for the county of Cedar. ^{Commissioners appointed.}

SEC. 2. The said commissioners shall, before they enter upon their duties as commissioners, take and subscribe before some district judge or justice of the peace, the following oath, to wit: "I, _____, one of the commissioners appointed to locate the seat of justice in and for the county of Cedar, do hereby solemnly swear (or affirm) that I will perform the duties imposed on me by said appointment, honestly and faithfully according to the best of my abilities, and according to the law relative to locating said county seat; and I do further swear (or affirm) that I am not directly or indirectly interested in said location, but that in locating said county seat, I will be actuated only by a desire for the best interests of said county, without the slightest partiality towards any person or persons, and without bias from fear, favor, or recompense, or the ^{Oath.}