

garnishee and the payment of the amount of the judgment by such garnishee, shall operate as a conclusive bar to the right of any such defendant in execution to recover the amount paid under this process against any such garnishee.

Approved January 14, 1840.

[Chap. 46.]

AN ACT for the relief of certain territorial officers.

Acts made
valid.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That the acts of any county officer of any county within this territory, except the counties of Du Buque and Henry, who shall not have taken the oath of office according to the letter of the law as prescribed by the statute of this territory, to be taken by such officer previous to entering upon the duties of his office; but who, after his election or appointment, as the case may be, shall, (acting in the good faith) have taken an oath before the proper officer, and in all other respects complied with the requisitions of the law in such case provided, shall be considered valid in any court of law or equity within this territory, in the same manner as if such officer had taken the oath according to the strict letter of the law in such case made and provided, and any such officer is hereby declared a legal officer, entitled and required to fulfil and perform all the duties of his office.

To be valid
when.

SEC. 2. That any county officer who shall, acting in good faith and owing to the absence of necessary information on the subject have filed his bond or affidavit with an officer not authorized by law to receive the same, shall be considered and he is hereby declared a legal officer so soon as he shall have filed his bond or affidavit with the officer authorized by law to receive the same, and his past acts in such office are hereby declared as valid and legal as if such bond or affidavit had been filed before the officer authorized by law to receive the same.

Approved January 14, 1840.

[Chap. 47.]

AN ACT to establish a seminary of learning at or near Antwerp, in Cedar county.

Incorporation.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That there

shall be established at or near the town of Antwerp, in Cedar county, a seminary of learning for the instruction of young persons, of both sexes, in science and literature, to be called the "Antwerp Academy," and that James W. Tallman, Jehu Kenworthy, Asbury O. Warfield, H. G. Whitlock, Harman Van Antwerp, John G. Foy, John W. Wilkinson, Christian Halderman, John Biaylock, Henry Hardman, and Daniel Hare, and their associates and successors, are hereby declared a body politic and corporate in law, by the name and style of the "Antwerp Academy."

SEC. 2. And the corporation before named shall ^{Powers.} have perpetual succession, and power, to possess, retain and enjoy property, real and personal, and shall have power to sell, grant, and convey, rent, or otherwise dispose of at pleasure all such property as above described, 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 it at pleasure.

SEC. 3. That the stock of said academy shall con- ^{Shares.} sist 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 shall be prescribed by the board of trustees of said corporation: *Provided*, That the annual income of said corporation, not including tuition, shall not exceed three thousand dollars, and that its funds, privileges, and immunities shall be used for no other purpose than that of education.

SEC. 4. The corporate concerns of said academy ^{Trustees.} shall be managed by a board of trustees, consisting of eleven members, six 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, ^{Elections.} and each stockholder shall be entitled to one vote for every share owned by him to the amount of ten shares, and then 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 members 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 Antwerp, at least twenty days before said election.

Power of trustees.

SEC. 5. 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 said corporation to the best advantage: *Provided*, That they shall not contravene the laws of the United States or this territory.

Deed how valid.

SEC. 6. That all deeds and other instruments of conveyance shall be made by the 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 January 14, 1840.

[Chap. 48.]

AN ACT to re-locate the county seat of Clayton county.

Commissioners.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That D. F. Blythe, of Du Buque county, J. L. Kirkpatrick, of Jackson county, and Franlin Moffit, of Delaware county, be and they are hereby appointed commissioners to re-locate the county seat of Clayton county, whose duty it shall be to meet (or a majority of them) at the town of Prairie Laporte, in said county, on the first Monday of May next, and proceed forthwith to locate a suitable place for the seat of justice of said county, having reference to the geographical centre, convenience, and welfare of said county.

Oath.

SEC. 2. The commissioners aforesaid 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: "We, the commissioners to re-locate the seat of justice in and for the county of Clayton, do hereby solemnly swear (or affirm as the case may be) that we will perform the duties imposed on us by said appoint-