

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-

ment, honestly and faithfully, and according to the best of our abilities, and according to the law relative to the locating said county seat; and we do further swear (or affirm) that we are not, directly or indirectly, interested in said location, but that in locating said county seat we will be actuated only by a desire for the best interest of said county, 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 ourselves in any respect whatever."

SEC. 3. So soon as said commissioners shall have determined upon the place where said seat of justice shall be located, it shall be the duty of said commissioners to name said seat of justice by such name as they may think proper, and shall forthwith commit their proceedings to writing, and sign the same, and file them with the clerk of the district court of said county, whose duty it shall be to record the same in the record book.

To name location.

SEC. 4. Said commissioners shall receive three dollars per diem for the time they shall be actually engaged in the location of said seat of justice, not exceeding ten days, and three dollars for every twenty-five miles going to and returning from said county seat, to be paid out of the treasury of Clayton county.

Compensation

SEC. 5. *Be it further enacted*, That in case of a vacancy by death or otherwise in said board of commissioners, it shall be the duty of the county commissioners in the county where such vacancy shall occur to appoint some suitable person to fill said vacancy.

Vacancies.

SEC. 6. The site selected as aforesaid, shall be the seat of justice for Clayton county, from and after the first day of September next, *Provided*, That a majority of the qualified voters of said county shall decide in favor of the same, as is hereinafter provided.

To be seat of justice.

Provided.

SEC. 7. That at the next August election the lawful voters of said county may vote for county seat, as follows: Those who are in favor of Prairie Laporte shall insert at the foot of their tickets for members of the Council, &c., "Prairie Laporte," and those who are in favor of the location made by the commissioners aforesaid, shall insert as aforesaid, the name given to said location by said commissioners; and the place having a majority of the legal

votes of said county shall be the county seat of Clayton county.

SEC. 8. That in case the county seat is removed from Prairie Laporte, the district court for the county of Clayton shall be held at that place until a court house is provided at the new county seat.

Approved January 14, 1840.

[Chap. 49.]

AN ACT amendatory to "An act for assessing and collecting county revenue," approved January 24, 1839.

Repeal.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That so much of the act to which this is amendatory as renders improvements upon real estate subject to taxation, be and the same is hereby repealed, and it shall be the duty of the county assessor to assess any real estate by him assessed at the actual value, which such real estate would bear without the improvements thereupon.

Tax how levied.

SEC. 2. That no tax on real estate for the year eighteen hundred and thirty-nine, omitted in the assessment for that year, shall be levied in the year eighteen hundred forty, on any land purchased from the United States previous to that period.

Poll tax.

SEC. 3. That the county commissioners, should they deem it necessary, may annually, at their regular session in July, or so soon thereafter as the assessment roll is filed, levy a poll tax not exceeding one dollar nor less than fifty cents on every qualified voter in the county under fifty years of age. That part of the second section of the act to which this is amendatory which relates to this subject, is hereby repealed.

Repeal.

SEC. 4. That so much of the same act as prohibits merchants and store keepers having a license to sell goods, from selling clocks upon their own premises without a special license for that purpose, be and the same is hereby repealed.

Exempt.

SEC. 5. That the following property is hereby declared exempt from taxation, viz: the stock in trade of any merchant or store keeper trading under a license from the county commissioners of the proper county, school lands, or property of any kind belonging or appertaining to schools, sheep, the