

INCORPORATIONS.

AN ACT to provide for the incorporation of Agricultural Societies.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That here- Agricultural Societies may be formed. after, when any twenty or more citizens of any county shall see proper to meet, at their county seat, in conformity to this act, it shall be lawful for them to organize themselves and become an agricultural society, with corporate and politic powers, as hereinafter provided by this act.

SEC. 2. Public notice shall be given, by advertise- Notice of meeting. ments signed by at least three citizens of the county, and put up at three public places in said county, three weeks previous to said meeting, or published three weeks in a newspaper printed in the county, of the intended meetings, setting forth that the object thereof is the formation of an agricultural society under the provisions of this act.

SEC. 3. When twenty or more citizens of any county shall have so met, at the county seat, it shall be law- Vote on question of incorporation. ful for them to choose a chairman and secretary for said meeting, who shall be sworn or affirmed, faithfully to discharge their respective duties as chairman and secretary of such meeting, by any person legally authorized to administer oaths, and then to proceed to take a vote whether they will or will not incorporate themselves under the provisions of this act; and if there be twenty present who shall so agree, they shall forthwith hold an election, by ballot, for officers, at which election the chairman and secretary shall officiate as judges.

SEC. 4. The officers of each society shall be a pres- Officers of each society. ident, vice president, treasurer, secretary, and seven directors, and such subordinate officers as the president and directors shall from time to time appoint, for the purpose of determining between competitors for prizes and awarding the same. All prizes shall be paid for by said society by the president's war- How prizes to be paid. rant, drawn on the treasurer, and signed by the president, and countersigned by the secretary.

SEC. 5. The treasurer shall give bond, in such sum, Treasurer to give bond. with such security, as the president and directors may approve. conditioned for the payment of all moneys, entrusted to him, to such person or persons as may be by law entitled to the same, and for the faithful discharge of his duty as treasurer; which Same to be recorded. bond shall be recorded, in the recorder's office of the

county, and filed in the office of the clerk of the district court of said county.

When tax on each member to be determined.

SEC. 6. Before any election is held for officers at the first meeting, it shall be determined, by voice, what shall be the tax for the first year on each member; and at every annual meeting the amount of the succeeding yearly tax shall be determined, by voice, which shall never exceed five dollars, or be less than one dollar, in any year, on each member.

Certificate of election to be recorded.

SEC. 7. So soon as a certificate, signed by the chairman and secretary, that a meeting and election of a president, vice president, secretary, treasurer, and seven directors, has been had in conformity to this act, is recorded in the recorder's office (whose duty it shall be to record the same for a fee of twelve and a half cents), they and their successors shall be in law and in fact, a body corporate and politic, to have continuance forever, by the name and style of "The Agricultural Society of ——— County." And by such corporate name and style shall be forever able and capable, in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of suits, actions, complaints, pleas, causes, matters, and demands, of whatever kind and nature they may be, in as full and effectual a manner as any person or persons, bodies corporate and politic, may or can do.

Corporate style

Capacity.

Special powers of President and Directors.

SEC. 8. Said president and directors shall have power to make and alter by-laws (a majority being necessary to form a quorum); to determine on what articles, animals, mode of husbandry, or other improvements of any kind connected with agriculture or domestic mechanism, they will confer prizes, and the amount thereof; to fix the days of exhibition; to fill vacancies in their own body, or in any office pertaining to the society, between the times of holding annual elections; to provide for the admission of other members; and to direct, by a by-law, the mode of holding future elections, of the time and place of which election there shall be at least ten days' notice, by advertisement in three public places in the county: *Provided*, No by-law shall be contrary to this act, or to the laws of this Territory.

Common seal.

SEC. 9. Said president and directors shall have a common seal, with which they shall seal all their official acts; which seal they may alter and revoke at pleasure, and institute another in lieu thereof.

SEC. 10. Such corporation may receive donations Limitation of real estate. of land, or other property, for the use of said society: *Provided*, That no such corporation shall hold any greater amount of real estate than the value of one thousand dollars, for any greater length of time than six months.

SEC. 11. The president, or in his absence the vice president, shall preside at the meeting of the directors, and have a casting vote on all questions; and in case of absence of both those officers, the directors, at any meeting, may choose a president, *pro tem.* from their own body. When a President *pro tem.* may be chosen.

SEC. 12. No money shall be appropriated for any other purpose than the payment of prizes that relate to agriculture and domestic manufactures, and for publications on the same subjects, and the necessary contingent expenses of the society. For what purposes money to be appropriated.

SEC. 13. Nothing in this act shall be so construed as to prevent any member of any agricultural society from withdrawing therefrom, on his giving notice thereof to the treasurer, and paying up all dues. Members may withdraw on giving notice, &c.

SEC. 14. This act to take effect and be in force from and after its passage.

APPROVED, December 19, 1838.

INCORPORATIONS.

AN ACT to establish a Seminary of Learning at Wapello, in Louisa county.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That there shall be established at the town of Wapello, in Louisa county, a seminary of learning, for the instruction of young persons of both sexes in science and literature, to be called "The Wapello Seminary;" and that John Gilleland, Samuel Kirkpatrick, Hiram Smith, William Milligan, S. S. Gourley, Daniel Brewer, James M. Clark, John Eagen, Thomas England, Thomas Stoddard, Robert Williams, Wilson Isett, Joel Bronson, Veasey Bunnel, Mason Wilson, William H. R. Thomas, R. S. Searls, John Ronalds, W. L. Toole, and their associates and successors, are hereby declared a body politic and corporate in law, by the name and style of "The Wapello Seminary." The Wapello Seminary established. Certain persons declared a body politic and corporate.

SEC. 2. And the corporation before named shall have perpetual succession, and power to acquire, Powers of the corporation.

possess, and 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 it at pleasure.

Stock of the
Seminary to be
deemed personal
property
and transfer-
able.
Proviso.

SEC. 3. That 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 annual income of the said corporation (not including tuition however) shall not exceed the sum of two thousand dollars, and that its funds, privileges, and immunities, shall be used for no other purpose than that of education.

Board of trustees to manage
the corporate
concerns.
To be elected
annually.

SEC. 4. The corporate concerns of said seminary shall be managed by a board of trustees, consisting of seven members, four of whom shall constitute a quorum for the transaction of business. They shall be elected by the stockholders on the first Monday in April 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 by him owned 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 court house in said county at least twenty days before said election.

President of
the board.

Powers of the
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 seminary, 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 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.

Deeds, &c., to be executed by the President.

SEC. 7. That any future legislature shall have power to alter or amend this act. This act to be in force and take effect from and after its passage.

This act may be amended by a future legislature.

APPROVED, December 29, 1838.

INCORPORATIONS.

AN ACT to incorporate the Bloomington and Cedar river canal Company.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That all such persons as shall become stockholders, agreeably to the provisions of this act, in the corporation hereby created, shall be a body politic and corporate, by the name and style of "The Bloomington and Cedar River Canal Company," and by that name may have succession, may sue and be sued, complain and defend in any court of law or equity, may purchase, hold, and convey real, personal, or mixed estate, may make and use a common seal and alter the same at pleasure, may make by-laws, rules, and regulations for the management of its property, the regulation of its affairs, and for the transfer of its stock, not inconsistent with the laws of this Territory and of the United States, and may moreover appoint such subordinate agents, officers, and servants, as the business of said corporation may require, and allow them a suitable compensation, prescribe their duties, and require bonds for the faithful performance thereof in such penal sum, and with such sureties, as they may choose, who shall hold their offices during the pleasure of a majority of the directors of said corporation.

The canal company made a body politic and corporate.

Their style and powers.

SEC. 2. That the capital stock of said corporation shall be two hundred thousand dollars, which shall be deemed personal property, and shall be divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. That Joseph Williams, John Vannatter, Adam Oglevie, Charles Alexander Warfield, Suel Foster, William Gordon, Hervey Gillet, William D. Velie, Stephen Tony, James W. Talman, and John G. Foy, shall be commissioners for receiving subscriptions to the capital stock of said corporation,

Commissioners to receive subscriptions.

who shall give notice, within twelve months after the passage of this act, of the time and place where books will be opened, at Bloomington and such other places as they may deem necessary, in some public newspaper, at least ten days previous to the opening of such books of subscription. A majority of said commissioners shall appoint one or more of their number, who shall attend at the time and place appointed by such notice for the opening of said books, and shall continue such subscriptions to the capital stock of said corporation, from all persons who shall subscribe thereto, until at least thirty-five thousand dollars shall have been subscribed, whereupon said books may be closed by the said commissioners and transferred to the board of directors hereinafter provided. Each subscriber, at the time of subscribing, shall pay to the commissioners one dollar on each share of the stock by him subscribed, and the said commissioners shall, as soon as the directors are elected, deliver to them the whole amount of money received on the subscription of stock.

When notice to be given of meeting for the choice of directors.

SEC. 4. That the affairs of said corporation shall be managed by a board of seven directors, to be annually chosen by the stockholders from among themselves. As soon as may be, after thirty-five thousand dollars of the capital stock shall have been subscribed, the commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors, and at such time and place appointed for that purpose the commissioners, or a majority of them, shall attend and act as inspectors of said election and the stockholders present shall proceed to elect their directors, by ballot, and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named. All elections thereafter shall be held at the time, and in the manner, prescribed by the by-laws and regulations of said corporation. Each stockholder shall be allowed as many votes as he owns shares at the commencement of such election, and a plurality of votes shall determine the choice. The said directors shall hold their offices for one year, and until their successors are elected, and they shall elect one of their number as president of said board.

Subsequent elections.

Term of service.

SEC. 5. That the capital stock of said corporation may hereafter be extended to a sum not exceeding five hundred thousand dollars, if the same shall be judged necessary to the completion of the work, and the same, as well as any portion of the capital stock which shall not have been subscribed for and taken, under the direction of the directors of said corporation, whenever they shall direct one or more books to be opened for such purpose, shall be subscribed and taken in such manner as the said directors for the purpose shall order and appoint. The said directors shall have power to collect, under such regulations as they may deem proper, the amount subscribed by each stockholder, in instalments not exceeding ten dollars on each share, after giving thirty days notice, in some public newspaper published in the Territory of Iowa, of the time at which such instalment will be required, and in case any stockholder shall neglect or refuse to pay the amount of his subscription when so required, the said directors shall have power to sue for and collect the same in an action of assumpsit in any court having cognizance thereof.

Capital stock may be extended.

Power of the directors to collect instalments.

SEC. 6. That the said corporation shall have the right to construct, maintain and continue a navigable canal or slackwater navigation from the town of Bloomington to Cedar river, as near as practicable to the mouth of Rock creek, on such route, and of such dimensions, and to terminate at such point, as shall be determined on by said corporation, and to construct such navigable feeders for said canal as shall be found necessary.

Right to construct canal.

SEC. 7. That it shall be lawful for said corporation, by themselves, and by any and every superintendent, agent, engineer, employed by them, to enter upon and take possession of and use all and singular any lands, water and streams, necessary for the prosecution of the improvements authorized by this act, and to make all such feeders, dykes, locks, dams, and other works and devices, as they may think proper for making said improvements, doing nevertheless no unnecessary damage, and that in case any lands, waters, streams, taken or appropriated for any of the purposes aforesaid, shall not be given or granted to said corporation, and in case said corporation shall not be able to acquire the title to the same by agreement with the parties concerned, a board of appraisers shall be appointed, consisting of three persons,

Authority to enter upon lands, &c.

Appraisers may be appointed.

one of whom shall be appointed by the directors of the company hereby incorporated, one by the claimants applying for damage, and one by the commissioners or supervisors of the county in which said lands, waters, streams, shall be, who shall, before they enter upon the duties of their office, severally take an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act.

Their duty. And it shall be the duty of said appraisers, or a majority of them, to make a just and equitable estimate and appraisal of the loss or damage, if any, to the respective owners and proprietors, or parties interested in the lands, waters, or streams so taken for the purpose aforesaid. And the said appraisers, or a majority of them, shall make regular entries of their determination and appraisal, with an apt and sufficient description of the several premises taken and appropriated for the purposes aforesaid, in a book or books to be provided and kept by the directors of said corporation, and certify and sign their names to such entries and appraisal. And the said corporation shall pay the damages so assessed and appraised, and the fee simple of the premises, so taken and appropriated, shall thereupon vest in the said corporation: *Provided*, however, That if the owner or owners of the lands, waters, and streams, so taken and appropriated, shall not make application to said corporation, for the payment of damages by them sustained, within two years after such lands, waters, or streams shall have been taken possession of by the corporation, he, she, or they shall thenceforth be barred from the collection of any damages from said corporation for the lands, waters, or streams so used: *Provided*, however, That if either of the parties shall feel aggrieved by any decision of said board of appraisers, he, she, or they shall have the right of appeal to the district court within the county where the damages in question may have been sustained: *Provided* also, That this act shall confer no power upon this company to take any water from any stream, so as to interfere with the supply of water of any mill or mills already erected, excepting with the consent of the owner or owners of such mill or mills.

Owners barred from the collection of damages after two years.

Either party may appeal to district court.

Proviso as to mills.

When toll houses may be erected.

SEC. 8. That it shall be lawful for the said corporation to commence the construction of said canal at such points on any part of the aforesaid route as in

their judgment may appear expedient and proper; and so soon as any portion of said canal shall be completed, it shall be lawful for said corporation to erect toll houses thereon, and collect such tolls as shall from time to time be prescribed by the Legislature of this Territory, or any State that may be formed out of the same. And said corporation is hereby authorized to borrow any sum of money which may in their discretion be deemed necessary, for the proper and efficient prosecution of the works authorized by this act.

SEC. 9. That it shall be lawful for the directors of said corporation to make from time to time such rules and regulations, not inconsistent with the laws of this Territory and of the United States, in respect to the size and structure of boats, rafts, and other floats on the waters of said canal, and the weighing and inspecting of boats and their loading, and in respect to all matters in relation to the navigation of the canals, and the collection of tolls and water rents, and impose such forfeitures of money for the breach of such regulations as they may judge reasonable, subject however to the restrictions which the future legislature of Iowa may impose, and to provide for the detention and sale of any such boats, rafts, and other floats, as shall or may contravene such rules and regulations, in cases where the owner or owners of such boats, rafts, or other floats shall neglect or refuse to pay such forfeiture: *Provided*, That no forfeiture so imposed shall for a single offence exceed the amount of actual damages more than fifty dollars, and that nothing in this section shall be so construed as to prevent said forfeitures being recovered by action of debt as hereinafter provided.

SEC. 10. That any person who shall drive any horse, ox, mule, or other animal, upon the towing path, or bank opposite the towing path, of the canal hereby authorized to be constructed, except for the purpose of towing boats or other floating things upon the waters thereof, or for the purpose of conveying articles to and from said canal in order to their transportation on the waters of the same, or their delivery at their place of destination, shall forfeit, for every such offence, the sum of five dollars, and shall pay all damages consequent upon such offence over and above the said forfeiture.

For obstruct-
ing navigation.

SEC. 11. That if any boat or other floating thing shall be so moored in any of the canals as to obstruct the navigation thereof, or if any person or persons shall obstruct the navigation of said canal, or cause the same to be done, by means of loading, unloading, misplacing, or otherwise misconducting any boat or other floating thing, and shall not immediately upon being requested thereto by an engineer, or superintendent, or agent of said corporation, employed on said canal, or by any person incommoded by such obstruction, remove the same, the boatman or person who caused the obstruction shall forfeit, for every such offence, the sum of twenty-five dollars, over and above the expense of removing said obstruction.

SEC. 12. That if any person or persons shall wilfully obstruct the navigation of said canal, or its feeders, by sinking any vessel, timber, stone, earth, or other things in the same, or by placing any obstruction on the towing path thereof, or on the banks opposite the towing path, such person or persons shall forfeit, for every such offence, the sum of twenty-five dollars, over and above the expense of removing said obstruction.

Opening, &c.,
lock-gates, or
destroying
bridges.

SEC. 13. That if any person shall wantonly or unnecessarily open or cause to be opened or shut any lock-gate, or paddle-gate, or any waste-gate, or drive any nails, spikes, pins, or wedges into either of said gates, or take any other mode of preventing the free use of either of said gates, or shall wantonly or maliciously break, throw down, or destroy any bridge on said canal, such person or persons shall, for every such offence, forfeit the sum of fifty dollars, and pay all damages consequent upon such offence, over and above such forfeiture.

Breaking or
destroying lock
gates, aque-
ducts, &c.

SEC. 14. That if any person shall wilfully and maliciously break, throw down, or destroy any lock-gate, bank, waste-wier, aqueduct, or culvert belonging to the canals authorized by this act, such person or persons shall, for every such offence, be deemed guilty of a misdemeanor, and on conviction thereof, before the proper court, shall be sentenced to imprisonment at hard labor, for any time not less than three, nor more than five years, at the discretion of the court, and shall moreover be liable to pay all damages sustained in consequence of such offence.

Signing or de-
livering false
bill of lading.

SEC. 15. That every person, who shall knowingly sign or deliver to any collector a false bill of lading,

with the design of avoiding the payment of tolls, shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall be fined not less than three times the value of the property omitted or falsely stated in such bill.

SEC. 16. That every collector of tolls, on the canal Collector may require oath. herein authorized, may require the master of any boat, upon exhibiting his bill of lading, to verify it by his oath, which oath the collector is hereby authorized to administer, and any person who shall testify falsely before any collector shall be deemed guilty of perjury.

SEC. 17. That for all damages done to the said canal, the offenders shall be proceeded against by How offenders to be proceeded against. indictment in the proper courts, and on complaint being made to any judge or justice of the peace of the proper county, against any person or persons doing any such damage as is mentioned in the preceding sections of this act, it shall be the duty of such judge, or justice, forthwith to issue a warrant to the proper officers to arrest and bring before him such offender or offenders, and if upon the return of such warrant it shall appear to the satisfaction of such judge, or justice, that such complaint is true, he shall commit such offender or offenders, if he or they shall refuse to give security for their appearance at the proper court to answer to said complaint: *Provided*, however, That if the offender or offenders Proviso. shall pay to such judge, or justice of the peace, the penalties, forfeitures, and expenses, which he or they may have incurred, together with the costs of prosecution, such offender or offenders shall be discharged.

SEC. 18. That the captain or master, and the owner, Masters, owners, and boats, liable for penalties, &c. of any boat or other float on the canal herein authorized, and likewise the boat or float itself, shall severally be liable for the payment of any penalty or forfeiture, and likewise of all damages which may accrue in consequence of the violation of any of the provisions of this act, or of any order of the board of directors, duly made and published, relating to the canal, or the navigation thereof, or the collection of tolls thereon, by any person navigating such boat, or assisting in the navigation or management thereof at the time of such violation, and any such boat or other float may, at the discretion of the agents of the corporation hereby created, be prevented from navigating said canal until such penalty, forfeiture, and

damages, and costs accrued in prosecuting thereof, shall be fully paid.

Materials subject to the lien of the corporation.

SEC. 19. That all materials that shall have been procured by any contractor for the construction of any part of said canal, or any work therewith connected, shall, from the time they are prepared for transportation to the place where they are to be used, be subject to the lien of the corporation, for all moneys that may have been or shall be advanced by the said corporation during the performance of said contract, and for all damages that may be sustained in consequence of the non-performance thereof; and no sale made by said contractor, or under any execution issued upon any judgment or decree, shall in anywise affect said lien.

Corporation to erect bridges.

SEC. 20. That said corporation shall be bound to erect bridges over said canal at all places where it shall cross any public highway which shall have been, or may hereafter be, regularly laid out and recorded, and where the location of the canal shall interfere with any road which shall be in use, and said corporation is hereby authorized to change the location of said road: *Provided*, That before so doing, the said corporation shall cause the new road to be opened and put in good repair for the convenience of travel, as the road vacated was at the time of such vacation.

Works to be commenced within three years.

SEC. 21. That said corporation shall commence the construction of the works authorized by this act within three years from the first day of May next, and, in default of said commencement being made within said three years, all the privileges herein and hereby granted shall be forfeited by said corporation, and this act shall be null and of no effect; and the right to construct so much of said works which are by this act authorized, as shall not be completed within ten years from the passage of this act, shall be forfeited by said corporation, and the legislature shall have the right to dispose of such part or parts in such manner as to them may seem best calculated to promote the public interest.

Company empowered to loan money.

SEC. 22. That the said company, for the purpose of enabling it to construct, maintain, and carry on the business of the said canal, shall be hereby authorized and empowered to loan money on bonds, notes, drafts, and bills of exchange, and other securities, at any rate of interest not exceeding twelve per cent. per annum on its loans and discounts: *Provided*, That the whole amount loaned at any time by said

Limitations.

corporation shall not exceed two hundred thousand dollars, which privilege of loaning money shall continue ten years from the passage of this act: *And provided*, That nothing herein contained shall be so construed as to give to the said company banking powers in issuing bank notes or bills: *And provided also*, That the judge or judges of the county or district court of the county of Muscatine shall appoint, in each and every year, three commissioners, whose duty it shall be to examine into the affairs and business of the said company, and make report thereof, under oath, in the month of October of each year aforesaid, to the Secretary of the Territory.

Proviso.

Annual report.

SEC. 23. That the future State of Iowa, at any time after its admission into the Union, shall have the right to purchase and hold, for the use of the State, the canal herein authorized to be constructed, together with all its branches and other improvements, by paying to said corporation the amount actually expended in the construction and repairs of the same, together with such reasonable interest, not more than seven per centum per annum, as may be agreed upon by and between said State and corporation: *Provided*, however, That in case the Congress of the United States shall make any appropriation or donation, either in land or money, in aid of the construction of the work by this act authorized, the right to the same shall vest in said State whenever the said transfer of the canal shall be made; and the nett proceeds of all sales of land, and the amount of all money so appropriated or donated, shall be deducted from the amount to be paid to the said corporation for the transfer of said works to the state, and the said corporation are hereby authorized to apply to Congress for such an appropriation in money or lands, to aid in the construction of the works authorized by this act, as Congress in its wisdom shall see proper to grant.

Terms on which future State of Iowa may purchase the canal.

SEC. 24. That the said canal shall not be less than forty feet wide at the top water line, and four feet deep; the locks and other structures to be constructed of cut stone, or water proof brick, and in a neat, permanent, and workmanlike manner, at least eighty-five feet long in chamber, between the upper and lower gates, and fifteen feet wide between the walls, and all culverts, aqueducts, dams, and other fixtures to be constructed in like permanent manner of such

How the works authorized by this act to be constructed.

materials and dimensions as the circumstances of the case may require.

Right of pre-emption secured to settlers.

SEC. 25. That in case the Congress of the United States should make a donation of lands to the aforesaid corporation, for the purpose of aid in the construction of the beforenamed canal, and the lands so donated, or any part thereof, shall be actually improved and settled upon by any persons at the time such lands were donated to said corporation, the said corporation shall sell to such settler or settlers the lands so settled upon, one quarter of a section, or one hundred and sixty acres each (comprehending the improvements of such settlers) at one dollar and twenty-five cents per acre: *Provided*, That the settler, as before named, shall pay the said corporation for the same within ninety days from the time that said corporation shall make a demand for said payment; and a failure to comply with the foregoing provision of this section, on the part of said corporation, shall be considered as a forfeiture of their charter, and the same shall be null and void.

Charter may be amended, &c.

SEC. 26. The foregoing charter can at any time hereafter be altered, amended, or annulled by the legislative assembly of the Territory (or state) of Iowa, upon proof of any of its provisions being violated or evaded.

APPROVED, January 12, 1839.

INCORPORATIONS.

AN ACT to incorporate the Des Moines Mill Company, and for other purposes.

Company incorporated.

Name and corporate powers.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That William Duncan and such other persons as may associate with him, are hereby incorporated, and to be known by the name of "The Des Moines Mill Company," with perpetual succession; and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, either real, personal, or mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; 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 of the powers, rights, and privileges which may

appertain to corporate bodies, for the purposes mentioned in this act.

SEC. 2. That said William Duncan and his associates, their heirs and assigns, be and they are hereby authorized to construct a dam across the Des Moines river, at or within two hundred yards of the mills on section No. 36, in township No. 69, north, of range ten, west, in Van Buren county; which dam shall not exceed three feet in height, above common low water mark, and shall contain a convenient lock, not less than 130 feet in length, and thirty-five feet in width, for the passage of steam, keel, and flat boats, rafts, and other water craft, provided said water craft will bear two tons burthen.

Authority
construct a
dam across Des
Moines River.

SEC. 3. It shall be the duty of the persons, authorized in the preceding section of this act to build said dam, 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 before specified, pass the same through, free of toll, 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.

Lock to be
kept in repair,
and boats pass-
ed through
without delay.

SEC. 4. Any person who shall destroy, or in anywise injure, either 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 lock or 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, or be imprisoned, at the discretion of the court.

If lock or dam
destroyed or
injured, parties
may be fined
or imprisoned.

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 dam, which may endanger the health of the citizens in its vicinity.

Not to enter or
flow lands of
any person.

Nuisances to
be removed.

SEC. 6. The Legislature of this Territory (or State) may at any time hereafter alter or amend this act, so as to provide for the navigation of the said river.

This act may
be amended.

SEC. 7. The foregoing act shall cease and determine at the expiration of fifty years, from its date, unless a future legislature, having the control of the same, should otherwise determine: *And provided*

Limitation of
the act.

Completion of the dam and lock. Meeting may be called within one year.

further, That said dam and lock shall be completed within the term of four years, from its passage.

SEC. 8. *And be it further enacted*, That the said Wm. Duncan may, at any time within one year from the passage of this act, call a meeting of said company, by giving at least ninety 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 said county.

By-laws, rules, &c.

SEC. 9. 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.

Subsequent meetings.

SEC. 10. All subsequent meetings shall be in such manner, and at such time and place, as a majority of said company shall direct.

APPROVED, January 15, 1839.

INCORPORATIONS.

AN ACT to incorporate the Plymouth Mill and Manufacturing Company, and for other purposes.

Company declared a body corporate.

Style and corporate powers.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That E. B. Kimbrell, Henry King, Lewis R. Bissell, Martin A. Britton, and E. A. M. Swasey, and such other persons as may associate with them, are hereby declared a body corporate and politic, to be known by the name of "The Plymouth 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, personal, or mixed, so far as the same may be necessary for the purpose hereinafter mentioned, and no further; and in their corporate name may sue and be sued, plead and be impleaded, defend and be defended, 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 appertain to corporate bodies, for the purposes mentioned in this act.

Authority to construct a

SEC. 2 The said E. B. Kimbrell, H. King, Lewis R. Bissell, Martin A. Britton, and E. A. M. Swasey,

and their associates, their heirs and assigns, be and they are hereby authorized to construct a dam across the Des Moines river, within the limits of the southwest quarter of section twenty-six, in township sixty-eight, north, of range eight, west, in Van Buren county; which dam shall not exceed three feet in height, above common 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: *Provided*, Said water crafts will bear two tons burthen.

SEC. 3. It shall be the duty of the persons, authorized in the preceding section of this act to build said dam, 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 before specified, pass the same through, free of toll, 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. 4. Any person who shall destroy, or in anywise injure, either 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 lock or 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, or be imprisoned, at the discretion of the court.

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 erecting of said dam, which may endanger the health of the citizens in its vicinity.

SEC. 6. The legislature of this Territory (or State) may at any time hereafter alter or amend this act, so as to provide for the navigation of the said river.

SEC. 7. The said dam and lock, specified in this act, shall be completed within five years, from the first day of May next.

SEC. 8. *Be it further enacted*, That any member of said company may, at any time within one year from the passage of this act, call a meeting of said company, by giving at least thirty days notice, in some

dam across the
Des Moines
river.

Lock to be kept
in repair, and
boats passed
through with-
out delay.

If lock or dam
destroyed or
injured, parties
may be fined
or imprisoned.

Not to enter or
flow lands of
any person.

Nuisance to
be removed.

This act may
be amended.

Limitation as
to dam and
lock.

First meeting
of the compa-
ny.

newspaper printed within the Territory, or by posting up written or printed notices in three of the most public places in the county; 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 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 of this Territory.

By-laws, rules, &c.

SEC. 9. All subsequent meetings shall be in such way and manner, and at such time and place, as a majority of said company shall direct.

Subsequent meetings.

SEC. 10. The capital stock of said company shall be divided into twenty-five shares, of two hundred dollars each, which sums may be increased from time to time, at a proper meeting holden for that purpose by the respective members, a majority concurring therein, to any amount, not exceeding one hundred thousand dollars.

Capital stock may be increased.

SEC. 11. This act to take effect from and after its passage.

APPROVED, January 19, 1839.

INCORPORATIONS.

AN ACT to incorporate the Burlington Steam Mill Company.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Enos Lowe, Peter Wagoner, Jesse B. Webber, John S. David, Arthur Bridgman, and their associates, be and they are hereby declared a body corporate and politic, under the name of "The Burlington Steam Mill Company," and by that name shall have succession, and shall have all corporate powers, sue and be sued, and use a common seal.

Company declared a body corporate.

Style and corporate powers.

SEC. 2. The capital stock of said corporation shall be ten thousand dollars, to be increased, at will, by a majority of the stockholders, to one hundred thousand dollars.

Capital stock.

SEC. 3. Said capital stock shall be divided into shares of fifty dollars each.

Shares.

SEC. 4. Said corporation may purchase, hold, and convey, any estate, personal, real, or mixed, for their own benefit: *Provided*, Such estate does not exceed in value the capital stock paid in.

Estate not to exceed stock paid in.

SEC. 5. The corporation shall have power to erect mills, ware-houses, and other necessary buildings and improvements, on lands purchased and owned by said company, and to erect and establish all kinds of machinery. Power to erect mills, &c.

SEC. 6. The before mentioned persons are hereby appointed commissioners, and are hereby required to open books, at the counting room of Webber and Remey, in the City of Burlington, on the first day of March next, for receiving subscriptions to the capital stock of said company, and to keep the same open until the whole amount is subscribed. Books to be opened for subscriptions.

SEC. 7. The said commissioners are authorized, at their option, to receive subscriptions to said work to be paid in labor, for the benefit of said company, which labor shall be appraised by said commissioners, and the value thereof credited to the persons subscribing for such shares. Subscriptions may be paid in labor.

SEC. 8. Said corporation shall have lien on such shares for any balance due thereon. Lien.

SEC. 9. One dollar shall be paid in on each share at the time of subscribing. First payment.

SEC. 10. Said company shall, on the first Monday in April annually, choose a president, secretary, and treasurer, and such other officers as the company may think proper. Officers to be chosen annually.

SEC. 11. The company shall have power to make all proper and needful by-laws. And cause their treasurer to enter into bonds, upon such conditions, and in such manner, as the company, by their by-laws, shall direct. And said company shall have power to transact their business by an agent, who shall enter into bonds upon similar conditions. By-laws. Treasurer to give bond. Agent to give bond.

SEC. 12. The aforesaid shares shall be considered personal property. Shares to be deemed personal property.

APPROVED, January 21, 1839.

INCORPORATIONS.

AN ACT to establish the several Seminaries herein named.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That there shall be established in the town of Fort Madison, Lee county, a seminary of learning in science and literature, for the youth of both sexes, and that John Box, Ebenezer D. Ayres, Joel C. Walker, Joseph Webster, Seminary at Fort Madison, Lee county.

Jesse B. Browne, Joseph A. Clark, Peter Miller, John Claypole, John A. Drake, William Wilson, William H. H. Kyle, Henry Eno, Philip Viele, M. Young, and J. Clark, and their associates and successors, are hereby declared a body politic and corporate in law, by the name and style of "The Fort Madison Academy."

At West Point,
Lee co.

SEC. 2. *Be it further enacted*, That there shall be established in the town of West Point, in Lee county, a seminary of learning in science and literature, for youth of both sexes, and that William Patterson, John Box, Calvin J. Price, A. H. Walker, Cyrus Poag, Joseph Howard, Isaac Beeler, A. Hunsucker, A. Ewing, Hawkins Taylor, William Pitman, Campbell Gilmer, David Walker, Solomon Jackson, William Steele, and their associates and successors, are hereby declared a body politic and corporate in law, by the name and style of "The West Point Academy."

At Burlington,
Des Moines co.

SEC. 3. *Be it further enacted*, That there shall be established in the town of Burlington, Des Moines county, a seminary of learning in science and literature, for youth of both sexes, and that Charles Mason, George Temple, William H. Starr, James P. Stewart, George H. Beeler, William B. Remy, James W. Grimes, Jeremiah Lamson, John S. David, Augustus C. Dodge, Verplanck Van Antwerp, Enos Lowe, James Clark, David Rorer, Gilbert Knapp, S. S. Ransom, and their associates and successors, are hereby declared a body politic and corporate in law, by the name of "The Burlington Academy."

In town 69,
range 8, W.,
Des Moines co.

SEC. 4. *Be it further enacted*, That there shall be established in town sixty nine, range three west, in Des Moines county, a seminary of learning in science and literature, for youth of both sexes, and that William Morgan, Stephen Gearhart, Solomon Perkins, Israel Robinson, Henry Walker, John B. Berry, David R. Chance, and their associates and successors, are hereby declared a body politic and corporate in law, by the name and style of "The Union Academy of Des Moines county."

At Augusta,
Des Moines co.

SEC. 5. *Be it further enacted*, That there shall be established in the town of Augusta, in Des Moines county, a Seminary of learning in science and literature, for youth of both sexes, and that John Whitaker, Levi Moffit, William Smith, Berryman G. Wells, Joseph Edwards, George Hepner, Y. L. Hughes, Francis Redding, Joshua Holland, Isaac Basey, and Daniel Harty, William Buchanan, John

O. Smith, and their associates, with perpetual succession, are hereby declared to be a body corporate and politic, in law and in fact, by the name and style of "The Augusta Academy."

SEC. 6. *Be it further enacted*, That there shall be established at the town of Farmington, in Van Buren county, a Seminary of learning, for the instruction of the youth of both sexes in science and literature, and that Henry Bateman, Martin A. Britton, John Crane, Stephen Miles, Henry Heffleman, and their associates and successors, are hereby created a body politic and corporate in law, by the name and style of "The Farmington Academy."

At Farmington,
Van Buren co.

SEC. 7. That there shall be established in the town of North or South Bentonsport, as a majority of the citizens of said towns can decide and agree, in Van Buren county, a Seminary of learning in science and literature, for youth of both sexes, and that S. Richards, G. W. Howe, H. P. Graves, H. Buckland, Bertrand Jones, Henry Smith, and their associates and successors, are hereby declared a body politic and corporate in law, by the name and style of "The Bentonsport Academy."

At North or
South Bentons-
port, Van Bu-
ren co.

SEC. 8. *Be it further enacted*, That there shall be established at the town of Rockingham, in Scott county, a Seminary of learning in literature and science, for youth of both sexes, and that John H. Sullivan, James Davenport, Adrian H. Davenport, Henry W. Higgins, Ebenezer Cook, Willard Barrows, S. S. Brown, Joseph M. Robertson, E. S. Barrows, John S. Sheller, and their associates and successors, are hereby declared a body politic and corporate in law, by the name and style of "The Rockingham Academy."

At Rocking-
ham, Scott co.

SEC. 9. That there shall be established at the town of Keosauqua, in Van Buren county, a Seminary of learning, for the instruction of young persons of both sexes in science and literature, to be called "The Keosauqua Academy," and that J. N. Lewis, C. H. Ober, John Carnes, John Fairman, S. W. Summers, James Hall, Wilson Stanley, and their associates, be and they are hereby created a body corporate and politic, by the name of "The Keosauqua Academy."

At Keosauqua,
Van Buren co.

SEC. 10. *Be it further enacted*, That there shall be established at the town of Du Buque, in Du Buque county, a Seminary of learning, in literature and science, for youth of both sexes, and that P. A.

At Du Buque,
Du Buque co.

Lorimier, Ezekiel Lockwood, Joseph T. Fales, Patrick Quigley, Benjamin Rupert, Thomas S. Wilson, Lucius H. Langworthy, Timothy Davis, E. M. Bissell, Timothy Fanning, Hardin Nowlin, Chauncey Swan, and their associates, be and they are hereby created a body corporate and politic, by the name and style of "The Du Buque Academy."

In township 89,
range 1, E.,
Du Buque co.

SEC. 11. *Be it further enacted*, That there shall be established in township eighty-nine, range one, east of the fifth principal meridian, a Seminary of learning, for youth of both sexes, and that John Paul, A. Bankston, Simeon Clark, Jacob Myers, Abraham Casteel, Isaiah Bohannon, Charles Brady, Samuel Snodgrass, Elias McCants, Hardin Nowlin, and their successors be and they are hereby created a body corporate and politic, by the name and style of "The Julian Du Buque Seminary."

At Davenport,
Scott co.

SEC. 12. *Be it further enacted*, That there shall be established in the town of Davenport, Scott county, an academy of learning, in science and literature, for youth of both sexes, and that Alexander C. Donaldson, Rodolphus Bennet, Samuel Barkley, William R. Shoemaker, Andrew Logan, John Forrest, T. S. Hoge, Andrew F. Russell, Gilbert C. R. Mitchell, B. F. Coates, Levi S. Colton, D. C. Eldridge, Wheeler Hedges, Thomas Dillon, and their associates, and successors, be and they are hereby created a body politic and corporate, by the name and style of "The Davenport Academy."

Powers granted to the several corporations.

SEC. 13. The several corporations before named shall have perpetual succession, and power to acquire, possess, and 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.

Capital stock.
Income limited.

SEC. 14. That the stock of said seminaries shall consist of shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation or corporations, in such manner as may be prescribed by the boards of trustees: *Provided*, That the annual income of either of the said corporations (not including tuition however) shall not exceed the sum of three thousand dollars, and that its funds, privileges, and immunities

shall be used for no other purpose than that of education.

SEC. 15. The corporate concerns of said seminaries shall be managed by a board of trustees, consisting of seven members each, four of whom shall constitute a quorum for the transaction of business, they shall be elected by the stockholders on the first Monday in April 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 by him owned 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 in each seminary shall elect one of their number to be President of the 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 first published for two successive weeks in some newspaper printed in the county, or by posting up written notices of the same at three of the most public places in the county.

Board of Trustees.

Four to be a quorum.

One of the trustees to be president of the board.
Elections.

SEC. 16. The boards 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 seminaries, its officers, servants, teachers, and pupils, and for the management of the property and affairs of the said corporations to the best advantage: *Provided*, That they shall not contravene the laws of the United States, or of this Territory.

Powers granted to trustees.

Proviso.

SEC. 17. 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.

Conveyances to be executed by the president.

SEC. 18. That any future legislature shall have power to alter or amend this act.

This act may be amended by any future legislature.

APPROVED, January 23, 1839.

INCORPORATIONS.

AN ACT to incorporate the town of Bloomington.

Limits of the town. SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That all that part or tract of land in township seventy-six north, and range two west, and township seventy-seven north, range two west, which has been surveyed and laid off into town lots for commercial purposes, in which is embraced the village of Bloomington, be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of the "Town of Bloomington."

When officers to be elected. SEC. 2. It shall be lawful for the free male inhabitants of said village, having the qualifications of electors, to meet at some convenient place, in said town of Bloomington, on the first Monday of May, and annually thereafter, and then and there proceed, by plurality of votes, to elect, by ballot, a president, recorder, and three trustees, who shall hold their offices one year, and until their successors are elected and qualified; and any three of them shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided,* That if an election of a president, recorder, and trustees, shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice to be given in the manner hereinafter prescribed.

In what manner elections to be conducted. SEC. 3. At the first election to be held under this act there shall be chosen, *viva voce,* by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act; and at all subsequent elections the trustees, or any two of them, shall be judges, and the recorder clerk of the election; and at all elections to be held under this act the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at five o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall make a true record thereof, and, within five days after such election, the said clerk shall give notice to the persons elected of their election; and it shall be the duty of

said town council, at least five days before each annual election, to give notice of the same by posting up notices in three of the most public places in said town.

SEC. 4. It shall be the duty of the president to Duties of president and recorder. preside at all meetings of the town council, and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of all their proceedings; and the said recorder is authorized, under his hand and seal, to appoint some competent person as his deputy, who, in his absence, shall Recorder may appoint a deputy. do and perform all and singular the duties enjoined upon said recorder, and for whose acts said recorder shall be liable.

SEC. 5. The president, recorder, and trustees of Corporate name and powers. said town shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of "The President and Trustees of the town of Bloomington," and shall be capable in law, in their corporate name, to acquire property, real and personal, for the use of said town, sell and convey the same, may have a common seal, which they may alter at pleasure, may sue and be sued, defend and be defended, in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons, which shall be served by an attested copy to be left with the recorder, not less than five, nor more than ten days before the return day thereof.

SEC. 6. The officers elected by virtue of this act shall each, before entering on the duties of his office, Oath to be taken by officers. take an oath or affirmation to support the constitution of the United States, and of the organic law of this Territory (and of this State), and also faithfully to discharge the duties of his office.

SEC. 7. The president and trustees shall have By-laws, rules, and regulations. power to ordain and establish by laws, rules, and regulations, for the government of said town, and the same to alter, repeal, or re-ordain at pleasure, and to provide in said by-laws for the election of a treasurer, two assessors, a town marshal, and other subordinate officers which may be thought necessary for the good government and well being of the town, to prescribe their duties, declare their qualifications, and determine the period of their appointments, and the fees they shall be entitled to receive for their services, and require of them to take an oath or affirmation faithfully and impartially to discharge

- the duties of their respective offices, and may require of them such security for the performance of the duties of their respective offices as shall be thought necessary. Said president and trustees shall also have power to affix to the violation of the by-laws and ordinances of the corporation such reasonable fines and penalties as they deem proper, and to provide for the disposition of such fines and penalties: *Provided* also, That no by-laws or ordinances of said corporation shall have any effect, until the same shall have been published three weeks successively, in a newspaper printed in said county, or by written notices posted up in three of the most public places in said town: *Provided*, Nothing contained in this section shall be incompatible with the laws of the United States, or the laws of this Territory.
- Publication of the by-laws, &c.** SEC. 8. The president and trustees shall, at the expiration of each six months, cause to be made out and published a correct statement of the receipts and expenditures of the preceding six months.
- Receipts and expenditures.** SEC. 9. The electors of said town, in legal meeting assembled, shall have power, by vote, to direct the levy of taxes on all real and personal estate within the limits of said corporation, not exceeding one half of the 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 sidewalks: *Provided*, That no property shall be taken from any individual, until such individual shall be paid therefor; the value thereof to be ascertained by twelve disinterested freeholders, to be summoned by the marshal for that purpose: they shall have the power to remove all nuisances and obstructions from the streets and commons, and all other places of said town, and to provide for the removal of the same.
- Of taxation and other objects.** SEC. 10. The president and trustees shall be authorized to grant all licenses for the retailing of ardent spirits within the limits of the corporation, and the proceeds of such licenses shall be appropriated for the benefit of said corporation: *Provided*, however, That the power hereby granted shall not be so construed as to conflict with the general laws of this Territory, or of the future State of Iowa, regulating taverns and licenses for retailing ardent spirits.
- Authority to grant licenses.** SEC. 11. The streets, lanes, and alleys of said town shall constitute one road district, including the sev-
- Proviso.**
- Road district.**

eral roads leading from said town for the distance of one mile from the corporation limits; and the electors of said town shall, at their annual meeting, elect an overseer of the same, and in case of death, removal, or other inability of said overseer, or other officers of the corporation, the president and trustees shall have power to fill such vacancies.

SEC. 12. All meetings, for the purposes contemplated in the preceding sections of this act, shall be called by the president, or, in his absence, by the senior trustee, by posting up written notices in three of the most public places in said town, at least three days previous to the holding said meeting; said notices shall specify the time and place of holding said meeting, and the purposes for which said meeting is called.

SEC. 13. The recorder shall receive such fees for his services as the by-laws and ordinances of said corporation shall prescribe; but the president and trustees shall receive no compensation, unless the same shall be authorized by the inhabitants, in legal meeting assembled.

SEC. 14. For the purpose of enabling the president and trustees to carry into effect the provisions of this act, they are hereby authorized annually to lay a tax on all real and personal estate within the bounds of the corporation, as the same has been or may be appraised: *Provided*, Such tax shall in no case exceed the sum for the same year voted for and directed according to the provisions of the ninth section of this act: *And provided*, That the said tax shall not exceed, in any one year, one half of the per centum of the aggregate amount of real and personal estate within the limits of said town, and the said president and trustees shall, between the first Mondays of May and June, in each year, determine the amount of tax to be assessed and collected within the current year.

SEC. 15. It shall be the duty of the president and trustees to make out a duplicate of taxes, charging each individual therein the amount of tax in proportion to the real or personal estate of such individual within said town, which duplicate shall be signed by the president and recorder, and delivered to the marshal, or such person as shall be appointed collector, whose duty it shall be to collect the same within such time, and in such manner, as the by-laws shall direct.

Special provisions touching the collection of taxes.

SEC. 16. The said collector shall have power to sell personal estate, and for want thereof, to sell real estate, for the non-payment of taxes within said town; but no real estate shall be sold by reason of the non-payment of such tax or taxes, unless the assessment of such tax shall have been duly notified, in some public newspaper printed at the seat of government of this Territory, and also at Bloomington, if any be printed there, once each week for at least six weeks, the last publication whereof shall be at least six weeks before the day when said taxes are payable; nor unless the intended sale thereof be duly notified by publication in like manner, in such newspaper or newspapers, for and during the space of at least six consecutive weeks, the last of which publications to be at least six weeks prior to such sale; nor unless such assessment and proceedings thereon be regular, and in all things conformable to the provisions of this act; and moreover all such real estate, so sold, may be redeemed in the same manner, and within the same period of time, as is or may be provided by law in case of real estate sold for any state tax.

This act may be amended.

SEC. 17. This act may be altered, amended, or repealed by the legislature of this Territory.

APPROVED, January 23, 1839.

INCORPORATIONS.

AN ACT for the incorporation of public Libraries.

When subscribers may meet to hold an election.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That hereafter the inhabitants of any city, town, village, or neighborhood, in this Territory, or any part of them, whenever they have subscribed the sum of one hundred dollars for a public library, may assemble themselves for the purpose of holding an election.

Chairman and clerk to be chosen.

SEC. 2. And if two-thirds of the subscribers are present, they may proceed to choose, by voice, a chairman, who shall preside at that meeting, and a clerk, who shall keep a record of the same.

Seven directors. Library to be named.

SEC. 3. After a chairman and clerk are chosen, the shareholders may proceed to choose, by ballot, seven directors, and to agree upon a name by which their Library shall be known. The directors shall appoint one of their number to be president at their meetings, who shall have no other than a casting vote.

SEC. 4. A true statement of the proceedings of such meeting, including the amount subscribed, and the number of subscribers present at the meeting, shall be sworn to, or affirmed to, before some justice of the peace of the county, by the chairman, or the clerk, provided for by the second section of this act; and it shall be the duty of such justice to certify, on such statement, that it was sworn to, or affirmed to, before him.

Statement of the proceedings to be sworn to and certified.

SEC. 5. It shall be the duty of the recorder of the county to record the said statement in his book of record, when required.

To be recorded

SEC. 6. After the statement of proceedings is duly recorded according to this act, the president and directors, and their successors, forever, shall be a body corporate and politic, to be known by such name as is registered in the recorder's office. They shall be capable, in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court or courts, or before any judge or judges, justice or justices, or person or persons whatsoever, in all manner of suits, actions, complaints, pleas, causes, and demands whatever, in as effectual a manner as any other person or persons, body or bodies corporate or politic, may or can do: *Provided*, however, that nothing in this act contained shall be so construed as to authorize any Library company, incorporated in this Territory, to issue notes or bills of credit, payable to any person or persons, on his or their order, or to bearer, nor to deal in any kind of bills of exchange, notes, or due bills whatever. Except the first election of directors, the annual election thereafter shall be on the second Monday in January; but if any annual election should be omitted, the directors shall remain in power until the next annual election, and until successors shall be chosen.

Library company to be a body corporate

Corporate powers.

That

When elections to be held.

SEC. 7. Such Library, or Libraries, shall be governed and regulated by such by-laws as may, from time to time, be made by the president and directors of the same, not inconsistent with the laws of this Territory, who shall have power to make a common seal, and the same to alter, break, change, or renew at pleasure. They shall have power to levy a tax on the shareholders, provided such tax does not exceed one dollar, on each share, in any one year. Nothing, however, in this act shall be so construed as to prevent a majority of two-thirds of the shareholders,

By-laws.

Common seal.

Tax on shareholders.

Treasurer and librarian. attending at their annual meeting, from increasing such tax to any sum, not exceeding five dollars, on each share, in any one year. They shall have power to appoint a treasurer and librarian, and the same to remove at pleasure.

Quorum. Power to fill vacancies. SEC. 8. A majority of the directors shall be necessary to form a quorum. They shall have power to fill vacancies that may happen in their own body, and the director or directors, by them elected, shall serve until the next annual election thereafter, and until others are elected in their stead.

May receive donations in books, monies, lands, &c. SEC. 9. They shall have power to receive by donation any books, monies, papers, or lands, or any other thing or things: *Provided*, Such donation, or the rent or interest thereof, be applied to no other purpose than the true interest of the library on which it was bestowed, according to the true intent and meaning of this act: *Provided*, however, That they shall not keep for a longer time than six months, after receiving the same, more than the real value of five hundred dollars, in land or any other property, except books and those things appertaining to a library.

Limitation as to land or other property, except books, &c.

APPROVED, January 23, 1839.

INCORPORATIONS.

AN ACT to incorporate the Burlington and Iowa River Turnpike Company

Company created a body corporate. SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That James Guest, Israel Trask, Jonathan Parsons, James Erwin, Elisha Hooke, William Creighton, John H. Benson, M. Eastwood, Elias Keever, Daniel Brewer, James Gordon, Wm. L. Toole, Joshua Swank, and Alvin Clark, of the county of Louisa, and George W. Hite, James Davidson, Oliver H. Cottle, George W. Kelley, Thomas Cooper, Wm. B. Remey, Charles J. Starr, John S. David, George H. Beeler, Leander J. Lockwood, and Richard F. Barret, of Des Moines county, and their associates, be and they are hereby created a body politic and corporate, by the name and style of "The Burlington and Iowa River Turnpike Company," for the sole purpose of constructing a turnpike road, from Burlington, Des Moines county, to the Iowa river, opposite the town of Black Hawk, in Louisa county.

Their style.

SEC. 2. That the capital stock of said company Capital stock. shall be one hundred thousand dollars, to be divided into shares of twenty-five dollars each.

SEC. 3. That the above named persons, or any ten of them, may proceed to open books of subscription to the capital stock of said company, at such times and places as they may deem proper. Books may be opened for subscriptions.

SEC. 4. That so soon as ten thousand dollars shall have been subscribed to the stock of said company, the persons named in the first section of this act, or any seven of them, may call a meeting of the stockholders for the election of five directors for the government of said company. When meeting may be called for the election of directors.

SEC. 5 That the following shall be the rates of toll for each and every ten miles of said road, and in the same proportion for a greater or less distance, to-wit: Rates of toll.

For every four-wheeled carriage, wagon, or other vehicle, drawn by two horses, or oxen, twenty-five cents; and for each horse, or ox, in addition, six cents.

For every two-wheeled carriage, wagon, or other vehicle, drawn by two horses, or oxen, twenty cents; and for each horse, or ox, in addition, six cents.

For every horse and rider six and a fourth cents.

For every horse, mule, or ox, led or driven, three cents.

For every head of neat cattle, two cents.

For every head of sheep, or hogs, one cent.

For every four-wheeled pleasure carriage, drawn by two horses, forty cents.

For every two-wheeled pleasure carriage, drawn by one horse, twenty-five cents.

For every four-wheeled pleasure carriage, drawn by one horse, twenty-five cents.

For every chaise, riding chair, gig, sulkey, or cart, or other two-wheeled carriage of any kind, drawn by one horse, twelve and a half cents.

SEC. 6. That when said company shall have completed the grading of ten miles of said road, they shall be entitled to receive one-half of the rates of toll provided for in the preceding section of this act; and the same upon each additional ten miles that may have been graded, as aforesaid, until the whole shall have been completed. When company to be entitled to toll.

SEC. 7. This act shall be subject to any general law that may be passed hereafter, or during the This act to be subject to any general law, &c.

present session of this Legislative Assembly, for the regulation of Turnpike companies.

APPROVED, January 24, 1839.

INCORPORATIONS.

AN ACT to incorporate the Burlington and Des Moines Transportation Company.

- SEC. 1.** *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That all such persons as shall become stockholders, agreeably to the provisions of this act, in the corporation hereby created, shall be a body politic and corporate by the name and style of "The Burlington and Des Moines Transportation Company," and by that name may have succession, may sue and be sued, complain and defend, in any court of law or equity, may purchase, hold, and convey real, personal, or mixed estate, so far as the same may be required to secure the object of their incorporation, may make and use a common seal, and alter the same at pleasure, may make by-laws, rules, and regulations, for the management of its property, the regulation of its affairs, and for the transfer of its stock, not inconsistent with the laws of this Territory and of the United States, and may moreover appoint such subordinate agents, officers, and servants, as the business of said corporation may require, and allow them a suitable compensation, prescribe their duties, and require bonds for the faithful performance thereof, in such penal sum, and with such sureties, as they may choose, who shall hold their offices during the pleasure of a majority of the directors of said corporation.
- SEC. 2.** The capital stock of said corporation shall be one million of dollars, which shall be deemed personal property, and shall be divided into shares of one hundred dollars each.
- SEC. 3.** That Charles Mason, Isaac Leffler, George H. Beeler, Hawkins Taylor, Richard F. Barret, Robert Ralston, John H. Randolph, B. F. Wallace, and William B. Remey, shall be commissioners for receiving subscriptions to the capital stock of said corporation, who, previous to opening the books of subscription, shall give notice of the time and place where such books will be opened. A majority of said commissioners shall appoint one or more of their
- Company declared a body politic and corporate.
- Style and corporate powers.
- Capital stock.
- Commissioners
- To give notice when and where books will be opened.

number who shall attend at any time and place appointed by such notice for the opening of said books, and shall continue such subscriptions to the capital stock of said corporation from all persons who shall subscribe thereto, until at least one hundred thousand dollars shall have been subscribed, whereupon said books may be closed by the said commissioners and transferred to the board of directors hereinafter provided. Each subscriber at the time of subscribing shall pay to the commissioners one dollar on each share of the stock by him subscribed, and the said commissioners shall, as soon as the directors are elected, deliver to them the whole amount of money received on the subscription of stock.

Sum to be paid
at the time of
subscribing.

SEC. 4. The affairs of said corporation shall be managed by a board of at least five directors, which number may be increased at the pleasure of the company, to be annually chosen by the stockholders from among themselves. As soon as may be after one hundred thousand dollars of the capital stock shall have been subscribed, the commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors, and at such time and place appointed for that purpose, the commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect their directors by ballot, and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the books of the corporation, and shall be sufficient evidence of the election of the directors therein named. All elections thereafter shall be held at the time and in the manner prescribed by the laws and regulations of said corporation. Each stockholder shall be allowed as many votes as he owns shares at the commencement of such election, and a plurality of votes shall determine the choice. The said directors shall hold their offices for one year, and until their successors are elected, and they shall elect one of their number as president of said board.

Board of di-
rectors.

How elected.

Subsequent
elections.

Term of office.

SEC. 5. The directors may require any instalment of the amount subscribed (not exceeding ten dollars per share at any one time) to be paid in at such time and place as they may deem proper. Notice thereof must be published for four weeks successively, in some newspaper printed in the city of Burlington

Directors may
require instal-
ments to be
paid.

aforesaid. If any stockholder shall not pay the said instalment at the time thus appointed, he shall forfeit to the use of the company the shares on which such instalment was due, together with all the amount previously paid thereon, unless he shall pay such instalment, together with interest on the same from the time it was due, within thirty days after being thereunto required.

- Location of the canal.** SEC. 6. The said corporation shall have the right to construct and continue a navigable canal or slack water navigation, from the city of Burlington to such point on the head waters of the Des Moines river as in the opinion of the directors shall be most eligible, and to construct such navigable feeders for said canal as shall be found necessary. And if in the estimation of the directors a canal shall not be found practicable, the said corporation are hereby authorized to construct and continue either a rail-road, or a Macadamized road, between the points aforesaid.
- Railroad, &c.**
- Company may enter upon private property.** SEC. 7. It shall be lawful for said corporation by themselves, and by any and every superintendent, agent, or engineer, employed by them, to enter upon and take possession of, and use, all and singular any lands, water, streams, and materials necessary for the prosecution of the improvements authorized by this act, and to make all such feeders, dykes, locks, dams, and other works and devices as they may think proper for making said improvements, doing nevertheless no unnecessary damage. And that in case any lands, waters, streams, or materials, taken or appropriated for any of the purposes aforesaid, shall not be given or granted to said corporation, and in case said corporation shall not be able to acquire the title to the same by agreement with the parties concerned, a board of appraisers shall be appointed, consisting of three persons, one of whom shall be appointed by the directors of the company hereby incorporated, one by the claimants applying for damages, and one by the commissioners or supervisors of the county in which said lands, waters, streams, or materials, shall be, who shall, before they enter upon the duties of their office, severally take an oath or affirmation, before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act. And it shall be the duty of said appraisers, or a majority of them, to make a just and equitable estimate and appraisal of the loss or damage, if any,
- Appraisers may be appointed.**
- Their duty.**

to the respective owners and proprietors or parties interested in the lands, waters, streams, or materials so taken for the purpose aforesaid. And the said appraisers, or a majority of them, shall make regular entries of their determination and appraisal, with an apt and sufficient description of the several premises, taken and appropriated for the purposes aforesaid, in a book or books to be provided and kept by the directors of said corporation, and certify and sign their names to such entries and appraisal. And the said corporation shall pay the damages so assessed and appraised, and the fee simple of the premises so taken and appropriated shall thereupon vest in the said corporation: *Provided*, however, That if the owner or owners of the lands, waters, streams, and materials, so taken and appropriated, shall not make application to said corporation for the payment of damages by them sustained within two years after such lands, waters, streams, or materials, shall have been taken possession of by the corporation, he, she, or they, shall thenceforth be barred from the collection of any damages from said corporation for the lands, waters, streams, or materials, so used: *Provided*, however, that if either of the parties shall feel aggrieved by any decision of said board of appraisers, he, she, or they, shall have the right of appeal to the district court within the county where the damages in question may have been sustained.

Appraisal to be entered and certified.

Damages.

Proviso.

Either party may appeal to the dis. court.

SEC. 8. It shall be lawful for the said corporation to commence the construction of said canal or road at such points on any part of the said route as in their judgment may appear expedient and proper; and as soon as any portion of said canal or road shall be completed, it shall be lawful for said corporation to erect toll houses or toll gates thereon, and collect such tolls as shall from time to time be prescribed by the legislature of this Territory, or any State that may be formed out of the same. And said corporation is hereby authorized to borrow any sum of money which may in their discretion be deemed necessary, for the proper and efficient prosecution of the works authorized by this act.

Tolls.

Authority to borrow money.

SEC. 9. That it shall be lawful for the directors of said corporation to make from time to time such rules and regulations, not inconsistent with the laws of this Territory and of the United States, in respect to the size and structure of boats, rafts, and other floats on the waters of said canal, and the weighing

May make rules respecting boats, rafts, &c.

and inspecting of boats, and their loading, and in respect to all matters in relation to the navigation of the canals, or the traveling upon said roads, and the collection of tolls and water rents, and impose such forfeitures of money for the breach of such regulations as they may judge reasonable, and provide for the detention and sale of any such boats, rafts, and other floats as shall or may contravene such rules and regulations, in cases where the owner or owners of such boats, rafts, or other floats, shall neglect or refuse to pay such forfeitures: *Provided*, That no forfeitures, so imposed, shall, for a single offence, exceed the amount of actual damages more than fifty dollars, and that nothing in this section shall be so construed as to prevent said forfeitures being recovered by action of debt as hereinafter provided.

Proviso.

Penalty for driving horses, &c., on towing path.

SEC. 10. That any person who shall drive any horse, ox, mule, or other animal, upon the towing path, or bank opposite the towing path, of the canal hereby authorized to be constructed, except for the purpose of towing boats or other floating things upon the waters thereof, or for the purpose of conveying articles to and from said canal in order to their transportation on the waters of the same, or their delivery at their place of destination, shall forfeit for every such offence the sum of five dollars, and shall pay all damages consequent upon such offence, over and above the said forfeiture.

For committing injury to canal or road.

SEC. 11. If any person shall wantonly or on purpose commit any injury to said canal or road, or to any of the appurtenances thereof, he shall forfeit to said company the sum of fifty dollars, in addition to the actual damages consequent upon such offence.

For signing or delivering false bill of lading.

SEC. 12. That every person who shall knowingly sign or deliver to any collector a false bill of lading, with the design of avoiding the payment of tolls, shall be deemed guilty of a misdemeanor, and, on conviction thereof before any court of competent jurisdiction, shall be fined not less than three times the value of the property omitted or falsely stated in such bill.

Collector may require oath.

SEC. 13. That every collector of tolls on the canal herein authorized may require the master of any boat, upon exhibiting his bill of lading, to verify it by his oath, which such collector is hereby authorized to administer, and any person who shall testify falsely before any collector shall be deemed guilty of perjury.

SEC. 14. That for all damages done to the said canal, the offenders shall be proceeded against by indictment in the proper courts, and on complaint being made to any judge, or justice of the peace of the proper county, against any person or persons doing any such damage as is mentioned in the preceding sections of this act, it shall be the duty of such judge or justice forthwith to issue a warrant to the proper officer to arrest and bring before him such offender or offenders, and if, upon the return of such warrant, it shall appear to the satisfaction of such judge or justice that such complaint is true, he shall commit such offender or offenders if he or they shall refuse to give security for their appearance at the proper court to answer to said complaint: *Provided*, however, That if the offender or offenders shall pay to such judge or justice of the peace the penalties, forfeitures, and expenses which he or they may have incurred, together with the costs of prosecution, such offender or offenders shall be discharged.

How offenders
to be proceed-
ed against.

Proviso.

SEC. 15. That the captain or master, and the owner, of any boat or other float on the canal herein authorized, and likewise the boat or float itself, shall severally be liable for the payment of any penalty or forfeiture, and likewise of all damages which may accrue in consequence of the violation of any of the provisions of this act, or of any order of the board of directors duly made and published relating to the canal or the navigation thereof, or the collection of tolls thereon, by any person navigating such boat, or assisting in the navigation or management thereof at the time of such violation; and any such boat or other float may, at the discretion of the agents of the corporation hereby created, be prevented from navigating said canal until such penalty, forfeiture, and damages, and costs accrued in prosecuting thereof, shall be fully paid.

Masters, own-
ers, and boats,
liable for pen-
alties, &c.

SEC. 16. That all materials that shall have been procured by any contractor for the construction of any part of said canal, or roads, or any work therewith connected, shall, from the time they are prepared for transportation to the place where they are to be used, be subject to the lien of the corporation for all moneys that may have been or shall be advanced by the said corporation during the performance of said contract, and for all damages that may be sustained in consequence of the non-performance thereof; and no sale made by said contractor, or under

Materials sub-
ject to the lien
of the corpora-
tion.

any execution issued upon any judgment or decree, shall in anywise affect said lien.

Corporation to erect bridges, &c.

SEC. 17. That said corporation shall be bound to erect bridges over said canal at all places where it shall cross any public highway which shall have been, or may hereafter be, regularly laid out and recorded, and where the location of the canal shall interfere with any road which shall be in use, and said corporation is hereby authorized to change the location of said road: *Provided*, That, before so doing, the said corporation shall cause the new road to be opened and put into good repair for the convenience of travel, as the road vacated was at the time of such vacation.

Proviso as to new roads.

Company authorized to loan money.

SEC. 18. Inasmuch as the works herein contemplated would now yield little profit to the said corporation, and inasmuch as the Indian title to a part of the lands, over which said works would pass, has not yet been extinguished, said company are hereby authorized to receive deposits, and loan money on bonds, notes, bills of exchange, and other securities, to the amount that may have been subscribed, at any rate of interest not exceeding twelve per cent. per annum upon its actual loans. But nothing herein contained shall be construed as authorizing said company to issue bank notes or bills; nor to continue its operations of receiving deposits, and loaning money, beyond the period of twenty years from the first day of May next; nor to loan any money, except gold and silver, or notes of specie paying banks: *Provided*, That said company shall not hold bonds, notes, or other securities, from any one person, company, or corporation, for any amount, at any one time, greater than five thousand dollars: *Provided*, also, That the notes of specie paying banks, loaned by said company, shall be such as are at par credit in Burlington, the city of St. Louis, or the city of New York.

Not to issue bank notes or bills.

Limitations.

Proviso as to the notes of specie paying banks.

When the works to be constructed.

SEC. 19. The said corporation shall commence the construction of the works authorized by this act, whenever required by the legislature of the Territory or State of Iowa, at any time within not less than three years from the passage of this act, and shall complete the same, whenever required as aforesaid, at any time not less than twenty years from the passage of said act. And if said corporation shall fail to commence or complete the said works at such times as they shall be required as aforesaid, they shall forfeit to said Territory or State the right of constructing the works aforesaid, together with all

Failing to commence or complete the same, right to be forfeited.

that said corporation may have done or expended thereon. In such case, for the purpose of enabling the said State or Territory to construct said works, it shall have the right to subscribe to the stock of said company an amount equal to that which shall have been already subscribed by the company, to be used in the same manner as the funds of the said company are by this act authorized to be used.

Subscription to stock by State or Territory.

SEC. 20. In case of such subscription by the State or Territory, the legislature thereof may appoint a portion of the directors of said company, not exceeding one half the number elected by said company.

And appointment of directors.

SEC. 21. The future State of Iowa, at any time after its admission into the Union, shall have the right to purchase and hold, for the use of the State, the works herein authorized to be constructed, by paying to the said corporation the amount actually expended in the construction and repairs of the same, together with interest thereon at the rate of seven per centum per annum: *Provided*, however, That in case the Congress of the United States shall make any appropriation or donation, either in land or money, in aid of the construction of the work by this act authorized, the right to the same shall vest in said State whenever the said transfer of the canal, or road, shall be made; and the net proceeds of all sales of land, and the amount of all money so appropriated or donated, shall be deducted from the amount to be paid to the said corporation for the transfer of said works to the State; and the said corporation are hereby authorized to apply to Congress for such an appropriation, in money or lands, to aid in the construction of the works authorized by this act, as Congress in its wisdom shall see proper to grant.

Terms on which State may purchase and hold the works authorized by this act.

Deductions.

SEC. 22. If the State of Iowa shall purchase the said canal or road, after any portion of the same shall have been put in operation, the tolls or income derived from the same (of which a full statement shall be preserved on the books of the company), together with interest thereon at the rate of seven per cent. per annum, from the time said income shall have been received, shall also be deducted from the amount to be paid to said corporation, as provided in the last preceding section. But no purchase of the said canal, or road, shall prevent the company from continuing their business of receiving deposits and loaning money as aforesaid, until the expiration of the twenty years as above provided.

Further deductions.

Provisional stipulation touching loans and deposits.

Permission to be obtained from the competent authorities.

SEC. 23. The improvements hereby authorized shall not be commenced until permission from the competent authority, to pass over and appropriate the necessary lands belonging to the United States, shall have been obtained; nor shall said improvements be continued through lands to which the Indian title shall not have been previously extinguished, without express authority from the Congress of the United States.

Power to amend or repeal this act, if any of its provisions violated

SEC. 24. The legislature of this Territory, or State (as the case may be) shall have the power to alter, amend, or repeal this act at any time, when they shall find that any of the provisions herein contained have been violated by said company, or any persons hereafter composing the same.

APPROVED, January 24, 1839.

INCORPORATIONS.

AN ACT to incorporate the Keosauqua Lyceum.

James Hall and others constituted a body corporate by the name or style of *The Keosauqua Lyceum*.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That James Hall, John Fairman, S. W. Summers, J. N. Lewis, Elisha Puell, John Carnes, Richard Billups, Simon Drouillard, Jacot Lane, John Goodwin, John Purdon, Sewel Kinney, C. Stevenson, John Stevenson, M. Sigler, John Sigler, Cyrus H. Ober, Wilson Stanly, Russell King, Thomas Wilkinson, Alfred Vesters, and such other persons as from time to time shall become members of said corporation, shall be, and are hereby ordained, constituted, and declared to be one body corporate and politic, in deed, fact, and name, by the name and style of "The Keosauqua Lyceum;" and by that name they and their successors shall have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters and cases whatsoever; and that they and their successors shall have a common seal, and change and alter the same at their pleasure; and that they and their successors, by the same name, shall be persons in law capable to purchase, take, receive, hold, and enjoy, to them and their successors, any real estate, in fee simple, or for term of life or lives, or

Their powers.

otherwise, and any goods, chattels, or any personal estate, for the purpose of enabling them the better to carry into execution, encourage, and promote such measures as may tend to the advancement of science and literature, and also to whatever else that may tend to the promotion of education, the advancement of knowledge, and the development of truth, in the sciences: *Provided*, The clear yearly value of such real and personal estate shall not exceed the sum of five thousand dollars. And that they and their successors shall have full power and authority to give, grant, sell, lease, demise, and dispose of the said real and personal estate, or any part thereof, at their will and pleasure; and that they and their successors shall have power from time to time to make, constitute, ordain, and establish such by-laws, ordinances, and regulations as they shall judge proper, for the election of their officers, for the election or admission of new members of said corporation, and the terms and manner of such admission, for the better government of their officers and members, or fixing the time and place of the meetings of said corporation, and for regulating all the affairs of said corporation: *Provided*, Such by-laws and regulations shall not be repugnant to the constitution or laws of the United States, or of this Territory.

Limitation of real and personal estate.

By-laws, ordinances, &c

Proviso.

SEC. 2. And for the better carrying on the affairs of said corporation, there shall be a President, Vice President, Treasurer, and Secretary, who shall hold their offices from the time of their appointment or election, until the first Monday of March then next, or until others shall have been chosen in their places. And that the said J. N. Lewis is hereby appointed President, the said Wilson Stanly treasurer, and the said John Carnes secretary, until the first Monday of March next; and that said officers shall, on the first Monday of March next, and always thereafter, be chosen by the members of the said corporation in such manner, and afterwards at such time and places, as shall be directed by the by-laws of said corporation to be made for that purpose; and that the President, or Vice President, and any seven members of said corporation shall be sufficient to constitute a legal meeting for the transaction of business.

Officers of the corporation.

First appointments.

Quorum.

SEC. 3. This act shall be subject to amendment by any future legislature.

APPROVED, January 24, 1839.

INCORPORATIONS.

AN ACT to incorporate the town of Davenport.

Incorporating clause. SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That so much of township seventy-eight, north, of range three east of the fifth principal meridian, in the county of Scott, as is comprised within the limits of the original town plat of the town of Davenport, and the additions made thereto by Antoine Le Clair, together with all additions that may hereafter be recorded thereto, by consent of two-thirds of the qualified voters of said town, be and the same is hereby created a town corporate, and shall hereafter be known by the name of the "Town of Davenport:" *Provided,* That said town shall not exceed two miles square.

When Mayor, Recorder, and Trustees to be elected. SEC. 2. That the qualified voters for members of the Legislative Assembly, residing within the limits of said corporation, shall meet at some convenient place within the same, on the first Saturday of April next, and on the first Saturday of April annually thereafter, at such place in said town as the town council shall direct, and then and there proceed to elect, by ballot, a Mayor, Recorder, and five Trustees, who shall have the qualifications of electors, and reside within the limits of the corporation; and the mayor, recorder, and trustees, so elected, shall hold their offices one year, and until their successors are elected and qualified: *Provided,* That a failure to elect on said day shall not forfeit the charter, but an election may be had on any succeeding day, by giving due notice.

Proviso.

At first election judges and clerk to be chosen. SEC. 3. That at the first election to be held under this act, two judges and a clerk shall be chosen, *viva voce*, by the electors present, and at all subsequent elections the mayor, or any two of the trustees, shall sit as judges, and the recorder, or in his absence, some one of the council, *pro tempore*, shall sit as clerk, and at all such elections the polls shall be opened between the hours of one and two in the afternoon, and close by the hour of four the same afternoon, and at the close of the polls the votes shall be counted, and a statement thereof proclaimed at the door of the house in which the election shall be held; and the persons elected shall, within ten days after their election, take an oath to support the constitution and laws of the United States, and of this Territory, and an oath of office, a certificate of which

How future elections to be conducted.**Oath to be taken by the persons elected.**

shall be deposited with the recorder, and by him preserved.

SEC. 4. The mayor, recorder, and trustees of said town shall be a body politic and corporate, with perpetual succession, to be known by the name of the "Town of Davenport;" and shall be capable in law to acquire property, real and personal, for the use of said town, and sell and convey the same; may have a common seal, and may alter the same at pleasure; may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this Territory; and when any suit shall be commenced against said corporation, the first process shall be a summons, a certified copy of which shall be left with the recorder, and, in his absence, with the mayor, at least ten days previous to the return day thereof.

SEC. 5. That the mayor, recorder, and trustees, or a majority thereof, of whom the mayor or recorder shall always be one, shall have authority to make, ordain, and publish all by-laws and ordinances, not inconsistent with the constitution and laws of the United States, or of this Territory, as they shall deem necessary and proper for the promotion of morality, as well as for the good regulation, interest, safety, health, cleanliness, and conveniences of said town and the citizens thereof; they shall have power to fill all vacancies that may happen by death, or otherwise, of any of the offices herein named; they shall also have power to appoint a treasurer, marshal, and such other subordinate officers as they may deem needful, to prescribe their duties, and require surety for their performance, to remove them at pleasure, and to establish the fees of all officers in the corporation not established by this act; they shall have power to impose fines for the breach of their ordinances, but no fine shall be imposed on any one person, for any one breach of any one ordinance, of more than ten dollars, which fine may be recovered, with costs, before a justice of the peace, by action of debt, in the name of the corporation. All fines collected in pursuance of this act shall, by the officer collecting the same, be paid over to the Treasurer of the corporation.

SEC. 6. It shall be the duty of the recorder to keep a true record of the by-laws and ordinances, and of the proceedings of the council, which record shall be at all times kept open for the inspection of the electors of said town, and the recorder shall preside at all meetings in the absence of the mayor.

Power to levy taxes.

SEC. 7. That the town council shall have power to assess, for corporation purposes, an annual tax on all property in said town, made subject to taxation by the laws of this Territory, for Territorial and county purposes, not exceeding in any one year one per centum on the value thereof, which value shall be ascertained by an assessor, appointed by the town council for that purpose, a duplicate of which shall be made out and signed by the recorder, and delivered to the collector; they shall have power to equalize any injudicious assessment thus made, on complaint of the person aggrieved.

Limitation.

Marshal to be collector.

SEC. 8. That the town marshal shall be the collector of any tax assessed, and he is hereby authorized and required, by distress and sale of property, as constables on execution, to collect and pay over said tax to the treasurer, within three months after the time of receiving the duplicate thereof, and the treasurer's receipt shall be his voucher. The town marshal shall make personal demand of every resident charged with tax, and shall give ten day's notice, by advertisement, in three of the most public places in said corporation, of any tax; and if the tax on any lot or piece of land, on which no personal property can be found, shall remain unpaid three months after the expiration of the time by this act allowed the collector for the collection of the tax, then the town marshal shall give notice in the nearest newspaper, stating the amount of such tax, and the number of the lot on which it is due, and that the same will be sold to discharge such tax, unless the payment thereof be made within three months from the date of such advertisement; and if such tax be not paid within that time, the town marshal, after giving thirty days' notice of the time and place of sale, at three of the most public places in said town, shall proceed to sell, at public auction, so much of said lot or piece of land as will discharge said tax.

After public notice given, lots may be sold for the tax due thereon.

May be redeemed within two years.

SEC. 9. That if the owner of such lot or piece of land shall appear, at any time within two years after such sale, and pay the purchase money, with interest, and twelve per centum penalty thereon, he shall be entitled to the right of redemption: *Provided*, That nothing in the two preceding sections shall affect the right of others, in law or equity, to the benefit of the right of redemption, when they shall arrive at full age.

Certified account of the an-

SEC. 10. Twenty days before each annual election, the town council shall put up, in some conspicuous

place within said town, an accurate account of the moneys received and expended by said corporation since the last annual election, with the sources from which they were derived, and the objects on which they were expended, which shall be certified by the recorder.

SEC. 11. The said corporation shall have power to regulate and improve all streets, alleys, sidewalks, drains, or sewers, to sink and keep in repair public wells, remove nuisances, and regulate markets, to grant licenses for retailing ardent spirits within the limits of said corporation, and to appropriate the proceeds of such licenses for the benefit of the town; they shall have power to license and regulate, or prohibit, all shows and public exhibitions: *Provided*, however, That the power hereby granted shall not be so construed as to conflict with the general laws of this Territory, regulating taverns and licenses for retailing ardent spirits.

SEC. 12. That said council shall have power to establish and organize a fire department, to procure an engine, hose, hooks, ladders, and other implements of use in the arrest and extinguishment of fire.

SEC. 13. That the by-laws and ordinances of said corporation shall be published in a newspaper in the county, or posted up in some public place in said town, fifteen days before the taking effect thereof; and the certificate of the recorder upon the town record shall be sufficient evidence of the same having been done. And every annual election, herein authorized, shall be preceded by five days' notice thereof, put up in three public places in said town.

SEC. 14. That the streets and alleys of said town shall constitute one road district, including the several roads leading from said town to the distance of one mile from the corporation limits; and the town council shall have the exclusive right of appointing the supervisor for said district, who in every respect shall act as though appointed by the county commissioners.

SEC. 15. That the mayor, or a majority of the councillors, may call a meeting of the town council whenever, in his or their opinion, the same may be necessary. The mayor and trustees shall receive no compensation, unless the same shall be authorized by the inhabitants, in legal meeting assembled.

SEC. 16. Any future legislature may alter, amend, or repeal this act.

APPROVED, January 25, 1839.

INCORPORATIONS.

AN ACT to incorporate the Iowa Mutual Fire Insurance Company.

- Company in-
corporated.** SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Isaac Leffler, James Cameron, Amos Ladd, Thomas Cooper, George H. Beeler, David Rorer, Jeremiah Lamson, Jesse B. Weber, S. S. Ransom, William H. Starr, David Hendershott, William M. Devoe, George W. Kelley, William S. Edgar, Thomas S. Easton, Nehemiah Chase, Enos Lowe, Jesse B. Browne, George W. Hepner, L. B. Hughes, Thomas M. Isett, Alexander C. Donaldson, Joseph T. Fales, James Hall, and Thomas Cox, and all other persons who may hereafter become members of said company in the manner hereinafter prescribed, are hereby incorporated and made a body politic, by the name of "The Iowa Mutual Fire Insurance Company."
- Object of the
incorporation.** SEC. 2. The object of said incorporation being to afford the members thereof the means of mutually insuring each other against loss by fire, the company, in its corporate name aforesaid, is hereby endowed with all the powers, and made subject to all the liabilities, which are necessary and proper in order to secure that object as herein authorized.
- Powers.** SEC. 3. They may become a party to suits, may purchase and hold such real and personal estate as may be necessary in order to effect the objects of their association, and may sell and convey the same at pleasure, may establish and put in execution such ordinances, by-laws, and regulations, not being contrary to the laws of this Territory, as may seem necessary or convenient for their regulation and government, and for the management of their affairs, and may have a common seal, which they may change at pleasure.
- Persons insur-
ed to be deem-
ed members.** SEC. 4. Every person who shall at any time become interested in said company by insuring therein, and also their representatives, heirs, executors, administrators, and assigns, continuing to be insured therein as hereinafter provided, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.
- Board of direc-
tors.** SEC. 5. The affairs of said company shall be managed and controlled by a board of twenty-five directors, and the persons named in the first section of this act

shall be the first directors. Their successors shall be annually elected in the manner hereinafter prescribed, and it shall be competent for any set of directors to increase or diminish the number that shall be elected on the ensuing year.

SEC. 6. Each set of directors shall continue in office until their successors are elected. All vacancies happening in said board may be filled by the remaining members until the next annual election.

SEC. 7. A majority of the directors shall constitute a quorum for the transaction of business. They may elect a president, and a first and second vice president, from among their own number. They may also, from time to time, appoint a secretary, treasurer, and such other officers, agents, and assistants, as they may deem necessary; may prescribe their duties, fix their compensation, take security from them for the faithful performance of their duty, as they may deem proper, and may remove them at pleasure.

SEC. 8. In the absence or inability of the president to perform his duties, the first vice president shall act in his stead; and if he, for like reasons, is incapable to discharge his functions, the second vice president shall officiate.

SEC. 9. The directors shall meet at such times and places as they may think proper. They shall keep a record of their proceedings, and any director, disagreeing with the majority of the board at any meeting, may enter his dissent, with the reasons therefor, on such record.

SEC. 10. The first election of directors shall take place on the fourth Saturday of October, A. D. 1839, at such place, in the city of Burlington, as the directors shall provide. Thereafter the annual elections shall be held at such place within this Territory, and at such time, not less than ten, nor more than fourteen months from the last annual election, as the directors shall appoint.

SEC. 11. Notice of such election, stating the time and place thereof, and the number of directors to be elected, shall be given by the secretary, by publication for three weeks successively, in at least two newspapers printed in the Territory, but in different counties thereof, the last of which publications shall be at least ten days previous to such election.

SEC. 12. Should the secretary fail to give such notice, or if for any other cause an election should

To be annually elected.

May fill vacancies.

Quorum.
President and Vice-Presidents.
Secretary and treasurer.

If president absent, vice-president to officiate.

Meetings and record of proceedings.

When directors to be elected.

Secretary to give notice.

Failing to give such notice,

&c., another day may be fixed,

not be held at the proper time, the directors may fix upon another day for the said election, not more than two months subsequent to that previously fixed, and the secretary shall accordingly give notice thereof as above directed.

Persons entitled to vote.

SEC. 13. Any person, who shall have an existing insurance in such company to the amount of one hundred dollars, or upwards, shall be entitled to vote at such election, the mode of conducting which shall be prescribed by the directors.

Before delivery of the policy, note to be deposited.

SEC. 14. Every person, who shall wish to effect insurance in said company, shall, before he receives his policy, deposit his promissory note with the treasurer for such sum of money as shall be determined by the directors.

What part thereof to be immediately paid.

SEC. 15. A part, not exceeding five per cent. of the amount of such note, shall be immediately paid, and the remainder of said deposit note shall be payable in part, or in whole, at any time when the directors shall deem the same requisite for the payment of losses, or other expenses.

When such note may be relinquished.

SEC. 16. At the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof, or his representatives.

Liability of members.

SEC. 17. Every member of said company, as aforesaid, shall be bound to pay his proportion of all losses happening, or expenses accruing in said company, to the amount of his premium note.

Lien on property insured.

SEC. 18. All buildings insured in said company, together with the right, title, and interest of the assured to the lands on which they stand, to the extent of one building lot if in town, or of one acre if in the country, shall be pledged to said company by the fact of such insurance; and the said company shall have a lien thereon, for the proportion of losses and expenses that may accrue against the assured, during the continuance of his policy.

Notice of any loss or damage by fire.

SEC. 19. In case of any loss or damage by fire happening to any member, upon property insured in said company, notice thereof shall be given, in writing, to the directors, or some one of them, or to the secretary of the company, within thirty days from the time such loss or damage may have happened, in order to entitle the assured to compensation for his loss.

SEC. 20. The directors shall provide the manner of ascertaining and determining the amount of such loss or damage, which shall be paid accordingly. If the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring his action at law against the company.

Amount of loss.

Reference, or action at law.

SEC. 21. Such action may be brought either in the county where the secretary of the company shall hold his office, or in the county where the property insured was situated, and the summons may be served upon the secretary, or either of the directors of the company.

Where such action may be brought.

SEC. 22. If, upon such trial, a greater sum shall be recovered than the amount determined upon by the directors as aforesaid, the plaintiff shall have judgment therefor, with interest and costs of suit; but if no more be recovered than the amount aforesaid, costs shall be awarded against the plaintiff.

Judgment and costs.

SEC. 23. After the amount to be paid to the assured shall have been finally fixed, the directors may at any time settle and determine the proportions to be paid by the several members of the company, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed.

Sum to be paid the assured, and notice thereof to members.

SEC. 24. If any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him as aforesaid, the directors may sue for and recover the whole amount of his deposit note, with costs of suit.

Of falling to pay, directors may sue and recover.

SEC. 25. The money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

Money thus collected, how disposed of.

SEC. 26. Any policy of insurance, signed by the president, and countersigned by the secretary, shall be deemed valid and binding on said company in all cases where the assured had a title in fee simple, unincumbered, to the buildings insured, and to the lands on which they stand; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the assured, and the incumbrances of the premises, be expressed in the application therefor.

Validity of the policy.

In what case to be void.

Further terms
may be fixed.

SEC. 27. The preceding section shall not be construed to prevent the directors from fixing further terms and conditions, which must be complied with by the person applying for insurance, in order to secure the validity of his policy.

Losses to be
paid within
three months.

SEC. 28. The directors shall settle and pay all losses within three months after they shall have been notified as aforesaid, or suit may be commenced therefor, as above provided.

If any house,
&c., alienated,
policy to be
surrendered.

SEC. 29. When any house, or other building, shall be alienated by sale, or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposit notes, upon the payment of his proportion of all losses and expenses that shall have accrued prior to such surrender. But if the grantee or alienee shall have the policy assigned to him, he may have the same ratified and confirmed to him, for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation; and the lien of the company upon the premises, as provided for in section eighteen, shall be continued in the same manner as though the premises had not been granted or conveyed.

Or it may be
assigned to
alienee.

Privileges and
liabilities of
alienee.

SEC. 30. By the ratification and confirmation mentioned in the last preceding section, the said grantee or alienee shall be entitled to all the privileges, and subject to all the liabilities, to which the original party insured was entitled and subjected under this act.

In what case
additional pre-
mium to be
paid.

SEC. 31. If any alteration should be made in any house or building by the proprietor thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then the insurance aforesaid shall be void, unless an additional premium and deposit, after such alteration, be settled with, and paid to, the directors; but no alterations or repairs in buildings, not increasing such risk or hazard, shall in anywise effect insurance previously made thereon.

Double insur-
ance.

SEC. 32. If insurance on any property shall be and subsist in said company and in any other office, or from or by any other person, at the same time, the insurance made in and by said company shall be void, unless such double insurance subsists with the consent of the directors, signified by endorsement

on the back of the policy, signed by the president and secretary.

SEC. 33. Where personal property is to be insured, the directors may require such security, on the premium note aforesaid, as they shall by their regulations determine. Insurance on personal property.

SEC. 34. Conveyances of real estate, when made by the company, must, in order to be valid, be signed by the president, with the seal of the company affixed, and countersigned by the secretary. An order for such sale must also have been entered on the records of the company by the authority of the directors. The acknowledgment of the president alone shall be sufficient to entitle such conveyance to be recorded. Conveyances by the company.

SEC. 35. No policy shall be issued by the company, until applications for insurance shall have been made to the amount of at least thirty thousand dollars. No policy to issue till \$30,000 subscribed.

SEC. 36. The first meeting of the board of directors may be called by any one of their number, by advertisement in the Burlington Gazette, or by sending personal notice to each of the other directors. Such advertisement or notice must be made at least ten days previous to the day of meeting, and must specify the time and place where such meeting shall be held. First meeting of directors.

SEC. 37. Any future legislature of this Territory, or State, may alter or repeal this act whenever they consider the public good requires it. This act may be altered or repealed.

APPROVED, January 25, 1839.

INDIANS.

AN ACT to prevent the selling of spirituous liquors to Indians.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That if any tavern keeper, grocery keeper, or other person, or persons, shall sell, or barter, or in any manner dispose of, any spirituous liquor, or any other liquor of intoxicating quality, to any Indian or Indians, within this Territory, such person, or persons, shall forfeit and pay, for the use of the county, a fine not exceeding one hundred dollars, nor less than twenty-five dollars, to be recovered, with costs of suit, by action of debt, in the name of the United States of America, Persons selling, bartering, &c., spirituous liquors to Indians. To be fined, And forfeit the articles received in exchange.