

SEC. 4. Compensation of commissioners, surveyor, etc.—proviso. That each of the several commissioners named in the foregoing sections, together with each of the surveyors, chain carriers and markers, employed by them, shall receive for their services each day they may be necessarily employed in the discharge of the duties enjoined by this act, the following sums, to-wit: commissioners two dollars; surveyors two dollars and fifty cents; chain carriers one dollar and fifty cents; which several sums shall be paid according to the provisions of an act for laying out and opening territorial roads: provided, that Ross M'Cloud, one of the commissioners appointed by the first section of this act, shall receive three dollars per day, if he perform the duties of surveyor, in addition to those of commissioner.

Approved January 13, 1841.

CHAPTER 63.

AN ACT to charter the Ellenborough Immigration and Ferry Company.

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

SECTION 1. Ellenborough incorporated. That the town of Iowa, near the mouth of Pine river, in Muscatine county, shall hereafter be known and designated by the name of Ellenborough.

[54] **SEC. 2. Name and style of company—charter for thirty years—powers.** That Albert Miller Lea, and all other persons hereafter becoming members of the Ellenborough Immigration and Ferry company, in the manner hereinafter mentioned, their successors and assigns, shall be and are hereby made a corporation and body politic by the name and style of the "Ellenborough Immigration and Ferry company," and by that name shall and may have continuous succession for thirty years from and after the passage of this act, and be capable in law of purchasing, holding, improving and disposing of property, real, personal, and mixed, for the purposes herein authorized; and may sue and be sued in all courts of law and equity, and may receive and make all deeds, conveyances and bargains whatsoever, necessary for said purposes; and generally may do every other act or thing necessary to carry into effect the provisions of this act.

SEC. 3. A. M. Lea to receive subscriptions to stock, not exceeding two thousand shares, etc.—powers conferred on A. M. Lea. That the said Albert Miller Lea shall be authorized to receive subscriptions, from time to time, to the capital stock of said company, in shares of one hundred dollars each, to any amount not exceeding two thousand shares; and every person or corporation who shall become a holder or entitled to one or more shares of said stock, shall thereby become a member of the company hereby incorporated; and until the number of stockholders shall exceed five, and an election of trustees shall have been made as hereinafter provided, the said Albert Miller Lea, together with the other actual stockholders or a majority of them, shall exercise all the corporate powers of the said company, in the same manner as the aforesaid trustees, when elected, are authorized to do by this charter.

SEC. 4. Election of trustees, and their powers—vacancies, etc. That the members of said company, after their number shall exceed five, shall, annually, at such time and place, and in such manner as may be prescribed by the regulations of said company, elect from the stockholders of said company three trustees, who shall have the sole management of the property, stock and concerns of said company, during their term of service, and who shall

choose one of their number or one of the stockholders to be the president of the said company; if any vacancy shall happen in the board of trustees by death, resignation, or otherwise, such vacancy shall be filled during the remainder of the time by such person as the remainder of the board may appoint; and in case it shall happen that an election of trustees shall not be made on the day when by this charter it ought to have been made, the corporation shall not, for that reason, or for any non-user, be deemed dissolved; but it shall be lawful to hold an election of trustees on any other day that may be authorized by the by-laws or by the trustees last elected, who shall hold their places until others shall be chosen.

SEC. 5. Objects of company. That the objects for which the company aforesaid is incorporated, are the establishment of a ferry across the Mississippi river, and the improvement of any lands and appurtenances which may belong to the said company, and the encouragement of immigration and settlement on the same.

SEC. 6. Ferry authorized—limits of same—proviso—ib. That the said company, their successors and assigns, be and they are hereby authorized to establish a ferry across the Mis-[55]-sissippi river, at the town of Ellenborough aforesaid, within the following limits: embracing the front of section twenty-two, township seventy-seven north, and range one east of fifth principal meridian, (on which said town is situated,) and extending one mile up and down the river therefrom; and that the said company have the exclusive privilege of ferrying within the limits just stated: provided, that the said company shall, within two years from the passage of this act, construct a road or canal across the island opposite to said town of Ellenborough, and shall prepare and keep all boats and hands necessary for the convenient and speedy transportation of passengers and property across said river: and provided further, that the said ferry shall be subject to the general laws regulating ferries in this territory.

SEC. 7. Further powers of company. That the said company shall be and are hereby authorized to improve any lands and appurtenances which shall belong to said company, by laying out such lands into lots, streets, and other divisions, and erecting thereon such structures and improvements as may be deemed necessary or convenient; and letting, selling or granting on conditions, or using any lots or other portion of said lands for mining, agricultural or manufacturing purposes.

SEC. 8. Authority to make by-laws, etc.—proviso. That the stockholders, at any general meeting, or at any special meeting, called in such manner as the by-laws may prescribe, at which the holder of a majority of the whole number of shares of stock may be present or represented, shall have power to alter or repeal any by-laws, made by the president and trustees; and also, to make such new by-laws, rules and regulations, as the holders of a majority of the whole number of shares of stock may assent to, which shall be binding on the president and trustees: provided, that such by-laws shall not be contrary to any of the provisions of this charter, or to the laws of this territory, or of the United States.

SEC. 9. Penalty for mal-conduct of officers, etc.—personal property liable, etc. That the president and trustees of said company, for any fraudulent administration of its officers, calculated or designed to injure the just rights of any of its creditors or stockholders, shall be deemed guilty of a misdemeanor, and upon conviction thereof they or either of them shall be subject to fine and imprisonment as by law in like cases provided; and shall, in addition thereto, be made liable in person and property, for all liabilities of the company affected by such fraudulent administration.

SEC. 10. Power to repeal, amend, etc., reserved. That upon conviction by a jury of any court of law of a violation by said company of any of the provisions of this charter, it shall be competent for the legislative assembly of the territory of Iowa, at its next session thereafter, to alter, amend or repeal, all or any part of this charter.

Approved January 14, 1841.

[56] CHAPTER 64.

AN ACT to locate the seat of justice of Clinton County.

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

SECTION 1. Names of commissioners. That William Miller, of Cedar county, Andrew F. Russell, of Scott county, and William A. Warren, of Jackson county, be and they are hereby appointed commissioners to re-locate the seat of justice of Clinton county.

SEC. 2. When and where commissioners to meet—location at geographical centre. It shall be the duty of said commissioners to meet at the house of Abraham Folcks, in Clear Creek precinct, in said county, on some day within six months from the date of this act, and proceed to locate said seat of justice as near the geographical centre of said county as a good and suitable situation, convenient to wood and water, can be found, having reference to the welfare and convenience of the present and future population of said county.

SEC. 3. Oath to be taken—form of oath. The commissioners aforesaid shall, before entering upon their duties as commissioners, take and subscribe, before some justice of the peace, the following oath or affirmation, to-wit: "We, the commissioners to locate the seat of justice of Clinton county, do solemnly swear (or affirm, as the case may be,) that we will perform the duties imposed upon us by our appointment, honestly and faithfully, according to the best of our abilities, and according to the law relative to locating said seat of justice; and we do further swear, that we are not directly or indirectly interested in said location, and that in locating said seat of justice we will act without the slightest partiality towards any person or persons, without bias from fear, favor or recompense, or the hope of any gain or advantage to ourselves in any respect whatever."

SEC. 4. County seat to be named by commissioners, etc. That so soon as said commissioners shall have determined upon the place where said seat of justice shall be located, it shall be the duty of said commissioners to name it by such name as they may think proper, and agreeable to the wishes of the citizens of said county; and they shall forthwith commit their proceedings to writing, and sign the same, and file them in the office of the clerk of the district court of said county, whose duty it shall be to record the same in the record book.

SEC. 5. Compensation of commissioners. That said commissioners shall each receive three dollars per day for the time they are actually employed in the location of said seat of justice, not exceeding ten days, and three dollars for every twenty-five miles travel going to and returning from the aforesaid place of meeting to their place of residence; said compensation to be paid out of the treasury of Clinton county, by order from the board of county commissioners.

SEC. 6. Of vacancies. That in case of vacancy by death, or otherwise, in said board of commissioners for locating the seat of justice, it shall be the