

treble the amount of damages the owners may have sustained, and be imprisoned at the discretion of the court.

SEC. 4. Dam not to flow other lands without consent of owners—nuisances must be removed. That nothing in this act contained, shall authorize said [56] company to enter upon or flow the lands of any person, without the consent of such person, and said company shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of citizens in its vicinity.

SEC. 5. Notice for meeting of members for election of officers—power to make by-laws, proviso. That any member of said company, may at any time within one year from the passage of this act, by giving at least thirty days' previous notice, call a meeting of its members, 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 its government, and such arrangements for the management and conduct of its business, as a majority of them may deem right and proper: provided, the same do not conflict with the laws of the United States and of this territory and future State of Iowa.

SEC. 6. Division of shares—aggregate amount of same not to exceed \$40,000. That the capital stock of said company shall be divided into shares of one hundred dollars each, and as many such shares may be created as the company may direct: provided, they do not in the aggregate exceed the sum of forty thousand dollars.

SEC. 7. Act may be amended or repealed—personal liability of stockholders for debts of company. That the legislature of the territory of Iowa, or state of Iowa, may at any time alter, amend or repeal this act. Each member of the Washington Manufacturing Company aforesaid, shall be personally liable for the payment of all debts due from the company.

SEC. 8. Dam obstructing navigation, privileges to be forfeited thereby. That said company shall, by said dam, in no case obstruct the free passage of any steam boat, flat boat, keel boat, or other water-craft, free of charge. In case of any violation of the above provisions, said company shall be liable to the owner or owners of any boat or water-craft, so obstructed, for damages in treble the amount sustained by such owner or owners.

SEC. 9. Certain sections of original act repealed. That in case said dam shall be found to present obstructions to the navigation of said river, then the privileges conferred by the provisions of this act, shall cease and be forfeited.

SEC. 10. That the third section of the act, to which this is amendatory, together with so much of the provisions of said act as contravenes the provisions of this act, be and the same are hereby repealed.

SEC. 11. That this act shall take effect and be in force from and after its passage.

Approved, 13th February, 1843.

[57] CHAPTER 59.

DENMARK ACADEMY.

AN ACT to incorporate an Academy in Denmark, Lee county.

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

SECTION 1. Name and style of association—names of corporators—made trustees, with term of office. That there shall be and hereby is estab-

lished in the town of Denmark, in Lee county, a literary institution for the purpose of instructing youth of both sexes in science and literature, to be called the Denmark Academy, and that Isaac Field, Reuben Brackett, Oliver Brooks, Hartwell J. Taylor and Asa Turner, Jr., and their successors, are hereby declared a body politic and corporate, in law, by the name and style of the trustees of the Denmark Academy, to hold their office for one year from the first Monday in March next, or till others shall be duly elected to succeed them in the manner hereinafter provided.

SEC. 2. Power to acquire and sell property—to sue and be sued, to use a seal. And the corporation before named, shall have perpetual succession and power to acquire, possess, 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.

SEC. 3. Donations of property by certain individuals in Denmark to constitute stock—same to be sold and the interest of the fund arising therefrom to be used—amount of shares, made transferable—amount of income limited. That the stock of said academy shall consist first of the donation made by Timothy Fox, Lewis Epps, William Brown, and Curtis Shedd, proprietors of the town of Denmark, to-wit: one-half of all the lots in said town of Denmark, the amount arising from the sale of [58] which shall forever remain as a permanent fund, and the interest only be used, and in consideration of said donation the said proprietors shall be considered as holding three shares each in the stock of the said academy; second shares of twenty-five 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) shall not exceed three thousand dollars, and that its fund, privileges and immunities shall be used for no other purpose whatever than education.

SEC. 4. Board of trustees elected—time and manner of, and term of office—election of president and power of same—time for so doing may be altered by notice. The corporate concerns of said academy shall be managed by a board of trustees consisting of five members, and three of whom shall constitute a quorum for the transaction of business; said board shall be elected by the stockholders on the first Monday in March, annually, and shall hold their office 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 each share by him owned to the amount of five shares, and one vote for every additional three shares. Any stockholder may vote in person or by proxy. Said trustees shall elect one of their number to be president of their board, and shall have power to fill all vacancies in their own body that may occur between their annual election. If any election of trustees shall not be made on the day designated by this act, such election shall be held on any other day, provided a notice of time and place of holding such an election, signed by the stockholders, be posted at two of the most public places in the town of Denmark, at least ten days before said election.

SEC. 5. Power to appoint subordinates, to establish ordinances, proviso—power to trustees to convey property—manner of doing so. The board of trustees shall have power to appoint subordinate officers and agents, to make, ordain and establish such ordinances, rules and regulations as they may deem necessary for the good government of said academy, its officers, teachers and pupils, and for the management of the property and affairs of the said corporation to the best advantage; provided, they shall not contravene any of 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.

SEC. 7. That this act shall be in force and take effect from and after its passage.

Approved, 3d February, 1843.

[59] CHAPTER 60.

DAM.

AN ACT to authorize Robert McKee and Ovid Grennell to construct a dam part way across the Des Moines river.

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

SECTION 1. **Robert McKee and Ovid Grennell, to erect a dam across the Des Moines river—location, dimensions of dam and lock—boats to pass free of toll.** That Robert McKee and Ovid Grennell, be and they are hereby authorized to construct a dam across the Des Moines river, so far as the jurisdiction of the territory of Iowa extends, opposite the town of St. Francisville, in the state of Missouri: provided, that they shall first erect a good and sufficient lock, one hundred and thirty feet in length, and thirty-five feet in width, for the purpose of letting steam boats, keel boats, rafts and other water-crafts, through said dam safe, without delay, toll free; said dam shall not exceed five feet high, above low water mark.

SEC. 2. **Height of dam and lock—to be kept in good repair—time of completion.** It shall be the duty of the said Robert McKee and Ovid Grennell to keep said dam and lock, at all times, in good repair, and to let all boats, rafts, and other water-crafts, through, without delay, free of toll; said dam shall be completed within two years from the passage of this act.

SEC. 3. **Penalty for detention of boats—penalty for trespass upon dam.** Any person who shall be unnecessarily delayed by reason of said dam, shall be entitled to recover, from the persons named in this act, in any court having competent jurisdiction of the same, the amount of damage they may prove to have sustained by reason of such detention.

SEC. 4. **Imprisonment as for misdemeanor.** Any person who shall destroy, or in any wise injure, 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 [60] destroy or injure said dam or lock, 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. **Not to overflow other lands without the consent of owners—nuisances must be removed.** Nothing in this act shall be so construed as to authorize the persons, named in this act, to enter upon and flow the lands of any person, without the consent of the owner. And they shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity.

SEC. 6. This act to take effect and be in force from and after its passage.

Approved, 13th February, 1843.