

CHAPTER 57.

. ROAD.

AN ACT to locate a territorial road from Wapello, in Louisa county, to Augusta, in Des Moines county.

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

SECTION 1. **Commissioners to locate road; where to commence and route of.** That Thomas Stoddard and Merit Jamison, of Louisa county, and James Bridges, of Des Moines county, be and they are hereby appointed commissioners to locate and mark a terri- [75] torial road, commencing at Wapello, in Louisa county; thence running in a south direction to the N. E. corner of N. W. quarter of section 32, township 73 N., range 3 west; thence to Buffalo Springs; thence on the east side of Linn Grove, via Archer's Point, to Augusta, in Des Moines county.

SEC. 2. **Commissioners where and when to meet; how to proceed in discharge of duties, counties of Louisa and Des Moines not bear any part of expenses.** That said commissioners, or a majority of them, shall meet at Wapello on the second Monday of April next, or as soon thereafter as convenient, and shall proceed to locate said road according to the provisions of an act to provide for laying out and opening territorial roads, approved December 29th, 1838; provided, that the counties of Louisa and Des Moines shall not be charged with any of the expenses for locating and marking the road aforesaid.

Approved, 27th January, 1844.

CHAPTER 58.

BURLINGTON UNIVERSITY.

AN ACT to incorporate the Burlington University.

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

SECTION 1. **To be located at Yellow Springs; object of, name and style of.** That there be erected and established at Yellow Springs, in the county of Des Moines, a college for the purpose of educating youth, to be called and known by the name of "Burlington University," which shall be under the government and regulation of a body politic and corporate as hereafter in this act is provided.

SEC. 2. **Board of regents, number of; first board.** That the corporate powers shall be and are hereby vested in a board of regents, to consist of a number not less than five nor more than seven, and that the president of the college shall *ex-officio* be a member and chairman of said board, which board shall have power from time to time to fill all vacancies in their bodies; and that E. Carter Hutchinson, John Withers, Edward Berry, George W. Sill and John A. Harrison, shall be the first members of said board.

SEC. 3. **General powers of, how used and exercised; quorum.** That the said board of regents, and their successors forever, shall have full power and authority to appoint all such officers and servants as they shall judge convenient and useful, to displace the same, and to declare the tenures, duties

and emoluments, of their respective offices; to remove a regent for any cause which a majority of the whole number may deem sufficient; to define the qualifications of a regent; to enact and enforce by reasonable penalties or otherwise all such statutes and ordinances as they shall deem expedient, as well for [76] the better management of the revenues and proprietary interests of the college, as for the advancement of science, learning and piety, so that the same be not repugnant to the laws of the land; to establish different departments; to confer degrees and distinguish merit by such literary honors and rewards as they may judge proper, and generally to possess and enjoy all those powers, rights and privileges, usually exercised by universities: provided, that no corporate business shall be transacted at any meeting unless three members are present, which number shall be a quorum.

SEC. 4. Seal, contracts how made. That said corporation shall have a common seal, with some distinctive device and inscription; and all deeds or other instruments signed and delivered by the president of the college, and sealed with said common seal, by order of the board, shall be in law the act of said corporation. Said corporation may contract and be contracted with, and may sue and be sued by said corporate name, in all actions, real, personal or mixed; may receive and hold by gift, grant, devise or otherwise, any lands, tenements and hereditaments, money, rents, goods, chattels and effects, which are given, granted, or devised to, or purchased by said regents, for the use of said college; and may sell, mortgage, lease, or dispose of the same, in such manner as may be judged most expedient for the promotion of the interest of said college.

SEC. 5. Funds of, how and for what purpose applied. That the property and funds of said institution shall be appropriated by the board to the endowment and support of said college, in such manner as shall most effectually promote sound learning, virtue and piety: provided, that no property or funds, given for a specific purpose, shall be appropriated in behalf of any objects other than those intended by the donor.

SEC. 6. First meeting by whom called, notice how given. That the person first named in this corporation be and he is hereby authorized to fix the time and place for holding the first meeting of the said corporation, of which he shall give notice in writing to each of the regents at least ten days previous thereto.

SEC. 7. Time of taking effect. This act shall take effect and be in force from and after its passage.

Approved, 29th January, 1844.

CHAPTER 59.

COMMON SCHOOL ASSOCIATION.

AN ACT to incorporate the Henry county Common School Association.

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

SECTION 1. Name and style of school; may sue and be sued; may hold and sell property—amount limited. That John B. Crawford, George W. Carson, Wm. C. Johnson, R. M. Clark, John Pencil, Wilkinson Grant, Linus [77] Fairchild, Thomas Grant, and their associates, together with such as may associate with them, be and they are hereby created a body corporate and politic,