

CHAPTER 40.

TERRITORIAL ROAD.

AN ACT to establish a territorial road from Marion, in Linn county, to the Indian boundary, in a direct line to Fort Atkinson.

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

SECTION 1. Appoints commissioners to lay out road from Marion to Indian boundary. That Alexander Niven, of Linn county; Malcolm M. Bane, of the county of Buchanan; and S. W. Durham, of the county of Linn, be, and they are hereby appointed commissioners to view, mark, lay out and establish a territorial road commencing at Marion in the county of Linn—from thence, the nearest and best route, to Niven's Grove—thence the nearest and best route to Quasqueton, in the county of Buchanan—then to the centre of said county—thence the nearest and best route, to the boundary line, in a direct route to Fort Atkinson.

SEC. 2. Commissioners to meet at Marion, June 15, 1845. Said commissioners or a majority of them, shall meet at Marion, in Linn county, on the fifteenth day of June 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.

[61] **SEC. 3. [Compensation to commissioners, surveyor, etc.]** That the commissioners, chain-carriers and other hands employed to locate said road, shall each receive such compensation for their services as is now allowed by law for similar services in laying out county roads: provided, that if the said S. W. Durham shall perform the duties of surveyor of said road in addition to his duties as commissioner, that he shall receive the compensation for surveyor in addition to his compensation as commissioner of said road.

SEC. 4. This act takes effect after passage. This act to take effect and be in force from and after its passage.

Approved, 29th May, 1845.

CHAPTER 41.

UNIVERSITY OF IOWA CITY.

AN ACT to incorporate the University of Iowa.

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

SECTION 1. Name of university—under direction of thirty regents. That a seminary of learning shall be, and the same is, hereby established in Iowa City or vicinity thereof to be known by the name and style of the 'Iowa City University;' which shall be founded and maintained forever on the most liberal principles being equally accessible to students of all religious denominations who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said college or university, according to their merit; and said university shall be under the direction of thirty regents (in addition to those who are regents *ex officio*) to-wit: Smylie

H. Bonham, Charles R. Fisk, H. D. Downey, William K. Talbot, James Robinson, Robert Gower, A. H. Davenport, Edward E. Fay, Morgan Reno, Edward Johnson, G. W. Jeffries, A. B. Robbins, James Clark, M. D. Talbot, John McConnell, E. B. Turner, Josiah H. Bonney, Joseph B. Teas, William Patterson, Moses Beers, George S. Hampton, Joseph B. Davis, E. Metcalf, F. Springer, R. F. Shinn, William Abbe, Thomas S. Wilson, John Brophy and G. H. Walworth: provided, that noth- [62] ing herein contained shall be so construed as to grant to said university any interest in or to any lands which have heretofore been granted to the territory or state of Iowa for literary purposes.

SEC. 2. Regents a body politic, with perpetual succession—they may appoint officers, &c. That said trustees by the name of the regents of the university of Iowa, shall be a body politic and corporate, and as such forever exist; who, with their successors, shall be regents of said university to hold their office till the first Monday in March, A. D. one thousand, eight hundred and forty-six, and shall hold their first meeting at the capitol on the first Monday in June, A. D. 1845; and they shall have perpetual succession, and power to acquire, possess, retain and enjoy, mixed, personal and real property, 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 any court of law or equity; and the said regents and their successors shall have authority to make use of a common seal, and the same to change, alter or renew at pleasure: and shall have power to appoint all subordinate officers, agents, visitors and instructors; ordain and establish such by-laws, ordinances, rules and regulations, as they may deem necessary for the locating and establishment and prosperity of the university: provided, they do not contravene the laws of this territory or of the United States.

SEC. 3. Election first Monday in March. The first board of regents of the university chosen by the stockholders to fill the places of those appointed by the legislature, shall be elected on the first Monday in March next, and ever afterwards once in every three years; and every stockholder shall be allowed one vote for each share owned, and any stockholder may vote in person or by proxy appointed by writing, but none but stockholders shall be proxy; and the stock of said university shall consist in shares of twenty-five dollars each, which shall so far be deemed personal property as to be subject to execution in like manner as personal property now is, or hereafter may be by the laws of this territory, and transferable on the books of said corporation in such a manner as may be prescribed by the board of trustees; and yet its funds, privileges and immunities shall be used for no other purposes than that of education. If said corporation shall engage in banking, mercantile or other business transactions, other than the purposes of education, it shall be taken and deemed a forfeiture of its charter, and the stockholders shall be liable in their individual capacity for all debts so created.

SEC. 4. Governor, ex officio president. The governor of the territory (or state) of Iowa, shall be *ex officio* president of the board of regents, when present; and he, together with the superintendent of schools in the territory, the presi-[63]-dent, professors and trustees in said university, shall be *ex officio* regents of the university.

SEC. 5. Regents may establish a law school. The said board of regents shall have power to connect with this university, a law school, and also a medical school, or either of them in such a manner as will in their view tend to promote the interests of the university and sound learning in those professions in a way which they may deem most expedient to secure the co-operation and influence of gentlemen connected with those professions within the territory.

SEC. 6. Regents to be sworn—shall appoint a treasurer and secretary—treasurer to give bond. The regents of this university before entering upon the trust reposed in them, shall severally take the following oath of office, administered to them by any justice of the peace in Iowa territory or state, to-wit: "I —— do solemnly swear (or affirm) that I will to the best of my ability, faithfully and truly discharge my duty as regent of the university of Iowa, pursuant to the laws of the territory (or state) of Iowa—the constitution of the United States, and the charter granted by the territory of Iowa; so help me God." And said regents shall have power to appoint annually a treasurer and secretary, and the treasurer so appointed shall give bond with such security and in such penalty as the regents shall deem proper, payable to the territory of Iowa, for the use of said university; which bond shall, by the treasurer and his securities, be acknowledged before the clerk of the district court of the United States, in the territory of Iowa, in and for the county of Johnson, and by him certified and recorded in his office, a copy of which shall be evidence against the treasurer and his securities for breach thereof; and it shall be conditioned for a true and faithful discharge of his duty as treasurer of said university, and for the safe keeping of all moneys, lands, notes, deeds, mortgages or other property belonging to the university, which may come into his hands from time to time, which may be renewed whenever the regents may require it. And it shall be the duty of the said treasurer to receive and safely keep all moneys, lands, notes, obligations or conveyances of real, personal or mixed property belonging to said university; and shall pay out no moneys except by order of the regents, signed by the president and countersigned by the secretary; and for any breach of said bond, the treasurer and securities may be proceeded against as upon other official bonds in the proper courts of the territory of Iowa. The treasurer shall furthermore, whenever required by the trustees, render to them an account of all moneys in his hands and all moneys paid out, stating from whom and from what source received, and to whom paid. And in case the treasurer [64] shall fail to perform any of the duties required of him by this act, the regents of said university shall have power to declare his office vacant, and proceed to the election of a treasurer to fill the vacancy. And it shall be the duty of every treasurer on leaving the office by removal, resignation or otherwise, upon the order of the board to pay and deliver all moneys and other property in his hands belonging to said university, into the hands of his successor in office. It shall be the duty of the secretary to keep a fair record of all the proceedings of the board of regents, and at the close of every session read them to the board for their approval, and lay them before the acting president of the board for his signature. All meetings of the board shall be recognized as legal when notice of the same shall be published in some weekly newspaper in the county, six weeks previous to said meetings; and the presence of thirteen shall constitute a quorum for doing business, but a majority of said thirty regents shall be required to make, pass and establish ordinances, rules and by-laws.

SEC. 7. Regents may admit charity scholars—may receive donations, etc. That the regents shall have authority, whenever in their opinion the funds of the institution may justify the measure, to admit gratuitously, in whole or in part, as the respective case may require, such person or persons as they may think proper to enjoy the benefits of tuition in said university. And said regents are hereby authorized to receive subscriptions, donations and bequests, either in money, personal, real or mixed property, for the purpose of enabling them to meet the expenditures requisite in establishing and continuing said institution.

SEC. 8. May confer degrees. That said regents shall have the usual powers and authority of college trustees, to graduate with literary honors such stu-

dents as shall be recommended by the faculty and board of instructions; and furthermore to confer upon such others as they may deem deserving, any and all the degrees in the arts and in the learned professions, whether honorary or otherwise, in as full and complete a manner as in any similar institution, and to issue testimonials thereof, or diplomas, bearing the seal of said university, and signed by the president of the university. And in conferring said honors, any person entitled to a seat in the council or house of representatives of the territory (or state) of Iowa, shall be entitled to a seat and vote with the board of regents.

SEC. 9. **This act declared a public act.** This act is declared to be a public act and shall be construed liberally for every beneficial use hereby intended; and no gift, grant, conveyance or devise to or for the benefit of said university shall be defeated or prejudiced by any misnomer, misdescription or [65] informality whatever: provided, the intention can be shown or ascertained without a reasonable doubt.

SEC. 10. **May be repealed, etc.** This act may be altered, amended or repealed by any future legislature of the territory (or state) of Iowa, and is to take effect and be in force from and after its passage.

Approved, 2d June, 1845.

CHAPTER 42.

WILLIAM FOSTER.

AN ACT to legalize the acts of William Foster, an acting justice of the peace.

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

SECTION 1. **Legalizes his acts.** That all the acts had and done by William Foster as justice of the peace in the county of Iowa, be, and the same are, hereby legalized to all intents and purposes as if he had been elected or appointed and duly qualified a justice of the peace in and for said county.

SEC. 2. **Takes effect on passage.** This act to take effect and be in force from and after its passage.

Approved, 5th June, 1845.

CHAPTER 43.

TERRITORIAL ROAD.

AN ACT to relocate a part of the territorial road running from Burlington, via Fort Madison, to the bridge on Sugar creek, in Lee county.

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

SECTION 1. **Appoints commissioners to relocate part of road.** That R. Land, G. C. Neally and Anthony W. Carpenter are hereby appointed commissioners to relocate so much of the territorial road running from Burlington via Fort Madison to the bridge on Sugar creek, in Lee county, as lays between Ebenezer Riddle's and Jonathan Donnels, in Burlington township.