

district of this state, at which time the county officers of said county shall be elected, and also two justices of the peace and two constables for each precinct in said county.

**SEC. 3. Duty of sheriff—proviso.** That it shall be the duty of the organizing sheriff of said county, to give at least ten days' notice of the time and places of holding such special election, by posting up at least three written or printed advertisements, in at least three of the most public places in each precinct in said county, grant certificates of election, and in all respects discharge the duties required by law to be performed by clerks of the boards of county commissioners in relation to elections, until a clerk of the board of county commissioners for said county, may be elected and qualified: provided, that it shall not be necessary for said sheriff to take to his assistance two justices of the peace in opening the poll books, and canvassing the votes polled at said special election.

**SEC. 4. Precincts and notice.** That it shall be the duty of the organizing sheriff of said county, to divide said county into as many precincts as the public good may require, and give names to said precincts, and shall describe such [116] divisions and names in the notices of the special election, provided for by this act.

**SEC. 5. Term of office.** That the county officers elected at the special election provided for by this act, shall hold their respective offices until the first Monday in the month of August next succeeding such special election, and until their successors are elected and qualified.

**SEC. 6. Term of justices.** That the justices of the peace and constables elected at the special election provided for by this act, shall hold their offices until the first Monday in the month of April next succeeding said special election, and until their successors are elected and qualified.

**SEC. 7. How sheriff appointed—how qualified.** That the organizing or first sheriff of said county, may be appointed by the judge of the fourth judicial district of this state, and shall continue in office, and exercise the duties of sheriff of said county, until the time of the holding of the first special election, and until his successor may be elected and qualified. And said sheriff shall be qualified to enter upon the discharge of the duties of said office, upon filing his bond and oath of office in the clerk's office of the district court of Polk county; which oath of office may be administered by said clerk.

**SEC. 8. District courts.** That the district court and all other courts, may be held at such place as may be designated by the board of county commissioners of said county, until the seat of justice of said county may be located by law.

**SEC. 9. As to other organized counties.** That any unorganized county in this state, the boundaries of the same being fixed by law, may become organized in the same manner provided for by this act, for the organization of Pottawatomie county: provided, that the time of holding the first special election shall be fixed, and the appointment of the organizing or first sheriff shall be made, by the judge of the judicial district in which said county may be situated; and the first sheriff may be qualified by the clerk of the district court of some adjoining county, and file his bond and oath of office in the office of said clerk.

Approved, February 24th, 1847.

## CHAPTER 85.

### STATE ROADS.

AN ACT regulating state roads.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Application.** That hereafter all applications to the legislature for state roads shall be as hereinafter provided.

[117] **SEC. 2. Notice of petition—contents of notice—time.** That previous to any petition being presented to the general assembly for a state road, notice thereof shall be given by advertisement, set up at the place of holding county commissioner's courts, in each county through which any part of said road is designed to be located, and in two public places in each township through which it is intended to pass, specifying the place of beginning, intermediate points, if any, and the place of termination of said road; and that application will be made, by petition, to the next general assembly for such state road. Said advertisements shall be set up not more than three months nor less than one month preceding the meeting of that session of the general assembly to which such application will be made.

**SEC. 3. Proof of notice—certificate.** That upon proof being made by any person or persons, to the clerk of the board of commissioners of each county through which any part of said road is designed to pass, that notice has been given as required by the preceding section; and upon application the clerk shall give a certificate to such applicant or applicants, certifying that the proper notice has been given, and that said road is intended to pass through at least two, or parts of two, counties in this state.

**SEC. 4. How acts shall pass.** That upon presentation to either branch of the general assembly, of petitions for a state road, and the certificates required by the second and third sections of this act, and when no remonstrances are presented against such petition or road, up to the twenty-fifth day of the session, the general assembly may then pass an act for the location and establishment of said road, and appoint commissioners to lay out the same.

**SEC. 5. Power to re-locate.** The county commissioners shall alone have power to alter or relocate any territorial or state road.

**SEC. 6. Compensation—how paid.** That the commissioners and persons employed in laying out state roads, shall receive such compensation as is provided in the eleventh section of "An act for opening and regulating roads and highways," approved February first, A. D., 1843, to be paid out of the county treasury of each county, in proportion to the number of days employed therein.

**SEC. 7. Repealing section.** That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

**SEC. 8. To take effect.** This act shall take effect and be in force from and after its publication and distribution.

Approved, February 24th, 1847.

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[118] CHAPTER 86.

INCORPORATIONS.

AN ACT authorizing general incorporations for other purposes than those of pecuniary profit.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Persons may incorporate.** That hereafter any number of persons may incorporate themselves for the establishment of colleges and seminaries of learning, churches, lyceums, public libraries, agricultural societies, or any other lawful purpose, which is unconnected with motives of pecuniary profit.

**SEC. 2. Rules and regulations.** They may make such rules and regulations as they choose for their government: provided, the same are not inconsistent with the constitution and laws of this state.