

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section.** That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.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

**SEC. 3. May sue, etc.** They may sue and be sued by their corporate name.

**SEC. 4.** The death of any of its members shall not terminate the corporation.

**SEC. 5. Articles of association—to be recorded.** They shall adopt articles of association, not incompatible with the constitution and laws of this state, containing the name, object and location of their association, which, together with such directions as will enable any person readily to ascertain the place where their records are deposited, shall be recorded in the office of the recorder of deeds of the county in which such association is formed, and from the date of such record, they shall have power to act in their corporate capacity.

**SEC. 6. Record.** They shall keep a record, containing among other things, the names of their officers, and the rules and regulations of their association, which shall be open to the inspection of any person having an interest to examine the same.

**SEC. 7. Contracts.** They shall have power to make and enforce contracts in relation to the legitimate business of their association.

**SEC. 8. Lands—proviso.** They shall have power to purchase and hold a tract of land not exceeding twenty thousand dollars in value, and to erect such buildings and to make such improvements thereon, as may be necessary and proper to promote the objects of their association, and to hold such personal property as may be strictly necessary to secure the purposes of the corporation: provided, that nothing in this act shall be so construed as to debar them from the privilege of receiving donations or legacies of personal or real estate; but in all cases, such personal or real estate received as aforesaid, shall be sold, and the proceeds thereof loaned out at interest or appropriated according to the provisions of this [119] act, for the promotion of the objects of the association, as the members thereof may deem proper.

**SEC. 9. Service of process.** Service of process shall be sufficient, if made upon either of the officers of the corporation.

**SEC. 10. No dividends—personal liability.** No dividend or distribution of profits shall ever be made among the stockholders of the corporation, and any material deviation from the articles of association, shall render all those who shall participate therein, personally responsible for the consequences of such deviation.

**SEC. 11. Change of articles.** Any such corporation may change their articles of association in the manner prescribed by their own rules; but such change must be recorded in the same manner as the original articles.

**SEC. 12. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers published in Iowa City.

Approved, February 24th, 1847.

Published in the Reporter March 17th, 1847, and Standard, March 18th, 1847.

## CHAPTER 87.

### PRACTICE.

AN ACT amendatory to the practice in the district and supreme courts of this state.

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

**SECTION 1. Test of writs, etc.** That all writs of every description, subpoenas and other process to be hereafter issued by the clerk of any supreme or district court of this state, shall bear test in the name of the clerk of said court, under the seal of said court.