

[7] CHAPTER 8.

AN ACT authorizing Walter Terrill to build a mill dam across the Iowa river, near Iowa City.

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

SECTION 1. Construction of dam authorized—dam to be completed in three years. That Walter Terrill is hereby authorized to construct a dam across the Iowa river, in Johnson county, at a point on the southwest quarter of section number three, in township number seventy-nine north, and range number six west, which dam shall not exceed five feet above the ordinary low water mark; and provided said dam be completed within the term of three years from the passage of this act.

SEC. 2. Penalty for injury done to dam. Any person who may injure or destroy said dam, shall be deemed to have committed a trespass, and shall be liable accordingly; and any person who shall wilfully or maliciously destroy or injure said dam shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined and imprisoned at the discretion of the court.

SEC. 3. Lands, etc., of others not to be injured. Nothing herein contained, shall authorize the individual named in this act, his heirs or assigns, to enter upon and flow the lands or mill wheels of any person, without the consent of such person; and he shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity of said dam.

SEC. 4. Right to repeal reserved. The Legislature of this Territory reserve to themselves the right to alter or amend this act, so as to provide for the navigation of said river by lock or otherwise.

Approved December 15, 1840.

CHAPTER 9.

AN ACT to divorce Elizabeth Jones from her husband, Berry Jones.

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

SECTION 1. That the marriage contract heretofore existing between Elizabeth Jones and Berry Jones, be and the same is hereby dissolved; and that hereafter she be called and known by the name of Elizabeth Massengill.

Presented to the Executive, December 16, 1840.

[8] CHAPTER 10.

AN ACT supplementary to an act defining the duties of county surveyors, approved December 25, 1838.

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

SECTION 1. Duty of county surveyors. That it shall be the duty of all county surveyors of this Territory to furnish themselves with a good compass of Rittenhouse construction, the needle of which shall be not less than five

and one-fourth inches in length, and the nonius of which shall bear not less than ten degrees variation; also, a two pole chain, of fifty links.

SEC. 2. Mode of making sub-divisions. Whenever a surveyor is required to make a sub-division of a section, as established by the United States survey, he shall proceed as follows, (except when the section is fractional:) commencing at the quarter section corner, on either the east or west side of the section, and shall run east or west across said section as the case may be, and establish a common centre therefor, on a direct line between said corners, and equally distant from either. Any less sub-division than a quarter section shall be made by proceeding in the same manner, except in fractional sections.

SEC. 3. Survey by county surveyor only legal evidence—proviso. That no survey made hereafter by any person except the County Surveyor, or his deputy, shall be considered as legal evidence in any court of law or equity within this Territory, except such surveys as are made by mutual consent of parties: provided, always, that where it shall appear that the county surveyor of the county wherein the lands lie may be a party, or in any manner interested, it shall be lawful for the District Court, on application of either party, to appoint some suitable person in said county, whose duty it shall be to proceed to divide the same, for which service the person so appointed shall be entitled to the same fees as County Surveyors are entitled to for similar services.

SEC. 4. Of irregular pieces of land. That all irregular pieces of land shall be calculated by latitude and departure.

SEC. 5. Field notes of surveyed lands to be procured—proviso—allowance for field notes limited. That it shall be the duty of the county commissioners of each and every organized county in this Territory, to procure for the use and benefit of their respective counties the field notes of all the surveyed lands within the same; which field notes, when so procured, shall be filed in the office of the clerk of said board, and there carefully preserved for the use and benefit of the citizens of each county respectively: provided, that in all cases where the county surveyor of any county who is now or may have been in office, and who has procured in part or in the whole the field notes of his county, shall have the privilege of presenting the same to the board of commissioners of his county, which board is hereby authorized to take the same if they are not injured or defaced, and draw an order on the treasurer of their county for the amount so allowed; but in no case shall the commissioners allow the surveyors [9] more for the said field notes than they could be had for at the surveyor general's, or some one of the land offices within this Territory.

SEC. 6. Certain parts of previous acts repealed. That so much of the act to which this is a supplement, as requires the county surveyors to procure the field notes to their respective counties, be and the same is hereby repealed.

SEC. 7. When to take effect. That this act shall take effect from and after the first Monday in August next.

Approved December 21, 1840.

CHAPTER 11.

AN ACT entitled, an act to designate and fix the place of holding the several courts for the county of Lee.

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

SECTION 1. Courts to be held at Fort Madison, etc. That the District,