

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,

Probate, and County Commissioners' courts, for the county of Lee, shall be held in the town of Fort Madison until the public buildings in and for said county are erected.

SEC. 2. Duties of county commissioners—courts to be held at county seat. It shall be the duty of the board of county commissioners of Lee county, to give notice of the next session of the District Court after the completion of said public buildings, to the Clerk of the District Court; and thereafter all the courts mentioned in the first section of this act shall be held at the county seat.

SEC. 3. Sheriff to keep office at Madison. It shall be the duty of the Sheriff of Lee county to keep his office in Fort Madison, as long as the district court is held in said town.

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

Approved December 22, 1840.

CHAPTER 12.

AN ACT relative to incorporated religious societies.

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

SECTION 1. Religious societies empowered to hold certain property. That any religious society hereafter incorporated by any act of the Legislature, shall have perpetual succession by such name as may be designated, and by such name shall be legally capable of contracting and of prosecuting and defending suits in any court; and shall have capacity to receive, [10] acquire, hold, enjoy, and dispose of, a house for public worship, with the land necessary therefor, not exceeding in quantity one acre; a burying ground for such society; a parsonage, not exceeding in value the sum of five thousand dollars; and any other property not exceeding the annual value of one thousand dollars, which shall be applied to the support of public worship; and such institutions of learning and charity as may be connected with such society, and to no other purpose.

SEC. 2. May elect officers and make rules. That such society, when incorporated, may elect such officers, and make such rules, as may be necessary and expedient for its own government, and the management of its own affairs.

SEC. 3. Mesne process, how to be served. That mesne process shall be served on the corporation, by leaving an attested copy thereof with any one of its officers at least ten days before the return day thereof.

SEC. 4. Power to repeal, and proviso. The Legislature may, at any time, repeal or alter an act incorporating any such society: provided, that such repeal or alteration shall not affect the title to any real or personal estate acquired or conveyed under its provisions.

Approved December 22, 1840.