

CHAPTER 4.

NEW COUNTIES.

AN ACT to amend an act entitled "An act to establish new counties and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes," approved February 17th, 1843.

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

SECTION 1. **Iowa attached to Johnson.** That the county of Iowa be and the same is hereby attached to the county of Johnson, for judicial, revenue, and election purposes.

SEC. 2. **Repealing clause.** That so much of an act entitled "An act to establish new counties and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes," approved February 17th, 1843, as attaches the said county of Iowa to Iowa county for judicial, revenue and election purposes, and all other laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

SEC. 3. **Time of taking effect.** This act to take effect and be in force from and after its passage.

Approved, 5th February, 1844.

[4] CHAPTER 5.

RELIGIOUS SOCIETIES.

AN ACT relative to religious societies.

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

SECTION 1. **How to become organized, may designate name; general powers when so organized.** That any religious society in this territory, by complying with the provisions of this act, may have perpetual succession by such name as shall be designated by such society, and by such name shall be legally capable of prosecuting and defending suits in any courts of law or equity in this territory; and shall have power and authority to contract, receive, acquire, hold, enjoy, bargain and sell, lease, mortgage, convey and dispose of, any building or buildings erected for public worship, with the land necessary therefor, a burying ground and parsonage for such society, and such other property as shall be applied to the support of public worship in said society, and to such means of education and charity as may be therewith connected.

SEC. 2. **Duty of society wishing to organize; how to proceed; abstract of organization, what to contain, by whom signed, when recorded, duty of recorder.** That it shall be the duty of all religious societies wishing to avail themselves of the benefit of this act, to make out an abstract in writing of their organization, together with the names and locations of said societies, the names and titles of the officers thereof, which shall be signed by the said officers of said society, and cause the same to be recorded by the recorder of deeds, who is hereby authorized and required to record the same, and keep a record thereof, as in case of deeds and other instruments of writing.

SEC. 3. **May elect officers, make by-laws, and regulations for government of, effect of such regulations.** That when any religious society shall have complied

with the preceding section, they may elect their officers and fill vacancies, under such regulations as they may deem proper and expedient; may make and publish such rules, regulations and by-laws, as may be deemed necessary and expedient for the government of said society, not incompatible with the constitution and laws of the United States and of this territory. And such rules, regulations and by-laws, shall have the same force and effect as if passed by the legislative assembly of this territory, provided they do not transcend the legitimate purview of this act.

SEC. 4. Process how served on; length of time before return. That mesne process may be served on such society by leaving an attested copy of such process with the secretary, or any other officer thereof; or in case they may not be known or cannot be [5] found, with any member of such society, at least ten days before the return day of such process.

SEC. 5. Repealing clauses; saving clause. That the act entitled "An act relative to incorporated religious societies," approved December 22nd, 1840; also, an act entitled "An act supplemental to an act relative to incorporated religious societies," approved February 14th, 1842, be and the same are hereby repealed: provided, that the repeal of said acts shall not affect any incorporators which may have went [gone] into effect under said acts.

SEC. 6. Corporations hereafter created by charter, to have benefit of this act. That all religious societies heretofore incorporated under any act of the legislature of this territory shall have all their rights and privileges granted by this act.

SEC. 7. Time of taking effect. This act shall take effect and be in force from and after its passage.

Approved, 7th February, 1844.

CHAPTER 6.

SUPREME COURT.

AN ACT defining the jurisdiction of the supreme court and regulating the practice therein.

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

OF THE JURISDICTION OF THE SUPREME COURT.

[6] **SECTION 1. Supreme Court, appellate jurisdiction of; extent of jurisdiction.** The Supreme Court shall have an appellate jurisdiction over all final and interlocutory orders, judgments and decrees, of the district courts in law and chancery, and over all questions of law that may arise in said courts upon motions for new trials, in arrest of judgments, continuances, and to cases reversed,

SEC. 2. Supervision of inferior tribunals, power to issue writs. They shall have a general supervision over all inferior tribunals; correct and prevent abuses where no other remedy is provided by law; issue writs of error, certiorari, habeas corpus, procedendo, supersedeas, and other writs which may be necessary for the due execution of law, the administration of justice, and the perfect exercise of their jurisdiction.

OF WRITS OF ERROR.

SEC. 3. Writs of error how to issue; to whom directed. Writs of error shall issue as of course, upon any order, decree, or judgment, of any district court, in vacation as well as in term time; and said writs of error shall be directed to the clerk of the district court where the decree or judgment complained of was rendered.