

## CHAPTER 40.

## JURORS IN LEE COUNTY.

A BILL for an act regulating the mode of selecting grand and petit jurors for the several district courts in Lee county.

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

SECTION 1. **Jurors how selected.** That the selection of grand and petit jurors in the county of Lee, shall be according to the laws now in force, prescribing the mode of selecting the same, except that grand and petit jurors to serve at the district courts held in Keokuk, in said county, shall be selected from the townships of Jackson, Montrose, and Des Moines, and that grand and petit jurors to serve at the district courts held at Fort Madison, in said county, shall be from the remaining townships in said county, and no other.

SEC. 2. **Number and manner of drawing.** That the number of grand and petit jurors, for each division of the district court in said county of Lee, and the manner of ascertaining the proportion to each township, and of giving notice thereof and returning the persons selected, and of drawing the forty-seven ballots, shall be the same for each division of said courts or districts as though they were separate counties.

SEC. 3. **Duty of county clerk.** That a separate attested copy of the jurors selected in each district of said county, shall be delivered by the clerk of the commissioners to the clerk of the district court, and his deputy; and a venire or summons shall issue thereupon from the court at which said jurors are to serve, and no other.

SEC. 4. **Acts repealed.** All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

[39] SEC. 5. **When to take effect.** This act to take effect and be in force from and after its publication in the Keokuk Register and Iowa Statesman.

Approved, January 24, 1848.

## CHAPTER 41.

## DES MOINES RIVER.

AN ACT supplemental to an act creating a board of public works, and providing for the improvement of the Des Moines river, approved, February twenty-fourth, eighteen hundred and forty-seven.

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

SECTION 1. **Who may preempt lands.** That any person who is over the age of twenty-one years, or who is the head of a family, and was on the first day of January, 1847, the legal owner and occupant of any claim on the lands donated for the improvement of said river, shall have the privilege of pre-empting and entering three hundred and twenty acres of the same, at the rate of \$1.25 per acre, under such rules and regulations as the board have made; which rules shall conform, as nearly as practicable, with the rules and regulations of the government of the United States in similar cases. And that the privileges of the several pre-emption acts of congress, passed since

the first day of June, A. D. 1838, are hereby granted to the actual settlers on said lands; provided, however, that no person shall be allowed more than one pre-emption on said lands.

**SEC. 2. Persons guilty of trespass.** That if any person applying for any of the privileges embraced in the foregoing section, shall hereafter be guilty of trespass or waste on any of said lands, other than those embraced in their application, shall be liable for such trespass or waste in double the value of such trespass or waste, which may be collected by the board, for the use of the improvement and state, before any court having jurisdiction in such cases. Further, any other person who may be guilty of trespass or commit waste on said lands, shall be liable as above provided.

**SEC. 3. Board may select lands.** In all cases when the dams or other improvements of the state, shall abut or be located on lands not sold, or on which there shall not be a legal pre-emption right under the laws of congress, the board shall select such tract or parcel of land as they may find necessary to advance the prosecution of the work, and to render the water power available and most valuable, which lands shall be retained and used for the benefit of the improvement and the state.

**SEC. 4. Public sale—improvements to be paid for—minimum price.** The board shall, after having given public notice, and a reasonable time for pre-empting, which shall be at least two months, offer the residue of said lands at public sale, in such parcels, and at such times and places as they may find necessary and convenient in the prosecution of the work; any person who may purchase any of said lands within one year after said notice has been given, upon which improvements have been made, the purchaser shall pay to the claimant of such land a reasonable compensation for his or her improvements; but said lands shall not be sold at a less price than two dollars per acre.

**SEC. 5. Act amended.** That the two last words in the 36th section of said act be stricken out, and the following added: "The several pre-emption acts of the United States referred to in this act."

**SEC. 6. Act repealed.** That sections twenty-seven and twenty-eight, and all other parts of said act, that conflict with this act, be and the same are hereby repealed.

**SEC. 7. When to take effect.** This act to take effect and be in force from and after its publication in the Fairfield and Keosauqua papers.

Approved, January 24, 1848.

Published in the "Whig" and "Democrat" February eleventh, and in the "Sentinel" February twenty-fifth, eighteen hundred and forty-eight.

## CHAPTER 42.

### SKUNK RIVER.

AN ACT to provide for the descending navigation of Skunk river.

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

**SECTION 1. Skunk river declared navigable.** That Skunk river from its mouth to the forks thereof, in Keokuk county, be, and the same is hereby declared a navigable stream, subject to the restrictions of this act.