

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 Act repealed.** That sections twenty-seven and twenty-eight, and all other parts of said act, that conflict with this act, be and the same are hereby repealed.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

**SEC. 2. Obstructions and fines—slopes to dams.** That any person or persons who shall in anywise obstruct or interrupt the navigation of said river, below the said forks, or continue such obstruction or interruption, shall be subject to indictment, and upon conviction thereof, shall be fined in any sum not less than one hundred dollars, to be assessed by a jury: provided, that no person shall be liable for an obstruction or interruption, occasioned by a mill dam in said river, who shall construct and keep in repair to such dam, a good and sufficient slope, of the following dimensions, to-wit: in length, at the rate of six feet for one foot high at the entrance of the slope, with a notch in the dam the full width of the slope, [41] of two feet deep for every eight feet high, from the bottom of the dam to the top; said slope shall not be less than twenty-five feet wide; said slopes to be located as provided for in the following section.

**SEC. 3. Commissioners to locate slope—proviso.** That E. A. Gibbs, of Lee county, and B. F. Roe, of Des Moines county, be and are hereby appointed commissioners to designate the points at which the slopes shall be located, in the dams attached to mills situated in said counties, or either of them. Thomas Miller, of Jefferson county, and Anson Moore, of Washington county, are appointed commissioners to perform the same duties in relation to dams attached to mills situated in both or either of said last named counties. S. D. Woodworth and George Miller, of Henry county, are appointed commissioners to perform the same duties in relation to dams attached to mills in said county of Henry; said commissioners shall proceed immediately after the taking effect of this act, to locate said slopes, and shall make immediate report of their action to the commissioners' clerk of the proper county, to be entered of record, and shall receive a proper compensation for their services, to be paid to each by the county in which he shall reside: provided, that in all cases where the point for locating the slope in any dam on said river, has been designated by commissioners appointed under the provisions of an act entitled an act to provide for the navigation of Skunk river, approved, February 15, 1847, said above named commissioners, shall not interfere with such location, but the point so designated shall be the point in said dam where the slope required by this act shall remain.

**SEC. 4. Mill owners, who liable.** That if the dams in the second section of this act mentioned, shall have been erected before the passage of this act, the owner or occupant of the mill to which the same may be attached shall not be liable under the second section of this act, until the first day of December, 1848: provided, that the owner or occupant of such mill shall make or have made in the dam attached to his mill, by the 15th day of March next, a notch of the width and depth prescribed in the second section of this act.

**SEC. 5. Who not liable for damages.** That if the owner or occupant of any mill on said river, shall comply with the provisions of the second section of this act, he shall not be liable in any civil action for damages, claimed as occasioned by an obstruction or interruption to the navigation of said river.

**SEC. 6. Act repealed.** That an act entitled an act to provide for the navigation of Skunk river, approved February 15th, 1847, and all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

[42] **SEC. 7. When to take effect.** This act to take effect and be in force by publication in the Capital Reporter and Iowa Standard.

Approved, January 24, 1848.

Published in the Standard February ninth, and in the Reporter February sixteenth, eighteen hundred and forty-eight.