

“An act to provide for the election of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings,” as shall come in conflict with this act and the act to which this act is amendatory, are hereby repealed.

SEC. 7. Burying grounds not exceeding 4 acres exempt from levy and sale. That in addition to the property now exempt by law from levy and sale upon execution, all public burying grounds, not exceeding four acres, shall be exempt from levy and sale upon any process whatever.

SEC. 8. Real estate mortgaged prior to the passage of the act hereby amended to be sold to the highest bidder; how it may be redeemed within two years, and at what interest. That hereafter, when any real estate may be sold by any decree, or order of any court in chancery, upon any mortgage or deed of trust executed prior to the passage of the laws to which this act is amendatory, the same shall be sold without being valued as required by the provisions of the third section of the act to which this is amendatory to the highest and best bidder, for the best price the same will bring; and the mortgagor or debtor may redeem the said real estate so sold as aforesaid within two years from the date of said sale, by paying to the purchaser, or to the officer selling the same, or to his successor in office, the purchase money, with interest thereon, at the rate of ten per cent. per annum.

SEC. 9. Deeds made by sheriff to be prima facie evidence of what. That all deeds made and executed upon all sales made after the passage of this act, for real estate sold under any execution, order or decree of court, by any sheriff or other officer authorized by law to make the same, shall, in all controversies which may hereafter arise in relation to the title of said real estate, be taken and considered as *prima facie* evidence of the existence of a judgment and execution, authorizing said officer to sell the same, and also of the regularity of said sale.

Approved, 15th February, 1844.

[45] CHAPTER 24.

GRAND AND PETIT JURORS.

AN ACT to amend an act entitled “An act concerning grand and petit jurors,” approved January 4, 1839.

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

SECTION 1. Jurors, number and qualifications of; to be annually selected. That one hundred and fifty judicious persons, having the qualifications of electors, shall be annually selected in each county, where there are that number of electors, and where there are not, all the electors in such county, to serve as grand and petit jurors the ensuing year.

SEC. 2. Apportionment of, in the different townships and precincts; when and by whom made; notice of apportionment, when, by whom, to whom and how given. That the clerks of the board of commissioners in their respective counties, shall, on the first Monday of April in each year, cause the proportion of jurors to be ascertained from the number of white male inhabitants of the age of twenty-one years in their respective townships or precincts, and shall make a statement in writing of the number of jurors apportioned to each township or precinct, and shall deliver the same to the sheriff; and the sheriff at the time he gives notice of the general annual election, shall insert a clause in the notices to be set up in each township or precinct of his county, giving the judges of the election notice of the number of persons to be returned as jurors from each township or precinct.

SEC. 3. Judges, on day of annual election, to select the number apportioned to their respective townships or precincts, and return a list of same, with return of election, to clerk of board of commissioners. That the judges of the said election of each township or precinct, shall, on the day of holding said election, annually select, of good judicious persons having the qualifications of electors, their apportionment of the persons to be returned as jurors, and shall make a list thereof and return the same along with the poll books or return of said election, to the clerk of the board of commissioners in the county where said election is held.

SEC. 4. Jurors, how and by whom drawn; number of; list of to be delivered to clerk of the district court; summons, by whom issued and served. That the said clerk of the board of commissioners shall write the names of said persons so selected upon separate pieces of paper, and put them into a box to be by him provided at the expense of the county; and the said clerk shall, at least thirty days before the sitting of any term of the district court to be holden in said county, in the presence of the sheriff of said county, (the sheriff having first shaken the box so as to mix the ballots on which the names are written,) [46] proceed to draw forty-seven ballots, the first twenty-three of which shall be summoned as grand jurors, and the remaining twenty-four as petit jurors; and the said clerk of the board of commissioners shall, within three days thereafter, make out and deliver to the clerk of the district court of said county, an attested copy of the names of the grand and petit jurors so selected, who shall thereupon issue and deliver to the sheriff of the said county a *venire* or summons, under the seal of the court, commanding him to summon the persons so selected and returned to appear before the said court as is already provided by the act to which this is amendatory.

SEC. 5. Not to serve two terms in succession; how panels to be drawn for succeeding term. That the persons selected and summoned as grand and petit jurors for any one term of the district court shall not be included in the ballots to be drawn from for the next succeeding term of said court; but the panels for the succeeding term shall be drawn from those remaining in the box: provided, that if there be more than two terms of court in any one year, the panel shall be drawn from all the names returned from the different townships or precincts, after taking out the names of the persons who served on the preceding term as jurors.

SEC. 6. Repealing clause; not to affect any selection of jurors heretofore made. That so much of the act to which this is amendatory as conflicts with the provisions of this act be and the same is hereby repealed, but such repeal shall not render void or affect any selection of jurors that may be made before the taking effect of this act; but any jurors selected under the act to which this is amendatory and required to serve as such after the taking effect hereof, shall serve as though this act had not been passed, and be fully qualified as such.

SEC. 7. Time of taking effect. This act to take effect and be in force from and after the first day of April next.

Approved, 15th February, 1844.

CHAPTER 25.

PEDLARS.

AN ACT granting license to pedlars.

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

SECTION 1. Pedlars, by whom licensed; particulars of license, time for which it may be granted; compensation to clerk for issuing, by whom paid.