

provided that such publication be without expense to the State.

This bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 4th day of April, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Des Moines Times, April 12, 1862, and in the Iowa State Register, April 9th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 102.

ESTRAYS.

AN ACT to provide for the taking up of Estray animals.

**Taking up
stray animals.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no person shall take up any unbroken animal as a stray, between the first day of May and the first day of November, unless the same be found within his lawful enclosure; nor shall any person take up any stray unless he be a house-holder.

**Manner of
taking up
stray.** SEC. 2. If any horse, mule, neat cattle, sheep or hogs, liable to be taken up, come upon any person's premises, any other person may notify him of the fact, and if he fail to take up such stray for more than five days after such notice, any other person being a house-holder in the same township, may take up such stray and proceed with it, as if taken upon his own premises; *Provided,* That he shall produce to the Justice of the Peace proof of the service of such notice, and all persons taking up stray animals shall state to the Justice, under oath, where such stray was taken up.

**Estray notice
—how made.** SEC. 3. Any person taking up an estray shall, within five days thereafter, post up written notices in three of the most public places in the township, containing a full description of such animal, and unless such stray shall have been previously reclaimed by the owner, he shall within ten days go before a Justice of the Peace in the township in which such stray was taken up, or in case there is no Justice in the township, he shall go before the next nearest Justice in the County, and make oath as to where said stray was taken up, and that the

Oath.

marks or brands have not been altered to his knowledge either before or after the same was taken up.

SEC. 4. If necessary, the Justice shall issue a summons to three disinterested householders in the township to appear at the time and place mentioned in said notice, to appraise the stray. The persons so summoned, or any two of them attending, shall take an oath that they will fairly and impartially appraise said stray, and their appraisement embracing a description of the size, age, color, sex, marks and brands of the stray shall be entered by the Justice in a book to be kept by him for that purpose.

Justice of the Peace issue summons.
Persons summoned shall appraise.

SEC. 5. The Justice shall within ten days thereafter send a certified copy of such entry to the Clerk of the District Court, who shall immediately enter the same in an estray book, to be kept by him for that purpose. If the appraised value of the stray exceeds ten dollars, the Clerk shall cause a copy of said entry to be posted on the Court House door, and a copy of said notice to be inserted once in some newspaper in the County, if there be one, if not, he shall cause to be posted up written notices in three public places in the County.

Justice send copy of notice to Clerk of Dist. Court.

SEC. 6. When the appraised value of an estray is ten dollars or more, the Clerk shall within ten days after receiving the notice of appraisement (unless the animal shall have been previously reclaimed by the owner) forward a certified copy of the same to the public printer hereafter provided together with the amount required to pay for two insertions of said notice in the paper published by such printer.

Clerk send copy of notice to printer with fees.

SEC. 7. The Secretary of State shall select and contract with a printer to print all such advertisements of strays as shall be sent to him by any Clerk of the District Court of the State; and the Secretary of State shall immediately after contracting with such printer, notify the Clerk of each County, of the name and residence of such printer, and the price of such advertisements.

Sec. of State to contract with printer.

In making the contract the Secretary shall select an Agricultural paper, published at the Capital, if there be one.

Sec. to select Agricultural paper.

SEC. 8. The printer thus selected shall once in each week issue a newspaper or printed sheet, in which he shall give two successive insertions of all estray notices sent to him, and shall send one copy of each of such papers issued, to the Clerk of each organized County in the State.

Printer publish notices.

SEC. 9. The Clerk of each County shall receive, file and preserve in his office all such papers sent him, to be

Clerk to file papers.

examined by any person who may desire to see them.

The Clerk is hereby required to subscribe for one copy of the paper selected by the Secretary of State for the publication of estray notices; and the amount of the subscription price shall be allowed and paid out of the Treasury of the county.

Printer's fee. SEC. 10. The public printer shall receive for each estray notice published a sum agreed upon by the Secretary of State in the contract, not to exceed 30 cents for each insertion.

Secretary to contract. SEC. 11. The Secretary of State shall as soon as this act takes effect, contract with some printer, to print all advertisements of estrays required by law to be inserted in such paper, which contract shall terminate on the first day of January next. Such contract shall be renewed on the first day of January annually.

Secretary to fill vacancy. If a vacancy should from any cause occur in the office of such printer, the Secretary shall immediately fill the vacancy by a new contract.

Proceedings. SEC. 12. When the appraised value of any estray does not exceed five dollars, no further proceedings need be had, than for the Justice to enter a description of said estray on his estray book, and if no owner appear within six months, the right of the property shall vest in the finder upon his complying with the law, and paying all costs.

When right shall vest. SEC. 13. Where the appraised value of the estray exceeds five dollars and is less than ten, and the finder shall have complied with the provisions of this Act, and paid all costs, the property shall vest in him after the expiration of nine months, if no owner appear.

When title vests. SEC. 14. In all cases where an estray shall be appraised at more than ten dollars, the finder shall in addition to paying the fees of the Justice and the appraisers, advance to the Justice a sufficient amount of money to pay the Clerk's fee, postage, and the cost of advertising, which amount shall be forwarded by the Justice to the Clerk, at the time the apportionment notice is sent, as required by this Act.

Fees and expenses. SEC. 15. Where more than one animal is taken up by the same person at the same time, they shall in all cases be included in one entry and one advertisement, and the Justice, Clerk, appraiser and printer shall receive no more for their services than is allowed when but one animal is taken up.

All strays taken at one time included in one entry. SEC. 16. Any person legally taking up a stray, may use or work it if he do so with care and moderation, and do not abuse or injure it. But if any person unlawfully

Stray may be worked.

take up any stray, or take up any stray and fail to comply with the provisions of this Act, or use or work it in a manner contrary to this Act, or work it before having it appraised, or shall keep such stray out of the County for more than five days at any one time, before he acquires a title to said stray, such offender shall forfeit to the county twenty dollars, upon complaint being made by any person before a Justice of the Peace.

In addition to the above penalty, the owner of the stray may recover of such offender, double the amount of all injury sustained, with costs. Owner recover damages.

SEC. 17. The owner of any stray may within one year from the time of taking up, prove his ownership of the same before a Justice of the Peace, (and if the title shall not have already vested in the finder by section 12 or 13 of this Act) and upon payment of all costs, the reward, and a reasonable allowance for keeping, he shall be entitled to recover the stray. If the owner and finder cannot agree upon the amount of such allowance, it shall be settled by some Justice of the Peace, who shall take into consideration the trouble and expense incurred by the finder, and whatever use he may have had of the stray. Owner may recover property. Justice act as arbitrator.

SEC. 18. If the owner fail to claim and prove his title to any stray for one year after the time of taking up, and the finder shall have complied with this law, a complete title to the stray shall vest in the finder; but if the owner shall appear within eighteen months from the time of taking up, and prove his ownership of such stray, and pay all costs and expenses, as above provided, the finder shall pay him the appraised value of such stray, or may at his option deliver up the stray. Title vests in finder. Owner to recover stray or value thereof.

SEC. 19. If any stray legally taken up, escape from the finder, or die without any fault on his part, he shall not be liable for the loss. Finder not accountable for accidents.

SEC. 20. If any person shall sell, or trade, or take out of the State, any stray before the legal title shall have vested in him, he shall forfeit to the owner double the value of said stray; and shall be punished by fine not exceeding ninety dollars, or imprisonment in the County Jail not exceeding thirty days. Penalty.

SEC. 21. If any printer, Clerk or Justice of the Peace fail to perform the duties enjoined on him by this Act, he shall forfeit to the county not less than five nor more than fifty dollars to be sued for by any person in the County, and paid into the School Fund. Penalty for non-performance of duty.

SEC. 22. The person taking up any stray, shall be allowed the following reward: For every horse or mule, Reward.

cents; for every head of neat cattle, twenty-five cents; for all other kinds of animals, fifteen cents each.

SEC. 23. The officers, printers and others mentioned in this Act, shall be entitled to the following fees for their services: The appraisers shall receive twenty-five cents each. The Justice shall receive fifty cents for appointing the appraisers and making the necessary entry, certificate and return. The Clerk shall receive twenty-five cents for recording the stray notice, and forwarding a copy to the printer. The printer of the county paper shall be paid for inserting a stray notice, the price of his published or ordinary advertising rates.

Repealed.

SEC. 24. That so much of Chapter 60 of the Revision of 1860 as relates to estray animals, be and the same is hereby repealed, excepting Article three of said Chapter. All Acts and parts of Acts inconsistent with this Act, are hereby repealed.

Approved April 5th, 1862.

CHAPTER 103.

ADJUTANT GENERAL'S REPORT.

AN ACT to provide for the publication and distribution of the report of the Adjutant General.

Adjutant
General shall
make report.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That on the 1st day of January, 1863, the Adjutant General of this State shall make a report to the Governor of this State, of the doings of his office, which shall contain the proclamations issued by the President of the United States, in calling on the several States for volunteers; the orders of the Adjutant General of the United States to the Adjutant General of the State of Iowa, in regard to the raising and equipment of volunteers; the proclamations of the Governor of this State calling for volunteers to respond to the call of the President; such orders issued by order of the Governor in relation to the raising of volunteers, as are of general interest; such other orders issued by officers of the United States, or of this State, in relation to the raising, moving, subsisting or conduct of volunteers raised in this State, as the Adjutant General may deem expedient; the names, residence, and place of nativity,