

competent jurisdiction, by a fine not exceeding fifty dollars for each offense, or by imprisonment in the county jail for a term not exceeding thirty days, or by both such fine and imprisonment.

Approved April 7, 1868.

CHAPTER 143.

CANADA THISTLES.

APRIL 7. AN ACT to Destroy Canada Thistles.

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That if any resident owner of any land in this State, after having been notified in writing of the presence of Canada thistles on his or her premises, shall permit them or any part thereof to blossom or mature, he or she shall be liable to a fine of five dollars and costs of collection for each offense.

Penalty for allowing Canada thistles to grow ;
\$5 fine and costs.

Approved April 7, 1868.

CHAPTER 144.

DISTRAINING STOCK.

APRIL 7. AN ACT to Protect Crops against the Invasions of Stock.

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That any stock taken in the act of doing damage, between the hours of sunset and sunrise, may be distrained by the person or persons whose property is damaged, or by the person or persons having charge thereof, whether the fences surrounding such property are lawful, or otherwise.

Stock doing damage may be distrained.

Sec. 2. Whenever any stock shall be so distrained, the person or persons sustaining the damage, or having charge of the property damaged, shall, within twenty-four hours after such distraint, notify the owner or owners, or person or persons claiming a right to such stock, (if he, she, or they can be found with reasonable

Owners to be notified of restraint.

diligence,) that it is distrained, and that he, she, or they may forthwith appear where the damage has been done, and view, compromise, and pay the same, or, failing so to do, the stock will be dealt with according to law.

SEC. 3. The owner or owners, person or persons having charge of such stock, may, within twenty-four hours after receiving such notice, appear and view, compromise, and pay damages, and if the parties cannot agree upon the amount of damages to be paid, or upon the manner by which such damages shall be determined, the party sustaining the damage shall immediately notify the township trustees to be and appear at the time and place designated in said notice, (which shall not be more than twenty-four hours after the service thereof,) to view and assess the damages.

If parties do not agree on damages,

trustees to be notified.

SEC. 4. When two or more of said trustees have assembled, they shall proceed to view and assess the amount of damage done by the stock distrained, and the amount for which the owner of each head distrained is liable, and also the amount to be paid by the owner or owners, or persons claiming such distrained stock, and the amount to be paid *per diem* for the keeping of each head of such stock, and for the purpose of arriving at any of the facts connected with their official duties, as specified by this act, they, or either of them, may place under oath any person from whom they choose to elicit the information desired. And the said trustees shall, at the time of making the appraisalment, each receive from the complaining party one dollar for every six hours occupied by them in making the appraisalment.

Trustees to assess damages, &c.

Fees of trustees.

SEC. 5. The trustees shall at the time of making the appraisalment make a correct record of their doings, which they shall preserve for future reference, and shall also, at the same time, make and deliver one copy thereof to the complainant.

Record.

Copy of do.

SEC. 6. At any time within thirty days from the time of distraining such stock, the owner, owners, or claimants of such stock or any part thereof may reclaim them, or part thereof, by paying to the complainant his, her, or their proportion of the damages assessed and charges made, as determined by the trustees, according to the number they or either of them may have distrained, and if at the end of thirty days after distraining said stock any part thereof shall remain in distraint, and the owner or claimants are known and have been notified as provided by section two of this act, the

Claimants may reclaim in 30 days.

Sale of distrained stock.

If owners are unknown, stock to be considered as estrays.

chairman of the board of trustees shall sell the same at the inclosure, for cash to the highest bidder, between the hours of one and three o'clock, P. M., of said day, after posting up notices of the time and place of said sale in at least three public places in the township where said damage was done at least ten days previous to the time of said sale; but if at the end of thirty days after such distraint, the owner or owners, or claimants are not known and can not with reasonable diligence be found, then so much of the stock as belongs to them, or either of them, shall be treated as estrays according to the laws of this State now in force.

Damages and costs to be deducted from proceeds.

Sec. 7. Within twenty-four hours after such sale, the chairman of the board of trustees shall deduct from the proceeds thereof the amount of damages unpaid, with costs of keeping said stock, and one dollar for every six hours expended by either of the trustees, in the discharge of their duties as contemplated by the provisions of this act, which amount shall be paid over to the person or persons entitled to receive it.

Balances, how disposed of.

Sec. 8. Within three days after such deductions have been made, the chairman of the board of trustees, on demand being made, shall pay over all balances remaining in his hands to the person or persons entitled to receive them, and in such proportions as shall correspond with the number of stock distrained, and in accordance with the determination of the trustees, and if the owners or claimants refuse or fail to receive or demand the amount to which they or either of them are entitled, the balance shall be paid over to the county treasurer, and become a part of the county school-fund.

Unclaimed amts. to go to co. treasury.

Sec. 9. If, after the complainant has distrained any stock, any person without his consent shall release, or attempt to release, such stock, or any part thereof, from confinement, he shall, on conviction, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than one hundred dollars for each offense, or by imprisonment not exceeding thirty days.

Releasing or attempt to release distrained stock without consent punish'd — fine \$10 to \$100, or imprisonment.

Board supervisors at June meeting to decide on submitting to the people this act. Form of ballot.

Sec. 10. At their regular session in June in each year a majority of the board of supervisors in each organized county in this State shall determine whether the adoption of the provisions of this act shall be submitted to the legal votes of the county at the ensuing general election, and if the supervisors so declare, there may be written or printed on each ballot cast either of the sentences following, to-wit: "For the stock act,"

"Against the stock act," — and if a majority of all the votes cast at such election in said county be "For the stock act," then and not otherwise shall the provisions of this act be in full force in such county for one year, and so long thereafter as the legal voters shall so determine.

Approved April 7, 1868.

CHAPTER 145.

RIGHT OF WAY FOR BRIDGES.

AN ACT Granting the Right of Way for the Construction of Bridges. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when any corporation organized under the laws of this State, or any individual, has obtained or shall hereafter obtain from the board of supervisors license for the construction of a toll-bridge across any of the rivers or streams of this State, such corporation or individual may take and appropriate so much private property in the line of such bridge as shall be necessary for a right of way therefor in such width as such corporation or individual may desire, not exceeding sixty feet.

Sec. 2. Said right of way shall not only extend from one terminus of the bridge to the other, but continuously from and to the points of the roads or streets which said bridge is to accommodate and thus connect.

Sec. 3. If the owner of such property, over which said right of way extends, shall refuse to grant the same, the sheriff of the county shall, upon application of either party, appoint six disinterested freeholders of the county to assess the damage which the owner, or any person having an interest in or improvement on the property to be taken, will sustain by reason of the appropriation thereof; and all the provisions of section 1317 of the Revision of 1860 shall be held applicable to and govern the action and rights of all parties concerned in the proceeding the same as if it were herein set out at length, except that the word "bridge" shall be read for and where the word "railroad" now occurs in said section.