

Taking effect.

SEC. 2. This act to take effect from and after its publication in the Iowa State Register and Des Moines Bulletin.

Approved, March 16, 1870.

I hereby certify that the foregoing Act was published in the *Iowa State Register* March 18, and in the *Des Moines Bulletin* March 17, 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 26.

RESTRAINING STOCK.

MARCH 17. AN ACT to Restrain Stock from running at large.

OWNERS LIABLE FOR DAMAGE DONE BY STOCK. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the owners of cattle, horses, mules, sheep, swine, and other stock, shall be liable for all damages done by such stock.

LAND OWNERS OR OCCUPANTS TO HAVE LIEN ON TRESPASSING STOCK.

SEC. 2. The owner or person in actual possession of any cultivated lands in this State, shall have a lien on all and any stock, that shall trespass on such lands.

OWNER OF STOCK TO PAY.

SEC. 3. The owner of any stock trespassing on the improved lands of another, shall pay to the owner of the land so damaged, the actual amount of the damages so sustained.

POSSESSOR OF LAND MAY DISTRAIN.

SEC. 4. The person who is in possession of the land so trespassed upon, may distrain any trespassing stock and retain the same, in some safe place, at the expense of the owner thereof, until said damages are paid.

TOWNSHIP TRUSTEES TO BE NOTIFIED.

SEC. 5. Within twenty-four hours after the stock has been restrained (Sunday not being included) the party so injured, shall notify the township trustees, to be and appear, on the premises to view and assess the damages; when two or more of the trustees have assembled, they shall proceed to view, and assess the damages and the amount to be paid for keeping said stock; and if the person or persons, owning such distrained stock, refuse to pay the damages so assessed, then it shall be the duty of the trustees to post up notices in three conspicuous places, in the township where such damages were done, that the said stock, or so much thereof as is necessary to pay said damages, with costs of sale, shall be sold to the highest bidder; any money or stock left after satisfying such claims, shall be returned to the owner of the stock

TO ASSESS DAMAGE.

SALE OF STOCK.

so disposed of; said sale shall take place at the inclosure, where such stock was distrained, between the hours of one and three P. M., on the tenth day after the posting of said notices: *provided*, that if any one or more of said trustees are in any way interested in said damages, the trustee or trustees, not so interested, shall appoint some one or more, as the case may require, to act in the place of the person or persons so interested; the owner of the stock, or the person entitled to the possession thereof, when known, shall also be notified of the time and place of the meeting of said trustees to assess said damages.

SEC. 6. The trustees shall make their assessment in writing and file the same with the township clerk, to be of record in his office, and they shall receive the sum of one dollar per day each, for each assessment. All persons aggrieved by the action of the trustees, under this act, may appeal to the Circuit Court of the proper county, in all cases, where the amount of assessment shall exceed forty dollars. The appeal-bond shall be filed with the clerk of the township in a penalty double the value of the property distrained, with good and sufficient securities, to be approved by the clerk; and from and after the filing of the appeal bond, the same shall operate as a *supersedeas*. The clerk, after an appeal is taken, shall certify all the original papers to the clerk of the circuit court, within the time prescribed for the appeal, for which he shall receive the sum of one dollar and fifty cents fees.

SEC. 7. If the owners of such distrained stock are not known it shall be treated as estrays.

SEC. 8. At the regular meeting of the board of supervisors in June, of each year, a majority of the board shall determine whether the adoption of the provisions of this act shall be submitted to the legal voters of the county, at the ensuing general election; and if the supervisors so declare, there may be written or printed on each ballot either of the sentences, following, to-wit: "For the act restraining stock from running at large;" "Against the act restraining stock from running at large;" and if a majority of all the votes cast, for or against said proposition at said election, be for said act, then, and not otherwise, shall the provisions of this act be in full force in such county: *provided*, a majority of the board of supervisors may submit the question, whether the provisions of this act shall be repealed by a majority vote in any county in which it may have

Special election. been adopted; and *provided*, further, that any board of supervisors in any county in this State may submit the question of adopting the provisions of this act, at a special election called for that purpose.

Taking effect in the counties. SEC. 9 The provisions of this act shall take effect in ninety days after being adopted by any county in this State.

Publication. SEC. 10. This act being deemed of immediate importance, shall be in force on and after its publication in the Daily State Register and Daily Des Moines Bulletin, papers published at Des Moines, Iowa.

Approved, March 17, 1870.

I hereby certify that the foregoing Act was published in the *Des Moines Daily Bulletin*, March 18, and in the *Daily Iowa State Register*, March 19, 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 27.

CITY OF COUNCIL BLUFFS.

MARCH 17. AN ACT Legalizing certain Elections in the City of Council Bluffs, and also Legalizing the Acts of the Officers elected thereat.

Preamble. WHEREAS, On the second Monday in March, A. D. 1858, the City of Council Bluffs, in the county of Pottawattamie, and State of Iowa, did hold its election for officers of said city, and did thereat elect certain officers, as prescribed in, and required by the amended charter of said city, passed by the General Assembly of this State, and approved January 23, 1857, entitled "An act to amend the charter of the city of Council Bluffs," which said officers duly qualified and entered upon the discharge of their respective duties; and

6th G. A. : ch. 102

Elections on wrong days. WHEREAS, Annually thereafter, for the period of eleven years, and up to the year A. D. 1869, on the said second Monday of March, [of each year,] the said city of Council Bluffs did hold an election for city officers as aforesaid, who duly qualified and entered upon the discharge of their respective duties; and

WHEREAS, Said elections, by law, should have been on the first Monday in April of each year in lieu of the time at which they were held as aforesaid, therefore,