

SEC. 3. It shall be unlawful for any owner or agent or lessee or other person having control of any lands within this State, to allow any Canada thistles to blossom or mature on any lands owned or occupied by them. Land-holders, same.

SEC. 4. If any road supervisor, corporation, or person, after having been notified in writing of the presence of the Canada thistles on the places hereinbefore referred to, permit such thistles to blossom or mature shall be guilty of a misdemeanor and punished accordingly. Violation a misdemeanor.

SEC. 5. The notice may be served on any ticket or station agent of any railroad company nearest the place where such thistle is found. Service of notices.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

Approved, April 16, 1870.

CHAPTER 178.

UNCLAIMED GOODS.

AN ACT to Repeal Chapter 81 of the Revision of 1860, and to Regulate the Sale of Unclaimed Goods in the Possession of Forwarding and Commission Merchants, Warehousemen, and any other Depositories, Express Companies, and other Common Carriers. APRIL 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter 81 of the Revision of 1860, is hereby repealed, and the following is enacted in lieu thereof: That all goods, wares, merchandise, or other property which has been transported by, or stored or left with, any warehouseman, forwarding and commission merchant, or any other depositories, express companies, and other common carriers, shall be subject to a lien for the just and lawful charges on the same, and for the transportation, advances, and storage thereof. Revision: ch 81 repealed. Goods subject to lien for charges. Warehouseman. Other depositories.

SEC. 2. That if any goods, wares, merchandise, or other property, shall for six months remain in the possession, uncalled for and unclaimed, of any forwarding or commission merchant, warehouseman, or any other depository, express company, or other common carrier, with the just and legal charges unpaid thereon, the person or persons having the same in charge or possession shall first Proceedings where goods are on hand six mo's uncalled for and unclaimed.

Notice to owner, if known; give notice to the owner or consignee, if his or their whereabouts is known, and if not known, and if such goods are not at once taken away, then shall go before some justice of the peace of the township, city, village, or locality where the same are held, if any there be therein, and if not then before the next nearest justice of the peace of the county, and make affidavit, stating the time and place where such goods, wares, merchandise, or other property were received, the marks or brands by which such goods are designated, if any, and, if not so designated, then by such other description or designations as may best answer the purpose of indicating what the goods are, and shall also state the probable value of the same, and to whom consigned; also the charges paid upon such goods, accompanied by the original receipt for such charges, and by the bill of lading, also the other charges, if any, due and unpaid, and whether the whereabouts of the owner or consignee of such goods is known to the affiant, and if so, whether notice was first given to him or them, as hereinbefore provided; which affidavit shall be filed by the said justice of the peace in his office, and retained by him in the files of his office for the inspection of any one interested in the same, and he shall also enter in his estray-book a statement of the contents of the affidavit, and time and place where and by whom the same was made, for which he shall receive the sum of one dollar fee, to be paid by the affiant.

if unknown, affidavit before justice.

Statements of affidavit;

notice to file.

Fee.

SEC. 3. That after the preliminary steps are taken in compliance with section two of this act, if such goods still remain unclaimed and uncalled for, and charges are not paid thereon, then the person in possession of the goods either by himself or his agent, where the probable value of the goods does not exceed the sum of one hundred dollars, shall advertise the same for sale for the period of fourteen days, by posting five notices in five of the most public places in the city or locality where said goods are held, giving such description of them as will indicate what the goods to be sold are; but, when the goods exceed the probable value of one hundred dollars, then the length of notice given shall be four weeks, and, in addition to the five notices posted, there shall be a publication of the notice of sale, for the same length of time, in some newspaper of general circulation in the locality where the goods are held, if there be one, and, if not, then the next nearest newspaper published in that neighborhood; at the end of which period, if the goods are still unclaimed and uncalled for, or charges unpaid,

Notice of sale to be posted.

Advertisement.

the agent or party in charge of said goods shall sell the same at public auction, between the hours of ten o'clock A. M. and four o'clock P. M., for the highest price the same will bring in cash, which sale may be continued from day to day, by public announcement to that effect at the time of adjournment, until all the goods are sold, and, from the proceeds of such sale, the said party who held said goods shall take and appropriate a sufficient sum to pay all charges on said goods, and all costs and expenses of sale; the cost of advertising to be no more than in the case of a constable or sheriff's sale, and the same to be conducted in a similar manner.

Sale.

Proceeds to pay charges.

Cost of advertising.

SEC. 4. Perishable property, such as fruit, fresh fish, oysters, game, &c. shall be retained twenty-four hours, and if not claimed within that time and charges paid, after the proper affidavit is made as required by section two of this act, may be sold either at public or private sale, in the discretion of the party holding the property, for the highest price that the same will bring, and the proceeds of the sale disposed of the same as provided by this act: *Provided*, That, in both cases, if the owner or consignee of said unclaimed property shall reside in the same city, town, or locality in which said property shall be, and shall be known to the agent or party having the same in charge, then personal notice shall be given to said owner or consignee, in writing, that said goods are held subject to his order, on payment of charges, and that unless he pays said charges, and removes the property, the same will be sold as provided by law.

Perishable property, after 24 hour's retention, may be sold, after affidavit.

Proviso.

Personal notice to owner, when.

SEC. 5. That after the charges due and unpaid on the goods, and the expenses and costs of sale have been taken out of the proceeds of sale as provided by this act, the excess in the hands of the agent or person who was in charge of the goods sold, shall be by him forthwith deposited with the county treasurer of the county where the goods were held and sold, subject to the order of the owner, said ownership being properly authenticated under oath. He shall also file with the county treasurer a schedule of the property, with the name of the consignee or owner, if known, of each piece of property sold, the sum realized from the sale of each separate package, describing the same, together with a copy of the advertisement as hereinbefore provided, and a full statement of the receipts of the sale, and the amount disbursed to pay charges, costs, and expenses of sale, all of which shall be under the oath of the party or his agent, as to the truth and correctness thereof, which schedule, statement, oath, and advertisement

Surplus of proceeds to be deposited with co. treasurer, subject to ord'r of own'r.

Agent to fill schedule of property, etc.

under oath;

to be preserved in shall all be filed and preserved in the treasurer's office, treasurer's office. for the inspection of any one interested in the same.

Remainig un- Sec. 6. Should the owner of the property so sold not claimed and un- make a demand upon the county treasurer for any money called for one yr., that may be in the treasury to his credit, according to the proceeds to go to provisions of this act, the sum so unclaimed and uncalled school-fund. for shall be accounted for by the county treasurer, and placed to the credit of the county in the next subsequent settlement made by the treasurer with the county, and should the sum so uncalled for or unclaimed remain unclaimed and uncalled for during the period of one year, it shall then be paid into the school-fund to be distributed as other funds may be by law, which may be raised by tax on other property of the county. But nothing herein contained shall be a bar to any legal claimant from prosecuting and proving his claim for such money at any time within ten years, and, the claim being within that period prosecuted and proved, it shall be paid out of the county treasury in which it was originally placed, without interest.

Ten years' re- demption.

Taking effect. Sec. 7. This act, being deemed of immediate importance, shall take effect from and after its publication in the *Daily State Register* and *Des Moines Bulletin*, papers published in Des Moines, Iowa.

Approved, April 16, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 28, 1870, and the *Des Moines Daily Bulletin*, April 28, 1870.

ED WRIGHT, *Secretary of State*.

CHAPTER 179.

PUBLIC HIGHWAYS, BRIDGES, AND SQUARES.

APRIL 16. AN ACT to Repeal Section 1097 of the Revision of 1860, and enact a Substitute therefor.

Rev. : §1097. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 1097 of the Revision of 1860 be and the same is hereby repealed, and the following enacted in lieu thereof:

Control and re- SEC. 1097. The city council shall have the care, pair. supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the