

## CHAPTER 29.

## ROAD SUPERVISORS.

AN ACT to Amend Section 989, of Chapter 2, of Title 7, of the Code, H. F. 58.  
in Relation to the Powers and Duties of Road Supervisors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa:*

That section 989 of the code be and the same is hereby repealed, and the following enacted in lieu thereof. Code, 2089.

SECTION 989. The supervisor is not permitted to cut down or injure any tree growing by the wayside which does not obstruct the highway, and which stands in front of any town lot, enclosure, or cultivated field, or any ground reserved for any public use, where such tree is intended to be preserved for shade or ornament, by the proprietor of the land, on or adjacent to which the tree is standing; and it shall not be lawful for the supervisor to enter upon any enclosed or unenclosed lands for the purpose of taking timber therefrom without first receiving permission from the owner or owners of said lands. May not cut shade trees.  
Or take timber without consent of owner.

SEC. 2. All acts and parts of acts inconsistent with the above are hereby repealed.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa. To take effect

Approved March 3, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 6, and in the *Iowa State Register*, March 9, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 30.

## TO DEFINE AND PUNISH THE CRIME OF SWINDLING.

AN ACT to Define the crime of Swindling, and to punish the same: S. F. 2, 4, and [additional to Title XXIV of the Code.] 15.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whoever by the means of three-card monte, so called, or any other form or device, sleight of hand or other means whatever, by use of cards or instruments of like character, obtains from another person any money or other property of any description, shall be deemed guilty of the crime of swindling, and shall, on conviction thereof, be punished by fine not less than two hundred dollars nor more than two thousand dollars, or by imprisonment in the penitentiary not less than two years nor Swindling by three-card monte.

more than five years, or by both such fine and imprisonment in the discretion of the court. All persons, aiding, encouraging, advising or confederating with, or knowingly harboring or concealing, any such person or persons, or in any manner being accessory to the commission of the above described offense, or confederating together for the purpose of playing such games, shall be deemed principals therein, and punished accordingly.

Accessories.

Jurisdiction in any county passed through.

SEC. 2. The jurisdiction of all the offenses described in section one (1) of this act which shall be committed on any railroad, car, coach, train, boat or other public conveyance, or in or at any railroad station or depot shall be in any county through which said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate, and in all other cases the jurisdiction shall be in the county in which the offense is committed.

Who may make arrest.

SEC. 3. Every person shall possess the power and authority, and it shall be the duty of every conductor, or other employe on any railroad, car, or train, and of every captain, clerk, or other employe or [on] any boat, or station agent at any railway depot, or the officers of any fairs or fair grounds, or the proprietors of any place of public resort, and *other* [their] employes, with or without warrant to arrest any person or persons whom they or either of them shall find in the act of committing any of the offenses mentioned in the first section of this act, or any person or persons whom he or they may have good reason to believe to have been guilty of the commission of the said offenses, and to take such person or persons before a magistrate in any county where jurisdiction to try said offenses exists by virtue of this act, and deliver such person or persons so arrested to the magistrate, and make written complaint under oath of the facts. And for executing the powers conferred by this section the person making the arrest shall possess the same powers in all respects as are exercised by officers with warrants, including the power to summon assistance; and it shall be the duty of the person making such arrest to also arrest the person injured or defrauded by reason of the commission of any of the offenses mentioned in section one (1) of this act, and take such person before the examining magistrate, who shall require such person to give security to appear and testify on the trial of the cause, and such person or persons shall not be deemed to be guilty of the offense mentioned in section one (1) of this act, nor of the offense of gambling unless such person or persons shall have failed to appear and give evidence on the trial.

With what powers.

Person defrauded to be arrested.

Compensation.

And the persons performing the services required by this act shall receive the same compensation as sheriffs receive for like services.

Duty of conductor, captain, &c.

SEC. 4. It shall be the duty of any conductor, captain, hotel or saloon keeper, proprietor or manager of any public conveyance or place of public resort, and the officers of any fair or fair grounds, to eject from his car, train, boat, hotel, saloon, public conveyance, fair grounds, or place of public resort, any person

known to him or whom he has good reason to believe to be a three-card-monte-man, or who offers to wager or bet money or other valuable thing upon what is commonly known as three-card-monte, or bet on any trick, or game with cards or other gaming device, and for such ejection no action for damages shall be maintained. And any parties operating any public conveyance by which passengers are carried, shall keep posted up a copy of this law in such conveyance.

SEC. 5. Any conductor of a railroad train, captain of any steamboat, proprietor or manager of any public conveyance, officer of any fair or fair grounds, or place of public resort, any hotel or saloon keeper, or their agents or employes, who shall fail, neglect, or refuse to perform the duties herein mentioned, or who shall knowingly suffer or permit a violation of this act, shall be deemed guilty of a misdemeanor, and the jurisdiction of such offense shall be the same as that provided in section two of this act.

SEC. 6. Any person may be convicted for violation of section number one (1) of this act, on his own confession out of court, or upon the testimony of an accomplice.

SEC. 7. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register at Des Moines, and the Council Bluffs Daily *Nonpariel* [*Nonpareil*], newspapers published in the state of Iowa, the provisions of section thirty-three of the Code to the contrary notwithstanding.

Approved March 3, 1876.

I hereby certify that the foregoing act was published in the *Council Bluffs Daily Nonpareil*, March 7, and in the *Iowa State Register*, March 10, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 31.

### TO CONFIRM TITLE IN GEORGE CAMPBELL.

AN ACT to quiet and Confirm the Title in certain Lands in Appanoose County, Iowa, in George Campbell. H. F. 63.

WHEREAS, George Campbell, of Appanoose county, State of Iowa, did, on the 30th day of August, A. D. 1853, purchase of Daniel P. Sparks, saline fund commissioner in and for said Appanoose county and state aforesaid, the following real estate, to-wit:

The southwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of section No. 29, and the south half  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of section No. 20, township No. 70 north, range No. 16 west, in said Appanoose county, Iowa, as is evidenced by the original contract herewith appended; and

WHEREAS, The said George Campbell did, on the 26th day of