

CHAPTER 101.

WIRE FENCE.

AN ACT to Amend Sec. 1507, Chap. 5, Title 11, of the Code.

S. F. 29.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 1507 of the Code, be and the same is amended by inserting after the word "rail," in the (10th) tenth line, the word "wire," and by inserting in the (12th) twelfth line, after the word "height," the words "except that a barbed wire fence may consist of three barbed wires, or of four wires, two of which shall be barbed, such fence in either case to have not less than forty iron barbs to the rod; the wires to be firmly fastened to posts not more than two rods apart, with two stays between the posts, or with posts not more than one rod apart without such stays, the top wire to be not more than fifty-six nor less than forty-eight inches in height, and the bottom wire not more than twenty nor less than sixteen inches from the ground.

Code, §1507 amended.

Barbed wire fence of three wires. Requirements.

Approved March 15, 1876.

CHAPTER 102.

TO DEFINE AND PUNISH THE CRIME OF SWINDLING.

AN ACT to Define the Crime of Swindling and to Punish the Same.

H. F. 496.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. 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 a 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 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.

Swindling defined and punishment for same.

Accessories.

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

Jurisdiction.

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 on any boat, or station agent at any railway depot, or the officers of any fairs or fair grounds, and the proprietors of any place of public resort, and 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 complaints 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 de-
frauded to be
arrested.

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

Compensa-
tion.

Duty of con-
ductor, cap-
tain, &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 things 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 damage 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.

Conductor,
captain, &c.
to be deemed
guilty.

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 agent or employe, 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 2 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. Evidence.

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 Council Bluffs Daily Nonpareil, newspapers published in the state of Iowa, the provisions of section thirty-three of the Code to the contrary notwithstanding. To take effect.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 23, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 103.

MUTUAL ASSOCIATIONS.

AN ACT to amend Section 1160, Chapter 4, Title 9, of the Code, relating to the Number of Members of Mutual Associations. S. F. 75.

Be it enacted by the General Assembly of the State of Iowa:

[SECTION 1.] That section 1160, chapter 4, title 9, of the code, be, and the same is hereby amended by adding at the end of said section the following: Code, §1160 amended.

“*Provided*, That the limitation of 2,000, herein provided for, shall not apply to benevolent or charitable societies, having as one of their objects a species of life insurance, for the payment of which, on the death of any member, a tax of a fixed sum is levied upon each member of the society or order.” Limitation not to apply to certain societies.

[Sec. 2.] 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 the Iowa State Leader, newspapers published at Des Moines, Iowa. To take effect.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 21, and in the *Iowa State Register*, March 24, 1876.

JOSIAH T. YOUNG, *Secretary of State.*