

where the real estate conveyed or affected by such deeds, mortgages or other instruments of writing, is situate, are hereby declared as good and valid in law and equity as if they had been acknowledged and proved before or by some court having a seal, some judge, justice, or clerk thereof; or some justice of the peace or notary public of the county in which the real estate so conveyed or affected was situate, in strict accordance with said act approved January 4th, 1840.

SEC. 2. **Time of taking effect.** This act to take effect and be in force from and after its passage.

Approved, 13th February, 1844.

[20] CHAPTER 14.

ELECTION DISTRICTS.

AN ACT to amend an act entitled "An act districting the territory of Iowa into electoral districts," approved July 30, 1840.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. **Counties of Johnson and Muscatine the seventh district.** That the seventh electoral district be so amended as to read: "The counties of Muscatine and Johnson shall form the seventh electoral district, and shall be entitled to one member of the council, and one member each of the house of representatives."

SEC. 2. **Repealing clause.** That any act contravening the provisions of this act is hereby repealed.

SEC. 3. **Time of taking effect.** This act to take effect from and after its passage.

Approved, 13th January, 1844.

CHAPTER 15.

JUSTICES OF THE PEACE.

AN ACT to amend an act entitled, "An act to provide for the election of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings, approved February 9, 1843.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. **Van Buren township to be allowed three justices, one to reside in Keosauqua, and one west of Des Moines river—Salem township, Henry county, to have another, to reside in Washington.** That the township of Van Buren, in the county of Van Buren, shall hereafter be allowed three justices of the peace, two of whom are to be located as follows in said township, to wit: one shall be a citizen of and reside in the city of Keosauqua, and one shall be a citizen of and reside in that portion of said township which lies on the western side of the Des Moines river. Also, one additional justice of the peace in Salem township, Henry county, who shall reside in or near the town of Washington.

SEC. 2. **How said justices are to be elected.** That in electing justices of the peace and constables hereafter in said townships of Van Buren and Salem,

strict regard shall be paid to the requisitions and intentions of the foregoing section.

[21] **SEC. 3. Repealing clause; acting justices not to be affected.** That so much of the above named act, and all other acts that conflict with the provisions of this act, and so much of the sixth section of the act to which this is amendatory as authorizes the election of three justices of the peace in the city of Keosauqua, be and the same are hereby repealed: provided, that those persons now acting as justices of the peace in said township and city of Keosauqua shall not be affected hereby.

SEC. 4. Time of taking effect. This act to take effect and be in force from and after its passage.

Approved, 15th February, 1844.

CHAPTER 16.

LAWFUL FENCES.

AN ACT to define lawful fences, and restrain trespassing animals.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. What to be deemed a lawful fence; how high and how built. That a worm fence, composed of strong and sufficient rails, with stakes and riders, closely put up and in good repair, five feet high; a post and rail, or post and paling, or post and board fence, well built and in good repair, four and a half feet high; and any other fences or obstacles, whether artificial or natural, which shall, in the opinion of the fence viewers of the township or precinct, be considered equivalent to any of those above described, shall be deemed lawful fence in this territory.

SEC. 2. Division fence, by whom built and repaired. That in all cases where different owners or occupiers improve land contiguous to each other and divided by a single fence, it shall be the duty of each owner or occupier, to build and keep in repair one half of said fence.

[22] **SEC. 3. Amount to be paid for privilege of joining fence to that of another; if fence removed by owner who to rebuild.** That whenever any person shall join his fence to the fence of another, he shall pay to the person owning such fence one half the cost thereof, or such sum as the owner shall see fit to accept, or build the fence anew, provided the owner of the first fence, or his agent, shall remove the same.

SEC. 4. Disagreement as to fence on division line, by whom determined; effect of such decision. That whenever there shall be any disagreement as to the part or parts of the division line on which each shall be required to keep a fence, it shall be lawful for either party to apply to the fence viewers of the township to determine the same; and their decision, given in writing to each party, shall be final and conclusive.

SEC. 5. Intended removal of division fence, what notice required; penalty for want of notice—if occupied as enclosure, penalty for refusing to build division fence, how assessed and collected. That whenever either of the owners or occupiers shall determine to remove or suffer to go to decay his share of a division fence, he shall give six months notice in writing of the same to the other owner or occupier; and if he fail so to do, he shall be liable for all damage which may be occasioned by the removal or decay of such fence. And it is further provided, that if any person refuse to pay for, or build his