

SEC. 2. Duty of township and county officers, etc.—constable, sheriff, etc. to arrest—justice or judge to fine and commit. It shall be the duty of all township and county officers, to notify all free negroes who may immigrate to this state, to leave the same within three days from the time of notice, and upon their failure to do so, it shall be the duty of [173] the constable of the proper township, sheriff of the county, marshal or other police officer of the town, to arrest such free negro, and take him or her before a justice of the peace or county judge, and it shall be the duty of such justice or judge to fine such free negro, the sum of two dollars, for each day he may remain in the state after such notice, and costs of such prosecution; and to commit such free negro to the jail of the county or the nearest one thereto, until such fine and costs are paid, or until he will consent to leave the state; provided, it shall be ascertained that he or she is unable to pay such fine and costs.

SEC. 3. Negroes now living in state may remain. That all free negroes now living in this state, who have complied with the laws now in force, shall be permitted to remain here, and enjoy such property as they may now possess, or may hereafter acquire.

SEC. 4. Negroes and mulatto's how determined. On the trial of any free negro under this act, the justice or judge shall determine from, and irrespective of his person, whether the person on trial comes under the denomination of free negro or mulatto.

SEC. 5. To take effect. This act to take effect, and be in force, by publication in the Iowa True Democrat, a weekly newspaper published in Mount Pleasant.

Approved, February 5th, 1851.

CHAPTER 73.

SWINE.

AN ACT to restrain swine from running at large in Jackson county.

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

SEC. 1. Poll open—vote—notice. That at the next township election in the county of Jackson, a poll shall be opened in each township in said county, to determine whether or not swine shall run at large in said county. The clerk of the board of county commissioners of said county shall be authorized, and it is hereby made his duty, to cause to be published in the paper printed [174] in said county, a notice thereof, for three consecutive weeks immediately preceding said election, and the electors at said election may vote "swine at large" or "swine not at large."

SEC. 2. Returns. The judges and clerks of the township election, shall be judges also of said election, and shall make returns of the number of said votes so polled in their respective townships, to the clerks of the board of county commissioners of said county, in the same time, and in like manner, as returns of a general election are made, and said clerk shall proceed to canvass said votes in like manner as the votes of a general election are canvassed.

SEC. 3. If majority vote swine not at large clerk to give notice—owner restrain swine—damages. If a majority of said votes so cast upon said

question shall be "swine not at large," the said clerk shall immediately cause public notice thereof to be given; by causing to be published in the aforesaid paper, a notice of said fact, for three consecutive weeks, and from and after the last publication in said paper, every owner of swine in said county shall restrain their swine from running at large in said county; and in the event of a failure so to do, shall be liable to any damages done by said swine, to be recovered by action of trespass by the party injured.

SEC. 4. Swine may be taken up—notice to constable—may sell said swine—proceeds how disposed of—constable may release. After the publication of said notice, as specified in the preceding section, any person may take possession of any swine found running at large in said county, and give notice thereof to any constable of said county, who shall have power, and it is hereby made his duty, to sell said swine at public outcry, to the highest bidder for cash, upon giving ten days notice of the time and place of sale: the proceeds of which sale, after payment of costs and charges of keeping, shall be paid into the county treasury, to be applied to the use of the county until legal proof be made to the satisfaction of the board of commissioners of said county, or to such other person or persons, as shall constitute the court doing county business, by the person or persons claiming such property to have been his or theirs, whereupon said person or persons constituting said court, doing county business, shall order said amount to be paid out of any moneys in the hands of the treasurer not otherwise appropriated: provided, that the owner, or any person for him, shall, on or before the day [175] of such sale, pay the costs and charges thus far made, the constable is hereby required to release said swine to the person making such application, upon satisfactory proof being made.

SEC. 5. Take effect. This act shall take effect and be in force from and after its publication in the *Western Democrat*: provided, the expense of said publication shall not be paid by the state.

Approved, February 5th, 1851.

Published in the "*Western Democrat*," February 19th, 1851.

CHAPTER 74.

NORMAL SCHOOLS.

AN ACT to amend an act entitled "An act to establish Normal Schools," approved January 15, 1849.

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

SECTION 1. Trustees to be appointed by superintendent of public instruction. That the boards of trustees of the normal schools not yet organized, shall be appointed by the superintendent of public instruction, and shall meet on the first Monday of April next, or as soon thereafter as practicable and perform the duties required by the third section of the act to which this is amendatory.

SEC. 2. Take effect. This act shall take effect and be in force from and after its passage.

Approved, February 5th, 1851.