

**SEC. 14. Failure to comply—fine.** If any person shall take up any boat or vessel, or any estray beast, or shall find any goods, money, bank notes or other choses in action, and shall fail to comply with the requisition of this act, every such person so offending shall forfeit and pay the sum of twenty dollars, to be recovered before any justice of the peace: who will sue for the same, the one-half whereof, shall be for the use of the person suing, and the other half to be deposited in the county treasury, for the use of common schools: provided, that nothing herein [173] contained shall prevent the owner from having and maintaining his action for the recovery of any damage he or she may sustain.

**SEC. 15. Fees—justice of the peace—clerk—sheriff—constable—appraiser.** In all cases where services shall be performed by any officer or other person under this act, the following fees or compensation shall be allowed, to wit: To the justice of the peace, for administering the oath to the taker-up or finder, making an entry thereof, with the report of the appraisers, and making and transmitting a certificate thereof to the clerk of the county judge, fifty cents; to the clerk for taking proof of the ownership of the property, and granting certificate of the same, twenty-five cents; for registering each certificate transmitted to him by the justice as aforesaid, ten cents; for advertisements, including the newspaper publication, fifty cents; to the sheriff, on account of sales made by him in pursuance of this act, four per cent. on the amount; to the constable, for each warrant served on appraisers, twenty-five cents; to each appraiser, twenty-five cents; all which said costs and charges, with the exception of the justice for granting a certificate of ownership, and the sheriff's commission, shall be paid by the taker up to the person entitled thereto, whenever the service shall be performed; provided, that in all cases where it shall be necessary to make publication in a newspaper, the taker up or finder, as the case may be, shall be required to deposit with the clerk of the county judge a sum of money sufficient to pay for the same, previous to the publication thereof, all which costs and charges shall be reimbursed to the taker up or finder, in all cases where restitution of the property shall be made to the owner, or the same shall be delivered to the sheriff to be sold, or where money or bank notes shall be paid into the county treasury, in addition to the reward to which such person may be entitled, for such taking up or finding as aforesaid.

**SEC. 16. Estray book.** For the more speedy recovery of the estrays or other lost property, it shall be lawful at all times for any person interested, to search and examine the estray book of the clerk for any information, he or she may want in relation to any property which may at any time have strayed away or been lost by any such person as aforesaid, for which said clerk shall be entitled to no compensation.

[174] **SEC. 17. Take effect.** This act to take effect from and after the publication of the laws of this session.

Approved, January 24, 1853.

## CHAPTER 105.

### FENCES.

AN ACT concerning fences.

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

**SECTION 1. Fences—lawful.** That any fence constructed of strong materials, put up in a good and substantial manner, with sufficiently small spaces between the materials composing said fence, and raised to the height of

four feet six inches, shall be considered a lawful fence, or such other construction of fences as may, in the opinion of the fence viewers, be of equal strength and security to the enclosure, shall in like manner be considered lawful.

Approved, January 24, 1853.

## CHAPTER 106.

### STATE ROADS.

AN ACT in relation to certain state roads therein named.

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

**SECTION 1. Commissioners—Anamosa to Crane's.** That Austin S. Warren, Joseph A. Hunt and Roswell Crane, of Jones county, be and they are hereby appointed commissioners to review and establish that portion of the military road running between Anamosa and the residence of Roswell Crane, in said county.

**SEC. 2. Commissioners to review.** Allen Scroggs, Orrin Harvey and G. W. Mead, of Jones county, be and they are hereby appointed commissioners to review and establish that portion of the Anamosa and Camanche state road that lies within eight miles of Anamosa.

**SEC. 3. Commissioners—widow Fesler's to south line of Washington county.** Frederick Schwaebe, Joseph Myers and Presley Figgins, of Washington county, are hereby appointed commissioners to locate and establish a state road, commencing at the bridge on what is termed the military road, near widow Fesler's residence, in Johnson county, thence on the nearest and most practicable route from bridge to bridge on the road so called, to the south line of Washington county.

**SEC. 4. Commissioners—Ft. Desmoines to Wahtawah.** O. D. Smally, of Dallas county; W. W. Jones, of Polk county; and Wilson Miller, of Dallas county, be and they are hereby appointed commissioners to locate and establish a state road from Fort Desmoines via (best route) to Wahtawah, in Adair county.

**SEC. 5. Commissioners—Centerville to Ft. Desmoines.** J. F. Stratton, of the county of Appanoose; Elijah Robinson, of the county of Lucas, and Alexander Roberts, of the county of Warren, be and they are hereby appointed commissioners to locate and establish a state road from Centerville, Appanoose county, via Chariton, in Lucas county, Indianola, Warren county, to Fort Desmoines, Polk county.

**SEC. 6. Commissioners—Monroe to Indianola.** I. Q. Doekin, of Jasper county, C. W. Freel, of Polk county, and R. W. Steele, of Warren county, be, and they are hereby appointed, commissioners to locate and establish a state road from Monroe, Jasper county, via Lafayette, in Polk county, to Indianola, in Warren county.

**SEC. 7. Commissioners—Newton to Marietta.** William H. McHenry, of Polk county, J. Hobbs, of Marshall county, and Thomas Reese, of Jasper county, be, and they are hereby appointed, commissioners to locate and establish a state road from Newton, in Jasper county, via C. Brady's, to Marietta, in Marshall county.

**SEC. 8. Commissioners—bridge on Skunk to Marietta.** John McLain and D. Bryant, of Polk county, and J. M. Ferguson, of Marshall county, be, and