

CHAPTER 235.

FENCE.

AN ACT to amend an act entitled an act concerning fence.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all counties in this State, where by a vote of the legal voters of such county, or by any act of the General Assembly of this State, it has been or may be hereafter determined that hogs and sheep, or either of them, shall be prohibited from running at large, a fence made of three rails of good substantial material, or three boards not less than six inches wide, and three quarters of an inch thick, such rails or boards to be fastened in or to good substantial posts, not more than ten feet apart, where rails are used, and not more than eight feet apart, where boards are used, or any other fence, which in the opinion of the fence viewers shall be equivalent thereto, shall be declared a lawful fence: *Provided,* That the lowest or bottom rail or board shall not be more than twenty nor less than sixteen inches from the ground, and that such fence shall be fifty four inches in height.

When hogs & sheep are restrained.

SEC. 2. In all cases where fences are built upon county lines, between counties in one of which hogs and sheep are prohibited from running at large, and the other in which they are not prohibited from running at large, such fence shall be built in the manner prescribed in the act to which this is amendatory: *Provided,* That the owners of any hogs or sheep shall be liable for all damages sustained by any person in consequence of such hogs or sheep crossing such county lines by way of the highway.

County lines.

SEC. 3. In all cases of damages committed by trespassing animals in any county wherein the above described fences are lawful, the same rights and liabilities shall attach as are now provided in like cases, or in cases of trespassing animals under the act to which this is amendatory: *Provided,* That nothing in the foregoing provisions shall be so construed as to deprive drovers or other persons of their right to drive hogs, sheep, or other stock from one part of the State to another.

Trespassing animals.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved January 29, 1857.

CHAPTER 236.

COUNTY SEAT.

AN ACT to locate the seat of justice in Chickasaw county.

Commissioners SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That D. P. Wallen, of Bremer county; H. B. Hoyt and C. A. Newcomb, of Fayette county, be, and they are hereby appointed commissioners, to re-locate the seat of justice of Chickasaw county; said commissioners, or any two of them, shall meet at the house of Lorenzo Baily, in Chickasaw county, on the first Monday of March, 1857, or within two months thereafter, as a majority of them may agree in the pursuance of their duties under the provisions of this act.

Oath. SEC. 2. That said commissioners shall, before entering upon the duties of their office, take and subscribe an oath, to impartially and faithfully locate the county seat of Chickasaw county, according to the best interests of said county, taking into consideration the future as well as the present population of said county, which oath shall be filed in the office of the county judge of Chickasaw county.

Location. SEC. 3. Said commissioners, after being qualified as aforesaid, shall proceed to locate the seat of justice of said county; and as soon as they come to a determination, they shall proceed to make out a certificate, containing a particular description of the place so selected, and upon which they have located said county seat, which shall be signed by said commissioners and filed in the office of the county judge of Chickasaw county, and the place thus designated shall be the seat of justice of said county.

Per diem. SEC. 4. The said commissioners shall each receive the sum of three dollars per day while in the discharge of their duties, and two dollars for every twenty miles travel in going and returning, to be paid by said county.