

CHAPTER 76.

DOGS.

AN ACT providing for the registry of dogs, and defining the duties of Township Officers in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That every owner or keeper of a dog, shall on or before the 15th day of May, 1862, and each year thereafter, cause it to be registered, numbered and described in the office of the Clerk of the Township where said owner or keeper resides, and shall pay to said Clerk for said registry the sum of one dollar for every male dog, and three dollars for every female dog, and shall receive from said Clerk a certificate of registry, number and description of said dog, which certificate shall be *prima facie* evidence of the proper registry of said dog in any township of the State. The township clerk shall receive for every certificate so issued twenty cents, from the funds accruing under the provisions of this Section.

SEC. 2. The township clerk shall keep an account of the amount received and paid out under the provisions of this Act, which account shall always be open to the inspection of any citizen of the township, and shall annually on the first Monday of June, post in some conspicuous place in his township a list of all dogs registered for the current year, and shall also furnish a copy thereof to each constable in the township.

SEC. 3. There shall be a collar placed upon the neck of each dog registered under this Act by the owner thereof; said collar may be leathern or metallic, and shall not be less than one inch wide, with the number and year made plain upon the same, either by engraving or punching with holes, or sewing with thread of a color different from the collar. All dogs caught without a collar on, specified in this section, shall be considered a nuisance, and shall be destroyed as set forth in section 8th of this Act.

SEC. 4. Any person placing a collar on any dog not registered, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars.

SEC. 5. The Township Clerk of each township shall be required to give bond in the sum of twice the amount of money that will be likely to come into his hands by

Dogs shall be registered.

Clerk shall keep an acc't. of amount received and disbursed, post a list of registered dogs.

Dog shall have a collar.

Penalty for collaring dog not registered

Clerk shall give bond.

the provisions of this act, which amount shall be fixed by the trustees; said bond shall be approved by the Township Trustees, and filed with them for the use of any one injured by the improper acts of said clerk.

SEC. 6. Any person owning, keeping or harboring a dog over the age of three months, not registered according to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars, to be collected as other fines. If before judgment the defendant cause his dog to be registered as required by the provisions of this act, and pay all costs up to the time of pleading such registry, it shall be a bar to any further prosecution for that offence. Penalty for keeping a dog not registered

SEC. 7. Any person who shall maliciously kill any registered dog, or shall steal or entice away such dog, shall upon conviction thereof be punished by a fine not exceeding fifty dollars, and shall also be liable to the owner for all damages. Penalty for killing or enticing away registered dog.

SEC. 8. Any person may, and every police officer, constable, or marshal shall, kill or cause to be destroyed all dogs going at large and not collared and registered according to the provisions of this Act. Officers shall receive twenty-five cents for each dog so destroyed, to be paid out of the funds accruing under the provisions of this Act. Dogs running at large not registered to be destroyed.

SEC. 9. It shall be lawful for any person to kill any dog caught in the act of worrying, maiming or killing any sheep or lambs, or other domestic animal, or any dog attacking or attempting to bite any person outside of the inclosure of the owner, and the owner shall be liable to the party injured for all damages done by his dog. Dogs disturbing sheep, etc. shall be destroyed.

SEC. 10. The township trustees of each township shall require all dogs over three months of age, not registered according to the provisions of this Act, to be destroyed, and shall enforce all penalties herein provided, and any officer who shall neglect or refuse to perform the duties imposed upon him by this Act, shall be punished by a fine not exceeding ten dollars for each conviction. Township Trustees shall enforce penalties.

SEC. 11. All funds received for the registry of dogs, except so much as is necessary to defray the expenses of registering and killing dogs as provided in sections one and eight of this Act, are hereby set apart as a school fund to be paid to the Township District Treasurer, and divided among the several sub-districts in each township as other school funds are apportioned: *Provided*, That in any township where there is a city organization or independent sub-district, the Township Clerk shall pay Dog Tax to go into the School Fund.

into the city school treasury or treasury of the independent district its share of such apportionment.

Violations of this Act shall be prosecuted

SEC. 12. All fines and forfeitures imposed as a penalty for the violation of any of the provisions of this Act, or neglect of any duty imposed by the same, shall be prosecuted for by complaint of any citizen before a Justice of the Peace having jurisdiction, and no mere technical objection to the form of the information shall be allowed to defeat a prosecution so commenced.

Take effect by publication.

SEC. 13. This Act being deemed of immediate importance, shall take effect from and after its publication in State Register, Des Moines Times and Iowa Homestead and Farmer, newspapers published in the City of Des Moines, or any two of them.

Approved March 29th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times April 12th, 1862, and in the Iowa State Register, April 18th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 77.

SWAMP LANDS.

AN ACT to amend Section nine hundred and eighty-six [986] of the Revision of 1860, in relation to Swamp Lands.

Counties may dispose of their Swamp Lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section nine hundred and eighty-six of the Revision of 1860, be so amended as to read as follows: That it shall be competent and lawful for the counties owning swamp and overflowed lands, to devote the same or the proceeds thereof, either in whole or in part to the erection of public buildings for the purpose of education, the building of bridges, roads and highways, for building institutions of learning, or for a permanent school fund for the use of the county to which such lands belong, or for building county buildings, or for making railroads through the county or counties to which such lands belong: *Provided*, That before any of said land or the proceeds thereof shall be so devoted to any of the purposes aforesaid, the question whether the same shall be so done shall be submitted at some general or special election to the people of the county: *Provided, always*,