

LAWS OF IOWA.

[Chap. 1.]

AN ACT to authorize Vinson H. Wamsley and Barnet Ristine to erect a dam across the Cedar fork of Skunk river, in the county of Henry, Iowa territory.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That Vinson H. Wamsley and Barnet Ristine are hereby authorized to erect a dam across the Cedar fork of Skunk river, in the county of Henry, in said territory, on the northwest quarter of section twenty-one, township seventy-one north, range seven west, which dam shall not exceed six feet and a half high above low water mark: *Provided* the same shall not injure the mill of Lewis Watson on said stream. To erect dam.

SEC. 2. Any person who shall destroy or in any wise injure said dam, shall be deemed to have committed a trespass, and shall be liable accordingly, and any person who shall wilfully or maliciously destroy or injure said dam, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined treble the amount of damages the owner may have sustained, or be imprisoned, at the discretion of the court. Injury to dam a trespass.
Wilful injury misdemeanor.
Treble damages.

SEC. 3. Nothing herein contained shall authorize the individuals named in this act, their heirs or assigns, to enter upon and flow the lands of any person, without the consent of such person, and they shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity. Not to flow lands.

Approved November 25th, 1839.

[Chap. 2.]

AN ACT in relation to the safe custody of persons arrested for crimes and misdemeanors.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That any person arrested on a charge of any crime or misdemeanor, committed in any county of this territory, Person arrested may be transferred to another county.

who might legally be confined in the jail of said county, may, for safe custody, be transferred to the jail of any other county in the manner provided for in this act.

By whom to be made.

SEC. 2. Such transfer may be made by the direction of any judge of the supreme court, or of any justice of the peace of the county wherein the offence shall have been committed.

In what case.

SEC. 3. Before making the direction for such transfer, said judge or justice of the peace shall require satisfactory proof that the prisoner cannot be retained in safe custody in the county where the offence was committed.

Duty of sheriff

SEC. 4. Upon receiving such direction in writing, signed and sealed by the officer making the same, the sheriff shall forthwith transfer the person to the jail of the county specified in said direction, and shall leave with the jailer of that county a copy of the original mittimus, together with a copy of the directions aforesaid.

To be confined until.

SEC. 5. The prisoner shall then be safely retained in the jail to which he shall have been removed, in the same manner as though the offence had been committed in that county, until demanded by the sheriff of the proper county for trial, or until he shall have been otherwise lawfully discharged.

Sheriff may call aid.

SEC. 6. The sheriff of the proper county, in removing the prisoner to and from the jail as aforesaid, may call to his aid any necessary aid, or use any other needful precaution, the same as though he were within his own county; and should an escape happen, he may pursue and retake the prisoner in any portion of this territory.

And pursue.

Expense paid by county in quo.

SEC. 7. The expenses of the transfer and confinement of the prisoner as aforesaid, shall be borne by the county wherein the offence was committed, and payments shall be made in cash; for which purpose, if there is no money in the treasury, the county commissioners shall direct county orders to be drawn and to be disposed of for the highest amount in cash.

SEC. 8. This act shall be in force from and after its passage.

Approved November 26, 1839.