

his heirs and assigns, shall cause to be procured a good and sufficient horse or steam ferry boat, to be kept at said ferry for the transportation of all passengers and property safely across said river without delay. And until said boat is procured, said Buel shall keep at said ferry good and necessary boats and a sufficient number of hands to work the same.

Subject to general law.

SEC. 3. That said ferry shall be subject to any general law fixing the rates of toll and prescribing the manner in which licensed ferries shall be kept and regulated: *Provided*, That nothing in this act shall be so construed as to interfere with the right that any individual may have to the lands on either side of said river.

Approved January 8, 1840.

[Chap. 32.]

AN ACT to regulate ferries in certain cases.

When charters forfeited towns to keep ferry.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That hereafter, when any charter that shall have been granted or that may hereafter be granted to any person to keep a ferry across the Mississippi river, at any incorporated city or town in this territory, shall, by reason of nonuser or misuser of such franchise, be, by a competent tribunal declared forfeited, that, to prevent a public inconvenience, it shall be competent for the corporation of such city or town to take charge of such ferry, to provide suitable water crafts, and keep the ferry in a proper manner until another charter can be obtained from the legislative assembly.

Privileges, &c.

SEC. 2. That any such corporation, during the time they shall have such ferry in their charge, shall be entitled to like privileges and liable in like manner for the faithful keeping thereof as the person was to whom such charter had been granted. And such corporation may charge and receive like rates of ferriage.

County commissioners to license ferries.

SEC. 3. That the several boards of county commissioners are hereby empowered to grant licenses for keeping ferries on said Mississippi river, at such places as are not provided for by charter in like manner and under like regulations provided in this act and the "Act to regulate ferries," approved December twentieth, eighteen hundred and thirty-eight.

SEC. 4. That no license shall be granted to keep a ferry on said Mississippi river, within two miles of any other licensed or chartered ferry.

SEC. 5. That in all cases in this territory, if the board of county commissioners shall, at any time, grant a license to a person who has not before kept the ferry, the said grantee shall purchase the boats of the previous keeper at the appraisal of three disinterested persons appointed by said board, if such appraisers shall adjudge said boats to be good and sufficient for the use of said ferry.

Approved January 8, 1840.

[Chap. 33.]

AN ACT to authorize the arrest and detention of fugitives from justice from other states and territories of the United States.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That justices of the peace shall have power to issue process for the apprehension of any person charged, in any state or territory of the United States, with treason, felony, or other crime, who shall flee from justice and be found within this territory.

SEC. 2. The proceedings before the justice shall be in all respects similar to proceedings prescribed by the statute for arresting and committing persons accused of committing offences within this territory.

SEC. 3. If, from the examination before the justice, it shall satisfactorily appear that such person has committed a criminal offence, and is a fugitive from justice, such magistrate, by warrant reciting the accusation, shall commit such fugitive from justice to the common jail, there to be detained for such time, to be specified in said warrant, as the said justice shall deem reasonable, to enable such fugitive to be arrested by virtue of the warrant of the executive of this territory according to the act of congress, upon the requisition of the executive authority of the state or territory in which such fugitive committed such offence, unless such person shall give bail as in this act is provided for, or until he shall be discharged according to law.

SEC. 4. The person thus arrested may give bail in such sum as by the justice shall be deemed proper, conditioned that he will appear before such jus-