

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-

tice at such time as to the said justice shall seem reasonable, and will deliver himself to be arrested upon the warrant of the executive of this territory.

District attorney to be notified.

SEC. 5. The justice before whom such person shall have been examined and committed, shall cause written notice to be given to the district attorney of the district in which such justice resides, of the name of such person and the cause of his arrest. The said district attorney shall, immediately thereafter, cause notice to be given to the governor of the state or territory having jurisdiction of the offence so charged to have been committed by such person, to the end that a demand, in pursuance of the act of congress, may be made for the arrest and surrender of said person.

To notify governor of state in quo.

Discharged, unless.

SEC. 6. The person thus arrested, detained or bailed, shall be discharged from such detention or bail, unless at or before the expiration of the time designated in the warrant of commitment, or in the condition of the bail bond, he shall be demanded or arrested by such warrant of the executive of the territory.

Justice to return,

SEC. 7. It shall be the duty of the justice to make return to the next district court of the county, of his proceedings in the premises. It shall be the duty of the said district court to inquire into the cause of the arrest and detention of such person, and if such person is in custody, or the time for his arrest as designated in the condition of the bail bond has not elapsed, the said district court, in its discretion, may discharge the said person from detention, or may order the said bail bond to be cancelled, or may continue his detention for a period beyond the time specified in the warrant of commitment, or may order new bail to be given, conditioned for the surrender of said person at a time shorter or longer than the time designated in the bail bond taken by the said justice, and if said person is in custody may take bail, conditioned for his appearance before said court, to be surrendered at such time as to said court may seem reasonable and proper.

court to inquire.

May discharge or prolong detention.

SEC. 8. This act to take effect from and after its passage.

Approved January 9, 1840.