

LAW OF IOWA

[1] CHAPTER 1.

CRIMINAL PROCEEDINGS.

AN ACT to amend an act entitled "An act regulating criminal proceedings," approved January 4, 1839.

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Persons charged with criminal offence—the fees of witnesses of prosecution shall be paid out of county treasury—proviso; that if the court is satisfied that private prosecutor has maliciously instigated prosecution, the court shall adjudge the cost of such prosecution against the prosecutor. That in the event of the acquittal of a person charged with a criminal offence, the fees of witnesses on the part of the prosecution and of the defendant, shall be paid by the county, provided the court be satisfied from the report of the grand jury, or by other testimony that any person acting in the capacity of a private prosecutor has maliciously instigated any prosecution, the court shall adjudge the costs of such prosecution against such prosecutor and not against the county as above provided.

SEC. 2. Repeals all laws that conflict with the provisions of this act. That all laws or parts of laws that conflict with the provisions of this act be and the same are hereby repealed.

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

GEORGE W. McCLEARY,
Speaker of the house of representatives.
STEPHEN HEMPSTEAD,
President of the council.

Approved, January 1st, 1846.
JAMES CLARKE.

[2] CHAPTER 2.

ACTIONS OF RIGHT.

AN ACT to amend an act entitled "An act to allow and regulate the action of right," approved, December 29, 1838.

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. If commissions appointed under 56th section of act to assign dower, report that the property is not susceptible of assignment by metes and