

5th, 1845, as prohibits the township trustees from locating township roads on any other than section and quarter section lines, so far as the same is applicable to the county of Dubuque, be and the same is hereby repealed.

SEC. 2. When to take effect. This act shall take effect and be in force from and after the first day of March next.

Approved, January 22, 1848.

CHAPTER 8.

STATE ROAD.

AN ACT to review a part of the state road from Walling's Landing to Columbus City.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Commissioners names—duties. That Benjamin Stoddard, Zachariah Kurts, and Aaron D. Hawley, are hereby appointed commissioners to review so much of the state road from Walling's Landing to Columbus City, in Louisa county, as runs by or through sections thirty-one and thirty-two, in township seventy-five, range three, and sections five and six in township seventy-four, range three, in said county of Louisa.

SEC. 2. Time and place of meeting.—review of road. That said commissioners or a majority of them, shall meet at the dwelling house of Zachariah Kurts, in said county, on the first Monday in April, 1848, or on any other day within three months thereafter, and taking to their assistance the necessary hands, proceed to review said road, and make such change in the location of said road (if any) as public convenience may, in the judgment of the said commissioners, require; and the said Aaron D. Hawley is authorized to act as surveyor as well as one of the commissioners.

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

Approved, January 22, 1848.

[14] CHAPTER 9.

MILLS AND MILLERS.

AN ACT to amend "an act regulating mills and millers, and for other purposes, approved, February third, eighteen hundred and forty-three.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Proceedings when land is overflowed by mill dams—duty of court—mill to be kept running. That any person or persons owning a water mill or mills, and dam built upon a stream not navigable, and owning the land on both sides of the stream, may make application as directed in sections one, two and three of the act hereby amended, to the court of the county where such mill is situated, for a writ to examine, as therein directed, what lands may be overflowed by such dam, and what damage will be sustained by the owner or owners of such lands, and whether the health of the neighborhood will be affected by such overflowing; which writ shall be issued, directed and returned as therein prescribed. And if it shall appear to the court by the inquest or other evidence, that the health of the neighborhood

is not affected by the overflowing from such dam—that no dwelling house, out-house, or garden of any proprietor will be overflowed, and also, that such mill or mills are for the public benefit, the court shall order the damages found by the jury, to be paid to the owner or owners of the lands found to be damaged by such overflow; and the payment or tender of said damages shall be a bar to any action for such injuries as were foreseen and estimated by the jury; provided, that if the said mill or mills shall not be kept in repair and running for the accommodation of the public, for the space of one year at any one time, the owner or owners shall forfeit all rights acquired by virtue of this act, or of any act of the territory.

SEC. 2. When to take effect. This act shall take effect and be in force from and after the publication of the laws of this state.

Approved, January 22, 1848.

[15] CHAPTER 10.

SUPREME COURT.

AN ACT to re-organize the supreme court.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Time and place of holding the supreme court—proviso. That the supreme court shall be holden once a year in each of the judicial districts of the state, as follows, to-wit: At Burlington, in the first district, on the third Monday of May in each year; at Ottumwa, in the third district, on the second Monday of June in each year; at Iowa City, in the fourth district, on the fourth Monday of June in each year; at Dubuque, in the second district, on the third Monday of July in each year: provided, that the state shall be at no expense for furnishing rooms for the session of the court, or offices for the clerks.

SEC. 2. Judges to appoint clerks—unfinished business. *And be it further enacted,* That the judges of said court shall appoint a clerk of the supreme court for each of said districts, who shall reside, and keep the records thereof, at the place of holding said courts in each district respectively. Provided, that all unfinished business now in the supreme court, shall be completed by the supreme court in the fourth district.

SEC. 3. Appeals and writs of error where taken. *Be it further enacted,* That all cases of appeals or writs of error, shall in future, be taken to the supreme court of the district in which they originated, except from Muscatine, Cedar and Washington counties, which shall be taken to the supreme court in the fourth judicial district.

SEC. 4. Sheriffs to be ministerial officers. *And be it further enacted,* that the sheriffs of the respective counties in which the supreme court may be holden, shall attend on said courts, and act as ministerial officers thereof, during their session; and final process may issue from said courts to the sheriff of any county in the state.

SEC. 5. Seal. *Be it further enacted,* that the chief justice shall, without delay, cause suitable similar seals, and the necessary blank books to be procured for said courts.

SEC. 6. Unfinished business. All unfinished business in the supreme court, as at present organized, except as above provided for, shall be disposed of by the supreme court sitting in the fourth judicial district.