

Former laws repealed. SEC. 4. Sections 1715, 1716, 1739, of Chapter 67 of the Revision of 1860, and Section 6 of Chapter 121 of the Acts of the Tenth General Assembly, and all acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Publication. SEC. 5. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Homestead, papers published at Des Moines.

Approved March 24th, 1866.

I hereby certify that the foregoing Act was published in the Iowa State Register March 27th, 1866, and in the Iowa Homestead March 28th, 1866.

JAMES WRIGHT, Secretary of State.

## CHAPTER 48.

### ABOLISHING OFFICE OF ASSISTANT-ADJUTANT-GENERAL.

AN ACT to repeal Chapter 38 of the acts of the Extra Session of the Ninth General Assembly, being an Act entitled "An Act to create the office of Assistant Adjutant-General, and defining his duty," and to amend Section 14 of Chapter 84, of the Acts of the Tenth General Assembly, being an Act entitled "An Act to organize the Militia."

Chapter repealed. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Chapter 38 of the Acts of the Extra Session of the Ninth General Assembly, being an Act entitled "An Act to create the office of Assistant Adjutant-General, and defining his duties," be and the same is hereby repealed, and the office of Assistant

Office A. A. G. abolished. Adjutant-General abolished.

Sec. amended words struck out. SEC. 2. *Be it further enacted,* That Section 14 of Chapter 84, of the Acts of the Tenth General Assembly, being an Act entitled "An Act to organize the Militia," be and the same is hereby amended by striking out all of the fourth and fifth lines of said section, being the words, "One Assistant Adjutant-General, with the rank of Colonel of Cavalry, and said Assistant Adjutant-General," and insert "*And.*"

"And" inserted.

Publication.

SEC. 3. This Act being deemed by the General Assembly of immediate importance, it shall take effect and be in force from and after its publication in the Weekly

State Register and Iowa Homestead, newspapers published at Des Moines, Iowa.

Approved March 24th, 1866.

I hereby certify that the foregoing Act was published in the Iowa Weekly State Register April 4th, 1866, and in the Iowa Homestead April 4th, 1866.

JAMES WRIGHT, Secretary of State.

## CHAPTER 49.

### APPEALS TO THE SUPREME COURT.

AN ACT regulating appeals to the Supreme Court in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall not be necessary, in order to authorize the Supreme Court of this State, to review and reverse, on appeal, a judgment of the District Court, on the ground of errors of law, committed by the Judge of the Court below, on the trial, that a motion for a new trial, on these grounds, shall have been made in such Court below. Motion for new trial not necessary.

SEC. 2. In any cause tried in the District Court, where the parties thereto waive a Jury, and try the same to the Court, it shall not be necessary, in order to secure to either party, feeling aggrieved, the right to appeal that the Court shall find the facts and conclusions of law, and make the same a part of the record in such case; nor shall it be necessary for such party to file a motion for a new trial; but in all such cases the Supreme Court shall, on appeal, hear and determine the same in all respects as if such finding of facts, and conclusions of law, appeared of record, or a motion for a new trial had been made, whenever it shall appear from the certificate of the Judge trying the same, or the agreement of the parties thereto, or their attorneys of record, or, in case the evidence is all taken by deposition, from the certificate of the Clerk of such District Court, that the transcript contains all the evidence introduced by the parties on the trial of the cause in the Court below. Supreme Court hear and determine, when.

SEC. 3. All Acts and parts of Acts inconsistent with this Act, are hereby repealed. Repealed.

SEC. 4. This Act being deemed of immediate importance shall take effect and be in force from and after Publication.