

Question of overflow or injury, and amt of damages, to be tried on appeal.

Act applied to existing dams.

Proviso: not to discontinue suits for damages till comply make deposit.

dwelling-house, out-house, orchard, or garden of the proprietor of any real estate so taken will be thus overflowed or otherwise injuriously affected, and such question, as well as the amount of damages, shall be tried in the district court on such appeal.

SEC. 4. This act shall apply as well to dams of the kind above mentioned already in existence, and to the heightening of the same, as to those hereafter to be erected: *Provided*, That the provisions of this act shall not operate to discontinue any suit brought for damages on account of any dam until the railroad company, for whose benefit the application is made, shall deposit with the clerk sufficient money to pay all costs, including reasonable attorneys' fees incurred by the owner of the land in bringing such suit.

Taking effect. SEC. 5. This act shall take effect and be in force from and after the time it is published in the Daily State Register and Iowa Homestead, newspapers published at Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 21, 1868, and in *The Iowa Homestead* May 6 1868.

ED WRIGHT, *Secretary of State*.

## CHAPTER 118.

IN RELATION TO FEES OF CLERKS OF THE DISTRICT COURT.

APRIL 7. AN ACT to Amend Section 430 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 430 of the Revision of 1860 be and the same is hereby amended by inserting, in the fifth line after the word Appeal, the word "and" instead of the word "or."

Sec. 430, Rev. 1860, amended.

Taking effect. SEC. 2. 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 National Platform, newspapers published in Des Moines, Iowa.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 22, 1868, and in *The National Platform* May 1, 1868.

ED WRIGHT, *Secretary of State*.