

Witness recog-  
nizance.

SEC. 5. When an appeal is thus taken, the magistrate must cause all material witnesses to enter into an undertaking as in cases of arrest, to testify in the cause at the term to which the appeal is returnable, and shall, on or before the first day of the next term of the district court of the proper county, file in the office of the clerk thereof a certified copy of the entries on his docket, together with all the undertakings and papers in the case.

Trial.

SEC. 6. The cause, when thus appealed, shall stand for trial as an issue of fact on an indictment in district court, and technical errors or defects which have not prejudiced the substantial rights of the defendant, shall be disregarded.

Writ of error.

SEC. 7. A writ of error may be taken from the judgment of district court, in such cases, to the supreme court, and prosecuted the same manner as for a judgment presented by indictment.

Repeal.

SEC. 8. That sec. 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, and 3367, of the code be, and the same are hereby repealed.

SEC. 9 This act shall take effect from and after its passage.

Approved Jan. 28, 1857.

## CHAPTER 191.

### ORIGINAL NOTICES.

AN ACT regulating the service of original notices.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when any original notice, such as is contemplated by sections 1714 and 1715, chapter 1103 of the code of Iowa, has been placed into the hands of any sheriff or other officer, whose duty is to serve the same, he shall, if requested by the plaintiff, forthwith proceed to serve the same, and if defendant cannot be found, the officer shall make a return "not found," and shall forthwith return said notice to the office of the clerk of the district court wherein the cause is pending.

SEC. 2. The clerk shall upon request of plaintiff, order <sup>Publication.</sup> that said notice be published, designated in what paper the same shall be published, and the plaintiff may forthwith proceed and have the same published accordingly, and not wait for any order of the court in term time.

SEC. 3. The provisions of law now in force in relation <sup>Present law.</sup> to original notices, shall still govern, so far as the same are applicable and not inconsistent with the provisions of this act.

SEC. 4. This act to be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 28, 1857.

## CHAPTER 192.

### STATE ROADS.

#### AN ACT in relation to State roads.

SECTION 1. *Be it enacted by the General Assembly of the* <sup>S. E. cor. Story</sup> *State of Iowa,* That Zenor Lame, of Story county; U. Wiley, of Jasper county; and George Hobough, of Polk county, be, and they are hereby appointed commissioners to lay out and establish a State road, commencing at the southeast corner of Story county, thence west on said county line to the southwest corner of section thirty-six (36), in town eighty-two (82) north, of range twenty-two (22) west, thence in a southwesterly direction to intersect the State road known as the Marietta and Fort Desmoines road, on the divide between Calamer's run and Skunk bottom. <sup>co. to Ft. Desmoines road.</sup>

SEC. 2. That George Smith, F. R. Davis, and E. W. <sup>Belmont to Paola.</sup> Gates, be, and they are hereby appointed commissioners to lay out and establish a State road from Belmont or Canterbury on the Iowa river, in a westerly direction through Wright county, to Irvington in Kossuth county, thence in same direction to Peola in Palo Alto county on the west fork of the Desmoines river.

SEC. 4. That Eli Jessup, of Hardin county; Wm. Wood-