

## REIFF ET AL. vs. CONNER ET AL.

A county court loses power over its judgments on the lapse of the term at which they are rendered, and cannot set them aside at a subsequent term.

Where a county court regularly makes an order vacating an old road and establishing a new public highway in lieu thereof, it cannot at a subsequent term vacate the order and re-establish the old road without the notice, petition and review prescribed by law.

*Certiorari to Washington County Court.*

RINGO & TRAPNALL, for plaintiffs, contended the county court having, by order regularly made, vacated the old road and established a new one, could not at a subsequent term set aside their own judgment, (1 *Eng.* 92. 5 *Ark.* 23. 2 *Ark.* 26,) and could only re-establish the old road in the manner directed by the statute. *Digest, chap. 140, sec. 59, 44.*

SCOTT, J. The county court of Washington county, at the October term, 1845, having, by order of court, regularly vacated an old road and established a new public highway in lieu of that vacated, by another order made at the April term, 1847, set aside the first order, and, at the same time, without the pre-requisite notice, petition, and review provided by law, re-established the old road, and declared it a public highway.

This last order was clearly erroneous. The term of the court having expired, the final judgment of that term could not at any subsequent one be re-called or reversed. (2 *Ark.* 66. 1 *Eng.* 92. 5 *Ark.* 23.) Nor was it competent to vacate the new road and re-establish the old one, otherwise than after notice, petition, and review in the manner provided by the statute.

The order made at the April term, 1847, must, therefore, be quashed, and the cause remanded.