

CHAPTER 74.

S. F. 272. AN ACT to amend section 3721 of the code of 1873 in respect to taking depositions.

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

Sec. 3721
of code
amended.
Service of
notice.

SECTION 1. That section 3721 of the code of 1873 be amended by adding thereto the following provision.

Opposite
party may
elect.

“Whenever a party to any cause shall serve notice for the taking of any deposition, either within or without the state, upon commission, with interrogatories attached thereto, the opposite party may elect to cross-examine such witness orally at the time of the taking of such deposition, and in such event shall serve the moving party or his attorney, prior to the issuing of such commission, with notice of such election, and thereupon, before such deposition shall be taken, the moving party shall serve such opposite party, or his attorney, with notice of the day, hour, and place (including the street and number if in a city), of the taking of such deposition, and the name of the party before whom the same is to be taken, which notice shall be served not less than three days prior to the taking thereof, the day of service not being included; and one additional day for every three hundred miles' distance between the place of the residence of such party or his attorney and the place where such deposition is to be taken. The oral cross-examination shall be reduced to writing by such commissioner the same as though taken on written cross-interrogatories; also the moving party in the taking of said deposition may appear before such commissioner, if he so desires, in person or by agent or attorney, and examine such witness or witnesses orally in chief; and re-examination and re-cross-examination shall proceed in the same manner; and if any such moving party, in the taking of such deposition, shall not desire to examine such witness or witnesses orally, the commissioner shall propound the interrogatories in chief in the usual manner of taking depositions on written interrogatories, and the same rules with regard to examining witnesses, and the same requirements with regard to the returning of such depositions to the clerk of the court in which the same is intended to be used, as are now observed in practice or required by law shall obtain.

Place and
time designa-
ted in notice.

Oral cross-
examination
reduced to
writing.

Rules of prac-
tice observed.

Publication
clause.

SEC. 2. This act being deemed of immediate importance shall take effect from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published at Des Moines, Iowa.

Approved April 8, 1896.

I hereby certify that the foregoing act was published in the Iowa State Register, April 16, and Des Moines Leader, April 17, 1896.

W. M. MCFARLAND,
Secretary of State.