

town of Bloomfield, Davis county, Iowa, are hereby vacated.

SEC. 2. This act to be in force from after its publication according to law.

Approved Jan. 21st, 1857.

CHAPTER 59.

DEPOSITIONS.

AN ACT to provide for taking of depositions in cases of non-resident defendants.

Depositions. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases pending in any of the district courts of this State, wherein service has been made upon defendants by publication according to the provisions of law, the plaintiff may take depositions of witnesses residing out of the county in which said case is pending, in the following manner.

Affidavit. SEC. 2. Having filed affidavit that he has made diligent enquiries respecting the residence of the said defendants, and cannot ascertain the same, he shall serve upon the clerk of the district court wherein such suit is pending, a notice notifying him that on a day named (which day shall not be less than ten days from the day upon which such notice is served,) he will proceed to sue out of his office a commission to take the depositions of the witnesses, naming them and their place of residence, and the officers before whom taken.

Notice—affidavit.

Copy. SEC. 3. A copy of the interrogatories to be propounded to said witness, shall accompany said notice: *Provided,* that when the plaintiff desires to take the deposition of any witness residing in the State of Iowa, he may do so without suing out any commission, or filing with the clerk any written interrogatories, but shall be required to give a notice to the clerk, as is hereinbefore provided.

Proviso.

Duty of clerk. SEC. 4. On the day named, the clerk shall proceed to issue the commission, and the provisions and rules with refer-

ence to the taking of depositions now in force, so far as the same are applicable, shall govern in the taking of depositions such as are contemplated in this chapter.

SEC. 5. This act to be in force from and after its publication according to law.

Approved Jan. 21st, 1857.

CHAPTER 60.

SCHOOL DISTRICT.

AN ACT for the division of the property of School District No. 3, of Bloomfield township, Davis county, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Stephen Greenleaf, R. T. Peak, S. W. McAtee, and William Rhodes, be appointed commissioners for the purpose of disposing of the property of the school district, formerly known as school district No. 3, of Bloomfield township, Davis county, Iowa, either by sale or distribution, to the parties entitled to the same, to wit: the new district formed out of said district No. 3, in such manner as to them may seem just and equitable. ^{Commissioners.}

SEC. 2. *And be it further enacted,* That said R. T. Peak be authorized to make out conveyances, and to receive any money arising from sale of said property, should said commissioners order the same to be sold, said commissioners shall file a report of their doings in the recorder's office of Davis county, which shall be recorded, and said R. T. Peak is authorized to do any and all acts necessary to be performed in order to carry out the interest of such report when so filed. ^{Conveyances.}

SEC. 3. This act to take effect from and after its publication in the Iowa Flag and Keosauqua Republican without expense to the State.

Approved Jan. 21, 1857.