

oient, then such action shall be dismissed at the cost of the plaintiff therein.

When action may proceed, and distribution of proceeds of sale.

SECTION 3. If found to be insufficient, then said action may be proceeded in to trial and judgment, and any property described in the complaint which ought by law to be subjected to the payment of the debts of the deceased, shall be sold under the order of such court, and the proceeds, after paying costs, shall be distributed, *pro rata*, to the creditors of the estate, according to the amounts due to them, respectively.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1864.

CHAPTER 266.

[Published April 16, 1864.]

AN ACT in relation to the allowance of injunctions or injunctional orders, in certain cases.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

By whom injunctions against ferry boats on certain rivers to be granted.

SECTION 1. No injunction or injunctional order, or order with an injunction clause, shall hereafter be made, signed, allowed or granted to restrain or enjoin the using, running, operating or managing any ferry boat or ferry boats which now are running or which hereafter may run on either the Wisconsin, Chippewa, St. Croix or Mississippi river, by any judicial officer other than the judge of the circuit court in which an application may or shall be made for such injunction, injunctional order, or order with an injunction clause contained in it.

Notice of application must be previously given to owner.

SECTION 2. No injunction, injunctional order, or order with an injunction clause contained it, shall hereafter be made by any circuit judge to restrain the using, managing, operating or running of any ferry boat or ferry boats now running or hereafter to be run on either or any of the said rivers mentioned in the first section of this act, until a notice of at least ten days shall be given to the owner or owners, proprietor or proprietors of any such ferry boat or ferry boats, of the time when

and the place where said application for said injunction, injunctive order, or order with an injunctive clause, shall be made.

SECTION 3. This act shall take effect and be in force from and after its publication.

Approved March 31, 1864.

CHAPTER 267.

[Published April 6, 1864.]

AN ACT relating to depositions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. Every deposition intended to be read in evidence in a court of record, must be filed in court at least one day before the commencement of the term at which the cause in which the deposition is to be used, is noticed for trial ; or if filed afterward, and claimed to be used on the trial, the adverse party shall be entitled to a continuance, at the cost of the party at whose instance the deposition was taken, upon showing good cause by affidavit.

If deposition not filed before commencement of term, adverse party entitled to continuance.

SECTION 2. All objections to the validity of any deposition, or its admissibility in evidence, shall be made before entering on the trial, not afterwards ; but any deposition after the commencement of the trial, may be suppressed, if any matter which is not disclosed in the deposition appears, which is sufficient to authorize said suppression.

When objections to deposition to be made.

SECTION 3. When an action has been dismissed, and another action has been commenced for the same cause, the depositions taken in the first action may be used in the second, or in any other action between the parties or their representatives for the same cause ; but it must appear that the depositions have been duly filed in the court where the previous cause was pending, and have remained on file from the time the action was dismissed until the time at which it was proposed to use them. The provisions of this section shall apply to depositions heretofore taken in actions heretofore dismissed.

Deposition may be used in subsequent action.