CHAPTER 7.

[Published September 27, 1862.]

AN ACT authorizing commissioned officers to take acknowledgment of deeds, affidavits and depositions, in certain cases.

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

SECTION 1. Every commissioned officer of volunteers in any company, battery, regiment or other military corps organized in this state, is hereby authorized to take and certify the acknowledgment of deeds or other contracts intended for record, in respect to lands situate in this state. Such commissioned officer is likewise authorized to administer oaths, take and certify to affidavits and depositions to be used as evidence in the courts of this state: *provided*, that the powers granted by the provisions of this act, shall be exercised only out of the limits of this state. *(margin: Officers by whom acknowledgments may be taken. Where powers to be exercised.)*

SECTION 2. Depositions taken under the foregoing section, shall be taken as in other cases where the witness resides out of this state, except so far as the law and practice is [are] altered by this act; and no such deposition shall be rejected or excluded by the court for the reason that it has been taken at a place different from that set forth in the notice. The party desiring such deposition shall serve on the opposite party a notice specifying the name of the witness, the commissioned officer or officers (any one of whom may act) who is to take the deposition, and a copy of the interrogatories. Such party shall, if he thinks fit, serve his adversary with cross interrogatories within ten days thereafter. The party serving the notice shall thereupon transmit the direct and cross interrogatories to the officer or officers named in the notice, who shall take and certify such deposition, and enclose it to the judge, clerk of the court or justice of the peace before whom the cause or matter is pending, in the same manner as if authorized by a commission issued for this purpose. *(margin: Depositions—how taken, &c.)*

Approved Sept. 25, 1862.