

What districts
attached.

district court in, and for the same shall be held at Yankton on the third Tuesday of April, and the third Tuesday of November of each year, and all that portion of ceded land in said Territory not embraced in any other district, is hereby attached to said second judicial district for judicial purposes.

Sec. 3. All acts and parts of acts conflicting with this act, are hereby repealed.

When take
effect.

Sec. 4. This act shall take effect from and after its passage.

Approved, January 15th, 1864.

DEPOSITIONS

CHAPTER XVII.

AN ACT IN RELATION TO DEPOSITIONS.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

Military officer
to take deposi-
tions.

Section 1. Whenever any suit shall be pending before any justice of the peace in this Territory, against any person or persons in the military service of the United States, commenced during the absence of such person or persons from this Territory, and while engaged in said service, said justice shall, upon the application of counsel for the defendant, issue a commission, directed to some field or commissioned officer in said service, directing him to take the deposition of such defendant, to be used as testimony in such case before said justice, and said justice shall adjourn said case until a reasonable opportunity shall have been afforded for the taking and return of such depositions.

Officer to admin-
ister oaths.

Sec. 2. In every such case the justice may, upon the application of either party, also issue a commission for taking the deposition of any person engaged in the military service of

the United States, to be used as testimony in such case, which commission shall be directed as aforesaid, and the officer to whom any commission shall be issued, in pursuance of this act, is hereby authorized to administer the requisite oaths.

Sec. 3. All such depositions shall be taken by interrogatories, to be filed by the counsel regulating the taking thereof, of which reasonable notice shall be given to the adverse party, and cross-interrogatories by such adverse party, with like notice to the other side.

Depositions;
how taken.

Sec. 4. Any commission issued as aforesaid, with the interrogatories and cross-interrogatories, shall be forwarded to the commissioner who shall make return of his proceedings to such justice, and shall be entitled to the fees allowed by law for taking depositions.

Duty of commissioners;
fees, &c.

Sec. 5. This act shall take effect from and after its passage and approval.

When to take effect.

Approved, January 14th, 1864.

DIVORCE

CHAPTER XVIII.

AN ACT RELATIVE TO DIVORCE.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota:*

Section 1. All marriages which are prohibited by law, on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall, if solemnized within this territory, be absolutely void, without any decree of divorce, or other legal proceedings.

Marriages to be null and void when.

Sec. 2. When either of the parties to a marriage, for want of age or understanding, shall be incapable of assenting there-

Court to declare marriage null and void—when.