

No. 86, S.]

[Published May 25, 1905.

CHAPTER 237.

AN ACT to amend sections 4102, and 4112 of the statutes of 1898 relating to the taking of depositions.

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

When and by whom taken; notice. SECTION 1. Section 4102 of the statutes of 1898 is hereby amended so as to read as follows: Section 4102. Such deposition may be taken, within the territory within which he is authorized to act, by a justice of the peace, notary public, court commissioner or other person authorized by law to take depositions at any time after the action or proceeding is commenced or after a submission to arbitration. Notice in writing shall be given to the adverse party, his attorney or agent, that the deposition of the witness or witnesses named will be taken before the officer, naming him, at a time and place appointed therein, for one of the causes mentioned in the preceding section; * * * *and three day's notice shall be given of the taking of such deposition whether taken within or without the state and additional time at the rate of one day for each three hundred miles or fraction thereof after the first ten miles from the place where the notice is served;* provided, that one day's notice shall be sufficient to authorize the taking of depositions of additional witnesses desired to be examined, given during the course of the taking of any deposition where the parties on each side appear. In case the officer before whom the deposition is noticed for being taken shall not appear or attend at the time and place noticed for taking the same, the deposition may be taken before any other officer authorized by law to take depositions, *said officer to be designated by the party having served the notice of taking deposition and notice of such designation given the opposite party, giving him sufficient time to attend before such officer so designated.* But in any action or proceeding in any court, no notice of taking a deposition need be given to a defendant who, having been duly served with process, shall not have appeared, if the time limited by law *thereunder* shall have expired.

Section 4112 amended. SECTION 2. Section 4112 of the statutes of 1898 is hereby amended by striking out the words

“except that the notice of taking the same shall be given at least ten days,” where they occur at the end of said section.

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

Approved May 23, 1905.

No. 258, S.]

[Published May 25, 1905.

CHAPTER 238.

AN ACT to appropriate a certain sum of money for the purchase of stationery for the use of the state.

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

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of ten thousand dollars, for the purchase of stationery for the state officers, and departments, for the year 1905 and 1906 and for the legislative session of 1907, said sum being the amount estimated to be necessary for the purposes specified.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 24, 1905.