

CHAPTER 43.

[Published March 1, 1869.]

AN ACT to authorize the board of supervisors of the county of Milwaukee to fix the salary of the circuit judge of the second judicial circuit.

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

Supervisors may fix salary.

SECTION 1. The board of supervisors of the county of Milwaukee are hereby authorized to fix the salary of the circuit judge of the second judicial circuit, at a sum not exceeding four thousand dollars per annum: *provided*, the excess of said salary over and above the sum of twenty-five hundred dollars per annum should be paid by the county of Milwaukee.

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

Approved February 27, 1869.

CHAPTER 44.

[Published March 5, 1869.]

AN ACT to authorize the taking of depositions in certain cases.

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

How testimony of non-residents may be taken.

SECTION 1. When the testimony of any person shall be necessary in any civil cause pending in any court of record in this state, and such person shall not be a resident of this state or shall live at a greater distance from the place of trial than one hundred miles, or is about to go out of this state before the time of trial, or is old or very infirm, the deposition of such person may be taken, *de benne esse*, before any justice or judge of any of the courts of the United

States, justice or judge of any court of record of a state, mayor or chief magistrate of a city, or before any court commissioner, notary public or justice of the peace of any state or territory in any of the United States, not being of council or attorney to either of the parties, or interested in the event of the cause: *provided*, that a notification from the magistrate or officer before whom the deposition is to be taken, or from the attorney of the party in whose behalf such deposition is to be taken, to the adverse party to be present at the taking of the same, and to put interrogatories if he think fit, be first made out and served on the adverse party or his attorney, as either may be nearest, if either is within one hundred miles of the place of such caption, allowing time for their attendance after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel. And every person deposing as aforesaid, shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given, after the same shall be reduced to writing, which shall be done only by the magistrate or persons taking the deposition, or by the deponent in his presence. And the deposition so taken shall be retained by such magistrate until he deliver the same with his own hand, into the court for which they are taken, or shall, together with a certificate of the reasons as aforesaid, of their being taken and of the notice if any, given to the adverse party, be by him, the said magistrate or person, sealed up and directed to such court, and remain under his seal until opened in court by order of the presiding judge; and any deposition thus taken may be used and read in any trial of the cause in which the same was taken.

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

Approved March 3, 1869.