

No. 298, S.]

[Published May 5, 1909.]

CHAPTER 84.

AN ACT to amend subsections 1, 2, 3, 4, 5, and 6 of section 4096 of the statutes, relating to examinations of adverse party before trial.

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

SECTION 1. Subsection 1 of section 4096 of the statutes is amended to read: Section 4096. 1. No action to obtain a discovery under oath, in aid of prosecution or defense of another action, shall be allowed: but the examination of the party, his or its assignor, officer, agent, or employe, or of the person who was such officer, agent, or employe, * * * at the time of the occurrence of the facts made the subject of the examination, or in case a county, town, village, or city be a party, the examination of any officer of such county, town, village, or city, otherwise than as a witness on a trial, may be taken by deposition at the instance of the adverse party in any action or proceeding, at any time after the commencement thereof and before judgment. *As many such examinations may be had, at different times and places, as there are individuals to be examined; but no individual shall be examined more than once, except as hereinafter otherwise provided.*

2. Such deposition shall be taken before a judge at chambers or a court commissioner on a previous notice to such party, and any other adverse party or their respective attorneys, of at least five days; or it may be taken without the state in the manner provided for taking other depositions.

3. The attendance of the party to be examined, and the production of all papers, books, files, records, things, and matters in the possession of such party, his or its assignors, officers, agents, or employes, relevant to the controversy, may be compelled upon subpoena and the payment or tender of his fees as a witness. *If the party to be examined is a non-resident of this state, the court may upon motion fix the time and place of such examination. He shall attend at such time and place and submit to the examination, and, if required, attend for the purpose of reading and signing such deposition, without service of subpoena.*

4. Such examination shall be subject to the same rules as that of any other witness, but he shall not be compelled to disclose anything not relevant to the controversy.

5. If such examination shall be taken before issue joined, the notice of taking the same shall be accompanied by an affidavit of the party, his agent, or attorney, stating the general nature and object of the action, that discovery is sought to enable the party to plead and the points upon which such discovery is desired, and such examination shall be limited to the discovery of the facts relevant to such points, unless the court or the presiding judge thereof, on motion and one day's notice, shall, before the examination is begun, by order, further limit the subjects to which it shall extend; *but should the defendant desire an examination of the plaintiff, his or its agent, employe, or officer, before issue joined, said defendant shall be entitled to examine said plaintiff, agent, employe or officer, on all points set out in the complaint, as though the same had been put in issue; but such examination shall not preclude the right to another examination after issue joined upon all the issues in the cause, and the party examining shall, in all cases, be allowed to examine upon oral interrogatories.*

6. Such examinations shall not be compelled in any other county than that in which the party to be examined resides, *except as hereinbefore provided; provided, however, that whenever plaintiff or defendant is a non-resident of this state his deposition may be had under the provisions of this section in the county in which the action is pending, if he can be personally served with notice and subpoena in such county.*

Approved May 5, 1909.

No. 554. A.]

[Published May 5, 1909.

CHAPTER 85.

AN ACT to amend section 1412a of the statutes, relating to reports of contagious diseases.

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

SECTION 1. Section 1412a of the statutes is amended to read: Section 1412a. Whenever any physician practicing in this state shall know or have good reason to believe that any person whom he treats or visits is sick with a dangerous, contagious, or infectious disease, he shall, immediately after obtaining such knowledge or forming such belief, give notice thereof *in writing, stating the name, sex, age and place of residence of person whose sickness is reported, the nature of the disease and such additional facts as said board may prescribe,* to the board of health of the town, city, or village in which such sick person shall then