

No. 58, S.]

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CHAPTER 176

AN ACT to create section 4109a of the statutes, relating to the attendance at the trial of actions in other states of witnesses residing or being in this state.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 4109a. 1. Upon presentation to any judge of a court of record in Wisconsin of the certificate of the judge or the clerk of any court of record in any other state, territory or country, under the seal of such court, stating that any person being or residing in Wisconsin is believed to be a material and necessary witness in any civil or criminal action pending in that court, such judge, if satisfied by such proof as he shall require that the testimony of such witness is material and necessary to the trial of such action, shall issue and attach to such certificate a subpoena commanding such witness to appear and testify in the court where such civil or criminal action is pending, at the time and place stated therein, or show cause, before such judge, at a time and place fixed in such subpoena, why he should not appear and testify as therein commanded. Such judge may in his discretion refuse to issue a subpoena or may vacate the subpoena after it is issued if it appear that it will cause such hardship to the witness that in the opinion of such judge he ought not be compelled to appear and testify in such other state, territory or country.

2. If any person on whom such subpoena has been served in the manner provided by section 4055 and to whom has been tendered at the same time the sum of ten cents for each mile to be traveled to and from the court, together with the sum of five dollars for each day that his attendance is required, shall neglect to attend and testify at such trial, he shall be punished in accordance with the provisions of sections 2565, 2566, 2567, 2568 and 2569, unless such subpoena has been vacated after it was served.

3. This section shall not apply to any action pending in any other state, territory or country whose laws do not contain provisions similar to this section requiring persons within their borders to attend as witnesses for the purpose of testifying in any civil or criminal action pending in this state.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 9, 1917.