

No. 504, A.]

[Published July 7, 1953.

CHAPTER 371

AN ACT to amend 326.12 (3) of the statutes, relating to discovery examinations prior to trial.

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

326.12 (3) of the statutes is amended to read:

326.12 (3) Such examinations shall be taken *in counties within this state having a population in excess of 500,000 before a court commissioner or judge at chambers and elsewhere* before any officer authorized to take depositions by the laws of the state where the deposition is taken on previous notice to all adverse parties or their respective attorneys of at least 5 days. If the person to be examined is a nonresident party to the action or proceeding, or is a nonresident president, secretary, treasurer or managing agent of a corporation that is a party, the court may upon just terms fix the time and place of such

examination, and he shall attend at such time and place and submit to the examination, and, if required, attend for the reading and signing of such deposition, without service of subpoena. Such examination shall not be compelled in any county other than that in which the person examined resides, except that any nonresident subject to examination may be examined in any county of this state in which he is personally served with notice and subpoena. The court may fix another place for such an examination in the case of a person who is physically unable to attend the examination in the county of his residence. When a party has instituted suit in any county of this state, he shall be subject to adverse examination in such county whether he resides in such county or not provided a subpoena is served upon him within such county.

Approved June 25, 1953.
