

lector of taxes shall have the same power and authority to proceed in the collection of all State, county, school and other taxes contained in such town or city tax roll, after as before such extension of time for the collection of said taxes; and the return of any such collector of taxes to the county treasurer within the time limited and specified by said board of town supervisors, or to the common council in their order, extending the time for the collection of taxes, shall be as valid and effectual as if made pursuant to the direction of the original warrant.

SEC. 2. This act shall be published immediately by the State Printer, and shall take effect and be in force from and after its publication.

Approved January 29th, 1858.

Chapter 4.

Published February 4th, 1858.

AN ACT concerning Evidence and Witnesses.

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

SECTION 1. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before any committee of either house of the legislature, or joint committee of the two houses, appointed to investigate any subject matter, and such writs shall state when and where, and before whom, the witness is required to appear and testify, and may require such attendance forthwith, or on a future day named, and the production of books, records, documents and papers therein to be designated; all such writs shall be signed by the presiding officer, and Chief Clerk of the Senate or Assembly, and the same may be served by any person in the manner now provided by law for the service of writs of subpœna issued by the circuit courts of this State. The person serving such writ, shall, by affidavit endorsed thereon, or annexed thereto, state the time and manner of service made by him, and shall return the subpœna with such proof of service, to the Chief Clerk of the house which issued the same.

Subpœnas—
for what issued
what to contain, and by
whom signed.

Person serving
same—duty.

Persons refusing to answer subpoena, &c. punishment.

SEC. 2. Any person summoned to give testimony, or produce books, records, documents or papers, as provided in the foregoing section, who shall willfully neglect or refuse to appear in obedience to such writ of subpoena, or appearing, shall refuse to answer any question pertinent to the matter of inquiry before such committee, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common jail not more than one year, nor less than three months, or by a fine not exceeding one thousand dollars, nor less than two hundred dollars, or both such fine and imprisonment in the discretion of the court. The circuit court of the county in which the subpoena was served, shall have jurisdiction of such misdemeanor. Such neglect or refusal to appear, or refusal to answer, shall also be deemed a contempt of the house of the legislature whose process has been disobeyed, and shall also be punished by such house, as a breach of its privileges, as provided in section three of chapter eight of the revised statutes.

Circuit court has jurisdiction.

Deemed a contempt of the house.

Process in case of refusal to answer subpoena.

SEC. 3. Upon the return of the subpoena, duly served as provided in the first section of this act, and upon filing of a certificate of the chairman of the committee, showing that any person named in such subpoena has failed or neglected to appear before the committee in obedience to the mandate of such subpoena, summary process to compel the attendance of such person shall be issued. Such summary process shall be signed by the presiding officer and Chief Clerk of the house which issued the subpoena, and shall be directed to the Sergeant-at-Arms thereof, and shall command the officer to whom the same is directed, "in the name of the State of Wisconsin," to take the body of the person so as aforesaid failing to attend or comply, (naming him) and bring him forthwith before the house whose subpoena has been disobeyed, as aforesaid; and when any person shall be so arrested, he shall be taken by the Sergeant-at-Arms before the committee desiring to examine him as a witness, or to obtain from him the production of books, records, documents or papers for their use as evidence concerning the matters confided to such committee, and when before such committee, such person shall testify as to the matters concerning which he shall be interrogated; and when such person is not on examination before such committee, he shall

remain in the custody of the Sergeant-at-Arms, or in the custody of some person specially deputed for that purpose; and the officer having charge of such person, shall, from time to time, take him before such committee until they shall have completed his examination, at which time the chairman of the committee shall certify that the committee do not wish to examine such person further; and, thereupon, such witness shall, by the officer having him in charge, be taken before the house by whom he was first taken and that house shall order his discharge, or release, or may proceed to punish such person for any contempt of such house in not complying with the requirements of this act, or of any writ issued and served as herein provided.

SEC. 4. The Sergeant-at-Arms, having any person in custody, by virtue of any such summary process, may depute any other person to have charge of the person so in his custody, as provided in section three of this act, and the person so deputed shall be and hereby is declared an officer within the meaning of said section three.

Sergeant-at-Arms may depute any other person.

SEC. 5. Every refusal to testify or answer any question as mentioned or contemplated by this act, shall be forthwith certified to the proper house by the chairman of the committee, where such refusal shall exist, and such certificate shall be immediately transmitted to such house, through an officer in attendance upon such committee, and at the same time such officer shall take the person so refusing before the same house, to be dealt with as provided by section two of this act.

Duty of chairman of committee on refusal to testify.

SEC. 6. Either house ordering any such summary process as aforesaid, may also direct the Sergeant-at-Arms to specially depute some competent person to execute such process. Such deputation shall be endorsed on such writ, in writing, over the signature of the Sergeant-at-Arms. The person so deputed shall have the same power to, and he shall execute such process according to the mandate thereof.

House ordering process may direct Sergeant-at-Arms to appoint a deputy

SEC. 7. The Sergeant-at-Arms of either house or his deputy, to whom any such summary process as aforesaid, shall be delivered, shall execute the same according to the mandate thereof, and for that purpose may call to his aid the power of the county wherein such writ is to be executed, the same as the Sheriff of such county could do for the purpose of arresting a person.

Sergeant-at-Arms or deputy—duty and power.

charged with crime, under process issued from a court of competent jurisdiction.

Persons testifying not liable to criminal prosecution.

SEC. 8. No person examined and testifying before either house of the legislature, or a committee of either house, or joint committee of the two houses, shall be held to answer criminally in any court of justice, or be subject to any penalty or forfeiture for any fact or act touching which he shall be required to testify before either house, or any committee of either house, or joint committee of the two houses, as to which he shall have testified, and no testimony given, or paper, document, or record produced by any witness before either house of the legislature, or committee of either house, or joint committee of the two houses, shall be competent testimony, or be used in any civil or criminal proceeding against such witness in any court of justice, except upon a prosecution for perjury committed in giving such testimony; and no witness shall be allowed to refuse to testify to any fact, or refuse to produce any papers, documents, or records, touching which he shall be examined by either house, or a committee thereof, or a joint committee of the two houses, for the reason that the testimony touching such fact, or the production of such paper, document or record, may tend to disgrace him, or otherwise render him infamous.

False testimony—punishment.

SEC. 9. If any person examined by or before any committee of either house of the legislature, or a joint committee of the two houses, shall willfully swear or affirm falsely in regard to any matter or thing respecting which such oath or affirmation is required or authorized, such person shall be deemed guilty of perjury, and shall be punished by imprisonment in the State prison not more than five years, nor less than two years.

Subpoena—what it may require.

SEC. 10. The subpoena authorized by the first section of this act, may require any officer of any corporation in this State, or other person having custody of the keys, books, records, papers and documents of any such corporation, to produce before such committee such keys, books, records, papers and documents of such corporation, and a neglect or refusal to comply with such mandate of such subpoena, shall be punished as provided in section two of this act.

SEC. 11. This act shall be printed immediately after its passage, and when so published shall take effect.

Approved February 3, 1858.