

## CHAPTER 25.

[Published February 19, 1868.]

AN ACT to provide for taking the deposition of witnesses in certain cases.

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

SECTION 1. Any court commissioner, justice of the peace or other officer authorized by the laws of this state to take depositions to be used and read in evidence in the circuit courts of this state, [are] is hereby authorized and empowered, and it is hereby made the duty of such court commissioner or other officer, upon an application made to him by any two of the trustees or managers of any of the charitable and benevolent institutions of this state, or by any two of the regents of the university, or any two of the regents of normal schools, to issue a subpoena, directed to any person or persons residing or being in the county where such subpoena is issued, requiring such person or persons to appear before such officer at his office or at any other place in said county, to be named in said subpoena, at a time to be named in such subpoena, then and there to answer such questions as may be put to him or them, touching the said institution therein named or the conduct of any of its officers or agents, or in relation to any other matter relating to the interest of such institution in the management of its business; said subpoena may also require and direct said persons named therein, or any one or more of them, to produce at the time of his or their examination, any books or papers which are in his or their possession, or under his or their control, and the officer issuing such subpoena is hereby authorized and empowered to enforce the attendance of any person upon whom such subpoena has been served, to administer oaths to said witnesses and to compel said witnesses to testify in the manner now provided by law in courts held by justices of the peace, and may punish any person duly subpoenaed for refusing to appear or for refusing to answer, for a contempt as in other cases provided for before justices of the peace.

How depositions are to be taken in relation to charitable institutions

Testimony to be reduced to writing.

SECTION 2. The officer issuing such subpoena shall reduce the testimony of any witness appearing before him to writing, and cause the same to be subscribed by the witness; and upon such examination any officer, trustee, regent, manager or agent of the institutions named in such subpoena may appear in person and by counsel, and put such questions to any witness so to be examined in relation to the conduct and management of the said institution, or in relation to any act or acts of any of its officers or agents, or in relation to any other matter relating to the interest of such institution as he or they shall think proper or necessary. The officer or agent of such institution to be affected by the testimony so to be taken, shall have notice, of not less than two days of the taking of such deposition and the right to appear in person and by counsel and cross-examine any witnesses.

To whom depositions to be delivered.

SECTION 3. All depositions taken in the manner provided in this act, shall be delivered by the officer taking the same to the officers applying for such subpoenas, and if any person so examined shall knowingly swear falsely on his or her examination, they or he shall be deemed guilty of perjury, and shall be punished in the manner provided in section two of chapter 167 of the revised statutes, entitled "of offences against public justice."

Fees for witnesses.

SECTION 4. Every person subpoenaed to appear and testify, pursuant to the provisions of this act, shall be entitled to receive for [their] his travel and attendance the same fees which are allowed by law to witnesses in courts held by justices of the peace; and the officer taking such depositions shall be entitled to receive the following fees:

For attendance in taking any deposition, two dollars per day.

For every subpoena, twenty-five cents.

For administering any oath, twelve cents.

For reducing such depositions to writing, twelve cents per folio of one hundred words.

Secretary of State to audit account of fees.

SECTION 5. The secretary of state is hereby authorized to audit any account for fees or expenses incurred, pursuant to the provisions of this act, upon the certificate of the trustees, regents, managers or officers of the institution causing such examination to be had, and when so audited the same shall be paid by the state

treasurer, and there is hereby appropriated, out of any money in the state treasury which is not otherwise appropriated, a sum sufficient to make such payment.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 18, 1868.

## CHAPTER 26.

[Published February 29, 1868.]

AN ACT to authorize the appointment of phonographic reporters for the circuit courts of the counties of Racine and Rock.

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

SECTION 1. It shall be lawful for the judge of the circuit courts of the counties of Racine and Rock to appoint one or more phonographic reporters for each of said courts, who shall be sworn officers of said courts, and shall be skilled in the art of short-hand reporting, one of whom shall attend upon the said court at each term thereof when required by such court or the judge thereof so to do, and shall discharge such duties as the judge may direct.

Judge may appoint phonographic reporter.

SECTION 2. The phonographic reporter shall be allowed such daily compensation as shall be fixed by the judge of the court, not exceeding seven dollars per day for each day's attendance upon such court when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon the court: *provided*, but one such reporter shall be employed at the same time.

Compensation of reporters.

SECTION 3. In addition to the above compensation, the phonographic reporters may charge, and collect as fees, ten cents per folio (of one hundred words) for making and furnishing transcripts of their short-hand notes of the testimony and other proceedings of the court in the trial of any action, to be paid by the party requiring such transcript to be made, except in the trials of

Additional compensation.