

by this act appropriated for the purposes for which said board is created, execute and deliver to the governor, to be by him approved and filed in the office of the secretary of state, a bond to the state of Wisconsin in the sum of double the amount of the appropriation herein named, with at least two sureties, who shall together justify their responsibility to the amount of said bond in property within this state over and above all debts and exemptions, and conditioned for the faithful and proper performance of his duties, and the faithful accounting to the state of Wisconsin for all moneys which shall come to his hands.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1893.

No. 215, S.]

[Published April 13, 1893.

CHAPTER 141.

AN ACT to amend section 4096, of the Revised Statutes, relating to evidence.

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

Amends sec.
4096, R. S.

Action for discovery abolished; how adverse party may be examined.

SECTION 1. Section 4096, of the Revised Statutes, is hereby amended by striking out the words "upon commission," where they occur therein, so that said section 4096, when amended, shall read as follows: Section 4096. No action to obtain a discovery under oath, in aid of the prosecution or defense of another action, shall be allowed; but the examination of a party, or in case a corporation be a party, the examination of the president, secretary or other principal officer or general managing agent of such corporation, 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. Such deposition shall be taken before a judge at chambers 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. The attendance of the party to be examined may be compelled upon subpoena, and the payment or tender of his fees as a witness, and 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. 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 the points so stated, 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 such examination shall extend, 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. Such examination shall not be compelled in any other county than that in which the party to be examined resides; provided, 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. In any examination under the provisions of this section, the judge or commissioner before whom the same is had, shall have power and authority to compel the party examined to answer all questions relevant to the issues involved, and also to compel the production by the party examined of books and papers relevant and pertinent to the issues, and may enforce such answers and the production of such books and papers by contempt proceedings.

Attendance,
how com-
pelled.

Scope of ex-
amination.

SECTION 2. This act shall take effect from and after its passage and publication, but shall not apply to or effect any action heretofore begun and now pending in any court in the state of Wisconsin.

Approved April 11, 1893.

No. 135, S.]

[Published May 1, 1893.

CHAPTER 142.

AN ACT to provide for the payment of the expenses of the Dane County Drainage Commission, and to repeal chapter 383, of the laws of 1839, and the acts amendatory thereof.

PREAMBLE.

WHEREAS, Commissioners appointed under chapter 383, of the laws of 1889, did decide that the public health and welfare would be promoted by the consummation and completion of the system of drainage mentioned in said act, and said commissioners did incur expenses and liabilities to a considerable amount in proceedings taken under said act, and by an order made November 25, 1891, defined the limits of the drainage district, and referred to certain lands described in the special assessment tax list made by said commissioners, and in which the said order is written, and

WHEREAS, It has been found that the said system of drainage as provided for by said act of 1889, is expensive and burdensome, and ought not to be prosecuted further, and it appearing that the said expenses and liabilities, or some of them, have been necessarily incurred in the making of surveys, explorations, the taking of necessary levels, and in the procuring of maps, profiles and plans, by means whereof it has been ascertained that the said drainage scheme is expensive and burdensome and ought not to be further prosecuted, and