

portion of such tax shall be determined by such appeal to have been too small, shall be credited a sum equal to such deficiency, and additions to and subtractions from the taxes of such company distributed to and among such towns, cities and villages, in the distribution next following such judgment, shall be made accordingly. In its judgment the court shall determine also the amount of costs, if any, which shall be recoverable in the action, in whose favor and against whom such recovery shall be had, and the same shall have the force and effect of a money judgment in favor of and against the towns, cities and villages indicated in such judgment. Any municipality aggrieved by a judgment entered upon an appeal hereunder may appeal therefrom to the supreme court within the time and in the manner provided for an appeal from the orders of the circuit court, except that it shall not be necessary for any party to said appeal to execute, serve or file the undertaking required by section 3052 of the statutes in order to perfect such appeal; but all such appeals shall be placed on the calendar of the supreme court and brought to a hearing in the same manner as state cases on such calendar.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 12, 1917.

No. 667, A.]

[Published July 14, 1917.

CHAPTER 646

AN ACT to create section 1747e—1 and to amend sections 1747g and 1791L of the statutes, relating to trusts, monopolies and restraints of trade.

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 1747e—1. Whenever the attorney-general shall file with any circuit court commissioner of this state a written statement or declaration that he has reason to believe and does believe that a contract, agreement, combination, trust or conspiracy in restraint of trade as defined by section 1747e or 1791j exists or that a violation of said or either of said sections has occurred in this state, or in any locality thereof, it shall be the duty of said circuit court commissioner to issue his subpoena for such persons as may be requested by the attorney-general, requiring them to appear before him at a time and place to be fixed in said subpoena. Said subpoena may also require the pro-

duction of all papers, books, files, or records in the possession of the person so subpoenaed. It shall not be necessary to pay the persons so subpoenaed any mileage or witness fees in advance but claims for such mileage and fees duly verified and approved by the attorney-general shall be audited and paid out of the state treasury and charged to the appropriation provided by subsection (3) of section 20.08 of the statutes, and shall be at the same rates as provided for witnesses for the circuit court.

It shall be the duty of any person so subpoenaed to appear as commanded by such subpoena, and upon his failure so to do or to produce any papers, books, files or records in his possession, the commissioner so subpoenaing may punish such person as for contempt. It shall be the duty of any person so subpoenaed to answer under oath all inquiries that may be put to him by the attorney-general, his deputy, any of his assistants or any district attorney or special counsel for the state acting under his direction, touching or relating to the existence of any contract, agreement, combination, trust or conspiracy in restraint of trade, as defined by section 1747e or 1791j, and upon his failure to make full and complete answers and disclosures to all such questions as may be put to him, the court commissioner before whom such proceedings are pending is empowered to punish such witness as for contempt.

Such testimony shall be taken by a stenographic reporter, transcribed into longhand, read over to or by the deponent and (unless such signing be waived by the state) be signed by him before the officer before whom the same was taken, and shall be kept and preserved by the attorney-general as a part of the records of his office.

The court commissioner shall be entitled to the usual fees for issuance of subpoenas and administering oaths, and ten dollars per day for the time consumed in holding the inquiry. The stenographic reporter shall be entitled to ten cents per folio for taking and transcribing the testimony. All such fees and all other costs and expense incident to such inquiry shall be paid out of the appropriation provided by subsection (3) of section 20.08 of the statutes.

SECTION 2. Sections 1747g and 1791L of the statutes are amended to read: Section 1747g. The examination of any party, or if a corporation be a party, of the president, secretary, other principal officer or the general managing agent thereof, or of the person who was such president, secretary, officer or agent at the time of the occurrence of the facts made the subject

of the examination, or of any person acting for another or for a corporation or partnership, other than as a witness on a trial, may be taken by deposition at the instance of the attorney-general in any such action or proceeding at any time intermediate the commencement thereof and final judgment. Such deposition shall be taken within the state before a judge at chambers or a court commissioner on a previous notice to such party and any other adverse party or the attorney thereof of at least five days, and may be taken without the state in the manner provided in these statutes for taking other depositions. The attendance of the party to be examined may be compelled by subpoena, without prepayment of witness' fees, and the examination shall be subject to the same rules as govern that of other witnesses; but he shall not be compelled to disclose anything not relevant to the controversy. If the examination shall be taken before issue joined, the notice of taking it shall be accompanied by the affidavit of the attorney-general, district attorney or some party 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; such examination shall be confined 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 scope thereof. Such examination shall not preclude the right to another examination after issue is joined upon all the questions in the cause, and the party examining shall in all cases be allowed to examine upon oral interrogatories. The examination shall not be compelled in any other county in this state than that of the party's residence except in the county of Dane; provided, that whenever the defendant is a nonresident of the state his deposition may be taken as in other cases. * * * In any such examination the judge or commissioner before whom the same is had shall have authority to compel the party examined to answer all questions relevant to the issues and shall, on application by the attorney-general or district attorney, compel the production by such party of all books, papers and records relevant and pertinent to the issues. If any defendant or his agent who is lawfully required to appear and testify on such examination or to produce such books, papers or records shall, either within or without the state, neglect or refuse to do so he may be punished as for contempt, and the pleading of any such defendant may, in the discretion of the court, be stricken out and judgment

rendered against him according to the prayer of the complaint.

Section 1791L. Upon complaint being made to the attorney-general and evidence produced to him which shall satisfy him that any such corporation has violated any of the conditions specified in sections 1791j and 1791k, he shall forthwith bring an action in the name of the state in any circuit court of this state to have the charter of such corporation forfeited, canceled and annulled, and upon due proof being made thereof to the satisfaction of the court, judgment shall be entered therefor. *All contracts or agreements made by any person, firm, corporation or association while a member of any combination, conspiracy, trust or pool prohibited by sections 1747e, 1770g and 1791j of the statutes, or any of them, and which contract or agreement is founded upon, or is the result of, or grows out of, or is connected with, any violation of said sections, or any of them, either directly or indirectly, shall be void and no recovery thereon or benefit therefrom shall be had by or for any such person, firm, corporation or association. Any payments made upon, under or pursuant to such contract or agreement to or for the benefit of such person, firm, corporation or association, may be recovered in an action by the party making any such payment, his heirs, personal representatives or assigns; provided, however, that suit for such recovery shall be brought within six years after the making of said contract or agreement.*

SECTION 3. This act shall take effect upon passage and publication.

Approved July 11, 1917.

No. 673, A.]

[Published July 14, 1917.

CHAPTER 647

AN ACT to repeal subsections (2), (6) and (7), to amend subsection (1) and to create subsection (2) of section 20.57 of the statutes, relating to the industrial commission, and making an appropriation.

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

SECTION 1. Subsections (2), (6) and (7) of section 20.57 of the statutes are repealed.

SECTION 2. Subsection (1) of section 20.57 of the statutes is amended to read: (20.57) (1) * * * **Annually, beginning July 1, * * * 1917, one hundred * * * thirty thousand * * * dollars, for the execution of its functions. Of this there is allotted to each member of the commission an annual salary of five thousand dollars.**