

be found within this state, and the service so made shall have the same effect as if it were made upon said party in interest.

SECTION 13. This act shall take effect and become of force from and after its passage and publication.

Approved March 25, 1867.

CHAPTER 41.

[Published March 26, 1867.]

AN ACT to amend section 1 of chapter 305 of the general laws of 1865, entitled "an act relating to evidence, and amendatory of section fifty-one of chapter one hundred and thirty-seven of the revised statutes."

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

Parties may be examined as to conversation, &c.

SECTION 1. Section one (1) of chapter three hundred and five (305) of the general laws of 1865 is hereby amended, by adding thereto the following words: "*provided*, that a party may in all cases be examined as a witness in relation to any conversation, transaction or matter as to which the opposite party has given evidence upon the trial, and which did not occur or take place with or in the presence of such deceased or insane person or persons otherwise legally incapacitated from giving testimony, and in relation to any matter or thing as to which the deposition or testimony of such deceased person, taken in his lifetime, shall be given in evidence upon the trial."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 26, 1867.