

No. 180, S.]

[Published May 29, 1913.

**CHAPTER 335.**

AN ACT to amend the first and third subdivisions of section 68, and also to amend section 71 of the statutes, relating to elections.

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

SECTION 1. The first and third subdivisions of section 68 of the statutes and section 71 of the statutes, are amended to read: (Section 68) First. If a person be challenged as unqualified on the ground that he is not a citizen: \* \* \* Are you a citizen of the United States? \* \* \*

Third. If the person be challenged as unqualified on the ground that he is not a resident of the \* \* \* *election district* where he offers his vote:

(1) When did you last come into this \* \* \* *election district*?

(2) Did you come for a temporary purpose merely, or for the purpose of making it your home?

(3) Did you come into this \* \* \* *election district* for the purpose of voting therein?

(4) Are you now and have you been for the last ten days an actual resident of this \* \* \* *election district* and what is the particular description, name and location of your residence?

(5) Have you registered to vote at this election at any other place within this state?

Section 71. If the person challenged shall refuse to answer fully any questions so as aforesaid put to him, the inspectors shall reject his vote. If the challenge be not withdrawn after the person offering to vote shall have answered such questions, one of the inspectors shall then tender to him the following oath or affirmation: You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States; that you have resided in this state one year next preceding this election; that you are now a resident of this \* \* \* *election district* and have been for the last ten days; that you have not voted at this election, and that you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election, and that you are not on any other ground disqualified to vote at this election. If the person challenged shall refuse to take such oath or affirmation his vote shall be rejected; but if he shall then take such oath his vote shall be received;

provided, that the requirements of law respecting registration, when applicable, have been complied with by such person. \* \* \*

SECTION 2. This act shall take effect when passed and published.

Approved May 27, 1913.

No. 190, S.]

[Published May 29, 1913.

## CHAPTER 336.

AN ACT to amend section 4086 of the statutes, relating to the taking of depositions.

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

SECTION 1. Section 4086 of the statutes is amended to read: Section 4086. Depositions may be taken in the manner and according to the regulations provided in this chapter to be used before any court, including the supreme court, magistrate or any other person authorized to examine witnesses or hear testimony in any action or proceeding or any motion therein, or in any other civil matter or proceeding. In all criminal or quasi criminal cases in courts of record the defendant, on notice to the district attorney, may apply to the court or the presiding judge thereof for leave to take the deposition of any material witness within the state who is in imminent danger of death or who is without the state; and the state on notice to the defendant's attorney, if an attorney shall have entered his appearance of record for the defendant, or to the defendant personally in any event, may so apply for leave to take the deposition of any witness within the state who is in imminent danger of death; and if it appears to the satisfaction of the court or judge that due diligence has been used in making such application, that such witness is material, and is in such danger or without the state and that his attendance cannot, by the use of due diligence, be procured upon the trial, such leave may be granted; and such court or judge shall determine whether such deposition be taken on verbal or written interrogatories and cross-interrogatories, and the same when so taken may be used on the trial in the same manner as in civil cases; but in case the deposition is to be taken on behalf of the state, the defendant at the time of the service of the notice required by section 4102, of the statutes, shall be notified that he is required to personally attend at the taking of such deposition and that in event of his failure so to do such failure shall constitute a waiver of his right to meet face to face the witness whose deposition is to be taken, and such failure shall constitute such waiver unless the court be satisfied when the