

Chap. 41. An Act to provide for contesting elections of members of the Senate and Assembly.

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

Contestant to give notice.

SECTION 1. That hereafter any person wishing to contest the election of any member to the Senate or Assembly, shall give notice in writing to the person whose election he intends to contest, that his election will be contested, stating the cause for such contest briefly, within thirty days from the time of the decision of the board of canvassers that said person is elected.

Must take depositions.

SEC. 2. After the service of such notice, either party may proceed to take depositions of any witnesses, before any judge, court commissioner, or justice of the peace, in the senatorial or assembly district where the contest is pending, after giving ten days notice to the opposite party of the time and place of the taking of the deposition or depositions, and before whom to be taken, and the depositions so taken, may be used and read in evidence before the branch of the legislature where the contest is to be determined: *Provided*, That the officer before whom said depositions may be taken, shall carefully envelope and seal up the same, endorse on the envelope the names of the contestant and the person claiming the election, and direct the depositions thus endorsed, to the presiding officer of the branch of the legislature where the contest is to be examined and determined; and *Provided further*, That after the notice of contest is given as prescribed in the first section of this act, both parties may proceed to take depositions of such witnesses as they may deem necessary to decide the merits of the contest in the manner provided in the second section of this act; and no other depositions than those taken under the authority of this act, shall be used as evidence by the branch of the legislature where the contest is to be determined, nor shall said branch of the legislature, by its committees, or otherwise, seek to procure other testimony, but shall proceed forthwith to determine the contest upon the evidence furnished by the parties under this act: *Provided further*, That all testimony in such contest, shall be completed on or before the last Monday preceeding the day fixed by the constitution for the meeting of the legislature, except in case of sickness or the unavoidable absence of witnesses.

Provision.

Approved, March 19, 1853.